

Town Council Meeting Minutes 7/8/2014

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APPROVED BY THE TOWN COUNCIL –DRAFT**

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, JULY 8, 2014
STANDISH MUNICIPAL CENTER
7:00 PM**

CALL TO ORDER

The meeting was called to order by Chair Sargent and the Pledge of Allegiance was recited.

ROLL CALL

Councilors present: Blanck, Newbegin, Olson, Pomerleau, Sargent and Spencer.

MINUTES OF PREVIOUS MEETING (S)

Moved by Spencer seconded by Olson and voted to approve the June 3rd and 14th meeting minutes as presented. (Unanimous)

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting.

REPORT OF THE TOWN MANAGER

Gordon Billington spoke on the following topics:

The Oak Road realignment project has been delayed due to removal of one pole caused by Time Warner scheduling issues. The wires have been clipped and the pole can now be relocated. Once that's done, two-way traffic will be available at the connector road and one-way on to Oak Hill Road will be allowed at the old intersection. Mr. Billington commended the Public Works Department for their efforts on this project. They did the tree work and will install the LED streetlights. He then mentioned that someone has placed two picnic tables in the grassy area and he thanked the unknown donor for those.

Public Works notes that the 2015 Transfer Station stickers are available and sales have been brisk.

The Finance Department explains that the town auditor will be at the Town Offices in September to provide the yearly audit.

He received a call from the Lakes Region Newspaper, they are doing an article regarding excise tax. Mr. Billington noted that our excise tax collection rate is up by 6.5% which brings us to the level in 2007 which was our peak year.

The arrival of the electric vehicle that we'll be receiving from a grant process has been delayed, expected delivery will be mid-July.

Mr. Billington thanked all for the support of the Summer Specular.

Moved by Sargent seconded by Newbegin and voted to take order 69-14 out of order. (Unanimous)

Chair Sargent explained that the Appointments Committee met last night and they have two names to bring forward this evening. The first is the Town Council At-Large seat, they had three applicants, and unfortunately they can't

bring forward all three. The committee unanimously are bringing forward Steven Nesbitt as the Town Council At-Large appointee. Chair Sargent explained that Steve has served on the Planning Board for six-years, he has worked with the Ordinance Committee on a number of matters and most recently on the Beach Committee.

69-14 Town Council Appointment to Town Council At-Large Seat [Sargent]

Moved by Spencer seconded by Newbegin and voted to add the name of Steve Nesbitt to the order. (Unanimous)

Councilor Newbegin said that they made a good selection with Mr. Nesbitt.

Councilor Pomerleau said that they had three good candidates, which made it a tough decision.

VOTE: 6 Yeas

Mr. Nesbitt was duly sworn to office before, Mary E. Chapman, Town Clerk.

COMMITTEE REPORTS

Chair Sargent explained that the Appointments Committee will be bringing another name forward later on the agenda for the MSAD 6 Board of Directors.

Councilor Pomerleau noted that the Capital Improvements Committee met to discuss the failed bonds and agenda items.

Councilor Olson said that the Economic Development Committee met last week and the Standish Advisory Group will meet tomorrow at 8:00 a.m. at the Town Offices.

Councilor Newbegin said that the Beach Committee will meet this Thursday.

Councilor Spencer announced that the Finance Committees will meet next week.

PUBLIC HEARINGS

Discontinuance of a Portion of Emery Road

Chair Sargent opened the public hearing for public comments.

Richard Brown of Bonny Eagle Road asked if this was a safety issue.

Chair Sargent said that this started with the Road Commission back in 2006 as a recommendation for safety concerns.

Richard Brown asked if there had been any serious accidents at the intersection.

Public Works Director, Roger Mosely said that he couldn't speak to accidents at the intersection. It came forward from to Public Works from the Road Committee. Last fall, a trial closure of a portion of Emery Road was established, he said that during this time period there have been no accidents at the intersection.

Mark Lindberg of Blake Road asked that discontinuance be defined.

Town Manager, Gordon Billington said that the road bed would be removed and the land is deeded to the abutters as provided by state law.

Mark Lindberg said that he didn't see that mentioned in the document. He said that his next question is why is there a need for an easement over the area. In regards to safety, it was his opinion that that there have been more safety issues during the temporary closure. He said that Blake Road is just too narrow and if the Town is going to proceed the intersection needs to be improved. He said that he sees this as the Town creating a safety issue with the change. He noted that there is nothing addressing the improvements to the intersection.

Councilor Olson said that snow banks were high everywhere this year. When the land is turned back to the abutters it goes back on the tax rolls.

Mark Lindberg asked if the reserving of an easement would be for future sidewalks.

Councilor Olson said that there is a 15-foot right-of-way on all roads.

Gordon Billington said that the easement reserves the town's right of utilities or walking paths.

Mark Lindberg asked if the walkway would need to be approved by the Town.

Gordon Billington said that walkways would be a choice of town's people.

Mark Lindberg said that he would like to see the safety of the Blake Road intersection addressed.

Roger Mosley said that when it was first proposed, several other roads also were discussed, at this time, as discussed in Capital Improvements no improvements to the Blake Road intersection are planned.

Gordon Billington said that we do have engineering plans to make improvements if the town chooses to do so.

Councilor Blanck said that he agrees with the speaker that we'll be creating more problems by changing the intersection. He said that he would not be in favor of the closing.

Cara Childs of Blake Road thanked them for sending out the notices. She said that she had safety concerns regarding this closure. She has not aware of any major accidents at the intersection. She said that it was good that way that it was, and it should be reopened.

William Orr of Kerri Farms Drive said that he agreed with Councilor Blanck's comments. In addition, he said that many towns build on/off ramps to accomplish what this road does.

Ava Lindberg of Blake Road cited that her daughter has had problems riding her bike since the barriers that have been put in place.

Councilor Newbegin said that he was the Chair of Road Committee and they wanted to get rid the "Y" intersection to improve safety. The study recommended this change, but he hears the residents' concerns.

Councilor Nesbitt said that he has observed that the morning sun makes driving difficult. He too sat in on the Road Committees meetings and understood their safety concerns.

Councilor Pomerleau noted that he was on the fence about this matter. He said that tree limbs will have to be removed for better sighting. He that it is a tough turn into Blake Road. He understands safety, but is struggling if they are doing the right thing. He said that no-one has come to tell him to close the road down, many have contacted him to keep the road open.

The secretary read an excerpt from an email from Tom Childs who was opposed to the closure. Copies of all the emails received are kept with these minutes.

Mark Lindberg questioned what the Road Study said regarding the intersection.

Councilor Newbegin said that it only recommended that the Emery Road section be eliminated, it they didn't make a recommendation to make improvements.

Chair Sargent said that this is a two stage process, the road would be discontinued, and then a Capital Improvements plan would need to be developed to make improvements.

CONSENT CALENDAR

There were no consent items on this agenda.

UNFINISHED BUSINESS

99-13 Order of the Discontinuance of a Road – A Portion of Emery Road (Postponed at the 6/3/14 meeting for one month) [Blanck]

VOTE: 7 Nays, Blanck, Nesbitt, Newbegin, Olson, Pomerleau, Sargent and Spencer.

Council Olson said this doesn't prevent us from watching this intersection and revisiting the matter.

65-14 Amendment to Standish Town Code, Chapter 181, Land Use; Multiple Sections, Zoning Changes to Implement the Sebago Lake Village Master Plan; and Chapter 252, Streets and Sidewalks, Attachment 6 (First Reading) [Stack]

Chair Sargent said this is a housekeeping measure to make the Sebago Lake Village Plan and Standish Village plans match.

Councilor Olson said that she chaired the Sebago Lake Village Committee, the Committee has reviewed the amendments and they mirror their recommendations. She went on to say that the Steep Falls Village Plan is approaching completion and it too will be incorporated into the code in the future.

VOTE: 7 Yeas (Moves to Public Hearing in August)

NEW BUSINESS

70-14 Town Council Appointment to MSAD 6 Board of Directors Seat [Sargent]

Chair Sargent explained that the Appointments Committee met and interviewed one candidate for the MSAD6 seat. He said that they are bringing forward the name of Robert Deakin.

Moved by Olson seconded by Blanck and Voted to add the name of Robert Deakin to the order. (Unanimous)

VOTE ON ORDER AS AMENDED: 7 Yeas

71-14 Town Council and Town Council Chair Appointments [Sargent]

Chair Sargent explained that there are several vacancies on the Council sub-committees that will be filled now that there is a full Council. He noted that there is one correction, Michael Blanck will not sit on the Portland Water District Steering Committee.

Moved by Blanck seconded by Olson to amend the order to remove Councilor Blanck's name from the Portland Water District Steering Committee. (Unanimous)

VOTE ON ORDER AS AMENDED: 7 Yeas

72-14 Authorize Sale of Tax Acquired Property to Previous Owner and Authorize Finance Director to Issue Quit Claim Deeds on Previously Tax Acquired Property [Spencer]

Council Newbegin asked if the money goes into the general fund.

Chair Sargent said that it would.

VOTE: 7 Yeas

73-14 Call for Special Town Meeting Referendum Election, Place Referendum Questions on the Ballot, Authorize Warrant and Call for Public Hearing for the September 9, 2014 Special Municipal Election [Sargent]

Moved by Olson seconded by Blanck and voted to dispense with the Clerk's reading of the order. (Unanimous)

Michael Lynch of Watchic Road 4 asked how much it will cost to have a Special Election in September, why don't we wait until November. He went on to say that he knows the town needs the plow truck but its poor planning.

Councilor Pomerleau said that it's not just the plow truck, there is a piece of land that the Blake's have extended the sale until September. Much of the EMS equipment is out of date and in need of replacement.

The Clerk noted that ballots cost .28 a piece, coding of the machine is \$375 per making and staffing would approximately \$900.

Councilor Pomerleau said that we have a 10-year Capital Plan to review the town's needs.

Pam Slattery-Thomas said that it was her opinion that the problem was with the bundling, it was brought up previous to the vote, however, the Council continued bundle the items. She said that she too was interested in the costs. She said will there be another forum to discuss the new referendum questions.

Councilor Pomerleau said that there will be a hearing prior to the September election.

Pam Slattery-Thomas said that she would like to learn more about the items.

Chair Sargent explained the three questions noting that they are broken down by department. He said that he is assuming that the EMS equipment expires this year.

Councilor Pomerleau read the dollar value of the next several years proposed capital expenditures. He said that the Capital Improvements meetings are open to the public.

Ryan Ames of Woodland Avenue spoke to the bonding of items on the Capital Plan. He's heard that there is unneeded items in the budget. He also disagreed with the bundling of items.

William Orr said that the spending seems to be excessive. He said in his opinion there is no emergency and doesn't see the need to do this before next June.

Walter Wasson of Manchester Road said that in May one of the recommendations of the Budget Committee was that the referendum questions not be bundled. He said that's why the Budget Committee rejected the 10-year Plan and we're here today. He said that you didn't give the voters a choice and that was a shame. You tried to take their choice away and the voters let you know how they felt. He said that he hoped that they've learned something from this. He went on to say, that now you want to resubmit this, things are pretty much the same. He said that Mr. Billington stated that he'd contacted the attorney and everything's legal. He said it sounds like it's a lot so smoke and mirrors. He read Section 805 of the Charter which says, "The same referendum subject shall not be resubmitted to the voters for consideration within a one-year period." He said that was pretty plain to him. He didn't see how it could be taken any other way. He then cited Section 806 Council not be empowered to reenact. He said at the last Town Meeting he heard from some of the voters admonishing the Town Manager and Council. He said that a wise person once said that power corrupts and absolute power corrupts absolutely. He said that we live in a constitutional republic and are guided by the democratic process. He said that the democratic process was done in June and the answer was no. He said that it's time to write a new bond with new capital expenditures to follow the charter.

Daniel Kasprzyk of Steep Falls congratulated Mr. Nesbitt on his appointment. He went on to question the amounts in Question 3, wondering if they were transposed.

Roger Mosley said that that the materials in June had been printed incorrectly.

Daniel Kasprzyk reminded the Council that they take an oath of office to preserve the provisions of the Charter. He then cited Section 805 of the Charter which says that referendum subject shall not be resubmitted to the voters for consideration within a one-year period. He urged them to consider the ramifications of their actions when they vote on this. He said that the sad truth is we had a referendum vote and it failed. He said that it was bundled and it failed for a number of reasons. Now our town is faced with a lot of money that we like to spend on a number of items. He reiterated that the Charter says that the same referendum subject shall not be resubmitted within a one-year period.

Gordon Billington said that per a legal opinion from the town's attorney, the June referendum was one question, now there are three questions and according to our attorney that is a different subject based on the definition of subject in accordance to our Charter.

From his seat, Timothy Watters said that he had asked for a copy of legal opinion and was told there wasn't a written opinion.

Chair Sargent said that he needed to come to the podium to speak.

Councilor Pomerleau explained that the viewing audience would be unable to hear his question if he didn't come to the podium.

Chair Sargent questioned Daniel Kasprzyk regarding how he had campaigned very hard against the bundling of the referendum questions. Chair Sargent explained if we get behind on our road maintenance or the purchase of vital equipment it doesn't get any better. He asked Mr. Kasprzyk what would you see differently we would go out the voters for, we would be amiss in not keeping the citizens safe.

Daniel Kasprzyk said that he was saddened that the referendum didn't pass, he would like to see the needed items purchased, and unfortunately the Charter is explicit that you can't bring it back for a year.

Chair Sargent said to Mr. Kasprzyk, that 75% of every tax dollar goes to MSAD 6, he said that you sit on the school board and you've said that the school doesn't bundle there items. He said he was at the meeting and the voters voted on a \$46 million budget that was bundled items. He said never at any school meeting did Mr. Kasprzyk say that he didn't want the school items bundled.

Mr. Kasprzyk said that the school has a process where the articles are voted on at a budget meeting. He said that he was sad that more people didn't attend the meeting.

Councilor Pomerleau said that the school bundles their budget, we all know that.

Chair Sargent said what the public needs to know is there is no fat in the town budget.

William Orr agreed that that borrowing is good for businesses, but the town should live within it's means.

Councilor Olson said that she appreciates the comments that the public has made, putting it out to the voters again is critical.

Councilor Newbegin said that he has a problem with the Charter's interpretation and suggested that we get a written opinion.

Mr. Billington said that if the Council wants a written opinion he'll get one. He went on to say that the questions were written by the bond attorney and reviewed by other legal counsel.

Councilor Spencer said to move forward to get a written legal opinion regarding this matter.

Councilor Pomerleau said he can't see waiting a year for the critical items that are needed; it's his opinion that since the new referendum is three questions it's a different vote.

Councilor Blanck said that we need to get the written legal opinion, if the opinion is different from what the Town Manager has said we'll reconsider this question at the next meeting.

Chair Sargent recapped Councilor Blanck's statement that if the legal opinion differs from the oral opinion, we'll reconsider the order at the next meeting.

Councilor Pomerleau said that he found it hard to believe that the manager in a televised meeting would tell us something that's incorrect.

VOTE: 7 Yeas

74-14 Emergency Amendment to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Tables for the Maximum Levels of Assistance as Provided by the Maine Municipal Association [Sargent]

Chair Sargent explained that this needs to be updated to comply with current benefits allowed under law.

VOTE: 7 Yeas

75-14 Amendment to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Tables for the Maximum Levels of Assistance as Provided by the Maine Municipal Association Introduction [Sargent]

VOTE: 7 Yeas – Moves to First Reading at the August regular meeting of the Town Council.

76-14 Road Acceptance Request Submitted by JoJo's LLC for a Portion of Nature's Way [Sargent]

Roger Mosley explained that that the ordinance requires that the developer to notify the Town in April of each year of roads that will be submitted for acceptance. This road is not ready for acceptance this year.

Moved by Newbegin seconded by Spencer and voted to table this order indefinitely. (Unanimous)

77-14 Road Acceptance Request Submitted by Shadow Woods LLC for Woodrow Drive [Sargent]

William Orr of Kerri Farms Drive said that he opposes the acceptance of this road, he said that there have been substantial changes to the plans and a third party should provide the final inspection.

Roger Mosley said that this road is not ready at this time and the developer has asked for an extension of a month or two to the time-line.

Moved by Olson seconded by Newbegin and voted to postpone this order until additional information regarding the road is obtained. (Unanimous)

78-14 Road Acceptance Request Submitted by St. Josephs College for Shannon's Way and Nicholas Drive [Sargent]

After a partial reading of the order by the Clerk; Moved by Nesbitt seconded by Olson and voted to dispense with the reading of the order. (Unanimous)

Roger Mosley explained that these two roads were started by Peter Busque and the properties have since been purchased by St. Joseph's College. He said that these roads are not ready at this time and the developer has asked for an extension of a month or two to the time-line.

Moved by Olson seconded by Newbegin and voted to postpone this order until additional information regarding these roads is obtained. (Unanimous)

PUBLIC ITEMS

Pam Slattery-Thomas invited all to an open house at the Marriott House and the Old Red Church this Saturday.

William Orr said that you need to worry about what the public perceives regarding the vote not the opinion of your attorney.

ANNOUNCEMENTS

Several upcoming meetings were announced.

Councilor Nesbitt noted that the Planning Board will hold their public hearing on the Sebago Lake Village ordinance amendments.

EXECUTIVE SESSION

An executive session was not needed at this meeting.

ADJOURN

Moved by seconded and voted to adjourn. The meeting adjourned at 9:00 p.m. by unanimous consent.

Submitted by: _____
Clerk/Secretary

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS

