

# Standish Town Hall

175 Northeast Road [Rte 35], Standish, ME 04084

ph: (207) 642-3461

fx: (207) 642-5181

---

## Town Council Meeting Minutes 8/12/2014

**DRAFT - MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE TOWN COUNCIL- DRAFT  
MINUTES**

**TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, AUGUST 12, 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, Nesbitt, Newbegin, Olson, Pomerleau, Sargent and Spencer.

### **MINUTES OF PREVIOUS MEETING (S)**

The minutes of the of the July 8<sup>th</sup> and 22<sup>nd</sup> meeting minutes were approved as presented by unanimous consent.

### **PETITIONS AND COMMUNICATIONS**

There were no petitions or communications at this meeting.

### **REPORT OF THE TOWN MANAGER**

Gordon Billington spoke on the following topics:

- MDOT will hold an informational meeting on August 26 regarding improvements to the Route 25 Manchester Road intersection.
- The new Oak Hill intersection is opened and he has received positive feedback. Trees have been planted with funding from a Conservation Department grant. Streetlights will soon be lit, funding for the streetlights was obtained from a grant through Efficiency Maine.
- A Household Hazardous Waste Collection day will be held this Saturday, August 16. In addition, a confidential shredding service will be available from 8 a.m. to 12 p.m.
- The Public Safety Department received a piece of surplus equipment from the state to replace the aging forestry truck. Parts from the old truck will be used to outfit the new vehicle.
- During the budget process the town applied for and was awarded a matching grant from CMP for the acquisition of an electric vehicle. He explained that the vehicle has been delivered and went on to share the vehicles performance statistics. He noted that there is a vehicle charging station here at the Municipal Center for all to use. He encouraged board and committee members to take the vehicle for a test drive.

Chair Sargent announced that the Town Clerk recently received the designation of Lifetime Clerk certification through the Maine Town and Cities Clerks Association.

### **PUBLIC HEARINGS**

**Informational Hearing Public Hearing Regarding September 9, 2014 Special Town Meeting  
Referendum Election.**

The Clerk read aloud the three referendum questions.

Town Manager, Gordon Billington said that there were department heads and other staff to here tonight to refresh the public on the departmental capital needs. He went on to say that there is an ongoing petition drive to change our charter to require term limits on the Town Council. Through recent discussions with Daniel Kasprzyk a member of the Petitioners Committee, they are telling the public that our resubmittal of referendum questions to the voters is

illegal; and that they have two legal opinions substantiating their claim. He then read our legal opinion from attorney Ken Cole and a supporting opinion from MMA staff attorney Richard Flewellling, both of these letters are filed at the end of these minutes. Both opinions determined that the September referendum questions were a different questions than the one referendum question presented to the voters in June. He said that he would like to see Mr. Kasprzyk's legal opinions so our counsel could review them. If the petitioner's feel that their rights have been violated they can seek a declaratory judgment from a court of jurisdiction to use to have the vote undone if it's determined that the town's actions were illegal.

Brent Levin representing the Recreation Department discussed the advantages that the town would have if they would be able to purchase the available property adjacent to Standish Memorial Park. He noted that if the land was purchased safer parking facilities could be built; as well as there may be room for field expansion.

Councilor Pomerleau noted that the idea behind the land purchase is to improve and make safer the parking at Standish Memorial Park.

Brett Levin agreed that parking was a concern at Standish Memorial Park. He cited a recent tournament that was held at that field that was attended by many teams, the parking lots filled up and people had to park on both sides of Route 25.

Gordon Billington explained that the town was interested in purchasing two parcels, one of which would allow an additional exit/entrance from the park.

Daniel Kasprzyk said that he had recently had a conversation the Blake's who own the land in question. He explained that he had been told by the Blake's that there was no urgency and that they wanted to work with the Town.

Fire Chief, Brent Libby, said that the dry hydrants were needed to enhance the static water supply throughout the town, the need for this improvements was recognized during an insurance evaluation a few years ago. He went on to explain that the radio upgrade is needed to boost dead spots throughout the town. This process will add a repeater system at Oak Hill tower site, the highest spot in town. The old repeater will be relocated to the Public Works Department to enhance their radio transmissions. He said that the cardiac monitors are used when a patient is experiencing chest or abdominal pain. The equipment provides for the determination if the CATH lab services are needed at the hospital. If so, the patient bypasses the emergency room and is taken directly to the CATH lab, saving valuable time, which improves the patient's outcome. He said lastly, the extrication equipment funding will replace the airlifting bags which assist in lifting up to 72 tons. Both the extrication equipment and the cardiac monitor are coming up on their life expectancy. The cardiac monitor's computer is aging and not running as sharp as it should. The extrication has a shelf life of about 10 years. Both of these items are coming to the end of the manufacturer's life expectancy.

Public Works Director, Roger Mosley said that is it critical to keep up with our roads for safety reasons. He noted in two of the past five years there had not been funding for road pavement or rehabilitation. He went on to explain that rehabilitation means to grind the road, remove the pavement, lay down gravel and resurface the road. He said that resurfacing means repairing culverts as needed and repaving. He said that most of the time we're able to keep the roads by resurfacing.

Standish Neck and Moody Roads are in a situation where they were not paved soon enough and they went too far in deterioration. He said that this happens when we don't keep-up with routine pavement and maintenance. He said that the costs are nearly doubled doing rehabilitation versus maintenance. He went on to say that the new truck will replace a 2001 wheeler. That unit is a front line truck and when that is down we are short on plows. That truck has been out of service since May and needs some major repairs which will be made since we'll need to use it this winter. The compactor is 20-years old and used to rebuild the roads. The last item is the town hall parking lot which is 15-years old, repairs will be made to the lower lot and Public Safety Department's lot. The upper lot is not included in the project.

Moved by Sargent second by Blanck to take order 84-14 out of order. (Unanimous)

#### **84-14 Reconsider Order 73-14 which called for the September 9, 2014 Special Town Meeting Referendum Election [Newbegin]**

Councilor Newbegin said that he voted yes last month so he would be able to reconsider this matter. He said that he had asked for a written legal opinion regarding the ability to put out to vote items that failed at a referendum sooner than one year. He explained that the lawyer's letter said that we can put the items back out to vote, but he disagreed with that opinion. He said disagreed with that opinion that is not the intent of the charter section or the

people that wrote the charter. He said that the attorney said that it can be interpreted this in the way, he and others can interpret it the other way. He noted that nowhere in the Charter does it mention fiscal year, it states one year, the intent being a year. He wondered if we were going about it the wrong way. He read aloud Section 805 and 806 which both refer to not bringing back an item for one year. He said that's why he's bringing this forward. He said that if he had the chance to vote again he would vote no, not because we don't need the items, because we have to go by our law.

Gordon Billington said that Ken Cole the attorney that gave us this opinion was on the original Charter Commission and has stated that his opinion is consistent with what was intended from the framers of the charter.

Councilor Blanck asked for clarification when Councilor Newbegin said that he would vote no.

Councilor Newbegin said that he would vote no on question 73-14.

Councilor Pomerleau said that he was concerned about this and he was the one that had asked for the second opinion regarding the matter. He went on to say that Daniel Kasprzyk has stated that he has two legal opinions that say what Wayne is saying is the correct method, but he won't share the legal opinions with the Council. He said that he's like to see these opinions, he asked that they share the opinion with the Council.

Councilor Newbegin said that he has not seen and was not aware of any other legal opinions.

Chair Sargent said that no matter how this goes, if we vote in September or it's put off for a later date what you have to remember is that the voters get to decide. He said that we've unbundled it and it's presented by department. The voters can vote for one, two or none of the items. He said that we have two legal opinions that say we're on the right track.

Councilor Olson said if it's your child with their hand stuck – we need the bag; if it's you having the heart attack – we need the monitor. If people want to continue to make lawyers rich, continue to ask for written opinions. She said that the fact is the expenses in the ballot are for critical health and safety issues to manage this town. That is really what the question is.

Councilor Nesbitt said that the matter of bundling was discussed at the workshop and the items have been broken out and the voters can vote on the departments. He said that the charter is in place to help us and move us forward. He said that we should not have such a stringent opinion of it that it inhibits us and prevents us from being a better town.

Michael Lynch of Watchic Road 4 said that he thought that they were trying to stack the deck with the September vote. He said that a lot of people probably won't show up to vote. He said that you should have voted this in November to get a true turn out of the Standish voters.

Councilor Pomerleau questioned him if was illegal in September why would November be okay.

Michael Lynch said that you guys don't seem to care about doing it right. He said that in November you would get a true reflection of what the people want. He went to say that he realizes that the town needs this stuff, he continued that it doesn't take six months to buy a plow truck.

Councilor Pomerleau said that you're not going to be able to purchase a \$200,000 plow truck with equipment in two days.

Roger Mosley, the Director of Public Works said that it takes about six months to acquire a truck.

Michael Lynch said that if it takes six months to get the truck it will miss the winter.

Daniel Kasprzyk asked the Fire Chief if he would ever use equipment that he thought was unsafe to save somebody.

Fire Chief, Brent Libby said that he was unwilling to answer that question, he said that is an unfair position to put him in.

Daniel Kasprzyk said that he was sorry he didn't mean to put him in that spot. He went on to say that he has the utmost respect for him and his crew. He said that he knew that the crew would do the best they could to help

someone. He said that Mr. Billington had mentioned earlier that the group that doing a charter change has been telling people things about a legal opinion. He said that is the furthest thing from the truth. He said that he and Mr. Billington had a private discussion where he answered questions in the capacity of the Watch Dog Group Director. He said at no time during the collection of signatures for the charter ballot question did the people collecting signatures discuss anything other than charter matters. He said that perhaps at a different point in time they could discuss the legal matters. He said that we all wear many hats and serve the town in many ways. He said that signed an affidavit with other individuals to move forward on a charter change, he said that he's adamant that he does not cross boundaries. He said that he has reviewed the charter and it is his opinion that when it talks to years it means years, he cited a number of sections. He said that he supports Mr. Newbegin's motion to reconsider the order.

Walter Wasson of 271 Manchester Road said that he thought that the ballot would be separated, but what's been done is that you've categorized the items. He said that he didn't agree with the legal reasoning of the town attorney. He said that the only difference in the ballot is the cost of the sidewalks. He admonished them to do the right thing and pass the term limit referendum in November.

Chair Sargent asked Mr. Wasson why the term limits didn't apply to Budget Committee and School Board Directors, why is there a disconnect.

Walter Wasson said that when he finishes the term, he's done on the Budget Committee.

Ronald Richardson of 555 White's Bridge Road encouraged the Council to continue with the September vote.

Isabel Higgins of Bonny Eagle Road said that she was a circulator of the petition. She said that their instructions were very specific as to what they were to say while circulating the petition. She noted that many people that she talked to have very strong opinions that this is something that they are interested in.

Councilor Pomerleau said that we're here tonight to talk about the September vote not term limits.

Isabel Higgins said that she was responding to the allegation that they were telling people untruths. She said that their instructions were very clear and straight forward. She said that something that's discussed in a private conversation should not be brought up at a meeting.

Pam Slattery-Thomas of Thomas Road was also a circulator of the petition and concurred that they have specific instructions on how they were to collect the signatures.

Councilor Blanck asked that the stay on the subject of order 84-14.

William Orr said that what he didn't like about this is when you tally it's half of the town's tax collection that someone's going to have to pay for along the line. He said that he'd like to see an explanation how this continuing debt will be satisfied. He said that it's nice to have all these things, but he's sure that we can live without these things. He said that the problem he had with the ballot is that is just lump numbers that can't be verified. Another issue was that the town charter has been brought to the voters before and it was turned down. It was his opinion that the charter was written clearly and you don't need an attorney to interpret it. He said that his experience with lawyers is you can get any opinion you want when you pay them.

After a public hearing without additional public or Council discussion the hearing was closed and the Council voted on order 84-14 which was related to the upcoming election.

**VOTE: 2 Yeas -5 Nays, Blanck, Nesbitt, Olson, Sargent and Spencer.**

#### **65-14 Amendment to Standish town Code, Chapter 181, Land Use; Multiple Sections Zoning Changes to Implement the Sebago Lake Village Master Plan [Stack]**

Chair Sargent said that this will put the form-based code in Sebago Lake Village.

Alberta Byrnes of Sebago Avenue and recently purchased 9 Chadbourne Road asked that the Town Council to consider moving the line so her property will be in the core zone. She said that she had plans for a business there and the change in the zoning would be beneficial to her business plan. She handed out various documents showing her lot and business plan. She explained that if her business was located in the core zone there is a minimal front setback; and the business would meet the vision that the Town has for the area.

Councilors Nesbitt, a former Planning Board member said that there are setbacks in the core zone, he went on to say that including her property in the core zone would not move things out of line with the overall plan.

Bud Benson the Town Planner said that spoke with Alberta at a recent Planning Board meeting telling her that that the change would need to come through the Town Council.

Councilor Olson, who served as the Chair of the Sebago Lake Master Plan Committee, she said what's before them tonight reflects the work of the committee. She said that the ordinance can be amended at a future date. She preferred to pass the ordinance tonight based on the committee's recommendations.

Gordon Billington spoke in support of this recommendation and it's consistent with prior requests.

Councilor Blanck said that this was discussed at the last Ordinance Committee meeting and had unanimous support and can be brought up at a future meeting.

Councilor Nesbitt questioned if it could be added to the ordinance tonight.

Gordon Billington asked Bud Benson if ordinance included a new zoning map.

Bud Benson said that the zoning map was not changing, but the regulating plan is changing.

Gordon Billington said that this is a minor administrative change and could be done this evening.

**Moved by Blanck seconded by Olson and voted to include 9 Chadbourne Road in the Village Core. (Unanimous)**

Mike Napolitano said that he saw sidewalks in this ordinance. He said he thought that sidewalks were dead.

Councilor Olson said that we're talking about Sebago Lake Village.

Gordon Billington explained that the ordinance has a plan were we'd like to have sidewalks developed at some future date.

Councilor Nesbitt said that the sidewalks are still in the ordinance, the voters voted down the bond.

Ed Lane of 15 School Street asked them to consider a small amendment to the plan, page 107 speaks to sidewalks on School Street and he said that there is zero support from the residents of the street for sidewalks.

Chair Sargent said that he'd like to move forward with the information before them tonight and amend it at a later time.

Councilor Olson said that is more than a minor change. The committee discussed the plan and this does not construct anything at this time.

Ed Lane said that anyone could write a grant and put it in tomorrow. He said that no one there wants it, so don't shove it down our throats.

Councilor Nesbitt said that his recollection was the discussion of sidewalks on Chadbourne Road.

Ed Lane said that School Street sidewalks were never discussed at the meetings. He said that the road is narrow and a sidewalk would be right under our windows, who would want that.

Councilor Pomerleau said that petition was brought to the Council in February of 2013. He said that every resident signed it and we need to take the sidewalks off the plan.

Councilor Olson said that the petition did come to the committee and is part of the plan. What the residents said in the petition is acknowledged in the plan.

Councilor Pomerleau said that we just changed the plan earlier for one lady. This whole street doesn't want sidewalks why can't we take it off the plan.

Councilor Olson said that the ladies information was not discussed during the committee process. The sidewalk issue was and is part of the plan and the public record.

Bud Benson said that the final report on page 8 shows the sidewalk on School Street.

Ed Lake said that the plan shows a connector road from the gravel pit to Route 114 which would alleviate the need for sidewalks on School Street.

Daniel Kasprzyk said that he reviewed the plan, he noted that the order shows the plan, he noted that the document shows all sorts of strike throughs and should be presented in another way.

**Moved by Olson seconded by Spencer and voted to take the reference to School Street sidewalks off the ordinance. (Unanimous)**

**VOTE ON ORDER AS AMENDED: 7 Yeas**

#### **COMMITTEE REPORTS**

Councilor Pomerleau noted that the Capital Improvements Committee met to review the crack sealing bids.

Councilor Blanck explained that the Ordinance Committee met to review the commercial and architectural standards Steep Falls Village and Sebago Lake Village ordinances.

Councilor Newbegin said that the Beach Committee met last Thursday and tweaked the management plan. They discussed the idea of putting power and water to the site so security can stay there. The Water District will consider this a one of their future meetings.

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

#### **CONSENT CALENDAR**

Consent items are read by title only and voted on collectively.

**80-14 Appointment of Ballot Clerks and Election Warden for the September 9, 2014 Special Town Meeting Referendum Election [Sargent]**

**81-14 Establish Hours for Voter Registration Hours Prior to the September 9, 2014 Special Town Meeting Referendum Election [Sargent]**

**VOTE ON CONSENT ITEMS: 7 Yeas**

#### **UNFINISHED BUSINESS**

**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 (First Reading) [Sargent]**

Councilor Olson explained that an Emergency Ordinance is in place while this goes through the legislative process.

Moved seconded and voted to move this item to Public Hearing at the September meeting of the Council.  
(Unanimous)

**77-14 Road Acceptance Request Submitted by Shadow Woods LLC for Woodrow Drive (Postponed at the July 8, 2014 Meeting) [Sargent]**

This item remained on the table.

**78-14 Road Acceptance Request Submitted by St. Josephs College for Shannon's Way and Nicholas**

## **Drive (Postponed at the July 8, 2014 Meeting) [Sargent]**

This item remained on the table.

### **NEW BUSINESS**

#### **82-14 Authorize Use of Town Council Contingency Account to Support Funding of a Conservation Easement at Randall Orchard's [Sargent]**

Mike Parker the board president of the Presumpscot Regional Land Trust explained that he was here to announce that up to 500 acres of Randall Orchards will be preserved as a land trust. He said that the role of the land trust was to find funders to make this all happen. They've raised \$100,000 for this project through various agencies. They find that they've spent \$10,000 more than they've budgeted and he's before the town to see if they will fund half of the \$10,000 since this is the town where the farm will be preserved. He noted that earlier in the process Richard Randall donated approximately 200 acres that is located in Gorham. Mr. Parker said that he approached the Town of Gorham in the same manner as he's here tonight.

Councilor Newbegin questioned the access to the property.

Mr. Parker said that the policy regarding access will not change, apple picking and recreational activities will take place. Mr. Randall would be the authority to grant access.

Councilor Newbegin questioned the tax rolls.

Councilor Olson said that it will still be on the tax rolls.

Michael Stevens of McGill Fern Road asked if his taxes would go up because of this expenditure.

Councilor Olson said that it would not make taxes go up because it's coming out of contingency in the already approved budget.

Isabel Higgins said that this is one of the best things that they have spent money on.

#### **VOTE: 7 Yeas**

#### **83-14 Pursuant to Town Charter Section 212, Emergency Amendment to the Standish Town Code, Chapter 263, Vehicles and Traffic, Establish Temporary no Parking Zone on Main Street (Route 11) and Heath Lane [Blanck]**

Moved by Sargent seconded by Nesbitt and voted to dispense with the Clerk's reading of the ordinance. (Unanimous)

Councilor Blanck explained that previously an emergency ordinance was adopted to prohibit parking on Route 11 and Heath Lane during the bridge construction project to ensure that emergency vehicles are able serve that neighborhood. That previous emergency ordinance expired and this new emergency ordinance will take temporary no-parking restriction through the end of the construction project.

#### **VOTE: 7 Yeas**

#### **85-14 Award Bid and Authorize Contract for Road Crack Sealing [Pomerleau]**

Councilor Pomerleau explained that we received four bids ranging from \$12.18 to \$24. We took the low bidder, with whom we've done business with before.

#### **VOTE: 7 Yeas**

#### **86-14 Change Date of Council Meeting in September to September 2, 2014 [Sargent]**

There were no comments on this order.

**VOTE: 7 Yeas**

**87-14 Town Council Appointments to Various Boards or Committees [Sargent]**

Moved by Sargent seconded by Blanck and voted to amend the order by adding the name of Cynthia Beckwith to the Planning Board At Large Mary Chapman seat; Michael Willett to the Planning Board Area 2 Seat; and John Varney to the Recreation Committee. (Unanimous)

**VOTE ON ORDER AS AMENDED: 7 Yeas**

**88-14 Town Council Chair Appointments and Town Council Appointments [Sargent]**

This order established the membership of the Council sub-committees.

**VOTE: 7 Yeas**

**89-14 Cast Ballot for MMA Legislative Policy Committee [Sargent]**

Chair Sargent explained that we're catching up with Lou's appointment to the MMA Legislative Policy Committee.

**VOTE: 7 Yeas**

**90-14 Authorize Sale of Tax Acquired Property to Previous Owner and Authorized Finance Director to Issue Quit Claim Deeds on Previously Tax Acquired Property [Spencer]**

Chair Sargent explained that a taxpayer has paid the back taxes and are re-acquiring their property.

**VOTE: 7 Yeas**

**PUBLIC ITEMS**

Daniel Kasprzyk said that on July 17 five residents including former Councilor Louis Stack, Walter Wasson, William Napolitano, Gary Lind and he filed an Affidavit Initiating a Charter Change. What that means is a petition was created to be circulated to collect 804 signatures of voters to get a charter amendment regarding term limits on the ballot.

**ANNOUNCEMENTS**

Several up-coming meetings were announced.

**EXECUTIVE SESSION**

A motion may be made to go into executive session at any time during the meeting in accordance with state law to discuss, personnel, real estate, labor negotiations, or legal matters.

**ADJOURN**

Moved by Sargent seconded by Newbegin and voted to adjourn. The meeting adjourned at 9:22 pm 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**



