

Standish Town Hall

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Town Council Meeting Minutes 11/12/2014

**DRAFT--MINUTES ARE NOT OFFICIAL UNTIL
APPROVED BY THE TOWN COUNCIL--DRAFT
MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
WEDNESDAY, NOVEMBER 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 and Sargent.

Councilor Spencer was excused.

MINUTES OF PREVIOUS MEETING (S)

Moved by Nesbitt seconded by Olson and voted to amend the minutes as follows:

On page 10 -- 116-14 Change Date of Council Meeting in November to November 12TH [Sargent]

VOTE: 5 Yeas

On page 12 -- 120-14 Waive No-Parking Restriction on Saco Road for Annual Craft Fair Held by the Trustees of the Old Red Church [Sargent]

VOTE: 5 Yeas

After these corrections were made, the minutes from the October 14 meeting were accepted by unanimous consent.

PETITIONS AND COMMUNICATIONS

The Clerk announced that she had received a petition from residents of the Richville area voicing their concerns regarding the Maietta gravel pit being used as a shooting range. A copy of this petition is on file at the Town Clerks Office and appended to these minutes.

Councilor Blanck, the Chair of the Ordinance Committee explained that during a recent meeting they discussed this matter, having receiving information regarding this from Lester Ordway. The Ordinance Committee is researching this matter. He went on to say that Maietta was advertising on Facebook that they were allowing shooting on some of their properties.

Town Manager, Gordon Billington, said that people were shooting very high-powered rifles at the Maietta gravel pit and they were told to cease and desist until they had approval of commercial recreation. They were notified that it was a two-step process, first, Zoning Board, then Planning Board approval. At this time they have withdrawn their application. He went on to say that the Cumberland County Swat Team does use the pit for training.

REPORT OF THE TOWN MANAGER

Gordon Billington spoke on the following:

- A rash of vandalism has occurred to the port-a-potty's located at the Mill Street Park. We may be liable for the cost associated with the loss to the vendor. He encouraged residents call the town offices or the

sheriff's department if they see vandalism happening.

- The towns FY 14 audit is nearing completion, the auditor is scheduled to make the presentation to the Council in December.
- The Public Safety Fair was a great success, Frank Holcomb will make a presentation later on the agenda.
- The Fire Chief has announced that they have adopted protocols for dealing with Ebola.
- A concept plan for Standish Memorial Park new fields has been passed on the Recreation Department for review.

Peter Arnemann, the town assessor provided the monthly departmental report. Mr. Arnemann explained that he has been the assessor since 2001. He noted that the department includes him and a half a part-time person who's shared with the code office. He noted that this staffing is low when compared to neighboring towns. He said that this contributes to keeping the tax rate low, in fact, the rate is one of the lowest in Cumberland County. He said that credit should go to the manager and Town Council for wise use of our funds. He said that this year there were very few comments regarding the tax bills. He explained that since the revaluation in 2004 incremental increases have been done to keep the valuation in line. Each year during the state audit our records are deemed to be in good shape. He noted that there are various exemptions allowed to residents, such as, the homestead and veterans exemptions that provide a reduction in their valuation.

Mary Chapman

PUBLIC HEARINGS

102-14 Amendment to Standish Town Code, Chapter 181, Land Use, §181-7.1 Form Based Code Village Districts and §181-73 Standards for Conditions for Approval [Blanck]

Councilor Blanck explained that this brings architectural standards to the ordinance regarding the Form Based Code.

Carol Biegel of Ossipee Trail East said that she served on the original committee that developed Form Based Code noting that it was a new concept for the State of Maine. She said that it was new and we weren't sure of all the pieces that needed to be in play.

Planning Board member, Carol Billington, she said that this was not included in the ordinance before. She said that it's absence, has hunted the board, because it left them with no clout to require an applicant's construction to fit into the vision that we would all like to see in the villages. She said that this amendment gives them the clout they need. She noted that she was one of the few that voted against Family Dollar because these standards were not in place. She noted that while driving around she's noticed that there are some pretty good looking Family Dollars in the area. She said that reason it looks the way it does in Standish is because the architectural standards were not in place.

Councilor Nesbitt said that this was reviewed extensively in the Ordinance Committee and he thanked Peter Biegel for his input in crafting this ordinance.

After a public hearing without additional public or Council discussion the Council voted on the ordinance amendment and the hearing was closed.

VOTE: 6 Yeas

COMMITTEE REPORTS

Frank Holcomb provided a Safety Fair update to the Council. He explained that it was an outstanding fair that was well attended. An open house, numerous displays, a blood drive, bouncy house for the kids, fire trucks were on display and many demonstrations including one on the Jaws-of-Life. Every year the fair is bigger and better. He said that 10 kids went home with bikes, Poland Springs and Sure Winner Foods generously donated products to the fair. He thanked the community and the Town Council for the support of the fair. A copy of the written report is on file with these minutes.

Councilor Nesbitt announced that he received a hand written note from one of the bike recipients thanking the town for the bike.

Councilor Pomerleau noted that approximately 150 children attended the Safety Fair with their families. He thanked Frank Holcomb for his efforts.

Councilor Pomerleau noted that the Capital Improvements items will be discussed later on the agenda.

Councilor Blanck met last month and explained that the Committee has have started the amendments for the Form Based Code based in Steep Falls Village.

Councilor Olson said that the Finance Committee met on Monday, she noted that excise receipts are coming in stronger than expected.

Councilor Newbegin stated that the Beach Committee has recently had discussions with the Boating Club and they continue to work together on aspects of the beach. On Monday, the beach plan was a topic on the Planning Board workshop agenda. The Planning Board provided feedback to the Beach Committee who will discuss the feedback at a future meeting.

Chair Sargent said that the Appointments Committee met and have an item later on the agenda.

CONSENT CALENDAR

There were no items on the consent calendar.

UNFINISHED BUSINESS

119-14 Amendment to 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]

Chair Sargent said that this is a housekeeping matter.

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

NEW BUSINESS

127-14 Waive the Requirements of Chapter 142, Fire Protection, § 142-4 A (3) [Pomerleau]

Councilor Pomerleau explained that Family Dollar met the square footage requirements of our ordinance, but didn't meet the cubic foot requirement of the Standish Ordinance. The cost of sprinkling the building at this point would be cost prohibitive.

Fire Chief, Brent Libby, said that the building as proposed is 8,200 square feet, the way the ordinance reads for a building to be sprinkled is that buildings 404232211over404232211Mary Chapman 10,000 square feet or 100,00 cubic feet. He continued that the Fire Marshal's Office uses NFPA 101 that requires buildings over 12,000 square feet to be sprinkled, so our ordinance is more stringent. When the application went through the Planning Board process, it was indicated that they needed State Fire Marshal approval, which they received, however, during inspection it was realized that there is not a sprinkler system. He said that the applicant acted in good faith acting on the information that they had at the time. He said at a minimum he is requesting that the applicant hires a company that provides fire monitoring coverage to comply. He noted that there is a fire hydrant located close to the building.

Councilor Pomerleau asked for support of this order due the closeness of the hydrant and their willingness of the applicant to comply with fire protection monitoring of building

Daniel Kasprzyk clarified that our code has more stringent requirements than the state's NFPA code, he encouraged them to revisit our ordinance so that they mirror one another.

Councilor Newbegin asked the Fire Chief if he was happy with this order.

Chief Brent Libby said that it would be great to have it sprinkled, but they acted in good faith. That the building will be monitored meets the spirit of ordinance and we've done the best with what we've been handed.

Councilor Nesbitt said that he would like to see it sprinkled and questioned the cost at this time in the construction process. He went on to say as a Planning Board member, this was a condition of approval, he said that maybe there should be a workshop held to discuss the application process to identify where there needs to be additional input so this type of item doesn't get over looked.

VOTE: 6 Yeas

128-14 Town Council Appointments to the Saco River Corridor Committee [Sargent]

Chair Sargent said that both of these individuals have served on this board in the past.

VOTE: 6 Yeas

Chair Sargent explained that there are two orders that need to be added to the agenda by unanimous consent.

129-14 Award Bid and Authorize Contract for Purchase of Air Lifting Bags [Pomerleau]

130-14 Waive Bid and Authorize Purchased of Extrication Equipment [Pomerleau]

Moved by Blanck seconded by Nesbitt and voted to add the above noted orders to the agenda. (Unanimous)

Moved by Pomerleau seconded by Nesbitt and voted to amend the order by adding the name of HSE at a cost not to exceed \$16,793.98. (Unanimous)

Councilor Pomerleau explained that this is not the lowest bidder, however, this company carries the brand that we currently use and in the long run it will be less expensive since it's the brand we currently are utilizing.

Chair Sargent said for the public benefit the difference between the two bids is about \$300.

129-14 Award Bid and Authorize Contract for Purchase of Air Lifting Bags [Pomerleau]

WHEREAS a RFP process has been conducted for the purchase of air lifting bags for use by the Fire Department, now be it

ORDERED that the attached RFP from HSE for the purchase of the air lifting bags, at a cost not to exceed \$16,763.98 is taken from the Public Safety Department Capital line, is hereby accepted, and

FURTHER ORDERED that the Town Manager is authorized, on behalf of the Town, to execute related contract documents.

VOTE ON ORDER AS AMENDED: 6 Yeas

130-14 WAIVE BID AND AUTHORIZE PURCHASE OF EXTRICATION EQUIPMENT

WHEREAS Section 302(f) of the Standish Charter requires a competitive bid process for transactions exceeding \$3,500 in value, unless so waived by the Town Council, and

WHEREAS the vendor listed below is the authorized sales dealer for our current stock of extrication tools, and

WHEREAS the Public Safety Department has received budgetary approval to purchase extrication equipment for the department, now be it

ORDERED that the bidding requirement regarding this purchase is hereby waived; and the bid is awarded to Fire Tech and Safety of New England at a cost not to exceed \$21,182.25, and

FURTHER ORDERED that the Town Manager is authorized to execute contract documents related to this purchase.

The Fire Chief explained that this upgrades and/or replaces some of our equipment. This equipment is compatible with our current equipment that why the bid needs to be waived.

Councilor Pomerleau noted that this amount is under what was budgeted.

VOTE: 6 Yeas

PUBLIC ITEMS

Terry Christy of Mountain View asked them consider the discussion of restricting the hours on Sunday when people are allowed to shoot their guns while they review the Maietta gravel pit matter.

Carolyn Biegel of Ossipee Trail East said that she was disappointed to read information in the Shopping Guide regarding the sidewalks. She said that she realized that the referendum failed, and understood that the town would be responsible for funding on the project. She stated that we were fortunate to become the GrowSmart Maine model town, part of that was recognizing that, the villages would become the growth areas in town. She said that if you're going to have a business core you need density for the businesses to thrive. In addition, you have to provide the needed infrastructure for the number of people to live and work in your villages. Now, since the approval to bond those projects has not passed, she's looking to all of them as the leaders, know that we have capital invested, to use their authority to pay for the projects from the undesignated fund line. She hoped that they have the courage to proceed.

Jen Levin of Main Street thanked them for their service. She asked that to do whatever they could do to make sidewalks happen in Steep Falls. She cited property value and safety as reasons to build sidewalks.

Walter Wasson of Manchester Road said that sidewalks have failed now four times. He asked if the Town Council was listening to the voters of the town. He said that he would be very disappointed they the move this forward, because that would mean his vote didn't count.

William Hill of Wildridge Road urged the Council to exercise their power to make the sidewalks happen.

Terry Christy said that in the late 1940's there were sidewalks in Steep Falls. He said that our current ordinances require new businesses to build sidewalks. He cited a number of improvements in Steep Falls Village that would utilized the sidewalks if built.

Ellen Walker of Pequawket Trail said in the past Steep Falls had pieces of sidewalks throughout the village. She said that sidewalks would be a nice asset to the village. She asked that they consider building the Steep Falls sidewalk.

Elizabeth Perry of Richville Road asked them to use their power to get the job done.

Tom Scannell of Pequawket Trail said it was his opinion that the referendum failed because it was poorly written and didn't make it clear what the issue was about. He said for safety the amount to be spent is minimal.

Robin Mercier of Rosida Drive asked for clarity regarding how does she explain to her children that the votes don't count now.

Daniel Kasprzyk of Steep Falls said that 4,418 people voted on Election Day, he cited the yes and no votes, he said that it's come to the voters of Standish four times and failed four times. He said that safety is a good purpose, but let's listen to the voters.

Carolyn Biegel said for clarification, when the voter's voted they voted on whether or not we wanted to bond the sidewalks. She said that we don't need to bond every expenditure, there is a lot we can afford to do right now. She said that it's less than one percent of our budget. She said that she'd like to ask the people that said no, when will be the right time and how will it be paid for.

Pam Slattery-Thomas whether you can pay for it without bonding the image is out there that the Council will do as they want regardless of the vote. She questioned the grant funding on these projects.

Councilor Olson said that each of the projects would receive grant funding.

Eleanor Dudek of 24 Bonny Eagle Road said that she worked on the Comprehensive Plan and Planning Board and lives in Standish Village. She said that that they are not elected to worry about what their image is, she said that they're elected to do the right thing. She said that she joined the others and urged them to use their discretion and do the right thing.

Carol Billington said that she is in deep support of the sidewalks. She said that we've updated the Comprehensive Plan, hired consultants to direct us and suddenly in the last few years we've taken a departure from where we were headed as a community. She said that there was a subversive element that has taken hold, we were a community that trusted the officials, but suddenly they are being questioned. She said that we were at a place where we were going to make some steps forward for Standish. We were about to invest in our community and make it a safer

place using money being paid by others. She said that we have this subversive element and it's much easier for them to stir up mistrust. She said that she truly believes that the vote was not a vote against the sidewalks, but it was a vote along the lines of the term limits. She said if they have the opportunity to take us forward she urged them to do so.

Greg Sirpis of Westside Sebago said that he'd like to make a couple of observations, back in September the town voted on three items that could have waited until November to be voted on, he said if we think about fiscal responsibility we should save money. He said that going forward we should try to combine the votes. He said that he has no preference regarding the sidewalks, he questioned if there was a valid reason, that we don't have them, he said to him the valid reason is that it's been defeated four times. He said that it seemed that the Council viewed the \$700,000 as free money, and it's not free, the question that he would ask is, if the state wasn't contributing monies would they still want the sidewalks to be built.

William Orr of Kerri Farms he said that the sidewalks will be a reoccurring tax burden for the taxpayer's.

Elizabeth Perry said that if we don't use the grant money it will go to another town, if we don't take it, someone will.

Terry Christy said to change the subject, he observed that there are two different speed limits on White's Bridge Road in the vicinity of the college. In one direction it is 30 mph, in the other it is 40 mph, he asked that they have MDOT look into that in coordination with the crosswalk project.

Peter Biegel of Ossipee Trail East said that he as a landscape architect through the years working with various communities has seen that they've all dealt with main streets, revitalization and sidewalks. He said that these items are part of the whole picture. He said as the town grows we have to grow with it and provide that access to the residents.

Carol Billington of Chadbourne Road what she sees happening in this town is a power struggle. She said that it was her opinion that the no vote on sidewalks was not against sidewalks, it was a power struggle.

Daniel Kasprzyk said that he wanted to clarify town things, the article that was in the Shopping Guide was an exact copy of correspondence that he had received from Mr. Billington. He went on to thank Mr. Billington for his speedy response. He read the first part of the referendum questions, then said that he didn't want to read into that, but people should speak with their Councilors. He said that he hoped that they respect the will of the voters.

Pam Slattery-Thomas said that it was her opinion that the matter has already been decided.

Chair Sargent said that we haven't gotten to that point yet.

Pam Slattery-Thomas asked when would that happen and how.

Chair Sargent said that the bond was declined, but the voters approved the budget, it's possible that the town could use discretionary funds.

Councilor Nesbitt said that it would have to be a Council vote to use undesignated funds, and there would be public input on that order.

Terry Christy said that there were approximately five prior committees regarding the beach.

Ellen Kasprzyk said it was her opinion that when Standish Tire was required to put in sidewalks is when everyone kind of scratched their heads trying to figure out what was going on. She said that she personally in ten years has seen someone walking on that stretch of road maybe twice. She said that when a business comes in we're forcing them to put in a sidewalk that goes no place. She said that they as Council have a real problem with how they're perceived. She said that Mrs. Billington has spoken of a subversive element, but she didn't buy into that, she that there are a lot of people asking what is going on here.

Carol Billington said that she's been on the Planning Board for approximately twenty years, a number of years ago due to seeing the need, the requirement for new businesses to build sidewalks was put into our ordinance, with the idea that over time the sidewalks would get built. After adoption of the ordinance, it was realized what a burden it was on the businesses. She explained that the Planning Board discovered that they had the discretion to waive the sidewalk requirements for a good reason. She said in the past several years that good reason in Standish Village was

the possibility of these grant funds.

William Orr asked Councilor Nesbitt where in the budget are the undesignated funds.

Councilor Nesbitt said that it was reserve funds, he may have used the wrong term.

Gordon Billington said that the funds that would be used are the undesignated funds.

Chair Sargent closed public input at this time.

Councilor Newbegin said that he sat on the Comprehensive Plan and on the sidewalk plan. He said that he was in favor of the sidewalks, but when you vote four times it fails, how can he, disenfranchise that voter. To him, we're a democracy, enough said.

Councilor Nesbitt said that he has thought about this a lot and listened to everyone here tonight and it's very disappointing that the vote didn't go through to get bonded. He said that he sees the benefits that the sidewalks will bring. The grant opportunity to build the sidewalk from Standish House of Pizza all the way to Norway Savings Bank is available. He said that he knows that it was voted down, but as a Councilor, he feels that this is an opportunity that we can't let up and he would support items on the next Council agenda to move the sidewalks forward.

Chair Sargent thanked all for sharing their thoughts.

ANNOUNCEMENTS

Upcoming meetings were announced.

Councilor Nesbitt mentioned that the Appeals Board is in need of members.

Chair Sargent thanked the Town Clerk and whole crew for the smooth running Election Day.

EXECUTIVE SESSION

An Executive session was not needed at this meeting.

404232212ADJOURN404232212Mary Chapman

Moved by Blanck seconded by Olson and voted to adjourn. The meeting adjourned at 8: 58 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