

Standish Town Hall

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Town Council Meeting Minutes 1/13/2015

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**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, JANUARY 13, 2015
STANDISH MUNICIPAL CENTER
TO BEGIN AFTER THE SPECIAL TOWN MEETING WHICH STARTS AT 7:00 PM**

CALL TO ORDER

Vice-chair Olson explained that due to the length of the Special Town Meeting, the absence of Council members due to illness and one Councilor who needs to leave at 9 p.m., this meeting will have to adjourn by 9 p.m. The amendment regarding the shooting ordinance will be discussed first on the agenda, so they will have a quorum to vote. She said that in addition they need to hold an Executive Session at this evening.

The meeting was called to order at 8:10 p.m. by Vice-chair Olsen and the Pledge of Allegiance was recited.

ROLL CALL

Councilors present: Blanck, Nesbitt, Olson and Pomerleau

Councilors excused: Newbegin, Sargent and Spencer

MINUTES OF PREVIOUS MEETING (S)

The minutes from the December 16th meeting were not approved at this meeting.

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting

REPORT OF THE TOWN MANAGER

The Town Manager did not provide a report at this meeting.

Frank Holcomb, Public Safety Committee Chair will present his information at a future meeting.

PUBLIC HEARINGS

1-15 Application Submitted by Mili, Inc. DBA Standish House of Pizza for a New Malt Liquor License [Sargent]

Vice-chair Olson explained that this is a new license for an existing business that has changed ownership.

After a Public Hearing without public or additional Council discussion the Council voted on the application and the hearing was closed.

VOTE: 4 yeas

Moved by Nesbitt seconded by Blanck and voted to take order 4-15 at this time. (Unanimous)

4-15 Amendment to Standish Town Code, Add New Chapter 235, Shooting Facility Ordinance (Introduction) [Blanck]

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

Councilor Blanck said that this matter came the Ordinance Committee through a petition process held by the Maietta gravel pit abutters. He explained that the petitioners asked for relief from the constant shooting of high caliber firearms; and how it affects their neighborhood. He noted that 10 of the petitioners attended the December 9 Ordinance Committee meeting where they explored possible solutions, they decided an emergency ordinance for a temporary ban would be appropriate. He said that later through legal counsel they learned that it would not be possible to enact the ordinance for just one property. He said that the ordinance presented tonight has been provided by our legal counsel without review of the Ordinance Committee. He said that the

after public discussion this evening he intends to refer this to the Ordinance Committee for further discussion.

Vice-chair Olson said that this ordinance came about due to a petition signed by 47 residents that surround the gravel pit. She said since we don't have an ordinance in place and we can't go to one location prohibit activities. She went on to explain that she read in a local newspaper that a commercial shooting facility as well as police agencies use this gravel pit for a shooting range. She said that this ordinance is a starting place since we have a group of citizens that are concerned. She said that this is the same ordinance that was adopted by the Town of Cape Elizabeth and it seems like a good place to start. She said that the Council will speak first.

Councilor Pomerleau explained he was the Councilor that needed to leave early. His oil delivery truck is being repaired and needs to be picked up this evening so he can make deliveries to his oil customers tomorrow. He said that he does not support this ordinance. He said that this came out of an illegal business operating in the gravel pit. He said that that the business never came to the town for approval. He said that recently one of the homes was struck by a bullet. Because of the guns being firing in the pit every weekend it has effected the quality of life for the people that live in the area. He said that we should be looking at a commercial licensing system. He said that he's not a hunter, but he doesn't support this.

Vice-chair Olson asked that the hunters in the audience forward any ordinances that they be aware to the Council. She said that their feedback would be appreciated.

Councilor Nesbitt said that this is over reaching, but we do have an issue with the pit on Route 114. He said that he went to the pit to see the area, he said that there is evidence of the shooting that's taken place and it appears that some shooting is in the direction of an ATV trail. He said that there is no dedicated shooting area people just go in shoot where they want to. He said that we need to take a look at it and bring things under control, but still give people the right to shoot.

The Clerk read the following comments from Councilor Newbegin:

I would recommend that this be sent back to the Ordinance Committee to a Council workshop for further review. I assume that there will be citizens in attendance that do not like the ordinance. I would take feedback from the citizens so that the Council and the Ordinance Committee will have something to work with. I sit on the Ordinance Committee but had no input to this requested ordinance. It needs work. I could not vote to pass this ordinance as presented. (A copy of the email is on file with these minutes)

Vice-Chair Olson explained that they would take comments limited to three minute per person so as many could speak before they had to close the meeting at 9 p.m. She said that she wasn't ready to vote on this matter herself.

Jeff Dolloff of Dolloff Road suggested that the Council use social media to get the word out on matters such as this. He went on to say that he reviewed this, it says that it's to protect the public's health and welfare, he explained that he contacted the Public Safety Department to inquire about their calls. He said that in 2014 they responded to 1,084 call, none of the calls was for a stray bullet. He said that he called Augusta for information, but he hadn't received their report. He went on to say that the NRA has been listed three times in this document, he said that the document has been forwarded to the NRA legal department for review and comment. He said that if this gets snuck by and voted on the way he reads it, you can't fire a gun in Standish unless you own land. He said that immediately that discriminates against anyone who rents in the Town of Standish. He cited that the way it's written his own grandson or the speaker's girlfriend couldn't target practice on Jeff's property. He said it was his opinion that the way that it's written a homeowner couldn't protect their property in the case of a break-in.

Vice-chair Olson said that this wouldn't have come and gone tonight. As you can see on the last page tonight was the Introduction, followed by the First Reading, then the Public Hearing. She then said that she hoped that the NRA would give them ordinance templets to review.

Daniel Kasprzyk of Steep Falls said that he was questioning the process that brought this forward. He said that this came out on the agenda on Thursday and Mr. Blanck had less than 24 hours to review it. He said that it seems to him like the entire Council thinks that this needs to be revisited. He suggested that the Council reconsiders cutting off the discussion tonight and give them more time.

Vice-chair Olson said that the Council can only hold proceedings with a quorum that is what the challenge is.

Daniel Kasprzyk said that the clock is now ticking on this ordinance and the people that are here will have the burden of having to come back for further discussion.

Vice-chair Olson said that this matter will be referred to the Ordinance Committee.

Shane Stevenson from Fort Hill Road said that there are already provisions in state law to deal with this matter such as the disorderly contact statutes. He said that the City of South Portland has ordinances to deal with this type of matter which would allow their Council to act upon the matter. He said that it was his opinion that this was the wrong way to go about this from a public safety standpoint. He said that he lives near a pit so he hears it all the time, however, it's the nature of living near a gravel pit. He suggests that they approach it from a different angle.

Greg Sirpis of Westside Sebago said that he agreed with many of Councilor Pomerleau's statements. He explained that he lived near the gravel pit and this activity has never changed his life. He said what would change his life would be if any body of government tried to take away his right to possess, discharge, or use a firearm, that's when his quality of life would change. He said that's what's trying to happen here. He said that there are generations of outdoorsmen that live in this town and have grown up in this culture. He said that he was amazed that he only heard about this less than 24-hours ago. He said that he received a call from the Sportsmen's Alliance of Maine wondering if he was aware of the ordinance. He went on to say if they were going to represent the town's people, they need to represent all of the town's people. He said he didn't feel that he was represented.

Dick Bernier of 77 White's Bridge Road said that he just learned about this and was surprised that something of this nature was being heard with such short notice. He said from listening tonight the thought that this was a knee-jerk reaction. He said that's why we don't live in Portland or Cape Elizabeth, we live in Standish because we enjoy the rural life. He said that he's a little dismayed that they took the time and the energy to put this together after receiving a petition signed by 45 people.

Vice-Chair Olson said that citizens have the right to submit a petition for the Town Council to consider, and that is what's been done. She said do not disparage those citizens that brought something forward.

Vincent Maietta, the gravel pit owner, apologized that all of this was happening because of something he may have caused. He said that he doesn't post his 110 acres of land to keep people off it. He said that he gets calls from people that want to use the pit and the Sheriff's Department uses the pit as a training location. What caused the problem that brought us here tonight is that a friend of his offers firearms training and asked to use the pit as a training location. He said that's where he made his mistake, he didn't realize it was such a commercial operation. He said that this friend and the Sheriff's Department is the only persons who he's given permission to, to use the gravel pit. He said that the town's Code Enforcement Officer called his cell phone five or six months ago and asked that the activity stop. He said that Weaponcraft has not held a single class since the call for the Code Enforcement Officer. He said that he's sorry that it's come to this. He said that people up there had legitimate complaints, but please don't believe everything you read in the newspapers. He said that there is no shooting happening there now, so let's not try to fix a problem that does not exist.

Vice-chair Olson thanked him for coming forward and clarifying the matter, she said that it was Weaponcraft that brought it up a notch, and it's good to know that they are no-longer operating there.

Vincent Maietta said that he is the owner of the pit and he never received a call from the Ordinance Committee regarding the matter.

Vice-chair Olson questioned when was the petition received? There may not be the need for this ordinance.

Hugh Gardner the majority owner of Weaponcraft said that he too would take some responsibility for why we're out here. He said that there is a lot of information that is not factual. He stated that they used the pit from the 1st of July to the 3rd of September when Mr. Maietta was asked to stop the activity. He said that they used the pit between 10 -12 total days. He explained some of those days were one-on-one with an individual learning precision shooting at a rate of approximately 10 rounds per hour. He said the talk of hundreds of rounds every weekend is just not true. He said that he was asked several times why they were listing Maietta's pit as a course location on their website, he said that was not true. He said that they haven't been at the pit since September other than to remove their equipment.

Vice-Chair Olson questioned when they last used the pit.

Huge Gardner said about September 3rd. He said prior to that he had met with the Code Enforcement Officer to find out about obtaining a permit to operate at the pit. He said that he is familiar with range development and offered to help.

Vice-Chair Olson asked when the petition was received by the town. She was told November 12.

Lisa Seal of Steep Falls questioned if this stopped in September why was this happening now. She then questioned why we were just hearing about this now.

Ian Warnberg of Leisure Point Road said that we have to be careful about incrementally adopting something. He said this issue should be dismissed and the abutting property owners and Mr. Maietta should meet to come up with a solution. He said that they should work together like adults rather than dragging us and our rights into it.

Vice-chair Olson said that this wasn't incremental, this was addressing it, and we're hearing you loud and clear.

Councilor Pomerleau noted a number of years ago the ATV'ers came to the Council to get access to a particular area off Mountain View Road, they worked together established a speed limit and there have been no problems.

Mike Lynch said a year or two ago there was discussion about advertising in the Shopping Guide. He said that there was no notice about this ordinance or this meeting.

The Clerk explained the process for advertising process for meetings.

Gordon Billington said that the ordinance came forward after the Shopping Guide had been published. He noted that the Lakes Region Weekly did publish an article regarding the Firearms Ordinance.

Shawn Franck of Kendra Lane purchased a home in the game preserve. He said that he often shoots at friends home, this ordinance would prevent that from happening. He also questioned the impact of this ordinance on this concealed weapons permit.

Councilor Pomerleau re-iterated that nothing would have happened tonight on this matter it was the first reading. Lisa Seal questioned if a meeting could be pushed back to have the time to advertise.

Vice-chair Olson said that this was the introduction and it wasn't time in the process yet to advertise the matter.

Jack Kenney of Perimeter Avenue asked what happens next, is this dead, or will something be worked out.

Vice-Chair Olson said that a motion will be made to refer this to the Ordinance Committee. The Ordinance Committee will take the feedback and discuss what will we do next. She said that future Council meetings will be broadcast on TV or watch it here, she noted nothing happens behind closed doors.

Jack Kenney said that he wasn't questioning if this was going to get pushed through, he said that he asking if it's fixed. He said that we've found out to night that Cumberland County Sheriffs are the only ones practicing at the pit. He asked what's going to happen next.

Vice-Chair Olson said that as a Council they will refer this to committee, she said speaking for herself this ordinance is dead.

Councilor Pomerleau agreed that this was a dead item, but they had to vote on the item.

Jack Kenney said that this particular ordinance might be dead, but you may bring something else forward.

Councilor Pomerleau said that they may look at the Gravel Pit Ordinance to establish some rules for shooting in gravel pits.

Councilor Blanck suggested that this item be tabled indefinitely.

Vice-chair Olson asked if he wanted to kill it or send it to committee. She explained that they could kill the item tonight.

Maurie Hill of Wildridge Road said that you have to be careful not to ignore the citizens that brought this forward.

Councilor Blanck said that this issue will go back to the Ordinance Committee at a future meeting.

Matthew Lampron of Richville Road said that this ordinance is probably wrong, he said that he was one of the 47 people at the meeting and this is misconstrued as to what was said. He said that in response to what Mr. Weaponcraft said the amount of bullets being shot in that pit is in the thousands. He explained that he lives 200 from their property line, so they can say all they want, but no one is speaking in defense of that.

Vice-chair Olson called for the vote.

Councilor Blanck said that a motion to indefinitely postpone this had been discussed earlier.

Vice-chair Olson asked did they want to do that or kill this and come back with a new ordinance.

VOTE: 4 Nays, Blanck, Nesbitt, Olson and Pomerleau

Vice-chair Olson thanked the audience for coming to the meeting tonight; and help them this evening – they have made a difference.

2-15 Authorize the Rotary Club of Sebago Lake to Utilize Sebago Lake Station Landing Parking Area for Their Annual Ice Fishing Derby [Sargent]

Moved by Nesbitt second by Pomerleau and voted to dispense with the Clerk's reading of the order. (Unanimous)

Vice-chair Olson said that this will allow additional parking for the Rotary Club fishing derby.

VOTE: 4 Yeas

Vice-chair Olson explained that they would move into an Executive Session and the Town Manager will be joining the Executive Session to deal with personnel matters pursuant to 1 M.R.S.A. §405(6) (A). She said that when we return from the Executive Session we will close the meeting, so there will be no formal business conducted.

Councilor Pomerleau said that there would be business conducted after the Executive Session.

Vice-chair Olson said that there may be one item regarding the personnel matter discussed after the Executive Session. She said that they will come out the Executive Session, vote and adjourn.

Moved seconded and voted to arise from the Executive Session. The Council arose from the Executive Session at 9:04 p.m. and continued the meeting.

5-15 Extend Town Managers Contract [Sargent]

Daniel Kasprzyk questioned if they were going to vote on this it is now a public procedure and everything that happens is covered under M.R.S.A.

Vice-chair Olson said that the discussion is open to the public.

Daniel Kasprzyk said that he was very disconcerted that he was unable to see the contract of the Town Manager. He went on to say that he was in possession of the Town Manager's current contract which expires on June 30, 2016. He said that you are renewing a contract that's only half of the way complete, there is a year and a half left on the contract, he said that he was very concerned that they were doing that. He went on to say that in the current contract Mr. Billington has a 30-day termination contract. He said that he was concerned that Mr. Billington does a lot of hard work and it would be hard to replace him in that short of time.

Vice-chair Olson said that the Maine Municipal Association can assist in finding an interim manager.

VOTE: 4 Yeas

Vice-chair Olson noted that unfinished items will be taken up at the next meeting.

Moved by Pomerleau seconded by Blanck and voted to adjourn. The meeting adjourned at 9:09 p.m. by unanimous consent.

Submitted by: _____

Clerk/Secretary