

Town Council Meeting Minutes 3/10/2015

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APPROVED BY THE TOWN COUNCIL -- DRAFT**

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, MARCH 10, 2015
STANDISH MUNICIPAL CENTER
7:00 PM**

CALL TO ORDER

The meeting was called to order by Chair Sargent at 7:05 p.m. and Pledge of Allegiance was recited.

ROLL CALL

Councilors present: Blanck, Nesbitt, Olson, Pomerleau, Sargent and Spencer.
Councilor Newbegin was excused.

MINUTES OF PREVIOUS MEETING (S)

Chair Sargent announced that tonight the Manager's budget will be presented, he explained that it will then be reviewed by the Council, then on to the Budget Committee. He said be aware that there will be changes made to this document.

The minutes of the February 10, 2015 meeting were accepted as presented by unanimous consent.

PETITIONS AND COMMUNICATIONS

The Clerk noted that a petition had been received from a number of residents on Fort Hill Road requesting that street lights be reinstalled.

REPORT OF THE TOWN MANAGER

Mr. Billington spoke on the following topics:

- Engineers working on the Cargill Beach project have submitted an application to the Department of Environmental Protection for approval of snowmobile trail as part of the project.
- It's been a tough winter, many towns are over budget for snow removal. Our Public Works Department is a little over in the line item, however, the overall budget should be fine.
- The Code Enforcement Office explains that housing starts continue to rise.
- On March 28 the Recreation Department will host a breakfast with the Eater Bunny. In addition, the Recreation Department is accepting applications for summer employment. Recreation reports that they held a successful February vacation camp; an April vacation camp is scheduled. This ice skating season has been the best ever at town's rinks. The seniors travelled to Oxford Casino, this popular trip continues to be well attended.
- Last evening a public hearing was held to solicit input for the Steep Falls sidewalk project. The sidewalk will be constructed by the county, our total financial involvement will be approximate \$51,500. There would be a \$61,000 penalty if the sidewalks are not built. He noted that the hearing was well attended.

Departmental Report – Bud Benson, Town Planner explained that the SEDAG – Standish Economic Development Advisory Group will hold their monthly meeting tomorrow at the Sensata Plant. He noted that the Family Dollar has opened. The Cargill Beach Committee has submitted an application to the DEP for approval of a snowmobile trail as part of the beach project. Mr. Benson touched on the highlights of the Steep Falls public hearing and showed a historical photo of Route 11 in which sidewalks were visible, he followed with a present day photo of the same location. He noted in the sidewalk plan some trees will be removed and replaced with smaller trees. He showed a

drawing of the area showing how the finished project will look.

PUBLIC HEARINGS

FY 2016 Municipal Budget

Town Manager, Gordon Billington explained per the requirements of the Charter this hearing is held to present the managers budget. He provided a presentation that encompassed the most recent audit information to a detailed review of the manager's budget. A hard copy of the PowerPoint presentation is filed at the end of these minutes. He highlighted the timeline of the upcoming meetings related to the budget.

Budget Committee member, Jane Cirone questioned if Saturday's meeting would be with the Finance Committee and the Council.

Gordon Billington said that it would be the full Council, and the Budget Committee would be welcome to attend. He went on to say that donation requests will be reviewed on the 16th followed by a wrap-up on the 18th.

Councilor Pomerleau announced that he was not available on Saturday.

Mr. Billington explained that a bill was introduced the legislature regarding the funding mechanism used by Frye Island relating to school funding. Representative Mike Shaw is working on Standish's behalf on this matter.

Louis Stack of Whites Bridge Road spoke to the Council regarding a tax analysis that he prepared using select information relating to the town's revenues and expenditures. He explained that according to his review of the finances, this would not be the time to increase the department heads salaries to the pre-furlough rates. He suggested that the department heads receive the same increase as the hourly employees. A copy of his analysis is filed at the end of these minutes.

COMMITTEE REPORTS

Councilor Pomerleau noted that he was unable to attend the Public Safety Committee meeting.

Councilor Pomerleau explained that the Capital Improvements Committee met this evening and reviewed bids that are on tonight's agenda.

Councilor Blanck reported that the Ordinance Committee has two ordinances that will be presented to the Council tonight. He went on to say that the committee continues to develop the Steep Falls Village Plan.

Councilor Olson re-iterated that the SEDAG group will meet tomorrow at the Sensata Plant.

Councilor Olson informed the group that she and Chair Sargent have been participating in the MSAD 6 budget process by serving as members of the Budget Advisory Committee (BAC). She went on to say that the school's budget is asking for a 14.38% increase which is 7 times the cost of inflation. She explained this includes a 5% raise for all employees across all of the unions. She said that the Board of Trustees has already ratified those contracts. She said that she made it clear to the school that this is excessive. She went on to say that they haven't presented the capital budget which is expected to be approximately \$800,000. Part of the capital costs are to correct problems with the schools sewer system. She said that the BAC is currently reviewing the supplemental budget which includes a request for funding to teach kindergartener's Chinese. She said that the Watchdog Group should be involved review of the school budget. She stated that she had questioned the school superintendent regarding the salary increases, she said that he replied that the employees were under paid. She then noted that our department heads took a 5% decrease a number of years ago. She said that she will personally do her best to get the school budget down even though they've given their employees a 5% raise. She encouraged all to attend the school budget meetings.

Councilor Pomerleau urged residents to call the school board members to let them know that we can't support a 14% increase. He said that would represent an approximate \$300 increase to an individual's tax bill.

Councilor Olson said that the BAC members were issued laptop computers to review the school budget.

Chair Sargent said the laptops are on loan to the members during the budget process.

Councilor Olson said the school board directors need to know what's going on because in her mind this is not acceptable.

Councilor Pomerleau noted that a school board member recently resigned due things that are going on.

Daniel Kasprzyk was given permission by Chair Sargent to speak at this time. Daniel Kasprzyk declared that as a school board member he is intimately involved in the budget process. He said that he served on the BAC in the past and he was the one that convinced John Sargent to serve on the BAC. He said that he wanted to clear up a few comments that were made. He highlighted the school budget process noting the BAC starts meeting in November, he said that the budget meetings of various levels are posted on the schools website. He said that people are encouraged to attend the budget meetings. He said that this week's budget meeting will review capital requests. He said that the 14% increase includes all the requests that have been presented. He said that what typically happens is the majority of items don't move forward. He said that he spoke with the superintendent today and was reassured that the increase in the budget would be approximately 5%.

Chair Sargent said that either Councilor Olson or Daniel Kasprzyk could be correct in their budget numbers because the final budget hasn't been presented. He went on to say that the point that needs to be made is that 70¢ of every tax dollar goes to the school budget. He explained that last year he attended every BAC meeting after joining the committee, he noted however, when it came to the vote of the school board on the budget he was the only member of the public present. He said that the time to ask questions on the school budget is now before the public vote.

Councilor Spencer said that the town's finances are in good order, and the committee is reviewing drafts of personal property policies.

Councilor Nesbitt cited that the Beach Committee met last month, both Mr. Billington and Mr. Benson spoke to the project tonight.

Councilor Sargent advised that the Appointment Committee met earlier and will be bringing an appointments order forward.

CONSENT CALENDAR

There were no consent items on this agenda.

UNFINISHED BUSINESS

12-15 Amendment to the Town Council Rules of Procedure [Sargent]

Councilor Olson explained that this provides clarification that in some instances to ratify a vote on a matter it requires that five votes are cast.

5.1 Enactment form. Wording and Required Majority.

Unless a greater number is required by Charter or State Law, At least four (4) votes shall be registered in favor of passage of any ordinance, order or resolution. In the case of a tie vote the item of business shall be laid on the table at the meeting and become the first item of unfinished business at the next regular meeting.

VOTE: 6 Yeas

NEW BUSINESS

17-15 Amendment to Standish Town Code, Chapter 181, Land Use, Multiple Sections, Regarding the Regulation of Medical Marijuana Dispensaries and Cultivation Facilities (Introduction) [Blanck]

Moved by Olson Seconded by Blanck and voted to dispense with the Clerks Reading of the ordinance. (Unanimous)

Councilor Blanck disclosed that the Ordinance Committee has reviewed state law and drafted this ordinance to regulate where in town such facilities can be located. The ordinance controls hours of operation, establishes stringent security requirements, and can be amended easily to comply with future state law changes.

Jane Cirone of Whites Bridge Road questioned if it regulated the distance this type of facility had to be from schools.

Chair Sargent said that it does regulate the distance to be 250 feet from certain other locations.

Isabel Higgins noticed that there seems to be conflict in the ordinance regarding the location of a marijuana facility being located within 250 feet of another marijuana facility, however, the last section of the ordinance indicates that only one facility is allowed in town.

Discussion ensued regarding this discovery and it was decided to leave the ordinance as presented.

Lisa Seal of Steep Falls questioned what is the citizens say going to be on this type of facility.

Councilor Blanck responded in saying that by state law we can't prohibit this type of facility, however, we can limit where they can be located.

Butch Seal of Steep Falls said that drugs and alcohol are not conducive to our society. He said that marijuana is a gate-way drug. It was his opinion that this should be taken seriously.

Councilor Blanck said that this is regulating medical marijuana not recreational use, which is legalized by the state.

Chair Sargent reiterated that municipalities can't supersede state law, but, they can limit where it can be dispensed. He said that this is laying the framework if a facility comes forward.

Councilor Olson remarked that the Ordinance Committee has had an active year including the recent discussions regarding firearms. She said what they learned from that was is you can't tell someone what they can or can't do specifically. She went on to compliment the committee on their efforts to establish a baseline on this type of business.

Moved Seconded and voted to move this ordinance to First Reading at the April Council meeting. (Unanimous)

18-15 Amendment to Standish Town Code, Chapter 181, Land Use, Multiple Sections, Regarding Minimum Lot Size without Public Water (Introduction) [Blanck]

Moved by Olson Seconded by Nesbitt and voted to dispense with the Clerks Reading of the ordinance. (Unanimous)

Councilor Blanck described this ordinance as a housekeeping matter to amend the definition of public water supply. He noted this adds the section General Provisions which speaks to Elderly Housing, Village Housing and street frontage requirements.

Isabel Higgins of Bonny Eagle Road expressed her confusion regarding this ordinance.

Councilor Blanck clarified that this will regulate areas where there is not public water.

Deborah Boxer asked if this was changing the lot size.

Councilor Nesbitt commented that it was not changing the lot size.

Moved Seconded and voted to move this ordinance to First Reading at the April Council meeting. (Unanimous)

19-15 Award Bid and Authorize contract for Street Sweeping [Pomerleau]

Councilor Pomerleau disclosed that we received six bids ranging from \$95 to \$225 per hour. He said that the Public Works Director met with the low bidder to inspect their equipment and determined that they can provide the service to the town.

Lisa Seal of Steep Falls asked if this was a new service to the town.

Councilor Pomerleau noted that the town has provided street sweeping services for years.

Daniel Kasprzyk questioned if the Council had the authority to offer a three year contract.

Moved by Pomerleau seconded by Nesbitt and voted to amend the order to award the bid to B & G of Portland at a rate of \$95/hr for FY 15, \$95/hr for FY 16, and \$100/hr for FY 17. (Unanimous)

VOTE ON ORDER AS AMENDED: 6 Yeas

20-15 Town Council Appointment to MSAD 6 Board of Directors [Sargent]

Chair Sargent commented that the Appointments Committee met and interviewed a candidate for the MSAD 6 and Budget Committee vacancies.

Moved by Sargent seconded by Nesbitt and voted to amend the order as follows:

ORDERED that the following appointment is made through the date given:

Michael Delcourt MSAD 6 Board of Directors June 2015

Ellen Kasprzyk Budget Committee June 2015
(Unanimous)

VOTE ON ORDER AS AMENDED: 6 Yeas

ANNOUNCEMENTS

Several upcoming meetings were announced.

PUBLIC ITEMS

MSAD 6 Board member, Daniel Kasprzyk announced a number of school related meetings that are posted on their web site. He commented that as a cost saving effort not all school budget meetings are televised, perhaps, some meetings could be broadcast if requested. He went on to explain that the school issues refurbished laptop computers to committee members while their serving on a board. He stated that the school's superintendent told him today in a phone conversation that the school budget would be increased by about 5%. He expressed that the initial budget includes a number of items that are eventually cut from the budget, he explained that the items are initially presented in an effort to offer transparency.

Councilor Olson indicated that the current budgetary information released to the BAC supports the 14% increase that she presented earlier.

Chair Sargent reported that the \$1.1 million increase is driven mostly by salary increases and insurances for the school employees. In addition, they have deferred capital items that need attention. He reiterated that if people are interested in the school budget they need to listen to the information now.

Daniel Kasprzyk advised that on the MSAD 6 website there is a posting regarding their budget forecasting of five years out. In closing, he announced upcoming school and Standish Watchdog meetings.

Councilor Spencer questioned Mr. Kasprzyk regarding him as a school board member being entourage to attend all budget workshops.

Chair Sargent questioned Mr. Kasprzyk's status on the BAC.

Daniel Kasprzyk said that he's always a representative of the BAC. He said that school board members are asked to attend the budget meetings. He said that there was a change in composition and responsibilities of school board standing committees. He explained that last year he was a delegate to that committee, he no longer holds that position. His roll now is that of finance facilities person which includes status as a non-voting member of the budget committee.

Councilor Spencer questioned if he attended the meetings.

Daniel Kasprzyk said that he occasionally attends the meetings and frequently reviews the meeting notes.

Councilor Pomerleau suggested that this was an important time for him to attend the budget meetings.

Daniel Kasprzyk replied that he discharges his elected duties as he was sworn to do. He said that he attends meetings that he's required to attend.

Chair Sargent said that he should be involved in the BAC process.

Deborah Boxer of Cole Road requested the Council take a public stand against fracking.

Councilor Olson said that our geography in Standish is not conducive to any of that drilling.

Deborah Boxer said then it shouldn't hurt us put it in writing.

Councilor Olson said that she did look into it, and to develop a law to make a statement, is not what they want to do.

Deborah Boxer questioned what steps could be taken to move forward on this matter.

Gordon Billington explained that there is a process for citizen initiative in the Charter. She can contact the Clerk for more information regarding that process.

John Hutchins suggested that they might consider installing kiosks to help get the word out on town information.

Councilor Olson said that information is on the internet or can be obtained at town hall.

Lisa Seal said that he asked that stations be set up, she hadn't answered his question.

Martha Hurd-Call said that she suggested to Mr. Billington at a recent meeting that the Council have town email addresses. She'd like an update to that question.

Chair Sargent said that they can look into the cost of initiating that program.

Lowell Weeks said that the only person that he could hear clearly is the Town Clerk.

The Town Clerk announced that nomination papers for various town offices become available on March 16.

EXECUTIVE SESSION

Moved by Sargent second by Pomerleau and voted to move into an Executive Session for the purpose of a discussion regarding a personnel matter as provided under 1 M.R.S.A. §405(6) (A), they will be joined by the Town Manager Gordon Billington and they will take no action after the executive session.

Moved seconded and voted to arise from the Executive Session. The Council arose from the Executive Session at 9:15 p.m. by unanimous consent and the meeting adjourned.

Submitted by: ____s/Mary Chapman_____
Clerk/secretary