

# Standish Town Hall

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## Town Council Meeting Minutes 8/11/2015

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**MINUTES  
TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, AUGUST 11, 2015  
STANDISH MUNICIPAL CENTER  
7:00 PM  
CALL TO ORDER**

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

### **ROLL CALL**

Councilors present: Blanck, Higgins, Nesbitt, Olson, Ordway, Pomerleau and Sargent.

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

The minutes of the July 14 meeting were accepted as presented by unanimous consent.

### **PETITIONS AND COMMUNICATIONS**

Chair Olson announced that we received a letter of resignation from Carol Gifford who has served as a Standish representative on the MSAD 6 Board of Directors. Chair Olson accepted the resignation and wished Mrs. Gifford the best of luck.

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

Chair Olson noted that the manager was not at the meeting due to illness so there will be no report this evening.

### **PUBLIC HEARINGS**

There were no public hearings scheduled for this meeting.

### **COMMITTEE REPORTS**

Councilor Ordway said that the Economic Development Committee has not met recently, however, he has spoken to members of the Standish Economic Development Group who will start meeting again in September.

Councilor Higgins commented that the Recycling Committee met to review year end reports. She said that they are looking at ways to be more efficient and better use of the silver-bullets.

Councilor Nesbitt reported that the Finance Committee met and reviewed the 2015 financials noting that we are still waiting to receive the state revenue and homestead funding. We've just started FY 16 and there are no surprises at this point.

Councilor Nesbitt stated that the Beach Committee did not meet earlier this month due to scheduling conflicts. A meeting has been scheduled for August 27 at 7 pm here at the Municipal Center to look at the operational plan. He further explained that later on the agenda there is an order to execute the agreements.

Councilor Sargent cited that the Capital Improvements Committee has met a couple of times regarding items on the agenda this evening, including road crack dealing, resurfacing the Municipal Center Parking lot, portable mobile column lifts and a dump body for truck 2.

Councilor Blanck advised that the Ordinance Committee has met a number of times to work on various items including formed based code for Steep Falls. He announced that the committee will meet twice a month to complete the ordinance.

Councilor Pomerleau remarked that the Public Safety Committee met to work on the Safety Fair project. In addition they discussed reducing the speed limit on Wards Cove Road.

Councilor Pomerleau stated that the Appointments Committee met this evening to interview a candidate whose appointment will be brought up later on tonight's agenda.

#### **CONSENT CALENDAR**

There were no Consent Calendar items on this agenda.

#### **UNFINISHED BUSINESS**

These items remained postponed until the October meeting:

**59-15 Road Acceptance Request Submitted by Shadow Woods LLC for a Portion of Woodrow Drive (Postponed to the October 2015 Council Meeting) [Olson]**

**60-15 Road Acceptance Request Submitted by James Tompson for a Portion of Lindsey Drive (Postponed to the October 2015 Council Meeting) [Olson]**

**61-15 Road Acceptance Request Submitted by JoJo's LLC for a Portion of Nature's Way and Hemlock Drive (Postponed to the October 2015 Council Meeting) [Olson]**

#### **NEW BUSINESS**

**65-15 Cast Ballot for Maine Municipal Association Vice-President and Executive Committee [Olson]**

Chair Olson informed the audience that MMA is a group that works with towns and cities in Maine on issues that relate to municipal government. She said that it is standard practice that the Town Manager execute this type of document.

The Clerk suggested that since this is due back to MMA on August 14 would they consider authorizing another individual to sign the ballot since Mr. Billington is out of the office.

Moved by Blanck seconded by Nesbitt and voted to appoint Roger Mosley as an alternate person to execute the voting ballot. (Unanimous)

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

**66-15 Town Council Appointments to Various Boards or Committees [Pomerleau]**

Moved by Pomerleau seconded by Blanck and Voted to add the name of Ken Beckwith to the order. (Unanimous)

Chair Olson noted that Ken Beckwith will serve on the Recycling Committee until June 2016.

Chair Olson noted that with the new vacancy on the School Board and other vacancies, those interested in serving the Town of Standish should contact the Town Clerk for additional information.

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

**67-15 Authorize Lease Agreements Related to John H. Rich, Jr. Memorial Beach [Nesbitt]**

The Clerk explained that the management plan document had been updated late in the process last week and she had overlook updating the order.

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

Standish Beach Management Plan – ~~June 4, 2015 Draft~~ July 6, 2015 Draft (Unanimous)

Councilor Nesbitt explained that these are the documents that the Beach Implementation Committee had been working on for some time. These versions were reviewed by Portland Water District (PWD) and they came back with

one small change to the deed description of the line of the Littlefield Beach as not to encroach on that property. He said that that Town Planner and BH2M made the correction very quickly. Next, the documents will be presented at a PWD workshop and their approval process in September. PWD wanted it to go through the Council process before their final approval. He noted that as part of the site plan the entrance gates will be relocated further down the access road. This change is fully endorsed by PWD and will not need DEP approval.

Chair Olson called for public comments – there were none.

Councilor Blanck suggested that the order be amended to provide for an alternate signer for the documents.

Councilor Nesbitt said that the execution can be at a later date.

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

Chair Olson thanked Councilor Nesbitt and the Committee for the years of effort on this project.

Councilor Nesbitt acknowledged the following persons that attended many the Beach Implementation Committee meetings or served on the committee and thanked them for their input: Mrs. Matthews, Mrs. Adriance, the Commodore and Vice-Commodore of the Boating Club, Mrs. McConnell and Mrs. Shaw both abutters.

**68-15 Award Bid and Authorize Contract for Road Crack Sealing [Sargent]**

Councilor Sargent explained that this is done on an annual basis to alleviate major repairs on our roads. Four vendor's submitted bids and it was the recommendation of the Capital Improvements Committee to accept the low bid from Shamos Sealcoating at a cost of \$17.33 per gallon.

Moved by Sargent seconded by Blanck and voted to add the name of Shamos Sealcoating at a cost of \$17.33 per gallon. (Unanimous)

Chair Olson called for public comments – there were none.

Councilor Ordway mentioned that Shamos Sealcoating is a Standish company.

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

**69-15 Award Bid and Award Bid for Resurfacing Municipal Center Parking Lot [Sargent]**

Councilor Sargent noted that this was a program that was in the budget. He reported that seven vendors came to the informational meeting, however, only two vender's submitted bids. One bid was over the budgeted amount and one came in under. Councilor Sargent said that on any project of this size there needs to be an opportunity to cover unanticipated repairs.

Moved by Sargent seconded by Blanck and voted to add the name of Shaw Brothers Construction at a cost of \$118,220 but not to exceed \$125,000. (Unanimous)

Chair Olson called for public comments – there were none.

Roger Mosley said that the start date will be after Labor Day and the project must be completed by October 15. He noted that there will be some disruption and asked for people's patience.

William Orr questioned where the funding for this was being taken from.

Roger Mosley said that it was in the 2015 budget and will be carried forward.

Philip Pomerleau of Northeast Road said that Shaw Brothers will do a great job, however, he was concerned that construction was going on during the Public Safety Fair, which would be disruptive.

Roger Mosley said that this topic had been discussed and assured them that the fair will not be affected by the repaving of the parking lot.

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

**70-15 Award Bid and Authorize Contract for Portable Mobile Lifts [Sargent]**

Councilor Sargent explained that these column lifts will allow additional maintenance to be performed on the trucks by the Public Works staff. Two bids were received, one from a local vendor providing a local service representative in the area. The other vendor submitted a higher amount and doesn't have a local service representative. He highlighted the results sheet explaining that Power Washer Sales jack stands bid was \$860, however, that's times four. The total bid from the lowest bidder Automotive Garage Tools was \$44,785.28 which is under the budgeted amount.

Moved by Sargent seconded by Blanck and voted to amend the order to add the name of Automotive Garage Tools an amount of \$44,785.28. (Unanimous)

Chair Olson called for public comments – there were none.

Councilor Ordway said that he has done business with Automotive Garage Tools. They being local, makes a huge difference and having a local representative is great because these lifts are required to be inspected annually. He said that he was initially concerned that there is enough concrete in the floor to support the lifts, he said that he was assured by Mr. Mosley that we do.

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

**71-15 Authorize Use of Town Council Contingency for Funding to Support Invasive Plant Management Grant Project [Olson]**

Chair Olson informed the audience that there were five towns in the Sebago Lake area involved in this project supporting the 20% match. She noted that the Council has not used the 2016 Contingency Account as of yet this year.

Chair Olson called for public comments – there were none.

Council Sargent said that this is money well spent.

**VOTE: 7 Yeas**

**72-15 Authorize Finance Director to issue Municipal Quit Claim Deed to Craig A. and Elizabeth M. Fader [Nesbitt]**

Moved by Sargent seconded by Nesbitt and voted to waive the reading of this order. (Unanimous)

Chair Olson explained that this type of order is done when a taxpayer who was in arrears pays the taxes up to date.

Chair Olson called for public comments – there were none.

**VOTE: 7 Yeas**

**73-15 Town of Standish Orders of the Town Council Authorizing Issue of \$1,461,746 Principal Amount of Bonds and Notes in Anticipation of Such Bonds [Nesbitt]**

The first paragraph of the order was read aloud then a motion was made to dispense with the reading.

Moved by Sargent seconded by Nesbitt and voted to dispense with the reading of the order. (Unanimous)

Councilor Nesbitt explained that this is for the bonding of the projects that were approved at the June referendum.

Finance Director, Scott Gesualdi stated that he did an informal polling of a few local banks to see if the Maine Bond Bank is competitive, from his review, the Bond Bank is a good rate.

Chair Olson called for public comments – there were none.

**VOTE: 7 Yeas**

**74-15 Waive Bid and Authorize Purchase of Dump Body/Sander for Highway Truck 2 [Sargent]**

Councilor Sargent said that the Committee looked hard at this, in the budget there is \$6,000 to rehab this truck. At the end of the season, the Public Works Department started the repairs on this vehicle. Soon after the dismantling was done allowing a more intensive inspection it was discovered that there was more structural damage than expected. He said that the long and short of it is that the cost to rehab the body is more than the cost of the stainless steel body. In either case, the amount is more than was budgeted. He said that a new stainless steel body would cost \$33,750. The used body in question also includes the calcium tanks on the side of the body. He said a steel body would be \$8,000, if they spend \$1,000 more we can get a stainless steel body.

Moved by Sargent seconded by Blanck and voted to amend the order by adding the name S.A. McLean of Limerick for \$9,000. (Unanimous)

Councilor Sargent said that we're getting a deal for this because the body was on a truck that was lost by a fire and it's a one of a kind deal.

Lowell Weeks of Hummingbird Lane thanked the Council for acting in a businesslike manner. He went on to request that they speak closer to the mics so audience members can hear their discussion.

Chair Olson thanked him for the reminder.

Lowell Weeks cited the Charter, he said that this appears to be a favorable cost, but the bid process should be followed. He said that we should not circumvent the Charter.

Councilor Sargent asked if he had seen the pictures of the truck.

Mr. Weeks replied that he had and doesn't disagree that the need is there, but the Charter should be followed.

Councilor Blanck said that we have no hold on this body, if it's sold we'll have to buy a higher priced new body.

Philip Pomerleau of Northeast Road thanked Roger for his work on this. He said that from his years of work in the automotive repair business he knows that until you take the vehicle apart you can't see how bad it is. He said that they have one shot at this deal, and there is a clause that the Council can waive the bid process.

Chair Olson called for public comments – there were none.

Councilor Higgins said that she agreed with Mr. Weeks' statements. She went on to say that the perception is, what happens in the Council, is the lack of complete explanation. She said that he makes a good point that the Charter rules are cut and dry, in this case an explanation makes it a more palatable solution to explain what the Council is doing. If the public understands why it's being done and how much is being saved it's not seen as an infraction.

Chair Olson noted that was well said – she went on to say that we can save \$24,000 by having identified a used item, that if we don't lock it down it can be sold to anyone else.

Councilor Ordway said that he agreed with Mr. Weeks that we bypass the bid process too much. He said that in this case this is probably one of the times he'll override the bid process. He said this is a good deal and Roger should be complement for providing the pictures and finding the stainless steel body. He said that he was concerned, however, that the additional \$3,000 would come from deferred maintenance on another vehicle. He continued to say that he's like to see the funding come from another source rather than maintenance.

Chair Olson cited that many of the other bids tonight came in lower than budgeted which may be helpful.

Councilor Nesbitt added that there is also the Town Council Contingency Account that could be utilized.

Roger Mosley the Director of Public Works Director said they discussed deferring the repairs to truck 8 which

probably won't happen anyways this summer. He said that the goal is to push that repair out to the spring, if we have a rough winter, we may have to wait due to unforeseen repairs to other trucks. He said that getting this done and look at other maintenance later in the year.

Councilor Sargent said when Roger presented this at Capital Improvements he brought good photos and information forward during his vacation.

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

### **PUBLIC ITEMS**

Philip Pomerleau said that he was bothered by comments made by certain members of the Town Council regarding waiving the bid process in the past. He said that he was on the Council for 15-years and he never waived the bid process unless there was a need for it. Just like tonight – there was an extremely good reason. He went on to say to come to the second or third meeting and state that the previous Council waived the bids all the time ... he said that in 15-years he might have waived the bid seven or eight times. He went on to say that each was done before the Council just like this one. To come up with the idea that we were doing something wrong by waiving the bid process is unbelievable. In the past 15-years if we saw the need to waive the bid process we did – just like was done tonight.

Council Ordway said he said that said what he would do, not what had been done.

Councilor Sargent said that the questions from the Councilors were well founded. The backup information for tonight's was explained in detail and saves money for the taxpayers. He said that the new Councilors should be commended for asking questions.

William Orr said that somewhere in the Charter there is a provision for emergency expenditures. They should use that provision rather than waive the bid. He then questioned the road orders that are postponed. It was his opinion that the roads should be dealt with next year.

Ronald Richardson of Whites Bridge Road said that the record speaks for itself, we're always in the black. He said that the mudslinging should stop.

Councilor Ordway said that he was sorry about the perception of mudslinging or attacking anybody. He said in no way did he mean to attack any previous Councilor. He said that this town has been well run, in certain circumstances such as last month when the bid was waived. He said that he's not slinging mud and he hopes that he watching out for the taxpayer.

### **ANNOUNCEMENTS**

Several upcoming meetings were announced.

Councilor Blanck said that the date of the next Ordinance Committee meeting will be announced.

### **EXECUTIVE SESSION**

An executive session was not needed at this meeting.

### **ADJOURN**

Moved by Nesbitt seconded by Higgins and voted to adjourn. The meeting adjourned at 8:10 by unanimous consent.

Submitted by: \_\_\_\_\_  
Clerk/Secretary