

**MINUTES  
TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, APRIL 12, 2016  
STANDISH MUNICIPAL CENTER  
7:00 PM**

**CALL TO ORDER**

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

**ROLL CALL**

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

Chair Olson explained that an order needs to be added to the agenda this evening to move the budget on to the Budget Committee. She noted that this action will take unanimous consent.

Moved by Nesbitt seconded by Sargent and voted to add order 41-16 moving the budget to the Budget Committee. (Unanimous)

**MINUTES OF PREVIOUS MEETING (S)**

The minutes from the March 8, 2016 meeting were approved as presented by unanimous consent.

**PETITIONS AND COMMUNICATIONS**

There were no petitions or communications presented at this meeting.

**REPORT OF THE TOWN MANAGER**

Gordon Billington introduced the MSAD 6 Superintendent and Business Manager.

**MSAD # 6 Budget Presentation** – Superintendent, Frank Sherburne explained that Standish was well represented on the BAC, he thanked the Council members that served on this committee. He highlighted a printed presentation; copies of which are available on the MSAD6 website. He said that the projected tax increase for Standish is 1.43%. He noted the cost per pupil in MSAD 6 falls well below the state average. He announced that the district is investigating infrastructure improvements to the high school including improvements to the boiler, adding science labs and classrooms at an estimated cost of \$18,000,000. Additional future capital expenditures include improvements at the Hollis School, and the waste water plant for the district needs to be updated to meet the current usage. He said that the facilities staff has done an outstanding job managing the dated system.

**Catherine's Cupboard Presentation** - Stuart Leckie of Saint Joseph's College and the Chair of Catherine's Cupboard Board of Trustees, introduced Monica Gerrish the administrator of the Cupboard. Mr. Leckie explained that the cupboard started in 2008 serving twenty or fewer families per week. Currently, the cupboard serves twenty to forty families per week. He told them the cupboard not only feeds its guests, they also offer a listening ear. He reviewed the Cupboard's statistics including neighboring town's residents that are served. Mr. Leckie noted that recently the cupboard has obtained the 501 (C) (3) status and now is governed with by-laws. He said as much as they love the space here, they will be looking for a larger space that will allow them to offer more opportunities to their guests. He said that annually it costs

approximately \$25,000 to run the cupboard. He announced that questions regarding the cupboard can be directed to Monica Gerrish at the College.

**Departmental Report** – Dan Hill did not present a report this evening.

Town Manager, Gordon Billington, spoke on the following:

- The Public Safety Department received a surplus vehicle from the Department of Forestry. He showed a picture of the vehicle when it was received, and a picture as newly refurbished by fire department personnel. The Forestry Department was so impressed by their work on the vehicle that title to the vehicle was issued to the town, the vehicle does not need to be returned to the Forestry Department as usually is the case.
- Public Works announced that the street sweeping program for this year will start up with in the next few weeks.
- The Recreation Department has started a new program for children in grades one through 5. It's a run, jump and throw event, it will take place on Tuesday afternoons ending in a state meet in Bangor later this summer.
- Recreation Summer Camp runs from June 27 to August 12. He highlighted the summer camp events and trips that are planned. He noted that there is a subsidy program for those that need assistance, guidelines apply.

## **PUBLIC HEARINGS**

### **11-16 Amendment to Standish Town Code, Chapter 252, Streets and Sidewalks, Section 252-27, Development of Roadway and Sidewalk Plans [Blanck]**

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

Councilor Blanck explained that this PACTS plan replaces the reference of the Gorrill-Palmer plan. Councilor Blanck said that this will help with future development of the roadways in Standish Village to assist in traffic control. He said that the roads in the conceptual plan are not fixed in place but are there to give future developers a general idea of where road placement will help traffic move through the area.

Chair Olson called for public discussion. There was none.

Chair Olson called for Council discussion:

Councilor Higgins said that she was not a fan of the plan. She said that she has spoken with land owners in the area – noting some have voiced concerns. She said it was her opinion that this should be voted on by the public.

**VOTE ON ORDER: 6 Yeas – 1 Nay, Higgins**

## **COMMITTEE REPORTS**

Councilor Higgins announced that the BAC was a very impressive process.

Councilor Higgins said that the Recycling Committee met to discuss the drop in the metal market, recycling numbers and a change in the fee schedule.

Councilor Higgins reminded them that bottles are still being accepted for the Bottle for Fuel Program.

Councilor Nesbitt explained that Jen DeRice at a recent Beach Committee meeting led a discussion regarding the outbuildings at the beach facility. A Beach Committee meeting is scheduled for this Thursday at 7 pm.

Councilor Nesbitt reported that the Finance Committee met and the town's expenditures and revenues are as expected. He noted licenses and permits are a little lower than expected; however excise taxes are above the expectations. He announced that there are a few quit claim deeds and an item regarding reserve accounts on the agenda this evening coming out of the Finance Committee.

Councilor Blanck said that the Ordinance Committee has met three times since the March Council meeting. He stated that order 38-16 is on the agenda tonight; and they are making progress on the Steep Falls Formed Based Code amendments. It has taken some time since the other two village's codes are being incorporated into one ordinance to make it more user friendly.

Councilor Pomerleau said that the Public Safety Committee met earlier in the month and are working on getting new flags for the three villages.

Councilor Sargent thanked the other Councilors who served on the BAC, he said that he missed a few meetings due to illness, they kept him up-to-date on the details of the meetings.

Chair Olson explained that the consent calendar items are orders that in the judgement of the Chair, do not seem likely to encounter opposition. The Chair had the Clerk read the orders by title and noted that they are voted on collectively.

## **CONSENT CALENDAR**

**26-16 Appointment of Ballot/Election Clerks [Pomerleau]**

**27-16 Appointment of Ballot/Election Clerks and Election Warden for the June 14, 2016 Elections [Pomerleau]**

**28-16 Establish Hours for Voter Registration Prior to the June 14, 2016 Elections [Olson]**

**29-16 Town Council Confirmation of Nominations to the Registration Appeals Board [Pomerleau]**

**30-16 Waive No Parking Restriction on Saco Road for Bonny Eagle Car Show [Olson]**

## **VOTE ON CONSENT CALENDAR ITEMS: 7 Yeas**

## **UNFINISHED BUSINESS**

**23-16 Amendment to Town Council Rules of Procedure (Laid on the table at the 3/8/16 meeting) [Olson]**

Chair Olson explained this amendment will provide the Clerk additional time to prepare the agenda.

Chair Olson called for public discussion:

Daniel Kasprzyk of Steep Falls questioned when can the citizens get the information on the agenda items.

Chair Olson said that they are posted before close of business the Thursday or last business day of the week prior to the meeting.

Mr. Kasprzyk said that the town offices are closed on Friday, Saturday and Sunday what can the residents do if they have a question regarding something that they've read.

Chair Olson said that residents can call their Councilor to find out what's going on, or check the web site or call the town offices on Monday.

Mr. Kasprzyk stated that he had tried a number of times in the past year to sign up for the email program that forwards minutes to residents, without success. He indicated that he had contacted Mrs. Chapman and Mr. Billington and asked if there had been a solution to that issue.

The Clerk recalled that he was having email issues, however, she was unaware of the subscriber issues he's brought up.

Chair Olson said that the matter would be looked into, she then called for the roll call vote.

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

#### **21-16 Amendment to Standish Town Code, Chapter 106, Boating, §106-5, Fees (First Reading) [Blanck]**

Councilor Blanck explained that this amendment would provide that the boat launch area does not need to be staffed on inclement or other days when the staffing is not needed.

Moved seconded and voted to move this item to Public Hearing at the May 10 Council meeting. (Unanimous)

#### **NEW BUSINESS**

#### **31-16 Call for Annual Municipal Election, Place Referendum Questions on Ballot, Authorize Warrant and call for Public Hearing for the June 14, 2016 Annual Municipal Election [Olson]**

Moved by Ordway seconded by Higgins and voted to dispense with the Clerk's reading of the order. (Unanimous)

Town Manager, Gordon Billington, explained that there will be three referendum questions presented to the voters in June. The first is for the Public Safety Department which includes a new fire engine, turnout gear and fire hydrants. The second is for the continuing development of Standish Memorial Park to add parking, improvements at Johnson Field to include upgrading it to a Little League Field and resurfacing the tennis courts. The third question is to repave the Transfer Station area which has not been done since it was constructed over 20 years ago. The third question will also fund improvements to a variety of roads. He announced that the election will be held in June.

Dan Kasprzyk said that it's great to see that the questions are presented by department, however, it was his opinion that the items such as the fire truck, turnout gear and hydrants on question constitutes bundling. He asked that they elaborate on why the questions are being presented in this way.

Gordon Billington, Town Manager, explained that they are presented to the voters by department which is the recommendation of the Capital Improvements and Finance Committees.

Walter Wasson questioned why turnout gear is on the ballot and in the budget elsewhere.

Gordon Billington said that turnout gear is replaced annual, however, he recalled that there is a large amount that needs to be replaced this year. He said that he would check further on this matter and forward the information to the Budget Committee.

Chair Olson called for additional public discussion. There was no additional public input.

Chair Olson called for Council discussion:

Councilor Sargent said that the items are by department.

Mr. Billington said that this format is consistent with the Charters requirements of the budget being presented by department.

Councilor Nesbitt recalled that the Recreation Director spoke to the resurfacing of the tennis courts and improvements to the ballfields, he questioned how did we arrive at the dollar amounts.

Gordon Billington explained that there was an engineering study done in the past, but it far exceeded the amount that we wanted to pay to make the improvements. He said that they believe that adequate improvements can be made to the ballfields with the amount of funding in the ballot question. He continued to explain that the Recreation Director is seeking grants that if obtained will help with the costs. He said that the improvement will be done in stages.

Councilor Nesbitt said that this recreation question will give access to parking in the back of the field at Standish Memorial Park on land that the town previously purchased.

Councilor Higgins questioned the land.

Gordon Billington explained that the land has already been purchased, this ballot question is regarding the access road and parking at Standish Memorial Park.

Councilor Sargent said the bulk of the funds in this question will be spent at Standish Memorial Park to enhance the access road and create safe parking. The resurfacing of the tennis courts is \$25,000 which is expected to extend the life of the courts another 10-years. The rehab to re-do Johnson field is \$9,000.

**VOTE: 7 Yeas**

### **32-16 Authorize Finance Director to Issue Municipal Quit Claim Deed to Timothy Foley [Nesbitt]**

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

Chair Olson explained that the taxes have paid on the property.

Chair Olson called for public discussion. There was none.

Chair Olson called for Council discussion:

Councilor Nesbitt explained that over \$10,000 in back taxes have been paid on this property. He that he didn't think that we would have seen this money unless we had taken the steps to sell the property.

Chair Olson gave kudos to the Finance Director and his staff for their efforts in this matter.

**VOTE: 7 Yeas**

### **33-16 Authorize Acceptance of Payment and Issue of Quit Claim Deed of Tax Acquired Property [Nesbitt]**

Moved by Ordway seconded by Higgins and voted to dispense the Clerk's reading of the order.  
(Unanimous)

Councilor Nesbitt questioned if they needed to go into executive session to discuss the bids.

Chair Olson explained that this was all public knowledge and would be discussed during the meeting.

Councilor Nesbitt explained that the town received four bids on the parcel and the Finance Committee is suggested that the bid be awarded to the highest bidder.

Moved by Nesbitt seconded by Sargent and voted to amend the order to include the name of Micah Proper as the successful bidder in the amount of \$21,600, in addition the successful bidder will pay transfer tax and deed recording fees. (Unanimous)

Chair Olson called for public discussion. There was none.

Chair Olson called for Council discussion:

Councilor Higgins said that this is a hard matter for the Council to deal with, especially if the property is occupied. She recalled that recently there was state legislation enacted by the state to deal with this type of issue and she'd like to see a workshop discussion on the law to discover other options.

**VOTE: 7 Yeas**

### **34-16 Establish Town of Standish Voting Machine and Summer Recreation Scholarship Reserve Accounts [Nesbitt]**

Moved by Sargent Seconded by Higgins to dispense with the Clerk's Reading of the order.  
(Unanimous)

Councilor Nesbitt said that for a number of years there has money set aside for a voting machine; and the Finance Department has worked with Recreation to develop an account to be used in the event a participant needs financial help to with a program. The auditors endorse the establishment of these reserve accounts.

Finance Director, Scott Gesualdi explained that the funding for the Recreation Scholarship will come from user fees.

Chair Olson called for public discussion. There was none.

Chair Olson called for Council discussion. There was no additional Council discussion.

**VOTE: 7 Yeas**

### **35-16 Acceptance of Street Name – Coyote Drive [Olson]**

Chair Olson explained that when a developer presents a street for acceptance it goes through a review by town departments. This street name has been reviewed by the departments and meets the addressing naming requirements.

Chair Olson called for public discussion. There was none.

Chair Olson called for Council discussion. There was none.

**VOTE: 7 Yeas**

### **36-16 Acceptance of Street Name – Harolds Way [Olson]**

Chair Olson explained that when a developer presents a street for acceptance it goes through a review by town departments. This street name has been reviewed by the departments and meets the addressing naming requirements.

Chair Olson called for public discussion. There was none.

Chair Olson called for Council discussion. There was none.

**VOTE: 7 Yeas**

### **37-16 Authorize Letter to MaineDot for Change to Speed Limit on Route 113 in the Vicinity of Steep Falls Village [Blanck]**

Councilor Blanck noted that he was contacted by residents in the Steep Falls area describing the safety issue that is caused by the speed and increased traffic in the village area. We are requesting that MDOT provide a traffic study in this area.

Chair Olson called for public discussion:

Dan Kasprzyk said he was familiar with the area in question and applauded their effort in this matter.

Chair Olson called for Council discussion:

Councilor Sargent explained that this letter will be sent to MDOT, however, it may take some time before their findings are forwarded to the town.

Councilor Ordway asked if there were any survey results from the electronic sign.

Councilor Black said that a speed survey will be done on Main Street once the construction is completed.

### **VOTE: 7 Yeas**

### **38-16 Amendment to Standish Town Code, Chapter 181, Land Use, Section 181-7.1, Form Based Code Village District (FBCVD) (Introduction) [Blanck]**

Moved by Ordway seconded by Sargent to dispense with the Clerk's Reading of the order.  
(Unanimous)

Councilor Blanck said that is one of items that the Ordinance Committee has been working on and came to the forefront rather quickly and it has undergone legal review. He explained that when the town initially incorporated the Form Based Code requirements it was impossible to foresee all potential land uses. He said that this modification will allow indoor recreation and limited outdoor recreation. He continued to explain that we want to be business friendly, if passed, the first beneficiary will be Papa's Ice Cream who plans to construct a miniature golf course on the back of the property. He said that this will not change the look of the business from the street view, but will allow additional uses of the land.

Chair Olson explained the town's legislative process regarding ordinance amendments.

Chair Olson called for public discussion. There was none.

Chair Olson called for Council discussion:

Councilor Higgins commented that zoning has its issues and anything that makes it business friendly is positive thing in her mind.

Councilor Nesbitt said that the Ordinance Committee is reviewing the other villages to see where it best fits those locations. He said that this amendment includes allowing the recreation activities in Town Main and Town Avenue standards, he said that he would entertain an amendment to include recreation activities to be permitted in the Town Gateway standards.



Moved by Nesbitt seconded by Sargent to amend the ordinance amendment to include indoor amusements and recreation to the Town Gateway standards (The Council noted that the Planner would make the administrative changes for them.)

Chair Olson called for public discussion on the amendment:

Ellen Kasprzyk asked that they explain the various street categories.

Councilor Nesbitt explained that the different street types have degrees of use which make a road or street more pedestrian or vehicle friendly depending upon the use.

Chair Olson called for Council discussion regarding the amendment:

Councilor Blanck said he didn't want to see this tabled because the miniature golf season is upon us.

Chair Olson called for the vote on the amendment.

Moved by Nesbitt seconded by Sargent to amend the ordinance amendment to include indoor amusements and recreation to the Town Gateway standards (The Council noted that the Planner would make the administrative changes for them.) (Unanimous)

### **VOTED TO MOVE THIS TO FIRST READING AT THE MAY COUNCIL MEETING – 7 Yeas**

#### **39-16 Resolution Proclaiming May 21, 2016 as Blue Star Salute Day [Town Council]**

Chair Olson called for public discussion.

Dan Kasprzyk spoke on behalf of the Kiwanis Club. He spoke highly of the American Legion post members. He went on to cite a recent post event where they honored a World War II veteran, Mr. Kinney, by acknowledging his service to our country. He said that there are many events planned for the day and encouraged all to attend.

Chair Olson called for Council discussion:

Councilor Ordway explained that Mr. Bernard Kinney is the father of Representative Jon Kenney, he went on to say that he too attended the ceremony.

### **VOTE: 7 Yeas**

#### **40-16 Amendment to Fee Schedule – Adopt fee for Replacement Transfer Station Sticker [Higgins]**

Councilor Higgins explained that this fee will be charged if a resident who has purchased a current year transfer station sticker, but trades or sells their vehicle and cannot surrender the current sticker, the resident will now be charged a \$5 fee.

Chair Olson called for public discussion. There were none.

Chair Olson called for Council discussion. There were none.

## **VOTE: 7 Yeas**

### **41-16 Forward Fiscal Year 2017 Budget to the Budget Committee [Olson]**

Chair Olson commented that having the Budget Committees attend the Council budget meetings works very well in making the process works smoothly.

Budget Committee Chair, Jane Cirone announced that their first meeting this year will be tomorrow night at 6:30 pm and noted that interested persons are welcome to attend the meeting. Additional meetings will be scheduled at tomorrow night's meeting and they will make notifications.

Chair Olson called for public discussion. There were none.

Chair Olson called for Council discussion. There were none.

## **VOTE: 7 Yeas**

### **PUBLIC ITEMS**

Dan Kasprzyk read a letter he wrote regarding term limits and the ability of certain candidates to run for office based on a legal opinion that the Town recently received. A copy of the letter is on file at the end of these minutes.

Councilor Nesbitt responded to points in the letter, offering to meet with Mr. Kasprzyk and discuss the matter and his interpretation of the Charter term limits provisions.

### **ANNOUNCEMENTS**

Several upcoming meetings were announced.

- A drug drop off day will be held on April 30 from 10 am – 2 pm here at in the dispatch lobby.
- Neuro Restorative Group which is housed in the Sensata will hold an event this coming Saturday to raise awareness of their organization.

Councilor Higgins applauded the work that the Neuro Restorative Group does for patients needing their services and bringing awareness to preventative measures.

### **EXECUTIVE SESSION**

An executive session was not needed at this meeting.

### **ADJOURN**

Moved seconded and voted to adjourn. The meeting adjourned at 8:35 pm by unanimous consent.

Submitted by: May Crisp  
Clerk/secretary

Daniel Kasprzyk  
PO Box 156,  
Steep Falls, Maine 04085

April 12, 2016

Standish Town Council  
175 Northeast Road  
Standish, Maine 04084

**RE: Term Limits, and the Will of the Voters in the Town of Standish.**

Councilors,

On November 4<sup>th</sup>, 2014 Standish voters expressed their opinions loud and clear by voting in favor of term limits for Town Councilors. This Charter amendment was passed in an election boasting the highest voter turnout in Standish since 2008, and it passed not once, but twice since voters were presented with 2 separate term limit charter amendments.

I recently learned that in response to a telephone conversation between Town Manager Gordon Billington, Town Clerk Mary Chapman, and Town Attorney William Dale, that an opinion regarding the proper interpretation of these Town Charter Amendments was requested.

After reviewing the attorney letter from Mr. Dale, it was not a surprise to see Mr. Dale's interpretation that an official appointed to a "term" on council two weeks after an election would take that appointee out of the intended "consecutive" periods detailed in the Charter amendments. After all, Attorney Dale represents the Town of Standish. Additionally, Town Manager Billington, Town Chair Olson, Councilor Blanck, Councilor Sargent, and Councilor Nesbitt have publicly stated disapproval of term limits, and most even campaigned against the amendment referendums in 2014.

As one of the 5 initial petitioners who brought this citizen driven charter amendment forward, I can say unequivocally that Attorney Dale's interpretation is not in accordance with the intent of these amendments. According to Attorney Dale, one would only have to resign their term a few weeks before it ends, or have council wait 2 weeks after an election before an appointment – thus allowing that candidate to remain in office indefinitely.

In my opinion, following Attorney Dale's interpretation would amount to nothing more than using a loophole to skirt the true intention of our Charters term limit amendments. I also believe, that should the Town Council allow this to occur, they would be violating the Charter, and will of the voters in our town.

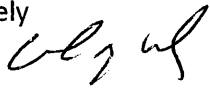
It has come to my attention that Councilor Nesbitt has taken out papers to run for a seat on Town Council. As a reminder, Mr. Nesbit has already been appointed on 2 consecutive instances, or two consecutive terms. I believe that allowing Mr. Nesbitt to continue in this manner would be a dis-service

to him. Should Mr. Nesbitt be allowed to submit these completed papers, and should litigation against Mr. Nesbitt proceed, a ruling in favor of upholding the true intent of these charter amendments would result in Mr. Nesbitt facing forfeiture and disqualification of his current office in accordance with Section 202.C(1.)(b) *"A councilor shall forfeit his/her office if he/she... violates any express prohibition of this Charter."*

Now is the time for the Town Council to do the right thing. Please honor the will of the voters. Prove to the voters and residents in Standish that you respect and listen to them.

Thank you for your time.

Sincerely

A handwritten signature in black ink, appearing to read 'Daniel Kasprzyk', written in a cursive style.

Daniel Kasprzyk  
Resident, registered voter, and taxpayer