**MINUTES**

**TOWN COUNCIL MEETING**

**STANDISH, MAINE**

**TUESDAY, JUNE 7, 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**

**Councilor’s present:**

Blanck, Higgins, Nesbitt, Olson, Ordway, Pomerleau and Sargent

**MINUTES OF PREVIOUS MEETING (S)**

Moved, seconded and voted to make the following corrections to the minutes from the May 10 meeting:

 **Page 2** – Councilor Pomerleau explained that they held a short meeting where the committee placed the flag order.

 **Page 3 -** Councilor Sargentsaid that the Frye Island residents were not trying to get out of paying taxes they just would like to have the funding formula looked at.

 **Page 3 -** Councilor Nesbitttold them that them that the Finance Committee met yesterday. He reminded them that taxes ~~dare~~ are due on May 16.

After these amendments were made the minutes from the May 10 meeting were accepted by unanimous consent.

**PETITIONS AND COMMUNICATIONS**

State Representative Lester Ordway read a sentiment from the 127 Legislature of the State of Maine acknowledging the 68 year marriage of Warren and Evelyn Shaw.

**REPORT OF THE TOWN MANAGER**

**Departmental Report –** Dan Hill – Code Enforcement Officer reviewed provisions of the Shoreland Zoning Ordinance highlighting what residents need to submit to his office when making improvements to property in the Shoreland Zone.

Councilor Higgins questioned if this information was available online.

Dan Hill explained that our ordinances are all online.

Councilor Nesbitt said applicants should hire a professional architect or engineer to help them through the process.

Councilor Higgins asked when the Shoreland Zoning ordinance was last changed.

Dan Hill said that the ordinance was changed approximately two and half years ago.

Gordon Billington spoke on the following items:

* Acres of Wildlife has an application before the Planning Board. He noted that several structures were built at the facility without obtaining building permits. Meetings have been held with the owners to discuss the matter, he said that it is his opinion that a contract zone may be a solution for them. He said that currently the town has requested that they submit a plan with an engineer’s stamp showing all the newly constructed buildings since the year 2000. Once that’s done, a building permit will be issued for each building then it will be inspected before it can be occupied. He said that the facility is cooperating with the town to get this information brought forward. Eventually, the contract zone amendment will come before the Planning Board and Town Council for consideration.
* The Steep Falls sidewalk project is complete, one section is a little higher than it should be, discussions have taken place as to whether it needs to be corrected. Grant funding had been obtained to assist with this project.
* Grant funds are available to extend the Mountain Division Trail to Sebago Lake Village. Wright Pierce previously had done work on this project and has offered to update the existing plan *pro bono.*
* The Standish Summer Spectacular will include Chandlers Band this year, funding for this will be shared by the American Legion and the Town.
* Unfortunately, the summer recreation program is full and cannot accept additional attendees. This year the school will be providing free breakfast and lunch to all campers participating in the program this summer.
* The Public Safety Department is losing a dispatcher, hopefully it will be filled from within the Fire Department. In addition, the Animal Control Officer is retiring after two decades of service to the Town. Two individuals on staff are trained to take over the animal control duties.
* A new ambulance should be delivered next week and be on display during the town meeting so residents can see what they’ve purchased in last year’s bond.
* The Marine Reserve Unit broke ground last Thursday at the town beach. They’ll have eight people rotating out every two weeks providing training to the new recruits. The Public Works Department will provide supervision throughout the summer. The area will be posted as a construction zone so only authorized personnel will be allowed to enter the area for the time being. The Reserves are staying at St. Joseph’s College and utilizing the food service there. There is a bivouac site at the beach where two of them stay overnight to guard the equipment. There are discussions to have the Guard help us the Memorial Park project do build the road, parking area and fields. He noted that their help will make our funding go further.

Mr. Billington explained that a number of years ago the Town Manager of Gray, Mitchell Berkowitz, contacted him regarding a Councilor from Gray that had moved to Standish. Mr. Berkowitz said that it would be like getting your own in-house financial management consultant, in Lynn Olson. Mr. Billington presented a plaque to Mrs. Olson for her years of service to the town.

Chair Olson thanked him went on to say that she has been associated with other towns, she wanted the citizens to know that this town is extremely well managed, the balance sheet is healthy, and the staff is excellent.

**PUBLIC HEARINGS**

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

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

Councilor Blanck explained that when the Form Based Code was written there was no way of knowing all the possible uses for certain properties. He noted that the owner Papa’s Ice Cream would like to put in a miniature golf facility on the back of his property. This amendment would allow indoor and outdoor recreational activities.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was none.

After a Public Hearing without further public or Council discussion the Council voted on the amendments and the Public Hearing was closed.

**VOTE: 7 Yeas**

**51-16 Application Submitted by St. Joseph’s College for Renewal of a Malt, Spirituous and Vinous Restaurant License [Olson]**

Chair Olson explained that the application was complete.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion:

Councilor Ordway asked for an update regarding the number of emergency calls that have gone to the college for alcohol related incidents.

Gordon Billington said that they have cleaned up their act. Whatever they’re doing to train the students is working.

Councilor Ordway said that’s what he wanted to hear.

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

**VOTE: 7 Yeas**

**COMMITTEE REPORTS**

Councilor Ordway announced that MSAD 6 held their budget hearing and the voters will have the opportunity to vote on the validation referendum on June 14. He mentioned that attendance was up at the budget hearing, there was 73 attendees on a 41 million dollar budget, he said that it was up from the 58 voters last year, but he’d like there to be better voter turnout.

Councilor Higgins agreed with Mr. Ordway’s comments, she too would like to see better voter turnout. She went on to encouraged residents to recycle and to remember to donate bottles and cans to the Bottles for Fuel Program.

Councilor Nesbitt noted that the Beach Committee met at the end of May by holding a site walk at the beach. The Committee was excited to see the work that has been done. He said that another site walk will be scheduled in July.

Councilor Nesbitt said that the Finance Committee met yesterday. The town’s finances are looking good, taxes are coming in, he was concerned that we would not meet the estimate for licenses and permits, excise tax collections was through the roof this month. He went on to say that it does not appear that any departments will be overdrawn this year. He said that there a number of orders on the agenda this evening from the Finance Committee.

Councilor Sargent said that the Capital Improvements Committee has several items on the agenda this evening.

Councilor Blanck said that the Ordinance Committee met and are in the process of finishing up the Form Based Code changes for Steep Falls Village. They have done a number of read throughs, the last thing to be done is to update the reference diagrams, then on to legal review before coming to the Council.

Councilor Pomerleau said that the Public Safety Committee met yesterday, at the meeting Deputy Brown noted that new VIP’s were training; Chief Caron requested that they help with customer appreciation event at Colonial Market Place in August; and the committee is gearing up for the Safety Fair in October. There will not be a Public Safety meeting in July.

Councilor Pomerleau explained that the Appointments Committee met today and will interview applicants in July.

**CONSENT CALENDAR**

Chair Olson explained that the Consent Calendar are voted on collectively. She requested that the Clerk read the titles of the orders.

**52-16 Town Council Appointments to Various Boards and Committees [Pomerleau]**

**53-16 Confirmation of Town Manager’s Appointment of the Director of Public Safety [Pomerleau]**

**54-16 Confirmation of Town Clerk’s Appointment of Election Warden [Pomerleau]**

**55-16 Approve Waste Haulers Licenses [Olson]**

Chair Olson called for public discussion: There was none.

Moved by Ordway seconded by Sargent to take the items collectively.

Chair Olson called for Council discussion:

Councilor Pomerleau said that she would abstain from voting on these since her son is the Fire Chief.

Councilor Nesbitt questioned the town auditor’s appointment, he thought that an RFP was going to be sent out on audit services.

Scott Gesualdi said that the firm has already started field work, it’s too late at this point.

Councilor Sargent suggested that orders 52-16, 54-16 and 55-16 are on the Consent Calendar and voted on collectively, then Order 53-16 could be voted on separately.

Councilor Ordway amended his motion to include orders 52-16, 54-16 and 55-16 are on the Consent Calendar and order 54-16 separately. (Unanimous)

**VOTE ON orders 52-16, 54-16: 7 Yeas**

**VOTE ON ORDER 55-16: 6 Yeas – 1 Abstain, Pomerleau**

**UNFINISHED BUSINESS**

There was no unfinished business at this meeting.

**NEW BUSINESS**

**56-16 Approve Warrant for Annual Town Meeting [Olson]**

Chair Olson noted that the Annual Town Meeting will be held on Saturday, June 18 beginning at 9 am.

Mr. Billington said that this is an annual requirement to pass the budget by voter approval. He noted that the warrant includes an article to accept gifts, to exceed the L.D. 1 provisions if necessary and an article the overage of three departments.

Councilor Sargent asked that he disclose the amount of the department overages.

Mr. Billington noted that Building Maintenance was over by $140; Public Safety was over by $9,899; and Public Works was over by $2,440.

Councilor Nesbitt explained that there are notes in the warrant to explain the overages.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was no additional Council discussion on this order.

**VOTE: 7 Yeas**

**57-16 Award Bid and Authorize Contract for Removal of Clean Wood/Brush Waste and Wood Demolition [Sargent]**

Councilor Sargent explained that Capital reviewed the bids, there was only one bidder for this service and we’ve used this company in the past.

Moved by Sargent seconded by Ordway and voted to add the name of Marshal’s Grinding to the order. (Unanimous)

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

**58-16 Award Bid and Authorize Contract for Gravel Materials for the John H. Rich and Doris Lee Rich Memorial Beach Project [Sargent]**

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

Councilor Sargent said that there was five bidders for this bid and they are awarding the bid to Leavitt Earthworks in the amount of $81,200. He said that they were the low bidder and have done work for the town in the past.

Moved by Sargent seconded by Ordway and voted to add the name of Leavitt Construction to the order. (Unanimous)

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was no additional Council discussion on this order.

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

**59-16 Award Bid and Authorize Contract for Paving of Moody Road and Standish Neck Road Rehabilitation Projects [Sargent]**

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

Councilor Sargent explained that this bid is for paving and resurface work, we received four complete bids and one incomplete bid. He said that Committee has selected the low bidder FR Carroll of Limerick for $268,984. (Unanimous)

Moved by Sargent seconded by Ordway and voted to add the name of FR Carroll to the order at the bid price of $268,984. (Unanimous)

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was no additional Council discussion on this order.

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

**60-16 Acceptance of Donation of Real Property from Stuart and Tara Hill to the Town [Olson]**

Town Manager, Gordon Billington explained that this is a vacant piece of land located on Route 113. He said that there are no encumbrances, however, our attorney will review the matter to make sure that there are no environmental issues with the property. This would be a gift to the town.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was no Council discussion on this order.

**VOTE: 7 Yeas**

**61-16 Amendment to Town of Standish Towing Policy [Olson]**

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

Chair Olson noted that this a change to a town policy regarding commercial towing services. She said that basically they have to register with the town, this will put them on a rotation list to be called when needed. Chair Olson highlighted changes to the policy noting that is becomes effective immediately upon adoption.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion:

Councilor Nesbitt recalled that there was some question regarding the statute citing in the policy.

Councilor Ordway said there is no Title 29 it is Title 29 A, he went on to say that is a simple change the Chief can make.

Councilor Higgins spoke to *Section 4* which requires the cleaning of the accident area, she wanted to make sure that was always done.

**VOTE: 7 Yeas**

**62-16 Receive Gift from Ecomaine’s Sale of Material Handling Site and Place in Dedicated Reserve for Economic Development and/or Public Infrastructure [Olson]**

Gordon Billington explained that in 1989 member towns joined with RWS to develop a material handling site in Gorham. The agreement was to share the cost of the site including the purchase and management of the site. The original agreement had a 20 year sunset clause which included that upon sale of the property the proceeds would be split evenly between the towns, he said that the sunset clause made the original agreement null and void since the sale just recently occurred. It then became the decision of Ecomaine of what to do with the proceeds from the sale. Mr. Billington said that he wrote a letter to Ecomaine citing reasons why member towns should receive a portion of the proceeds. Ecomaine decided to split the proceeds between the original participants of the agreement.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was no Council discussion on this order.

**VOTE: 7 Yeas**

**63-16 Authorize Amendments to Personnel Policy [Olson]**

Chair Olson explained that the Personnel Committee meets annually with employees as part of the budget process. These were two of the items that were brought forward. She said that it will help in the hiring of experienced department heads, and upon retirement, employees can buy-out some sick time.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion:

Councilor Nesbitt said that he was not in favor of the sick time pay out. He said that employees can accrue 120 days of sick time, in some cases an individual may be paid for up to 60-days of time when they leave. He noted to him sick time is the benefit, it’s not something to accrue to take when you retire. He said that there is a ten or more years’ requirement of employment, however, he still did not support the amendment.

Chair Olson said that the committee discussed this and hoped that employees would take this into consideration rather than going to work for another town.

Councilor Higgins agreed with Councilor Nesbitt’s comments, in fact she said that she was surprised to hear it had been negotiated with the employees. She said that in terms of the budget it could represent a huge amount. She too did not support this amendment.

Councilor Sargent said that this personnel policy amendment came up prior to the budget process in December in the annual meeting with employees. One of the things that was brought up was about retirement. He explained that they looked at other towns in the area, noting that some towns allow taking the entire amount of accrued time upon retirement. He said that the committee reviewed the information and decided that it would be 50% accrued rate with at least ten years of service required. He said that this matter was discussed in executive session and a consensus was reached.

Councilor Nesbitt said that he did not agree with the amendment at that time, he said it was more of a straw poll in his opinion that let it move forward.

Moved by Nesbitt seconded by Higgins and voted to remove the following wording: Employees with ten or more years’ service shall be entitled to a buyout of 50% of accrued sick time upon retirement.

(3 Yeas, Higgins, Nesbitt and Pomerleau – 4 Nays, Blanck, Olson, Ordway and Sargent)

Councilor Ordway said that he sits on the Personnel Committee and they didn’t decide on this matter they decided to bring it forward, which is what they are doing now.

**VOTE ON ORDER: 4 Yeas – 3 Nays Higgins, Nesbitt and Pomerleau**

**64-16 Receive List of Delinquent Personal Property Accounts from Finance Director as Required by the Personal Property Tax Collection Policy [Nesbitt]**

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

Councilor Nesbitt stated that this is the second phase in the process regarding delinquent personal property taxes. A letter was sent to the taxpayers letting them know that if the taxes were not paid the unpaid amount may be sent to small claims court. He noted that a few individuals have paid what was due, so the list has shrank. He explained that if this order is approved tonight it will allow the accounts to go to small claims court.

Chair Olson noted that Brian Bailey has paid the taxes that were due so his name should be removed from the list.

Moved by Nesbitt seconded by Higgins to remove the name of Brian Bailey from the order. (Unanimous)

Councilor Blanck said that he wanted it to be clear that these were personal property taxes owed by businesses.

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

Moved by Nesbitt seconded by Ordway and voted to take the next two orders with one vote. (Unanimous)

Councilor Nesbitt announced regarding the next two orders the property owners have paid their taxes up to date and this action will issue a quit claim deed to them.

Chair Olson congratulated the Finance Department for their diligent work on these matters.

**65-16 Authorize Finance Director to Issue Municipal Quit Claim Deed to Brandy Frank [Nesbitt]**

**66-16 Authorize Finance Director to Issue Municipal Quit Claim Deed to Michelle Tripp [Nesbitt]**

**VOTE ON ORDERS 65-16 and 66-16: 7 Yeas**

Councilor Sargent questioned since the next several orders are of a similar topic, if they could be taken together.

Councilor Nesbitt said that they needed to be voted on separately, although the last four could be combined as one group.

**67-16 Authorize Sale of Tax Acquired Property – 174 Saco Road - Map 2 Lot 44 Sub C [Nesbitt]**

Councilor Nesbitt said that this property was on our list last year, the individual had submitted a payment proposal, made a payment in February and then stopped making payments. The Finance Department has attempted to contact this owner, but has not received a response. He said as tough as this is, it needs to be done to move the process forward.

Councilor Blank questioned what is the amount of the taxes that are due?

Councilor Nesbitt said the accrued amount as of now is $1,823.24.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was no additional Council discussion on this order.

**VOTE: 7 Yeas**

Chair Olson directed the clerk to read the orders by title only since the wording is identical.

**68-16 Authorize Sale of Tax Acquired Property – 70 Ossipee Trail East - Map 10 Lot 64 [Nesbitt]**

Councilor Nesbitt explained that this is a new property to the list. It’s a commercial property located in Standish Corner District. Currently it is three year in the arrears, with approximately $13,000 due in taxes. The Finance Department has made several attempts to contact the owner with no response.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was no additional Council discussion on this order.

**VOTE: 7 Yeas**

**69-16 Authorize Sale of Tax Acquired Property – 744 Richville Road - Map 13 Lot 80 Sub A [Nesbitt]**

Councilor Nesbitt said that this property was almost put on the list last year, both of the owners have passed away. A relative has moved in and promised to pay a monthly payment, they paid once and then stopped. He said that over $15,000 in taxes are due on this property.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was no additional Council discussion on this order.

**VOTE: 7 Yeas**

**70-16 Authorize Sale of Tax Acquired Property – Fort Hill Road - Map 14 Lot 78 [Nesbitt]**

Councilor Nesbitt said that this is new on the list this year. He explained that there is approximately $800 due in taxes. This is a vacant piece of property and a back lot. Attempts have been made to contact the owner with no response.

Councilor Higgins asked if there was a dwelling on the property.

Councilor Nesbitt said it is a vacant lot.

Councilor Higgins asked how long had the taxes been due.

Councilor Nesbitt said that they are past due for three years.

Councilor Sargent questioned if this was land locked.

Councilor Nesbitt confirmed that it is land locked.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was no additional Council discussion on this order.

**VOTE: 7 Yeas**

Chair Olson explained that one person is one owner of the next four properties.

Moved by Nesbitt seconded by Sargent and voted to take the next four orders with one vote. (Unanimous)

**71-16 Authorize Sale of Tax Acquired Property – 130 Suckerbrook Road - Map 47 Lot 7 [Nesbitt]**

**72-16 Authorize Sale of Tax Acquired Property – 133 Suckerbrook Road - Map 47 Lot 10 [Nesbitt]**

**73-16 Authorize Sale of Tax Acquired Property – 124 Suckerbrook Road - Map 47 Lot 15 [Nesbitt]**

**74-16 Authorize Sale of Tax Acquired Property – 121 Suckerbrook Road - Map 47 Lot 15 Sub A [Nesbitt]**

Councilor Nesbitt explained that some these properties are very small and only one has a dwelling. The property owners mailing address is out of state so this is not their primary home. He said that the amount due of the four proprieties is a significant amount.

Chair Olson called for public discussion: There was none.

Chair Olson called for Council discussion: There was no additional Council discussion on this order.

**VOTE ON ORDERS 71-16, 72-16, 72-16 and 74-16: 7 Yeas**

**PUBLIC ITEMS**

Micah Proper a resident of Hollis and the recent successful bidder on a piece of tax acquired property explained that he was unable to close on the property due to a number of issues. He highlighted the issues: there was tax lien from the State of Maine regarding Maine Care for $105,000 and title insurance couldn’t obtained because there are heirs to the property. He asked that they consider refunding the deposit because of the issues with this tax acquired sale.

Chair Olson said the town obtained a legal opinion regarding this issue which confirmed that it is the purchaser’s risk not the towns. She said the legal opinion also cited if the property does not close within the 30-day period the deposit would be retained by the town. She went in to say that if the town did refund him, the precedence that would be set would be dangerous. Noting that purchasing tax acquired property is buyer beware.

Mr. Proper said that they did try during the 30-day period to move forward, he said that there is a provision of a quiet title that the town could obtain that would quiet future claims on the property.

Councilor Higgins said that she sympathizes with Mr. Proper, she agreed that we’re not in the real estate business, but perhaps we should look at a longer term, maybe sixty days instead of thirty days to give the bidder more time to deal with the sale.

Councilor Sargent said during his time on the Budget Committee and Town Council, this is the first time to his knowledge that there has been an issue with a tax-acquired property sale. The town issues a quit claim deed and that’s known at the beginning of the process.

Councilor Blanck said that he agreed that thirty days is too short a time period to get through issues that may come up.

Mr. Billington said that this will not go out to bid again for a while, Mr. Proper could continue to work on getting things in line and come back to the Council for further discussion. Mr. Billington said that proper notification was sent, it was his opinion that the heirs do not have standing.

Councilor Ordway explained that this was his last council meeting and he wanted to thank the voters for electing him to this one year term, he said that it’s been a pleasure to serve. He went on to thank the Council for their friendship and wisdom.

**ANNOUNCEMENTS**

Several upcoming meetings were announced.

Chair Olson stated it’s been a great six years on the council.

**EXECUTIVE SESSION**

An executive session was not needed at his meeting.

**ADJOURN**

Moved by Ordway seconded by Blanck and voted to adjourn. The meeting adjourned at 8:25 p.m. by unanimous consent.

Submitted by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Clerk/Secretary