

Standish Town Hall

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Town Council Meeting Minutes 7/10/2012

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, JULY 10, 2012
STANDISH MUNICIPAL CENTER
7:00 P.M.**

CALL TO ORDER

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

ROLL CALL

Present: Olson, Pomerleau, Sargent, Spencer and Stack

Excused: Blanck and Tompson

MINUTES OF PREVIOUS MEETING (S)

Councilor Olson noted that on page 3 of the June 5 minutes the word "is" was omitted from the following sentence:

Chair Olson said that this is the annual renewal process on these applications.

The minutes from the June 5th and 16th were adopted as corrected by unanimous consent.

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting.

REPORT OF THE TOWN MANAGER

Gordon Billington spoke on the following:

- Announced that there is a job opening in the Town Clerks' Office. Interested persons can send their cover letter with resume to Mary Chapman.
- The Baldwin Selectman recently approved an agreement with the Town of Standish whereby we will be providing ambulance service throughout Baldwin. They will be paying us a little over \$11,000 annually for the service. We will also have the authority to bill the clients that are transported for the services that they receive.

PUBLIC HEARINGS

67-12 Closing of Roads for Winter Maintenance – Middle and Moody Roads [Spencer]

Town Manager, Gordon Billington said that this order is done every ten years as provided under state law. These two roads have been closed for winter maintenance for decades.

Councilor Stack noted that the wording needed to be added regarding the length of the closure on the order for the Moody Road.

The Clerk said that she would correct the wording while they were in Executive Session.

After a public hearing without additional public or council discussion, the council voted on the order and the hearing was closed.

VOTE: 5 Yeas

COMMITTEE REPORTS

Councilor Olson said that the Sebago Lake Village Advisory Committee will meet on Wednesday, July 18 at 7 pm to discuss the draft report. She invited persons interested in the process to attend the meeting.

Councilor Pomerleau said that the Capital Improvements Committee met to review phone system bids, they also looked at future road work on Manchester and Emery Roads.

Councilor Pomerleau noted that the Public Safety Department held their awards ceremony a few weeks ago.

CONSENT CALENDAR

There were no consent items on this agenda.

UNFINISHED BUSINESS

29-12 Amendment to Standish Town Code, Chapter 181, Part 1 Zoning, §181-7.1 Standish Corner District (Referred to Ordinance Committee at the June 5 Meeting) [Stack]

Chair Spencer stated that this item will remain at the Ordinance Committee.

60-12 Amendment to Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Tables of Maximum Levels of Assistance as Provided by the Maine Municipal Association (First Reading) [Blanck]

Moved seconded and voted to move this item to Public Hearing at the August meeting of the Council.

VOTE: 5 Yeas

61-12 Award Bid and Authorize Contract for Services to Construct an Expansion to the Public Works Garage (Postponed at the June 5 Meeting) [Pomerleau]

Moved by Olson seconded by Sargent and voted to indefinitely postpone this item since the referendum question failed.

VOTE: 5 Yeas

NEW BUSINESS

68-12 Town Council and Town Council Chair Appointments [Spencer]

Chair Spencer noted that the PWD Steering Committee has asked that the former Beach Committee members be appointed to the new committee. She explained that the committee will also be comprised of a Capital Improvements member, Recreation Committee member, Portland Water District representative and a member from the Sebago Lake Boating Club. She said that since there are three members of the Council serving as representatives of the PWD Steering Committee there is probably not the need of another member of the Council to serve from the Capital Improvements Committee.

Councilor Stack suggested that since Councilor Blanck is on both the PWD Steering and Capital Improvements Committee perhaps he could fill the CIP position on the Beach Committee.

Chair Spencer questioned who would like to serve on the Economic Development Committee.

Councilor Olson said other than general up-dates there is not a specific agenda for this group. She noted that the Economic Development map needs to be updated, after that, maybe the committee could be on-call, if that was the case she would sit on the committee.

Chair Spencer announced that the Economic Development Committee would be comprised of Phil Pomerleau, Lynn Olson and Karen Tompson.

Councilor Stack noted that there were members of the Boating Club here tonight that may be able to suggest a name to us to be appointed to the Beach Committee.

Councilor Olson called for a Point of Order, she noted that the Beach Committee Appointment was the next order.

Gordon Billington said that he thought that there would be an appointment to Pacts – Portland Area Comprehensive Transportation Systems as well.

The Clerk said it was her mistake not including that information on the order.

Moved by Stack seconded by Sargent and voted to add the names of Olson, Pomerleau and Tompson to the Economic Development Committee; and Stack to the Portland Area Comprehensive Transportation Systems Committee. (Unanimous)

VOTE ON ORDER AS AMENDED: 5 Yeas

69-12 Town Chair Appointments to Beach Implementation Committee [Spencer]

Councilor Sargent noted that he had an application from a person that was interested in serving on this committee. He questioned if there was the ability to add another citizen member.

Gordon Billington explained that the composition of the committee was recommended by the previous committee.

Bill Hill of the Boat Club said that it was his opinion that everyone in Standish that wants to participate should be able to do so. He went on to say that, the Boating Club would like to be involved with the committee and would like to submit the name of Ronald Hodge as the Boating Club representative.

Ronald Hodge explained that he has owned seasonal property in Standish through-out the years, in 2009 he purchased a home here. He has boated on the lake for years. He said that he has a huge interest in the lake and would like to participate on the committee.

Councilor Sargent said that he boats on the lake quite a bit and wanted to thank the efforts of the Sebago Lake Boating Club in helping to keep the beach clean.

Councilor Pomerleau asked what the Boating Clubs thoughts were in regards to the possibility of a town beach that's being proposed at the area.

Ronald Hodge said that the Boating Club wants to be part of the process to determine how it's all going to work.

Councilor Pomerleau noted that increased usage of the Sandbar area may have an impact.

Ronald Hodge said that is a concern of the Boating Club.

Bill Hill of representing the Boating Club said that their involvement with the Beach Committee is not that they are opposed to beach, they are very much in favor of the beach. He noted that 40% of their membership are Standish residents. He said that they want to be part of the process and be included.

Councilor Stack said that he had suggested a couple of changes to the order to Councilor Tompson; he thought that the changes had been forwarded on to the staff.

Moved by Stack seconded by Sargent and voted to amend as shown below:

- to develop a lease agreement for the site,
- develop an operations and maintenance plan, and associated costs
- obtain access rights to the site, and determine associated costs
- work with a consultant to perform a feasibility and design study to include an estimate of probable construction costs for construction of site and access road, such costs to be presented to the voters for a future referendum vote at which time the Committee's mission will be concluded. (4 Yeas – 1 Nay, Olson)

Councilor Olson said that she believed that having the beach was part of the regular budget process. She said that the funding should be part of creating the operations, managing it and access rights. She said that in her mind it was clearly implied and there not a need to cite it because you cannot operate it without having it factored into the budget.

Councilor Sargent questioned that we would get estimates at the time. He said that you're asking for costs on something that hasn't been built yet.

Councilor Stack said that the Charter requires that before you go to referendum on a capital improvement you need to know the associated operating and maintenance costs. He said that's what this would fall under.

VOTE ON ORDER AS AMENDED: 5 Yeas

70-12 Authorize Acceptance of Grant Funding for Playground at Johnson Field [Spencer]

Councilor Olson congratulated the Recreation Committee for seeking grant funding. She said that she supports their efforts to bring

in additional funds for the department and noted that they should be highly complemented on their efforts.

Councilor Stack said that this order mentions that it requires matching funding of \$27,966. He said that there was no documentation on how that would be done. He said that he would like to see that plan before they act on this.

Chair Spencer said that they have been fundraising for the playground. She went on to say that, they can also use donated time and materials as part of the match.

Councilor Stack said that he would like to see it in writing, exactly what the matching funding would consist of, would it be cash, or cash and other things.

Chair Spencer said that this order is just allowing us to accept the grant.

Councilor Pomerleau said that is also stating that we will provide the \$27,996. He said that he agreed with Councilor Stack that we need the plan to review before we vote on this order. He said that if we use a town truck and staff, there are costs associated with that, it's not free.

Councilor Olson said that because we have a group of citizens that have been working on this, under the accounting rules, if this grant's matching funds are not obtained the grant monies would not be awarded to the Town. She noted that the language of the order was flexible allowing the matching funding to be anything, she for one wouldn't turn away the funding. She said that she knew that some of the Summer Spectacular funds were earmarked for this. She said that she didn't see any risk in approving this and moving forward.

Chair Spencer said that Linda Brooks is on vacation, would they like to postpone this until next month to allow Linda to make a presentation.

Councilor Pomerleau said that he wished that there was something here tonight. He asked if postponing this would affect the grant.

Finance Director, Scott Gesualdi said that he was not familiar with this grant.

Gordon Billington said that he didn't have the breakdown tonight, but he knew that it is a multi-year project.

Scott Gesualdi said that there must be paperwork stating what they are going to do.

Councilor Stack asked the manager if he knew if postponing this would affect the grant.

Gordon Billington said that he did not know.

The Clerk said that she would go to get a copy of the grant that was initially submitted, she noted that there may be some detail in that document.

Moved by Stack seconded by Pomerleau and voted to postpone this until the August meeting. (3 Yes – 2 nays) Motion failed - four votes are needed to pass a motion

Councilor Olson said that under governmental fund accounting if we accept this grant but cannot raise the matching funding then the state monies will not be awarded. She said that she was concerned that if we don't recognize this perhaps the state will pull it on us.

Councilor Pomerleau said that he didn't think that would happen. He said that he didn't buy that philosophy.

Councilor Stack said that he was surprised that they were put in this position. He said that if it was tabled, we could vote on it next month with some knowledge. He said that we are being put in a position of turning this down and not being able to bring it back for a year. He said that's why he asked that it be postponed for a month.

Councilor Pomerleau said with the last vote of the people in town, it was his opinion that they needed to be cautious.

Councilor Sargent said that the reason that he disagreed with postponing it was because it was clear to him that they need to come up with the matching funding before we can touch the grant. He said that he wanted to tell the state that we want the money to make improvements at Johnson Field. He said that he did agree with Councilor Stack that it would have been much better if someone from Recreation would have been here to provide an update. He said that he would support postponing it to obtain additional information.

Councilor Pomerleau said that the order doesn't breakdown what we're getting or what it will look like. He noted that the last sentence allowed the Town Manager to accept the state funds and if we do that, we're on the hook. He questioned the amount of fundraising that has been done for this project.

Gordon Billington said that fundraising has been going on for about a year.

William Orr of 32 Kerri Farms Road said the total cost will be about \$56,000. He said that he was not a big fan of grants because ten years down the line the town will have to put up the whole amount to make improvements. In addition, if the Recreation Committee is doing the fundraising now, will they do fundraising for the upkeep. He said that grants that are taken for free money; in his opinion that's really not the case. The replacement costs will fall entirely on the public.

Carolyn Biegel of 141 Ossipee Trail East said that she is in favor of having a playground at Johnson Field. She said that she worked to get the one in Steep Falls. She said that she could shed some light on how that one worked. She explained that the grant application was completed; we did say that there would be a match; we did get the funds before the match was complete. She noted that the match did include Public Works vehicles and crew. She said that she thought that it is important that you see what the plan is. She said that she was sure that the Recreation Department has that information. She said that she supports public space that the community can enjoy. Getting the grant is very important to make that happen, she said postponing this so everyone will feel at ease, get the needed information, and then the playground can go forward.

Gordon Billington said that the Clerk brought in the project breakdown which indicates the construction costs. It provides for approximately \$12,000 in donated time and equipment and approximately \$9,966 in cash will need to be raised. At the time the grant was submitted they acknowledged \$808 in cash with a number of additional fundraising events scheduled. He noted that the engineering and site work would be in-kind donations.

Councilor Pomerleau said that they raised \$800 in three-years.

Councilor Olson noted that funds raised at the opening event of the Summer Spectacular will go to the Johnsons Field playground fund. She said that discouraging this sends a very bad message.

Councilor Pomerleau said that it sends a bad message when you come to Council meeting and don't have a spokesmen here. He said that now we're hearing that that have engineering being donated.

Carolyn Biegel said that the engineering for the Steep Falls playground was a budgeted item. She said that if it's postponed for a month, someone from the committee can come an answer all the questions. That being said, everyone would feel better about the project going forward.

Chair Spencer said that if we postpone this for a month and we find that it does interfere with the acceptance of the grant we'll have a special meeting in two weeks.

Councilor Pomerleau said as a Councilor he didn't like being put in this position, where it looks like we're going against a committee that's worked very hard. He said that there were a number of aspects of the program that they needed answers to.

Moved by Sargent seconded by Olson and voted to reconsider the vote to postpone. (Unanimous)

Moved by Sargent seconded by Olson and voted to postpone this order until the August meeting, unless it is necessary to hold a Special Meeting to meet the requirements of the grant acceptance. (Unanimous)

71-12 Award Bid and Authorize Contract for Phone System [Pomerleau]

Councilor Pomerleau explained that four bids were received, one of which was immediately disqualified because it didn't follow the bids specs. The Capital Improvements Committee struggled with comparing the length of the terms of the agreements submitted. He said that point was clarified today by town staff, the committee met at 6:45 this evening to be provided with an information update. He said that they decided on a sixty-month lease, the equipment would be owned in three-years, and then the monthly rate would drop.

Councilor Stack asked what is the monthly phone bill now.

Finance Director, Scott Gesualdi said that the monthly bill is approximately \$2,050.

Councilor Stack said then we'll save about \$80 per month.

Scott Gesualdi said that would be the savings per month for the first three-years, he noted that there would be about a savings of

\$29,000 over five-years.

Councilor Sargent noted at the end of five-years we have the opportunity to opt-out or we can continue with this vendor.

Moved by Pomerleau seconded by Olson and voted to award the bid to NT & T at a rate not to exceed \$1,970 per month. (Unanimous)

VOTE ON ORDER AS AMENDED: 5 Yeas

72-12 Cast Ballot for MMA Legislative Policy Committee [Spencer]

Chair Spencer said that the ballot includes the name of Louis Stack, Councilor of Standish; and David Nadeau, Councilor Town of Windham.

Moved by Pomerleau seconded by Sargent and voted to nominate Louis Stack and David Nadeau. (Unanimous)

VOTE ON ORDER AS AMENDED: 5 yeas

73-12 Authorize Finance Director to Execute Municipal Quit Claim Deeds for Formerly Tax Acquired Property [Spencer]

Scott Gesualdi explained that all the taxes have been paid on this property.

VOTE: 5 Yeas

74-12 Authorize Consent Agreement – Legere – Map 19 Lot 53-5 [Spencer]

Mike Manning representing Amy Legere offered to answer any questions regarding the property. He noted that he had a larger survey for review with him this evening.

VOTE: 5 Yeas

Moved by Olson seconded Sargent and vote to add the Maine Municipal Ballot to the agenda. (Unanimous)

75-12 Cast Ballot for Maine Municipal Association Annual Election for Vice President and Executive Committee Members [Spencer]

Gordon Billington explained that MMA has a committee that screens members and then nominates them to the municipalities to be presented as a slate of candidates for the open seats.

Councilor Olson said that MMA does a lot for the towns, she noted that she has high confidence that the candidates that they are putting forward have been firmly vetted by the organization.

Councilor Stack said that there is a good cross-section of towns represented here, on this voting ballot.

The Clerk clarified that they wanted the entire slate of candidates endorsed on the ballot.

Chair Spencer said that was correct.

VOTE: 5 Yeas

PUBLIC ITEMS

Councilor Stack said that on page 6 of the minutes of the June 5 meeting it talks to a citizen asking a question of him regarding the meeting that may have been held regarding the Higgins property and an amendment to the Standish Village Code. He noted that she had the right to ask any question that she wanted to; however, he at the time was not able to answer her question, because he couldn't remember what he based his statement on a month before. He said that a statement had been made by a person at a previous meeting that something untoward happened that night in May. He said that he responded that there was no mystery about this to the Council, the Council had known what he was going to do in regard to the order, and that would be, to ask that it be tabled. Last month when Carolyn Beigel asked the question, when did the Council meet in regard to that order. He said that he had recalled the next day, that Izzy Higgins had sent a email to all of the Council two days before the meeting in May, indicating that is what she'd like him to do, to table the order to the next meeting. That's the reason that he asked that it be tabled. He noted that he called Carolyn Biegel two days after the June meeting and explained it to her. He said that he also told her that he would be

trying to explain it to the public tonight. He said that he hoped it was clear to everyone that there was no meeting of three or more Councilors concerning the amendment to the code. He said that there have been no secret meetings of the Council regarding this order. He said that he hopes that was clear to everyone.

ANNOUNCEMENTS

There was discussion regarding the workshop meeting that will be held on Wednesday, July 25 regarding the failed referendum questions which will be held to discover the pros and cons of what the public thinks about the issues.

Gordon Billington said that the regular workshop on Tuesday July 24 will have a presentation from the Portland Water District regarding the possible relocation of Route 35.

Meetings for the upcoming month were announced.

EXECUTIVE SESSION

Moved by Sargent seconded by Pomerleau and voted to move into Executive Session for discussion of a real estate matter as provided under M.R.S.A 405 (6) (C); and that the Town Manager will be allowed to attend the session. (Unanimous)

Moved seconded and voted to arise from Executive Session. The Council arose for the Executive Session at 8:45 p.m. by unanimous consent the meeting was adjourned.

Submitted by: _____
Clerk/Secretary

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS