

Standish Town Hall

175 Northeast Road [Rte 35], Standish, ME 04084

ph: (207) 642-3461

fx: (207) 642-5181

Town Council Meeting Minutes 9/11/2012

Attachments:

[Councilor Stack's Information.pdf / Adobe Acrobat 7.0 Document](#)

Size: 316K Last Updated: 2012/9/24

AGENDA

**TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, SEPTEMBER 11, 2012
STANDISH MUNICIPAL CENTER
7:00 P.M.**

CALL TO ORDER

Chair Spencer called the meeting to order and the Pledge of Allegiance was recited. The Chair asked for a moment of silence in memory of the terrorist attacks of September 11, 2001.

ROLL CALL

Councilors present: Blanck, Olson, Pomerleau, Sargent, Spencer and Stack.
Councilor Thompson was excused.

MINUTES OF PREVIOUS MEETING (S)

Councilor Olson noted that on page 11 of the August 14 meeting minutes, and page 3 August 28 meeting minutes there were the following typographical errors that need to be corrected:

VOTE ON ~~OFFER~~ ORDER AS AMENDED: 7 Yeas (8/14)

Councilor Pomerleau pointed out that the building ~~has~~ had provided many good jobs (8/28)

Moved seconded and voted to make the noted changes to the minutes. (Unanimous)

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting.

REPORT OF THE TOWN MANAGER

Mr. Billington spoke on the following topics:

- The EMS runs are higher than they were last year. In addition, we are providing EMS service to the Town of Baldwin. A First Responder training session will be held for Baldwin personnel.
- We recently replaced an ambulance, the old ambulance will now be housed in Windham, maintenance will be provided by the Towns of Gorham and Windham, resupplying of the medical supplies will be provided by the Town of Gray. The use of the vehicle will be shared by the towns mentioned.
- Enrollment in the before/after school recreation program has soared since the before school program has been added.
- The annual Recreation Halloween party will be held on October 27 at the George E. Jack School.
- Recreation will hold a fund run on October 28 beginning at 10 am. The proceeds from the race are earmarked for the Johnson Field Playground fund.
- The Town Offices will close at 3 pm on October 18 so that personnel can take mandatory training and the United Way Fund Kick-off will be held.

Mr. Billington introduced Peter Arnemann the Town Assessor to provide the departmental report.

Peter Arнемann explained that he has been the assessor for approximately 10 years. He noted that he shares a part-time clerical staff person with the Code Enforcement Office. He said that most of the surrounding town's assessing departments have much larger staffs. He said that due to the sluggish economy valuations are down. He noted that annually the state does an audit of the town's sales compared to the assessment. The state informed us that we were at 104% so an adjustment was required. He announced that he made an adjustment to the valuation on all buildings in town by reducing them by approximately 4 %. No adjustments were made to land values. He said that the drivers in the increase in our budget is the school's requirements and the decrease in our revenue stream. He said that the mil rate that he has established is \$11.60/\$1,000. He said that as bad as that sounds we are in better shape than many other towns in the surrounding area. He said that we have the lowest mil rate in Cumberland County, he cited the rates in a number of neighboring towns. He said to finish-up, exemptions are available, such as the homestead exemption, the veterans exemption for veterans over 62 years of age and the circuit breaker program throughout the state. He said in closing the town has done everything it can to keep taxes down through the things that it can control. He noted that residents should check their tax records online and contact him if they have any questions.

Mr. Billington introduced Martin Shuer a candidate for Bill Diamond's senate seat.

Martin Shuer a longtime Windham resident explained that he is running as an independent candidate for state senate. He noted that for a number of years he served on the MDOT Advisory Committee that's reconstructing River Road in Windham. He said that group is made up of stakeholders working together to make the road safer. He said that he recently learned about the Steep Falls bridge project which has many of the same elements. He noted if he was elected he'd be interested in filling Bill Diamond's position on the Transportation Committee. He thanked them for allowing him to speak and welcomed their calls.

PUBLIC HEARINGS

85-12 Application Submitted by Memory Lane Music Hall, Inc. dba Memory Lane Music Hall Located at 35 Blake Road for Renewal of a Malt, Spirituous and Vinous Class A Lounge License [Spencer]

Cara Childs of Blake Road said that she would speak for both herself and her husband tonight. She noted that over the past several years there has been improvements to the situation at Memory Lane. She noted that you can no longer hear the music over their TV, motorcycles no longer race up the street and she hasn't called the Sheriff's Department in over a year. However, the parking lot is still a problem. She said that they could hear conversations that take place in Memory Lane's parking lot from their home a half-mile away. She related an incident that happened last May when her son had a sleep over in tents in their yard. That evening the kids heard profanity coming from the parking lot at Memory Lane. She noted that they have been tolerant of this type of this nuance, but on August 3 she was coming home late and watched as the patrons exited Memory Lane. She said that there was only limited supervision in the parking lot starting at 12:57 am for about five minutes. She said that she witnessed an argument between two men, she listened to a vulgar conversation between the men. She noted that she believed that one of the men was injured and perhaps there had been property damages to a vehicle, however, there was no report of the incident at the Cumberland County Sherriff's Department. She said that this is the problem that they still have, although they have made improvements. She said that they come to them tonight because they think that there needs to be more supervision in the parking lot. She said that they are asking that they have someone in the parking lot on Thursdays, Fridays and Saturdays to monitor the patrons as they leave. She asked that they increase the supervision in the parking lot and respect their neighbors.

Councilor Stack said that in the past there were stipulations put on Memory Lane in regards to the parking lot monitoring. He said that he did not see them on this order.

Francisco Powell the head of security at Memory Lane said that last year it was discussed to have a monitor in the lot on Thursday, Friday and Saturday nights. He testified that at 1:00 am there are at least four staff members in the lot ensuring that people get moving along safely. He said that they cannot control everybody, but do ask them to be quiet.

Councilor Pomerleau noted that in the past they had put on stipulations regarding noise and squealing of tires. He asked Mr. Powell how would they handle a situation when patrons are arguing. He questioned if the patrons would be asked not to return.

Francisco Powell said that they handle it case by case, sometimes the patrons are asked not to come back for several weeks.

Councilor Blanck said that from what Mrs. Child's said it was not a quick argument, he questioned why if it's lengthy

why the Sheriffs Department hadn't been called.

Councilor Stack asked what did they do when the patrons don't listen to them.

Francisco Powell said that they threaten to call the cops.

Councilor Stack asked why don't they call the cops?

Francisco Powell said that they can usually get the situation under control.

Councilor Stack said that it appeared that on that night you didn't.

Francisco Powell said that he thought that the incident that was discussed earlier happened after they had shut down and were closed and had cleared the parking lot.

Councilor Stack asked if there was ever a time that they called the police.

Francisco Powell said that they never call the police.

Chair Spencer asked if they would call the police if necessary.

Francisco Powell said that they would.

Councilor Blanck said that it sounded that it was necessary in that case.

Councilor Pomerleau noted that it sounds that you've made great strides, but dropped the ball in regards to the parking lot. He said that we need to address that. He said that he really didn't like to hear this from neighbors on the road. He said that it seems that some of the the issues should be addressed by the Sheriffs Department. He said that they should work on this issue regarding the parking lot.

Francisco Powell said the police have never been called to their establishment for a noise issue.

Chair Spencer asked what date and time of day did the incident occur.

Thomas Childs said that he personally witnessed what happened at approximately 12:45 am on August 3. Shortly before 1:00 am 5 - 6 people came out of Memory Lane with flashlights, there was a lot of commotion in the lot, the people with flashlights walked around the building, then went back inside. That's when the argument started, it went on for about 4 - 5 minutes. One person ended up with his head lacerated. When the person that was causing the commotion left the parking lot, he could overhear the conversation that was going on regarding the mirror that was ripped from a vehicle. He said that there was no supervision in the parking lot. It was his opinion that there should be supervision in the parking lot one half hour before closing time until the lot is empty.

Chair Spencer said that August 3 was a Friday night, she asked what time did they close.

Thomas Childs said that he was watching this happen between 12:45 am and 1:30 am.

Councilor Sargent said that your wife has said that she was a half mile away, and now you're saying you witnessed it.

Thomas Childs said that he was coming home late that night and decided to stop and see what goes on when the bar empties out.

Chair Spencer asked Francisco Powell to check their records to see who was on duty and if they recalled this incident.

Councilor Stack said that the next order would have to be amended to address the parking lot issue.

Councilor Olson said that she wondered if we should put stipulations on this since there were improvements to the

facility. She wondered if Memory Lane would ensure that a staff person would be stationed in the parking lot from a half hour before closing time until the parking lot is cleared of patron's vehicles.

Chair Spencer said that should be brought up on the next order.

Francisco Powell said that checking the parking lot was a routine, that they do each night, to help clear the parking lot.

Councilor Olson said that you've made good progress on this.

Francisco Powell said that they strive to keep the noise down, they don't want to upset the neighbors.

Councilor Blanck said that when the City of Portland reviews a liquor license application they ask if the police had been called there a lot. He went on to say that he didn't think that they would consider it a bad thing if the police were called. He said if you need the Sheriff's Department call them.

VOTE: 6 Yeas

86-12 Application Submitted by James Paquette dba Memory Lane Music Hall Located at 35 Blake Road for Renewal of a Special Amusement Permit [Spencer]

William Orr said that if a few complaints were filed or some fines were issued, the effort to quiet them down would improve.

Cara Childs said that she agreed that the Sheriff's Department could be involved in some of this situations. She also agreed with Councilor Olson's idea to have the staff in the parking lot until the lot is cleared for the night.

Alan Brown of Blake Road reinforced the part of them making headway in regard to the sound level. His interaction with Mr. Paquette had always been positive. As of recent, he's asked Mr. Powell to come to his house to listen to the noise. He said that the about 10 pm it gets loud in the parking lot. He said that some clubs have no loitering in the parking lot, he thought that maybe they should consider that.

Councilor Stack said that this order has been amended in the past regarding the parking lot issues.

Moved by Stack seconded by Blanck to amend as follows:

To require the licensees to supply on Friday and Saturday evenings one uniformed security officer in the parking lot all evening and one uniformed security officer in the parking lot at the entrance to Blake Road from 9:00 p.m. until one half-hour after close; to supply the same level of security for special events as supplied on Friday and Saturday evenings; and to continue to work with neighbors and to put back up (and replace if it is removed) the signage prohibiting right turns onto Blake Road. (Unanimous)

Francisco Powell said that was not a stipulation that was done last year; however, they still provided attendants in the parking lot.

Councilor Stack asked if the sign regarding turning onto Blake Road was still up.

Francisco Powell said that they do everything they can do to keep the noise down.

VOTE ON ORDER AS AMENDED: 6 Yeas

Moved by Pomerleau seconded by Blanck and voted to move into executive session at 7:48 pm for the discussion of a real estate matter as provided under 1 M.R.S.A 405(C) (6) and the Town Manager will be invited to attend the executive session. (Unanimous)

Moved by Stack seconded by Olson and voted to arise from the executive session. The Council arose from the executive session at 8:30 pm by unanimous consent and continued with the regular meeting.

COMMITTEE REPORTS

Councilor Blanck explained that the Ordinance Committee met and at the next Council workshop they will present the draft of the Conservation Subdivision Ordinance. Councilor Blanck noted that Bud Benson and Carol Wilbur have been working on a draft order for drive-through's.

Councilor Stack said that there has been a PUC inquiry regarding the insolvency of small water utilities. They've asked for comments on how to resolve the small utility problems. One proposal is to invoke a universal service charge on large utilities to pay for the insolvent smaller utilities. He said that he'd like to see the Council discuss this at workshop and forward on the PUC our opinion on this matter. He said that he thought that the PUC would be more likely to pay attention to what a town said regarding this than they would from a private citizen. He said that we really need to address this or our residents that are served by Portland Water District will have a rate increase.

Councilor Pomerleau noted that the Capital Improvements met to review bids that are on the agenda tonight.

Councilor Pomerleau explained that the Public Safety Fair will be held on October 13 here at Town Hall. There will be many activities including, pumpkin patch, blood drive, DJ, ice cream social and much more. There also will be a bicycle give-a-way for the kids. He said that this is the best one-day event in Standish.

Councilor Blanck noted that the VIP's will be providing a child car seat check. People interested in having their car seat inspected should bring their vehicle and car seat manuals with them. The check will be done by certified personnel. The VIPS will also be providing information on the Yellow Dot Program. This program is offered in 28 states, participants are issued a yellow dot which is placed on the back window of their vehicle. The yellow dot is a symbol that there is medical information kept in a yellow envelope in the glove box, for use when the passengers of the vehicle may be unable to notify emergency personal of medical issues. The program will be recognized by all First Responders. The information will only be located in the car there will be no computer file of the medical information.

Councilor Pomerleau said that all events are free, other than the Ladies Auxiliary food table.

Councilor Olson asked how should checks be made out to support the event?

Scott Gesualdi said to the Town of Standish with a note in the memo section that the donation is for the Public Safety Fair.

Chair Spencer announced that the Finance Committee will meet next week.

CONSENT CALENDAR

87-12 Approval of Election/Ballot Clerks and Election Warden for the November 6, 2012 Elections [Spencer]

88-12 Authorize Change in Voter Registration Hours Prior to the November 6, 2012 Elections [Spencer]

The Consent Calendar items are voted on collectively.

VOTE: 6 Yeas

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]

This ordinance remained in the Ordinance Committee.

Moved by Olson seconded by Blanck and voted to reconsider order **84-12 Authorize Town Manager to Dispose of Real Property [Spencer] (Unanimous)**

Gordon Billington said that now in the proceedings is just the moment before the vote was taken on this order.

Councilor Olson said the amendment that was added regarding the deed covenant needs to be removed from the order since additional information was received regarding this matter. It was discovered that MDOT had not put forward this building for inclusion on the Historic Register. In light of that, it changes what the Council was lead to

believe. The Council at this time can add any provision into the bid specs to ask the bidders how they would want to address the historic character of the exterior of the building.

Moved by Olson seconded by Blanck and voted to delete the underlined section of the order shown below:

~~FURTHER ORDERED that the Town's attorney will draft language to include a covenant on the deed to protect the historic character of the exterior of the building. (5 Years – 1 Nay, Stack)~~

Councilor Pomerleau said that he talked with Kristy Mitchell at the Historic Commission in Augusta today and found out that MDOT did not nominate the building for consideration, nor had an application been submitted by MDOT. He said that they were inclined to believe from information presented at the last meeting that the application had been submitted that's why they decided to move forward with the order. Since we've discovered the new information, that is the reason for the reconsideration. In addition, a structural engineer inspected the building and discovered that there are some issues with the roof and sills of the building.

VOTE ON AMENDED ORDER: 5 Yeas – 1 Nay, Stack

Moved by Stack seconded by Olson and voted to take order 98-12 at this time. (Unanimous)

98-12 Execute Declaration of Historic Preservation Covenant Regarding Property Located at 36 Ossipee Trail West [Spencer]

Pam Slattery-Thomas said that she wasn't sure how pertinent this order is now.

Councilor Pomerleau said that he thought that it would be postponed indefinitely.

Pam Slattery-Thomas explained that she had talked with Kristy Mitchell directly and was under the impression that the preliminary paperwork had been submitted.

Councilor Pomerleau said that MDOT while inspecting in the area regarding a grant, had questioned if the building had been nominated to the register, as part of the grant process. MDOT can not nominate a building, they can only inquire if it's in a historic district.

Both Glenna Jamison and Pam Slattery-Thomas said that they had previously said that there was a good chance that the building would be placed on the Historic Register.

Councilor Pomerleau said that most of the time if a building is to be put on the Historic Register the owner would submit the paperwork. He said at the last meeting he thought that maybe the town had submitted the paperwork.

Pam Slattery-Thomas said that she was sorry for the confusion; she would never knowingly present incorrect information.

Glenna Jamison said that on behalf of the Historical Society, what does this mean, is the building still for sale.

Councilor Pomerleau said that the building is still for sale, however, we now need to disclose the condition of the roof and sills.

Councilor Olson that the purchase/sales agreement could include historical stipulations.

Chair Spencer said that she wants the sale agreement to include provisions to retain the historic fashion, they will not put a covenant on the deed.

Pam Slattery-Thomas said that if the building was on the Historic Register there may be grant funding available to the new owner.

Gordon Billington noted that the sale will be advertised in the Portland Newspaper this weekend.

Councilor Blanck noted that historic restrictions may limit a new owner in being able to afford to comply with the regulations and afford the necessary repairs.

VOTE: 0 Yeas – 6 Nays, Blanck, Olson, Pomerleau, Sargent, Spencer and Stack.

NEW BUSINESS

89-12 Town of Standish Town Council Orders Authorizing Tax Anticipation Borrowing [Spencer]

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

Scott Gesualdi the Finance Director explained this is needed to get us through to the tax collection due date for our financial obligations. He noted that this should be paid back by December 1.

Councilor Stack questioned if we have adequate money in the dept service for this.

Scott Gesualdi said yes we do.

VOTE: 6 Yeas

90-12 Carry Forward Certain Accounts [Spencer]

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

Councilor Stack questioned under 410 Contractual, what headwall is that.

Gordon Billington said that it is a headwall that will be located on Middle Jam Road to sure up the culvert that will go under the canal.

Councilor Stack questioned under Public Works contingency incomplete projects what is the \$64,270.30.

Gordon Billington said that approximately \$43,000 to 45,000 is for the Public Works Garage expansion. The balance of the funding is for the boat launch.

Councilor Stack questioned the funding for the incomplete roads.

Mr. Billington said that it is for the Manchester, Emery and other priority roads.

VOTE: 6 Yeas

91-12 Use of Town Council Contingency to Purchase Standish Business Maps [Spencer]

Councilor Blanck questioned if this included the updating of the map or just the printing.

Councilor Olson said that the cost does includes the updates.

Councilor Stack asked if there is money in the Economic Development account.

Gordon Billington said that account has \$1,000 in it.

Moved by Stack seconded by Pomerleau and voted to use \$1,000 from the Economic Development account and up to \$2,000 from the Council contingency. (Unanimous)

VOTE ON ORDER AS AMENDED: 6 Yeas

92-12 Set Mil Rate, Due Dates and Interest Rate of the Fiscal Year 2013 Taxes [Spencer]

VOTE: 6 Yeas

93-12 Award Bid and Authorize Contract for Purchase of Winter Sand [Pomerleau]

Councilor Pomerleau noted that there were 7 bidders for the winter sand bid, the prices ranged from \$6.34 to \$10.75/ yard. The committee's recommendation is to award the bid to Risbara at a rate of \$6.34/yard.

Moved by Pomerleau seconded by Olson and voted to amend the order to award the bid to Risbara at a cost of \$6.34 / cubic yard. (6 Yeas)

VOTE ON ORDER AS AMENDED: 6 Yeas

94-12 Award Bid and Authorize Contract for Purchase of Video Camera Equipment [Pomerleau]

Councilor Pomerleau noted that they received 3 bids, one of which was incomplete. The committee's recommendation is to award the bid to Access AV at a cost of \$19,095.96. (Unanimous)

Moved by Olson seconded by Blanck and voted to amend the order to award the bid to Access AV at a cost not to exceed \$19,095.96 (6 Yeas)

VOTE ON ORDER AS AMENDED: 6 Yeas

95-12 Resolution to Establish October 13, 2012 as Standish Health and Safety Day [Pomerleau]

Councilor Pomerleau said that the order speaks for itself, it's a great day.

VOTE: 6 Yeas

96-12 Designate the Voting Delegates for the Maine Municipal Association Annual Business Meeting [Spencer]

Gordon Billington explained that both he and the Scott Gesualdi will attend the MMA Convention.

Moved by Olson seconded by Sargent and voted to add the name of Gordon Billington as the voting delegate and Scott Gesualdi as the alternate delegate, and further ordered that the Town Manager shall be designated to sign the delegate credentials. (Unanimous)

97-12 Call for Public Hearing to be Held on September 20, 2012 for Placement of a Referendum Question on a Municipal Ballot at the November 6, 2012 Election for a Charter Amendment Regarding the Budget Committee [Spencer]

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

Bill Orr said that he hoped that they would not vote no on this order. He said that he thought that the town needs a good functioning Budget Committee. He suggested that the document should have strikeouts showing the deleted wording.

The Clerk noted that the order was prepared by legal counsel.

Mr. Orr said that he did not care who prepared it, it needs to be understood by the people who are voting.

Councilor Olson explained that the former Chair of the Town Council Terry Christy gave an excellent explanation about this issue. The Budget Committee didn't have the required members, didn't have a quorum to meet and the fact that the budget responsibility is that of the Council.

Timothy Watters voiced his objection to this order. He went on to question why the meeting on September 20 had already been advertized.

Councilor Pomerleau said it was to let people know about it.

Councilor Stack read a statement regarding his thoughts on this matter. The complete text of this statement are found at the end of these minutes.

Councilor Sargent said that he too had served on the Budget Committee and has a lot of respect for others that have served. However, it has been a difficult to have enough members to have a working committee. He said that the Council has been often faced with finding people to be appointed rather than people being elected. He said that with the Finance Committee, the Council and the public vetting of the budget, is the Budget Committee really necessary. He said at the same time he has hesitation in limiting citizen input in their government. All we're doing is putting it out to the public.

Councilor Pomerleau said when a couple of Councilors are charged to go out and find people to serve, to him that's not a committee any more.

Councilor Stack said that last spring there was a candidate for the Budget Committee and she was turned down. He said that he asked the Chairman at the time to resolve that, but she chose to go to an attorney to seek an opinion.

Councilor Pomerleau said that's not exactly what happened. The Appointments Committee interviewed the lady, it was late in the process and she was not sure if she could have gotten up to speed. He said that the Appointments Committee decided not to bring her name forward because it was too late in the process.

Councilor Stack said that he is like to offer an amendment o the title of the order to replace the word regarding with the word abolish.

Moved by Stack seconded by Blanck and voted to amend the title as shown:

Call for Public Hearing to be Held on September 20, 2012 for Placement of a Referendum Question on a Municipal Ballot at the November 6, 2012 Election for a Charter Amendment ~~Regarding~~ Abolish the Budget Committee (2 Years – 4 Years, Olson, Pomerleau, Sargent and Spencer)

VOTE: 5 Yeas – 1 Nay, Stack

PUBLIC ITEMS

Bill Orr said that the Budget Committee is a major committee in town. He said that it was his opinion that the Committee should run year round.

Councilor Stack said that Post 28 is sponsoring the Wreaths Across America Program this year. That program places wreaths on veteran's graves. The post members can take orders, the cost is \$15, contact any legion member to order a wreath.

ANNOUNCEMENTS

There were no announcements

EXECUTIVE SESSION

There was not an additional executive session at this meeting.

ADJOURN

Moved by Blanck seconded by Olson and voted to adjourn. The meeting adjourned at 9:25 pm by unanimous consent.

Submitted by: _____
Clerk/Secretary

Councilor Stack's Information

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

