

# Standish Town Hall

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## Town Council Meeting Minutes 9/20/2012

**DRAFT—MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE TOWN COUNCIL--DRAFT**

**AGENDA  
SPECIAL TOWN COUNCIL MEETING  
STANDISH, MAINE  
THURSDAY, SEPTEMBER 20, 2012  
STANDISH MUNICIPAL CENTER  
7:00 P.M.**

### **CALL TO ORDER**

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

### **ROLL CALL**

Councilors present: Blanck, Olson, Pomerleau, Sargent, Spencer and Stack.

Councilor Thompson arrived at 7:10 pm.

### **PUBLIC HEARING(S)**

**Special Referendum Election to be Held November 6, 2012 Regarding a Charter Amendment  
Relating to the Budget Committee**

Chair Spencer opened the hearing and the following persons testified:

Wayne Newbegin asked why was this being done; in addition he thought it would prevent him from serving on both the Planning Board and the Beach Committee. It was his opinion that the Budget Committee was a check and balance for the Council.

Chair Spencer noted that it has been difficult task to get people to serve, often the there was not a quorum. She noted that with professional staffing the need for a Budget Committee is not as necessary as it was under the selectmen form of government.

Councilor Olson said that the budget is open to the public. The Budget Committee recommendations are advisory, they have been under staffed for years and was established back when the selectman's form of government was in place. She said that the process was open to the public all along the way and the town offices are now staffed with professionals.

Wayne Newbegin questioned if the past Budget Committee members have been surveyed as to why they left the committee. He noted that his son-in-law left the committee after an episode with a Councilor. He said that it is his opinion, the Budget Committee was a check and balance and he is opposed to this order.

Chair Spencer said that the town meeting is also a check and balance.

Wayne Newbegin expressed that the town meeting is attended by town employees that have a vested interest in the budget passing.

Councilor Pomerleau commented that many town employees are also voters of the town.

Councilor Stack spoke in regards to this being an open process, anyone can attend the meetings. In March the budget is presented and they can go to the town meeting. However, if they wanted to reduce an item it would be difficult to determine the amount and which account the item is located in the budget. Even then, if the department doesn't over run their budget they can still purchase the item. He said that the chance of changing the budget at the town meeting is almost impossible.

William Orr said that he did not understand why the town wants to get rid of the Budget Committee. He said that someone really can't change the budget because they don't have the background information on the items that's why the Budget Committee is important.

Carolyn Biegel said that the Budget Committee is a useful committee. She suggested that the Budget Committee is the first set of eyes on the budget on the public's behalf. While as a Councilor she recalled a few heated budget meetings where through discussions they came to a compromise.

Catherine Post announced that she was a newly elected Budget Committee member who was looking forward to the process. She was opposed to this order. She said that she'd like to see some of the spending in town more conservative.

Chair Spencer noted that a small percentage of the increase in taxes is from the town, it's mostly from the school and county.

William Orr said the trouble with the town meeting is we have a paid moderator, he sets the standards and allows a town employee every year to take all the items in one fell swoop. That's a process that should be stopped. He went on to say that if the budget was not passed it was his opinion that the town would operate on the last year's budget until the new budget was adopted.

Wayne Newbegin asked if that the wording of the order was how it would appear on the ballot.

The Clerk said that it was how it would appear.

Wayne Newbegin asked how someone would find out what it all means without coming into the town hall. He said that maybe there could be a compromise; maybe the Budget Committee didn't have to be eliminated entirely.

Catherine Post suggested that they consider reducing the Budget Committee to seven members. It was her opinion that the reduced number of members would make it easier to obtain a quorum.

The Clerk read two letters from members of the public.

Jane Cirone, Budget Committee Chair urged the Council to reduce the number of seats on the Budget Committee to seven rather than nine, so a quorum would consist of four members.

A Concerned Citizen, asked that the amendment is sent to referendum for the people to decide. It was their opinion the Budget Committee was no longer necessary due to our Council form of government and professional staff.

The letters are on file with these minutes.

Councilor Pomerleau said that he respects the Budget Committee, however, in the past it's been difficult to get people to serve. He said that he has solicited people to serve and so have other Councilors done the same.

Councilor Sargent said that he has served on both the Budget Committee and now the Council. He said during that period the Budget Committee has been short of members. He said that Jane Cirone said it best in her letter, it's unreasonable to have nine members. He said that he would be in favor of reducing the number of members so there could be smaller quorum. He said that any layer of transparency is to the taxpayers benefit.

Councilor Olson said that circumstances have changed, other towns don't have Budget Committees. There is professional staff, hearings are noticed so people can attend the meetings. She expressed that the budget was the responsibility of the Council members and if the Council members are not doing their jobs they should not be re-elected. She cited that Standish has one of the lowest mil rates in the state, good infrastructure, and we don't over spend; so the management of the town has been consistently good over the years. She went on to say that the Budget Committee is advisory.

Councilor Thompson said that she liked the idea of the seven members. She said that even when their membership was lacking we still had the budget and when they were a complete committee we had transparency. She said that

she was not for eliminating the Budget Committee.

Chair Spencer said that we would have to wait a year to bring up a change.

Councilor Blanck believes that the Budget Committee has a lot more clout than an individual citizen. He said that the Town Meeting vote is a rubber stamp that is passed quite quickly. He would be in favor in going to a seven member committee.

Councilor Stack said that some of the reasons that we have a lower mil rate than surrounding towns is that we don't have trash pickup and we don't have our own police force. If we had those items our rate would be considerably more. He cited a situation a number of years ago when the Council didn't have five votes to override the Budget Committee's recommendation. A joint meeting of the Council/Budget Committee was then held. He said that he believed that the nine members on the Budget Committee was the method to override the Council. He went on to explain that a legal counsel opinion said that there would be one meeting but separate votes. He said based on that there is no reason for nine members, seven members would be plenty and he would recommend that be done. It was his opinion that they didn't have to wait year they could just delete most of this and change the membership number.

Gordon Billington suggested that the Clerk has spoken with legal counsel regarding making changes.

The Clerk said that she had only spoken with him regarding changes at this point.

Gordon Billington said to go ahead and make the changes that can be reviewed by legal counsel tomorrow.

Councilor Pomerleau was concerned that it was too late to make changes at this point, isn't there a 45-day notice.

The Clerk noted that today was the 45<sup>th</sup> day. She suggested that that make changes if that it is decision of the group, understanding that if it is not approved by legal counsel that the referendum wouldn't move forward. She suggested that they reconsider order 94-12 that called for the referendum, change the wording to reflect the reduced number of members, but also allow legal counsel to make other appropriate changes that relate to the number of Budget Committee members.

Without additional public or Council discussion Chair Spencer closed the public hearing.

## **UNFINISHED BUSINESS**

### **99-12 Approve Warrant for Special Referendum Election Regarding a Charter Amendment Relating to the Budget Committee [Spencer]**

The Clerk noted that this warrant is based on eliminating the Budget Committee. She suggested that if they want to amend the warrant they would need to reconsider order 97-12, make changes but allow legal counsel to make other changes as it relates to the number of members. She said that if tonight's meeting is postponed to a time certain, they could then sign the warrant.

Gordon Billington said that procedurally they'll need to reconsider the order that called for calling for the referendum, amend the wording, and seek legal review. He said that he thought that legal counsel would said that tonight was the opportunity for the public to learn what was going to happen. The continuation of this meeting tonight constitutes notice to the public.

Councilor Olson noted that the wording of the public hearing was broad enough that the hearing is still valid.

Councilor Pomerleau voiced his concerns that the notice that was published is very different than what is now being considered.

Councilor Sargent said that the majority of the Council and speakers tonight endorse this change.

Councilor Blanck reiterated that if legal counsel finds that this is inappropriate the referendum will be postponed until next year.

Moved by Tompson ...

Councilor Stack called for a point of order it would have to be moved by someone that voted on the order.

Moved by Blanck seconded by Sargent and voted to reconsider order 97-12. (Unanimous)

Gordon Billington explained that that they are at the point just before they took their vote on order 97-12.

Moved by Stack seconded by Sargent and voted to delete paragraphs A. – D., F. – L. and amend E. to amend Section 401 to reduce the Budget Committee membership from nine to seven, and to allow legal counsel to review and make other changes to membership that are necessary. (7 Yeas)

**VOTE ON ORDER 97-12 AS AMENDED: 7 Yeas**

Moved by Sargent seconded by Blanck and voted to postpone order 99-12 until the Special Council meeting on September 25, 2012. (Unanimous)

**100-12 Approve Terms of Grant and Job Creation Agreement for Roadway Utility Trailers LLC  
[Spencer]**

Chair Spencer said that since this does involve one of our Councilors she will have Gordon Billington speak to this matter.

Councilor Pomerleau noted that he will abstain from voting on this order.

Gordon Billington explained that the town submitted a grant to Cumberland County for a Community Block Grant to assist a local business for expansion. The business is Roadway Utility Trailers; under the terms of the grant they will be able to purchase equipment. The Town will disburse the grant funds through our Finance Department upon receipt of invoices. The Town will also keep track of the people that they hire; under the grant they must hire seven people under certain guidelines.

Wayne Newbegin said that it's a great thing if you can get it, but his question was if things go bad are we on the hook.

Chair Spencer advised that that the grant has already been awarded.

Gordon Billington said that the grant has been awarded in the amount of \$48,778, these are the term under which we receive and disburse the grant.

Councilor Olson wanted the public to understand that the Town Council was not approving that a Councilor received a grant. The grant was reviewed and awarded by a Cumberland County grant process. This is the paperwork to support that grant process. She wanted it to be clear that the Council did not award this grant. She went on to complement Councilor Pomerleau for bringing a new business to town.

Maurie Hill said that she really didn't understand the process.

Gordon Billington explained that people will be hired to build trailers here in Standish. The owner will expand the current business, which has already had Planning Board review. There were conditions placed by the Planning Board to provide buffering to abutters. The business had previously resold purchased trailers, now they will be manufacturing the trailers that they will then sell.

Councilor Olson said that the grant will allow the business to expand and provide seven jobs in the community. She noted the grant is paying for the equipment that will help provide the expansion that will create the jobs.

Maurie Hill asked how long the grant would last.

Councilor Pomerleau announced that he needed to meet the terms of the grant by December 2013 or ask for an extension.

Maurie Hill asked if there were other block grants available.

Gordon Billington noted that Tower Publishing received two grants, the Steep Falls Playground and Steep Falls Library also received block grants. He went on to say the he believed that this was the first business assistance grant

that Cumberland County has given out under the Cumberland County Entitlement Program.

Elizabeth Perry said that she was curious about the hiring process, would the jobs be advertised, will they be non-relatives that are hired.

Gordon Billington said it would be up to the business to decide there are no restrictions on how they hire.

Elizabeth Perry asked has the wage been determined.

Gordon Billington said the wage has to meet the minimum LMI criteria.

Elizabeth Perry asked if they will be equal opportunity jobs that will be advertised.

Gordon Billington said that they will be.

William Orr questioned the number of seven new jobs.

Councilor Pomerleau said that there would be fourteen part-time and seven full-time jobs created.

Councilor Olson said if that criteria is not met the monies would have to be paid back. William Orr questioned the grant award funding versus the cost involved in meeting payroll; and asked if the jobs would offer benefits.

Councilor Pomerleau said that it's hard to say, obviously they'll have workers comp. He went on to say that currently he pays his painters \$20/hr, welders \$20, assemblers will receive \$9.50 to \$11.50/hr; it will all be based on the need as they move forward.

William Orr questioned that he will have to sustain this grant you have to keep seven people employed.

Gordon Billington said that they have to hire new seven full-time equivalent people. It can be a combination of full/part-time employees and there is no requirement that they stay for a certain amount of time. His requirement is to hire the people.

Councilor Pomerleau said that he plans to hire three people October 1<sup>st</sup>.

Pam Slattery-Thomas questioned if there were grants that work towards preserving historic buildings.

Gordon Billington said that would be eligible under the Community Block Grant Program. He explained that the Town would submit the grant on behalf of the local entity.

Councilor Sargent said that he was the Standish Representative to GPCOG. He disclosed that this application had already been submitted by the time he was appointed as a representative. He went on to say that Standish has lost a lot of jobs due to manufacturing companies closing, so there is a need to establish small businesses. He noted that this application was the only one that was approved for economic development. He also wanted it known that Councilor Pomerleau had to come up with matching funds so it's not just a giveaway.

Councilor Olson said that that Community Block Grant process is an excellent tool that's been around for a number of years. If other organizations wanted to find out the grant requirements are information is available.

Chair Spencer wished Councilor Pomerleau good luck and congratulations.

Councilor Thompson questioned where will the business be located.

Councilor Pomerleau said that at the present time they are building the trailers in East Baldwin, painting and assembly is being done in Standish. He said that they are hoping to have 45 employees in eighteen-months so they are looking for other business locations in town.

Councilor Thompson asked if he will discontinue use of the building in Baldwin.

Councilor Pomerleau said that they will continue to build bigger trailers in East Baldwin. The grant will provide a paint booth and other equipment.

Councilor Tompson said that this grant is to expand in Standish, how many employees do you currently have.

Councilor Pomerleau said that he currently has three and will hire three more October 1<sup>st</sup>. He said that this grant will provide for equipment that will be used to build aluminum trailers. He said that they want to get everything under one roof. He said that he tries to purchase materials locally to keep money local.

Councilor Blanck mentioned that the first grant application was turned down and went on to congratulate him for his persistence.

Councilor Stack said that he was encouraged that he'd be bringing in more employees to the town. He then questioned if the equipment purchased would be housed in Standish and the number of employees.

Councilor Pomerleau noted that the equipment would be in Standish and currently two of his son-in-laws and himself; then there are two contract employees who will be hired as full-time employees.

Councilor Stack said then some that you have mentioned will be part of the seven people hired.

Councilor Pomerleau said that was correct they will be part of the seven, in the spring he anticipates sales to go crazy.

Councilor Stack asked if he would give preference to Standish residents,

Councilor Pomerleau said that he would. He mentioned that he was working with local schools to help students with job shadowing.

**VOTE: 6 Yeas – 1 Abstain, Pomerleau**

Move by Stack seconded by Blanck and vote to add a Public Items section to the agenda. (Unanimous)

**PUBLIC ITEMS**

Carolyn Biegel said that at the August 28 meeting many people came to speak to order 84-12. She said that the conclusion of the discussion she remembered Councilor Olson said that there was a lot of synergy in the room.

Mrs. Biegel went on to say the order 84-12 gives authority for the Town Manager to dispose of old-old town hall through a sealed bid process. At that meeting many spoke in favor of transferring ownership of the building to the Historical Society. At that meeting two very distinct things happened – there was a vested interest in preserving the historical nature of the building and the desire to have the building occupied and a place for job growth. She said that she thought at the conclusion of that meet in a compromise was made. The building would be put up for bid, but there would be a preservation easement. Then at the September 11 Council meeting which is not yet televised and minutes are not available, but Councilor Blanck explained to her that there were structural issues with the building. At the August 28 meeting there was a request that the Council slows down and seeks assistance from Maine Preservation. She said that they would like the Council to slow down and before any decisions are made have this group speaks to the town at the October workshop.

Gordon Billington said that they are willing to come to the Council meeting on October 9.

Carolyn Biegel said that she hoped that they would have been on this evening's agenda before the bid submission date. She went on to say that economic developmental use of that building is not an opposing view to preservation. She said that the two can happen. She said that if the minimum bid requirement was reduced, then monies could be put into repairs. She said that the Town doesn't have to give away its assets; she asked that they don't accept any bid until they hear from the Maine Preservation group.

Gordon Billington said that they did take the advice that they heard to try to ensure that the building will be protected. He said that they expect bidders to present their plan on how they will do that.

Carolyn Biegel said that she didn't think that the Town of Standish should put all their eggs in one basket, there could be other bidders that would fulfill the requirements. She noted that there is nothing currently in mandating the Town's interest in maintaining the historic preservation. As citizens that is part of our property, we're all owners of that property. She noted that the Comprehensive Plan mandates that the Council has the responsibility of

protecting the historical assets for all of us. She said that there is nothing preventing us from putting the brakes on this to get more information to make wise decisions.

Gordon Billington said that they would be available on October 9 that would also be the night where the bids may be considered.

Chair Spencer said that we don't have to award the bid just because they've been received.

Elizabeth Perry spoke in support of the preservation of the building. She asked that they recognize the work that the Historical Society does; perhaps a site walk could be scheduled to see their collection. She went on to suggest that perhaps a town owned building could be given to the Historical Society. She said that there has been a slash and burn mentality in this town that we tear down these wonderful old buildings. She said that she hates to see that happen, she'd like to see more preserved like what recently happened in Saco to preserve the firehouse.

Chair Spencer said that the Historical Society can meet in the Sebago Lake Room free of charge.

Elizabeth Perry said that she's asking that they have a permanent home.

Councilor Stack explained that the minimum bid on the build sale has been eliminated.

Pam Slattery-Thomas the minimum bid has been eliminated, but the bidders still have to put a \$10,000 deposit. She questioned what would happen to that money.

Gordon Billington said that if they don't get the bid they get their money back. If they are the successful bidder the money is put toward the purchase price of the building.

Councilor Olson said that it is earnest money to make sure that the bidder is legitimate.

Pam Slattery-Thomas asked that they table this item until they have a meeting with the Maine Preservation staff.

She voiced her disappointment that the order that established the deed restrictions had been reconsidered to remove those protections after an Executive Session. She said that was a hurried decision and asked them to slow down.

Chair Spencer said that they would be opening the bids, however there is no order written to move forward. She said that they will not sell it to anyone without restrictions.

Pam Slattery-Thomas asked if they could do that without the bidders knowing that there may be restrictions.

Gordon Billington said that submitted bids must address historic preservation.

Councilor Blanck said that the Town is not required to sell to the highest bidder. He said that it was be the best bid that meets the requirements.

Councilor Pomerleau noted that Mrs. Farrar at the old Town Hall was not the highest bidder. He said that the Council has a lot of leeway to make their selection of who would make the best use of the building.

Pam Slattery-Thomas said that the Historical Society had also written a letter asking that they be given the old Town Hall.

Gordon Billington said that a public committee was created to recommend to the Council what to do with the disposition of that building (25 Ossipee Trail East). Their recommendation was to sell the building and dedicate the proceeds to a future community center.

Councilor Olson asked to be excused because she was not feeling well.

Glenna Jamison asked why do they feel the need to closed the bids before you speak to the Maine Preservation personnel.

Gordon Billington said that the bids will be opened then, but awarded a later date.

Chair Spencer noted that the bid had been advertised before the discussion of speaking with the Maine Preservation group was brought up.

Councilor Pomerleau said that the bid will not be awarded until after the meeting with the Maine Preservation personnel.

Maurie Hill said that it's a matter of trust of the Council. She said that it was her opinion that people thought that they are being talked down to and perhaps lied to. She said that building belongs to all of us. She said that you're elected to represent us, but you're being very short sighted and abusive to us as residents. She said that it's very disappointing that their philosophy is to cut, burn and slash and not look to the future. She said that they have to take the long view and she didn't see them doing that. She said that giving up a piece of property that's historically significant is really foolish. She said that they need to take the long view that our heritage is important. She said that she is just voicing her frustration with the whole process and the fact that people are being spoken down to. She said that they should think long and hard about supporting the Historical Society.

William Orr said that it was noted that a structural engineer had discovered problems with the building. He questioned if the town rejected the bids; would they then repair the building.

Councilor Pomerleau said that the sills are deteriorating and if the building was insulated properly then the roof would have to be redone. This the reason they did away with the minimum bid requirement.

Councilor Stack said that he heard that we've made a decision in Executive Session. He said that we did not make a decision on this or any other item in an Executive Session. In addition, Carolyn Biegel had concerns with the advertising of the building.

Gordon Billington said that it was advertised in the Portland Newspapers and a sign was placed at the building.

Pam Slattery-Thomas said that the ad ran in the Sunday Telegram. The only other place was on the website. She went to say as far as making decisions in Executive Session, but the way it came out it was apparent that it was discussed and things changed very quickly after the Executive Session.

Chair Spencer said that Executive Sessions are so the Council can discuss matters themselves.

Councilor Sargent said that a previous speaker spoke to them on the issue of trust, that speaker also noted that she hadn't been involved in the process. He said that he'd been there every night and trust is a two way street. He said that he could read from the minutes the information that they were told about the historic designation. Later they find out that things are different, the Council finds out that it wasn't the case and then find that the building has structural issues.

Pam Slattery-Thomas said that the misinformation that you speak of, if you listen to the tape she said she did not say that it was nominated. She said that she did not want to be accused of giving misinformation.

Councilor Sargent said that he had said a person from a group, he never said anyone's name.

Maurie Hill suggested that she may be speaking about her.

Councilor Sargent said that we were accused of lack of trust from you.

Maurie Hill said that she had said lack of trust because she thought that the building should be preserved in some way.

Councilor Sargent said that he agreed with her, but they have concerns of more than just one building. He said if you took a poll of people in town, most didn't even know that we had an old-old Town Hall. He said that we're trying to find a good use for the building. He said that he believe that she'd like them to give the building to the Historical Society. He said that the voters at the last election are not in the mood to give things away, we've listened to people say we need the oversight of a Budget Committee because people are concerned of every dollar that's being spent.

Maurie Hill said that the sense is, is that the building is being sold very quickly.



Councilor Sargent said that you're predisposing what we're going to do before we've done it.

Maurie Hill said that she hoped that she was wrong.

Councilor Sargent said that he agreed that the Historical Society was a benefit to the Town. He said that he was going to check with other towns to see how they support their Historical Societies. He asked how in the past had the Town supported the Society.

Chair Spencer said that we had purchased a computer.

Councilor Sargent said that this is a big ticket item that's why we went into Executive Session. We came out and had a public meeting about it.

Maurie Hill said that she was sure it was a public meeting, she was just giving the her thoughts.

Councilor Sargent said that it was difficult to sit there night after night and be accused of things. He said that he usually bites his tongue, but tonight he spoke up. He said that it comes with the territory, but words hurt.

Councilor Pomerleau said that it doesn't come with the territory, in the last three weeks he's been called a liar, the Council has been called liars, it's been said that no one in town respects them, accused all of them of burn and slash. He said that we're residents of the town and we dedicate hours to the town.

Maurie Hill said that she'd obviously struck a nerve.

Councilor Pomerleau said that he understands John's frustration. He said that we live in this town, we have families in town and to hear what's being said on TV is tough.

Maurie Hill said that she just wanted the building respected.

Mary McNeil explained that she sat on the school board for nine years, is a member of the Historical Society and also served on the Comprehensive Plan in the 1970's. What she'd like to know is what their plan is moving forward. She hoped that they'd listen to people in the know about historical properties.

Chair Spencer said that the bids will be opened on September 27, they will not be acting on them or discussing them. Maine Preservation will speak to them on October 9. At this time there is no order to move forward.

Councilor Sargent noted that there are many opening on boards and committees in town.

Councilor Thompson said that the Beach Committee is having a site walk on September 22 at 9:00 am all are welcome to attend.

Chair Spencer announced that Saturday, September 29 is the Hazardous Waste Disposal Day.

### **EXECUTIVE SESSION**

An Executive Session was not needed at this meeting.

### **ADJOURN**

Moved by Blanck seconded by Sargent and voted to adjourn. The meeting adjourned at 9:22 pm by unanimous consent.

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**

