

**MINUTES  
TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, SEPTEMBER 13, 2016  
STANDISH MUNICIPAL CENTER  
7:00 PM**

**CALL TO ORDER**

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

**ROLL CALL**

Councilors present: Blanck, Delcourt, Higgins, Nesbitt, Pomerleau Sargent and Sirpis.

**MINUTES OF PREVIOUS MEETING (S)**

The minutes of the August 9<sup>th</sup> meeting minutes were accepted as presented by unanimous consent.

**PETITIONS AND COMMUNICATIONS**

The clerk read a letter from Ed Hinckley regarding cemeteries that are located in town, in hopes to start a dialog to initiate a program to care for the cemeteries. A copy of the letter is on file at the Town Clerk's Office.

Raymond Staples of Ossipee Trail East noted that years ago there was a group of residents that cared for the cemeteries.

**REPORT OF THE TOWN MANAGER**

Gordon Billington spoke on the following topics:

- He thanked all that participated in the beach dedication ceremony. The facility is scheduled to open next spring. The plan is to pave the parking lot before the opening to the public.
- The Recreation Department will hold a movie night this Friday at Memorial Park, concessions will be available.
- Soccer season is here with games being played this weekend.
- The Good Shepherd Mobile Food Truck will be in Standish at the Deeper Well Church on October 20<sup>th</sup> from 3 – 4:30 pm. This is an outreach from Catherine's Cupboard.
- The Planning Board is currently reviewing an application from St. Joseph's College to construct an events center on what was the Gowen Property.
- The Public Works Department has been busy replacing culverts in coordination with the various paving projects.
- An upcoming project for the Public Works Department will be improvements at Johnson Field to update the ball field to meet Little League requirements.
- The Recreation Department Spooktacular will take place on October 29 at Memorial Park beginning at 3 pm.

**PUBLIC HEARINGS**

**85-16 Amendment to Standish Town Code, Chapter 181, Land Use, Multiple Sections Regarding "Define Ground Floor and Eliminate Mixed Use Requirement for Existing Structures on Ground Floor". [Blanck]**

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

Councilor Blanck explained that currently the Formed Based Code does not allow a residential dwelling on the ground floor in a mixed use building. These amendments would allow ground floor residential use in Village Districts in "grandfathered" buildings that were built prior to 2011 when the Formed Based Code was initially adopted. Buildings that are improved will have to meet the provisions of current code.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments. There were none.

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

## **VOTE: 7 Yeas**

### **\*\* Public Hearing on Secret Ballot Referendum Issue – Rescind Charter Term Limit Provisions \*\***

The Clerk highlighted the proposed referendum question.

Louis Stack of Whites Bridge Road recommended that they keep the term limits for the Town Council but eliminate it for the Budget Committee and School Board. He said that it was hard for him to understand why they think that term limits hasn't worked since there are new Councilors. He noted that the Budget Committee has never been fully staffed and he didn't believe that term limits were needed on the Budget Committee.

Todd Delaney of Spear Road said that he spoke on this topic last month. He said as a parent, taxpayer and member of the School Board he does not support term limits on School Board members. He said that it is his opinion that the public is not served by term limits being on School Board members. He went on to say that it is detrimental not only to the students but also to our community in ways that you don't even realize. He explained that when the school negotiates the contracts it helps if there is institutional knowledge to get the best contract. He said that he won't weigh in on term limits for the Town Council, however he feels very strongly about the term limits on School Board members. He said that there is not a rush to join the School Board. He recounted that he attends approximately seven meetings a month for which he receives \$15 for each meeting. He said in 2017 he will be the first School Board member to be termed out since this was initiated. He said that he didn't think that new blood was necessary for the School Board. He announced that he didn't think that he would be seeking re-election in 2017 if this is repealed since he has served for six years and the board is very demanding of his time. He reiterated that term limits on the School Board do not serve the students, community or the people. He asked that they put this back out there and allow the people of Standish to make the decision. He said that when the school budget is \$48 million, of which 74% of his tax bill, and 74% of the school budget relates to salaries and benefits you can't tell him that having institutional knowledge isn't important.

William Orr said that he supported term limits on the Council, he thinks that the School Board issue is a separate matter. He said that the School Board term limits was not in the original proposal. He said that it was his opinion that term limits drew a lot of voters to the polls and he thought that it should be tested longer to see how it really works.

Walter Wasson of Manchester Road said as one of the petitioners' term limits was originally for the Town Council only. He said that the reason being the petition was to bring new blood on the Council. He said that in his opinion there was another reason and that was there was the perception that the Council at that time were not listening to what the voters had to say. He cited sidewalk referendums that didn't pass as reason why they were brought forward. He said in their wisdom they decided to add the Budget Committee and School Board Directors. He said that at the time their reasoning was that all those boards had part of the budget process for the town. He said that he'd like to see the vote split into two questions, one for the Town Council, the other question should be for the School Board and the Budget Committee. He said that if it is presented the way it's shown tonight it may come up again.

William Hill of Wildridge Road asked that the following be read into the record (The original document is on file at the end of these minutes:

Term limits is and always has been a bad idea. The reason it's a bad idea is because it limits the choices of people the public has to vote for. If you have a really good public servant and you want to keep him, you can't. You have to get rid of the good candidate and replace him with someone who's inexperienced. By having term limits, we are eliminating the people who have wisdom and experience from political life. Like any job, it takes years to be good at what you do. About the time our elected officials have become good public servants, we're required to throw them out.

And what is the advantage of that? Well, for the lazy stupid voters it creates change for people who don't care enough to find out what the issues are or have the self control to not vote for the incumbent. Term limit laws are an acknowledgement by the voters that they are too dumb to make an informed decision at the ballot box.

It doesn't matter how much money someone spends, when you go into vote, there's no one holding a gun to your head making you vote for the guy who spent the most money or who is already in office. Believe it or not, you have free will. You can vote these people out. If you think the incumbent has an unfair advantage, you're right. That's why we need to reform the system and prohibit politicians from taking certain kinds of bribes (campaign contributions, we know what they really are). But if Americans are too damn lazy to figure out who to vote for they deserve the politicians who get elected.

He said that the argument that he's making is like the lazy lobster it's all cracked open for you and it's not the way he orders his lobster. His suggestion to the Council was this -- this matter should be examined -- obviously they are not working School and Budget Committee's, so eliminate them. As far as the Council goes, having a revolving door does not provide us with the best public service. He said that he would suggest that if you have term limits for Town Council that it should be twelve or ten years. That way they could learn the job and provide good service for the remainder of their term.

Daniel Kasprzyk welcomed the two new Councilors and thanked them for running. The following is copied from a statement that Mr. Kasprzyk read into the record (Original document is on file at the end of these minutes):

On August 18th, a citizen's initiated petition was submitted with 1,154 signatures collected from residents in the Town of Standish. Although, three months were allowed to collect signatures, more than 1.5 times the required amount was obtained in only 3 weeks. (804 was required).

The petition added term limits to Town Council only.

On November 4th, in a record voter turnout since 2008, 4,418 voters cast ballots, of which 2,562 (60%) overwhelmingly approved term limits for Town Council.

In one day, former Councilor Phil Pomerleau submitted a referendum question to add term limits not only for Town Council, but for School Board, and Budget committee members.

Mr. Pomerleau abused his council authority, and admitted publicly that this was against 2 then sitting members on the School Board and Budget committee.

Mr. Pomerleau's Charter amendment failed to consider the disparity created on the school board when 4 of 5 towns represented were NOT subject to term limits.

Mr. Pomerleau's amendment also failed to consider a recent charter amendment that reduced the number of Budget committee members specifically because of the lack of participation.

Since Term limits have been introduced, elections for Town Council have been filled with candidates running without fear of losing to an incumbent. Papers have been taken out every year for every seat.

In November of 2014, 2 votes were presented to alter the Town Charter related to term limits which both passed overwhelmingly.

Here are 3 quotes I want to repeat today

*"It's high time the government of the people, by the people, for the people has an elected official that listens, understands, and has the best interests of its people in mind"*

*"By listening and talking about ideas big steps toward finding solutions and common ground can be made"*

*"DECISIONS ARE MADE BY THOSE THAT SHOW UP. MAKE SURE YOUR VOICE IS HEARD BY VOTING ON ELECTION DAY"*

- Greg Sirpis

Today, Mr. Sirpis is proposing an amendment that ignores the decisions made by those who showed up in 2014. Show the residents and voters in Standish that you believe

what you said when you ran for this office.

Amend this current petition as you have written and allow voters to choose which offices they want term limits on separately.

Mr. Kasprzyk said that he would now like to have an article from October 29, 2014 placed in the public record. He said that Wayne Newbegin was a multi-term Town Councilor and he was also a multi-service member of the military serving for 39-years. He passed away while on the Town Council and Mr. Nesbitt was appointed to the seat. The following is copied from a statement that Mr. Kasprzyk read into the record (Original document is on file at the end of these minutes):

News Release: October 29th, 2014

**Standish Town Councilor Wayne Newbegin Re-affirms his support of  
"YES on 3" - Town Council Only**

Standish Town Councilor Wayne Newbegin re-affirmed his support in favor of Referendum Question #3 for Term Limits for Town Council Only. With Councilor Newbegin's permission, we have reprinted his comments from the Weekly Shopping Guide below.

Standish Voters

I support Question #3 - Term Limits for Town Council Only

My name is Wayne Newbegin and I was elected to the Town Council this year. During my campaign in June, one of my platforms was the creation of term limits for municipal government here in Standish.

As a resident of the town, I'm pleased to see the efforts to amend the Town Charter, and to establish term limits on the Town Council. I also support referendum Question #3 to amend the Town Charter for Town Council only, and intend to vote in favor of it.

I have researched term limits for Town Council in the past, and I believe that it's time has come be embraced by our Town. Term limits bring diversity, fresh ideas and reduce complacency among its members.

The Term Limits proposed in Question #3, are not permanent - after serving 2 terms, and sitting out one- residents can run again and again.

Standish has numerous committees and boards to serve on besides Town Council. I know, because I've served on many of them. Serving on various committees gives me a more diverse understanding of my town, and helps to prevent complacency. Every day, I learn something new from the members of these committees and from you its residents.

Question #3 was brought to Standish with no ill will, no hidden agenda, and most importantly - it was brought to us by residents of this Town. Since July when residents were asked to sign the petition to bring Town Council term limits to voters, I've watched and I've listened to supporters and the very few individuals opposed to the referendum. Regarding the supporters - I have seen a

very professional, polite, and sincere campaign to bring awareness to Standish on the benefits of term limits.

People are getting more involved than ever. In the June election, a record number of 1,382 votes were cast. There was a candidate for every open council seat on the ballot. In fact, there were 7 candidates running for only 3 available seats. When a council seat was vacated by Michael Blanck (he retained his seat while running for a different slot on the council), at least 3 individuals applied for appointment to his vacated seat. These facts indicate that our residents are getting more involved with the governance of our town. It indicates that there is no shortage of volunteers here in Standish.

In 6 years, (should you grant me the privilege to serve a 2nd term), I'll be stepping down to let someone else run for my seat. Those individuals will run without the fear of facing an incumbent. I'll still be here to support my town, I'll just run for a different board or committee. I'll also be here to lend support and knowledge to my successor, no matter who they are.

On November 4<sup>th</sup>, while you know I'm supporting question #3 (Term Limits - Town Council only), the choice is yours, and the most important thing is that you vote.

Sincerely,

Wayne Newbegin

Mr. Kasprzyk said that Mr. Newbegin has passed away and he felt that it was important that the Council is aware of his wishes and that you can see a copy this document.

Philip Pomerleau of Northeast Road said that Question 4 passed with 2,446 for all three boards being under term limits. He said that he knew where question 3 came from, it was about getting a couple of Town Councilors. He said that people need to understand that Councilors get termed out every three years, if you don't do a good job you don't get reelected. He said they'd like you to believe that before term limits nobody ran for office. He said that he ran for office six times five of which he had an opponent. He said that he's ran twice since term limits and has not had an opponent. He said to pretend that term limits is making some big change here is ridiculous. He said that term limits is not working out for the Council and School Board. He said as a School Board member he knows that 4 out of 5 members on the negotiating committee are new members. To say we need experienced members there and not on the Town Council is ridiculous. He went on to say that he did not agree with the boards being voted on separately they should be voted on as one question. He said that two reasons to eliminate term limits would be to retain John and Mike. He said that they each have served five and a half years and have done great things for the town.

Steve Flaherty of Susan Drive said that he had never attended a Council meeting before, however, since just recently retiring he considering being more active in town affairs. He said his gut feeling is that new blood is a good idea. He said that we voted to have term limits two years ago noting that that's a short time to decide if the process is working. He suggested that they wait a couple of years to determine if it's working or not.

Lynn Olson of Cardinal Circle noted that she enjoyed her time on the Town Council. She said that among the things that she took lead on was the formation of the budget. She explained that for thirteen years she was the Financial Officer of the Maine of the Maine Community College System,

she said that she knows the ins and outs of non-profit fund accounting. She said that along with the other Council members they kept the budget tight, consistent and very low. She explained that after leaving the Community College System for a time she had a consulting business. She said that some of the things that she did for the Town she also did for the City of Gardiner, however they paid for the services. She said that the Town Council's duties are complex, especially regarding the non-profit aspects and how much you're in the public takes getting used to. She explained that the amount of time it takes to do your council job is significant. She noted that meetings are televised and each member attends meetings, workshops and subcommittee meetings. She said that not everyone can give the amount of time that membership on the Council requires. She went on to say that if a person is doing a good job then they should have the right to run for the job. If the person is not doing a good job that will be reflected at the election. She cited a School Board member that who was sanctioned at least twice, it was not term limits, this person knew that if they ran again the word was out there, and it would have been decided at the ballot box. She continued to say that it takes over a year to understand how it all flows. She said that term limits reduced the ability of the town to have the historical memory to help moving the town forward. She said that she's retired now and does miss being on the Council. She said for them to say ... *you've been here long enough, leave* ... doesn't work. She said it's made it difficult for the School Board to fill their positions and the Budget Committee as well. She said she believes the ballot box is where the decision should be made and term limits are artificial. She said that splitting the vote would be a problem, since some have a vendettas and try to push their agenda.

Michael Napolitano of Saco Road voiced his opinion that the question should be separated. He recalled that initially in 2014 term limits were just for the Council, but then the other boards were bundled in.

William Hill said that the call goes out for new blood, he noted that there is no new blood. He then asked the Clerk how many voters there were, she responded approximately 7,000, and he continued by saying that less than half voted for term limits. Then he said that term limits in effect limit government, it creates a revolving door, and it is closet anarchy.

Daniel Kasprzyk said that former Councilor Olson made an accusation that a School Board member was sanctioned. He said that he hoped that the Council would bring her into an Executive Session to find out who this individual is that has been sanctioned.

There was discussion of bringing the order regarding this matter forward after the Council discussion on this matter.

Moved by Sirpis seconded by Blanck and voted to take order 92-16 at this time. (Unanimous)

**92-16 Call for Special Town Meeting Referendum Election on November 8, 2016, Place Referendum Question on the Ballot – Charter Amendment – Term Limits, Execute Warrant [Sirpis]**

Councilor Sirpis explained that he brought this forward because he does not support term limits. He said at the election in June we had twelve seats available, of that twelve seats one race was contested. He said the other seats were either unopposed or vacant. He said that we've tried this for two years and it has not succeeded. He said that it's his hope that we can make a compelling and reasonable case to the public that we need help. He said that there are two new members, however

if this is not repealed we'll lose two members and it will affect the culture of the board. He mentioned that Lynn had spoken about the amount of material that you have to learn. He explained that he had spent the last three months studying just the budget and he also serves on three other committees. He said that it will take a while for him to get this down pat. He said it makes no sense to him to lose talent. He said that we have people that are willing to serve that have experience. He cited Mr. Delcourt's 21-years of experience on the School Board ending by saying you can't buy that type of experience. He questioned why would you force somebody out due to term limits. He said that he didn't need term limits – if he's not doing his job he'll be voted out of office. He said that he'll be supporting this measure as one vote.

Councilor Higgins said that she didn't have a problem with the term limits. She said that the way they were bundled in 2014 was counterproductive and it confused the voters. She said that well over 1,000 people signed a petition for term limits for the Council due to voter unhappiness. She said that voters felt that they were not being listened to and it was easy to get the signatures. She said that the only way she would support this is if it was three separate votes. She cited that there are issues with each of the boards. She noted that the argument that we are not getting new blood is not entirely true, while may not be people running in opposition of certain seats, Standish has a history of having vacancies on the ballot. She said a good case has been made by people regarding the School Board. She noted that there is a learning curve in all of this and it is a highly public position to hold. She said that it should be separated. She said that the term limits petition was initiated in 2014 because people were unhappy because they felt that they weren't being listened to and their opinion didn't matter and they felt powerless. She said that she will support taking it back to the public if it's separated into the three questions.

Chair Nesbitt explained that usually a Council order first has public discussion followed by Council input. He noted that he was doing this ordered differently since they had just hear public comment during the Public Hearing. He will let the Council continue followed by additional public discussion.

Councilor Sargent said at that election in 2014 there were two items on the ballot. One was individual, the other was all three. What hasn't been mentioned is the vote on the question with all three boards passed by a larger margin than Council only question. He listening to the public comment that it's only been two years is a valid point. He said that this last election we had many vacant seats and we'll lose people that are willing to serve because they are termed out.

Councilor Blanck said even if term limits are overturned he has no intention to run again. In June he will have served seven years. He said that he was a firm believer that if a person is termed out the Council loses valuable experience. He will support for all in one vote.

Councilor Pomerleau said that she does not support term limits, she agreed with all that Councilor Sirpis had said and she will be supporting keeping them together as one vote.

Councilor Delcourt said that he thought that being a Town Councilor would be easy. He said that he was wrong. He explained that he served for 21-years on the School Boards Negotiating Committee, he noted that we need continuity on these committees to best serve the community. He said that he will support Councilor Sirpis' order.

Chair Nesbitt called for public discussion.



Daniel Kasprzyk said that Councilor Sargent had spoken about the votes cast in 2014 regarding the two term limit questions. He stated that question 3 passed by 60% of the votes. Question 4 passed by 57%. He asked the Council to consider having Councilor Blanck and Councilor Sargent recuse themselves on this vote since they are directly affected by this matter

Pam Slattery-Thomas of Thomas Road said that the perception is there are two things going on -- the experience and knowledge issue; she said that the other issue is the attitude noting that egos could be left at home.

Philip Pomerleau said that the reason that Question 4 was 120 less votes is because of the ad and sign campaign prior to the election to support Quest 3 but not Question 4. He also thought that people did understand Question 4 even though it's been said that it was confusing.

Michael Napolitano asked them to vote on the separately to see what the people want instead of bundling it.

William Hill said that the appeal for term limits indicated that there would be all sorts of new blood, but that hasn't happened. In addition, some think that the Council doesn't listen to them. He said that he fails see that those are legitimate reasons for having term limits.

Walter Wasson said that we've had trouble in the past with bundling items. He suggested to split it up and have the voters decide.

Chair Nesbitt called for the public portion of the hearing to be closed and asked if there was further Council discussion.

Councilor Higgins said that she didn't mean to imply that the public was confused. What she meant to convey was having the same question on the ballot in two formats was confusing. She said that her intent was not to make light of the intelligence of the voters.

Councilors Sirpis said the last time we voted for term limits it was very confusing. He said that he wanted it combined to make it a simple yes or no. He said the reason that he brought this forward in the first place was the people weren't stepping up to serve. He said that democracy is at its finest when you have competition.

Councilor Sargent said that if he wasn't being termed out he might run for one more term noting that it has to do with his age and energy level. He said if he had to sit out three years he probably wouldn't run again. He then asked the entire Council if they wanted him to recuse himself from voting on this matter.

Moved by Sirpis seconded by Pomerleau and voted to have all Councilors vote on this order.  
(Unanimous)

Councilor Blanck said that he's a firm believer that if the towns people were unhappy with a Councilor they voters would vote him/her out.

Moved by Higgins seconded by Sargent to separate the vote Council, School Board and Budget Committee.

Daniel Kasprzyk said in the past few years he has assisted in collecting signatures for various candidates. He questioned the earlier statements regarding people not running for office. He then questioned Councilor Sirpis' statements regarding the 12 people that didn't run for office, he questioned if that number included termed out candidates.

Councilor Sirpis said that he hadn't said there was 12 people that hadn't run. He said that there were 12 seats on various boards that were available. Of those seats only one was opposed.

Daniel Kaspersky asked them to look into that prior to voting. In his opinion he said people are willing to step up. He said that recently there was a Council seat that had five candidates, he questioned if that was productive for the town. He said he thought it would be better to just have a few candidates running for any given seat.

Philip Pomerleau said that he took exception to Mr. Kasprzyk stating that he had petitions ready to submit. He said that if he had a candidate to run against him for the School Board they would have submitted the papers.

Pam Slattery-Thomas said that this is a perfect example of the type of attitude that turns people away.

Chair Nesbitt called the vote on the amendment:

**Moved by Higgins seconded by Sargent and voted to separate the vote Council, School Board and Budget Committee. (1 Yea – 6 Nays – Blanck, Delcourt, Nesbitt, Pomerleau, Sargent and Sirpis) Motion failed.**

Chair Nesbitt called for further Council comment on the order – there was none.

Chair Nesbitt said that he was opposed to term limits on the local level. That why he voted to bring the vote forward as one question. He said that we are volunteers and we need to support our volunteers. He said that we heard comments about taking out papers, he said that it's easy to take out papers but it's not easy to turn them in. He said that's where the real conviction is—when you hand them in. He said that next year on the seven member Budget Committee there will be six openings. He said if there is a person willing to serve then they should be allowed to serve. He said that he did not think that incumbents there were favored because he recently lost a race being the incumbent.

Chair Nesbitt called for the roll on the order.

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

## **COMMITTEE REPORTS**

**Councilor Sirpis** announced that he and Councilor Delcourt representing the Cemetery Committee received a list of older cemeteries that they will be working on, he explained that they will try to visit many of them before Veterans Day. Updates will be forthcoming.

**Councilor Sirpis** explained that the Economic Development Committee recently reviewed expanding broadband options. He cited that the challenges to this project as he see it are, are the resident interested in this service and it there a vendor willing to provide it at a low cost. He encouraged interested residents to let him know their thoughts on this matter.

**Chair Nesbitt** mentioned that there is a cemetery on the Dolloff Road that that Mike Sullivan and Jeff Dolloff have done a lot of work on by maintaining the road wall, putting up gates, and planting grass. He said it been a wonderful transformation to see.

**Councilor Higgins** said that Mr. Billington covered the Beach Committee in his update.

**Councilor Higgins** noted that the Recycling Committee will meet next month, the good news is that the recycling numbers are up. She said that the committee will be working on strategies to improve the numbers.

**Councilor Higgins** encouraged residents to donate their bottle and cans to the Bottles for Fuel Program.

**Chair Nesbitt** explained that the Finance Committee met noting that the revenues and expenditures are right where they should be. He said that there are a few item's on the agenda tonight relating to town finances.

**Councilor Sargent** cited that the Capital Improvements Committee and have an agenda item tonight.

**Councilor Blanck** reported that the Ordinance Committee continues to work on the Form Based Code requirements. He explained that this is a very time consuming effort. The committee has worked with the town planning and legal counsel in hopes of bringing forward the completed document forward to the Council in the next few months.

**Councilor Pomerleau** stated that the Appointments Committee met this evening and will be bringing forward candidates for appointment.

**Councilor Pomerleau** explained that the Public Safety Committee met and she will be bringing an order forward later on the agenda.

## **CONSENT CALENDAR**

The Consent Calendar items were read by title only and voted on collectively.

### **90-16 Appointment of Ballot/Election Clerks and Election Warden for the November 8, 2016 Elections [Nesbitt]**

### **91-16 Establish Hours for Voter Registration Prior to the November 8, 2016 Elections [Nesbitt]**

Chair Nesbitt called for public comment. There was none.

Chair Nesbitt called for Council comment. There was none.

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

### **UNFINISHED BUSINESS**

There was no unfinished business on this agenda.

### **NEW BUSINESS**

#### **93-16 Resolution to Establish October 15, 2016 as Standish Health and Safety Day [Pomerleau]**

Councilor Pomerleau announced that this year's will be the biggest ever, there are more vendors and Public Safety demonstrations. She said that they are still accepting donations for the bike give-away. She reported that the Steep Falls Library donated 10 bicycle helmets.

Chair Nesbitt said that donations for the Safety Fair should be made out to the Town of Standish noting that it's for the fair.

Chair Nesbitt called for public comment. There was none.

Chair Nesbitt called for Council comment.

Councilor Sirpis noted as a past Public Safety Committee member he has seen first-hand how this fair has grown and he tipped his hat to Councilor Pomerleau and the Committees efforts in the working on the fair.

Chair Nesbitt recalled going to Hannaford's immediately following last year fair and seeing a little boy who had just won one of the bikes telling everyone he met that he had won.

Councilor Blanck noted that the fair awards many bikes.

## **VOTE: 7 Yeas**

#### **94-16 Award Bid and Authorize Contact for Road Crack Sealing [Sargent]**

Councilor Sargent explained that the Capital Improvements Committee sent out twelve notices to vendors, only receiving one in return. He continued to explain that the vendor that had been used in the past and this is a lower rate than last year.

Moved by Sargent seconded by Blanck and voted to add the name of Shamos Sealcoating at cost of \$17.25 per gallon, not to exceed the budgetary amount of \$20.000. (Unanimous)

Chair Nesbitt called for public discussion on the amended order. There was none.

Chair Nesbitt called for Council discussion on the amended order.

Councilor Sargent explained that the budgetary amount has been the same for a number of years, in this next budget cycle there should be discussion to increase the amount.

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

### **95-16 Set Mil Rate, Due Dates and Interest Rate for the Fiscal Year 2017 Taxes [Nesbitt]**

Chair Nesbitt noted that this will be a raise in the mil rate of three cents, doing quick math on a home of \$200,000 that's about a six-dollar increase.

Chair Nesbitt called for public comment. There was none.

Chair Nesbitt called for Council comment. There was none.

## **VOTE: 7 Yeas**

### **96-16 Town of Standish Town Council Orders Authorizing Tax Anticipation Borrowing [Nesbitt]**

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

Chair Nesbitt explained that this type of order is typically twice a year to have money available to operate the town until the tax payments start coming in. He explained that the Finance Director monitors the fund balance only utilizing this funding when it's necessary and repays it to reduce the amount of interest. He continued by saying that not all bills the town owes are paid in monthly installments. He cited as an example, the bill to Cumberland County is a one-time a year payment, this year's amount was over \$600,000.

Chair Nesbitt called for public comment. There was none.

Chair Nesbitt called for Council comment. There was none.

## **VOTE: 7 Yeas**

### **97-16 Establish Special Revenue Fund for Recreation Department and Deposit FY 2016 and designate FY2016 net audited remaining Recreation revenue funds to be transferred into said account [Nesbitt]**

Chair Nesbitt said that this was brought forward by the Recreation Director and discussed at last month's Council workshop.

Town Manager, Gordon Billington provided some background on this matter. He explained that back until approximately 2001 the Recreation Department was funded using an enterprise fund. At that time the Council changed the funding source under the town's general fund. Since that time the Recreation Department has collected user fees in addition to the tax dollars funding, in many years a surplus was realized. He said that those surplus funds have been absorbed into the general fund at the end of each year. He explained that they believe that those excess funds should go back to support the Recreation Department. He announced that this past year they generated \$45,819 that

will be put into the special revenue account to support the Recreation Department if the order is ratified.

Chair Nesbitt noted that many towns following this fund procedure.

Jen DeRice, the Recreation Director said that retaining this funding within the department will help expanding programs.

Chair Nesbitt said that the surplus is not from over charging for programs, but from more people participating.

Jen DeRice explained that they try to run the programs as revenue neutral.

Chair Nesbitt called for public comment. There was none.

Chair Nesbitt called for Council comment.

Councilor Delcourt questioned why the monies couldn't be rebated to the parents who paid for the program.

Jen DeRice explained that the two big programs are the afterschool and summer programs. She explained that the fees for this programs are based on the minimum number of participants. If there are more participants there may be an overage, but it doesn't always work out that way. She cited that they recently had to replace soccer goals and other equipment. The cost of replacing equipment is factored in the participant's fees over a number of years rather than in one year.

Councilor Delcourt said that all of the things she just said he knew, he wanted the public to know the background.

Councilor Higgins noted that the programs have expanded greatly for the public.

Councilor Sirpis said that this is not a secrete fund it will be accounted for annually in the budgetary process. He went on to say as he did at the workshop, having money left over is a good problem to have and keeping it in the department is the right thing to do.

Gordon Billington clarified that many years there was not a surplus in the Recreation Department.

Chair Nesbit said that Councilor Sirpis brought a good point that this will be part of the budget process.

**VOTE: 7 Yeas**

### **98-16 Adopt Revised Fund Balance Policy [Nesbitt]**

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

Chair Nesbitt explained that this has been a policy for some time originally championed by Councilor Olson. Each year during the audit process the auditor's look at the fund balance. Prior to the establishment of the policy the rule was to have two months of operating expenses in surplus. This

method did not always meet the needs of the town. The policy requires a percentage which works out to be two and a half to three and a half months of operating expenses.

Chair Nesbitt called for public comment. There was none.

Chair Nesbitt called for Council comment.

Councilor Sargent asked that the fund balance be explained for the public.

Chair Nesbitt explained without a policy the fund balance would grow and grow. He said that eventually it grew so large that it funded the construction of this building. The philosophy now is to not let it grow too large.

Gordon Billington said the reason there is a fund balance to give the town operating funds at the beginning of the year.

### **VOTE: 7 Yeas**

### **99-16 Appoint Standish Representatives to MSAD #6 /Frye Island Cost Sharing Group [Nesbitt]**

Chair Nesbit explained that the residents of Frye Island have been investigating various methods of reducing the amount that they pay to MSAD #6 since they do not have any students enrolled in the district. As part of the process a cost sharing review group consisting of two persons from each town will be established to review options. Funding Plans will be reviewed and eventually brought to the voters.

Chair Nesbitt called for public comment.

William Hill said that this has come up a number of times in the past. He said he does not have children in district but has never complained about paying taxes for education. In fact, he said if you think education is expensive try ignorance, you'll really pay. His concern is that these people have second homes still need to pay their fair share.

Chair Nesbitt called for Council comment.

Councilor Blanck said that he agreed with Mr. Hill's ideas but this is a mandate from the state. There are still many steps ahead.

Councilor Sargent said that this state mandate provides that the member town's get together to settle the difference and come up with a funding formula that they can all agree on. If we don't decide it may be that the decision is made for us by Augusta and we will have less control.

Chair Nesbitt said that he too does not have children, but believes in paying his share of taxes. He asked that the representatives keep that in mind to retain Frye Island in the funding formula.

Councilor Delcourt said that he pays his fair share of taxes and doesn't understand how anyone could think that they don't have to pay taxes. He will go and listen to them with an open mind.

Councilor Higgins said that she understands that we do need to pay our taxes, but there are a lot other second home owners who will also look at this for an excuse not to pay taxes if this is granted. She agrees that we have to go through the process.

Mr. Billington said that what Frye Island is asking for is the formula as it applies to them to be changed. MSAD #6 is the only school district in the state that uses property valuation as a means of establishing costs sharing. LD 1 changed the formula to be a cost per pupil fee. When that was drafted he contacted our senator to keep the valuation funding in place by amending the law. What Frye Island is suggesting is to change the funding method to a blend of cost per pupil and valuation. If they went to this type of funding the Town of Standish's cost would be reduced by up to \$500,000. However, other town's costs would increase. He said that Frye Island is willing to pay taxes towards a school district as they just want to pay a fair amount. He applauded this study group so that they might find a funding plan rather than having it decided for us. Frye Island has discussed joining Raymond, if that were to happen we would lose all their tax dollars that go towards the school.

Councilor Sargent said given Frye Island's unique situation including factors that they don't receive certain state funding, however any way you slice it they are reaching their funding limits. He noted as Mr. Billington had mentioned it's better to help come to a solution, rather than other alternatives.

**VOTE: 7 Yeas**

### **100-16 Town Council Appointments to Various Boards or Committees [Pomerleau]**

Moved by Pomerleau seconded and voted to amend the order by adding the following names:

Jolene Whitmore to the Planning Board until June 2017  
April Carson to the Recreation Committee until June 2017  
Janet Harriman to the Recreation Committee until June 2019 (Unanimous)

Chair Nesbitt called for public comment.

William Orr of Kerri Farms Drive said that he opposed these appointments because the meeting was not open to the public. He said that at the July meeting he had been told that he had received a legal opinion that stated appointment interviews were an executive session. He indicated that it was his opinion that the legal opinion conflicted with the town's charter and state law.

Chair Nesbitt called for Council comment.

Councilor Pomerleau noted that he had been forward the letter from Kenneth Cole that we are within our rights and would be violating the applicant's rights by having public attend the meetings.

Councilor Sirpis thanked the three candidates for stepping up.

Chair Nesbitt said that there were three great Planning Board candidates and they had a tough choice.

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



**101-16 Emergency Amendment to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Tables for the Maximum Levels of Assistance as provided as Provided by the Maine Municipal Association [Nesbitt]**

Chair Nesbitt noted that this is an annual order that is presented to allow recipients to receive benefits.

Chair Nesbitt called for public comment. There was none.

Chair Nesbitt called for Council comment. There was none.

**VOTE:** 7 Yeas

**102-16 Amendment to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Tables for the Maximum Levels of Assistance as provided as Provided by the Maine Municipal Association [Nesbitt]**

Chair Nesbitt noted that this will go through the Council legislative process.

Chair Nesbitt called for public comment. There was none.

Chair Nesbitt called for Council comment. There was none.

This item moved to first reading at the October meeting by unanimous consent.

**PUBLIC ITEMS**

**ANNOUNCEMENTS**

Several upcoming meeting were announced.

Chair Nesbitt noted that the Finance Meeting are being held on an alternate date due to the Columbus Day Holiday.

Councilor Sirpis spoke on the following:

- Standish Fish and Game will have retired Warden Roger Guay as a guest speaker at their meeting October 6 beginning at 6pm at the Steep Falls Fire Station.
- He will be sponsoring an order to have the Pledge of Allegiance be recited at all Council meetings and workshops.

Councilor Sargent noted that PWD will hold their field day on September 17 which will include many activities.

**EXECUTIVE SESSION**

An executive session was not needed at this meeting.

**ADJOURN**

Moved by Sirpis seconded by Higgins and Voted to adjourn. The meeting adjourned at 9:25 pm by unanimous consent.

Submitted BY: \_\_\_\_\_

Clerk/Secretary