**MINUTES**

**SPECIAL TOWN COUNCIL MEETING**

**JUNE 18, 2016 – STANDISH MUNICIPAL CENTER**

**BEGINNING AFTER ANNUAL AND SPECIAL TOWN MEETINGS**

**WHICH BEGINS AT 9:00 AM**

**CALL TO ORDER**

The Special Town Council meeting was called to order by the Town Clerk and the Pledge of Allegiance was recited.

The Clerk called the newly elected Town Councilors, Michael Delcourt, Steven Nesbitt and Greg Sirpis to the podium and administered their oath of office.

**ROLL CALL**

The Clerk called the roll, six Councilors present: Blanck, Delcourt, Higgins, Nesbitt, Sargent and Nesbitt. Councilor Pomerleau was excused.

The Clerk called for nominations for Town Council Chair.

Moved by Sargent seconded by Sirpis and voted to nominate Steven Nesbitt as Council Chair. (Unanimous) Moved seconded and voted for nominations to cease. (Unanimous)

Chair Nesbitt took the Chair called for nominations for vice-chair.

Moved by Sirpis seconded by Blanck and voted to nominate Kimberly Pomerleau as Vice-chair. (Unanimous)

Moved seconded and voted for nominations to cease. (Unanimous)

Philip Pomerleau explained that Kim Pomerleau was not at the meeting because she was participating in the *Trek Across Maine* this weekend. On Kim’s behalf, he passed on thanks to Lynn Olson for her years of service to the Town of Standish. She also wanted to welcome Mr. Delcourt and Mr. Sirpis.

**NEW BUSINESS**

**75-16 Adopt Standish Town Council Rules of Procedure [Blanck]**

Chair Nesbitt said that this is a straight forward order that adopts the rules annually.

Chair Nesbitt called for public discussion: There was none.

Chair Nesbitt called for Council discussion: There was none.

**VOTE: 6 Yeas**

**76-16 Authorize Town Council to Accept Donations [Blanck]**

Chair Nesbitt said that this is an annual order done in June that allows the Town Council to accept donations.

Chair Nesbitt called for public discussion: There was none.

Chair Nesbitt called for Council discussion: There was none.

**77-16 Authorize Use of Town Council Contingency to Support Regional Branding Campaign Sponsored by Sebago Lakes Region Chamber of Commerce [Blanck]**

Gordon Billington, Town Manager, explained that the president of the Chamber of Commerce came to speak at a Town Managers meeting to present a program regarding branding the of the area by running a series of televisions spots. The spots would include a map of the region pointing out the key points of each town. The spots will run 60 times on major networks this fall.

Chair Nesbitt called for public discussion: There was none.

Chair Nesbitt called for Council discussion:

Councilor Higgins asked where would the spots be run.

Gordon Billington said that the spots would be ads that will run on the major networks.

Councilor Sirpis asked if other towns has signed up for this.

Mr. Billington said that several towns and the county are on board with the program.

Chair Nesbitt said that when he was on the Lakes Region Comprehensive Plan Committee branding options was a topic of discussion.

**VOTE: 6 Yeas**

**78-16 Town Council Chair Announcement of Council Appointment Committee Members [Blanck]**

Chair Nesbitt said that typically the Town Council Standing Committees are appointed at the July meeting, however, there are several openings and he would like to appoint the Appointments Committee so they can interview potential candidates.

Moved by Blanck seconded by Sargent and voted to appoint the following Councilors to the Appointments Committee: Kim Pomerleau – Chair, John Sargent and Michael Blanck. (Unanimous)

Chair Nesbitt said that these appointments may not be for the entire year, however, they need to be in place at this time.

Chair Nesbitt called for public discussion: There was none.

Chair Nesbitt called for Council discussion: There was none.

**VOTE ON ORDER AS AMENDED: 6 Yeas**

Chair Nesbitt said that before the next order he would like to have a motion to suspend the Rules of Procedure because they state that appointments cannot be made unless the Appointments Committee has met to review applications. There is an individual that has served on the Appeals Board and his term has expired, he would like to continue to serve, however, he was late in submitting the application due to his schedule. Chair Nesbitt said that we need to suspend the *Rules of Procedure* to forgo the requirements that the Appointments Committee to must meet prior to making an appointment.

Moved by Blanck seconded by Higgins to suspend the rules of procedure. (Unanimous)

Councilor Blanck said the seat needs to be filled because the Appeals Board meets next week.

Chair Nesbitt added that if this appointment is not made the Appeals Board will not be able to meet because they won’t have a quorum.

Councilor Sirpis said that he has worked on the Appeals Board with Mr. Cutler, he is qualified and should be the chair of that committee.

Chair Nesbitt called for public discussion:

Mr. Philip Pomerleau said that he agreed with this appointment, he also noted that the Budget Committee is also in need of additional members.

William Orr said that since there are three Councilors that are on the Appointments Committee, members of the Public should be able to attend those meetings.

Town Manager, Gordon Billington said that Appointments Committee meetings are deemed confidential since they are reviewing applications. He said that Mr. Orr had been given a written legal opinion regarding this matter in the past.

Chair Nesbitt called for Council discussion: There was none.

**79-16 Town Council Appointment to the Appeals Board [Blanck]**

Chair Nesbitt called for public discussion: There was none.

Chair Nesbitt called for Council discussion: There was none.

**VOTE: 6 Yeas**

**80-16 Authorize Consent Agreement – Gronlund – Map 78 Lot 36 [Blanck]**

Mr. Billington explained that when a structure is built but subsequently found to not meet the setback requirements, a consent agreement is the only way to acknowledge and accept violation. This is a two foot violation, it was built with the appropriate permits, and it appears an error was made measuring to the boundary. This property is for sale and the discrepancy was discovered in the Class D Survey. He said that the violation is minimum and recommended that a penalty is not issued to the property owner in this case.

Chair Nesbitt called for public discussion: There was none.

Chair Nesbitt called for Council discussion:

Chair Nesbitt explained numbered Section 2 needs to be amended to assess a penalty.

Councilor Sargent said historically the penalty is the cost of the permits.

Chair Nesbitt said that building permits were issued on this building.

Moved by Sargent seconded by Higgins and voted to amend the consent agreement by not assessing a fine in lieu of legal action. (Unanimous)

**VOTE ON ORDER AS AMENDED: 6 Yeas**

**81-16 Authorize Consent Agreement – Labbe – Map 16 Lot 35 Sub 16 [Blanck]**

Mr. Billington said on this order there are two violations. One is for the attached garage and the other is for a structure built outside the building envelope. He explained that the building envelope line appears on the subdivision plan, however, it’s unknown why it’s located where it is. He went on to say that both the garage and other structure were built with building permits.

Chair Nesbitt questioned the driveway encroachment, was the abutting property open space?

Mr. Billington said that abutters were sent notification of this meeting, so they would have been able to speak to this matter today, if they chose to do so.

Chair Nesbitt called for public discussion: There was none.

Chair Nesbitt called for Council discussion:

Chair Nesbitt explained numbered Section 2 needs to be amended to assess a penalty.

Moved by Blanck seconded by Sirpis and voted to amend the consent agreement by not assessing a fine in lieu of legal action. (Unanimous)

Scott Pelletier of Prouty Drive questioned what impact this would have on the adjacent property owner is they were to put their property up for sale.

Gordon Billington said that’s a good question, however, he did not have the expertise to answer that type of a land title question.

Councilor Sargent didn’t think that this violation would impact the abutter.

Chair Nesbitt clarified that the driveway is the question, he went on to say that if the abutting property is sold they may have to seek and easement.

Philip Pomerleau of Northeast Road suggested that this be tabled to have time to gather more information.

Mr. Billington said postponing this would hold-up the closing up.

Leo Labbe the husband of the property owner, explained that he obtained necessary permits, and the builder placed the building where they thought was the correct location. In fact, their neighbor received a variance to build a garage, which would lead one to believe that the property line is correct. He said that a recent survey shows the line in a different location which delayed their closing so the matter could be straightened out. He said that he did not think that this doing was because of him since he obtained the proper permits.

Councilor Sargent said that they should take the order up the way it is, in the future the driveway issue can be handled.

**VOTE ON ORDER AS AMENDED: 6 Yeas**

**PUBLIC ITEMS**

William Orr said that it was his opinion that the fee should be waived in both these cases.

Gordon Billington said that we charge people when they knowingly cause a violation. He went on to say that each consent agreement has to be looked at on its own merits. He cited in one case the property owner was assessed a $10,000 penalty, in many cases the penalty fine is double the cost of what the building permits would have been.

Councilor Sargent recognized outgoing Councilors Lester Ordway and Lynn Olson for their hard work in the many capacities that they served the town.

**EXECUTIVE SESSION (S)**

An executive session was not needed at this meeting.

**ADJOURN**

Moved by Sargent seconded by Higgins and voted to adjourn. The meeting adjourned at 10:10 am by unanimous consent.

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

Clerk/Secretary