

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, NOVEMBER 12, 2019
STANDISH MUNICIPAL CENTER
7:00 PM**

CALL TO ORDER

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

ROLL CALL

Councilors Present: Delcourt, Gaba, LeClerc, Libby, Nesbitt, Paul, and Pomerleau.

MINUTES OF PREVIOUS MEETING (S)

The minutes from the November 27, 2018, October 8, 2019 and October 30, 2019 Town Council meeting's minutes were adopted as presented by unanimous consent.

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting.

REPORT OF THE TOWN MANAGER

Mr. Giroux introduced Parks and Recreation Director, Jen DeRice, who provided the monthly departmental report.

Jen DeRice explained that this is her fifth budget cycle with the Town of Standish, noting that she is amazed in programs growth during this time period. She said that the department's tagline for the past several years has been *Where Community Comes Together*, noting that is exactly what the Department stands for, bringing people together. Jen DeRice highlighted the department programs that serve all ages, the permanent staff positions and their duties, and the seasonal staff that assists the department during the summer. She continued to explain that the Recreation Department manages over 67 acres of parks, athletic fields and a town beach. She encouraged all to drive around the town to see the improvements that have been made to the Town's facilities. She noted that the town currently has two playgrounds, and an additional playground is included in the improvements that are pending at Standish Memorial Park. She said that the Department works to provide programs for all ages – from 1 to 104. The Department oversees four committees: The Recreation Advisory Committee, the Summer Spectacular Committee, the Community Dog Park Committee and the Community Center Steering Committee. She explained that in FY19 the Department offered 161 activities, processed 4009 registrations and generated approximately \$401,084 in revenue. She said that their numbers are up over 64% from when she started with the town four years ago. She explained the various ways that the Department reaches out to citizens, explained that they hire capable staff that listen to the residents, she noted that the Department works hard to provide the essential services to the residents of town. Jen DeRice explained that \$150,599 of the Recreation Department budget is supported through tax dollars. Tax dollars pay for her salary, running Rich Memorial Beach and a portion of the maintenance position's salary. She explained that 73% of the Department's operating budget is paid through user fees. She said that the Department is almost self-supporting. She noted that the after school, summer and many vacation programs often have wait lists for participants. Jen explained that the beach has been opened for three years revenues have been consistent, although the membership regulations have changed. She explained that the Department often partners with other community groups to work on programs.

Mr. Giroux announced that she provided a great report. He said that it shows that the department has grown in response to the community's needs.

PUBLIC HEARINGS

There were no public hearings at this meeting.

COMMITTEE REPORTS

Councilor LeClerc – PWD Steering Committee – the committee recently met to discuss correspondence from PWD regarding the Town of Standish joining them as a member community. The committee discussed the pros and cons of membership including rate changes that would affect Standish rate payers. The committee asked that the manager contact PWD to see if Standish joins as a member, would PWD make improvements to their current infrastructure here in town. A future meeting will be scheduled to discuss the matter further.

Councilor Leclerc – Recycling Committee – the committee selected the student artwork that will be displayed on the 2020 recycling calendar. Ecomaine's monthly reports show that the contamination level of the roll off containers at is low, however the container at St. Joseph's College did have 20% contamination this month and will be monitored.

Councilor LeClerc – Economic Development Committee – a review of a prior 2013 traffic study of Sebago Lake intersection was discussed at the meeting.

Councilor Gaba – Appointments Committee – no report.

Councilor Nesbitt – Finance Committee – was postponed from November 11th to November 18th due to the Veterans Day holiday.

Councilor Pomerleau – Capital Improvements - met earlier this evening and will have items on tonight's agenda.

Councilor Pomerleau – Public Safety Committee – the October Public Safety Fair was a great; she thanked the Public Safety Department for all their help that made the fair a great success.

Councilor Delcourt – Economic Development Committee – noted that he is happy to be back to work with the committee.

Councilor Paul – Personnel Committee - will meet later this week.

Councilor Libby – Ordinance Committee – the meeting was postponed pending receiving additional information.

CONSENT CALENDAR

There are no Consent Calendar items at this meeting.

UNFINISHED BUSINESS

108-19 Amendments to the Town Council Rules of Procedure (Laid on the table at the October 8, 2019 Town Council Meeting) [Libby]

The Clerk highlighted the changes to the Rules of Procedure: Sec. 3.2 amends the state statute citation, Sec. 4.1 amends the meeting start time to 6:00 p.m., Sec. 4.2 provides that the notice of a Special Town Council meeting can be emailed and a typographical error was corrected, Sec. 4.5 amend agenda item submission day to Wednesday, Sec. 5 a duplicate paragraph was deleted, Sec. 5.1 amendments to the grant application process abolishes the requirement for a workshop prior to the application being placed on the Town Council agenda, Sec. 9.3 adds that portions of Appointments Committee meetings may be held in executive session, Sec. 10.1 provides that members of Town Council subcommittees shall continue to serve on their respective committees until the Town Council Chair appointments are made, Sec. 12 corrects a typographical error, and Sec. 13 reformats the title.

Councilor LeClerc voiced his concerns with Section 4.1 which changes the meeting start time to 6:00 p.m. He thought that 6:00 p.m. may be a difficult for some to commute to Standish to make the meeting.

Moved by LeClerc seconded by Nesbitt to keep the meeting start time at 6:00 p.m.

Chair Libby called for public discussion, hearing none, he called for Council discussion.

Councilor Nesbitt said that although many town committees have changed their meeting time until 6:00 p.m. he said that the Council meetings should remain at 7:00 p.m.

Councilor Pomerleau didn't agree with Councilor Nesbitt's opinion of the meeting time.

Councilor Paul said that if the start time 6:00 p.m. people that want to attend the meeting will do so.

Chair Libby called for further discussion on the amendment, hearing none he called for the vote on the amendment. (3 Yeas, Gaba, Leclerc and Nesbitt – 4 Nays, Delcourt, Libby, Paul and Pomerleau) Motion Failed.

Councilor Nesbitt questioned if the Personnel Committee meetings should also have the clarification that parts of the Personnel Committee meetings can be held in executive session.

Mr. Giroux said that he didn't believe that adding that wording was necessary.

Chair Libby called for further discussion on the order, hearing none, he called for the vote.

ORDERED that the Town Council Rules of Procedure are amended as follows (additions are underlined, and deletions are ~~struck out~~):

SECTION 3 VOTING

3.2 Conflict of interest

No Councilor shall participate in the debate or vote on any matter before the Council in which the Councilor has a conflict of interest.

The question of whether a Councilor has a conflict of interest in any question or contract on which the Council is voting shall be answered by referring to ~~30-M.S.R.A. Section 2251.~~ 30-A M.R.S. Section 2605.

in order at any time before such vote is made certain and declared.

SECTION 4 MEETINGS

4.1 Regular

Regular meetings of the Council shall be held at the Standish Municipal Center at ~~7:00~~ 6:00 p.m., current time, on the second Tuesday of each calendar month. When said day falls on a holiday or an election day, the regular meeting shall be held on the first Tuesday at the same time and place. The date of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five Councilors, provided, however, that said change in date will still provide for one regular meeting in each month. Any Council meeting may be continued to another location.

4.2 Special

Special meetings of the Council may be called by the Chair, and in the case of the Chair's absence, disability or refusal by three Councilors. Notice of such meeting and the meeting agenda shall be available at least twenty-four hours before the time for holding such special meeting, unless all Councilors sign a waiver of said notice. Such notice may be telephoned, emailed or mailed to each Councilor. Mailed notice shall be postmarked in Standish at least two mail delivery days ~~proceeding~~ preceding the date of such special meeting. The call for a special meeting shall set forth the matters to be acted upon at such special meeting. The agenda for that special meeting shall include only the orders of business for that meeting.

4.5 Deadline for filing agenda items. Sponsored by.

No ordinance, other than emergency ordinances, order or resolution shall be in order for action at any regular Council meeting unless such item shall be filed in the office of the Clerk and/or Manager on/or before 12:00 p.m. on the ~~Thursday~~ Wednesday or on the next to the last business day of the week prior to the regular meeting. Any agenda item must be sponsored by a Councilor.

SECTION 5 ORDINANCES, ORDERS OR RESOLVES

5.1 Enactment form. Wording and Required Majority.

The Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves except those pertaining to appropriations shall be confined to one subject which shall be clearly expressed in the title. The appropriation item shall be confined to subject of appropriations. When the Council expresses anything by way of command, the form of expression shall be "Ordered". When it expresses opinions, principles, facts or propositions, the form shall be "Resolved".

At least four (4) votes shall be registered in favor of passage of any ordinance, order or resolution. In the case of a tie vote the item of business shall be laid on the table at the meeting and become the first item of unfinished business at the next regular meeting.

~~The Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves except those pertaining to appropriations shall be confined to one subject which shall be clearly expressed in the title. The appropriation item shall be confined to subject of appropriations. When the Council expresses anything by way of command, the form of expression shall be "Ordered". When it expresses opinions, principles, facts or propositions, the form shall be "Resolved".~~

5.10 Orders to Authorize Submission of a Grant Application

The Council will consider as a minimum the following items in ~~workshop prior to~~ as part of an order that authorizes submission of a grant application:

~~Data to justify the need for the grant;~~

Fiscal impact and any ongoing operational or maintenance expenditures,

Staff impact beyond normal duties (as determined by the Town Manager),

Any full time, temporary or intermittent employee positions that are created, and

Any ~~long-term~~ long-term obligation after the period of the grant activity, ~~and~~

~~A detailed breakdown of grant expenditure by category to include any amount allowed for administrative support.~~

Orders to authorize submission of a grant application will be considered acceptance of any grant amount unless the conditions of the grant change after the application.

SECTION 6

6.2 Interruption of speaker

No Councilor speaking shall be interrupted by another member except for the purpose of correcting a mistake, calling for the orders of the day making a point of order or propounding a parliamentary inquiry.

SECTION 9

COMMITTEES

9.3 Committee on Appointments, duties

The duties of the Committee on Appointments, in addition to any items assigned to it by the Council, shall be to make recommendations, to various positions and offices which are to be properly filled by the Council except for Council Committees, standing or ad-hoc. The Committee shall recommend persons who have demonstrated sufficient interest and are willing and able to serve in any office or position to be filled. The Committee may designate one nominee per year opening as its recommended candidate, and all others shall be alternates. Spouses shall not serve on the same committee or board. Applications shall be retained for a six-month period from the date submitted. To extend this period, applicants must notify the Town Clerk's Office. Committee seats may be advertised at the signboard at the Standish Municipal Center, through Council meeting announcements, Cable Television, local media and Municipal Center posting. Appointments shall

not be placed on a Council agenda until the Appointments Committee had met to review pending applications. Portions of Meetings of the Appointments Committee may be held in executive session. No action shall be taken in executive session.

SECTION 10 ANNUAL MEETING

10.1 Procedure

Within seven days after the municipal election, the Council shall hold an organizational meeting for the purpose of electing a Chair and Vice Chair. The Clerk will call the meeting to order, swear in the newly elected Councilor and preside over the election of the Chair. The Chair shall preside for the duration of the meeting. The Council Chair will appoint the Council Committees and their chair by the regular meeting in July. Incumbent Committee members shall continue to serve until such appointments are made by the Council Chair.

SECTION 12 CONFLICT AVOIDANCE PROTOCOL-PROTOCOL

12.1 Procedure

Except as otherwise provided by law, such as for certain Town employee personnel matters, whenever a Town Councilor, in the exercise of his or her common sense and good judgment,

SECTION 13 PROTOCOL FOR SEEKING A LEGAL OPINION

13.1 ~~Protocol for seeking a legal opinion. Procedure~~

Requests for legal advice for the Council normally come from a consensus request from the Council members present at a workshop or regularly scheduled meeting or independently from the Chair of the Council who is considered to be speaking on behalf of the Council as a whole. Such requests are in-turn forwarded from the Manager to the Town's attorney for either oral advice, a legal opinion letter or, in some instances, for the attorney to attend a future workshop or regularly scheduled meeting for consultation with the Council as a whole. The response to each request for legal advice or for a legal opinion letter is shared with the Council as a whole.

VOTE: 6 Yeas – 1 Nay, Nesbitt

104-19 Amendments to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Ordinance and Tables for the Maximum Levels of Assistance as provided by the Maine Department of Health and Human Services (First Reading) [Libby]

Mr. Giroux noted that this is an annual update to the General Assistance Ordinance.

Chair Libby called for public discussion, hearing none, he called for Council discussion, hearing none he called for the vote:

The Clerks noted that this vote will bring the ordinance to public hearing at the December meeting.

VOTE: 7 Yeas

NEW BUSINESS

109-19 Authorize the Rotary Club of Sebago Lake to Utilize Sebago Lake Station Landing Parking Area for their Annual Ice Fishing Derby [Libby]

Chair Libby called for public discussion, hearing none, he called for Council discussion, hearing none he called for the vote:

ORDERED that the Town of Standish grants approval for the Rotary Club of Sebago Lake to use the Sebago Lake Station Landing parking area during their annual ice-fishing derby to be held on February 22th and 23rd, and

FURTHER ORDERED that a no parking restriction will be in effect on both sides of Chadbourne Road (Route 35), Maple Street and the Town's Right-of-way at Sebago Lake Station Landing during this event and that the coordinators of the event will place the necessary signage, in addition, the Rotary Club will have portable toilets placed at the boat launch during the event.

VOTE: 7 Yeas

110-19 Waive No-parking Restriction on Saco Road for the Annual Craft Fair held by the Trustees of the Old Red Church [Libby]

Chair Libby called for public discussion, hearing none, he called for Council discussion, hearing none he called for the vote:

ORDERED that the "No Parking" restriction on the north and south sides of Saco Road, between the Standish town line and Cape Road (Route 35A), shall be waived for a period two hours before the opening of the annual craft fair held by the Trustees of the Old Red Church until two hours after the close of the fair to held on November 29th and 30th, 2019 at the Bonny Eagle High School, and

FURTHER ORDERED that the coordinators of the event shall provide traffic control beginning one hour prior to the opening of the fair and during the hours of the fair.

VOTE: 7 Yeas

111-19 Award Bid for Ambulance [Pomerleau]

Moved by Pomerleau seconded by LeClerc and voted to amend the order as follows:

ORDERED the attached bid from Greenwood Emergency Vehicles for this ambulance in the amount not to exceed \$250,000, is hereby accepted, and (Unanimous)

Council Nesbitt asked how many bids were received?

Chief Caron noted that four bids from three different companies were received. He explained that the price of the ambulance is approximately \$187,000, however the bond amount is \$250,000 to cover the accessories that are needed.

Councilor Nesbitt confirmed that the equipment that's being carried over from the old ambulance will be operational on the new ambulance.

Chief Caron said that it equipment will work and the Town saved a lot of money buying the unit directly from the manufacture.

Councilor LeClerc asked if Greenwood is a local company?

Chief Caron said that all the bidders are Maine companies. He explained that Greenwood is out of Brunswick.

Chair Libby called for additional Council discussion, hearing none he called for the vote:

WHEREAS as a bid process has been conducted for the purchase of an ambulance in accordance with section 302 (f) of the Standish Charter, now be it

ORDERED the attached bid from Greenwood Emergency Vehicles for this ambulance in the amount not to exceed \$250,000, is hereby accepted, and (Unanimous)

FURTHER ORDERED that the Town Manager is authorized on behalf of the Town to execute related contract documents.

VOTE ON ORDER AS AMENDED: 7 Yeas

112-19 Award Bid and Authorize Contract for Parks and Recreation Feasibility Study [Pomerleau]

Recreation Director, Jen DeRice, explained that three bids were received for this study. The bid selected was chosen because of the way they bidder laid out the plan including site selection, cost analysis and is the project actually feasible.

Mr. Giroux explained that this project was discussed several months ago at a Town Council workshop. This study is the first phase. In the spring, results of the study will come back to the Council to debate the merits of the plan including the design, site selection and costs. The Council then will determine if the plan will be presented to the voters in November of 2020.

Chair Libby called for public discussion, hearing none, he called for Council discussion, hearing none he called for the vote:

WHEREAS as a bid process has been conducted for the purchase of an ambulance in accordance with section 302 (f) of the Standish Charter, now be it

ORDERED the attached bid from Greenwood Emergency Vehicles for this ambulance in the amount not to exceed \$250,000, is hereby accepted, and (Unanimous)

FURTHER ORDERED that the Town Manager is authorized on behalf of the Town to execute related contract documents.

VOTE: 7 Yeas

113-19 Establish a Community Center Steering Committee [Libby]

Chair Libby explained that this is a companion to the previous order.

Chair Libby called for public discussion, hearing none, he called for Council discussion, hearing none he called for the vote:

WHEREAS in 2018 the Standish Town Council sought public input regarding the recreational needs of the community through a public survey and focus groups which focused on year-round indoor facilities, and

WHEREAS in March of 2019 the final report from the University of New Hampshire's Needs Assessment and Planning Report results supported the community's need for an indoor multigenerational community center, and

WHEREAS the next step in the process is to hire a consultant to conduct a feasibility study to find a suitable, centrally located site and to explore building construction options, now be it

ORDERED that the Standish Town Council establishes the 7-9 Community Center Steering Committee appointed by the Town Council Chair comprised of members from community organizations, one or Town committees and members of the public, and

ORDERED that the Community Center Steering Committee's charge will be to develop a final conceptual design plan that will address definitive uses, location and design attributes, and

FURTHER ORDERED that the committee will report its findings and recommendations to the Town Council no later than July 1, 2020 at which time the committee will be dissolved.

VOTE: 7 Yeas

114-19 Acceptance of Street Name – Winchester Lane [Libby]

Chair Libby noted that the naming of streets is required by town ordinance.

Chair Libby called for public discussion, hearing none, he called for Council discussion, hearing none he called for the vote:

115-19 Authorize Consent Agreement – Adam Costa and Nicole Costa – 31 Oak Ridge Drive – Map 78 Lot 35 [Libby]

Chair Libby said that this was brought forward due to set-back violations.

Mr. Giroux said that this circumstance meets the provisions for the *de minimus* policy.

Chair Libby called for public discussion, hearing none, he called for Council discussion.

Councilor Leclerc questioned how this order came forward to the Code Enforcement Officer?

Mr. Giroux explained that it was discovered in the survey that was done in the process for the sale of the property.

Moved by Nesbitt seconded by Pomerleau to amend the fine in the consent decree to \$0.00.

Chair Libby called for discussion on the amendment, hearing none, he called for the vote on the amendment:

Moved by Nesbitt seconded by Pomerleau and voted to amend the fine in the consent decree to \$0.00. (Unanimous)

ORDERED that the attached Consent Agreement between Adam Costa and Nicole and the Town of Standish regarding property located at 31 Oak Ridge Drive, further described as Map 78 Lot 35, is approved by Council, and

FURTHER ORDERED that the town will collect a \$40 fee for recording the consent agreement at the Cumberland County Registry of Deeds.

VOTE ON ORDER AS AMENDED: 7 Yeas

PUBLIC ITEMS

There were no public items at this meeting.

ANNOUNCEMENTS

Upcoming meetings were announced. It was noted that the Community Center Steering Committee will hold its first meeting this Thursday, November 14 at 5:00 p.m.

EXECUTIVE SESSION

Moved by Libby seconded by Nesbitt and voted to move into an Executive Session to discuss a personnel matter pursuant to 1 M.R.S. Section 405 (6) (A), Mr. Giroux will join the Town Council in the Executive Session and no business will be conducted after the Executive Session.

ADJOURN.

Moved, seconded and voted to arise from the Executive Session. The Town Councilor arose from the Executive Session at 8:20 p.m. by unanimous consent and the meeting adjourned.

Submitted by: Mary Chapin
Clerk/secretary