

**MINUTES  
TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, MAY 12, 2020  
STANDISH MUNICIPAL CENTER  
THE TOWN COUNCIL WILL ATTEND THIS MEETING REMOTELY USING ZOOM  
6:00 PM**

*Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, that authorizes cities and towns to conduct meetings online. Members of the public can attend the meeting at the Town Council Chambers.*

**CALL TO ORDER**

Chair Libby called the meeting to order at 6:00 pm.

**ROLL CALL**

Councilors present: Delcourt, Gaba, LeClerc, Libby, Nesbitt and Pomerleau. Councilor Paul was on the Zoom meeting but lost the connection.

**MINUTES OF PREVIOUS MEETING (S)**

Moved by Nesbitt seconded by LeClerc and voted to approve the minutes from the April 7, 2020 Town Council Meeting. the minutes were accepted as presented by unanimous consent.

Councilor Delcourt voiced his objection that the Town Council was not reciting the Pledge of Allegiance.

**PETITIONS AND COMMUNICATIONS**

There were no petitions or communications at this meeting.

**REPORT OF THE TOWN MANAGER**

*Discussion regarding Potential Town Meeting Date*

Mr. Giroux noted that regulations regarding precautions related to the Covid-19 virus are constantly changing. At this time the 10-person gathering rule will be expanded as of June 1 allowing up to 50-people. Masks will be and practicing social distancing will be required to gather. This timeframe will provide what might be a short window of time to hold the Annual Town Meeting on June 13, 2020. He said that his opinion was that this is a good opportunity to hold the meeting so that the budget can be presented to the voters. He noted that this proposal was discussed at the Finance Committee meeting yesterday, the general agreement was holding the meeting in June was a good idea. He said that essentially the same budget that was presented in March is still the budget that the Council is moving forward. At the end of that March 14 budget workshop the projected mil rate was \$14.90/per thousand, after calculations it was \$14.80 per/thousand. Further review of the debt service revealed bond funding that was earmarked for running power at the town beach was not utilized, due to a change in the design so that \$100K will be used to pay towards our bond payment. This action will lower the mil rate to \$14.70 per/thousand. Mr. Giroux explained that the budget still sits as he explained at an earlier meeting. He said that we can change the budget, however we would then have to change the projected revenues because we know that we will receive less in state revenue sharing and excise taxes. Receipt of real estate taxes may be less as well. In the upcoming FY we've projected between a half and a one million-dollar deficit. He explained that they have gone through the budget and selected items that procurement for, can be postponed, until later in the fiscal year which will adapt for the potential short falls. The mil rate of \$14.70 includes the town and county budgets, but the MSAD #6 budget won't be presented for up to 3-months from now. He noted that the plan of postponing budgetary items will provide for flexibility in the upcoming year. He said that a June Annual Town Meeting is what people are familiar with and with the constantly changing regulations it is best to keep this schedule.

Councilor LeClerc said that he had proposed and asked for comments regarding that all departments reduce their budget by 5%, using this method there would be no winners or losers. He said that with postponing spending we'll still be presenting a mil rate of \$14.70 and even if it's not being spent it's still being raised. He said that this budget was developed in rosier times. He said that ideally, he'd not like to pick winners or losers, instead have a cut across the board. He said that he's thinking of reducing items from the budget, not laying people off.

Councilor Delcourt said that a 5% cut to the already under paid employees is ridiculous. He said that to know that a family in Standish can't pay their bills is a dreadful thing to think about. He suggested cutting the building for the sand storage building or putting it off – that would be half of the amount that is needed to reduce the budget.

Councilor Nesbitt noted that at the Finance Committee Meeting the Manager and staff went through the budget and selected items that they would delay. He questioned if reducing the debt service by using the bond funds that went utilized for power at the beach was something that had to be voted on? He said that we may have to, but he was in agreement with that proposal. It was his opinion that a 5% across the board would be a detriment to departments that didn't have an increase this year. He responded to the idea of postponing the sand storage building – that bond has already been taken out. So, delaying that project will not save the town any money. He said that at this point we've collected approximately 78% of the taxes due for the year, noting that is low for this time of year. He said that there was a discussion of reducing the interest rate for a time period, in addition he noted excise tax has collection been lower than expected but is it because people don't have to pay or they can't pay? He said that even though the June meeting is five weeks away, it was his opinion that a July meeting would give more breathing room through the pandemic. He states that the Annual Town Meeting should be in July.

Mr. Giroux said that he believes that we're better off getting Town Meeting behind us. He said that if we don't pass a budget until July it looks like we would operate under the previous years budget. He said that the Charter requires that the budget is presented by June 30, the governors order contradicts the Charter requirements. He said if a 5% cut is adopted, if the operation budget is cut, then cuts to the revenue budget is necessary as well. So, if the operational budget is cut to lower the mil rate there would be nothing to navigate through the potential revenue shortfalls. He noted that cutting the operational budget and not reducing the revenues would actually increase the mil rate.

Councilor LeClerc said that paving at the transfer station isn't a revenue center and the Comprehensive Plan could be pushed off for a few years. He thought that some projects could be taken out of the budget to be considered at a better time. He went on to say that it's a scary proposition for people that they may lose their house. He said that people are making tough decisions, do they pay their taxes or feed their kids?

Mr. Giroux said that the referendum vote has already been scheduled for July with the bonding monies and he didn't believe that process can be changed at this point. He said that those particular projects would not affect the mil rate too much because they are bonded over 10-years. Reducing the transfer station paving would take approximately a penny off of the mil rate. He said to reduce the mil rate the operating budget would have to be cut and he said that he thought he had made those cuts with the plan to push back projects. He noted that putting off items or not to do them do them all is an option. He explained that there is one vacant position that will not be filled during the year saving \$40,000, the Comprehensive Plan is delayed until the end of the year, 2 new positions in the budget will be would not be filled until later, push back raises until later in the year, postpone the village traffic studies and several more things have been considered to include the computer redundancy software and Code Enforcement Department permit software, retirement vacation/sick-time account will not be funded this year. He went on to say if things got really bad, they could establish furlough days as a savings measure of position cuts as a last resort.

Councilor Paul was able re-join the Zoom meeting at this time.

Councilor LeClerc said that the Manager and Finance Committee did a good job reviewing and suggesting potential ideas for finding savings in the budget.

Mr. Giroux noted if the bond questions are approved if there is not an improvement in the economy the Town can wait to take out the bond funds until the spring of 2021 and realize a savings of up to \$177,000.

Councilor Nesbitt said to echo Mr. Giroux's comments by following the suggested plan we will not dip into our fund balance.

Chair Libby said that we need to let our Manager manage the process, he will know where to hold off on projects.

Councilor Nesbitt agreed but said it will take the Manager, staff and the Council.

### **PUBLIC HEARINGS**

- No Public Hearings at this meeting

### **COMMITTEE REPORTS**

Councilor Nesbitt said that the Finance Committee were touched upon during the previous discussion.

### **CONSENT CALENDAR**

- No Consent Calendar Items at this meeting

### **UNFINISHED BUSINESS**

- No Unfinished Business at this meeting

### **NEW BUSINESS**

#### **32-20 Change Date of Regular Council Meeting in June to June 2, 2020 [Libby]**

WHEREAS the regular meeting of the Standish Town Council in June is scheduled to be held on June 9, 2020, and

WHEREAS the Council *Rules of Procedure* allow for the date of the meeting to be changed upon vote of the Council, now be it

ORDERED that the regular meeting of the Standish Town Council be changed to Tuesday, June 2, 2020 to be held at Council Chambers at the Standish Municipal Center beginning at 6:00 p.m.

Chair Libby asked if this date still needs to be changed?

The Clerk noted that the public hearing for the upcoming referendum questions have been scheduled on this date, so the meeting needs to be changed to June 2.

Mr. Giroux said it is also the date at which the Annual Town Meeting warrant will be approved.

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

**VOTE: 7 Yeas**

#### **33-20 Authorize Temporary Change in Polling Location [Libby]**

WHEREAS the upcoming elections will require social distancing at the polls, and

WHEREAS it is in the Town's usual polling location does not provide adequate space for social distancing measures, and

WHEREAS an alternate location at the Standish Municipal Complex is available to better suit the current Election Day needs, now be it

ORDERED that on elections held through December 31, 2020, the polls will be held at the Fire Department-Central Station vehicle bays located at 175 Northeast Road, Standish, Maine.

Chair Libby said that this is straight forward, we need more space and open air.

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

**VOTE: 7 Yeas**

**34-20 Temporarily Suspend the Town Council Rules of Procedure Regarding the Mandate for the Appointments Committee to Meet to Review Pending Aboard/Committee Applications Prior to Them Being Placed on the Town Council Agenda [Gaba]**

Councilor Gaba noted that this order allows for the appointment process to move forward during this time where meeting in person would be difficult.

WHEREAS the Standish Town Council Rules of Procedure require that the Appointments Committee meets to review pending board and committee applications prior to the applications being place on the Town Council agenda, and

WHEREAS the board and committee applications that have been received are from incumbents and no new applicants have applied for available openings, and

WHEREAS due to social distancing requirements, in-person meetings are not currently feasible, now be it

ORDERED that the Town Council temporarily suspends the requirement that Appointments Committee to meet to review board and committee applications during this time of social distancing.

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

**VOTE: 7 Yeas**

**35-20 Authorize Consent Agreement - James Sanders – 221 Milt Brown Road, Map 2 Lot 50-C [Libby]**

ORDERED that the attached Consent Agreement between James Sanders and the Town of Standish regarding property located at 221 Milt Brown Road, further described as Map 02 Lot 50 Sub C, is approved by Council, and

FURTHER ORDERED that the town will collect the fees required under the policy for recording the consent agreement at the Cumberland County Registry of Deeds, staff time, and legal review if necessary.

Chair Libby said that this type of agreement comes forward occasionally.

Mr. Giroux noted that this violation was done some time ago and just was discovered due to a survey that was done during the pending sale of the property. He noted that he has reviewed the materials with the Code Enforcement Officer. He said that this is not an error the current owner. This qualifies forward under the town process that is in place.

Councilor Pomerleau noted that they received an email from an abutter earlier today who is against the granting of the consent agreement, were there any other complaints.

Mr. Giroux noted that he is out of state and unable to attend the meeting.

Councilor Paul asked if the variance was in two locations? Is it the garage and the deck?

Chair Libby said that we're only dealing with the garage.

Mr. Giroux noted that the deck appears that it was around a pool that is no longer on the property,

Moved by Nesbitt seconded by Pomerleau and voted to amend the agreement as follows:

3. The property owner agrees to pay the town a penalty in lieu of legal action in the amount of \$0.00. (Unanimous)

Chair Libby called for additional discussion on the order, hearing none he called for the vote on the order as ended:

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

### **36-20 Acceptance of Street Names – Roads Located in Highlands Subdivision [Libby]**

Chair Libby said that this is a required order and all departments have reviewed and signed the requests

ORDERED that following street names as submitted by the property owners are accepted by the Town Council, as required by the provisions of Chapter 252-23 of the Standish Town Code:

These roads are located in Highlands Subdivision which is located in the vicinity of 217 Ossipee Trail West:

Brooke Elizabeth Drive  
Jesse Daniel Drive  
Kayli Drive  
Macie Drive  
Madison Drive  
Waylon Way  
William Drive

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

**VOTE: 7 Yeas**

### **37-20 Award Bid for Winter Sand Storage Building [Pomerleau]**

Mr. Giroux noted that this order needs to be postponed because it's not ready to be voted on.

Moved by Nesbitt seconded by Pomerleau to postpone this order until June 2, 2020.

Councilor Delcourt asked for clarification on this motion.

Chair Libby said the motion was to postpone the order until the June 2 meeting.

**Moved by Nesbitt seconded by Pomerleau and Voted to postpone this order until June 2, 2020.  
(Unanimous)**

### **38-20 Town of Standish Town Council Orders Authorizing Tax Anticipation Borrowing [Nesbitt]**

WHEREAS, the Town Council of the Town of Standish, Maine (the "Town") approved the borrowing of up to \$2,462,000 issuance of tax anticipation notes at its meeting duly called and held on March 10, 2020; and

WHEREAS, the Town issued its \$2,462,000 2020 Tax Anticipation Note (the "TAN") dated March 17, 2020 to Androscoggin Savings Bank; and

WHEREAS, the TAN is due and payable on or before May 18, 2020; and

WHEREAS, the impact of the ongoing COVID-19 pandemic on the receipt of property tax payments necessitates the extension of the TAN; and

WHEREAS, the Town desires to authorize an extension of the TAN through and including June 30, 2020.

NOW, THEREFORE, be it voted and resolved by the Town Council of the Town as follows:

Ordered that, pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, as amended, the Treasurer of the Town is hereby authorized and empowered to extend the date of the TAN for the purpose of borrowing money for fiscal year ending June 30, 2020 in the principal amount of \$2,642,000 in anticipation of the collections or receipts from taxes. The extension of the TAN shall be evidenced by an allonge issued to Androscoggin Savings Bank signed by the Town Treasurer and countersigned by the Chair or the Vice Chair of the Town Council, shall be payable on such date as determined by the Town Treasurer, out of money raised by taxation during the fiscal year ending June 30, 2020, shall bear interest payable at maturity at a rate determined in the manner as approved by the Treasurer, and shall contain such other terms and provisions, not inconsistent herewith, and be in such form, as shall be approved by the officers signing the same, whose approval shall be conclusively evidenced by their execution thereof, and

Be It Further Ordered that the TAN as extended authorized by the foregoing is hereby designated as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, and  
Be It Further Ordered that the Treasurer of the Town be authorized to covenant with the purchaser of the TAN on behalf of the Town and for the benefit of the holder of the TAN, that the Town will take whatever steps, and refrain from taking any action, as may be necessary or appropriate to ensure that interest on the TAN will remain free from federal income taxes, including without limitation, the filing of information returns and reports with the Internal Revenue Service and the payment of any rebate due to the United States of America.

Adopted this 12<sup>th</sup> day of May, 2020 by the Municipal Officers of Standish, Maine:

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Brian Libby, Chair

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Kimberly Pomerleau, Vice Chair

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Michael Delcourt

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Sarah Gaba

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Greg LeClerc

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Steven Nesbitt

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Joseph Paul

Moved by Nesbitt seconded by Pomerleau and voted to dispense with the Clerks reading of the order. (Unanimous)

Councilors Nesbitt noted that this was discussed by the Finance Committee. He explained that a TAN was approved March, however tax payments have not been received as expected. We are not proposing to borrow additional monies just extend the time of the TAN.

Councilor Delcourt asked what would happen if we don't get enough tax money in to pay the TAN?

Council Nesbitt said that the Town would have to use reserve funds.

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

## **VOTE: 7 Yeas**

### **39-20 Amendment to Town of Standish Fee Schedule – Solar Energy Building Permit Fees [Nesbitt]**

Councilor Nesbitt said that this was discussed at the Finance Committee meeting, however he would have the Manager explained the proposed fee structure.

Mr. Giroux explained the committee agreed to recommend that there would not be a fee for residential solar energy permits. He noted that recently the Town adopted regulations regarding solar energy. He said that the Town asked solar energy providers and other towns to weigh-in on recommendations for the fee structure. He said the town's that responded charge .10 to .15 per sq./foot of the developed area. Mr. Giroux announced that is what we'd be proposing. He explained recently the Planning Board approved a 5-acre solar energy farm, which sounds large, however some may be larger. He said that in the overall state process there are still there are processes that have to be ironed out with CMP. He said that the permit for the 5-acre farm would be approximately \$22,000. This amount would be less than a traditional building permit fee based on the same for square footage.

Councilor LeClerc said that he was in favor of a fee, but \$23,000 is a significant amount and may be a deterrent. He said that this fee may hurt the Town in the long run and he was not in favor of this amount.

Mr. Giroux noted that the fee was brought forward by the developer.

Councilor Nesbitt asked to explain how the fee is determined.

Bill Giroux said that the fee would be based on the developed area.

Councilor Nesbitt said that the Finance Committee didn't want a fee imposed on residential permits.

Councilor LeClerc asked what adjacent communities are charging?

Bill Giroux said that he didn't compile the survey so he was unable to answer that question. He said that this fee is a drop in the bucket to the developer. He said that the competition is not between the towns – it's the so-called queue line with the state. He said that this fee would only be for commercial permits.

Councilor Paul asked what is the developed area?

Bill Giroux noted it's the block area not the entire area. Not the acreage, not the parcel but the total occupied area.

Moved by Nesbitt seconded by Pomerleau to add the following:

Solar Energy Permit Fee-Commercial .10 cent per/sq. foot of developed area.

Councilor LeClerc asked how much revenue will this bring the Town?

Mr. Giroux said that's hard to predict. He said that another solar energy permit will be coming forward soon.

Moved by Nesbitt seconded by Pomerleau and voted to add the following:

Solar Energy Permit Fee-Commercial .10 cent per/sq. foot of developed area. (Unanimous)

Chair Libby called for additional discussion on the order, hearing none he called for the vote on the order as amended:

**VOTE ON ORDER AS AMENDED: 6 Yeas – 1 Nay, Leclerc**

**40-20 Renew Finance Director's Contract [Libby]**

WHEREAS THE Finance Director's Contract is due to expire on June 30, 2020, and

WHEREAS it is in the Town's interest to renew the Finance Director's Contract, now therefore be it

ORDERED the Finance Director's contract is hereby extended for a period of three years.

Chair Libby called for additional discussion on the order.

Councilor Delcourt said that both the Finance Director and the Town Manager are extremely professional. He supported the order.

Bill Giroux said that this is substantially the same as previous contracts with the exception that this allows him to change his retirement to Maine Purse.

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

**VOTE: / Yeas**

**PUBLIC ITEMS**

- No Unfinished Business at this meeting

**ANNOUNCEMENTS**

- No Announcements were presented at this meeting

**EXECUTIVE SESSION**

- An executive session was not held at this meeting

**ADJOURN**

Moved by Libby seconded by Pomerleau and voted to adjourn. The meeting adjourned at 6:58 p.m. by unanimous consent.

Submitted by: \_\_\_\_\_  
Clerk/Secretary