

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

**CALL TO ORDER**

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

**ROLL CALL**

Councilors present: Delcourt, Leclerc, Libby, Nesbitt, Pomerleau, Sirpis and Starostecki.

**MINUTES OF PREVIOUS MEETING (S)**

Moved by Libby seconded by Sirpis and voted to approve minutes from the February 12<sup>th</sup> meeting. (Unanimous)

**PETITIONS AND COMMUNICATIONS**

There were no petitions or communications presented at this meeting.

**REPORT OF THE TOWN MANAGER**

Mr. Giroux introduced Bruce Flaherty the President of Maine Spirit of America. Mr. Flaherty explained the group's mission, how towns can nominate a person, project or group to be in the running to be the recipient of the award for their community service efforts. Mr. Flaherty noted that our Recreation Department was this past year's award winner. Mr. Flaherty encouraged the Town to select a nominee for the upcoming award.

Chair Nesbitt thanked Mr. Flaherty for presenting this information to the Town Council this evening and they will look into submitting nominee.

Councilor Starostecki asked what obligation is there for the Town to participate in the program?

Mr. Flaherty said that the s free to participate in the program and it is suggested the Town would execute a resolution to acknowledge the nominee.

***Department Head Report*** – Fire Chief, Robert Caron thanked everyone for the support of the department. He noted that its been a busy year for facility improvements including the relocation of Dispatch, improvements at the Steep Falls Station and the work on the bay doors Central Station. He noted that the department responded to 2,074 emergency calls this past year which is down from the previous year. The Animal Control Officer has been busy, and the online burn permit site has been well received. He did explain that a recent string of calls has been hard on the department, noting that if you see a Fire/EMS employee out and about say hi to them and just shoot the breeze.

Mr. Giroux note that a few Councilors had asked him about the charter commission process, he explained that in front of them they'll find a copy of materials from MMA related to this topic. He said that there is not a charter commission planned, however this is a good guide.

**PUBLIC HEARINGS**

**147-18 Amendments to Standish Town Code, Chapter 181, Land Use, Regarding Dwelling Units  
[Libby]**

Moved by Libby seconded by Sirpis and voted to dispense with the Clerks reading of the ordinance. (Unanimous)

Councilor Libby explained that this is a housekeeping measure to standardize the definition of dwelling throughout the ordinance.

Chair Nesbitt called for public discussion, hearing none, he called for additional Council discussion, hearing none, he closed the Public Hearing and called for the vote:

The Town of Standish hereby ordains as follows (additions are underlined, and deletions are ~~struck out~~):

## **CHAPTER 181 LAND USE**

### **Part 1 Zoning**

#### **ARTICLE II Definitions**

##### **§ 181-3. Terms defined.**

DWELLING, MULTI-FAMILY - A building designed or used as the living quarters for more than ~~one family~~three families. This term excludes motels, rooming houses, mobile homes and dwelling units with family apartments or accessory apartments.

DWELLING, THREE-FAMILY - A building on a single lot containing three dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to the dwelling units.

DWELLING, TWO-FAMILY - A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT - A room or group of rooms designed and equipped for use as living quarters for only one family, including for living, sleeping, eating and cooking. Mobile homes shall be considered dwelling units.

#### **ARTICLE III District Regulations**

##### **§ 181-4. RR-Rural Residential Districts.**

B. Permitted uses, not requiring site plan review, shall be as follows. Such uses shall require approval from the Code Enforcement Officer only.

- (1) Accessory apartment.
- (2) Accessory uses and buildings.
- (3) Agriculture.
- (4) Dwelling, single family.
- ~~(54)~~ Family apartments.
- ~~(65)~~ Forestry management.
- ~~(76)~~ Home Care Services.
- ~~(87)~~ Home occupations, Level 1.
- ~~(98)~~ Manufactured housing units.
- ~~(9) Single family dwellings.~~
- (10) Timber harvesting.

- C. Permitted uses requiring site plan review shall be as follows. Such uses shall require Planning Board approval, in accordance with Part 2 of this chapter.

(6) Day-care home.

(7) Dwelling, two-family.

(~~8~~7) Home occupation, level 2.

(~~9~~8) Home retail sales.

(~~10~~9) Meteorological tower and small wind energy systems, as defined in § 181-49.21.

(~~11~~10) Retail business less than 2,000 square feet.

(~~12~~11) Social event centers.

(~~12~~) Two-family dwelling.

#### **§ 181-5. RU-Rural Districts.**

These areas are generally rural now, unsewered, and it is proposed that they remain in a very low density of development in order to prevent future problems, with site plan review providing careful controls to ensure the compatibility of future development.

- B. Permitted uses, not requiring site plan review, shall be as follows. Such uses shall require approval from the Code Enforcement Officer only.

(1) Accessory apartment.

(2) Accessory uses and buildings.

(3) Agriculture.

(4) Animal husbandry.

(5) Dwelling, single family.

(~~6~~5) Family apartment.

(~~7~~6) Forestry management.

(~~8~~7) Home Care Services.

(~~9~~8) Home occupations, Level 1.

(~~10~~9) Manufactured housing units.

(~~10~~) Single-family dwellings.

(11) Timber harvesting.

- C. Permitted uses requiring site plan review shall be as follows. Such uses shall require Planning Board approval, in accordance with Part 2 of this chapter.

(7) Day-care home.

(8) Dwelling, two-family.

(9) Dwelling, three-family.

(~~10~~8) Funeral homes.

- (119) Gravel excavation.
- (1210) Home occupation, Level 2.
- (1311) Home occupation, Level 3.
- (1412) Home retail sales.
- (1513) Kennels.
- (1614) Meteorological tower and small wind energy systems, as defined in § 181-49.21.
- (1715) Municipal uses.
- (1816) Private clubs.
- (1917) Public utilities.
- (2018) Residential care facility.
- (2119) Restaurants.
- (2220) Retail business, less than 2,000 square feet.
- (2321) Social events center.
- ~~(22) Three family dwellings.~~
- (2423) Tradesman.
- ~~(24) Two family dwellings.~~
- (25) Veterinary clinics.

#### **§ 181-6. R-Residential Districts.**

It is anticipated that these areas will not be sewered but will provide for residential development in a low-density, self-sustaining, rural environment, with site plan review providing careful controls to ensure the compatibility of future development.

- A. Land uses in this district shall require written approval from the authority, as indicated, prior to issuance of a permit by the Code Enforcement Officer. Permitted uses, not requiring site plan review, shall be as follows. Such uses shall require approval from the Code Enforcement Officer only. [Amended 3-10-1998 by Order No. 10-98; 7-8-2008 by Order No. 164-07]
- (1) Accessory apartment.
- (2) Accessory uses and buildings.
- (3) Agriculture.
- (4) Dwelling, single family.
- (5) Dwelling, two-family.
- ~~(64)~~ Family apartments.
- ~~(75)~~ Forestry management.
- ~~(86)~~ Home care services.
- ~~(87)~~ Home occupations, Level 1.
- ~~(98)~~ Manufactured housing units.
- ~~(9) Single family dwellings.~~
- (10) Timber harvesting.

- B. Permitted uses requiring site plan review shall be as follows. Such uses shall require Planning Board approval, in accordance with Part 2 of this chapter.

- (1) Adult day-care.
- (2) Cemeteries.
- (3) Churches.
- (4) Day-care home.
- (5) Dwelling, three-family.
- ~~(6)~~ Elderly housing.
- ~~(7)~~ Home occupation, Level 2.
- ~~(8)~~ Home retail sales.
- ~~(9)~~ Manufactured ~~dwellings~~ housing units.
- (10) Municipal uses.

#### **§181-7. VC-Village Center Districts.**

These are areas where a unit of residential, commercial and municipal activities exist and will be encouraged in the future, with site plan review providing careful controls to ensure the compatibility of future development.

- A. Land uses in this district shall require written approval from the authority, as indicated, prior to issuance of a permit by the Code Enforcement Officer.

- B. Permitted uses, not requiring site plan review, shall be as follows. Such uses shall require approval from the Code Enforcement Officer only.

- (1) Accessory apartment.
- (2) Accessory uses and buildings.
- (3) Agriculture.
- (4) Dwelling, single family.
- (5) Dwelling, two-family.
- ~~(6)~~ Family apartments.
- ~~(7)~~ Forestry management.
- ~~(8)~~ Home care services.
- ~~(9)~~ Home occupations, Level 1.
- ~~(8)~~ ~~Single-family dwellings.~~
- (10) Timber harvesting.

- C. Permitted uses requiring site plan review shall be as follows. Such uses shall require Planning Board approval, in accordance with Part 2 of this chapter.

- (1) Adult day-care home.
- (2) Bed-and-breakfast.
- (3) Business and professional office under 2,000 square feet.

- (4) Cemeteries.
- (5) Churches.
- (6) Commercial recreation.
- (7) Day-care home.
- (8) Dwelling, three-family.
- (9) Dwelling, multi-family.
- (~~10~~8) Elderly housing.
- (~~11~~9) Fueling station.
- (~~12~~~~10~~) Funeral homes.
- (~~13~~~~11~~) Home occupation, Level 2.
- (~~14~~~~12~~) Home occupation, Level 3.
- (~~15~~~~13~~) Home retail sales.
- (~~16~~~~14~~) Inns.
- (~~17~~~~15~~) Mechanical repair garage.
- (~~18~~~~16~~) Meteorological tower and small wind energy systems, as defined in § 181-49.21.
- (~~19~~~~17~~) Motor vehicle sales.
- ~~(18) Multifamily dwellings.~~
- (~~20~~~~19~~) Municipal uses.
- (~~21~~~~20~~) Nursing homes.
- (~~22~~~~21~~) Private clubs.
- (~~23~~~~22~~) Public utilities.
- (~~24~~~~23~~) Restaurants without drive-through.
- (~~25~~~~24~~) Retail business under 2,000 square feet.
- (~~26~~~~25~~) Schools.
- (~~27~~~~26~~) Tradesman.

## **VOTE: 7 YEAS**

### **15-19 Application Submitted by Michael Baptista and Elaine Burnham dba Acres of Wildlife Campground Located at 60 Acres of Wildlife Road for Renewal of a Malt, Spirituous and Vinous Campground License [Nesbitt]**

Chair Nesbitt said that this is an annual renewal, there have been some issues in the past regarding this facility. He asked that the Manager provide an update on the status of the facility.

Town Manager, Bill Giroux said the Planner reports that the campground has been working diligently towards the approvals. They received approval for phase 3 of the plan and are working with their engineer and attorney regarding completion of the plan. He said that the report that he would give them is that the campground is moving forward. He said that this license will help them do business this summer.

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

Councilor Sirpis asked the Manager if he thought there had been significant progress at the facility?

Mr. Giroux responded that they had made progress.

Councilor Sirpis asked how long the license would be good for?

Chair Nesbitt said one year.

Councilor Sirpis asked the Manager if he was comfortable with the progress that has been made by the facility to issue their license for a year?

Mr. Giroux responded yes.

Chair Nesbitt said that last year they made the changes to get into compliance, now they are working on the plan so they can grow their business.

Councilor Sirpis said that this is exactly what we want for our businesses.

Councilor Starostecki asked if Mr. Baptista had been elected to the Baldwin Select Board?

Chief Caron said that he was at the Baldwin Town Meeting and Mr. Baptista wasn't on the ballot.

Councilor Starostecki said that he had heard that the campground is moving some of their infrastructure into Baldwin.

Mr. Giroux said that he did not know the details of that. He said that his recollection is that a lot of the expansion is into that area. He said that they still have work ahead of them, but he thought that it was important to report that they have been working diligently towards their approvals. He said that they have honored the commitments that were made. He said that it was reasonable that we would move this ahead for their busy summer season.

Councilor Sirpis said that last year he was a stickler last year with them, they exceeded our expectations last year and the Town Manager reports that they've made progress this year – he said that he is comfortable supporting this.

Chair Nesbitt called for additional Council discussion, hearing none, he closed the Public Hearing and called for the vote:

As the roll was called, Councilor Leclerc announced that he would abstain from the vote.

Chair Nesbitt explained that that a Councilor should disclose that they must abstain prior to discussion of a matter so the other Councilors have the opportunity to vote on the matter of abstention.

Councilor Leclerc explained that he has a conflict with this group due to his work.

Moved by Sirpis seconded by Libby and voted to allow Councilor Leclerc to recuse himself from voting on this order. (Unanimous)

ORDERED that the application submitted by Michael Baptista and Elaine Burnham dba Acres of Wildlife Campground located at 60 Acres of Wildlife Road for renewal of malt, spirituous and vinous campground license is approved by Council to expire as determined by Department of Public Safety.

## **VOTE ON ORDER: 6 Yeas – 1 Abstain, LeClerc**

### **\*\* FY 2020 Fiscal Year Budget**

Mr. Giroux announced that the FY2020 budget process will start this Saturday at 9 am. He presented a PowerPoint presentation in which he reported that property values decreased about 1.0%, assets exceeded liabilities and deferred inflows by \$31,505.908 and the General Fund reports a year end decrease of \$203,915, so, the Unassigned Fund Balance is lower than last year. He said in the FY2020 budget expect non-tax revenue to stay consistent with last year. A new employment position of for a technology staff; and to propose to convert per diem hours to full-diem positions in the Public Safety Department. A seasonal position for the Transfers Station; and a General Maintenance position will be expanded to full-time to share as Facility Maintenance and Parks and Recreation maintenance duties. The budget includes capital spending to replace aging equipment, funds for a rescue unit and a plow truck, repair roads, technology upgrades and conduct a recreational center site analysis. Mr. Giroux spoke to non-bond revenue trends that show that they have increased each year since 2012, they may or may not increase slightly this year. He noted that the budget comparison of FY 2020 and the past two years shows the budget funding due to meet increased expenses. He noted that the non-property tax revenue is expected to go down this year and the mil rate will increase. Mr. Giroux reviewed the upcoming budget schedule, he said that there was a suggestion to move the capital budget to the Budget Committee on Saturday or it could be done on Tuesday night.

Chair Nesbitt said that he would prefer to meet on Tuesday night to give members a chance to consider the information that's received on Saturday. He continued that he would rather meet on Tuesday and another night to possibly no have to meet on the following Saturday.

Councilor Sirpis questioned if they met on Tuesday would that alleviate the need for another Saturday meeting?

Chair Nesbitt said perhaps, it depends on how fast we go through the budget and if we finish the review.

Councilor Sirpis explained that he was unavailable on Saturday, March 23, could they meet the following Saturday if needed?

Chair Nesbitt thought that would be too late in the process to meet the following Saturday. Although, the deadline to move the budget the rest of the budget to the Budget Committee at the April Town Council meeting.

Councilor Delcourt questioned how tax revenues could be down with all of the building that's going on?

Mr. Gesualdi noted that it is expected that the non-property tax revenues such as state revenue sharing, various licenses and other items may be down. Mr. Gesualdi noted that decisions regarding the capital items will need to be made coming of the Saturday meeting so they can be ready to move to the Budget Committee on Tuesday.

Chair Nesbitt noted that this schedule is needed to allow ample time to allow for ballots to be prepared.

Mr. Gesualdi asked if they would consider starting the meeting at 6 pm rather than 7 pm?

The Council agreed to change the time of the Tuesday, March 19 FY2020 Budget Review Meeting to 6 pm.



Sandra Cloutier repeated the time 6 pm start time of the Tuesday, March 19 meeting for clarification.

Chair Nesbitt called for public discussion, hearing none, he called for additional Council discussion, hearing none, he closed the Public Hearing.

### **COMMITTEE REPORTS**

Councilor LeClerc – SAD6 Budget Advisory Committee – The BAC is skeptical about the projected state budget appropriations. He noted that the budget proposes to increase teachers' salaries.

Councilor LeClerc – Recycling Committee - The silver-bullet recycling containers continue to be contaminated by people disposing of non-recyclable materials in them. Although, the George E. Jack School contaminations numbers are better, the container at Patches Store still have high numbers of contamination.

Chair Nesbitt – MSAD 6 Superintendent and staff will be at the April Town Council meeting to present their budget.

Councilor Starostecki – PWD Steering Committee – No report.

Councilor Libby – Ordinance Committee – Has sent the Mobile Food Unit has been set back for legal review, hopefully there will be an order regarding this matter on the April agenda.

Chair Nesbitt – Finance Committee – Reviewed the current year's finances through February. Revenues and expenditures are where they should be for this time of year. He noted that the employee benefit line will be over-spent due to long-time employee's retirement vacation payments. They also discussed the budget process and a quit claim deed that is on tonight's agenda.

Councilor Pomerleau – No Report.

Councilor Delcourt – Personnel Committee – The committee will meet after the budget process is completed.

Councilor Delcourt – Ad-hoc Dog Park Committee – Continue to fund-raise for the facility.

Chair Nesbitt noted that they will be delayed in reporting back to the Town Council, so they need to continue to move towards completing requirements of the grant.

Councilor Sirpis – Economic Development – No Report.

### **CONSENT CALENDAR**

There were no Consent Calendar items on this agenda.

### **UNFINISHED BUSINESS**

There were no items of Unfinished Business on this agenda.

### **NEW BUSINESS**

#### **16-19 Authorize Standish Lions Club to hold Charity Toll on Moody Road [Nesbitt]**

Moved by Starostecki seconded by Sirpis and voted to dispense with the Clerks reading of the ordinance. (Unanimous)

Chair Nesbitt noted that this is an annual fund-raiser for the Lions Club being held on June 8<sup>th</sup> and 9<sup>th</sup>.

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

WHEREAS the Standish Lions Club is a non-profit organization whose fund-raising efforts serve the residents of Standish, and

WHEREAS the Standish Lions Club desires to hold a charity toll on Moody Road as a fundraiser for their organization, and now be it

ORDERED that the Standish Town Council authorizes the Standish Lions Club to hold a charity toll on the Moody Road on June 8<sup>th</sup> & 9<sup>th</sup>, and

FURTHER ORDERED that the Director of Public Works will direct the Lions Club members where they can set up in the area of the Transfer Station.

**VOTE: 7 YEAS**

**17-19 Memorial Park Expansion Grant Application Authorization [Pomerleau]**

Moved by Sirpis seconded by Leclerc and voted to dispense with the Clerks reading of the ordinance. (6 Yeas – 1 Nay, Nesbitt)

Councilor Pomerleau noted that this grant application which just opened would match funds of up to 50% of allowable costs for acquisition or development projects for public outdoor recreation. She noted that the Town has been the recipient of grant funding from this group for projects at Standish Memorial in 1985 and in the 1970's for the tennis courts at Johnson Field.

Chair Nesbitt asked if funds that the Town has spent thus far count towards the matching funds?

Town Manager, Bill Giroux said that the funds previous spent on the project would count towards the matching requirement.

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

ORDERED that the Town Manager be and hereby is, authorized to apply, on behalf of the Town, for federal financial assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578, for the expansion of Memorial Park; to enter into the Land and Water Conservation Fund Project Agreement with the State of Maine subsequent to federal approval of the project; and to accept the conditions that accompany the grant funds, subject, however, to Town Meeting approval of project funding.

**VOTE: 7 YEAS**

**18-19 Authorize Finance Director to Issue Municipal Quit Claim Deed to James S. Clay -- Map 2 Lot 58 [Nesbitt]**

Moved by Starostecki seconded by Sirpis and voted to dispense with the Clerks reading of the ordinance. (Unanimous)

Chair Nesbitt noted that the taxpayer has paid the back taxes that were due, so now the Town can issue a municipal quit claim deed releasing the Town's interest in the property.

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

WHEREAS, the sole purpose of the deed is to release to the Grantee(s) herein any interest which the Town of Standish may have acquired in the foregoing property by virtue of unpaid taxes, as evidenced by tax lien certificates recorded in the Cumberland County Registry of Deeds, now be it

ORDERED that the Finance Director is authorized to issue a municipal quit claim deed to James S. Clay of Standish, Maine:

### **MUNICIPAL QUITCLAIM DEED without COVENANTS**

The inhabitants of the Town of Standish, a municipal corporation existing under the laws of the State of Maine and located in the County of Cumberland, State of Maine, for consideration paid, release to **CLAY, JAMES S. of STANDISH, ME** a certain parcel of land with buildings thereon, if any, located in the Town of Standish, County of Cumberland, State of Maine, identified as follows:

**Map 002, Lot 058, Sub 000-000**, of the Assessor's Tax Maps of the Town of Standish, Maine, made by James H. Thomas, gisSolutions of Maine, of Cumberland, Maine dated April 1, 2002, and updated to April 1, 2017, which are on file at the Assessor's Office at the Town of Standish.

The sole purpose of this deed is to release to the Grantee(s) herein any interest which the Town of Standish may have acquired in the foregoing property by virtue of unpaid taxes, as evidenced by tax lien certificates recorded in the Cumberland County Registry of Deeds as follows:

Lien dated September 28, 2007 recorded in Book 25501, Page 300

Lien dated September 17, 2008 recorded in Book 26342, Page 189

IN WITNESS WHEREOF, the Town of Standish has caused this deed to be signed by its Treasurer as authorized.

DATED: March 12, 2019

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SCOTT GESUALDI, TREASURER

TOWN OF STANDISH, MAINE

### **VOTE: 7 YEAS**

### **PUBLIC ITEMS**

Councilor Sirpis followed-up on Chief Caron's remarks regarding the difficult calls that the Department had had in the recent weeks. He said that we all appreciate all that he and the department do for the Town.

### **ANNOUNCEMENTS**

Several upcoming meetings were announced.

### **EXECUTIVE SESSION**

An executive session was not needed at this meeting.

### **ADJOURN**

Moved by seconded by and voted to adjourn. The meeting adjourned at 7:53 pm by unanimous consent.

Submitted by: \_\_\_\_\_ s/Mary Chapman  
Clerk /Secretary