

**MINUTES  
TOWN COUNCIL MEETING  
STANDISH MUNICIPAL CENTER  
STANDISH, MAINE  
TUESDAY, APRIL 12, 2022  
6:00 PM**

**CALL TO ORDER**

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

**ROLL CALL**

Councilors present: Butler, Delcourt, Gaba, LeClerc, Libby, Macri and Paul.

**MINUTES OF PREVIOUS MEETING (S)**

Moved by Libby seconded by Gaba and voted to approve the minutes from the March 7<sup>th</sup>, March 8<sup>th</sup>, March 12<sup>th</sup>, 16<sup>th</sup> and 21<sup>st</sup> meetings. (Unanimous)

**PETITIONS AND COMMUNICATIONS**

There were no petitions or communications at this meeting.

Town Manager Bill Giroux asked that the Public Hearing is taken up at this time because Paul Penna has not arrived yet.

Chair LeClerc asked the Clerk to read order 100-21.

**PUBLIC HEARINGS**

**100-21 Amendment to Standish Town Code, Chapter 181, Land Use, Regarding Orchard Road Solar Contract Zone [LeClerc]**

Chair LeClerc said regarding the proposed order, it is part of an ongoing contract zoning project. He said that he believed there might be someone here from the project that may want to speak to the matter. The individual did not want to speak, Chair LeClerc called for Council comments, hearing none, he explained this is a solar project behind Papa's Ice Cream and has gone through extensive vetting. Again, Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote and the hearing was closed.

*Note: The document shown below will be signed by the parties then recorded by the developer within in 30-days of approval by the Town Council.*

**AMENDMENTS TO STANDISH TOWN CODE, CHAPTER 181, LAND USE,  
REGARDING ORCHARD ROAD SOLAR CONTRACT ZONE  
(Additions are underlined; deletions are ~~struck out~~.)**

**CHAPTER 181 – LAND USE  
PART 1  
ZONING**

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**ARTICLE III  
District Regulations**

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**§ 181-11. Contract zoning.**

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**§ 181-11.10. Time period for renewal of contract zoning request.**

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**§§ 181-11.11 – 181-11.19. (Reserved)**

**§ 181-11.20. Orchard Road Solar Contract Zone District (Overlay Zone).**

The property located in this overlay zoning district is subject to the Contract Zone Agreement that is attached to this chapter as **Appendix D** and incorporated herein by reference.

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Amend the Official Zoning Map of the Town of Standish dated November 5, 2018, as amended from time to time, as provided under § 181-12 and §§ 181-60 – 181-62 of the Zoning Ordinance, to place certain land area into the Orchard Road Solar Contract Zone District (Overlay Zone), all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The Official Zoning Map amendment is available for review and inspection at the Town Clerk's Office and the Town Planner's Office.)

## APPENDIX D

**CONTRACT ZONING AGREEMENT**  
**BY, BETWEEN AND AMONG THE TOWN OF STANDISH,**  
**ORCHARD ROAD SOLAR, LLC,**  
**RR & JP PROPERTIES LLC,**  
**MARK D. FLOOR, KAREN P. FLOOR,**  
**AND**  
**REMARKABLE HOMES, INC.**

This Contract Zoning Agreement ("Agreement") is entered into this 12 day of \_\_\_\_\_, 2022, by, between and among the Town of Standish, a Maine municipal corporation with a mailing address of 175 Northeast Road, Standish, ME 04084 (the "Town"); Orchard Road Solar, LLC, a New Hampshire limited liability corporation qualified to conduct business in Maine, with a mailing address of 43 Holmes Ct., Portsmouth, NH 03801 ("the Developer"); RR & JP Properties LLC, a Maine limited liability company with a mailing address of P.O. Box 404, Standish, ME 04084; Karen P. Floor and Mark D. Floor, individuals with a mailing address of 45 Milt Brown Road, Standish, ME 04084; and Remarkable Homes, Inc., a Maine business corporation with a mailing address of 45 Milt Brown Road, Standish, ME 04084 (collectively, the "Parties"), pursuant to the conditional and contract rezoning provisions set forth in 30-A M.R.S. § 4352(8) and Section 181-11 of the Standish Zoning Ordinance (the "Zoning Ordinance"), as both may be amended from time to time.

WHEREAS, RR & JP Properties LLC owns a parcel of land located at 66 Ossipee Trail in Standish described in a deed recorded in Cumberland County Registry of Deeds Book 31039, Page 197 and further identified as Map 10, Lot 61 on the Town Tax Maps (the "RR Property"); and

WHEREAS, Karen P. and Mark D. Floor own a parcel of land located at 100 Orchard Street in Standish described in a deed recorded in Cumberland County Registry of Deeds Book 19561, Page 261 and identified as a portion of Map 10, Lot 69F on the Town Tax Maps (the "Floor Property"); and

WHEREAS, Remarkable Homes, Inc. owns a parcel of land located off Rose Lane in Standish described in a deed recorded in Cumberland County Registry of Deeds Book 24188, Page 112 and identified as a portion of Map 10, Lot 69F on the Town Tax Maps (the "Remarkable Homes Property"); and

WHEREAS, RR & JP Properties LLC, Karen P. Floor, Mark D. Floor and Remarkable Homes, Inc. are hereinafter collectively referred to as the "Property Owners"; and

WHEREAS, the RR Property, the Floor Property and the Remarkable Homes Property total 70.49 acres and are hereinafter sometimes collectively referred to as the "Contract Zone Area"; and

**WHEREAS, the Contract Zone Area is currently located in the Standish Corner Form Based Code Village District ("SCD FBCVD") under the Zoning Ordinance; and**

**WHEREAS, Large-Scale Solar Energy System is currently defined in the Zoning Ordinance as "[a] solar energy system that occupies 17,000 square feet or more of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt that occupies a given space"; and**

**WHEREAS, Large-Scale Solar Energy System is not currently a permitted use in the SCD FBCVD zoning district; and**

**WHEREAS, the Contract Zone Area is separated from the development on Ossipee Trail by a large area of wetlands, effectively isolating it from the Standish Corner village; and**

**WHEREAS, environmental conditions and applicable regulations severely limit the ability to develop the Contract Zone Area with a use that is permitted in the underlying zoning district; and**

**WHEREAS, the Developer wishes to lease all or a portion of the RR Property, Floor Property, and the Remarkable Homes Property for the development of a Large Scale Ground-Mounted Solar Energy System (the "Solar Site"); and**

**WHEREAS, the Solar Site is depicted on the attached plan entitled "Orchard Road Solar, Overall Site Plan" prepared by Terradyn Consultants, LLC and dated July 27, 2021 shown on *Exhibit A* (the "Solar Site Project"); and**

**WHEREAS, the Developer has requested a rezoning of the Contract Zone Area to permit the Solar Site Project to proceed;**

**WHEREAS, the Solar Site Project serves the Town's community policy to "encourage new business, commercial and industrial development to locate within Growth and Transitional Areas" as set forth in the Future Land Use Plan on page 36 of the 2006 Comprehensive Plan Update; and**

**WHEREAS, the Solar Site Project serves the Town's community policy to "buffer new businesses to help preserve rural character" as set forth in the Economic Development chapter on page 69 of the 2006 Comprehensive Plan Update; and**

**WHEREAS, the Solar Site Project serves the Town's community policy to encourage commercial development that "does not overly burden public services and infrastructure, or natural resources" as set forth in the Economic Development chapter on page 69 of the 2006 Comprehensive Plan Update; and**

**WHEREAS, the Solar Site Project serves the Town's community policy to "Plan for potential new roads so that the investment is targeted to the designated growth areas"**

as set forth in the Transportation System chapter on page 78 of the 2006 Comprehensive Plan Update; and

WHEREAS, all of the required public hearings have been duly noticed and conducted in accordance with Maine law; and

WHEREAS, the Planning Board, pursuant to § 181-11.5 of the Zoning Ordinance and 30-A M.R.S. § 4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the Contract Zone Area as aforesaid; and

WHEREAS, the Town, acting by and through the Town Council, is authorized to approve contract zoning agreements pursuant to § 181-11.6 of the Zoning Ordinance and the provisions of 30-A M.R.S. § 4352(8); and

WHEREAS, the Town, acting by and through the Town Council, therefore, has determined that said rezoning would be, and is, pursuant to and consistent with the Town's local growth management program and Comprehensive Plan adopted pursuant to 30-A M.R.S. § 4321 *et seq.* and consistent with the existing and permitted uses within the original zoning district classification and has authorized the execution of this Agreement and amendment of the Zoning Ordinance accordingly.

NOW, THEREFORE, in consideration of the mutual promises made by each party to the others, the Parties covenant and agree as follows:

1. Zone Change. The Town hereby amends the Zoning Map of the Town of Standish by adopting the zoning map change amendment shown on *Exhibit B* to include the RR Property, the Floor Property, and the Remarkable Homes Property in the Orchard Road Solar Contract Zone. The provisions of this Agreement shall operate as an "overlay" zone with respect to the area shown on Exhibit B, and except as otherwise set forth in this Agreement, all other requirements of the underlying SCD FBCVD zoning district shall apply.

2. Permitted Uses Within the Contract Zone Area. The uses permitted within the Contract Zone Area established in Section 1 above shall be as follows:

(a) All uses authorized as of the date of execution of this Agreement, and as may be amended hereafter, as permitted uses in the SCD FBCVD.

(b) Large-Scale Ground Mounted Solar Energy Systems, as defined in the Zoning Ordinance.

3. Restrictions within the Contract Zone Area. The underlying standards of the SCD FBCVD are modified as follows:

(a) Except as provided below in subsections (b) and (c), all standards set forth in Article VIC (Regulations Concerning Solar Energy Systems) of the Zoning Ordinance shall apply to the development of the Contract Zone Area and shall supersede all conflicting standards in the SCD FBCVD.

(b) Where a single ground-mounted solar energy system spans across a property lot line located within the interior of the Contract Zone Area, no minimum side setback shall be required from said spanned property line.

(c) The Contract Zone Area may be accessed by a private way that meets the standards set forth in § 181-14(C)(4) of the Zoning Ordinance for private ways that serve two residences.

4. **Site Connectivity.** Except as may be reasonably necessary during construction, the principal vehicular access point to the Solar Site shall be located off of Rose Lane. Access to the Contract Zone Area via a future 66 foot wide right of way to provide future connectivity to Cowan Road shall be provided as part of the Solar Project Site.

5. **Fire Protection.** At least one specialized transport skid unit (pump and water tank) and compatible utility terrain vehicle (UTV) will be required in order to provide sufficient emergency fire access to the Solar Project. Prior to the issuance of a Final Inspection Letter (Certificate of Completion) for the Solar Site Project by the Code Enforcement Officer, the Developer shall contribute \$10,000 to the Town for the purchase of such equipment, such equipment to be approved by the Standish Fire Chief and to be purchased directly by the Town.

6. **Performance Guarantees.** Performance Guarantees, in the form of a bond, escrow agreement, irrevocable letter of credit, or other surety, shall be provided for the Solar Site Project as required by § 181-49.36 of the Zoning Ordinance, as may be amended from time to time. The Town performance guarantees shall be in a form acceptable to the Town Attorney and posted before commencement of any work. The amount of such performance guarantees shall be established by the Town, acting by and through the Town Planner, in consultation with its outside consulting engineer, based on its reasonable estimate of 150% of the estimated demolition cost of the Solar Site Project.

7. **Miscellaneous Provisions.**

(a) **Future Development:** Except as expressly modified herein, development in the Contract Zone Area shall be governed by and comply with the provisions of the Zoning Ordinance and any applicable amendments thereto or replacement thereof.

(b) **Survival Clause:** The terms and conditions of this Agreement shall run with the land and be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of the parties hereto.

(c) **Further Assurances:** In order to effectively and properly implement this Agreement, the parties agree to negotiate in good faith the terms and conditions of such further instruments and agreements as may be reasonably necessary from time to time to give effect to this Agreement.

(d) **Maine Agreement:** This contract is a Maine agreement, entered into in the State of Maine and shall be governed by and enforced in accordance with the laws of the State of Maine, excluding choice of law principles.

(e) **Enforcement:** The Town shall have the power to enforce all conditions and restrictions of this Agreement, both through an enforcement action pursuant to Article VII (Administration and Enforcement) of the Zoning Ordinance and 30-A M.R.S. § 4452, both as may be amended from time to time, and through legal action for specific performance of this Agreement. In the event that the Developer, the Property Owners or their heirs, successors or assigns fail to develop the project in accordance with this Agreement, or in the event of any other breach hereof, and such failure or breach continues for a period of thirty (30) days after written notice of such failure or breach from the Town to the Developer, the Property Owners or their heirs, successors and assigns, or in the event such failure or breach cannot reasonably be remedied or cured within such thirty (30) day period, if the Developer, the Property Owners or their heirs, successors or assigns, fails to commence a cure or to remedy such failure or breach within said thirty (30) day period and thereafter fails to diligently prosecute such cure or remedy to completion in a reasonable time, then this Agreement may be terminated by vote of the Town Council. In that event, the Contract Zone Area may then be used only for such uses as otherwise allowed by law.

(f) **Future Amendments:** The provisions of this Agreement shall be deemed restrictions on the use of the RR Property, Floor Property and the Remarkable Homes Property except as this Agreement may be amended by future written agreement by the Parties, or their successors-in-interest, without the need for approval of any other party except as otherwise provided by law.

(g) **Severability:** In the event any one or more clauses of this Agreement shall be held to be void or unenforceable for any reason by any court of competent jurisdiction, such clause or clauses shall be deemed to be severable and of no force or effect in such jurisdiction, and the remainder of this Agreement shall be deemed to be valid and in full force and effect, and the terms of this Agreement shall be equitably adjusted if possible so as to compensate the appropriate party for any consideration lost because of the elimination of such clause or clauses.

(h) **Counterparts:** This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument, binding on the Parties, and the signature of any party to any counterpart shall be deemed a signature to, and may be appended to, any other counterpart.

(i) Recording: This Agreement shall be duly recorded by the Developer at the Cumberland County Registry of Deeds within thirty (30) days of the date of this Agreement, with a copy of the recorded instrument contemporaneously provided to the Town Manager, or else it is void.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed as of the day and year first above written.

WITNESS:

TOWN OF STANDISH

Name: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

ORCHARD ROAD SOLAR, LLC

Name: \_\_\_\_\_

By: \_\_\_\_\_  
Andrew Kellar

Its: \_\_\_\_\_

STATE OF MAINE

County of Cumberland, ss. \_\_\_\_\_

\_\_\_\_\_, 2022

Then personally appeared the above-named Andrew Kellar in his capacity as \_\_\_\_\_ of Orchard Road Solar, LLC and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said limited liability company.

Before me,

Notary Public \_\_\_\_\_

Print Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_



**RR & JP PROPERTIES**

Name: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

**STATE OF MAINE**

County of Cumberland, ss. \_\_\_\_\_

\_\_\_\_\_, 2022

Then personally appeared the above-named \_\_\_\_\_ in his/her capacity as \_\_\_\_\_ of RR & JP Properties LLC and acknowledged the foregoing instrument to be his/her free act and deed and the free act and deed of said limited liability company.

Before me,

\_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

Name: \_\_\_\_\_

By: \_\_\_\_\_

Mark D. Floor

Name: \_\_\_\_\_

By: \_\_\_\_\_

Karen P. Floor

**STATE OF MAINE**

County of Cumberland, ss. \_\_\_\_\_

\_\_\_\_\_, 2022

Then personally appeared the above-named Mark D. & Karen P. Floor and acknowledged the foregoing instrument to be their free act and deed.

Before me,

\_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

**REMARKABLE HOMES, INC.**

\_\_\_\_\_  
Name: By: \_\_\_\_\_  
Mark D. Floor  
Its: \_\_\_\_\_

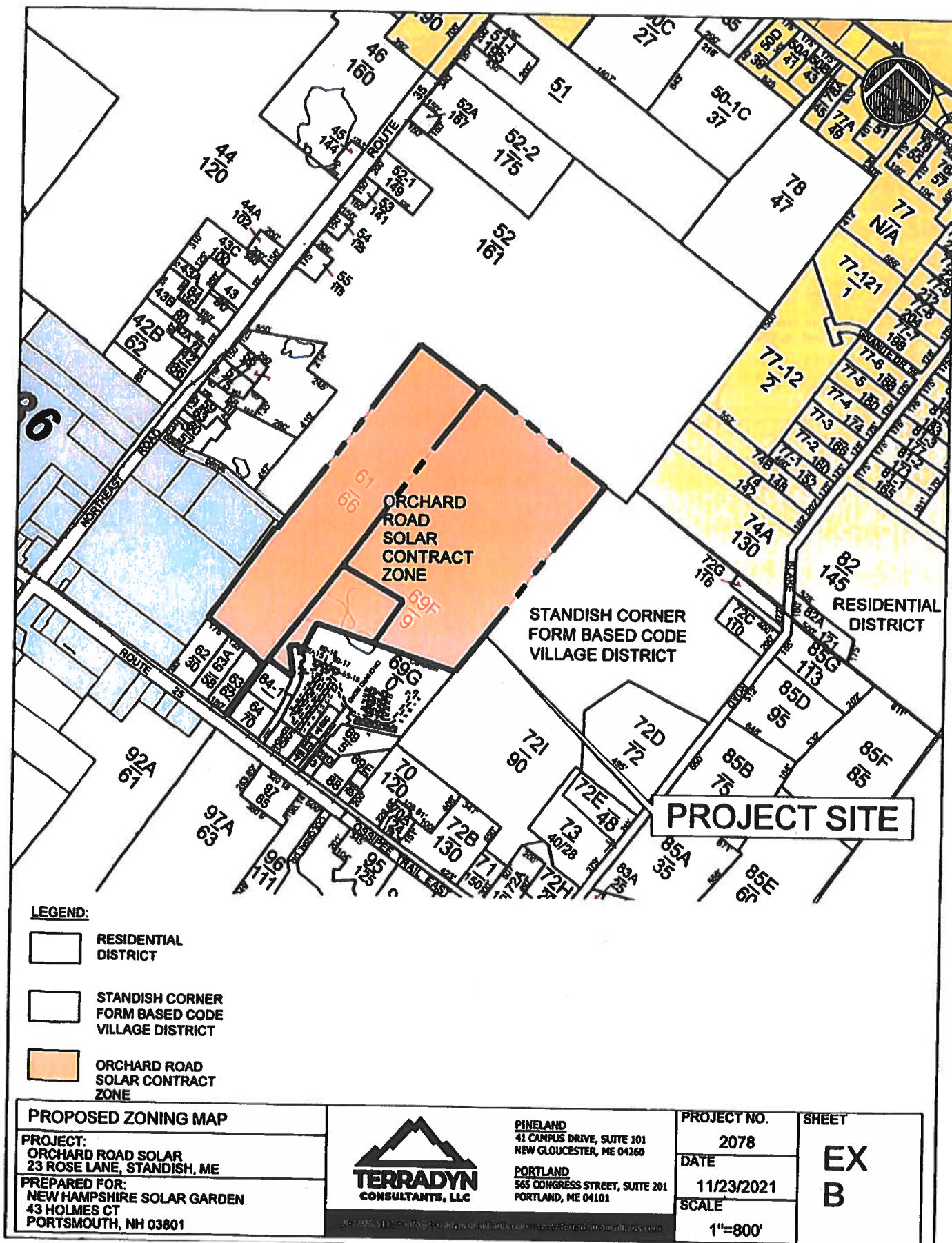
**STATE OF MAINE**  
**County of Cumberland, ss.**

\_\_\_\_\_, 2022

Then personally appeared the above-named \_\_\_\_\_ in  
his/her capacity as \_\_\_\_\_ of Remarkable Homes, Inc. and  
acknowledged the foregoing instrument to be his/her free act and deed and the free act  
and deed of said corporation.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_







## **VOTE: 7 YES**

### **REPORT OF THE TOWN MANAGER**

Mr. Giroux introduced Paul Penna, MSAD # 6 Superintendent and William Brockman, the District Business Manager who provided an overview to the district's budget.

Paul Penna explained that this is a very different budget than what we've had in the past. He said that the budget is affected by a combination of things that happen at the state and local levels that impact our taxpayers. He cited the change in property tax values and decreased student enrollment as being a bad formula which caused the district to lose about a \$1.5 in state funding. He said that when funding is lost the only way to replace it is through the taxpayers. He said that MSAD educators are second to none and are committed to the students in a way that he has not seen in the other communities that he has worked in. He explained the current enrollment in elementary classrooms provides a 16.5 to one teacher to student ratio, noting that they feel strongly that this ratio will allow our teachers to focus on grade level expectations in all subjects. He continued by saying, it is critical that students are adequately prepared in core content in the formative years to ensure that they are prepared to meet the grade level expectations as they progress through our system. He noted that personalization and relationships are important contributing factors for student achievement.

Councilor Delcourt asked how much has the budget increase?

Paul Penna said the increase is approximately \$4.3 million and that is from a combination of lost subsidy and the educational budget request. He said that this budget includes maintenance and renovations to their facilities. He reviewed the teacher status at the schools, special education, and its funding. He noted their use of Covid funding which allowed them to separate the classrooms make smaller classrooms, they increased some social and emotional support, which they hope to keep in place. He spoke to student enrollment in elementary schools and touched on the loss of student enrollment and budget adjustments they made.

Councilor Macri said that one of the things that is coming up in front of the town this year is doing a reassessment for Standish, if we had done a reassessment, and that had already been completed, would the school budget number have changed?

William Brockman, MSAD # 6 Business Manager said that the numbers would not change in the year that it's implemented. He explained that it will take a couple of years for the state to make the changes your state valuation of the school. He said in this year's budget using the three-year assessment data Standish had lowest increase of 9.475% when the other town all had a 10.8% increase. He said that when the revaluation numbers caught up at the state level, it would have an impact, but he didn't know what it would be. He did note that higher value has an impact on the state subsidy that they receive.

Chair Leclerc called for additional Council questions, hearing none, he questioned the Covid and SSR funds that were used for staffing, and then which of those staff member will be coming back and funded by the general fund?

Paul Penna said that there is a variety of them, some funding has expired so those positions will come to an end. He said that some positions will remain and funding will be reallocated to support them and the programs. He noted that ARPA funds can be reallocated for certain things.

Chair LeClerc questioned why are they proposing to add instructional staff? What does this do for classroom sizes? Why can't you just shift students around to make class sizes work with the staff that you have?

Paul Penna said because it's all grade level driven, because that's the system we live in right now and it's grade level driven. So, we are trying to balance what we have in certain schools, you'll see amount classroom space and we have to work within that. But we also try to work within a model of what is going to be best instructional practices. He said that we are looking at learning gaps in student needs in order to continue with our initiatives in literacy and math to ensure that our students are not only meeting adequate progress but growing which is really the benchmark of what you want to look at in the school.

Chair LeClerc questioned if there are any funds available to the municipalities, for instance, ARPA funds available to the school district? He said that there's a feeling in the community that the school district was flush with a lot of cash. He noted that the Town has been conservative in the allocation of its ARPA funds, he asked for an overview of their use of ARPA funds.

Paul Penna explained that they had to expend their funds on return to school or provide safety protocols, or you didn't get the funds. He noted that they expended the funds on what we said, and we just report on that. He said that the funds can't be used to maintain, supplant or replace existing programs that you currently have. He said that you can supplement them and that's they we did. They were able to supplement with more teachers, spread our spaces out, be able to bring more kids in the school and return to in person.

Chair LeClerc said that we've heard things from people that bunches of toys were purchased.

Paul Penna said that the funds were not spent on frivolous things. He continued and touched again on declining student enrollment in the state and nation. He said that it will take communities coming together if they want a say in public education is and what it looks like. He said that if you look at the enrollment numbers where did the kids go? He spoke to health concern, charter schools, home schooling and superintendent waivers as being factors in loss of enrollment.

Councilor Delcourt questioned Governor Mills' announcement that state funding for education would be at 55%, however we're being subsidized at 38.62%, where is that funding going?

Paul Penna said that how they fund education, it depends on the interpretation of funding the classroom and what that might means.

Mr. Penna introduced Clay Gleason, the current principal at Hollis and George E. Jack schools, he will be the new superintendent.

Clay Gleason said that Mr. Penna has done a great job and that he wanted to continue that work. He noted that there are challenges ahead. He said that he has spent 20-years in the community. He lived in Standish for 15-years and his two kids have gone through the school system. He recalled that

Mr. Delcourt was on the school board when he was hired 20-years ago, as the assistant principal at Bonny Eagle Middle School. He said that he is committed to the community. He said that it has been a great experience as hard as it was, to split between Standish and Hollis in the last few years, but he did get a better understanding of the Standish schools. He said that the thought the facilities are going to be a challenge moving ahead, because we have these awkward pockets of populations, you know, the Steep Falls, there are great educators there. He said that he knows that people love that community school, but we have 55 kids enrolled there next year. Is that sustainable? He said that he didn't know. He said that all our facilities, including the Standish schools, have limitations to what we can do with these current facilities. He said what can the community support to improve them is it renovation? Is it consolidation? He said that's not Clay Gleason's decision to make it is the community's decision. He said that something we have to look at and make a decision because judgments that are made from people that aren't living in these communities, about our schools based on sometimes how they look when they just drive by the school. If they walk in the door, they get a different experience than just looking from the outside. He said that looked forward to the challenge.

### **COMMITTEE REPORTS**

Councilor Butler – Economic Development Committee – no report.

Councilor Delcourt – Finance Committee – did not attend the meeting.

Councilor Gaba – Appointments Committee – the committee met last Tuesday; she did not attend due to an illness. The committee met to review candidate nominations and applications.

Councilor LeClerc – Ordinance Committee - the ordinance committee met, in large part they discussed the orders that are going to be brought forth and discussed later today. In addition to that, they touched upon updating the standards for the noise ordinances that are in place. He said that dovetailed to a potentially a broader conversation, which ultimately is on the agenda for the next ordinance committee in terms of how that the ordinance for noise relates to other things that are going on in town.

Councilor Libby – Finance Committee – the Town's finances are right on target. There were a couple of finance orders coming up later on the the agenda.

Counselor Macri – PWD Steering Committee – this was the first meeting in a number of years. After introductions they discussed the Mountain Division Trail and reviewed maps of where the trail could go. PWD talked about where people can hike and where there is no trespassing. He said that it was a good meeting. The committee hopes to take a site walk to see the area. He said that PWD members were very open to working with the Mountain Division Trail people and the town of Standish to come up with some sort of way to allow the Mountain Division Trail to go through the area.

Councilor Paul – Capital Improvements Committee – met today regarding an agenda item.

### **CONSENT CALENDAR**

The Clerk explained that the Consent Calendar items are typically read by title only unless there is a motion to take items separately. The Clerk then read order titles.

### **24-22 Town Council Appointments of Election Clerks [Gaba]**

**25-22 Town Council Appointments to the Registration Appeals Board [Gaba]**

**26-22 Appointment of Election Warden, Deputy Election Wardens, Election Clerks and Clerk to Serve at the June 14, 2022 Elections [Gaba]**

**27-22 Establish Voter Registration Hours prior to the June 14, 2022 Elections [LeClerc]**

**28-22 Countersign the Maine School District No. 6 Warrants for District's Upcoming June 14, 2022 Elections [LeClerc]**

**29-22 Waive No Parking Restriction on the Saco Road for the Bonny Eagle Car Show [LeClerc]**

Moved by Gaba second by Libby to amend order 24-22 to include the names of Carolyn Biegel and Robert Deakin to the order.

Council Macri said that Carolyn Beigel's name was already on the order.

The Clerk apologized to Councilor Gaba noting that only Mr. Deakin's name had been omitted from the order.

Moved by Gaba second by Libby to amend order 24-22 to include the name Robert Deakin to the order. (6 YEAS – 1 NAY, Delcourt)

The Clerk explained that the major political parties submit nominations for Election Clerks to be appointed by the Town Council for the election staff for the next two years.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

Councilor Butler asked if they were voting on all of the Consent Calendar items?

Chair LeClerc said that usually that would be the case but they will vote separately tonight.

ORDERED that the following election clerks nominated by the major political parties or municipal officers are appointed by the Town Council to serve as Election Clerks through April 30, 2024:

**DEMOCRATIC**

Paul Ainsworth  
Wendy Almelda  
Joanne Beaudoin  
Theresa Bakker  
Carolyn Beigel  
Cheryl Cameron  
Janis Cohen  
Lourie Corbett  
Jennifer Drew  
Marie Estes  
Guinevere Gridley  
Nancy Hudak  
Anne Humeniuk  
Suzanne Lacroix  
Sally Lancaster  
Mary L. Lyons  
Michelle McCabe  
Richard Robinson

**REPUBLICAN**

Cheryl Allen  
Janet Biczak  
Thomas Biczak  
Susan Brawn  
Jennifer Carter  
Sharon Cochran  
Brenda Cole  
Thomas Daniels  
Tina Finley  
Patricia Frechette  
John Giberson  
Carol Gifford  
Glenna Jamison  
Esther Libby  
Beverley Miner  
Juley Nickerson  
James Osterrieder  
Lauren Smith



Diane Rogers  
Judith Sargent  
Kathleen Schofield  
Sibil Shiland  
Suzanne Shorter  
Nancy Steeves  
Richard Steves  
Angela Stokes  
Jason Stokes  
Valerie Tartt  
Mary Lou Tracy  
Jean Webber  
Kristine Zuidema  
Robert Zuidema  
Robert Deakin

Cynthia Vogeler

**UNENROLLED**  
Deborah Bondeson  
Brenda Pillsbury

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

### **25-22 Town Council Appointments to the Registration Appeals Board [Gaba]**

The Clerk explained that this is a board that is required under state law.

ORDERED that the following political party nominations are confirmed, and the appointments are made to the Registration Appeals Board through the dates given:

William Hill	Democratic Nominee	April 2024
Rayleen Pinkham	Alternate Democratic Nominee	April 2024
William Hamilton	Republican Nominee	April 2024
Ruth LaBrecque	Alternate Republican Nominee	April 2024

FURTHER ORDERED that the Town Clerk's nominations are confirmed, and the appointments are made to the Registration Appeals Board through the dates given:

Jacklyn Dyer	Clerk Nominee	April 2025
Karen McNutt	Clerk Alternate Nominee	April 2025

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

## **VOTE: 7 Yeas**

### **26-22 Appointment of Election Warden, Deputy Election Wardens, Election Clerks and Clerk to Serve at the June 14, 2022 Elections [Gaba]**

The Clerk explained that this is announcing the Election Day staffing for June.

ORDERED that the following individuals are appointed to serve as Election/Ballot Clerks at the June 14, 2022 elections:

#### **Democratic Election Clerks**

Joanne Beaudoin  
Sybil Shiland  
Angela Stokes  
Jason Stokes  
Paul Ainsworth  
Kristina Zuidema  
Janis Cohen  
Anne Humeniuk

#### **Republican Election Clerks**

Glenna Jamison  
Esther Libby  
Beverley Miner  
John Giberson  
Tina Finley  
James Osterrieder  
Cynthia Vogler

ORDERED that Sandra Osterrieder is appointed to serve as warden, and

ORDERED that Nancy Hudak and Esther Libby shall serve as deputy wardens, and

ORDERED that Mary Chapman is appointed to serve as clerk at the election, and

FURTHER ORDERED that the Town Clerk is authorized to select additional Election/Ballot Clerks as necessary to provide adequate staffing.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

**VOTE: 7 Yeas**

**27-22 Establish Voter Registration Hours prior to the June 14, 2022 Elections [LeClerc]**

ORDERED that the Registrar of Voters will hold office hours from 7:30 a.m. to 4:30 p.m. at the Town Clerk's Office from June 6, 2022 through June 9, 2021 and on June 13, and

FURTHER ORDERED that the voter registration enrollment period prior to the June 14, 2022 elections will be Monday, June 13, 2022 at 4:30 p.m., and

FURTHER ORDERED that the Town Clerk's Office will remain open until 7:00 pm on Wednesday June 1 and Wednesday June 8 for absentee voting and voter registration prior to the June 14, 2022 elections.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

**VOTE: 7 Yeas**

**28-22 Countersign the Maine School District No. 6 Warrants for District's Upcoming June 14, 2022 Elections [LeClerc]**

This is a standard order which will allow the Council to signed school warrants once they are received.

WHEREAS MSAD No. 6 has notified the Town of Standish that the warrants and other election materials will be delivered to the Town Clerk's Office after the April Town Council meeting, and

WHEREAS by law the warrants must be countersigned by the municipal officers where the election is held, now be it

ORDERED that the Town Council will sign the MSAD 6 warrants for the June 14, 2022 District Elections, as soon as possible, after they are received by the Town Clerk.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

**VOTE: 7 Yeas**

**29-22 Waive No Parking Restriction on the Saco Road for the Bonny Eagle Car Show [LeClerc]**

Chair LeClerc noted that this is a great thing for the community.

ORDERED that the 'no parking' restriction on the north and south sides of Saco Road between the Standish town line and Cape Road (Route 35 A), shall be waived for a period two hours before the opening of the Bonny Eagle Car Show held by the Athletic Boosters until two hours after the close of the show to be held on May 15, 2022 at the Bonny Eagle High School, and

FURTHER ORDERED that the coordinators of the event shall provide traffic control beginning one hour before and during the hours of the show.

**VOTE: 7 Yeas**

## **UNFINISHED BUSINESS**

### **15-22 Amendments to Standish Town Code, Chapter 3, Administration of Government (First Reading) [LeClerc]**

Chair LeClerc said that these amendments would allow flexibility in terms of putting items out to bid, the purchase of items and the sale of property.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote to move this order to public hearing at the May Council meeting.

### **VOTE TO MOVE TO PUBLIC HEARING: 7 YEAS**

### **16-22 Amendments to Standish Town Code, Chapter 181, Land Use, Caregiver, Retail Stores (First Reading) [LeClerc]**

Chair LeClerc announced that Councilor Butler will recuse himself and not vote on this order. Council Butler agreed that he would not vote on this matter.

Chair LeClerc in regards to the proposed order, currently in the Industrial Zone area in town which for the large part located on the Moody Road is going towards the transfer station is where medical side for marijuana allowed dispensaries are allowed. What this proposed order doing is it's tweaking the language for caregiver retail stores, which are, in a sense dispensaries, but they're for profit. The only difference between the two of them is one is for profit and one is not. He noted that this would only be allowed in the industrially zoned area. So that's what this about.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote to move this order to public hearing at the May Council meeting.

### **VOTE TO MOVE TO PUBLIC HEARING: 6 YEAS – 1 ABSTAIN, Butler**

## **NEW BUSINESS**

### **30-22 Call for Annual Municipal and Town Meeting Referendum Vote, Place Referendum Questions on the Ballot, Authorize Warrant and Call for Public Hearing for the June 14, 2022 Annual Municipal Election and Town Meeting Referendum Vote [LeClerc]**

Chair LeClerc noted that wording needed to be added to referendum question 6.

Moved by LeClerc seconded and voted to adopt the substitute warrant that includes the wording or other paving. (Unanimous)

Chair LeClerc explained that this order calls for the election, approves the warrant and schedules the required public hearing prior to the election. He then called for Council comments.

Councilor Macri said that it was his understanding that items over \$75,000 has to go to referendum, why were questions 3 and 4 on the warrant if they are lower than \$75,000?

Scott Gesualdi explained that they are capital items that will be paid by bonding.

ORDERED that the Standish Town Council call that an Annual Municipal Town and Meeting Referendum Vote to be held on Tuesday, June 14, 2022, and

FURTHER ORDERED that the referendum questions 1, 2, 3, 4, 5, and 6, copies of which are attached hereto, be placed on the ballot and that the financial statement will be provided as a separate document from both ballot and the Warrant for Annual Municipal and Town Meeting Referendum Vote, and the financial statement will be made available to voters at said Annual Municipal and Town Meeting Referendum Vote and posted with the warrant as required; and

FURTHER ORDERED that the attached warrant is approved by the Standish Town Council and that the required public hearing on these referendum questions will be held on Tuesday, May 10, 2022 during the regularly scheduled monthly council meeting which begins at 6:00 pm.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

## **VOTE: 7 Yeas**

### **31-22 Receive List of Delinquent Personal Property Accounts from Finance Director as Required by the Personal Property Tax Collection Policy [Libby]**

Moved by Gaba seconded LeClerc and voted to dispense with the reading of the order. (Unanimous)

Finance Director, Scott Gesualdi explained that this process is authorized under the Personal Property Tax Collection Policy. He said that this step authorizes the mailing of a second letter to try to collect the taxes, if not paid, another Council order regarding this matter will be on the June Council agenda to take other steps to collect the taxes.

Chair LeClerc called for Council comments.

Councilor Macri questioned if any of these businesses were no longer in existence?

Scott Gesualdi said that he believed that all fives are still in business.

Chair LeClerc questioned Scott regarding the policy, would be publishing the paper?

Scott Gesualdi said that this is the only publishing of the order.

Chair Leclerc asked for an estimate of the personal property taxes that the Town collects?

Scott Gesualidi said that the believed that it's about \$100,000.

Chair LeClerc that he's against this, he said that it's the modern-day equivalent of a stockade to shame people.

WHEREAS Town Council order 37-15 adopted the *Outstanding Personal Property Tax Collection Policy* which provides the procedural outline for the Finance Department staff to follow in collection of unpaid personal property taxes, and

WHEREAS in March the Finance Department has reviewed the outstanding accounts and sent letters to taxpayers in question as required in the policy, and

WHEREAS the policy requires that the following list of delinquent taxpayers is then presented to the Town Council at their April meeting:

-CHARTIER & CO., INC. LOCATED AT 905 OSSIPEE TRAIL WEST \$192.51  
-CLIPPING ALONG BARBERSHOP LOCATED AT HANNAFORD PLAZA \$174.82  
-CORNERSTONE ARCHITECTURAL LOCATED AT 234 NORTHEAST ROAD \$2901.55  
-DAVIS, TIMOTHY (TJ'S) LOCATED RTE 35 & 114 \$66.97  
-DONE RIGHT INSULATION LOCATED 20 FORT HILL ROAD \$426.70

NOW BE IT ORDERED that the Finance Director is authorized to mail letters to the taxpayers in question notifying them of the status of their account, and

FURTHER ORDERED that the second order to the Council regarding this procedure will be presented to them at their Town Council meeting on June 7, 2022.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

**VOTE: 6 YEAS – 1 NAY, LeClerc**

### **32-22 Amendments to Standish Town Code, Chapter 181, Land Use, Adult Use Marijuana Cultivation (Introduction) [LeClerc]**

Chair LeClerc announced that Councilor Butler will recuse himself and not vote on this order. Council Butler agreed that he would not vote on this matter.

Chair LeClerc said regarding the proposed order and to explain to people in the audience that may not know the ins and outs of the marijuana related ordinances and laws, there's a medical side of permitted uses on the medical side. So, if someone been lawfully prescribed it through a medical practitioner can go that avenue. He said that then there is the adult side, on the adult side, there are there's four uses, there's testing, manufacturing, cultivation, and then there's storefronts. What this proposed order will do is just allow on the adult side cultivation, which is just in a sense, just growing. He said that the order earlier today was which passed with broad support allowed cultivation on the medical side. He said he understands that people do have strong feelings one way or another as it relates to this issue. He said that in the ordinance, there is strong language or mechanisms in place in terms of regulation in terms of odor control, distance and setbacks from School and churches. He said that there's also a maximum allowable canopies.

Councilor Gaba asked for clarification on the language, she said that they we haven't discussed the nursery marijuana cultivation. She questioned does that mean that the plants aren't going to fruit and that there's not actually product? Or They're just selling them? She said she thought it just said cultivation previously.

Mr. Goodwin a member of the audience, said that he was not an expert, because he's not on the adult use side. He said that generally speaking, what they're talking about when they're talking about nurseries, is they're talking about small plants. He said sometimes those small plants can be sold. He continued to say generally speaking, that is considered pre-flowering vegetation. He said that there's an allowance for X amount of square footage of pre-flowering vegetation, and then 500 square feet for the flowering vegetation.

Councilor Gaba thanked him for the clarification.

Moved by Leclerc seconded Gaba and voted to correct the order number from 32-21 to 32-22.  
(Unanimous)

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

**VOTE TO MOVE THIS TO FIRST READING: 5 YEAS – 1 NAY Delcourt, 1 Abstain, Butler**

**33-22 Amendments to Standish Town Code, Chapter 220, Land Use, Retail Marijuana Establishments and Retail Social Clubs (Introduction) [LeClerc]**

Chair LeClerc said regarding the proposed order, in effect right now, there is a blanket prohibition as it relates to any of the four uses that he outlined on the adult side. What this order do is doing is partially repealing just for the cultivation piece on the adult side, it's leaving and in leaving the rest of the other prohibitions in place. Chair LeClerc announced that Councilor Butler will recuse himself and not vote on this order. Council Butler agreed that he would not vote on this matter.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

**VOTE TO MOVE THIS TO FIRST READING: 6 YEAS – 1 ABSTAIN, Butler**

**34-22 Award Bid and Authorize Contract for Blake Road and Shaws Mill Road Culvert Replacement Projects [Paul]**

Moved by Paul seconded by Butler to amend the order as follows:

ORDERED that the attached bid from Dearborn Construction, for the "Blake Road and Shaws Mills Road Culvert Replacement Projects", as described in the bid specifications, is hereby accepted, with a cost not to exceed \$578,000 for the project, and (Unanimous)

Roger Mosley, the Director of Public Works noted that these are a couple of large culvert projects that we've had under plans to get repaired for some time. He said that we've had two grants from the state, one towards each one of them. He said that they were bid together with one vendor, being able to do both projects due to their close proximity to each other allows them to regulate the road closures. He said that they are very pleased to see them getting moved forward to be repaired. They have been damaged over the years was floods and rotting culverts. He said that it's time for some replacements.

Bill Giroux noted, that thanks to Roger, the town was able to attract \$190,000 worth of grant money to these two big major culvert projects and he's working hard on another one for another culvert in town, so it saves the town a lot of money.

Chair LeClerc asked for comments on the order as amended.

Councilor Gaba questioned the cushion that was built in the proposed numbers.

Roger Mosley explained that there is a 5% contingency built in in the event there some sort of change order.

WHEREAS a bid process has been conducted for a culvert replacement on Blake Road and one on Shaws Mills Road in accordance with section 302 (f) of the Standish Charter, now be it

ORDERED that the attached bid from Dearborn Construction, for the "Blake Road and Shaws Mills Road Culvert Replacement Projects", as described in the bid specifications, is hereby accepted, with a cost not to exceed \$578,000 for the project, and the

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

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

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

### **35-22 Town of Standish Town Council Orders Authorizing Tax Anticipation Borrowing [Libby]**

Moved by Libby seconded LeClerc and voted to dispense with the reading of the order. (Unanimous)

Councilor Libby explained that this is needed to pay bills until the taxes start being paid. We'll only use this if it's needed.

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 borrow money from time to time during the fiscal year ending June 30, 2022 in the principal amount or amounts not exceeding \$1,100,000 at any one time outstanding, in anticipation of the collections or receipts from taxes, by the issuance of tax anticipation notes of the Town, each of which notes shall be designated "Town of Standish Spring 2022 Tax Anticipation Notes." All of such tax anticipation notes, and any extensions, renewals or replacements thereof, shall be 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, 2022, 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 Treasurer of the Town is hereby authorized to award the notes to such person or entity as he deems appropriate, and

Be It Further Ordered that the notes authorized by the foregoing are hereby designated as qualified tax exempt obligations 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 purchasers of the notes on behalf of the Town and for the benefit of the holders of the notes, 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 notes 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 April, 2022 by the Municipal Officers of Standish, Maine:

/s/  
Gregory LeClerc, Chair

/s/  
Michael Delcourt

/s/  
Brian Libby

/s/  
Joseph Paul

/s/  
Sarah Gaba, Vice Chair

/s/  
Benjamin Macri

/s/  
Walter Butler

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

**VOTE: 7 YEAS**

### **36-22 Accept Resignation from Town Manager William Giroux [LeClerc]**

Chair LeClerc explained that Bill's resignation letter was submitted a while ago, so we had some heads up. He explained that we have to officially accept it. He said as a Town Manager, Bill has done a good job. He noted that when Bill came into this position, the waves were rough, let's just say, he has definitely calmed the waters. He said that Bill was excellent at executing things that needed to be done and staff morale is high. He said that Bill had a wealth of experience that we've leaned on, it's been invaluable. He thanked Bill for his service to the community and the community thankful for doing a good job.

Bill thanked all of them noting it has been a pleasure, it's been a great four years. He said that he was going to ease into a little something softer for a little while, and then see what life brings. But I appreciate all of you and all the friends that I've made and the employees here. Appreciate all of it. And I just want to thank you.

Brian Libby thanked Bill for his service to the town, it was much appreciated and a great job.

Councilor Gaba took the occasion to thank Bill. She said that he's been a wonderful wealth of knowledge to lean on. She said that she's had the privilege to see some behind the scenes things and that he really does care for people.

The Clerk thanked him for his time in Standish.

Councilor Delcourt thanked him doing a good job.

Council Paul thanked Bill for his interaction with him and the rest of the Council.

Councilor Macri said thank you for keeping me straight and answering my questions.

Councilor Butler said it's all been said, but thank you.

ORDERED that the resignation from Town Manager, Bill Giroux, submitted on November 9, 2021, effective on April 12, 2022 at the adjournment of the Town Council Meeting, is hereby accepted.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

**VOTE: 7 YEAS**

### **37-22 Appointing Acting Town Managers [LeClerc]**



Chair LeClerc said that the Town is in the process of the Town Manager search and this staff will provide assistance through May 10. The appointees will receive \$50/per day for the additional duties.

WHEREAS, Town Manager Bill Giroux has submitted his resignation effective April 12, 2022; and

WHEREAS, Charter Sec. 303 authorizes the Town Council to appoint an acting Town Manager when there is a temporary absence, disability or vacancy in the position of Town Manager;

NOW, THEREFORE, BE IT ORDERED, that Roger Mosley and Scott Gesualdi be, and hereby are, appointed as co-acting Town Managers to serve through and including May 10, 2022.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote.

## **VOTE: 7 YEAS**

## **PUBLIC ITEMS**

Steve Silvestri a property owner on Wards Cove Road spoke to them regarding his concerns regarding potential liability of a dock that is installed on a common right-of-way on the road.

Bill Giroux said that the Town does not have a permit on file for the dock. The Town believes that this is a civil matter for those that own the right-of-way.

Councilor Macri questioned why the Comprehensive Plan process wasn't put into the budget since last August the Town Council recognized that as one of the projected that they wanted to work on.

Mr. Giroux explained that that the budget that he brought forward was the Managers Budget, the Comprehensive Plan could have been added by the Council once it was turned over to them.

## **ANNOUNCEMENTS**

Upcoming meetings were announced.

## **EXECUTIVE SESSION**

Moved by Leclerc seconded by Libby and voted to move into an Executive Session for the discussion of personnel matters relating to the new Town Manager search pursuant to 1 M.R.S.A. Section 405 (6) (A).

Moved seconded and voted to arise from the executive session(s). The Council arose from the Executive Session(s) by unanimous consent at 8:45 pm and the meeting adjourned.

Submitted by: Mary Culp  
Clerk/Secretary