

**MINUTES
TOWN COUNCIL MEETING
STANDISH MUNICIPAL CENTER
STANDISH, MAINE
TUESDAY, MAY 9, 2023
6:00 PM**

CALL TO ORDER

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

ROLL CALL

Councilors present: Butler, Gaba, LeClerc, Macri, Paul and Watson.

Councilor Libby was excused.

MINUTES OF PREVIOUS MEETING (S)

Moved by LeClerc seconded to amend page 4 of the April 11, 2023 Town Council Meeting minutes as follows:

... former Councilor Blanck Delcourt ... after this amendment the minutes were approved by unanimous consent.

PETITIONS AND COMMUNICATIONS

There were no petitions or Communications at this meeting.

REPORT OF THE TOWN MANAGER

Town Manager, Tasha Pinkham announced that some members of Boy Scout Troup 874 were attending the meeting tonight.

Assessing Department - inspected approximately 250 properties with open building permits for the April 1, 2023, assessment date. There has been \$20,000,000 added in new growth this year due to new construction, additions, property splits, etc. Personal Property filings are currently being processed. The Brookfield abatement hearing will most likely be scheduled sometime this fall.

Code Enforcement Department - busy with new permits and the Board of Appeals.

Planning Department - is working on some grants for new docks at boat launch; and noise/shooting ordinances.

Recreation Department - busy with aftercare, programs, and upcoming camp. Rec is seeking additional staff. The Summer Spectacular is scheduled for August 4. Beginning on Memorial Day, the Rich Memorial Beach will be open on weekends.

Fire/Rescue Department – attended a conference last week. A medical emergency occurred on their flight and the town crew cared for the lady.

Clerk Department - busy with taxes, registrations and prepping for voting. The clerk's office will be closed on June 13.

GA/HR Department - busy with passports, up 112% -- there is an average 12 week wait to get passport back. A passport audit recently occurred and staff scored an A.

Public Works Department – John’s having staff meetings to get pulse of the department, looking at new work order system, dealing with washouts from 2 weeks of rain. * NO cash accepted as of July 1, transfer state stickers will be available June 2.

Finance Department - is working with Public Works on a new receipt system.

Manager- BEMS is coming to town hall 5/17 in conjunction with Junior Achievement to learn about what the town does such as budgeting, finance and how taxes work.

PUBLIC HEARINGS

44-22 Amendments to Standish Town Code, Chapter 206, Noise, Multiple Sections [LeClerc]

Chair Gaba asked for Council comments, hearing none, she called for public comments.

Brenda Glasgow, resident – voiced her opinion that many parts of this ordinance are unenforceable. She cited state law regarding sound regulations.

Chair Gaba called for additional public comments, hearing none, she called for the roll call vote and the hearing was closed.

The Town of Standish hereby ordains the following amendments to the Noise Ordinance (additions are underlined and deletions are struck out):

§206-3 Sound level standards

A. The dBA sound levels shall be limited to the abutting property as listed in the table below based on the emitting use.

§206-4 Noise measurements.

- A. The integrating sound level meter used for noise measurements shall meet all of the Type 1 or 2 performance requirements of the American National Standards Institute "American Standard Specifications for Sound Level Meters" (ANSI S1.4-~~1983~~ 2014 R19 or latest revision) and the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication ~~804 (1985)~~ 61672 or latest revision.
- B. Regulated noise sources include all continuous, normal or frequent or intermittent sound produced by any activity for a period of 15 minutes or more. Sound level shall be measured between four feet and five feet above ground at the property boundary of the emitter property at or within the real property boundary of the receiving property. Sound level measurements shall be in accordance with ASTM Designation: ~~E4014-08~~ E1014-12 (2021) or the latest revision.
- C. The dBA and dBC sound level measurements shall be conducted using the fast scale. APPROVED

VOTE: 6 YEAS

28-23 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 Liquor(Beer), Wine and Spirits Campground License [Gaba]

Chair Gaba explained that this is the annual renewal of this application and the application appears to be in order. Chair Gaba asked for Council comments, hearing none, she called for public comments, hearing none she called for the roll call vote and the hearing was closed.

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 Liquor (Beer), Wine and Spirits Campground license is approved by Council to expire as determined by Department of Public Safety.

VOTE: 6 YEAS

****June 13, 2023 Municipal Ballot Referendum Questions****

The Clerk highlighted the details of all the all the town referendum questions.

Chair Gaba called for Council comments.

Councilor Butler questioned the 25-year bond term, he asked that the Finance Director Scott Gesualdi speak to the 25-year bond term.

Scott Gesualdi noted that the Route 114/35 intersection was the only borrowing that would be for 25-years, all other items will be paid off in 10-years.

Councilor Butler said that the wording on Question 6 is confusing. He said that the amount that we're borrowing is \$2.1 million, but actually will be less than that if the MDOT funding is received.

Scott Gesualdi noted he had spoken to the town attorney who wrote the questions and she confirmed that the wording was appropriate since we will actually spend the \$2.1 million which will include the \$625,000.

Chair Gaba called for additional Council comments, hearing none, she called for public comments, hearing none, the hearing was closed.

****American Rescue Plan Act Funds Public Hearing to solicit public input for allocation of the use of ARPA funds in part of the Public Safety Department 2023-2024FY budget to provide funds for the salaries****

Councilor LeClerc asked for an overview of the ARPA funds disbursed so far noting that he recalled that the expenditures had to be related to covid expenses.

Scott Gesualdi explained that funds in the amount of \$105,000 were paid to employee's that worked during covid, \$30,000 was set aside for heating assistance, \$10,000 for library internet, \$58,066 for bringing back Recreation Department employees and \$20,000 for Wi-Fi and cameras at the parks. The noted the remainder of the ARPA funds will be used for Public Safety Department salaries.

Chair Gaba called for additional Council comments, hearing none, she called for public comments, hearing none, the hearing was closed.

COMMITTEE REPORTS

Councilor Butler – Economic Development Committee – at the most recent meeting the committee discussed modification to the TIF program and the application process.

Zach Mosher, the Director of Planning, explained that the committee discussed the current TIF boundaries and looked at expanding those boundaries, because we're using up all our allotted land area by state law. Another item that was discussed is expanding eligible uses which will be discussed at a future meeting. He said that at a future committee meeting a draft policy to govern priorities and goals regarding the TIF will be reviewed.

Councilor LeClerc – Ordinance Committee - discussed food trucks noting we wanted to potentially allow access for food trucks at some of the town properties, for instance, Johnson field, the dog park Memorial Field, potentially the town hall will be considered. He said that we see this potentially as an incubator for small businesses. He noted that the Finance Committee will have to review the fee schedule relating to food trucks regarding the potential ordinance change.

Councilor Watson – Personnel Committee – no report.

Councilor Watson – Finance Committee – met yesterday and noting that the finances are good.

Councilor Macri - Public Safety Committee – met recently, tentatively scheduling the Public Safety Fair to be held on October 14, 2023.

Councilor Macri – Appointments Committee – met this evening and interviewed three candidates, noting that appointments will be made at the June Council meeting.

Councilor Paul - Capital Improvements Committee – met earlier today and have items on tonight's agenda.

CONSENT CALENDAR

There were no consent Calendar items on this agenda

UNFINISHED BUSINESS

14-23 Amendments to the Standish Town Code, to add Chapter 247, Ordinance Prohibiting Outdoor Shooting Ranges (Substitute Order) (Tabled to the May 9 Town Council Meeting) (Introduction) [Macri]

The Clerk noted that a letter was received regarding this order today.

Councilor Macri said that this was discussed in great detail last month, he said that there has been concerns voiced regarding the wording of the ordinance. He noted that town employees worked with the town attorney who provided the potential floor amendments to this ordinance to address some of the concerns. At the previous meeting there was an issue about what is constituted as a firearm as far as the definition. One of the potential amendments is to change that definition to use what the state has defined as a firearm. He said that the other concern that a lot of people brought up was the idea regarding who would be allowed to shoot on their property. If family members shoot on the property does that constitute a shooting range? He said that there was some language that was added to speak directly to that. He noted that there was talk about do you have to be a resident and live on the property, or be an owner? He said that there's a couple things that he wanted to

mention, the language, and which he read is that an outdoor shooting range shall not include incidental target practice. He pointed out the word incidental, and from what I was told by the town attorney the is about the use of the property, what is the main use of the property? If I have a home and I go out and I set up some targets? Well, the use of that property is the home. The use is not a firing or shooting range, even though and this gets into a lot of semantics about it. What defines a shooting range? Setting up a target does not define a shooting range, it doesn't mean you've created a shooting range on your property. If someone dig lanes, sets up a berm and had a station set of targets; you've done a lot to your property, could that be constituted as a shooting range? He said that it does get a little interesting. He said that we've tried to make the language so it makes clear what is not a shooting range. He said to be clear, the enforcement shooting ranges this is through the Code Enforcement Officer, so, what will end up happening if I do something on my property and build something? If there is a complaint, then the Code Enforcement Officer will inspect the property and would make the determination. Is this considered a shooting range? The Code Enforcement Officer is a professional person that does this in their day job, this is their job to determine what is that something is and what it is not That's really what it comes down to. You can get ticky-tacky with a lot of these things ... what about this, what about that? If there's a question, if it's incidental shooting, that's one thing, it is not a shooting range. It would be like me going out and hitting/putting and having a little putting range or a little hole in one kind of golf course. Is that a golf course? Well, no. If I all of a sudden invite everyone over and start having competitions and things like that, is that a golf course now? He said that starts to hit the line.

Councilor Watson said based on what Councilor Macri has said, if property was setup to be safe, potentially it could be considered a shooting range, whereas, if a target was just stapled to a tree and shooting takes place it would be okay. He said that either have it or we don't, he said that he didn't think it is right to be nitpicking into exactly what people do on their property and what they're not doing on their property. He said that he did not agree even the amended version of this.

Councilor Paul said that a property owner should be able to set up their property safely. In addition, he was not agreeing with this language, because it does not mention family or how many guests. He said if you put a berm on your property and you have 50 guests, is that a shooting range? Or is it incidental shooting?

At this time the Clerk read the letter from Benjamin Plante, an attorney at Drummond Woodsum, a copy of which are included for reference at the end of these minutes.

Councilor Macri said that he agreed with much of what is included in the letter. He noted without an ordinance, anyone can shoot on their property as long as they are 300 feet away from a building and that the bullet is not travelling within 300 feet of a dwelling, building or a street. However, everyone needs to still fit within the sound ordinance. So, anyone could go out and shoot all they want to and that is legal as long as they comply within the sound ordinance. As soon as activities create more noise than is allowed by the sound ordinance, that is when technically a complaint can be made. What this proposal is trying to do is keep on official shooting ranges from occurring in the town of Standish. The language has to get a little interesting because people are in an uproar because they think we're coming after them and you can't shoot on your own property. No, that's not what this is

for. This is talking about an official shooting range and some of this language may not be perfect, but it is what it.

Chair Gaba called for additional Council comments.

Councilor Watson said that before the Council moves on something which is not worded perfectly it should be ironed out so it's something that would make sense and doesn't have loopholes or issues. So, it is enforceable down the road or just not have it and let the sound ordinance do its thing.

Elmer Farley, resident – had a question about taxes.

Chair Gaba said that the topic at this time was the gun range ordinance and there would be time at the end of the agenda for other items.

Deborah Boxer, resident – asked them to limit the number of guests that are allowed to be fair to property owners who want to shoot on their property and their neighbors.

Councilor Butler questioned who wrote these proposed amendments?

Zach Mosher, the Director of Planning said that the town attorney wrote the amendments.

Councilor Butler said that the town attorney should make the wording crystal clear.

Councilor Macri said that this starts with the words shooting range, if a person has not created a shooting range than this ordinance does not apply to them.

Lance Deroche, resident – said that the wording should be included to make it simple.

Council Macri highlighted the wording of the ordinance.

Lance Deroche said it should include the wording that you want, plain and simple.

Maurie Hill, resident – thought the word berm should be included and make the wording as clear as possible.

Councilor Watson questioned would people in general feel more comfortable with a 100-guests going to his property to shoot whatever target there is, or at his property where a range is safely set up?

Council Macri said that he would absolutely prefer that there were safety features of a shooting range if 100 people were present. He said that any wording presented will not be right to some people, but at some point, the rules have to be adopted.

Councilor Paul said that he felt comfortable with a resident putting a berm on their property for safety and that wouldn't make it a shooting range. He thought that the number of people should have a cap. He suggested to send this back to the Ordinance Committee with a time certain to come back to the Council with revisions.

Councilor Leclerc said that there have been stakeholders from both sides weigh in on this matter, he said that it is time for the Council to make a decision. He said if enacted, it can be amended at later date.

Chair Gaba said that when this was brought to the Council it was based on a letter from those neighbors who would be affected by a shooting range. She said that she would have preferred having an ordinance before them that would have been developed through a public process. She said that the way to welcome a public process and the way this was presented circumvented that process.

Brenda Glasgow, resident – cited that recently shooting at nearby gravel pit shooting took place for the good part of the day. She questioned how the ordinance was enforced? She asked about the definition of the word intermittent.

Councilor Macri read the section of the Noise Ordinance that describes it the duration of sound noting that the Sheriff's Department is the enforcer of the Noise Ordinance and the Code Enforcement Officer is the enforcer of the setup of shooting ranges.

Carl Hinshaw, resident – suggested that the town attorney attends the meetings to be able provide input on the ordinance.

Deborah Boxer said that gravel pits were approved to be gravel pits and not be used for shooting ranges.

Councilor Leclerc noted that the gravel pit discussion is off topic.

Chair Gaba asked if there was anyone present that was part of the group that submitted the letter. No one came forward.

Carolyn Beigel, resident – said that there is a miscommunication between the people that don't want a nuisance and the boards that implement the various processes. She then read the definition of nuisance.

She agreed that an outdoor shooting range should not be allowed.

Chair Gaba called for additional public comments.

Councilor Watson moved to reject the ordained and the floor amendments.

Councilor LeClerc said that someone wanting that should just vote no.

Chair Gaba asked if the Council was ready for the roll call vote?

Carolyn Biegel asked for clarification, if this was voted down, could it be brought before them again?

Councilor LeClerc said that if it is voted down it would have to wait a year unless there was a substantial change to the new ordinance.

Isabel Higgins questioned if they were voting on the amendments or the entire ordinance?

Chair Gaba the Council had not made a motion as of yet.

Moved by LeClerc to amend the ordinance to add proposed floor amendment #1 and #2.

Councilor Macri questioned if the Ordinance Committee should review this information?

Councilor LeClerc said that the Committee will do what the Town Council asked them to do.

Isabel Higgins questioned where they were in the process?

Chair Gaba said that they have to vote on the motion to add proposed floor amendment #1 and #2 to the ordinance.

Councilor LeClerc noted that he had made a motion to add proposed floor amendment #1 and #2 to the ordinance.

Chair Gaba said that the motion had not had a second, so the motion failed.

Moved by Macri to vote on the original ordinance without amendments. There was not a second, so the motion failed.

Moved by Butler seconded by LeClerc and voted to add proposed floor amendment #1 to the ordinance. (5 Yeas – 1 Nay, Watson)

The Clerk suggested that this is a substantial amendment and it will be introduced at the June meeting.

Councilor Macri said it was not a substantial amendment and it moves to first reading at the June meeting.

Chair Gaba called for the vote to move this to First Reading.

VOTE TO MOVE TO FIRST READING: 5 Yeas – 1 Nay, Watson

24-23 Amendments to the Standish Town Code, Chapter 3, Administration of Government, Article XVI, §3-69 through §3-74 (First Reading) [LeClerc]

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

Councilor LeClerc explained that these amendments dissolve the Recreation Committee since the ordinance was originally enacted prior to the Recreation Director and town staff.

Chair Gaba called for the vote to move this to the Public Hearing at the June meeting.

VOTE TO MOVE TO Public Hearing: 6 YEAS

25-23 Amendments to the Standish Town Code, Chapter 181, Land Use, For Compliance with State Housing Law 30-A M.R.S.A. §4364 (First Reading) [LeClerc]

Zach Mosher suggested that the orders are adopted together. These amendments provide for enhanced dwellings housing availability.

Moved by LeClerc seconded by Watson to vote on order 25-23 and 26-23 collectively. (Unanimous)

26-23 Amendments to the Standish Town Code, Chapter 181, Land Use, For Compliance with State Housing Law 30-A M.R.S.A. §4364-A and §4364-B (First Reading) [LeClerc]

Chair Gaba called for the vote to move orders 25-23 and 26-23 to Public Hearing at the June meeting.

VOTE TO MOVE TO ORDERS 25-23 and 26-23 PUBLIC HEARING: 6 YEAS

NEW BUSINESS

29-23 Change the Date of Regular Town Council Meeting in June to June 6, 2023 [Gaba]

Chair Gaba said this is a standard order.

Chair Gaba asked for Council comments, hearing none, she called for public comments, hearing none she called for the roll call vote.

WHEREAS, the regular meeting of the Standish Town Council in June is scheduled to be held on June 13, 2023, which is same day as Election Day, 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 6, 2023 beginning at 6:00 p.m. so as not to conflict with the polling hours on Election Day.

VOTE: 6 YEAS

30-23 Authorize Standish Lion Club to Hold Charity Toll on the Moody Road in June [Gaba]

Chair Gaba this an annual event and the Lions Club does a lot for the town.

Chair Gaba asked for Council comments, hearing none, she called for public comments, hearing none she called for the roll call vote.

WHEREAS, the Standish Lions Club is a non-profit organization whose fundraising 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 17th and 18th, and

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

VOTE: 6 YEAS

31-23 Amendment to Town of Standish Fee Schedule – Emergency Medical Services Fees [Libby]

Chair Gaba said that occasionally the fee schedule has to be updated.

Tasha Pinkham noted that updated came from the billing service to keep us in line with surrounding towns.

Chair Gaba asked for Council comments.

Councilor Butler asked if this change affects the subscription service holders.

Scott Gesualdi, the Finance Director, said it did not.

Councilor LeClerc said that he did not support this order since many people are struggling financially.

Chair Gaba called for public comments

Isabel Higgins asked where the increase came from.

Scott Gesualdi explained that it came from the billing service,

Isabel Higgins said that this is a good time to promote the subscription service.

Chair Gaba called for additional public comments.

Debra Butler asked how people that might not get a tax bill get information about the subscription service?

Chair Gaba called for additional public comments, hearing none she called for the roll call vote.

ORDERED, that the Town of Standish Fee Schedule regarding Emergency Medical Services fees are amended as follows, effective immediately:

Call for Service without Transport	Free	
Basic Life Support with Transport*	\$700	
Advanced Life Support I *.....	\$900	<u>\$1,000</u>
Advanced Life Support II *.....	\$1,300	<u>\$1,400</u>
Mileage	\$16-	<u>\$18</u>
Intercept	\$300	
On Scene Care*(Medical Control Approval) ...	\$150	
*(Medication Administration) ...	\$300	
*Per person/Per Call		

VOTE: 5 YEAS – 1 NAY, LeClerc

32-23 Award Bid and Authorize Purchase of Two Roll-Off Containers [Paul]

John Cross, the Public Works Director explained that this is the low bid and are replacing containers from the early 2000's.

Chair Gaba asked for Council comments.

Councilor LeClerc asked about the \$200 difference between the bids, and then questioned the big spread between the other bids?

John Cross said that he spoke with Durabec who are out of Canada they told him that they fully expected to deliver the containers sooner but gave the longer term to allow for shipping delays.

Councilor LeClerc questioned if the next lowest bidder was an American Company?

John Cross said that they were out of New Jersey.

Chair Gaba asked for additional Council comments, hearing none, she called for public comments, hearing none she called for the roll call vote.

WHEREAS as a bid process has been conducted for the purchase of two roll-off containers in accordance with section 302 (f) of the Standish Charter, now be it

ORDERED the attached bid from Durabac for these two containers, with a cost not to exceed \$18,740.78 is hereby accepted, and

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

VOTE: 6 Yeas

33-24 Award Bid and Authorize Contract for Base and Resurfacing Paving of the Winter Sand/Salt Site [Paul]

John Cross, the Public Works Director explained that in FY 22 money was approved to resurface the area due to the construction of the new building.

Chair Gaba asked for Council comments.

Councilor Macri questioned if it will be done this year?

John Cross said that it would be done this year.

Chair Gaba asked for additional Council comments.

Councilor Watson asked where is Carroll Materials located?

Councilor Butler asked Mr. Cross to explain the funding.

Johns Cross explained that funding was approved in FY 2022, however the costs of material have increased and the additional amount will come out of the Public Works operating budget, Carroll

Michael Holdbrook of Carroll Materials of Limerick thanked them for awarding them the bid.

Chair Gaba called for public comments, hearing none she called for the roll call vote.

WHEREAS a bid process has been conducted for the base and resurfacing paving of the Winter Sand/Salt site area roadway/parking area at 150 Moody Road in accordance with section 302 (f) of the Standish Charter, now be it

ORDERED that the attached bid from All States Construction Inc. DBA Carroll Materials, for this project as described in the bid specifications, is hereby accepted, with a cost not to exceed \$128,320.00 for the project, and

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

VOTE: 6 Yeas

34-23 Award Bid and Authorize Contract for Paving of Various Roads [Paul]

Moved by Paul seconded by LeClerc and voted to amend the order by adding the amount of \$643,500. (Unanimous)

Chair Gaba thanked Mr. Cross for working on this to get the paving done.

John Cross said that the revised plan is the best option.

Chair Gaba called for public comments.

Michael Holdbrook of Carroll Materials, thanked them for awarding them the bid.

Isabel Higgins asked when will the paving start?

John Cross said it will start in August and be completed by the end of October.

Chair Gaba called for the roll call vote on the order as amended.

WHEREAS a bid process has been conducted for the paving on the following roads: Chase Street, Cole Hill Circle, Deer Acres Road, Evergreen Road, Mill Street, Mountain View Drive, Oak Crest Terrance, Orchard Road, Saco Road – 1 MeDOT Compact area and Saco Road – 2 MeDOT Compact area, Stroutbrook Drive, Whitney Pines Drive and Woodridge Drive, in accordance with section 302 (f) of the Standish Charter, now be it

ORDERED that the attached bid from All States Construction Inc. DBA Carroll Materials, for this project as described in the bid specifications, is hereby accepted, with a cost not to exceed \$643,500 for the project, and

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

VOTE ON ORDER AS AMENDED: 6 Yeas

35-23 Authorize Finance Director to Issue Municipal Quit Claim Deed to Benjamin D. Cole (Map 075, Lot 038, Sub 017-000) [Libby]

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

Chair Gaba asked for additional Council comments, hearing none, she called for public comments, hearing none she called for the roll call 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 Benjamin D. Cole 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 **COLE, BENJAMIN D. 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 075, Lot 038, Sub 017-000, 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, 2019, 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 October 8, 2019, recorded in Book 36050, Page 271
Lien dated October 5, 2020, recorded in Book 37262, Page 129
Lien dated October 7, 2021, recorded in Book 38746, Page 98
Lien dated December 9, 2021, recorded in Book 38974, Page 22
Lien dated September 21, 2022, recorded in Book 39728, Page 131

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

DATED: May 9, 2023

SCOTT GESUALDI, TREASURER
TOWN OF STANDISH, MAINE

State of Maine
Cumberland, ss
May 9, 2023

Personally, appeared the above-named Scott Gesualdi, Treasurer, Town of Standish, and swore the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Standish.

Before me,

Rayleen Pinkham, Notary Public
Commission Exp. June 2, 2026

VOTE: 6 Yeas

PUBLIC ITEMS

Councilor Butler stepped down from the Council dais and proceeded to the public podium to address the Council.

Walter Butler said that he knew that he had just three minutes, so he would be brief. There has been a recent social media posting about my donation of land to the Town of Standish for the use of soccer fields. Most of you know, he had been fighting this issue privately quietly for nine years. Anyone who watches a video will know clearly it was donated for purpose. He said was there a note in the deed covenant that said it could only be used for that? No, there was not. The town attorney wrote that deed as a favor to save me yet more money to not have to pay for a deed so that I could donate the property. But even without the covenant in the deed, he said why would he think he need it, since the town has an ethics policy. Why would they possibly accept a donation for a specific purpose, and then sell it by bid. So, it's clear it's never going to be used for that purpose. He said that he has offered to take the property back. He offered to buy the property back. He said that he has shown why you should give it back. Because the law says if you do not use it for the purpose that it was donated, it goes back to the donor. He said that the Town Manager looked into this issue and said didn't look right, she didn't understand. So, she made an inquiry to the town attorney who sent back a letter and which is a public document, it is nothing private. The letter says that you're required whether the town council may rescind the two orders regarding the sale of this property, that property or donate it, short brief answer is yes. The Town Manger questioned if the orders is rescinded, can we give it back to the donor? The attorney's answer was no. He then read the read the sentence - that proposed conveyance of the town and property to a sitting Council, or some entity controlled by him would run afoul the town's ethics policy. He said, so, we're worried that giving it back is a foul of the ethics policy, noting that he is glad I'm glad we have an ethics policy. He said apparently, it's okay to take a donation and sell it when the donation is clearly for a purpose, he said doesn't that somehow run afoul of the town's ethics policy. He said apparently, somebody doesn't think that it does. I pledge to all of you, you should reconsider this. I have a week left before this bid is due. More importantly, when we talk about ethics. If you are going to sell it, do it in such a way that prevents me from personally bidding on the property that I've done it in the first place by setting the schedule so that the bids are due three weeks, two weeks before my term is over as a council member thoroughly violation of ethics. Thank you.

Deborah Butler, resident – said that she is one of the owners that donated land behind our building at 234 Northeast Road for the soccer fields. She said that she is more than upset that my donation is being put up for bid for sale without the town ever trying to build even one soccer field or to reach out or plan with those who may have been able to do so. We believed you. We trusted you. My husband, our business partner myself did not know donate it that way. So just so the town could sit on it and wait until someone thought the timing was right to sell it to whomever they wished to, for whatever some unnamed purpose. My husband is a very busy man who rarely takes time for himself. But he took the time to run for Council to try to make a difference for this town. He has sat next to most of you for the last three years. And I do not know how any of you can justify how this has gone down and the path that is taken still look him in the face. She said that Gordy is not here to speak about why the so-called missing words were not included in the deed that the town's attorney is now using to justify going forward with putting the donated land up for bid the deed that the town attorneys law firm vote by the way, but I believe there are others in the town that do know and could speak to it. When we donated the land, we acted in good faith, trying to do something positive for the Town of Standish. She said that she did not feel that the town had acted in good faith. There is a saying just because it's legal and you can, does not mean you have to, or that you should, is going forward on this path to pull up the land for bid that you all know was donate for soccer field worth happen your word and efforts to question.

Thank you

Jim Branscomb, resident – said that this is my wife Holly Stuart's issue. She is ill tonight, so, I took the opportunity to speak to all of you. I have seen the video from the Council meeting when he donated the property. He said he saw the group thank him for his generosity for his outward and forward offer to help the community as a whole. He thanked Mr. Butler; I'll thank you again today. Because I think it was the right thing to do. It was a good thing to do for the community. He said that personally, he is outraged, by the way this is turning out at this point, because clearly, it was not the intent of the donation, you can look at that video, you can read the intent, you can say thank you for your donation for this to become a soccer complex. Thank you so much. He said that obviously, the intent was to sit back at this point and say, well, legally, we can sell this well, there is legally and then there's right and this is wrong. To sell this now was wrong. He said that he was speaking for his wife, because she actually is on board the Bonny Eagles Soccer Club, which is a nonprofit youth soccer organization. He said his wife has spent a lot of time recently gathering public support by talking to people and it seems like there is an outcry at this point. He said that soccer is a very low barrier to entry sport, noting that he has a 10-year-old and a 13-year-old that play soccer. He said that you don't need to spend hundreds and hundreds of dollars on equipment, you need a place to play to play soccer and a ball. It's good for the community, and to take that away, to take away Mr. Butler's intent, take away his good intentions is disingenuous. He said to say it's illegal and we can do it is horrible. It's absolutely horrible. He said that he knew you can do it, but he didn't think you should do it. He said that the thought that it's going to turn into a lot more than the discussions that we're having today. He suggested that they revisit this, that they revisit what that property is going to be used for, whether through the Town of Standish directly developing through parks and rec or developing through the nonprofit private organization like Bonny Eagle Soccer Club, there's discussions to be had that are going to benefit this community that are being taken away from the community by the direction this is going in right now. So, thank you

Peter Beagle, resident – stated that he was actually at that meeting, way back whenever it was. He said that he remembered the discussion that some Councilors were wondering, well, if we accept this, will we have money to do something with it? In the end they voted to take it and it was all about soccer at the time. He mentioned to Councilor Macri, that he was sure that he would remember playing in the dust bowl at Memorial Field. He noted that other towns were holding big soccer tournaments and making a bunch of money for the little stores around and all that was part of the discussion. He said what Mr. Butler so kindly was offering, takes a lot of money to build a bunch of fields and obviously we couldn't get that done or had other opportunities and when that went away. He said that he can't for the life of him figure out how the attorney can't figure out how to get that back to him. He said that it just seems just seems wrong. He said that he just why can't the attorney that can come up with all kinds of stuff can't figure out a mechanism to get their land back where it should go if the town can't use it for community purposes or what it was donated for. He said that he was having a hard time with that. It was his opinion that if the town wants land for a school or community building or whatever, they would like to be able to go to a landowner and work with them, but I don't know when this stuff happens who will feel good about working with the town. He said that he hopes there's a way to make this happen and, get his land back to Mr. Butler if the town can't use it for the end. Thank you

Carolyn Biegel, resident – said not only do you have the video of the meeting, but you also have the recorded minutes. She said that the minutes clearly state the purpose of the donation. She said that what's also clear when you watch the meeting, or look at the minutes or read the minutes, the Councilors said what a generous person, this this man is, that not only revitalizes an empty space in the community that had been vacant for a long time, the GTE Building, but he's also donating land and more land than he initially intended, because he was asked to by the town. She noted that Mr. Butler has offered the use of his parking lot for parking. She said if we treat people in our communities so poorly, and then we expect more people to step forward to volunteer or to donate or to work with a town, it's just not going to happen. She noted as a Councilor in the past, she knew from experience that the information you get or the advice that you get from the attorney, is largely related to the question that you ask the attorney. She said that she can't imagine that the people that are sitting here right now would intend to screw anybody over. She suggested that they revisit the advice from an attorney, you can accept it, or you can reject it. She noted that she hasn't talked to a single person, even her kids, not flabbergasted that the town would try to sell the property instead of giving it back. She said that she thought that is such a poor example, going forward, that I really urge you to rescind your vote to sell that property and revisit this situation. One quick thing, she noted this is not the first mistake that we've seen from the attorney, we've had a problem with the ordinance, we've had a problem with a word of the referendum was 25-years, we have a problem with this.

Councilor Macri – said he was trying to read a lot of what has been said and what's going on, he can speak from my own experience. He said that there was an idea of selling some property to be able to get some money for the town to help with tax relief and help to try to do other projects. He said that is when this came about, at the time that he voted on it but had no idea that this was gifted to the Town. He said that he had no idea that it was set aside for a purpose, that came about later. He said that he didn't know anybody else on this Council, what their knowledge of that is, but I would tend to agree with everything that's been said.

Chair Gaba - said that if you would like to move forward with that, it's important to remember too, that the Council has been brought issues at certain times, and we're certainly moving forward on what the Council has advised as a whole. She said that if your opinion has changed that's certainly one thing to bring up. She noted that as the Chair and the town manager we're executing the will of the Council.

Tasha Pinkham, Town Manager – noted that this statement was not prepared by her but this is a summary of events that have taken place.

- On December 9, 2014, by Council Order #137-14, the Town Council accepted a gift of vacant land at 16 Moody Road from Butler Castings Realty LLC. Butler Castings Realty, as donor to a tax exempt entity (the Town), received some sort of a federal tax benefit for the land donation.
- While the principal of Butler Castings Realty, Walter Butler, expressed a desire that the land be developed by the Town for recreational purposes in 2014, the deed does not contain any covenants or use restrictions that require or limit the Town's use of the property for recreational purposes.

- Both the prior and current Recreation Director of the Town have indicated that the expense of the development and the upkeep of the property as playing fields is not something they could recommend that the Town undertake.
- Councilor Butler has repeatedly made it known, both publicly and privately during his tenure as a Town Councilor, that he wants the 16 Moody Road property back if the Town is not going to use it for playing fields.
- On December 14, 2021, Councilor LeClerc proposed -- and the Town Council adopted -- an order to sell two parcels of Town-owned property, including the 16 Moody Road property. The order directed the Town Manager to put each property up for sale via a competitive bid process. The bid packets have been recently issued.
- State statute, Section 2605 of Title 30-A of the Maine Revised Statutes, and Maine case law both dictate that public officials must “avoid the appearance of impropriety” and not insert themselves into situations where their personal interests conflict with their duties as public officials.
- The Town cannot gift the land back to Butler Castings Realty or Mr. Butler because it would be an unlawful gift of public property to a private entity or individual. (The Maine Constitution prohibits the use of public money for private purposes.)
- Section 3-15, subsection D of the Town’s Code of Ethics, which governs all Town Councilors, provides that “No Councilor shall purchase any asset while in office.”
- The Town Council cannot approve the sale of the property to Mr. Butler (or an entity controlled by him) due to his status as a Town Councilor, under both the Town’s Code of Ethics and conflict of interests laws.
- Ultimately, the 16 Moody Road property belongs to the Town of Standish, and the Town Council and the Town Manager are following proper procedures relating to the proposed sale of the property, despite Mr. Butler’s attempts to influence the process.

Councilor Butler – He will be briefer than he was the first time. He said that he did not want the land back for him personally, noting that there's been a lot of discussion about what he was going to do with the land. He said that he was to do what he said he was going to do, make soccer fields for the kids. He said that he has offered to pay for that, but he can't buy the land and other fields, if he can't even bid on the land. He said that the guess is that's because you just don't want soccer fields, He said that he negotiated with a developer to offer the town that was rejected, by the way \$80,000 and lease money for 10 acres of wetland that the town could have gotten for lease money. They also offered the first year for free. He said that the former town manager rejected that plan with the former chair, none of you. He noted that it came to the Council and was voted on, Mr. Butler noted that one Councilor said think we can make more money with the fields by growing tomatoes. He said that he didn't know we were in the business of growing tomatoes as a town. He said he didn't think it was the money, he said they you say you don't have the money to build the fields. He said that he bought the money, \$800,000 and the first field for free, and you still didn't want it. He said that he didn't understand. He said that he's still willing to build the field. He said that he can't buy the land because he's not allowed to bid on it.

Carolyn Biegel – said when the town sells property, there is no timeline about when they sell property. They get to choose it. She said that choosing it when somebody is on the Council and when they're not on the Council is completely up to you. There's no reason that has to be done right now.

She said that if that's something that doesn't sit well with you, you can make a motion to rescind it. She said that she wouldn't feel good about that decision if she was in their shoes because there's an obvious right and there's an obvious wrong, and the obvious wrong is out there for everyone to see. She said that when you talk about people wanting to serve on the recreation board or serve in any other capacity this is the example that you're setting for everyone.

Councilor Macri - Can I make a motion? Is that legal at this point?

Chair Gaba – said, no was her understanding, it is not on the agenda, and it's already out to bid. She said that it is her understanding to delay the sale in the interests of creating an opportunity for someone who is a sitting counselor, to reacquire the property conflict of interest from this Council.

Councilor Leclerc said that it is his understanding that the final bids will be submitted on the 18th of this month. He said that ultimately, it's the discretion of the Council whether to accept a bid or not. He said that we don't have to necessarily accept anything or the highest bidder, there's a multitude of other factors as well. He said that this could potentially be something that could be folded into a determination in regard to that bidding process as well. He said that he didn't think that just because we can't make a motion because it's not on the agenda, but potentially, if other council members feel differently now, given some of the feedback and whatever else has transpired. That might be another opportunity to kind of address it. He said, also, Madam Chair in regard to another potential way to address it, there could be a special meeting where it is on the agenda, potentially, that way we can actually vote on it and would have public notice.

Chair Gaba – called for additional comments.

Elmer Farley – brought up his recollection of an emergency meeting that was scheduled in March of 2022 to purchase a boat from the Portland Water District for use as a Public Safety Department Boat for use on Sebago Lake. He voiced his concerns regarding the cost of the boat and the need for a boat. He noted that there's so many other things that the money could be used for.

Chair Gaba – thanked him for his comments. She noted that the Town Manager can take a look at those issues and get back to you.

Councilor LeClerc – explained that he was a Councilor when that was voted on. He noted that Chief Caron brought the proposal forward because it was a good opportunity. Councilor Leclerc noted that he puts his faith in the recommendation of the department.

ANNOUNCEMENTS

Upcoming meetings were announced.

EXECUTIVE SESSION

Moved by LeClerc seconded by Gaba to move into an executive session(s) will be held for the discussion of personnel matters pursuant to 1 M.R.S.A. § 405(6)(A), Tasha Pinkham will join the Council in the Executive Session and no town business will take place after the Executive Session.

ADJOURN

Minutes

Standish Town Council

May 9, 2023

Moves seconded and voted to arise from the Executive Session. The Town Council arose from the Executive Session at 9:30 p.m., by unanimous consent and the meeting adjourned.

Submitted by: May Cline
Clerk/Secretary

February 14, 2023

Sarah Gaba
Chair, Town Council
Town of Standish
175 Northeast Road Route 35
Standish, Maine 04084

RE: Concerns Regarding Proposed Amendments to Chapter
206 (Noise) of the Town's Code

Dear Councilor Gaba and Members of the Standish Town Council:

I represent Daniel Hawxwell, Benjamin Cutter, and Travis Taylor. I write to express my clients' concerns regarding several proposed amendments to Chapter 206 (Noise) (the "Noise Ordinance") of the Town of Standish's ("Town") Code (the "Town Code"). Attached to this letter is a memorandum drafted by Eric Reuter (the "Reuter Memo"), an acoustics engineer and the principal of Reuter Associates, LLC, detailing various concerns regarding the proposed Noise Ordinance amendments currently before the Town Council ("Council").

As I understand it, the proposed amendments to the Noise Ordinance would: (1) amend § 206-3(A) to establish that sound levels "shall be limited . . . based on the emitting use," (2) amend § 206-4(B) to clarify that noise sources regulated by the Noise Ordinance include "all continuous, normal or frequent or intermittent sound produced by any activity for a period of 30 minutes or more," (3) further amend § 206-4(B) to require that sound levels shall be measured "at or within the real property boundary of the complainant's land," and (4) exempt personal use of firearms for hunting and target shooting on private property. See **Exhibit A** (Proposed Noise Ordinance Amendments).

These proposed amendments threaten to eviscerate the protections the Noise Ordinance currently affords Standish residents from loud, disruptive noise sources. Rather than clarifying which noise sources are regulated by the Noise Ordinance, these proposed amendments only serve to confuse the Town's noise regulation scheme. Indeed, the proposed amendments create both uncertainty regarding the noise sources regulated by the Noise Ordinance, as well as ambiguity regarding where Town officials must measure these noise sources to assess compliance with the Town's sound level limitations. Each of my clients' concerns are discussed in turn below.

First, imposing sound level limitations based upon the emitting use—rather than the receiving use—is illogical, and completely at odds with the Noise Ordinance's purpose, which is to protect the Town's residents from intrusive land uses that produce disruptive sound levels. The Noise Ordinance "is intended to provide guidance for the regulation of noise generated by industrial, commercial, residential, retail and institutional uses *to minimize the impact on the environment*

*and abutting landowners.” See Noise Ordinance § 206-1 (emphasis added). Consistent with the Noise Ordinance’s intent, as the Reuter Memo points out, sound levels are limited at the emitter’s property line based upon *the use of the abutting receptor property*. See Noise Ordinance § 206-3 (providing that “dBA sound levels shall be limited *to the abutting property*”). In practice, this means that sound levels emitted from, for instance, a concert venue would be limited to 45 dBA between 7 pm and 7 am at the venue’s property line if the abutting property receiving the concert’s sound is used for residential purposes. See Noise Ordinance § 206-3(A). The proposed amendment to section 206-3(A) flips this notion on its head by establishing sound level limitations based upon the classification of the emitting use, not the abutting use that receives the emitter’s sound. Put another way, instead of minimizing sound level impacts on abutting residential landowners, the proposed amendments increase impacts from commercial, retail, institutional, and industrial uses by allowing each use to emit greater sound levels.¹ See Noise Ordinance § 206-3(A)(compare residential limitations with commercial and industrial limitations). The Council must reject any Noise Ordinance amendment—such as this—that contravenes the Ordinance’s very purpose: to protect Standish’s residents from sound levels that disturb the quiet enjoyment of their homes and properties.*

Second, the Council should not limit the Noise Ordinance’s regulations to “noise sources . . . produced by any activity *for a period of 30 minutes or more*,” when there are a whole host of noise sources that last less than 30 minutes, but are just as loud and intrusive as any noise source emitted for a prolonged period of time. The first proposed amendment to section 206-4(B) of the Noise Ordinance would exempt sound levels that last less than 30 minutes—even if those sound levels exceed the sound level limitations in § 206-3(A)—from regulation. For example, as drafted, this proposed amendment would allow a particular use that produces sound levels that are greater than 100 dBAs—which greatly exceeds the non-exempt allowed sound levels for any type of use at any time of day—so long as the sound lasted for less than thirty minutes. I doubt that is the intent of this proposed amendment, but future violators may very well argue that it is how this proposed language must be interpreted.² The Council should spurn this amendment because it exempts a wide swath of disruptive sounds that should be regulated by the Noise Ordinance, and invites disputes between violators and Town officials regarding the Noise Ordinance’s proper interpretation.

Third, amending the Noise Ordinance to require “local law enforcement” agencies to measure sound levels “at or within the real property boundary of the complainant’s land” is both nonsensical, and creates uncertainty regarding how the Town will enforce the Ordinance. Currently, the Noise Ordinance is clear: the Town measures sound levels for compliance “between four feet and five feet above ground at the property boundary of the emitter property.” Noise Ordinance § 206-4(B). The second proposed amendment to section 206-4(B) eliminates any certainty regarding where the Town must measure the emitting noise sources by dictating that such measurements must be taken at either a “complainant[’ s]” property boundary, or

¹ For example, the current Noise Ordinance limits sound emitted by an “industrial” use to 55 dBAs at a property line that it shares with a “residential” use, between the hours of 7 am and 7 pm. If the Council enacts these proposed regulations, then it will increase the sound levels an “industrial” use may permissibly emit to 70 dBAs during those same hours.

² Section 206-5 of the Noise Ordinance already contains a number of uses and activities that are exempt from regulation.

February 14, 2023

Page 3

within the "complainant[s]" property boundary. The Noise Ordinance should be precise. It should provide a uniform location where sound levels are measured for compliance with the Ordinance's sound level limitations. Instead, this proposed amendment creates ambiguity by allowing local law enforcement to measure for compliance from different locations, which will presumably result in different measurements depending upon the proximity to the emitting source.

Perhaps even more problematic is that this proposed amendment to section 206-4(B) presupposes that a complaint is required in order for the Town to measure sound levels emitted by a particular source. Whether a complaint has been lodged against an emitter, or not, is irrelevant. What is relevant is whether an emitter meets the Noise Ordinance's sound level limitations. By tying compliance with the Noise Ordinance's sound level limitations to a complaint, this proposed amendment suggests that emitters need not meet the Noise Ordinance's requirements unless someone complains, and only then will the Town measure sound levels *at the complainant's property*. If the complainant is located several lots away from an emitting source, then the sound levels recorded at the complainant's property boundary may not violate the Noise Ordinance, while sound levels at *the emitter's property line* do. In other words, by amending the Noise Ordinance to ostensibly require a complaint to trigger enforcement, compliance with the Ordinance's sound level limitations is meaningless unless the Town receives complaints regarding a particular source. And then, the emitter is only required to comply with sound level limitations at or with the complainant's property line. The Noise Ordinance should require compliance with its mandates at all times, not just when a resident is so adversely affected by a noise source he/she is compelled to bring a complaint to the Town.

Both my clients and I appreciate the Council's consideration of the concerns presented in this letter, as well as the points raised in the Reuter Memo. My clients urge the Council to reject the proposed Noise Ordinance amendments for the reasons explained above.

Sincerely,



Benjamin J. Plante

Cc: Scott Hastings, Town Planner
Zach Mosher, Director, Standish Planning Department

February 7, 2023

Benjamin Plante
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

SUBJECT: Proposed Noise Ordinance revisions, Standish, ME

Dear Attorney Plante,

I have reviewed both Chapter 206 of the Standish Ordinances, "Noise" and what I understand to be the current draft of proposed changes to the ordinance.

A municipal noise ordinance serves two primary purposes. First, it provides guidance for permitting new land uses that are likely to generate noise. Sound level limits and other conditions can be used to predict noise impacts and design noise control prior to construction or expansion of a facility. A planning or zoning board will often require an applicant to demonstrate the ability to comply as part of an application. Second, the ordinance provides guidance for enforcement during commissioning or in the event of a noise complaint.

It is important that the requirements be the same for both functions of the ordinance – that limits, measurement metrics and locations be the same, etc. This ensures that pre-construction planning will result in post-construction compliance.

The existing Standish ordinance is fairly comprehensive, providing reasonable definitions, reference standards, sound level limits, and methods of enforcement.

Importantly, sound level limits are imposed at the property boundary of the abutting property (206-3(A)). The current language implies that the limits are based on the use of the abutting receptor property. This is the typical approach, as the purpose of a noise ordinance is to protect the well-being of the receivers of the noise. This is particularly important for residential and institutional receptors.

The proposed revision to this section specifies that the limit should be based on the emitting use. As discussed above, this does not adequately protect the receptor. A residence would not be protected from a new abutting commercial or industrial use.

Two of the proposed revisions to 206-4 *Measurement* are also problematic.

In Part B, it is proposed that there be an exemption for sounds lasting less than 30 minutes. It is unclear what sources this is intended to exempt that are not already exempted in 206-5 Exemptions.

It is further proposed that measurements be conducted "at or within the real property boundary of the complainant's land". I assume that this change is intended to simplify enforcement by removing any need for access to the emitter property.

The property boundary is assumed to be shared with the emitter property, so this is effectively the same location specified in 206-3(A). However, for planning purposes, it should be clarified that the requirement for compliance with the ordinance is not predicated on a complaint. An emitter of noise should meet the prescribed limits at all property boundaries, regardless of the attitudes of the abutters. This protects future occupants of the abutting properties.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Reuter", with a stylized flourish extending to the right.

Eric L. Reuter, FASA, INCE Bd. Cert.
Principal

AMENDMENTS TO STANDISH TOWN CODE, CHAPTER 206, NOISE

(Additions are underlined; deletions are ~~struck out~~.)

CHAPTER 206 – Noise

• • •

§206-3 Sound level standards

A. The dBA sound levels shall be limited to the abutting property as listed in the table below based on the emitting use.

• • •

§206-4 Noise measurements.

- A. The integrating sound level meter used for noise measurements shall meet all of the Type 1 or 2 performance requirements of the American National Standards Institute "American Standard Specifications for Sound Level Meters" (ANSI S1.4-~~1983~~ 2014 R19 or latest revision) and the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication ~~804 (1985)~~ 61672 or latest revision.
- B. Regulated noise sources include all continuous, normal or frequent or intermittent sound produced by any activity for a period of 30 minutes or more. Sound level shall be measured between four feet and five feet above ground ~~at the property boundary of the emitter property~~ at or within the real property boundary of the complainant's land. Sound level measurements shall be in accordance with ASTM Designation: ~~E1014-08~~ E1014-12 (2021) or the latest revision.
- C. The dBA and dBC sound level measurements shall be conducted using the fast scale.

• • •

§ 206-5 Exemptions.

The following uses and activities shall be exempt from sound level regulations:

• • •

- K. Personal use of firearms on private property for hunting or target shooting and not as part of a club, business, or organized event.