

DRAFT-- MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE TOWN COUNCIL -- DRAFT
MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, JANUARY 9, 2018
STANDISH MUNICIPAL CENTER
7:00 PM

CALL TO ORDER

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

ROLL CALL

Councilors Present – Delcourt, Higgins, Libby, Nesbitt, Pomerleau, Sirpis and Starostecki.

Chair Pomerleau noted that a utility location permit was received after the agenda submission deadline, unanimous consent is needed to add it to tonight's agenda.

Moved by Sirpis seconded by Higgins and voted to add order *5-18 Utility Location Permit – Central Maine Power Company – Thomas Road [Pomerleau]* to the agenda. (Unanimous)

MINUTES OF PREVIOUS MEETING (S)

Moved by Higgins seconded by Libby and voted to approve the November 14 and December 12 meeting minutes, noting a correction need to be made to the name of ~~Earel~~ Kara Wilber. (Unanimous)

PETITIONS AND COMMUNICATIONS

The Clerk noted the following communications were received:

- William and Maurie Hill voicing their concerns regarding the ordinance amendment on the agenda in an email.
- Steve and Marie LaViolet submitted a letter regarding gun fire at a gravel pit near their home.

REPORT OF THE TOWN MANAGER

Town Manager, Kris Tucker thanked Mr. Gesualdi and the town auditors for their attendance at this meeting, noting that a management letter was not needed. He explained that a management letter would be presented if a correction to accounting procedures needed to be addressed.

Mr. Tucker welcomed State Representative Donald Marean and Senator Bill Diamond to the meeting.

Mr. Tucker noted that the town's budget process will start soon, this and future budgets will start earlier in the year due to the change in the law regarding the filing deadline for nomination papers. He explained that town referendum ballots need to mirror the timeline for candidate ballots.

Mr. Tucker announced that the Fire Department has received donations that provided partial funding for a trailer.

- Department Head Presentation – Finance Director, Scott Gesualdi and Town Auditors provided an in-depth report of the towns finances.
- Legislative Update – Donald Marean provided an update to the retail marijuana legislation that is being deliberated at the state house.

Councilor Sirpis thanked Representative Marean for his work on this matter.

- Senator Bill Diamond highlighted the senate's efforts on the marijuana legislation. He provided copy of a memo from Attorney General Jeff Sessions rescinding the Cole memo.

PUBLIC HEARINGS

118-17 Amendments to the Standish Town Code to add Chapter 220 Regarding Retail Marijuana Establishments and Retail Marijuana Social Clubs [Libby]

Moved by Libby seconded by Sirpis and voted to dispense the with the Clerk's Reading of the ordinance. (Unanimous)

Chair Pomerleau called for public comments.

Beth Brown-Malia, Emery Road, announced that she had no strong opinion regarding this matter, however in her judgement Councilor Starostecki should recuse himself due to the medical needs of his son.

Moved by Sirpis seconded by Delcourt to recuse Councilors Starostecki from discussion/voting on this issue. (3 Yeas – Delcourt, Pomerleau and Sirpis – 4 Nays – Higgins, Libby, Nesbitt and Starostecki)

Kara Childs, Blake Road, said that it was their job to represent their constituents, but not vote based on their own opinions or biases. She noted economic potential of marijuana sales noting that laws will be in place to protect minors from purchasing it.

Tom Childs, Blake Road, statement read aloud by Kara Childs: His statement addressed the medical and economic benefits of retail marijuana. He left some books regarding marijuana for the Council to review.

Michael Wakefield, Arthur Drive, expressed his opinion that the stigma regarding marijuana usage no-longer exists, and that if its use is legal, the town should allow retail sales.

Alana Foster, Rosida Drive, said that she'd like Standish move forward and allow retail sales.

Amanda Melnick, a marijuana consultant, on behalf of her clients opposed the ban. She said that it's unnecessary and once it's on the books it will be hard to rescind.

Deborah Butler, Juniper Lane, as an industrial land owner in Standish, opposes the ban due the financial impact it will cause her business and the loss of the tax benefit to the town. She urged them to table this matter.

Walter Butler, Juniper Lane, said that there is no imminent need for this ordinance since the state is still working on the legislation.

Chair Pomerleau called for additional public comment, hearing none closed the public comment period.

Chair Pomerleau called for Council comments.

Councilor Delcourt said that the constituents that he has spoken to, do not want marijuana sales in town.

Councilor Starostecki said that he was surprised that the Town Council was willing to give up the economic development opportunities that this may bring to the town. He said that we should take our time and write some reasonable ordinances that will allow the economic development to begin.

Councilor Nesbitt said that marijuana is legal, however we can regulate the retail use in our town. He said that you can find reports to support either side of the issue and he would prefer to move forward in a cautious manner.

Councilor Higgins said she agreed that the economic opportunity is enormous, the loss of jobs would be devastating, and she said that we don't need a ban at the local level. Noting that the town currently has a moratorium in place we have the time to draft an ordinance that gives us control. She said that she would like to separate the cultivation, manufacturing and testing facilities from this ordinance.

Councilor Sirpis questioned if there is a number of times that the moratorium ordinance can be extended? He continued to explain that he views medical marijuana differently than recreational marijuana. He voiced his concerns regarding it being a cash business; and use and sales are still a federal offence. He said that if we were to allow it in Standish we will have a heavy demand on public safety, enforcement and mental health services.

Councilor Starostecki said that 98,000 people died last year from alcoholism, 64,000 from hard drugs and 0 from cannabis. He said that it's a exit drug that helps people with opiate addiction. He then suggested that this matter is put out to referendum vote.

Chair Pomerleau noted that she has struggled with this issue. She said that she didn't care what people did privately, however she was concerned with the economic development issues.

Moved by Starostecki seconded by Higgins and voted to table the ban and put the matter out to the voters. (2 Yeas- Higgins and Starostecki – 5 Nays – Delcourt, Libby, Nesbitt, Pomerleau and Sirpis)

Moved by Starostecki seconded by Higgins to put the matter out to the voters.

Councilor Sirpis asked for clarification on this vote, will they vote on the ordinance as well.

Chair Pomerleau said that they would vote on the ordinance as well.

Moved by Starostecki seconded by Higgins and voted to put the matter out to the voters. (2 Yeas- Higgins and Starostecki –5 Nays – Delcourt, Libby, Nesbitt, Pomerleau and Sirpis)

Moved by Higgins seconded by Starostecki to strike retail cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities from the ordinance.

Chair Pomerleau stated that a yes vote will remove these items from the ordinance.

Councilor Libby said that if this motion passes, the ordinance goes back to the introduction phase.

Moved by Higgins seconded by Starostecki and voted to strike retail cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities from the ordinance. (2 Yeas - Higgins and Starostecki – 5 Nays – Delcourt, Libby, Nesbitt, Pomerleau and Sirpis)

Moved by Sirpis seconded by Libby and voted to move the question.

VOTE: (5 Yeas Delcourt, Libby, Nesbitt, Pomerleau and Sirpis – 2 Nays – Higgins and Starostecki)

COMMITTEE REPORTS

Councilor Nesbitt noted that the Finance Committee reports that the town finances are where they should be at the fiscal year half-way point, with excise taxes continuing to exceed the budgeted amount.

Councilor Starostecki announced that the PWD Steering Committee has no report.

Councilor Libby said that the Capital Improvements Committee reviewed the 10-Year Plan, the newly purchased Public Safety Department trailer didn't need Town Council action and studied a plan of a trail system brought to them by the Town Planner.

Councilor Delcourt informed them that the Personnel Committee will meet Thursday at 8 a.m.

Councilor Higgins showed a copy of the Recycling Committee calendar to the group, noting that the calendars are free and available at the Town Office. She noted that recently in the newspaper there was a recycling *do's and don'ts* list.

Councilor Higgins noted that the Bottles for Fuel fund is always accepting donations of bottles at the Transfer Station.

Councilor Higgins explained that the Ordinance Committee continues to work on a variety of topics. The Committee is bringing forward a minor amendment on tonight's agenda. She said that the Committees primary focus right now is working on the Form Based Code.

Councilor Sirpis advised them that the Economic Development Committee will meet Thursday, January 18 at 8:00 a.m.

CONSENT CALENDAR

There were no Consent Calendar items on this agenda.

UNFINISHED BUSINESS

There were no items of Unfinished Business on this agenda.

NEW BUSINESS

1-18 Authorize the Rotary Club of Sebago Lake to Utilize Sebago Lake Station Landing Parking Area for their Annual Ice Fishing Derby [Pomerleau]

Moved by Starostecki seconded by Sirpis and voted to dispense with the Clerk's reading of the order.
(Unanimous)

Councilor Sirpis disclosed that his employer is a sponsor of this event, he offered to recuse himself from this order if they deem it to be necessary.

Moved seconded and voted to recuse Councilor Delcourt from this order.

VOTE TO RECUSE: 6 Nays – 1 Abstain, Sirpis

Mark Wasowski, past president of the Sebago Lake Rotary Club highlighted the event noting they will be promoting it as the Cumberland County/Sebago Lake Fishing Derby. They are looking forward to a good weather for the derby and thanked the Council for their help in the past.

Chair Pomerleau called for additional public comments, hearing none she called for Council comments.

Councilor Sirpis said that he's been involved with this event for 10-years, it's one of the best derby's in Maine noting that they do a fabulous job.

Chair Pomerleau called for additional Council comment, hearing none call for the roll.

VOTE: 7 Yeas

2-18 Authorize Lease Agreement Between Portland Water District and the Town of Standish for a Scenic Turnout on Route 35 Overlooking Sebago Lake [Pomerleau]

Moved by Starostecki seconded by Sirpis and voted to dispense with the Clerk's reading of the order.
(Unanimous)

Chair Pomerleau explained that this is regarding the scenic overlook that is to be constructed during the MDOT Route 35 rebuild.

Chair Pomerleau called for public comments.

Peter Malia questioned if the road would be widened?

Councilor Nesbitt said that they will straighten and smooth out from the bridge to Route 237. It will be widened, they will try to reduce the slope to approach of Route 237; and perhaps a turning lane onto Route 237 with a slip lane towards Standish will be constructed.

Chair Pomerleau called for additional public comments, hearing none she called for Council comments.

Councilor Higgins said that the patch job was done last year to get us through until the rebuild project. She noted that the turnout will provide parking facing the lake providing a view of the lake.

Councilor Libby said that this project had previously been postponed due to state funding issues.

Chair Pomerleau called for additional Council comment, hearing none call for the roll.

VOTE: 7 Yeas

3-18 Annual Recommendation to Adopt 10-Year Capital Plan [Libby]

Moved by Starostecki seconded by Sirpis and voted to dispense with the Clerk's reading of the order.
(Unanimous)

Chair Pomerleau called for public comments. Hearing none, the Finance Director gave an overview of the capital items noting the expenditures of the various departments.

Chair Pomerleau called for Council comments.

Councilor Nesbitt noted that these items will be included in the Managers FY19 budget. He said that one of the great things about having a Capital Plan is that items in the plan can be shifted around as needs change.

Chair Pomerleau called for additional Council comment, hearing none call for the roll.

VOTE: 7 Yeas

Finance Director, Scott Gesauldi noted that all of these items will be further discussed during the budget process.

4-18 Amendment to Standish Town Code, Chapter 181, Land Use, Section 181-7.1, Form Based Code Village Districts (FBCVD) (Introduction) [Higgins]

Moved by Libby seconded by Sirpis and voted to dispense with the Clerk's reading of the order. (Unanimous)

Chair Pomerleau called for additional public comments.

Peter Malia asked if this will affect his property on Route 25?

Councilor Higgins said that this amendment does not affect Route 25. This is making a very small change to allow a daycare center in the basement of the church on Oak Hill Road. This change is a change to the Town Main street designation, it is a three-month legislative process to make the change.

Councilor Libby explained based on the current code this change is needed to allow the non-property to have a daycare business.

VOTE TO MOVE THIS TO FIRST READING: 7 Yeas

5-18 Utility Location Permit – Central Maine Power Company – Thomas Road [Pomerleau]

Chair Pomerleau called for public comments. Hearing none, she called for Council comments.

Councilor Nesbitt questioned if the Director of Public Works had inspected the location.

The Clerk confirmed that it had been inspected.

Councilor Sirpis questioned if CMP was charged a fee for the permits?

The Clerk explained that a \$25 fee is charged.

VOTE: 7 Yeas

PUBLIC ITEMS

Marie LaViolet, Woodland Avenue, brought to their attention the shooting that is taking place in the pit. She cited the noise, debris, lack of their ability to enjoy their home do to the gun fire.

Councilor Higgins asked that this be a agenda item for the January Town Council Workshop.

Steve LaViolet said that the noise is really bad.

Deborah Boxer, Cole Hill Road, played a recording of gun fire.

ANNOUNCEMENTS

Up-coming meeting were announced.

EXECUTIVE SESSION

An executive session was not needed at this meeting.

ADJOURN

Moved by Sirpis seconded by Nesbitt and voted to adjourn. The meeting adjourned at 9:13 p.m. by unanimous consent.

Submitted by: s/Mary Chapman
Clerk/Secretary