

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
THURSDAY, MARCH 1, 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

Councilor present: Delcourt, Higgins, Libby, Nesbitt, Pomerleau, and Sirpis.
Councilor Starostecki was excused.

MINUTES OF PREVIOUS MEETING (S)

Moved seconded and voted to approve minutes from the February 13th meeting. (Unanimous)

PETITIONS AND COMMUNICATIONS

The clerk announced that the town had received resignations from Philip Pomerleau who served on the Appeals Board and Monique Sullivan who served on the Budget Committee.

REPORT OF THE TOWN MANAGER

The manager noted that there would not be a departmental presentation this evening.

PUBLIC HEARINGS

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

Councilor Higgins explained if this amendment is ratified it will allow daycares to be located on the Town Main (TM) streetscapes. She noted that this amendment did receive a favorable review at the Planning Board Public Hearing on February 5.

Chair Pomerleau called for public discussion. Hearing none, she called for Council discussion. Hearing no Council additional discussion, she closed the hearing and call for the roll.

VOTE: 6 Yeas

**** FY 2019 Fiscal Year Budget ****

Mr. Tucker provided a PowerPoint presentation regarding the Manager's proposed FY 19 budget. He noted that in the FY 19 budget expect higher revenues, a COLA increase for employees, potential new positions for Public Safety, Public Works and general maintenance position. He voiced his concerns regarding pending retirement of department heads and low unemployment rate and the limited labor pool the Town will face in the future. He presented a slide that showed a three-year comparison of the town's budgets. Mr. Tucker announced the scheduled budget meetings.

Chair Pomerleau called for public discussion on the budget. Hearing none, she called for Council discussion.

Councilor Nesbitt noted that due to recent changes in state law regarding the filing deadline for nomination papers the time-line for the budget has changed. He then highlighted the scheduled meetings noting that the hope was to pass the budget to the Budget Committee by March 13.

Councilor Higgins noted that the MSAD #6 Budget Advisory Committee is working on their budget and are grappling with wages for substitute teachers.

Councilor Nesbitt said that he's reviewed the budget and it's a very good budget. He noted that the proposed budget will raise the mil rate, but we've kept it steady for a long time. He noted that the new manager has brought forward new ideas and a good budget.

Councilor Delcourt voiced his concerns regarding the increase of the budget.

Chair Pomerleau called for additional discussion, hearing none, she closed the hearing.

COMMITTEE REPORTS

Councilor Nesbitt – Finance Committee – noted that they hadn't met yet this month due to the change of the date of the Council meeting. He explained that there is an order on the agenda for tax anticipation borrowing.

Councilor Higgins – Ordinance Committee – recently met they continue to review the sign ordinance.

Councilor Sirpis – Economic Development – met last week where one of the topics of discussion was signage for businesses, their hope is to make the sign requirements for businesses more user-friendly. He said that they encourage business owners to attend the Economic Development Committee meetings.

Councilor Pomerleau – Appointments Committee – the committee met just prior to this meeting and will be bringing forward a appointments order on tonight's agenda.

Chair Pomerleau noted that the following orders needed to be added to the agenda.

18-18 Town Council Appointment to Various Boards or Committees [Pomerleau]

19-18 Authorize Contract for Analyses and Professional Services for the Conversion of Public Street Lighting to LED [Pomerleau]

Moved by Sirpis seconded by Nesbitt and voted to add the above noted orders to the agenda. (Unanimous)

CONSENT CALENDAR

There were no consent calendar items on this agenda.

UNFINISHED BUSINESS

7-18 Application Submitted by Michael Baptista and Elaine Burnham dba Acres of Wildlife Campground Located at 60 Acres of Wildlife Road for Renewal of a Malt, Spirituous and Vinous Campground License (Postponed at the February 13 meeting) [Pomerleau]

This order was postponed to the April meeting, so it remains on the table until that time.

NEW BUSINESS

15-18 Town of Standish Town Council Orders Authorizing Tax Anticipation Borrowing [Nesbitt]

Councilor Nesbitt said that this is a standard order that comes forward twice a year. This allows the Finance Director to borrow funds on a short term to help us pay our obligations until the tax payments start coming in.

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

VOTE: 6 Yeas

16-18 Authorize Standish Lions Club to hold Charity Toll on Moody Road [Pomerleau]

Chair Pomerleau explained that this is an annual fundraising event for the Lions Club.

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

Councilor Higgins said that this is a good opportunity for the club.

Chair Pomerleau called for additional Council comment, hearing none, she called for the vote.

VOTE: 6 Yeas

17-18 Amendments to the Code of the Town of Standish to add Chapter 135 Regarding Discharge of Firearms (Introduction) [Higgins]

Chair Pomerleau called for public comments.

Peter Malia – Emery Road – questioned if the ordinance covered just the town pit?

Councilor Higgins said that it only refers to the town pit on Boundary Road.

Elizabeth Brown-Malia – Emery Road – questioned if the words “amended from time to time” needed to be tightened up a bit.

Councilor Higgins said that is phrase is standard language in many ordinances.

Town Manager, Kris Tucker explained that this ordinance was written by our legal counsel in such a way to protect the town.

Councilor Delcourt questioned why he wasn’t notified that the attorney had been authorized to draft this ordinance.

Kris Tucker clarified that the rules provide that legal advice for the Council needs to be provided to them as whole, however for the general operations of the town the Council is not notified when legal advice is sought.

Councilor Delcourt voiced his concerns that this sets us up for a town-wide ban of firearms.

Chair Pomerleau said that the ordinance regulates the town property described in the document.

Councilor Higgins said that this bans the discharge of firearms only in the area described in the ordinance. The ordinance establishes enforcement procedures, fines, and other protections for the town.

Kris Tucker explained that it is written to prevent us from implementing it elsewhere in town.

Councilor Nesbitt noted that any ordinance that comes before Council must have legal review.

Councilor Sirpis said that he agreed that there is a problem at that location. He recalled that at the workshop they discussed posting the property for no discharge of firearms not an ordinance. He said he understands that our legal counsel recommended the ordinance, however he stated wherever legal counsel is contacted, the Council needs to be advised. He said that he agreed the wording “amended from time to time” needs to be more specific. He said that he was concerned with the definition of the word firearm and asked that the wanted the word severability defined.

Kris Tucker explained that in regard to the word severability, if one part of the ordinance is found to be illegal the remainder of the ordinance is still in force. He said that this is a standard clause that is in many documents to address the unforeseen events of the future.

Councilor Sirpis asked for clarification of the enactment date and then asked where will the residents be able to shoot once this is enacted.

Councilor Nesbitt said that "amended from time to time" is referring to state statutes, and the language is fine.

Councilor Sirpis said that he wanted a legal opinion for the meaning of: *may be, amended from time to time, and severability*.

Councilor Higgins said that this worded the way it is to relate to the state statutes.

Kris Tucker said that in his opinion the wording was not unusual and reads very clearly.

Councilor Sirpis said that he believes that this is the first-step in a town-wide firearms ordinance. That's why he needs clarification on this ordinance or he cannot support the ordinance.

Councilor Delcourt said that he needs to vote *yes* to fix the problem in that area, but there are other areas of town that are under the same problem. He thought that the ordinance was going to address all of the town.

Kris Tucker said that this covers this particular town property but not any private property.

Councilor Higgins said that the town needs this ordinance to protect us from liability and improve the quality of life for the people in the area.

Councilor Sirpis said that he believes, that all we need to do, is post the property. He said that he thinks that this is the beginning of a firearms ordinance.

Chair Pomerleau called for the vote.

VOTE: 5 Yeas – 1 Nay, Sirpis

18-18 Town Council Appointment to Various Boards or Committees [Pomerleau]

Moved by Nesbitt second by Libby and voted to add the following names to the order:

Terence Christy to the Appeals Board through June 2020

Kathleen Schofield to the Public Safety Committee through June 2018

Philip Pomerleau to the Budget Committee through June 2018 (Unanimous)

Chair Pomerleau called for public discussion. Hearing none, she called for Council discussion. Hearing no Council discussion, call for the vote.

VOTE ON ORDER AS AMENDED: 6 Yeas

19-18 Authorize Contract for Analysis and Professional Services for the Conversion of Public Street Lighting to LED [Pomerleau]

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

Councilor Delcourt asked if they will use American parts?

Kris Tucker said it hasn't been decided yet, part of the analysis is to determine the cost and materials.

Councilor Nesbitt explained that since the amount of the analysis is \$8,000, if this is approved, the Town Council is also waiving the bid process.

Councilor Delcourt asked how did we get involved with this project?

Kris Tucker explained that we were invited to join the group by the Town of Windham.

Councilor Higgins asked which other towns were involved?

Kris Tucker said the initial audit will include Standish, Windham, Gorham and Raymond.

Chair Pomerleau called for additional Council discussion, hearing none she called for the vote.

VOTE: 6 Yeas

PUBLIC ITEMS

ANNOUNCEMENTS

- *Upcoming meetings

- *Availability of nomination Papers

EXECUTIVE SESSION

An executive session was not held at this meeting

ADJOURN

Moved Nesbitt seconded by Libby and voted to adjourn. The meeting adjourned at 8:00 p.m. by unanimous consent.

Submitted by: _____s/Mary Chapman

Clerk/Secretary