

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, AUGUST 13, 2019
STANDISH MUNICIPAL CENTER
7:00 PM**

CALL TO ORDER

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

ROLL CALL

Councilors present: Gaba, LeClerc, Libby, Nesbitt, Paul and Pomerleau.
Councilor Delcourt was excused.

MINUTES OF PREVIOUS MEETING (S)

The minutes from the July 9th and 23rd meetings were approved as submitted by unanimous consent.

PETITIONS AND COMMUNICATIONS

Roger Wheeler a Member of the Friends of Sebago Lake explained that a focus of the group has been to restore anadromous fish to Sebago Lake. He wanted to thank the Standish Town Council for the May 2018 letter to FERC to request that Fish passage in the five lower dams on the Presumpscot River. He provided historical data regarding the Sacarappa Agreement. He said that his group will continue to provide updates regarding the matter.

REPORT OF THE TOWN MANAGER

Flag Display in Town - Bill Giroux, Town Manager, explained that there have been recent discussions regarding display of flags in town. To recap, initially there had been some complaints regarding the condition of the flags and lack of illumination of the flags on town property. As a result of the complaint, town staff met with Officers of the American Legion followed by the Public Safety Committee meeting with the Officers of the American Legion. A policy was developed and added to the standard operating procedures for the Public Safety Department to govern the care of American or service flags displayed in the town or state right-of-way. Mr. Giroux noted that after reviewing the laws regarding the display of the American Flag, Legion members noted that the Town of Standish had been properly displaying and maintaining the flags. He explained that the newly developed policy will help guide future maintenance. In addition, there has been discussion regarding display of flags on private property. Mr. Giroux noted that private property owners can place signage or flags on their property under freedom of speech laws. He cited two recent incidents; one was where a person removed a flag from private property, that matter was addressed; the other incident was a pride flag that was put up on town property. This flag was removed and returned to the owner, the Town had not granted approval for this flag to be placed on Town property, in addition the policy provides that American Flags and service flags are the only flags allowed on Town property. He said that it was his opinion that this matter is under control and there is no need for the Council to look into adding other flag categories to the policy, noting if one group is allowed to fly their flag then all would have to be allowed.

Chair Libby said that what has been put in place is sufficient.

Councilor Nesbitt asked for clarification in regard to the policy. He brought up the proposed timeline of when the flags would be flown noting that the Standish Summer Spectacular is now later, had that been taken into consideration. He questioned if the flags at Standish Corner, were town owned flags, because he noticed that they are wrapped around themselves.

Mr. Giroux noted that there is a long-time agreement in place with the Public Safety Committee to allow a private party to place those American and service flags on town owned property. Mr. Giroux noted that flags often get wrapped around the pole by weather conditions or large trucks travelling by them.

Councilor Pomerleau the Chair of the Public Safety Committee explained that the Town owned flags have been taken down and will be flown around certain holidays. She noted that the flags were being flown properly and they do not need to be illuminated due to their size. Councilor Pomerleau mentioned that the committee is looking for someone that has the proper equipment to take over the installation and removal of Town flags noting that currently staff is using a pickup truck and ladder, also the committee would like to get the flags all hung at the same height. Councilor Pomerleau said that she would give her committee report at this time. She noted that the committee met with officers of the American Legion and it was confirmed that the Town was properly displaying the American Flags. She said that the committee will continue to work on this project.

Bill Giroux said that the Town was pleased that the American Legion representatives said that the flags could be maintained on a weekly basis due to the staff that is required to provide the maintenance. He noted that the Fire Chief believes that the weekly maintenance schedule is doable, in addition Public Works staff can be utilized to help if necessary.

Councilor Pomerleau noted that the flags will be flown at several holidays including Flag Day, noting that the holidays that the flags will be flown is subject to being changed.

Councilor Nesbitt said that flags that are installed on Town property should be maintained by the Town not another party.

Mr. Giroux noted that perhaps the Public Safety Committee could review that idea.

Council Nesbitt questioned what was a service flag?

Councilor Pomerleau noted that there are other flags honoring the police or EMS departments or other flags recognized by the state or federal government.

Councilor Nesbitt said in his opinion a few well maintained flags is better than the 32 to be placed at each village.

Bill Giroux noted that the number of 32 flags came from the American Legion and the Committee can take that suggestion under consideration.

PUBLIC HEARINGS

79-19 Application Submitted by Daniel Roberts (Gone Fishing LLC) dba Boat Launch Café located at 450 Northeast Road for Renewal of a Malt, Vinous and Spirituous Restaurant/Lounge License (Class XI) [Libby]

Chair Libby noted that this is the annual renewal for this application.

Chair Libby called for public discussion, hearing none, he called for council discussion, hearing none, he closed the Public Hearing and called for the vote:

ORDERED that the application submitted by Daniel Roberts (Gone Fishing LLC) dba the Boat Launch Café located at 450 Northeast Road for renewal of a Malt, Vinous and Spirituous Restaurant/Lounge License (Class XI) is approved by Council, to expire as determined by the Department of Public Safety.

VOTE: 6 Yeas

80-19 Application Submitted by Daniel Roberts (Gone Fishing LLC) dba Boat Launch Café Located at 450 Northeast Road for Renewal of a Special Amusement Permit [Libby]

Chair Libby noted that this is the renewal for this application and there have been no problems at the location.

Chair Libby called for public discussion, hearing none, he called for council discussion, hearing none, he closed the Public Hearing and called for the vote:

ORDERED that the application submitted by Daniel Roberts (Gone Fishing LLC) dba the Boat Launch Café located at 450 Northeast Road for renewal of a Special Amusement Permit, is approved by Council, upon approval of the Code Enforcement Officer, Fire Chief, and Town Manager to expire at the same time as the applicants 2019/2020 Restaurant/Lounge (Class XI) Liquor License, and

FURTHER ORDERED that live entertainment activities shall cease at midnight with the exception of December 31st.

VOTE: 6 Yeas

81-19 Application Submitted by Daniel Roberts (Gone Fishing LLC) dba Boat Launch Café Located at 450 Northeast Road for Renewal of a Permit for Coin Operated Amusement Devices (Coin Operated Pool Tables) [Libby]

Chair Libby called for public discussion, hearing none, he called for council discussion, hearing none, he closed the Public Hearing and called for the vote:

ORDERED that the application submitted by Daniel Roberts (Gone Fishing LLC) dba the Boat Launch Café located at 450 Northeast Road for renewal of a Permit for Coin Operated Amusement Devices (Pool Tables), is approved by Council, upon approval of the Code Enforcement Officer, Fire Chief, and Town Manager to expire June 30, 2020.

VOTE: 6 Yeas

COMMITTEE REPORTS

Councilor Leclerc – Economic Development Committee – On behalf of Councilor Delcourt, LeClerc explained that Mr. Delcourt had drafted a letter to Amazon offering Standish as a location for them to consider for future expansion. He noted that the EDC would like to work with the Ordinance Committee to amend some ordinances to make them business friendly.

Councilor Gaba – Appointments Committee - no report.

Councilor Nesbitt – Finance Committee – The Committee met recently and reviewed the last period in FY2019 and the first period in FY2020. The Committees has an amendment to the Fee Schedule and a quit claim deed on the agenda tonight.

Mr. Giroux noted that it has come to the Town’s attention that there is a glitch between the version of the mobile calendar and online calendar, this matter will be addressed tomorrow.

Councilor Pomerleau noted she presented her Public Safety report earlier.

Councilor Paul – Personnel Committee – No report.

Chair Libby – Ordinance Committee – There is an ordinance change from the Committee on the agenda tonight and the Planner is working with legal counsel on amendments to make the Form Based Code business friendly.

CONSENT CALENDAR

The clerk noted that Consent Calendar items are read by title only and voted on collectively:

82-19 Appointment of Ballot/Election Clerks, Ballot Counters and Election Warden for the November 5, 2019 Elections [Libby]

ORDERED that the following individuals are appointed to serve as election/ballot clerks and ballot counters at the November 5, 2019 elections:

Democratic Ballot Clerk
Betty King

Republican Ballot Clerk
Glenna Jamison

ORDERED that Cheryl Allen is appointed to serve as election warden, and

FURTHER ORDERED that the Town Clerk is authorized to select additional election/ ballot clerks and ballot counters as necessary to provide adequate staffing.

83-19 Establish Hours for Voter Registration Prior to the November 5, 2019 Elections [Libby]

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 during the week beginning October 28, 2019, and

FURTHER ORDERED that the registration enrollment period prior to the November 5, 2019 elections close on Monday, November 4, 2019 at 4:30 p.m., and

FURTHER ORDERED that the Town Clerk's Office will remain open until 7:00 pm on Thursday, October 31, 2019 for absentee voting and voter registration prior to the November elections.

VOTE ON CONSENT CALENDAR ITEMS: 6 Yeas

UNFINISHED BUSINESS

There are no items of Unfinished Business on this agenda.

EXECUTIVE SESSION

An Executive Session will be held for the purpose of discussions on the following matter:

Real estate matters pursuant to 1 M.R.S.A. §405(6)(C)

A motion may be made to go into executive session at any time during the meeting in accordance with state law to discuss, personnel, real estate, labor negotiations, or legal matters.

NEW BUSINESS

84-19 Call for Special Financial Town Meeting, Authorize Warrant, Place Referendum Question on the Ballot for the November 5, 2019 Special Financial Town Meeting, and Schedule Public Hearing on Referendum Question [Libby]

85-19 Authorize Town Manager to Execute Documents Related to the Purchase of Land on the Moody Road from Van Hertel, Sr. [Libby]

86-19 Amendment to Fee Schedule – EMS Subscription Fees [Nesbitt]

87-19 Request that the Maine Department of Transportation Review the Speed Limit on Whites Bridge Road [Leclerc]

88-19 Request that the Maine Department of Transportation Review the Speed Limit on Chadbourne Road (Route 35) from Route 237 to Johnson Field [Libby]

89-19 Authorize Finance Director to Issue Municipal Quit Claim Deed to Timothy Foley (Map 003 Lot 074 Sub 002-000) [Nesbitt]

90-19 Amendment to Standish Town Code, Chapter 188, Massage Establishments and Therapists, Repeal Public Hearing Requirements (Introduction) [Libby]

91-19 Utility Location Permit – Central Maine Power and FairPoint New England – Middle Jam Road [Libby]

92-19 Cast Ballot for Maine Municipal Association Vice-President and Executive Committee Members [Libby]

PUBLIC ITEMS

ANNOUNCEMENTS

- Date of August Workshop is changed from Tuesday, August 27 to Wednesday, August 28 starting immediately following a Special Town Council Meeting that starts at 6:00 pm

EXECUTIVE SESSION

A motion may be made to go into executive session at any time during the meeting in accordance with state law to discuss, personnel, real estate, labor negotiations, or legal matters.

ADJOURN

This agenda is for informational purposes and does not preclude the Council from acting upon other business which may be brought forth at the meeting.