

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, OCTOBER 13, 2020
STANDISH MUNICIPAL CENTER
6:00 PM**

CALL TO ORDER

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

ROLL CALL

Councilors present: Butler, Delcourt, Gaba, Leclerc, Libby, Paul and Pomerleau.

MINUTES OF PREVIOUS MEETING (S)

Moved by Libby seconded by Leclerc and voted to approve the minutes from the September 10, 2019 Town Council meeting. (Unanimous)

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting.

REPORT OF THE TOWN MANAGER

The Town Clerk reported the number of absentee ballot requests that had been received to this point for the November election. In addition, the Clerk announced that the Town was awarded a \$5,000 from the Center for Tech and Civic Life election related expenses.

Council Delcourt asked for an update on the Dolloff Road matter that was brought up by residents last month's meeting.

Town Manager, Bill Giroux explained that there was an arrest of one of the residents at the property in question. Continuing, he explained that at least two of the junk cars have been removed and the resident appears to be working with the Code Enforcement Officer on the enforcement issues.

PUBLIC HEARINGS

There were no Public Hearings at this meeting.

CONSENT CALENDAR

There were no Consent Calendar items at this meeting.

UNFINISHED BUSINESS

There were no items of Unfinished Business at this meeting.

NEW BUSINESS

95-20 Authorize Town Manager to Execute a Release Deed to the Chapter 7 Bankruptcy Trustee for the Bankruptcy Estate of Burning Rose Land Development, LLC for Tax Acquired Property at 70 Ossipee Trail East (Tax Map 10, Lot 64) [Pomerleau]

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

Bill Giroux explained that this property went through bankruptcy, we received payment for taxes. The Town's legal counsel drafted the release deed that was needed for this matter.

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

WHEREAS, Burning Rose Land Development, LLC ("Burning Rose") acquired certain real property located at 70 Ossipee Trail East in Standish, which real property is further identified as Tax Map 10, Lot 64 and described in a deed recorded at the Cumberland County Registry of Deeds in Book 15971, Page 26 (the "Property"); WHEREAS, the Property became tax acquired by virtue of a municipal tax lien mortgage foreclosure effected by the Town on or about April 3, 2020; WHEREAS, Burning Rose filed a petition for relief under Chapter 7 of the United States Bankruptcy Code on June 12, 2020 in the U.S. Bankruptcy Court for the District of Maine; WHEREAS, Jeffery T. Piampiano (the "Trustee") is the duly appointed, acting, and qualified Trustee in the resulting Chapter 7 case of Burning Rose; and WHEREAS, Burning Rose, the Town and the Trustee have been cooperating in an effort to resolve the various claims relating to the Property, including the unpaid real property taxes, interest and costs relating to the Property; NOW, THEREFORE, in consideration of the above set of facts, the Town Council acts as follows:

ORDERED, the Town Council waives the requirement of disposing of real property acquired by nonpayment of taxes pursuant to § 70-5 of its Tax Acquired Property Policy due to the unique circumstances set forth above; and BE IT FURTHER ORDERED, that in consideration of reimbursement of outstanding and past due real property taxes relating to the Property, as well as of all interest and costs outstanding with respect to such past due real property taxes, the Town Manager is hereby authorized and directed to execute and deliver a release deed to the Trustee in substantially the same form as shown on the attached.

A copy of the deed is filed at the Town Clerk's Office.

VOTE: 7 Yeas

96-20 Amendments to Standish Town Code, Chapter 181 (Land Use) and Chapter 252 (Streets and Side Walks), Regarding Performance Guarantees [Leclerc]

Moved by Libby seconded by Leclerc and voted to dispense with the Town Clerk's reading of the ordinance amendments. (Unanimous)

Councilor Leclerc explained that these amendments clarify what needs to be included in the performance guarantees, he then read the following memo from town staff regarding this issue:

Town Council Memo

To: Standish Town Council
From: Town Staff
Re: Performance Guarantee Amendments in Chapter 181 and Chapter 252
Date: October 13, 2020

Earlier this year, staff discussed changes to the performance guaranty sections in both Chapter 181 and Chapter 252 that would provide greater clarity concerning the installation of infrastructure improvements required by the Town of Standish. Performance guaranties are used to secure the proper completion of all installation and maintenance related to road construction, storm drainage, utilities, fire ponds, monumentation, street trees, and other landscaping.

The purpose of the amendments is to specify exactly what infrastructure improvements are required and provides the Town greater authority to require these improvements whether the infrastructure remains private or is accepted by Town and become public.

Amendments from Chapter 181 and Chapter 252 are included as both chapters deal with performance guaranties and therefore it is necessary to bring both sections in conformity.

Councilor Leclerc cited section 181-71.3 which requires the applicant to provide snow removal on the streets until the legislative body has accepted the road. He noted that some councilors would like this requirement and other sections of the ordinance to be business friendly. LeClerc suggested that this ordinance is reviewed further.

Bill Giroux asked the Public Works Director if there would be any problem if these amendments were sent back to committee?

Roger Mosley said that would be acceptable.

Moved by LeClerc seconded by Libby voted to refer this ordinance to the Ordinance Committee for further review. (Unanimous)

97-20 Emergency Amendments to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Ordinance and Tables for the Maximum Levels of Assistance as provided by the Maine Department of Health and Human Services [Leclerc]

Bill Giroux explained that this is an annual housekeeping measure to update the General Assistance guidelines and is required by law.

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

Councilor Butler asked for clarification on this ordinance, why do they have to vote every year?

Town Manager, Bill Giroux explained that it's required by the state.

Councilor Gaba explained that the dollar values change each year and need to be adopted locally.

Chair Pomerleau called for additional comments from the Town Council, hearing none she called for the vote.

WHEREAS a new General Assistance Ordinance has been provided by the Maine Department of Human Services, and

WHEREAS the certain benefits become effective as of October 1, 2020 and a delay in adoption could affect the recipients of these benefits, now be it

ORDERED that the Town of Standish hereby ordains the following emergency amendments to the General Assistance Ordinance, effective immediately and stand automatically repealed as of the 91st day following adoption:

ORDERED that the model ordinance including tables for the maximum levels of assistance as provided by the Maine Department of Human Services, is hereby adopted, and

Note: A copy of the complete ordinance is on file at the Town Clerk's Office.

VOTE: 7 Yeas

98-20 Amendments to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Ordinance and Tables for the Maximum Levels of Assistance as provided by the Maine Department of Health and Human Services (Introduction) [Leclerc]

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

This ordinance moves to First Reading at the November 10, 2020 Town Council meeting.

99-20 Town Council Appointments of Election/Ballot Clerks and Confirmation of Town Clerk's Appointment of Deputy Election Warden [Delcourt]

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

ORDERED the following individuals are appointed to serve as ballot/election clerks through April 30, 2022:

Democratic Ballot Clerks

Carolyn Biegel
Jean Webber

Republican Ballot Clerks

Tina Finley
John Giberson

Unenrolled Ballot Clerk

Judianne Demers
Roy Theriault

ORDERED that the Town Council confirm the Town Clerk's Appointment of Janet Biczak to service as Deputy Election Warden through the June 2021 Elections.

VOTE: 7 Yeas

100-20 Acceptance of Street Name for Private Road Located off Deerfield Circle [Pomerleau]

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

ORDERED that following street name as submitted by the property owner is accepted by the Town Council, as required by the provisions of Chapter 252-23 of the Standish Town Code:

This a private road is located off Deerfield Circle:

Michelle's Way

VOTE: 7 Yeas

PUBLIC ITEMS

There were no public items at this meeting.

ANNOUNCEMENTS

Upcoming meetings were announced.

Chair Pomerleau noted that the Public Safety Committee raised enough money to purchase bikes and helmets for the annual drawing that's usually done at the Public Safety Fair. This year the they children can register online, and the drawing will be held on October 20.

EXECUTIVE SESSION

Moved by Pomerleau seconded by Libby and voted to move into an executive session for the discussion of personnel matters pursuant to 1 M.R.S. Section 405 (6) (A). Chair Pomerleau noted that there will be no other town business conducted after the executive session.

Moved seconded and voted to arise from the executive session. The Council arose from the executive session by unanimous consent and the meeting adjourned at 6:35 p.m.

Submitted by _____
Clerk/Secretary

Mary Chapin