

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, MAY 8, 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.

MINUTES OF PREVIOUS MEETING (S)

Moved by Nesbitt seconded by Sirpis and voted to amend page 5 of the April 3 minutes to change the Budget Committee recommendation number 34 as follows: ~~Recreation~~ Rich Memorial Beach - (Unanimous)
After this amendment, the minutes from the April 3rd and 10th Town Council meetings were accepted by unanimous consent.

PETITIONS AND COMMUNICATIONS

The Clerk noted that the town had received correspondence from Shawn Cavanaugh giving notice to the town that he has applied to Inland Fisheries and Wildlife to hold boat races on Watchic Lake on September 7th through the 9th.

REPORT OF THE TOWN MANAGER

*Representative Donald Marean provided an update on the marijuana legislation. Due to the emergency status of the bill, the legislation became effective immediately. Representative Marean highlighted changes to the law that came forward since the last time that he spoken to them, including: Residency requirement to apply for licensing - is 4 years, medical and adult use of marijuana will be under the umbrella of the Department of Administration and Finance Services, medical growers can sell to adult licensed growers to facilitate them getting up and running, licensing requirements, local control of adult marijuana facilities, personal use, funds available for enforcement, tax rate, rules to be written, and other matters. Representative Marean cited a recent newspaper article that said President Trump would support states that had adopted marijuana laws and that the United States Senate is discussing legislation to declassify marijuana as a scheduled drug.

Town Manager, Kris Tucker, questioned the Town's ability to charge licensing fees?

Representative Marean explained that the adopted law provides that towns can charge for some administrative costs related to retail sales facilities.

Councilor Sirpis questioned if that was allowed for medical facilities too?

Representative Marean said that it was for retail sales only, however future legislation will deal with medical marijuana facilities.

Councilor Higgins questioned if there would be state revenue sharing with the funds the state will collect on retail sales?

Representative Marean that there is not revenue sharing from funds collected related to retail sales.

*MSAD 6 - 2019 Budget Presentation was provided by Superintendent Paul Penna and Business Manager William Brockman. Mr. Penna highlighted the budget based on the student's needs. He explained the budget process, declining state funding, local budgetary funding, staffing needs, capital improvements, budgetary cuts, budget increases and other items.

William Brockman explained that they've received notification that the state funding for the upcoming year would be a million-dollars less than last year's funding. He explained budget cuts and changes in the state funding formula affects the towns. He noted that they are renovating the 3rd floor of the high school and making improvements to subsurface waste water system for the high and middle schools with funding for these improvements is coming from their Capital Account so bonding won't be necessary.

Councilor Sirpis questioned the number of busses in the fleet?

Mr. Brockman said that the school has approximately 65 busses, several need to be replaced.

Councilor Sirpis commented that based on last year's state funding deficient, they must have known that this year's budget would be reduced.

Mr. Brockman noted that they expected to receive the same funding as last year.

Councilor Delcourt mentioned that teachers often pay for classroom supplies from their pockets.

Councilor Higgins urged interested citizens to join the Budget Advisory Committee to learn more about the District's budget process.

Councilor Starostecki said based on his experience with school districts, they are doing a great job.

Mr. Brockman announced that the District Budget Hearing will be held on May 31 at the middle school.

Mr. Tucker noted the following:

- Route 35 construction continues with minimal delays for traffic.
- Steep Falls Fire Barn improvements are moving forward – they are ahead of schedule and under budget.
- St. Joseph's College America Corps member Heather Craig is working with residents on home weatherization projects. Heather can be reached at 314-520-5447.
- The Transfer Station staff is checking that vehicles have the annual sticker. Mr. Tucker mentioned that while recently at the Transfer Station he noticed that residents are throwing cardboard into the hopper rather than recycling, recycling will save tax dollars.
- Brush can be disposed of free of charge through the end of June.
- New assisted hearing equipment has been installed in the Town Council Chambers to improve the sound system. He thanked Debra Rogers for her assistance in this program.

PUBLIC HEARINGS

Informational Hearing for upcoming June 13, 2017 Municipal Referendum Questions

The Clerk noted the polling hours and read the referendum questions.

Fire Chief Caron explained that Question 1 relates to improvements to the station located here in this building. The width of the bay doors will be expanded to accommodate the size of the emergency vehicles that are currently built. Question 1 also includes improvements to a ladder truck to extend its use.

Councilor Nesbitt noted that the improvement to the ladder truck will extend its use.

Chief Caron announced that a new ladder truck would cost \$1.4 million, repairing the current truck will cost \$250,000, extending its use for up to an additional 18 years.

Recreation Director, Jen DeRice noted that Question 3 is regarding a grant was awarded to construct a playground at Standish Memorial Park. The grant award was \$53,600, the \$18,000 in the referendum question is for the additional funds needed to complete the project.

Scott Gesauldi, the Town's Finance Director explained that Question 2 is to upgrade the Assessing Department computer server which is several years old.

Town Manager, Kris Tucker explained that also included in Question 2 is funding for land for future municipal improvements if we find something we like.

Public Works Director, Roger Mosley explained that Question 4 includes replacing a used ¾-ton truck with a one-ton truck with a plow, it also provides replacing a front-end loader with a new front-end loader and a walk behind paint striper to do some striping in house. Mr. Mosley explained that Question 5 is regarding road improvements to include asphalt replacement, ditching, culvert replacements, and tree and brush removal as required on each road. Paving projects include the entire length of Boundary Road; Manchester Road from Route 113 to approximately Susan Drive; River Meadow's Circle, River Meadow's Drive; Warren Road from Route 35 to the Buxton town line. The last item is to install a guardrail on White's Bridge Road at the tight turn at the end of the road near the Windham town line. It will require a modified guardrail system due to the rock wall.

Councilor Nesbitt noted that the total amount to be bonded is \$1,826,005 with interest over the 10-year bond will bring the total cost to approximately \$2.1 million. He explained that we started this process when there was snow on the ground, so we're seeing what the land really looks like, if we decide as a Council that the land won't work we won't bond it. He said that the Council will still have to approve the bond at a later date.

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

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

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

Chair Pomerleau called for public comments.

Marie LaViolet thanked them for taking the time and effort to do this. She said that she wanted to live like a normal person again with peace and quiet. She said at this time they are still shooting there. Again, she thanked them for their efforts.

Byron Mitchell of the Boundary Road echoed Mrs. LaViolet's statements and thanked them for their efforts.

Wendy Nadeau Wagnis of Nature's Way thanked them for this effort. She said that when you're in your home and they detonate what sounds like a grenade and the windows rattle, it's ridiculous. She said that she appreciates everything that they're trying to do.

Chair Pomerleau called for Council comments.

Councilor Higgins said that this is an ordinance that has come forward to help solve the problems that have made life miserable for a good number of people that live in the area of this particular property. It's a town-owned pit, this ordinance is only specific to this one property. It doesn't affect any other place in town – it's just on this property. She said this is the effort that we need to move forward with to make this property off limits. This ordinance has fines, enforcement and will hopefully be the first big step in solving this problem that has gone on for so long.

Councilor Sirpis said that first he'd like to say to the folks that live in that neighborhood he is really glad that this matter will be resolved for them. He said that he wanted them to know that he cannot support this ordinance. He said that he'd like to explain why, when they met in workshop they agreed that the property would be posted for *No Discharge of Firearms*. After that meeting, we found out through the Town Attorney that we needed an ordinance. He said that the Town Attorney knows much better whether we need one or not, however he said that he spoke to the Maine Warden Service and he was told that the land could be posted for no discharge of firearms and that could be enforced. He noted that's one issue that he has, another is the way this is written, things were added in that were not discussed at the workshop. He said that another workshop was not held to talk about the changes. He said that pellet guns, air compressed guns, BB guns – those sorts of guns don't make the noise which had been the general problems in the area. Another issue that he noted was that this will go into effect immediately and we've not notified the public. He said that we have an obligation after we put this into play we need to post it up there that fines will be enforced. He said that the way that this is written someone could be summonsed tomorrow even though it's not yet posted. He hoped that we'd do our due diligence to post the property. He said that while he understands the problem and he feels for them, but he cannot support the ordinance.

Councilor Delcourt noted that Councilor Higgins said this is the first-step, he said that's exactly what he didn't want to hear, if it means that it's the first-step for this being started in other places in town, he said that's not going to happen. He said that those people don't deserve to live in that mess, but he won't support banning guns in the whole town.

Chair Pomerleau asked if we have the signs.

Town Manager, Kris Tucker explained that we are waiting to hear from legal counsel for the correct wording, then signs will be ordered. He said that the enactment will begin once the property is posted.

Councilor Sirpis said if that is the case he would like to offer an amendment.

Councilor Higgins said that she would like to correct her statement. She said when she said the first-step she was referring to the first-step in solving this one properties issues.

Moved by Sirpis to amend this ordinance to state that it won't become effective until the property has been posted.

Councilor Libby called for a *Point of Order*, noting that an amendment, would start the process over.

Councilor Sirpis said that he would withdraw his motion, however if this ordinance passes he would direct the Town Manager that the property be posted before any fines are levied.

Kris Tucker said that was his intent.

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

VOTE: 6 Yeas – 1 Nay, Sirpis

36-18 Application Submitted by St. Joseph's College for Renewal of a Malt, Spirituous and Vinous Restaurant License and a Qualified Catering License [Pomerleau]

Moved by Sirpis seconded by Nesbitt and voted to dispense with the reading of the order. (Unanimous)

Chair Pomerleau noted that this is a renewal of the license.

The Chair called for public comments. Hearing none she called for Council comments. Hearing no Council comments, the Chair called for the vote and the hearing was closed.

VOTE: 7 Yeas

COMMITTEE REPORTS

Councilor Nesbitt – Finance Committee – met on June 4 to review the Period 10, noting that we are approaching the end of the fiscal year. He explained that revenues are on track, expenditures are on track, however there are three departments that they are looking closely at: General Admin, Employee Benefits and Building Maintenance, all due to unexpected occurrences. He went on to say that the committee is reviewing town owned properties to see if they will bring any forward for sale. A decision will be brought forward on the June agenda to deal with the tax-acquired properties.

Councilor Starostecki – PWD Steering Committee – he did not have a report from the PWD Steering Committee.

Councilor Libby – Capital Improvements - met last week, a number of items will be discussed on this agenda.

Councilor Delcourt – Personnel Committee – met last Thursday to draft a review for the Town Manager. The Committee will meet again this Thursday at 4 p.m.

Councilor Higgins – Ordinance Committee – met for the second time in April to work on the sign ordinance and sprinkler options for fire control in new construction. They have two items in legal review and the next meeting will be held on May 15 at 7 p.m.

Councilor Higgins – Recycling Committee – the Committee participated in an Earth Day event at the Transfer Station handing out recycling informational materials. She said that it was heartening to see how much recycling is being done. She brought to their attention the tightening market on recyclables, and how the market is affected more due to the contamination of the recyclables. We all need to be aware of this and include only recyclable items in the recycling container.

Councilor Sirpis – Economic Development Committee – will meet this month on May 24 at 8 a.m. They continue invite local businesses to attend their meetings. The Committee is investigating way to draw new businesses to Town.

CONSENT CALENDAR

The Clerk explained that the Consent Calendar items are read by title only and voted on collectively.

37-18 Change Date of Regular Council Meeting in June to June 5, 2018 [Pomerleau]

38-18 Counter-sign the MSAD 6 District Warrant and Budget Validation Referendum Warrant [Pomerleau]

39-18 Town Council Appointments to Various Board or Committees [Pomerleau]

40-18 Utility Location Permit – Central Maine Power Company – Boundary Road [Pomerleau]

41-18 Acceptance of Street Name – Champagne Lane [Pomerleau]

VOTE ON CONSENT CALENDAR ITEMS: 7 Yeas

UNFINISHED BUSINESS

29-18 Amendment to Standish Town Code, Chapter 181, Land Use, Section 181-7.1, Form Based Code Village Districts (FBCVD) Regarding Car Wash Village (First Reading) [Higgins]

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

The Chair called for public comments. Hearing none she called for Council comments.

Councilor Sirpis explained that he visited the facility to see exactly what was proposed in regard to the car wash. He said that the facility is well kept, the plan in place to build the car wash is needed in town, he will support this ordinance.

Councilor Higgins said that this is another tweak to the Form Based Code provisions to allow an added use in the Town Main Street Scape. She said what she liked about the plan that has been brought forward, is

that there is no septic system, it's a self-contained system that's environmentally friendly. She said that she supports this amendment.

Councilor Nesbitt said that this is not just for this applicant. This is for all of the Town Main Street Scape designated streets.

Hearing no additional Council comments, the Chair called for the vote.

VOTE TO MOVE THE ORDINANCE ON TO PUBLIC HEARING AT THE JUNE MEETING: 7 Yeas

NEW BUSINESS

42-18 Amendment to Fee Schedule – EMS Fees [Nesbitt]

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

Councilor Nesbitt explained that this was discussed in the Finance Committee with input from the Fire Chief bringing the town closer to the fees that are being charged in locally for these services.

Chief Caron noted that this is the first increase since 2013 explaining that the cost of doing business has increased during this period. He said that the billing company suggested a \$200 increase per category, but a \$100 was chosen to keep us in line with neighboring towns. He reported that a new line was added to charge for medication administration with no transportation for meds such as Narcan or diabetic mediations.

Councilor Delcourt explained that he recently was transported by ambulance, the charge would have been \$1,200. But, as an EMS subscription subscriber he didn't pay out of pocket, noting the subscription fee of \$15 was money well spent.

Councilor Sirpis asked Chief Caron if they considered increasing the subscription fee?

Chief Caron said that idea was discussed at the Finance Committee meeting, a final decision will be made later before tax bills are mailed, since a subscription form is mailed with the tax bills.

The Chair called for public comments. Hearing none she called for Council comments, hearing no additional Council comments, she called for the roll.

VOTE: 7 Yeas

43-18 Authorize Finance Director with Assistance from Town Attorney to Enter into Settlements with Taxpayers who have Outstanding Personal Property Taxes that have been Brought to Small Claims Court in Accordance with the Town's Personal Property Collection Policy [Nesbitt]

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

The Chair called for public comments. Hearing none she called for Council comments.

Councilor Nesbitt explained that this is coming through our Personal Property Policy. This is the first-time through under the guidelines of the policy. Ratification of this order will allow the Finance Director to move forward on the remaining accounts that have not been paid.

Councilor Starostecki questioned if this needed to be amended since it has a colon end?

Finance Director, Scott Gesauldi said that it did not.

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

VOTE: 7 Yeas

Councilor Sirpis questioned if orders 44-18 through 50-18 can be handled together?

Councilor Higgins said that each one needs to be amended to add the bid amount.

44-18 Award Bid and Authorize Contract for Roof at Steep Falls Fire Station [Libby]

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

Councilor Libby explained that this part of the Steep Falls Fire Station rehab. He noted that a few things came up that need to be added to the project.

Chief Caron explained that it was part of the original bid, initially it was thought that minor repairs to the exiting roof could be done since the roof isn't that old. However, with the chimney replacement and other areas that needed repair, a new roof is required.

Moved by Libby seconded by Sirpis and voted to amend the order to award the bid to PY Estes at a cost not to exceed \$29,835. (Unanimous)

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

VOTE ON ORDER AS AMENDED: 7 Yeas

45-18 Award Bid and Authorize Contract for Public Works Grader Painting [Libby]

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

Councilor Libby noted that only one bid was received and it's reasonable.

The Director of Public Works, Roger Mosley explained that the vendor that submitted the bid offered some recommendations, such as removing the glass to sandblast the frames and sandblast the tunnel where the hoses run through.

Chair Pomerleau called for additional Council comments.

Councilor Higgins asked for clarification regarding the disclaimer for broken glass, she wondered what the cost of the glass would be if replacement is needed?

Roger Mosley said that the hope was that none would be broken, however the cost is unknown.

Councilor Nesbitt asked what the extension of the life of the grader would be with this work being done?

Roger Mosley said easily another 10-years.

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

VOTE: 7 Yeas

46-18 Award Bid and Authorize Snow Plowing Contract - Route 2 [Libby]

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

Councilor Libby explained that bid went out for both routes, however, the bid for Route 1 was withdrawn so that needs to be rebid.

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

VOTE: 7 Yeas

47-18 Award Bid and Authorize Contract for Paving of Cape Road and Chelsea Drive [Libby]

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

Councilor Libby said that the order speaks for itself, FR Carroll was the low bidder and a company that we've done business with in the past.

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

VOTE: 7 Yeas

48-18 Award Bid and Authorize Purchase of Two Roll-off Containers [Libby]

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

Councilor Libby explained that we are in need of new roll-off containers.

Roger Mosley noted that one is a replacement and the other is for overflow on busy weekends.

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

VOTE: 7 Yeas

49-18 Award Bid and Authorize Contract for Plow Truck [Libby]

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

Moved by Libby seconded by Higgins to add the name of Freightliner of Westbrook to the order.

Roger Mosley noted that the original bid was \$144,625, during discussions, three items came forward: adding step onto the dump body, a shovel holder, under coating the frame and dump body, tilt steering wheel, Nylon wheel guards, and extended warranty coverage. The updated bid amount is \$152,462.

Moved by Libby seconded by Higgins to add the name of Freightliner of Westbrook to the order. (Unanimous)

Chair Pomerleau called for additional Council comments.

Councilor Starostecki asked when these vehicles will be in service?

Roger Mosey said that this vehicle will be in service in March of next year.

Councilor Nesbitt asked what was the budget approval for this vehicle?

Roger Mosley said \$170,000.

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

VOTE: 7 Yeas

50-18 Waive Bid and Authorize Contract for Mower for Recreation Department [Libby]

Moved by Sirpis seconded by Delcourt Sirpis and voted to dispense with the reading of the order. (Unanimous)

Recreation Director, Jen DeRice explained that providing the grounds upkeep in-house is provided in the upcoming FY19 budget. She said to keep the current vendor through the end of the fiscal year will cost about half of the cost of the mower. The department researched various mowers that will fit our needs, two local vendor information is backup materials to the order. She noted that the account numbers of the order need to be amend:

Beach Contractual Account – 611-52090

Parks and Facilities Maintenance Account – ~~611-~~ 610

Building Maintenance Account – 170-52090

Moved by Nesbitt seconded by Starostecki and voted to amend the order as follows:

Beach Contractual Account – 611-52090

Parks and Facilities Maintenance Account – ~~611-~~ 610

Building Maintenance Account – 170-52090 (Unanimous)

Chair Pomerleau called for additional Council comments.

Councilor Sirpis asked if there was a penalty for cancelling the contract with the current vendor?

Jane DeRice said there is not.

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

VOTE ON ORDER AS AMENDED: 7 Yeas

51-18 Authorize Standish Fish and Game Club to Utilize the Town Property the Sebago Lake Station Landing on July 14, 2018 as a Registration Site During the Club's Touge Derby [Libby]

Moved by Libby seconded by Nesbitt and voted to amend the time from 7 a.m. to 5 a.m. (Unanimous)

Councilor Libby explained that this will allow last minute entries to the tournament.

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

VOTE ON ORDER AS AMENDED: 7 Yeas

PUBLIC ITEMS

Councilor Sirpis said that he will throw his hat into the ring for the position of Town Council Chair and asked for their support.

ANNOUNCEMENTS

Councilor Delcourt said that with the new audio equipment he's heard very word spoken tonight.

Councilor Libby said that he's been appointed to the regional committee of GPCOG, it's an advisory committee for regional cooperation on various projects or plans.

Several upcoming meetings were announced.

EXECUTIVE SESSION

An executive session was not needed at this meeting.

ADJOURN

Moved by Nesbitt seconded by Starostecki and voted to adjourn. The meeting adjourned by unanimous consent at 9:32 p.m.

Submitted by: _____
Clerk/Secretary