

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, NOVEMBER 1, 2016
STANDISH MUNICIPAL CENTER
7:00 PM**

CALL TO ORDER

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

ROLL CALL

Councilors present: Blanck, Delcourt, Higgins, Nesbitt, Pomerleau, Sargent and Sirpis.

Chair Nesbitt explained that a utility pole location application came in after the agenda was set, so it needs to be added by unanimous consent.

Moved seconded and voted to add order 118-16 regarding a utility location permit on Cole Hill Road to the agenda. (Unanimous)

MINUTES OF PREVIOUS MEETING (S)

The minutes from the October 11 and October 25 Town Council Meetings were accepted as presented by unanimous consent.

PETITIONS AND COMMUNICATIONS

The clerk announced that the following communications had been received:

- Email from Paula Paul the Librarian at the Steep Falls Library inviting the Town Council to join them at their open house on December 10 to see the renovations that have been done at the library.
- Email from Lynn Olson voicing concerns regarding real estate tax breaks being considered for residents of Frye Island.

These emails can be reviewed at the Town Clerk's Office.

REPORT OF THE TOWN MANAGER

Town Manager, Gordon Billington introduced Frank Holcomb of the Public Safety Committee who presented an update on the recent Public Safety Fair.

Mr. Holcomb explained that on Saturday, October 15 the committee held its 16th annual fair. He explained the highlights of the fair which included, many public safety exhibits, give-a-ways and local businesses providing displays. He thanked the many businesses that donated items to the fair, he continued by thanking the volunteers, committee members, Standish Fire/EMS, Town Council and the exhibitors for their efforts in making the fair a success.

Councilor Sirpis thanked them for an outstanding job.

Chair Nesbitt noted that he was able to attend the fair which he enjoyed thoroughly.

Councilor Sargent reminded the public that this is the right time of year to check smoke detectors, have chimneys cleaned and make sure that you wear proper clothing when in the woods during hunting season.

Mr. Billington's report included the following:

- Peter Arnemann's last day as the town assessor was today, a luncheon was served and Peter was presented with a gift from his fellow employees.
- Joseph Merry the new assessor will start tomorrow.
- Justin Dresser was hired today as the Animal Control Officer.
- Town employee, Janet Biczak's brother passed away unexpectedly.

PUBLIC HEARINGS

102-16 Amendment to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Tables for the Maximum Levels of Assistance as provided as Provided by the Maine Municipal Association [Nesbitt]

Moved by Sargent seconded and voted to dispense with the clerk's reading of the ordinance. (Unanimous)

Chair Nesbitt explained that this is an annual update to the ordinance which provides benefits to general assistance recipients.

Chair Nesbitt called for public discussion. There was none.

Chair Nesbitt called for council discussion. There was none.

After a public hearing without public or council discussion the town council voted on the ordinance amendment and the hearing was closed.

VOTE: 7 Yeas

111-16 Application Submitted by RBF, LLC dba O.Dans Public House for a Class I, II, III and IV Restaurant License Located at 1 Ossipee Trail East [Nesbitt]

Chair Nesbitt explained that this is a new business in town.

Chair Nesbitt called for public discussion. There was none.

Chair Nesbitt called for council discussion.

Both Mr. Billington and Councilor Sirpis questioned what types of liquor would be served.

The clerk said that the order was based on the way the applicant completed the application. In addition, the clerk noted that the class on application indicates what type of permit is allowed. The applicant agreed that was the case.

After a public hearing without further public or council discussion the town council voted on the application and the hearing was closed.

VOTE: 7 Yeas

112-16 Application Submitted by RBF, LLC dba O.Dans Public House for a Special Amusement Permit Located at 1 Ossipee Trail East [Nesbitt]

Chair Nesbitt called for public discussion. There was none.

Chair Nesbitt called for council discussion.

Councilor Higgins questioned the hours of operation of the live entertainment.

Steve Burgess an owner of O.Dans Public House explained that entertainment will be there Wednesday through Saturday until 10 pm.

Chair Nesbitt noted that their hours of operation will be from 11 am until 11 pm.

After a public hearing without further public or council discussion the town council voted on the application and the hearing was closed.

VOTE: 7 Yeas

113-16 Final Determination of Legal Status of a Portion of Pond Road f/k/a/ the Shore Road, Pursuant to 23M.R.S.A. Sec. 3028(2) After Public Hearing [Sargent]

Councilor Sargent went on a site walk at the location, however, he was unable to attend the official site walk. He said that although this section of was discontinued a number of years ago the town continued to provide maintenance and plowing on the section of the road. He said it's time to put it back with the town.

Chair Nesbitt called for public discussion. There was none.

Chair Nesbitt called for council discussion.

Councilor Sirpis questioned if any of the abutters that had been notified were opposed to the proposal.

Chair Nesbitt said that there had been no comments to his knowledge.

Councilor Sirpis said that he took a look at the area and thinks it's a win/win for everyone concerned.

Councilor Higgins said that the improvements will be made to town standards at no expense to the town which is a win/win situation. The process will improve travel in the area and allow maintenance to be provided at a better level.

Roger Mosely said as a 30-year employee of the town, to his knowledge the town has provided winter maintenance during that time.

Gordon Billington reported that when completed the width of the road will be similar to the other section of Pond and Thomas Roads.

Councilor Sargent suggested that the next order be taken at this time.

Chair Nesbitt explained that this is a hearing and should be dealt with separately.

Chair Nesbitt called for further council discussion, seeing none he called for the vote.

After a public hearing without further public or council discussion the town council voted on the order and the hearing was closed.

VOTE: 7 Yeas

COMMITTEE REPORTS

Councilor Sirpis – **Economic Development Committee** will meet on November 18. Caroline Paris of GPCOG join them to discussion strategies and a vision for the future for the town's economic growth. He said that the committee will continue to review broadband service options that may be affordable for residential use and are asking for feedback regarding broadband service.

Councilor Sirpis then read the following Frye Island Cost Sharing Committee Report into the record:

Frye Island Cost Sharing Committee Report

November 1, 2016

The purpose of this report is so that it can be read into the public record at the Standish Town Council meeting.

Councilor Michael Delcourt and I attended two Cost Sharing Meetings as the Standish Representatives long with four other communities in the District. While we attended these meetings with the intention of having an open mind, we were not able, in good faith to vote to reduce the share of burden for Frye Island's percentage of taxes to SAD #6.

Frye Island became part of the Town of Standish on November 30, 1785. The residents ask to secede and became a town on July 1, 1998. Part of the agreement was Frye Island would continue to pay their share of SAD #6 tax burden even though they were no longer part of Standish and even though they have never sent a student through the school system.

At the first meeting (September 28, 2016) there were three proposals introduced as suggestions. These proposals were 90/10, 80/20, & 70/30 and were a starting point. At that meeting there was a lot of discussion and sometimes it got slightly heated, ultimately the goal was to attempt to reach a fair & equitable solution for all communities in the District to help with Frye Island's request to reduce their taxes for SAD #6. The committee was led by a facilitator who advised he would take all of the info discussed at the first meeting and bring it back to the second meeting with a proposal, at that point the committee would decide if they wanted to accept the proposal, amend the proposal, or reject the proposal.

At the second meeting (October 18, 2016) we had the opportunity to ask the Frye Island Reps many questions, many of which it appeared they didn't want to answer or they didn't answer to the best of their ability. We were given a proposal of a 70/30 split, 70% valuation, 30% student attendance as a starting point, if an agreement could be reached the proposed order would go to referendum in each municipality for voter approval, after much discussion that proposal was defeated 11-3 and did not move forward. Frye Island also voted against the proposal, clearly this meant they wanted a bigger tax relief formula.

It was evident that the entire group (excluding the Frye Island Reps) were not in favor of any type of relief since the proposal for no change was passed 11-2 (Frye Island).

Below are some of the reasons Councilor Delcourt and I decided to defeat the measure:

Most Frye Island property owners are residents elsewhere and these properties are second (and in some cases) third homes.

There are 10-12 properties valued at, at least a million dollars on the island

They also have a golf course, driving range, marina, and a ferry as assets

They have the well to do to own these amenities yet claim they can't afford school taxes and are concerned the island can't/won't sustain itself

The have future expansion for 200+ homes on the island

Standish has property owners on Sebago Lake that pay Standish school and municipal taxes yet are residents elsewhere

We have Standish residents struggling to pay taxes on their sole home

They want to take much needed education dollars away from our kids

They fully expect the municipalities in the District to cover part and/or all of their share when these other communities in the District are struggling to get by

In conclusion it would appear that Frye Island did not come to the table in good faith, they will blame this defeat on the facilitator and a biased committee that had no intent in helping Frye Island with tax relief. Frye Island did not offer a counter proposal of any kind.

From the Frye Island News Service Dated October 21, 2016

Submitted by Gary Donahue

Town Manager Frye Island

S.A.D. #6 1301 Process

On October 18th Jim Moses (MSAD School Board Rep) and I went to the second and final meeting of the 1301 process. The 1301 process was voted down at this meeting. The group did not even allow the process to move to a referendum vote of their people in the respective towns. It was obvious to me that the Facilitator was not working toward an equitable solution. The entire meeting was biased toward keeping the status quo. The reports in local news were also slanted. At no time in any of the meetings or conferences about school tax relief, did any member of the Frye Island group state we did not want to contribute to education because of our no student status. Even the models offered for relief that were voted down, would not have remotely provided the relief we need. Below is a little history to date.

In October of 2014, I was advised by the MSAD school board that if we wanted any school tax relief for Frye Island, I should go to the legislature. We then voted as a Town to hire Preti Flaherty as our lawyers.

We presented a bill to the legislature LD 1082. This bill would provide tax relief for SAD6 and SAD44 and also allow Frye Island the option to withdraw from its school district. This bill received a unanimous vote from the Education and Cultural Affairs committee. Later in the voting, this bill was defeated on the floor of the legislature. We were then advised to work with the local school board for relief. Governor LePage sent a letter to the MSAD board requesting they revisit their cost sharing formula. We entered in the 1301 process in good faith and the members from all four other towns voted against the process. At this point, we are looking at other options for a solution. We must continue to resolve this issue. I will be returning to Augusta to report the results of 1301. The legislature will now have no option but to work to resolve our problem. This has been a long two years, but we cannot sit back, we must move forward. LD 500 needs to be repealed. No

single town in the State of Maine should be burdened with no options or opportunities for change. The Town of Frye Island should have the same rights as any other town in the state.

Councilor Delcourt and I believe this issue has not been resolved and we fully anticipate further action from Frye Island.

Respectfully Submitted,

Greg T. Sirpis
Standish Town Council
SAD #6 Cost Sharing Committee

Michael Delcourt
Standish Town Council
SAD #6 Cost Sharing Committee

Councilor Sirpis said another thing that he wanted to discuss regarding this issue, is that he would like to send a letter to the governor. The town manager thought that we should wait sending a letter pending what the residents of Frye Island's next move on this matter. He said that he agreed to that at the time, however, in light of the article, he would ask if this, is the time, to draft a letter to the governor. If the Council prefers to wait, he and Councilor Delcourt will send a copy of this report to the governor's office.

Councilor Higgins – **PWD Steering Committee** - announced that they are working on scheduling a meeting to discuss the Routes 35/237 intersection and further improvements to that location.

Councilor Higgins – **Recycling Committee** – They have a new member, however, they still need community members to fill some vacancies, and interested individuals can contact Mary Chapman. The committee will be looking into composting options that surrounding towns are utilizing. Composting will cut down the weight that goes into the transfer station, which will save the town money. The committee will bring forward recommendations if the program looks feasible. She reported that the recycling numbers are holding steady, but we could do better. She encouraged residents to contact the committee with ideas regarding recycling incentives. She noted that the yearly calendar contest has begun, calendars should be available at the end of December. Finally, a reminder that the town is accepting the donation of bottles and cans to be used in the Bottle's for Fuel Program.

Chair Nesbitt – **Finance Committee** – will meet November 7 at 4 pm to review October's financials.

Chair Nesbitt – **Beach Committee** – will meet Thursday, November 3 at 7 pm.

Councilor Sargent – **Capital Improvements Committee** – there was no meeting held this past month.

Councilor Blanck – **Ordinance Committee** - A meeting wasn't held due to too many scheduling conflicts. The next meeting will be held two weeks from tonight.

Councilor Pomerleau – **Public Safety Committee** – She said that Frank did a great job highlighting the Safety Fair. She also corrected a statement regarding the donation of bike safety helmets, she had noted that the Steep Falls Library had made the donation, however, it was actually the Library Board of Trustees.

CONSENT CALENDAR

There were no items on the consent calendar.

UNFINISHED BUSINESS

There were no items of unfinished business on this agenda.

NEW BUSINESS

114-16 Acceptance of a Gift, Pursuant to 30-A M.R.S.A Sec. 5654, to Construct to Town Road Standards, at no Cost or Expense to the Town, that Certain Portion of Pond Road Recently Determined by the Town Council to have become a Town Road by Prescription [Sargent]

Council Sargent echoed previous comments that this is a win/win proposal.

Chair Nesbitt clarified that the town just determined the status of the road that the public hearing held earlier in the meeting. By accepting this gift the section of road, the road will be brought up to town standards at no expense to the town.

Chair Nesbitt called for public discussion. There was none.

Chair Nesbitt called for additional council discussion. There was none.

VOTE: 7 Yeas

115-16 Town of Standish Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs [Blanck]

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

Councilor Blanck explained that this will provide the town with the time to review ordinances to see what meets the town's needs, if the vote next week passes.

Chair Nesbitt called for public discussion.

Frank Holcomb of Island Drive said that he encouraged them to watch a recently aired 60-Minutes report on this issue. It was an eye opening report that many may enjoy seeing regarding the Colorado's marijuana issues since adopting their laws.

Mr. Holcomb then mentioned that he wanted to give a shout out to Howard Brown the Community Policing Officer who works with the Public Safety Committee. He noted the Deputy Brown has stepped up to the plate and really has been an asset to the committee.

Councilor Higgins fully supported this moratorium. She said that this is necessary to give us the opportunity to have local control in place if the state referendum passes.

Councilor Blanck noted a neighboring town already has an establishment opened under the guise of a medical marijuana business.

Councilor Sargent said that the polls indicate that the referendum will pass, this will give us the opportunity to have our ordinance in place.

Mr. Billington said that he concurred with Mr. Holcomb's thoughts on the 60-Minutes piece regarding Colorado's problems regarding unintended consequences of the legalization of marijuana. He said that the piece noted that illicit marijuana sales have not decreased, but have actually increased since their law change.

Councilor Higgins noted that there have been many good newspaper articles and news spots regarding what might happen if this passes. She explained that in some cases the medical marijuana doesn't give the high that recreational marijuana does. This could be a concern for patients.

Chair Nesbitt noted that the Planning Board will hold a public hearing in this matter since it deals with land use. In addition, if necessary, the Moratorium can be extended for an additional 6-months if the town has made a good faith effort to draft the ordinance.

Chair Nesbitt called for additional council discussion. Seeing none he called for the vote.

VOTE: 7 Yeas

116-16 Town Council Appointment of Ballot/Election Clerks [Pomerleau]

Chair Nesbitt called for public discussion. There was none.

Chair Nesbitt called for Council discussion.

Councilor Delcourt asked why there were more democrats than republicans.

The Clerk explained that these names are new ballot clerks to be added to the existing list.

VOTE: 7 Yeas

117-16 Authorize Finance Director to Issue Municipal Quit Claim Deed to Dan Gillis [Nesbitt]

Moved by Sargent seconded by Blanck and voted to dispense with the Clerks reading of the order.
(Unanimous)

Chair Nesbitt explained that Mr. Gillis has paid all the back taxes that were due and this fiscal year.

Chair Nesbitt called for public discussion. There was none.

Chair Nesbitt called for further Council discussion. Seeing none he called for the vote.

VOTE: 7 Yeas

118-16 Utility Location Permit – Standish Telephone Company of Maine/Fairpoint Communications – Cole Hill Road [Nesbitt]

Public Works Director, Roger Mosley explained that this is to service one new home and is consistent with other polls in the area.

Chair Nesbitt noted that this needs to be added to allow for construction to continue.

Moved by Sirpis seconded by Sargent and voted to amend the order by adding the project number 125216141113451. (Unanimous)

Chair Nesbitt called for public discussion. There was none.

Chair Nesbitt called for additional Council discussion. Seeing none he called for the vote.

VOTE: 7 Yeas

PUBLIC ITEMS

There were no public comments.

Councilor Sirpis encouraged all eligible residents to vote next Tuesday.

ANNOUNCEMENTS

Several upcoming meetings were announced.

EXECUTIVE SESSION

An executive session was not needed at this meeting.

ADJOURN

Moved seconded and voted to adjourn. The meeting adjourned at 7:54 pm by unanimous consent.

Submitted by: _____
Clerk/Secretary