

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, NOVEMBER 14, 2017
STANDISH MUNICIPAL CENTER
7:00 PM**

CALL TO ORDER

The meeting was called to order by Chair Pomerleau and Pledge of Allegiance was led by Gordon Billington.

ROLL CALL

Councilors present: Delcourt, Higgins, Libby, Nesbitt, Pomerleau, Sirpis and Starostecki.

The Clerk explained that this was Mr. Billington's final meeting sitting as Town Manager. On behalf of the Town of Standish the Clerk thanked Mrs. and Mr. Billington their years of service to the town.

Chair Pomerleau on behalf of the Town Council thanked Mr. Billington for his years of service years.

EXECUTIVE SESSION

Moved by Nesbitt seconded by Libby and voted to move into an executive session for the purpose of discussion of personnel matters pursuant to 1 M.R.S.A. §405(6) (A). In addition, Scott Gesauldi, Joseph Merry and Gordon Billington will attend the session. (Unanimous)

Moved seconded and voted to arise from the executive session. The Council arose from the executive session at 7:10 p.m. and continued the meeting agenda.

Chair Pomerleau noted that the meeting will conclude at 10:30 p.m. this evening, noting that all public speakers will be allowed to speak once, limited to three-minutes per agenda item. Town Councilors will be limited to speaking twice on an agenda item for three-minutes per time.

MINUTES OF PREVIOUS MEETING (S)

The minutes of the October 6th, 10th and 17th Town Council Meetings were accepted as presented by unanimous consent.

PETITIONS AND COMMUNICATIONS

The Clerk noted that a number of emails had been received regarding the Fish and Game Club and will note them at the time the order is discussed.

REPORT OF THE TOWN MANAGER

Mr. Billington noted that due to the length of the agenda the department head presentation scheduled for this evening will be postponed to a later date.

- From the Code Enforcement Office – 50 % more building permits have been issued this year over last year. The CEO will be going out on medical leave later this month. There is an order on the agenda to appoint an alternate CEO. Mr. Hill will be set up with a VPN to have the ability to work from home.
- From the Planning Department – the planner continues to work on the Impact Fee Ordinance that will impose impact fees on new development. Those funds will be placed in

a dedicated fund for improvements to the intersection of Routes 25/35. After the Route 23/35 intersection is improved they will review the Route 114/35 intersection.

- The Acres of Wildlife Campground has been under Code Enforcement review for well over a year based on construction being done without permits and not meeting building standards. The town has put requirements on them that to obtain engineering/architectural drawings for each of the structures in the event we can solve the zoning issues. Buildings were built too close together for the zone that they are located in. Acres of Wildlife was requested to come forward with a proposal for the zoning issues, but have yet to do so. Mr. Billington suggested that a deadline be established for them to come in with the contract zoning requirements, if that is missed, then the town will start action regarding the violations.
- From Public Works – the recent storm has created a lot of clean-up for the department. In addition, the department has done the clean-up on a tax-acquired property located at 593 Bonny Eagle Road.

The roundabout at Manchester Road and Route 25 is scheduled to be funded in the 2019 state budget and started at that time.

- From Finance – earlier this fall the town’s auditors completed their onsite visit. The auditors will make their presentation at the December Council meeting.
- From the Fire Department – the department was very busy during the recent storm. With 11 people on duty, they responded to two structural fires and 123 calls in three-days. He noted that there is a very dedicated group volunteers in the Fire Department.

We’ll soon be receiving the new Engine-1, it was built in Florida, it is now in Massachusetts bring outfitted with gear and painted. It should be delivered within the next few weeks, it will be a welcome addition with its expanded water carrying capacity.

PUBLIC HEARINGS

100-17 Amendment to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Ordinance and Tables for the Maximum Levels of Assistance as provided as Provided by the Maine Municipal Association [Pomerleau]

Chair Pomerleau called for public discussion. There was no public discussion.

Chair Pomerleau called for Council discussion, hearing none she closed the public hearing and called for the vote.

VOTE: 7 Yeas

COMMITTEE REPORTS

Public Safety Committee – Safety Fair update was presented by Frank Holcomb thanked all that participated in the 17th Annual Public Safety Fair. VIP’s provided a child ID program, the Maine Warden Service had a Project Game Thief informational trailer and the Cumberland County Sheriff’s Department provided a K-9 demonstration. The Maine Forest Service, Portland Water District and

many town departments provided displays. A pumpkin ride was taken through the field with each child receiving a pumpkin and a bag full of goodies. Poland Springs donated water and Sure Winner Foods donated ice cream. Domino's Pizza, Standish Trailer Sales, Standish Hardware, Town Councilors, committee members and others donated cash to purchase 10 bicycles. A supply of helmets was also donated to the fair. He thanked the Fire Chief, Councilor and Mr. Pomerleau, committee members and volunteers that work on the Safety Fair. He said that he's looking forward to next year's fair.

Councilor Nesbitt said that it was a great event.

Councilor Sirpis thanked Frank Holcomb and his team for the great job that they do with the Safety Fair year after year.

Councilor Sirpis announced that the Economic Development Committee will not meet this month. Their next meeting will be December 14 at 8:30 a.m.

Councilor Higgins noted that the Recycling Committee had a display in the lobby on Election Day highlighting recycling and composting. The art work from local school children has been selected for the annual Standish Recycling Calendar. The calendars will be available in mid-December. Due to the recent storm, at the Transfer Station disposal of brush and storm debris will be free of charge through November 28.

Councilor Higgins reminded all the Bottle for Fuel program is available residents and that donations are always accepted.

Councilor Higgins explained that the Ordinance Committee will meet next week to set their priorities regarding ordinances, sign regulations and finishing-up with village zoning.

Councilor Delcourt noted that the Finance Committee meeting was postponed due to the election and the Appointments Committee met earlier this evening to conduct interviews. He explained that the Personnel Committee will meet in December with employees to discuss benefits. In addition, tonight they had an Executive Session regarding personnel matters.

Chair Pomerleau explained that she will be bringing forward individuals for committee appointments later on the agenda.

Councilor Libby stated that the Capital Improvements Committee met to discuss items that will be brought forward at a later time.

Councilor Starostecki said that there was not a report from the Portland Water District Steering Committee.

Councilor Nesbitt noted that the Finance Committee met and discussed finances through September. He announced that all revenues and expenses are where they should be, the auditors were here recently and will present their full report at the December Council Meeting.

CONSENT CALENDAR

There were no consent Calendar items on this agenda.

UNFINISHED BUSINESS

The Clerk explained that the unfinished business items all pertain to roads, at this time two should be indefinitely postponed and two should be acted upon.

Moved by Sirpis seconded by Nesbitt and voted to indefinitely postpone orders 74-17 and 75-17. (Unanimous)

74-17 Road Acceptance Request Submitted by Shadow Woods, LLC for a Portion of Woodrow Drive [Pomerleau] (Postponed at the July 2017 meeting pending additional information)

75-17 Road Acceptance Request Submitted by Thompson Development, Inc. for a Portion of Lindsey Drive [Pomerleau] (Postponed at the July 2017 meeting pending additional information)

76-17 Road Acceptance Request Submitted by JoJo's LLC for a Portion of Nature's Way [Pomerleau] (Postponed at the July 2017 meeting pending additional information)

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

Moved by Sirpis seconded by Nesbitt and voted to amend the order by adding the length of 1,740 as the distance to be accepted. (Unanimous)

Chair Pomerleau called for public comment on the amendment, hearing none she called for Council comments.

Councilor Nesbitt questioned the Public Works Director if the road had been inspected and if it was ready to be received by the town?

Mr. Mosley explained that it had been inspected and the noted portion was ready for acceptance.

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

VOTE ON ORDER AS AMENDED: 7 Yeas

77-17 Road Acceptance Request Submitted by Cummings Acquisitions for a Portion of Rose Lane [Pomerleau] (Postponed at the July 2017 meeting pending additional information)

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

Moved by Nesbitt seconded by Higgins and voted to amend the order by adding the length of 745 as the distance to be accepted. (Unanimous)

Chair Pomerleau called for public comment on the amendment, hearing none she called for Council comments. There were no Council comments, the Chair then called for the roll.

VOTE ON ORDER AS AMENDED: 7 Yeas

NEW BUSINESS

112-17 Renew Finance Director's Contract [Delcourt]

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

Councilor Nesbitt said that he supports this order. As chair of the Finance Committee he works with Mr. Gesauldi who is a good employee this renewal is well deserved.

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

VOTE: 7 Yeas

113-17 Amend Assessor's Contract [Delcourt]

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

Councilor Nesbitt explained that the Finance Committee works closely with the Assessing Office and Mr. Merry is always professional and he has enjoyed working with him.

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

VOTE: 7 Yeas

114-17 Town Council Appointments to Various Boards or Committees [Pomerleau]

The Clerk read the order announcing the appointments that were being made.

Moved by Chair Pomerleau seconded by Nesbitt and voted unanimously to add the following names to the noted board to the order:

Wells Lyons to the Budget Committee through June 2018

Monique Sullivan to the Budget Committee through June 2018

Marilyn Crosby to the Saco River Community TV Board of Directors through June 2018

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

Councilor Higgins questioned if Brandon Wooley was a CEO in another town?

Chair Pomerleau explained that Mr. Wooley is employed in the Town of Sebago.

Chair Pomerleau called for public comment on the amendment, hearing none she called for Council comments. There were no Council comments, the Chair then called for the roll.

VOTE ON ORDER AS AMENDED: 7 Yeas

115-17 Approve Cooperative Agreement between the Maine Department of Transportation, the Municipality of Standish that the Portland Water District for a Scenic Turnout on Route 35 Overlooking Sebago Lake [Pomerleau]

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

Mr. Billington explained that this is the first-time that the Town Council has seen this three-party agreement regarding the scenic overlook. The agreement proposes that an outlook is constructed during the future rebuild of Route 35 from Sebago Lake Village to Route 237. MDOT has established a 20-year life expectancy for the overlook project, PWD agrees with this time frame, however the time frame conflicts with the lease agreement. He continued to explain that \$50,000 of town funds had been originally appropriated for the overlook project. Due to town's suggested changes the amount will be closer to \$60,000. He noted the additional funding it available, improvements include moving the outlook farther back from the road, make it larger, and 4" of pavement to last the duration of the life expectancy of the facility. The boilerplate agreement does include some specific requirements such as MDOT turning the facility over to the town, secure a lease with PWD prior to that happening.

Chair Pomerleau called for public comments.

Louis Stack of Whites Bridge Road questioned what will be done to the tree growth in the viewing area.

Mr. Billington explained that the outlook will be located in the vicinity of the current wide viewing area where the land is at quite a steep incline and currently filled with riprap to prevent vegetation growth.

Thomas Scannell of Steep Falls said that he was pleased to hear of the improvements to that section of Route 35.

Leo Robichaud of Brown Court thought that the \$50,000 was money well spent and thanked them for their efforts.

Chair Pomerleau called for additional public comment on the order, hearing none she called for Council comments.

Councilor Nesbitt said that he too was excited to bring forth this project. He said that he worked on the beach project and is glad to see the continued collaboration with the Portland Water District.

Councilor Higgins said that this a very good thing for the Town of Standish. She said that at meetings the MDOT were very receptive to suggestions brought forward regarding placement of the outlook.

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

VOTE: 7 Yeas

116-17 Authorize Maine Department of Transportation to Exceed the Weight Limit Allowed on Certain Roads During the Road Construction Project on Route 114 [Pomerleau]

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

Councilor Higgins questioned the time frame for this project.

Chair Pomerleau noted that the time frame was not disclosed at the MDOT meeting.

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

VOTE: 7 Yeas

117-17 Standish Fish and Game Club Lease Proposal [Sirpis]

After the Clerks reading of the order, Councilor Libby recused himself from acting on this order citing membership in the club and that he sits on their board.

Chair Pomerleau noted if he wanted to speak on the order to do so by going to the podium.

Moved by Nesbitt to recuse Council Sirpis from acting upon this order since he is the president of the Fish and Game Club. Councilor Sirpis announced that he would not recuse himself noting that he would explain that reasoning in a statement he'd like to make. Chair Pomerleau then called for a second on the motion.

Moved by Nesbitt seconded by Higgins and voted to recuse Council Sirpis from acting upon this order since he is the president of the Fish and Game Club. (4 Yeas – Higgins, Nesbitt, Pomerleau and Starostecki – 1 Nay – Delcourt)

Chair Pomerleau noted that she would allow him to explain his position, however the Rules of Procedure are clear that it is a conflict.

Councilor Sirpis explained that the Fish and Game Club established in 2015 is a family-oriented club.

Chair Pomerleau announced that he would need to go to the podium to speak on this order if he's speaking on behalf of the club.

Councilor Sirpis said that he was speaking as a Councilor.

Councilor Nesbitt said that the Council had voted to recuse him on speaking on the order as a Councilor. Councilor Nesbitt asked that he speak from the podium.

Chair Pomerleau said that they voted to recuse him from this order.

Councilor Sirpis said that he is a Councilor and a citizen of this town and that he was going to speak.

Chair Pomerleau said that Councilor Sirpis would need to go to the podium to speak on this matter.

Councilor Nesbitt said that it is a conflict of interest for Councilor Sirpis to speak on this matter. He said that as a Councilor and a member of the club if Councilor Sirpis speaks, how will they be able to determine on which behalf he is speaking? Councilor Nesbitt continued to cite the Rules of Procedure as the determining document on the conflict with him acting on this matter.

Councilor Sirpis refuted that he has a conflict since he receives no monies from the club and he personally will not benefit if this passed the whole club benefits. He said that he will not recuse himself.

Chair Pomerleau said that that the Council voted to recuse him, so he is rescued. He said that they did receive a legal opinion about this and if he wants to speak, he must go to the podium.

Councilor Sirpis said that he was voted into office by the people of Standish, they have the right to be represented and he would do so.

Councilor Higgins said that the appearance of a conflict is what we're up against, she said that we voted and this is a conflict.

Mr. Billington explained that he and the Town Clerk spoke with legal counsel regarding this issue. It was the attorney's opinion that any Councilor affiliated with the Fish and Game Club should recuse themselves from the issue. It was the attorney's opinion even though there was not a financial interest there was still a conflict of interest since a person cannot serve two masters.

Councilor Sirpis said that he will respect the counsel's opinion, however he was not aware of it until now. He said that he came here expecting to speak but hasn't been able to do so. He said that he wished that he knew about the legal opinion that had been received. He said he has a prepared statement that will be read by Councilor Delcourt.

**Standish Fish & Game Club Statement
November 14, 2017**

At the September Town Council meeting the goal line was moved for a 5th time and I felt the SF&GC was left at the alter yet again by some members of this Council with yet another delay. That evening was when it was very clear it is time to draw a line in the sand. I am bringing this order forward to be voted on so it can stand on its own merit, and it will either pass or fail. Tonight we are either going to move forward, or we're going to come to the end of the road and stop wasting time.

If some members of this Council think for a single second that I will idly stand by while you attempt to infringe upon our constitutionally given rights...you are sadly mistaken. Some members of this council asked me to consider asking our membership to drop the mandatory NRA and/or SAM membership requirement, I want my fellow Councilors to know that I will step down as the President and vacate my lifetime membership in the SF&GC before I ask our members to shy away from our core values, the Council, the Town and/or a small group of politically motivated individuals have no jurisdiction whatsoever or the right to ask anyone to abandon their beliefs. Additionally, every member of the past Council supported the SF&GC, this Council has said they do as well, the Council cannot consider

the SAM/NRA requirement as a condition of the lease agreement as it is unconstitutional to do so. (I site NAACP vs Alabama 1958) So it is time for this Council to make a decision.

I would like to ask the Council a question... where do you get the audacity to think that any form of government can dictate to a private club what they can or cannot do or believe in? And where does it stop? Can the Town dictate who we may have as members? The town's food pantry is affiliated with a Catholic organization and housed on town property, can the town dictate that no red meat be consumed on Friday? What if a Jewish person is in need of food from the pantry, can the town require it to be kosher? What if there is a controversial book in a school library, can the town remove it? If an athlete is playing on a town owned field or a facility can the town remove that person because on their political belief, religion, or any other reason? Standish has about 10 registered sex offenders living in town and a small political group are worried about the clubs affiliation with the NRA, really?

It appears that some members of this council folded at the September meeting because of emotional fear and it was politically expedient, you turned your back on the SF&GC after 2 ½ years of support and the club has always acted in good faith. Three members of this council were involved in this process from the onset and were well informed about the NRA affiliation with the club, in September those members ran for the hills and used a missing conceptual plan as the excuse for yet another delay.

If you know me, you know I don't lack conviction. I want you to know I will stand steadfast before I watch you surrender my civil liberties.

The NRA's youth outreach & safety program is impeccable and second to none, thousands of young people have been taught about firearm safety. Instead this small group wants to make this a political issue. I have said for years that kids who hunt & fish don't mug old ladies and they make better citizens.

We started out as a small local Fish & Game club with good intent, and I'd remind you this fight was brought to us. This small political group and some members of this Council have managed to turn a mole hill into a mountain.

We have the right of liberty and the pursuit of happiness, if the NRA makes us happy, that's our business and not any form of government's business, or any select group of citizens.

Our founding fathers thought the right to bear arms was important enough to have it follow free speech. A free people can only afford to make this kind of mistake once. Free governments instituted by free people trust their citizens with arms.

My father was one of the first Marines to land in Iwo Jima, that poor man went through hell and back for freedom, he taught me that's a man's wealth is not measured in money... it is measured in liberty and I will not let you withdraw from that account.

It was also mentioned that the club's logo is on the welcome signs here in town... you're dam right they are! I wasn't aware that a select group was the deciding factor of which organizations go on the welcome signs, and by the way those signs belong to all of us, not just a select few. I also want the Council to know that I will not be recusing myself on this matter since I have no monetary gain in the issue and there is no personal gain to me alone, if approved, it is the entire membership that would benefit from the proposed lease, not just me.

In closing Madam Chairman I'd like to thank you for the time to speak my peace. I hope the entire Council will support this order.

Chair Pomerleau called for public comments.

Philip Pomerleau – Northeast Road, said that he was concerned with the recent newspaper articles suggesting that there is a group in town that was anti-second amendment. It was Mr. Pomerleau's opinion that the sketch plan was not a good representation of the club's facilities since they had asked for the use of 30-acres, but this plan appears to use 150-acres. He said that they should have submitted a plan from an engineer. He said that the Council can't approve this with the information that's been submitted.

Tammy Walter – Cape Elizabeth, the President of the Spurwink Road and Gun Club spoke in support of the Standish Club citing a similar situation occurred in her town where opposition arose over the club.

Larry Adams – Nature's Way, he spoke on behalf of the residents of Nature's Way by letting the Council know that they are tired of hearing guns being fired from early morning until late into the evening.

Mark Mayone – South Portland, spoke in support of the Fish and Game Club it was his opinion that that as the club ages relationships will be important. The most important will be the then relationships with the NRA and the Sportsman's Alliance. He said that the NRA can provide guidance for shooting ranges and in some cases, can provide funding assistance. The Sportsman's Alliance can supply knowledge regarding other clubs through its association with the Southern Maine Gun Club. He said that it is political animosity why some don't want these two associations being involved with the Standish Club. He believes that the Standish Club will bring great value to the town.

Katherine Lipka – Harmons Hill Road, stated that she was not comfortable around guns, however she is a constitutionalist. She believes that to have a club where people can learn about firearms will promote responsible gun ownership. She voiced her concerns regarding the proposed location being near a wildlife sanctuary, a school and its affiliation with the NRA. She wondered why the NRA had not provided some funding support a study for the proposed club? She continued to question why the lease amount was only a \$1 per year on this prime real estate?

Debra Butler – Juniper Lane, announced that she had a discussion today with Chandler Woodcock the Commissioner of the Maine Department of Inland Fisheries. Based on that discussion, she questioned, does the Council have the authority to give the permission for the intended use of the property? She said that the Commissioner said the only question that he was asked was if a shooting range was outside statute rules regarding sanctuaries. She said that currently there is no hunting, trapping or firearms allowed on the land in question. Those rules are in force now, the memo notes that the commissioner has the authority to change the rules. The rules changing process is lengthy providing for ample public input. Once all the public hearing has been conducted an advisory committee will hold a vote to determine if there is or is not a change in the rules. She voiced her concern regarding the school that her granddaughter attends that is right across the street from the proposed facility. She questioned how her granddaughter could play in the schoolyard or even study if guns are being shot across the street. She cited state law that requires that firearms are not within 500 feet of a school. She said that she will contact her state representative regarding this matter. She said that the superintendent of schools didn't realize that this was happening. She questioned why the NRA and Sportsman's Alliance were interested in this club that near a school?

Steven Flaherty – Susan Drive, as a voluntary member of the NRA and Sportsman’s Alliance he has no qualms with these groups, however he didn’t agree that it should be a mandatory requirement of the Standish Club. As a long-time member and past president of the Hollis/Buxton Rod and Gun Club, a few years back they considered making it mandatory to be members of those associations, but their club decided it would be a financial hardship to members to pay the additional dues. His club shopped for insurance and found lower rates from other than the NRA. He also noted that the lease should be much more than the \$1 per year. He suggested that the town sells the land to them rather than lease it to them.

Maurie Hill read the following statement from Betty Perry of Richville Road who was unable to attend the meeting.

Hi Everyone:

I’m not sure if I can attend tomorrow night, but if not I would like someone to question the 25 year lease. I think that we should do a 2 year lease, and if it goes well then do 5 year leases from that point on. The group in Cape Elizabeth have no control over that Rod and Gun Club. The people's life is hell with guns going all week end, and many other days. No matter what they do they have people coming from all over that area coming to shoot. The one in Lyman started up, and there was a farm next door. The gentleman who owns the farm says that he has to take his wife off on weekends because it is so noisy. Their life has changed completely with this gun club. There is no reason to give a 25 year lease without having any idea how it's going to go. That is plain foolish.

Do we really want this in our town with little control? It won't just be local people, but people coming from Scarborough, Westbrook, Falmouth and surrounding towns, with no respite in between. To give them a 25 year lease leaves us helpless without any recourse of it gets out of hand. I have no idea how that time period was determined, but 25 years is a long time if someone is shooting semi automatics in your back yard, and you have to wait 25 years to change this. If they are good neighbors we can renew w/o any difficulty, but if they make the people over there live a life of hell then we can change things up, and just terminate the lease..

I hope that this lease period is reduced. The gun lobby is a strong lobby, and with SAM and Inland Fisheries and Wildlife behind them no one will have recourse if they have a 25 year lease. Think about what you are doing to give a 25 year lease with something that is so controversial all over Maine.

These clubs try to sell the Fisheries side because that sounds benign with little kids tying lures, and having fish derbies, but what they really want is a place to shoot. We as members of the community need to have more control over what we bring into our community. We never want to give over our peace for 25 years and lose control of our peaceful cookouts in the summer, and little kid birthday parties from the time Junior comes unto the world until he graduates from college. Think about this. This is very unwise. Think about how you would like it in your back yard.

Sincerely,

Elizabeth Perry
30 Richville Road
Standish ME 04084

Bobby Marcroft – Westbrook, a gun owner spoke in opposition of the Standish Club due to its membership requirements to also be members of the NRA and Sportsman's Alliance of Maine. As a second amendment supporter he believes that there should be no barriers in access for people to practice safe firearm usage. He suggested that they vote this down and put their efforts in developing a public range with no barriers for access and use.

MaryAnn Hildreth – Sand Beach Road, objected to the lack of full disclosure regarding the project, that any Councilors are involved with the club, and that the club has not had to go through the "hoops" that she encountered while trying to develop a project in town. She also objected to the club being located near a school citing an incident years ago. She mentioned that the sanctuary was land set aside to keep wildlife safe.

Michael Wakefield – Arthur Drive, agreed with many of the previous statements noting that with the lease of a \$1, and they should reconsider the NRA membership requirement. He acknowledged that wherever they would consider building the club they will have problems with abutters.

Mike Foster – Florence Lane, speaking as a gun owner, has concerns with the conceptual plan. Through research he found that there are approximately 63 homes within a half-mile of the proposed range and a school within 1,200 feet. He cited the NRA Range Book which notes that noise complaints occur when the range is located a half-mile from the range. He then spoke to the location of the shooting range that is not being noted in the MOU.

Garth Ebner – Portland, a gun owner who was pleased to learn of a range being developed in the area. He noted that the additional fees due to the NRA membership would make it out of his budget to join. He too would support a safe public range.

Leo Robichaud – Brown Court, said that he was offended by the recent newspaper article that indicated that residents didn't support the second amendment. He said that there are many shooting ranges in the area and didn't think that one was needed here. He said that the Councilor's affiliated with the club should not vote on this matter because it is a conflict of interest.

Tony Folsom – Dolloff Road, voiced concerns regarding that the land in question is a wetland. He believes that the location near a school is unsafe and didn't understand why the Council was even discussing this.

Thomas Scannell - Pequawket Trail, was concerned with the annual lease amount, how they consider that this a good use of town assets, and he thought that the NRA requirement was restrictive. It was his opinion that the drawing did not give a good idea of what the club would really be like. He stated that the range will change the character of his neighborhood forever.

Wells Lyons – Cape Road, as a lifelong hunter he took exception to the newspaper article in which residents were referred to anti-gun zealots. He noted that this issue is not a second amendment matter. He voiced concerns over the lease and the yearly fee.

Roger Wheeler - Long Point Road, he too was dismayed by the newspaper article. He lives in the vicinity of a gravel pit where people shoot, and they have to put up with the noise.

Louis Dudek – Bonny Eagle Road, was offended by the newspaper article as well. He then read a letter from Ronald Bognore who lives near PWD land and is aware how gun fire can be disruptive. Mr. Bognore suggested that the range should be built as an indoor range with noise reducing features. It is Mr. Bognore's opinion that an outdoor range would affect property values and town revenues.

Julie Applegarth – Florence Lane, did support the idea of the Fish and Game Club, however did object to the location of the shooting range. She voiced concerns on how the range would affect wildlife. She cited requirements of an outdoor range from the NRA Handbook and thought that the construction of a range, necessary safety berms, road ways, and buildings would have an effect on the environment. She noted that the NRA Handbook suggests that an environmental assessment should be conducted by a registered engineer. She thought that this was an important step that needs to be taken. She suggested that the town should have a shooting range ordinance to provide the regulations for this type of business.

Scott Boyce – Saco Road, as a member of the Standish Fish and Game Club said he is aware of the shooting that now occurs all over town and a range would be safer.

Michael Lyons – Sand Beach Road, as an outdoorsman he's opposed to the club, mostly because it's will be located on public property. He suggested that trails for hiking and picnic area be constructed on the property in question rather than a range. He recalled a recent business that he wanted to start-up and cited the various professionals that he had to hire and the "hoops" that he had to jump through. He looks at their plan and notes that there needs to be some continuity to the process.

Deborah Boxer – Cole Hill Road, cited state statutes regarding noise issues and local range ordinances. She suggested that the first thing that the town should do is enact a range noise ordinance. After it's built and operating, it's too late to enact a local ordinance. She also cited Title 17 of the Maine Statutes that refer to lawsuits regarding ranges.

Kathy Johnston – Steep Falls, thought that the club was something that Gordon and Greg had talked about, so she was confused by the discussions tonight. She was under the impression that the land was unusable for many purposes, but this type of use would be suitable. She said that a range would give people a safe place to shoot and reduce the noise all over town.

Richard Bernier – Whites Bridge Road, he said that he wanted to bring forward some facts. He stated that the Town Manager offered the club the property, he noted that the club had met with some of the Councilors regarding the club. He said for anyone to insinuate that anything in this matter had been done underhanded or behind someone's back is a falsehood. He said that the club has met with the Council and been compliant in every way. He said if this property is so valuable why hasn't something been done with it? He noted that the fee structure is the same whether NRA of SAM's is involved. He said that the NRA is not a political organization, it's a civil rights organization.

Vickie Higgins – Blake Road, thought that the people should have more of a chance to weigh in on this. She was concerned with the children's safety at the school. She did not think that this was a good use of the property. She suggested that another piece of land is found that is not near homes

William Hill – Wildridge Road, as an avid hunter he is disgusted with the proposal. He said that things have been done without the town's people knowing about them such as the change to the wildlife status of the land. He thought that this should be rejected.

Scott Bartlett – Peninsula Drive, said this started two years ago, and everyone was onboard with it. He said that all was above board and this land was offered to the club. He said that he was not sure what had changed, other than its being said that the club is affiliated with the NRA. He said that the club is an outdoor organization. He said regardless of tonight outcome the club wants to do good things for the community.

David Kent – Deer Hill North, in the past there have been complaints regarding shooting around town, this group came forward to try to solve that problem and they have been put through one giant rock crusher, he said that he finds that disappointing. He said that it wasn't our place to tell any club what their membership requirements should be or how to structure their bylaws.

Louis Stack – Whites Bridge Road, voiced his concerns with the town leasing this land, he believes that the Council can stipulate in the lease certain requirements regarding the use of the land. He thought that the membership of the club should be open to all.

Melissa Hamblin – Attorney representing William and Maurie Hill, noted that they are concerned that the status of sanctuary is uncertain at this time. She stated that they object to the fact that Mr. Sirpis' statement was read from the dais. She stated that in their opinion, the conflict of interest constitutes a neglect of duty in this matter. She noted that the Inland Fisheries website still notes that firearms are not allowed in the sanctuary. She explained that she is seeking clarification on this point from the Attorney General's Office. She said that the Hill's object to the lease because its terms are undesirable, there may be liability to the town from nuisance suits, risk of harm to neighbors and risk of pollution and environmental issues. Also, the town does not have a gun range ordinance which puts the town at risk. They object that the residents have not been notified of the proper procedure for the implementation of the project.

David Trahan – Executive Director of the Sportsman's Alliance of Maine, explained that their organization represents approximately 50 fish and game clubs. Their support includes networking, financing and consulting. He said that most ranges are a benefit to the community. He said that they did not require that the Standish Fish and Game Club to mandate that their members belong to SAM. He said that they were looking forward to helping by use of their equipment, training and many youth programs. He said that he was there to defend his organization from information that has been broadcast through an email calling them a powerful gun lobby and that they were coming in to take over the town. He said that his organization has two nonprofit sections one is a (501) C3 and a separate political arm which is a C4. He explained that the C3 does educational work with youth and with communities to learn how to shoot and use firearms safely. He said that he hoped that's what their roll will be in the future. He said all they've ever done is offer support to the town. He explained the SAM represents issues from land conservation to youth programs unrelated to firearms. He said that they do take offence in the way that they've been treated in this process.

Paul Niehaus – Standish, said that he is a gun owner and supporter of the second amendment, however he believes that the town has been bullied in the past two months. He said that it was going so nicely in the past two years because nobody knew about the range. Mr. Niehaus cited the October 13, 2015 Town Council minutes quoting Councilor Sirpis who said that any plan would have

to be approved by the town. He thought that should be a Planning Board process that the club would have to go through. He said that one item that had not been brought up if the money that the NRA and SAM were to spend on this project could be spent on an indoor range, everyone would be happy.

Chair Pomerleau stated that she was saddened that this issue had divided the Council. She said that she supports the Fish and Game Club, but not the project that is before them right now. She said that this matter was sent back to the club in September and it didn't come back the way the council wanted. This is a work in process and will take time. She said that the lease that was before them was not wording from the Town of Standish and that needs to be remedied. She said that this needs to go back and have more work done on it.

Chair Pomerleau called for Councilor comments.

Councilor Delcourt said both sides did really well, however he wanted to state that the proposed facility will not be located on a wildfire sanctuary.

Councilor Higgins would like to compare this process to the recently developed beach. During the beach process the MOU was execute, then site plans were submitted to the Planning Board, PWD and the DEP for approval. During this time the site plan was tweaked to meet the goals of having a town beach. Simultaneously, a management plan was developed and submitted to the previously mentioned entities. She said all of this was done prior to any lease being signed. She said that it was premature to sign a lease agreement in her opinion because ether was still a lot of planning to be done and approvals that need to be sought. Due to wetlands DEP will be involved, there remains the issue of the NRA membership in the by-laws that needs to be discussed.

Councilor Nesbitt said that he appreciated that Councilor Libby recused himself tonight. He said that the town has experienced a lot of problems with shooting taking place in gravel pits, an ordinance was brought forward at that time but was deemed not appropriate. The Fish and Game Club was brought forward by Councilor Sirpis prior to him being on the Town Council to create a place where people can shoot safely. The proposed site has wet lands but has a lot of acreage so it can be developed further away. It seemed like a good idea that's why the \$1 lease amount. Regarding the 25-year term, when a project of the magnitude a long lead time is needed to get grants and other funding. He said that he had been questioned regarding the location of the facility being on a wildlife preserve. He said that he looked it up and it appeared that it was abutting the preserve not knowing that there was a sanctuary there. He apologized for the mis-information that he gave out. He said that the state map clearly shows that the land in questions is in the sanctuary. He said that he would vote no on this, noting that he was upset with the actions of the Fish and Game Club.

Councilor Starostecki started reading the first line of the order ... the Memorandum of Understanding (the "MOU") was executed on the 1st day of September 2015, noting that was two years ago and the best that we can come up with is a pencil sketch. He said that for two years we've been asking for information and we're not getting any of that. He said that he requested a tour of a similar range for a model and he received no response. He appreciated the testimony from both sides, he said that it's time to vote this down and build a municipal range with public input. He said that he's drafted ordinances that he'll submit to the Ordinance Committee this week that will ensure that we don't have any problems. He encourages those who wanted to learn more to attend the Town Council meetings. He said that he has a problem with the NRA – they are really two organizations. The NRA

has the safety division which he is pleased their work, however the political side finds ways to support certain groups while repressing groups.

Chair Pomerleau called for the roll

VOTE: 1 Yea, Delcourt – 4 Nays, Higgins, Nesbitt, Pomerleau and Starostecki – 2 Abstain, Libby and Sirpis

Councilor Sirpis wanted the record to show that he opposed the vote.

The Council took a short recess to allow audience members to leave the meeting.

Chair Pomerleau called the meeting to order.

118-17 Amendments to the Standish Town Code to add Chapter 220 Regarding Retail Marijuana Establishments and Retail Marijuana Social Clubs (Introduction) [Libby]

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

Councilor Libby explained that this was drafted since the state laws are scheduled to be enacted in February, he said that it was his opinion that it was prudent to have something on the books. He noted just like any ordinance it can be amended at any time. He clarified that this ordinance only deals with retail marijuana, it has nothing to do with medical marijuana.

Chair Pomerleau called for public discussion, reminding the audience of the three-minute speaking limit.

Sabrina Newcomb - Sebago resident, explained that due to medial conditions she uses cannabis to alleviate symptoms of her conditions. She informed them that she was able to afford the medical card for obtaining marijuana, many who cannot would benefit from the availability of recreational marijuana.

Mark Goodwin - resident of Buxton, he has a medical marijuana grow facility in Standish, brought to their attention that the town would gain tax dollars from each section of the law that is implemented locally. He explained that the town could allow processing and cultivating without sales to the public. He did not think that it was in the town's best interest to block this entire industry. He said that he understands where Councilor Libby is coming from, however he believes that this could be enacted at any time.

Debra Butler – Standish resident, continued to read Ms. Newcomb's prepared statement. In the statement said that the attack on recreational marijuana could impact the medical marijuana program. The statement noted that recreational marijuana became legal eleven-months ago and had not impacted crime.

Katherine Lipa – Harmons Hill Road, said that she was in favor of retail sales. She noted that recent research should be studied to evaluate the information before making any decisions. She said that

years ago that marijuana was given as a replacement to those that had alcohol dependency as a way to alleviate symptoms.

Amanda Melinick – South Portland, works as a cannabis consultant and is a proponent of implementing adult use of cannabis in a safe and productive way. She voiced her concerns regarding the ordinance to ban adult use of cannabis in the Town of Standish. She said that both the state and the people of Standish voted for use, although some may not like it. It was her opinion that it was their job to uphold the law and banning adult use in Standish will not make it illegal again and will make it impossible to buy it here and that will open the black-market. She noted that creating ordinances is good thing, she thought there was time to think about this and get more information about the matter. She offered her assistance to them.

Maurie Hill – Wildridge Road, questioned why Councilor Libby was putting out this ban because she didn't understand the rationale.

Councilor Libby said that he's doing it on its merits that towns can be more restrictive than the state law.

Chair Pomerleau said that the state doesn't have the law in place and until it does the Town of Standish wants regulations in place until the state law is in place.

Maurie Hill questioned what will happen in February?

Councilor Libby said that is when the state moratorium expires.

Maurie Hill thought that this may be a way to bring some income into the town.

Leo Robichaud – Brown Court, cited a resident on Route 114 that grows medical marijuana noting that the resident has experienced many break-ins and his was marijuana stolen. He continued to say that there are passionate people here that have explained how medical marijuana has been beneficial to them. He thought that allowing this would open the floodgates if it's brought into the Town of Standish.

William Hill – Wildridge Road, said that bans never work. He said that we do need is money here in Standish. He has spoken with state representatives who have travelled to Colorado and Washington who told him what they learned while there.

Alauna Foster – Florence Lane, as a marijuana caregiver she was in favor of having retail shops. She explained that some of her patients are unable to afford the cost and purchasing the cannabis through retail sales would expand the ability to obtain marijuana. She also acknowledged the recreational benefit as well. She included in the ordinance retail marijuana cultivation, manufacturing facilities, testing facilities and social clubs which will also be prohibited. She thought that some of these types of facilities could bring jobs and tax revenues to the town.

Joseph Cormier – Limerick, informed them that his adult child has a medical condition that is helped by the use of medical marijuana. He asked them to consider what they would want for their own children were faced with a similar situation.

Donald Marean- Hollis, State Representative District 16 and member of the State Marijuana Implementation Committee, provided an update to include notifying them that their bill passed the house and senate, but was vetoed by the governor. They couldn't muster the votes to override the veto, so the bill is dead. The MLI Committee will reconvene once they are back in session in January to fix the bill in the areas where there were concerns. He said that the moratorium ends February 1, 2018, he suspected that the moratorium may be extended. He said that while they're doing their work marijuana is still legal in Maine, the legislature is working to regulate it. Their work has nothing to do with medical marijuana, medical marijuana is governed by the Department of Health and Human Services. Adult Recreational Marijuana will most likely be governed by the Alcohol and Lottery. He said don't confuse the two. He said that's there's been talk in Augusta to merge the two laws, his committee is shying away from that idea.

Julie Applegarth - Florence Lane, suggested that they table this to a later date to have time to gather additional information.

Thomas Scannell - Pequawket Trail, echoed the idea of tabling this matter to obtain additional information. He said that this is a growing industry and just to say no we can't seems to be cutting us off from opportunities.

James Babb – Windham, supported the ordinance being passed at least including the manufacturing and testing facilities.

Claudia Morton – Bonny Eagle Road, recounted that she has friends that use medical marijuana, so she understands its benefits. She cited that if someone's medical marriage card expires it's difficult for them to acquire them to marijuana for their condition. She thought that we have to look at his and make good choices.

Michael Wakefield – Arthur Drive, said that there's been a lot of talk about medical, he then compared the use of recreational marijuana to alcohol use that he believes that recreational marijuana is safer. It was his opinion that there should be a recreational marijuana ordinance, so Standish would benefit from the tax revenues.

Chair Pomerleau called for additional public comments, hearing none she closed public participation and called for council comments.

Councilor Sirpis said that if a doctor prescribes marijuana for a patient that works for him. He continued, as far as recreational use goes he had concerns with it being a cash business, providing a lot of cash and product being at a location, and will that attract a bad element. He commented that he thought that marijuana use could lead to the use of other drugs. He said that he grew up in a time where marijuana use was a stigma and that is a hard bridge for him to cross. He said that the people of Standish voted to make it legal, however that's not an endorsement for retail sales here in town. He brought up the point of black market sales and currently he would not be able to support this ordinance.

Councilor Higgins said that the law was passed by the state and the Town of Standish, medical and retail sales of marijuana are two different laws and should be kept that way. She pointed out that the Ordinance Committee brought forward the moratorium to allow enough time to make the

ordinances, she said that this *flies in the face* of that, because it shuts the door. So, for that reason she's not in favor of banning it, in addition, there are medical professional that believe that not only can marijuana be a gateway drug it can also be an exit strategy for drug use. She said that we need to keep an open mind and she could not support a ban at this time. She appreciated the public participation.

Councilor Libby said that in his opinion this does not shut the door because it can be amended at any time.

Councilor Nesbitt said that tonight we've heard a lot about medical marijuana and how readily available recreational marijuana would help patients in some instances. He said that he was not in favor of tabling this, it's a three-month process. He said that he's on the fence with this matter, he said that he will move this forward but didn't know what his final decision would be.

Councilor Starostecki said that people shouldn't have to drive twenty-miles to get cannabis. He explained that it's not a cash only business, debit cards can be used. He said that the state-wide vote did include retail sales. He noted that medical marijuana is under attack as we speak. A 9th Circuit ruling is mandating that medical marijuana card holders cannot purchase a gun while persons with other conditions are allowed to purchase guns. He then read from the governor's veto letter which stated that the laws regarding medical and recreational marijuana should be combined. Councilor Starostecki disagreed with that rational noting in his opinion that goes against the state-wide vote.

Chair Pomerleau called for the roll to move the ordinance to First Reading at the December meeting:

VOTE: 5 Yeas – 2 Nays, Higgins and Starostecki

PUBLIC ITEMS

There were no public items at this meeting.

ANNOUNCEMENTS

Several upcoming meetings were announced.

EXECUTIVE SESSION

An additional executive session was not needed at this meeting.

ADJOURN

Moved by Libby seconded by Nesbitt and voted to adjourn. The meeting adjourned at 10:32 p.m. by unanimous consent.

Submitted by: _____
Clerk/Secretary