



**TOWN COUNCIL
MEETING MINUTES
JANUARY 18, 2011
Rescheduled to
JANUARY 25, 2011**

Mark Lunt, Chair District 1 2012
Lori Pomelow, Vice Chair At Large 2012
Roger Cote, At Large 2011
Michael Bowie, District 2 2012
Roger Bickford, District 2 2013
Fern Larochelle, Jr., At Large 2013
Gina Mason, District 1 2013

CALL TO ORDER & PLEDGE TO THE FLAG. The Chairman, Mark Lunt, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Bowie, Mason, Larochelle, Cote, Lunt, Pomelow (left at approximately 7:40 PM), and Bickford. Also present were Stephen Eldridge, Town Manager; Jody Durisko, Administrative Assistant; Roger Therriault, Town Attorney; Budget Advisory Board members Dorothy Fitzgerald, Richard Graham, Donald Fellows, John Wierzbicki; David Brooks, Police Chief; Sean Galipeau, Fire Chief; Jessica Maloy, Finance Director; Diane Nadeau, Librarian; Mark Stevens, Recreation Director; and approximately 25 citizens in the audience.

PUBLIC HEARING - NONE

CONSENT AGENDA

VOTE (2011-08) Councilor Bowie, seconded by Councilor Larochelle moved to approve the Minutes of November 16 and December 21, 2010. **Order passed - Vote 7-0.**

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

PROPOSAL FOR TAX ASSESSMENT SERVICES

Bill Van Tuinen said that the Council needed to decide how it wants to handle the regular normal everyday tax assessment duties, which he addressed in his proposal, and to consider some option for updating the evaluations that are currently based upon the 1989 revaluation, which is 22 years old and is now reasonably out of date. He presented ideas to the Council to proceed, which addressed those two needs.

The Town of Lisbon has 232 personal property accounts, 1 natural gas pipeline, 1 hydro plant, 1 public electric utility, 4,041 total real estate accounts, 270 commercial accounts, 719 mobile home accounts, 2,614 residential homes, 7 mobile home parks, 366 lots within mobile home parks, 2,967 land and building accounts, and 542 total land only accounts.

Based on those accounts, Mr. Van Tuinen said, a revaluation would cost Lisbon approximately \$300,000 to \$310,000. He pointed out that this would include the sales analysis, developing a preliminary appraisal for residential and commercial properties including inspections with list and measure information, adding photographs, revaluating the personal property accounts, data entry, plus double checking the numbers and reviewing everything, notifying the property owners and holding informal hearings, all within a two year period of time. The other option he presented was to do the same thing over a four-year period of time sticking to a steady pace based on what he

understood to be a reasonable way to proceed, with implementation occurring near the end of that process for a total cost of \$321,500.

It was mentioned that according to policy, Lisbon will need at least two other proposals for Assessment Services. A workshop will be scheduled for further discussion.

AUTHORIZATION TO COLLECT EXCISE TAX

Mr. Eldridge indicated there were two references in the state statues that clearly define the tax collectors obligation to collect excise tax that includes collecting unpaid excise tax. He referred to a copy of the letter he sent Councilor Cote, which he put in the Council's packets. There is a balance due on this account and in order for him to collect it at this point, he said, state law permits authorization to withhold this amount from a stipend, or if it were an employee, their wages. He said if the Council wanted him to collect, they would need to approve that.

Councilor Cote said he would like to remove himself from the Council to avoid any conflict of interest, however, he asked to speak as a citizen at the microphone on it. No objections were noted.

Councilor Cote indicated that when it was time to re-register his truck he was told at the front counter that they could not register it until he paid the prior year's excise tax due. He said he didn't feel that he owed it, adding that after he left he called the state, but no one knew what to do about it. He came back to the Town Office and gave her a check for the excise tax that he owed and a check for the registration and when he got home he called the state again and said he still didn't feel that he owed it so he placed a stop payment on it.

Councilor Bickford asked what is the normal process if it were for a regular citizen. Mr. Eldridge indicated that it would be the same.

Mr. Eldridge said we have to report to the state, sometimes we catch mistakes, and this is how we rectify them, he added, this still does not allow anybody to avoid paying taxes and we treat that person like we would anybody else. Mr. Eldridge said it was a mistake Roger; all we are just trying to do is collect the money that's due and that's appropriate.

PUBLIC COMMENT:

Larry Fillmore indicated that this was distasteful to bring out in an open session and that this should be handled in executive session since this was involving a Councilor. Councilor Lunt said Councilor Cote requested this be done in public.

Roger Therriault confirmed the two references in the state statues pertinent to this matter; Title 36 Section 1487 establishes the obligation of the tax collector to collect excise taxes. This item tonight is permitted under section 905, not 95 of Title 36, which says subject to the approval of the municipal officers the treasurer or any disbursing officer of any municipality may if so requested by the tax collector withhold payment of any money then due and payable to the taxpayer. This involves not just employees, but anybody that does business with the town; this would apply to anybody whom the town owes money.

Councilor Lunt pointed out that the issue here was the stop payment, which was why it went to law enforcement. Councilor Larochelle explained that basically when you put this into the computer it points out the balance due, which is the process we do everyday for every person.

VOTE (2011-10) Councilor Bowie, seconded by Councilor Larochelle moved to authorize the Town Manager to withhold the delinquent excise tax of \$138.16 from Councilor Cote's Council stipend.

Order passed – Vote 3-2-1. (Against: Mason, Bickford) (Abstained: Cote)

OTHER BUSINESS

A. FINANCE DIRECTOR'S REPORT

Mrs. Maloy indicated for the month of December our excise tax was approximately 45% collected; last year we collected \$75,000 as compared to \$67,000 this year. We have a slight dip, but expect to be on target by the end of the year. State revenue sharing is 51% collected with \$59,000 coming in for December. The Transfer Station brought in another \$5,000 for the month of December, that's 58% collected, for a year to date total of \$72,000. We are 95% collected on our Parks and Recreation revenue. We are 51% collected on our total tax commitment for the year, which is better than last years, which was only 49%.

Councilor Larochelle asked what the revenue sharing dollar amount was that we had at this point last year. Mrs. Maloy offered to get him that number. She said legal was 84% expended. The retirement account was reflecting that we were at 93%, but that she would be doing a quarterly adjustment on that account in January. The Engineer's expense now reflects the transfer of the remaining funds for the Route 9 project. Everything else looks to be right on track, she said.

B. RECALL PROCESS AND

C. MUNICIPAL BUDGET REFERENDUM VOTE

Mr. Eldridge recommended a workshop to discuss this and all the charter amendments that were previously submitted. He indicated that it would be very prudent for the Council to take the time to cover the 10 or 11 amendment issues that they haven't reviewed in two years. He suggested a workshop at the second meeting in February.

Councilor Larochelle suggested a meeting for this and the budget referendum vote. He indicated that he would like to have as much information as he can get. Other towns have recalls in their charters and he would like to know what's actually already out there for review processes on recalls.

Councilor Larochelle indicated that he would like to have as much information as possible on what other towns are doing with budget referendum votes, including the language and guidelines in their ordinances as well.

Mr. Eldridge mentioned that he and Roger had been compiling what other towns were doing. Some recall ordinances have more meat to them than what we have. He indicated that Twila had done a survey on budget referendum towns and that he could supply that data. Councilor Larochelle requested this workshop just focus on these two items only.

PUBLIC COMMENT:

Dorothy Fitzgerald was impressed with Don Gerrish's workshop and suggested bringing him in to help with the town's charter revisions.

Councilor Lunt announced there would be a workshop scheduled for this and asked if there were any public comments on the municipal budget referendum vote at this time since comments were not allowed during the workshop. He indicated that a public hearing would be held as well for public comments. None noted.

D. TOWN MANAGER'S REPORT

Mr. Eldridge said the Gazebo would be torn down and taken care of by Public Works in the spring. He pointed out that Chief Galipeau and Chief Brooks should be congratulated for being successful with their Homeland Security Grant application for \$31,000 for a base station and repeater system, which is something we have to do this coming year. Estimates were around \$40,000 so \$31,000 will save the taxpayers some money.

AUDIENCE PARTICIPATION

Mrs. Swatsworth-Turmelle suggested executive sessions be held at the beginning of the meeting to prevent over expending our legal account. Councilor Lunt explained that the Council certainly could, that's been talked about, but then it wouldn't be fair to the public to wait around until the public meeting started not knowing when it would start.

Thomas Finkle of 33 Burrough Road in Lisbon Falls said he wrote a letter to the Town Manager two weeks ago informing him that he fell and injured himself in front of the Lisbon Falls Post Office. He indicated that the Town Manager addressed his letter promptly and in a very professional manner. He said the injury was directly due to the frozen snow banks with no opening or access to the Post Office. There is a handicap parking space there, pedestrian crosswalk, and it's not cleared so his concern was for the elderly residents. They have to walk out into the road and out into the exit and entrance of the parking lots to get into the Post Office. He said sand on the sidewalks is hard to find and some sidewalks not being cleared at all. Mr. Eldridge responded that Public Works is removing snow from the sidewalks that are normally done. It may be a while before they get to it. Councilor Lunt explained that we bought a new machine this year to do it ourselves to save some money and that takes a storm or two to learn how to do that.

APPOINTMENTS - NONE

COUNCILOR COMMUNICATIONS

Councilor Larochelle said along with the sidewalk cleaning, Buttons has his hands full this year. As far as cleaning up the snow, we are not out of the woods yet. He encouraged townspeople to be patient because the tall snow banks are not easy to get around. He said, hopefully, we purchased our sand well because we might use all of it this year.

Councilor Bowie commented on the sign in front of the Lisbon High School indicating that it looks good and has been a great asset.

EXECUTIVE SESSION

VOTE (2011-12A) Councilor Bowie, seconded by Councilor Larochelle moved to recess the meeting to go into the workshop at 8:33 PM and come back into the regular meeting for the Executive Sessions. **Order passed - Vote 6-0.**

The Council workshop began at 8:40 PM to discuss the 2011-2012 budget guidelines and health care. After much discussion, the Council workshop ended at 10:30 PM.

VOTE (2011-12B) Councilor Bowie, seconded Councilor Larochelle moved to come out of recess at 10:30 PM to enter into regular session. **Order passed - Vote 6-0.**

VOTE (2011-12C) Councilor Bowie, seconded by Councilor Larochelle moved to go into executive session at 10:30 PM per 1 MRSA Section 405 (6) (D) Labor Negotiations. **Order passed - Vote 6-0.**

The Council Secretary was dismissed. The Council came out of executive session at 10:55 PM.

ADJOURNMENT

VOTE (2011-14) Councilor Bowie, seconded by Councilor Larochelle moved to adjourn at 10:55 PM. **Order passed - Vote 6-0.**

Respectfully Submitted,

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC