



**TOWN COUNCIL
MEETING MINUTES
OCTOBER 5, 2010**

Michael Bowie, Chair District 2 2012
Gina Mason, Vice Chair District 1 2010
Fern Laroche, Jr., At Large 2010
Roger Cote, At large 2011
Mark Lunt, District 1 2012
Dale Crafts, District 2 2010
Lori Pomelow, At Large 2012

CALL TO ORDER & PLEDGE TO THE FLAG. The Chairman, Michael Bowie, called the meeting to order and led the pledge of allegiance to the flag at 6:30 PM.

Councilor Bowie said would you all please remain standing. I would like to call for a moment of silence for a long time employee who just passed away recently, George Ayer. He served us for 32 fine years. Thank you.

MOMENT OF SILENCE

ROLL CALL. Members present were Councilors Bowie, Mason, Laroche, Cote, Pomelow and Lunt. Councilor Crafts was excused. Also present were Stephen Eldridge, Town Manager; Roger Therriault, Town Attorney; Sean Galipeau, Fire Chief; Elwood Beal, Public Works Director; Michael Cote, Code Enforcement Officer; Budget Advisory Board Members Donald Fellows, Richard Graham, Dorothy Fitzgerald, and John Wierzbicki; Ronald Roy, Electrician; Miriam Morgan-Alexander, Board of Appeals; and 34 citizens in the audience.

PUBLIC HEARING

SPECIAL ENTERTAINMENT PERMIT & LIQUOR LICENSE LEFT HAND CLUB

The Chairman called the public hearing to order. There were no comments. The Chairman closed the public hearing.

CONSENT AGENDA

VOTE (2010-163) Councilor Laroche, seconded by Councilor Lunt moved to approve the Minutes of September 7, 2010, set the Polling Locations, Hours, & Voter Registration Hours for the November 2, 2010 Election as presented (see attached), and approve the Special Entertainment Permit and Liquor License for the Left Hand Club. **Order passed - Vote 6-0.**

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

WINTER SAND BIDS

Mr. Eldridge said Buttons sent out the Winter Sand bids. He is not feeling well so he could not be here tonight. He received one from Carl Huston for \$6 per yard, Dube Gravel at \$5.50 per yard, and Pat Cyr at \$4.50 per yard. Buttons recommendation was to award it to Pat Cyr.

Mr. Beal said I am right here. I wouldn't miss this for the world. Yes, my recommendation is for Pat Cyr. For \$4.25 I can get 2,300 yards, which is under my \$10,000 sand budget versus 1,700 yards. It doesn't say it there, but if you look on the [sheet attached, it's] \$4.25 per yard, and it's only good

until November 15th, but he gets a special price. Councilor Bowie said that's 5,000 cubic yards. Mr. Beal said yes, well if you read down, if I get over 2,000 yards its \$4.25 a yard. Sorry I'm late. I forgot this starts at 6:30 p.m. now.

Councilor Bowie said how does that work with the fuel to do the pick up. Mr. Beal said it's 14 miles round trip, but it's not going to cost \$3,000. That's on Route 132 in Wales. The story I got is that it is a leased pit and that the owner is trying to sell it and he has a buyer. Well, Pat has 40,000 yards he is going to lose if he can't get rid of it so that's why the price is so cheap, basically. It's washed sand. It's not bank run. It's processed and if you look at the grit, it's unbelievable.

Councilor Bowie said the total cost to the town for Cyr would be what. Mr. Beal said for 2,300 yards, it would be \$9,770. Councilor Bowie said for Carl Huston. Mr. Beal said that would be 1,700 yards and that would be \$10,200. Councilor Bowie said for Dube. Mr. Beal said \$9,350, but that's for 1,700 yards we're talking now, not 2,300.

Councilor Bowie said I guess that's where I am a little confused, did we ask for 1,700 yards. Mr. Beal said that's what I asked for until I found out what his price was. Usually I'm getting [it] by February, if it's a normal winter I can get another 700 or 800 yards anyway to make it through. Councilor Bowie said I guess my concern would be if we bought 300 or 400 more yards from the others would they charge their price. Mr. Beal said no, they are set in stone.

Councilor Larochelle said so to get the \$4.25 per yard you have to buy over 5,000. Mr. Beal said over 2,000. Councilor Bowie said yes, there is an option two here at the bottom that says 2,000 yards plus \$4.25. Mr. Beal said they will take payments over a two or three year term.

Councilor Bowie said so you have to pick it all up by November 15. Mr. Beal said no, as long as I confirm, after November 15 that goes away. I should have it in the yard long before that. Councilor Bowie said what if he sells the pit? Mr. Beal said I think if he's committed to it, he has to be able to get rid of it.

Councilor Larochelle said you don't feel Buttons that the travel going back and forth would out weigh the cost of what the difference is. Mr. Beal said I really don't because we will haul it with a dump truck. Councilor Larochelle said so you are not going to use your smaller trucks. Mr. Beal said at times, there might be one or two that run with it, but if it isn't cost efficient to do it. Councilor Larochelle said yes, how many yards can we put into a trailer. Mr. Beal said 24 to 25. Councilor Larochelle said when I was looking at the bids I did ask Steve some questions about, typically if we actually have a local bidder there is actually a discount that we put on their bid to, I didn't really see that on there as far as to bring the price down, and the other concern was just the idea of the traveling. Then again, I'm definitely all for the idea of trying to get the town the best deal for the money, but I also like to try to keep stuff local as much as possible if there is a happy medium. I realize that's the balance. Mr. Beal said I asked Carl and he said then that's the place to get it. That to me was saying that \$6 a yard was it. Councilor Larochelle said I guess if it does balance out the idea that we can truck it cheaper enough that at the end of the day we are not paying more then that's the question. Mr. Beal said I don't believe it would Fern.

VOTE (2010-164) Councilor Cote, seconded by Councilor Lunt moved to award the winter sand bid to Pat Cyr at \$4.25 per yard.

Councilor Larochelle said where were the prices last year in comparison to this year. Mr. Beal said last year Carl had \$5.50 per yard. Councilor Larochelle said it hasn't changed drastically, but it hasn't gone down yet. Mr. Beal said this is probably a one time shot so I would like to take advantage of it. Councilor Larochelle said and what we had left over from last year, I mean. Mr. Beal said adding to this, I should be fine. Councilor Larochelle said so going with that amount that

you are looking, [plus] adding what we have, you won't have to get anymore this year. Mr. Beal said I shouldn't. Councilor Larochelle said we should be all done.

PUBLIC COMMENT:

Larry Fillmore said would you ask that lawyer right there what happens if that [company's pit] is sold and we are committed to that person and that doesn't go through right, are we going to have to go back and redo it again. If the guy sells the pit, okay, and the new owner says no, no, no. I own the pit and it's going to cost you \$50 a yard, are we going to be held to that. Ask the lawyer. It's a lawyer question, not mine. I mean, I don't know the difference. If they write it in the contract or however you write it that we be guaranteed that price regardless of who the owner is, then I don't have an issue. But, if it's in the process of being sold and there may be clauses in there that we don't know about, between buyer and seller, we could end up on the short end of the stick on this and have to pay a lot more as an emergency requisition than we are right now.

Roger Therriault said if my understanding is correct, that this is not pit specific, we are simply buying the material then that obligates the contractor to supply the material; where he gets it from, at what price, and under what circumstances is not the town's concern. Mr. Beal said he does have another pit. Mr. Therriault said he can bring it from wherever he wants to bring it from. The issue is we are going to pay this much and he is going to supply that much, that's all this contract is about. If he can't dig it from that pit, he is going to have to find it from somewhere else at the same price.

Councilor Larochelle said we are paying after the delivery, also, we are not pre-paying for the sand. Mr. Fillmore said yes, but if the pit is located in Bangor or Presque Isle, who is going to pay for the difference. Mr. Beal said the pit is in Sabattus. Mr. Fillmore said right, the one we are talking about is in Sabattus. Councilor Bowie said I don't think it would matter, because I think what our attorney said was by agreeing to this the vendor has agreed to commit to that cost regardless if he has to go get it from New Hampshire.

Councilor Cote said the point he is bringing up Mike is that we are trucking it ourselves and if the pit was going to be a lot further should this pit get sold we would be stuck with the extra trucking. Mr. Beal said his other pit is closer, actually. I'll have it at the shop long before November 15.

Order passed - Vote 6-0.

ENGINE 2 REFURBISHMENT

Mr. Eldridge said that this is part of the Fire Department's refurbishment program. This is to refurbish Engine 2. They had originally thought it would cost around \$68,000. They got estimates. Bids came in around \$21,000. They are asking you to award it to Greenwood. Councilor Bowie said Greenwood is doing the mechanical piece, right; then Chapman gets the bodywork and paint.

Councilor Pomelow said how come Chapman's estimate was almost \$1,200 more than Lemay's. Lemay's isn't very detailed. It's only \$700. Mr. Eldridge said Chief Galipeau was supposed to be here. I don't know why it's so much less.

Councilor Cote said under the extreme conditions that we are under right now, is there a way that we can postpone this for a while. We are going to have a lot of unexpected fees and what not to pay for the mess we are in and I think we should postpone this to a later date, six months or a year down the road. Sure, we appropriated money for this and, true, we have to keep our equipment up, but at this time, we are not in a situation where we should be making any expenditures.

Councilor Larochelle said I did talk to Chief on this quite a bit as far as concerned about the refurb and even about the idea of doing the approaching repair on it. One of the biggest things that we

have is with the cycle of fire trucks, I mean, my understanding is, most of the pumps and the equipment are to be certified regularly and kept up to actually meet their requirements. Part of this program is keeping trucks long term is to do the refurb at the correct date so everything stays in sync and that we keep the certifications and make sure that all the equipment is going to work properly when we need it. The biggest concern I had, and Chief is going over this, I actually looked at the unit too as far as the corrosion on it and I actually think that both estimates we have are very underestimated as far as what's going to be needed in a truck with corrosion. My concern wasn't that they were too high, that they were doing another emergency vehicle, just last year I realized that the corrosion in Maine when it comes to the emergency equipment it's really bad and what you can see is actually a tenth of what needs to be done. So, that was my concern. Not picking one place over the other, the one thing that I do know that hindered us from actually giving an estimate for it is having a building big enough to house the equipment to keep it warm during the process of repair because it is a pretty involved process. Especially with aluminum this time of year, for a few months you have to have a building big enough to put it in while the process is being done so it can be done to the best of its ability. Again, I went through pretty much everything as far as what they were looking to do with the corrosion and repair on it. I think it's needed and I think it's something we need to do to keep on task with the trucks. The idea that it came way under budget, I think, is great, but my concern is to kind of look at this as a house project. You take the price and you just figure a percentage you know it's going to go over. I don't believe that this is going to be the final dollar that it's going to take to put this truck back to where we need it to be, but I think that the prices came in pretty reasonable. I do agree that the timing is on the top of the economy, but one of the biggest things we heard from most of the people was that we want to pay as we go, want to take care of stuff as we go, so we don't get to the point where we have a lot of stuff we need to repair at one time. I think the Fire Department has done a very good job over the years keeping up with their equipment and it's not the type of equipment that you want to see fall apart. Again, my biggest concerns was the idea of, I just don't know if they actually calculated for any extra stuff found when you get into a truck that's been on the road for several years, with the corrosion and the salt and everything we put on the road. It's not unheard of, if anybody works on vehicles today, when you start tearing stuff apart nothing comes apart quite the way it should. I just want to make sure that he does have enough money that if he is going to do it that we do it right and that we get the long term use out of the truck that we can get.

Councilor Mason said I would just like to point out what Fern just said. We did have some citizens that expressed keeping up with things, keeping things clean, keeping things refurbished, so I feel that for something to be out of service for six to eight weeks [or] to put it off longer would push it even further. It's possible that it may be higher than what is estimated here. There he is. He can finish.

Chief Galipeau said I apologize. How far along are you? Councilor Larochelle said Chief, I was expressing my concern that the price that we had, as I explained to you, I thought if nothing this wasn't over budgeted and maybe under budgeted for what we actually need to do to that truck. As with everything that you do, a rebuild on your house or your car or whatever, it all ends up being more money. I realize that we talked about that, but I have faith that you are doing what you need to do.

Chief Galipeau said it's an appraisal proposal. He does know what the potential of what he is getting into. We have to hold him as true as we can to that number.

Councilor Larochelle said that's for both bids as far as for the refurb goes, can you explain what the \$21,000 represents. Chief Galipeau said Greenwood's emergency vehicle proposal was for the actual maintenance, stuff that needs to be done as far as what's on the truck, the mechanical parts and stuff that needs to be done. That's going down to Greenwood in Brunswick. It states in the package that they can't actually do the paint so we had to go somewhere else for it. The mechanical portion of it, like valves or minor pump work or lighting issues, that's the stuff that Greenwood would be taking care of.

Councilor Larochelle said can you give us a quick history on the truck, when it was put into service and how often you typically do a refurb. Councilor Galipeau said we try to do a refurb at half life of any truck that we have on the plan. We scoped this truck out to be about 25 years. We are at the 10 year mark, it's a 2,000, and it was spec'd out by the then Deputy Chief Al Dumais. For any of you guys who know Al Dumais, he is very particular in the way that he does things. This truck was built to a very high spec. It shows, I think, with the bids; what we see back is why they are so far below forecast because the truck is built so well. I had forecasted about \$60,000 for this truck to be refurbished. That's figuring you have to take the price and then add in every year typically what the mark up is and everything else for a refurb. We try to refurb, like I said, at half life. This is at 10 years, 12 years. Hopefully, this truck goes 25 years. We will be at half life of the truck. That's a full refurb for a commercial type truck. They go through and tear it down, basically, to the frame if they need to and address issues that have been ongoing.

Councilor Bowie said Councilor Pomelow had a question on the \$1,200 difference in bids between Chapman's and Lemay. Chief Galipeau said I couldn't answer that question directly. Typically, Lemay's has always come in very low for us and they have done very well as far as trying to come in under bids. I can tell you that they don't have a place to actually house the vehicle so when he does all his work and actually peels all the stuff off the truck that he needs to, the trim and everything else, it's going to be outside. When he paints, it will be half way in; he will be able to paint when he needs to.

Councilor Larochelle said one of the reasons that you do a refurb, I know a few years back, we actually had some fairly expensive pump issues and stuff, but they actually go through and do they recertify and retest the pumps to make sure that everything is working properly. Chief Galipeau said the NFPA states that you have to test your pumps yearly and that's what we do. This is a solid pump. We have never had a problem with this pump. It's been spec'd out very well. This truck is part of the reason why it's going to cost us so much less money than I forecasted that's because this truck was, basically, the second do out. This is a task specific truck. It's a very large truck. It holds a lot of water so we use this as our second truck, typically. This is what goes to Lewiston because it's able; we want Engine 1 down here in the Village because we want it to be able to participate in town, protecting our municipality. Engine 2, basically, isn't always the first one out. There has only 71,000 miles on it, it's 10 years old, it's getting limited use, but meeting second do. Lots of times if we only have two truck calls and we are cancelling other apparatus, this truck doesn't make it out the door. There are some advantages to it being that second truck or third venue.

Councilor Cote said everything that you stated I agree with highly, the program was working well, but under the extreme times that we are under right now, if you remember correctly the money that was put into the Fire Department came out of our undesignated funds. It came out of our savings account. I don't think we can afford that this year. I think we should postpone it. We all know what we are facing in the next couple of weeks. The next couple of months is not going to be an easy thing and I think if we go out and spend money right now, we are going to be sorry.

Councilor Pomelow said why do the sirens have to be replaced. Chief Galipeau said we have had electrical problems. That has an electronic based siren on it. We have put three new sirens on that truck in the last five years. They just burn out so now we are specifying one that is electrically load wise made for the truck. Councilor Pomelow said so are we going to potentially run into the same situation with having to replace it several times. Chief Galipeau said no, this one is actually spec'd out. What we have done, with the ones that we've replaced, they were ones that we had that came off the old squad, so that's why, they were ones that we had left over.

Councilor Lunt said if you wait on this would the corrosion get worse over time. Chief Galipeau said you always have the potential for the corrosion issue getting [worse], this is an aluminum body, and from what we have seen as far as corrosion is concerned, we don't have a lot of corrosion due to road corrosion. We have electrolysis between stainless steel screws and aluminum. Those are

starting to show through and stuff like that. You always have the potential of road corrosion, but it is an aluminum body. We are not out in too much calcium to get out there and repair the underbody of the truck.

Councilor Larochelle said that galvanic corrosion that you are referring to is two dissimilar metals, but the biggest thing that actually makes it dissimilar is the electrolyte is the calcium and the salt that actually kind of makes that work. I did another emergency unit last year and I thought it was going to be a week project. It ended up being almost a month project because as you take stuff apart, we actually saw a unit that was on the road more, but half the age and that quarter inch aluminum plate was almost gone all the way through and it doesn't get any better with age.

Chief Galipeau said it's unfortunate that we are using materials now that we are never going to have a problem with rusting and now with modern technology they are starting to put stuff down on the road that now affects the materials that we are using.

VOTE (2010-165) Councilor Larochelle, seconded by Councilor Mason moved to go ahead with the Fire Department's refurb program for a total of \$21,307 for the refurb of Engine 2.

PUBLIC COMMENT:

Chief Galipeau said at this point the \$21,307 covers both totals so if it comes to more I will have to come back to the Council.

Order passed – Vote 5-1. (Opposed: Cote)

OTHER BUSINESS

A. TOWN MANAGER'S REPORT

Mr. Eldridge said Mr. Upham's well is being taken care of. I don't think they have all the materials in for it yet, but they drilled it. They have enough water for one house and they feel that they can use his existing well, close off the cracks, and put a liner in and they feel it will be fine. The MTM building is now being done. Windows are being put in. The Public Works garage is completed. All insulated and the boiler is there. I'm not sure if they finished it or not, but they have been working on it. The dispatch, which has been an ongoing discussion for the last year and a half is still moving forward after the County Commissioners recommended to move forward with it to have it be a county operation. There's a grant that was available to the Public Utilities Commission, which they recommend they apply for and look at how the rate structure would work. Hopefully, they will be applying for that. The last group that Chief Brooks was heading up will be meeting October 14 at the Auburn City Police Department and it is open to the public if anyone is interested.

Mr. Eldridge said the November 2nd Council meeting falls on Election Day and do you want to move that to Wednesday or hold it the same day. Councilor Bowie said I think we should move it. Next week is the MMA Convention in Augusta at the Civic Center. A number of staff will be coming and going to certain programs there and if anybody here would like to attend, you should have a schedule in your MMA Townsman magazine so let Jody know and we will get you signed up.

Mr. Eldridge said tomorrow night there will be a public hearing from MDOT on the Route 196 corridor. I just want to let the Council know. There is a study being done by an outside agency and engineering firm in New Hampshire. From what I understand from AVCOG, the transportation planners, Lewiston and Topsham are recommending that Route 196 become a four lane road. They want to know what Lisbon would like. I'm opposed to that. My recommendation is that we should

not be looking at Lisbon being a four lane road. We have much more village area, residential area, and Ryan and myself and Buttons will be there tomorrow night and we will make that recommendation if that's what the Council wants.

Councilor Bowie said don't we have some studies that were done already on Route 196 that may pull some weight in keeping it. Mr. Eldridge said yes, the one from the University of Vermont; they have that study. Ryan went to the first hearing in Topsham. He said the one tomorrow night at the Lewiston Council Chambers we were told that it would be very influential to express our opinions. There will be one more public hearing held here. Councilor Bowie said didn't Lewiston already try four lanes one time and then they put it back to two lanes with a turning lane in the middle. It seems that they have already been there once. Mr. Eldridge said it's been discussed quite a bit. Councilor Lunt said they should put their section back to four lanes before blasting through Lisbon.

Mr. Eldridge said there will also be a public hearing here on October 20th that's another MDOT public hearing, which has to do with the rail crossing for the trails so if anybody has any interest in expressing what their thoughts are, please come out for that; it will be held here in the chambers at 6:00 p.m.

AUDIENCE PARTICIPATION

Michelle Swatsworth-Turmelle said I have a few things. One of the issues that was brought forth was the fact that Dingley came in at \$21,000,000 instead of the prior \$32,000,000 based on their personal property assessment. Was that done by an outside source or was that done internally by them.

Mr. Eldridge said the initial assessment was done in house by the Assessor at the time, Pat Dow and it was done by the computer. He just plugged in the values of what he had and that calculated the depreciation.

Mrs. Swatsworth-Turmelle said I'm talking about the report that they faxed over, the one that sat there for a little while, what Dingley sent over to us. Was that done by them or a third party? Mr. Eldridge said that was done by them. Mrs. Swatsworth-Turmelle said in August I remember sitting in a meeting and I don't recall if it was the first or second one in August, but there was a vote that changed the Council meetings from 7:00 p.m. to 6:30 p.m. My understanding is that any Charter amendments would have to go out to the public for a vote. That's an amendment to our Charter. The Charter clearly states that meetings are to occur at 7:00 p.m. Are you aware of that?

Councilor Bowie said I think at the time when we made the decision and all the Council agreed and voted, the Council wasn't aware in the Charter that they had to be at 7:00 p.m. Since then that's been brought to our attention. I have asked the Town Attorney if there is any, I mean I think that we have to go back to 7:00 p.m. starting next meeting because we actually don't have the authority to change those meetings.

Mrs. Swatsworth-Turmelle said because you knew that at the last meeting so I was just curious why we kept it at 6:30 p.m. Councilor Bowie said because I had asked for the Town Manager to contact the Town Attorney and to just make sure that that was in fact the case and now that that is we will move our meetings back to 7:00 p.m. Mrs. Swatsworth-Turmelle said is that something that you are looking to go out to the public eventually to vote on. Councilor Bowie said I don't know, it's up to Council. I don't know how Council is feeling about 6:30 p.m. as opposed to 7:00 p.m. It seems like they will have to discuss it at a later date. If there is a change needed in the Charter, then it will have to go out to the public. Mrs. Swatsworth-Turmelle said okay, just a word of caution; you guys were over heard discussing it on the audio at the last meeting. Councilor Larochelle said and if I'm here I would rather go back to 7:00 p.m. because it's very tough to be here at 6:30 p.m. Mrs.

Swatsworth-Turmelle said I think it's been a huge adjustment obviously for everybody, but you were over heard discussing it so it was known that you guys knew about it.

Mrs. Swatsworth-Turmelle said in regards to the tax issue, where do we stand right now with that issue. Mr. Eldridge said if you stay for after the executive session we will have a workshop and Mr. Van Tuinen will do a presentation for everybody and he can tell everybody where he is in the process.

Mrs. Swatsworth-Turmelle said at the end of the meeting under Councilor Communications one of the Councilors asked the public and it was a unanimous show of hands, going back to something I have been asking you guys for over a year, it's something within your empowerment, a show of hands based on that meeting was that the public wants input on their municipal budget. There are two ways to do it; you guys are well aware of what those two ways are. I still feel it's more prudent for you guys to make that amendment to the Charter versus the public coming to you because their language is what would be used versus you guys being able to implement those guidelines and kind of setting what those guidelines would be for that type of a vote. I just want to know what your stance is at this point in time based on the last several weeks. I believe Councilor Cote has asked everybody and it was a unanimous show of hands. John Wierzbicki said it was not unanimous. Mrs. Swatsworth-Turmelle said for the most part the people in the room, there was an overwhelming number of hands shown for that. I'm sorry Mr. Wierzbicki.

Councilor Bowie said that will be something that Council can discuss whenever they wish to discuss it. Mrs. Swatsworth-Turmelle said I'm just asking can it be brought forth for discussion again. Weigh out your pros and cons and get some public input. I had asked for it last year. At one point you were going to use the June vote based on the public's voting on whether or not they wanted to continue to have input on the school budget. A few weeks before that you said no, we are not going to do that; if you want to do it take out a petition. I still feel like it's more prudent for you guys to have control over that language and to set the safety net in place on what if it doesn't pass the first time, the second time, similar to the school budget. I just want to know instead of me asking in six months for a discussion, can it be brought forth at some point, involve the public, and hear from everybody instead of just the people in here. Councilor Bowie said that's something if Council wishes to do we will do. Councilor Cote said I've wished it for a year or almost two years. What do I have to do Mike. I gave you the documentation. I asked you to make the Charter change. I've done everything that I can do and you still ignore it. What do I have to do?

Councilor Bowie said Mr. Cote this is a seven-member board. Councilor Cote said you never bring it to a vote. Councilor Bowie said it takes a majority to do this and I believe we had discussed this a number of times and there was no majority to go forward with it; if a majority of the Council wishes to do that and go forward then Council can do that, but it takes four members to bring that forward.

Councilor Lunt said can I ask either you or Roger to get us a copy of what you are specifically proposing so we can look at that and debate the specifics of it. I think that that would be helpful to move the discussion forward. Mrs. Swatsworth-Turmelle said I don't have any specifics. Councilor Cote said I have it on my desktop. Councilor Lunt said that might help us get some specifics and then debate the specifics rather than just blame each other. Councilor Mason said I think we need to get a model or two from some other towns. I think Roger had mentioned there were three or four people he knew at work so maybe if we could get a model of those towns it would give us something to go on as far as how many times do we vote and what does the vote have to be and all that kind of thing. Mrs. Swatsworth-Turmelle said there are several just within our immediate area that I think are good models based on population and size. Voting history I think is something to look at on those other towns just to see where they were.

Mrs. Swatsworth-Turmelle said the last thing I have is just a concern on how we proceed on going forward with hiring people. What I want to know is, in the past I believe there has been at least one I know for sure possibly two people that have been hired that through the interview process I

believe one of the people had personal knowledge or a personal relationship, knew them personally, outside prior to them coming here as an employee. I understand that we want to hire the best people. My concern is if the best applicants coming in, and I know we have Mr. Van Tuinen coming in and I have no concerns over that, but going forward if we are going to look for someone full time, then I want to know when we hire someone that if they require a certain certificate to do that job that we as a town aren't going to pay to do that. If that's what that job requires them to hold to do that job, is that going to be a requirement and are we going to look for that so that we are not incurring additional expense that we are not essentially getting the bang for our buck on. If we are paying to certify someone to do their job and they are not here, whether it's a year, two years, whatever, we are paying them to do that job and then they leave to go elsewhere for whatever reason. Is that something we can look at and has there been any consideration to forming somewhat of an independent committee to look at helping with the hiring process.

Mr. Eldridge said we do that currently. I reach out sometimes to members of the community. We are looking at an interview committee for the Economic Development position. We have two people from the business community to be part of that process, along with Councilor Mason, the Finance Director and myself. That's a five member group. We do this with every interview we do. We bring together people to review the applications, look at the criteria from the job description, and move forward on that. We rate them on education and how much experience they have so we do that currently.

Mrs. Swatsworth-Turmelle said okay, so in a prior position one that's recently been vacated that particular person was certified to do their job before they came here. We didn't pay to certify them. Mr. Eldridge said can you be more specific. Are you talking about our Economic Development Director? She said no. Mr. Eldridge said are you talking about Mr. Dow. He was already a Certified Assessor.

Mrs. Swatsworth-Turmelle said you brought up Economic Development. There was some discussion at the last meeting. You were going to look at the applications and were unsure whether it would be part-time or full-time. I wasn't clear from that last meeting are we looking to actually replace that position. I listened to what Councilor Mason said and I understand there are some concerns about economic development, but I also want to have a clear understanding of where we are going directionally with this based on the comments that were made at the last meeting.

Mr. Eldridge said we advertized the position. We received 11 applications. The committee is reviewing the applications and hopefully we will be getting together this Thursday to talk about it. If we are going to interview, we probably won't do anything until the end of the month. I expect to have that discussion at the next Council meeting on the 19th. We are assuming at this point in time it's a full time position.

Jerry Samson said I was asked by one of the Councilors. I have had some questions about the commitment and what went on and whether in fact we have had a commitment. I was asked for some documentation; well this is part of it, Bulletin 15. The commitment itself involves a commitment, evaluation book, Certificate of Assessment, a copy of a Collectors Warrant and Certificate of Commitment, and a copy of the Treasurer's Certificate, and Certification of Appropriations. Well, if any of these are missing you have not had a commitment. If any of these were not submitted to, first of all the Tax Collector can not collect the taxes unless he has in hand prior to the tax bills going out the proper documents. These documents have to be signed on the day of commitment, copies have to be in the commitment book, the originals go to the Treasurer, and the Tax Collector. As of last Friday, four weeks after the commitment, these documents are not in the Assessing Office and no one has found them. In talking to the Bureau of Taxation they are simply saying it's not an illegal commitment, it didn't happen at all. So, I guess that's the question I have. Are these signed documents somewhere? They should be in the Assessing Office.

Mr. Eldridge said Mr. Van Tuinen will address that when he does his presentation. I think everybody has to be patient and let him do the job he was hired to do.

Larry Fillmore said this is a question for our lawyer, if these documents are not on file anywhere how can we have a valid tax assessment? I don't know if that's the right word I want to use, commit or whatever you want to use. We brought up at the last two or three meetings that there were terrible discrepancies in the manner in which this was processed. I said it before and I'm going to say it again. I understand what Mike has said several times about once we have a commitment that it's etched in stone, but if we screwed it up by not following the law and not doing what we were supposed to do for whatever reason that it can't be a valid commitment. If that is the case, then we are way out of line here. I understand that you have a workshop scheduled after the meeting is adjourned. I think that's wonderful. I think that there is a lot to be discussed. Many townspeople have brought up for the last three meetings many items that they never got an answer to. So how can we sit here and keep going on and on and on when we can't get any solid answers. Now, I understand some of the questions that we asked the answers just can't be pulled out of the air, I understand that, but I think until we resolve this issue every meeting that you hold, every single one ought to have an agenda [item] on here that says this is the update on the questions that you brought to us before and we are now able to answer before we go any further. I don't think the public here needs to sit for another five hours or what ever it takes for you to go into executive session, okay, then come back and do your workshop. You have work to do, I get that. Don't get me wrong. I'm saying that you people should be updating us every time you have a meeting. The public comes to these meetings and we are looking for answers. We are not looking for workshops. We are looking for the answers and you are not providing them, so until we can resolve this issue we need to have in here an agenda [item] on every single meeting [agenda] this is the update on the questions that you provided last time, or last three times. You can pick which ever one you want, I don't care, but we need answers.

John Wierzbicki said Mr. Fillmore you asked a question for the lawyer; why don't you wait for the answer. Mr. Fillmore said and he can answer, but I would like to give him time in case he has to do some research before I expect an answer. I don't expect anybody here to pull an answer out on the top of their head. It should be on the agenda and we should have answers to these questions. Twila here is taking down all these questions; they are being recorded. Have we got one answer from the first meeting? No, and that's what I'm saying, but I don't expect anybody, not even the lawyer sitting over there, to answer a question on the spot without doing prior research. I'm as mad as you are. I'm trying to get it on this agenda every week instead of waiting until after their workshop. Okay, now Twila can go back to three sessions before. She can give you all the questions in case you missed them. She's got them, but we need to have some answers. Before you go into a workshop you ought to know what the questions are or what you are working with because you can't have a workshop if you don't know what the problem is. I don't think you know what the problem is because nobody has given us any feedback. Apparently, you don't have a clue.

Dorothy Fitzgerald said I agree with what this gentleman just said and I realize it's on the agenda for a Council Workshop after adjournment and after executive session. People will be waiting here for the workshop. The public has no input into the workshop. The public can not ask questions. We sit here and listen and that's it. Is there anyway that you can change it from a workshop so you can take questions and comments from the public.

Councilor Bowie said at the workshop there is no public participation, right. The workshop is designed for Council to meet together to try and resolve and get answers to your questions; it has to be a public meeting, right. [At] our public meetings we try to get answers to questions, [which] are [done] through workshops with whatever staff is going to try and bring us up to speed, so that we have answers to then relay back to the public.

Mrs. Fitzgerald said people have been waiting and waiting to get answers. Councilor Bowie said I understand that people have been waiting. I have been waiting for the answers, right. Everybody

on the board has been asking questions as well. It takes time to get through the information and get the results so that we can provide you with some good factual information to the questions you have [asked, like] what's happening with the whole tax thing. I mean I don't want to continue to give you bits and pieces of information that don't add up to everything that could cause further disconcerting information. I think Council is trying to work on coming up with what are the issues and how can, if it can be, resolved. We are working with our auditors, temporary Tax Assessors, and our attorney; we are trying to pull information together that will allow us to learn more for us to understand more so that we can provide good factual information back. We need to find out whether our commitment was done wrong and do we have to go redo it, make adjustments, or to find out that the commitment was done right and there is maybe nothing we can go do. We need to go dig into the case in order to find that out to get factual information.

Mrs. Fitzgerald said this is what comes from hiring inadequate people. Question for the Town Manager, I was wondering if there is any up coming convention out of State that you would be planning on attending. Mr. Eldridge said no, there isn't. Mrs. Fitzgerald said I understand there is a convention in San Jose. Mr. Eldridge said I am not going to that.

Mildred Ryder said I still live on Route 9. I am wondering what they are doing about us paying taxes on land we no longer own. Have they looked into that at all? I am one of the many that's paying taxes for something that we don't have. Mr. Eldridge said Mr. Van Tuinen and one of his staff people have been here almost everyday since we have had meetings and they are looking through everything trying to make sense of it all. It's not going to happen over night.

Mrs. Ryder said my house payment is going to go up next year because you sent my tax bill in to them. My taxes are included in my house payment and because my taxes went up my house payment will go up. I'm not very happy about that; paying for land that I no longer have. I want to know what's going to be done about it. There are many people paying for something that they don't have. We all lost land on Route 9. What's being done?

Mr. Eldridge said it's not the town's responsibility. You and I have had this conversation before. It has to be surveyed and a new deed and a new map with the changes have to be submitted. Mrs. Ryder said how many years is that going to take? Mr. Eldridge said that's up to you. Mrs. Ryder said it's up to me, well, I want it done immediately. Who has to have it surveyed? Mr. Eldridge said from what you told me, the conversations you had with the Maine Department of Transportation that is your responsibility to have it surveyed and changed.

Mrs. Ryder said my responsibility to have my land surveyed for the town to put my taxes down to what they should be; I don't think so. There is a lawyer over there. Am I supposed to have my land surveyed so the town will only charge me for the taxes they are supposed to? Roger Therriault said do I get to think about that, too. Mrs. Ryder said no, I want an answer now. I'm paying taxes on something I don't have.

Mr. Therriault said I thought you might. Somehow there has to be a quantification of the property that you lost. It is the taxpayer's responsibility to provide to the town what that quantification is. It should be on the MDOT maps, but I don't know if it is or not. Somehow the information about how much land you lost has to be presented to the town, otherwise the town or Assessor has no way of making the adjustment. You can't just guess. We have to know how much land you lost and recalculate the land values based on the reduced amount of land.

Mrs. Ryder said so what's got to be done. I still don't understand that. I'm not going to pay to have it surveyed. Councilor Bowie said I think that what Mr. Therriault was trying to say is that in your proceedings with the Department of Transportation in settling on whatever you got for the reimbursement for the land that they took they did a calculation of what that land was worth and what the size of that land was. All you need is that documentation, I believe, which would provide

the perimeters to bring into the Assessor and that would allow him to reevaluate your land based on that reduction of property.

Mrs. Ryder said so everybody on Route 9 has to bring proof into the town so you will drop our taxes. Councilor Bowie said otherwise the attorney said the Assessor doesn't know how much you lost, right, because you worked that deal with the Department of Transportation. Mrs. Ryder said it's a long story, but I haven't even been able yet to cash that check, a year later. That's another story, but I have not got a penny out of it yet.

Councilor Cote said Mrs. Ryder when you were dealing with the State did they bring you a map all rolled up. Mrs. Ryder said oh yeah, they did. Councilor Cote said bring that map in to Mr. Van Tuinen, it's written right on there what the amount of acreage was that they took from your property and he will have to make the adjustments on that. Mrs. Ryder said so when do they drop the taxes?

Councilor Cote said when you bring that in then they will have to readjust your taxes. Mrs. Ryder said are they going to send that in to my mortgage company that my taxes have dropped. Councilor Cote said I don't know. I'm not an Assessor. The main thing is that that information is on that big map.

Councilor Mason said Route 9 was kind of an unusual circumstance because I also live on Route 9 and of the land that we owned, we owned to the middle of the road. That's what we were told. Were you told that? So, it's an unusual circumstance. I am not going to stick my neck out because I'm not an Assessor either, but I'm assuming that maybe it was done on the actual land that we own in previous times, but you take care of that and bring it in.

Larry Fillmore said when is the Council going to vote to add the tax updates into the agenda. We are all sitting here and you guys didn't even make it a motion. Can somebody up there make a motion that we add this into each agenda for the meetings so that we can at least get updates on what's going on.

Councilor Bowie said we don't need to make that a motion. We can just make that happen. Councilor Cote said there, you got it. Mr. Fillmore said okay, then I'm going to see Tax Updates on the agenda every time you guys meet. Councilor Bowie said we need to see what we can produce for information that's reasonable and assessable to put into documentation for you for updates.

Richard Graham said I feel sorry for the people who live on Route 9. I'm not entirely surprised the government screwed somebody out of something and now they can't manage to get it straightened around. The last three Council meetings on the financial matters Councilor Cote has been right on the money. I would strongly urge the Council to remember that our State Representative has informed us that there is a very good chance that there is going to be a major revenue reduction that the Town of Lisbon gets from the State, which means if we straighten our tax problem out to what it was prior to 2010, the State's going to put this town right back in the same boat it's in now. I would strongly urge the Council that we need to keep that in mind.

Councilor Cote said I would like to bring something else to your attention. Sitting in this seat I know about a lot of other things that you people don't know about yet, but you will in the future. I will tell you, we are in a lot worse shape than you think we are and when you look back on these votes that are being made, remember when you vote because there are some serious issues coming up shortly. If you think you are going to spend yourself out of debt, it's like a man standing in a bucket trying to pick it up by the handle, you are not going to do it. This is what's going on right now. We are spending. We like pretty fire trucks, but I'm going to tell you what, when the rest of the story comes out let's see how much we like our tax bills going up to pay for the issues that are coming up.

Mr. Graham said I agree and even though I understand a lot of it is being handed to the town from outside influences, you still can't dig yourself out of a hole.

Don Fellows said do you have any idea how long the executive session is expected to last. The reason I ask is that I am wondering with the number of people here, including myself that are interested in the results or listening to the workshop, if we are here an extended period of time after your executive session it's very much an inconvenience for everyone. Is it possible to change the order?

Councilor Cote said the problem is we have an attorney sitting here that we are paying to answer questions and if we have him stay here to 11:00 p.m. because we want to change the agenda, it may not be in our best interest.

Ronald Roy said is the session after going to be recorded. Mr. Eldridge said yes.

Kathryn Haines said I moved to Lisbon three years ago. I live on Main Street. I love Lisbon and I love Lisbon Falls. I don't always agree with Mr. Cote, especially when he wants to close the Library, but I agreed with him tonight. It seems to me when you have a problem with your budget you put off doing certain things until you really settle down, you know, what your figures are going to be. My question is this tax was raised on our tax bills. Was that legal? Is that in the town Charter? Do you have the right to change tax rates after you passed a budget? Normally, when you go into a budget you know what your tax rate is going to be.

Councilor Bowie said well, we estimate what we think it is going to be, because we really never know the full tax rate until we actually get through with the Assessor based on what the Council does for revenue projections and what they end up approving for a budget for expenses. And, then based on what the Assessor has for all the evaluations, personal property tax and everything, and then what people get back for tree growth and homestead and everything, all that I think works into this calculation and that determines what your tax rate is going to be.

Ms. Haines said but this year it was the Assessors' fault that we ended up with a discrepancy like we did.

Councilor Bowie said well, I'm not sure whose fault it was yet that we came in where we did. I think, as we discussed in prior meetings there are a number of open issues that we are trying to research and come to the conclusion on what drove what's taken place. That's one of the things that Council is trying to find out, what drove the big change in the commitment. We have talked about a number of things. We had a loss of valuation from a large business to the tune of like \$11,000,000 that was not anticipated. We have had, as you know, shortfalls in our revenue projections so our revenue is down from what it was in prior years. Our budget went up about 2% to 3% percent, so there are a number of tails that all come together to make this whole tax commitment.

Ms. Haines said well, I retired several years ago as a Department Head from the Town of Freeport so I have sat through budget meetings and Council meetings and I've been on the hot seat and I can sympathize to some extent, but you have got my attention. I don't like coming out at night, but I'm right here and I will be right here through the whole meeting including right after executive session and I'll be here again, I'm sure.

Councilor Cote said I don't believe I ever voted to close the Library. Ms. Haines said but you scared the Librarians; somebody put that rumor around. Councilor Cote said I've never voted to close the Library. Ms. Haines said that's good. Councilor Lunt said I think maybe you said close for a day. Councilor Cote said I was looking to save and I thought we might have to close a day, but I would never vote to close the Library. That would be public suicide. Ms. Haines said it certainly would be.

APPOINTMENTS

WARDENS FOR WARD/DISTRICT 1 & 2

VOTE (2010-166) Councilor Cote, seconded by Councilor Pomelow moved to appoint Sheila Gray Warden in Ward/District 1 and Monique Gayton Warden in Ward/District 2.

PUBLIC COMMENT: None.

Order passed - Vote 6-0.

INTERIM ASSESSOR - WILLIAM VAN TUINEN

Mr. Eldridge said I would like to appoint Mr. Van Tuinen as an Interim Assessor until we get this all straightened out. I hire him; the Council has to agree that this is what they are going to do.

Councilor Cote said was Mr. Dow ever put under oath, I mean sworn in in public. Councilor Bowie said he is not required to be. Councilor Cote said that's what the Charter states, I believe. Just like when the Councilors take their seat and the different boards take their seat, you swear them in in a public meeting. Councilor Bowie said you don't have to though. Twila can swear you in right at her counter. Councilor Cote said not a Councilor. Councilor Bowie said yes, she has done it before.

Mr. Eldridge said it says right here that there shall be a single Tax Assessor appointed by the Town Manger who is confirmed by the Town Council pursuant to Section 2.10. The Tax Assessor shall have custody of maintaining the assessment records of the town. He must be certified by the State of Maine.

Mrs. Lycette said before assuming the duties of office under State law you would be required to take an oath, but a requirement at a public meeting I have not heard before and I am not aware of that. Councilor Cote said do you have a record of him being sworn in. Mrs. Lycette said yes.

Councilor Pomelow said is Mr. Van Tuinen going to be under contract or an employee. Mr. Eldridge said he would be under contract. Councilor Pomelow said is it open ended or is there a duration to that contract. Mr. Eldridge said until we all feel he has done what we have asked him to do.

Councilor Lunt said I just think there ought to be a maximum time this interim position is going to be, whether that's six months or one year. Mr. Eldridge said I would like to think that he would be completed by January 1. Councilor Lunt said so that would be six months maximum.

VOTE (2010-168) Councilor Larochelle, seconded by Councilor Mason moved to appoint William Van Tuinen an Interim Assessor for a maximum six-month duration.

PUBLIC COMMENT:

Dorothy Fitzgerald said didn't the Town Manager say until the end of this year instead of six months. Councilor Lunt said a maximum of six months, that's just to put a time limit on it. I just don't want it open ended forever. That's all I meant Dot.

Mr. Fillmore said I was wondering what we are paying him. Mr. Eldridge said we have not agreed to a sum yet. He is not here everyday. Mr. Fillmore said you are going to approve without

knowing how much this is going to cost us. Councilor Bowie said it won't cost us anymore than what we have in the budget for the Assessor's budget.

Order passed - Vote 6-0.

LIBRARY GOVERNING BOARD
(1 Term Expiring June 30, 2013)

VOTE (2010-169) Councilor Cote, seconded by Councilor Larochelle moved to appoint Ralph Day to the Library Governing Board.

PUBLIC COMMENT: None.

Order passed - Vote 6-0.

RECREATION COMMITTEE
(2 Terms Expiring June 30, 2013)

VOTE (2010-170) Councilor Cote, seconded by Councilor Lunt moved to appoint John Golino and Sean Kaherl to the Recreation Committee.

PUBLIC COMMENT:

Councilor Larochelle said I believe there is still another person needed to file one more position on that board.

Order passed - Vote 6-0.

APPEALS BOARD
(1 Term Expiring June 30, 2013)

VOTE (2010-171) Councilor Cote, seconded by Councilor Lunt moved to appoint Shaun Carr to the Appeals Board.

PUBLIC COMMENT:

Councilor Cote said don't we have another opening. Miriam Morgan-Alexander said there are two openings. Councilor Cote said I would just like to restate, I said it at the last meeting, we really need people to help us out on these boards. They are very important. The decisions that are made on the Appeals Board and the Planning Board are decisions that are going to affect your property possibly in the future. It's important to get some people on here. They only meet I believe once a month.

Councilor Bowie said I believe the Appeals Board, they only meet when they have a case.

Councilor Cote said it isn't a lot and we could really use the help so if anybody wants to step up, it would be appreciated. Mr. Carr, I just want to say that the Appeals Board is where I originally started my years of public service and welcome, it's a real learning experience.

Order passed - Vote 6-0.

COUNCILOR COMMUNICATIONS

Councilor Bowie said the next item is communications and I am wondering if Council would like to by pass communications so that we could get into executive session so that we could get out sooner potentially.

Councilor Cote said I have a lot of things to say, but I can say them later. Councilor Bowie said that way we can get into executive session and try to get back out here.

EXECUTIVE SESSION

VOTE (2010-172) Councilor Larochelle, seconded by Councilor Pomelow moved to go into executive session at 7:55 p.m. per 1 MRSA Section 405 (6) (A) Personnel Matters, Section 405 (6) (E) Consultations with legal counsel, and 406 (6) (H) Consultation with Code Enforcement Officer on an enforcement matter. **Order passed - Vote 6-0.**

VOTE (2010-172A) Councilor Larochelle, seconded by Councilor Lunt moved to authorize code enforcement action on [property located at] 22 Davis Street. **Order passed - Vote 5-0-1. (Abstained: Pomelow)**

ADJOURNMENT

VOTE (2010-173) Councilor Larochelle, seconded by Councilor Mason moved to adjourn at 8:46 p.m. **Order passed - Vote 6-0.**

Respectfully Submitted,

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

*These Council meeting minutes were transcribed by Twila Lycette and proofed by Beth French.
The Council adjourned to a workshop with William Van Tuinen, which ended around 11:15 p.m.*