



**TOWN COUNCIL
MEETING MINUTES
SEPTEMBER 5, 2006**

Charles Smith – At Large
Layne Curtis – At Large
Michael Bowie – At Large
Gina Mason – District 1
Janet Henry – District 1
Dale Crafts – District 2
Norma Wells – District 2

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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 7:00 PM.

ROLL CALL. Members present were Councilors Smith, Curtis, Bowie, Henry, Crafts, and Wells. Councilor Mason was excused. Also present were Curtis Lunt, Town Manager; Daniel Feeney, Economic Development Director; Ryan Leighton, Town Engineer; David Brooks, Chief of Police; Mark Stevens, Recreation Director; Verla Brooks, Park Ranger; Roger Therriault, Town Attorney; Gerald Kamke, Treatment Plant Manager; and approximately twenty-one citizens in the audience. The Assistant Town Clerk read the meeting rules.

PUBLIC HEARINGS

NEW VICTUALER'S LICENSE – POPPY'S

The Chairman opened the public hearing. There were no comments. The Chairman closed the public hearing.

ITINERANT VENDOR ORDINANCE AMENDMENT

The Chairman opened the public hearing. Dan Feeney asked why we are changing an ordinance. Comp plan will be rewriting ordinances. Mr. Bowie explained the reasoning for the changes. The Chairman closed the public hearing.

RENEWAL SPECIAL ENTERTAINMENT & LIQUOR LICENSE – LEFT HAND CLUB

The Chairman opened the public hearing. There were no comments. The Chairman closed the public hearing.

CONSENT AGENDA

VOTE (2006-27)

Councilor Bowie, seconded by Councilor Smith:

BE IT ORDERED that the Town Council adopts the following consent items: (A) School Warrant 1005, (B) Payroll Warrants 7, 8, & 9, (C) Town Warrants 3.1 & 4, (D) Minutes of 8/15/2006. (E) New Victualer's License – Poppy's, (F) Renewal Special Entertainment & Liquor License – Left Hand Club. Order passed - Vote 6-0.

COUNCIL ORDERS, ORDINANCES & RESOLUTIONS

ITINERANT VENDOR ORDINANCE AMENDMENT

VOTE (2006-28)

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Councilor Smith, seconded by Councilor Wells:

BE IT ORDERED by the Town Council that Lisbon Code Chapter 10 Article IV Section 256(a) Itinerant Vendors be amended by adding the underlined:

Sec 10-256. Location.

- (a) No itinerant vendor may occupy an area larger than 144 square feet. The Town Council may, after public hearing, allow for a larger area to be occupied provided the vendor is located in a private lot and within a zone allowing the proposed use. No vendor may operate within 200 feet, measured by a direct line, of any establishment doing business at a fixed location, which sells the same or similar food or merchandise being sold by the vendor. In addition, no vendor may operate within 100 feet, measured by a direct line, of any other vendor who sells the same or similar food or merchandise. Vendors authorized to participate in carnivals, festivals, mass gatherings or flea markets shall be exempt from this section.

Councilor Wells left at 7:05 PM.
Order passed - Vote 5-0.

MTM BOILER BIDS

VOTE (2006-29)

Councilor Bowie, seconded by Councilor Smith:

BE IT ORDERED that the Town Council accepts the bid of \$43,070 from MW Sewall & Co. for boiler replacement at the MTM Community Center. (Option 2)

Councilor Wells returned at 7:09 PM.
Order passed - Vote 6-0.

DONATION – SUNSHINE HILL FUND ACCEPTANCE

VOTE (2006-30)

Councilor Smith, seconded by Councilor Wells:

BE IT ORDERED that the Town Council accepts a donation in the amount of \$15,000 from the Sunshine Hill Foundation for Recreation Department use as proposed (see attachments). Order passed - Vote 6-0.

ATV USE OF EDGECOMB ROAD DESIGNATION

VOTE (2006-31)

Councilor Wells, seconded by Councilor Bowie:

BE IT ORDERED that the Town Council hereby designates Edgcomb Road (4,291 feet) as an ATV access route, with travel limited to the extreme right of the public way. The posted speed limit for ATV's shall be 10 mph and signs designating the ATV access route and the speed limit shall be conspicuously posted. Councilors Wells withdrew the order, no second required. Order withdrawn.

CHARTER PROPOSED AMENDMENTS – PUBLIC HEARING
ORDER FOR PUBLIC NOTICE

VOTE (2006-32)

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Councilor Smith, seconded by Councilor Wells:

BE IT ORDERED by the Town Council of the Town of Lisbon that a public hearing be convened on Tuesday, September 19, 2006, at 7:00 PM at the General Meeting Room at the Lisbon Town Office, 300 Lisbon Street, Lisbon, Maine, for the purpose of receiving public comment on proposed Charter Amendments 1 through 8.

BE IT FURTHER ORDERED that the Town Clerk publish notice of this public hearing at least seven days prior to the date of the hearing in a newspaper having general circulation within the municipality. The notice shall contain the text of each proposed Amendment with a brief explanation.

Order passed - Vote 6-0.

PUBLIC WORKS BOND ISSUE - ORDER FOR PUBLIC NOTICE

VOTE (2006-33)

Councilor Bowie, seconded by Councilor Smith:

BE IT ORDERED by the Town Council of the Town of Lisbon that a public hearing be held on Tuesday the 19th day of September, 2006.

BE IT FURTHER ORDERED that the Town Clerk publish notice of the hearing in one or more newspapers of general circulation within the Town of Lisbon not less than seven days nor more than 15 days prior to the public hearing and the scheduled final action by Council scheduled after the public hearing at its regular meeting on September 19, 2006.

Order passed – Vote 6-0.

The Council agreed by a straw pole vote to hold a workshop next Monday the 11th at 7:00 PM at the Public Works building to discuss building plans. Straw pole vote: 5-1 (Opposed: Curtis)

BEAVER PARK POND DRAINAGE REPAIR

VOTE (2006-34)

Councilor Smith, seconded by Councilor Wells:

BE IT ORDERED that the Town Council approves a contract with Ralph Bard & Sons for \$16,000 to make repairs to the Beaver Park ponds drainage systems, with the funds appropriated from the woodlot account. Order passed – Vote 6-0.

2006 BOND ISSUE RESOLUTION

VOTE (2006-35)

Councilor Bowie, seconded by Councilor Smith:

BE IT RESOLVED by the Town Council as follows:

VOTED: That pursuant to law the Municipality is hereby authorized to borrow up to the aggregate principal amount of Five Hundred Forty Thousand Dollars (\$540,000) from the Bond Bank, and execute and implement a Loan Agreement with the Bond Bank in substantially the form provided by the Bond Bank to provide financing for the Project. The

Chairman of the Town Council, or the Treasurer, either singly, is authorized to execute and deliver the Loan Agreement; and

FURTHER
VOTED:

Pursuant to the Loan Agreement, there is hereby authorized the issuance and sale of interest bearing General Obligation Bonds of the Municipality up to the aggregate principal amount of Five Hundred Forty Thousand Dollars (\$540,000) for the Project (the "Bonds"). The proceeds of the Bonds shall, without limitation, be used to cover the capital costs of the Project, refund outstanding temporary obligations of the Municipality previously issued to cover costs associated with the Project, and pay expenses of the issue; and

FURTHER
VOTED:

The Bonds shall bear such date or dates as the purchaser shall request, mature at such date or dates, bear such interest rate or rates, be in such denominations, and be redeemable at such price or prices, all as may hereafter be determined by the Treasurer, and the Chairman of the Town Council, the execution of the Bonds to be conclusive evidence of their determination of the terms and provisions thereof; and

FURTHER
VOTED:

Each of the Bonds shall bear on its face the words "Town of Lisbon, Maine" and "General Obligation Bond" and shall be signed by the Treasurer and shall be countersigned by the manual or facsimile signature of the Chairman of the Town Council. Each of the Bonds shall be in substantially the same form as the specimen bond attached as an exhibit to the Loan Agreement; and

FURTHER
VOTED:

The Bonds shall be sold at the par value thereof to the Bond Bank in Augusta, Maine; and

FURTHER
VOTED:

The Municipality hereby covenants to take all lawful action necessary to comply with those provisions of the Internal Revenue Code of 1986, as amended, that except for such compliance, would affect adversely the excludability of interest on the Bonds from gross income for federal income tax purposes, and to refrain from taking any action that would cause the interest on the Bonds to become included in such gross income; and without limiting the generality of the foregoing, specifically covenants and certifies that no part of the proceeds of the issue and sale of such Bonds, including any notes or bonds in renewal thereof, shall be used, directly or indirectly, in such manner as to cause the Bonds to be "private activity bonds" or "arbitrage bonds" within the meanings of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended; and

FURTHER
VOTED:

The Municipality covenants to pay when due interest on the outstanding indebtedness of the Municipality incurred or assumed for Municipal purposes; and to pay or provide for the payment of all indebtedness created or assumed by the Town; and

FURTHER
VOTED:

All actions taken to date by the Town Council and the officers of the Issuer with respect to the authorization and sale of the Bonds are hereby ratified and confirmed. The Treasurer and the Chairman of the

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Town Council, and each of them singly, is hereby authorized to take such action and to execute and deliver an Arbitrage and Use of Proceeds Certificate, a Signature and No Litigation Certificate and such additional documents, certificates and instruments as may be deemed by them as necessary to effectuate the execution and implementation of the Loan Agreement and effectuate the issuance and delivery of the Bonds heretofore authorized; and

FURTHER
VOTED:

Any prior resolutions of the Town Council restricting the amount of authorized loans or issuance of bonds and notes are hereby superseded; and

FURTHER
VOTED:

If any officer or official of the Municipality who has signed or sealed the Bonds shall cease to be such officer or official before the Bonds have been authenticated or delivered by the Municipality, such Bonds nonetheless may be authenticated, issued and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and any such Bonds may be signed and sealed on behalf of the Municipality by those persons who, at the actual date of the execution of such Bonds shall be the proper officers and officials of the Municipality, although at the nominal date of such Bonds such person or persons shall not be such officer or official.

Resolution passed - Vote 6-0.

ADOPTION OF POLICY ON TREASURER'S DISBURSEMENT WARRANTS FOR
EDUCATION COSTS AND MUNICIPAL PAYROLL

VOTE (2006-36)

Councilor Bowie, seconded by Councilor Smith:

BE IT RESOLVED by the Town Council of the Town of Lisbon, being the municipal officers thereof, that the Policy on Treasurer's Disbursement Warrants, attached hereto and made a part hereof, be and hereby is adopted in accordance with the terms, conditions and provisions stated therein. Resolution passed - Vote 6-0.

ORDINANCE FIRST READING: DELEGATION OF AUTHORITY TO APPROVE
TOWN TREASURER'S DISBURSEMENT WARRANTS

VOTE (2006-37)

Councilor Bowie, seconded by Councilor Smith:

BE IT ORDAINED by the Town Council of the Town of Lisbon that the Municipal Code of Ordinances of the Town of Lisbon, Maine, adopted May 13, 2000, and subsequently amended, be further amended as follows:

Chapter 2. Administration.

Article VI. Municipal Finance.

Division II. Budget.

Sec 2-284. Town Disbursement Warrants.

- (a) Purpose. The purpose of this Ordinance is to adopt a procedure for the payment of municipal obligations that will timely and efficiently discharge the financial

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obligations of the Town while providing for adequate and appropriate oversight of the payment process.

- (b) Enabling Legislation. The provisions of 30-A M.R.S.A. § 5603(2) only allow a Treasurer of a municipality to disburse monies upon the authority of a Warrant drawn for that purpose approved by majority vote of the Municipal Officers of that community. This provision, however, also allows the municipality by Charter or by Ordinance, to adopt its own procedure for approval of Municipal Warrants in accordance with appropriate oversight requirements and the necessity for efficiency and timeliness in paying the Town's obligations.
- (c) Warrant Requirements. The Treasurer shall be required to make payments and disbursement, in accordance with funds duly appropriated for those purposes, to satisfy the Town's financial obligations, from general fund monies or other appropriate Town funds, in accordance with a Warrant duly signed by the Town Manager and co-signed by the Chair of the Town Council and one other Town Council member. In the absence or disability of the Chair, the Vice Chair or the designee of the Chair or Vice Chair, shall be the signatory, along with the other Council member.

Order passed - Vote 6-0.

PUBLIC HEARING FOR ORDINANCE

VOTE (2006-38)

Councilor Bowie, seconded by Councilor Wells:

BE IT ORDERED that the Town Council will hold a public hearing on September 19 at 7:00 PM to hear comments on an ordinance entitled "Town Disbursement Warrants".
Order passed - Vote 6-0.

OTHER BUSINESS

INTERAGENCY REQUESTS

Review only, see attachments. Mr. Bowie suggested that each Councilor make their own recommendations and provide them to the Town Manager's office prior to the next agenda due date for discussion at the next meeting.

MADELYN STREET SEWERAGE PUMP STATION

Review only, see attachments. Councilor Smith agreed with the proposal, and stated that over the last 3-4 years the new equipment has worked well. Mr. Leighton asked for guidance for the purchase requirements, and stated that the price of the package is right in line with the budget, despite a lack of competition.

Councilor Henry left at 8:49 PM.

The Council generally gave Mr. Leighton support in his efforts going forward.

TOWN MANAGER'S REPORT

See attachments for the list of items completed by the Town Manager.

Councilor Henry returned at 8:52 PM.

Great Falls Television offered a contract for broadcast of public meetings for \$5,000 annually, which Mr. Lunt explained is similar to other communities.

Councilor Crafts left at 8:55 PM.

Mr. Therriault said that Time Warner is aware of several communities that do not have active franchises, and are planning to address the issue soon. Councilor Bowie mentioned that the proposal includes better equipment and training, and that he would like to see us have better microphones that pick up everyone when they talk. Councilor Crafts returned at 8:59 PM.

AUDIENCE PARTICIPATION

None.

APPOINTMENTS

VOTE (2006-39)

Councilor Bowie, seconded by Councilor Smith:

BE IT ORDERED that the Town Council does hereby appoint the following:

- Jessica Ireton-Hewitt to the Conservation Commission as an Alternate for a 1-year term to expire in 2007
- Ross Cunningham to the Conservation Commission as an Alternate for a 1-year term to expire in 2007
- Sandra Levesque to the Technology Committee as an Alternate
- Robert Ireton-Hewitt to the Appeals Board for a 1-year term to expire in 2007
- Justin Livdvinaitis to the Trail Commission
- Michael Lahti to the Trail Commission
- Lucien Asselin as Civil Constable

Order passed – Vote 6-0.

GOOD NEWS & RECOGNITION / ORAL COMMUNICATIONS

Councilor Smith thanked the Public Works Department for the tour of the Public Works building and the trail groundbreaking ceremony, adding that it was a job well done.

Councilor Smith also questioned whether the Edgecomb Road Bridge was town owned, as there is a potential liability if a horse or person falls through a recently reported hole. Mr. Lunt stated that there is a three-ton limit on that bridge, which is inspected regularly by the State, and that he will inspect it himself for holes right away. Councilor Smith also asked if access permission is required. Mr. Lunt said that he will check, and remarked that the first driveway on the left is something that is used publicly.

Mr. Therriault stated that as of 1976, there are no longer any county roads. He stated that there are two ways that it can stop being public: abandonment (old common law of 20 years, completely private ownership), or discontinuance by a municipality. Because the records for Edgecomb Road are in Topsham, it makes the issue more complicated. Mr. Feeney mentioned that Edgecomb Road might have been discontinued in Topsham at Town Meeting as late as last year.

Councilor Curtis said that Councilor Smith lost a calf and Councilor Bowie helped corral him. He also thanked Frank Gross for his paintings, adding that he is a fine artist.

Councilor Curtis questioned when the Council could begin bringing in the different committees, stating that they are a part of this board, and that there should be more communication. Mr. Lunt said that this is usually scheduled in October, and that it was planned for the same time this year. Councilor Crafts stated that he would prefer that the committees be seen between December and January; Councilor Bowie agreed on that time

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frame. Councilor Wells suggested that rather than seeing eight committees in October, that they have one per month throughout the year present their goals and objectives. Councilor Bowie agreed, and added that he would like them to do some small presentations to explain what they do and what they need.

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EXECUTIVE SESSION

VOTE (2006-40)

Councilor Bowie, seconded by Councilor Wells:

BE IT ORDERED that the Town Council went into Executive Session at 9:29 PM per M.R.S.A. Title 1, Chapter 13, Section 405(6)(D)(E). The recording secretary was excused. The Town Council came out of Executive Session at 9:50 PM. Order passed – Vote 7-0.

ADJOURNMENT

VOTE (2006-41)

Councilor Smith, seconded by Councilor Curtis:

BE IT ORDERED that the Town Council adjourned at 9:51 PM. Order passed - Vote 6-0.

Respectfully Submitted,

Juliet C. LeBlond
Assistant Town Clerk
Lisbon, Maine

These minutes are not verbatim. Cassette tapes are filed in the Town Clerk's Office.