



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

Michael Bowie, Chair District 2 2012
Gina Mason, Vice Chair District 1 2010
Fern Larochelle, 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 7:00 PM.

ROLL CALL. Members present were Councilors Bowie, Mason, Crafts, Larochelle, Cote, Pomelow and Lunt. Also present were Stephen Eldridge, Town Manager; Roger Therriault, Town Attorney; Kathy Yergin, School Committee Member; the following Budget Advisory Board Members, Dorothy Fitzgerald, Donald Fellows, John Wierzbicki, Richard Main; and approximately seven citizens in the audience.

PUBLIC HEARING - NONE

CONSENT AGENDA

VOTE (2010-1) Councilor Cote, seconded by Councilor Crafts moved to approve the minutes of December 1, 2009. **Order passed - Vote 7-0.**

COUNCIL ORDERS, RESOLUTIONS & ORDINANCES

**CMP STREET LIGHT ADDITION
FOR CAPITAL AVENUE, LITTLEFIELD & KING ROAD**

Mr. Eldridge said we have a request from Maine Recycling on Capital Avenue to put up an additional street light down near one of their parking areas. They purchased some land down there and they have their employees parking pretty early and leaving late so that's one of the requests and the other request was made here one night for a light by the King Road Bridge at the intersection of the Littlefield Road and King Road. These are decisions that the Council makes whether to put street lights on or not.

Councilor Mason said I just have an issue; are we still continuing to work on our elimination of some street lights. Mr. Eldridge said yes. Councilor Mason said this concerns me a little bit because we are working on getting rid of some and now we are adding some and I just hope we are still in the process of completing that.

Councilor Larochelle said I guess the concern with that is the same thing that Councilor Mason mentioned last year during the budget season, we really pushed hard to see what we could do about street lights and while I mentioned to Mr. Eldridge that it would be nice to have a policy very much like the Planning Board and Appeals Board, just a checklist of what you need to do and what would actually make for a perfect place to put a light. I think that probably that's a process that we need to go through the rest of the town and look to see the lights that we already have and look to see what ones are good and bad. Again, it's really hard to justify any new lights, I would think, not that they are not necessary, but the idea of trying to follow a format like does it meet the requirements. There had been a lot of questions last year during budget season. Just with all the

decisions we had about eliminating lights it's really hard to start putting new lights up unless we find that they are really necessary. Again, maybe they are and maybe it's a very legit thing, but it would be nice to actually have a checklist indicating that it meets 8 out of the 10 requirements and this is why we will do it. We would have to be very careful about actually putting lighting up for commercial businesses for their parking areas I know. We pay CMP every month for a light because of that same concern and I just don't know where that would actually stop. Again, and I am not saying that it's probably not necessary that there needs to be light there, but I think it's really got to kind of, again, my whole point goes back to the idea that we need to have a set of requirements for why we have to put lights up in town. I know Mr. Eldridge I have mentioned to you in the past and you said there are some ordinances that other towns use to meet the requirements why street lights are put up and with the budget being the way it is again this year I would think that we just need to follow along with that.

Mr. Eldridge said Roger Therriault has a draft along with some other ordinances that we are looking at so we have a draft, but we haven't got it back yet. I have maps for you. We tried to print the maps on a smaller scale, but you can't really see the individual lights and where they are so we made them larger for you to take home. We did talk about having a workshop. This way we could lay it out and talk about it. I think that Chief Brooks needs to be a part of that conversation. He and I have talked about this; guidelines that you as a public safety official feel we need to look at when we talk about street lights. We need to do that before the budget process so you can decide what you feel is the necessary requirements based upon what Chief Brooks is telling us and possibly Chief Galipeau. When you see that map and all the green dots; it's amazing how many we have. We have over 300 street lights throughout this community and many of them are on rural roads and I question the need to have so many on the rural roads. You have a lot in Lisbon Falls downtown where it is more condensed, but again, do we need that many street lights? There are some things that we are going to have to deal with; you see we are under contract with CMP so we might be limited in terms of what we can take out and what we have to keep.

Councilor Larochelle said I think that everybody that has a concern about a street light needs to be represented and actually put through the process to make sure that, I don't think you can actually say no to anybody that has a concern about a street light because evidentially there are legitimate concerns, but I think that as requests come forward I think they ought to just be taken care as do they meet the requirements.

Councilor Cote said I received several phone calls from people living on King Road who asked why there couldn't be a street light there because of the poor visibility and the way that, that street intersects at the corner. You are much higher on the Littlefield Road and when you come up out of the King Road your lights shine upwards and it's a completely blind corner and now with the new bridge cars are traveling a little bit quicker through there. These people who called, if you need names I'll list names off to you, and they have a legitimate concern and I brought it to the Council. Now you at one time said, Steve, you were going to have Ryan go up and look at it. Did he look at it?

Mr. Eldridge said he looked at it and, again, he came back and said it probably could use one, but that's a decision the Council has to make and that's why it's on the agenda tonight.

Councilor Crafts said we had been talking about this last year, about looking at the whole street light thing, but I don't think that has moved forward much yet. I think it needs to. Mr. Eldridge said it does. Councilor Crafts said we really need to get on top of it and we need to look at the whole scenario and decide if that needs a light, then there might be another area where we can eliminate a light and we are not going to increase any cost, but we don't have enough information to make any of these decisions, but we ought to be on top of it because if that's a dangerous intersection then we need to get on top of it before somebody gets hurt.

Councilor Lunt said I used to live over on King Road and it is a rather dangerous intersection and that's a pretty major intersection between those two connector roads so I think that would probably be a good spot for a light.

Mr. Eldridge said we certainly can schedule a night if you want to put it on one of your Council nights and we can keep the agenda light like we have tonight when we have other things to talk about and do this in a workshop where we can sit around a table, lay the maps out, and you can see where the lights are, and we can have Chief Brooks here. Councilor Bowie said as part of that I want to have the draft policy so we have some logic of what we are looking at as part of, I mean, it's great to look at where all the street lights are and know that, but without some policy guidelines on what's right and what's wrong or, you know, what we think is right or wrong, to go into that discussion, I don't think we can make valued decisions.

Councilor Cote said I think the discussion needs to be made, the light situation has to be looked at, but I don't think we should shun the responsibility of moving forward on action to clear up a dangerous situation. I think that's something the Council has to look at. We don't wait until somebody gets hurt before we vote. I agree we have issues and I agree we need workshops and I agree that we have too many street lights and there are street lights burning all night that I think are completely unused and out in the country and what have you, but when we have a safety issue I think we should jump on it and deal with it.

Councilor Crafts said then why don't you take that one spot and send Ryan over there and if we see it meets the criteria then we can make a decision on that one spot. Mr. Eldridge said, well, you really don't have criteria currently in place so you have to look at a draft ordinance and Mr. Therriault is going through it to make sure it meets all the legal requirements. I am sure I can get it back by the 19th and get it to you the week before so you have a chance to look at it and can make some recommendations on the 19th and then at the same time we can sit down around the table after we finish our regular meeting and look at the street lights. You can take the maps with you tonight so you will have a chance to look at them and ask good questions, I think, on why we have so many out there.

Councilor Crafts said why can't we do this, with a little common sense. All us Councilors drive out there at night and take a look at it; send out Buttons, the Chief, Ryan and if we all agree that it's dangerous, then we don't need this big process on this one particular street light, we can just decide, right?

Councilor Mason said I think he is trying to kill a couple of birds with one stone. Councilor Crafts said, no, I agree with that process and we need to do that, but if it's an obvious, obvious to all of us, then. Councilor Bowie said right, but we have to vote on it and you can't vote by email, or. Councilor Crafts said I know we would have to meet again. I'm not just saying tomorrow, next meeting. I'm just saying in the meantime why don't you just send everybody out there. Mr. Eldridge said Ryan's been out there already and I know Chief Brooks will have an opinion if there have been any problems there, which I don't think there has been, but I will make sure with him and I'll make sure he will be here on the 19th for that meeting at the workshop.

Councilor Lunt said you want to check with the neighbors to see how they feel about it and make sure they are okay with that before we put a light right up in their yard.

Councilor Crafts said the other thing that I suggested and Richard Main suggested, also, is that Ryan was going to look into changing these bulbs, the efficiency, what the cost savings was going to be so we can look at some hard numbers on starting to convert these lights over for long term savings. Has any of that homework been done?

Mr. Eldridge said, yes, some of that's been done and some of that's expensive so we will put that on a spreadsheet and tell you what that is.

Councilor Bowie said I do have one question. On the maps that you have where you have all the street lights laid out, does the town pay for every one of those or are any of those street lights paid for by the businesses or paid for by the State, because some of the street lights are on State roads and I don't know if the town pays for those. I'm just throwing this out as an example, but I don't know if the street lights on Capital Avenue, I think, some of the businesses may have put in their own street lights and they may be paying for those. I think Enterprise Electric put up a street light or two in their area and I think that's something they are paying for, and I'm not sure, the only lights we can address, right, are the lights we pay for.

Councilor Cote said Mr. Main has his hand up and he has done a little bit of research into this issue and maybe he can shed some light on it.

Richard Main said the street lights that are listed on the CMP maps and reports are all paid for by the town; are rented or leased by the town. Some the town owns and pays for the electricity coming over the lines. Some they lease and they are actually owned by CMP. There is, also, the wattage issues involved. I would encourage you to think about non-politicizing the issue. If the Council is going to take its time and they all have constituents, every one of you has constituents, and if you take your time and do it, then you are politicizing the issue. I think that in the policy, well the one policy that I suggested, was to include the Police Chief, the Town Engineer, and reviewing all of these things, and maybe the Fire Chief, and to go by the standards, which are the national safety standards and adopt those. It's a cut and dried matter; does this position meet those standards. If you take one tonight and approve it and deny the other, then you are showing favoritism and discriminating against another taxpayer. I would encourage you to table it until you set a policy and then use the policy immediately to determine those particular street lights that need to be going up or not.

Councilor Mason said I agree with Richard. I agree that we need to look at it and we know the light pole is not going to be put up tomorrow anyways so I would say table it until the 19th .

Councilor Bowie said so can we have all of our information ready on the 19th? Mr. Eldridge said, yes, we will have it for you then. Councilor Bowie said do we need anything from CMP. Mr. Eldridge said I don't think so, Ryan has all the information; he has been doing the research. Councilor Bowie said Ryan knows what light bulbs we can change and what ones we can't. Mr. Eldridge said we have had conversations off and on with CMP, about the rules of the contract and what it would cost to change out to LED's. Councilor Bowie said I just want to make sure that we have all the answers available to us so we can move forward.

Councilor Bowie said I am hearing that Council is in favor of just moving this to the next agenda. Councilor Cote said I am not in favor of it, but I will move it forward for the sake of getting some kind of end to the discussion. Councilor Bowie said we will move this item to our next agenda then.

Dorothy Fitzgerald said I would think that street lights in rural areas on intersections would be a high priority because intersections are often dangerous. Maine Recycling, is it possible for them to put a dusk to dawn light on their building to light their parking lot? I have a dusk to dawn; it costs me dearly for protection for my tenants, on the back of my building. Councilor Bowie said based on where the parking lot is from their actual facility I am not sure they can get some light over there; I think there is some distance from where their building actually sits because their building sits on the western end and their parking lot is on the eastern end. They stack their glass and stuff in between where the people park and walk across.

Councilor Crafts said I know at Crafts Auto Sales we put up poles years ago and put lights on them, but you have to have a CMP service. You pay the light bill. Councilor Bowie said, right, they can put up their own. Absolutely, they could, but I don't think they can at Littlefield & King Road

because it's not a business. Councilor Mason said, well, that's an intersection. I think that's a different deal.

Councilor Bowie said okay, we will move this item to our next agenda and we will have a quasi-workshop for that particular discussion at the end of our meeting.

TOWN OFFICE INSULATION BIDS

Mr. Eldridge said we just had another insulation bid come in Monday. You have the other gentleman who presented to you, Mr. Churchill, and we had another person who had come in to look at the opportunity to do it and he never got back to us. That's what you have in front of you. Councilor Bowie said you had three people look at this. Mr. Eldridge said we put it out on a construction website to see if we could draw some interest. We had some phone calls. Mr. Churchill was a recommendation from Casco Engineering and Mr. Dyer contacted me and said he wanted to come out and look at it and there was one from Owls Head, Maine that came down several weeks ago to look at it, took some measurements, but never got back to me.

Councilor Bowie said discussions from Council.

Councilor Cote said I understand we have some serious issues with insulation in this building, but we have, also, had some serious issues with water damage in this building. We had some condensation issues. Is it not in our best interest to have this building checked for mold? Mr. Eldridge said, yes. Councilor Cote said because if you have mold in this building and you start getting sick employees because of mold issues, this is not going to be a good time had by all, and now is the time to deal with a mold issue before we cover it will insulation.

Mr. Eldridge said when we had the gentleman go up and do the inspection looking for mold, we had Eric Dube from Casco Engineering, and one of the architects who was looking at the Public Works building for us for a project, and they went up through that and said they did not see any mold because we checked for that. We have had mold issues down in Twila's area and Gerry Woods's area because of the water leaking down through the walls. Those have all been repaired. We removed any of the tiles from up above and re-sheet-rocked and re-painted so those have been taken care of this past year and we haven't had any water damage since then and, hopefully, we won't. Mr. Churchill was asked specifically, again, to make sure and there were no mold issues there so we did cover that pretty thoroughly to make sure before we blew in insulation and started wrapping things up that we didn't have any mold. Councilor Cote said it's just that we have had some mold issues in this town that we have had to deal with that weren't real pleasant. Mr. Eldridge said, yes, I can understand that mold is a real issue especially in a building where we have the public and the employee needs, but I think we have covered our tracks on that. I made sure that before we do this that we don't have that problem. According to the people who went up through there, we don't.

Councilor Larochelle said I have two questions. There is quite a difference between the bids. Councilor Bowie said there is only \$400 different. Councilor Larochelle said that will have to be explained a little differently so that we are comparing apples to apples and not apples to oranges. Just to make sure money wise we actually have the money we put aside for it, do we still have funds available? Mr. Eldridge said yes we do. We had actually planned on doing a little bit more than that, but we wanted to start with this because the engineers and people we had come to look at it all said the same thing. It's an insulation issue. It's not an issue where we have to change the roof structure or work with heating elements and all that stuff so we thought this would be the place to start.

Councilor Larochelle said the second part of that question would be the idea of, you know, we already have snow on the roof and we are probably pretty close to the idea of seeing water dripping

down walls, how soon would either one of them be able to start? Mr. Eldridge said both are chomping at the bit and both could come in pretty quickly once we decide who you want.

Councilor Crafts said Churchill says apply 6" of cellulose over existing fiberglass and Dyer says apply 12" over existing. That's another 6" more of insulation so this one here we are getting twice as much insulation as this one if you read it, but you have to read it real carefully because it's not meant to be deceiving I'm sure. It says there that 12" has already been compressed by foot traffic so technically this is 6" and this one is 12", which brings it over 30R, which is awesome. Councilor Bowie said is there a difference in the materials? Mr. Eldridge said, no, they are all cellulose. Councilor Crafts said this is a lot better deal. You said it's within \$400, the two bids? Councilor Bowie said, yes, the Churchill bid adds up to \$16,935 and the other one is \$17,315. Councilor Crafts said, but we gain 6" of insulation. You might think its apples for apples, but it's not.

Councilor Bowie said one question I had is because Mr. Churchill did the actual analysis. Mr. Eldridge said this gentleman never saw what he had done. Councilor Bowie said, right, never saw and that's my concern. Mr. Eldridge said no, he had not seen what Mr. Churchill had done. Councilor Lunt said has he been up there to see. Mr. Eldridge said, oh yes, he spent over an hour and a half measuring and looking around. Councilor Bowie said another thing to add to your point Dale, I understand that point, but Mr. Churchill is going to insulate the duct work. This guy is not.

Councilor Crafts said insulated back of shuttle covers, is that it? It's 2" of foam. Councilor Bowie said, no, I don't think that's it. Councilor Crafts said the request is the same. Councilor Bowie said my concern is that, and I don't mean this in a bad way, but we did an analysis; there wasn't a set of specs of what we want done so that you are looking at comparative bid prices. Mr. Eldridge said, no, everybody knew what needed to be done. We talked about the air ducts when I put it out there because we knew what needed to be done from what the engineers had said. There was air leaking through some of the duct work and this gentleman here, Mr. Dyer, actually talked about some of the duct work and didn't seem to address it in his bid, which is rather interesting. Everybody knew what we were looking at.

Councilor Crafts said Mr. Churchill says down here to insulate exhaust vents in the attic, labor and materials for this item will be an additional charge at \$40 per hour, Mike. That's on top of the estimate so we don't even know what that's going to be. Councilor Bowie said, right, and we also don't know and I had difficulty understanding this, the Dyer bid, because his email read differently. The one you forwarded to us. When you read his email, his email says I kind of priced this at 82¢ per square foot; the going rate is like a \$1.25, if we were in the middle it would be like a \$1 and that's what I would kind of like to stay at, yet he has given us a piece of paper that says 82¢. Councilor Crafts said he is willing to do it for this; what he was saying was, boy I wish you would give me more, I'll do it for this, but I would really like to have this. We don't operate that way. Give us a bid. Mr. Eldridge said they were asked to give us a proposal.

Councilor Crafts said you might want some clarification on this before we vote.

Councilor Laroche said is it worthwhile to find out if we need 12" or 6" and to find out exactly how many vents we have and what the labor and materials will cost to do the vents. The exhaust vents were an issue that was mentioned before that needs to be done. Should we count how many stacks there are and how long they are and how much material and how long it's going to take instead of guessing with the materials and labor or ask both of them, if they need to, to go take a second look and measure it.

Councilor Crafts said this one might be able to do that, but it's not clear enough. Councilor Laroche said if it's not in the contract, then you are not going to check and find it done. Councilor Lunt said you can't force him to do it if it's not in the contract. Councilor Crafts said the more insulation you have the less heat loss you are going to have so the less moisture you are going to

have so you are going to have less leaks. I am not saying that 12" is the answer, but the less heat loss you have, you are going to stop your condensation.

Councilor Larochelle said I guess what I was trying to finish and say is, is it possible to have a definite, like you say, specs? This is what we are looking for and this is what the quote is that meets that spec instead of having two random ones that we are trying to decipher. Would that be better versus the idea of, I don't know, we have a lot of questions and I would hate to move forward with two bids with questions on both bids. Even Mr. Churchill's isn't really a complete bid because some of it is if I get the job it's going to be labor plus materials for doing this part of it and the other contract doesn't really mention doing those exhaust vents in the contract. If it needs to be done we should be able to get, hopefully, a firm price on the work.

Councilor Crafts said I want to clarify the 6 and 12 and we want these estimates to include insulating the vents; all in one price. Mr. Eldridge said we will go back at it; that's what we asked for.

Councilor Bowie said I am not disputing what we asked for, but what I read in the agreement and I am pretty sure those scuttle covers, because they are talking foam board that, I think, those scuttle covers are something closer to your soffit vent areas or whatever, when that guy talked to us about adding and extending that foam. Councilor Crafts said it makes sense to me that this is what you would use to go over the duct vents so I think it's the duct vents because he is using 2". Usually, those extenders you put on to make it breathe better are only 4".

Councilor Cote said I think we ought to postpone this vote until we have more information. Mr. Eldridge said I will ask them for more information. I will ask them to go back and rewrite and be far more specific in their proposals.

Dorothy Fitzgerald said didn't you have an engineering inspection recently of the building with recommendations for insulation and ventalization. Mr. Eldridge said yes. Mrs. Fitzgerald said what did he recommend? Councilor Bowie said what he recommended was one of our bids, which says that the cost for the exhaust vents will be additional. He didn't give us a price. He just said it will be materials and \$40 per hour and we don't know what that fixed amount is so we can't approve, at least on this proposal, something we don't have a fixed value for unless we want to go estimate what we think that is. Mrs. Fitzgerald said I don't understand the thickness of the insulation, the 6 versus 12. Mr. Eldridge said one gave 12" over areas that we had some compressed fiberglass and then over where the existing fiberglass insulation was fine, he recommended 6", but the problem that we had right from the start is that although we had 12" of insulation we still have an issue with heat loss up there. The engineers that came to the building, along with this other gentleman, both said that we needed to seal up the vent areas because air was leaking up through there so they need to be more specific. This is going to cost some serious money.

John Wierzbicki said you mentioned that Mr. Churchill was recommended by another organization. This other competitor, Dyer, does he come with references? Has he been recommended? Mr. Eldridge said yes he does. Councilor Bowie said I actually went to his website last night and he has done a number of jobs throughout the state, but most of all the feedback comments were very positive so he appears to be a very reputable person.

Dorothy Fitzgerald said guarantees and warrantees on their work? Mr. Eldridge said they didn't put it in their proposal, but I know in one of the folders we had both and they have to provide us with insurance before they do anything; certificates. Mrs. Fitzgerald said, yes, but insurance is a little different than a guarantee, warrantee, isn't it? Insurance would insure against injuries and things like that or does the insurance cover the warrantee.

Councilor Cote said Dot brings up a point that we ought to take very seriously. Had this building had a warrantee? Councilor Bowie said it did have a warrantee. Councilor Cote said but if it had

something written about insulation we would have had someplace to go right now. Councilor Bowie said I understand that. We had a warrantee, we had an escrow, and we actually went back to Benchmark and had them redo the roof based on an engineer's review, and we went through all of that and held money back for some number of years before we actually released it based on those issues. I mean, for awhile things were okay. There was awhile after that was redone that we didn't have any issues. Was that related to the fact that we had lighter winters or not as much temperature change that caused icing or heat loss to cause that stuff; I am not sure. Councilor Cote said I understand, but what I am bringing up is the fact that recently we had work done at the town garage and we had issues of shoddy work, we had issues that we needed to go to a different contractor to clear it up, and it's just that as Council members I think that's something that we better take very seriously that whatever we do moving forward we better be careful to protect ourselves from more shoddy work. I am not stating that anybody was going to do that, but we have to protect ourselves.

Councilor Cote said most of these contractors give a one year on their workmanship so make sure we get that. Councilor Bowie said okay, so we will move that to the next meeting. The next meeting is getting full.

OTHER BUSINESS

A. TOWN MANAGER'S REPORT

Mr. Eldridge said I already talked about the maps for you to take home. The last two weeks here in the office has been somewhat quiet, which is normal for this time of year. You can hear a pin drop some days. We received 28 applications for the Finance Director's position. Some very qualified people. Out of all the applicants, 28, probably six of them are from the public sector and the rest are from the private sector. Some of them aren't working and some are. We have some good resumes to go through. Council Mason, Norma Wells, Kathy Messmer, and I will go through the resumes, and, hopefully, we'll start to interview next week. It closes on Friday and we will have somebody in place pretty soon.

AUDIENCE PARTICIPATION

Donald Fellows said I had just one thing I was going to mention, but since this process has been going on my blood has been getting a little warmer. We can call it a point of order or not, but I wish Mike that you would call on people and follow your own rules, please. People are participating. Dot has something valuable to say I'm sure, but so do I and I would like to have people comment when they are asked on a point of a motion or at public comment time, not just off the floor. That's my request. I think it's in order, but that's just my thoughts on that issue. Councilor Bowie said just so I understand it, you don't want me to take public comment unless we have a motion? Mr. Fellows said I do want you to take public comment. Councilor Bowie said, okay, I think I have been haven't I? Mr. Fellows said you have been calling on everybody all through; I thought the rules that you sat aside were that you asked for public comment when you made motions and you had a public time to comment, not all through the meeting. If you want it during the meeting, I'll raise my hand, too, but I thought you didn't.

Councilor Lunt said I believe it's at the discretion of the Councilors who want to take public comments during the meeting or not. Mr. Fellows said okay, I stand corrected. If you do, then best that I stand corrected and I will make sure that I raise my hand.

Donald Fellows said the point I wanted to make was when it comes back to the item that you have tabled to the next session, which is the 19th, which was the street light ordinance, I think that as Mr. Main says we definitely need an ordinance. I personally believe that we should develop a moratorium on any new lighting until we do develop an ordinance because I don't think there is a citizen out there that can come to you wanting a light that you can say no to. That's why we have so many lights in this town all over the place. I think we need an ordinance before we put one up. I, also, think we should consider some sort of language in this ordinance that says if you go put a new one up, you take one down, or you at least make one of them more energy efficient. I realize you are going to table it, but I don't think it's the right thing just to go out there and take a look at somebody who may need a light and just put one up because we can't say no and that's basically what it amounts to. I don't know how many accidents we have had on all the sections of the road out there where the street lights can be put. I'm sure there are some accidents that have been had, but I don't know if there has been any out on King Road any more than anywhere else so I don't think we have anything scientific and maybe the Police Chiefs input would be helpful. Anyway, that's my two cents. I think we need an ordinance before we start sticking lights up.

Councilor Bowie said Don I would just like to point out to you if you will read the meeting rules on the back of the agenda there is a section under there as to when the chairman can invite public comment, which is after Council deliberation or first discussion and it, also, says the chairman or his designee may set any rule for public comments that may involve, but not be limited to restricting the time for each speaker so, I mean, I am trying to do the best I can and I'm making sure that I try to hear the public. Mr. Fellows said I understand, didn't I say I stand corrected, alright, you fixed me. I'll raise my hand, I'll make sure I come; thanks, Mike. Councilor Bowie said your welcome.

(See, also, additional audience participation under the first part of Council Communications)

APPOINTMENTS

REGISTRAR OF VOTERS (1)

Mrs. Lycette said currently I serve as Registrar of Voters. It's per M.R.S.A. 21A Section 101 (2) the registrar serves a two year term. Councilor Bowie said and our Municipal Clerk serves this and it's for a two year term so I would entertain a motion to nominate Twila as our Registrar of Voters.

VOTE (2010-4) Councilor Larochelle, seconded by Councilor Pomelow moved to appoint Twila Lycette Registrar of Voters for two years. **Order passed - Vote 7-0.**

VOTER REGISTRATION APPEALS BOARD (1)

Mrs. Lycette said this is per M.R.S.A. 21A Section 103 (1), which states that the Council must appoint the person nominated by the political party. Our Democratic Chairman, Diane Ford, has notified us that she nominates Lisa Ward. Councilor Bowie said so we have Lisa Ward for the Democrat position and we have a vacant position. Mrs. Lycette said that is the only vacant position. Reverend Julia Wilson has moved away.

VOTE (2010-5) Councilor Larochelle, seconded by Councilor Crafts moved to accept the nomination of Lisa Ward to the Democrat vacant position on the Voter Registration Appeals Board. **Order passed - Vote 7-0.**

APPOINT ETHICS PANEL CHAIRMAN

Councilor Bowie said as was pointed out in a meeting or so ago I have to as Chairman appoint a Chairman to the Ethics Panel. I have talked to David Bowie and he is more than willing to serve as that so **I appoint David Bowie as the Ethics Panel Chairman for the year.**

ETHICS PANEL (1)

Councilor Bowie said we had an opening as we found out at our last meeting that Sandy Craig's term was up and that she was no longer interested in serving. We have talked with Ross Cunningham who is the alternate and who is more than willing to serve in a full time capacity so I would like to recommend to the Council that we appoint Ross as the full time member, stepping up from the alternate, and we will continue to advertise for an alternate member, but should the committee need to act on anything they would have a full membership required to perform their functions.

VOTE (2010-7) Councilor Cote, seconded by Councilor Pomelow moved to appoint Ross Cunningham as a full time member and to continue looking for an alternate member.

Councilor Bowie said any further discussions, comments? Councilor Cote said I do. I have something I would like to bring up. The Ethics Panel reviews issues of ethics for Council or for whatever is going on in our little town, but they just bring it to the Council and let the Council vote on it. I think we should look, I guess what I want to say is that in the past year this Council has obviously not done a great job policing itself. There have been a lot of things that have gone on and they were not policed very well. I would like the Council to review giving the Ethics Panel a little bit more authority in the decisions when it comes to ethics, because it's obvious this Council is not going to police itself. I think its time that we have a board, like the Ethics Panel, if things are done unethically they will have the bite to come in and make corrections. I think the Council ought to review that. Mr. Eldridge said that would be a charter change. Councilor Cote said if that means changing the charter, then we change the charter, but I think its time that we have a little bit more bite in our enforcing the rules with the Council and the rules of the way things get done within the town. This last year, has nothing else, has proven to the townspeople and to the Council that there has been a lot of things unethically at best and if we need to go into a special workshop to discuss some of these things then I would be more than happy to do so and bring in information to prove what I am saying is true, but I think its time this Council looks at giving the Ethics Panel a little bit more authority into making sure that things are done ethically.

Councilor Mason said what's the solution to that problem, Roger? What do you think that they should be able to do? Councilor Cote said I think that if the Ethics Panel looks and reviews the actions of a particular member of the Council or even a member of the employment of the town and they do something that is unethical I think they should have the right to come down with sentencing time off or reprimanding them and then let the Council vote on it other than what they do now. Now the Ethics Panel is more or less just a review and nothing is actually ever done about it. Councilor Mason said so basically you think that they should override what the Council does then. Councilor Cote said I think they should have the power to be a little more forceful in some way. I think that's something we need to discuss, because it's so obvious this Council is not going to police itself.

Councilor Mason said that's a matter of opinion, Roger. That's your own personal opinion.

Councilor Bowie said the current process of the Ethics Panel is that they come back with an advisory position so they advise the Council on what they feel should be done and then the Council can accept that advisory position. I think that typically the Council has accepted their advisory position based on what they came back with; in fact, I think, Mr. Cote you actually asked that we vote on one of the situations that came back. Councilor Cote said yes I did. Councilor Bowie said and the Council actually took a vote and agreed to what the advisory board did. I see no reason to take this any further than letting, I mean, at the end of the day the Council has to administer all of this stuff and needs to take into consideration all aspects and I think that's what the Ethics Board brings forward by having an Ethics Board so, I mean, they are doing basically what you are asking for

them to do is they do diligence, they come back with an advisory position, and then the Council accepts that position or if they don't agree with that position then they can institute some other type of process from what they have heard.

Councilor Crafts said didn't the Council act on their recommendation. Councilor Mason said yes. Councilor Crafts said so far the Ethics Board has worked perfectly well so I don't understand; we did the recommendations.

Councilor Cote said yes, now, what point that I am bringing up is that when things are done not ethically; must everything be brought through the Ethic Panel or is this Council suppose to deal with it without having to do that.

Councilor Bowie said Council can police itself. Council can address things. Council can not address personnel issues. Our personnel manager, who happens to be our Town Manager, is responsible for personnel issues so that is not a real subject of the Council to address. I am not even sure if the Ethics Committee gets involved there, I suppose maybe they could, but, again it would be then left to our personnel manager, the Town Manager, to take action from that advisory position; that would be my view of that.

Councilor Larochelle said, well, my understanding is, which I think has worked in the past is, Roger, as a Council member if we actually, any of us, I mean, if any of us seven have a concern with something being ethical or not, the tool that we have and not make it an argument, is to go to the Ethics Board and present it properly so they, kind of removed from the Council at that point in time, so the Ethics Board can look at if there is an ethics problem or if there is a conflict and report back to us, is kind of to me, an outside look of what a concern we might have. I really feel that as a Council that if we feel that there is a certain circumstance or certain situation happening, instead of actually, you know, we can police ourselves to a certain point, but yet for us to actually get an outside look for it I think that's why the Ethics Board is there so we can actually, kind of, put to another group of people, have them look at it, get all the information, and report back to us so I think it is a very useful tool the way it is right now. In the last year it's been used a couple of times since it's been put into place and I think it's working pretty well. It's a tool that we can use at any time if there was ever a concern.

Councilor Cote said I don't agree with the way that the Council has policed itself whatsoever. If I have to I will start bringing up specifics, but it obviously has not. I guess I have to bring it up to make it work. What happened back in February to me by Mr. Brooks and we went into executive session and because it was dealing with me I can speak it, we were specifically told that everything that what was said that evening was totally hearsay or was an untruth and there was nothing that this Council could do to me because I did nothing wrong according to the guidelines. Now, had it been any other Councilor put through what I was put through I can assure you that something would have been done, but it was not and when somebody accuses you in public and then they are told that it is all false, that its a lie, and the person saying it is a liar, and this Council did nothing. As a Chairman, Mr. Bowie, you never attempted to stop the humiliation and the lying going on at the podium that evening and as a Councilor and Chairman you should have stopped it. We are going to be going into an executive session to deal with Mr. Eldridge or whoever in the future, why? Its okay to humiliate Mr. Cote in public, its okay to lie about Mr. Cote in public, and do nothing about it, and then have our Town Attorney stand up and tell us that could possibly have opened the town up to a multi-million dollar law suit and do nothing about it and that's policing? I have a real issue with it. I have proof that I have not received documentation that other Councilors have because I have somebody in this town office that's sent me this information. Why not? I am a Councilor, voted, and I will tell you this, received more votes than any single other Councilor on this bench. Why am I not being treated equally? I am sick of it. The public knows about it. The public talks about it and nothing is being done about it. I came into a workshop and I got threatened and I didn't like it and this Council did nothing. I think that this is where I go about policing. We have two new Councilors, Pomelow and Lunt. Are their emails working? Absolutely

not, you can go onto the town's website their emails are not working. Mr. Main sent out emails. They didn't receive it, why? That should have been done immediately. When any of you Councilors came aboard your emails were working immediately. Why are these peoples not? Why was mine eight months not working? This is the kind of thing that is really starting to upset me. We are going into another budget session and probably another session where I will get balled out by the Police Chief and the bottom line is we need to start policing ourselves. That is not right and I go out into the public and I talk to people and they sit here and they go, this Council is not working, this Council is only doing what they have in their own private little interest. That's wrong, Mike. You last year and the rest of the Council voted to do some changes to the charter, why, so that you can continue your tenure as Chair? It's time to change, to have different ideas, to have other people participate. Why are we doing this? Why are we not allowing other people to participate? Is it because only you have the ideas that this town needs to work on? No, Mike. There are other issues. Mr. Larochelle would have made an outstanding Chairman and would have brought new voice to the town, but the people in town look at the Council and go same old same old. Same old four votes to three, and I have the same thing for another year. This is not what the townspeople want and these are times that we have to change this. As a Council we are supposed to be working for the people of the community, not for our own special interest. Now, I just think that now is the time before another budget season starts that we start working together and stop this stupid foolishness and you can laugh about it, Mr. Crafts, but I can tell you I can bring out a lot more information that I have received from people of this community who are not very happy and what's going to end up happening, this Council will be removed. You don't think so, you can smirk all you want to Dale, but it's going to happen. Another thing that's going to happen is that we have people in this community that want to vote on their town budget and if it doesn't happen within the next meeting, they are going to do a citizen's initiative. They are going to collect the vote and force it down our throats. We are going to have to do it then. Why does our public have to do that? They told us that's what they want, repeatedly. Instead, we will change the charter so we can stay as Chairman and I think it's wrong.

Councilor Crafts said I think we do have a process about bringing it before the people so they can vote on it. Aren't we working on that? Councilor Mason said yes we are. Councilor Crafts said so I don't understand you there. Councilor Cote said, yes, but you were going to do it next November after the budget. Councilor Crafts said on the other issue, if the people are so upset in this town why did they just re-elect you. I mean wait a minute, you said that people are so upset, why are they electing the same people; if they are so upset. Councilor Crafts said because, you know, it's the manipulating of the votes and you know it Dale. Councilor Crafts said, oh, you've got a conspiracy now. Councilor Crafts said Dale look at it, now. Councilor Bowie said all right, all right.

Councilor Crafts said, no, I am not done Mike. I have one more thing and the threat that you brought up that you said that Gina threatened you. Councilor Cote said I never said that Gina threatened anyone. Councilor Crafts said remember the workshop that you talked about. Councilor Cote said I never said anybody specifically. Councilor Crafts said remember you said you had it on a tape recording. I want to hear it, because I was there. She never threatened you. You made that one up too, Roger. Councilor Bowie said okay gentlemen. Councilor Crafts said that's all I have to say.

Councilor Bowie said we are on the Ethics Panel and I do have an appointment. Councilor Cote said I do have it and I will present it. Councilor Bowie said, Roger. We have an Ethics appointment that we have to address now. We have a motion on the floor to make Ross Cunningham a full time member.

Order passed - Vote 7-0.

COUNCILOR COMMUNICATIONS

Kathy Yergin said I would like to make a comment. I am the public and I think that you are doing fine. I think that if those people really want to vote on the budget then they should go and get all those signatures and have a vote on it. You were re-elected. It's a new year; start fresh. You can't go back to February now, it's too late. Just watch what happens and continue what you are doing. I think the meetings that I have been to lately are the way they should be; you should be able to disagree to agree at one point and you should all leave here and respect everybody the way the vote went. I don't know, you keep talking that the people; I'm the people and I don't agree with a lot that you say Mr. Cote. Maybe some of it is true, I haven't been here long enough, but a lot of it that you say, as me as a person, I don't agree with it.

Dorothy Fitzgerald said I invite all of you to watch the Town Council meeting Thursday evening when Mr. Cote brought it up about the Ethics Panel maybe needing a little bit more authority; he brought it up as a comment. I am trying to be very impartial here, but you Mr. Bowie sounded very argumentative with your comments. Gina I am sorry, but you did also. Watch and listen to yourselves Thursday evening. Fern Larochelle did a good job. His comments were discussion and comments, but not argumentative. It's hard, I am sure, because there have been a lot of hard feelings in this Town Council previously, but my suggestion is watch and listen and see how you responded to Mr. Cote's suggestion and then it became very argumentative with Mr. Cote as well, so that's my comment.

Councilor Mason said Mrs. Fitzgerald I have a hard time agreeing with what Roger said because three months previous when all this problem took place in February Roger approached me several times making accusations that were said that evening about Chief Brooks and he told me many things that were said that same evening and that was three months previous to that so I have a hard time believing it was all lies because I had been told three months previous to that, that something was going to come down and some people were going to get taken out by all this. That's why I have a problem with it and I, also, have a problem because just a few meetings ago Mr. Cote himself said that it is time to wipe the slate clean, time to start over, time to try to agree with one another. As far as I can recall I don't see anything that has happened in the past few weeks that would cause Mr. Cote to think that anything unethical has happened since then and for him to make that comment himself saying that we need to start clean, I don't see that happening so I think that is probably why I disagree with him tonight. I just think that it's very sad that we as representatives of this town continue to dig up dirt about one another and cast accusations that many times are not true, and that's why I disagree with Roger.

Dorothy Fitzgerald said there are ways of disagreeing as Mr. Larochelle did in a discussion rather than in an argumentative response. That's why I'm saying watch and listen Thursday evening and see your response. Maybe I perceived it wrong, but that was my perception of it. Mr. Bowie immediately got his dander up and was argumentative and then your comment was very brief and appeared to be argumentative and if you want a clean slate now is the time.

Councilor Mason said I think we put the Ethics Panel into place to take care of these kinds of things and it's very new. We have used it a couple of times, but I just feel that because things didn't maybe go the way Mr. Cote thinks they should have gone that's why he's a little bit upset about it and that's my personal opinion. Dorothy Fitzgerald said nothing ever goes the way we all want. Councilor Mason said, exactly, so I just think we need to give this time and if another situation arises and it's not taken care of correctly possibly maybe we need to do that, but I don't feel it's necessary at this time. Dorothy Fitzgerald said do you agree with Mr. Cote on that when Chief Brooks was up he had about an hour or an hour and a half of just making a grandstand play and anyone else would have been called out of order and asked to sit down.

Councilor Bowie said, okay, Councilor Communications.

Councilor Larochelle said what I would like to see is something we did either in the past or two years ago, now, where we look at all the committees that the town has and we Council members decide which committee we can serve on and the ones we can't. I know last year I volunteered to do the Recreation Committee and I sat in on a few meetings, but being kind of in the middle of the Facilities Committee I really have not had the time to probably do what I should with the Recreation Committee so I think its time to look back and review and see if there are other people willing to get hooked up with some of the committees so they are all actually kind of, I don't want to use the word monitored, but actually participated in to make sure that we avoid that lack of communication we have had in the past; that would be my request.

Councilor Bowie said, good, we can put together a list of all the committees we have and currently who is trying to tag team which ones and with the new Councilors and everything kind of pick where you would like to try and participate a little more or learn more and, you know, being able to be an ear and come back to the Council and try not to do to much over that or whatever so we can cover as much as we can so we will pull that together and provide it to the Council so that we can discuss it maybe at our next meeting. Could you put on that when they meet, the day of the week, and roughly the time frames so that Council will know how they can fit which ones into their schedule?

Councilor Lunt said I do want to say thanks to the Lisbon Public Works for their hard work over this weekend. That was a nasty storm and they did a great job keeping all of these roads open. They worked really hard at that. I think Lisbon has one of the better plow jobs than most of the towns around. Our roads are usually much better than if you drive out to Sabattus or somewhere and their roads are all snow covered in a storm like that and we do a really good job here so thanks guys and keep up the good work.

Councilor Pomelow said I just wanted to remind folks about the public hearing on Thursday night, January 7, at the High School gym at 7:00 PM. I don't think that I'll be able to be there, but I think it's important for people to come and listen to what's being presented.

Councilor Bowie said absolutely, that's 7:00 PM at the High School, on January 7. Councilor Larochelle said one of the real important reasons for coming out if you have a concern about rebuilding versus renovating or if you have any interest in the High School and want to make it better, please show up to the meeting because this, hopefully, will start snowballing into a very big push for the citizens of Lisbon Falls to try and make the High School better. This is not just the High School there are other buildings, but the one we are focusing on right now is for the High School so it's going to take town support. Anything we do will need to go out for a town vote so everybody gets well informed so when they do go out to vote and they are voting on something, if they understand then this is the first of those meetings so Thursday night try to be there if you have any questions and, hopefully, we will get a chance to answer them.

Councilor Cote said I would like to add that Mr. Green has put a whole new fresh outlook on the High School program, what they are trying to do, and I think the people of the community should give him an opportunity to listen to him and I think they will be very pleased. The atmosphere seems to be a lot more of working together and the School Committee and I would like to see people show up at the meeting and give Mr. Green a listen to. I think he will be very pleased.

EXECUTIVE SESSION

Councilor Bowie said I would like to say just for the public's sake we are going to go into executive session and we will be coming out and then adjourning to a workshop to discuss some potential charter changes. I am not sure how long we will be in the executive session. The workshop is open to the public for those present so you can come back to listen and hear the discussion.

VOTE (2010-8) Councilor Cote, seconded by Councilor Larochelle moved to go into executive session at 8:13 PM per 1 MRSA Section 405(6) (D) Labor Negotiations. **Order passed - Vote 7-0.**

The Council returned to regular session at 9:17 PM.

ADJOURNMENT

VOTE (2010-10) Councilor Pomelow, seconded by Councilor Larochelle moved to adjourn at 9:17 PM. **Order passed - Vote 7-0.**

Respectfully Submitted,

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