



TOWN COUNCIL MEETING MINUTES DECEMBER 7, 2010

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

CALL TO ORDER & PLEDGE TO THE FLAG. The Deputy Town Clerk, J. Michael Huston called the meeting to order at 6:30 PM. The Color Guard presented the colors and the Deputy Town Clerk/Master of Ceremonies led the pledge to the flag.

ROLL CALL. Members present were Councilors Bowie, Mason, Larochele, Cote, Pomelow, Lunt, and Bickford. Also present were Stephen Eldridge, Town Manager; and approximately 30 citizens in the audience.

INAUGURATION OF ELECTED OFFICIALS

Mr. Huston announced the November 2, 2010 results and called the newly elected officials forward to be sworn into office. The Town Clerk administered the Oath of Office to the following individuals: Fernand Larochele, Jr., Gina Mason, Roger Bickford, John Wierzbicki, Debbie Barry, Thomas Barry, Traci Austin, George Caron, and William Bauer.

ELECTION OF COUNCIL CHAIRMAN

VOTE (2010-190A) Councilor Bowie nominated Councilor Larochele. Councilor Cote nominated Councilor Lunt. Vote by secret ballot: 3 votes were cast for Councilor Larochele, 4 votes were cast for Councilor Lunt, **Councilor Lunt was duly elected Council Chairman** for the ensuing year.

ELECTION OF COUNCIL VICE-CHAIRMAN

VOTE (2010-190B) Councilor Cote nominated Councilor Pomelow. Seeing no other nominations, the Deputy called for the vote by show of hands. **Vote 6-0 (Abstained: Pomelow) Councilor Pomelow was duly elected Council Vice-Chairman** for the ensuing year.

The Deputy Town Clerk/Master of Ceremonies thanked everyone for attending the Inauguration of Elected Officials and announced that the regular portion of the Council Meeting would resume after a ten-minute break for pictures. Meeting recessed at 6:45 PM. Meeting resumed at 7:00 PM. The Council Chairman, Councilor Lunt brought the meeting back to order.

PUBLIC HEARING

A. SPECIAL ENTERTAINMENT PERMIT - SLOVAK CATHOLIC ASSOCIATION

The Chairman opened the Public Hearing. There were no comments. The Chairman closed the Public Hearing.

B. ITINERANT VENDOR PERMIT – LISBON HIGH SCHOOL HOCKEY TEAM

The Chairman opened the Public Hearing. There were no comments. The Chairman closed the Public Hearing.

CONSENT AGENDA

VOTE (2010-190C) Councilor Bowie, seconded by Councilor Larochelle moved to approve a Special Entertainment permit and [Liquor License] for the Slovak Catholic Association, Itinerant Vendor permit for the Lisbon High School Hockey Team, the minutes of October 19, 2010, and the minutes of November 3, 2010. **Order passed – Vote 7-0.**

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCESSET COUNCIL-WORKING RULES

VOTE (2010-191A) Councilor Bowie, seconded by Councilor Larochelle to approve the Council working rules as presented.

Councilor Larochelle said the starting time for Council Meetings had been changed and after tonight's meeting is it going to be moved to 7:00 PM or continue at 6:30 PM? Councilor Lunt said how does the Council feel about that? I know the public has had some issues with 6:30 PM. Councilor Bowie said I have no preference. Councilor Cote said I would prefer 7:00 PM. Councilor Lunt said seeing that we moved to 6:30 PM because everyone was agreeable with it, but I know some people in the audience have had problems with it, I suggest we move back to 7:00 PM then. That means we keep the working rules as is.

Councilor Larochelle said there is one other change I am not sure if we want to continue or not, that is the idea of our packets, as a Council do we feel that we need the packets delivered or do we feel we can take the responsibility to pick them up on Friday. Councilor Lunt said do you prefer to get these packets at home or do you prefer to just pick it up. Councilor Cote said I think we can pick our packets up personally. Councilors Pomelow and Mason agreed. Councilor Bowie said I have no problem with that, but I would just say that I would expect all the Councilors to pick up their packets. While I was Chairman there were a number of times that packets were not picked up by a number of Councilors until Tuesday's meeting or late on Monday night. It is very difficult to come prepared to represent the citizens if you are not picking up your packets on Friday night or Saturday morning. Councilor Lunt said I want to make sure that all the Councilors have access codes so that they can get into the building on the weekend since it is very hard to get in here before closing time on Friday. If you need to find out about your correct pass code to get in, see Steve or Jody. Councilor Cote said the agenda is changed sometimes as late as Monday night for quite a spell and because of that, probably that's the reason, they were not picked up. If the packets are definitely going to be in our mailboxes on Friday, then we would probably be more apt to pick them up. Councilor Lunt said I agree with you Roger and only in a case of an emergency shall we have a change after it's gone out on Friday.

Councilor Cote said another thing I would like to bring up to the Council is the minutes being typed verbatim when we have the ability to go online and watch them. I think this is wasteful. I think this takes up a lot of Twila's time and I think it's something that could be generalized and would be sufficient for what we are doing at this time. Councilor Lunt said how does Council feel about that? Councilor Mason said I totally agree. I suggested it before, but there was a certain group of people

that wanted them verbatim and I tried for a long time to address this, but there was a certain group that felt that every word needed to be printed so that's why it was not changed. Councilor Cote said in the future are you going to be revisiting the fact that this might be put online as far as the videos. Councilor Lunt said we are working on that. There is an issue in timeliness and it takes Twila too long to get this out in the format now. We are reviewing minutes from two months ago and I don't know what happened two months ago. I think it would make sense to go to a simpler format. Do you all feel the same way? Councilor Larochelle said that's fine. Do we need a motion on that?

VOTE (2010-191B) Councilor Cote, seconded by Councilor Mason moved to eliminate verbatim Council meeting minutes making them more generalized.

Councilor Bowie said I would like to raise a point of order. You already have a motion on the floor to discuss the Council Working Rules. I think we need to carry things out one at a time. If Council would like to bring up additional changes that are not necessarily in the rules, then it should be done separately. Councilor Lunt said all right, we can deal with that afterwards.

Councilor Lunt said is there any further discussion on this issue, working rules: [The motion on the floor is:] **VOTE (2010-191A)** Councilor Bowie, seconded by Councilor Larochelle to approve the Council working rules as presented. **Order passed - Vote 7-0.**

Councilor Lunt said you may make a separate motion, Roger.

VOTE (2010-191B) Councilor Cote, seconded by Councilor Mason moved to change the minutes to be more generalized rather than verbatim to simplify the job for the Town Clerk. **Order passed - Vote 7-0.**

RECALL PETITION

Mrs. Lycette said on November 23 I certified that I received six petitions that were submitted on November 5 and that 304 signatures were necessary and required in order for that petition to be considered valid. I signed a clerk certificate stating that the petitions were determined to be sufficient. At this point, the petition copies were forwarded to the Council for their review.

Councilor Lunt said any discussion on those. Councilor Larochelle said people have been talking to me and asking me, and I have asked Steve, to check to see what we can do. It has been asked that before the vote, since the Council will have to spend thousands of dollars on this vote, that we have an opportunity to inform the citizens of Lisbon of the facts and to get information out there to help people get informed. I would like to suggest a public hearing. This would be one mechanism that we can use to help inform the citizens about the vote.

Councilor Cote said this was a petition that was done by the citizens of the town. It wasn't done by the Council. That is the citizen's right under the Charter if they want to do something of this nature, they can do it. I don't think we have any input into that other than to set a date for the Election. This isn't anything that we actually vote on.

Councilor Larochelle said I totally agree, the process was done correctly, the signatures are there, and there is a right that we should go vote as it is. That's just going by the Charter; I don't think there is anything against that. I guess if you feel that the idea of a public hearing coming from the Council wouldn't be right, basically, if the citizens of Lisbon were to ask for a public hearing would that be different than the Council? It would be nice to have this information promoted properly. In speaking with some of those who were a part of the process in drafting the Charter, going over some of the original information, one of the things I noticed is that they were kind of discouraged that the Charter actually allows for the citizens of Lisbon to bring forth complaints and concerns and

actually have someone removed, but unfortunately, nothing got written into the Charter for the people of Lisbon to be educated on that and to get the information. Unfortunately it's really easy to point fingers and make points, but it would be nice if we are going to spend the money, which we are going to spend, that people are aware of what the vote is for. Unfortunately, if you ask three or four different people, they all have their own three or four different ideas, because they all had different ideas when it actually got promoted to them. It would be nice for the people of Lisbon to have an opportunity at a public hearing to get the information so that they can make an educated vote.

Councilor Bickford said Twila, do we have enough time to hold a public hearing. Mrs. Lycette said we certainly do. Councilor Pomelow said when do we have to hold this vote. Mrs. Lycette said within 30 days from December 7.

Councilor Lunt said I see people in the audience who want to speak. I don't have to recognize you, but I will. Can you use the microphone Dot?

Dorothy Fitzgerald said I live in Lisbon Falls and I headed up this petition. All of the more than 400 people that signed the petition were informed and knew exactly what the petition entailed and what it said. They have had an opportunity to read it and there were other little flyers presented to the people so they knew exactly what they were signing and why. A lot of people also came forward that wanted to sign the petition, but the petitions had already been turned in. The only trouble with a hearing is that a lot of people can not speak at a hearing, so there needs to be an informational meeting or whatever rather than a public hearing. People need to be able to speak and ask questions and get answers.

Larry Fillmore said for all the other Elections we hold in this town we don't necessarily hold a public hearing. People find out by word of mouth what the candidates are all about. The people who signed a petition were told what they were signing prior to that, okay. To hold a public hearing when it's up to the townspeople to vote, it's their vote, you are delaying the process needlessly. These people signed a petition knowing what they were signing or if they didn't know what they were signing, they signed it anyways, so you are going to hold a Special Election or whatever, and they are going to be there because they signed a petition. This is just a delaying tactic. Let's just hold the Election and move on. Councilor Larochelle said the timeframe will remain the same so there is no delay. Mr. Fillmore said how are you going to get some 400 people in this room? So where are you going to hold it?

Rick Graham said I know this is outside the rules, but if I could, could I ask the Town Clerk how many people voted in this last November Election. Mrs. Lycette said 3,922. Mr. Graham said there are 4,000 voters in this town. Mrs. Lycette said this vote is only for District 2, where there were approximately 2,000 ballots cast. Mr. Graham said I don't think 400 people should demand to bypass an informational meeting for 2,000 voters. I want a public hearing and I want whatever information there is. I have lived in this town eleven years and I don't have not one clue what this Recall is about. I don't dispute the signatures, let's have the vote, but let's have the information first.

Richard Main said I think it would be unfortunate to not have a public hearing on a vote on a Recall Petition that is not the same as an Election. That is a different action by the residents of District 2. I have read the petition; I was not one of the signatories. We were told tonight there were over 400 signatures on it. The ones I saw there were two or three by the same person. There were only 342 that you certified. There was one special charge in there and I assume that all the charges are verifiable. There was one particular charge about conflict of interest and improper influence on funding, which is in my estimation and according to the law a criminal offense. If that is so, then why haven't the petitioners been running to the Attorney General's office and the District Attorney's office with these charges? The charge has been made. There have been no specifics regarding it. I know of one, which is the only one, but the others I don't know about. I would like

to see the proof before I vote of what those charges actually revolve around. If it's I dislike this person, fine. I don't agree with this person, fine. But there are specific charges in there and there should be information given to the residents of this community who are going to be making those decisions, not just the 342 who we are certifying, but all of the residents of District 2.

Mrs. Fitzgerald said I just want to reiterate what Twila said. This is only for District 2 voters. The District 2 people who live in the Lisbon Falls area of town where this person is residing and was elected from and those are the only people that are eligible to sign the petition and this is the only section of town that will be voting on this. There have been many requests for a Recall and so we got a committee together, got the signatures, submitted them, and I feel that we should move forward and hold an Election and if the people speak and say that he should not be recalled, so be it, but let's move forward.

Rene Bernier said I am the owner of 72 Lisbon Road in Lisbon and some members of the public stopped by to say. Actually before I go there I just want to welcome the new members to public service. I'm between my meetings tonight so hopefully I can get done so I can get back to my Lewiston City Council Meeting and the Mayor. On behalf of the City of Lewiston, welcome to public service. I, also, want it to be known for the record that Mike Bowie happens to be my brother-in-law. The one thing I've learned from being in public service and my father being in politics is that we don't talk politics and I have not had any discussions with Michael Bowie in reference to this so I want to bring some stuff to your attention. Like I told you I am the owner of 72 Lisbon Road and the petition that happened to be circulated and how I got involved with this is that, the petitions, are they right in front of you. Could you please state the three reasons on that petition that people signed? The Town Clerk read A) denying any Councilor the right to place an item on the agenda (Charter section 2.04), B) not consulting with all the Council when dealing with the Town Manger (Charter section 2.04), C) improper influence and or conflict of interest regarding town funds (chapter 12).

Ms. Bernier said could you stop right there. Let me tell you I happened to be at 72 Lisbon Road when this petition was being circulated. Is there a petition signed and notarized by Michelle Swatsworth-Turmelle and is there a person that circulated it by the name of Sandra Kent. The Town Clerk said that's correct, petition #2. Ms. Bernier said well folks, let me tell you something. I happen to get people who stopped in at 72 Lisbon Road on the day that that was being circulated at your town dump. I got in my vehicle and I went to the town dump and saw this woman and she asked me to sign the petition. By the way, I also have, it was all recorded, and I really apologize. I was in a hurry and I went to my City Council Meeting in Lewiston and I left my paper work on my desk which I will give tomorrow to the Town Manager. I had it translated from that tape so you will have it in a document with the wording word for word was what the conversation that I had with this woman. She asked me to sign this petition to do a recall on Michael Bowie and I asked her the reason and she said to lower the taxes and she, also, made a comment that there was an inappropriate appropriation of funds for a family member that owned a business on Route 196. It went on and like I said I have it documented and I will give it to the Town Manager tomorrow so he can give it to your city attorney.

Ms. Bernier said I have been in public service for a long time and I have dealt with a lot of citizens in my community and I am going to tell you that when economic times get tough people have a tendency of getting upset, which you can't blame them. I have been watching some of the meetings with Lisbon and I don't know what happened actually with the tax bills here, but I know that there was an issue. But most people when you ask them to sign a petition and you come out with those words to lower your taxes anybody is going to sign anything. But, when we have people that are circulating a petition that are telling people that an individual did an inappropriate appropriation of town funds to fund a relative that owns a business on Route 196, it's totally inappropriate. I have had some conversations with the State. A petition and I am surprised that the city attorney would have taken a look at this petition and allowed the petition to go out into the community that is not factual. For the people who circulated this petition, I have heard from other people that the same

thing was mentioned from the other circulators, but I can't confirm that. I can only confirm the one that occurred at your town dump because I was there and recorded it. You are going to ask, oh, you must have showed up with your recorder, why. Well, the reason why I happened to have recorded it because I happened to be a licensed private investigator and I have it in my vehicle so when she started talking it was on my dash and I hit it so that's the only reason. It wasn't a set up that I went to your town dump to record this woman.

Ms. Bernier said the next thing I want to bring up and I am sure all of you, and I am not so sure, maybe the elected officials know what the FOAA is, which is the right to know in the Maine Freedom of Access Act. But what I am doing is that I am putting you on notice that I expect from Councilors from their personal computers any correspondence that had anything to do with the citizen group that you have that's been creating turmoil here in your community. Any emails that have gone to them and I apologize that I didn't know that Mr. Crafts was no longer here, but he was an elected official and I am going to expect that from him also. He does sit in the Maine Legislature and I am going to request from the Maine Legislature any kind of correspondence that he has on his computer. I am saddened to think that I as a business owner and actually I don't own the business, my son owns the business and I own the real estate, that we are investing here in this Town of Lisbon, to have this sort of activity go on and that I have to stand here before all of you to tell you what occurred for a petition that did not have factual information on it. As a City Council, like I am telling you, you have the right even though you have those signatures, I am asking you not to deem that to go to the voters because the information on that petition is not factual. Each and every one of you had a right as a City Councilor on any of those issues to ask for a full fledged investigation on all three of those issues. As I stand before you today, if you need my signature to give you permission to go through the entire records of the Town of Lisbon to see if there were any loans given to me for this project, please feel free to ask me and I will give it to you. The only thing that my name should be on in the Town of Lisbon is me paying my water bill, sewer bill, and by the way the sewer bill is recent because I had to hook up to the sewer, and my tax bill. Those would be the three things that you would actually find in the records here in the Town of Lisbon.

Councilor Lunt said all right, thank you. I do want to say though that this is not a judicial action. This is a political action and the Charter doesn't specify any specific reason, we only specify that there are reasons given not that those reason have to be certified by anyone who is good or worthy.

Ms. Bernier said but how would the City Council allow this to go to a vote when the people were not even told, I mean, anybody is going to sign anything.

Councilor Lunt said we don't have discretion on it. The Charter requires us to, it doesn't authorize us to. We are required to if it has been certified, otherwise we are in violation of state law.

Ms. Bernier said I am going to be. Councilor Lunt said all right, I am cutting you off. That's it. All right, go. Ms. Bernier said no, please may I have the floor. Councilor Lunt said you don't have the floor. Ms. Bernier said I am giving this to the City Clerk. Councilor Lunt said you are out of order. Ms. Bernier said I am not out of order. Councilor Lunt said you are out of order. You know you are out of order. You made your point. Ms. Bernier said here is the paper work on the Freedom of Access.

Councilor Cote said many evenings I have sat here and we have had discussions about certain issues and the Council, and Ms. Mason especially, has said that there are provisions in the Charter, that if you don't like something as a people then you have the proper channels to change it or to try to do something about it. The citizens of this town chose to do something about it and now we are going to sit here and critique everything they have done. That isn't up to us to do so. This is a political issue driven by the citizens of this community and if I was a citizen in this community that stated this, this would outrage me; to think that somebody is trying to make a mockery of the system that we have in place for the people to hear. This is what this Charter was designed for, is to give the people their say, so let's do it. This is hogwash. I am getting nauseated by listening to this

garbage. These people have spoken; they have signed petitions, so let's let this just go to a vote and let the people have their way.

John Wierzbicki said I would just like to lend my support to having some type of public hearing about it because very simply, there are always two sides to the story; the people who presented this petition that is their side. There is the other side, so if you have a public hearing maybe we can get both sides of the story out there so the people who are voting understand both sides of it rather than just one side of it.

Charles Smith said I would just like to know if any of this has actually been proven. Councilor Lunt said this is not a judicial matter, we are not investigating this, this isn't something like that. It's purely some petitioners who have brought a petition before us and we have to schedule a vote on it. We don't have any other action beyond that. Mr. Smith said so basically, someone could take out a petition that the sky is falling and we the citizens would have to vote on it. Councilor Lunt said yes, it could be that they don't like the color of my shirt. That's how it is. Mr. Smith said I will apologize in one way; I was a member of the Charter Commission and this is one area where we should have put in more detail. I have seen this twice now, once with Mrs. Wells earlier and there was no basis for that and until I hear something factual I have the same assumption for this.

Lisa Ward said I have to say that I see validity in both arguments. I on Election Day sat in the MTM Center chatting with Dot, sitting with Ms. Mason's son waiting for the Election results, and talked to her about the petition. I personally did not sign the petition that night, I didn't agree with it, but when I talked to Dot she was clearly very upset. She was very imposed with conviction about how she feels about this issue. I respect that. I also know that I have personally spoken to several people who signed the petition thinking that it was something other than what it was, because like a lot of voters they signed it so that something can go to an Election not realizing that it wasn't an actual Election, but a Recall. I personally know of two people, there maybe more, who came to the Town Office and asked to have their names removed from the petition and filled out the paper work and did so. I wonder how many other people would do that if they knew this was going on. I wonder how many other people out there don't fully understand what was on that petition. I am fairly certain that's a large number. I was at the MTM Center the day that the petition was on the table for people to sign. It was not a pleasant place to be that day. There was a lot going on and there are a lot of angry people. I understand that people become angry when they have conviction on their side and I am not saying you were angry Dot. But, I also understand that things are said, which are not true, or only partly true, or which are opinions and stated as if they were a fact. I personally would like to see my neighbors and fellow brothers find out the actual meat of the matter. What are we really doing? Are we recalling Councilor Bowie because he took money or made it possible for a family member to take money? If that is true, as it has been said on there, that's against the law. Why are we recalling him? He should not be recall, this should go to court. What I would really like to see is every one of those four points addressed and I would like to see both sides of the story. I suspect that the side that had the petition signed doesn't not have the strength of fact that myself and my neighbors would like to see so hence a hearing would not cost that much. The vote itself is going to cost a couple of thousands dollars at least. Here we are trying to lower our taxes and we are going to spend \$2,000 on a vote; that's ridiculous. Let's have a hearing if we are going to spend the \$2,000 that we are already committed to spending; can we please spend it well and can we please spend it as an informed public, not a public who has been swayed by opinion and opinion alone.

VOTE (2010-192) Councilor Larochelle, seconded by Councilor Mason moved to allow a time for a public hearing because our citizens are asking for a public hearing.

Mrs. Fitzgerald said public meeting rather than a public hearing where people can talk. Councilor Larochelle said at a public hearing anybody can speak I believe. It wouldn't be a workshop, it would be a public hearing.

Councilor Mason said I came here tonight with the thought that I was going to say go ahead, let the vote happen. The people have done what I have often voiced that they are allowed to do, let the vote happen, but when Ms. Bernier came up and explained her story and I have no reason to believe that she is lying and she has it tape recorded, and then I went back and I looked at the petitions and I had done this when I received my packet on Friday, but I just went back through all the validation papers that Twila has for each petition. I see we have one here with two invalid signatures on it, there are 13 invalid signatures on the other for invalid District, three invalid on another, and six invalid on another. We have explained tonight that this is for District 2 only. Obviously, when somebody was taking these signatures they didn't know it was for District 2 only and they allowed District 1 people to sign these petitions; I have a problem with that. If you want to start saying we need to just go on what's here on this petition that's one thing, but to have people knowingly sign a petition that they aren't even able to vote on in that District, is wrong. In my opinion, that should have been taken care of a little better. My opinion is that we need to allow a public hearing. It's not going to delay the vote. It can happen as late as January 6 and allow the people to come forward, as the last lady explained that they didn't want to be on this petition, once they found out what they were told or others were told, I think those people need to have a chance to voice that. I do have one person's permission to be removed in my packet. I don't know if there was another or not. Mrs. Lycette said I signed that certificate on November 23 and since then two other people came in and requested their names be withdrawn. Three have withdrawn so far. Councilor Mason said so obviously there was a problem either in explaining the process, getting the signature, whatever was done so my opinion is that we have the public hearing, allow people to voice their opinion, tell us what they were told, or bring forth a transcript or whatever. It's not going to delay the vote and it's not taking anything away. My opinion is to second it and give them a public hearing.

Councilor Cote said the petition was gone over by the Town Clerk and reviewed by the Town Attorney. What, are we now saying that they didn't do their job? Councilor Mason said I am not saying that, I am referring to the people collecting the signatures. Councilor Cote said it was inspected by the Town Clerk and the Town Attorney. Councilor Mason said right, and they are the ones who found the discrepancy. Councilor Lunt said don't argue with each other. I know when I stand at the dump I know I got several people from the wrong District, because people don't always know exactly which side they live on. Councilor Mason said but 13 invalid ones on one petition, that's a lot. Councilor Lunt said I just don't think that is an irregularity. How common is it for them to be wrong Twila when you are taking out regular papers running for office. Mrs. Lycette said it happens quite a bit. Councilor Mason said we are picking and choosing here and that's an important point that people need to know where they live and I think that's a problem. Mrs. Lycette said the person circulating the petition should pay more attention. Councilor Mason said if people don't know what District they are in they might not know what they are voting for and obviously there are some folks out there that didn't really know what the petition was for.

Roger Therriault said I want to address the issue about what the Clerk and I look at based on what the Charter says. It uses the word sufficiency and it does not define what sufficiency is. There is no guidance on what kind of reasons, type of reasons, you are absolutely right, if they don't like the color of your shirt they can go out with a petition that says we don't like the color of Mark Lunt's shirt. We don't have any basis when we review these petitions to suggest that they maybe insufficient because the term is not defined. We reviewed the petitions for technical compliance. Does it have the information that it is supposed to have? Has it been notarized properly? That's what we do. We have no authority under the Charter to do anything else. There is a provision in here that allows for a court review. Presumably that court review would test the sufficiency of the petition, but we as staff do not have any basis upon which to do that. I want Council to be clear about that. Thank you.

Councilor Lunt said I hear what you are saying. I just think it's a political matter between the citizens and the Councilor that they are Recalling and I just hope that if we open this up to a public hearing that it doesn't turn into a witch hunt where we are going to argue about this for six hours

and no one is going to change their opinions and that people are just going to be mad or not mad depending upon how they feel, but if this Council wants to hold this we can.

Councilor Larochelle said if there were 400 people voting and those 400 people were explained today about what that petition was about that means we have 1,600 people out of the loop that we expect to come in to vote and not have any information. The only way for those people to be informed is to give them some information and right now they have none. Unless they hang out down the street and get an opinion, they are not going to have any knowledge about what they are voting on. I fully agree that the 400 people or 343 are somewhat informed, because they actually spoke to someone about it, but you are leaving 1,600 people out of the loop without giving them any resource to allow them to get the information. The citizens asked for a Recall and there are also citizens asking for information. Roger always says that if people ask for it we should give it to them so, again, that's kind of where we are at.

Councilor Cote said what we have lost track of here is that this is the people talking, speaking for what they want. It doesn't matter what the Council wants at this point; it's the people. The people want somebody removed and the people come out on the day that we have the vote. The vote may not go the way that we think it will. Probably Mike will be here for the next 50 years. But, the bottom line is that it's going to be the people that determine that. Why are we trying to talk down to the citizens of the town like they don't know what they want, like they don't know what they are signing? I've heard this so many times about Elections; well, we have a lot of people voting, but these people don't know what they are doing. How do we know if these people don't know what they are doing? They probably know very well what they are doing. They have opinions and they vote it. Let the people have their vote and let the cards fall where they may fall and move on.

David Bowie said Mike is related if you go back seven generations. His grandfather and I are fifth cousins. I would like to speak as a member of the Charter Commission that put together the Charter. We did away with the Town Meeting system because of the way that things didn't get very well delivered here on the floor and replaced it with a system of Town Council so that people could make votes and be very well informed on every decision made. However, we made provisions so that the townspeople could take action when they felt it was necessary. One of those provisions is the recall process. What it basically does is set it up so that it's similar to a court case in that the people become the judge and the jury to decide that issue. But, comparing that again to a court case, in any court case the accusations have to be clear and they don't even get to court unless they are very clear. The evidence has to be brought forth and it has to be verified. In this case the voters have the responsibility to act on the evidence that they have. The problem right now is that they don't have that evidence. I think that the hearing process or any public forum that gives them a chance for them to hear the information out there and get the facts gives the voters a chance to form their opinions based on facts, not on hearsay. That's why I strongly feel that some form of public forum is needed. A lot of committees, the Women League of Voters or the Local VFW or whoever, could sponsor that; it doesn't have to be the Town Council. If the Town Council is really uncomfortable and it is putting you at odds then I suggest don't do it as a Council. This is an opportunity you have to serve the town by providing good information and in doing so for the first test of this type of action by the town. We have not exercised the Charter in this regard in anyway so far so it is important that we do it right. A hearing would give people the opportunity to act responsibly and I would charge the people listening to do that and in particular those in that District.

Mr. Bowie said there is one technicality I would like to ask about from Twila. The Charter calls for an Election to be held within 30 days of verification of the petition. Mrs. Lycette said from the date it is turned over to the Council. It's a combination of the Clerk and Council's action. Mr. Bowie said is that date today. Mrs. Lycette that's today so 30 days begins today. Mr. Bowie said I thought I heard an earlier date you verified the petitions. Mrs. Lycette said I sent out the Clerk's Certificate on November 23, but the Council didn't meet until today so this is the first time that the Council has

met since that certificate was signed. Mr. Therriault said the Charter provides that the form go to the Council.

Traci Austin said as a fellow Elected Official this scares the bejesus out of me. Without having a valid substantiated point to a Recall, just because someone might not like my scarf tonight, I could be put into this predicament in a few weeks. That makes me nervous and I ask that the Town Council at a future date assign or discuss some stipulations, with the Ethics Committee possibly, on how things are brought to petition for validation and substance. This does scare me, like all of you who put so much time and effort into trying to do what's right for the town, that something so simple as you had stated before, like the color of your shirt could possibly offend someone, and we find ourselves in this position. I do call upon the Town Council at some point in the near future to address this issue with a little more of a fine tooth comb.

Councilor Lunt said this would have to be done in the form of an Amendment to the Charter so we could not override the Charter ourselves.

Rick Graham said Councilor Cote makes some good points. I would like to point out, without the exception of the lady who owns the property that's in question on the petition; I have not heard anybody call for not having this Recall vote. What we are asking for is the information connected to it. Not one person, with the exception of her and understandably so, has asked to not have this vote or has asked to delay the vote. Those of us who have spoken on this side of it, we are saying that we have 30 days before that Special Election has to happen, prior to that could we know what the vote is going to be about. Nobody wants to not go forward with what the Charter requires. Let's just have the information, that's all.

Order passed – Vote 4-3. (For: Bowie, Pomelow, Laroche, and Mason) (Against: Cote, Bickford, and Lunt)

Councilor Lunt said do you have an opinion on what would be a good day and time to schedule that. Councilor Cote said the one question I would have on that though isn't this just a discussion for the people of District 2. District 1 will have no input into the vote. Councilor Lunt said they can still speak and offer up information. Mr. Eldridge said with the holidays coming it could be a very difficult time to do that. If you want to schedule a public hearing and you want to do a Tuesday or Wednesday night, I would suggest you do it next week or the early part of the following week. Councilor Lunt said what's better for people. The 14th? That makes sense. Let's schedule it for 7:00 PM next week on Tuesday the 14th. Now, where does Council want to hold this? Here or do we need more space; at the High School? Mr. Eldridge said we might have a better chance at using the Lisbon Community School. Mrs. Lycette said the cafeteria there. Mr. Eldridge said I will have Jody schedule this for 7:00 PM at LCS on the 14th and if anything changes I will let you know. Councilor Lunt said can you put that on the website too. Mr. Eldridge said we will post that on the sign and the website, okay.

SET SPECIAL ELECTION DATE

Mrs. Lycette said I recommend you continue to hold your Elections on Tuesdays. Councilor Lunt said to give people as much time to pick up absentee ballots to vote we should make this as far in the future as we can. Mrs. Lycette said Tuesday, January 4 is the last Tuesday.

VOTE (2010-193) Councilor Pomelow, seconded by Councilor Bowie moved to set the Special Recall Election Date for January 4, 2010. **Order passed – Vote 6-0-1. (Abstained: Bowie)**

Mr. Eldridge said I recommend that you move your scheduled Council meeting that night to Wednesday, January 5th. No objections were noted.

Mrs. Lycette said there are a couple of Election details that need to be addressed. We would like you to discuss the polling hours. In the past, we opened at 1:00 PM, but there is no definite time here. I recommend you appoint Sheila Gray Warden; she is from the other end of town, which shows impartiality. I would like you to set the voter registration hours from 8:30 AM to 4:30 PM on January 3 and during polling hours on Election Day. The absentees should be here within 5 days from the final proof.

Councilor Lunt said is 1:00 PM to 7:00 PM okay or do you want them longer? Councilor Cote said I think we discussed that when we start opening polling hours and people believe that it's going to be open for that time and if it isn't, they don't get a chance to vote. I think any vote that we have we should be consistent in the way that we vote and with our hours. Councilor Lunt said we would like to make it our standard hours from 7:00 AM to 8:00 PM and the register hours are fine. No objections were noted. Mrs. Lycette said thank you for your direction, we will bring back a warrant for your next meeting.

BOARD OF APPEALS RESIGNATION

Laura Henton

VOTE (2010-194) Councilor Bowie, seconded by Councilor Cote moved to accept Laura Henton's resignation from the Appeals Board.

Order passed - Vote 7-0.

Mr. Eldridge said we will post this vacancy right away.

OFF PREMISE CATERING PERMIT - DAVINCI'S EATERY

VOTE (2010-194B) Councilor Bowie, seconded by Councilor Cote moved to approve an off premise catering permit to cater a Christmas party next weekend.

Order passed - Vote 7-0.

OTHER BUSINESS

A. TAX UPDATE - WILLIAM VAN TUINEN

Mr. Van Tuinen said we are at the stage where the tax rate can be set. For the last several weeks we have been doing some reconciliation trying to get everything checked and as accurate as we can. We have done that and we have come up with an evaluation of the town. We are ready to set the tax rate. I would like that you all have a chance to understand the process, amounts, and issues related to the setting of the tax rate and how we are going to proceed with it.

Mr. Van Tuinen said one of the issues that's unusual we find ourselves in right now has to do with the due date for taxes, the interest date for taxes, and the interest rate for taxes. You send a tax bill out for your fiscal year and there is a due date and an interest rate for the fall payment of taxes and a due date and an interest date for the spring payment of taxes. For this year when you finish your budget process you set the first half of the tax bill with a due date of 9/15/2010 and an interest date of 9/16/2010. The second half of the tax bill had a due date of 3/15/2011 and an interest date of 3/16/2011. The interest rate was set at 7%. It is also my understanding that over the last few months you made the decision to waive interest until the end of the year, so there is no interest until after the end of the fiscal year 6/30/2011. The interest rate is still 7%. I need to direct the Tax Collector in the commitment papers to collect the taxes with due dates and an interest date. I just want to make

sure that I understand what your current policy is or see if you want to revisit the current policy. I believe if I executed the commitment papers right now on your current policy it would be that the due date is 9/15/2010 for the first half, most of the taxes having been prepaid. The second half of the tax bill is due 3/15/2011 and that interest will be charged after 6/30/2011. I would like it if you could confirm your policy or amend your policy. I want to execute the commitment papers with the proper information on due date and on interest date.

Councilor Larochelle said I know some people have had concerns with the dates we picked of that year for no interest. Do you have any concerns with these dates? Do they fall within guidelines of what we should be doing? I realize the format you are going by, I guess my question is, the last payment is due 3/15/2011, being 3 months after that that interest would start accumulating. Is that typically how we do it? What was the 3 months for?

Councilor Pomelow said it was my understanding it was because we were unclear as to what the amounts were and there was stated hardships from people for the unknown amount, if you will, and we were trying to lessen the burden. We were waiving the interest for nonpayment or unpayment of taxes for the fiscal year.

Councilor Larochelle said it doesn't play a role, even though there were going to be taxes that are going to be gathering after the 3/15, those taxes at that point would be interest fee. At that point in time we would have to make a determination about our next tax commitment, right? Since this actually goes 3 months into.

Councilor Bowie said Mr. Van Tuinen is asking us right now, he is sending the commitment letter, if there will be no interest charged on late taxes until June 30. Anybody who pays there taxes after June 30 would have a 7% charge, that's based on what the Council voted on in a previous meeting. In discussions with the public, it has been brought to some of our attention, in meetings, that some people who have paid their taxes feel that that was somewhat of an unfair situation. They have asked that we rethink that and based on having a new commitment with all of the corrections that we might reinstate that interest at the end of the second payment, which would move it back to March 16.

Councilor Bickford said I think we ought to leave it the way it is. Councilor Lunt said you think it should be in June? Personally, I agree with Mike that it is a little unfair that people who have paid their taxes don't get the bonus that the delay might. Councilor Cote said the biggest problem that I see is that this has put out a lot of people, a lot more than what we realize as far as house payments going up and all of the inconveniences that this has created for the townspeople. I think we should leave it just exactly as it is for this year. Let people work through this mess that we've created and deal with it next year. Councilor Bickford said the Council voted to wait until June with no interest. If we go back on this in any way, it is going to show them that they can't trust us anymore. Right now, the people don't trust us. Keep it the way it is this year and then go on from there.

VOTE (2010-193) Councilor Larochelle, seconded by Councilor Bickford, moved to leave the date to collect interest on late payment of taxes in the second billing as it is.

Councilor Bowie said Jessica can you tell us our current tax collection rate. Mrs. Maloy said on the total tax commitment we are 100% collected on that half that is due. Some of that is prepaid from what is due in March, so it is just over 100% collected on what we would have expected. Councilor Lunt said what if you took out the prepaids. Mrs. Maloy said that I don't have off the top of my head, but on the total tax commitment, what we should have collected for September, we are 100%.

Councilor Larochelle said I do agree with Roger that we actually voted on this and it would be unfair to back off from it now, but I also agree with Mike 100%; that people say they put money aside to pay their taxes to make sure that they do legally what they are supposed to do, unfortunately, next year they may hold off until the end of the year if we do this again. Next year

going into it I think we need to look really deeply on how we make a vote on this because it does give people an incentive not to pay their taxes if they are not going to be penalized if they don't. The incentive is not there to pay your taxes. Councilor Lunt said I think we were trying to do the right thing, but we rushed it a little.

Order passed - Vote 7-0.

Mr. Van Tuinen said just to reiterate, what I will have on the tax commitment papers will be that the first payment was due 9/15/2010 and the second payment is due 3/15/2011 and interest will be charged at the rate of 7% on any unpaid balance after 6/30/2011. Councilor Cote said this may give somebody a breather.

Mr. Van Tuinen said the next thing I want to do is go over the whole tax commitment process. One of the things in your packet is my memo called the Real Estate and Personal Property Audit Summary. That is a valuation of the town. It indicates a total valuation base including the reimbursed portion of homestead, \$462,613,699. The total billable amount is \$454,676,949. That is a little bit more than the calculations that were made with the initial billing. The second attachment you have is the warrant from Androscoggin County that directs the Town of Lisbon to collect your county tax in the amount of \$579,877.79 and that amount is right about in the middle of the page. The third thing you have is a letter from the Town Manager to the former Assessor summarizing the amounts to be raised by taxation. I'll go over these on another form, but you can see that the county tax agrees within a few cents rounding to what was on the county tax warrant. The next item is a summary of your tax increment finance districts in town. It documents the amount of captured assessed value in each one of those districts and they total \$8,613,144. The fifth page is a tax rate calculation that puts all of the above information into one tax calculation form. I went over this kind of calculation in a workshop this fall with the Council. The appropriations that need to be raised this year are \$579,878 for the county, \$6,347,219 for the town, \$5,275,781 for the school. Those gross appropriations total \$12,202,878. State municipal revenue sharing is estimated in the memo from Mr. Eldridge at \$750,000. Other revenues projected to come in are \$2,050,000. Total deductions from those gross appropriations of \$2,800,000; the net amount to be raised by taxes of \$9,402,878. If you go back a few pages, you will see that my calculations correspond with the same amount that is in the Town Manager's letter to the former Assessor.

Mr. Van Tuinen said so that is the amount that needs to be raised at a minimum for the commitment of taxes. When an Assessor or a Board of Assessors sets a tax rate in the town, State law provides that there can be a little bit of additional revenue raised in the rounding of a rate and that amount is called an overlay. That amount can not exceed 5%. The minimum tax rate with no overlay is .02490. The maximum tax rate with a maximum overlay is .211514. I tentatively chose a tax rate of .021 or \$21 per 1,000. That's 60 cents less per \$1,000 than the tax bills that were issued in August. That would raise an overlay of \$234,137.82. On the third column that says the actual commitment, you will notice there are no adjustments made to the valuation of the town. In the second column there is a negative adjustment for the amount of the valuation in the TIFs. There is a positive adjustment of 80% of the reimbursable of the BETE valuation and there's a positive adjustment of one half of the reimbursable homestead exempt value. So I'm adjusting the valuation of the town. In the right hand column instead of doing that, I've added the TIF revenue account of \$180,876.02 to the gross appropriations of the town. I've added to the allowable deductions for the town the amount for BETE reimbursement and the amount of homestead reimbursement. The final sheet that you have before you is the same type of calculation form, however this one is made using the TRIO software that you have. It just recalculates the same thing in a slightly different manner. It is a verification process. The only real difference is that the amount of revenue to be raised in the TIF in this program is an input; it's not a calculation that's made simultaneously with the setting of the tax rate as it is in the previous page.

Mr. Van Tuinen said that's the way things look. I think I will be setting the tax rate unless you have some objection to this going forward in the very near future, perhaps as early as tomorrow.

Everyone will receive a new tax bill. The new tax bill, to the best of my understanding, this is not something that is done routinely, something that is done in our situation because you've got a rather unique, singular situation to the best of my knowledge. The new bill in most cases will be more of a statement. It will say that your first half bill was this much, that you have a credit for a remaining balance of this much. It will present what has been prepaid according to what payments have been received to date and show any credit or balance that the taxpayer has. Your bill is a two part bill. It shows the first payment date and the amount due and a second payment date and amount due. It is my understanding that as a courtesy, as an effort to have your tax collections managed as well as they can with as high amount of collection as you can achieve, that you send out a second reminder sometime usually in February. A two part bill in the first place and you follow it up with a reminder that there is a payment due in the spring. It would be my understanding that the town will send out a new tax bill for the fall, follow it up as you usually do with a reminder in February. If you have any questions of what I have done, how these calculations are made, I'll be happy to try to answer them.

Councilor Cote said can you give us some idea Bill, for the people that are listening to this and for the people who are in the audience as to how much of a difference it's going to make for the average tax bill. Councilor Pomeroy said 60 cents on a \$1,000. Mr. Van Tuinen said your initial bill had a tax rate of \$21.60. Now it's going to be \$21. There will be a little bit of a reduction, not a great reduction. Some people will have an increase in their bill, not a lot of people, but as I've told you at some of your previous meetings we looked at all of the valuations in town, looked at the 2009 valuation, looked at the 2010 valuation, and if we saw an unexplained difference on why something didn't go up with the same factor that was used for most property, if there appeared to be no valid reason that it shouldn't go up, we adjusted the valuation upward accordingly. There are not lots and lots of those, but there are some that did not receive the correct bill the first time. Most people will see a little bit of a downward adjustment; the vast majority will.

Councilor Bowie said did we send a letter in that tax bill explaining what we've been through, a brief one page of what we found that there is this adjustment or potential increase if you weren't adjusted appropriately the first time. Councilor Lunt said that makes sense to me. Councilor Larochelle said say tomorrow you do the commitment, at some point do we try to figure out what the next step is from there from your standpoint as to what we ought to be thinking about as Council or where do we move forward from there because there is still a lot of work to be done. I know the commitment was the key factor, but there was a lot to do after that. You mentioned the idea of outlining a plan to move us forward.

Mr. Van Tuinen said I certainly have some ideas. I've fleshed out those ideas a bit with some correspondence with Steve. Putting some budgetary numbers on some of the things requires me to do actually quite a bit of work. There's no easy way for me to know how many mobile homes you have in town. There's not an easy way for me to know how many properties that you have over X amount in valuation and maybe should be reviewed. I have to do a little homework and analysis in order to flesh out some details. In my opinion the town should not just make the reconciliations that we made in a short period of time that we did to get this done. *I think you have some tax assessment recordkeeping valuation issues that you should comprehensively address in a going forward manner.* At this stage I am glad just to get this done. Councilor Larochelle said absolutely, you've done a really good job, too. I know it wasn't easy.

Charlie Smith said I'd like to know if we completed a land revaluation and do these numbers reflect that or is that not part of it. Mr. Van Tuinen said what was accomplished this year with apparently a great deal of misunderstanding is the Assessors office prior to the commitment of taxes looked at a lot of different things. Your Tax Assessor did an awful lot of work. He was a very diligent worker. In order to bring the process to a conclusion in a reasonable way and improve the town's ratio you were at what anybody with a realistic level of commonsense would have called an unrealistic ratio and an illegal valuation ratio. To bring it into compliance there was a 1.32 multiplier applied to the previous land value and the previous building value for all of the routine properties in town. It

wasn't done to the mobile homes; they were looked at in a different way, a way that I don't fully understand at this stage, but they were looked at and their valuations adjusted, but they weren't adjusted nearly to the degree of the 1.32. That's what was accomplished for this year and it brought the town at a ratio of 80%. At this stage, it's a very unnecessarily complicated, cumbersome process. It just is. I'd be happy to show you how it works in the office if somebody here wants it explained more here I will, but it is a bit of a nightmare. Just administratively it's a lot of work that most modern assessment offices don't have to do, because they are automated, they have records that are realistic for today's situation, they have information that is not anciently gathered, they have much better recordkeeping systems.

Mrs. Fitzgerald said Mr. Van Tuinen, was the land revaluation completed. Mr. Van Tuinen said not completely. I worked with your previous Assessor on the development of a new land schedule. We tested that new land schedule against sales through the process of sales ratio studies. I also worked with your previous Assessor trying to improve the building schedules and the depreciation schedules and some other things as well. A great deal of the information was entered into your computer system here using Trio software. I've been doing this kind of work for a long time. I've been doing this kind of work since 1977 and I've never seen any town structure a situation where one person was given so much work. It's an enormous amount of work to enter all the land data on every parcel of land in a 10,000 population town. It's an enormous amount of work to enter all of the building data from ancient records in a 10,000 population town. A lot of work was done, but it was I believe the decision of your previous Assessor that it couldn't be accomplished and implemented comprehensively as well as he would have liked it to have been for 2010, but there's an awful lot of information in the computer. There's a land schedule, but it was not implemented for this year. Mrs. Fitzgerald said for tax purposes for 2010/2011 the old land evaluations were used with your multiplier. Mr. Van Tuinen said, yes.

B. TOWN MANAGER'S REPORT

Mr. Eldridge said in your packets I gave you some material called **Practical Training for Newly Elected Officials**. I wondered if this Council is at all interested. I got some emails back from some of you who thought that this would be a great idea. The legal firm Eaton Peabody has a municipal side called Eaton Peabody Consulting. The retired Town Manager from Brunswick, Don Gerrish, is part of that organization. For the last two years he has had a training session on local government for Councils. I also sent you a tear sheet on what the program entails. Is there any interest in this Council to do something like that? Is this something you think we could do on December 14, if we hold our public hearing at 6:00 and then have Don come in at 7:00 to do that? Councilor Lunt said I don't think the 14th is going to work. Mr. Eldridge said we could move it to the second Tuesday in January if that would work for everybody. **It's a 2-2 ½ hour session, very participatory event.** It's open to the public if they want to attend. It's a workshop environment. He does a very good job from what I've heard. **We'll schedule it for the second Tuesday in January.**

Mr. Eldridge said some news on the 39 Village Street property. The appeal that was made was denied by the court. That is the final step. On December 21 we will have this on the agenda to decide what method you would like to clean up this property and move on. We'll have a memorandum sent out to you that we received from the court today. I would like to thank Roger and Mike for all the work and time they have put into this.

AUDIENCE PARTICIPATION

Mr. Fillmore said with the new regime that we have here in the Council I would hope for a change that the residents of Lisbon will be given correct information. I've been coming to this board since we started out with the taxation problem. Every meeting that I've come to, the people sitting up there have been putting out bogus information to the residents. I think it's time we stopped that. Fern is a great person who likes facts so I'm going to give you the facts, because I know you are

going to ask me for them. The first thing was when the taxation came up it was said sorry, it's done, suck it up. Then we find out that's not true, we have alternatives. Then we were told we had a valid commitment and we find out that's not true either. Then we move on. We were told the Feeney case was closed. It's not. There is a meeting coming up sometime this month to find out where we are on that issue. The information was put out that it's a closed case. At the last meeting I asked that the Council conduct an independent audit of the Economic Development department to support the new director because I felt we owed him that. Then I was told there is no need for us to do that because we do it annually, it's already done, but when I came into the Town Office to review that, I find out that that's not true. There was an independent audit done by the town here that we got a briefing on today at the workshop. The audit did make one line in the financial statement about Economic Development, however, when I asked for the Economic Development audit, I was shown a letter by a member of the USDA which is part of their money that was dated in 2008. Now to me, that's not annually because we're not in 2009, we're in 2010. Rosie when she left here submitted a letter to the USDA closing out her portion of it and that was in June. We didn't get anything back, there was no follow up on it. The Economic Development Department is made up of several different collections of money; State, Federal, grants, things of this nature. We only have USDA's on file. Where's the rest of them? The information about an annual audit of the Economic Development Department, again was incorrect. I would like to see correct information come out of this meetings. I know that that audit they did, did reflect the financial statement, that was all in the work up. There were no comments other than our opinion on the government activities and the general fund, which is separate now, so two different things, were unqualified. If it's unqualified, who's doing the auditing. If they are not qualified to perform their duties then we are paying for nothing. I don't appreciate things like, we're unqualified. Things like that just don't go with me. It says under the compliance with OMB Circular A-133, which is their guidelines, however providing opinion on compliance with those provisions was not an objective of the audit. That's telling me that they're not looking at us being in compliance with OMB Circular A-133. What are we doing? Does anybody have a clue? Things like that should not go unnoticed by the Council. We need to pay more attention to what's going on. There may be a rational explanation of this, but it's not in the report. There's a lot of words, a lot of things that say nothing. Why can't we get an accurate report telling us if we are in fact compliant with OMB Circular A-133. Thank you.

Mrs. Fitzgerald said I hate to beat a dead horse, but the Town Council keeps saying and going back to the Town Charter. Going back to this Recall I read two violations of the Town Charter. When it comes to something like this you want to throw out the Town Charter. It doesn't mean a thing and yet the Town Charter is your guideline. It is the way it was formed for the betterment of the town and yet violations of the Town Charter by a Council member; might as well throw out the Town Charter when it comes to something like that. I am all for a public hearing. I think people need to be informed and if they are going to vote on something they need to be informed as to how they are going to vote. Violation of the Town Charter is a violation. I don't care how you spell it, how you say it, it's still a violation and should be upheld.

Councilor Lunt said in response to Mr. Fillmore's comments, one area we can explore in the future is what's called a forensic audit where they go deeper into tracking actual expenditures of the department. Something we can think about as a Council if we want to restore confidence in that department. We can put that on an agenda for a future discussion. Councilor Larochelle said being on the Audit Committee, it's interesting going through the audit every year, the first year I got on the Council, the first time we would hear about the auditor was at a public meeting; the Council was not informed at all so that's kind of why the Audit Committee was formed. Ahead of time we can direct auditors to do over and beyond their forensics. Every year there are two or three areas from the school and the town that is actually hand chosen by the Audit Committee or the administrators to look deeper into and get more information. The qualified/unqualified thing was really tough for me to understand at first, because I just didn't understand how that worked until I found out that the statement of qualified/unqualified isn't the people doing the audit, it's them qualifying/unqualifying us as a town to have a proper audit done. This year, and Mike can attest, the reason we had the Water Department coming to our meetings, one of the biggest reasons that

our qualification is not correct is because the town has a different audit system than the Water Department so, they can't actually have the proper qualifications because they are separate, so they are not looking at monies in the same book, there are two different books. The idea of them stating qualified/unqualified isn't about the people doing the audit, it's actually what they are looking at for us to be able to say is the information there to qualify this to be a proper audit. They still do it and we were reassured this year even with the Water Department coming in, that everything is in order between the two books. Somehow we would have to merge the two to take away all of the qualified/unqualifieds. As the Audit Committee, that is one of the things that we are going to meet on after and whether I am on that committee or not, they will really push forth the idea that over the next year for the first time ever Lisbon actually does something to make it all one big piece. It's really a date issue not so much a want issue with the Water Department, because their daily calendar is different from our calendar, because of the PUC and a lot of other factors that I just had a hard time understanding how we were two totally different people. I think one of the things you asked for, which I think is there, is the direction that the Audit Committee needs to fulfill and actually say these are the areas this year that we want you to look at under the magnifying glass. They do a general audit but each year there are certain areas they test, meaning they go in and pull every number and make sure that works out in the end. That is part of the audit process that they do and Mike, I believe, there are three areas that were tested, two for the town and one for the school, that they tested, right? In the past that has been driven by the administration, hopefully in the future and it is already, is being driven by Council and citizens. I think some of the things you are asking for is working forward, is still in the process. There's a lot to take in. I don't think there is really anything in our town that hasn't been looked at when it comes to numbers. I feel pretty comfortable with that.

Mr. Fillmore said the only thing I'm trying to say to you is this: leaving statements open like that is wrong. If it's unqualified because of the Water Department, then say it's because of the Water Department. Councilor Larochelle said it is stated in the letters. That's one thing they do state every year. In the letters they do explain the reason for the qualification. Mr. Fillmore said I have the letters. It's in another separate letter from what I just stated.

Lisa Ward said when I spoke earlier about the petition and the upcoming vote I spoke in response to the rest of the conversation that was going on. I would just like to clarify that very briefly. I have concerns about the petition that go beyond removal of a Council member and that's why I'm concerned about it. The petition basically states that Councilor Bowie denied a Councilor the right to place an item on the agenda and this is contrary to our Town Charter. As far as I can see, it is my understanding that other Councilors or other audience members may misinterpret what's going on. Just as it's Councilor Lunt's duty to maintain order and to maintain the flow of the meeting, I think when Councilor Bowie acted as he did, I think that he felt he was acting in that role. If people's feelings were hurt then I'm sorry, but the key is for me is that everybody's dancing around the issues. Nobody's saying well, Michael said that so and so can't talk on this issue. Well, who's so and so and when was it said and why was it said and how did it happen. I as well as a lot of other people in the community just don't know what that blanket statement means. It's so vague. He denied somebody the right to place an item on the agenda. Which Councilor? When? Which item and why? That's one of the reasons I would like to have a hearing.

Ms. Ward said secondly the issue of all Councilors being consulted with when the Chair is dealing with the Town Manager also addressing our Town Charter. One of the main responsibilities of the Chair is to meet with the Town Manager, just as the Chair of the School Committee meets with the Superintendent on a regular basis. I think it is the individual Council member's duty as a Council member to contact the Chair if you have an issue or concern. It's not the Chair's duty to call everybody up or email everybody every time there is a little thing. If there is an issue that you as a Councilor find a problem with or have a concern about, then go find out, that's your job as an elected official. It's not his job to chase after you to make sure you've got all of the details. The idea that Councilor Bowie used improper influence regarding the use of town funds is what I originally addressed. It's a serious accusation and I still haven't seen any proof or evidence. It's another one of

those things that the only reason I have any more clarity on it today is because of the taxpaying non-resident who gave her opinion. It seems to me that a misuse of funds would be addressed by the Town Council right away. If we're going to accuse Councilor Bowie of doing something, how come we didn't accuse the Town Council of sitting back and letting it happen. I want to know where the evidence is. I want to know what funds. This is what I'm asking for at the hearing that we've all agreed is needed. I want to know which funds and how much money, when was it done and to whom was it given, and how was it given to that person so that this misappropriation was able to happen. I just want to know that, I think that we as voters, as people who vote for the Town Councilors, this is information that we need to have. I'm not saying that any of this didn't happen, I'm saying that there's no evidence that it happened, there's no proof. I haven't heard a single person tell me anything that offers evidence of proof other than the woman who offered us evidence against it. I really want to see that.

Ms. Ward said finally Councilor Bowie has been accused of failing to properly preside over Town Council meetings. I touched on that a little. I've been to a few meetings, I don't come to a lot of them. I watch the recordings of them. I just see that as a blanket statement that could be applied to any person who has to preside over a larger group of people. I think that we need to take into consideration the fact that every person on the Town Council has responsibilities within the Town Council and outside the Town Council; every one of them is an actual human being, so yes, they do make mistakes. Are they going to try to repair them if they find out about them, yes. Are we going to attack every single person every single time, I would hope not. The issue of nonresidents speaking came up when an earlier person spoke. She spoke. People can speak if the Chair allows it. Mr. Lunt allowed it. Mr. Bowie allowed it or disallowed it according to his perception of what needed to go on. I think it is important to know the truth about each and every one of these four allegations before the town votes on a Recall, that's why I'm really glad, I didn't bring it up, but somebody else brought up a hearing, but I'm glad we are going to do it. When recently Fern asked the whole Council whether Councilor Bowie should be removed not one of them said he should. If anybody would care to look back at the recordings of that meeting, nobody, not one Councilor said he should be removed. We can't go into a vote without a substantial reason. I think that the promoters of the petition felt that they had a need to do something, but there is a lack of evidence and I don't see legitimate proof to make me want to spend so much money on doing something like a vote for alleged infractions.

Ms. Ward said I have one last thing I would like to say. Councilor Bowie has spent many, many years serving our town. I think that to assume that he's wielding some sort of power somehow by doing his job as a Chair, which is now Councilor Lunt's job, to accuse him of all these things, he's a member of this community, too. He has a vested interest in every single thing this Council talks about. I think that we need to continue to respect him as that Councilor while we consider the facts. So, I'm hoping to see facts. I'm hoping to see clear responses to every one of these. I'm not saying that he hasn't done anything and that he's completely innocent. I'm also not saying that I'm willing to believe that he's this giant monster that has been pictured for us on the petition. I urge everybody don't just come to meetings, please talk to your neighbors and talk to the other people you know especially in our District where we are going to be deciding this. This is important. Almost 400 people signed a petition. If those 350 or 400 people go to the polls and vote to remove Councilor Bowie that means that the rest of the 1600 voters had no say. I feel that there are 2,000 people who are voters in our District. I know that our town has a poor voter turnout and it's too bad. I know that I'm going to make my final decision based on what I feel are the real facts, but I just think it is too bad it went to petition as I told Dot on Election Day. I felt that there were other ways to resolve each and every one of these issues, none of those steps were taken. Do I know what they are, no. Do I have confidence that they exist, yes. If somebody felt strongly enough about any one of them, then something could have been done without going to petition. This could be a lesson to us, not just about the Charter. I think one of these statements, each one of them, is not well founded and we need to think about it.

Ross Cunningham said I am the Chairman of the Promotions Committee, a volunteer group here in town. I know a lot of you have seen be doing stuff here in town. I want to welcome you all, thank you for signing up for service, we do appreciate it. As new Councilmen, I'd like to bring something to light and that is that you hired a new Economic Development Director. You are all working very hard to push this town forward. When we choose not to resolve our differences amongst ourselves and citizens choose to get very involved, that's great, more power to you. I work in Brunswick and I left work early to get here tonight and I said I was going to a Town Council meeting and someone said oh, is Lisbon fighting again? I said what do you mean? And they said, well, it's always in the paper, Lisbon is fighting about something. So, I just want to bring it to light that what we do and say as citizens, as Council, handcuffs your new Economic Development Director. When a town goes to try to get a business in town and they Google us, because they always do, or they sit down in a coffee shop and listen, they hear all of this stuff that we are talking about all of the time. If we could just talk as people, resolve these in a back room and not get to this point we'd have much more success.

Mrs. Swatsworth-Turmelle said unfortunately I was traveling and I wasn't able to participate Saturday night, but driving through town I caught a glimpse of what was going on in town. When I saw the horse drawn rides it kind of brought back what you see postcards in Maine being. For those who were involved, I was very impressed and am very appreciative of what I saw. For anyone who was not from town, I think it gave a good impression. With that said I think there are a few facts that have been left out. It doesn't take 400 votes, it takes 608 minimally. The opinion of 400 people isn't going to count. In order for it to be a valid election it takes 30% of the voters that were there at that last Election. 400 people may have had that opinion. It is going to take 608 people minimally to come out and say I want to vote, I want to have an opinion, otherwise it is not a valid Recall Election. I think that's something that needs to be kept in mind when you discuss your facts at your hearing. I think this has been kind of talked to death tonight since we've already talked about having a hearing. That's something that I would like brought out.

Mrs. Swatsworth-Turmelle said some of the things additionally that were addressed I think if we have been coming to meetings for the last three years, there would have been a few examples of it, whether or not it is valid for what was brought forth, that's for the public to determine, not for the Councilors or anybody else, it's for the public to determine. Keep in mind though, if you are going to change the way this is done, and I think going forward there has been a lot of points brought out that I think that would validate and support the need for you guys to take another look at this and work with Mr. Therriault on appropriate language. If you are going to look at amendments this should be one that you're going to look at. Rewriting it and making it so that it's not a matter of if you don't like my scarf or my sweater that you take that position to do something, that there be some additional validating factors in fact, if that's the way you decide to go, but if it's going to require an amendment not just seven people deciding this, is that what we want. Councilor Lunt said correct, we'd have to have a public hearing for that. Mrs. Swatsworth-Turmelle said correct, you do. I just want you to keep that in mind. If the people that took out the petition, don't wish to participate in that public hearing. You guys are the ones that are going to be putting what's out there out there. It's not that you are going to change somebody else's opinion or point of view. I mean, they have the right to come out and vote. The number of votes that are needed are real close to what I believe Mr. Bowie beat me in the last year Election on, so it is real close as far as numbers. Again, you've got to have a valid Election and that's something you need to keep in mind, it's not just the number of people that signed that petition.

APPOINTMENTS - NONE

COUNCILOR COMMUNICATIONS

Councilor Mason said A Very Merry Main Street was a success thanks to Ross. I'm very glad that someone else has seen, other than myself who has been harping on this for two years, that those kinds of things do make a difference. They do make evenings and moments in time in our town memorable. Ross and his wife and several others worked very hard to coordinate that. It was great. We spoke to the ladies next door at Hairs To You and they had over 200 people go through their shop that evening. The Fire Station was hopping; there were photos with Santa. The Library had carolers, a lot of fun stuff. It was great. These are the kinds of things we are trying to do. These are the kinds of things that Ross works so hard on. The Concert in the Park series. The Father Daughter Dance that's coming up in February. Those of the kinds of things that we are trying to solidify our town as a fun place and a great place to live. That's what we're working on. Thank you, Ross. You did a wonderful job!

Councilor Larochelle said welcome Roger [Bickford], I think it will be fun. Congratulations, Mark. I just want to make sure that moving forward we need to realize that Mark is just a regular person, he's not a lawyer. Hopefully, we'll all work with you to make it all happen. I'm pretty excited about some of the workshops that Steve has planned for the Council. As a Councilor, you have a lot of questions asked of you - what are you supposed to be doing, what are you not supposed to be doing. Sometimes we're looked upon in a very detailed way. I hope that will work out and be a little easier for you so you don't follow the legacy of the last two chairs. Beyond that, I agree, I was out of town on Saturday night, but we rushed through town just as it was getting dark just to make sure we got into town just in time for the tree lighting. We went downtown. It was really neat. Not only being down there and seeing what's happening, but actually seeing new stuff appearing, like the new painting up on the building. People can actually point at it and say this is what we've done. That's pretty exciting, instead of looking around and saying what didn't we do - what do we tear down. Thank you very much. I know you guys do a lot of work and a lot of it goes unnoticed, but we do appreciate everything you do. It's making a difference.

Councilor Mason said one thing I might add. Frank Anicetti's Moxie store was open. Frank was beaming. He was so excited. He had customers in there all night who had bought lots of things for gifts. We had tried to encourage him to do it last year and he just didn't. We had a citizen who got him to do it this year and I haven't seen Frank so excited in years. It was a real boost to him. It was great.

Councilor Lunt said I wanted to say that the Thanksgiving Dinner we had at the Baptist Church was a big success. Between the people that were there and the people that we sent meals to, there was over 100 people served. I spent a couple of hours there washing pots and pans. You think, it's your Thanksgiving Day, I don't want to give it up, and I want to watch football, but it's really rewarding to do that and to see the gratitude people have, that come out, to help them. We had a big turnout, lot of kids from the school, and other volunteers. It was a great success.

EXECUTIVE SESSION

VOTE (2010-195) Councilor Larochelle, seconded by Councilor Mason moved to go into executive session at 9:07 PM per 1 MRSA Section 405(6)(A) Personnel Matter.

Order passed - Vote 7-0.

The Council Secretary was dismissed. The Council returned from Executive Session at 10:10 PM.

ADJOURNMENT

VOTE (2010-196) Councilor Mason, seconded by Councilor Lunt moved to adjourn at 10:10 PM.
Order passed - Vote 7-0.

Respectfully Submitted,

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

These minutes were transcribed by Beth French and proof read by Twila Lycette.