



**TOWN COUNCIL
MEETING MINUTES
OCTOBER 3, 2006**

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

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

ROLL CALL. Members present were Councilors Smith, Curtis, Bowie, Mason, Henry, Crafts, Mason (arriving at 7:16 pm) and Wells. Also present were Curtis Lunt, Town Manager; Rodney Moody, Finance Director; Paul Adams, General Manager at the Water Department; Ryan Leighton, Town Engineer; and approximately three citizens in the audience.

PUBLIC HEARINGS - None.

CONSENT AGENDA

VOTE (2006-51) Councilor Bowie, seconded by Councilor Wells moved to adopt the following consent items: (A) Minutes of 9/11/2006 & 9/19/2006. Order passed - Vote 6-0.

COUNCIL ORDERS, ORDINANCES & RESOLUTIONS

WARRANT FOR NOVEMBER 7TH ELECTION

VOTE (2006-52) Councilor Curtis, seconded by Councilor Smith moved to approve the warrant for the November 7th Election. The contents of the warrant are as follows:

- Polling Hours, 7:00 AM - 8:00 PM
- Absentee Ballot Casting - 7:00 AM, 10:00 AM, 2:00 PM, 7:00 PM and 8:00 PM
- Polling Locations- Ward 1 at the Lisbon Town Office/Ward 2 at the MTM Center
- Registration Hours - Oct 31, Nov 1, 2, 3, & 6 from 8:30 AM to 4:30 PM & Election Day 7:00 AM - 8:00 PM
- Election of Municipal Officers
- Bond Issue Questions
- Seven Charter Amendments

Order passed - Vote 6-0.

MADLYN STREET PUMP STATION BIDS

VOTE (2006-53) Councilor Bowie, seconded by Councilor Smith moved to accept the bid of \$36,650 from Russell Resources, Inc. for the replacement of the Madelyn Street Pump Station. Councilor Smith, seconded by Councilor Crafts, moved to amend the order to increase the purchase amount to \$38,480. Amendment passed - Vote 6-0. Order as amended passed - Vote 6-0.

Councilor Mason arrived at 7:16 PM.

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2005-06 TRANSFERS - PUBLIC HEARING

VOTE (2006-54) Councilor Bowie, seconded by Councilor Smith moved to approve a transfer of \$34,435 and further ordered a public hearing on October 17 at 7:00 PM. Order passed - Vote 6-1 (Opposed: Curtis).

STREET EXCAVATION

VOTE (2006-55) Councilor Smith, seconded by Councilor Crafts moved that the following ordinance entitled Street Excavations, Lisbon Code Chapter 47, Article 1, Sections 1-7 be adopted as follows:

Chapter 47. Article 1. Excavations and Street Openings.

47-1. Rules and Regulations

The Public Works Director shall establish rules and regulations governing excavations at all public places within the limits of the Town of Lisbon. These rules and regulations shall contain technical and design standards and guidelines regarding the methodology under which excavations are undertaken and restoration of the excavated areas are accomplished. They may also contain any other provisions necessary and appropriate to the implementation of this Ordinance.

47-2. Permit Required

No person or utility shall make any excavation, modify, or fill any excavation, excluding a previously permitted location, in any public place which shall include all Town sewer and storm water drainage easements without first obtaining a permit to do so from the Town except as otherwise provided in this Article or the rules and regulations. Any excavation within the Town's streets, sidewalks, esplanades or other public rights-of-way including Town sewer and storm water drainage easements shall only be permitted in accordance with this Article or the rules and regulations. The granting of such a permit shall cover all required activities and mandate conformance with this Article and the rules and regulations.

47-3. Time of issue restricted

Except in an emergency as determined by the public works director, no street or sidewalk opening permit shall be issued between November 1 and March 15 of the following year.

47-4. Fee schedule.

A fee of twenty dollars (\$20.00) shall be paid for the issuance of an excavation permit. Utilities have the option to pay a yearly fee of two hundred dollars (\$200) for unlimited excavations.

47-5. Inspections.

(a) The Town shall make such inspections as are reasonably necessary in the enforcement of this Article and the rules and regulations.

(b) The Public Works Director may order such actions as it deems necessary to ensure that this Article and the rules and regulations implementing it are not violated.

(c) In the event that any dispute exists as to the amount, nature, or scope of the work required under this Article or the rules and regulations, the decision and judgment of the responsible Town Official will be final and binding unless appealed to or stayed by a Court of competent jurisdiction.

47-6. Violations

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(a) Any person or utility found to be conducting any excavation activity within the public right-of-way without having first obtained the required permit(s) shall immediately cease all activity (exclusive of actions required to stabilize the area) and be required to obtain a permit before work may be restarted. A surcharge of two hundred fifty dollars (\$250.00) shall be required in addition to all applicable permit fees. This section does not apply to excavations necessitated by an emergency situation, as previously defined.

(b) Any person or utility failing to comply with or violating any provision of this ordinance or the rules shall be served by the Public Works Director with written notice stating the nature of the failure or violation and providing a reasonable time limit for the necessary corrective actions. Such person or utility shall, within the period of time stated in such notice, permanently cease or correct all failures or violations.

(c) In order to ensure public safety, the Public Works Director shall have the right to verbally notify and require immediate corrective actions of any person or utility whose failure to comply with this ordinance or the rules could cause a safety hazard.

(d) Any person or utility who shall continue any failure or violation beyond the time limit required for compliance in any notice given pursuant to this ordinance or the rules shall be guilty of a violation of this ordinance.

(e) Any person or utility violating any of the provisions of this ordinance or the rules shall be liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation. The Town may seek injunctive relief for the purposes of enforcing this ordinance or the rules.

(f) Any permittee or party who continues to violate any section of this ordinance or the rules and fails to correct violations in a timely manner shall receive no further permits and will be invoiced for permanent repairs until such time as the Town is satisfied that the permittee or party shall have corrected all violations in compliance with the terms of this ordinance and the Rules & Regulations.

(g) The Town reserves the right to notify a permittee's insurance and/or bond carrier of repeated violations.

47-7. Costs & Penalties

(a) Any violation of this ordinance which is also a violation of 35-A M.R.S.A. § 2509 or 2511 or a violation of 23 M.R.S.A. § 3353 or 3355 shall subject the permittee or party to a fine as provided in said statutes, as said statutes may be amended from time to time.

(b) Any violation of this ordinance other than the violations of state law prescribed in the preceding paragraph shall subject the permittee or party to a \$50.00 fine per day for each day that a violation continues.

Order passed - Vote 7-0.

ENTRANCE ONTO PUBLIC WAYS FEES

VOTE (2006-56) Councilor Bowie, seconded by Councilor Smith moved that a fee of \$10 per entrance be added to Lisbon Code 46, Section 132, "Entrance Onto Public Ways". Order passed - Vote 7-0.

SET PUBLIC HEARING - FOR STREET EXCAVATION ORDINANCE
AND PERMIT FEE FOR ENTRANCE ONTO PUBLIC WAYS

VOTE (2006-57) Councilor Smith, seconded by Councilor Wells moved to schedule a public hearing for an ordinance entitled "Street Excavation" and "Entrance Onto Public Way Permit Fee" for Tuesday, October 17 at 7:00 PM. Order passed - Vote 7-0.

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OTHER ITEMS

DISCUSSION OF TABOR

Review only. The Town Manager read Question #1 on the ballot as follows: Do you want to limit increases in state and local government spending to the rate of inflation plus population growth and to require voter approval for all tax and fee increases? He said this would apply to state, county, schools, municipal, and quasi-municipal i.e. water, sewer. He said that this means both expenditures and revenues in the municipal budgets would be limited.

For example, if our 2006-07 municipal budget were \$6,347,709, less our county taxes, under Tabor (effective 7-1-07) we could be limited to the lower of the two following scenarios: the 4.5% increase determined by the increase in population (unknown but assumed to be 1% for this example) plus the CPI (unknown but assumed to be 3.5% for this example) totaling the 4.5% increase previously mentioned, or the 2% increase determined by the increase in the amount of revenue for the previous year as adjusted by the change in the assessed value (assumed to be 2% for this example) totaling the previously mentioned 2%, however, the 2% being lower, the budget would not exceed 2% or \$6,474,663. The current 2006-07 municipal budget did increase by 4.8%, and totaled \$6,652,399 which would have been \$ 177,736 over the cap under Tabor.

The School's 2006-07 budget expenditures of \$14,509,444 times the inflation adjustment factor (assumed to be 3.5% for this example) times the change in student enrollment (assumed to be 1% for this example) would have allowed a 4.5% increase under Tabor totaling \$15,162,368. However the current 2006-07 school budget % increase was 4.8%.

Mr. Lunt said to increase expenditures beyond the cap amount requires approval by a vote of 2/3 of the legislative body (5 of 7 Councilors) and then by a majority of the voters at a referendum election, provided a notice gets mailed to all registered voters. He said the same method is required to raise the property tax rate or fee increases.

FINANCIAL REPORT

Review only, see attachments. Mr. Moody stated that Lisbon had \$6,164,181 invested, that the Certificate of Deposit (CD) interest rates were around 4.95% to 5.35%, and that Lisbon currently has \$2,380,143 in a money market account and \$2,879,000 in the general fund. Mr. Moody requested permission to put another \$800,000 into CDs. The Council unanimously agreed to invest \$800,000 into eight CDs. Mr. Moody said excise revenue looked like it was down \$10,000 as compared to last year at this time.

MDOT 2008-10 BIENNIAL TRANSPORTATION IMPROVEMENT PROGRAM (BTIP)

Review only, see attachments. Mr. Curtis explained the BTIP procedure and reviewed the list with the Council. After much discussion, the Council placed Upland Road on its priority list with Mill Street next. The Route 196 study was discussed and Mr. Lunt said it should be available sometime in November or December.

TOWN MANAGER'S REPORT

Mr. Lunt stated he received several requests for streetlights in Winter Park, and stated that there are over 80 houses and 6 intersections, which would require 21 lights at \$12 a month per light. He recommended installing lights at only the intersections to keep the unbudgeted expenses to a minimum. He stated Mr. Feeney had received over 90 requests for business pictures for his next brochure about Lisbon. Mr. Lunt stated Ralph Sawyer, the owner of the property at 338 Lisbon Road, paid a \$500 fine in District Court and our attorney's fees for the junk car violation cited in 2005, and that eight cars have been removed. The Boat Launch had been paved and landscaping was underway. The Mill Street trail was proceeding as planned. Crosman Street was reconstructed with base paving completed. He said Mr. Therriault had written to the Winter Park developer, Ron Smith, demanding the sewer pump station be repaired. He said the Sabattus Credit Union expects 12 Union Street will be vacated by the foreclosure date, October 10, after which the Town will close on the purchase agreement approved by Town Meeting.

AUDIENCE PARTICIPATION - None.

APPOINTMENTS

VOTE (2006-58) Councilor Curtis, seconded by Councilor Smith moved to appoint Marie Hale, Warden for District 2, and Sheila Gray, Warden for District 1. Order passed - Vote 7-0.

GOOD NEWS & RECOGNITION / ORAL COMMUNICATIONS

Councilor Curtis asked for updates on Economic Development and the Parks/Recreation Consolidation plan. Mr. Lunt said this was still being discussed. Councilor Bowie asked for an update on a legal matter regarding the Farwell Mill.

EXECUTIVE SESSION

VOTE (2006-59) Councilor Bowie, seconded by Councilor Wells moved to go into Executive Session at 8:55 PM to discuss a personnel matter per M.R.S.A. Title 1 Section 405 subsection 6A. Order passed - Vote 7-0.

ADJOURNMENT

VOTE (2006-60) Councilor Wells, seconded by Councilor Smith moved to adjourn at 7:00 PM. Order passed - Vote 7-0.

Respectfully Submitted,

Twila D. Lycette, CCM/CMC
Lisbon Town Clerk

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