



**TOWN COUNCIL
MEETING MINUTES
SEPTEMBER 19, 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, and Wells. Councilor Henry was late, excused. Also present were Curtis Lunt, Town Manager; Ryan Leighton, Town Engineer; Elwood Beal, Public Works Director; David Brooks, Chief of Police; Gerald Kamke, Treatment Plant Operations Manager; and approximately five citizens in the audience. The Chairman dispensed with the reading of the meeting rules.

PUBLIC HEARINGS

PROPOSED ORDINANCE – TOWN DISBURSEMENT WARRANTS

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

PROPOSED PUBLIC WORKS GARAGE BOND ISSUE

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

PROPOSED CHARTER AMENDMENTS

The Chairman opened the public hearing.

David Bowie requested information on why the articles were being amended; Councilor Bowie explained that most of it was minor textual adjustments to include necessary functions. David Bowie said that he felt the Budget Advisory Board being appointed by the Council would be inappropriate since it is meant to keep the Council in check.

David Hale asked why the Council is cutting the number of days required for referendum petitions in Amendment #2. Roger Therriault explained that currently an Ordinance could go into effect before the filing deadline for referendum petitions, and that the proposed Amendment would prevent that from happening.

The Chairman closed the public hearing.

CONSENT AGENDA

VOTE (2006-42)

Councilor Bowie, seconded by Councilor Smith:

BE IT ORDERED that the Town Council adopts the following consent items: (A) Town Warrant 5, (B) Minutes of 8/28/2006 & 9/5/2006. Order passed – Vote 6-0.

COUNCIL ORDERS, ORDINANCES & RESOLUTIONS

TOWN DISBURSEMENT WARRANTS

VOTE (2006-43)

Councilor Smith, seconded by Councilor Wells:

BE IT ORDERED by the Town Council to adopt the proposed ordinance amendment to Lisbon Code Chapter 2, Article VI, Section 2-284 as follows:

CHAPTER 2. ADMINISTRATION

Article VI. Municipal Finance

Division II. Budget

Add Section 2-284 as follows:

Sec. 2-284. Town Disbursement Warrants

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

Order passed - Vote 6-0.

PUBLIC WORKS GARAGE FACILITY BOND ISSUE

VOTE (2006-44)

Councilor Smith, seconded by Councilor Wells:

BE IT ORDERED that the Town Council adopts an order dated September 19, 2006 Sections 1-12 authorizing the issuance of general obligation securities for the Town of Lisbon, Maine, in an amount up to but not to exceed \$1,750,000 for the purpose of replacement of the Town of Lisbon Public Works Facility.

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BE IT FURTHER ORDERED that this order be submitted to the voters in accordance with the requirements of Section 8.11(b)(2) and under the provisions of Section 8.25(b) of said Charter, the submission to the voters to occur at the general election scheduled for November 7, 2006.

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Section 1. That a sum up to, but not to exceed, \$1,750,000.00 is hereby appropriated for the purpose of demolishing the current Public Works Facility and constructing and equipping a new facility.

Section 2. That, for the purpose of financing the aforesaid appropriation, authorization is hereby given to incur indebtedness by the issuance of general security obligations in an amount up to, but not to exceed, \$1,750,000.00, pursuant to, and under the provisions of the Charter of the Town of Lisbon, Section 6.09.

Section 3. That any and all bonds, notes and other securities issued pursuant to this Ordinance may be payable in serial form in annual installments, which need not be equal, or under such payment terms or conditions as may be in the best interest of the Town, but which shall be calculated to extinguish the entire debt at majority.

Section 4. That the term of any general obligation securities issued under the within Order shall not exceed twenty (20) years.

Section 5. That the proceeds of any general obligation securities issued pursuant to this Order shall be used only for those purposes specified in Section 1 above.

Section 6. That any proceeds of the general obligation securities issued not used for the purposes specified in Section 1 shall be applied to repayment of the principal and/or interest of any such general obligation securities.

Section 7. That the Municipal Officers, being the Town Council of the Town of Lisbon, may borrow money temporarily by the issuance of notes in anticipation of the issuance of general obligation securities, subsequent to the authorization of the general obligation securities by the voters of the Town of Lisbon.

Section 8. That the Municipal Officers of the Town of Lisbon shall determine the date or dates, maturities, denominations, interest rate or rates, place of payment, form, or any other details of each of the securities and, if applicable, notes issued in anticipation of the issuance of the securities.

Section 9. That any and all general securities and/or notes issued by the Town pursuant to Section 6.09 of the Charter of the Town of Lisbon and pursuant to the provisions of 30-A M.R.S.A. § 5772(7), shall be signed by the Treasurer of the municipality and countersigned by a majority of its Municipal Officers.

Section 10. That any such securities and/or notes authorized to be issued hereunder be subject to call for redemption with or without premium at the election of the Town, before the dates fixed for the final payment thereof, in accordance with the provisions of 30-A M.R.S.A. § 5772(6).

Section 11. That any and all general obligation securities and/or notes issued pursuant to this Order and to Section 6.09 of the Charter of the Town of Lisbon shall be general obligation securities of said Town.

Section 12. That the Treasurer of the municipality has prepared, signed and attached hereto, the Financial Statement required under the provisions of 30-A M.R.S.A. § 5772(2-A).

Councilor Smith, seconded by Councilor Wells, moved to amend Section 1 of the proposed order as follows:

Section 1. That a sum up to, but not to exceed, \$1,750,000.00 is hereby appropriated for the purpose of ~~demolishing the current Public Works Facility and~~ constructing and equipping a new Public Works facility with possible demolition/renovation of the current facility.

Amendment passed - Vote 6-0.

Order as amended passed - Vote 5-1 (Opposed: Curtis).

PROPOSED CHARTER AMENDMENTS

VOTE (2006-45)

Councilor Crafts, seconded by Councilor Wells:

BE IT ORDERED by the Town Council that the proposed amendments 1-8 be submitted to the voters on a ballot at the general election scheduled for November 7, 2006.

CHARTER REFERENDUM AMENDMENT #1

Article V. Administration, Organization and Departments.

Part 5. Other Boards and Agencies.

5.54 Budget Advisory Board. There shall be a seven-member Budget Advisory Board ~~appointed by the Town Council elected by the registered voters of the Town~~ to staggered three year terms. ~~Two members of the Board shall be nominated and elected by the qualified voters of each of the two Voting Districts and three members of the Board shall be nominated and elected by the qualified voters of the Town at large.~~ The Budget Advisory Board shall review all budgets submitted in accordance with Section 6.03 of this Charter and budget amendments after adoption proposed in accordance with Section 6.05 of this Charter and shall make recommendations to the Council thereon. The lack of such review or making of recommendations shall not be cause for delay of Council procedures. Vacancies on the Budget Advisory Board shall be filled by the Council.

EXPLANATION: To provide for appointment of the seven-member Budget Advisory Board by the Town Council.

CHARTER REFERENDUM AMENDMENT #2

Article VIII. Initiative, Referendum, Recall and Special Town Meeting.

Part 2. Initiative and Referendum.

8.22. Petitions.

(d) Time for Filing Referendum Petitions. Referendum petitions must be filed within ~~30~~ 20 days after final adoption by the Council of the ordinance sought to be considered.

Article II. Town Council

2.08. Ordinances.

(a) Procedure. An ordinance may be introduced by any Councilor at any regular or special meeting of the Council and may not be enacted except after public hearing thereon. Notice of all public hearings on any proposed ordinance shall be given at least seven (7) days in advance of the public hearing by publication in a newspaper or newspapers having general circulation in the Town and by posting copies of said notice at the Town Hall and such other places as the Council may designate. An ordinance, in order to be finally adopted, must be read and voted upon at two separate meetings of the Town Council held not less than seven days apart without any material amendment of the ordinance between the first and second

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vote. Except as otherwise provided in this Charter, every ordinance shall be effective ~~1421~~ days after the date of final adoption.

EXPLANATION: To provide for consistency in the effective date of Ordinances and the referendum period.

CHARTER REFERENDUM AMENDMENT #3

Article IV. School Department.

4.06. Major Appropriations. No action of the School Committee which authorizes a lease or other contractual obligation of the School Department for capital equipment whose costs per unit exceeds one hundred thousand dollars (\$100,000) and which exceeds a term of twelve months ~~and which requires and expenditure of School Department funds in excess of one hundred thousand dollars (\$100,000)~~ shall be effective unless and until said action is ratified by the qualified voters of the Town in a referendum conducted in accordance with the provisions set forth in Article VIII. This provision specifically excludes agreements for services, personnel contracts and collective bargaining agreements.

Article VIII. Initiative, Referendum, Recall and Special Town Meeting.

Part 1. General Provisions.

8.11. General Authority.

(b) Referendum.

2. Borrowing; Major Appropriations. No action of the Town Council which approves the issuance of any general obligation or revenue obligation bond of the Town or which authorizes a lease or other contractual obligation of the Town for capital equipment whose costs per unit exceed \$100,000 and which exceeds a term of twelve months ~~and which requires an expenditure of Town funds in excess of one hundred thousand dollars (\$100,000)~~ shall be effective unless and until said action is ratified by the qualified voters of the Town in a referendum conducted in accordance with the provisions set forth in this Article. This provision specifically excludes agreements for services, personnel contracts and collective bargaining agreements.

EXPLANATION: To clarify that the requirement for referendum vote approval for capital equipment items, is for any individual item in excess of \$100,000 in cost and shall not apply to agreements for services, personnel contracts or collective bargaining agreements.

CHARTER REFERENDUM AMENDMENT #4

Article II. Town Council.

2.04. Chair.

(a) Election and Term. ~~At the first meeting of the Town Council held after each regular election~~ At its organizational meeting held on the first Tuesday after the first Monday in December, or as soon thereafter as practicable, it shall elect, by a majority vote of the entire Council, one of its members as Chair and one of its members as Vice-Chair for the ensuing year, and the Council shall fill, for an unexpired term, any vacancy in the office of Chair or Vice-Chair that may occur. This Chair shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law, but the Chair shall have no regular administrative duties. In the temporary absence or disability of the chair, the Vice-Chair shall exercise all the powers of the Chair during such temporary absence or disability of the Chair. It shall be the duty of the Chair to (1) preside at all meetings of the Council; (2) develop, after consultation with the Town Manager, agenda for Council meetings, provided that no Councilor shall be denied the right to place an item on the agenda; (3) after consultation with the Council, represent the Council in all dealings with the Town Manager and with all statutory and advisory boards, commissions and committees in person or by delegation.

Article IV. School Department.

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4.04. Chair. ~~At the first meeting of the School Committee held after each regular election~~At its organizational meeting held on the first Tuesday after the first Monday in December, or as soon thereafter as practicable, the School Committee shall elect, by a majority vote of the entire Committee, one of its members as Chair for the ensuing year, and the School Committee shall fill for an unexpired term any vacancy in the office of Chair that may occur. The Chair shall preside at all meetings of the School Committee and may vote on any matter to come before the Committee.

EXPLANATION: To provide for the election of the Town Council Chair and the School Department Chair after the new Council and School Board are seated at their first meetings in December.

CHARTER REFERENDUM AMENDMENT #5

Article II. Town Council.

2.10. Prohibitions.

(b) Appointments and Removals. ~~The Town Manager's appointments of the following administrative offices shall be subject to confirmation by the Council: Town Clerk, Police Chief, Fire Chief, Public Works Director, Finance Director, Tax Assessor, Town Treasurer/Tax Collector, and Town Attorney.~~ Except as provided herein, neither the Council nor any of its members shall in any manner dictate the appointment or removal of any Town administrative officers or employees within the jurisdiction of the Town Manager or his or her subordinates, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

Article III. Town Manager.

3.02. Powers and Duties of the Town Manager.

(a) Except as provided in Section 2.10(b), the Manager shall appoint, prescribe the duties of, supervise and, when necessary for the good of the Town, suspend or remove all town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, by this Charter, or by personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency. The Town Manager's appointments of the following administrative offices shall be subject to confirmation by the Council: Town Clerk, Police Chief, Fire Chief, Public Works Director, Finance Director, Tax Assessor, Town Treasurer/Tax Collector, and Town Attorney.

EXPLANATION: To move appointments by the Manager subject to Council confirmation to Section 3.02 dealing with Manager appointments.

CHARTER REFERENDUM AMENDMENT #6

Article VIII. Initiative, Referendum, Recall and Special Town Meeting.

Part 2. Initiative and Referendum.

8.21. Commencement of Proceedings.

(a) Petitioners Committee; Affidavit. Any five qualified voters of the Town may commence initiative or referendum proceedings by filing with the Clerk an affidavit stating that they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses, specifying the mailing address to which all notices to the committee are to be sent, and setting out in full the proposed ordinance or the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners committee is filed, the Clerk shall issue the appropriate petition blanks to the petitioners committee.

(b) Council Action. The Town Council may submit on its own initiative, a proposal for the enactment, repeal or amendment of any ordinance except as otherwise prohibited in this Charter, and specifically to comply with the provisions for approval of bond issues and

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certain contracts for capital equipment or expenditures as may be required under the provisions of Section 6.09 of this Charter as well as Section 8.11(b)(2) and Section 4.06. Such proposition submitted to the voters may be voted on at any municipal election or any special election called by the Town Council and should such proposition receive a majority of the votes cast thereon at such election, it shall be enacted, repealed or amended accordingly.

EXPLANATION: To clarify the authority of the Town Council to submit referendum items to the voters.

CHARTER REFERENDUM AMENDMENT #7

Article V. Administrative Organization and Departments.

Part 2. Personnel Administration.

5.23. Personnel Rules. The Personnel Director shall prepare personnel rules ~~not inconsistent with existing labor contracts.~~ A, a draft of which proposed personnel rules shall be submitted to the Council no later than 2 years after the effective date of this charter. The Council may adopt the proposed rules with or without amendment. These rules shall provide for: ...

EXPLANATION: To eliminate the connection between Town Personnel Rules and the provisions of Collective Bargaining Agreements.

CHARTER REFERENDUM AMENDMENT #8

Article II. Town Council.

2.08. Ordinances.

(b) Emergency Ordinances.Every ordinance shall stand repealed as of the ninety-first (91st) day following the date on which it was adopted; ~~but this shall not prevent reenactment of the ordinance in the manner specified in this section, if the emergency still exists unless adopted under the provisions of 2.08(a) within the emergency ordinance period.~~

EXPLANATION: To eliminate the restriction against the adoption of emergency ordinances as regular ordinances.

Councilor Henry arrived at 7:35 PM.

Councilor Bowie seconded by Councilor Smith moved to remove the proposed Charter Amendment #1. Amendment passed - Vote 7-0.

Order as amended passed - Vote 7-0.

DAVIS STREET SEWER INFLUENT GRINDER BIDS

VOTE (2006-46)

Councilor Bowie, seconded by Councilor Wells:

BE IT ORDERED that the Town Council accepts the bid of \$18,989 from F.R. Mahoney to upgrade the Davis Street Pump Station Channel Grinder (option 1). Order passed - Vote 7-0.

OTHER ITEMS

INTERAGENCY REQUESTS

VOTE (2006-47)

Councilor Curtis, seconded by Councilor Wells:

BE IT ORDERED that the Town Council accepts the submitted list of interagency requests as follows:

WRITTEN DETAIL	AGENCY REQUEST 2006-07	COUNCIL APPROVED AMOUNT
*Abused Woman's Advocacy	1,000	500
Advocates for Children	750	700
American Red Cross	4,500	1,250
Androscoggin Head Start & Child Care	1,000	600
Androscoggin Home Care & Hospice	400	400
Big Brothers/Big Sisters	250	250
Catholic Charities of Maine	500	500
Child Health Center	3,260	500
Children's Center	2,000	600
Community Concepts	18,114	600
Family Fun Day	500	550
Hospice of Midcoast Maine	600	600
Kennebec Valley Mental Health Center	500	150
LACO	1,000	850
Pottle Hill, Inc.	No amount specified	0
Seniors Plus	650	650
Sexual Assault Crisis Center	600	600
Tedford Program	100	0
Tri-County Mental Health	9,457	700
UCP	500	0
Totals:	\$ 45,681	\$ 10,000

Order passed - Vote 7-0.

COMMITTEE VISITATION - PROPOSED SCHEDULE

Review only, see attachments. The Council agreed by general consensus to the proposed schedule.

DRIVEWAY PERMIT FEES / STREET OPENING ORDINANCE

Review only, see attachments. Mr. Lunt explained the proposed fees and ordinance. Mr. Beal explained that several private homes have connected to the public sewers without his department receiving notification, which caused considerable issues throughout the summer, and that a permit would ensure that the department is notified; the same applies to driveway permits. Mr. Therriault stated that towns with similar ordinances and fees in place have fewer issues with people randomly digging up the road. The Council agreed by general consensus that Mr. Beal, Mr. Lunt, and Mr. Therriault will put together an Ordinance to this effect.

TOWN MANAGER'S REPORT

See attachments for the list of items completed by the Town Manager. Councilor Bowie asked if any Councilors were interested in attending a seminar on the potential regional consolidation of dispatching in Androscoggin County. Councilor Henry offered to attend. Mr. Lunt noted that an agreement of systematic payment to Great Falls TV has been accepted, and that, beginning October 1st, Council meetings will be aired on Wednesdays.

E911 DISPATCHING SERVICE

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Review only, see attachments. Chief Brooks reported that the Androscoggin County Sheriff’s Office (ASO) is willing to offer 911 services at no cost, whereas the LA911 is requiring annual payment of \$5000, which was not budgeted. He also reported that Androscoggin County has taken the position that it is inappropriate to charge taxpayers for 911. Also, ASO no longer dispatches for Livermore Falls, which was the reason ASO was at their maximum call capacity. Chief Brooks stated that with the current situation and staffing, he would feel comfortable using ASO, and that a change in Sheriff would not adversely affect the service. Chief Brooks anticipates closure of Lisbon’s PSAP at any time. The Council agreed by general consensus to change to ASO, and will write a letter to the PUC to request the change.

AUDIENCE PARTICIPATION

None.

APPOINTMENTS

VOTE (2006-48)

Councilor Smith, seconded by Councilor Crafts:

BE IT ORDERED that the Town Council does hereby appoint Councilors Crafts, Wells, Bowie, Smith, and Mason to a 5-member Board of Assessment Review. Order passed - Vote 7-0.

GOOD NEWS & RECOGNITION / ORAL COMMUNICATIONS

Councilor Bowie mentioned a letter from a couple in St. Petersburg, FL, requesting information about Maine and the town, as they are moving here; Mr. Lunt agreed to send them some information. Councilor Bowie also expressed disapproval of an application for service from the Water Department, which requires a social security number and date of birth on both initial connection and final reading requests; the Council agreed to send a letter to the Water Commission about it.

Councilors Smith and Curtis thanked the PW department for their paving work.

Councilor Curtis expressed concern regarding trees blocking vision for turning drivers, and stated that MDOT should remove them. Councilor Smith added that MDOT has placed signs in low shoulder areas that also block the field of vision.

Councilor Curtis asked that potholes on Alexandria Street be filled. He also asked when the Purchasing Policy would be presented again; Mr. Lunt said that it would be scheduled for October.

Councilor Curtis stated that he would like the 11 departments to come before the Council to review short and long-term goals and explain what their functions are. Councilor Bowie suggested a workshop in November to think about budget items, priorities, ordinance changes, and goals and objectives for the following year. Mr. Lunt stated that it could be a burden to the Council’s schedule.

Councilor Mason mentioned that MDOT left drop-offs on Route 9 that are terrible.

EXECUTIVE SESSION

VOTE (2006-49)

Councilor Bowie, seconded by Councilor Smith:

BE IT ORDERED that the Town Council went into Executive Session at 8:41 PM to discuss Real Estate - MRSA Title 1, Chapter 13, Section 406(6)(c). Order passed - Vote 7-0. The Council returned from Executive Session at 9:09 PM.

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ADJOURNMENT

VOTE (2006-50)

Councilor Smith, seconded by Councilor Crafts:

BE IT ORDERED that the Town Council adjourned at 9:10 PM. Order passed - Vote 7-0.

Respectfully Submitted,

Juliet C. LeBlond
Assistant Town Clerk
Lisbon, Maine

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