



**TOWN COUNCIL
MEETING MINUTES
JANUARY 20, 2009**

Fern Larochelle, Jr., At Large 2010
Roger Cote, At Large 2011
Michael Bowie, At Large 2009
Gina Mason, District 1 2010
Janet Henry, District 1 2009
Dale Crafts, District 2 2010
Norma Wells, District 2 2009

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 Wells, Bowie, Mason, Crafts, Henry, Larochelle and Cote. Also present were Stephen Eldridge, Town Manager; Cathy Ricker, Finance Director; Rosie Bradley, Economic Development Director; David Brooks, Police Chief, David Bowie, Chairman Ethics Panel; and approximately ten citizens in the audience.

PUBLIC HEARING-NONE

CONSENT AGENDA

VOTE (2009-11) Councilor Wells, seconded by Councilor Larochelle, moved to approve the minutes of the December 16, 2008 meeting. **Order passed - Vote 7-0.**

COUNCIL ORDERS, RESOLUTIONS & ORDINANCES

ANDROSCOGGIN RIVER ISLAND (MAP R7, LOT 26)
ANDROSCOGGIN LAND TRUST

VOTE (2009-12) Councilor Bowie, seconded by Councilor Wells moved to donate the Androscoggin River Island (Map R7, Lot 26) to the Androscoggin Land Trust with the understanding and agreement of developing an MOU that would allow the town to still have input into the planning process and timing of development of that island. **Order passed - Vote 7-0.**

Councilor Cote suggested giving the island to the Land Trust since they appear to be going in the direction the town approves. Councilor Larochelle said the town would keep input by retaining ownership. After more discussion, Councilor Mason summed up by saying that the Council represents the citizens of the town and that while there would really be no limit on the Land Trust, ownership of the island still allows the townspeople to have their input. Councilor Bowie reiterated that the town will be involved through the Conservation and Trails Commission and asked for discussion from the public.

ORDER 2009-13 STATE OF MAINE JUVENILE JUSTICE ADVISORY GROUP GRANT
AWARD

VOTE (2009-13) Councilor Henry, seconded by Councilor Mason moved to accept the State of Maine Juvenile Justice Advisory Group Grant Award of \$14,040.00. **Order passed - Vote 7-0.**

Chief Brooks urged the Council to accept the Juvenile Justice Advisory Group grant which funds the LEAD program. The award totals \$14,040.00/yr for a two year period beginning January 5, 2009 through January 4, 2011. The program started in 2002 and was funded by much smaller grants. In this last cycle there are three success stories of youths who were not going to make it to get their high school diplomas. They were either involved with the criminal justice system or on the verge of becoming involved with it. Working through the LEAD program they were able to get their GEDs through the adult education program. Lisbon businesses are also involved and some participants have gotten jobs with these businesses once they completed the program.

Chief Brooks said that the program is tying in with the Muskie Institute at the University of Southern Maine with the idea of becoming a statewide program in the future. Councilor Henry commented that the more people we keep out of jail the better since the jails are overcrowded already.

Dorothy Fitzgerald from the audience asked if the town will have to fund this program when the grant is done. Chief Brooks said this depends on the State, but as the intention is for this to become a statewide program, presumably the funding will come from the State. Councilor Bowie said even if the State did not pick it up, the town would be able then to determine whether to continue the program.

After the vote Councilor Brooks asked to use this forum to speak about another grant which was criticized by Councilor Cote and Councilor Crafts and directed to the Police Department at the last meeting. Chief Brooks said the department gets highway grants constantly. The department got another grant of federal money to keep the roads safe just before Christmas.

Other agencies in the area also received money from this grant. Topsham, Brunswick, Lewiston and Sabattus also got grants. Usually on Sundays the normal coverage by the Lisbon Police Department is one regular officer and one reserve officer. On Sunday Jan. 4, the day which Councilor Cote and Councilor Crafts referred to in their remarks, twelve hours were allotted for the grant. Two extra officers were able to be on duty that day due to the grant. The police stopped twenty-nine vehicles and four summonses were issued. Twenty four warnings were issued. One person was stopped who had a blood alcohol reading four times the legal limit. The extra officers on duty were paid for by the highway safety grant. Chief Brooks referred to the comment made at the previous meeting which requested that the police be lenient due to the lean economic times.

Councilor Cote commented that although the salaries are paid by the grant, the fuel, the tires, and wear on vehicles are paid by the taxpayers. Citizens in Lisbon have complained to Councilor Cote about the extra police on duty. Chief Brooks responded that he is using this forum to rebut what was said at the last council meeting. Chief Brooks said he thinks the citizens of this town would be glad to know that grant money allowed the police officers to be on duty that day to keep the roads safe and the majority of Lisbon citizens would be happy to pay for the wear on the tires and gas in return for that added safety.

Councilor Cote said that per town charter, the councilors are required to go to the town manager with matters concerning town employees such as Chief Brooks. Chief Brooks said his door is always open to hear questions and concerns from the Council, as they have done in the past.

OTHER BUSINESS

A. ETHICS PANEL REPORT

Mr. Bowie gave a summary of the findings of the Ethics Panel concerning the conflict of interest concerning Councilor Michael Bowie. The panel looked into questions regarding Councilor Bowie voting on issues that would affect his wife Denise Bowie's salary in her job as administrative assistant with the police department. One of the reasons given by Councilors Cote and Henry for their request for a recommendation from the Ethics Panel was the difference in pay between the salaries of the Administrative Assistant positions in the police department and the public works department.

Research done prior to the Ethics Panel meeting included input from former Councilor Charlie Smith, Councilor Mason, Attorney Roger Theriault, , and Councilor Bowie. The Panel researched past appropriations, the legal charter, and related articles in Maine law. The Panel found there is a definite conflict of interest, which was not really in question. The recommendation is that Councilor Bowie should abstain from all discussion and voting on police salary items, which includes his wife's salary. Councilor Bowie may discuss the rest of the police budget and vote on that.

Mr. Bowie went on to say that Councilor Bowie did bring up this conflict of interest to the Council and that the Council did set up a procedure to accommodate that. The problem arose when the Council did not follow their usual practice of voting on individual budgets one at a time during the last budget process. The Council took a single vote on the entire budget as an expedient measure. The Panel found while the procedure would have been "cleaner" with individual votes, there was no actual unfairness. The Panel found that Mrs. Bowie received the same treatment as other employees.

Mr. Bowie went on to explain why there were such differences in salary between the police department and public works department. One reason is a difference in job description, and the other is that Councilor Bowie has seven years longevity. The panel found no evidence of salary differences based on any conflict of interest.

The recommendation of the Ethics Panel is that Councilor Bowie should abstain from voting on the Police Department budget line which contains his wife's salary (currently line 100).

Councilor Henry thanked the entire Ethics Panel for the great job they did. Mr. Bowie added that to counter any inappropriate assumptions he wanted to explain that he and Councilor Bowie are only very remotely related, being fifth cousins twice removed.

The following discussion took place during Councilor Communications:

(Vote 2009-13A) Councilor Cote questioned what would become of the recommendation from the Ethics Panel. Councilor Bowie said it had always been his intent to separate the budget items so each line could be voted on, allowing him to abstain where necessary. After some discussion a motion was made by Councilor Cote and seconded by Councilor Larochelle to accept the recommendation of the Ethics Panel that Councilor Bowie should abstain from voting on the Police Department budget line which contains his wife's salary (currently line 100). **Order passed – Vote 6-0-1. (Abstained: Bowie)**

B. FINANCE DIRECTOR'S REPORT

Ms. Ricker gave an overview of the revenue control report. The two biggest items are the state revenue sharing and the Excise tax. State revenue sharing is below what was budgeted, but is much better than expected. State revenue sharing is down about \$7,000 from last year. On Excise tax, the town actually rebounded in Dec with \$10,000 more collected in the month compared to the same month last year. We are still down \$37, 000 from last year, which, added to the budget increase makes a considerable hole in the budget.

Tax interest is over and above budget already. Historically \$15,000 to \$20,000 more can be expected in that line item for the year, which is not necessarily a good thing because it means people are not paying their taxes on time, but it is an area which it can be expected to well exceed what was budgeted.

In the recycling line, Wayne Ricker has estimated that we will be down \$7,00 to \$8,000 from what was budgeted. Currently we are at 67% collected. As far as dog fees, which were mentioned last month, the dog licensing late fees are in the 1364 line, which is the clerk fees. These clerk fees will be reflected more adequately in the next budget. The Sabattus dog billing will probably bring in another \$5,000 for the second billing.

Investment interest is right in line. Tax bills should go out Feb. 1 so people will have six weeks to pay. Traditionally this is a tough time of year. It is imperative to bring this money in as soon as possible, because the town has paid more than half of the year's expenses by this time.

Councilor Bowie asked about State revenue sharing figures. Ms. Ricker explained that revenue sharing is down about \$7,000 compared to this time last year, but also the budget anticipated about \$73,000 more in state revenue sharing. The two both need to be added together to see the real scope of the problem, about \$80,000.

On the expense side, the overlay of \$291,000 helps as a cushion and a place to draw from. Ms. Ricker explained different theories of overlays or surpluses. Originally the overlay was intended to be a tool for selectmen to use to round out a tax rate when the tax bills were done by hand. Basically, the law says you can raise 5% more than what you vote. Overlay is between 0 and 5%. The amount of overlay was determined by the assessor.

The insurance line may come out better than budgeted, which may mitigate problems on the revenue side. Insurance may come out better because last year a 7.9% increase was budgeted for health insurance, and property and casualty was budgeted for a 15% increase. These increases were made on the advice of the insurance carrier, but both expenses came in under budget.

Other notable surpluses are not anticipated. Councilor Wells asked about the Public Works line with winter still upon us. Ms. Ricker agreed that this may change to an overdraft, but that will probably be mitigated by the overlay. Councilor Bowie noted that two storms in December were covered by a Federal grant and reimbursement is coming, which is an expenditure that is seen on the handout.

Councilor Larochelle asked about street lights. Ms. Ricker said that the numbers are such because of the billing cycle, not that the numbers are off. Councilor Cote asked about animal control sharing with Bowdoin and Bowdoinham. Mr. Eldridge is pursuing this and is waiting to hear from the Bowdoinham town manager. Mr. Eldridge said Jeff Cooper does a great job and he could not see why the other two towns would not want to participate in the cost savings.

C. TOWN MANAGER'S REPORT

Mr. Eldridge has been working on new health insurance proposals and is planning workshops for the Council to learn about the different plans. The new plans are very, very different from the MMA Health Trust. He suggested that the workshops be held before the budget process begins. The workshops will be open to the public and will be posted on the website.

Mr. Eldridge reported that Mr. Leighton and Mr. Paul successfully completed the transition to the server upgrade. The transition went quite smoothly.

Regarding the stimulus package, Mr. Eldridge said the Route 9 rebuild, the River Trail extension, and the Public Works garage projects have all been submitted. All these projects are "shovel ready" and he hopes to have a decision around February 20.

Ms. Ricker and Mr. Eldridge have reviewed the department budgets and are meeting with department heads to see where cuts can be made to bring in their budgets flat. State revenue sharing may be down by \$97,000, as reported in the Sun Journal, but most town managers are expecting a higher cut, perhaps 10%.

The Sausage Kitchen is having their grand opening on Saturday Jan. 24 from noon to 4:00. Mr. Eldridge said the building is beautiful and that Maurice Bonneau has done a great job. Mr. Eldridge noted that the Chamber dinner is on Thursday January 29 at the Ramada Inn. One of our local businesses will be receiving the Lisbon Business Award. The town office will have its own table and it is a great chance to network and have fun.

Councilor Bowie asked if the potential revenue sharing cut is included in the recent state budget. Mr. Eldridge assured him that it is. Councilor Bowie asked about the proposed elimination of the excise tax which will be on the ballot this year. Councilor Crafts reported that the feeling in Augusta is that removal of the excise tax will pass. Mr. Eldridge remarked that, unfortunately, the money will have to come from somewhere else if this happens.

AUDIENCE PARTICIPATION-NONE

APPOINTMENTS

AUDIT COMMITTEE

(2 COUNCILORS TO SERVE ON AUDIT COMMITTEE)

Mr. Eldridge reported that Councilor Wells had volunteered to serve on the Audit Committee prior to the meeting. He asked for another Councilor to serve, as well. Councilor Larochelle asked how often the Committee meets and then agreed to volunteer. No vote was taken as the Councilors informally accepted Councilor Wells and Councilor Larochelle as the two councilors to serve on the Audit Committee.

COUNCILOR COMMUNICATIONS

Councilor Henry announced a Scrapbooking day sponsored by the Lisbon High School Boosters. The Scrapbooking day is scheduled for January 31. Creative Memories Consultant Kimberley Donovan and Michelle Huston are putting on the fundraising event. Goodie bags, supplies, kits and snacks will be available.

Also on January 31 the Maine Maineacs will be playing at the Lisbon/Oak Hill night. Tickets are available.

Councilor Henry thanked Public Works and John Noel for ice at the high school. The feedback she has heard is that it is the best ice ever. The rink will open tomorrow night.

Councilor Henry praised the Lisbon/Oak Hill hockey team for their win against Sanford.

Councilor Cote attended an MTM meeting on Friday January 16. He reported that the MTM and Recreation Committees prefer not to merge, as the Council had voted on at the last meeting. Councilor Cote said that the two are so different and noted that MTM deals mainly with building issues as the reason they want to remain separate.

(Councilor Cote then asked about how the Council should respond to the Ethics Panel recommendation. He made a motion which is noted under the Ethics Panel report.)

Councilor Crafts apologized to Chief Brooks for using this forum to make comments at the last meeting. Councilor Crafts expressed his opinion that the police department is too large and that he does not agree with the grants because of the cost to the town, but that in the future he will go see him before making comments and asking questions. He apologized for making comments before coming to see Chief Brooks. Chief Brooks thanked Councilor Crafts and said he was disappointed that the remarks were made at the meeting, and he appreciated that Councilor Crafts and other councilors had come to him in the past and encouraged them to do the same in the future.

Councilor Mason spoke of how good downtown Lisbon Falls is looking now. She pointed out how the removal of the old Food City building by the Kellys has improved downtown. She urged people to go to the Sausage Kitchen, and commended Maurice Bonneau for his great addition to the area. Councilor Mason also commented on how good the Diner is looking and that work is coming along. The Titus building has been sold and will be developed. Economic development is happening in town, which is a good thing.

Councilor Bowie mentioned the grand opening of Aubuchon on January 23, 24, and 25. Councilor Bowie and others agreed on how awesome the new store is with all their supplies and rentals of tools and equipment.

Councilor Bowie passed on information from Mr. Leighton regarding new email addresses due to the change in server.

Councilor Bowie said that Bill Bauer from the Water Commission told Councilor Bowie that a meeting is not necessary; they don't have any projects that meet the capital improvement criteria. The Water Commission is offering tours of the new pumping station. New rates have not been determined yet, but will be forthcoming. Councilor Bowie asked the Council if they would like to hold a workshop regarding this issue. He questioned what their strategic plans are that they are trying to work in with the things the Council is thinking of potentially doing from an infrastructure standpoint. They are talking about making a loop for Lisbon Falls, but since Upland Road is going to be redone in a year or so, should that be considered as another route for water when the road is dug up.

Councilor Henry asked about the water bill, as Lisbon water bills appear to her to be so much higher than other towns. Councilor Bowie said no, from the last review our rates are in the lower third or middle.

Councilor Bowie asked the Councilors to email him with their suggestions as to how to proceed. He would like Councilors to email him ideas for an agenda for a workshop with the Water Commission. Councilor Larochelle expressed his desire for a workshop for a better understanding. Councilor Bowie will work with Mr. Eldridge to set up a workshop.

EXECUTIVE SESSION

VOTE (2009-14 A) Councilor Wells, seconded by Councilor Cote moved to go into Executive Session at 8:15 p.m. per 1 MRSA §405 (6) (C) Acquisition of Real Property or Economic Development The Chairman dismissed the Council Secretary. **Order passed - Vote 7-0.**

Council returned to regular session at 8:25 p.m

MRSA §405 (6)(C) ACQUISITION OF REAL PROPERTY OR ECONOMIC DEVELOPMENT

VOTE (2009-15) Councilor Wells, seconded by Councilor Crafts moved to approve a loan to Lisbon Falls Florist from the commercial RLF account in the amount of \$10,000 with the terms set at 5% for seven years with six months deferred payment. **Order passed - Vote 7-0.**

VOTE (2009-16) Councilor Wells, seconded by Councilor Larochelle moved to go into Executive Session at 8:45 p.m. per 1 MRSA §405 (6) (A) to discuss Personnel Matters-Town Manager's Review. **Order passed - Vote 7-0.**

Councilor Henry left at 9:30 p.m

ADJOURNMENT

VOTE (2009-17) Councilor Wells, seconded by Councilor Cote moved to adjourn at 9.55 p.m. **Order passed - Vote 6-0.**

Respectfully Submitted,

Elizabeth French, Assistant Town Clerk

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