



TOWN COUNCIL MEETING MINUTES JUNE 7, 2011

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

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

ROLL CALL. Members present were Councilors Mason, Cote, Lunt, Pomelow, and Bickford. Councilors Bowie and Councilor Larochelle were excused. Also present were Stephen Eldridge, Town Manager; Roger Therriault, Town Attorney; David Brooks, Police Chief; Sean Galipeau, Fire Chief; Michael Cote, Code Enforcement Officer; Ryan Leighton, Town Engineer; Paul Adams, Water Department Manager; Kathi Yergin, School Committee Member; Budget Advisory Board Members Debbie Barry, Tomas Barry, Dorothy Fitzgerald, and John Wierzbicki; Water Commissioners Ken Wells and William Bauer; and approximately 25 citizens in the audience.

PUBLIC HEARING - NONE

CONSENT AGENDA

VOTE (2011-93) Councilor Pomelow, seconded by Councilor Cote moved to approve to approve the Renewal Victualer's Licenses for Hogan's Goodtime Lanes, Riverside Dairy Bar, Mark's Deli at the X-tra Mart, and the Minutes of May 17, 2011. **Order passed - Vote 5-0.**

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

SEWER PUMP REPLACEMENT

VOTE (2011-94) Councilor Pomelow, seconded by Councilor Cote moved to award the bid to Stevens Electric and Pump service for \$24,276.

PUBLIC COMMENT: None.

Order passed - Vote 5-0.

LINE STRIPING BID

VOTE (2011-95) Councilor Bickford, seconded by Councilor Mason moved to award the bid to Marking's Inc. for \$15,428.16.

PUBLIC COMMENT: None.

Order passed - Vote 5-0.

FUEL BIDS

Mr. Eldridge said this year's RFP included the price for group purchasing to encompass the municipality and school's fuel needs. Councilor Pomelow pointed out that the RFP requested the bidder to hold their price until June 13 and indicated Irving had not guaranteed this price in their bid to that date, which is when the School Committee would be meeting to discuss and vote on the bid as well. The Council agreed to open the bid up again. Mr. Eldridge asked that the Council reject all bids at this time.

VOTE (2011-96) Councilor Pomelow, seconded by Councilor Cote moved to reject all fuel bids.

PUBLIC COMMENT: None.

Order passed - Vote 5-0.

The Council agreed to move this item to a future agenda.

PERSONNEL POLICY AMENDMENT
SEC. 90-15.5 PAY PERIODS

VOTE (2011-97) Councilor Pomelow, seconded by Councilor Cote moved the following for adoption (inserting underlined information):

Sec.90-15.5 Pay Periods.

(a) The pay period for the town is Sunday through Saturday, on a bi-weekly basis, and payday...

(d) If an employer error occurs the employee must see the Finance Director and a correction will be done and a new check issued within 24 hours. If the employee makes an error the correction time may be longer.

PUBLIC COMMENT: None.

Order passed - Vote 5-0.

MILEAGE REIMBURSEMENT RATE

VOTE (2011-98) Councilor Pomelow, seconded by Councilor Mason moved to adopt a new mileage rate of .51 cents per mile effective July 1, 2011.

Mr. Eldridge indicated that there would be no change to the current proposed budget and that employees who exceed their mileage line next year will not be reimbursed. He said employees will be expected to hold the line and travel less.

PUBLIC COMMENT: None.

Order passed - Vote 5-0.

MOXIE DAY STREET CLOSURES

VOTE (2011-99) Councilor Pomelow, seconded by Councilor Cote moved to approve Moxie Day Street Closures as presented.

Mr. Benson said this is the same list as last year, with the exception of closing School Street from Vining Street to Main Street to include the activities at the MTM Center. He said this is being done in an effort to link the festival from downtown to MTM.

PUBLIC COMMENT: None.

Order passed - Vote 5-0.

COUNCIL WORKING RULES
AMENDMENT SECTION 74-201

Councilor Pomelow requested this item be moved to a future meeting allowing more time for the Councilors to review the document being presented tonight. No objections were noted.

WELLHEAD PROTECTION ORDINANCE
(First Reading - Roll Call Vote)

Mr. Adams mentioned the document being presented was not the same document that they began with several years back. He pointed out the following changes he had questions on:

- 1) Page 3: The reference to Sec 70-190
- 2) Page 3: New line added - heating oil storage, consumptive use up to 275 gallons
- 3) Page 3: Line amended added "either new or used including heating oil above 550 gallons
- 4) Page 5: Reference to see #14 in first line under Waste Processing/Storage/Disposal section
- 5) Page 6: #7 Wording changed around to now identify which state laws apply
- 6) Page 6: #10 was 250 and is 275 now
- 7) Page 6: #10 was 10 to 15 and is now up to 15
- 8) Page 6: #10 added Zone 1
- 9) Page 6: #14 is New and references the Town Engineer as having oversight powers when he or she may not be qualified to make such judgment calls
- 10) Page 7: #16 added whole sentence that begins with In Zones 2 and 3...
- 11) Page 7: #17 was removed
- 12) Page 8: #1 is new
- 13) Page 17: Under 10 (a) was 5 feet and is now 24 inches
- 14) Page 18: Sec. 70-801 began with Existing sand and gravel... and now begins with Expansions of Existing sand and gravel...
- 15) Page 18: Sec. 70-801 added, "Zones 1 or 2" at the end

Mr. Adams said he would like to discuss these changes in more detail and asked that a resolution be found for some of these problems. He said, for instance, the 1,500 foot circle around the well site on the Ferry Road changed and excavation depth from the seasonal high water table changed; both are cause for concern. Mr. Bauer said the Water Department just received this document and pointed out that they would be reviewing this document at their meeting on Monday night. He asked if there was still time to make changes to it.

Councilor Pomelow and Councilor Lunt recommended sending this document back to the Planning Board for them to work on with the Water Department to finalize it before bringing it back to the Council for adoption.

VOTE (2011-100) Councilor Pomelow, seconded by Councilor Cote moved to send the Wellhead Protection Ordinance back to the Planning Board to work on with the Water Department on it and to return to the Council with a final document.

PUBLIC COMMENT:

Larry Fillmore asked that the Council keep track of this document so that it doesn't take another three years to get done. Celine Goddard said that the Planning Board's version was less restrictive by allowing excavation closer to the aquifer, which makes no sense in this day and age. Councilor Mason pointed out that Lisbon was raising the standards if anything in regards to fuel storage units indicating that companies still have to comply with the DEP. Mr. Adams mentioned pits older than 1970 were not regulated, unless they expand. This ordinance will go back to the Planning Board.

Order passed - Vote 5-0.

GENERAL UNIT UNION CONTRACT

VOTE (2011-101) Councilor Pomelow, seconded by Councilor Cote moved to go into executive session at 7:55 PM per 1 MRSA Section 6 (d) labor negotiations, Section 6 (e) consultations with legal counsel, and Section 6 (c) acquisition of real property or economic development. **Order passed - Vote 5-0.** The Council returned to regular session at ~~7:23 PM~~: 8:23 PM (corrected per TL 6/21/2011).

VOTE (2011-101b) Councilor Pomelow, seconded by Councilor Mason moved to approve the General Unit Union Contract as presented.

PUBLIC COMMENT: None.

Order passed - Vote 5-0.

MAINE ASSOCIATION OF POLICE (MAP) UNION CONTRACT

The Council agreed to move this item to a future agenda.

OTHER BUSINESS**A. LISBON EMERGENCY AWARD PRESENTATION**

Shawn Metayer, Deputy Chief at Lisbon Emergency, introduced Jim MacDonald and Danielle Morong from the Lisbon Emergency Board of Directors. We are back again to honor a couple of individuals, which indicates we have a really good town here and that we have a lot of good services. When you think about the worth of the services we are talking about here, in terms of contracts and salary, you think what are we going to get out of it? Worth doesn't really affect you until you really experience it yourself, he said, not until something happens to you do you realize that this is really worth it, to have good police personnel, dispatchers, and an ambulance service to support our residents in town, which speaks well of our infrastructure.

Mr. Metayer said I've been a paramedic for over 25 years and my wife is a paramedic. If you were ever in need, you would probably want us to show up at your house, but unfortunately that is not really the way it works. He said, as you all know, we have jobs and are away during the day, so that kind of makes you say to yourself, where does that leave the town? The really important first link in that chain of survival, when you have a problem or when you stop breathing, is within the first four minutes, until your brain cells start to die, so this is really the key link. They can bring patients to us all day long that never received the first link and their survival rate is going to be very poor, which is why we are here tonight to honor these individuals who have made that first link, in other words they got those patients to that next link and so on. He said there's never a guarantee that one of those

links in the end won't break down, because some patients are too sick, but at least they got it started, which is key in this whole process.

Mr. Metayer said I have two letters of recognition here, which say the same thing, because they both happened on the same day. I was actually on this call. I think it is remarkable what these two officers have done for us. It speaks volumes about how good the teamwork in Lisbon is before we get there. They get there within the first four minutes. We get there within the four to six minute range, he said. It just goes to show you that these guys are a key piece. Without any basic life support, the advanced life support is kind of useless. If you don't get the breathing or the circulation going, then nothing else matters. These two letters of commendation read as follows:

*On May 17, 2011 the Lisbon Emergency Board of Directors officially recognize **Officer Ryan McGee and Officer Sean Kelly** for their outstanding efforts to save and service the community on August 30, 2009. On such a date Lisbon Emergency was dispatched for a patient that was unresponsive and possibly not breathing when Officer McGee, one of the first to arrive on the scene found the patient pulse-less. With the help of Officer Kelly they moved the patient from the bed to the floor and through quick and professional actions they started CPR and used the automated external defibrillator. The patient was shocked two times before the ambulance arrived and her heart rate started beating on its own. Lisbon Emergency transported the patient with a heart rhythm to Central Maine Medical Center. After a long stay in rehab the patient has returned home. Officer Ryan McGee and Officer Sean Kelly made the difference in the survival of this patient and thus merit official recognition during this week. We want to thank them for their effort and dedication. We are very proud that they represent the Town of Lisbon and Lisbon Emergency. Let it be known that these actions are officially recognized as admirable and very professional.*

Signed Lee Gamache, Chief of Lisbon Emergency

Councilor Lunt recognized Officer McGee and Officer Kelly for their service and dedication to the Town of Lisbon. The Council congratulated these individuals. They received a standing ovation.

B. TOWN MANAGER'S REPORT

Mr. Eldridge said I have set up a workshop schedule for the Council. The first meeting is set tentatively for June 28 at 7PM to review the discontinuance of some roads and other items. He said if that works for everybody, I'll schedule it and we can start that dialog. He said they would also be working with staff on strategic planning as well in July.

Mr. Eldridge said the Council recommended Ross Cunningham for the Spirit of America Foundation award for Androscoggin County. There were quite a few communities that submitted names and Ross Cunningham did receive that award, which surprised him when he got the letter in the mail. He has been invited to a ceremony at 6:30PM on June 23 at the Androscoggin Grange in Greene. Mr. Eldridge encouraged those interested to attend if they could. Councilor Lunt has been invited to present him with this award. He was quite surprised and it was well deserved. Councilor Lunt said Ross has really stepped up to the plate and that the Council has really appreciated that.

AUDIENCE PARTICIPATION

Larry Fillmore suggested these recognition awards be done at the beginning of the meetings. He said they've done a good job for us and we need to recognize them right up front. Councilor Lunt said I was just saying that, actually; I totally agree and we can do that in the future.

Mr. Fillmore asked what the council's decision was about turning the camera back on after executive sessions so those watching these meetings on Thursdays see the whole meeting, not just part of it.

Mr. Eldridge said it really depends upon having a camera person here. Our camera person is a high school student and he goes home. We have had a very difficult time getting volunteers to run this camera. Up until he arrived, we had been pretty inconsistent. Councilor Lunt said he would look into that, too, and see if there is some way to keep everyone informed. He said even if we couldn't have the cameraman back, we could put up a little placard at the end that says the results of the vote. Mr. Fillmore said maybe the executive session needs to be moved up. I don't know, he said, this shouldn't be a big issue.

Mr. Fillmore stated we're paying \$32,000 plus dollars to an individual who cannot operate or supervise the department he is overseeing. This is wrong, he said, to pay that much when the individual cannot even operate the equipment. Councilor Lunt pointed out that this sounded like a personnel issue.

Councilor Pomelow suggested Mr. Fillmore state the facts about his concern, but not talk about the employee or the pay issue. She said if you have a concern about what is not being done well, then just say what the issue is. Mr. Fillmore argued this wasn't because he didn't mention any names or anything. He thought the \$32,000 would be better spent on promoting one of the two other individuals who were qualified to operate the equipment. Councilor Pomelow requested Mr. Fillmore's concern be submitted in writing. Mr. Eldridge asked that it be directed to him and Mr. Fillmore replied, very good.

Mr. Fillmore question why no one in this town was looking for the \$32,500 that was missing from the Community Development Block Grant program and the Farmer's Home Administration. Councilor Lunt said we do know where it is. It was given out to a business, which then disappeared. Mr. Eldridge pointed out that our attorney was in the process of putting together a civil case to collect that. Mr. Fillmore replied, thank you.

Debbie Barry said she agreed with moving these awards to the beginning of the meetings so these individuals don't have to wait so long. She noticed that the Council would be talking about labor negotiations in executive session and asked that the Council be mindful that unions aren't elected by the taxpayers. She said we elect our representatives to negotiate wisely even though the unions ask for things, as they should, they shoot for the stars, but hopefully they don't prevail. The economy is not good, she pointed out.

Councilor Lunt assured her that the Council always tries to negotiate as hard as they can to get as good a deal for the taxpayers as they can. He said that's what he was elected for.

Dorothy Fitzgerald stated she wasn't made aware until last Wednesday afternoon, June 1, that there was a budget workshop on Tuesday evening, May 31. I'm on the Budget Committee, she said, I even checked the website. Two members of the Budget Committee attended, but they were late because the meeting started at 6PM. She asked who notifies the Budget Committee.

Mr. Eldridge said his assistant notifies all of the budget advisory board members and all of the Councilors. He asked how come the budget advisory board chair or vice-chair didn't notify you? He pointed that it was on the message board out front. He said he didn't recall whether it was on the website.

Mrs. Fitzgerald said she was not happy about this and wanted to know if there was going to be another budget workshop. Mr. Eldridge pointed out that the Council would be addressing the budget on June 21.

Dan LeBlanc, from the Fisher Road, said he was concerned about the upcoming June 14 referendum question that deals with the Fisher Road that the town wants to borrow money for to repair when

trucks have been allowed to beat this road to smithereens. He said these trucks have been pounding this road since he moved there in 1974. He explained that these trucks in short order would be pounding it right back into the same condition. In 1974, that bridge was posted for 5 ton. In the mid 1980s, one of Public Work's trucks went through that bridge. The bridge was repaired at the taxpayer's expense and they removed the posted sign then. He said, now trucks are going over that road and exceeding the 35 mph speed limit. They use no discretion whatsoever, he complained. This pounding has moved his house on his foundation. He requested that if the bridge and road were to be repaired that the road be posted again. He said these trucks don't have to use the Fisher Road; they could use Route 125 and Store Road, but they choose the Fisher Road because it's shorter. He pointed out that if we were going to spend taxpayer money on this, that we not throw it away, but instead "post the road" to protect our investment.

Mr. Eldridge pointed out currently the bridge is not posted and that Buttons had said the road was never posted; he didn't mention the bridge. He offered to have the Council post it and to have the Police Department enforce the speed limit. Mr. Leblanc said that's not going to do it; these trucks are going to ignore that speed limit, he complained.

Councilor Lunt recommended we post it back at the beginning of the road, because these trucks will get down in there and have no way to turn around or back up. Mr. Eldridge said we'll try to correct this. Councilor Lunt insisted the whole road be posted to help. Mr. Leblanc insisted that the only cure was to post it "no trucks." Councilor Lunt agreed and said a lot of these drivers use their GPS and don't even know where they are until they are there.

Mr. Eldridge said he would talk to the Police Chief. Councilor Lunt thanked Mr. LeBlanc and told him we would look into that.

APPOINTMENTS

PLANNING BOARD ASSOCIATE MEMBER RESIGNATION

(Gerald Kamke)

Mr. Eldridge said Gerry Kamke had submitted a letter of resignation to John Potvin. Mr. Kamke understood we had someone else ready to serve on this board, so he was willing to resign, however the other person has not filled out an application yet.

Mr. Eldridge said although Mr. Kamke is an alternate and you can accept it, we need to make sure Mr. Potvin gets enough people to the meetings so that they have a quorum. Councilor Pomelow said I think the respectful thing would be to say to Mr. Kamke that while there has been an inquiry from somebody to take that position, it hasn't yet happened and that we would like to extend the offer to him to stay on. Councilor Lunt suggested this item be moved to another agenda.

COUNCILOR COMMUNICATIONS

Councilor Pomelow recommended the Council purchase plaques to put over the automated external defibrillators that Ryan Robitaille presented for installation at the three schools. The Council recognized Ryan at the last Council meeting for this accomplishment. Councilor Pomelow encouraged the Council to do commemorative plaques to be placed over each AED at school saying that the Town Council extends their appreciation to this young man, Ryan Robitaille, for donating the AED. No objections were noted.

Councilor Cote pointed out that the Council held a workshop last week with Mr. Van Tuinen who gave a presentation and it wasn't televised. He said he was asked a lot of questions about this and that

he was told to bring it to the Council's attention. Not presenting a workshop as informative as the last one, he said, was a disservice.

Councilor Cote extended "get well" wishes to the two employees at Public Works who are out on medical leave. He said he wanted to wish them the best, hoped that they would have a quick recovery, and thanked each one for what they do for the town. Councilor Lunt mentioned that we really do have a good crew at Public Works and said that they are often not appreciated enough by the public.

Councilor Mason pointed out that Moxie Days is coming up in four and a half weeks. She said we have a great group of volunteers helping, that's it's a huge festival, and that it's been advertized in a lot of magazines lately. This year we have a new communications director who has contacted newspapers and magazines all over the country. They have worked hard this year to represent Moxie and the Town of Lisbon. T-shirts are now available for \$15 each. This helps fund the festival. This festival costs around \$20,000 to put on, she pointed out, and that there is still room for vendors and still room in the parade. It looks like there's a great line-up for the parade, she said. If you have any questions, call the town office and talk to Scott or Twila or call Councilor Mason at home.

VOTE (2011-92) Councilor Pomelow, seconded by Councilor Mason moved to adjourn at 8:51 P.M.
Order passed - Vote 5-0.

Respectfully Submitted,

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