



TOWN COUNCIL MEETING MINUTES JULY 5, 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 Vice-Chairman, Lori Pomelow, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Bowie, Mason, Larochelle, Cote, Lunt, Pomelow, and Bickford. Councilor Lunt was excused. Also present were Stephen Eldridge, Town Manager; David Brooks, Police Chief; Ryan Leighton, Town Engineer/Public Works Director; Mark Stevens, Recreation Director; Ken Wells, Water Commissioner; Budget Advisory Board Members Dorothy Fitzgerald, John Wierzbicki, and approximately 10 citizens in the audience.

PUBLIC HEARING - NONE

AUDIENCE PARTICIPATION

Larry Fillmore asked why residents can't get copies of the documents and handouts prior to the meetings. He suggested posting these to the website. Mr. Eldridge said he would have handouts posted to the website starting with the July 19 meeting.

Mr. Fillmore said he got a copy of the Council's working rules document from Beth and Jody. He said the copy he received that the Council was supposed to be using came out of the Council's meeting folder in the Clerk's office. He pointed out that the copy approved at the last meeting had some clarification issues and that a couple of items needed to be removed.

Mr. Fillmore said he would like to speak on an agenda item when it will be taken up later on in the meeting. Councilor Pomelow indicated she would not commit to that.

John Wierzbicki said he was concerned about the youth in town. He said the MTM was a safe place for them to hang out, that our youth needs a place like MTM to hang out at night, because if one is not provided for them, they will find somewhere else to be and that might not be where we want them or bad stuff could happen. He indicated that the MTM Park would be a safer place for them and said that way we know where they are.

CONSENT AGENDA

VOTE (2011-120) Councilor Bowie, seconded by Councilor Larochelle moved to approve the minutes of June 7, 2011 (correcting out of executive session at 7:23 PM to 8:23 PM) and the State granting a Liquor License to Michael Goslin d/b/a Good Time Lanes. **Order passed - Vote 6-0.**

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

TREATMENT PLANT BUDGET

Mr. Leighton said projects for the upcoming year include replacement of approximately 500 ft of sewer main and lining approximately 700 ft of sewer main in Route 196 prior to the paving project

planned for the spring/summer of 2012. The other capital improvement projects include replacement of a blower and the overhaul of the centrifuge.

Mr. Leighton said based on a review of our current revenues as compared to the proposed budget we recommend setting a sewer rate of \$5.35 per hundred cubic feet. This represents an approximate 3.74% increase to the current sewer rate. In the past, we have discussed incremental rate increases every couple of years to account for increasing expenses as we try to maintain consistent capital improvement funding. We held off increasing the rates last year with the understanding a rate increase this year might be necessary.

VOTE (2011-121) Councilor Larochelle, seconded by Councilor Bowie moved to approve the \$1,061,318 2011-2012 Sewer Department Budget (see attached) and a 3.74% rate increase to \$5.35 per hundred cubic feet. **Order passed - Vote 6-0.**

PUBLIC WORKS TRUCK BODY BIDS

VOTE (2011-122) Councilor Bowie, seconded by Councilor Bickford moved to award the truck body bid to Howard P. Fairfield for \$29,375, which includes installation. **Order passed - Vote 6-0.**

46 FROST HILL AVENUE BID

Councilor Larochelle acknowledged his abstention due to a conflict of interest. Mr. Eldridge said he received quite a few questions on this property; however, only one bid was received for \$8,843.42.

VOTE (2011-123) Councilor Bowie, seconded by Councilor Bickford moved to accept the bid from Larochelle Properties, LLC for \$8,843.42. **Order passed - Vote 5-0-1. (Abstention: Larochelle)**

OTHER BUSINESS

A. TOWN MANAGER'S REPORT

Mr. Eldridge said Randy Greenwood, our County Commissioner for this region, paid me a visit. He updated me on several items. I had requested information on a grant that we were hoping to apply for through the PUC for the Dispatch Study. Governor Lepage pulled that funding out so that was no longer available. Randy, also, said that they've been doing the building evaluation on the county and that's been going along quite well. I think they are waiting for a final report on that; some buildings may be coming down. He said they talked about the Charter Commission and that it was going well, he thought. That is still moving forward and the group is working really well together.

Mr. Eldridge said on Friday Scott Kelly gave Scott Benson and I a tour of the Dragon pit. We saw all the work that they have done there. They have moved a lot of material. In some areas they have added as much as 25 feet of material to the surface filling in holes. I think, in the end, from what we can see, it's going to be a really nice project. I sent out an email today to ask him to come to a Council meeting to do a presentation like he did at our last Planning Board meeting so the public can see exactly what his plans are and how he is moving forward.

B. MTM PARK HOURS OF OPERATION

Mr. Eldridge said this was something that came up on the radar awhile ago. We've had one complaint about noise, the swings, and things like that after dark. Chief Brooks and Mark Stevens looked at the survey the Police Department did in the neighborhood in that region to see what their thoughts were on the hours there. They talked to 20 neighbors about the park. 17 believed that the

closure should be set at 9:00 PM, one person said 8:00 PM, and another said it didn't really matter to him. That was a pretty favorable response, I think, so to make any changes it would need to come before Council.

Councilor Cote asked what it was now. Mr. Eldridge said it's sunset. Councilor Cote said in the winter months that would increase it, dramatically. Mr. Eldridge said, yes, if somebody wants to be out in the park in cold weather. Councilor Cote said the point that I'm bringing up is that, is this something that we have to do? Mr. Eldridge said, it's up to you, however, I think the residents in that region thought sticking to one time, like 9:00 PM, seemed to be a good idea. There are activities that go on there for quite a long time in the evenings. Sometimes there are people there after 10:00 PM. Councilor Cote said it's a well lit area and the kids play basketball on nice evenings. Mr. Eldridge said we would like to provide the kids with a place to be where they could feel safe and hang out.

Councilor Larochelle said I sat through one of the MTM meetings where they were discussing this in detail, they were very concerned about the complaints, and making sure everyone was happy, which was their main concern. Unfortunately, it's very difficult to make the situation right for everybody. I talked to Steve, at that point, about what we could do and he mentioned that it was listed under parks. My first question was, is there a particular reason why this falls under parks and the park rules. If this were not a park, then it would fall under the guidelines of a definite ordinance, I believe. I am just wondering if it would be easier to change our park rules, or would it be better to designate this area something other than a park; does it fit with Beaver Park, the boat launch, and other areas. Mr. Eldridge asked Mark to respond to that.

Mr. Stevens said that five years ago, that was a sand lot. In the past four or five year's we have developed it into a park with grass. It's more like an active park. The boat launch, gardens, Beaver Park, and Summer Street park, are all passive parks where people go to walk, there's not a whole lot of activities there, but with the MTM park there is basketball and the volley ball courts and they are used about every night. Families are using them, it's not just kids, but families. One of the reasons why 9:00 PM seemed like a good idea for us to propose is that it's a set time; sunset changes every day. If someone has a Farmer's Almanac, they can look at that and say it's sunset, but 9:00 PM is a whole lot more clear and easier for people.

Councilor Larochelle said I agree. I think 9:00 PM is definitely a good time. I was just wondering, because there are a lot of restrictions set by ordinance under parks as far as the usage and what people can do and what they can't do. This actually kind of goes beyond that in a sense, it's a very active area. I was just wondering if being a park is restricting MTM at all. That's my only question. Why did we deemed this a park versus whatever you would call it. It gets used a lot. It's hard to compare it to Beaver Park. Councilor Cote said it's an activities center. Mr. Stevens said it used to be a school and before we didn't have a problem with it. Councilor Larochelle said exactly, that's my point. Should we modify our parks rules or would it be better to designate this something outside of our parks so we can control it our own way.

Councilor Bowie said I would modify the park rules. Chief Brooks said I'm sure you are going to have to modify them, because your current ordinance lists the MTM park in your list of parks. You are going to have to revise that if you want to change the ordinance, because that entire list of parks says closed at sunset, but you want to give special consideration to MTM, so you will have to pull that out. Historically, a couple of you might remember when we discussed safe zones, that the legislature created legislation for safe zones and so forth, then the town had to designate areas for them, and then all of a sudden all of these parks became designated. However, in response to your question, you are going to have to amend this particular section to pull the MTM park out of that list.

Councilor Larochelle said are you recommending we pull it out of parks or pull it out of that particular list. Chief Brooks said that list is all sunset. Councilor Larochelle said it's an exception.

Councilor Bowie said you either make an exception or you add a section in there specific for the MTM park or you don't limit it to MTM park, but you make another category in there and classify what parks. I think we should look at all of them. Who knows, maybe Beaver Park should be open until 9:00 PM.

Councilor Larochelle said well, that was my question, because Beaver Park is open in the evenings. Councilor Bowie said that is an issue we need to take on as a separate activity. Councilor Larochelle said, okay, I agree with you. Councilor Bowie said, in the meantime, we can address the immediate need, we can address the immediate concern, make that amendment, and then adjust things in a set schedule. Councilor Larochelle said what would be the proper procedure to amend that. Mr. Eldridge and Councilor Bowie agreed that you would need to introduce the new legislation at a first reading, schedule a public hearing, and then hold a final reading to amend the ordinance. Councilor Larochelle said so you would have to put in writing, the change that you would want, and have a first reading. Councilor Bowie said, right, they would have to come back to us with how they want to adjust that timeframe to go to 9:00 PM. We would have a first reading, then we would have a public hearing, and then we could have the second reading. **Councilor Larochelle said I'm in favor of the idea of moving forward with this amendment. No objections were noted.**

Mr. Eldridge said we'll schedule your first reading and in August we can have a public hearing.

C. REVIEW CHARTER AMENDMENTS

Councilor Bowie asked that the Council hold a workshop to discuss charter amendments. Mr. Eldridge said he would schedule one on July 26.

APPOINTMENTS

ASSESSING AGENT-WILLIAM VAN TUINEN

VOTE (2011-124) Councilor Bickford, seconded by Councilor Bowie moved to reappoint William Van Tuinen Lisbon's Assessing Agent until August 31, 2011. **Order passed - Vote 6-0.**

COUNCILOR COMMUNICATIONS

EXECUTIVE SESSION

VOTE (2011-125) Councilor Bowie, seconded by Councilor Larochelle moved to go into executive session at 7:57 PM per 1 MRSA Section 405 (6) (A) Personnel Matters. **Order passed - Vote 6-0.** The Council Secretary was dismissed. The Council came out of executive session at 8:40 PM.

ADJOURNMENT

VOTE (2011-126) Councilor Bowie, seconded by Councilor Larochelle moved to adjourn at 8:40 PM. **Order passed - Vote 6-0.**

Respectfully Submitted,

Twila D. Lycette, Council Secretary

