



**TOWN COUNCIL
COUNCIL WORKSHOP
MEETING MINUTES
JULY 26, 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 waived the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Mason, Larochelle, Cote, Lunt, Pomelow, and Bickford. Councilor Bowie was excused. Also present were Stephen Eldridge, Town Manager; and Larry Fillmore in the audience.

OTHER BUSINESS

A. CHARTER AMENDMENTS

The Council discussed each of the following charter amendments and by general consent asked that the Town Manager place them on the warrant for the November 8 Election.

QUESTION #1

Article II. Town Council
Section 2.07. Action Requiring an Ordinance.

Amend by adding the underlined text as follows:

...(4) convey or lease real or personal property of the Town...

QUESTION #2

Article VIII. Initiative, Referendum, Recall and Special Town meeting
Section 8.23 Procedure after Filing.

Amend by adding the underlined text as follows:

(c) Court Review ...subject to court review and the time limits relating to that petition shall be tolled during the review process. A final determination...A new petition shall proceed independently of the proceedings to determine the sufficiency of the prior petition.

QUESTION #3

Article V. Administrative Organization and Departments
Section 5.21. Merit Principle.

Amend by deleting the stricken text and adding the underlined text as follows:

...merit and fitness for the position ~~demonstrated by examination or other evidence of competence.~~
The appointing Town Official(s) shall determine the qualifications of potential employees and where applicable may conduct examinations, including testing related to job functions and utilize such other methods as may be deemed appropriate to determine the qualifications of an applicant.

QUESTION #4

Article V. Administrative Organization and Departments
Section 5.31. Tax Assessor.

Amend by adding the underlined text as follows:

...must be a certified Maine Assessor by the...

QUESTION #5

Article V. Administrative Organization and Departments
Section 5.32. Board of Assessment Review.

Amend by adding the underline text as follows:

...decisions of the Tax Assessor. In the absence of appointment, the Town Council shall act as the Board of Assessment Review.

QUESTION #6

Article VI. Financial Provisions
Section 6.06. Lapse of Appropriation.

Amend by adding the underlined text as follows:

...have been abandoned and the appropriation shall lapse if five years pass....

QUESTION #7

Article VI. Financial Provisions
Section 6.09. Bond Issues.

Delete in its entirety and replace with the following:

Section 6.09. Permanent Financing.

The Town may issue general obligation and revenue obligation securities for any purpose for which municipalities may raise money in accordance with the provisions of the Maine Revised Statutes however it is contemplated that these purposes shall be restricted to general capital purposes, and shall not be for the purpose of providing funding for general Town operations. The Town may also issue general obligations or revenue obligation securities for funding or refunding all or any part of its existing debt.

(a) Adoption Procedures.

- (1) Where the Town Council has the authority to adopt an Ordinance providing for permanent financing, it shall follow the procedures for the passage of Ordinances under Section 2.08 of this Charter.
- (2) Where a referendum vote is required under the provisions of Section 8.11(b)(2) of this Charter, then the Council by Order, shall submit the Ordinance to Referendum vote in accordance with the provisions of Section 8.21(b). Prior to considering an Order calling for a Referendum vote on an Ordinance providing for permanent financing, the Town Council

shall hold a public hearing. Notice of that public hearing shall be advertised at least once in one or more newspapers of general circulation in the Town, not less than seven (7) days nor more than fifteen (15) days before final action by the Council on the Order.

- (b) Form and content of Borrowing Ordinance. An Ordinance authorizing the issuance of permanent financing shall contain at least the following provisions:
 - (1) An appropriation of a sum of money to be raised in whole or in part by the issuance of the bond, notes or securities for an authorized purpose of purposes.
 - (2) A statement of the amount of the permanent financing to be issued.
 - (3) A description of the purpose or purposes for which the permanent financing is being issued.
- (c) Combination of Improvements. Two or more authorized purposes may be included in a single Ordinance authorizing the issuance of permanent financing.
- (d) Effective Date. A permanent financing Ordinance issued by the Town Council under its authority, and not requiring public Referendum, shall become effective twenty-one (21) days after final approval. A permanent financing Ordinance enacted by Referendum vote shall become effective upon its approval and certification of the vote by the Town Council.
- (e) Installment, Prepayment and Term. Bonds, notes and any securities issued pursuant to this Section may be in serial form payable in annual installments, which need not be equal, the total of which shall extinguish the entire debt at maturity, pursuant to the requirements of 30-A M.R.S.A. Section 5772(3). Any bond, note or other security may be prepaid in whole or in part at any time as may be permitted in accordance with the terms and conditions of the borrowing of the original bond, note or security. The terms of such bonds, notes or securities shall not exceed thirty (30) years from the date that they are issued.
- (f) Application of Proceeds. The proceeds of bonds, notes or other securities issued pursuant to this Section shall be used only for the purposes specified in the Ordinance authorizing the issuance of such permanent financing. All proceeds not so used shall be applied to the repayment of the principle and/or interest of such permanent financing.
- (g) Anticipatory Borrowing. The Town Finance Director, with the approval of the Chairman of the Town Council and the Town Manager, may borrow money temporarily by the issuance of notes in anticipation of the issuance of serial bonds, notes or other securities, after approval of said bonds, notes or other securities by the Town Council or at Referendum vote. Except as otherwise provided herein, the issuance of said notes shall be subject to the laws of the State relating thereto.
- (h) Execution of Permanent Financing; Determination of Details. All bonds, notes or other securities issued by the Town pursuant to this Section, shall be signed by the Town Finance Director and countersigned by the Chairman of the Town Council and the Town Manager. In the absence of a contrary provision in any Ordinance authorizing serial bonds, notes or other securities, the Town Finance Director, with the approval of the Chairman of the Town Council and the Town Manager, shall determine the date or dates, maturities, denomination, interest rate or rates, and other details of each issue of serial bonds, notes or other securities, and any notes issued in anticipation of such serial bonds, notes or other securities, and shall provide for the sale thereof.
- (i) General Obligations; Revenue Bonds. All bonds, notes or other securities issued pursuant to this Section shall be general obligations of the Town, provided, however, that nothing herein contained shall be deemed to prevent the issuance of revenue bonds in accordance with, and subject to, the provisions of the Maine Revised Statutes relating thereto as amended.

- (j) Refinancing. Bonds, notes or other securities may be issued in accordance with the provisions of this Section and any other relevant provisions of the Charter of the Town of Lisbon, and after approval by Town Council by Ordinance, in order to refinance any outstanding bond, note or security or other indebtedness of the Town. This authority to refinance any outstanding permanent financing includes financing approved at public Referendum and shall not require additional voter approval for the refinancing.

Roger Therriault said he would add a summary section for this question on the ballot for the voters to read.

QUESTION #8

Article VII. Initiative, Referendum, Recall and Special Town Meeting.
Part 3. Recall
Section 8.31 [Generally.]

Amend by deleting the stricken text and adding the underlined text as follows:

- (a) ... ~~Promptly after the affidavit of the recall committee is filed, the Clerk shall issue the appropriate petition blanks to the recall committee.~~
- (1) **Basis for Petition.** The required statement detailing the reason or reasons for the recall as stated on the affidavit shall be directly related to the requirements, duties and obligations of the position for which the recall is sought. The reasons for removal shall constitute acts which are in and of themselves contrary to law or to a specific requirement or obligation of the office, the improper and/or unlawful execution of some action where the action itself is not unlawful or improper, or the failure to perform some action which is officially required as requirements or obligations of the office.
- (2) **External Review.** Within five (5) working days of being advised by the Town Clerk of the filing of a recall affidavit, the official who has been proposed to be recalled, may request the Town Council that the Town Council, by majority vote, shall appoint an independent third-party examiner who is not a property owner, business owner, taxpayer, or resident of the Town of Lisbon and who has experience in municipal matters and in mediation, arbitration or legal proceedings, to review the affidavit stating the reasons for recall, in order to determine the sufficiency of those reasons in accordance with the standards set forth in Subsection (1) above. This appointment shall occur at the next scheduled meeting of the Town Council or the Town Council may elect to call a special meeting to make the appointment. The examiner shall have full authority to conduct such investigation as it deemed appropriate to determine the validity of the reasons stated in the recall affidavit. The examiner shall submit a written report to the Town Council and Town Clerk with copies to the official proposed for recall and the recall committee stating whether or not the petition meets the criteria and if it is determined that the criteria are not met, the petition will go no further and have no further effect. The written report shall be submitted within twenty-one (21) days of appointment unless another time is designated by Council. Any time frame for the submission of the report may be extended by Council.
- (3) **Appeal.** If the officer or official being proposed for recall or the recall committee is aggrieved by the report and decision of the examiner, then each shall have the right to appeal the examiner's decision to the Lisbon Ethics Panel. The Ethics Panel shall have the authority to conduct an independent investigation, hold hearings, take evidence, or do whatever it deems to be necessary and appropriate to determine whether the decision of the examiner is correct. If the result of the appeal is that sufficient cause is found to move forward, then the Clerk shall issue the circulation petitions to the Recall Committee. If the Ethics Panel determines that there is no cause for recall, then the matter shall be ended and shall go forward no further.
- (4) **Issuance of Petitions.** If there is no challenge to the recall affidavit or the independent examiner and/or the Ethics Panel find that there is sufficient reason to support the recall, then the Clerk shall promptly issue the appropriate petition blanks to the Recall Committee.

- (5) *Further Appeal.* The determination by the independent examiner or the Ethics Panel may be appealed to the Superior Court, Androscoggin County. Such appeal shall not stay the time frames for the petition and subsequent proceedings under the provisions of this section unless ordered by the Court.

...(c) Procedure after Filing...

- (3) *Public Hearing.* Subsequent to Council's determination of sufficiency, the Council shall convene a public hearing in order to allow the members of the public to attend and have an opportunity to discuss the recall petition and the basis and criteria for the recall. If the matter has been referred to an independent examiner, then, if possible, the independent examiner will chair the public hearing. If no independent examiner has been appointed or is available, then the chair of the Town Council shall appoint another individual to chair the public hearing.

(3 4) Court Review; New...

Mr. Therriault said he would add a summary section for this question on the ballot for the voters to read.

MUNICIPAL BUDGET QUESTION FOR BALLOT

Councilor Larochelle requested the Town Attorney prepare the wording for the question to vote on the municipal budget, just to see what it would look like. By general consent, the Council decided to place this item on the next agenda and to have Roger Therriault prepare the language changes for the Charter for Council review.

ORDINANCE AMENDMENT CHAPTER 12. SECTION 12-3 (D) ETHICS PANEL

Mr. Therriault said once the proposed charter changes become adopted, he recommended the Council adopt an amendment to Chapter 12 Ethics Panel subsection (d) Powers and duties, as follows:

Chapter 12 Ethics and Conflict of Interest.
Section 12-3. Ethics panel.

Amend by adding the underline text as follows:

(d) *Powers and duties.* The ethics panel shall have the authority to issue advisory opinions on questions relating to conflicts of interest. The Ethics Panel shall have the further duty and responsibility to hear appeals under the provisions of Sec. 8.31(a)(3) from the official who is proposed for recall or the recall committee as to the determination of the independent examiner regarding the sufficiency of the criteria for recall as designated under Sec. 8.31(a)(1). In making its determination as to the correctness of the independent examiner's decision, the panel shall have the right to conduct hearings, take evidence and witnesses, and perform such investigation as they deem necessary and appropriate in order to properly review the independent examiner's decision. The Ethics Panel shall conclude their investigation, hearing and deliberation and render a decision in writing within twenty-one (21) days of notice of the appeal. The written decision shall be delivered to the Town Council and the Town Clerk with copies to the official proposed for recall and the Recall Committee.

B. COUNCIL WORKING RULES

Councilor Pomelow pointed out that the working rules she received needed correcting. She said the language in parenthesis was still in there, which needed to be taken out in section 2 and 3 and 5

under paragraph f. After much discussion, it appeared several Councilors understood that the working rules should have been amended to eliminate public comment for regular agenda items, however, Councilor Pomelow offered the following resolution since the current document says that the Chair may, if the topic warrants, allow a second period of public comment no longer than two minutes per person...second comments by the public must be to furnish new or undisclosed information or viewpoint... she suggested striking the last section of that paragraph, which says "The Chair will then close public debate, provide for a second period of council debate followed by council vote, and then proceed to further action. (This paragraph refers to public comments during Public Hearing and Audience Participation times, not after each and every agenda item), thus eliminating repeating information. No objections were noted and the Chair asked that this amendment be ready for the next agenda.

ADJOURNMENT

Seeing no further business, the Chairman adjourned the meeting at 8:35 PM.

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

Date Approved: _____