



## TOWN COUNCIL MEETING MINUTES SEPTEMBER 6, 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 Bowie, Larochelle, Cote, Lunt, Pomelow, and Bickford. Councilor Mason was excused. Also present were Stephen Eldridge, Town Manager; William Van Tuinen, Assessor; Jessica Maloy, Finance Director; Scott Benson, Economic & Community Development Director; Michael Cote, Code Enforcement Officer; Kathy Yergin, School Committee Member; Budget Advisory Members Dorothy Fitzgerald, Donald Fellows, and John Wierzbicki; John Potvin, Planning Board Chairman; and approximately 15 citizens in the audience.

### PUBLIC HEARING

#### A. ACCESS MANAGEMENT CH. 46, ARTICLE V., SECTION 46 THROUGH 134

The Chairman opened the Public Hearing.

Larry Fillmore commended the Planning Board for the outstanding job they did and said that it needs to be incorporated into the Code Book, however, he disagreed whole heartedly with limiting it just to the streets this effects and said if this is restricted to the roads they have here this is only doing a partial justice to our residents. This is a safety issue and the street other than the main roads that they addressed, we were told at the last meeting, he said, that it was being done because of the school system. He said, correct me if I am wrong, but our school busses travel on almost every street in this town. He said he would like to see this changed to read all the streets in this town because it is an excellent document. The Planning Board okayed it, the state has given its blessing on this, and their standards have been incorporated into this. There is a waiver process for those who feel it's too restrictive, he continued, and encouraged the Council to change this to cover all the streets in Lisbon.

Donald Fellows, resident and member of the Planning Board said speaking as a resident and someone who has listened to all of the information I agree with Mr. Fillmore that we did put some hard work into this and that it is an excellent future statute. We had many discussions about what streets it should apply to. Originally, it was intended to apply only to state roads. We expanded it slightly, but we did not want to expand it further because we wanted to see what effect this had on our town as it is. He said there is a revision that includes Main Street, but it applies north of Huston Street because of the number of driveways and possible change of use issues. There are some standards that are not waiverable and sight distance is one of them and we didn't want to place any undue burden here, he said, plus we wanted to give this ordinance a chance to get started before we expanded it.

Mr. Fillmore said I understand what Mr. Fellows said, however, as Councilor Pomelow has pointed out on numerous occasions, we are not getting anything done and if we don't do it right the first time, why would we want to keep doing it over and over. Mr. Fellows is saying that we will go back

and fix it if it works, which is just the opposite of what we should do. We should put it all in and restrict it to everything and then on a case by case basis rewrite it. The Planning Board has the power to do the waivers. He said, Mr. Fellows mentioned sight distance, I would think that sight distance would be the most critical restriction because if there is a vehicle on the side of the road and there are kids walking and people running or whatever the case may be, you are never going to see them until it is too late. That's the purpose of the sight portion of this, he said, and it has to do with the speed limit on the road as well. As the speed increases, he said, so do the restrictions; we need to include all the streets. The Chairman closed the Public Hearing.

**B. VICTUALER'S LICENSE FOR  
RAYMOND BISSON D/B/A KITTY KORNER STORE**

The Chairman opened the Public Hearing. There were no comments. The Chairman closed the Public Hearing.

**C. SPECIAL ENTERTAINMENT PERMIT FOR  
LISBON LEFT HAND CLUB**

The Chairman opened the Public Hearing. There were no comments. The Chairman closed the Public Hearing.

**AUDIENCE PARTICIPATION**

Mr. Fillmore said at the July meeting the Town Manager responded to a question by Mrs. Fitzgerald about a full report on the Moxie Festival financial outcome and he stated that he would have that available to us and to the Council in a couple of weeks. It has been six weeks and I haven't seen it, he said, I thought the Council agreed that we were going to be debriefed on it. Why is nothing scheduled, he asked.

Mr. Benson, Economic & Community Development Director, said we will have that full report on September 20<sup>th</sup>. We had hoped to do it this evening, he said, but I have a lot of stuff on my plate so I asked him if we could move it back a couple of weeks.

Mr. Fillmore said at the last meeting Ken was talking about vehicles and who was allowed to take them home. Mr. Eldridge stated that the Animal Control Officer takes his home every night, he said, because he supports four communities. Mr. Fillmore asked do these communities pay for our Animal Control Officer, or do they pay the Town of Lisbon for the service, and if so what account does that go into. He is paid \$32,000 by us, he said, and if the other towns pay him too, then that comes out to about \$100,000. That's a little over the edge, Mr. Fillmore said, and if we are paid for these services then what account does it go into and how do we account for it.

Mr. Eldridge said the budget you see, that whole dollar amount is split amongst the four communities. Half way through the year we get a check that comes in as revenue from each of the communities, and then at the end of the fiscal year we send out a bill for the remainder.

Mr. Fillmore said his wages should not be that much and that only our share should be recorded there; \$8,000 or whatever, but not \$32,000. Mr. Eldridge explained that Lisbon still expends that total dollar amount and that this gets off set by the revenue that comes in from the other communities.

Mr. Fillmore said aren't the Council's minutes supposed to reflect an accurate account of what was discussed, or the questions asked, during the meeting. Mr. Eldridge said each chairperson decides how they would like the minutes presented to the Council. Our past chairperson wanted them

verbatim; this particular chair had a different perspective, instead of generating 15 or 20 pages he asked to have it in a shorter version. If someone wants to see the meeting in its entirety and what was said they can view it on Great Falls TV or receive a copy of the disc for a \$15 fee. Mr. Fillmore said my point is if the minutes are public records, once they are approved, then they have to reflect, not verbatim, but they have to be an accurate account of what took place during the meeting. On the 2<sup>nd</sup> of August I talked about the Council Working Rules and I gave a detailed reason about why they were impossible for our residents to comply with, but if you go to the August 2 minutes, it is not there so that means that we don't have an accurate record of what took place at that meeting, he explained. I also asked at that meeting why the \$5,700 that you people approved and committed to the Fire Department, which has not been used yet, had not been returned to the general Council; that was not in your August 2<sup>nd</sup> minutes, he said. I believe, he said, these are legal documents once you people approve them and if you are approving documents that do not contain everything that is taking place during these meetings, then that is wrong. Are you going to comment on whether that's legal or not; you have a lawyer right there and one back here, too. Mr. Therriault said that's not necessary.

Mr. Fillmore asked where the minutes for the 19th of July were. I looked on every agenda, he said, no minutes have ever been recorded or approved by this Town Council. The Town Clerk said I think I just forgot to post them, but they are done. Mr. Fillmore said then Council hasn't approved them. The Town Clerk said I can double check. Councilor Lunt said this is something that you could have brought up outside of this meeting Larry. Mr. Fillmore said no, because you people approve these. Now, one set of minutes on the agenda tonight refers to 20 Campus Avenue when it was 4, a clerical error but very important if it comes up again. These things have got to be accurate when you people sign off on them and right now they are not accurate.

Mr. Fillmore asked where are the Council Working Rules were. At the last meeting we approved a version, which was impossible to comply with. The Council stated it was a work in progress. Well, why isn't the Council Working Rules on the agenda for today. Mr. Eldridge said that they were voted on and approved several meetings ago.

Dorothy Fitzgerald said I have several things, she said, so I will start in now on the carries and transfers. I don't know what we paid for legal last year, can anyone enlighten me on that, she asked. Mr. Eldridge said I don't have that number in front of me Dot.

Mrs. Fitzgerald said why are we transferring \$34,930.81 in the Public Work's winter account? You know what happens every year so why don't you budget enough to pay for this, she said. Councilor Lunt said I totally agree with you, Dot, and I fought for that Winter Public Works budget and people didn't agree with me on that, but I agree with you there; we should budget what we are spending. Mrs. Fitzgerald said and legal? Councilor Lunt said, oh yes, I agree there too.

Mrs. Fitzgerald said okay, street and traffic lights \$7,285.85. I thought we were eliminating some of the street lights so why are we transferring more money into that account. Mr. Eldridge said because the expenditures were more than what we had budgeted for and Councilor Lunt said the problem is that we didn't cut quite as many back early enough in the year to get that budget down to where we projected it. Mrs. Fitzgerald said, okay, I don't always expect to get answers.

Mrs. Fitzgerald said I had to go to Twila to find out what things were about on the agenda and to find an explanation [handouts & agenda documents], and although quite a few things were [in the handouts] explained, William Van Tuinen was not. You are planning to appoint him, but on the agenda there is no dollar amount, nothing. She asked, what is the dollar amount that you plan on paying him, how many employees will Mr. Van Tuinen have, how many other towns is he working for, are the personal property taxes completed, will he be planning to do this one section at a time, and if so the taxes will not be consistent throughout the town.

Councilor Lunt said the issue is not that he doesn't have enough people, or he is too busy in many other towns, it's because we don't have the money to pay him all in one year. That's the issue here; that's why we have to do it over that many years.

Miriam Morgan-Alexander commended the Fire, Police, and Public Works Departments for an outstanding job well done during hurricane Irene. She said they did a bang up job and thanks. Councilor Lunt said I agree, also, they deserve a round of applause.

## CONSENT AGENDA

Councilor Lunt said I know you had issues with the minutes Councilor Cote; do you want to take them off the agenda and discuss it. Councilor Cote said I know that they are not correct and they need to be corrected. I believe that would be the minutes of August 16 and August 23. Mr. Eldridge said do you want to point out what is wrong with them. Councilor Cote said I don't think that we need to do that during the meeting.

**VOTE (2011-160A)** Councilor Larochelle, seconded by Councilor Bowie moved to approve a Victualer's License for the Kitty Korner, Special Entertainment Permit for the Lisbon Left Hand Club, and the Minutes of August 9, 2011. **Order passed - Vote 6-0.**

**VOTE (2011-160B)** The Council by general consent moved that the minutes of August 16 and August 23 be corrected and placed on another agenda.

Councilor Bowie suggested the executive session tonight be moved so that discussion could occur before the agenda item comes up. Councilor Lunt said we are going to take a break here and go into executive session. I am not sure how long it will be, hopefully, not more than one half hour.

**VOTE (2011-160C)** Councilor Bowie, seconded by Councilor Bickford moved to go into Executive Session at 7:30 PM Per 1 M.R.S.A. Section 405 (6) (C) Economic Development and (6) (C) Acquisition of Real Property. **Order passed - Vote 6-0.**

The Council returned to regular session and the Chairman resumed the meeting at 8:14 PM.

## COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

### ACCESS MANAGEMENT

#### CH. 46, ARTICLE V., SECTIONS 46 THROUGH 134

#### (Second Reading-Roll Call Vote)

Councilor Cote said he liked the document. It was very well written. He said he agreed with Mr. Fillmore and this should be done throughout the town; it's a safety issue. It brings up some very good points and I think the Council should take that into consideration, he said.

Councilor Larochelle said I had an opportunity to sit through quite a few of these meetings, listened to some really interesting discussions, and I do commend the Planning Board because they did put a lot of thought into this, weighed in heavily on this with multiple discussions, and I was concerned one night that it would not pass at all because it was too restrictive. Some Planning Board members I sensed felt there were too many roads listed in this document. Several discussions surrounded the idea that it should list just Route 196 alone, thinking that this was the main road traveled through Lisbon Falls. Even though I do realize there is a concern, and some people think about it a little differently, taking the time to go through the meetings, listening to the discussions, pros and cons, the ups and downs, what it would entail and what it wouldn't and at the end of the day, he said, I

think they actually voted and not 100% to take this forward because there were some concerns it was too restrictive. If we pushed this back to the Planning Board to include all town roads, he said, I don't think we would have an ordinance at all in front of us to vote on. Like the wellhead ordinance, we have to find some kind of happy medium here, and that's what I think the Planning Board has done, he said. This addresses roads they found to be of biggest concern and that's why I would be in favor of moving this forward.

Councilor Bowie asked if the Council had any meetings coming up with the Planning Board. I was just wondering if we could, in the spirit of this, continue to work on this, and keep it active. This way the Council could better understand why only these roads were chosen and that would educate us some and we could educate them some on why we want some additional roads included.

Councilor Bickford said I would like to schedule a workshop with the Planning Board on this as well.

Councilor Cote said if you would like to have more information to educate ourselves then why are we pushing something forward we are not comfortable with. I would say table it and bring it back at the next meeting or after we have had a chance to sit down and discuss it with the Planning Board.

Councilor Bowie said I respect the Planning Board, what they brought forward to us, and the work that they have done. I want to get a better education from the Planning Board, the experts who did such a great job, understanding why we didn't have other roads, and then when I understand that, I might be willing to make some other changes or they might be willing to make some changes based upon a discussion with us, but I don't think, he said, we should stop this from going forward.

Councilor Cote said I think we should pass an ordinance that covers the whole town, and then make it less restrictive.

John Potvin, Planning Board Member, said what you have before you is what was recommended by the traffic planner at AVCOG. She actually had this more restrictive and we removed a few roads off there because if it had everything listed on it originally you would not have it in front of you. Councilor Larochelle is absolutely right, I believe it passed 3 to 2, he said. It barely got to you as it is now. We had two members descending. Joan Walton thought this was very important, to protect the traffic flow on the main roads: Route 196, Route 9, and Route 125 beyond Huston Street. Based upon her recommendation, the traffic expert, we present what you have before you.

Mr. Fellows, as a Planning Board Member, said this is in the urban area, which does not have enforcement so that is why the encouragement upon behalf of AVCOG and others to put this in place. We didn't consider every road, he said. The main idea was safety and traffic flow so that's why these roads were considered. We had enough objections, not just from the Planning Board, to consider. Some were just opposed to it to begin with. We received feedback from the businesses in town who said, look at what you are doing to me, if I change this building, or if I change the use of this property, then I won't be able to put a driveway in. It's not all waivable because of the sight line requirements. That's one of the reasons we didn't want to go any further than we did with it, he said, so we thought if you put an ordinance in place, cover the areas you need to cover on the major roads, keep the traffic flowing as it should, and later if you need to expand it to other less busy roads in the future, then that's the thing to do.

**VOTE (2011-161)** Councilor Larochelle, seconded by Councilor Bowie moved to adopt the Access Management Ordinance Chapter 46, Article V., Sections 46 through 134 (see attached).

Roll Call: Yeas – Bowie, Bickford, Larochelle, Lunt, and Pomelow. Nays – Cote. **Order passed Vote 5-1.**

231 LISBON STREET, LISBON

Mr. Eldridge said Jim Morreale's attorney, Richard Golden, would like to address the Council. Mr. Golden said Mr. Morreale owns the redemption center just before Crafts in the Falls and the redemption center at 231 Lisbon Street in Lisbon Village. We were here a month ago in an executive session where we worked out an arrangement where he would get his taxes current by the end of August and the town would release whatever interest they had acquired by way of any sewer or tax liens. At that time, Mr. Morreale thought it was going to be approximately \$7,000. On August 25 I received a document from Roger Therriault, which actually indicated it was \$9,491, including the first payment for the 2011-2012 taxes and the back sewer liens. If you took off the September 15 payment, due next week, he would have most of that money today and he needs until Monday morning, at which time, he could pay this up to get current through June 30, 2011.

Mr. Golden said it's been a long haul from when he purchased the property from Casa Mia in 2005. The redemption center has gone through a real progression, he said, plus we were in that recession. He had some tenants in the other building there that hit him hard. From his perspective, he believed he had an agreement with the town's welfare office to help a tenant pay rent, which they did for a while and then stopped. By the time he evicted that tenant, he was behind about \$3,000 in income. He feels confident he will have the full amount, the \$8,600, but we don't have the exact amount today because we would have to get a per diem amount on Monday. One thing that concerns me is the statement from Roger Therriault included the September 15 payment and I don't think the Council can or should be requiring that. If you look at Section 92(6), he said, it says you can ask for all back taxes to be paid up in full.

Mr. Golden said the September 5th payment is not a back tax, and I don't believe it's due, he said, and if it's not paid, it wouldn't get lien until next year. He has every intention of getting caught up here. His next payment might be a little late, he said, but he is putting away the money, has been able to save, and came up with this chunk of money. Losing this property will be devastating to him, he said. There is no mortgage on it, which is probably why the town is taking it. There is no mortgage on it, because he took out a home equity loan when he purchased it, which he still has on his house and without the income he is receiving from this property he is likely to lose his house as well.

Mr. Golden said we, also, have an issue on whether or not the proper notices of redemptions were sent by the town. I prefer not to have to get into that because we are just asking the town to give him a few more days to get current on his taxes, which he will do by Monday.

Councilor Cote said I would like to see the Council and Town work with this gentleman. He is obviously trying his best to get his taxes paid for and putting good effort towards it. I think it's only right that we give him an opportunity to save his property and business.

Councilor Lunt said I agree we should try to work with him. Basically, we need to delegate something to our lawyer to try and sort something out that's reasonable.

Mr. Golden said I think its pretty straightforward what we are asking the town to agree that if he comes in Monday and pays those liens up to date to June 30<sup>th</sup>, that the town would release any right that the town may have acquired by way of the tax or sewer liens.

Councilor Cote said is this something that we can vote on tonight, if he makes his payment on Monday to clear him, to keep his establishment. Councilor Lunt said I believe we could.

Mr. Golden said we are asking for that vote because I am reluctant to have him come in with most of the money before the end of the month because you would probably be throwing it away if the town decides to take that and still say that you are behind so we just want assurance that when he comes in with it he will get the release.

Councilor Lunt said, I understand, but my concern is that if he comes in and pays the back taxes that immediately after that he is delinquent a week later on the next payment and that's not very fair for the other taxpayers who have been keeping up on their tax bills.

Mr. Golden said, he has got this worked into his budget, but there is just no guarantee. He is going to get that paid as quickly as he can. He understands what happens when you don't pay your taxes and sewer bills now and how you have to be on top of that.

James Morreale said I want you to know that I did not sit idly by and let all this stuff go in the arrears. When I started getting behind in 2008, I talked to a person in the tax office and I asked her what's going to happen here. I wrote a letter and indicated how much I could pay. I was told that as long as I was making payments that I would be okay and yes I didn't make timely payments and sometimes it wasn't always \$350 a month, he said, sometimes it was \$1,500 a month. As my money flowed I was throwing as much as I could at this. We came up to July here when I had some code issues at 3 Village Street. It's very hard to get tenants in there. I thought I had a paying tenant, the town's welfare office agreed to make up the difference in the rent, if the tenant couldn't make it. This tenant worked for the town, left her job, I was stuck with a tenant that couldn't even come close to paying. I told the tenants in the beginning that they couldn't even move in because they didn't have enough money, but when the town's welfare office guaranteed the money, I let them move in, he said. Now when this tenant left the employ of the town, I called the town's welfare office to say that they had fallen behind again. I was told it's a privacy issue, sorry about that, and that they would have to contact the town's welfare office, which they did and was told you make too much money, I can't help you, so then I am stuck with a tenant that I was guaranteed rent and before I could get them out of there it was over \$3,000 he said.

Mr. Morreale said in July I came here to work with the Code Enforcement Officer on some code violations. That building was in bad shape. There is no doubt about it. For three years I have been calling Mr. Eldridge and the tax office and trying to find out why these taxes are so much for such a junk of a property. I never received any return calls, but I had the assurance from the person in the tax office that if I kept paying I was okay. In July, I find out the Code Enforcement Officer is going to condemn the building and he hadn't told me so I came down to talk with him. The Code Enforcement Officer suggested I talk to the Town Manager, which I did; so Mr. Eldridge said what should I do and, I said, you know it's too much for me so maybe your Economic Development Director could find someone who wants to develop this corner and can buy me out. He said, Mr. Eldridge told him that the bank typically picks up on the taxes to protect their investment and so I told him that I took out a home equity loan and that there is no mortgage on that property. Then, the following week, the Code Enforcement Officer hands me a paper stating that both properties were foreclosed upon. I know I should not have been surprised by foreclosures, yes, you sent me notices, and, yes, I was in touch with your tax department. Today, I tried to get a reading on my taxes to see where exactly we were, what was paid, and that person told me they were very busy, it would take days, and that I would have to talk with Mr. Eldridge's secretary. I ended up getting disconnected so that's as far as I have gotten.

Mr. Morreale said what I really want you to know is that I went out and borrowed \$6,000 from a friend of mine and I came down to pay as much as I could and the reply was, we are not taking your check. That is what I ran into, hostility.

Mr. Morreale said I filed an abatement form, but that was awful late to help. I got a tax notice for 3 Village Street the other day, which said the appraisal value is \$39,900. The value went from \$113,000 to \$39,900, which is what I have been trying to do for three years, he said, and if that tax bill had been \$800 a year we wouldn't even be standing here right now. I am still wondering what the property at 231 Lisbon Street would be valued at now. This was supposed to be my retirement, he said, and it's turned into quite the nightmare. Anything you can do, I would appreciate it.

**VOTE (2011-162)** Councilor Cote, seconded by Councilor Bickford moved to work with Mr. Morreale to allow him to keep his property if he pays his taxes up the first of next week.

Councilor Lunt said so you want the town to relinquish any claim we might have on it. Councilor Cote said absolutely. I think we should give this man an opportunity, he is trying in good faith to make it work, and I say we vote to give it back to him right now.

Councilor Lunt said in return when he pays the money, you mean. The motion was seconded by Councilor Bickford.

Councilor Pomelow asked if Mr. Morreale had any future plans to clean up that corner if he got that property back since it is one of the gateways to our community. Mr. Morreale said I can keep the store in good shape; the Village Street apartment house is too far gone. From what I understand you already have possession of that and have plans to demolish the building. I am not arguing for that one at all, but my store and my income I would like to keep, and yes I can keep that one up.

Councilor Larochelle said I appreciate your coming to speak. One of the downfalls of sitting on the Council, is unfortunately we are not lawyers and the discussion tonight indicated there may be some unresolved legalities, which would make it very difficult for me to make a decision without having all of the proper documentation and the proper knowledge to make sure that I am doing the right thing. I have nothing against the business owner and I am one in this town, also. It is tough and I would want to make sure that as a Councilor I am making the proper decision with the proper information and I am not sure if I have all of the information to make a proper decision, right now. I am all for working with anybody; I just want to make sure that I am doing the right thing, that's all.

**Order failed - Vote 3-3. (Opposed: Larochelle, Bowie, and Pomelow)**

Councilor Larochelle said can we set aside a date to discuss this so Mr. Morreale is not just hanging around waiting to hear from us. Mr. Eldridge said we have a workshop scheduled for the 13<sup>th</sup> and we could discuss it then. Councilor Lunt said that's right, but we can't vote on it in a workshop. Mr. Eldridge said that's correct, but you can discuss it and decide whether to put it on the meeting on the 20<sup>th</sup>.

Councilor Lunt suggested we should draw up the proper legal document releasing us so that the Council can see exactly what the town would be signing on to. Mr. Golden said you wouldn't be signing on to anything, until after he made his payment, and then it's just a release deed, which is what is typically done by the Town Manager.

CARRIES & TRANSFERS

Councilor Bowie requested this item be moved to another agenda. There were no objections noted. I would like more detail on this. I would like to have the carry-forwards broken out into different categories: Projects not started, projects in process, and donation of revenues carried forward. I think we need to break out the carry-forwards into those types of categories to see what we are carrying forward and why.

Councilor Bowie said on the transfers I would like to see the breakdown done on a line item level, not just at the department level, where we over spent and under spent. I would like to see at least our philosophy be that the first types of transfers we try to do is to stay within our departments budget, and that if we step outside we try to stay within the same line item level, and then lastly if we had to we go outside of those specific line items to cover the transfers. I want to understand why we were over and under for those and what approach we used to get there and I want to be sure we are not using any funds to cover salaries.

Councilor Lunt announced, by general consent, that this item would be deferred to the next meeting.

ORDER FOR PUBLIC HEARING  
RELATIVE TO CHARTER AMENDMENTS

You held a workshop and in order to move this forward we need an order adopted to hold a public hearing so we can get these on the ballot for November, Mr. Eldridge said. Roger Therriault is here to answer questions on the amendments.

Councilor Cote said we were told at the last meeting, or prior to it, that you would be looking into the charter amendment to let the people vote on their budget. You were going to come back with some type of presentation of what this would look like. I think Councilor Larochelle asked you to come back with what it would look like as an amendment.

Mr. Therriault said, but then I was told not to, so I didn't. Councilor Cote said this was agreed upon at a Council meeting so why would one Councilor be able to dictate whether or not you are going to do something. Mr. Therriault said I was at the meeting, and you will have it at your next meeting, assuming that all of you want it.

Councilor Bickford said Councilor Larochelle, the Town Manager, and I talked about this and came to an agreement, which I kind of thought would be alright. It does do what I wanted it to do and what you wanted it to do. We wanted to put it on the ballot in November, but not officially, to let the people vote for it first and then if they say yes then we spend the money to have Mr. Therriault make the document and then it can go back for the people to approve it.

Councilor Cote said I have been asking that this be done for over a year. It is so frustrating to sit here on this Council working with people who are working against the people of this community. These people are paying us to take care of business in town and they have requested that this be put on the ballot and you people are refusing to do it.

Councilor Bowie said if you remember correctly we also had a number of people say, including the people who wrote the charter, that they wrote it that way because that's the way they wanted it to be done in the town and they didn't want to see it come to a vote. I agree with what Councilor Bickford is trying to do and if he wants to put an advisory type question on the ballot for November, an inquisition as to whether or not that is what the people really want then do it in November, not in June.

Councilor Bickford said if they say yes in November, I would rather have it go back in November again for the final action.

Councilor Lunt said then why don't we put this on the November ballot and then we will know one way or the other how people feel. Councilor Bickford said I would just as soon go with this route.

Councilor Larochelle said that night we talked Councilor Bickford pointed out that he had gone out and gotten signatures to actually try to move forward on what he felt was a concern raised by people that had voted him into office. Councilor Bickford had gone over and beyond what any of us Councilors had done to move something forward, and so that night when we spoke about it, I asked Mr. Therriault what it would take to put this through, and he said it was a big undertaking. I met with Councilor Bickford after that, because he was the one that was very passionate about it that night, and I wanted to know what his direction was, what his feel was, and why he wanted to support it. I told him that if he wanted to support it that I would support him 100% even though I may not agree with it or may not understand it completely. When I met with Steve, and Councilor Bickford happened to be there that day, I said I think that Councilor Bickford is really doing this because he cares and I will support him 100% with what he wanted to do, which at that point in time was to move forward with the advisory question on the ballot and then spend x amount of dollars,

as Dot Fitzgerald pointed out earlier, we are definitely well expended over in legal and this isn't a \$100 or \$200 charter rewrite, so I would hate to spend a lot of money rewriting this charter not knowing if people wanted it or not; although to be honest with you Councilor Bickford I have never had one person stop by my business or call me to tell me that they wanted it.

Roger Therriault said it can be ready to go to a public hearing, but you need to vote to do that. My understanding is what you wanted at this point was an advisory referendum question as to whether or not the people wanted to consider this before we went forward and did the actual charter changes. If the majority of the Council wants to include this in the current notice, then after we pass the one that we have you can make a motion to include it, I will draft it, and get in the paper along with the others. Mr. Therriault said the Council would have a chance to change it after the public hearing so it's not something that you won't have a chance to read, review, and reflect upon.

**PUBLIC COMMENT:**

Mr. Fillmore said the public is not allowed to speak at your workshops. I sat through the workshop, read your minutes, and everything indicated Mr. Therriault was going to do the research for it. He said Councilor Bickford pointed out at that meeting that he had been collecting signatures, more than 200 were collected, and only 1 person approached did not sign, then the people are speaking out that they want this on the ballot, but we are sitting here saying, well, I don't know if the people out there really want this or not. Councilor Lunt said thank you Mr. Fillmore, that's enough.

Mr. Fillmore said I have one more thing. I sent to Council on 15 August two requests for changes to the charter. Those need to be incorporated and you had plenty of time to get this ready for this year's ballot. You need to review them. We the people and I am one of the people who has asked you guys to consider two changes. Come on now. Councilor Lunt said thank you, but the Council has a prerogative to decide on how it wants to do its business; we have all been elected here. Councilor Cote said, but it's never been discussed Councilor Lunt. Councilor Lunt said no Councilor ever asked me to put that on the agenda.

Councilor Bowie said Question 6 says to amend by the stricken text but I don't see any stricken text, just added text. Mr. Therriault said I think it's to add the underlined text.

**PUBLIC COMMENT:**

Mr. Fillmore said point of order. In accordance with Section 2.08 of the charter, which goes into effect 21-days after the date of final approval and according to the minutes of August 2, 2011 the Council voted 6-1 to approve the Council Working Rules and today is September 6, 2011. A total of 35 days so these working rules should be in effect, however, Section 74-201 of the Town Charter is the working rules for the Town Council. I downloaded a copy of these working rules because no one at the town office could provide me with a copy of the working rules. In accordance with paragraph E. 5(d) reads once the agenda item has been explained by its sponsor or the Town Manager or staff and clarified by any questioning as provided above, there will be time devoted for any resident, taxpayer, or authorized representative of an organization resident or taxpayer of the Town of Lisbon to address the Council regarding this particular agenda item. Are you telling me, he said, that the Council Working Rules that you have pushed through here hold precedence over the charter. He said, is that what you are telling me and you are not going to allow me to speak on this issue. The Town Charter is what we go by and it's the bible. You people have not updated it, you have had 21 days, and it's not there so we have to go by the Charter. The Charter is the bible. I feel as though I should be able to speak on this item.

Councilor Lunt said I run the meeting here Larry, I am in charge, and if you have something to say, say it, but you can be respectful to other people here; you expect respect, but you don't show respect to other people at all. Mr. Fillmore said I apologize; I didn't know I wasn't showing respect.

Mr. Fillmore said you people asked us to send to you our concerns to be considered. I did that and followed your guidelines. Now we are going to say we are only going to put eight items on the table. The eighth one is a complete distortion of what should be done in my opinion. Councilor Lunt said it's the Council's prerogative to decide what we want to put on there and you don't have a right to just insert things like that. Councilors get suggestions all the time, but we are not required to follow any of them. If you want a reply Mr. Fillmore, I need a letter in writing.

Dorothy Fitzgerald said you sit there and tell us to. Councilor Lunt said Dot you are out of order. Let's get back to the issue at hand; is there anything further on Charter amendments, he said.

**VOTE (2011-164)** Councilor Bowie, seconded by Councilor Larochelle moved to adopt the order relative to Charter Amendments [scheduling the public hearing] as follows:

Whereas, The Town Council of the Town of Lisbon has determined, pursuant to its authority under 30-A M.R.S.A. Section 2104, that the certain amendments to the Municipal Charter should be considered; and

Whereas, a public hearing on the proposed Charter Amendments is required pursuant to the requirements of 30-A M.R.S.A. Section 2104(5)(A); and

Whereas, it is the duty of the Town Council to provide for such public hearing.

Now, Therefore, Be It Ordered by the Town Council of the Town of Lisbon that a public hearing be convened on Tuesday, September 20, 2011, at 7:00 p.m. at the Public Meeting Room at the Lisbon Town Office, 300 Lisbon Street, Lisbon, Maine, for the purpose of receiving public comment on proposed Charter Amendments 1 through 8.

And Be It Further Ordered that the Town Clerk publish notice of this public hearing at least seven days prior to the date of the hearing in a newspaper having general circulation within the municipality. The notice shall contain the text of each proposed Amendment with a brief explanation.

**Order passed – Vote 5-1. (Opposed: Cote)**

Mr. Therriault said can I get some direction here on whether a majority of this Council wants an amendment that will allow the public to vote on the budget for this November and whether you want to put that out in a form that can be voted on.

Councilor Bickford said I would like to see it. I don't think there are enough votes here, but I would like to see that it gets on the ballot one way or another; even if it's an advisory question.

Councilor Larochelle said we have discussed this for the past three years and there has never been a proper plan put together to make this work. I don't think we have ever had the right information, because there is a lack of information out there, to be able to put this to a vote so it would be my recommendation that we not move forward to put forth a charter amendment this year, because I would not support it without it being done right. It's not that Mr. Therriault couldn't put something together, but it would not be what the Council, who were voted into office to do, would approve to make sure it is correct. I have not seen a better way to make that decision than what we have. People can vote me out, that's fine, if they don't think I'm making the right decision, but people voted me into office to make it. Councilor Bickford has a concern he is working with and I will do whatever it takes to make sure that Councilor Bickford's concern is taken care of because I actually think he has stepped up to the plate. Would it be the decision I would make, maybe not, but I am standing behind a Councilor that I feel is passionate about what he wants to do. As far as going to make a charter amendment, I would not approve that, but that's my opinion.

Councilor Pomelow said I would not be in favor of going through with all of the charter amendments, but would be happy to place an advisory referendum question on the ballot. That way we have feedback from a large election about what the people really do want, and then we could commit to making those changes because the turn out is so big. It is my understanding that the changes are huge, and one of the things that we get charged with is the allegation that we don't know what we are doing so how could we in a couple of days look at all of the changes that would need to happen. I want the feedback from people to say we want it or we don't and if so, then we will have to make that one of our goals to work through next year.

Councilor Bowie said I agree.

Councilor Lunt said I certainly agree with the idea, but I don't see how we could put something together for the public when we haven't seen anything ourselves. It seems it would be at least as complex as the bond one you drafted here.

Councilor Cote said why didn't we put it on the ballot three years ago like I requested. I personally hope that the people of this town are smart enough to turn every one of these charter amendments down and stuff it right up their noses, because it's not in the best interest of the people of Lisbon. Councilor Pomelow said I don't agree; we will see in November. Councilor Lunt said I hope they read each one individually and decide individually on each one.

Mr. Therriault said do I understand that the majority of this Council wants not the amendment itself, but a referendum vote to determine whether or not the folks want to consider an amendment that would allow them to vote budgets. Mr. Therriault said I see at least four Councilors in favor; thank you for some direction, he said.

#### CONSERVATION COMMISSION - MEMBER DISQUALIFICATION

**VOTE (2011-165)** Councilor Bowie, seconded by Councilor Bickford moved to remove Justin Blouin from the Conservation Committee since he is not living in town. **Order passed - Vote 6-0.**

### **OTHER BUSINESS**

#### A. REVALUATION OVERVIEW

William Van Tuinen said I have a staff of four people who work in the field, plus one person who does a lot of clerical work, Nancy Clark. The staff consists of me, my son Jacob Van Tuinen a certified Maine Assessor, Allen Gove a certified Maine Assessor, Abby Robbins a certified Maine Assessor, plus Nancy Clark. They will all be doing work here in the Town of Lisbon. Allen, Abby, and Jacob will be doing more of the residential listings and I will be doing more of the industrial listings, he said. The project will be done over four years as you have requested, but it will be implemented in one year all at the same time. We will collect information on the properties from field inspections. At that time we will note the land and building characteristics on a property record card, which we will enter into a computer system. A freehand sketch of the property will be done while at the property that will show various components of the building, which will be entered, digitized, and stored into the computer system that will be printable. We will also take a digital photograph while at the property that will be stored in the computer and linked to the property so that when you view it you can see it or print it. Call backs will be done. During the last couple years of the project we will be gathering sales information. We will build the evaluation model to test it against the sales to develop a model that works reasonably well. We will take into consideration income derived from certain properties, which becomes an important component when trying to estimate values; we will request from owners of income producing properties, information about their rentals, information about their income, to incorporate an estimate of value from an income approach where that is an important component. We will be collecting information

on personal property that will be supplemented by a walk through, which will be limited to business property only. Data gathering will happen in the first three years and then in the final year we will finish the data gathering, sales analysis, and mail out valuation notices to all the property owners that says this is your new valuation and estimated tax based upon probably the budget from the last year; we should be sending these out in the winter of 2014, getting things all done by the end of that fiscal year, so you can use it for the tax commitment for the next year. Calls for hearings will come into my office, he said, and we will use your conference rooms to meet in so we can hold a number of meetings at the same time to shorten that process. He said that's the revaluation process in a nut shell. The goal is to be at a certain estimate, close to 100% of value. I would rather be at 97% or 98% instead of 103% or 104% of value, which will be based upon what's out there at the current time; implemented at the same time.

#### B. TOWN MANAGER'S REPORT

Mr. Eldridge said the MTM roof is being done. The siding at E.T. Smith is being done. Across the street Lisbon Emergency is, also, coming along nicely on their building. We were asked if we would like a piece of the Twin Tower's high beam, which we picked up ourselves. A date will be set to dedicate this. Police, Fire, and Public Works did a good job making sure things were up and running during hurricane Irene. Commissioner Labonte visited to talk about several options with the consolidation efforts for dispatch. This proposal would mean a substantial increase for Lisbon due to the calculation method and only Auburn benefits, which he represents. This may come back for further discussion at a workshop. The budget committee's proposal for the commission needs to be watched closely.

#### C. NOMINATION PAPER'S AVAILABLE - UPDATE

The Town Clerk stated the following individuals picked up papers for the following offices: Roger Cote for Town Councilor At Large, Marcey Crosskill, Dean Willey, and Lorraine Wight for the School Committee, Kenneth Wells for the Water Commission, and that no one had yet picked up papers for the Budget Advisory Board At Large or Budget Advisory Board District 1 positions.

### **APPOINTMENTS**

#### PLANNING BOARD (1) ASSOCIATE MEMBER

**VOTE (2011-166)** Councilor Bowie, seconded by Councilor Larochelle moved to appoint Steve Warren to the Planning Board as an Associate Member for a three year term. **Order passed-Vote 6-0.**

#### PLANNING BOARD (1) REGULAR MEMBER

**VOTE (2011-167)** Councilor Larochelle, seconded by Councilor Bowie moved to appoint Daniel Nezol to the Planning Board as a regular member for a three year term. **Order passed - Vote 6-0.**

#### RECREATION COMMITTEE (1) ALT MEMBER

**VOTE (2011-168)** Councilor Bowie, seconded by Councilor Bickford moved to appoint Carroll Curtis to the Recreation Committee as an Alternate for a three year term. **Order passed - Vote 6-0.**

#### ASSESSOR - WILLIAM E. VAN TUINEN

**VOTE (2011-169)** Councilor Bowie, seconded by Councilor Larochelle moved to appoint William Van Tuinen as Assessor for the ensuing year ending June 30, 2012. **Order passed - Vote 5-1. (Opposed: Cote)**

## COUNCILOR COMMUNICATIONS

Councilor Cote said is there any more discussion about the presentation regarding fish-ways. Mr. Eldridge said that is scheduled for October. The organization for the Atlantic Salmon Federation will do a power-point presentation.

Councilor Lunt said during hurricane Irene we had a tree came down across our driveway, which missed our cars. He thanked his neighbor, Councilor Cote, for cutting it up. He thanked all who responded and was willing to help. Councilor Cote thanked Mrs. Lunt for the nice pumpkin bread she sent him.

Councilor Cote said this really bothers me. I have worked very hard at trying to get this budget vote through this Council, and if I seemed to have over reacted to some people over this issue tonight it's because I have tried so desperately hard to get that through. I do know for a fact that these Councilors will be overwhelmed by the number of people who will want this in their town; they want to designate where their money is going to be spent, he said.

Councilor Larochelle said there was an accident recently in Durham and being in the wrecker service I was there during the accident so I had an opportunity to witness first hand what it means to have such a great team of dedicated professionals on the scene. I would like to thank the first responders of Lisbon who support our town in the manner that they do. Speaking to the folks of Durham, even though they had their whole staff there, they were very thankful in a situation that was very intense to see Lisbon actually rolling up. They said how very nice it is to see people from out of town there to support them. The outcome of that very serious scenario was very much helped by the idea of Lisbon being as dedicated as they are, having the equipment that they do, and being so willing to help. They were overwhelming talking about how great it was to see Lisbon there helping them out. I want to thank the people from our Fire and Police Departments who responded.

## EXECUTIVE SESSION

*(Taken up out of order after public hearings above)*

## ADJOURNMENT

**VOTE (2011-172)** Councilor Bowie, seconded by Councilor Pomelow moved to adjourn at 9:49 PM. **Order passed - Vote 6-0.**

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

Date Approved: \_\_\_\_\_