



**TOWN COUNCIL
WORKSHOP
MEETING MINUTES
OCTOBER 11, 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, Bowie, Cote, Lunt, and Bickford. Absent were Councilors Larochelle and Pomelow. Also present were Stephen Eldridge, Town Manager; Roger Therriault, Town Attorney; David Brooks, Police Chief; P. Sean Galipeau; Fire Chief; Dorothy Fitzgerald, Budget Advisory Board Member; plus two residents in the audience.

OTHER BUSINESS

VISION STATEMENT

Mr. Eldridge presented the Council with sample vision statements from other communities. He said he would put this on another agenda later for discussion once the Council had time to review the material.

DRAFT FIREWORKS ORDINANCE

Mr. Eldridge presented a copy of Lewiston's ordinance for review.

Mr. Therriault said there were three activities that could be regulated: a) Possession, b) Uses, and c) Sales. He pointed out that enforcement would be difficult at best since not all towns will be regulating them. If you do allow them, you can restrict where you want to allow them and at what times. The Lewiston ordinance restricts the times you can use them, but first you need to decide whether or not you want to allow them or not and then if so, what do you want to regulate.

Chief Galipeau said if you are going to be stricter, then you want to encompass areas where you want this to happen. Do you want to allow them in the village zone, built up housing areas, or in rural zones? He read the restrictions for the use of consumer fireworks, which is consumer fireworks may be used between the hours of 9AM and 10PM, except that on the following dates may be used between the hours of 9AM and 12:30 AM on July 4, December 31, January 1, and the weekend immediately before and after those dates. They have to be on their own property or have permission from the property owner to launch them. This does not include the professional type of fireworks like we use on Moxie Day where you have to have a commercial permit issued by the State of Maine. We are only talking about consumer fireworks here.

Chief Brooks said the State of Maine Statutes only regulates the time and gives permission to do this on your own property. You could decide to add restrictions on where they can be used or language about footage from your neighbor's buildings or property lines, which is somewhat what Lewiston did. They were trying to address where they can be used and when. The state will allow you to expand on that regulation of use.

Councilor Bickford said he liked the idea and indicated this was a good start. Chief Brooks said we need to make sure this would not violate any another ordinance, like the noise ordinance.

Chief Galipeau said as far as sales, the state statute covers that pretty good, limiting it to not within 300 ft from gasoline, propane, and other flammable materials sold or dispensed. Councilor Bowie asked whether Lisbon should regulate where they can be sold. Councilor Bickford said I don't know if I would want them beside the Elementary School. Councilor Bowie said it's more from a safety point of view, should someone decide to let them off in the parking lot after leaving the store they bought them from if the owner doesn't mind you letting them off there. Councilor Bowie said you are not going to stop everything, but perhaps minimize potential safety issues by where you can let them off and who can let them off so that you don't generate any additional hazards by them doing this. Fireworks can start fires. Chief Galipeau said that's been added into this draft by referencing high and dry and red flag days.

The Council discussed enforcement issues and different problems. Councilor Mason said people have to use common sense. I don't think we should have to babysit people for everything. Councilor Lunt said you can't protect people from themselves, but you need to be sure you don't injure your neighbor when you are doing this.

Councilor Cote said we should let it be.

Chief Brooks recommended the MTM Center be a restricted area. He said there should be some areas restricted like schools. Councilor Bowie said we don't need them in Beaver Park. Chief Brooks said as far as the residential areas, let's see what happens; we can't babysit everybody. The state made this rule and if something happens in a year and people want more restrictions then that's what the Council's for.

Chief Galipeau said the statute covers the fact that you need permission from the landowner so if you don't have permission to launch by the town you are in violation of state law already, but you could clarify that if you want.

Councilor Cote asked about special occasions, like at a football game or something. Chief Brooks said we could add something to address special occasions be allowed by permit. Chief Brooks said we already have safe zones that we could use to identify certain boundaries in town.

Councilor Bowie asked that the times be coordinated with the noise ordinance.

Mr. Therriault said there is no sentiment to restrict possession or sales. All we are talking about is use. Councilor Cote said town property, schools, and special occasions. Councilor Lunt said if there are a lot of problems we can always come back and tighten it up.

Mr. Eldridge said you can define which zones would be unrestricted, like Route 9, etc. Chief Brooks said all the unrestricted zones will be the ones not in your restricted paragraph. Mr. Eldridge said Lewiston's ordinance designated the heavily built up area as restricted and perhaps Lisbon Falls or the Village area could be an issue. Councilor Bowie said we should define restricted and unrestricted somehow.

Councilor Mason said fireworks have doubled in the last fifteen years and yet the injury rate has gone down 30%. Councilor Lunt said the only issue we seem divided about is do we want to restrict it from the residential and village zones or just the town property. Councilor Cote said just the town property. Councilor Bickford said we can leave it as just town property this year and see how it goes. We can come back if it doesn't go good. Councilor Bowie said I'm alright with that and we ought to follow up with times as close as we can to the noise ordinance.

Mr. Eldridge said the moratorium ended and my question is does the state designate how many they can have throughout the state. Mr. Therriault said, yes, and they were limited to geographic areas as well. Councilor Mason said there is one in Auburn.

Chief Brooks said medical marijuana users have to be registered and have a card. Councilor Mason said I know somebody who wants to put one in town right now. It's a viable business. She offered to bring in a guest speaker to talk about this with the Council.

Councilor Bowie said it also brings in a level of potential crime. Councilor Bickford said he would like more information about this from other towns.

Mr. Therriault said one thing you can do that this doesn't appear to do is you have some general location requirements about distances from schools and so forth, but you can restrict them to certain areas of town, which is legal. If you want them in certain places, you can turn this into a land use ordinance where you regulate where you regulate it as a land use so you can determine where it is or is not going to go. Mr. Eldridge said much like adult entertainment uses. Mr. Therriault said exactly and that could be added to this if you want to go in that direction. Mr. Eldridge said this way you can regulate where they go.

Councilor Bowie said we need to do something because if this moratorium ends and we have one move in and it doesn't work out right, we can at least expand upon this so there would be no real grandfathering to take effect. If we are going to allow them in town, we have to put some restrictions on locations.

Councilor Lunt said if we have a permit process for it we will not end up with a grandfathering issue. If you don't follow the restrictions then we will not grant a permit. Chief Brooks said then if we have some serious issues we can bring those to the Council's attention.

Mr. Therriault said there are a number of things that have to be added to it. You talked about renewable permits, which needs to be looked at, location requirements regarding non-compatible uses, and background checks. Chief Brooks said we need to keep it out of safe zones, and I guess if it has to come to Lisbon then it fits best into a well lighted business district or someplace.

Councilor Lunt said let's draft something up and then bring it back to the Council.

AMENDMENT TO ETHICS PANEL ORDINANCE

Mr. Eldridge said I added the language in bold letters in Section 12-1 and under Section 12-4 (c) to give this some better clarification incorporating the things that have been discussed previously about how town employees or town officials treat one another. Confidentiality and things talked about in executive sessions are addressed so you can police yourselves and/or employees.

Councilor Bowie said this is our administrative policy on how we are supposed to handle ourselves. Mr. Eldridge said penalties or reprimand for violations were added that did not exist before.

Councilor Lunt said as a politician we end up debating one another and it's hard to tell where the exact line is where you cross into maliciously damaging someone's opinion versus a normal political debate amongst candidates running for office.

Corr. 11/3/11 TL Mr. Eldridge said it promotes public civility.

Councilor Lunt asked Mr. Therriault if other towns have similar ordinances for elected officials as well. Mr. Therriault said there are getting to be more now. Councilor Lunt asked for other examples. Mr. Eldridge said some of this came from MMA's Ethics Panel and like Mr. Therriault says because of the instability through the country, it's not just here in Maine, and we are trying to

find ways to work with the public, elected officials, and employees who don't treat each other respectfully or they disclose confidential information they should not be discussing. If it does happen, it hurts.

The Council discussed how executive session topics are listed on the agenda. Mr. Therriault said what goes on the agenda is very specific and it's limited to the specific categories that can be discussed.

The Council asked for other examples being used by other towns. Councilor Bowie said he was okay with it. Councilor Mason said what is there is a good reminder for all of us.

Mr. Therriault said the last section needs some work. It talks about the penalty for violation and then it really doesn't talk about that.

Councilor Lunt said I have a concern about the publically criticizing the professional reputation of others engaged in public service and I know what you are going for, but to me you could use violation of attitude and I think if you had a line added in there something about "without grounds" or something then it would be more acceptable. To me if you had a reason and you are totally justified, you couldn't say it, because you are in violation of this. Councilor Mason said, once again, you have to be factual or that's malicious. Councilor Bowie said I have no problem with adding that.

Mr. Eldridge said we will present this ordinance again after we clean it up.

STREET LIGHT ORDINANCE

Councilor Pomelow brought this item forth so the Council decided to wait until Councilor Pomelow could be present. Mr. Eldridge said we have taken out quite a few on the back roads. We are taking every other light out on Route 196 leaving the ones at the intersections. We are going to wait and see where we are at that, hear comments about that, revisit some things, because we have three requests to put some back. They can put up their own light if they want it for security reasons for their home. Councilor Mason we have two light of our own and we are planning to add another one. Mr. Eldridge said others have done that to protect their property as well. There are no plans to light the trails, but there is still a possibility of lighting for the trails.

Councilor Bowie said there is a light at the crosswalk for them, but I just happen to see people using the trail at dusk.

Mr. Eldridge said we will come back to street lighting again.

ROADS

Mr. Therriault said half of the roads on the list lack descriptions and there is no record of them being accepted as town ways, which means they are probably prescriptive rights. Ways that have become town ways by use for over twenty years and that generally is what happens with respect to these streets and never any formal process for going through it, which was typical. That means that someone is going to have to go out and do some ground work to figure out exactly what's happening. It was suggested that we may find a middle ground to serve our purposes, at least for over the winter, and that is to consider closing these streets to winter maintenance. I think this is the primary reason for discontinuing these streets. That will get us through the winter season until we can gather more information.

Councilor Bickford said they are driveways. They are not streets. Mr. Eldridge said if we do this these people need plenty of notice.

Mr. Therriault said in the 1970's the county decided they didn't want to be in the road business so they turned them over to the towns. It seems to me that the only way we are going to get to the bottom of this without doing some sort of blanket closures for maintenance, which again I agree you have to give them notice, is to start at the top of the list and come back with a recommendation for each individual street; this is what we have, this is the logistic of the situation, and this is what staff recommends that you do. This will entail talking with the owners who are involved and it will take a lot of work, but that's the only way fairly to go through this. You need to tell us which streets based on this list are the ones you want us to start with first. If you can prioritize the following list for us we can take care of the urgent needs first:

| | |
|---------------------|--------------|
| Abby Street | Hasey Street |
| Androscoggin Street | Jalbert Road |
| Ann Street | Pohle Street |
| Bayberry Street | Potter Road |
| Breton Road | Rabbit Road |
| Clarke Street Court | Ridlon Road |
| County Road | River Road |
| Deschaine Avenue | Wagg Road |
| Green Street | |

Councilors requested population stats, summer maintenance costs, and winter maintenance costs. Mr. Therriault indicated that should these roads be discontinued they would just become their driveways to maintain.

Mr. Eldridge said we will go through that list and generate information on each one about whether it's a dirt road or paved and how many homes on each. Mr. Therriault said they are all required to receive notice and they are all welcome to be here to tell us what they think. Mr. Eldridge said we were planning to give these owners a one year notice so that they know this is coming. Mr. Therriault said there may be people who would rather have their privacy and be happy with this decision. Councilor Lunt said that's one advantage to having a private road, no one else but us can come down this road. Mr. Therriault said the discontinuance process includes deeding the property back to the land owner.

The Council agreed to continue this process.

ADJOURNMENT

Seeing no further business, the Chairman adjourned the meeting at 8:40 PM.

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

Date Approved: _____
RV 10/27/2011