



**TOWN COUNCIL  
MEETING MINUTES  
DECEMBER 20, 2011**

Mark Lunt, District 1 2012  
Lori Pomelow, Vice Chair At Large 2012  
Michael Bowie, District 2 2012  
Roger Bickford, District 2 2013  
Fern Larochelle, Jr., At Large 2013  
Gina Mason, District 1 2013  
Lisa Ward, At Large 2014

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

ROLL CALL. Members present were Councilors Mason, Larochelle, Lunt, Bickford, and Ward. Councilor Bowie and Pomelow were excused. Also present were Stephen Eldridge, Town Manager; Sean Galipeau, Fire Chief; Michael Cote, Code Enforcement Officer; Jessica Maloy, Finance Director; Budget Advisory Board Members Dot Fitzgerald & John Wierzbicki; Planning Board Members John Potvin, Don Fellows, Jeff Ganong; and approximately 10 citizens in the audience.

**PUBLIC HEARING**

AMENDMENTS TO CHAPTER 70 ZONING ORDINANCE & MAPS

Michael Cote said the changes being presented to our Chapter 70 Zoning Ordinance and zoning maps were the tools that make the ordinance enforceable, that it regulates those different districts outlined on the map, and that the map is a statutory requirement.

The Chairman opened the public hearing. There were no comments. The Chairman closed the public hearing.

RENEWAL JUNKYARD PERMITS FOR  
CAMPBELL'S USED AUTO PARTS AND  
HUSTON'S AUTO SALVAGE

The Chairman opened the public hearing. There were no comments. The Chairman closed the public hearing.

**AUDIENCE PARTICIPATION**

MUNICIPAL BUDGET

Larry Fillmore said he appreciated the budget schedule being posted online. He requested all expenditures be listed within each Department that pertains to the Department in order to see what the total cost of each Department is. For instance, street lights and hydrant rental have nothing to do with the operational cost of the Public Works Budget so those should be removed, he said. The cost for police liability insurance was not located within the Police Budget last year, so he could not get a true picture of the actual cost for police services, he said, and for other Departments, if these items are hidden in other areas of the budget.

Roger Cote said the vote in November was 2,025 to 514 in favor of voting on the town's budget. He asked when that issue would be addressed.

Councilor Larochelle talked about the legalities of the process, the required changes to the Charter, and said the Council would be working through these details that need to be put into place to make sure it is done properly. He said there is not enough time to make this happen for the budget year coming up.

### LISBON CONNECTION – THE BUS

Vernon Dyer said there is a sign posted on the back of the bus driver's seat that says service will be dropped December 30. He stressed that many Farwell Mill residents and others in the community have no way to get around the city and can not afford to own a vehicle. There are all types of situations that place people in need of transportation, for instance, their vehicle breaks down temporarily and they use the bus. This should not be overlooked, he said.

Dorothy Fitzgerald said it would be very helpful to know in advance what's going to be discussed at workshops. She said it was disturbing to her to not to be voting on this Fiscal Year's Budget, when you have six months to prepare to put it on the ballot. The School Department wants to move their vote on the School's Budget up to May, she said, but June is a better time to vote and your budget won't be ready for May.

Councilor Larochelle said this issue has been discussed very openly at several meetings. This request will help the School Department by preventing layoffs and rehiring, making it more efficient, he said, so the Council talked about working with them through that process.

Mrs. Fitzgerald suggested the Council get those charter changes ready within the next 5 months. Councilor Larochelle said this is not as simple as putting one section in the charter, he explained, this process will take time and it deals with several sections in the charter. Right now we are working through the budget, he said.

Don Fellows pointed out that the Planning Board needed an official copy of the Capital Budget to review. He asked that the Council remove Order 2011-221 Capital Improvement Budget until the Planning Board has looked at it.

### CONSENT AGENDA

**VOTE (2011-219)** Councilor Mason, seconded by Councilor Lunt moved to approve the minutes of November 29, 2011, December 6, 2011, and renewal Junkyard Permits for Campbell's Used Auto Parts, and Huston's Auto Salvage. **Order passed - Vote 5-0.**

### COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

#### CHAPTER 70 ZONING ORDINANCES & MAPS

*(Second Reading - Roll Call Vote)*

**VOTE (2011-220)** Councilor Bickford, seconded by Councilor Mason moved to adopt the Chapter 70 Zoning Ordinances & Map as presented (see attached).

**Vote by Roll Call: Yeas – Bickford, Ward, Larochelle, Mason, and Lunt. Nays – none. Order passed.**

Councilor Larochelle commended everyone who worked on this project and said the Council appreciated the support everyone gave.

#### 2012-2013 CAPITAL IMPROVEMENT BUDGET

Mrs. Maloy mentioned that there was still time for the Planning Board to review the Capital Improvement Budget and to make their recommendations to the Council, which they could do before the first of February, prior to the Council's approval in March.

Mr. Eldridge presented the Capital Improvement Plan to the Council (see attached). He went over in detail each request.

Councilor Larochelle said he was looking forward to hearing the Planning Board's review.

## **OTHER BUSINESS**

### **A. FINANCE DIRECTOR'S REPORT**

Mrs. Maloy said the report for November shows revenues and excise tax just over 40% collected at \$84,000 for the month. Last November we brought in \$68,000 with year to date collection at 39%; we are looking to be on track with Excise Collection. State Revenue Sharing is just over 43% collected with \$64,000 recorded for the month and \$359,000 year to date. This is also looking to be right on track with our budgeted projection of \$830,000, though we will continue to monitor this account, she said. For the month of November, another Urban Rural Incentive payment came in at \$26,000, bringing the year to date collection to 49%. The Police Department received the first half of the Sabattus & Durham ACO payment in the amount of \$14,000. The Transfer Station has taken in another \$8,000 from collections for a year to date total of \$47,000. In total the Transfer Station is 63% collected on their total revenues, which is 10% better than this time last year. The Recreation Department revenues brought in another \$7,000 for the Basketball & Before School Programs. The Library is right on track at 60%, as is Beaver Park also at 60%.

Mrs. Maloy said the report for November shows the total expenditures for the month were \$398,763. Of this 64%, or \$255,000, was related to Personnel Services, including wages & benefits. Contractual Services made up approximately 25% at \$100,000, primarily due to Winter Public Works of \$24,000, Waste Disposal Fees of \$23,000, Legal Expenses of \$13,000 and Town Building expenses of \$11,000 where we pay for heating oil, electricity and telephone. Contractual Services also includes just under \$7,000 for costs associated with the November Election under Town Clerk, Registry of Deeds payment for the 2010/2011 Tax Liens of \$3,000 and Service agreement payments with Harris Computers for \$2,000 under technology. Repair & Maintenance/Supplies made up 12% of November's Total Expenditures at \$46,000, primarily due to gas/fuel purchases. Lastly, Capital Purchases made up 4% at \$15,000, primarily due to the MTM Roof Payments.

Mrs. Maloy said as of November 30<sup>th</sup> we have collected 97% or \$4.6 million of the September portion of the tax commitment. As of November 30<sup>th</sup> we have collected 48% or \$4.6 million of the total tax commitment. This is slightly below last year where we were 50% collected at this time.

### **B. WESTERN MAINE TRANSPORTATION - LISBON CONNECTION**

Councilor Larochelle thanked the group of citizens involved with the bus situation for politely addressing the issue. He assured the group that everyone is working hard to find a resolution.

Mr. Eldridge said he was hopeful about the money Senator Michaud and Senator Collins may have found for us, however, he understood the Governor would have to write a letter requesting that the funds go to AVCOG, so our local representative is working on that for us.

Mr. Eldridge said Superintendent Green indicated he may be able to operate a 22 passenger van 12 hours a day, which would cost around \$67,000 for a driver, benefits, and operational expenses per year to accomplish. This would be beneficial to both groups (residents and the School Department), he said. We are pushing very hard to continue this service.

Councilor Larochelle said it doesn't hurt to have other people calling so write letters, send emails, and call. He indicated that we can not guarantee the service will continue right now, but we are not giving up.

### C. TOWN MANAGER'S REPORT

Mr. Eldridge talked about the dispatch discussions, summary of AVCOG's audit, and thanked Judy Hardy-Goddard and all her little elves, the volunteers, the staff at the Town Office who volunteered as well. He said some employees even spent time after hours helping and shopping. He said he was astounded by the number of gifts received to wrap and distribute. Gifts filled the Council Chambers, and then overflowed into the conference room next door and even into the Police Department's conference room. Everyone did a great job. There is definitely a Christmas spirit within their hearts.

### **APPOINTMENTS**

#### VOTER REGISTRAR

**VOTE (2011-222)** Councilor Lunt, seconded by Councilor Mason moved to appoint Twila Lycette, Registrar of Voters. **Order passed - Vote 5-0.**

### **COUNCILOR COMMUNICATIONS**

Councilor Bickford wished everyone a Merry Christmas and a Happy New Year.

Councilor Lunt thanked everyone for all their hard work on the Zoning Ordinances and map. It's taken a long time to get through it, we were working on it when I was on the Planning Board, and said how nice it was to receive such a nice package to approve.

### **EXECUTIVE SESSION**

Mr. Eldridge said the executive session for the Sergeants Unit needs to be moved to another agenda, we are not ready to discuss this tonight.

### **ADJOURNMENT**

**VOTE (2011-224)** Councilor Bickford, seconded by Councilor Mason moved to adjourn at 8:08 PM. **Order passed - Vote 5-0.**

### **COUNCIL WORKSHOP**

#### COUNCIL ORIENTATION

The Chairman, Fern Larochelle, called the meeting back to order at 8:17 PM. Mr. Eldridge said Attorney Therriault is here tonight to go over a few items very quickly with the Council.

Mr. Therriault pointed out that new Councilors have 120 days to complete the online Freedom of Information Certification.

Mr. Therriault addressed executive session and the Freedom of Access Law. He said the public's business should be done in public, but there are exceptions as listed in the statutes for the following reasons: 1) to protect private individual rights, 2) when it involves other entities and some degree of privacy is appropriate, 3) personnel where there is a potential damaging situation that needs to be kept private, for instance, performance, interviews, resumes, 4) the disposal or acquisition of real or personal property because it involves negotiation strategies, positions, and 4) legal matters such as labor contracts, litigation, settlement, and/or code enforcement issues, involving strategies or positions that need to be kept private while trying to resolve the matter.

Mr. Therriault stressed the ability to keep confidential information confidential, which means it has to stay in executive session; this is absolutely essential folks, he said. If you are talking to one another individually be sure you are not talking where you could be overheard by anyone. He indicated executive session materials and notes taken in executive session were confidential and not for public inspection.

Mr. Therriault said it takes a 3/5<sup>th</sup> majority vote of those present and voting to go into executive session. He said while discussing budgets, the Council would refer to positions, for instance, what the position does for us, do we need it, and can we do it some other way. Those discussions should not be related to job performance. It could include, for instance, can we do this job by reshuffling, restructuring, reorganizing things in a different way, in terms of service.

Mr. Therriault discussed the Tort Claims Act and how it originated. It mainly affects municipalities in terms of buildings, maintenance, and what goes on around them, plus vehicles, and includes sudden and accidental discharge. The town purchases liability insurance through MEMIC for items the town is not immune to, he said. These law suits are filed with the Town Clerk, who accepts service and notifies the Town Attorney, Town Manager, and MEMCI instead of MMA now.

Councilor Larochelle said there are a number of items to discuss regarding charter changes for adopting the budget. Mr. Therriault suggested the earliest this might be ready would be November 2012.

The Property Management, Fireworks, and Marijuana Ordinances will be moved to a future workshop for discussion.

Seeing no further business, the Chairman adjourned the meeting at 9:07 PM.

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

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