



TOWN COUNCIL MEETING MINUTES JUNE 21, 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, Mason, Larochelle, Cote, Lunt, and Bickford. Councilor Pomelow was excused. Also present were Stephen Eldridge, Town Manager; Jessica Maloy, Finance Director; David Brooks, Police Chief; Budget Advisory Board Members Dorothy Fitzgerald, John Wiersbicki, Donald Fellows, and Debbie Berry; and approximately ten citizens in the audience.

PUBLIC HEARING - NONE

CONSENT AGENDA

VOTE (2011-110) Councilor Larochelle, seconded by Councilor Bowie moved to approve to approve the off premise catering permit for the Slovak Catholic Association. **Order passed - Vote 6-0.**

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

COUNCIL WORKING RULES

VOTE (2011-111) Councilor Bowie, seconded by Councilor Larochelle moved to adopt the new Council Rules as written (*see attached*).

Councilor Cote said I feel that the changing of the working rules is a form of censorship. The reason that they are changing the working rules is because they feel that we can't get anything accomplished if people keep bringing up issues in town about things that aren't necessarily done in the way that they feel should be done. I feel that changing the working rules is nothing more than censorship and censorship goes against the Constitution of the United States. Each Councilor took an oath to uphold the Constitution of the United States. As far as I'm concerned, this goes against it. We have to be open to the people of this community regardless of whether anybody likes it or not.

Councilor Lunt said I think there certainly is no argument here that we are having trouble moving our meetings along in a timely fashion. I would like to offer allowing one minute per person with only one time to speak on an item as a compromise, which would allow people to speak if they have something to say on an item, but would not allow people to dominate the floor for a long time.

Councilor Larochelle said one thing we discussed in our workshop was the idea of allowing the public an opportunity to speak still and providing them with the information ahead of time going forward. I think the word censorship is a little harsh, because I think we are still allowing them to have the same options and freedoms that they had before, it just rearranges the meeting so we can do it in a more productive way. My second was to go along with the meeting rules as written. It's a change that we can try and if it doesn't work we can come back and work it out.

Councilor Cote said I certainly disagree with you. I think that this is just an attempt to keep people from speaking about what they want to speak about and limiting it to only what's on the agenda. When we have a Council meeting, we are here to answer to the people whether or not it is on our agenda. This document would change that and I disagree with it.

Councilor Larochelle said I believe that we did change it so that anything could be addressed under audience participation, again, at that meeting I think Councilor Bowie made a valid point last time that initial communication from the public could be on anything, it doesn't actually have to be on the items on the agenda.

Councilor Cote said the problem is that they cannot discuss anything that comes up during the meeting. The people sitting in the audience should be allowed to address issues that we are discussing in the Council meeting. Doing it beforehand completely cuts them out of any discussion that comes up before the Council. I don't think that this is the correct way to do business.

AUDIENCE PARTICIPATION:

Larry Fillmore said under number (2) Deadlines, I would like to see added in there "and posted on the website" so that the people of Lisbon will know what is going on and will have a few days to research the items so they can talk intelligently at these meetings. What I'm saying is if we are going to post the agenda on Friday's, then they should be able to post the handouts and the documents to go with it so we all have a chance to review them.

Mr. Fillmore said the next item is under number (3) Consent Agendas. I don't understand what has been changed there because it says currently all items appear to be questionable as to whether the item requires debate as every item is left open for the public to comment on. I don't get that.

Councilor Lunt said I think that's a comment from Lori that didn't get edited out. Mr. Fillmore said I don't think that comment should be in there if you are voting on it.

Mr. Fillmore said then on page 4 (5) Actions on Agenda Items (d)...address the council regarding this particular agenda item, during the designated Public Hearing time or during the designated Audience Participation time. The Audience Participation time is for new items that are not on the agenda. We need to confine our comments to the items that are on the agenda when you are discussing them, not wandering off into another world. That's why we have Audience Participation. That line is totally unnecessary, as is (e) where you have the same thing. I don't understand why we are doing that. If we have Audience Participation, and if you want to move it to the front, that's fine with me. I've got no issues with where we talk. What I'm saying is, we all still have a comment on these items that come up before the Council. I don't understand what the purpose is.

Mr. Fillmore said the other thing is there would be no need for us to speak, none whatsoever, if we have all the facts, but we don't always get all the facts. That's where I think we're having the problem moving meetings along. If you present the facts, they'll speak for themselves, and you can come to a good sound conclusion.

VOTE (2011-111a) Councilor Lunt, seconded by Councilor Bickford moved an amendment to remove the notes in parenthesis in number (2) Deadline and number (3) Consent Agenda. **Order passed (amendment) - Vote 6-0.**

The Town Clerk said the main motion as amended is still on the floor to accept it as written with those two items removed.

Order passed (main motion as amended) - Vote 5-1 (Against: Cote)

Councilor Lunt said if it doesn't work, we'll come back and make some more changes to it.

MAINE ASSOCIATION OF POLICE (MAP) UNION CONTRACT

VOTE (2011-112) Councilor Bickford, seconded by Councilor Mason moved to approve the current year contract that ends June 30, 2011.

PUBLIC COMMENT: None.

Order passed - Vote 5-1 (Against: Cote).

CARRY FORWARD & TRANSFERS

VOTE (2011-113) Councilor Larochelle, seconded by Councilor Mason moved to approve the potential Transfers and Carry Forwards to be followed up at a later date for the following departments:

Transfers:

- Town Manager
- Legal
- Planning Board
- Overlay
- Police
- Fire
- Town Engineer
- Winter Public Works
- Abatements

Carry Forwards:

- Park Revenue
- Town Buildings
- Economic Development
- Town Clerk
- Police
- Fire
- Town Engineer
- Parks Department
- Recreation Department
- General Assistance
- Bond Issues

PUBLIC COMMENT: None.

Order passed - Vote 6-0.

2011-2012 MUNICIPAL BUDGET ADOPTION

ELECTED OFFICIALS (01-100)

Councilor Bowie, seconded by Councilor Larochelle moved the following:

Line 5100 for Personnel Services	\$ 27,930
Line 5200 for Contractual Services	<u>\$ 4,600</u>
Total for the Elected Officials Budget	\$ 32,530

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Lunt, Mason. Nays - Cote. Order passed 5-1.

TOWN MANAGER (01-105)

Councilor Larochelle, seconded by Councilor Mason moved the following:

Line 5100 for Personnel Services	\$126,005
Line 5200 for Contractual Services	\$ 21,750
Line 5300 for R/M & Operating Supplies	<u>\$ 700</u>

Total Town Manager's Budget	\$148,455
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Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Lunt, Mason. Nays - Cote. Order passed 5-1.

CONTINGENCY (01-110)

Councilor Bowie, seconded by Councilor Mason moved the following:

Line 5200 for Contractual Services	<u>\$ 10,000</u>
Total Contingency Budget	\$ 10,000

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None. Order passed 6-0.

INSURANCE (01-115)

Councilor Larochelle, seconded by Councilor Bowie moved the following:

Line 5100 for Personnel Services	\$617,673
Line 5200 for Contractual Services	<u>\$ 71,454</u>
Total Insurance Budget	\$689,127

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None. Order passed 6-0.

LEGAL (01-120)

Councilor Mason, seconded by Councilor Larochelle moved the following:

Line 5200 for Contractual Services	<u>\$ 34,000</u>
Total Legal Budget	\$ 34,000

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Lunt, Mason. Nays - Cote. Order passed 5-1.

RETIREMENT (01-125)

Councilor Bowie, seconded by Councilor Larochelle moved the following:

Line 5100 for Personnel Services	<u>\$ 66,400</u>
Total Retirement Budget	\$ 66,400

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None. Order passed 6-0.

SOCIAL SECURITY (01-130)

Councilor Bowie, seconded by Councilor Mason moved the following:

Line 5100 for Personnel Services	<u>\$207,000</u>
Total Social Security Budget	\$207,000

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None. Order passed 6-0.

TECHNOLOGY (01-135)

Councilor Larochelle, seconded by Councilor Mason moved the following:

Line 5100 for Personnel Services	\$ 1,500
Line 5200 for Contractual Services	\$ 75,000
Line 5300 for R/M & Operating Supplies	\$ 3,000
Line 5400 for Capital Purchases for	<u>\$ 25,000</u>
Total Technology Budget	\$104,500

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

TOWN BUILDINGS (01-140)

Councilor Bowie, seconded by Councilor Mason moved the following:

Line 5100 for Personnel Services	\$ 10,350
Line 5200 for Contractual Services	\$182,525
Line 5300 for R/M & Operating Supplies	\$ 47,000
Line 5400 for Capital Purchases	<u>\$ 50,000</u>
Total Town Buildings Budget	\$289,875

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

ASSESSING/CODES (01-145)

Councilor Larochelle, seconded by Councilor Bowie moved the following:

Line 5100 for Personnel Services	\$ 80,990
Line 5200 for Contractual Services	\$ 83,400
Line 5300 for R/M & Operating Supplies	<u>\$ 600</u>
Total Assessing/Codes Budget	\$164,990

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

BOARD OF APPEALS (01-146)

Councilor Bowie, seconded by Councilor Bickford moved the following:

Line 5100 for Personnel Services	\$ 1,450
Line 5200 for Contractual Services	\$ 200
Line 5300 for R/M & Operating Supplies	<u>\$ 50</u>
Total Board of Appeals Budget	\$ 1,700

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

PLANNING BOARD (01-147)

Councilor Larochelle, seconded by Councilor Bowie moved the following:

Line 5100 for Personnel Services	\$ 3,300
Line 5200 for Contractual Services	\$ 2,450
Line 5300 for R/M & Operating Supplies	<u>\$ 50</u>
Total Planning Board Budget	\$ 5,800

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.

CODE ENFORCEMENT (01-148)

Councilor Bowie, seconded by Councilor Bickford moved the following:

Line 5100 for Personnel Services	\$ 38,987
Line 5200 for Contractual Services	\$ 50
Line 5300 for R/M & Operating Supplies	<u>\$ 500</u>
Total Code Enforcement Budget	\$ 39,537

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.

FINANCE DEPARTMENT (01-155)

Councilor Larochelle, seconded by Councilor Mason moved the following:

Line 5100 for Personnel Services	\$104,230
Line 5200 for Contractual Services	\$ 2,500
Line 5300 for R/M & Operating Supplies	<u>\$ 4,650</u>
Total Finance Department Budget	\$111,380

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Lunt, Mason. Nays - Cote.
Order passed 5-1.

TAX COLLECTOR (01-160)

Councilor Mason, seconded by Councilor Larochelle moved the following:

Line 5100 for Personnel Services	\$ 99,895
Line 5200 for Contractual Services for	\$ 15,500
Line 5300 for R/M & Operating Supplies	<u>\$ 3,500</u>
Total Tax Collector Budget	\$118,895

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Lunt, Mason. Nays - Cote.
Order passed 5-1.

TOWN CLERK/ELECTIONS (01-165)

Councilor Bowie, seconded by Councilor Bickford moved the following:

Line 5100 for Personnel Services	\$ 86,230
Line 5200 for Contractual Services	\$ 16,730
Line 5300 for R/M & Operating Supplies	\$ 4,200
Line 5400 for Capital Purchases	<u>\$ 3,000</u>
Total Town Clerk/Election Budget	\$110,160

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochele, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

POLICE DEPARTMENT (02-200)

Councilor Mason, seconded by Councilor Larochele moved the following:

Line 5100 for Personnel Services	\$815,981
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**Vote By Roll Call: Yeas - Bickford, Larochele, Cote, Lunt, Mason. Nays - None.
Abstained - Bowie. Order passed 4-1-1.**

Councilor Larochele, seconded by Councilor Bickford moved the following:

Line 5100 for Personnel Services (as above)	\$ 815,980
Line 5200 for Contractual Services	\$ 9,559
Line 5300 for R/M & Operating Supplies	\$ 70,655
Line 5400 for Capital Purchases	\$ 16,994
Line 5500 for Lease Purchases	<u>\$ 13,857</u>
Total Police Department Budget	\$927,045

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochele, Lunt, Mason. Nays - Cote.
Order passed 5-1.**

ANIMAL CONTROL (02-201)

Councilor Mason, seconded by Councilor Bickford moved the following:

Line 5100 for Personnel Services	\$ 56,275
Line 5200 for Contractual Services	\$ 6,750
Line 5300 for R/M & Operating Supplies	\$ 6,450
Line 5400 for Capital Purchases	<u>\$ 500</u>
Total Animal Control Budget	\$ 69,975

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochele, Lunt, Mason. Nays - Cote.
Order passed 5-1.**

POLICE DEPARTMENT COMMUNICATIONS (02-202)

Councilor Larochele, seconded by Councilor Bowie moved the following:

Budget Line 5100 Personnel Services	<u>\$187,596</u>
Total PD Communications Budget	\$187,596

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochele, Lunt, Mason. Nays - Cote.
Order passed 5-1.**

FIRE DEPARTMENT (02-205)

Councilor Mason, seconded by Councilor Larochele moved the following:

Line 5100 for Personnel Services	\$194,661
Line 5200 for Contractual Services	\$ 2,000

Line 5300 for R/M & Operating Supplies	\$ 51,500
Line 5400 for Capital Purchases	<u>\$ 79,959</u>
Total Fire Department Budget	\$328,120

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Lunt, Mason. Nays - Cote.
Order passed 5-1.**

TOWN ENGINEER (03-300)

Councilor Larochelle, seconded by Councilor Bowie moved the following:

Line 5100 for Personnel Services	\$ 19,215
Line 5200 for Contractual Services	\$ 2,500
Line 5300 for R/M & Operating Supplies	<u>\$ 300</u>
Total Town Engineer Budget	\$ 22,015

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Lunt, Mason. Nays - Cote.
Order passed 5-1.**

PUBLIC WORKS (03-305)

Councilor Bowie, seconded by Councilor Bickford moved the following:

Line 5100 for Personnel Services	\$417,080
Line 5200 for Contractual Services	\$ 6,000
Line 5300 for R/M & Operating Supplies	\$201,450
Line 5400 for Capital Purchases	\$ 24,000
Line 5500 for Lease Purchases for	<u>\$ 79,750</u>
Total Public Work Budget	\$728,280

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Mason. Nays - Lunt and Cote.
Order passed 4-2.**

WINTER - PUBLIC WORKS (03-306)

Councilor Larochelle, seconded by Councilor Bowie moved the following:

Line 5100 for Personnel Services	\$ 59,360
Line 5300 for R/M & Operating Supplies	<u>\$ 92,000</u>
Total Winter Public Work's Budget	\$151,360

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Mason. Nays - Lunt and Cote.
Order passed 4-2.**

SOLID WASTE (03-310)

Councilor Bowie, seconded by Councilor Bickford moved the following:

Line 5100 for Personnel Services	\$131,094
Line 5200 for Contractual Services	\$305,900
Line 5300 for R/M & Operating Supplies	\$ 36,350
Line 5400 for Capital Purchases	\$ 2,500
Line 5500 for Lease Purchases	<u>\$ 14,800</u>
Total Solid Waste Budget	\$490,644

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochele, Lunt, Mason. Nays - Cote.
Order passed 5-1.**

HYDRANT RENTAL (03-315)

Councilor Larochele, seconded by Councilor Bickford moved the following:

Line 5200 for Contractual Services	<u>\$292,000</u>
Total Hydrant Rental Budget	\$292,000

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochele, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

STREET & TRAFFIC LIGHTS (03-320)

Councilor Bowie, seconded by Councilor Larochele moved the following:

Line 5200 for Contractual Services	\$ 81,000
Line 5300 for R/M & Operating Supplies	<u>\$ 3,000</u>
Total Street & Traffic Lights Budget	\$ 84,000

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochele, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

PARKS DEPARTMENT (04-400)

Councilor Bickford, seconded by Councilor Mason moved the following:

Line 5100 for Personnel Services	\$ 38,558
Line 5200 for Contractual Services	\$ 600
Line 5300 for R/M & Operating Supplies	<u>\$ 5,375</u>
Total Parks Budget	\$ 44,533

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochele, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

CONSERVATION COMMISSION (04-401)

Councilor Bowie, seconded by Councilor Larochele moved the following:

Line 5100 for Personnel Services	\$ 250
Line 5200 for Contractual Services	\$ 250
Line 5300 for R/M & Operating Supplies	<u>\$ 75</u>
Total Conservation Commission Budget	\$ 575

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochele, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

RECREATION DEPARTMENT (04-405)

Councilor Larochele, seconded by Councilor Bickford moved the following:

Line 5100 for Personnel Services for	\$123,042
Line 5200 for Contractual Services for	\$ 8,200
Line 5300 for R/M & Operating Supplies	<u>\$ 24,475</u>

Total Recreation Budget **\$155,717**

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

LIBRARY DEPARTMENT (04-410)

Councilor Bowie, seconded by Councilor Mason moved the following:

Line 5100 for Personnel Services	\$117,387
Line 5200 for Contractual Services	\$ 4,198
Line 5300 for R/M & Operating Supplies	<u>\$ 37,113</u>
Total Library Budget	\$158,698

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

HEALTH OFFICER (04-415)

Councilor Bowie, seconded by Councilor Bickford moved the following:

Line 5100 for Personnel Services	\$ 9,889
Line 5300 for R/M & Operating Supplies	<u>\$ 550</u>
Total Health Officer Budget	\$ 10,439

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

COMMUNITY SERVICE (04-420)

Councilor Mason, seconded by Councilor Bowie moved the following:

Line 5100 for Personnel Services	\$ 2,700
Line 5200 for Contractual Services	<u>\$ 26,000</u>
Total Community Service Budget	\$ 28,700

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

MISCELLANEOUS PUBLIC SERVICES (04-425)

Councilor Larochelle, seconded by Councilor Bickford moved the following:

Line 5200 Contractual Services	<u>\$ 12,500</u>
Total Misc Public Service Budget	\$ 12,500

**Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.**

GENERAL ASSISTANCE (05-500)

Councilor Bowie, seconded by Councilor Mason moved the following:

Line 5200 for Contractual Services	\$ 30,850
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Line 5300 for R/M & Operating Supplies	<u>\$ 300</u>
Total General Assistance Budget	\$ 31,150

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.

COUNTY TAX (06-600)

Councilor Larochelle, seconded by Councilor Bickford moved the following:

Line 5200 for Contractual Services	<u>\$574,198</u>
Total County Tax Budget	\$574,198

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.

ABATEMENTS

Councilor Bowie, seconded by Councilor Bickford moved the following:

Line 5200 for Contractual Services	<u>\$ 10,000</u>
Total Abatements Budget	\$ 10,000

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.

DEBT SERVICE

Councilor Bowie, seconded by Councilor Bickford moved the following:

Line 5500 Lease Purchase	<u>\$492,126</u>
Total Debt Service Budget	\$492,126

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Cote, Lunt, Mason. Nays - None.
Order passed 6-0.

2011-2012 MUNICIPAL BUDGET RESOLUTION

VOTE (2010-123) Councilor Larochelle, seconded by Councilor Bickford moved to adopt the following:

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LISBON AS FOLLOWS:

That the Municipal Budget for the Town of Lisbon for the fiscal year commencing on July 1, 2011 and ending on June 30, 2012 be and hereby is adopted with a total expenditure of **\$6,934,020** balanced with a total of \$2,803,490 in estimated revenue. A summary of appropriations is attached to this Resolution as Exhibit A (*see attached*). A summary of estimated revenue is attached to this Resolution as Exhibit B (*see attached*).

Vote By Roll Call: Yeas - Bickford, Bowie, Larochelle, Lunt, Mason. Nays - Cote.
Order passed 5-1.

ECONOMIC DEVELOPMENT (07-700)

Councilor Larochelle, seconded by Councilor Bowie moved the following:

Line 5100 for Personnel Services	\$ 89,757
Line 5200 for Contractual Services	\$ 15,450
Line 5300 for R/M & Operating Supplies	<u>\$ 3,950</u>
Total Economic Development Budget	\$109,157

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

OTHER BUSINESS

A. FINANCE DIRECTOR'S REPORT

Revenues

Mrs. Maloy said Excise Tax is approximately 88% collected. Last year for the month of May we took in \$120K in Excise Tax. This year we've taken in \$139,000 for the month. Compared to last year at this time, we've taken in \$13,000 more year to date. In order to meet our current budget we would have to bring in \$143,000 in the month of June, which is slightly above our 5 year average for that month of \$141,000.

Mrs. Maloy said State Revenue sharing is 92% collected with another \$86,000 that came in during May. To achieve our budget of \$750,000, we would need to bring in \$60,000 for the month of June, which is not unattainable. The month of May brought in another \$103,000 for BETE Reimbursement and \$25,000 for the Urban Rural Incentive Program (which is approximately \$11,000 undercollected); as you will see these reflected in the year to date column, she said, when you review your June financial package.

Mrs. Maloy said Public Safety Revenues will be trued up and more in line with the budget, after year-end as we bill the appropriate towns for the actual expenses incurred once those are finalized. The Transfer Station brought in another \$7,000 for the month of May. We are now 90% collected with a year to date total of \$113,000. We should be right on budget for these revenues at Year End, she said.

Mrs. Maloy pointed out that we are over 125% collected on our parks and recreation revenue. The month of May brought in another \$1,000 in the Before/After School Care programs through the Recreation Department as well as \$1,020 in Beaver Park Fees, primarily due to the fishing derby. As of May 31st, we were 95% collected on our total tax commitment for the year, which is right about where we were at that point last year. She said as a final reminder to the remaining citizens who have not paid their taxes as of yet, interest will be applied to their account after June 30th.

Expenses

Mrs. Maloy said looking at the Expense side, we will be overdrafted in some capacity due to legal fees, MTM Roof Repairs, Well Contamination & Winter Sand/Salt purchases as well as some other minor areas; these for the most part, will be offset by underexpenditures in other areas. As discussed earlier I see no reason to believe we wouldn't carry at least \$130,000 to surplus, she said. Other than that, she indicated, that everything else looks to be right on track to where we should be at this stage in the year.

B. TOWN MANAGER'S REPORT

Mr. Eldridge said K&K Construction is expected to finish the Upland Road project on time. He mentioned that since the budget was done, the Council would be working on goal setting and indicated that charter amendments would be back on the table. He mentioned that meetings on the Wellhead ordinance had taken place with Ferg Lea and Ken Gray. He introduced Ken Gray from Maine Electronics.

Mr. Potvin said he did not feel confident that he personally had the expertise to review remedial activities. He indicated that the Town Engineer and Water Department would be better suited to review them.

Mr. Gray said he objected to note #14 in the proposed Wellhead ordinance explaining that clean up procedures such as these remedial activities really should not need to go through the Planning Board and questioned whether these remedial activities should go through the Town Engineer or another review process even since they have to go through the DEP. He questioned why this review process, when no comments have been made on any of their previous licenses.

Councilor Bowie said we need to make sure that we are following the rules and that we are in line with the all the laws and regulations, and that they are being adhered to.

Roger Therriault asked what direction the Council wanted to go in.

- 1) Does Lisbon want to require the full Planning Board process with no exceptions
- 2) To not regulate the remedial activities at all, or
- 3) Regulate under certain circumstances, where there is no effect to surrounding properties they should not have to go to the Planning Board for the full process.

A straw poll vote indicated that all Councilors present liked option three. Mr. Eldridge offered one final amendment that remedial activities be resolved jointly as approved by the Town Engineer and the Water Department. No objections were noted from the Council.

AUDIENCE PARTICIPATION

Larry Fillmore said he was concerned about the digging going on in the area and the delayed approval of the Wellhead ordinance.

Mr. Fillmore requested that handouts and documents be posted on the website for the public to review prior to the Council meeting.

Dorothy Fitzgerald pointed out that Frank Anicetti has available the official Moxie T-Shirts for this year at his store. She objected to the Council approving the budget "cart-blanche" with the economy being "not good."

Mrs. Fitzgerald said the Green Thumb Gang needs more money for the gardens.

APPOINTMENTS

VOTER REGISTRATION APPEALS BOARD CHAIRMAN CONFIRMATION

VOTE (2011-115) Councilor Bowie, seconded by Councilor Larochelle moved to confirm the appointment of Lisa Ward to the Voter Registration Appeals Board.

PUBLIC COMMENTS: None.

Order passed 6-0.

SEALER OF WEIGHTS & MEASURES

VOTE (2011-116) Councilor Bowie, seconded by Councilor Larochelle moved to appoint Louis E. Levesque to a four-year term as Sealer of Weights and Measures.

PUBLIC COMMENTS: None.

Order passed 6-0.

APPOINTMENT TO THE AVCOG EXECUTIVE COMMITTEE

VOTE (2011-117) Councilor Larochelle, seconded by Councilor Bickford moved to appoint Mark Lunt to the Androscoggin Valley Council of Government's Executive Committee.

PUBLIC COMMENTS: None.

Order passed 5-0-1. (Abstained: Lunt)

COUNCILOR COMMUNICATIONS

Councilor Mason indicated that the Moxie Committee has worked very hard this year, that the electrical problems have been resolved, and that there is still room for more vendors or to get into the parade.

Councilor Larochelle said he was glad the budget passed and thanked everyone. He pointed out that they had actually worked really hard on this. He said every year we keep reducing the budget, but that option may be running out. He said consolidation is where we can save money.

Councilor Larochelle said Mr. Kelly over at the Dragon Pit recently held an open public meeting that the Water Department attended. He indicated an engineering firm had engineered the work going on over there, that they plan to end up with more dirt over the aquifer than when they started, that they are in compliance with the proposed ordinance, and that the Water Department appeared happy with the discussion that took place at that meeting.

EXECUTIVE SESSION

ACQUISITION OF REAL PROPERTY

VOTE (2011-118) Councilor Larochelle, seconded by Councilor Bowie moved to go into executive session per 1 MRSA Section 405 (6) (C) & (E) acquisition of real property & consultations with legal counsel at 9:30 PM. **Order passed 6-0.**

The Council Secretary was dismissed. The Council came back from executive session and moved into regular session at 9:40 PM.

ADJOURNMENT

VOTE (2011-119) Councilor Larochelle, seconded by Councilor Cote moved to adjourn at 9:40 PM.

Respectfully Submitted,

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

Sec. 74-201. Working rules for town council.

(a) *Purpose.* The purpose of these rules is to establish procedures for the conduct of town business before the council, pursuant to the authority of council under Section 2.06(B) of the Charter.

(b) *Effective date/adoption/amendment.*

(1) *Effective date.* These rules shall be effective for the council year that runs from the organizational meeting on the first Tuesday after the first Monday in December to the next organizational meeting in the ensuing year. Should the council fail to adopt working rules at its organizational meeting, then the rules for the previous year shall remain in full force and effect.

(2) *Adoption.* The adoption of these working rules, or any amendment thereof, shall require four affirmative votes.

(3) *Amendment.* These working rules may be amended at any regular or special meeting of the town council. Any amendment proposed for these working rules shall be submitted in writing and shall be included in the agenda package for the meeting at which the amendment is to be considered.

(c) *Agenda.*

(1) *Development.* The development of agendas for meetings of the Lisbon Town Council shall be in accordance with Section 2.04 of the Charter.

(2) *Deadline.* For regular and special meetings of the council held at the designated time and place, all agenda items shall be provided to the manager's office by close of business on the Thursday prior to the regular Tuesday meeting.

Agenda shall be provided to the council on Friday by the close of business. Changes to the agenda should be kept to a minimum. (This section should be more specific to include what types of changes are acceptable OR what changes are to be allowed.)

For special meetings not scheduled at the regular Tuesday meeting time, then the agenda items shall be provided by the town manager's office at least 48 hours before the scheduled time and date of the meeting. When an emergency meeting is called, the agenda items shall be provided as much in advance as possible in advance of the meeting, but may be presented at the meeting itself if circumstances so require.

(3) *Consent agenda.* Those items which in the opinion of the chair are considered routine matters not requiring debate, may be included on the agenda as a consent item. (Currently, all items appear to be questionable as to whether "the item requires debate" as every item is left open for the public to comment on.) If so designated, it shall be listed on the agenda under "consent agent". Any councilor wishing to have any item so listed, removed from the consent agenda, shall have the unlimited right to do so at any time prior to the vote by council on the consent agenda. If such an item is removed from the consent agenda, it shall be considered as the next item of business after the consent agenda. In the case of items included as consent items, the motion to approve the item shall be considered to have been adopted by the town council as part of its vote to approve the consent agenda.

(4) *Fiscal items.* If a proposal has a direct fiscal impact of \$10,000.00 or more and requires a council vote outside the annual budget process, the council may consider that proposal only after the finance department has provided the council with a written evaluation of the direct impact of the proposal on town revenues and expenditures during the current and following fiscal year. As used in this rule, "proposal" means a supplemental appropriation, a proposed contract or a

proposed grant. This rule does not preclude the council from considering a proposal's longer term impact on town revenues and expenditures.

(5) *Order of business.* All regular meetings of the town council shall transact their business in the following order:

- a. Call to order and pledge to flag
- b. Roll call
- c. Reading of meeting rules
- d. Public hearings
- e. Audience participation
- e. Consent agenda
- f. Council orders, resolutions and ordinances
- g. Other business
- i. Appointments
- j. Good news and recognition and oral communications (Councilor Communications)
- k. Executive session
- l. Adjournment

The town council shall have the right to change the agenda order and to take up any agenda item out of order.

(6) *Non-agenda items.* In the event that a councilor, the town manager, or town staff, wishes a matter to be considered at a council meeting, that has not been included on the agenda, then that matter in proper form shall be submitted to the town council as far in advance of the meeting as possible, but it may be presented at the meeting. The councilman, the manager or staff requesting that the matter be considered, shall explain the reason for necessity of consideration at that meeting. The council may vote to waive the rules to consider that item, and upon a majority vote of those councilors present, the items shall be considered for action by council.

(d) *Meetings.*

(1) *Generally.* Unless otherwise designated by the chair or by four members of council, and for good cause shown, meeting of the town council shall occur at the central meeting room in the town office building.

(2) *Meeting length.* All council meetings, workshops, or executive sessions shall be conducted, except in extraordinary circumstances, within 2 1/2 hours of the time the meeting is called to order. At regularly scheduled meetings, this will call for adjournment on or before 9:30 p.m. The council may, by waiving these rules, agree to extend the time for meetings if it is deemed appropriate.

(3) *Adjourned sessions.* Any session of the town council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.

(4) *Organizational meeting.* The council shall conduct an organizational meeting at 7:00 p.m. at its regular place of meeting, on the first Tuesday after the first Monday of December of each year. The meeting shall address the installation and oath of office of newly elected councilors, the election of a chair and vice chair, appropriate annual appointments as may be necessary, consideration and adoption of council working rules for the ensuing year, and such other organizational matters as may be deemed necessary and appropriate.

(5) *Regular meetings.* The town council shall hold its regular meetings at 7:00 p.m. on the first and third Tuesdays of each month. If that Tuesday falls on a holiday, then the meeting shall be

held on the next day. For good cause, the meeting date may be changed by the chair or by the vote of four councilors to another date and or time. If it is determined by the chair that there is no business to come before the town council, then he/she shall advise the town council accordingly and no meeting need be held.

(6) *Special meetings.* Special meeting shall be held upon the call of the chair or four or more members of the council in accordance with the provisions of Section 2.06 of the Charter. The same notice requirements for a regular meetings, shall pertain to the calling of a special meeting.

(7) *Emergency meetings.* Where circumstances justify and constitute a hazard to the health, safety and welfare of the inhabitants, that requires action by the town council, then an emergency meeting may be held. Notice shall be given in the best practical manner including telephonically. The press shall be given the same notice within the same time frame as the town councilors.

(e) *Conduct of meetings.*

(1) *Rules of procedure.* Meetings shall be conducted in accordance with "Roberts Rules of Order" except as otherwise provided herein or required by the Charter. (2) *Tabling motions.* Although tabling motions under Robert's Rules of Order are not designated as motions which are debatable, this council shall allow debate on a tabling motion. Any such debate, however, will be limited to the reasons for the tabling motions and shall not be a continuation of the merits of the motion or any amendments that may be offered to the motion.

(3) *Chair-presiding officer.*

a. *Presiding officer.* The chair shall be the presiding officer at all meetings and workshops of the Lisbon Town Council. In his/her absence, the vice chair shall assume the duties of presiding officer. If both the chair and the vice chair are absent, then those town council members present, if constituting a quorum, shall proceed to elect by majority vote of those present a chair pro tem to preside at that particular meeting. If the chair or vice chair appears at the meeting, then they shall assume the duties of presiding officer.

b. *Participation by presiding officer.* The presiding officer, whether the chair, vice chair or chair pro tem, shall have full and complete authority to fully participate in the meeting and all agenda items. Specifically, the presiding officer may move, second, declare by unanimous consent and debate from the chair subject only to those limitations of debate as are by these rules imposed on all council members, and shall not be deprived of any of the rights and privileges of a councilor by reason of acting as presiding officer.

(4) *Public comment.*

a. *General public comment.* During the time scheduled for public comment on the regular town council meeting agenda, members of the public who are residents and/or taxpayers of the Town of Lisbon or authorized representatives of such resident or taxpayer, or in the case of an organization, the authorized representative of that organization, may address the town council regarding items or issues that are on the agenda for that meeting.

b. *Public comment on agenda items.* After introduction of an agenda item, appropriate motions and time for explanation and council questions, the public shall be allowed to comment on that agenda item. During that period of time, the public comment shall address only the agenda item before council.

c. *Public comment generally.* Any individual wishing to address council, after being recognized by the chair, will move to the lectern to address council, and shall give his or her name and address before beginning any remarks. Comments shall be limited to the items on the agenda and to a time period of five minutes or less. No individual shall be permitted to address the council more than twice on any subject or agenda item. The purpose of public comment is for

the council to receive input from the general public on town matters. It is not intended, nor shall it be construed as an opportunity for debate and all public comments shall be conducted in accordance with the rules of decorum set forth in subsection (e)(7)c. of these rules. Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item or direct questions pertaining to any factual question presented by the agenda item. All such questions shall be directed through the chair. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or councilor, and this rule shall be liberally construed and strictly enforced. If, during time of public comment, a person seeks merely to reinforce a point made by another speaker, his or her remarks should simply note concurrence with the specific point.

(5) *Action on agenda items.* As each item on the agenda for any meeting is brought to the floor for discussion:

- a. The town clerk reads the agenda item and the action being requested of council.
- b. The sponsor of each item or, if there is no council sponsor, the town manager or town staff, shall first be allowed to present their initial comments for consideration by the public and other councilors.
- c. Following this introduction of the issue, there will be time devoted to any questions of the sponsor or the town manager or staff regarding the agenda item which any councilor may have which would help to clarify the question presented by the agenda item. The chair shall allow questions only during this time, and no debate or discussion of collateral issues shall be permitted.
- d. 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, during the designated Public Hearing time or during the designated Audience Participation time,.
- e. After listening to any input from the public present, the chair will close public comment on the issue and then provide for any debate of the issue among councilors.
- f. The chair may, if the topic warrants, allow a second period of public comment no longer than two minutes per person, prior to final council vote. Second comments by the public must be to furnish new or undisclosed information or viewpoints. 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 comment during Public Hearing and Audience Participation times, not after each and every agenda item.)

- (6) *Voting.*
- a. *Affirmative votes.* In accordance with the provisions of Section 2.06(C) of the Charter, four affirmative votes shall be required for the adoption of any item by the town council.
 - b. *Roll call votes.* Roll call votes where the vote of each individual councilor is solicited by the clerk, may be called for by the chair or by any individual member of the town council, with respect to any particular agenda item.
 - c. *Abstentions.* All council members recognize the duty of each councilor to represent their constituents by participating in voting on all items that come before council in the conduct of the town's business. Therefore, abstentions on particular items will only be permitted where there is an expressed conflict of interest or other serious matter that precludes the councilor from participating in a voting on that item. Where the councilor intends to abstain from participation and voting on a particular item, he shall advise the other councilors present as soon as that item is placed on the floor, of his intent not to participate and to abstain from voting, and the reasons

that the abstention is required. Once expressing the intent to abstain, the councilor shall have no further participation in that particular agenda items.

(7) *Decorum.* The chair shall preserve decorum and decide all questions of order and procedure subject to appeal to the town council.

a. *Council.* During the town council meetings, councilors shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupts the proceedings nor refuse to obey the order of the chair or the rules of the town council. Town councilors desiring to speak shall address the chair, and upon recognition by the chair, shall confine themselves to the question under debate and shall avoid all personalities and indecorous language. A councilor, once recognized, shall not be interrupted while speaking unless called to order by the chair, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a councilor is called to order while speaking, the town councilor shall cease speaking immediately until the question or order is determined. If ruled to be in order, the town councilor shall be permitted to proceed. If ruled to be not in order, the town councilor shall remain silent or shall alter the remarks so as to comply with rules of the town council. All members of the town council shall accord the utmost courtesy to each other, to town employees and to the public members appearing before the town council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Town councilors shall confine their questions as to the particular matters be for the assembly and in debate shall confine their remarks to issues before the town council. Members shall be removed from the meeting for failure to comply with decisions of the chair or for continued violations of the rules of the town council. If the chair fails to act, any member may move to require the chair to enforce the rules and the affirmative vote of the majority of the town council shall require the chair to act. b. *Staff.* Members of the administrative staff and employees of the town shall observe the same rules of procedure and decorum applicable to the members of the town council. While the chair shall have the authority to preserve decorum in meetings as far as staff members and town employees are concerned, the town manager shall also be responsible for the orderly conduct and decorum of all town employees under the town manager's direction and control. The town manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by town employees in town council meetings. Staff members or the town manager desiring to address the town council or members of the public shall be recognized by the chair, shall state their name for the record, and shall limit their remarks to the matter under discussion. All remarks and questions addressed to the town council shall be addressed to the town council as a whole and not to any individual member thereof. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the chair.

c. *Public.* **Public members attending town council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the town council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the town council or while attending the town council meeting may be removed from the premises if a police officer is so directed by the chair, and such person shall be barred from further audience before the town council for the duration of the meeting.** Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the chair, who may direct a police officer to remove such offenders from the premises. Aggravated cases shall be prosecuted on appropriate

complaint signed by the chair. In case the chair shall fail to act, any member of the town council may move to require the chair to act to enforce the rules, and the affirmative vote of the majority of the town council shall require the chair to act.

Public members desiring to address the town council shall be recognized by the chair, shall state their name and address in an audible tone for the record, and shall limit their remarks to the question under discussion. All remarks and questions addressed to the administration of the town shall be addressed to the town manager and not to any individual town employee. No person shall enter into any discussion either directly or indirectly or through a member of the town council without the permission of the chair.

(f) *Committees and appointments.* The council, from time to time, and where deemed necessary and appropriate to effectively and efficiently carry out the business of the town, may appoint such committees and make other individual appointments as may be required. Committees may be ad hoc or may be adopted as standing committees. Where the council elects to use an interview system, and receive recommendations from the interview panel, such recommendations shall be taken into consideration, but shall not be considered binding or requiring the appointment of a particular candidate.

(g) *Executive sessions.* All motions for executive sessions shall state the nature of matters to be dealt with, with specific statutory references to the particular subject matter. No topic(s) other than these referred to in the motion shall be discussed during executive session. All matters discussed during executive session shall be held in strictest confidence by councilors and shall not be discussed with or divulged to any person other than a fellow councilor or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending councilor to sanction by the council.

(h) *Workshops.*

(1) Workshop meetings shall be held when deemed appropriate and necessary.

(2) Workshop meetings should be focused on the councils' formulation of policy based upon general topic discussions of current issues or project orientated. They may also be held for the purpose of disseminating information for council enlightenment and evaluation or for the discussion or refinement of future agenda items.

(3) No binding vote shall be taken on any matter under discussion, but a non-binding vote on any matter under discussion may be taken.

(4) Citizens are welcome to attend workshops, however, citizens will not normally participate in workshop discussion unless invited to do so by the town manager and town council.

(i) *Conflicts.*

(1) *Financial interest.* A town councilor who has a financial interest in any contract with the town or in the sale, purchase or lease of any land, material, supplies or services to or from the town, shall disclose the interest and abstain from negotiating, voting upon or otherwise participating in decisions involving such contract, sale, purchase or lease, unless the contract, lease or sale is awarded through a competitive bidding process. Similarly, a councilor who has a financial interest in any matter for the town council, shall disclose the interest and abstain from voting on any matter involving the interest. A copy of the disclosure and the abstention shall be recorded with the town clerk. A councilor has a "financial interests" within the meaning of this section if the councilor owns at least a ten percent interest in the business or economic entity or ten percent or more of the stock of the corporation involved in the pending transaction or matter.

(2) *Relationship.* A town councilor is disqualified in any quasi-judicial matter before the town council, if the councilor is related to any of the parties within the sixth degree (second cousin). The councilor shall disclose the interest and abstain from voting unless all parties waive the disqualification in writing.

(3) *Appearance of conflict.* A town councilor shall avoid the appearance of a conflict of interest, whether there is a technical conflict or not, by disclosure of the facts underlying the potential conflict, and where appropriate, be abstaining from voting on the matter. If, after disclosure, the councilor believes the interest will affect the councilor's ability to make a fair and impartial decision faithful to the public interest, the councilor shall abstain from voting.

(4) *Participation.* An abstaining councilor may but need not remain in the town council chamber during debate or votes on that issue.” (5) *Judgment of qualifications.* If there is any doubt as to whether a councilor has a conflict of interest in any matter, the chair shall determine the qualification of the challenged member by the vote of council. The decision of the town council shall be final.

(j) *Anonymous communications.* Anonymous communications submitted to council, the town manager or staff, shall not be considered before council nor shall it be made a part of the record of council proceedings.

(k) *Waiver.* Any of the rules contained herein or any portion of any rule may be waived for the purpose of any meeting or any portion thereof, by a majority vote of the councilors present.

(Sel. Ord. of 6-15-04, § 5.012; C.M. of 8-1-2006, §§ 1--11; C.M. of 12-15-2009, V. 2009-183)
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