



**TOWN COUNCIL
MEETING MINUTES
MARCH 17, 2015**

Gregg Garrison, At Large 2015
Mark Lunt, District 1 2015
Dillon Pesce, District 2 2015
Christopher Brunelle, At Large 2016
Eric Metivier, District 1 2016
Roger Bickford, District 2, 2016
Dale Crafts, At Large 2017

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

ROLL CALL. Members present were Councilors Lunt, Bickford, Crafts, Pesce, Garrison, Brunelle, and Metivier. Also present were Diane Barnes, Town Manager; David Brooks, Police Chief; Ryan Leighton, Public Works Director; Dennis Douglass, CEO; Kathy Malloy, Assessor; Diane Nadeau, Librarian; Mark Stevens, Recreation Director; Verla Ridley, Parks Director; E. Charles Smith, Finance Committee; Larry Fillmore, Finance Committee; Traci Austin, School Committee Chair; Kathi Yergin, School Committee; Dan Stockford, Esquire, Town Attorney; Donald Fellows, Planning Board; Karen Paradis, Planning Board Chair; Scott Hall, Planning Board; totaling approximately 25 citizens in the audience.

GOOD NEWS & RECOGNITION - NONE

PUBLIC HEARING

A. NON-STORM WATER DISCHARGE ORDINANCE

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

B. POST-CONSTRUCTION STORM WATER MANAGEMENT

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

C. SECTION 47-4 STREET EXCAVATIONS AMENDMENT

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

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS

Donald Fellows said he respected the authority of the Town Council with regard to the School Budget and understood their role as Director of the Regional School Unit for the Town of Lisbon. He asked that his question regarding funding or not funding the additional local share be answered. The charter does not address whether or not the Council can increase or decrease the total for the additional local share, but noted that the Council does vote on 13 to 15 Articles when it approves the budget.

Dorothy Fitzgerald noticed that bids were ready to be accepted on town property. She indicated she had not seen the ads in the newspaper. She asked that Chief Brooks not use acronyms going forward because they were not easy to interpret.

Traci Austin asked if there would be a chance to ask questions after the town attorney's Budget Discussion presentation later. Councilor Pesce indicated public questions would not be taken at that time. Mrs. Austin asked that his presentation be clear and easily understandable.

David Bowie indicated he was the chair for the Charter Commission which wrote the charter. It was their intention to give the School Committee line item control. He said they gave the Council authority for overall say to the total budget amount.

Dean Willey said he could not tell in the 180 page budget whether the \$250,000 typically taken from undesignated surplus to fund the budget will be done again this year. He asked whether the \$75,000 in cable franchise fees that never came to fruition would mean a reduction in the current budget by that amount in spending.

Councilor Pesce reported that he saw the ad in the paper and the town had a copy on file. He indicated these properties had not been sold yet and is on the agenda for action tonight. He explained the \$250,000 from undesignated funds used to offset the budget and reduce the mil rate will be made up somewhere else. He commented the Town Manager would be monitoring the budget carefully to ensure we do not spend anymore than we have to. Councilor Pesce thanked Mr. Bowie for his input.

CONSENT AGENDA

VOTE (2015-63) Councilor Bickford, seconded by Councilor Garrison moved to approve the Mass Gathering Permit for the #1 Flea Market and the minutes of February 24 and March 3, 2015. **Order passed - Vote 7-0.**

COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

A. *BUDGET DISCUSSION WITH LEGAL COUNSEL U/OTHER BUSINESS*

Item taken up out of order

Mr. Stockford said when you are looking at the relative authority of the Council and the School Committee over the School Budget you need to look at both the charter and the provisions of state law that govern approval of budgets. The charter is very clear that the Council has the authority to approve the total amount of the School Budget and that the School Committee ultimately, based on what that budget amount is, can adopt amendments in the School Budget as necessary to absorb any decrease or expend any increase in the total amount of the budget approved by the Council. This indicates that the School Committee ultimately decides where the money is going to be spent or applied across the 11 different cost centers. He said the Council does not have ultimate authority to approve those cost centers. If you approve an amount that is less than what the School Committee proposed then it would go back to the School Committee who decides how to apportion those cost centers and then this apportionment would be posted at the polls at the Budget Validation Referendum.

Mr. Stockford said Maine law provides that when a municipal charter confers upon a Municipal Council authority to determine the total amount of the School Budget and confers on the School Committee authority to direct the expenditure of those funds for school purposes, which is exactly what the Lisbon charter does, then the Municipal Council determines the total amount of the School Budget to be submitted to referendum and the School Committee determines the allocation of the approved School Budget among the cost centers of the cost center budget summary formats. This confirms exactly what was just said that refers to the charter. Mr. Stockford said that means the Council has authority over the revenues and the School Committee has authority over the expenditures.

Mr. Stockford said as far as the Council's authority over the additional local funds article, there is three different revenue articles in the School Budget as well as the total budget article. Section 15-690 of Title 20-A makes very clear the Council, as the legislative body of the School Unit, have the authority to approve each of those articles and it must be done by a recorded vote. He said each of those articles the Council is required by law to vote on. In the end, the additional local funds article, where you exceed the maximum spending target as established by law, needs to be specific language authorizing that number to be exceeded and again it needs to be done by a recorded vote. This is very clear under state law that the Council has the authority and the need to adopt each of those articles in order for the budget to be enacted there needs to be a positive vote on each of those articles. He said to suggest the charter preempts that requirement, would not be the way

to interpret it. He said those requirements in state law are very clear and he did not believe the charter has authority to preempt the need to take a recorded vote on each of those articles.

Mr. Stockford said the bottom line is as the Council you can set the expectation for the School Committee as far as what you are prepared to prepared to authorize for purposes of additional local funds to be raised and request the School Committee to come back with a budget that falls within that and allows that amount of additional local funds to be raised. If the School Committee comes back with a different budget that requires the raising of local funds over and above what your expectation was then you have the decision to make, whether to approve the budget as proposed or should we reject it, or approve some different amount. This is your prerogative as the Council and ultimately anything that Council approves as far as the total School Budget needs voter approval at the Budget Validation Referendum. He said he did not dispute in any way that the School Committees has the authority to apportion the School Budget and determine how the money the Council authorizes to be raised is expended for school purposes. He explained that when you look at both the statute and the charter it is clear that the Council has the authority to determine what the total amount of the School Budget is including how much money you are going to raise for that budget.

Council Metivier confirmed that the School Committee could make their cuts from anywhere they want to. Mr. Stockford said yes, it is clear they decide where any cuts are to be made and how the dollars are going to be apportioned among the cost centers, which is their ultimate authority.

Councilor Lunt said in other words we are the ones who decide the size of the pie and the School is the one who decides how the pie is divided up. Councilor Metivier said so their hands are not tied and they can cut from anywhere they want in that budget. Mr. Stockford said exactly, that's their decision. He said from a policy perspective this makes a lot of sense.

Councilor Pesce said he had no interest in serving on the School Committee. He said Mr. Green portrayed that the Council was targeting a revenue line for the additional local funds and that any reduction would have to be made there because the Council set an expectation for what they were prepared to raise and it was going to have to come from certain line items that were not going to be from the full budget. Where the confusion comes from is that we are not targeting an expense line, we are targeting a revenue line; we are raising above and beyond what is required so we are not saying you need to cut \$50,000 from water, we are targeting a revenue line, which the Council is not restricted from doing. Mr. Stockford said correct.

Councilor Pesce said if the Council didn't target the additional local funds line, our only options to reduce the school budget are limited in a sense because then we would have to look to reduce the required local share and then we would get into problems with EPS. Mr. Stockford said correct. In order for the School Department to be eligible to receive state allocation for EPS the town needs to raise a certain dollar figure for the local share on EPS. He explained that if you are looking at revenues it doesn't make sense to cut the EPS line.

Councilor Pesce asked if the Council could vote on the additional local funds article one night and the rest another night. Mr. Stockford indicated that is a responsible thing to do if that is what you are prepared to approve towards the total budget. He recommend the Council take a vote that it is the expectation and request of the Council that the School Committee present a total budget amount that requires the raising of whatever amount of local funds the Council believes to be appropriate. This makes sense because it gives the School Committee a heads up in advance as to where you want to end up from an appropriations standpoint. The hope is that the budget process would go smoother because of that vote.

Councilor Pesce thanked Mr. Stockford for attending the meeting and for enlightening the Council and citizens on this issue.

FY 2013 HOMELAND SECURITY GRANT APPLICATION

Mr. Leighton indicated Lisbon received an email from the Androscoggin County Unified EMA Director informing us that supplemental funds were available from the FY 2013 Homeland Security Grant program. The total award was \$42,256.44 with \$29,156.94 allocated to 55 eligible entities; one included Lisbon Public Works. In order to receive a portion of the available funds we need to submit an eligible project and acknowledge we intend to apply those funds to that project. Because only 11 entities expressed an interest in applying we could obtain \$2,722.14 towards our project. He requested the Council give permission to

complete the application for these funds to be used to purchase eligible equipment, including emergency signs and portable radios.

VOTE (2015-64) Councilor Bickford, seconded by Councilor Garrison moved to grant the Public Works Director permission to submit a grant application through the Homeland Security Grant Program. **Order passed – Vote 7-0.**

ATRC PROJECTS

Mr. Leighton presented the project submittal forms previously submitted to the Androscoggin Transportation Resource Center to be considered for funding. As part of the process we are required to discuss these projects publicly and receive endorsement by the Town Council. He requested the Council endorse these projects so they may move forward through the process. He indicated the only roads eligible to receive funding through this process were Route 196, Route 125, Route 9, Upland Road, and Village Street. Right now the Council needs to endorse the Route 196/Village and Route 196 from Capital Avenue to Canal Street projects.

VOTE (2015-65) Councilor Bickford, seconded by Councilor Lunt moved to endorse the Route 196/Village and Route 196 from Capital Avenue to Canal Street ATRC projects. **Order passed – Vote 7-0.**

MAINE BUREAU OF HIGHWAY SAFETY GRANT

Chief Brooks indicated the *Buckle Up – No Excuses* Seat Belt Enforcement And Education Campaign has been announced and is in the application period. The *Buckle Up – No Excuses* program begins May 18 and ends on May 31. This program runs in conjunction with the National *Click It or Ticket* program. No grant match is required and if chosen we should receive about \$1,500. We received \$3,000 last year. This will be used to pay overtime for personnel to enforce this program.

VOTE (2015-66) Councilor Bickford, seconded by Councilor Metivier moved to authorize the Police Chief permission to submit a grant application for the 2015 *Buckle Up – No Excuses* Seat Belt Enforcement and Education Campaign grant. **Order passed – Vote 7-0.**

SCHEDULE MS4 WORKSHOP

Mrs. Barnes mentioned that Phil Ruck will be doing a presentation on Storm Water Management and what it means to municipalities on March 31 at the Town Hall at 7:00 PM. He is the subcontracted engineer Olver Associates assigned to work with us. He specializes in Storm water Engineering and is the right person to represent us when we are audited by the State of Maine Environmental Protection Agency.

VOTE (2015-67) Councilor Bickford, seconded by Councilor Lunt moved to schedule a workshop on MS4 on Tuesday, March 31 at 7:00 PM. **Order passed – Vote 7-0.**

UPDATE BUDGET SCHEDULE

Mrs. Barnes presented the updated budget schedule for the Council to review. No objections were noted.

VOTE (2015-68) Councilor Bickford, seconded by Councilor Garrison moved to approve the schedule and set up a Municipal/School Budget Public Hearing at LCS for 7:00 PM. **Order passed – Vote 7-0.**

TAX ACQUIRED BIDS

Mrs. Barnes presented the bid opening results and recommended issuing quitclaim deeds when full payment is received for the highest bidders. She indicated the Sun Journal was supposed to put the ad in the paper for Sunday and something happened on their part so it went in on Tuesday. It was posted on our website and on the front door. She indicated to date she had collected \$122,000 in tax acquired properties.

VOTE (2015-69) Councilor Bickford, seconded by Councilor Metivier moved to award the bid on tax acquired property “as is” without warranties on the following and authorized the Town Manager to issue a quitclaim deed when full payment has been received as follows:

384 Lisbon Street to Pat Maloy in the amount of \$10,135
9 Gendron Drive to Pat Maloy in the amount of \$3,120
9 County Road to Carl Huston Jr. in the amount of \$2,575

Order passed – Vote 7-0.

NON-STORM WATER DISCHARGE ORDINANCE
(Second Reading- Roll Call Vote Required)

VOTE (2015-70) Councilor Bickford, seconded by Councilor Metivier moved to adopt the attached Non-Storm Water Discharge Ordinance (see attached).

Roll Call Vote: Yeas - Garrison, Lunt, Metivier, Bickford, Crafts, Pesce, and Brunelle. Nays - None.
Order passed - Vote 7-0.

POST-CONSTRUCTION STORM WATER MANAGEMENT ORDINANCE
(Second Reading- Roll Call Vote Required)

VOTE (2015-71) Councilor Bickford, seconded by Councilor Garrison moved to adopt the Post-Construction Storm Water Management ordinance (see attached).

Roll Call Vote: Yeas - Garrison, Lunt, Metivier, Bickford, Crafts, Pesce, and Brunelle. Nays - None.
Order passed - Vote 7-0.

SECTION 47-4 STREET EXCAVATIONS AMENDMENT
(Second Reading- Roll Call Vote Required)

VOTE (2015-72) Councilor Bickford, seconded by Councilor Metivier moved to adopt the Street 47-4 Street Excavations Amendment (see attached).

Roll Call Vote: Yeas - Garrison, Lunt, Metivier, Bickford, Crafts, Pesce, and Brunelle. Nays - None.
Order passed - Vote 7-0.

OTHER BUSINESS

A. BUDGET DISCUSSION WITH LEGAL COUNSEL

Item Taken Up Before the First Item under Council Orders, Ordinances, and Resolutions

B. MUNICIPAL BUDGET PRESENTATION

Mrs. Barnes presented a rough draft of the 2015-2016 Municipal Budget. She indicated that it will change as we move forward. It's roughly \$109,000 less than last year. However, it would be less than that because this year we budgeted all of the revenues and expenses for departments (totaling \$71,000), including the Recreation Department so they offset each other. If you net those together [\$180,000] it should be \$71,000 less than that \$109,000. She mentioned Public Works excavation revenue is offsetting revenue for what we provide for services for Digs for the Water or Sewer Departments. We built in the expense and we built in the revenue; this nets a zero. This is all included in the \$7,293,524 budget.

Mrs. Barnes pointed out that the Androscoggin County Budget increased by \$23,004 and that she reduced the Revenue Sharing once again by \$150,000 in an effort to plan for not being fully funded. Other revenues are up \$20,783 and that is without the \$75,000 in Cable Franchise fees.

Mrs. Barnes explained that using those figures she did a tax calculation sheet based on the current values (homestead/BETE, etc), although these values will change after the revaluation and other things, so all three budgets (School, Municipal, County) along with the revenues, and if we were to keep the mil rate the same there would be an overlay shortfall of \$501,000. In order to get that to the overlay currently we have this year

we would have to cut an additional \$600,000 or find a combination of other revenues and cuts to equal \$600,000. If we decided we did not want to cut anymore and leave things the way they have been presented we would be looking at a 1.35 mil rate increase. She reported the budgets look different from last year because all the benefits have been transferred into each budget showing a true cost to run each department. This includes workers compensation, medical insurance, life insurance, unemployment insurance, retirement, and social security costs. That will show a decrease in one area but increases in every department. The lease purchases which appeared in several departments have been moved to long-term debt; one location makes it easier to find and manage. These have to be budgeted. The bond payments are now separate and in a debt schedule as well in the budget. A couple of line items were decreased to pay for the energy bond and that decrease was placed into another spot to cover the debt. The debt on the town side is 72% of the overall payment and the other 28% is coming out of the Sewer Budget. We didn't have to fund the whole debt, just 72%. Cell phone expenses were transferred to all of the departments. That was under the Town Buildings account and should be associated with the departments. She explained that we did some restructuring in the Town Office staff that reduced some wage lines for us. The budget looked better before discovering the MDOT match of \$57,000 needed to be added. She said that's a onetime expense, but when we get to the Maine Street project, it will be quite a bit more and maybe we will have to go to bond for it.

Mrs. Barnes indicated the budget sheets detail significant changes and it will be very informative. She explained the cost sharing measures between the Wastewater [Treatment Plant] and Water Department. She reported charging those departments 8% for administrative services and benefits for the Finance Director and Town Manager/Treasurer so that will be an additional revenue source for us in the amount of \$16,051. We are budgeting to pay for the meter readings in order to send out our sewer bills; that total is \$10,000. She explained another \$28,000 was budgeted to pay the Water Department for radio reads if they decide to upgrade their software. She reported charging the Water Department 5% of the administrative services and benefits for the Finance Director and Town Manager/Treasurer, which totals \$10,033. She pointed out that charging for benefits and administrative services amounts to a trade off for meter readings. She said the radio read will cost us more but in the long run will save us money. There is still more work to do.

C. TOWN MANAGER'S REPORT

Mrs. Barnes announced that the new Finance Director, Ed Karass would begin his full time employment with the Town of Lisbon on March 30.

AUDIENCE PARTICIPATION & RESPONSE NEW ITEMS

Dennis Campana asked at what percentage rate the homestead exemption would be after the revaluation. Mrs. Barnes indicated it would be at 100%, but the Governor is expected to make some changes to that program. Mrs. Malloy indicated the Governor's plan would take it away from those under age 65, which means an automatic \$200 increase in your tax bill.

Dean Willey asked what the expected mil rate will be if both budgets pass as recommended. Mrs. Barnes explained 1.35 mils using the current figures available today with the \$200,000 reduction in the town's budget and \$600,000 reduction in the school's budget.

APPOINTMENTS - NONE

COUNCIL COMMUNICATIONS

Councilor Garrison pointed out that the ballot last fall estimated, if the bonds passed, a 1.13 mil increase to the mil rate.

Councilor Metivier commended Verla Brooks Ridley for all her hard work she put in over the many years and thanked her for her dedicated service to the Town of Lisbon.

Councilor Bickford indicated that he was looking into the situation with the Finance Committee. Councilor Pesce offered to contact the remaining members to help set up a meeting so that a chair could be elected. Councilor Garrison asked that the applications to fill their vacancies be placed on the Council's next agenda.

Councilor Pesce pointed out that some individuals are asking the question, why the different approach from last year and is it the new Town Manager. He assured the citizens of Lisbon that we have a different Town Council, that's why the different approach from the past, and those Councilors set the policy, not the Town Manager. He mentioned that while he was on vacation he received a lot of emails. He said he would be replying to each of them as soon as possible.

EXECUTIVE SESSION - NONE

ADJOURNMENT

VOTE (2015-73) Councilor Bickford, seconded by Councilor Metivier moved to adjourn at 8:10 PM.
Order passed – Vote 7-0.

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved 04-07-2015