



## TOWN COUNCIL MEETING MINUTES JANUARY 7, 2020

Fern Larochelle 2020  
Normand Albert, Vice Chair 2021  
Kasie Kolbe 2021  
Allen Ward, Chairman 2021  
Mark Lunt 2022  
Donald Fellows 2022  
Jeffrey Ganong 2022

**CALL TO ORDER.** The Chairman, Allen Ward, called the meeting to order and led the pledge of allegiance to the flag at 6:00 PM.

**ROLL CALL.** Members present were Councilors Ward, Lunt, Larochelle, Ganong, and Fellows. Also present were Diane Barnes, Town Manager; Randy Cyr, Public Works Director; Kayla Tierney, Finance Director; Dan Stockford, Town Attorney; William Kuhl, Planning Board Member; and approximately 5 citizens in the audience.

**VOTE (2020-01A)** Councilor Larochelle, seconded by Councilor Fellows moved to excuse Councilors Kolbe and Albert's absences. **Order passed – Vote 5-0.**

### WORKSHOP

**VOTE (2020-01B)** Councilor Larochelle, seconded by Councilor Lunt moved to open the workshop. **Order passed – Vote 5-0.**

### COUNCIL TRAINING SESSION WITH ATTORNEY DAN STOCKFORD

Attorney Stockford handed out his power point presentation and said he would be covering the roles and responsibilities under the town charter, conflicts of interest, the freedom of access act, plus harassment and discrimination.

Attorney Stockford pointed out that Council is the town's legislative body so legislative powers are vested exclusively in the Town Council. This means enacting ordinances, regulations, resolutions and orders, establishing policy for the conduct of town government and adopting rules of conduct for employees. This also means as a public body the Council's authority rests in the body of the whole Council, unless special authority has been given to one. The Council as a body, rather than individual members, have the legal responsibility to act on behalf of the town. He mentioned potential issues where residents come to a Councilor requesting something they do not understand you as a single Councilor cannot resolve right away.

Attorney Stockford mentioned the Council does not directly interact with personnel; the Town Manager covers that. Council has some investigative authority into the affairs of the town and conduct of town departments and could adopt rules or procedures and/or define the process for carrying out such a task; however, that task would only be for an unusual circumstance. Councilor Larochelle asked if this would include the School Department. Attorney Stockford said it would not exclude the School Department. Councilor Larochelle asked if it would include the Water Department. Attorney Stockford said although the Council has some authority, the Water Department operates under its own charter so both charters would need to be explored to determine what that would be.

Attorney Stockford said Council is responsible for signing warrants as outlined in state law and in compliance with Lisbon's local rules and policies. Councilor Larochelle asked if there were liability issues with signing warrants. Attorney Stockford indicated maybe not personal liability, but that would have to be researched more before he could really answer that question.

Attorney Stockford said administrative powers rest solely in the Town Manager and staff. Those functions exist for purposes of carrying out administratively the legislative policies adopted by the Council. The Town Manager is

the chief executive officer and is responsible for carrying out Council orders. Councilor Ward pointed out the issue with Councilors misrepresenting themselves by going directly to departments and said Councilors should be going directly to the Town Manager. Attorney Stockford explained the town's charter and state law prohibit Councilors from directing employees.

Attorney Stockford said Council's role is to confirm specific appointments and without Council's confirmation those appointments would not go into effect; those include, Town Clerk, Police Chief, Fire Chief, Public Works Director, Finance Director, Tax Assessor, and the Treasurer/Tax Collector. Councilor Ward asked if the Council could determine salaries at the time of hire. Attorney Stockford explained the Town Manager does so long as it fits within the budget. He said except for confirming appointments of certain officers, the Council nor any member of the Council, shall dictate the appointment or removal of any administrative officer or employee within the jurisdiction of the Town Manager. The Council may express its views and fully and freely discuss with the Manager anything pertaining to appointments and removal of officers and employees in executive sessions. He explained the chain of command and pointed out the town has a Chief Executive Officer to address those concerns to and that employees should not be going directly to the Council either, they should be going directly to the Town Manager.

Attorney Stockford said state law outlines conflicts of interest and requires municipal officers with direct or indirect pecuniary interests to disclose their conflict and to abstain from voting, abstain from negotiating or awarding a contract, and must abstain from attempting to influence that decision. He said common law provides that municipal officials placed in situations of temptation serve their own personal pecuniary interest to the prejudice of the interests of those for whom the law authorized them to act. He said the best practice is to abstain from any involvement. He said the best rule is to avoid the appearance of a conflict of any interest. Lisbon's ordinance says a public official shall refrain from participation in a matter when there exists an actual, potential or reasonably perceived conflict of interest. He indicated Chapter 12 defines this as "a situation where a public official cannot participate in a matter because of a personal relationship, financial involvement, or other situation that would cause a reasonable person to believe that the public official cannot act in his or her official capacity without self-interest or bias."

Councilor Ward asked what self-policing meant. Attorney Stockford explained this is when Council makes a decision on whether a Councilor should be abstaining. Council can determine if one of their members has a conflict. Councilor Larochelle asked what guidance is there to go by other than a member makes a recommendation to the Chairman. Attorney Stockford said the Council could provide for this process. He covered other conflicts like incompatible offices, town employment prohibited while serving, and no compensated appointive town office positions or employment until one year after leaving Council.

Attorney Stockford explained the Freedom of Access Act provides that all public proceedings shall be open to the public. He explained mentioned executive sessions were for specific situations and most commonly held to discuss a specific employee, for negotiating real estate, labor negotiations, or for discussing confidential documents. This takes a 3/5<sup>th</sup> vote of the members present to enter and the vote must reference the section(s) requiring the executive section. He said no vote can be taken in executive session. He explained that substantive discussions relating to town business should not be done through email; that means discussions back and forth through email should not happen; this includes corresponding by Face Book. He said discussing substantive town business on social media can be determined to be a public record. He discussed participation at meetings. Although Councilors can watch live or remotely, a Councilor must be present to vote. However, the legislature is discussing other means for voting since getting participation at committee meetings can be difficult; for now voting by any other means should be avoided until statutorily allowed.

Attorney Stockford explained harassment and discrimination trainings are required to be taken but not necessarily to be compensated for by law of all employees. Councilor Fellows said he believed this should be required of all board and committee members not just compensated ones. Attorney Stockford said he would need to go back and re-evaluate the statutes, but that there was no basis for concluding they should be paid for it or not. He indicated that the Council can require it by policy or ordinance or can adopt something that says individuals who serve on boards in town shall participate in trainings or spell out what specific trainings. It would be helpful if Planning Board members attended MMA's Planning Board Workshops, which are trainings specific to Planning Boards.

Councilor Larochelle said it would be important to realize the responsibilities you have as a member of a board or committee and that all ideas should be driven through the Chairman. He said the Chairman does burden this heaviness and that everything should flow through the Chairman. He said the Chairman plays a heavy role and the

more funneled through the Chair the better, especially if members use the Chair to address items to the Town Manager. Councilor Ward pointed out that a person by themselves is not the entire committee.

**VOTE (2020-01C)** Councilor Larochelle, seconded by Councilor Fellows moved to end the workshop at 7:03 PM. **Order passed – Vote 5-0.**

## EXECUTIVE SESSION

*Item Taken Out Of Order – No Objections Noted*

**VOTE (2020-13)** Councilor Larochelle, seconded by Councilor Fellows moved to go into Executive Session at 7:03 PM per 1 MRSA Section 405 (6) (C) Acquisition or Disposition of Real Property or Economic Development and 405 (6) (A) Personnel. **Order passed – Vote 5-0.**

The Council came out of executive session at 7:48 PM and resumed the meeting.

## GOOD NEWS & RECOGNITION

Mrs. Barnes announced Jeff Picard and Jason St. Pierre were promoted within to Sergeants in our Police Department. The Council requested their congratulations be passed on to Sergeants Picard and St. Pierre. Councilor Ward said it is nice to see we are promoting within.

Councilor Larochelle said he was impressed with the new Economic Development Director, Brett Richardson. He attended a recent Positive Change Lisbon meeting and presented his goals. There were around 20 in attendance. He said Mr. Richardson brings a lot of energy and enthusiasm to this position and has some neat ideas.

The Council took a moment to send a thank you to our Public Works Assistant, Ray Soucy for staffing the Transfer Station facility's booth after the holiday; what a great employee for filling in where needed.

## PUBLIC HEARINGS - NONE

## AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

## CONSENT AGENDA

**VOTE (2020-01)** Councilor Larochelle, seconded by Councilor Ganong moved to approve the following:

### A. Municipal Accounts Payable & Payroll Warrants -

#12262019	\$ 11,528.22	#200102	\$ 187,456.02
#2001W1	\$ 15,857.43	#172020	\$ 197,498.35
#	\$		

### B. School Accounts Payable & Payroll Warrants -

#1043	\$ 345,686.41	#1044	\$13,298.32
#	\$	#	

### C. Minutes for December 17, 2019

**Order passed - Vote 5-0.**

## COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

### TRANSFER STATION COMPACT TRAILER PURCHASE

**INTRODUCTION:** Mr. Cyr said the town currently has \$100,000 set aside for the purchase of a new Compact Trailer. We received a quote in the amount of \$103,000 from J & J Trailer in the spring during the budget process. The trailers built through J & J are made using a better quality steel which is thicker than the Steco trailer. He said since it will take approximately six months from the date of order, he would like permission to source this purchase through J & J Trailer pending an updated quote. If the quote comes in higher than expected, then he would come back to Council with another recommendation.

Mr. Cyr said funds for this trailer would come from the Transfer Station budget Capital Improvement (\$50,000) and Unassigned FB (\$50,000).

**COUNCILOR COMMENTS:** Councilor Fellows asked if he could get that brand. Mr. Cyr said no, it is custom made to our own specifications. He reported they were looking to obtain trailers with external struts and a better gage steel so they last longer. Mr. Cyr said the new specification would help Lisbon avoid issues with the floor, struts, and siding. Councilor Ward said if someone does not respond with a quote for the correct specifications, then he would consider that non-responsive, but not going out to bid is not an option. Mr. Cyr said they would use the old trailer as a spare.

**VOTE (2020-02A)** Councilor Larochelle, seconded by Councilor Fellows moved to authorize the Public Works Director to go out to bid for the purchase of a new compact trailer. **Order passed - Vote 5-0.**

### PINEWOODS ROAD UPDATE

Mr. Cyr said there would be an issue with potholes this year with the warm and cold weather freezing and thawing like last year again. He asked the public to be patient with them while they try to keep the potholes to a minimum. Keeping ahead of the potholes with daily trucking going on will be difficult to maintain. He asked residents to be careful on the sidewalks because it is going to be slippery as well. He indicated the new skid-steer works well and cuts their time in half. He said thawing and freezing makes it slippery so be extra careful.

Mr. Cyr said he was waiting for the design to be completed so he could go out to bid on the Pinewoods Road project. Mrs. Barnes said she would follow up tomorrow to see when Lisbon will be ready to go out to bid.

**VOTE (2020-02B)** Councilor Ward, seconded by Councilor Larochelle moved to go out to bid when the design is ready to go. **Order passed - Vote 5-0.**

### TAX ACQUIRED PROPERTY REDEMPTION

**INTRODUCTION:** Mrs. Barnes said the Town of Lisbon foreclosed on the following properties for non-payment of Real Estate Taxes. The next step in the process is to have Council authorize a 30-day redemption period in which taxpayers are notified by mail that they have 30 days to redeem their property by paying all outstanding taxes and fees owed before the Town takes steps to dispose of the tax acquired property. According to 36 M.S.R.S. § 943-C, the Town is also required to send the Notice of Intent to Sell Your Former Property and application for alternative sale. The Town foreclosed on these properties on December 20, 2019.

<u>Name</u>	<u>Location</u>	<u>Total Owed As of 2/7/2020</u>
Kuhn, Marcus	24 Bowdoin Street	\$12,869.96
McLaughlin, Darrell	3 Bulick Drive	\$1,002.54
Mitchell, Stephen	5 High Street	\$10,450.54
Ramich, Joel	12 Town & Country	\$281.77
Williams, Frederick E.	276 Ferry Road	\$798.40

**VOTE (2020-03)** Councilor Larochelle, seconded by Councilor Ganong moved to authorize the Town Treasurer to send out a 30-day notice of redemption, notice of intent to sell your former property, and application for alternative sale to the tax acquired property owners of record allowing them to pay all real estate taxes and fees owed on the property in full, or apply for alternative tax sale, by the end of the 30-day period of redemption, and to accept the funds until Council takes action to dispose of the property and issue a quit claim deed when payment in full is received. **Order passed - Vote 5-0.**

### BUDGET WORKSHOP SCHEDULE

**COUNCILOR COMMENTS:** Councilor Ward asked the Finance Director to make the CIP presentation, including the School and Water Departments. He asked Councilors to get their questions answered in advance of the workshops. He asked the Finance Director and Town Manager to make cuts at their discretion so when the Council sees something in the budget they know it needs to be there.

**VOTE (2020-04)** Councilor Fellows, seconded by Councilor Lunt moved to adopt the budget workshop schedule as presented. **Order passed - Vote 5-0.**

### WELLNESS GRANT

**INTRODUCTION:** Mrs. Tierney said one of the benefits afforded to Town Employees is the Wellness Incentive Grant Program administered by the Maine Municipal Employees Health Trust (MMEHT). The Health Trust supports the development of local efforts for wellness among its participating groups. To encourage these programs, the Health Trust offers financial support to participating groups with approved wellness programs. She said the maximum grant award is \$40 per year, per employee covered under the Health Trust's health insurance programs.

The Town of Lisbon has been involved with the MMEHT Wellness program for several years and has seen a positive response from the employees. The Town of Lisbon has formed a Wellness Committee to assist in overseeing the program and has 50 health plan participants. For the 2020 calendar year, the maximum grant application is in the amount of \$2,000.00.

**COUNCILOR COMMENTS:** Councilor Ward said that perhaps part of this funding could help pay for the annual employee recognition BBQ at Beaver Park.

**VOTE (2020-05)** Councilor Larochelle, seconded by Councilor Ganong moved to authorize the Finance Director to apply and accept funds from the Maine Municipal Employees Health Trust 2020 Wellness Grant in the amount of \$2,000.00. **Order passed - Vote 5-0. .**

### COUNCIL WORKING RULES

**COUNCILOR COMMENTS:** Councilor Fellows went through the proposed changes. There were no questions.

**VOTE (2020-06)** Councilor Larochelle, seconded by Councilor Ganong moved to adopt the Council Working Rules as Amended as follows:

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 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(a)(2) 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 the close of business on the Wednesday prior to the regular Tuesday meeting.

The agenda shall be provided online by the close of business on the Friday prior to the regular Tuesday meeting. Changes to the agenda will not normally be made after this time and documentation for all agenda items will be included with the agenda. Any missing documents will be addressed via memorandum from the Town Manager (i.e., fuel bids).

For special meetings not scheduled at the regular Tuesday meeting time, 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, or changes to the regular meeting agenda are needed, agenda items shall be provided as much in advance as possible prior to the meeting, but may be presented at the meeting itself if circumstances so require.

In the event a councilor, resident and/or taxpayer of the Town of Lisbon, authorized representatives of such resident or taxpayer, or in the case of an organization, the authorized representative of that organization, wishes a matter to be considered at a council meeting, it shall be submitted to the town manager as far in advance of the meeting as possible, and prior to the normal ~~Wednesday~~ Thursday deadline. The individual requesting the matter be considered shall explain the reason or necessity for consideration in order for the request to be considered by the council for inclusion on the agenda.

(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. 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. Good news, recognition;
- e. Public hearings;

- f. Audience participation and response for Agenda Items;
- g. Consent agenda;
- h. Council orders, resolutions, and ordinances;
- i. Other business;
- j. Appointments;
- k. Councilor communication;
- l. ~~Any business and council response~~; Audience participation & response for new items
- m. Executive session;
- n. Adjournment.

The town council ~~shall~~ may have the right to change the agenda order and to take up any agenda item out of order upon a majority vote of those councilors present.

(6) Non-agenda items. In the event the town manager, town staff, or a councilor, wishes a matter to be considered at the current council meeting, that was not able to be submitted prior to the deadline and 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~~ council member, the manager or staff requesting that the matter be considered, shall explain the reason for and the necessity of immediate consideration at the current meeting. The council may vote to waive the rules to consider that item, and upon a majority vote of those councilors present, the item(s) 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) Attendance. Failure to attend 3 consecutive meetings of the Council without being excused by a vote of the Council will result in forfeiture of office. Acceptable excuses include, without limitation, illness, vacation, and family emergencies. A limit of seven (7) excused absences over a one year session shall trigger Council review.

(3) Meeting length. All council meetings, workshops, or executive sessions shall be conducted, except in extraordinary circumstances, within 2½ 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.~~ pm. The council may, by waiving these rules, agree to extend the time for meetings if it is deemed appropriate.

(4) 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.

(5) Organizational meeting. The council shall conduct an organizational meeting at 7:00 ~~p.m.-pm~~ 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.

(6) Regular meetings. The town council shall hold its regular meetings at 7:00 ~~p.m.~~ pm 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.

(7) Special meetings. Special meetings 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 meeting shall pertain to the calling of a special meeting.

(8) 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 and electronically. 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 Robert's Rules of Order except as otherwise provided herein or required by the Charter.

(2) Decorum. The chair shall preserve decorum and decide all questions of order and procedure subject to appeal to the town council. Anyone 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 personal attacks and indecorous language. 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. 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 and such person shall be barred from further audience before the town council for the duration of the meeting. The chair may direct a police officer to remove such offenders from the premises and aggravated cases shall be prosecuted on appropriate complaint signed by the chair.

~~Once recognized by the chair, P~~persons desiring to address the town council shall follow the procedures outlined in “(e) Conduct of meetings (5) Public Comment” section below 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. 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 comment shall be allowed which has the effect of embarrassing or attacking the character of any individual, staff member, or councilor, and this rule shall be liberally construed and strictly enforced. No one, other than the individual having the floor, shall enter into any discussion either directly or indirectly without permission of the chair.

Councilors, staff, and the public shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the chair or the rules of the town council. All members of the town council, staff and public 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 personal attacks. Town councilors shall confine their questions as to the particular matters before the assembly and in debate shall confine their remarks to issues before the town council. Individuals 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.

a. Council. During the town council meetings, 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 councilor shall cease speaking immediately until the question of 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.

b. Staff. 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.

c. Public. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted and may result in removal of the offenders from the premises.

(3) 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. However, any such debate 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.

(4) 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.

(5) Public comment.

The purpose of this comment period is to furnish new or undisclosed information or viewpoints. This time shall not be considered a "public hearing."

a. General Scheduled public comment. During the time scheduled for public comment on the regular town council meeting agenda (~~"Audience participation"~~, and Response for Agenda Items" and "Audience Participation and Response for New Items"), 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.~~ Such members of the public shall ensure that only "agenda" items or "new" items are addressed and only at the appropriately scheduled time.

b. Other Public comment on agenda items. After introduction of an agenda item, appropriate motions, and time for explanation and council questions, members of the public ~~shall may~~ be allowed to comment on that agenda item at the discretion of the chair. During that period of time, any ~~the~~ public comment shall address only the agenda item before council.

c. Procedure for Public Comment. Members of the public who are residents and/or taxpayers of the Town of Lisbon or authorized representatives of such residents or taxpayers, or in the case of an organization, the authorized representative of that organization; may address the town council.

1. 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 and organization being represented (if applicable) before beginning any remarks.

2. No individual shall be permitted to address the council more than twice on any subject or agenda item during a council meeting. 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.

3. Comments shall be limited to the items on the agenda and to a time period of three minutes or less and shall be directed through the chair.

4. Comments 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.

5. 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.

(6) 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 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 may allow questions from the public during this time, however, no debate or discussion of collateral issues shall be permitted.

d. When authorized by the chair, any additional public comment shall be no longer than two minutes per person and must be to request or furnish new or undisclosed information or viewpoints only.

e. Once the agenda item has been explained by its sponsor or the town manager or staff and clarified by any questioning, the discussion on the specific agenda item will remain with the council and additional public comment, prior to final council vote, will only be allowed at the chairman's discretion.

(7) 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 and 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 item.

~~(8) New business. During the time scheduled for public comment on the regular town council meeting agenda (New business), councilors, town employees, 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 not on the agenda for that meeting.~~

~~a. Anyone wishing to address council will wait to be recognized by the chair before beginning any remarks. Audience members will move to the lectern to address council, and shall provide name and address prior to addressing the council.~~

~~b. The purpose of new business is for the council to receive input on town matters not on the agenda for that meeting. It is not intended, nor shall it be construed as an opportunity for debate of previous agenda items or reinforcement of a point made by another speaker. Comments shall be to furnish new or undisclosed information or viewpoints and limited to a time period of two minutes or less and shall be directed through 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 council's formulation of policy based upon general topic discussions of current issues or project orientated. They may be also 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 or town council.

(5) Prior to the conclusion of a workshop, if time permits, the chair may allow questions from the public. Comments by the public shall be limited to no longer than two minutes per person and no debate or discussion of collateral issues shall be permitted. Comments shall be limited to the expression of opinions, questions or concerns pertaining to agenda items.

(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 "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.

**Order passed - Vote 5-0.**

## FEE SCHEDULE AMENDMENT – NOTARY FEES

**INTRODUCTION:** The Town Clerk recommended the fee for Notary Services be adjusted to reflect the current service we provide residents at Town Hall. The \$5 notary fee appears to be sufficient and not overly expensive and is being applied to all documents currently. We perform marriage ceremonies here at the Town Hall when requested. This \$50 fee should also be added to the fee schedule, along with eliminating the exclusion by the Town Clerk, making everything consistent.

**COUNCILOR COMMENTS:** Councilor Larochelle asked if the state had to do any inspections for the manufacturing portion of the building. The Town Clerk said perhaps that question could be answered at the January 21 meeting.

**VOTE (2020-07)** Councilor Larochelle, seconded by Councilor Ganong moved to adopt the fee schedule for all notary services as follows:

Section in this Code	Description	Fee/Rate
ADMINISTRATIVE		
	Notary fee for <del>non-municipal</del> <u>all</u> documents <del>(excludes weddings by town clerk)</del>	5.00
	<u>Notary fee for performing wedding ceremonies at Town Hall</u>	<u>50.00</u>

**Order passed - Vote 5-0.**

## SET A PUBLIC HEARING FOR JANUARY 21 FOR A MANUFACTURING MEDICAL MARIJUANA ESTABLISHMENT LICENSE FOR CRYSTAL SPRING HEALING ALTERNATIVE, LLC

**VOTE (2020-08)** Councilor Larochelle, seconded by Councilor Lunt moved to set a public hearing on January 21 for the Manufacturing Medical Marijuana Establishment License for Crystal Spring Healing Alternative, LLC.  
**Order passed - Vote 5-0.**

## OTHER BUSINESS

### A. COUNCIL COMMITTEE REPORTS

1. Planning: Councilor Ward said he had nothing to report.
2. LDC: Councilor Larochelle said Mr. Richardson will be attending tomorrow night's LDC meeting. He has a lot of good ideas and energy. He said it was nice to see his level of participation; he sent out a detailed agenda.
3. Conservation Commission: Councilor Ward said he had nothing to report.
4. County Budget: Councilor Ward said he had nothing to report.
5. Library: Councilor Lunt said he had nothing to report.

### B. TOWN MANAGER'S REPORT

Mrs. Barnes said she received an email from a Topsham ADHOC group regarding solar ray projects. Councilor Fellows said that this group should be going to LDC first. Councilor Ward recommended Mr. Richardson look into this first for the town and then the Council could hear Mr. Richardson's presentation of this if it is right for the town. Councilor Ward mentioned one potential issue with bonding is that these solar projects could negate tax-free status.

Mrs. Barnes indicated the town received a check from MMA's Risk Services for \$19,290, which was the excess balance in the unemployment account.

## APPOINTMENTS

### PLANNING BOARD CORRECTION & APPOINTMENTS TO RETURN LISA WARD TO ASSOCIATE POSITION, BUT TO 2022 AND TO MOVE CHRIS HUSTON TO THE REGULAR MEMBER POSITION TO 2022

**VOTE (2020-08)** Councilor Fellows, seconded by Councilor Larochelle moved a Planning Board Correction & Appointments to return Lisa Ward to Associate position but to 2022 and to move Chris Huston to Regular Member to 2022. **Order passed - Vote 5-0.**

### RECREATION COMMITTEE CONFIRM & RE-APPOINTMENT THAT CARA MACVANE IS AN ALTERNATE MEMBER TO 2022 AND TO REAPPOINT CHRIS CLOUTIER AS THE REGULAR MEMBER TO 2022

**VOTE (2020-10)** Councilor Larochelle, seconded by Councilor Lunt moved to confirm and appointment that Cara MacVane is an alternate member to 2022 and to reappoint Chris Cloutier as the Regular Member to 2022. **Order passed - Vote 5-0.**

### CONFIRMATION FOR ALTERNATE CODE ENFORCEMENT OFFICER & PLUMBING INSPECTOR – BRETT RICHARDSON

**INTRODUCTION:** Mrs. Barnes recommended Council appoint Brett Richardson as Alternate Code Enforcement Officer and as the Alternate Plumbing Inspector since he works so closely with that department. She said these positions used to be covered by Ryan Leighton previously.

**COUNCILOR COMMENTS:** Councilor Larochelle asked if this made sense because he didn't want to overwhelm a new employee. He said Mr. Richardson already has an ambitious list of what he wants to do. He said this would be an ongoing certification and that his biggest concern is that we do not want to over task new employees. Mrs. Barnes said Mr. Richardson is the perfect fit for this backup position, that he would be covering vacations, and that most items were scheduled so not much occurs during vacations. She reported Lisbon should only need his assistance with extended periods should something occur. Councilor Ward recommended Lisbon reach out to Topsham or Lewiston to cover. Councilor Larochelle recommended Mr. Douglass and Mr. Richardson review this workload to see how much time it will take. Councilor Fellows suggested the Council review that timeline or schedule and then take the item up in two weeks. Mrs. Barnes explained Mr. Richards' appointment has to be confirmed for him to attend workshops and get his certification.

**VOTE (2020-11)** Councilor Fellows, seconded by Councilor Larochelle moved to confirm the appointment of Brett Richardson as Alternate Code Enforcement Officer and Alternate Plumbing Inspector with the resources to move forward with towards certification and to find someone else in between to cover. **Order passed - Vote 5-0.**

## COUNCIL COMMITTEE ASSIGNMENTS

**VOTE (2020-12)** Councilor Ward, seconded by Councilor Larochelle moved to adopt the following Liaison Schedule with changes as follows:

Liaisons	Board/Committee	Add'l Liaisons	Monthly Meetings	Location
<i>Councilor Lunt</i>	Administration/Library		Committee meets as needed	TBA
<i>Councilor Larochelle</i>	Public Safety		Committee meets as needed	TBA
<i>Councilor Kolbe</i>	Public Works/Parks/Recreation	<i>Councilor Albert</i>	Committee meets as needed	TBA
<i>Councilor Fellows</i>	School Facility Committee	<i>Councilor Larochelle</i>	Committee meets as needed	TBA
<i>Councilor Albert</i>	School Committee		2nd & 4th Monday of each month	Town Office
<i>Councilor Fellows</i>	Planning Board		2nd & 4th Thursday of each month	Town Office
<i>Councilor Fellows</i>	Water Commission		2 <sup>nd</sup> Tuesdays of each month	Water Dept.
<i>Councilor Larochelle</i>	Lisbon Development Committee (LDC)	<i>Councilor Albert</i>	4th Thursday of each month	Town Office
<i>Councilor Ganong</i>	Assessment Review Board		Committee meets as needed	
<i>Councilor Ganong</i>	Voter Registration Appeals Board		Committee meets as needed	
<i>Councilor Kolbe</i>	Ethics Panel		Committee meets as needed	
<i>Councilor Lunt</i>	Library Governing Board		2nd Wednesday of each month	Library
<i>Councilor Ganong</i>	Zoning Appeals & Sewer Appeals Board		3rd Monday of each month as needed	Town Office
<i>Councilor Ward</i>	Conservation Commission		3rd Tuesday of each month	Town Office
<i>Councilor Albert</i>	Recreation Committee		1st Monday of each month	MTM Center
<i>Councilor Lunt</i>	Commercial Revolving Loan	<i>Councilor Albert</i>	Committee meets as needed	Town Office
<i>Councilor Ward</i>	County Budget Committee	<i>Councilor Lunt</i>	Wed nights Sept-Oct	County Bldg
<i>Councilor Ward</i>	Finance Committee		TBD	Town Office

Order passed – Vote 5-0

## COUNCILOR COMMUNICATIONS

Councilor Fellows said he would not be able to attend the February 4 and February 18 Council meetings because he will be out of state on those meeting dates.

Councilor Ward presented for discussion the following goals for Town Council for the coming year FY 2020-21:

- Improved communications promotion by Council and town issues to public at meetings, social media, etc.
- Electronic (video) meeting attendance regulation although difficult approach
- Successful roll out of the Finance Committee
- Solid Waste cost reduction and transferring to use vs tax payer discussion, Pay Per Bag etc.
- Harassment training for boards/committee members and implementation
- Expanding Economic Community Development promotions
- Economic Development, contracts, and global sustainability initiative
- Graziano Square and Worumbo site plans and development
- Town Planner goals and/or priorities for the coming year
- Town Manager Evaluation and contract
- Combined Capital Improvement Plan (Town, School, Water) all in same format
- Greater Scope of projects – Vehicles, Equipment, Projects, Infrastructure
- Maintenance, Budgeting, Financing discussions for operation improvements
- Continued Staff Recognition
- Staff Training
- Committee goal setting/communication/coordination with Council/Staff

Councilor Ward said he would like to hold the line at 1 hour for budget workshop discussions. He asked Councilors to get their list of questions to the Town Manager prior to the workshop.

## **AUDIENCE PARTICIPATION FOR NEW ITEMS - NONE**

### **EXECUTIVE SESSION**

*Item Taken Up At the Beginning of the Meeting*

### **ADJOURNMENT**

**VOTE (2020-14)** Councilor Larochelle, seconded by Councilor Fellows moved to adjourn at 9:20 PM. **Order passed - Vote 5-0.**

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Twila D. Lycette, Council Secretary  
Town Clerk, Lifetime CCM/MMC  
Date Approved - January 21, 2020