



**TOWN COUNCIL  
MEETING MINUTES  
DECEMBER 7, 2021  
LISBON TOWN OFFICE**

Mark Lunt 2022  
Donald Fellows 2022  
Jason Smith 2022  
Fern Larochelle 2023  
Harry Moore, Jr. 2024  
Raymond Robishaw 2024  
Clifford Miller 2024

**CALL TO ORDER.** The Town Clerk, Twila Lycette, called the meeting to order at 7:00 p.m. and led the pledge of allegiance to the flag.

**INAUGURATION OF ELECTED OFFICIALS**

Mrs. Lycette welcomed everyone to the Town Council's 16<sup>th</sup> annual organizational meeting that is held on the first Tuesday after the first Monday in December. Mrs. Lycette called for Outgoing Remarks from previous Councilors.

Councilor Ward congratulated all the newly elected Councilors and wished all of them nothing but the best. He stated Councilors may not always take the same side on the issues before them, but they all want what is best for Lisbon and the people they represent. They have strength as a combined body in the goals that they set for themselves and the commitment that they make to work towards them. He said the priority for the previous Council was transitioning planning to a new Council, to build upon the progress made, improving proven communication and cooperation between all Departments and Staff, and attention to recognition. Councilor Ward encouraged the new Council to rely upon the previous Vice Chairman, to draw from his experience and knowledge of the outstanding items to be completed from 2021, along with the experience of the returning councilors, when considering a new Chairman for the coming year.

Mrs. Lycette read the results from the November 2, 2021 election as follows:

Councilors for 3-year terms

Harry Moore, Jr. with 1,115 votes  
Ray Robishaw with 930 votes  
Cliff Miller with 831 votes

Councilor for a 1-year term

Jason Smith with 1,736 votes

School Committee Members for 3-year terms

Kim Labbe-Poisson with 1,189 votes  
Margaret Galligan-Schmoll with 1,035 votes

Water Commissioner for a 3-year term

Marie Hale with 1,428 votes

Mrs. Lycette called all the newly elected officials forward to be sworn into office and administered their oath of office.

**ELECTION OF COUNCIL CHAIRMAN**

**VOTE (2021-242)** Councilor Lunt nominated Councilor Fellows. Councilor Smith nominated Council Larochelle.

Seeing no other nominations, ballots were cast. There were 5 votes for Councilor Larochelle. There were 2 votes for Councilor Fellows. Councilor Larochelle was duly elected Chairman for the ensuing year.

## ELECTION OF COUNCIL VICE CHAIRMAN

**VOTE (2021-243)** Councilor Moore nominated Councilor Fellows. Councilor Larochelle nominated Councilor Moore. Councilor Fellows nominated Councilor Lunt.

Seeing no other nominations, ballots were cast. There were 4 votes for Councilor Moore. There were 2 votes for Councilor Lunt. There was 1 vote for Councilor Fellows. Councilor Moore was duly elected Vice Chairman for the ensuing year.

The Town Clerk congratulated the newly elected officials and then passed the gavel to the new Chairman.

**VOTE (2021-244)** Councilor Larochelle seconded by Councilor Moore moved to recess for five minutes. **Order Passed - Vote 7-0.**

Councilor Larochelle called the Council meeting back to order at 7:10 p.m.

ROLL CALL. Members present were Councilors Fellows, Lunt, Larochelle, Robishaw, Smith, Miller and Moore. Also present were Diane Barnes, Town Manager; Ryan McGee, Police Chief; Nate LeClair, Fire Chief; Dan Stockford, Esquire, Town Attorney; James MacDonnell, Chief of Lisbon Emergency; Allen Ward, Normand Albert, along with 30 other citizens in the audience.

## GOOD NEWS & RECOGNITION

### CITIZEN'S LIFE SAVING AWARD – WAYNE WESTLAND

Chief McGee and Sargent Jeffrey Picard presented community member Wayne Westland with a Citizen's Life Saving Award. On Tuesday, January 26, 2021, Mr. Westland heroically assisted Sargent Picard after hearing him yell for assistance from a neighbor's residence. A person had sustained life-threatening injuries from multiple stab wounds. Mr. Westland quickly and professionally started triaging and tending to the wounds to assist officers to stop the bleeding. Chief McGee stated Mr. Westland's background in the medical field, calm demeanor, and quick actions were greatly welcomed by all present and it helped make a difference in saving the life of a fellow citizen. The Police Department thanked Mr. Westland for demonstrating exceptional heroism and life-saving efforts that evening.



### CITIZEN'S LIFE SAVING AWARD – OFFICER GLENN DARBY

James MacDonnell, Chief of Lisbon Emergency presented Officer Glenn Darby with a lapel pin for helping to save a fellow citizen who had gone into cardiac arrest. He said nationally someone goes into cardiac arrest every 54 seconds. LES was short staffed that day, the crew was tending to the patient, and there was no one to drive the ambulance. Officer Darby offered to drive. He drove the ambulance to the hospital in time for the patient to receive the care needed to be able to walk out of the hospital with 100% neurological function intact. Most patients walk out with only 80% neurological function intact. Chief MacDonnell stated they have only given out five of these lapel pins since 2004. He shook Officer Darby's hand and thanked him for his help.



### FIRST NON-EMS LIFE SAVING AWARD – JEFFREY PICARD

Chief MacDonnell presented Sargent Picard with a lapel pin indicating this was the first ever Non-EMS related Citizen Life Saving Award LES has ever given. He presented the award to Sargent Jeffrey Picard for his quick action helping a fellow citizen that had been stabbed 42 times. Chief MacDonnell said to Sargent Picard, "the patient would not have survived without your help" since the victim was in tough shape. He said Sargent Picard knew the neighbor next door had medical experience and immediately sought his assistance to tend to the patient's wounds. He then quickly obtained access to Life Flight. He shook Sargent Picard's hand and commended him for his quick response.



### COUNCIL ACCOMPLISHMENTS FOR 2021

Councilor Fellows read the list of goals the Council had for Fiscal Year 2021. He said Council addressed and completed eight items out of the 12 items listed. He pointed out Council thoroughly addressed another 10 items listed as well. Those completed were staff recognition, training and job descriptions, Town Manager evaluation and contract, Town Office exterior lighting, Solid Waste cost reductions, and supporting green initiatives. The ones not completed were improve facilities management and maintenance, establish a public services committee, and establishing a contract with Lisbon Emergency Services.

Councilor Fellows highlighted developments and or achievements throughout the year that reflected Council action as follows:

- Mounting 360° Digital Video Detection Camera At Main/Canal Streets
- Creation Of A Land Bank Process To Enable Opportunities To Return From Vacant
- Abandoned And Tax Foreclosed Properties For Economic Use
- Grind & Reseal Sidewalks In Lisbon Village
- Ferry Road Reconstruction Process Out To Referendum
- Approved School Committee's Request To Install Athletic Field Lights They Already Had
- Approved \$475,000 For 22 Paving Projects And Then Added Two More On Main Street Before Year Ended
- Updated Street Acceptance Ordinance
- Installed Electric Vehicle Charging Stations at the Main Street Parking Lot
- Renegotiated Net Energy Billing Credit Purchase
- Adopted Solar Energy Policy
- Supported Renewal And Rewording Of The Rails To Trails Resolution
- Supported Future Use Of The Casco Bay And Royal River Corridor Multi-Use Trail
- Expanded The Moxie Festival Coordinator Position To Include Special Events
- Awarded Façade Program Funds For 6 Locations
- Approved Wayfinding Signage
- Constructed New Parking Lots To Support Downtown Main Street Area
- Bid Out The Remaining Projects To Complete Graziano Square Park
- Approved \$5,000 For New Banners
- Approved The Market & Parking Study
- Entered Into MOU With Ancient York Masonic Lodge For Entrepreneur And Incubator Hub
- Funded Digital Advertising Boot Camp Using Maine Community Grant Money Previously Awarded
- Approved A Tri County MOU Between Lisbon Police And Tri-County Mental Health

Councilor Fellows reported Council was able to develop a combined Capital Improvement Plan with the help of the Finance Committee. The Town of Lisbon received \$457,000 as the first half of the ARPA fund allocation to be designated for authorized purchases. He said the town's financial audit came back with good news in that revenues came in on budget, the Water Department is healthy, and so is the Sewer Department. He indicated the undesignated fund allows the town the ability to mitigate a lot of uncertainty and complexity in today's world. He pointed out the auditor indicated that if he were to grade Lisbon, he would give Lisbon an A- or B+. He praised Lisbon for making several capital expenditures using the unassigned fund balance thereby not affecting the tax rate. He said, and there was more good news, the mill rate declined.

Councilor Fellows reported the town hosted an employee and employee family outing in September at the Left Hand Club with larger than normal employee turnout. The Council authorized an employee climate study along with a salary and wage study for future consideration.

Councilor Fellows listed the following awards:

- \$50,000 Maine Community Foundation for Technical assistance with recognized entrepreneurial interests
- Lisbon Parks & Recreation received the Maine Recreation & Parks Association's "Why We Love Summer" video contest

- Awarded the 2021 Lisbon Maine Spirit of America Foundation Tribute to Miranda Torrey for her work with the anti-bullying cause in Lisbon and nationally
- Presented a Certificate of Appreciation to Richard Nadeau for his many hours of volunteer service individually and on committees in town
- Recognized the Town Clerk, Twila Lycette as having been awarded the first Lifetime Achievement Award by the Maine Town & City Clerk's Association

### **COUNCIL RECOGNITION**

Councilor Larochelle thanked Positive Change Lisbon for the new forum this year, Merry Meeting at MTM. He thanked those who helped from Parks & Recreation, Public Works, and the Fire Department who organized the bon fire.

Councilor Fellows thanked outgoing Council Members for their service and dedication to the Town of Lisbon serving back to back 3-year terms. He, also, thanked the four newest Council members for being willing to serve and welcomed them aboard.

### **PUBLIC HEARINGS**

#### **A. SPECIAL ENTERTAINMENT PERMIT - COOMBS MOUNTFORT AMERICAN LEGION POST 158**

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

#### **B. SPECIAL ENTERTAINMENT PERMIT - SLOVAK CATHOLIC ASSOCIATION**

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

#### **C. AUTOMOBILE GRAVEYARD PERMITS - CAMPBELL'S USED AUTO PARTS**

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

#### **D. AUTOMOBILE GRAVEYARD PERMIT - HUSTON'S AUTO SALVAGE**

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

### **AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE**

### **CONSENT AGENDA**

**VOTE (2021-245)** Councilor Moore, seconded by Councilor Fellows moved to approve the following consent agenda items:

- A. Municipal Accounts Payable Warrants – \$232,758.87
- B. Municipal Payroll Warrants – \$170,373.57
- C. School Accounts Payable Warrants– \$183,490.74
- D. School Payroll Warrants – \$ 839,491.63
- E. Minutes of November 16, 2021
- F. Renewal Automobile Graveyard Permits for Campbell's Used Auto Parts & Huston's Auto Salvage
- G. Renewal Special Entertainment Permits & Liquor Licenses for Coombs Mountfort Post 158 and the Slovak Catholic Association
- H. Policy on Treasurer's Disbursement Warrants for School Employee Wages & Benefits
- I. Policy on Treasurer's Disbursement Warrants for Municipal Employee Wages, Benefits, & State Fees

- J. State/Municipal Agreement for the Main Street/Route 125 Frazier Bridge Project, authorizing the Town Manager to enter into an agreement with MDOT on behalf of the town to protect the Town's interest
- K. MDOT Construction Overlimit Permit for the Main Street/Route 125 Dearing Brook Project, establishing permit conditions to protect the Town's interest
- L. MDOT Construction Overlimit Permit for the Main Street/Route 125 Project – From Route 196 to Huston Street, authorizing the Town Manager to establish permit conditions to protect the Town's interest

**Order Passed – Vote 7-0.**

## **COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES**

### **LEGAL RIGHTS AND TOWN COUNCIL DUTIES**

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 the 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, has the legal responsibility to act on behalf of the town.

Attorney Stockford said Council is responsible for signing warrants as outlined in state law and in compliance with Lisbon's local rules and policies.

Attorney Stockford indicated that Councilors key role is to select a Town Manager, Supervise the Town Manager, confirm appointments, and not to directly interact with personnel; the Town Manager covers that. The Council should rely on the Town Manager to interact with personnel. 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.

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. He explained the town's charter and state law prohibit Councilors from directly 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. 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. He mentioned there is a 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. For instance, a Councilor should abstain from negotiating or awarding a contract and must abstain from attempting to influence that decision. He said the best practice is to abstain from any involvement, including lobbying other Councilors in favor of your interest. He explained that a vote is voidable unless a Councilor makes full disclosure of his or her interest and then abstains. 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."

Attorney Stockford mentioned that three or more Councilors talking about town business is required to have notice and an opportunity for the public to participate. All public business should be conducted in public view. He

explained that whether it is your personal or town device, it could potentially fall into a freedom of access request; if something is in writing and it relates to town business, it is subject to any request. He advised Council members not use emails to do town business. He stressed no back and forth conversations through emails between Council members. Emails should be for distribution of information only, he said. Conversations should happen over the information in a meeting. He explained an executive session requires a 3/5<sup>th</sup> vote [or minimum of 5 in favor-2 opposed] to enter. He said social media is a hot topic for municipal and employment lawyers. He said the use of emails is to be applied to social media. He advised Council to avoid publicly criticizing identifiable employees in a meeting to eliminate potential litigation over defamation of character. He said those comments should only be shared with the Town Manager and would be for her to address. He covered all the protected classes and potential harassment issues.

Mrs. Barnes said she would send Councilors information on required trainings. Mrs. Lycette passed out the FOA Training Certificate of Completion paperwork. New Councilors need to complete the training and return the paperwork to the Town Clerk's Office within 120 days.

Mrs. Barnes stated she received an email from the EMA office indicating the town needs to update its 2006 policy. She said the policy states the Roles & Responsibilities starting with the Town Council and down the list to the Town Manager regarding the requirements of the National Incident Management System (NIMS) training in order to qualify for grants. New Councilors need to take this training.

### **COUNCIL WORKING RULES**

Councilor Fellows suggested they vote on the Council Working Rules at the January 2<sup>nd</sup> meeting so Councilors can take time to read the Working Rules and let the Chairman know if they recommend any changes. There were no objections.

### **OTHER BUSINESS**

- A. COUNCIL COMMITTEE REPORTS – NONE
- B. TOWN MANAGER'S REPORT – NONE
- C. DEPARTMENT HEAD REPORTS – NONE

### **APPOINTMENTS**

Councilor Larochelle encouraged Councilors to look at the list of boards and committees and to choose which ones they would like to join as Liaison, keeping in mind that a Liaison is there to listen, not vote. Councilor Fellows explained their Liaison role is to answer questions if asked, attend to observe, report to Council what is happening so the Council stays informed, and to gather information for budgeting purposes.

*Councilor Fellows left the meeting at 8:45 p.m.*

### **COUNCILOR COMMUNICATIONS**

Councilor Larochelle suggested the Council take a tour of the town's facilities sometime on a Saturday with the Town Manager so each Councilor can get a sense of how things are working. Mrs. Barnes suggested waiting until budget season begins so the Council can ask questions about a department's capital items or budgeted needs. Councilors agreed to wait until spring and to hold workshops in the meantime.

Councilor Larochelle discussed Lisbon Emergency's request this year for an additional \$90,000.00 in funding in order to keep their doors open. He said it is hard to understand their financial operations. Councilor's have questions that should be addressed ahead of time. Councilor Moore agreed that a workshop ahead of time would be a good idea. The town should invite Bowdoin. Councilor Lunt recommended Council hold this workshop on a separate evening.

Councilor Larochelle asked for a list of missing personnel and current staffing levels. Mrs. Barnes suggested waiting for the report that is due mid-February. She said the new HR Director would be onboard in a couple of weeks. This report will be available prior to budget time so Council can budget to fill positions needed.

Councilor Larochelle said it is important to know that Lisbon had a record year with revenues, it has a healthy fund balance, and with more information coming ahead of time, the better the budget season will go.

**AUDIENCE PARTICIPATION FOR NEW ITEMS - NONE**

**EXECUTIVE SESSION - NONE**

**ADJOURNMENT**

**VOTE (2021-249)** Councilor Lunt, seconded by Councilor Miller moved to adjourn at 9:27 p.m. **Order passed - Vote 6-0.**

---

Twila D. Lycette, Council Secretary  
Town Clerk, Lifetime CCM/CMC/MMC  
Date Approved: January 4, 2022