

SPECIAL TOWN COUNCIL MEETING
AGENDA
August 2, 2021
6:00 PM

The Zoom Link to the meeting is provided below for those wishing to attend virtually:

<https://us02web.zoom.us/j/86155612633?pwd=OWhHenljc04zTkdk6THFsNEhlWldZZz09>

Meeting ID: 861 5561 2633

Passcode: 033187

1a. Call to Order

Council Chair; George Edwards _____, Vice Chair: Stephen Clay _____.

Councilors; Jeffery Gifford _____, Marscella Ireland _____, Jared McCarthy _____, Cathy Moison _____, and John Trask _____.

1b. Pledge of Allegiance and Prayer

- 2. Open Forum:** The Council will allow Lincoln residents and/or Lincoln taxpayers to comment prior to Council action on agenda items. Open Forum questions should be forwarded to the Town Office by mail, or emailed to Town Clerk Ann Morrison at Questions@lincolnmaine.org. Please have your questions/comments in by 5:00pm the day of the meeting. If you have any questions, please call 794-3372. General requests may be made in Open Forum during the regular meeting but will not be acted upon in the same meeting.

Individuals wishing to be heard by the Council will be recognized by the Council Chair. After identifying themselves, the speaker may make brief comments and may not repeat previous statements made. The speaker must limit themselves to the item under discussion. The speaker must observe rules of common etiquette. The Council Chair may set a time limit on the length of public comment and/or a time limit for individual speakers.

The Council Chair reserves the right to stop any public comment that is contrary to these rules and any Councilor may call Point of Order during the discussion. Any person who disrupts a Council meeting may be required to leave in order to maintain orderly consideration of the matters for which the meeting was called.

3. Adopt Council Order (0100, 0101)

SUGGESTED MOTION: Move to adopt the Council order calling for a public hearing and subsequent special Council meeting regarding a Charter amendment.

MOTION: _____ SECOND: _____ VOTE: _____

4. Adjourn

SUGGESTED MOTION: Move to adjourn the meeting at _____pm

MOTION: _____ **SECOND:** _____ **VOTE:** _____

TOWN COUNCIL
AGENDA REQUEST

*** Please note Public Notices need a 7-14 day advance notice in the paper depending on subject.**

Council Meeting Date: August 2, 2021	Today's Date: July 29, 2021
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Department: Town Manager/Town Clerk

Department #: 0100/0101

<p>Request:</p> <p>Move to approve the Council order calling for a public hearing and subsequent special Council meeting regarding a Charter amendment</p>

Action Needed From Council: Approve/adopt Council order

Is This Item Budgeted:

Was This A Bid Process:	Lowest Bid:
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Is Public Hearing Required: Yes, August 16, 2021
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If So What Dates:

Lincoln Town Council Order

8/02/2021

WHEREAS, the Lincoln Town Council finds that it is both timely and necessary to simplify the Town's borrowing and appropriation process and support future economic development efforts by the Town, including, for example, funding to support redevelopment of the former LP&T mill site by accessing state and federal grants;

WHEREAS, Section 801 of the Charter has impeded and will continue to impede redevelopment efforts at the mill and other sites in the Town and needs to be updated to amend the second sentence of Section 801 to provide for an overrule mechanism in Section 801 consistent with its title "Overrule of Action of the Council" and the very first sentence of Section 801, and

WHEREAS, correcting the problem would require only a single, simple change (detailed below) to the second sentence of Section 801; and

WHEREAS, the Lincoln Town Council seeks to secure the voters' input on a proposed single Charter Amendment that addresses the inconsistency in Section 801 but preserves the overrule authority of the voters;

WHEREAS, Maine law requires that the Council give timely notice of the proposed Charter Amendment and hold a public hearing on the proposed Charter Amendment;

BE IT HERE ORDERED, that the Town Council directs:

1. That the Town Clerk prepare a Notice of Public Hearing and place the following Question in such notice in the Lincoln News of a Public Hearing on August 16, 2021 at 6 pm:

Do you approve the following Charter amendment to simplify the Town's borrowing and appropriation process and support future economic development efforts by the Town, including, for example, funding to support redevelopment of the former LP&T mill site by accessing state and federal grants?

SEC. 801. Overrule of Action of Council.

...

All orders or resolves appropriating \$100,000.00 or more for a single capital improvement and all orders or resolves authorizing general obligation bond issues of \$100,000.00 or more for capital improvement, ~~must be approved~~ shall be subject to overrule by the voters in a referendum. ...

Brief Explanation: This Charter amendment aligns the language in Section 801 regarding approval of general obligation bond issues and capital appropriations in excess of \$100,000 with other provisions of Section 801 and the overall Charter budget process by shifting the power to initiate that action back to the Council consistent with the Council's legislative authority, so that instead of being required to approve every borrowing and large appropriation, the voters have the right to overrule actions of the Council they do not agree with.

Further Note: The Town Council has made findings that the proposed change to Section 801 is a Charter Amendment and is not a Charter Revision that would require the formation of a Charter Commission.

2. That the Town Clerk give notice that the Town Council will hold a Public Meeting at 6:30 pm on August 16, 2021 at which the Town Council will consider:
 - a. all information provided at the Public Hearing as to the Charter Amendment;
 - b. whether to adopt, with any changes:
 - i. the form of the Question,
 - ii. the Text of the Charter Amendment,
 - iii. the form of the Brief Explanation (as required by Maine law), and
 - iv. the form of the Further Note as to whether the proposed Charter change to Section 801 is a Charter Amendment (as required by Maine law);
 - v. review the written opinion of the Town Attorney that the proposed Charter Amendment does not contain any provision prohibited by the general laws, the United States Constitution, or the Constitution of Maine; and
 - c. if the Council so acts, to order and set the date for a Referendum Vote on the Charter change detailed above for the General Election on November 2, 2021.

Signed this 2nd day of August 2021 by the following Municipal Officers of Lincoln, Maine:

_____	_____
_____	_____
_____	_____
