



**TOWN COUNCIL
MEETING MINUTES
MARCH 5, 2019**

Christopher Brunelle, At Large 2019
Mark Lunt, District 1 2019
Kris Crawford, District 2, 2019
Fern Larochele, At Large 2020
Normand Albert, At Large 2021
Kasie Kolbe, District 1 2021
Allen Ward, District 2 2021

CALL TO ORDER. The Chairman, Normand Albert, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Ward, Kolbe, Brunelle, Lunt and Larochele. Councilors Crawford and Albert were absent. Also present were Diane Barnes, Town Manager; and approximately 20 citizens in the audience.

VOTE (2019-41A) Councilor Ward, seconded by Councilor Larochele moved to excuse absences for Councilors Crawford and Albert. **Order passed – Vote 5-0.**

VOTE (2019- 41B) Councilor Ward, seconded by Councilor Larochele moved to appoint Councilor Kolbe Chairman Pro Tem. **Order passed – Vote 5-0.**

GOOD NEWS & RECOGNITION

LISBON HIGH SCHOOL CHEERING TEAM PROCLAMATION

VOTE (2019-41C) Councilor Larochele, seconded by Councilor Kolbe moved to adopt the following Lisbon High School Cheering Team Proclamation:

WHEREAS, The Lisbon High School Cheering Team have made the Community proud as they finished first with a score of 62.6 while competing for the Mountain Valley Conference Championship, and

WHEREAS, The Lisbon High School Cheering Team went to the Class C Southern Regional Championship where they finished first with a score of 70.2 prevailing over their rivals Sacopee and Monmouth, and

WHEREAS, The Lisbon High School Cheering Team continued to prevail over their northern and southern rivals scoring a 72.6 at the State Championship; and

WHEREAS, The Lisbon High School Cheering Team claimed its third state title with their performance at the State Championship, and

WHEREAS, The Lisbon High School Cheering Team also took home the Class C Southern Sportsmanship Award, and

NOW, THEREFORE, we, the Town Council of the Town of Lisbon wish to congratulate and thank the Lisbon High School Cheering Team for their fine representation of the Town of Lisbon while winning the Class C State Championship Title on February 9, 2019.

Order passed – Vote 5-0.

PUBLIC HEARINGS

A. SPECIAL ENTERTAINMENT PERMIT FOR THE FLUX RESTAURANT

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

B. SPECIAL ENTERTAINMENT PERMIT FOR THE RAILROAD RESTAURANT & PUB

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 (2019-42) Councilor Larochelle, seconded by Councilor Lunt moved to approve the following:

A. Municipal Accounts Payable & Payroll Warrants -

# 2212019	\$ 4,439.40	# 2222019	\$ 100.00
#52	\$183,008.54	#53	\$ 17,706.81
#2282019	\$ 14,717.00	#352019	\$354,226.38

B. School Accounts Payable & Payroll Warrants -

#20	\$ 803.06	#1044	\$ 336,236.16
#1045	\$ 13,334.18	#1911	\$ 189,493.06
#	\$	#	\$

- C. Minutes of February 19, 2019
- D. Special Entertainment Permit and Liquor License for the Flux Restaurant
- E. Special Entertainment Permit and Liquor License for the Railroad Restaurant & Pub
- F. Set a Public Hearing on March 19 for the Medical Marijuana Est. License for BBB Pharmaceutical Alternatives, LLC and two
- G. CMP Pole Permits – Pole 49 for the Bowdoinham Road & the Pole at Ridge Road & Wing Street

Order passed - Vote 5-0.

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

FEE SCHEDULE AMENDMENTS

INTRODUCTION: Mr. Stevens introduced Dan Leeman and asked that he address the vendor changes. Mr. Leeman said the committee had a great meeting yesterday. He said the fee changes requested for the Moxie Festival were being proposed to encourage Lisbon non-profits (including school volunteer groups) and civic organizations (boy scouts and/or girl scouts) to participate by making it more affordable for them. There were only three school groups last year. Friday vendors were changed to be consistent with Saturday vendors. Mr. Leeman said they also like the idea of a two-day discount to see if they could get more vendors there Friday because it is two different locations and that can discourage some because extra set up is involved. Maybe this will get more vendors there on both days.

Mr. Stevens said the proposed change is to reduce the part-time fee for residents. We offer it but do not advertise it; it is really for those who spend a lot of time on vacation or use up to only 15 days of the summer day camp. The Recreation Committee heard comments about this being too high last year, especially after we added the trip fees to the day camp fees last year.

Mr. Stevens explained that the \$100 trip fees were not in the fee schedule last year, although they have to collect them. He proposed combining the \$100 trip fees in with the summer day camp fees, which is why it looks like the fees went up \$100, but they did not; they are being reflected correctly now.

COUNCILOR COMMENTS: Councilor Larochelle said this is a great idea, trying to get our local non-profits involved. He said the festival benefits the community, hopefully the non-profits and the school. He said there must have been discussions about revenues so hopefully this equates out financially or balances so it will not be a burden. At the end of the day, that is what the festival is for, to help benefit the community.

VOTE (2019-43) Councilor Kolbe, seconded by Councilor Ward moved to adopt the Moxie Festival and Recreational fee schedule amendments as recommended:

Section this Code	Description	Fee/Rate
	BUSINESSES	
	...	
	Moxie Festival Saturday Craft/Trade Vendor Fees:	
	<u>Before May 17th</u>	
	<u>Lisbon Non-Profit/School Groups Friday & Saturday</u>	<u>Free</u>
	<u>Lisbon Businesses - Craft Vendors Friday & Saturday</u>	<u>\$75.00</u>
	<u>Lisbon Businesses - Food Vendors Friday & Saturday</u>	<u>\$100.00</u>
	<u>Out of town Businesses - Craft Vendors Friday</u>	<u>\$100.00</u>
	<u>Saturday</u>	<u>\$125.00</u>
	<u>Out of town Businesses - Food Vendors Friday</u>	<u>\$125.00</u>
	<u>Saturday</u>	<u>\$175.00</u>
	<u>After May 17th</u>	
	<u>Lisbon Non-Profit/School Groups Friday & Saturday</u>	<u>Free</u>
	<u>Lisbon Businesses – Craft Vendors Friday</u>	<u>\$100.00</u>
	<u>Saturday</u>	<u>\$125.00</u>
	<u>Lisbon Businesses – Food Vendors Friday</u>	<u>\$125.00</u>
	<u>Saturday</u>	<u>\$150.00</u>
	<u>Out of town Businesses – Craft Vendors Friday</u>	<u>\$125.00</u>
	<u>Saturday</u>	<u>\$175.00</u>
	<u>Out of town Businesses – Food Vendors Friday</u>	<u>\$150.00</u>
	<u>Saturday</u>	<u>\$225.00</u>
	<u>2 Day Participation Discount</u>	<u>-\$25.00</u>
	<u>Lisbon Business or Lisbon Non-profit</u>	<u>\$75.00</u>
	<u>After May 18</u>	<u>\$125.00</u>
	<u>Out of Town or Out of Town Non-Profit</u>	<u>\$125.00</u>
	<u>After May 18</u>	<u>\$175.00</u>
	<u>Moxie Festival Saturday Food Vendor Fees:</u>	
	<u>Lisbon Businesses</u>	<u>\$100.00</u>
	<u>After May 18</u>	<u>\$150.00</u>
	<u>Out of Town Businesses</u>	<u>\$175.00</u>
	<u>After May 18</u>	<u>\$225.00</u>
	Electrical Fee Per Space for Saturday Only	\$25.00
	Friday Night All Vendors—No power available	\$100.00

	Clean Up Fee (if area not left clean)	\$25.00
	Art Vendor Non-Refundable Application Fee After April 14	\$35.00 \$50.00
	...	
PARKS AND RECREATION		
	Summer day camps—7 week session	
	a. Resident	350.00 <u>450.00</u>
	b. Non-resident	375.00 <u>525.00</u>
	c. 1/2 time summer day camps	225.00 <u>275.00</u>
	d. Non-resident	250.00 <u>350.00</u>
	e. Sibling discount	-25.00
	...	

Order passed - Vote 5-0.

EMERGENCY GENERATOR PROJECT BID AWARD

INTRODUCTION: Currently there is no public emergency shelter in Lisbon. After the completion of a new gym at the high school, the Town felt this was a feasible location for an emergency shelter. The need for a shelter was in mind during design and construction, including electrical and space requirements. Space was provided in the electrical room for a transfer switch. In 2016, the Town began applying for grant funds through the Department of Homeland Security to help pay for the generator and transfer switch. The Town was successful in receiving grant funds from HSGP over the past three years totaling \$33,625.89 (confirmed amount); Mrs. Barnes explained that earlier she miscalculated that amount reporting \$3,000 more in HSGP funds than available. She said the Council also previously designated \$20,000 from unassigned fund balance to go towards the generator pad and infrastructure. She mentioned the town also has \$10,000 in a Grants Match reserve fund that has not been assigned.

Lisbon received the following two bids:

Electrical Systems of Maine	\$ 68,500.00
Regional Electric, LLC	\$127,000.00

Mrs. Barnes reported Regional Electric, LLC did not quote the same size generator as outlined in the amended Request for Proposals. FEMA required the proposal specify the exact size generator. She said Regional indicated they did not feel it would be large enough; however, there was no indication that they visited the site. She said since Public Works could install the generator pad, do the necessary digging, trenching, and back filling required, the town is able to reduce the bid by \$5,000. She mentioned they compared fuels and decided it made more sense to go with natural gas since that goes into the building.

Mrs. Barnes recommended the Council award the bid to Electrical Systems of Maine in the amount of \$63,500.00 and designate \$9,874.11 from the Grants Match reserve to complete this project.

COUNCILOR COMMENTS: Councilor Ward said he was good with it. Councilor Larochelle said natural gas was a win win situation for us.

VOTE (2019-44) Councilor Brunelle, seconded by Councilor Lunt moved to award the bid to Electrical Systems of Maine in the amount of \$63,500 and to designate \$9,874.11 from the Grants Match reserve along with an additional \$20,000 as previously approved from the Unassigned Fund Balance to complete this project, accompanied by the HSGP Grant Funds of \$33,625.89. **Order passed - Vote 5-0.**

FINANCE DEPARTMENT ASSISTANT

Item moved to a future agenda

ROAD NAME REQUEST – MOXIE LANE
(Off Main Street between 117 & 121)

INTRODUCTION: There is a new subdivision off Main Street, located between the address range of 117 and 221 Main Street. Two lots will be using a common drive, which requires a named road. The owner of the subdivision, John Crafts, has requested the name Moxie Lane. This road name meets E-911 standards and is compliant with the Town's road naming ordinance Sec. 46-93.

VOTE (2019-46) Councilor Larochelle, seconded by Councilor Lunt moved to adopt the road name Moxie Lane for the common drive off Main Street between #117 Main Street and #221 Main Street. **Order passed – Vote 5-0.**

SET CHARTER AMENDMENT PUBLIC HEARING FOR APRIL 2, 2019
AND ADOPT ORDER FOR SPECIAL MUNICIPAL ELECTION

INTRODUCTION: The Notice of Public Hearing for the Charter Amendment and Order for Special Municipal Election has been prepared by Attorney Stockford as requested by Council. A motion is required to set the public hearing for April 2, 2019 and to adopt the Order calling for the Special Municipal Election on June 11, 2019.

COUNCILOR COMMENTS: Councilor Larochelle said this removes the requirement that Councilors be elected from Districts so all the Councilors would be elected at large. Councilor Ward said he has only heard one complaint from one individual that said he believed the town needed representation from both ends of town. He said that's unfortunate that someone would think that way since Lisbon has done a considerable amount of consolidation.

VOTE (2019-47) Councilor Larochelle, seconded by Councilor Ward moved to set the Charter Amendment Public Hearing for April 2, 2019 and to adopt the Order for Special Election as presented. **Order passed - Vote 5-0.**

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. Planning: Councilor Ward reported the Planning Board set a public hearing for BBB Pharmaceutical Alternatives, LLC's application for a Medical Marijuana Establishment. They had one applicant withdraw his application. They are holding a Comprehensive Plan public hearing on ~~May~~ March 28. He encouraged residents to get comments to the Town Manager or a Planning Board Member.
2. LDC: Councilor Larochelle said LDC would be having a meeting sometime next week. They are planning to talk about upcoming projects. He encouraged those interested to attend.
3. Conservation Commission: Councilor Ward said there are no minutes. He reported Chairman Main has had a heart transplant, is out of surgery, and getting around.
4. Recreation: Mr. Stevens said the Recreation Committee met yesterday. They discussed their 2019-2020 goals, reviewed the Parks & Recreation report for the annual town report, and the proposed budget.
5. County Budget: Councilor Ward said there was nothing new to report.
6. Library: Councilor Lunt said there was nothing new to report.

B. TOWN MANAGER'S REPORT

Mrs. Barnes said two grant opportunities presented themselves this week: 1) for composting and the other 2) for culverts. The composting grant requires a 25% match. The culvert grant would help us fix Bartholomew Street. Public Works will work together with us to apply for that one.

C. MOXIE FESTIVAL UPDATE

Julie-Ann Baumer, Moxie Festival Curator, reported the dedication and successful collaboration that's being done by the Parks & Recreation staff. She said a lot of good work has been accomplished so far and that she expects this will continue well beyond the July 14, 2019 festival as well.

Ms. Baumer said multiple statewide news publications have picked up our press releases mostly because of the "Moxie Goes Artsy" theme. She said their Facebook audience has also increased thanks to Heather Cronin. They will be working together as a team sharing website administration responsibilities.

Ms. Baumer reported the Recipe Contest, a committee of ten now, are working putting this event together and are planning to produce a cookbook. She said Councilor Ward and Carlton Barnes are up to date with getting the paperwork out to parade participants and groups are beginning to enroll.

Ms. Baumer said they have received a lot of good publicity from the selected art. The art winner, Brent Bachelder, would like to assist them with this year's Art Walk and Chalk Art event. She indicated he is willing to contribute a mural-size version of his winning art, which could become a separate "community paint" event. Marcea Crawford and Kirsten Eubank chair the art event.

Ms. Baumer indicated that sponsorship letters already went out, current sponsorships received total to date \$7,525. The next phase of fundraising involves personal contact with potential donors. She said their goal is to increase the number of local donations to highlight more community involvement.

Ms. Baumer said this year's new events include:

- Little Miss Moxie Pageant, to be held before the festival (June 1); winners will participate in promoting events and will join the parade.
- Sunday Night Movie Night, sponsored in part by Five County Federal Credit Union, will complete their Sunday events.
- Chalk Art Contest

Ms. Baumer said vendor applications were ready for distribution. Aline Strout and Dan Leeman will be heading up this effort to increase vendor participation across all segments, both non-profit and commercial.

Mrs. Barnes said the town received final approval to use the Moxie logo yesterday. This will have to be done annually.

APPOINTMENTS

RECREATION COMMITTEE – ALTERNATE MEMBER

Christopher Cloutier

VOTE (2019-48) Councilor Laroche, seconded by Councilor Ward moved to appoint Christopher Cloutier to the Recreation Committee as an Alternate Member. **Order passed - Vote 5-0.**

COUNCILOR COMMUNICATIONS

Councilor Ward announced that the Police Department RX Drop program is ongoing so anyone can still bring outdated medications for disposal to the Police Department. He encouraged the public to help get this off the streets.

Councilor Lunt thanked the crew at Public Works for keeping our roads safe during the previous storm. They work tirelessly all hours of the day and night when these storms arrive. He said it is a lot of work and that we appreciate the great job.

AUDIENCE PARTICIPATION & RESPONSE FOR NEW ITEMS

Councilor Brunelle stepped down from his seat as Councilor and went to the lectern to address the Council. He said he lives at 328 Lisbon Street, that he owns BBB Pharmaceutical Alternatives, LLC, and that he submitted an application for his business to the Planning Board. He explained the Planning Board accepted his application last Thursday and told him they cannot give him permission to use the easement on Barn Way. He said they told him he needed a notarized letter from Woodside Apartments to access Barn Way as an exit. He said his initial to scale drawing was to enter from Route 196, parking at a 45 degree angle to the right, pulling back out, and exiting onto Barn Way to Route 196. He said Barn Way (which has two access points) has been there since 1987 or 1988, that he went back to previous owners (including Ed Bush who received an easement in 1987) and those alive and previously owned 387 Lisbon Street (including the Ambulance Service) indicated they used Barn Way and no one had ever needed written permission to use Barn Way, except for him now. He said he would like to know why.

Don Fellows, Planning Board member said he happened to have a copy of that deed with the easement with him. He explained the Planning Board was happy with the site visit and happy with the plan as presented and anticipated approving that site and plan until they reviewed the deed and discovered that the Planning Board did not have anything giving him the right of way to that easement or to that piece of property.

Mr. Fellows said Mr. Brunelle told them the owner next door had said there was no problem. The Planning Board has no reason to believe that that is not the case. However, the objection comes from the way the easement reads (and the Planning Board on its own came up with an alternate plan that is two way access onto the property that allowed them in their view to approve it Thursday night contingent upon using their plan or obtaining legal access to that right of way) that says:

On October 30, 1989, Ed Bush granted legally an easement (Book 2481 Page 310) to Woodside Housing Associates and the easement with Warranty Covenants, over and under the real property situated in the Town of Lisbon, basically, situated on this property that he owns. Then it says that:

This Easement shall be for all purposes of a way including, but not by way of limitation, all rights of ingress and egress and rights to install, maintain, operate and repair any and all utilities or utility lines, including, without limitation, sewer, water, electric, telephone, cable, and television or other similar utilities and their necessary fixtures and supports, including any and all lighting fixtures ...over and above the property.

Mr. Fellows pointed out that it continues to say that:

By acceptance of this Easement, the Grantee, for itself (Woodside Housing) and its successors and assigns, covenants and agrees:

- 1) To construct on the property described on the attached Exhibit A, a roadway, including all appurtenant utilities and drainage systems in accordance with the specification of the Town of Lisbon. Said right of way will be constructed in accordance with all local, State and federal regulations for a private right of way; and that Grantee, its management agent(s) and assigns shall be responsible for all maintenance of the drive and Easement area.*

Mr. Fellows said additionally, ...

- 2) Grantee agrees that upon completion of construction of the Right of Way, Grantor, his heirs and assigns may have all rights of ingress and egress to the Premises described in Exhibit A, over said*

way, so long as such use does not obstruct or threaten pedestrian or vehicular traffic to and from the proposed Woodside Apartments.

Mr. Fellows said they have the right to tie into the water, sewer, and the normal conditions for the property. He said the Planning Board decided that Woodside owned this Easement and Woodside is responsible for maintaining it. This deed also gives the heirs and assigns of Ed Bush only the right to use this Easement if it did not interfere with Woodside. He said, so therefore the Planning Board felt that if Chris Brunelle was to use that Easement he needed permission from Woodside because they owned the Easement and/or possibly even the property owner, but advised him that a title attorney was probably his best recourse. He said, in the meantime, the Planning Board approved it that way. He said, although he was not recommending, Mr. Brunelle's relief of source if needed would be the Appeals Board.

Councilor Larochelle said regardless of how the permit was granted, it did go through the Planning Board the other night and the Planning Board cannot say yay or nay on the use of that right-of-way, but it's just the idea of the legalities of it. Mr. Fellows said his one-way drive way assumed the use of that right-of-way and the Planning Board can not grant use of that right-of-way.

Councilor Larochelle said the Planning Board cannot allow someone permission to go over someone else's property or use in this case that Easement, which is no different than if you wanted to put a driveway to the other guys property on the other side, but with the idea of being approved as it was with the two-way exit/entrance off Route 196, it could be issued. The Planning Board does not police the other exit regarding whether it is used or not, nor would anyone police whose going over your lawn or whatnot. The Planning Board approved the plan legally with the two-way entrance/exit directly onto Route 196.

Mr. Fellows said the only stipulation is that the parking lot has to be designed according to the two-way. He said it could not be designed according to the one-way; not without the legal stuff.

EXECUTIVE SESSION

ADJOURNMENT

VOTE (2019-49) Councilor Lunt, seconded by Councilor Larochelle moved to adjourn at 7:47 PM. **Order passed - Vote 5-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: March 19, 2019