



**TOWN COUNCIL**  
**MEETING MINUTES**  
**OCTOBER 4, 2022**  
**LISBON TOWN OFFICE**

Mark Lunt 2022  
Donald Fellows 2022  
Jason Smith 2022  
Fern Larochele, Chair 2023  
Harry Moore, Jr., Vice Chair 2024  
Raymond Robishaw 2024  
Christine Cain 2022

**CALL TO ORDER.** The Chairman, Fern Larochele, called the meeting to order and led the Pledge of Allegiance to the Flag at 7:00 PM.

**ROLL CALL.** Members present were Councilors Fellows, Lunt, Larochele, Robishaw, Smith, Cain and Moore. Also present were Ryan McGee, Interim Town Manager; Glenn Michalowski, Assistant Town Manager; Ross Cunningham, Economic and Community Development Director; Chuck Harrison, and approximately 20 citizens in the audience.

**GOOD NEWS & RECOGNITION – NONE**

**PUBLIC HEARINGS**

**AMENDMENTS TO CHAPTER 14 GENERAL ASSISTANCE MAXIMUMS & APPENDICES**

The Chairman opened the Hearing. There were no speakers; the Chairman closed the Hearing.

**AMENDMENT TO GROUND MOUNTED SOLAR ENERGY SYSTEM ORDINANCE**

The Chairman opened the Hearing. There were no speakers; the Chairman closed the Hearing.

**AMENDMENT TO LIBRARY DEPARTMENT FEE SCHEDULE**

The Chairman opened the Hearing. There were no speakers; the Chairman closed the Hearing.

**AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS**

Cheryl Haggerty of Lisbon spoke on behalf of the ATV and Snowmobile Clubs. She complimented them for such good trails. She said they have overcome the issue crossing Route 196 and it will be good to connect Lisbon to Lisbon Falls. She added that Lisbon can be a destination for ATV riders, the access will allow riders access to fuel more easily. Mrs. Haggerty stated that the speed limit is 5 mph and the safety of pedestrians on the walking paths is a priority.

Chief McGee said the Warden Service is supportive of the option of crossing at the Big Dipper property.

Ed Barrett, representing the ATV Clubs, said they may wish to raise the speed limit on back roads to 20 mph, that's what it is in Bowdoin. He said this will be the largest trail system in this part of the state.

Aaron Martel, also from the ATV Clubs, said it is safer to ride at 25-30 mph on in-town roads.

Ross Cunningham stated that the Economic and Community Development office is supportive of this effort, it will serve as an attraction to Lisbon.

Mariette Hanlon of Lisbon said she is a runner in Lisbon, and that she has always found the ATV riders to be respectful. She said she supports the ATV Clubs' efforts.

Len Lednum from Positive Change Lisbon (PCL) explained that PCL would like to close Main Street between Union and Route 196 for events on the 18<sup>th</sup> and 24<sup>th</sup> of October. He said the 18<sup>th</sup> is for Olive Pit Brewing to hold an Oktoberfest event, and October 28<sup>th</sup> will be so Frank's Restaurant & Pub can hold a Halloween event. He said PCL considers these events an announcement to the community that the road construction is finished and we can get members of the community back to Main Street.

**CONSENT AGENDA**

- A. Municipal Accounts Payable Warrants - \$ 370,891.03
- B. Municipal Payroll Warrants - \$ 289,215.33
- C. School Accounts Payable Warrants - \$ 787,980.91
- D. School Payroll Warrants - \$ 376,310.31
- E. Minutes of September 20, 2022.
- F. Set Public Hearing for October 18th for a Medical Marijuana Manufacturing Facility License for 207 Edibles
- G. Seniors Plus – Memorandum of Understanding for October 1, 2022 through September 30, 2023
- H. Authorization to Accept Prepayments on Fiscal Year 2022 Commitment

**VOTE (2022-209)** Councilor Fellows, seconded by Councilor Lunt, moved to approve the Consent Agenda.

**Order passed - Vote 7-0.**

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

### **RIVERSIDE TRAILRIDERS ATV ROAD ACCESS INCREASE REQUEST**

INTRODUCTION: The Riverside Trailriders (Lisbon ATV Club) and the Lisbon Hardcore riders (Lisbon Falls ATV club) request the following increased ATV road access in an effort to connect the Lisbon trails to the Lisbon Falls trails. This update, along with the future the Rail to Trail conversion and access to the Bowdoin Trails program, will allow for a vast network of local trails that will serve as an economic driver and a regional recreational opportunity that will bring visitors to Lisbon.

#### MAP #1

ATV Route 1- From Established trail head on Pinewoods Rd (1.6 miles from Village St), headed North East approximately 1.6 miles to the intersection of Pinewoods road, Ferry Road and Village Street.

ATV Route 2 - Ferry Road from the intersection with Wagg Rd. Northeast approximately 2.6 miles to the intersection of Rte 196. Crossing Rte 196 onto Webster road and turning right on Upland road.

Continuing East on Upland Road approximately 1.9 miles to the Rte 9 Intersection.

ATV Route 3 - Hudon Road, from the intersection with Ferry Rd, South East .75 miles to the intersection of River Rd. River road easterly for .8 miles to the intersection of 196. Traveling Southeast on Rte 196 for approximately 1,000 feet to connect with the Lisbon Walking trail. Traveling along the trail northeast under the overpass and into the parking lot. Accessing Frost Hill and traveling Southeast on Frost Hill for approximately 1 mile to the intersection of Rte 9.

ATV Route 4 - River Road from end northeast to intersection of River Rd. and Hudon Rd.

#### MAP #2

ATV Route 5 -Webster Rd from Rte 196 northeast to the intersection with Rte 9. Left on Rte 9 for 500' to Bowdoinham Rd. Right on Bowdoinham road for 2.2 miles to established trail head.

#### MAP #3

ATV Route 6- Bowdoinham Road from Established trail to Fisher Road (0.7 Miles) turning onto Fisher road to travel to Bowdoin {0.7 miles) to connect to Bowdoin trails

#### Summary of Road Access Request

1. River Road from the southeast end to the intersection of River Rd and RTE196 (1.4 miles)
2. Rte 196 From River Road to Frost Hill ave (0.1 Miles)
3. Frost Hill from Rte 196 Southeast to Rte 9 (1 mile)
4. Ferry Road from Wagg Rd Northeast to Pinewood Rd. (2.25 miles)
5. Pinewoods Rd from established trail head East to Ferry Road (1.6 miles)
6. Village St from Pinewoods Road to Rte 196 (.36 miles)
7. Upland Road from Webster Rd to Rte 9 (1.88 miles)
8. Webster Rd from 196 to Rte 9 (2.07 miles)
9. Rte 9 from Webster Road to Bowdoinham Road (0.1 miles)
10. Bowdoinham Rd from Rte 9 to Fisher Road (2.9 miles)
11. Fisher Road from Bowdoinham Road to Bowdoin town Line (0.7 Miles)

Chief McGee said he met with representatives from CMP, the Warden Service, and the Town attorney on this. He said right now there has only been one incident and it was not an ATV Club member. He said he feels the breakdown lane is adequate, and that safety is the first priority. He also said the Clubs are making sure of that. He discussed access roads and said CMP is working with clubs to use their property and also with homeowners, the railroads and the DOT for trail use and to remove rails. He said they are working to connect multiple trails and this is the first step. He pointed out that the dialog has been great.

Mr. Barrett said the clubs do a lot of fundraising rides, this will allow them to do the rides in Lisbon instead of going to trails in other areas. He said they plan to begin to add signage in the spring, and that they plan to maintain continuity of the signage with the Bowdoin club.

**COUNCILOR COMMENTS:** Councilor Robishaw said he lives near current trails, the riders follow the rules and it is awesome.

Chief McGee said that the Warden told him there are some safety grants through the state that could be used to finance a patrol or ride with the clubs for safety and security.

Councilor Larochelle pointed out that Lisbon will need to adapt the trail rules to allow ATV access.

**VOTE (2022-210)** Councilor Smith, seconded by Councilor Robishaw, moved to authorize the Riverside Trailriders (Lisbon ATV Club) and the Lisbon Hardcore riders (Lisbon Falls ATV Club) to increase ATV road access as presented.

**Order passed - Vote 7-0.**

**AMENDMENT TO LIBRARY DEPARTMENT FEE SCHEDULE**

*Second Reading*

**INTRODUCTION:**

- 1) Town Council review and approval to increase the current \$50 yearly non-resident patron membership fee to \$60 per year. The Library Governing Board and I recommend the increase upon review of increase in hours of operation, more “in-house” and on-line services available and provided to all Lisbon Library resident and non-resident patrons post pandemic.
- 2) Town Council review and approval to eliminate the overdue fine collection fees schedule. We currently have a .10 per day max \$5.00 per item fee policy. Overdue fines had been suspended during & post pandemic months to ensure patrons continued to receive services. Fines were reinstated last fiscal year but have proven to be an ineffective way to encourage the few who reach the billing stage of the overdue process to return their library materials. Our timely and consistent overdue notices and “Bill for Lost Town of Lisbon Property” and library card suspension policy, however, keeps our rate of loss very low.

**APPENDIX C – FEE SCHEDULE**

LIBRARY FEES	
Non-resident membership	<del>\$50.00 yearly</del> <u>\$60.00 yearly</u>
<del>Fines overdue books</del>	<del>.10 per day Max \$5.00 per item</del>
<del>Fines overdue DVD's</del>	<del>\$1.00 per day \$5.00 Max per DVD</del>
Outgoing fax fees	\$2.00 per page
Photocopies	\$.50
Replacement fees for new telescope	\$325.00
Replacement cost for new microscope	\$110.00
Replacement cost for lost or damaged library materials	Fees are based on replacement cost per item

**VOTE (2022-211)** Councilor Fellows, seconded by Councilor Lunt, moved to approve the Amendments to Library Department Fee Schedule as presented.

**Roll Call Vote: Yeas – Cain, Fellows, Larochelle, Lunt, Moore, Robishaw, and Smith. Nays - None.**

**Order passed - Vote 7-0.**

AMENDMENTS TO CHAPTER 14 GENERAL ASSISTANCE  
MAXIMUMS & APPENDICES  
*Second Reading*

**APPENDICES A-H**

**2022-2023**

The Municipality of Lisbon adopts the MMA Model Ordinance GA Appendices (A-H) for the period of October 1, 2022-September 30, 2023. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305 (4).

**VOTE (2022-212)** Councilor Fellows, seconded by Councilor Lunt, moved to approve the Amendments to Chapter 14 GA Maximums & Appendices for the period of October 1, 2022 to September 30, 2023 as presented.

**Roll Call Vote: Yeas – Cain, Fellows, Laroche, Lunt, Moore, Robishaw, and Smith. Nays - None.**

**Order passed - Vote 7-0.**

AMENDMENT TO GROUND MOUNTED SOLAR ENERGY SYSTEM ORDINANCE – *Second Reading*

Proposed Solar Ordinance Revision

Since the State of Maine has adopted decommissioning standards for Ground Mounted Solar Energy Systems, the following change to Sec 70-877 of our Town Solar Ordinance might make sense.

Sec 70-877 – Performance Guarantee

After the plan is approved but before a permit is issued, the applicant for a Ground Mounted Solar Energy System shall submit to the Town of Lisbon ~~a copy of the decommissioning plan for the system submitted and approved in accordance with MRS Title 35-A SubSection 3495. Requirements of the subsection shall be met in all respects and copies of the required updates shall be submitted to the Town of Lisbon Codes Enforcement Officer in the same manner and timeframes as required by that Maine State statute. Having met the state requirements shall be sufficient to meet the Town of Lisbon requirements for this matter.~~ ~~a performance guarantee in the amount of 150% of the applicant's estimated decommissioning cost of the system subject to a review of such cost by the Codes Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Codes Enforcement Officer.~~

**VOTE (2022-213)** Councilor Fellows, seconded by Councilor Smith, moved to approve the Amendment to Ground Mounted Solar Energy System Ordinance as presented.

**Roll Call Vote: Yeas – Cain, Fellows, Laroche, Lunt, Moore, Robishaw, and Smith. Nays - None.**

**Order passed - Vote 7-0.**

AMENDMENTS TO CANNABIS ORDINANCES – *First Reading*

INTRODUCTION:

**Sec. 10-603. Definitions.**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings:

*Cultivation of marijuana for medical use.* "Cultivation of marijuana for medical use" means all cultivation of marijuana for medical use which must comply with state rules and state statutes.

*Disqualifying drug offense.* "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

*Extraction.* "Extraction" means a process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. The use of inherently hazardous substances in marijuana extraction is restricted by state rule.

*Marijuana product.* "Marijuana product" means a product composed of marijuana, or marijuana concentrate and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana inhalant, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

*Manufacture or manufacturing.* "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products by a registered manufacturing facility or by a patient, caregiver or dispensary as authorized under 22 MRS, chapter 558-C. Manufacturing includes, but is not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing or manufacture" does not include cultivation.

*Manufacturing facility.* "Manufacturing facility" means a manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

*Marijuana testing facility.* "Marijuana testing facility" means an entity licensed by the Department of Administrative and Financial Services and certified to test medical use marijuana, including concentrates and products containing marijuana, for research and development purposes and to analyze contaminants in, and the potency and cannabinoid profile of, marijuana samples and products containing marijuana cultivated in accordance with 22 MRS, chapter 558-C.

*Medical marijuana cultivation facility.* "Medical marijuana cultivation facility" means a facility authorized under state law to cultivate medical marijuana for qualifying patients.

*Medical marijuana establishment.* "Medical marijuana establishment" means a registered caregiver retail store, registered dispensary, marijuana testing facility, medical marijuana [cultivation facility](#), or manufacturing facility.

*Registered caregiver retail store.* "Registered caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

*Registered dispensary.* "Registered dispensary" means an entity registered under 22 M.R.S. § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or related supplies and educational materials to qualifying patients and the caregivers of those patients.

*Registration certificate.* "Registration certificate" means a Department of Administrative and Financial Services document containing a unique registry identification number that permits the manufacturing of marijuana and marijuana products for medical use.

*Registry identification card.* "Registry identification card" means a photographic identification card issued by the Department of Administrative and Financial Services to an individual who is authorized to manufacture marijuana or marijuana products for medical use, in the capacity of or in the employ of a patient, caregiver, dispensary or manufacturing facility. For the purposes of state rules, the Department of Administrative and Financial Services may issue a registry identification card to any person who holds an active and valid Individual Identification Card issued under Maine's Adult Use Marijuana Program authorized by 28-B MRS, chapter 1.

*State registration authority.* "State registration authority" means the authority created or designated by the state for the purpose of regulating and controlling registration for medical marijuana establishments.

(C.M. of 11-13-2018, V. 2018-247; C.M. of 1-15-2019, V. 2019-13; C.M. of 2-18-2020, V. 2020-40; C.M. of 8-17-2021, V. 2021-181)

#### **Sec. 10-606. Investigation of applicant, officers, etc.**

Upon receipt of an application or of a notice of a change of any of the individuals listed in subsection 10-605(4) above, the town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The building inspector shall verify that the premises at which the establishment will be located complies with all applicable town ordinances including, but not limited to, the building code, electrical code, plumbing code, and section 10-611, and shall report findings in writing to the town clerk.

- (2) The code officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the town clerk.
- (3) The health officer shall inspect the location or proposed location to determine whether all applicable ordinances relating to health and safety have been satisfied and shall report findings in writing to the town clerk.
- (4) The fire chief or his/her agent shall inspect the location or proposed location to determine if all town ordinances and any other applicable regulations concerning fire and safety have been satisfied and shall report findings in writing to the town clerk. Once the initial license has been issued, renewals shall not require inspection unless physical changes have been made to the licensed premises or the fire chief has reasonable suspicion that the premises are not compliant with applicable codes.
- (5) The police chief or his/her agent shall investigate the application, including the criminal history record information authorized under subsection 10-605(5) and under section 10-610 and shall report findings in writing to the town clerk.

(C.M. of 11-13-2018, V. 2018-247; C.M. of 1-15-2019, V. 2019-13; C.M. of 2-18-2020, V. 2020-40)

### **Sec. 10-611. Operating requirements.**

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the town council that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

- (1) *Location.* All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate medical marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks. No new registered caregiver retail store may be located within 2,000 feet of an existing licensed registered caregiver retail store or adult use marijuana store, with such distance being measured between the nearest exterior walls of the two stores.
- (2) *Security.*
  - (a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to the Lisbon Police Department.
  - (b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
  - (c) The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).
- (3) *Ventilation.*
  - (a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.
  - (b) All medical marijuana establishments that cultivate, manufacture or extract marijuana shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.
- (4) *Loitering.* The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
- (5) *Compliance with requirements of state and local law.* A medical marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this article, the more restrictive shall control.

(C.M. of 11-13-2018, V. 2018-247; C.M. of 12-18-2018, V. 2018-272; C.M. of 1-15-2019, V. 2019-13)



**Sec. 10-706. Investigation of applicant, officers, etc.**

Upon receipt of an application or of a notice of a change of any of the individuals listed in subsection 10-705(4) above, the town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The building inspector shall verify that the premises at which the establishment will be located complies with all applicable town ordinances including, but not limited to, the building code, electrical code, plumbing code, and section 10-711, and shall report findings in writing to the town clerk.
- (2) The code officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the town clerk.
- (3) The health officer shall inspect the location or proposed location to determine whether all applicable ordinances relating to health and safety have been satisfied and shall report findings in writing to the town clerk.
- (4) The fire chief or his/her agent shall inspect the location or proposed location to determine if all town ordinances and any other applicable regulations concerning fire and safety have been satisfied and shall report findings in writing to the town clerk. Once the initial license has been issued, renewals shall not require inspection unless physical changes have been made to the licensed premises or the fire chief has reasonable suspicion that the premises are not compliant with applicable codes.
- (5) The police chief or his/her agent shall investigate the application, including the criminal history record information authorized under subsection 10-705(5) and under section 10-710 and shall report findings in writing to the town clerk.

(C.M. of 8-17-2021, V. 2021-180)

**Sec. 10-711. Operating requirements.**

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the town council that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

- (1) Location. All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate adult use marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks. No new marijuana store may be located within 2,000 feet of an existing marijuana store registered caregiver retail store, with such distance being measured between the nearest exterior walls of the two stores.
- (2) Security.
  - (a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to the Lisbon Police Department.
  - (b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
  - (c) The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).
- (3) Ventilation.
  - (a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.
  - (b) All adult use marijuana establishments that cultivate, manufacture or extract marijuana shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.
- (4) Loitering. The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
- (5) Compliance with requirements of state and local law. An adult use marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the

future any law or regulation governing adult use marijuana establishments that conflicts in any way with the provisions of this article, the more restrictive shall control.

(C.M. 8-17-2021, V. 2021-180)

**VOTE (2022-214A)** Councilor Fellows, seconded by Councilor Robishaw, moved to approve the Amendments to the Cannabis Ordinances and Set a Public Hearing for October 18, 2022 extend the Marijuana Business Moratorium for an additional 90 days.

COUNCILOR COMMENTS:

Councilor Fellows asked the Assistant Town Manager to clarify what constitutes a new business. Mr. Michalowski said the town attorney looked at that question, that any pre-existing store that didn't meet those criteria would be considered a legally non-conforming business and be able to be transferred to the new business. He clarified that if a store closes and the use doesn't change, then one could still operate a retail store even if it's a non-conforming use.

Mr. Michalowski said that, with that in mind, he recommends a minor change to the ordinance where it says "no new cannabis retail store" to add "beginning on October 18th", which is the date of the final reading, at the suggestion of the town attorney.

Mr. Michalowski explained that even if a business sold and the new one had a new name, if it's the same kind of business it will be legal as non-conforming use. Councilor Fellows added that if a business closes and it reopens within a year it can still be a legal non-conforming business.

The Chairman requested the town attorney be available for additional questions from Council for further discussion of the ordinance changes.

**VOTE (2022-214B)** Councilor Fellows, seconded by Councilor Robishaw, moved to table the Amendments to the Cannabis Ordinances.

**Roll Call Vote: Yeas – Cain, Fellows, Larochelle, Lunt, Moore, Robishaw, and Smith. Nays - None.**

**Order passed - Vote 7-0.**

**VOTE (2022-214C)** Councilor Robishaw, seconded by Councilor Lunt, moved to extend the Marijuana Business Moratorium for an additional 90 days.

**Roll Call Vote: Yeas – Cain, Fellows, Larochelle, Lunt, Moore, Robishaw. Nays - None. Abstain – 1 (Smith).**

**Order passed - Vote 6-0.**

REQUEST TO SIGN MUNICIPAL PLOWING AGREEMENT

INTRODUCTION:

The Interim Town Manager requests in regards to the snow and ice control agreement that Maine DOT has with the Town of Lisbon on Route 9. Considering the recent increases that have impacted the costs of fuel and salt, we are modifying the contract with DOT to increase the overall payment by 15%.

Chief McGee said he has already spoken to Brian Burne and asked for permission to sign a contract with Maine DOT with an increase of 15% paid to the town of Lisbon. That would have the payment go up from \$21,302.26 to \$24,497.60 this year.





Internal Use Only:  
 AMS Advantage #: **2017111800000003023**  
 CSN#: **38112**

**MAINE DEPARTMENT OF TRANSPORTATION  
 MODIFICATION # 2 TO PROJECT CONTRACT**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> <b>STAND ALONE</b><br><input checked="" type="checkbox"/> Project Specific<br><input type="checkbox"/> Multi-PIN | <input type="checkbox"/> <b>UNDER A GCA:</b><br><input type="checkbox"/> Project Specific<br><input type="checkbox"/> Multi-PIN |
|--|---|

MaineDOT Program / Division / Office: **M&O Region 1**  
 MaineDOT Contact Person: **Brian Burne, Highway Maintenance Engineer**  
 Type of Services: **Snow & Ice Control**

Project Location: **Lisbon, Route 9**  
 State W.I.N. #: **021162.XX**  
 Federal W.I.N. #: **N/A**  
 Vendor Customer #: **VC1000055794**

Original Project Contract Maximum Amount: **\$176,136.00**  
 Current Project Contract Maximum Amount: **\$291,136.00**  
 Modified Project Contract Maximum Amount: **\$314,904.68**  N/A  
 Current Project Contract Expiration Date: **5/1/2030**  
 Modified Project Contract Expiration Date: \_\_\_\_\_  N/A

This Modification hereby amends a Project Contract that was executed by MaineDOT on 11/1/2009, with **Town of Lisbon** for **Snow & Ice Control** services for the above referenced project as follows:

**Increased Maximum Amount.** The maximum amount of the Project Contract shall be increased by: **\$23,768.68** from **\$291,136.00** to **\$314,904.68**. **This increase is the result of an annual escalator increase from 2% to 15% for the 2022-2023 winter season, due to unanticipated increases in fuel and commodity costs.**

**Expiration Date.** The Contract Expiration Date of the Project Contract shall be extended from \_\_\_\_\_ to \_\_\_\_\_  
 Reason: \_\_\_\_\_

**Change in Scope of Work.** The Scope of Services to be provided by the Consultant specified in the Project Contract shall be modified by \_\_\_\_\_.

The following attachments are hereby incorporated into this Modification:

- Appendix A – Method of Payment and Price, Overhead Rate**
- Appendix A-1 – Rates / Consultant’s Rate Schedule**
- Appendix B – Consultant’s Proposal / Modified Scope of Work**
- Appendix C - DBE/WBE Utilization Plan (Not Required for State Funded Only Contracts)**

When there is an increase in a Project Contract’s Maximum Amount, this Modification is subject to compliance with the Disadvantaged Business Enterprise (DBE) Program requirements as set forth by the Maine Department of Transportation.

All other terms and conditions of the original Project Contract shall remain in effect. This Modification hereby becomes part of the Project Contract. MaineDOT and the Consultant, by their duly authorized representatives, have executed this modification to said original Project Contract, which shall become effective on the date last signed below.

TOWN OF LISBON

MAINE DEPARTMENT OF TRANSPORTATION

**MAINE DEPARTMENT OF TRANSPORTATION  
 Snow and Ice Control Agreement**

**APPENDIX A:**

- The Town shall provide all labor, equipment and material needed to perform the winter maintenance work of snow plowing and ice control on a portion of **Route 9** Beginning at the compact urban line (mile 93.70) to the Sabattus/Lisbon T/L (mile 96.98), for a total length of **3.28** center miles (6.56 lane miles).

Total Lane Miles: **6.56**    Total Initial Cost\*: **\$24,497.60**    Date: **07/08/2022**

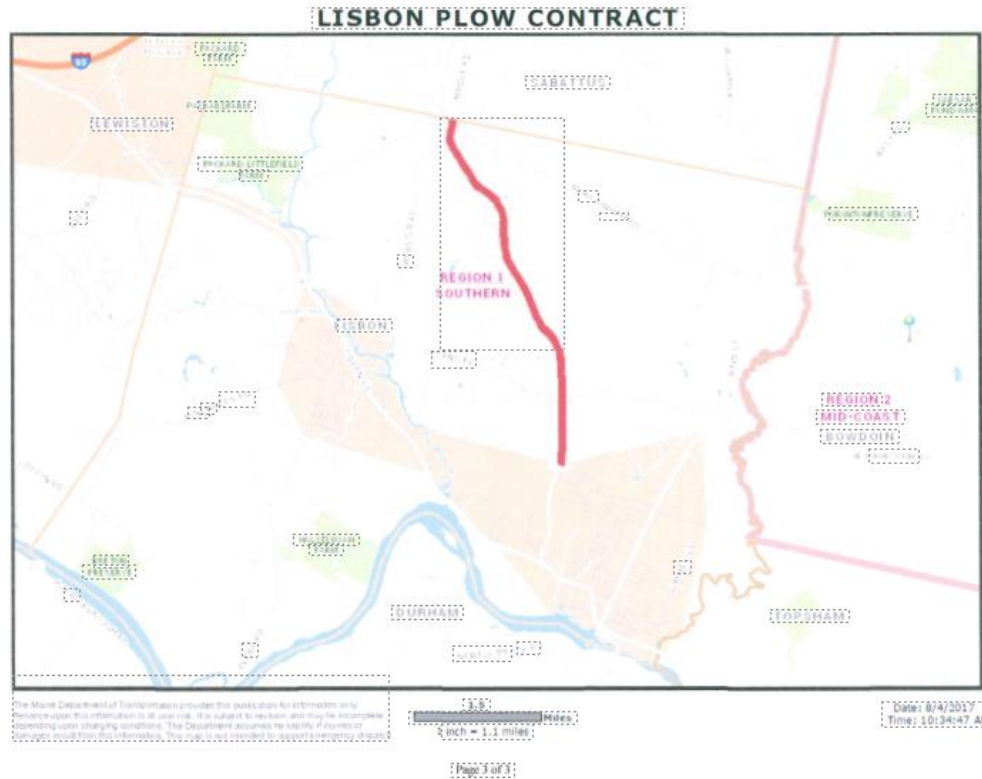
\* This contract was originally established to have a 2% escalation factor applied to the total contract amount each year. Due to unanticipated increases in fuel and commodities during 2022, a 15% escalation factor has been applied for the 2022-2023 season only. At this time, it is anticipated that the 2% escalation factor will resume for subsequent years. The updated table below reflects this change in the contract amounts.

**Billing Summary**

Winter Season	Annual Amount*	First Invoice Amount**	Final Invoice Amount**
2017/2018	\$19,680.00	\$9,840.00	\$9,840.00
2018/2019	\$20,073.60	\$10,036.80	\$10,036.80
2019/2020	\$20,475.07	\$10,237.54	\$10,237.53
2020/2021	\$20,884.57	\$10,442.29	\$10,442.28
2021/2022	\$21,302.26	\$10,651.13	\$10,651.13
2022/2023	\$24,497.60	\$12,248.80	\$12,248.80
2023/2024	\$24,987.55	\$12,493.78	\$12,493.77
2024/2025	\$25,487.30	\$12,743.65	\$12,743.65
2025/2026	\$25,997.05	\$12,998.53	\$12,998.52
2026/2027	\$26,516.99	\$13,258.50	\$13,258.49
2027/2028	\$27,047.33	\$13,523.67	\$13,523.66
2028/2029	\$27,588.28	\$13,794.14	\$13,794.14
2029/2030	\$28,140.05	\$14,070.03	\$14,070.02

\*Annual amount billed @ end of winter season by June 1

\*\*Bi-Annual amounts billed by Dec 1 of winter season and June 1 at end of winter season.



**COUNCILOR COMMENTS:**

Councilor Larochelle said the agreement is for Route 9, but Lisbon plows other State Roads. He asked the Interim Town Manager to find out more about this.

**VOTE (2022-215)** Councilor Fellows, seconded by Councilor Robishaw, moved to authorize the Interim Town Manager and Public Works Director to sign a contract with Maine DOT with an increase of 15% paid to the town of Lisbon. That would have the payment go up from \$21,302.26 to \$24,497.60 this year.

**Order passed, 7-0.**

**MAIN STREET CLOSURE DATES**

**OCTOBER 14<sup>TH</sup> FROM 2:00 PM–10:00 PM & OCTOBER 28<sup>TH</sup> - 2PM-12AM**

**COUNCILOR COMMENTS:**

Councilor Fellows said he would like to see this done periodically in the future for more events. Chief McGee said he will check with MDOT to see if they need to be involved.

**VOTE (2022-216)** Councilor Fellows, seconded by Councilor Lunt, moved to authorize closure of Main Street on October 14th from 2:00 pm–10:00 pm, and on October 28th from 2pm-12am (midnight).

The Chairman called for a vote, and the Clerk asked if there were any abstentions. There were none.

**Order passed, 7-0.**

Councilor Moore asked for a **point of order**, and asked the Clerk why she asked for abstentions. The Clerk replied that there was an earlier abstention due to a conflict and she wanted to make sure. Councilor Moore suggested that there should have been an abstention by Councilor Cain due to her ownership of a Main Street business. Councilor Cain agreed.

**VOTE (2022-216A)** Councilor Larochelle, seconded by Councilor Lunt, made a Motion to Reconsider the previous vote due to conflict of interest and to re-vote. Councilor Cain requested to abstain due to her business interest.

**Order passed, 6-0, 1 abstention (Cain).**

**SET NOVEMBER & DECEMBER COUNCIL MEETING DATES ONE MEETING FOR EACH MONTH**

**INTRODUCTION:** The Clerk suggested November 15 and December 6 for meeting dates. The Chairman said that, if needed, the Council could schedule an additional meeting.

**VOTE (2022-217)** Councilor Smith, seconded by Councilor Larochelle, moved to set the November Council meeting date for November 15, 2022 and the December Council meeting date for 6, 2022.

**Order passed - Vote 7-0.**

## **OTHER BUSINESS**

### **A. COUNCIL COMMITTEE REPORTS**

1. School: Councilor Larochelle said the school is considering a dress code to address the issue of hats.
2. Planning Board: Councilor Fellows said he had nothing to report.
3. Lisbon Development Committee: Mr. Cunningham said they are working on banners, received a sample and it is beautiful, they will install them in early November. He said they are also working on helping develop abandoned property ordinance changes.
4. Conservation Commission: Councilor Moore said he had nothing to report.
5. Recreation Committee: Councilor Moor said the Moxie Committee wants to have a workshop with Council soon, and the Rec department would like to add swings to Graziano Square.
6. County Budget Committee: Councilor Lunt said he had nothing to report. Council agreed they will need more information for future votes for the County Budget Committee.
7. Library Governing Board: Councilor Lunt said the flooding at the Library due to the construction and rain are being addressed.
8. Water Commission: Councilor Fellows said he had nothing new to report.
9. Finance Committee: Councilor Robishaw said he had nothing to report.

### **B. TOWN MANAGER'S REPORT**

Chief McGee reported that the Lisbon Falls Library has experienced some hardships with the Construction on Main Street. He said recently the stairway into the basement and the children's room area had water get into it from the front of the building on Main Street. He said ServPro cleaned the area and removed the wet drywall. He said we are in the process of getting this fixed, and we are also working on getting the old brick foundation sealed to prevent water from entering the library before the road is paved. He said he is working to see if the project will pay for ServPro's service to come out and clean up the library. Also, on Friday a dump truck pulled the internet wires off the library, as well as the molding near the roof. This will be repaired by McGee Construction and the internet has already been taken care of. McGee Construction dug out the foundation of the library in the area that is leaking and Public Works will seal the foundation tomorrow.

In regards to Public Works, Chief McGee said the salt shed should be completed by the end of November. He also spoke to Public Works and they have plenty of sand and do not need to order any for this winter. In regards to salt, they have enough for a few storms and will get the salt shed filled once it is built.

Chief McGee said that he is in discussion with GoNetSpeed for internet options for Town and Country Trailer Park. They will need a 24'x24' area for a concrete pad to do this. Mr. Michalowski said he would talk with them to see if he can negotiate some dark fiber for future use in town. He said he also made Consolidated Communications aware of the need for internet in that area.

The University of Maine Cooperative Extension on Main Street had an annual meeting, which the Interim Town Manager attended. He said he told them about the planters that will hang from the lights and they have concerns about irrigation/watering. He said he will continue to talk with them to work it out.

### **C. WATER DEPARTMENT UPDATE TO COUNCIL**

*Item taken out of order after Good News & Recognition*

Water Department General Manager Chuck Harrison described the next steps the Water Department is taking to implement corrosion control. He said they've been working on it over the past year. He said the Lisbon Falls side of town needs to be chlorinated to make sure the corrosion controls work properly. He said they added mixers to the inside tanks to help mix the chlorinated water. He said moving forward they will need to test 40 specific homes, and they will send out letters to request it.

Mr. Harrison explained that the mixing valve will mix the water to help maintain temperature and stir in the chemicals, that they will have fewer water main breaks because it will help prevent the water from freezing. He pointed out there should be no concerns for the food and beverage businesses in town, and that the chemicals are to prevent things from growing on the pipes. He said it will help with preventing iron and calcium buildup, but it will take some time for the barrier to take effect. He said customers will be able to smell the chlorine, it will be noticeable, and that it will be at .8 parts per million.

**APPOINTMENTS – NONE**  
**COUNCILOR COMMUNICATIONS**

Councilor Fellows said the Planning Board will be touring SpringWorks in advance of their next expansion, that they asked him to reach out to the Council to see if Council would like to do that, too. The Chairman suggested 2-3 Councilors to represent so there would not have to be a formal meeting. Chief McGee said he would work with staff to set that up.

**AUDIENCE PARTICIPATION & RESPONSE FOR NEW ITEMS**

**EXECUTIVE SESSION**

**VOTE (2022-219)** Councilor Fellows, seconded by Councilor Smith, moved to go into Executive Session Per 1 M.R.S.A. § 405 (6) (A) Personnel Matters at 8:50 PM.

**Order passed – Vote 7-0.**

The Council came out of executive session at 9:45 PM and resumed the meeting.

**VOTE (2022-219A)** Councilor Fellows, seconded by Councilor Cain, moved to authorize the Chief of Police to apply for and accept a contract with the Maine Drug Enforcement Agency which will fully fund a new MDEA Police Officer Position in Lisbon.

**Order passed – Vote 7-0.**

**ADJOURNMENT**

**VOTE (2022-220)** Councilor Smith, seconded by Councilor Cain, moved to Adjourn at 9:48 PM.

**Order passed – Vote 7-0.**

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Lisa M. Ward, Council Secretary  
Town Clerk

Date Approved: October 18, 2022