



**TOWN COUNCIL
MEETING MINUTES
FEBRUARY 20, 2018**

Normand Albert, At Large 2018
Kasie Kolbe, District 1 2018
Allen Ward, District 2 2018
Christopher Brunelle, At Large 2019
Mark Lunt, District 1 2019
Kris Crawford, District 2, 2019
Fern Larochele, At Large 2020

CALL TO ORDER. The Chairman, Councilor Ward, 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, Albert, Kolbe, Brunelle, Lunt, Crawford, and Larochele. Also present were Diane Barnes, Town Manager; and approximately 30 citizens in the audience.

GOOD NEWS & RECOGNITION

PROCLAMATION FOR LISBON HIGH SCHOOL CHEERING TEAM

Nicki Adams, Coach

VOTE (2018-32) Councilor Kolbe, seconded by Councilor Albert moved to adopt the following Proclamation:

WHEREAS, The Lisbon High School Cheering Team have made the Community proud as they finished first at the Mountain Valley Conference Championship, and

WHEREAS, The Lisbon High School Cheering Team went on to win the Southern Maine Class C Regional Championship, and

WHEREAS, The Lisbon High School Cheering Team then took second place at the Class C State Championship scoring 71.6 points over the winning team with 72.7 points, and

WHEREAS, The Lisbon High School Cheering Team has made Lisbon very proud of their performances at the competitions, 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 at the Mountain Valley Conference Championship, the Southern Maine Class C Regional Championship, and at the Class C State Championship competition on February 10, 2018.

Order passed - Vote 7-0.

PUBLIC HEARING

- A. **NEW LIQUOR LICENSE & SPECIAL ENTERTAINMENT PERMIT FOR JASON LAVERDIERE AND TYSON LAVERDIERE D/B/A FLUX RESTAURANT**

The Chairman opened the public hearing. Jason LaVerdiere announced that he would be the new chef at the new Flux Restaurant located at 12 Main Street in Lisbon Falls. He said they were applying for a Liquor License and Special Entertainment Permit for their restaurant. He indicated they would be opening around the first of April. Seeing no further comments, the Chairman closed the public hearing.

- B. **REPEAL CHAPTER 50, ARTICLE II, DIVISION 1, SECTION 50-45 WINTER PARKING**

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

C. AMEND CHAPTER 10, ARTICLE IV, ITINERANT VENDOR ORDINANCE

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

D. AMEND CHAPTER 54 BUILDING AND BUILDING REGULATIONS

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

**E. AMEND CHAPTER 30, ARTICLE III, PARK REGULATIONS,
SECTION 88-5 SPECIAL REGULATIONS**

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

**F. AMEND CHAPTER 46, ARTICLE VI, SECTION 46-147,
SUBSECTION 1, STREET LIGHTING**

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

G. DINGLEY TIF EXTENSION

The Chairman opened the public hearing. Ms. Steuber reported the Council packet contained the Order and 5-year TIF Amendment Extension. She said nothing changes within the development plan and everything will go to the state for approval.

Jim Saffian with Pierce Atwood said two possible changes were previously discussed; one was the simple extension as it related to Dingley Press and the other potential amendment was to involve some municipal improvements that the town was considering folding into the TIF as part of the extension. At this point the decision has been made to hold off on the second part incorporating changes into the Development Plan, but they can still be made, however; tonight we are simply asking that the TIF be amended only to extend it the 5-year period.

Councilor Larochelle asked if there was a time limit to do this second part, amending the development plan, for municipal improvements. If this takes place after April, wouldn't that mean the amendment would take a year before it would become effective? Mr. Saffian said the TIF is expiring in March so the first amendment, which is the 5-year extension, sets that deadline back 5-years. At that point, you can do another amendment to the TIF as it stands anytime within the next 5-years as long as they are still there and operating. It will go into effect when Council approves it and the state approves it. He said, in fact, as you are accruing money in your allocation of the TIF, an amendment would bring in new projects that you could then spend that TIF money on, and you would have accrued money in the past. Once those projects are in place you could spend any of the money in the TIF reserve on any of those projects. He said for example, if you approve a sidewalk project a year from now, even TIF money you are collecting now could be spent on that improvement.

Mrs. Barnes said if another amendment was done and sent in to the state in April, what if the state hasn't approved that amendment by the time the town does its commitment. Mr. Saffian said there are a couple of decisions you would have to make then. You are retaining 50% of the TIF projects and that will still continue. So whether you have new projects to spend that on or not, you are still sheltering that share of TIF revenue when you do your commitment; and it's not in your general fund. Mrs. Barnes said what if they wanted to shelter 100% of the TIF revenue versus the 50% and that didn't get approved by the state before our commitment, we would still only get

the 50% and then the following year we would get 100%. Mr. Saffian said the TIF from 1993 had a starting value over which you can then create the tax increment and shelter it so there is the starting value and then there is everything above. The town did an amendment in 1998 for a second project; the way we mechanically set that up is that the first project gets measured off from the first value and the second project gets measured off from the then current value. At some point, the town stopped sheltering off from the first value and just sheltered off from the second value. You are allowed to do that; you are allowed the discretion to not shelter when you could have sheltered. As it stands, the TIF allows you without any amendments to shelter 100% from the lowest value. He said you could start retaining that and what you could spend it on is either what is already approved or what you in the future amend to add for additional projects. He said you can already be sheltering everything over the second project, first project, or nothing on your share and that's an annual decision the Council can make. As you amend your TIF to list additional eligible projects, you are not obligated to spend money on any of them, they are just eligible. The decision to actually spend TIF money on them would be made by the Council; it's a separate Council decision on what to spend the money on when.

Councilor Ward mentioned there was a fine line to balance here; our support for our business partner and determining what potential benefits this means to the town. He said too many changes so quickly without the time to explore all the potential pieces could be a disservice to the town for a second time in two years. That said, he said, the Council will not be doing anything with the potential Development Plan changes, holding onto that dialogue for a future discussion, so we can meet the March 31 deadline, which is our intent tonight so we can move forward on this item.

Seeing no further comments, the Chairman closed the public hearing.

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS-NONE

CONSENT AGENDA

VOTE (2018-33) Councilor Kolbe, seconded by Councilor Lunt moved to approve the Municipal Accounts Payable & Payroll Warrants #89 for \$15,343.80, #90 for \$181,457.32, #91 for \$17,941.26, #92 for \$8,241.25, #93 for \$200086.84, and the School Accounts Payable and Payroll Warrants, #1041 for \$1,573.36, #1042 for \$328,990.47, #1043 for \$320,027.06, #1044 for \$13,252.20, #22 for \$11,169.57, #1815 for \$102,668.43, along with the Minutes of February 6 and workshop minutes of February 20, 2018, and to approve the Liquor License and Special Entertainment Permit for the LaVerdiere's d/b/a the Flux Restaurant, and set a public hearing for the Railroad Restaurant's Special Entertainment Permit. **Order passed - Vote 7-0.**

COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

DINGLEY TIF EXTENSION

VOTE (2018-34) Councilor Larochelle, seconded by Councilor Brunelle moved to amend the proposed Third Amendment to the Dingley Press TIF District and Development Program presented to Town Council by deleting the proposed changes to the Town's Municipal Investment Plan in the Development Program but to simply retain the 5-year extension to the TIF and adopt the following order:

AN ORDER Providing for: **Third Amendment to the Town's Dingley Press Municipal Development and Tax Increment Financing District and Related Development Program**

WHEREAS, in 1993 and 1997, the Town, acting through Town Meeting, and in 2011, acting through its Town Council, previously designated and then amended the Town's Dingley Press Municipal Development and Tax Increment Financing District (as amended, the "Original District") and related Development Program (as amended, the "Original Development Program"); and

WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt an amendment to the Original District and the Original Development Program; and

WHEREAS, there is and continues to be a need to encourage the expansion, improvement and attraction of manufacturing, industrial and commercial, businesses in the Town, and to provide continuing employment opportunities for the citizens of the Town and the surrounding region, to improve and broaden the tax base of the Town, and to improve the general economy and general business development climate of the Town, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the proposed third amendment to the District and the Development Program will help to provide continued employment opportunities for the citizens of the Town and the surrounding region and will help the Town to continue the pursuit of business development in the Town and the region; and

WHEREAS, the Town has held a public hearing on the proposed third amendment to the District and the Development Program in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and,

WHEREAS, the Town desires to adopt the proposed third amendment to the District and the Development Program presented to the Town Council this day; and,

WHEREAS, it is expected that the Commissioner of the Maine Department of Economic and Community Development (“DECD”) will approve the adoption of the above-described third amendment;

NOW THEREFORE, the Town Council hereby Orders as follows:

1. The Town Council hereby finds and determines that:

(a) Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to tax increment financing (TIF) district and development program amendments, the third amendment to the Original District does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which pertain to the percentage of area within the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the Town, and the total TIF district assessed valuation cap;

(b) Adoption and implementation of the third amendment to the District and the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(c) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the third amendment to the District and the Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the third amendment to the District and the Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the third amendment to the District and the Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the third amendment to the District (the “Amended District”) and the Development Program (the “Amended Development Program”) presented to the Town Council.

3. The foregoing adoption of the Amended District and the Amended Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the Amended District and the Amended Development Program by the Commissioner

of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Town Council, or any other party.

4. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the increased assessed value to be retained as captured assessed value in the Amended District and the term of said Amended District is confirmed as set forth in the Amended Development Program.

5. The Town Manager be, and hereby is, authorized and empowered and directed to submit the Amended District and the Amended Development Program to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2). The Town Manager is further authorized, at his discretion from time to time, to make such revisions to the Amended District and the Amended Development Program or to the scope, cost or description of the Town TIF Projects to be financed with the portion of tax increment revenues generated by the District and retained by the Town as described in the Development Program as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval by DECD, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Amended District and the Amended Development Program.

6. This Order shall take effect immediately upon adoption.

Order passed - Vote 7-0.

AUTHORIZATION FOR FIRE DEPARTMENT TO APPLY FOR THE FIRE HOUSE SUBS PUBLIC SAFETY GRANT

INTRODUCTION: The Fire Department reports the application process is now open for the Fire House Subs Foundation. The deadline is March 1st. They would like to apply for this to try to get swift water rescue equipment that Lisbon had to cut but is needed. This is a non-matching type of grant and it will pay 100% of the cost of the equipment estimated at \$11,372.33.

VOTE (2018-35) Councilor Brunelle, seconded by Councilor Crawford moved to authorize the Fire Department to apply for the Fire House Subs Public Safety Grant and accept the funds for water rescue equipment for the Town of Lisbon. **Order passed - Vote 7-0.**

HIGH DENSITY ROLLER SHELVING - ORDER SHELF REINFORCEMENTS & BOOK SUPPORTS

INTRODUCTION: Mrs. Lycette reported that Dan Clifford from Donnegan Systems stopped by to see how the roller shelving was working out. She showed him how the heavy books were bending the shelving and he suggested shelf supports just like the ones used for the shelving for boxes. They discussed the end stops for book supports that come with the system as previously quoted; however, he suggested going with a different method, which will serve the town better and save money so the Town Clerk is recommending the town purchase movable magnetic end stops and shelf reinforcements.

See quote for \$494 for book supports and shelf reinforcements, plus shipping. Shipping is expected to be around 75 pounds or about \$150+/- . The project was budgeted for \$30,000. The bid was accepted for \$22,720. We spent \$3,100 for box removal and replacement, along with \$232.66 for storage fees. The balance available is \$3,947.34. More than enough to cover the \$700 for reinforcements and book supports.

VOTE (2018-36) Councilor Brunelle, seconded by Councilor Crawford moved to authorize the purchase for shelf reinforcements and magnetic book supports from Donnegan Systems for 494.00 plus shipping. **Order passed - Vote 7-0.**

REPEAL CHAPTER 50, ARTICLE II, DIVISION 1, SECTION 50-45 WINTER PARKING

Final Reading

VOTE (2018-37) Councilor Larochelle, seconded by Councilor Brunelle moved to repeal Chapter 50 Article II, Division 1, Section 50-45 as follows:

~~Sec. 50-45. Winter parking between 12:00 midnight and 6:00 a.m.~~

~~The owner or operator of any motor vehicle found parked or left unattended upon any way for a continuous 60 minute period between the hours of 12:00 midnight and 6:00 a.m. of any day during the period from November 1 to April 1 of each year shall, physicians on emergency calls excepted, be punished by a fine as provided in article V of this chapter.~~

(Code 1983, § 9-106)

State Law reference— Snow removal, 29-A M.R.S.A. § 2069.

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Larochelle, Ward, Brunelle, and Kolbe. Nays - None. Order passed - Vote 7-0.

AMEND CHAPTER 10, ARTICLE IV, ITINERANT VENDOR ORDINANCE

Final Reading

VOTE (2018-38) Councilor Larochelle, seconded by Councilor Albert moved to amend Chapter 10, Article IV, Itinerant Vendors Ordinance as follows:

ARTICLE IV. - ITINERANT VENDORS ^[7]

Footnotes:

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Cross reference— Streets, sidewalks and other public places, ch. 46.

State Law reference— Itinerant vendors, 32 M.R.S.A. § 4681 et seq.

Sec. 10-251. - License required.

No person shall offer for sale any food, drink or merchandise as an itinerant vendor without first obtaining a license from the town council. Landowners offering space for charge for itinerant vendors must obtain a license for the facility which will cover the facility. This pertains to vehicles, pushcarts, temporary stands or other types of distribution units. Promoters of carnivals, festivals or flea markets shall obtain a license for the event which will cover all vendors. ~~For the purposes of this section, Flea Market shall mean an occasional or periodic market held in an open area or within a structure where property owners offer space for charge to individuals/groups to sell goods for sale to the public and the event is held more than seven (7) days in any twelve-month.~~

(T.M. of 5-20-1996, art. 18; T.M. of 5-15-2007, § 2007-068; C.M. of 3-1-2016, V. 2016-55)

Sec. 10-251.5 - Definitions

Itinerant vendor is defined as any person who engages in a temporary business of selling food, drink or merchandise within the Town of Lisbon, other than at the person's permanent place of business or place of legal voting residence.

Flea market is defined as an occasional or periodic market held in an open area or within a structure where property owners offer space for charge to individuals/groups to sell goods for sale to the public and the event is held more than seven (7) days in any twelve-month period.

Sec. 10-252. - Police department review.

Before receiving a license, the police department will certify that the vendor will not create safety problems for either traffic or pedestrians and that information on file does not indicate that the applicant is a person of bad moral character.

(T.M. of 5-20-1996, art. 18) Sec. 10-253. - Term of license; fee.

(a) Every license issued under this article shall be issued only for the following terms, subject to the corresponding fee.

Application fees shall be:

<u>Temporary stands (90 days or less)</u>	<u>\$75.00</u>
6 months itinerant vendor	\$150.00 <u>100.00</u>
12 months itinerant vendor	\$200 <u>150.00</u>
1 week carnivals and festivals	200.00
12-month outdoor flea market	100.00
12-month indoor flea market	200.00
Public records checks	50.00
Junkyard license	100.00

(b) Municipal organizations or agencies are exempt from fees in this section.

(c) The town Council may waive fees for charitable and non-profit organizations registered with the Secretary of State and in compliance with the Internal Revenue Service Code Section 501.

(T.M. of 5-20-1996, art. 18; Sel. Ord. of 2-18-2003, § 5.158; Sel. Ord. of 6-21-05, § 5.016; C.M. of 7-1-2014, V. 2014-118; C.M. of 7-7-2015, V. 2015-192; C.M. of 3-1-2016, V. 2016-55)

Sec. 10-254. - Food.

Any vendor serving food shall be considered a victualer and shall be licensed under, and comply with, the provisions of Article V, Victualers.

(T.M. of 5-20-1996, art. 18; T.M. of 11-3-2005, art. 8)

Sec. 10-255. - Revocation of license.

Any license issued under this article may be revoked by the town council after notice and hearing as provided in 30-A M.R.S.A. § 3814.

(T.M. of 5-20-1996, art. 18; T.M. of 5-15-2007, § 2007-068)

Sec. 10-256. - Location.

(a) No itinerant vendor may occupy an area larger than 144 square feet. The town council may, after public hearing, allow for a larger area to be occupied provided the vendor is located in a private lot and within a zone allowing the proposed use. No vendor may operate within 200 feet, measured by a direct line, of any establishment doing business at a fixed location, which sells the same or similar food or merchandise being sold by the vendor. In addition, no vendor may operate within 100 feet, measured by a direct line, of any other vendor who sells the same or similar food or merchandise. Vendors authorized to participate in carnivals, festivals, mass gatherings or flea markets shall be exempt from this section.

(b) A full description of the location where the peddling is to be carried out and a letter of agreement from the owner of record of the property where the applicant will be located shall be submitted.

(T.M. of 5-20-1996, art. 18; T.M. of 9-5-2006, § 2006-28)

Sec. 10-257. - Sanitation.

Each vendor shall provide waste receptacles for the use of customers, shall keep the immediate area free of litter, and will provide for the disposal of such waste.

(T.M. of 5-20-1996, art. 18)

Sec. 10-258. - Public hearing.

The initial license under this article shall be issued by the town council after public hearing. The town council may delegate authority to the clerk to issue temporary licenses after meeting all requirements prior to a public hearing. Renewal licenses may be issued by the town council without subsequent public hearing, except that the town council shall have the authority to require a public hearing at the request of the applicant or in circumstances where the town council feels a public hearing would produce information relevant to the license renewal.

(T.M. of 5-20-1996, art. 18; T.M. of 5-15-2007, § 2007-068)

Sec. 10-259. - Amendments.

The town council shall have the further power to adjust the fees and license requirements of this article as appropriate after public hearing.

(T.M. of 5-20-1996, art. 18; T.M. of 5-15-2007, § 2007-068)

Sec. 10-260. – Violation; penalties.

In addition to revocation or suspension of an itinerant vendor’s license as provided in section 10-255, the violation of any provision of this article shall be punished by a fine of not less than \$250.00 nor more than \$1500.00 for each offense, plus costs of prosecution including but not limited to attorney’s fees. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. Any violation of this article or of any condition or requirement adopted pursuant to these provisions may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings as allowed by state law. All fines and penalties, together with costs of prosecution of violations, shall be recovered for the benefit of the town.

Sec. 10-261. - Enforcement.

This article shall be enforced by the Lisbon Police Chief, the Lisbon Codes Enforcement Officer, their designees, or other appropriate staff member, including legal counsel, for the town. Notice of violations by itinerant vendors of other provisions of the Lisbon Code of Ordinances shall be provided to the police chief, town council, and town attorney.

Secs. 10-~~260~~-260—10-290. - Reserved.

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Larochelle, Ward, Brunelle, and Kolbe. Nays - None. Order passed - Vote 7-0.

AMEND CHAPTER 54 BUILDINGS AND BUILDING REGULATIONS
Final Reading

VOTE (2018-39) Councilor Brunelle, seconded by Councilor Crawford moved to amend Chapter 54 Buildings and Building Regulations as follows:

Chapter 54 - BUILDINGS AND BUILDING REGULATIONS ^[1]

Footnotes:

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Cross reference— Manufactured housing, mobile homes and trailers, ch. 22; sanitary sewers, ch. 34; solid waste transfer and recycling, ch. 38; streets, sidewalks and other public places, ch. 46; floods, ch. 58; site plans, ch. 62; subdivisions, ch. 66; zoning, ch. 70, town council rules, regulations and policies for sanitary sewers, ch. 94; town council rules, regulations and policies for solid waste transfer and recycling, ch. 98.

State Law reference— Authority to adopt technical codes by reference, etc., 30-A M.R.S.A. § 3003; board of appeals, 30-A M.R.S.A. § 2691.

ARTICLE I. - IN GENERAL

Secs. 54-1—54-30. - Reserved.

ARTICLE II. - BUILDING CODE ^[2]

Footnotes:

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Editor's note— ~~At a special town meeting of Nov. 3, 2005, art. 7, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 54 31— 54 34, pertained to similar subject, and derived from Code 1983, §§ 4 101— 4 103; T.M. of May 13, 1995, art. 61, §§ 4 101, 4 103; T.M. of May 15, 1999, art. 59, §§ 4 103, 4 104.~~

State Law reference— Authority to adopt building code by reference, 30-A M.R.S.A. § 3003; regulation of buildings, 30-A M.R.S.A. § 4101 et seq., Definitions, 10 M.R.S.A. § 9721, Technical Building Codes and Standards Board, 10 M.R.S.A. § 9722.

Sec. 54-31. - Adoption.

In accordance with 30-A M.R.S.A. § 3003, as the same may be amended from time to time, the Maine Uniform Building and Energy Code and its regulated elements ~~the International Building Code 2003 and the International Residential Code 2003, both published by the International Code Council, Inc.,~~ are hereby adopted and incorporated by reference herein, ~~except for such portions as are deleted, modified, or amended in this article,~~ as the minimum standards for the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, both existing and proposed, located within the Town of Lisbon.

(T.M. of 11-3-2005, art. 7)

~~Sec. 54 32. Definitions and general provisions.~~

~~The International Building Code and the International Residential Code shall be construed as follows:~~

~~(1) — *Name of jurisdiction*. Wherever the phrase "name of jurisdiction" appears in the code, "the Town of Lisbon" shall be substituted.~~

~~(2) — *Name of state*. Wherever the phrase "name of the state" appears in the code, "the State of Maine" shall be substituted.~~

~~(3) — *Department of building safety*. Wherever the term "department of building safety" appears "the codes enforcement office" shall be substituted.~~

~~(4) — *Building official*. Wherever the term "building official" appears in the code, it shall mean the building inspector of the town or his duly authorized representative.~~

~~(5) — *Electrical Code*. Wherever the term "ICC Electrical Code" appears in the code, it shall mean the National Electrical Code as adopted by Town of Lisbon.~~

~~(6) — *Fire Code*. Wherever the term "International Fire Prevention Code" appears in the code, it shall mean the NFPA Code as adopted by the Town of Lisbon.~~

~~(7) — *Gas Code*. Wherever the term "International Fuel Gas Code" appears in the code, it shall mean the NFPA Code as adopted by the Town of Lisbon.~~

~~(8) — *Plumbing Code*. Wherever the "International Plumbing Code" appears in the code, it shall mean the State of Maine Plumbing Code.~~

~~(9) — *Other regulations*. Wherever the codes refer to "other regulations," "all pertinent laws," or "other provisions of law," such references shall include, at a minimum, the Maine Revised Statutes Annotated, the Private and Special Laws of the State of Maine, regulations of administrative agencies of the State of Maine, other provisions of the code except those deleted, and all of the ordinances of the town.~~

~~(T.M. of 11-3-2005, art. 7)~~

~~Sec. 54-33. — Additions, deletions, insertions and changes to the ICC International Building Code (2003).~~

~~The ICC International Building Code (2003) is revised as follows:~~

~~*Section 101.4 Referenced codes*, is amended by adding the following language after the words "each such reference"; "any reference to the ICC Electrical Code, International Fuel Gas Code, International Plumbing Code and International Fire Prevention Code, found in any and all locations in this code, shall be stricken and replaced with the referenced standards described in sections 101.4.1 through and including 101.4.6."~~

~~*Section 101.4.1 Electrical*, is amended by deleting the words "ICC Electrical Code" and adding the words "the National Electrical Code as adopted by the Town of Lisbon."~~

~~*Section 101.4.2 Gas*, is amended by deleting the words "International Fuel Gas Code" and adding the words "the NFPA Code as adopted by the Town of Lisbon."~~

~~*Section 101.4.4 Plumbing*, is amended by deleting the words "International Plumbing Code", and adding the words "the State of Maine Plumbing Code"; and striking the words "the International Private Sewage Disposal Code" and adding the words "Maine Subsurface Waste Water Disposal Rules."~~

~~*Section 101.4.5 Property maintenance*, is deleted in its entirety.~~

~~*Section 101.4.6 Fire prevention*, is amended by deleting the words "International Fire Prevention Code" and adding the words "the NFPA Code as adopted by the Town of Lisbon."~~

~~*Section 102.4 Referenced codes and standards*, is amended by deleting the words "of this Code shall apply" in the last sentence and adding the words "the more restrictive codes shall apply."~~

~~*Section 102.6 Existing structures*, is amended by deleting the words "the International Property Maintenance Code or the International Fire Code" and adding the words "the Minimum Standards~~

~~for Housing and the NEPA Code as adopted by the Town of Lisbon." and by adding the words "and/or the Fire Chief" after the words "building official."~~

~~Section 103 Department of Building Safety, is deleted in its entirety.~~

~~Section 105.1.1, Annual permit, is deleted in its entirety.~~

~~Section 105.1.2, Annual permit records, is deleted in its entirety.~~

~~Section 105.2(1), is amended by adding the following at the end of the section "Building permits are required for storage sheds that do not exceed _____ sq. ft. These structures are exempt for building code standards but must be reviewed for zoning compliance."~~

~~Section 105.2(2), is amended by deleting the words "not over 6 feet (1829 mm) high."~~

~~Section 105.2(6), is amended by deleting the words "not more than 30 inches (762 mm) above grade and not over any basement or story below grade and which is not part of an accessible route."~~

~~Section 105.2 Electrical, gas and plumbing (work exempt from permits), is deleted in its entirety.~~

~~Section 107.3 Temporary power, is amended by deleting the words "ICC Electrical Code" and substituting therefore "the National Electrical Code as adopted by the Town of Lisbon."~~

~~Section 108.2 Schedule of permit fees, is deleted in its entirety.~~

~~Section 110.0 Certificate of occupancy, is amended by addition of a new subsection (5):~~

~~"Section 110.5 Issuance of certificate : No certificate of occupancy nor temporary certificate of occupancy shall be issued under the provisions of this code where any condition of the building or the property is not in compliance with any other section of the Lisbon Town Code or applicable ordinances."~~

~~Section 111, Service Utilities, is deleted in its entirety.~~

~~Section 112.0 Board of Appeals, is deleted in its entirety and replaced with the following language:~~

~~(1) — Any person, firm or corporation aggrieved by a decision of the building official may appeal to the board of appeals as established under section 70-121 of the Lisbon Zoning Ordinance.~~

~~(2) — Procedure:~~

~~(a) — All appeals shall be based on a written decision of the building official.~~

~~(b) — An appeal may be taken within 30 days from the date that the decision appealed from is made by filing a notice of appeal with the building official and paying a filing fee of \$20.00. The notice of appeal shall state the ground for appeal and shall be accompanied by such information as may be required for a clear understanding of the case.~~

~~(c) — The board of appeals after a public hearing of which the applicant shall have not less than seven days' notice shall affirm or reverse the decision of the building inspector or may vary the application of any provision of this code in any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this code.~~

~~(d) — A decision of the board of appeals to vary the application of any provision of this code or to modify an order of the building inspector shall set forth the nature of the variation, the conditions, if any, upon which it is made, and the reasons therefor.~~

~~(e) — The board of appeals shall, in every case, reach a decision without unnecessary delay. Every decision of the board of appeals shall be promptly filed in the office of the building inspector. A copy shall be sent by mail or otherwise delivered to the person filing the appeal.~~

~~(f) — If a decision of the board of appeals reverses or modifies the action of the building inspector or varies the application of any provision of this code, the building inspector shall take action promptly in accordance with such decision.~~

~~(g) — A person aggrieved by a decision of the board of appeals may, within 30 days after the filing of such decision in the office of the building inspector, appeal to the superior court in accordance with rule 80(B) of the Maine Rules of Civil Procedure."~~

~~Section 113.4 Violation penalties, is deleted and replaced with the following:~~

~~"Any person, firm or corporation who violates any of the provisions of this code or fails to comply with any standards for performance set forth herein, or who violates or fails to comply with any lawful order made pursuant hereto, or who builds inconsistently with any statement of specifications or plans submitted and approved hereunder or in violation of any certificate or permit in force hereunder, shall be punished jointly and severally for each and every violation by a penalty of not less than \$50.00 and not more than \$500.00. Any owner of a building or structure or portion thereof, or of any premises where a violation of this code shall exist, or any other person employed in construction or in any other activity resulting in such violation who knowingly assists in committing the same shall be punished by a fine of not more than \$100.00. A separate offense shall be deemed committed upon each day during or on which prohibited conditions are maintained or a violation occurs or continues.~~

~~Section 114.3 Unlawful continuance, is amended by deleting the words "shall be subject to penalties as prescribed by law"; and by adding the following language at the end of the subsection "shall be subject to action pursuant to Section 113.3 and penalties pursuant to Section 113.4."~~

~~Section 501.1 Scope, is amended by adding the following sentence at the end of the subsection:~~

~~"To the extent the provisions of this Chapter are inconsistent with the provisions of Article _____ of the Town of Lisbon Code, the Town of Lisbon Code shall control."~~

~~Section 2111 Masonry Fireplaces, is deleted in its entirety.~~

~~Section 2112 Masonry Heaters, is deleted in its entirety.~~

~~Section 2113 Masonry Chimneys, is deleted in its entirety.~~

~~Section 2611 Light Transmitting Plastic Interior Signs, is deleted in its entirety.~~

~~Section 3109 Swimming Pool Enclosures and Safety Devices, is deleted in its entirety.~~

~~Section 3309 Fire Extinguishers, is deleted in its entirety.~~

~~Section 3312 Automatic Sprinkler System, is deleted in its entirety.~~

~~Section 3404 Fire Escapes, is deleted in its entirety.~~

~~Section 3409 Accessibility for Existing Buildings, is deleted in its entirety.~~

~~The following chapters of the ICC International Building Code (2003 edition) will be deleted in their entirety:~~

~~"Chapter 7 Fire Resistance Rated Construction"~~

~~"Chapter 9 Fire Protection Systems"~~

~~"Chapter 11 Accessibility"~~

~~"Chapter 13 Energy Efficiency"~~

~~"Chapter 27 Electric Wiring, Equipment and Systems"~~

~~"Chapter 28 Mechanical Systems"~~

~~"Chapter 29 Plumbing Systems"~~

~~"Chapter 30 Elevators and Conveying Systems"~~

~~"Chapter 32 Encroachments into the Public Right Of Way"~~

~~"Appendix A Employee Qualifications"~~

~~"Appendix B Board of Appeals"~~

~~"Appendix D Fire Districts"~~

~~"Appendix E Supplementary Accessibility Requirements"~~

~~(T.M. of 11-3-2005, art. 7)~~

~~Sec. 54-34. Additions, deletions, insertions and changes to the ICC International Residential Code (2003).~~

~~The International Residential Code (2003 Edition) is amended as follows:~~

~~Section (EB)R102.7 Existing structures, is amended by deleting the words "the International Property Maintenance Code or the International Fire Code" and inserting "the Minimum Standards for Housing and the NFPA Code as adopted by the Town of Lisbon."~~

~~Section R103 Department of Building Safety is deleted in its entirety.~~

~~Section R105.2(1) is amended by adding the following at the end of the section "Building permits are required for storage sheds that do not exceed _____ sq. ft. These structures are exempt for building code standards but must be reviewed for zoning compliance."~~

~~Section R105.2(6) is amended by deleting the language "not more than 30 inches (762 mm) above grade and not over any story below grade and which is not part of an accessible route."~~

~~Section R105.2 Electrical, plumbing and Gas is deleted in its entirety.~~

~~Section R105.3.1.1 Substantially improved or substantially damaged existing structures in areas prone to flooding, is deleted in its entirety.~~

~~Section R106.1 Information for construction in areas prone to flooding, is deleted in its entirety.~~

~~Section R108.0 Fees, is deleted in its entirety.~~

~~Section R109.1.1 Footing/Building Location and Foundation Inspection, is amended by adding the following language before the words "Inspection of the foundation": "Inspection for the building location, relative to the approved site or plot plan, shall be made after the construction area is excavated and any required forms are erected and any required reinforcing steel is in place, and prior to the placing of concrete. All property lines shall be identified for the purpose of determining zoning district setback compliance."~~

~~Section 111, Service Utilities, is deleted in its entirety.~~

~~Section R112.0 Board of Appeals, is hereby repealed and replaced with the following language: "Appeals shall be conducted in accordance with Section 112 of the ICC International Building Code (2003 edition) as adopted for use by the Town of Lisbon."~~

~~Section 113.4 Violation penalties is repealed and replaced with the following:~~

~~"Any person, firm or corporation who violates any of the provisions of this code or fails to comply with any standards for performance set forth herein, or who violates or fails to comply with any lawful order made pursuant hereto, or who builds inconsistently with any statement of specifications or plans submitted and approved hereunder or in violation of any certificate or permit in force hereunder, shall be punished jointly and severally for each and every violation by a penalty of not less than \$50.00 and not more than \$500.00. Any owner of a building or structure or portion thereof, or of any premises where a violation of this code shall exist, or any other person employed in construction or in any other activity resulting in such violation who knowingly assists in committing the same shall be punished by a fine of not more than \$100.00. A separate offense shall be deemed committed upon each day during or on which prohibited conditions are maintained or a violation occurs or continues."~~

~~Section 114.2 Unlawful continuance, is amended by deleting the words "shall be subject to penalties as prescribed by law"; and by adding the following language at the end of the subsection "shall be subject to action pursuant to Section 113.3 and penalties pursuant to Section 113.4."~~

~~Section R302 Location on Lot, is deleted in its entirety.~~

~~Section R307 Toilet, Bath and Shower Spaces, is deleted in its entirety.~~

~~Section R309.2 Separation required, is amended by adding the phrase: "All penetrations shall be protected in accordance with Section 317.3.1.2 of the International Residential Code."~~

~~Section R310.1.1 Minimum opening area, is amended by deleting the following exception: "Exception: Grade floor openings shall have a minimum not clear opening of 5 square feet (0.465 m2)."~~

~~Section R311.4.3 Landing at doors, is amended by adding the following exception: "Exception: A landing is not required at the top of a flight of stairs, provided the door does not swing over the stairs."~~

~~Section R313 Smoke Alarms, is deleted in its entirety.~~

~~Section R315 Flame Spread and Smoke Density, is deleted in its entirety.~~

~~Section R323 Flood Resistant Construction, is deleted in its entirety.~~

~~The following chapters are deleted in their entirety:~~

~~"Chapter 10 – Chimneys and Fireplaces"~~
~~"Chapter 11 – Energy Efficiency"~~
~~"Chapter 12 – Mechanical Administration"~~
~~"Chapter 13 – General Mechanical System Requirements"~~
~~"Chapter 14 – Heating and Cooling Equipment"~~
~~"Chapter 15 – Exhaust Systems"~~
~~"Chapter 16 – Duct Systems"~~
~~"Chapter 17 – Combustion Air"~~
~~"Chapter 18 – Chimneys and Vents"~~
~~"Chapter 19 – Special Fuel Burning Equipment"~~
~~"Chapter 20 – Boilers/Water Heaters"~~
~~"Chapter 21 – Hydronic Piping"~~
~~"Chapter 22 – Special Piping and Storage Systems"~~
~~"Chapter 23 – Solar Systems"~~
~~"Chapter 24 – Fuel Gas"~~
~~"Chapter 25 – Plumbing Administration"~~
~~"Chapter 26 – General Plumbing Requirements"~~
~~"Chapter 27 – Plumbing Fixtures"~~
~~"Chapter 28 – Water Heaters"~~
~~"Chapter 31 – Vents"~~
~~"Chapter 32 – Traps"~~
~~"Chapter 33 – General Requirements"~~
~~"Chapter 34 – Electrical Definitions"~~
~~"Chapter 35 – Services"~~
~~"Chapter 36 – Branch Circuit and Feeder Requirements"~~
~~"Chapter 37 – Wiring Methods"~~
~~"Chapter 38 – Power Lighting and Distribution"~~
~~"Chapter 39 – Devices and Luminaires"~~
~~"Chapter 40 – Appliance Installation"~~
~~"Chapter 41 – Swimming Pools"~~
~~"Chapter 42 – Class 2 Remote Control, Signaling and Power Limited Circuits"~~
~~"Appendix A"~~
~~"Appendix B"~~
~~"Appendix C"~~
~~"Appendix D"~~
~~"Appendix I"~~
~~"Appendix K"~~
~~"Appendix L"~~
 (T.M. of 11-3-2005, art. 7)

Sec. 54-35. - Standards mandatory.

Except as otherwise expressly provided, all general provisions of this article and the codes incorporated herein are mandatory. Exceptions to general prohibitions or requirements shall be narrowly construed and narrowly applied. Any person asserting that failure to comply with a general prohibition or requirement is authorized by an exception to such general prohibition or requirement shall bear the burden of proof as to such exception.

(T.M. of 11-3-2005, art. 7)

Sec. 54-36. - Other code and statutory provisions.

Where any other provisions of this Code contain more stringent requirements, compliance with the more stringent requirements shall be required. Where approval of the fire chief, or any other specified town official is required by any provision of this Code as to the subject matter of the permit application, such approval shall be a condition precedent to issuance of the permit under this article. Whenever there is an application for a permit for any structure, other than a single or two-family dwelling, such permit shall not be issued without the written certificate of the fire chief or his authorized representative that the work described is in compliance with other requirement of this Code or of state law as to fire prevention or exiting.

(T.M. of 11-3-2005, art. 7)

Sec. 54-37. - Violations.

~~Violations of the applicable provisions of either the ICC Building Code or the ICC Residential Code shall be subject to the penalty provisions of section. Violation of any provision of this article shall constitute a civil violation punishable by a fine not exceeding \$100.00 for each offense. Each day that a violation continues shall be treated as a separate offense. All fines collected shall inure to the town.~~

(T.M. of 11-3-2005, art. 7)

Sec. 54-38. - Municipal plumbing inspection and permit fees.

~~In addition to all other fees hereunder or under any state law, the town shall charge a \$10.00 base fee for plumbing inspections and the following fees are established for plumbing permits in accordance with the Maine State Plumbing/Subsurface Wastewater Disposal System Permit Fee Schedule.~~

(T.M. of 11-3-2005, art. 7)

Secs. 54-39—54-70. - Reserved.

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Larochelle, Ward, Brunelle, and Kolbe. Nays - None. Order passed - Vote 7-0.

AMEND CHAPTER 30, ARTICLE III, PARK REGULATIONS,
SECTION 88-5 SPECIAL REGULATIONS

Final Reading

VOTE (2018-40) Councilor Crawford, seconded by Councilor Lunt moved to adopt the amendment to Chapter 30, Article III, Section 88.5 as presented and to insert security officer as follows:

Sec. 30-88.5. - Special regulations.

(a) Use of parks, gardens and trails for events requires a permit. Permit applications are available at the town clerk's office.

(b) Smoking is not allowed in any park.

(c) Alcohol possession or use is not allowed in any park. Any exception to this rule must be approved in advance by the town council and shall be limited to:

(1) special public events or public gatherings sponsored by a charitable, nonprofit organization or civic group in which alcohol is served by a licensed establishment with an off-premise catering license under Title 28-A M.R.S.A. § 1052.

(2) private events or private gatherings sponsored by an individual person or persons, such as a wedding, in which alcohol is served by a licensed establishment with an off-premise catering license under Title 28-A M.R.S.A. § 1052.

The Town Council may require, as a condition of allowing alcohol at a gathering or event under this section, that a security officer or police officer be present at the expense of the applicant.

(d) Dogs are allowed in parks but only on a leash as per section 6-31 and waste removal is required as per section 6-34.

(e) No sign advertising any business or commercial enterprise or activity or any political sign, shall be allowed on park, garden or trail property. Signs for a limited time and for a limited purpose of advertising community events or events sponsored by non-profit agencies may be permitted with the issuance of a permit as provided under section 91-36.

(f) No peddling, soliciting or commercial enterprise is permitted to conduct business on Beaver Park property.

(g) Metal detectors are prohibited on Beaver Park property.

(T.M. of 12-9-2003, art. 5; T.M. of 10-16-2007, § 2007-165A; C.M. of 10-7-2014, V. 2014-202; C.M. of 3-1-2016, V. 2016-56)

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Larochelle, Ward, Brunelle, and Kolbe. Nays - None. Order passed - Vote 7-0.

AMEND CHAPTER 46 ARTICLE VI, SECTION 46-147
SUBSECTION 1, STREET LIGHTING
Final Reading

VOTE (2018-41) Councilor Albert, seconded by Councilor Larochelle moved to amend Chapter 46 Article VI Street Lighting Section 46-147 Subsection 1 as follows:

Sec. 46-147. - Street light placement standards.

Street light placement within public right-of-ways shall conform to the following standards as feasible given utility pole spacing and light pole spacing:

(1) Village zone. For any roadway within the Village Area Zone indicated on the street light service map in appendix B*:

a. One streetlight shall be located at all roadway intersections and mid-block locations at a spacing interval of approximately 220 feet as feasible given existing utility pole and light pole spacing.

b. Street segments less than 350 feet in length shall only be lit at roadway intersections and dead ends.

c. Ornamental and streetscape lighting may be used to light roadways where sidewalks are present and highlight public building facades and public areas as determined. Ornamental lighting currently serves to light the public right-of-way for portions of Main Street, Village Street, Webster Street, and a short distance of Route 196 (Lisbon Street). If ornamental lighting is the standard ~~than~~ then all other lighting will be removed from poles unless it is determined by the town engineer, public safety (police, fire) and public works department determine the need exists.

d. There are many varied potential street lighting needs to be served in the Village Zone because it encompasses the most diverse areas of town in building style, density, setback variances and public infrastructure availability. If recommended by the planning board and approved by the town council, the town may accept a street lighting plan in the Village Zone that is not consistent with all standards in this article if the street lighting plan meets the overall intent of this article, seeks to maintain public safety and will provide an economic and aesthetic benefit to the town beyond its cost for maintenance.

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Larochelle, Ward, Brunelle, and Kolbe. Nays - None. Order passed - Vote 7-0.

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert reported the School Committee has authorized the design piece for the potential Performing Arts Center using the existing structure and they are shoring up their final budget.
2. Planning: Councilor Ward reported the Planning recently accepted an application from Rusty's Lantern. They are holding the medical marijuana application while the applicant looks for an alternative site. The Contracted Town Planner and CEO and board are reviewing survey information at their next meeting.
3. Water Commission: Councilor Brunelle reported the Water Commission met prior to the rate increase hearing. The new rate will go into effect in April. The filter plant #2 vessel will be back online March 6. The Water

Commission met at the Capitol to discuss a charter change to correct the date elected officials take office. He indicated there was a position open at the Water Department.

4. LDC: Councilor Larochelle reported they met and discussed some short term goals. It was well attended. They are looking at starting with improvements to the streetscape and visuals downtowns. The next meeting will be their organizational meeting.
5. Conservation Commission: Councilor Ward indicated that they would be working on their goals.
6. Recreation: Councilor Kolbe said she had nothing to report.
7. County Budget: Councilor Ward reported the bill came in with a \$60,000 increase.
8. Library: Councilor Lunt reported they are working on their new goals for next year. They are recovering from the bust pipes. They lost some book storage space and had to move the magazines.

B. TOWN MANAGER'S REPORT

Mrs. Barnes reported she was working with the department heads on their budgets. We have gone over their goals for the upcoming year. She indicated the Library is looking into high density shelving for books like the ones purchased last year for the vault.

C. DEPARTMENT HEAD WRITTEN REPORTS – NO COMMENTS

APPOINTMENTS – NONE

COUNCILOR COMMUNICATIONS

Councilor Albert announced the Lisbon Hockey Team plays in Auburn against EL. All are welcome to support the team. Councilor Ward said Austin's record at 100 goals would be equivalent to 1,000 points in basketball. Since we are not known for hockey in Lisbon here, this is quite an accomplishment for a junior in high school.

AUDIENCE PARTICIPATION FOR NEW ITEMS - NONE

EXECUTIVE SESSION

VOTE (2018-42) Councilor Crawford, seconded by Councilor Lunt moved to go into Executive Session at 7:35 PM per 1 MRSA Section 405405 (6) (A) Personnel Matters. **Order passed – Vote 7-0.**

The Council came out of executive session at 8:35 PM and the meeting resumed.

ADJOURNMENT

VOTE (2018-43) Councilor Brunelle, seconded by Councilor Albert moved to adjourn at 8:35 PM. **Order passed - Vote 7-0.**