



**TOWN COUNCIL
MEETING MINUTES
MAY 15, 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, Allen 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; Tracey Steuber, Economic Development; Rick Greene, Superintendent of Schools; Haley Redman, School Bookkeeper; Ross Cunningham, School Committee; Traci Austin, School Committee Member; and approximately 20 citizens in the audience.

GOOD NEWS & RECOGNITION

Ross Cunningham with Positive Change Lisbon (PCL) said they held a wonderful Mother & Son Mother's Day Dance with 94 in attendance. He explained they did a knighting service during the event. He thanked the sponsors at the Lisbon Family Dental Care and DARE. It was a great event. He said even one officer stopped by that evening to have someone knight him.

PUBLIC HEARING

A. AMENDED DINGLEY TIF DEVELOPMENT PROGRAM

Councilor Ward opened the public hearing. Ms. Steuber indicated this would be the fourth amendment to the Dingley TIF and Development Program. Council extended the life of the TIF for five years in March but at that time, there were no changes made to the development program. Since then the Council held a workshop with Dingley's Counsel, Jim Saffian. He answered questions on spending TIF funds. Ms. Steuber reported that Mr. Saffian made the changes discussed in that workshop to the development program, which are ready tonight for Council approval. Seeing no further discussion, Councilor Ward closed the public hearing.

**B. VICTUALER'S LICENSE FOR
FERNAND STELSOR D/B/A DOMINO'S PIZZA**

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

**C. VICTUALER'S LICENSE FOR
PHIL BUTTERFIELD D/B/A SMOKIN PHIL'S BELLY BUSTIN BBQ**

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

**D. SPECIAL ENTERTAINMENT PERMIT FOR
LISBON MOXIE INC D/B/A FRANKS**

The Chairman opened the public hearing. Traci Austin from Franks said she was looking to do live music this year although last year they did not use it. She said they are renewing it this year hoping to use it. The Chairman closed the public hearing.

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS

Ross Cunningham from PCL reported that his group puts on the concerns in the park at MTM and that they have asked Cooks Lobster & Ale House to host a Beer Garden during the Moxie Festival concert on July 14. He said he would like to answer any questions the Council may have. He said they have been trying to do this for several years. It will invite others from other towns and encourage them to come to Lisbon. He said he worked with them a month ago on another event and they were top notch. They run a great operation. He reported they plan to hire a Police Officer to be there for the whole event. He said he gave Chief Hagan a heads up, knowing he has staffing issues so they could get an officer there for that day.

Traci Austin said she recommended Cooks Lobster & Ale House in Harpswell for those who may or may not know them that she knew Nick Charboneau from college. She said she knows that he and Jen have run successful restaurant businesses in Vermont as well as purchasing Cooks Lobster & Ale House. She said they are good people, good business owners, and just know that they are doing the right things.

CONSENT AGENDA

VOTE (2018-106) Councilor Kolbe, seconded by Councilor Larochelle moved to approve the following:

A. Municipal Accounts Payable & Payroll Warrants -

#121	\$ 24,336.76	#122	\$171,570.98
#123	\$ 16,785.09	#124	\$1,744.52
#125	\$15,069.56	#126	\$332,336.08
#127	\$79,000.00		

B. School Accounts Payable & Payroll Warrants -

#30	\$21.94	#1059	\$12,409.91
#1060	\$562.80	#1061	\$331,092.42
#1821	\$15,999.00	#1822	\$51,924.89

C. Minutes of May 1, 2018

D. Victualer's License for Domino's Pizza & Smokin Phil's Belly Bustin BBQ

E. Special Entertainment Permit and Liquor License for Moxie Inc. d/b/a Franks

F. Remainder of Renewal Victualer's Licenses: Aroma Joes, Chris's House, Franks, Left Hand Club, Lisbon Gulf, Railroad Restaurant & Pub, Riverside Dairy Bar

G. Approve Mobile Home Park Licenses: Avery Street Park, Beaudoin Mobile Home Park, Brookwood Court, Colonial Gardens, Davis Street Park, Gendron's, Grimmels, Ridge, Sabattus Creek, St. Ann's, Town & Country, Whispering Pines, Worumbo Estates and Park

H. Set public hearing for June 5 for Victualer & Itinerant Vendor permit for Pinky D's

I. Coastal Humane Society Annual Contract

Order passed - Vote 7-0.

COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

ADOPT 2017- 2018 SCHOOL BUDGET WARRANT ARTICLES

ARTICLE 1 - PUBLIC FUNDING OF PRE-KINDERGARTEN TO GRADE 12 AS DESCRIBED IN THE ESSENTIAL PROGRAMS & SERVICES FUNDING ACT

To see what sum the Council will authorize the Lisbon School Department to appropriate for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (**Recommended \$13,358,555**) and to see what sum the Council will raise as the Town's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services funding Act in accordance with the Maine Revised Statutes, Title 20-A, Section 15688.

School Committee Recommends \$4,533,277

“Explanation: The Town’s contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.”

VOTE (2018-107A) Councilor Larochelle, seconded by Councilor Kolbe moved for Article 1 the following:

\$4,533,277

Order passed - Vote 7-0.

ARTICLE 2 – DEBT SERVICES

To see what sum the Council will authorize the Lisbon School Department to raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit’s contribution to the total cost of funding public education from pre-kindergarten to grade 12.

Amount Recommended \$467,075

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality/district long-term debt for major capital school construction projects and minor capital renovation projects that is not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

VOTE (2018-107B) Councilor Kolbe, seconded by Councilor Crawford moved for Article 2 the following:

\$467,075

Order passed - Vote 7-0.

ARTICLE 3 – FUNDS EXCEEDING THE STATE’S EPS ALLOCATION MODEL

Shall the Town of Lisbon raise and appropriate **\$ 2,009,155** in additional local funds, which exceeds the State’s Essential Programs and Services allocation model by an additional **\$632,143** as required to fund the budget recommended by the Lisbon School Committee.

The School Committee recommends **\$2,009,155** for additional local funds and gives the following reasons for exceeding the State’s Essential Programs and Services funding model by an additional **\$632,143**. This covers:

- 1) Co-curricular and Extra-curricular activities: The State only supports 20% of Lisbon’s total expenditures.
- 2) The Teacher Retirement portion that was previously paid by the state
- 3) Substitute Pay: The State Allocates half a day per student. This does not cover long-term absences where substitutes are paid at a higher rate.
- 4) Special Education: This additional amount is partly due to year old student information, summer school, scheduling and reduced financial support at the Federal and State levels.
- 5) Nutrition (lunch): The state does not provide any subsidy to cover the expenses in the general budget.

School Committee Recommended \$2,009,155

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit’s local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Lisbon School Department’s budget for education programs.

VOTE (2018-107C) Councilor Larochelle, seconded by Councilor Albert moved for Article 3 the following:

\$2,009,155

Order passed – Vote 7-0.

ARTICLE 4 – EXPEND FOR FY 2018-2019

To see what sum the Council will authorize the Lisbon School Committee to expend for the fiscal year beginning July 1, 2018 and ending June 30, 2019 from the Town's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state – funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpected balances, tuition receipts, state subsidy and other receipts for the support of school.

School Committee Recommended \$ 16,379,271

VOTE (2018-107D) Councilor Larochelle, seconded by Councilor Crawford moved for Article 4 the following:

\$16,379,271

Order passed - Vote 7-0.

ARTICLE 5 – ADULT EDUCATION & RAISE FUNDS AS THE LOCAL SHARE

To see if the Council will authorize the Lisbon School Department to appropriate **\$ 32,776** for Adult Education and raise **\$ 14,276** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

School Committee Recommends YES

VOTE (2018-107E) Councilor Lunt, seconded by Councilor Albert moved for Article 5 the following:

YES.

Order passed - Vote 7-0.

ARTICLE 6 – ADULT EDUCATION

To see what sum the Council will authorize the Lisbon School Department to expend for Adult Education.

School Committee Recommends \$32,776

VOTE (2018-107F) Councilor Crawford, seconded by Councilor Lunt moved for Article 6 the following:

\$32,776

Order passed - Vote 7-0.

ARTICLE 7 – FEDERAL & STATE GRANTS OR PROGRAMS

In addition to amounts approved in the preceding articles, shall the Council authorize the School Committee to expend sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

School Committee Recommends YES

VOTE (2016-107G) Councilor Larochelle, seconded by Councilor Crawford moved for Article 7 the following:

YES.

Order passed - Vote 7-0.

AMENDED DINGLEY TIF DEVELOPMENT PROGRAM

INTRODUCTION: On February 20, 2018, Dingley Press came before Council for a five-year extension on their TIF and Development Program, which was going to expire in March 2018. Due to time sensitivity, Council opted not to make any amendments to the Development Program with the goal of having a workshop with Dingley's legal counsel to discuss the development program in more detail.

Council held that workshop and then set a public hearing date for Tuesday, May 15, 2018 to discuss the Amended and Restated Dingley Press (TIF) and Development Program.

COUNCILOR COMMENTS: Councilor Kolbe asked if the Council could use TIF funds to support the Contracted Town Planner Position. Ms. Steuber explained that in general, it could not, but for instance, the Downtown TIF provides for project planning directly related to the TIF District. Councilor Ward said planning services have to be specific to a TIF project in the TIF District to get approval. He said he could live with \$21,250 for the Contracted Town Planner position. Councilor Albert said he was fine with footing it upfront and reallocating funds to approved projects. Ms. Steuber mentioned it could not cover Planning Board meetings, etc.

VOTE (2018-108) Councilor Larochelle, seconded by Councilor Crawford moved to approve the Amended and Restated Dingley (TIF) and Development Program as presented. **Order passed – Vote 7-0.**

ROAD NAME REQUEST – RUNNING BROOK ROAD

INTRODUCTION: Ms. Malloy, the E911 Officer for Lisbon reports the road name “Running Brook Road” does meet the standards and is an acceptable name for Council consideration for adoption.

VOTE (2018-109) Councilor Albert, seconded by Councilor Kolbe moved to adopt the name Running Brook Road for the extended drive located at 54 Upland Road. **Order passed – Vote 7-0.**

NOMINATIONS FOR MMA’S LEGISLATIVE POLICY COMMITTEE

INTRODUCTION: MMA is looking for 70 members for its MMA Legislative Policy Committee over the next two years. This committee addresses municipal interests through effective participation in the legislative process. They meet at the MMA building in Augusta once a month during the first several months of each legislative session. You will find a nomination form in your packet. Two municipal officials serve from each of Maine’s 35 Senate Districts. Any elected or municipal appointed official holding office in any MMA member community is eligible to serve.

VOTE (2018-110) Councilor Ward nominated Councilor Lunt for election on MMA’s legislative Policy Committee. **Order passed - Vote 7-0.**

COOKS LOBSTER & ALE HOUSE – OFF PREMISE CATERING PERMIT FOR BEER GARDEN AT MTM CONCERTS

INTRODUCTION: Jennifer Charboneau from Cooks Lobster & Ale House is applying for an Off Premise Catering Permit to operate a Beer Garden at MTM during the Moxie Festival Concert in the Park. They currently hold a liquor license, but it will expire prior to this event on July 14.

Jennifer Charboneau said they have already given Harpswell their renewal liquor application. She said she would have obtained her renewal liquor license prior to this event. She reported they were in good standing with no issues or violations of any kind. She said they have plenty of experience with these venues.

Mr. Cunningham said PCL was looking to see if Council was willing to support the Beer Garden taking place. Councilor Ward took a straw poll to see if the Council was receptive to the idea. Straw Poll Vote – 7-0 passed.

Ms. Steuber and the Moxie Vendor Chairman expressed concern about the setting up timeframe since the Petting Zoo and Train takes place there so there will be small children in the area. The event is from 6:00 PM to 8:00 PM and set up appears to be at 4:00 PM, which is at the same time the Petting Zoo and Train ends.

Jennifer Charboneau indicated the tent would be set up on Friday. Ms. Steuber said her concern is with setting up barricades on Saturday at 4PM. Ms. Steuber said she would be holding a logistics meeting next week with the Police Department, Fire Department, and Public Works Department. She said together they could make this work.

The Town Clerk is waiting for clarification from MMA legal on whether our local ordinances will require Cooks Lobster & Ale House to obtain a Special Entertainment Permit since other establishments need one when serving alcohol with live music. Mrs. Lycette said there is time to hold a public hearing if needed for the Special Entertainment Permit. Once Council approves the Off-Premise Catering Permit it needs to arrive at the state level 72 hours in advance of the event.

COUNCILOR COMMENTS: Councilor Ward indicated Council would need to approve the tent placement. The Fire Chief recommended Option A in the street. The Police Chief and Code Enforcement Officer supported that location. There were no objections noted.

Councilor Ward asked Mrs. Charboneau to place on file at the Clerk's office proof of their renewal liquor license. The Council unanimously agreed to set a public hearing for June 5 for the Special Entertainment Permit if one is required and to place the Off Premise Catering permit on the June 5 agenda for consideration. There were no objections noted.

VOTE (2018-111A) Councilor Albert, seconded by Councilor Crawford moved to accept Cooks Lobster & Ale House as the vendor to serve alcohol at the Moxie Festival for 2018. **Order passed - Vote 7-0.**

IT SERVICES

Councilor Albert requested item moved to the next agenda – no objections noted.

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert said there was nothing to report.
2. Planning: Councilor Ward said he presented the Capital Improvement Plan to the Planning Board. They had on their agenda Black Bear Ladder's application, Celine Goddard's Day Care expansion on Route 9, and Austin Estates subdivision on the Ferry Road.
3. Water Commission: Councilor Brunelle said he could not attend, but their next meeting is June 12.
4. LDC: Councilor Larochelle the next meeting is May 24.
5. Conservation Commission: Councilor Ward said the Conservation Commission rescheduled their meeting.
6. Recreation: Councilor Kolbe said they installed security lighting and talked about taking down the chain link fence at MTM to make it look better. She said brochures for summer camp are ready.
7. County Budget: Councilor Ward said there was nothing to report.
8. Library: Councilor Lunt encouraged parents to sign up their children for the summer reading program. The Library raised \$750 from local businesses and \$600 of it covers the magician to entertain the kids this year.

B. TOWN MANAGER'S REPORT

Mrs. Barnes reported the changes since the last meeting covers the additional full time Police Officer in the Police Department budget and that estimate totals about \$81,000. She made some changes to the Technology Budget based on the information Mrs. Colson received for a module that was not included. She mentioned the total budget is up \$887,907; that does not include taking out the debt service if the Council would like to pay off next year's debt from the unassigned fund balance.

Councilor Kolbe asked about the number of new officers in the Police Department Budget. Mrs. Barnes indicated this budget now has two new officers. Councilor Ward said Councilors appeared divided on this issue during budget discussions and that we needed costs prior to adding in the second officer to the budget. Now that we know the cost, where does everyone stand?

Councilor Albert pointed out that adding the \$81,000 for another officer is fiscally proactive risk management in this situation knowing we have a study indicating the need for it. This decision is not easy to make, but it is why we sit in these chairs. It could be short-sided to skip this decision for \$160,000 because it could have a much larger price tag if something were to go wrong.

Councilor Brunelle said we do not really have 12 officers as Chief Hagan pointed out; we have 10 and we need to consider those coming up for retirement, etc. This should bring us up to where we are supposed to be.

VOTE (2018-111B) Councilor Brunelle, seconded by Councilor Albert moved to add \$81,000 in the Police Department budget for a second new officer. **Order passed – Vote 4-3. (Opposed: Crawford, Lunt, and Kolbe)**

Councilor Crawford said he hated to vote no, but there are many problems with staff shortages in other departments too. He said he would love to get every department up to where it should be, but there is already going to be an increase in taxes. He said people were not going to be happy about this being our main priority when there are already people who feel we spend too much money on the Police Department.

Councilor Ward said we are coming down to the wire with the budget because we have to adopt this June 19. He requested the Town Manager put the budget on the June 5 agenda to discuss the revenues, debt service, and items for undesignated; although we have recommendations, the Council has not chosen which items to include. He said there are some items the Council could remove from the \$887,907 amount. The IT budget should be a part of that discussion as well.

Councilor Ward asked the Town Manager to bring to the meeting what we just added to next year's budget to educate the public what they are getting for that value.

C. DEPARTMENT HEAD WRITTEN REPORTS

(No Comments Were Noted)

APPOINTMENTS - NONE

COUNCILOR COMMUNICATIONS

VOTE (2018-113A) Councilor Albert, seconded by Councilor Kolbe, moved that Council Proclaim this day, the 15th day of May 2018 in honor of Deputy Sheriff Corporal Cole from Norridgewock who lost his life in the line of duty. **Order passed - Vote 7-0.**

AUDIENCE PARTICIPATION FOR NEW ITEMS - NONE

EXECUTIVE SESSION

VOTE (2018-113B) Councilor Kolbe, seconded by Councilor Lunt moved to go into Executive Session at 8:07 PM per 1 MRSA Section 405(6) (C) Acquisition or disposition of real property or economic development. **Order passed – Vote 7-0.**

The Council came out of executive session at 8:10 PM and the meeting resumed.

VOTE (2018-113C) Councilor Lunt, seconded by Councilor Crawford moved to authorize a loan in the amount of \$131,845 from the IRP loan fund to Cordts & Cordts Co., LLC at an interest rate of 5%, fee of 2% for a term of 20 years with the Town holding a third mortgage on land and improvements at 65 Lisbon Road along with Joint and Several Personal Guarantees of John Albert Cordts and Crystal Cordts and Subordinate Collateral Assignment of Rents and Leases and Corporate Guaranty of Black Bear Ladder Co., Inc. **Order passed – Vote 7-0.**

ADJOURNMENT

VOTE (2018-114) Councilor Lunt, seconded by Councilor Crawford moved to adjourn at 9:07 PM. **Order passed - Vote 7-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: June 5, 2018