



**TOWN COUNCIL  
MEETING MINUTES  
MAY 16, 2017**

Dale Crafts, At Large 2017  
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

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, Crafts, Brunelle, Lunt, and Crawford. Also present were Diane Barnes, Town Manager; Ryan Leighton, Public Works Director; Traci Austin, School Committee Chair; Kathi Yergin, School Committee Member; Rick Greene, Superintendent of Schools; Haley McCrater, School Bookkeeper; Miriam Morgan-Alexander, Appeals/Assessment Review Board; and approximately 5 citizens in the audience.

**GOOD NEWS & RECOGNITION - NONE**

**PUBLIC HEARING**

**A. VICTUALER'S LICENSE-TYLER ANGELL D/B/A  
SMILEY'S ICE CREAM**

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

**B. VICTUALER'S LICENSE AND ITINERANT VENDOR PERMIT  
CHRIS MACDONALD D/B/A MACDADDY'S**

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

**AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE**

**CONSENT AGENDA**

**VOTE (2017-112)** Councilor Brunelle, seconded by Councilor Lunt moved to approve the Accounts Payable & Payroll Warrants #133 \$53,778.07, #134 \$114,048.18, #135 \$12,894.88, #136 \$13,539.65, and #137 \$145,674.99, along with the Minutes of April 25 and May 2 and May 9, 2017, a new Victualer's License for Tyler Angell d/b/a Smiley's Ice Cream, and the following renewal Victualer's Licenses:

Angelo's  
Aroma Joes  
Benoits Bakery & Wine  
Cellar  
Big Apple – CN Brown  
Bootleggers  
Canton Pearl  
China Inn

Chummy's Restaurant  
Coombs-Mountfort Post 158  
Dr. Mike's Madness Café  
Dunkin Donuts  
Friends Lodge  
Food City  
Frosty's Donuts

Left Hand Club  
Lisbon Gulf  
Lisbon House of Pizza  
McDonald's  
Miller's Variety  
Pinky D's

Railroad Restaurant &  
Pub  
Riverside Dairy Bar  
Roadside BBQ

Sam's Italian Foods  
Slovak Catholic  
Association  
Subway

United Methodist Church  
X-tra Mart

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 (**Recommend \$13,148,750**) 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.

*"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."*

**School Committee Recommends \$4,393,286**

**VOTE (2017-126A)** Councilor Albert, seconded by Councilor Kolbe moved for Article 1 the following: **\$4,393,286.**

**Order passed - Vote 5-2. (Opposed) Crafts and Brunelle.**

### **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.

*"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."*

**Amount Recommended \$473,167**

**VOTE (2017-126B)** Councilor Albert, seconded by Councilor Kolbe moved for Article 2 the following: **\$473,167.**

**Order passed - Vote 5-2. (Opposed) Crafts and Brunelle.**

### **ARTICLE 3 – FUNDS EXCEEDING THE STATE'S EPS ALLOCATION MODEL**

Shall the Town of Lisbon raise and appropriate **\$ 1,654,483** in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$ 597,021** as required to fund the budget recommended by the Lisbon School Committee.

The School Committee recommends **\$1,654,483** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$597,021**.

- 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.

Transitional Funds: Also included in the additional Local Funds is the transitional amount that is due to the state not providing the full 55% of funding.

*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 educational programs.*

**School Committee Recommended \$1,654,483**

**VOTE (2017-126C)** Councilor Albert, seconded by Councilor Kolbe moved for Article 3 the following: **\$1,654,483.**

**Order passed - Vote 5-2. (Opposed) Crafts and Brunelle.**

#### ARTICLE 4 – EXPEND FOR FY 2017-2018

To see what sum the Council will authorize the Lisbon School Committee to expend for the fiscal year beginning **July 1, 2017** and ending **June 30, 2018** 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 schools.

**School Committee Recommended \$ 15,707,946**

**VOTE (2017-126D)** Councilor Albert, seconded by Councilor Kolbe moved for Article 4 the following: **\$15,707,946**

**Order passed - Vote 5-2. (Opposed) Crafts and Brunelle.**

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

To see if the Council will authorize the Lisbon School Department to appropriate **\$27,561** for Adult Education and raise **\$9,061** 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 (2017-126E)** Councilor Albert, seconded by Councilor Kolbe moved for Article 5 the following: **YES**

**Order passed - Vote 5-2. (Opposed) Crafts and Brunelle.**

#### ARTICLE 6 – ADULT EDUCATION

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

**School Committee Recommends \$27,561**

**VOTE (2017-126F)** Councilor Albert, seconded by Councilor Kolbe moved for Article 6 the following: **\$27,561**

**Order passed - Vote 5-2. (Opposed) Crafts and Brunelle.**

#### 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 (2017-126G)** Councilor Albert, seconded by Councilor Kolbe moved for Article 7 the following: **YES**

**Order passed - Vote 5-2. (Opposed) Crafts and Brunelle.**

#### TRUCK BID AWARD

INTRODUCTION: The RFP was sent to the following vendors:

W.A. Messer	Howard P. Fairfield
Whited Truck Center	O'Connor GMC
Freightliner of Maine	Rowe Truck Center
C-B Kenworth	Morrison and Sylvester, Inc.
Portland North Truck Center	Weirs Motor Sales, Inc.

We received the following bids:

Kenworth - \$104,787 per truck warranty included (Kenworth)  
Morrison & Sylvester - \$87,890 per truck warranty included (International)  
O'Connor Motor Co. - \$85,411 per truck warranty not included (Western Star)  
Freightliner of Maine - \$87,947 per truck warranty included (Freightliner)  
Freightliner of Maine - \$93,189 per truck warranty included (Western Star)

In reviewing the bids the International does not include the additional cross member located behind the cab as specified in the RFP. The price difference between the two low bids is only \$57 per truck. Based on our review we are requesting permission to award the bid to Freightliner of Maine for the Freightliner 108SD trucks. We also request permission to advertise an RFP for the installation of our existing dump bodies on the new cab and chassis and to sell the three old sterling trucks and plows.

COUNCILOR COMMENTS: Councilor Ward asked where the money would go from the sale of these. Mrs. Barnes suggested the funds go into a Miscellaneous Sale of Town Equipment line to be used for future equipment purchases and/or into unassigned fund balance and then assign it to Sale of Town Equipment to purchase equipment when needed.

**VOTE (2017-127)** Councilor Brunelle, seconded by Councilor Albert moved to award the truck bid to Freightliner of Maine for the Freightliner 108SD in an amount not to exceed \$87,947 per truck and designate \$175,894.00 from unassigned fund balance to cover the cost, and authorize the Public Works Director to go out to RFP for the installation of existing cab and chassis, and sell the three old sterling trucks and plows.

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

#### SIDEWALK SNOW REMOVAL BID AWARD

INTRODUCTION: Mr. Leighton said the RFP was sent to the following vendors:

Maloy's Lawn Care  
ETTI, Inc.  
Davis Landscaping

Granville Morgan  
Balfour Landscaping  
Campbell's Landscaping

Lisbon received the following bids:

ETTI, Inc. - \$239,550 for a five year contract - \$47,910 per year  
Four Seasons Landscaping - \$70,746 per year

We originally budgeted \$50,000 in anticipation of moving towards a contracted service and as a result request permission to award the bid to ETTI, Inc. for a five year period.

**COUNCILOR COMMENTS:** Councilor Albert pointed out that one bidder suggested he would purchase the equipment if he were given a 5-year contract. There was some discussion over whether additional individuals would have applied with that in mind. He pointed out that the Request for Proposal was too vague in this circumstance.

Mr. Leighton pointed out one proposal talks about so many events and then a price for additional events so who would be defining when this company needs to go out.

Councilor Lunt indicated he would like to see more specifications in the Request For Proposals. Councilor Albert and Lunt suggested sending this out to bid again with better specifications.

Councilor Brunelle said it upset everyone that it was so vague. He said no one wants to purchase a \$150,000 piece of equipment for a one year contract. He recommended the town think about purchasing it, that it should last longer than five years, and to put this back out to bid as a five year contract to see what we get for bidders.

Mr. Leighton said he believed that most of these details would get ironed out during the agreement process. He pointed out that last year Lisbon had 29 events and 12 or more of those were with 2" of snow or more.

**VOTE (2017-128)** Councilor Albert, seconded by Councilor Kolbe moved to reject all bids, re-do the Request for Proposal, and go back out to bid.

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

#### SEWER TREATMENT PLANT DRIVEWAY PAVING

**INTRODUCTION:** Mr. Leighton said he was requesting permission to have Crooker, LLC reclaim and pave the driveway to the Sewer Treatment Plant. The cost estimate was approximately \$25,000.

The current Sewer Department budget included funds for sewer line repairs and replacements pending the completion of the Sewer System Evaluation. Based on the direction we are moving with the USDA RD funding option we do not anticipate utilizing these funds before June 30, 2017. We request permission to proceed with Crooker, LLC.

**VOTE (2017-129)** Councilor Brunelle, seconded by Councilor Lunt moved to approve authorization to proceed with paving the Sewer Treatment Plant Driveway as presented.

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

#### AUDIT ENGAGEMENT LETTER

**INTRODUCTION:** Mrs. Barnes reported the engagement letter from RHR Smith confirms the understanding and scope of services provided to the town during the annual audit. They will audit the financial statements of the governmental activities, business type activities, any aggregate discretely presented component units, each major fund, and any aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town of Lisbon for the fiscal year ending June 30, 2017:

Town		\$9,850
School	Department	\$9,717
Sewer	Department	\$2,550

**COUNCILOR COMMENTS:** Mrs. Barnes mentioned they would be on site for compliance testing the third week in July and that the audit presentation would be in November this year.

**VOTE (2017-130)** Councilor Brunelle, seconded by Councilor Crawford moved to authorize the Town Manager to sign the engagement letter with RHR Smith for the annual audit.

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

#### WRITE-OFF ACQUIRED REAL ESTATE TAXES – SUMMER STREET

**INTRODUCTION:** Mrs. Barnes asked the Council to write off taxes due on the Council's authorized sale of Town owned land located on Summer Street at their regular meeting on May 2, 2017. After applying the proceeds of the sale, the remaining balance of \$50.89 needs to be written-off the books.

<b>Account Number</b>		<b>Balance</b>	<b>Tax Years Owed</b>
3165	Summer Street	\$50.89	2016-2017

**VOTE (2017-131)** Councilor Albert, seconded by Councilor Brunelle moved to approve the write off of real estate taxes for the land, previously approved for sale on May 2, located on Summer Street (Account #3165).

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

#### TAX COLLECTOR CERTIFICATE OF SETTLEMENT

**INTRODUCTION:** Mrs. Barnes explained that the tax collector is entitled from his/her liability under Maine State Statute when the tax collector has settled in full all taxes assessed and committed for each given year.

This is the final step taken in connection with the duties of the tax collector, and is the foundation of his/her discharge from further liability for collection of taxes for that year.

The uncollected taxes for 2010-2016 have either been paid in full or a legal process has been completed to collect the taxes. There is a small remaining balance to be collected due to bankruptcy.

**VOTE (2017-132)** Councilor Brunelle, seconded by Councilor Crawford moved to approve and sign the certificate of settlements (see attached) for Diane Barnes, Tax Collector for the tax years 2010-2016.

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

#### REPEAL CHAPTER 99 TOWN VEHICLES & AMEND PERSONNEL POLICY TO ADD SECTION 90-38.6 USE OF TOWN VEHICLES

**INTRODUCTION:** This item is housekeeping to streamline town policies regarding employment into one comprehensive document. There are not any changes to the policy itself.

**VOTE (2017-133)** Councilor Kolbe, seconded by Councilor Brunelle moved to Repeal Chapter 99 Town Vehicles and amend the Personnel Policy adding Section 90-38.6 Use of town vehicles as follows:

Repeal Chapter 99 Town Vehicles

Add the following Sec. 90-38.6 under Personnel Policy

**Sec. 90-38.6 - Use of town vehicles.**

(a) Statement of policy. This policy is intended to provide a consistent standard for the use of town-owned vehicles. The town recognizes that certain employees are required to be "on-call" during off-duty hours or a 24-hour emergency call on a permanent, seasonal or as needed basis. This policy is intended to assure that these employees are able to have the vehicles at their disposal necessary to fulfill the duties of their positions while at the same time ensuring only those uses authorized by the town are permitted. Further, the town recognizes that an employee responding to a call for service outside of regular hours from their place of residence will decrease response time for the call.

It is the intention of this policy to establish operating procedures for all vehicles and/or equipment that are owned by the Town of Lisbon in order to ensure that proper safety practices are being followed for the protection of employees and the public. This policy will address specific safety practices and does not supersede, amend, or replace any regulation required by state and federal agencies or any regulation required by other agencies for insurance or other purposes. Individual town department policies shall comply with the general provisions of this directive, but may deviate from the specific requirements depending on the department's mission-specific operations and type of equipment operated.

Town vehicles are for official use only and are never to be used for personal reasons. Official use is defined as use that is instrumental to the provision of town services. Personal use is defined as use that is specific to personal errands, trips, or purposes. A valid operator's license appropriate for the class of the vehicle is required.

(b) Employee responsibility.

- (1) It is the employee's responsibility to maintain the proper driver's license in the required class of classification, and to immediately notify the town manager or his/her designee of any revocation or suspension.
- (2) Employees shall wear seatbelts at all times when operating town-owned vehicles or equipment that is so equipped, in compliance with state and federal laws. Employees who are passengers in any town-owned vehicles or equipment shall wear seatbelts at all times.
- (3) Employees shall ensure that no non-employee is allowed to ride in town-owned vehicles or equipment except in cases of emergency or with prior authorization of the town manager. The police chief may authorize non-employees to participate in a "ride along" program with a uniformed officer provided a liability waiver is obtained from the participant prior to the "ride along." Non-employees who are passengers in any town-owned vehicles or equipment shall wear seatbelts at all times.
- (4) Any employee operating a town vehicle must strictly adhere to all town and state traffic laws and/or regulations.
- (5) Each employee will be responsible to ensure the maintenance of the vehicles or equipment in their use for their shift. Each employee will conduct a walk-around on their vehicles/equipment to ensure that it is in safe operating condition. This will include checking the tires and lights.
- (6) If mechanical problems are encountered while operating any vehicle/equipment, the department head shall be notified by the employee and will schedule the vehicle/equipment for proper repair and any required follow-up maintenance.
- (7) No smoking is allowed in any town-owned vehicle. Accessory equipment such as but not limited to a two-way radio shall only be used by employees having received the proper training in the equipment's use and protocols.

(c) Vehicle assignments .

- (1) Marked vehicles/unmarked vehicles. Employees whose positions require that they are available during off-duty hours to respond to stakeouts, surveillance sites, fire or emergency calls, may with the request of the Department Head and prior approval of the town manager, use the town's marked/unmarked vehicles while "on-call" during off-duty hours. Any personal use of the town's marked/unmarked vehicles by an employee at a time when they are off-duty and not "on call" is strictly prohibited.
- (2) Police, fire, public works, parks, and recreation departments may be allowed vehicle assignments with the prior approval of the town manager. A department head with prior approval from the town manager may temporarily give written authorization to on-call emergency supervisors/officers/foremen/employees from these departments to keep an assigned town-owned vehicle at their residence during the time that they are temporarily on-call to be used exclusively for any town business-related purpose. Vehicles are not to be used for personal use while at home.
- (3) Under IRS regulations, use of town vehicles for commuting is considered taxable income to an employee and the value of the personal use of the town vehicle will be included in the employee's taxable compensation. Excluded from this rule are marked police, fire, or public safety vehicles that are required to be used for commuting by a police officer, firefighter, or public safety officer who, when not on a regular shift, is on call at all times. Other than commuting, personal use of these vehicles, outside the limit of the police officer's arrest powers or the obligation of a firefighter or public safety officer to respond to an emergency, is prohibited pursuant to IRS regulations.
- (d) Accidents involving town vehicles. All accidents involving town vehicles require a police report no matter how minor. Except when absolutely necessary, a town vehicle involved in an accident will not be moved prior to authorization by an investigating police officer.

Should an accident occur the person driving the vehicle shall do the following:

- (1) Assist any injured person.
- (2) Contact law enforcement via the quickest possible means.
- (3) Take the names and addresses of all witnesses present.
- (4) Report the accident as soon as possible to the town manager.

Failure to comply with this policy may result in forfeiture of vehicle assignment and/or disciplinary action.

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

## **OTHER BUSINESS**

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

1. Planning: Councilor Ward indicated the Planning Board endorsed the Water Department's Capital Improvement Plan and will be transitioning over from Amanda Bunker to Ben Smith for Contracted Town Planner.
2. Water Commission: Councilor Crawford said they will be meeting again next week.
3. LDC: Councilor Albert reported Ben Smith attended this meeting. They discussed concerns with Miller Park developer and the timeline for expending the current grant funds.
4. Recreation: Councilor Kolbe reported the playground project is moving forward and that they are working on raising the additional \$6,000 needed to finish the project.
5. Library: Councilor Lunt reported the switch over to new software went well. It will be live next Tuesday so residents will be able to order books for the other participating libraries around the state.

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



Mrs. Barnes reported Tax and Sewer Lien Notices went out yesterday. She said there was less this year than last year. She reported she would have an updated budget before the next Council meeting on Tuesday.

### C. WRITTEN REPORTS

Councilor Ward said he had a question about the Fire Department's payroll and asked if this department would be under in the bottom line. Mrs. Barnes said that's not going to happen with the wage change; it's a sizeable increase with the pay per incident piece. She reported they were working on a new payroll model for next year's budget.

### AUDIENCE PARTICIPATION FOR NEW ITEMS - NONE

### COUNCILOR COMMUNICATIONS

Councilor Ward invited everyone to a Pipeline Safety Training at the Ramada in June. There is no cost to the town.

### APPOINTMENTS NONE

### EXECUTIVE SESSION – NONE

### ADJOURNMENT

**VOTE (2017-135)** Councilor Brunelle, seconded by Councilor Kolbe moved to adjourn at 8:05 PM. **Order passed - Vote 7-0.**

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Twila D. Lycette, Council Secretary  
Town Clerk, Lifetime CCM/MMC  
Date Approved: June 6, 2017