



**TOWN COUNCIL
MEETING MINUTES
NOVEMBER 14, 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; Marc Hagan, Police Chief; Judy Hardy-Goddard, General Assistance Director; Dennis Douglas, Code Enforcement Officer; Robert Robitaille, Deputy Fire Chief; and approximately 25 citizens in the audience.

GOOD NEWS & RECOGNITION

Councilor Brunelle said he had fun at the MTM Center for Halloween. They did a great job.

PUBLIC HEARING

A. ATV ORDINANCE

The Chairman opened the public hearing. Roger Bickford went over the map and indicated the dotted lines represent trails and the solid lines represent the new access roads. If this passes he requested help with enforcement from our residents who often times see when someone isn't following the rules. He recommended they call and report it to the police or take pictures and send them to the Police Department. Offenders are doing the wrong things, not just in front of your place, but along the rest of the trails. We have to abide by the rules or we lose trails. Councilor Ward said there is an annual provision for consideration and review so if it didn't work out then the following year this would not be in play because the Council has the ability to pull the plug on it. Mr. Bickford said the trail is expected someday to continue to the Gridiron Restaurant. Seeing no further comments, the Chairman closed the public hearing.

B. GA ORDINANCE AMENDMENTS

The Chairman opened the public hearing. Judy Hardy-Goddard, the General Assistance Administrator for Lisbon said this process is done annually each year. The state sets the guidelines and we adopt them. The Chairman closed the public hearing.

C. MARIJUANA MORATORIUM ORDINANCE

The Chairman opened the public hearing; there were no comments. The Chairman closed the public hearing.

**D. AMENDMENT TO SITE PLAN REVIEW ORDINANCE
CHAPTER 62 SITE PLANS**

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 (2017-274) Councilor Kolbe, seconded by Councilor Lunt moved to approve Municipal Accounts Payable & Payroll Warrants:

#47	\$ 6,274.94	#51	\$ 10,135.00
#48	\$175,895.87	#52	\$177,974.37
#49	\$16,475.20	#53	\$ 16,277.33
#50	\$ 11,718.75	#54	\$ 469,111.32
		#55	\$ 14,612.35

School Accounts Payable & Payroll Warrants:

#1022	\$338,144.63	#1023	\$13,255.79
#1024	\$365,522.38	#1025	\$13,293.19
#10	\$ 481.22	#11	\$ 1,875.75
#12	\$5,708.95	#1808	\$181,738.04

And the minutes of October 3 and October 17, 2017, plus ratify the Results of the November 7, 2017 Election, and schedule a Public Hearing for December 5 for the Coombs Mountfort Post for a Renewal Special Entertainment Permit.
Order passed - Vote 7-0.

COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

ACCEPT BIDS FOR THE DISPOSITION OF STERLING TRUCKS

INTRODUCTION: The town received the following bids for the three Sterling pickup trucks we retired from Public Works.

Unit 220 - Carl Huston - \$1600	Unit 224 - Carl Huston - \$1800
Unit 222 - Carl Huston - \$1450	- Bob Elwell - \$1125

Mr. Leighton said Carl Huston was the high bidder on three trucks and recommended awarding the bids to him for all three trucks.

VOTE (2017-275) Councilor Brunelle, seconded by Councilor Kolbe moved to award the Sterling Truck bids for Unit 220 for \$1,600, Unit 222 for \$1,450, and Unit 224 for \$1,800 to Carl Huston and to deposit the funds in the Sale of Town Property Reserve Account. **Order passed - Vote 7-0.**

RETURN OF RECOVERED PROPERTY

INTRODUCTION: Chief Hagan reported in January of 2013, the Lisbon Police Department began an investigation into the theft of a log splitter. This investigation led to the uncovering of other thefts and the recovery of several pieces of stolen property to include wood splitters, generators, winches, televisions, chainsaws, trailers, etc. etc. The investigation concluded with several pieces of stolen property being unclaimed and ownership unknown. The items are as follows:

- 1 6ft. by 10 ft. landscape trailer with a fold down rear ramp.
- 1 Honda 2 horsepower (4-stroke) boat motor.
- 1 Husqvarna chainsaw.

For the last four (4) years, these pieces of property have been held in storage by this agency. The police department has exhausted all known manners in which to return these items, including but not limited to meeting with an insurance representative in hopes of tracing the ownership of the trailer, and contacting the boat owner manufacturer in an effort to locate the dealership where sold in hopes of tracking down the owner. All efforts to determine ownership have proved futile. In an effort to remove this property from our care, the Police Chief wishes to propose the following:

Pursuant to State of Maine law, Title 25, Sections 3501 and 3503, any property that has not been claimed by its rightful owner shall be forfeited, and any and all property will either be surrendered to the person who found it, sold to the highest bidder at public auction, donated to a non-profit organization or charity, or disposed of as waste. The statute also requires the holder of such property to advertise the property, with a brief description in the newspaper at least one time in an effort to locate the rightful owner. (See attached copy of the statute.)

If the property owner(s) cannot be determined after this advertisement, the police department would like to donate the property to any other Town of Lisbon entity that may find the property of use. If there is no such request, we would then prefer to donate the property to any local non-profit showing interest. Chief Hagan respectfully requests permission to move forward with this request.

VOTE (2017-276) Councilor Brunelle, seconded by Councilor Kolbe moved to accept the unclaimed property as follows and to authorize the disposal of the same:

- 1 6ft. by 10 ft. landscape trailer with a fold down rear ramp.
- 1 Honda 2 horsepower (4-stroke) boat motor.
- 1 Husqvarna chainsaw.

Order passed - Vote 7-0.

VOLUNTEER FIRE ASSISTANCE GRANT

INTRODUCTION: Robert Robitaille, Deputy Fire Chief from the Fire Department is requesting authorization from the Town Council to apply for a Volunteer Fire Assistance Grant. The Grant is a matching type grant that cannot exceed more than \$10,000. The grant request that we are applying for is for 30 sets of wild land personal protective clothing and 4 pagers. The money would be expended from the capital equipment account and the radio account. The money from the radio account is already planned for pager replacement and this grant will help them to extend that account two extra pagers. The wild land personal protective clothing would be expended from the capital account from money that is anticipated to be saved from the white water equipment request, which was approved in the current budget. Lisbon's share of the grant would not exceed \$4,000, the grant would match Lisbon's share for the total equipment request of approximately \$8,000. Mrs. Barnes reported the funds needed for the match are already in the existing budget.

VOTE (2017-277) Councilor Brunelle, seconded by Councilor Kolbe moved to authorize the Fire Chief to apply for the Volunteer Fire Assistance Grant and accept the grants funds. **Order passed - Vote 7-0.**

DANGEROUS BUILDINGS - DEMOLITION BIDS

INTRODUCTION: The following bids were received and publicly opened for the demolition of 10 Union Street, 10 Congress Street, and 4 Zamore Street:

	<u>10 Union</u>	<u>10 Congress</u>	<u>4 Zamore</u>
Ford Enterprises, Hope, ME (Includes household hazardous materials only)	\$17,210	\$10,940	\$16,375
St. Laurent & Son, Lewiston, ME (Loam & Seed \$5.50 per square yard Completion date 12/31/2017 Price does not include abatement of asbestos)	\$14,850	\$ 8,920	\$ 9,800
Chabot's Construction Co., Greene, ME (Includes the disposal of hazardous materials Loam, Seed & Mulch @ \$45.00 per yard Completion date 12/15/2017)	\$18,000	\$16,000	\$16,000
Copp Excavating, Inc., Durham, ME	\$16,831	\$10,238	\$14,681

(Price includes abatement of hazardous materials.
Loam & Seed \$36.00 per yard)

Crooker Construction, LLC, Topsham, ME	\$20,750	\$15,000	\$22,500
(Price does not include abatement of hazardous materials Loam \$35.00 per cy, Seed \$150.00 per UN (1000 sf) Lisbon waive any necessary permits and fees)			

Almighty Waste, Co., Auburn, ME	\$23,250	\$19,822	\$19,722
(Price does not include abatement of hazardous materials)			

After reviewing the bids, the low bidder did not include asbestos abatement in their quote as the bid specifications requested. Therefore, we recommend that Council award the bid to Copp Excavating, Inc, of Durham for the demolition of all three buildings in the amount of \$41,750 and \$36.00 per yard for Loam & Seed. Mrs. Barnes requested permission to negotiate a price with this bidder to demolish the Town owned building located at 385 Lisbon Street. Councilor Albert asked if the Copp bid included hazardous materials. Mrs. Barnes replied, yes he verbally told her that was included unless otherwise noted.

Mr. Douglass said he was comfortable with any of these bidders. It typically takes 2 to 3-days to clean up a property. Councilor Ward noted that 4 Zamore may not be done before year end though.

VOTE (2017-278) Councilor Albert, seconded by Councilor Kolbe moved to award the bid to St. Laurent & Sons, Lewiston, Maine and authorize the Public Works Director to negotiate a price to demolish the Town owned building located at 385 Lisbon Street. **Order passed - Vote 7-0.**

AMENDMENT TO PERSONNEL POLICY CHAPTER 90-17 HOLIDAY LEAVE

INTRODUCTION: The Personnel Policy needs to be updated to remove floating holidays for any Friday or Saturday holiday now that we will be changing the Town office work days to Monday-Friday.

VOTE (2017-279) Councilor Kolbe, seconded by Councilor Crawford moved to adopt personnel policy changes as follows:

Sec. 90-17. - Holiday leave.

Permanent and probationary employees with a minimum of 30 calendar days of service shall receive paid holidays in accordance with the prescribed state employment association schedule, and any other holidays as granted by the town council (see section 90-37). If a legal holiday falls on a Saturday, the previous Friday shall be scheduled as a nonworking day in observance of the holiday. If a legal holiday falls on a Sunday, the following Monday shall be scheduled as a nonworking day in observance of the holiday. ~~The town office employees shall be granted a floating holiday for any Friday or Saturday holiday, and a~~ Non-union sewer, public works, and transfer station employees shall be granted a floating holiday for any holiday which falls on their normally scheduled day off and will be used within the same fiscal year it is offered, and will not be paid out as time earned if not used accordingly by the end of the fiscal year. The library department employees shall be closed on Tuesday in observance of any Monday holiday. Employees working and supervising special shifts of hours shall be subject to the same standards that apply to the employees which they supervise at the discretion of the town manager. Temporary employees shall not be entitled to paid holidays. Employees who are required to work on a holiday shall receive overtime pay at 1.5 times employee's current wage rate, or the employee may elect to receive comp time off for time worked pursuant to the compensatory policy, section 90-13. One personal day may be given at the discretion of the department head.

Order passed - Vote 7-0.

AMEND CHAPTER 50 SECTION 48 – MUNICIPAL PARKING LOTS

First Reading

INTRODUCTION: Mrs. Barnes summarized the changes. Councilor Ward asked Mr. Douglass if he was okay with the proposed changes. Mr. Douglass replied, yes. Councilor Lunt said these changes addressed his concern about cars being just left there. Councilor Ward said these changes were more in line with available enforcement.

VOTE (2017-280) Councilor Brunelle, seconded by Councilor Kolbe moved to adopt the following amendment for Chapter 50 Section 48 Municipal parking lots:

Sec. 50-48. Municipal parking lots.

(a) *General provisions.*

(1) Any area designated as a municipal parking lot is maintained for the sole and exclusive purpose of providing an area where motor vehicles may be left parked or standing for the purpose of allowing their operators and passengers to conduct their affairs and for ~~such permitted parking for such duration and time periods~~ as may be ~~applicable to the type of permit issued~~ determined by the Town.

(2) The owner and/or operator of any motor vehicle using a municipal parking lot or municipal parking space, shall park their vehicle within the designated areas indicated by white or other markings and parking shall be limited to such designated areas.

~~(3) Parking in municipal parking lots shall be between the hours of 6:00 a.m. and midnight and no parking shall be allowed in any municipal parking lot from midnight to 6:00 a.m. except for 24 hour or overnight permitted parking.~~

~~(4) Various types of permitted parking may be allowed in municipal parking lots. Where such permitted parking is allowed, a permit shall be issued to the appropriate party, which will be displayed in the vehicle on the driver's side windshield. Permitted parking shall be to a numbered space in a particular location as assigned by the town.~~

(b) *Main Street, east side; Lisbon Falls.*

(1) *Parking restrictions.* General parking in the public parking lot on the east side of Main Street in Lisbon Falls shall be restricted ~~to two consecutive hours.~~ as follows:

a. Parking shall be limited to no more than 7 consecutive days.

b. Parking is prohibited during any parking ban imposed by the Town in accordance with section 50-11.

c. Parking is prohibited during festivals and special events in the Main Street Lisbon Falls area, as determined by the Public Works Director.

(2) Enforcement. Any vehicle found in violation of this section is subject to a fine in accordance with section 50-321, and may be towed in accordance with section 50-327.

~~(2) Permitted parking. The following permits shall be available to the classifications of individuals delineated below and subject to the restrictions and conditions applicable to each permit.~~

~~(a) Business owners/employees permits. Two permits may be issued to each business for the purpose of providing assigned numbered parking to the owner and/or employees of that business, which shall permit parking on an all day basis. Such permits shall be assigned to individual owners and/or employees and upon a change in business ownership or should the employee leave that business employment, then the permit issued to that individual shall become void. Additional permits for owner/employees may be issued for all day parking in an assigned location at the rate of \$25.00 per month, six months for \$120.00 or yearly for \$240.~~

~~(b) Overnight parking permits. These permits shall be available to individuals who reside in homes or residential units located in the area adjacent to the parking lot and will be essentially for the purpose of overnight residential parking. No more than six of these permits may be issued and the assigned spaces will be located on the easterly boundary of the parking lot. Each overnight permit holder will be responsible for snow removal in the immediate area surrounding their parking spaces. It shall be a condition of this permit that the individual to who it is assigned reside in a~~

~~residential unit adjacent to the parking area, and should such residence be changed, then the permit will become void.~~

- ~~(d) Twenty four hour permits. Individuals residing in dwelling units in the area immediately adjacent to the parking lot shall also be eligible to apply for 24 hour permits. These permits shall also be subject to the restriction that the permittee continue to reside in the area adjacent to the parking lot and if that residence is discontinued, then the permit shall become void. The permit holder shall be responsible for snow removal in the immediate area of their assigned space. These permits shall be issued at a cost of \$25.00 per month, \$120.00 for a six month period or \$240.00 for a yearly permit.~~

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

ATV ORDINANCE

Final Reading

VOTE (2017-281) Councilor Brunelle, seconded by Councilor Albert moved to adopt the following ATV Ordinance:

Article IV. - Recreation Activities on Public Ways
Division 1. - Generally

Sec. 50-261. Purpose

The purpose of this Ordinance is to authorize the operation of ATVs on designated roadways in the Town of Lisbon.

Sec. 50-262. Definitions

Accompanied by adult - "Accompanied by an adult" means, with respect to operation of an ATV, within visual and voice contact and under the effective control of a child's parent or guardian or another person 21 years of age or older.

All-terrain vehicle or ATV. "All-terrain vehicle" or "ATV" means a motor-driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. "All-terrain vehicle" or "ATV" includes, but is not limited to, a multitrack, multi-wheel or low-pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this subpart, "all-terrain vehicle" or "ATV" does not include an automobile as defined in 29-A M.R.S. § 101(7); an electric personal assistive mobility device as defined in 29-A M.R.S. § 101(22-A); a truck as defined in 29-A M.R.S. § 101(88); a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; or a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

ATV access route - For the purpose of this Ordinance, an ATV access route shall be defined as a public way maintained by the Town of Lisbon and designated by the Town Council as an ATV access route. ATV's are only to be used by the public on such designated public ways to gain access to the Lisbon ATV Trail System.

Lisbon ATV Trail System - A designated path commonly used and maintained for ATVs which is administered, in part, by the Town of Lisbon in association with a designated ATV Trail Organization.

Public way - "Public way" means a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass.

Sec. 50-263. Use and Operation of Lisbon ATV Access Routes

- (1) Operation of an ATV within the Town of Lisbon shall comply with 12 M.R.S. §13157-A, Operation of ATVs
- (2) Use and operation of an ATV on a public way shall not obstruct or interfere with the use of the way by traffic or pedestrians.
- (3) The Lisbon ATV access routes will be posted as OPEN from June 1st thru October 31st from sunrise to sunset. All other times/dates the ATV access routes will be posted as CLOSED.

- (4) Each year, in the month of December, prior to the opening of the ATV access routes and Lisbon ATV Trail System, the designated ATV Committee shall be designated or re-designated by the Lisbon Town Council and an annual review of the ATV access routes and Lisbon ATV Trail system shall be conducted. The review will be performed by the Town Manager, Chief of Police or designated officer, Public Works Director, and a designated representative of the ATV Trail Committee.
- (5) Operators under the age of 18 must have a valid driver's license and/or be accompanied by an adult age 21 or older.

Sec. 50-264. ATV Access Routes.

The town council does hereby designate the following portions of public ways as ATV access routes, with travel limited to the extreme right of the public way in the same direction as motor vehicle traffic. The posted speed limit for ATV's on ATV access routes shall be ten miles per hour and signs designating the ATV access route and the speed limit shall be conspicuously posted. ATV access routes have been established using guidelines under 12 M.R.S. §13157-A §6(H).

- (1) Miller Road
- (2) Ferry Road (between Miller Rd. and Bretton Rd.)
- (3) River Road
- (4) Wagg Road
- (5) County Road
- (6) Burrough Road (from Rte 125 to Bowdoin Town Line)
- (7) Gould Road (from Rte 125 intersection westerly to #75 Gould Road)
- (8) Scottsdale Street
- (9) Huston Street (from intersection of Scottsdale Street westerly on Huston Street to end)
- (10) Rte 196 (between 580 Lisbon Street and 610 Lisbon Street)
- (11) Capital Avenue
- (12) Summer Street (from Main Street, Rte 125, to intersection of Edgecomb Road)
- (13) Edgecomb Road (from intersection of Summer Street westerly to start of Transmission Line trail)
- (14) Cotton Road
- (15) Pinewoods Road (from intersection of Cotton Road Southwesterly to the Pinewoods Road Recreational fields)

Sec. 50-265. Signs

Designated ATV access routes shall be posted along the public ways to clearly define the approved access route. Posted signs shall include the 10 MPH speed limit and the designated ATV access route. The designated ATV Trail Organization shall be responsible for production, placement and overall maintenance of the signage. This shall be done in coordination with and approval of the Lisbon Public Works Department.

Sec. 50-266. Penalty for violation of division

Penalties for violation of this division shall be as follows:

- (1) On the occasion of the first violation, the individual violator will be issued a warning which shall contain the name and address of the violator, the nature of the violation and the location of the violation.
- (2) On the second and subsequent violations:
 - a. Second violation - \$50.00 fine.
 - b. Third violation - \$100.00 fine.

c. Fourth and subsequent violations - \$200.00 fine.

(3) This Ordinance shall be enforced by the Lisbon Police Department

Sec. 50-267. ATV Trail Map

(The Lisbon ATV Trail Map to be attached as part of this ordinance)

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

GA ORDINANCE AMENDMENTS

Final Reading

VOTE (2017-282) Councilor Kolbe, seconded by Councilor Brunelle moved to adopt the following GA Ordinance Amendments:

Appendix A- Overall Maximums

Persons in Household

2016/2017	1	2	3	4	5
Androscoggin County	575	678	855	1086	1241

New Maximums

Persons in Household

2017/2018	1	2	3	4	5
Androscoggin County	641	726	915	1169	1397

Appendix B-Food Maximums

Persons in Household

Androscoggin County	1	2	3	4	5
2016/2017	194	357	511	649	771
2017/2018	192	352	504	640	760

Appendix C - Housing

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2009-2010 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are subtracted from the FMR to obtain a pure “housing” cost.

2016/2017			2017/2018		
# Bedrooms	UnHeated	Heated	# Bedrooms	Unheated	Heated
1	484	608	1	538	659
2	618	772	2	711	838
3	803	991	3	896	1079
4	901	1130	4	1071	1294

Appendix D – Utilities

There was **no change** in the Utilities

- 1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00
NOTE: For each additional person add \$7.50 per month.		

- 2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.08	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00
NOTE: For each additional person add \$10.00 per month.		

Appendix E

There was **no change** in fuel. We use what the applicate uses per month or the cap of what is allowed for that month at the current price for fuel.

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

Appendix F

There was **no change** in Personal and Household Supplies

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00
NOTE: For each additional person add \$1.25 per week or \$5.00 per month.		

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

MARIJUANA MORATORIUM ORDINANCE

Final Reading

INTRODUCTION: The Council was introduced to the Marijuana Moratorium Ordinance Extension at its September 5 meeting at which time the Town Council passed the Extension as its first reading (Vote 2017-222) and scheduled a public hearing. The public hearing was posted, but inadvertently left off the agenda under public hearings so the Council never opened one, although the Council passed the extension the town's attorney advises the Council to re-advertise and hold the necessary public hearing, leaving the dates retroactive, and passing it again for a final reading.

VOTE (2017-283) Councilor Kolbe, seconded by Councilor Crawford moved to adopt the Marijuana Moratorium Ordinance Extension on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs as follows:

TOWN OF LISBON
EXTENSION AMENDMENT TO MORATORIUM ORDINANCE
ON RETAIL MARIJUANA ESTABLISHMENTS
AND RETAIL MARIJUANA STORES AND
RETAIL MARIJUANA SOCIAL CLUBS

WHEREAS, the Town's Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Stores and Retail Marijuana Social Clubs ("Moratorium Ordinance") was adopted on April 4, 2017, went into effect on April 25, 2017, and is due to expire after 180 days on October 22, 2017; and

WHEREAS, pursuant to the Marijuana Legalization Act, as adopted in a state-wide referendum and subsequently amended by the Legislature and codified in the Maine Revised Statutes at Title 7, chapter 417 (the "Act"), the operative provisions of the Act—including the provisions pertaining to State licensing and municipal regulation – do not become effective until February 1, 2018; and

WHEREAS, pursuant to the Act, the State of Maine licensing authority must adopt rules for the proper regulation and control of the cultivation, manufacture, distribution, sale and testing of retail marijuana and retail marijuana products and for the enforcement of the Act on or before October 30, 2017; and

WHEREAS, the Maine Legislature's Joint Select Committee on Marijuana Legalization Implementation is working to help guide the state agencies that will craft the rules and regulations around the recreational marijuana industry; and

WHEREAS, the State of Maine licensing authority that is to draft the rules and regulations around the recreational marijuana industry has not done so yet; and

WHEREAS, the Town needs to know the State of Maine regulatory framework for the recreational marijuana industry before it can determine the land use and other regulatory implications of retail marijuana establishments, stores and social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, the problems giving rise to the need for the moratorium still exist and reasonable progress is being made to alleviate the problems;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Lisbon, that all provisions of the Moratorium Ordinance are hereby extended for an additional one hundred and eighty (180) days (i.e., from October 23, 2017 to April 21, 2018).

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

AMENDMENT TO SITE PLAN REVIEW ORDINANCE
CHAPTER 62 SITE PLANS
Final Reading

INTRODUCTION: Recent applications and inquiries that have come to the Planning Board have revealed a potential problem where certain redevelopments are not subject to town review and standards. The Planning Board

and Planning Staff have reviewed the “Applicability” section under Lisbon’s SPR ordinance, and propose to revise this section so that a change in use and vacant uses of more than two years are subject to review. This revision will establish an applicability section similar to other Maine towns, including Lewiston.

VOTE (2017-284) Councilor Lunt, seconded by Councilor Kolbe moved to adopt the following amendment to the Site Plan Review Ordinance Chapter 62 Site Plans:

Chapter 62 - SITE PLANS

Sec. 62-2 – Applicability

The following shall be subject to Site Plan Review and permitting:

- (a) All new construction or expansion of buildings or use of land for commercial, industrial or institutional use where the activity is greater than 1,000 square feet ~~shall be subject to site plan review.~~
- (b) A change of use from residential to non-residential use, or from one type of non-residential use to a different non-residential use.
- (c) Any non-residential use where an allowed or previously permitted use has been discontinued or the property has been vacant for a period of 2 years or more.
- (d) ~~This chapter shall apply to~~ The construction or establishment of a multifamily structure that is not considered to be a subdivision under 30-A M.R.S.A. § 4401 or nonresidential use.
- (e) ~~In addition, site plan review is required for a~~ Any site improvements, not associated with an approved development project, which involve filling, cutting and/or earth moving of greater than 500 cubic yards of soil for other than new single-family residential construction and municipal roads.

No building permit shall be issued until the site plan and related documents for the development have been reviewed and approved by the planning board or the code enforcement officer in accordance with the procedures and standards of this chapter.

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

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

- 1. School: Councilor Albert said their newest committee member, Ross Cunningham, attended the meeting. He reported they discussed JMG, which is job training for the high school students and how they are expanding that into the middle school as well. This is for at risk students and targets those that are more likely to be engaged with hands on opportunities so that they are more likely to get involved at the high school level in these trade schools making that transition into the work force easier.
- 2. Planning: Councilor Ward said they met Thursday to discuss the comprehensive plan in a workshop setting.
- 3. Water Commission: Councilor Crawford said he was unable to attend.
- 4. LDC: Councilor Albert said there was nothing to report.
- 5. Conservation Commission: Councilor Lunt said there was nothing to report.
- 6. Recreation: Councilor Kolbe said a lot of people got out and enjoyed Halloween. It was great turn out.
- 7. County Budget: Councilor Ward they finished up the Androscoggin County Budget Committee’s budget recommendations the first Wednesday of November with a 5.44% budget increase, which means that Lisbon’s bill will be \$57,600 more than last year. The process was more social this year.
- 8. Library: Councilor Lunt said there was nothing to report.

B. TOWN MANAGER'S REPORT

Mrs. Barnes said we received our worker's comp dividend check for \$16,900 from MEMIC, which will go into miscellaneous revenue for now until it gets re-designated to go towards increased premiums in January.

AUDIENCE PARTICIPATION & REPONSE FOR NEW ITEMS

Fern Larochelle said Ross Cunningham put in two programs for recognition by the Maine Dometown Network this year; Franks and the new MTM playground. From around the state, our Franks got recognized as the one that took it home. He said this is a big statement for our community and speaks volumes on what's happening here in Lisbon downtown. That night their keynote speaker said, "Don't wait for the big Targets or Wal-Mart's, grow your local people; that's where the downtowns are at and make them stronger."

Connie Wall said she owns the Worumbo Estates Mobile Home Park and that she is concerned with the ATV Ordinance. She said there is a lot of noise coming from the landfill from ATV's joy riding there. She said they have complained to the Lisbon Police Department, but by the time they get there the individuals are gone. She said this is happening and that she wanted to make the Council aware of this. It is also coming from the Cotton Road. She said this is very disruptive to the 200 families in the two parks in this area (Grimmels & Worumbo).

Nathan Brissette, the Vice President for the trail club, indicated there were no trails in the old landfill. Councilor Ward pointed out the ATV ordinance would not relate to this area. Councilor Albert said the trail on the map does not go anywhere near that landfill site, not that there could not be any private trails of their own. Mr. Brissette said whatever they are doing in the landfill has nothing to do with their club. He said perhaps they could help police it and put up signs that say quiet and things like that, but that's the best they can do and hopefully that's not an issue. He said they could try to keep individuals on the trail while they go through there.

APPOINTMENTS - NONE

COUNCILOR COMMUNICATIONS - NONE

EXECUTIVE SESSION

VOTE (2017-285A) Councilor Brunelle, seconded by Councilor Kolbe moved to go into Executive Session at 7:50 PM per 1 MRSA Section 405(6) (D) Labor Negotiations and 405 (6) (E) Consultations with Legal Counsel. **Order passed – Vote 7-0.**

The Council came out of executive session at 8:15 PM and resumed the meeting.

VOTE (2017-285B) Councilor Kolbe, seconded by Councilor Albert moved to ratify the tentative agreement with the Maine Association of Police for a collective bargaining agreement effective July 1, 2017 to June 30, 2020. **Order passed – Vote 7-0.**

ADJOURNMENT

VOTE (2017-286) Councilor Kolbe, seconded by Councilor Brunelle moved to adjourn at 8:15 PM. **Order passed - Vote 7-0.**