



TOWN COUNCIL MEETING MINUTES APRIL 19, 2016

Christopher Brunelle, At Large 2016
Eric Metivier, District 1 2016
Roger Bickford, District 2, 2016
Dale Crafts, At Large 2017
Normand Albert, At Large 2018
Kasie Kolbe, District 1 2018
Allen Ward, District 2 2018

CALL TO ORDER & PLEDGE TO THE FLAG. The Chairman, Roger Bickford, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Bickford, Brunelle, Metivier, Albert, Kolbe, and Ward. Councilor Crafts was excused. Also present were Diane Barnes, Town Manager; David Brook, Police Chief; Ed Karass, Finance Director; Ryan Leighton, Public Works Director; Diane Nadeau, Librarian, Tracey Steuber, Economic & Community Development Director; from the Planning Board, Karen Paradis, Donald Fellows, and Scott Hall; Miriam Alexander-Morgan, Appeals and Assessment Review Board Member; and approximately ten citizens in the audience.

GOOD NEWS AND RECOGNITION

Councilor Bickford presented the 2016 Safest Cities Award to Chief Brooks from SafeWise, a community-focused safety organization committed to increasing home and community safety, education, awareness, and preparedness. Lisbon was chosen as the 12th Safest Community in Maine to live. The award is recognized by The Huffington Post, Mashable, AngiesList, Homes.com, and many other national publications as a resource for people looking to relocate to our state. The Safest Cities in Maine Report can be viewed easily online. Chief Brooks reminded residents of the safety initiatives and improvements we have made over the years. He said our success is due in large part to the dedication of our employees in the Police and Fire departments. Chief Brooks mentioned community involvement, also, made a huge impact. He thanked everyone for their hard work and support.

Councilor Bickford expressed the Council's condolences to the family and friends of Stanley Doughty, Sr. who was an outstanding teacher and all around good person. He said for the past 15 years Mr. Doughty had given his family a bottle of his homemade maple syrup. He will be missed by a lot of people.

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

CONSENT AGENDA

VOTE (2016-94) Councilor Kolbe, seconded by Councilor Albert moved to approve the renewal Liquor License for Angelo's Pizzeria & Restaurant, renewal Itinerant/Outdoor Flea Market permit for Carville's Flea Market, an Itinerant/Festival permit for the Moxie Committee, and the following renewal Manufactured Mobile Home Parks pending payment as presented.

Avery Street Park
Beaudoin Mobile Home Park
Brookwood Court
Colonial Gardens Trailer Park
Davis Street Park
Gendron's Mobile Home Park
Grimmels Trailer Park

Ridge Mobile Home Park
St. Ann's Mobile Home Park
Sabattus Creek Mobile Home Park
Town & Country Village
Worumbo Estates
Worumbo Park

Order passed – Vote 6-0.

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

AMEND ZONING ORDINANCE PROPERTY MAINTENANCE SECTION

First Reading

COUNCILOR COMMENTS: Councilor Ward asked if this would be retroactive or just going forward. Mr. Fellows indicated retroactive was not recommended so it's just going forward.

VOTE (2016-95) Councilor Ward, seconded by Councilor Kolbe moved to adopt the new Zoning Ordinance Property Maintenance Section below:

Add the following as new:

Town of Lisbon
Property Maintenance Section
For inclusion in the Zoning Ordinance (Chapter 70)
ARTICLE VI - SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 1 – GENERALLY

Sec. 70-614 Building and Property Maintenance Standards

(a) Generally

The appearance of the Town of Lisbon as an attractive, well kept, safe and clean community is essential to the economic health of its businesses and to the corresponding employment opportunities for its residents. The purpose of this section is to set a minimum standard for the maintenance of the grounds, buildings and structures on individual properties in order to protect public health, public safety, property values and to prevent nuisance conditions.

(b) Definitions-

Abandoned Buildings – Mobile Homes – Structures – see subsection (f)

Casualty Damage - Any unforeseeable, unintended accident affecting a property

CEO – An acronym meaning the Code Enforcement Officer for the Town of Lisbon

Components - All electrical, gas, oil and other similar type accessories/attachments to the grounds, structures or buildings.

Building - A structure designed or intended for the shelter or protection of persons, animals, chattels or property. (as initially defined in Section 70-1 of this Ordinance)

Dangerous Buildings – (includes Structures) see subsection (e)

Grounds - The part of a property not covered by buildings or structures, including but not limited to driveways, pathways, flowers, trees and lawns.

Property - Any lot, plot, or parcel of land including all buildings and structures.

Structure - *Structure* means anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected, the use of which requires a fixed location on or in the ground or attachment to something on or in the ground. The term excludes paved drives, streets, walks, patios and the like, septic systems, utility poles and fences. The term includes items regardless of the temporary nature of the construction such as decks and satellite dishes (as initially defined in Section 70-1 of this Ordinance)

(c) References

This section was established from the guidance taken in these Maine Revised Statutes. Other sources may have been used but are not specifically mentioned here.

- 1) 17 MRS Subsection 2707-2859: Crimes/Nuisances (includes Subsection 2851 – 2859-Dangerous Buildings)
- 2) 30A MRS Subsection 3106A, Abandoned Mobile Homes
- 3) 30 A MRS Subsection 3106B, Abandoned Properties
- 4) 30A MRS Subsections 3751-3760: Junkyards and Automobile Graveyards
- 5) 30A MRS Subsection 4452: Enforcement of land use laws and ordinances

(d) Required Maintenance

- 1) All grounds or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions in accordance with 17MRS Subsections 2707-2859 in order to avoid any adverse effect on the value of adjacent properties.
- 2) All grounds or parts thereof shall be maintained so as not to violate any requirements or conditions set forth in 30A MRS Subsections 3751-3760: Junkyards and Automobile Graveyards.
- 3) All buildings and structures and all parts thereof shall be maintained in a safe, sanitary and hazard free condition. All devices, safeguards, equipment and means of egress shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained so as to preserve the safe condition of such and so that hazards to public health and safety are avoided.

(e) Dangerous Buildings

In accordance with 17 MRS subsection 2851, whenever the Town Councilors of the Town of Lisbon find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof that is or was located on or extending from land within the boundaries of the town as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard' is unsuitable or improper for the use or occupancy to which it is put; a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure. Specific requirements for declarations of Dangerous Buildings as identified in 17 MRS subsections 2852 – 2859 shall apply.

- 1) Any building or structure partially or totally destroyed by fire, flooding or other causes shall be deemed a casualty (as determined by the Codes Enforcement Officer and or Fire Chief) and shall be made secure immediately. The same building or structure may also be designated a Dangerous Building and as such would be subject to the governing Maine State statutes as well.
- 2) A permit for building /structure demolition or reconstruction shall be obtained within ninety (90) days from the date of fire or other such casualty. Work to either remove or restore all damaged building(s) or structures must begin no later than one year from the date of the casualty. Removal without planned restoration must begin within 180 days and be finished according to the schedule established by the demolition permit.
- 3) If demolition is considered for any dangerous buildings or structures, the provisions set forth in Sec 614(g) shall apply.

(f) Abandoned Buildings –Mobile Homes – Structures

- 1) In accordance with 30a MRS 3106-A and 3106-B the Town Councilors of the Town of Lisbon may regulate the care, maintenance and security of a mobile home or of property determined to be abandoned under provisions of those statutes if the responsible parties fail to address the property defects after notice and opportunity to comply. The town may recover its costs from the responsible parties.
- 2) If demolition is considered for abandoned buildings, mobile homes or structures, the provisions set forth in Sec 614(g) shall apply.

(g) Demolition Process – For all Buildings – Structures – Mobile Homes

In the case of building demolition whether partial or total and whether because of casualty, or if such building, mobile home or structure has been officially declared a dangerous building, or for any other reason demolition is considered; the provisions listed in subsections 1 - 8 are applicable.

- 1) If reconstruction is not planned to commence within one year of the date of the casualty or planned demolition date for any other reasons, it must be so stated at the time of demolition permit application.
- 2) Provisions must be made and so stated in the permit application to ensure all debris is removed or buried as lawfully allowed.
- 3) The demolition must be completed such that the property is graded to existing land contours where structures formally stood. The footprints of all buildings and structures must no longer be visible.
- 4) Current erosion and sediment control practices as established by the Maine Department of Environmental Protection must be followed in order to preclude erosion and sedimentation.
- 5) If reconstruction is not planned to commence within a year of the date of the casualty or planned demolition date for any other reasons, these post demolition standards must be met within 180 days.
- 6) If these requirements are not feasible due to an unforeseen condition, a waiver may be requested. The CEO shall award or deny waiver requests or defer to the Planning Board for its consideration.
- 7) The town may recover its costs from any actions taken to ensure compliance with these standards.
- 8) The Time limits set forth in this section be deemed to commence and be applicable to any partial or total demolitions of buildings, mobile homes or structures that occur prior to or after the date of enactment.

(h) Enforcement, Penalties and Appeals

- 1) Enforcement: The Code Enforcement Officer of the Town of Lisbon shall be here-in specifically authorized by the Councilors of the Town of Lisbon and shall enforce the provisions of this section. As with other enforcement matters, the CEO shall first seek voluntary cooperation from the alleged violator, allowing no more than sixty (60) days for the completion of corrective action. If complete and satisfactory correcting of the violation is not possible within the sixty (60) day allowance, such action shall be initiated in accordance with the provisions set forth in Sec. 70-91. - Informal adjustment of land use violations.
- 2) Penalties: If a violation is not corrected within the time frame allowed the Town shall pursue all remedies and relief available by law and/or in equity for land use ordinances, including without limitations the remedies and relief provided 30-MRS Sec 4452. The Town shall retain all monetary penalties collected pursuant to enforcement of this section
- 3) Appeals: The alleged violator(s) may appeal the CEO's decision to the Zoning Board of Appeals of the Town of Lisbon for consideration. Appeals must be made in accordance with Section 70-120 (a) (Administrative appeals) and (d) (Informal adjustment agreement).

Amend the following by adding what's underlined:

Sec. 70-41 Code enforcement officer.

- a) It shall be the duty of the code enforcement officer ("CEO") and/or town officers to enforce the provisions of this chapter.
- b) In addition, the CEO and/or town officers are specifically authorized to enforce the following state statutes:
 1. 17 M.R.S Section 2856, relating to securing dangerous structures; and
 2. 30-A M.R.S. Subsection 3751 et seq., relating to junkyards and automobile graveyards.
- c) The CEO shall also be charged with bringing to the attention of the municipal officers for their consideration the existence of any dangerous building or structure pursuant to 17 M.R.S. Subsection 2851 et seq.; any abandoned mobile home pursuant to 30-A M.R.S. Section 3106-B.
- d) This subsection shall not be construed to limit the CEO and/or town officers' enforcement authority pursuant to any other ordinance or statute.

Roll Call Vote: Yeas – Bickford, Metivier, Kolbe, Brunelle, Albert and Ward. Nays - None. Order passed - Vote 6-0.

SET SCHOOL CAPITAL IMPROVEMENT PLAN PUBLIC HEARING

VOTE (2016-96) Councilor Metivier, seconded by Councilor Albert moved to set the School Capital Improvement Plan Public Hearing for May 10, 2016 at the Lisbon Community School cafeteria.

Order passed – Vote 6-0.

WARRANT – SCHOOL BUDGET VALIDATION REFERENDUM

COUNCILOR COMMENTS: Councilor Bickford pointed out Question 2 for too high and too low was on the ballot, although it would not be necessary this year. Councilor Kolbe suggested it remain on the ballot. Councilor Metivier explained most voters respond with too high, except for last year. Councilor Albert mentioned he could see both perspectives and indicated he was not opposed to leaving it on the ballot either.

VOTE (2016-97) Councilor Metivier, seconded by Councilor Kolbe moved to approve the warrant for the School Budget Validation Referendum Election for June 14, 2016 as presented. **Order passed – Vote 6-0.**

LIBRARY GRANT APPLICATION & FUNDING

INTRODUCTION: The Library Department is seeking permission to apply for the \$500 grant that the Central Maine Credit Union generously offers each summer for area libraries. The grant is specific to help area libraries expand/enhance their Summer Reading program. We have been fortunate to have been the recipient twice in recent years. The \$500 would be used to purchase a new paperback book, reading level appropriate, for each program participant. This would also allow us to expand the program beyond the Tuesday afternoon session and offer an evening program to convenience more families and their young readers. Each participant would be awarded a new paperback book at the end of the program in August. The grant will be awarded to an area library in May 2016.

The Library Department also seeks Town Council permission to send fundraising letters to local businesses seeking their financial and/or (gift certificates) support for the 2016 Summer Reading Program. This has been done in previous years and was successful with several Lisbon businesses lending their support and financial donations for the “Kick Off Program”, crafts supplies and paperback books for Summer Reading Program participants.

COUNCILOR COMMENTS: Councilors thanked Mrs. Nadeau for pursuing these grants.

VOTE (2016-98) Councilor Ward, seconded by Councilor Metivier moved to authorize the Library Director to apply for the Central Maine Credit Union Grant, accept the funds if awarded, and authorize an account to be set up to accept donations for the Summer Reading Program.

Order passed – Vote 6-0.

ESTABLISH A CAPITAL IMPROVEMENT FUND

INTRODUCTION: Mr. Karass recommended changing the way we manage our Trust Funds and our Loans Accounts. He requested approval to put the Trusts and the Dare Account into a single fund with a sub account structure to make the management of these accounts more efficient. The unified “Fund” would then be invested through the Portland Trust Company to maximize a return by not depending on bank interest rates. The accounts participating in the fund would have interest allocated on the basis of their average daily balance throughout the investment period. He indicated where these activities are very small; a roll up would be in order.

He explained several bank accounts that comprise our loan funds would also be captured in one fund with subsidiaries as well and since deposits are frequent and withdrawals infrequent, these funds could be laddered with shorter-term investments to ensure liquidity. He mentioned that, for instance, when a project is recommended by Economic Development, the investment could be liquidated and funds held in a cash instrument pending Council action.

VOTE (2016-99a) Councilor Ward, seconded by Councilor Metivier moved to authorize the Treasurer and Finance Director to move the Trusts and the Dare Account into a single fund with a sub account structure through the Portland Trust Company.

Order passed – Vote 6-0.

Mr. Karass explained the proposal to create a reserve account known as "Capital Improvements Fund" to handle extraordinary infrastructure, facilities, and real property needs that arise unexpectedly. These needs would be outside of the CIP. Mr. Karass recommended that the "Fund" be used solely for infrastructure, facilities, and real property expenditures. He said we are precluding the use of the Fund for vehicle, equipment, and heavy equipment replacements which are the staple items of the CIP. He recommended designating \$100,000 from undesignated to fund this initially.

COUNCILOR COMMENTS: Councilor Albert said this is the first step to where we are headed to be in a good place in the future. Councilor Bickford reported he spoke briefly to Councilor Ward earlier about setting up a subcommittee to find more savings to put into this fund. He indicated he would like to find another \$50,000 bringing that total to \$150,000.

Councilor Bickford suggested Councilor Ward, the Town Manager, Finance Director, and he set up a meeting to see if finding another \$50,000 is feasible. No objections were noted.

VOTE (2016-99b) Councilor Ward, seconded by Councilor Metivier moved to authorize the creation of a reserve account known as Capital Improvement Funds using the proceeds of a \$100,000 CD maturing on July 16, 2016 to capitalize the account and authorize the transfer from undesignated fund balance.

Order passed – Vote 6-0.

OTHER BUSINESS

A. TOWN MANAGER'S REPORT

Mrs. Barnes mentioned she received a nice retirement letter from Chief Brooks who is retiring on June 30, 2016 after 42 years of service to the residents of Lisbon. Chief Brooks stated in his letter that he was 20 years old when he started working for Lisbon, fresh out of the University of Maine in Augusta ready to begin a career in law enforcement. At that time, he was the youngest police officer ever hired by the Town. He settled in Lisbon, married, and raised two children here. He was appointed Chief of Police in December of 1980 at age 26. He was also the youngest Chief in Maine at that time, he indicated. The letter points out his service to Lisbon as a Patrolman, Sergeant, and for the past 35 years as Police Chief, along with other interim capacities like Town Manager and Fire Chief. She commended the Chief for all of his hard work and dedication to this community over the many years.

Chief Brooks thanked the Council and Town Manager and pointed out that he was not quite done yet; June 30 is around the corner.

B. DEPARTMENT HEAD WRITTEN REPORTS - NO COMMENTS

(Written Reports For Council Review)

C. DEPARTMENT HEAD ORAL REPORTS

Ryan Leighton – Public Works

Public Works - The month of March continued with mild winter weather. Mr. Leighton indicated the crews are doing their normal routines, continuing roadside trimming, pothole repairs, equipment maintenance, and repairs. He said based on the weather they were able to send one truck out to have the frame sand blasted and painted.

Sewer Department - In addition to the routine plant maintenance activities this month, the crew installed a rebuilt motor, impeller and stand for the #3 pump at the Davis Street pump station. Staff has also taken advantage of the mild winter and early spring to start the annual sewer main cleaning as well as storm drain cleaning.

Transfer Station – Mr. Leighton reported the figures below of the items shipped during the past month. They have seen an increase in material being dropped off at the Transfer Station this month which again corresponds with the relatively mild weather.

<u>Item</u>	<u>Tonnage</u>
Single Stream	7.68
Trash	233.59
Bulky Waste	21.46
Wood	34.26
Freon	20 Units
Brush	11.19
Shingles	13.09
<u>Revenue Generating Items</u>	
Cardboard	20.38 @ \$71.25 /ton
Newspaper	21.48 @ \$40.00 / ton

Technology – Mr. Leighton reported he had been in contact with Oxford Networks. He anticipated migrating the phone system to a VoIP (voice over internet protocol) system. This change will result in greater functionality with minor annual savings as well. Technology upgrades are moving along nicely and pricing is being obtained.

Town Buildings – Mr. Leighton said the needed exterior improvements at the Lisbon Library started this month and that they were very excited to see the masonry repairs completed as well as the replacement of some of windows on the Union and Main Street sides. Overall, the brickwork is going very well at the Library. Due to timing the town is getting more work done for our money than originally quoted, which is very nice.

Tracey Steuber – Economic & Community Development

Ms. Steuber indicated the month of March was exciting for a couple of reasons. On March 1 Lisbon Council held a public hearing and approved the submission and acceptance of the Community Development Block Grant façade program in the amount of \$150,000. She indicated we would receive notification in early May if we are a recipient of this award.

On March 2 Lisbon hosted the Maine Downtown Institute Healthy Communities (Live, Design, and Sustain) Conference. The event was held at the MTM Community Center. The speaker was Mitchell Rasor, Principal of MRLD Landscape Architecture Urbanism based in Yarmouth. Mitchell's focus included integrating economics, land use policy, mobility options, and built environment. Some of his projects include the Auburn Village Center Downtown Study, The Portland Bayside Transportation Master Plan, the Rockland Winter Street Shared Space Redesign, and Biddeford Square Shared Street Space Design. She reported Mr. Rasor's lecture touched upon exactly what Lisbon is trying to do here through its Route 196 Master Plan, Design Standards & Guidelines, Downtown TIF District, Downtown Master Plan, Façade Grant, Streetscape Improvements, and so forth. She said this will be a slow process; however the foundation is here to help us move forward. She said the Maine Active Community Environment (ACE) workshop helps community members build places where people of all ages and abilities can live an active lifestyle with access to community transportation, walking trails, and/or biking areas. Lisbon is an ACE community. She said for more information about ACE, you can contact Mark Stevens at mstevens@lisbonme.org or the MTM Recreation Center at 353-2289. She mentioned Benoit's Bakery catered that morning's breakfast and lunch for a smaller group meeting. Their food was a big hit among participants. After the meeting people visited the area, stopping at the Sausage Kitchen.

Ms. Steuber reported that each month the Economic & Community Development Office highlights a local Business. For March it was Eastcraeft Boutique & Bazaar located at 14 Main Street in Lisbon Falls, owned by Maggie Oliver. Founded in 2014, EASTCRAEFT Boutique and Bazaar is a fashion destination inspired by all of the cool girls of the world. They carry a mix of handpicked boutique styles, vintage apparel, and locally made goods. They believe in the magic of the craeft. Store hours are Thursday-Sunday 10-5 or by appointment. You can email eastcraeft@gmail.com to make an appointment.

Ms. Steuber reported things continue to progress as we get closer to the Moxie Festival date. She said they recently made some updates to the Moxie Festival website and hoped it will make things easier for folks to navigate. If you log on to the website you can see first-hand how the new schedule looks. She said they continue to add activities daily. Parade information was sent out. Those wishing to be a part of the parade can find all the information at www.moxiefestival.com. You can also download a vendor application as well as register for the Moxie 5K. The committee will present the logo contest winner, Kaylan Pacheco, with the first official 2016 Moxie T-shirt along with a check for \$100 in April. She indicated the official 2016 Moxie T-shirts will be ready to purchase soon. New items this year include baby onesies and tank tops. She said next month that she hopes to tell everyone about the two new activities for the 2016 Moxie Festival.

AUDIENCE PARTICIPATION & RESPONSE NEW ITEMS

Larry Fillmore said the town was told US Gypsum was going to be removing all that debris on their site and that's still not done. He asked that someone look into that.

Mr. Fillmore asked the Council to consider branding Lisbon with Moxie. He suggested "Lisbon-Home of Moxie". He, also, suggested "Lisbon-Birthplace of Moxie". He said this would be a good marketing scheme and asked the Council to pursue it further.

Don Fellows indicated the Council typically votes to set public hearings and second readings and pointed out the Council didn't do that when it took up the Zoning Amendment for the property maintenance ordinance. It was noted that the Council adopted the first reading and no objections were noted for scheduling the public hearing and second reading.

APPOINTMENTS - NONE COUNCIL COMMUNICATIONS

Councilor Bickford reported the Fireman's Ball was held last Saturday evening in Brunswick. He said he had a good time, the food was great, and he enjoyed everything. He said how nice it was to show the firefighters how appreciative we are for what they do; great job.

Councilor Ward announced the Drama Club is hosting Dancing with the Staff next Friday evening at 7:00 PM at the Lisbon High School. Councilors Kolbe and Ward encouraged attendance.

EXECUTIVE SESSION - NONE ADJOURNMENT

VOTE (2016-100) Councilor Metivier, seconded by Councilor Kolbe moved to adjourn at 7:55 PM.
Order passed - Vote 6-0.

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved May 3, 2016