



TOWN COUNCIL MEETING MINUTES MAY 3, 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, Crafts, Albert, Kolbe, and Ward. Also present were Diane Barnes, Town Manager; Donald Fellows, Planning Board Member; Miriam Morgan-Alexander, Assessment Review Board and Zoning Board of Appeals Member; and approximately ten citizens in the audience.

GOOD NEWS AND RECOGNITION

VOTE (2016-101) Councilor Bickford, seconded by Councilor Metivier moved to adopt the following resolution:

The 2016 Lisbon, Maine Spirit of America Foundation Tribute honors Natalie Thomsen for commendable school and community service.

Providing for: Recognition of Natalie Thomsen's volunteerism and community service.

BE IT RESOLVED by the Town Council of the Town of Lisbon as follows:

WHEREAS, Natalie who is a senior at Lisbon High School began volunteering since the 5th grade because she didn't want to go outside after lunch. Her passion was to stay in so she could help others.

WHEREAS, Natalie has been involved with the following activities during her four years of Lisbon High School: AP Classes, Art Club, Book Club, Chess Club, Civil Rights, Class Officer, Community Service, Drama, S.A.D.D. Scrabble Club, Student Government, Yearbook, Baseball, Track, Bowling, Big Brother/Sister, Young Adult Volunteer, Moxie Festival, and

WHEREAS, She also attends School Committee Meetings, Council Meetings as well as ribbon cutting ceremonies for new businesses; and

WHEREAS, Natalie has accumulated over 900 hours of school and community service; and

WHEREAS, Natalie will begin her freshman year at the University of Farmington in the fall of 2016 where she will study education as well as aspires to be elected to serve as a School Committee Member with the goal of one day becoming a principal; and

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lisbon that Natalie Thomsen is hereby recognized for her admirable achievements and honors that she has instilled upon this community with the 2016 Lisbon Spirit of America Foundation Tribute; and

BE IT FURTHER RESOLVED that a copy of this resolution be framed and presented to Natalie Thomsen for appropriate display.

Given under our hands this 3rd day of May A.D. 2016.

Order passed – Vote 7-0.

Councilor Bickford called Verla Brooks Ridley forward and presented her with the first copy of this year's annual Town Report that was dedicated to her. She thanked the Town Council for the recognition and copy. She said she also loved the picture of the flowers on the front cover, which she took of the flowers she had planted that fiscal year. She indicated this was a lovely surprise and thanked the Council again.

PUBLIC HEARINGS

Councilor Bickford opened the public hearing. Don Fellows said briefly that this ordinance would help keep Lisbon an attractive, well kept, and safe community. He indicated a large part of it was based solely on the state's statutes, although a couple of provisions went beyond that dealing with dangerous buildings. One section prevents buildings which are unsafe or have unsanitary conditions. It also addresses buildings partially or totally destroyed by fire and requires the ground to be graded to existing land so basements would no longer be visible.

Councilor Bickford mentioned he had been sitting in on these Planning Board meetings, that although he was not a big fan in the beginning, they did do a good job and had soothed his worries. He said yard sales would be taken out and dealt with later.

Councilor Albert commented the Planning Board had done a good job as well. He said he appreciated the emails he received. He indicated this ordinance protects property values and is appealing to new business owners. He indicated it appeared well thought out and well planned.

Councilor Ward mentioned he had attended one of the Economic Development Director's Breakfast forums back in October and had fielded a few concerns. He reported the number one concern was that they were looking for an ordinance to address locally the character aspect of the town.

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

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

VOTE (2016-102) Councilor Metivier, seconded by Councilor Crafts moved to approve the minutes of April 19, 2016. **Order passed – Vote 7-0.**

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

ZONING ORDINANCE PROPERTY MAINTENANCE SECTION 614 & 41
Second Reading - Roll Call Vote Required

VOTE (2016-103) Councilor Kolbe, seconded by Councilor Metivier 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, Crafts, and Ward. Nays - None. Order passed - Vote 7-0.

TOWN INSURANCE BID AWARD

INTRODUCTION: The bid opening for the Town Insurance was on Thursday, April 21, 2016 in the Town Manager's Office at 2:00 p.m. Present for the bid opening were Diane Barnes, Town Manager and Jody Durisko, Administrative & HR Assistant, and Marcus Ballou with Maine Municipal Association. The following bids were received and publicly opened:

<u>Bidder</u>	<u>Amount</u>
Maine Municipal Association	\$100,933.00 Option 1 \$ 92,868.00 Option 2
Champoux-Rogers Insurance	\$ 90,947.00 Option 1
Liability for Festivals, Fairs, & other Events	\$ 500.00
	\$ 89,536.00 Option 2
Liability for Festivals, Fairs, & other Events:	\$ 500.00

VOTE (2016-104) Councilor Albert, seconded by Councilor Metivier moved to award the Town Insurance bid for Option 2 plus Liability for Festivals, Fairs, and Other Events for at least a five-year term to Champoux-Rogers Insurance in the amount of \$90,036.00. **Order passed – Vote 7-0.**

TAX ACQUIRED PROPERTY SALE

INTRODUCTION: Mrs. Barnes indicated during the past year, the Town had advertised for sale the property listed below with and without a minimum bid. The Town was not successful in receiving any bids on this property. The prior property owner is now deceased and a family member is interested in purchasing the property for \$1,000.00. At this point, it would be in the best interest to sell the property to Brittany Beaulieu in the amount of \$1,000.00

<u>Location</u>	<u>Bidder</u>	<u>Amount</u>
10 Gendron Drive	Brittany Beaulieu	\$1,000.00

VOTE (2016-105) Councilor Ward, seconded by Councilor Crafts moved to Sell the trailer located at 10 Gendron Drive to Brittany Beaulieu in the amount of \$1,000.00 as is without warranties on the following and authorize the Town Manager/Treasurer to issue a quit claim deed when payment has been received and write-off the remaining balance due of \$4,738.80. **Order passed – Vote 7-0.**

TAX ACQUIRED PROPERTY BID

INTRODUCTION: Mrs. Barnes indicated the Town of Lisbon foreclosed on the following properties for non-payment of Real Estate Taxes. The prior owner did not redeem the property during the redemption period. The next step in the process is advertising the sale of the property through sealed bids without a minimum bid.

<u>Address</u>	<u>Total Owed</u>
29 Sabattus Creek Drive (Map/Lot U22-011-029)	\$1,165.71

VOTE (2016-106) Councilor Kolbe, seconded by Councilor Albert moved to authorize the Town Manager/Treasurer to advertise the above property without a minimum bid estate taxes and to accept payment in full from the prior owner until Council takes action to dispose of the property and issue a quitclaim deed. **Order passed – Vote 7-0.**

PHONE DISCUSSION

INTRODUCTION: Councilor Ward said the reason this is on the agenda tonight is that cell phones are a taxable benefit to employees and under FOAA rules information must be provided if requested. He suggested the town move towards a stipend program. He said in Lewiston they converted everyone to a stipend and there is the personal piece to it so everyone now has a piece of that to pay. He said if you are comfortable with this approach and what Lisbon is intending to do is as people leave, just faze them out, and move towards the stipend. He indicated as a Council, they could direct Mrs. Barnes and Mr. Karass to do that if there was no objection noted.

Mrs. Barnes pointed out that taxation applies to both, stipend or contract the phones. Mr. Ward said that piece of it will need to be addressed either way.

Mrs. Barnes said once Lisbon switches to the new contract it will be quite a bit less than the current amount. She said there may be some instances here where the town should issue a cell phone. Obviously, the ones in the cruisers and ACO as well because he covers other towns beside Lisbon and his vehicle is his primary office. She said she would want to have a discussion with the detectives too. It's not a one size fits all situations. Chief Brooks reported more research needs to be done first. Many times officers don't want to use their personal cell phones to do town this type of town business anyway, plus there is the contract to consider.

Councilor Bickford suggested the Town Manager move forward with this and get more information. A stipend may not take care of it if they have their own plan. Councilor Albert agreed, more research needs to be done. This doesn't look like it will work for public safety.

COMMUNICATIONS CENTER DISCUSSION

INTRODUCTION: Councilor Kolbe mentioned Sabattus dropped the contract for COM services with Lisbon. She suggested Lisbon revisit the county service since Lisbon has lost some of its revenue associated with the services we provide folks here.

Councilor Bickford said there is not enough time to put this on the ballot for June and suggested it go on the November ballot to see if voters want to keep it, or get rid of it. He indicated the county couldn't take on Lisbon right now.

Councilor Albert said he was disappointed Sabattus chose the road they did, but that made up only a small amount of revenue. On the other hand, he said if voters say yes at the referendum that they want to keep it then we have to find a way to keep it.

Sergeant Harry Moore suggested Lisbon monitor how Sabattus is doing with their switch and see how that is working out for them first. Councilor Kolbe pointed out that she was not present when the previous discussions took place so not everyone had received that information.

OTHER BUSINESS

A. TOWN MANAGER'S REPORT

Mrs. Barnes reported Lisbon has been invited in the project development phase of the application process participating in the Economic & Community Development's Micro Enterprise Assistance Grant for \$150,000 for façade projects. She thanked Ms. Steuber, the Route 196 Committee, and those instrumental in our obtaining these funds. She said we are going to move forward and to do what we need to do at this point.

B. EMA DIRECTOR'S UPDATE

Ms. Ward said she attended orientation and training at the County EMA office. She attended the local meeting and quarterly meeting with Joanne Potvin. The topic was pet preparedness. She reported most homeowners won't leave their homes without taking their pets with them. She explained the process of using travel trailers that contain everything needed to care for pets. She is looking forward to seeing which projects we can do together.

Ms. Ward said guidebooks and manuals would be delivered to Lisbon. They are going to be overhauling the County EMA Plan. All towns have one. Lisbon's is more generic. She said we need to have a more specific one developed just for Lisbon. She mentioned Randy Berry, the EMA County Liaison, is working on a GIS resource that documents every kind of resource so we can easily see on a map where our resources are when needed.

Ms. Ward said she joined the Maine Association of Local Emergency Managers recently, which should be a good tool for us as well. She mentioned she attended the two-day Maine Partners in Emergency Preparedness Conference last month in Augusta, which focused on cyber threats and power grid failures.

Mrs. Barnes said Joanne Potvin has offered to present the NIMS training for the Council. The Council chose June 14 or 28 at 7:00 PM. She said attendance will be necessary if Lisbon is going to be awarded any grant money.

C. FINANCE DIRECTOR'S REPORTS

Mr. Karass said this year more than ever it is important that the Town of Lisbon have some money socked away because we are seeing an increase both on the municipal and school side as far as expenditures going into the next year. He said we typically run very tight through July, August, and into September as far as cash goes. This year the school budget is going up about \$1.2 million or whatever it is and the town budget is going up significantly as well and if that's a million dollars that still puts a strain on us because as you look at the expenses, things pretty much even out. He indicated because of that he was in the process of moving our investments into very short term instruments in case we have to liquidate some of them through the summer to carry us through until we have a sufficient cash flow again. He said investments were doing good with PTC and will come in on budget as far as our

overall revenues for interest earnings and investments earnings. See presented the attached Portfolio Analysis. He indicated Lisbon is in good shape right now. At April 30 we had collected \$13.05 Million. This leave \$231,000 left to collect for May and June. Vehicle Excise through April 30 totaled \$1.14 million and last year we collected \$1.13 million. Our revenue budget this year for Excise Taxes was \$1.34 million and last year the budget was \$1.28 million or an increase of \$60,000.

Mr. Karass pointed that this year we have two fewer days to the calendar, that as of April 30 we are short of making the budget projected, and that we will need to average about \$3,900 per day to make it. He mentioned that revenue sharing will yield \$23,900 beyond our expectation of \$520,000 and mentioned the state grant programs should be sending the remainder of our allocations in the next few weeks.

Mr. Karass reported our year-end will be a little different this year. Last year we had a large accrual of \$138,000 due to the town from the state for river trail costs. We had fronted the costs with the expectation of state reimbursement. We also carried \$180,000 in a Supplemental Tax Revenue that was offset by abatements which shows up on the expense side. He mentioned public safety revenues were way down. He projected that when we close the year, hopefully our budget adjustments will exceed the loss of revenue causing the surplus we are hoping for to materialize.

AUDIENCE PARTICIPATION & RESPONSE NEW ITEMS

Don Fellows reported the Planning Board is conducting a public survey looking for input on the Route 9 zoning issue. He said they hope to come up with something all are happy with, so far some have taken it, but he would like to see more like 200 participate. Larry Fillmore said he took it and he was extremely disappointed with the questions which assumes or predetermines putting commercial uses on Route 9 because of the way they were worded. There was no option for none of the above. Mr. Fellows mentioned questions #5 that deals with which section of Route 9 might be appropriate for expanded commercial uses. Then the next question asked are their characters of Route 9 you would like to maintain. He encouraged participation. He said they want feedback. Councilor Kolbe said these surveys can be dropped off at the Town Hall and Library by May 11.

APPOINTMENTS – NONE COUNCIL COMMUNICATIONS

Councilor Albert acknowledged and recognized Dale Crafts who is leaving the State Legislature. He thanked him for his service and said Lisbon benefited from his time up there representing us.

Councilor Ward reported Mr. Karass, Mrs. Barnes, and he met a week ago to look for seed money for the Capital Program. He indicated they found \$50,000 in seed money in the overlay account that can be used if not raided for another purpose.

EXECUTIVE SESSION

VOTE (2016-109) Councilor Metivier, seconded by Councilor Albert moved to go into Executive Session at 8:30 PM per 1 MRSA Section 405 (6) (C) Acquisition or disposition of real property. **Order passed - Vote 7-0.**

The Council returned to regular session at 8:50 PM.

ADJOURNMENT

VOTE (2016-110) Councilor Metivier, seconded by Councilor Albert moved to adjourn at 8:51 p.m. **Order passed - Vote 7-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved June 17, 2016