



TOWN COUNCIL MEETING MINUTES AUGUST 16, 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. Councilor Crafts, 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, Crafts, Albert, Kolbe, and Ward. Councilor Metivier was absent. Also present were Diane Barnes, Town Manager; Dennis Douglass, Code Enforcement & Health Officer; Ryan Leighton, Public Works Director; Scott Stewart, Interim Police Chief; Tracey Steuber, Economic & Community Development Director; Planning Board Members, Donald Fellows, Scott Hall, and Chairman Karen Paradis; Miriam Morgan-Alexander, Appeals Board/Assessment Review Board; and approximately fifteen citizens in the audience.

GOOD NEWS AND RECOGNITION - NONE

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS

Dorothy Fitzgerald asked if there was any money left in the Androscoggin River Trail account to do something with. Mrs. Barnes replied yes. She said it's not closed out yet. It's a little over 8,000. Mrs. Fitzgerald said the Economic Development Director is looking for \$80,000 for a CDBG grant and we had in 2016 a list of things that needed fixing, but nothing has been fixed. She said she didn't know what they were planning on doing with all of that \$400,000 they are looking for, but with every revitalization project we have the town looks worse than it did before.

Mark Lunt said he wanted to address the Route 9 Zoning issue the Planning Board is bringing before the Council tonight. He said he agreed with most of the report, but disagreed with one issue in it that says:

...specifically with regard to auto sales there was a general acknowledgment that residents could be open to considering some small expansion on auto sales and allowances. It's possible that small auto sales such as for only one or two or even a few cars could be acceptable. Although certainly a larger number of cars (10 or more seems to be unfavorable).

Mr. Lunt said he had a problem with that section because he didn't know where these numbers came from. He reported they don't reflect anything he heard said at any forum hearing or online discussion. It appears they come fully formed from the head of Mr. Fellows like Athena from the head of Zeus. There is a vast gulf between having one car for sale and nine cars. That's the difference between selling a car that they have fixed up on their own and a commercial car lot. He objected, on the record, to the inclusion of this statement that does not reflect any consensus reached at these forums. No resident, other than the person who asked for the change in the first place for two cars, then a half a dozen cars, repeated a half a dozen times, will turn Lisbon into yet another parking lot.

Mr. Lunt offered an idea for compromise to allow one car to be visible from the road and a larger number kept inside a building for sale so if someone wants to keep a barn or showroom of cars for sale for collectors, let them. He said just don't have paved paradise and put up more parking lots in Lisbon, thank you.

CONSENT AGENDA

VOTE (2016-183) Councilor Bickford, seconded by Councilor Albert moved to approve the minutes of July 18, 2016 and August 2, 2016. **Order passed – Vote 6-0.**

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

TRAFFIC SPEED/FREQUENCY EQUIPMENT

INTRODUCTION: The Lisbon Police Department frequently receives citizen complaints about “speeding vehicles” on various roads/streets in town. Assessing the frequency, time of day, and rates of speed is problematic and time consuming. The Interim Police Chief Stewart suggest purchasing a device that can be unmanned, easily portable, and will provide crucial data for speed enforcement strategies. Research into this area has determined that JAMAR Technologies provides the most effective and efficient option. He explained that the device records speed coming and going and the times it occurs so they can schedule resources to be more effective at enforcement.

Interim Police Chief Stewart requested to use Drug Forfeiture money for the purchase of JAMAR Technologies, Inc.’s “CRR-CK-BT Radar Recording Kit” for the price of \$3,235. The current balance of the drug forfeiture account is \$18,230.13.

VOTE (2016-184) Councilor Kolbe, seconded by Councilor Brunelle moved to authorize a withdrawal from the drug forfeiture account to purchase a CRR-CK-BT Radar Recording Kit from JAMAR Technologies, Inc. in an amount not to exceed \$3,235.00. **Order passed – Vote 6-0.**

PLANNING BOARD ROUTE 9 FEEDBACK AND CONCLUSIONS

INTRODUCTION: Donald Fellows explained that the statement included in the report as mentioned earlier took place at the public forum at LCS. That discussion concluded some changes to home occupations could happen. He indicated that current zoning doesn’t allow it now, except that under limited conditions it could allow it. He reported that personally he was not advocating that. He explained that it might be possible to accomplish now that we are reviewing the Comprehensive Plan, but that will take at least a year to complete.

Mr. Fellows informed the Council they could direct the Planning Board to develop an ordinance, but there would be no guarantees that the Planning Board would adopt it and that without the Planning Board approval it would take a two-thirds vote to continue. He pointed out that most towns get into trouble when they add auto sales under home occupations. He concluded that this matter has died in their opinion.

COUNCILOR COMMENTS: Councilor Bickford said he would like one more opportunity to discuss this with Council; there is a lot to cover. He explained that Councilor Metivier wanted to participate in this discussion but he could not be here tonight. Councilor Bickford indicated he was in favor of rewriting the Comprehensive Plan. Councilor Ward said he liked the not visible part. Mr. Fellows said not one but everyone would be allowed to do this. Councilor Ward said why would we do this (allowing it all over the place) when we have the Route 196 corridor for this type of activity. Councilor Kolbe said we are beating a dead horse and wasting too much time on this issue. Councilor Bickford said he would rather keep this question open for dialogue and keep it going. Mr. Fellows encouraged the Council to make a decision. Councilor Bickford indicated they would make a decision at the next meeting.

PUBLIC COMMENTS: Mr. Fillmore said findings in 2012, survey says, public hearings, and workshops, point to the majority indicating “don’t mess with Route 9.” He said democracy and majority rules. He said it appears that Council is bending over backwards to satisfy one individual. He pointed out that the land use tables and zone specify no used cars in this zone. He said if you want to do this right, let’s finish this right now or put it on the agenda when you do the Comp Plan.

REQUEST TO BID PROJECTS

INTRODUCTION: Mr. Leighton requested permission to advertise the following projects for bid:

1. Huston Street Drainage - We have a sinkhole on Huston Street which is related to a damaged storm drainpipe and we are requesting permission to go out to bid to replace a section of pipe from the intersection of Scottsdale and Huston Street approximately 300 feet towards East Avenue.
2. Lisbon Falls Fire Hose Tower Insulation - We are requesting permission to go out to bid to have the Lisbon Falls Fire Hose Tower insulated.
3. MTM Center Gym Doors - We are requesting permission to advertise for bid installation of new exterior doors on the MTM Center gym.
4. IT Support Services - We are requesting permission to advertise our IT Support Services; it's been awhile.
5. HVAC Service - We are requesting permission to advertise our HVAC Service.

VOTE (2016-186) Councilor Brunelle, seconded by Councilor Bickford moved to authorize the Public Works Director to solicit bids for the following projects: Huston Street Drainage, Lisbon Falls Hose Tower Insulation, MTM Center Gym Doors, and IT Support Services. **Order passed – Vote 6-0.**

DISCONTINUING WINTER MAINTENANCE

INTRODUCTION: At the Town Council workshop on July 18, 2016 we discussed two locations where the Town is performing winter maintenance on land which is not owned by the Town of Lisbon. These activities have been ongoing for several decades and the consensus at the workshop was that we should work with the Town Attorney to notify property owners affected that we intend to cease winter maintenance activities.

We request permission to pursue that process with Hasey Street and the parking areas surrounding the municipal parking lot off Main Street in Lisbon Falls.

COUNCILOR COMMENTS: Councilor Albert asked about the parking lot and property lines. Mr. Leighton said according to the property tax maps that we have it is very clear that the only property the town owns is a straight strip that goes from Main Street back to where the old Car Quest building was. Councilor Ward said for Council this is straight forward. Councilor Albert said however it only takes one business owner to say no and challenge that. Mrs. Barnes said the town can provide an overlay map of that parking lot that shows what portion they own. They may have to, also, look at their deeds, but we can provide that for them. Councilor Albert said obviously, we are going to notify them that this is what's coming so prepare for it now. Mrs. Barnes said she just did not want to do that without a formal vote first. Councilor Ward asked if they had to have a public hearing first. Mrs. Barnes said she didn't think so but she would verify that. Mr. Leighton indicated he planned to have a group meeting with the business owners involved and that he had questions as well to ask of them. He wondered if there was some sort of agreement previously.

VOTE (2016-187) Councilor Ward, seconded by Councilor Bickford moved to pursue the process of discontinuing winter maintenance on non-town owned property on Hasey Street and surrounding the municipal parking lot off Main Street in Lisbon Falls. **Order passed – Vote 6-0.**

PUBLIC HEARING FOR ROAD BONDS, PUBLIC HEARING FOR LOADER BONDS, PUBLIC HEARING FOR CHARTER AMENDMENTS, COUNCIL RECOMMENDATION ON ROAD BONDS, COUNCIL RECOMMENDATION ON LOADER BONDS, COUNCIL RECOMMENDATION ON CHARTER AMENDMENTS

INTRODUCTION: Mrs. Barnes explained the next three items were to schedule a public hearing for September 6 and following that are three items to make a recommendation on these three issues.

COUNCILOR COMMENTS: Councilor Bickford suggested setting the public hearings all at once along with making the recommendations for YES for all as well.

VOTE (2016-188) Councilor Bickford, seconded by Councilor Albert moved to setting the public hearings all at once along with making the recommendations for YES for all as well.

DISCUSSION: Councilor Albert asked if the whole Council was on the same page. Councilor Ward pointed out that the third charter question had a wrinkle, which had been discussed at the workshop and it appears the timeframes will not work. Councilor Albert said this is a lot bigger discussion for a later date and reported a charter commission would need to be formed before making such an amendment. Mrs. Barnes explained that the memo she provided was informational only and that charter question was not included tonight, only Article IV- School Department (School Major Appropriations from \$100,000 to \$200,000), Article VI-Financial Provision for the Capital Plan (February to June with a July adoption date), and Article VIII Initiative, Referendum, Recall and Special Town Meeting (Municipal Major Appropriation from \$100,000 to \$200,000) changes were ready to move forward at this point.

Order passed – Vote 6-0.

AUDITING - OTHER SERVICES

INTRODUCTION: Mr. Karass said informed the Town Council and Town Manager that he had found it necessary to expand the scope of the work of RHR Smith this year. The assistance required from RHR falls outside of the contracted audit engagement and results from resource limitations in the Finance Department. Because of the constrained resources, he said he asked RHR to help with certain accounting tasks that are critical to the Fiscal Year 2016 Audit.

Mr. Karass said he had not had the benefit of discussing the use of a contractor or approving the expenditure of funds for this purpose ahead of time and felt it necessary at that time to authorize RHR to complete the aforementioned tasks. He said he expected the total to be approximately \$18,000 to \$20,000 to finish the work necessary. He reported the Council had overrun this line last year, too. The books need to be closed and kept current. It's not possible with the current resources. He mentioned that when the Munis system is fully implemented there may be some relief.

Mrs. Barnes indicated to date, we have incurred approximately \$8,300 in bills, and that an additional \$5,000 may be needed to complete the necessary work. She reported the total needed would not be more than \$13,000 right now.

COUNCILOR COMMENTS: Councilor Ward asked if the audit was done. Mrs. Barnes said the preliminary audit is done and they have started some of the other. Councilor Albert asked when it was identified that this would be more than what was planned. Mr. Karass said about mid-July when he discovered he was not going to catch up. He indicated Mrs. Barnes was away at a meeting that day, but it was time to move this forward, he said, so he made the decision to move this forward.

Councilor Albert asked if there was a budgeted amount for the audit. Mrs. Barnes replied yes, that was \$9,500 for just the municipal audit, not including the sewer and school. Councilor Ward asked if they were anywhere near last year's timeline. Mr. Karass said they are ahead of that timeline and already working on the school. He mentioned he and Haley are working together on this as well and making better progress. He said he would be leaving before he would have a chance to write the notes, but that he would go over that with the replacement.

Councilor Kolbe asked what other services were. Mrs. Barnes said anything accounting related. Councilor Ward asked where this would be coming from. Mrs. Barnes said she wanted to wait to see how the rest of the year goes first. Councilor Ward said he would like to see if come from the current year's operations somewhere. Mrs. Barnes said it is too early in the year to look and suggested the Council wait.

VOTE (2016-194) Councilor Bickford, seconded by Councilor Ward moved to authorize up to \$13,000.00 in additional funds for other services from RHR Smith. **Order passed – Vote 6-0.**

MAINE DOWNTOWN NETWORK COMMUNITY & TRADEMARK SUBLICENSE AGREEMENT

INTRODUCTION: In 2009 Lisbon became a Maine Downtown Center Network Community. The Maine Downtown Center is part of the Main Street Four-Point Approach® to downtown revitalization (Organization, Design, Promotion and Economic Vitality) established by the National Main Street Center.

As a member to the Maine Downtown Center Network Community, Lisbon would receive technical assistance and training towards the goal of becoming a Main Street designation. Also as a Network Community, Lisbon would receive extra points when seeking Community Development Block Grant funds.

Because Lisbon has been a member in good standing and will continue to submit for grants, staff is recommending Council to give the Town Manager authorization to sign the Maine Downtown Center Network Community Agreement for one year, as well as the Trademark Sublicense Agreement, which allows Lisbon to utilize the new trademark Main Street America name and logo.

The annual membership cost is \$1,000, which would be paid for through the Economic & Community Development Department, account #: 07-700-5122 – Meetings, Dues (this item was in the initial budget as an expense).

VOTE (2016-195) Councilor Bickford, seconded by Councilor Brunelle moved to authorize the Town Manager to sign the Maine Downtown Center Network Community Agreement for one-year and the Trademark Sublicense Agreement, which allows Lisbon to utilize the new trademark Main Street America name and logo.
Order passed – Vote 6-0.

CDBG LISBON FALLS REVITALIZATION

INTRODUCTION: Since November 2014, the Rt. 196 Master Plan Committee had been working with Olver Associates on the Engineering/Design Services in preparation of applying for a CDBG (Community Development Block Grant) Downtown Revitalization Grant for 2015.

In January, 2015 the Town of Lisbon submitted a Letter of Intent and received an invitation to submit a complete CDBG DR Grant Application, which was due April 17, 2015. The grant was very competitive and Lisbon was not successful in receiving the grant. The intent of the Rt. 196 Master Plan Committee was to reapply for this grant in the spring of 2016, however due to funds being shifted at the State level, there were \$0 budgeted for the DR Grant.

Because the committee wanted to move forward on a project we were able to apply for a \$150,000 Micro-Enterprise Grant (no match needed) for a façade program, which we were successful in the grant award.

At the same time we submitted a Letter of Intent in case the possibility of funding became available for a Downtown Revitalization Grant. I am pleased to report that DECD was able to release funds for a DR grant and Lisbon has been invited to submit a complete application. The grant award is \$400,000 and there is a match of 20% (\$80,000), which can be broken down by cash and in-kind services.

The Rt. 196 Master Plan Committee along with staff wishes to make the following recommendation to Council:

1. Approval to submit the CDBG DR Grant Application to the Maine Department of Community Development. Deadline for the application is September 16, 2016.
2. Appropriate grant matching funds in the amount of \$80,000, \$320,000 will be from CDBG for a total project of \$400,000. Funds for the Davis Street project will count towards the grant match as long as the project begins after Environmental Clearance Review.
3. Set a public hearing date for the first meeting in September.

COUNCILOR COMMENTS: Councilor Ward summarized where potentially the \$80,000 would come from. \$10,000 in kind, \$50,000 already set aside for Davis Street if available, \$19,000 already set aside for pavement, plus the additional \$1,000 totaling \$80,000. Mrs. Barnes recommended the motion state the \$80,000 come from the

undesignated fund balance though. Councilor Ward pointed out this includes the Davis Street project so this request is not asking for additional funds which is key.

VOTE (2016-196) Councilor Ward, seconded by Councilor Brunelle moved to authorize the submission of a CDBG Downtown Revitalization Grant Application, schedule a public hearing on September 6, 2016, and authorize up to \$80,000 as the match from undesignated fund balance approving the letter indicating the same. **Order passed – Vote 6-0.**

DAVIS STREET SIDEWALK

INTRODUCTION: On August 9, 2016 members of the Route 196 Committee met with staff and Mandy Olver from Olver Associates to discuss the details of a scope of services to be bid for completion of the Davis Street sidewalk as well as incorporating some of the original Route 196 sidewalk improvements proposed as part of the CDBG grant application in 2015. Based on Council's previous discussions, Mr. Leighton suggested soliciting bids for the various aspects of this project and requested permission for the Town Manager to award the various items based on the competitive bid process staying within the allotted funds.

Mr. Leighton said they were done prepping the area and ready to go out to bid for pavement and to award the bid utilizing the \$18,000 +/-, leaving the \$50,000 for the main project and some of the components we originally anticipated doing as of the last meeting will be held off to move forward with the CDBG project when that happens. He explained we should have a paved walk-able surface from the end of the trail now at Davis and Blethen Streets to the parking lot at Millers to be taken care of by the CDBG project.

COUNCILOR COMMENTS: Councilor Ward mentioned the CDBG requirement to get this project included has to wait until the end of September. He asked how that would affect the project. Mr. Leighton said it was the intention that this would not count towards the \$80,000. You would be using the \$50,000 that Council re-designated for the trail, and then it's a matter of making up the difference. He said if he understood the discussion correctly, he will need somewhere around \$10,000 to \$15,000 to finish the project where we are at.

VOTE (2016-197) Councilor Brunelle, seconded by Councilor Ward moved to authorize the Public Works Director to solicit bids for the various aspects of this project and to grant permission for the Town Manager to award the various items based on the competitive bid process and staying within the allotted funds. **Order passed – Vote 6-0.**

FIRE DEPARTMENT TRUCK 6 EXTRAS

INTRODUCTION: Mrs. Barnes explained that Truck 6 was received by Pierce. They prepared a list of items to do that falls within the established apparatus refurbishment plan and the funding for this project is already in the budget in the \$75,000 refurbishment line. Items #2 and #4 are being omitted. The list being requested for approval is as follows:

- #1 The fuel tank is severely corroded. Replace the fuel tank and straps. Paint the tank job color.
- #3 The interior of the aerial torque box has lots of corrosion. Needle, POR, and paint torque box interior as required.
- #5 The rear axles have lots of areas of corrosion. Clean up corrosion on rear axles, POR, and paint job color.
- #6 The rear axle torque/transverse arms are corroded and need new bushings. Sandblast and paint rear axle torsion arms. Replace bushings.

VOTE (2016-197A) Councilor Ward, seconded by Councilor Albert moved to authorize the expenditure of \$7,854.00 from the Capital Projects Reserves budget line for Truck extras omitting #2 and #4 on the list. **Order passed – Vote 6-0.**

OTHER BUSINESS

A. TOWN MANAGER'S REPORT

Mrs. Barnes announced that the East Coast Greenway Festival Ride will be rolling through Lisbon on August 20th sometime late in the morning on our trail. She reported the Electricity bids came in and that she signed an 18-month contract starting in March for .06 cents a kilowatt and the current contract is .059 cents per kilowatt until February. It went up right after the contract was signed.

Mrs. Barnes announced the new Police Chief would be sworn into office on Thursday, September 1 at 9:00 A.M. here in the Council Chambers should anyone wants to attend.

B. DEPARTMENT HEAD WRITTEN REPORTS (*Written Reports for Council*)

Councilor Wards asked when the ceremony for the stain glass will be. Mrs. Barnes said she had not received the date yet from Mrs. Nadeau.

C. DEPARTMENT HEAD ORAL REPORTS

Ryan Leighton – Public Works

Mr. Leighton the month of June was a very busy month for all Departments as we wrapped up one fiscal year and prepared for the major projects scheduled in the new fiscal year.

Public Works – Mr. Leighton said they spent the month of June working on the Davis Street walkway as well as replacing culverts on Moody Road and Farwell Street and working on catch basins on Memorial Street in preparation for the paving projects scheduled for the beginning of July and continuing through the rest of the summer. They also completed our annual safety training and prepped for Moxie weekend and took delivery of a new/used chipper which will be a benefit for all Departments in Town.

Sewer Department – Mr. Leighton said during the month of June they continued with the annual sewer and storm drain cleaning and worked with Ted Berry Company to clean and camera the streets scheduled to be paved. They completed the annually required proficiency testing in the Treatment Plant Laboratory and welcomed Charles Metzger to the team as our shared Sewer and Public Works employee. Staff was also very instrumental in the Moxie preparations with special thanks to Mike Stewart for going above and beyond on this event.

Tracey Steuber – Economic & Community Development

Ms. Steuber said the month of July was all about the 34th Annual Moxie Festival. From comments heard, everyone had a great time. There were a lot of new festivalgoers and they plan to be back next year. The dates for the 35th Moxie Festival will be July 7-9 in 2017.

Ms. Steuber said Mother Nature gave us some rain first thing Saturday morning; however by the time the parade was ready to step off Capital Avenue the rain had let up and for the rest of day they were all able to stay dry. The new activities like the Whoppie Pie Eating Contest and the Moxie's Got Talent Contest was a smash. Those events should grow next year. She thanked the committee members, sponsors, vendors, and those who purchased festival gear. The 2017 Moxie Festival's first planning meeting will be held on Thursday, September 1, 5:00 p.m. at the Lisbon Town Office for those interested in joining us.

Ms. Steuber said the Durham Bridge opened on July 11th with Walter Parker being the first person to drive across the old bridge and the first person to drive across the new bridge. The ceremony was well attended with

representation from both sides of the river along with the State of Maine Department of Transportation Commissioner. She reported folks were asking why the ceremony agenda had the bridge listed as the Durham Bridge and not the Lisbon/Durham Bridge. She reported that's because at the State level at MDOT it's on the record as the Durham Bridge. She suggested these two communities petition MDOT to change the name to reflect both communities.

Ms. Steuber said on July 11th, the Lisbon Department of Economic & Community Development held an informational/public hearing meeting for Phase II of the CDBG Micro-Enterprise Facade Grant program. This was an opportunity to invite business leaders who may have an interest in the grant as well as those who wanted to learn more about the grant and the process. The committee will be putting together the final draft of the application process in August with the goal of presenting it to Council in September.

AUDIENCE PARTICIPATION & RESPONSE NEW ITEMS

Richard Main informed the Council that he would be working with the Army Corp of Engineers and Knight Celotex to turn the quarter mile long stretch as you enter Lisbon into a public recreational area. This group in the past has turned sites like these into campgrounds, picnic areas, boat launches, beaches, and so on but they have to be water related projects such as this would be. He explained the process needed to get this area designated as a recreational area, including the need to have legislative and congressional support. He mentioned that he was working on obtaining funding as well. He indicated that tonight he was trying to gauge whether there was much Council support for it. He said the Army Corp of Engineers have done this many times before, even installing boat launches and removing ledge so boat props don't hit them. He said I hope I have your support.

Councilor Albert said he would like that spot to become something better than it is today and that he would be 100% behind this effort. Councilor Bickford indicated his support for the project. Councilor Brunelle said you go Mr. Main.

Dorothy Fitzgerald thanked Interim Police Chief Stewart for doing something about the speeding in town. That's a huge accomplishment.

APPOINTMENTS - NONE

COUNCIL COMMUNICATIONS - NONE

EXECUTIVE SESSION - NONE

ADJOURNMENT

VOTE (2016-198) Councilor Kolbe, seconded by Councilor Bickford moved to adjourn at 8:43 p.m. **Order passed - Vote 6-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved September 6, 2016