



TOWN COUNCIL MEETING MINUTES SEPTEMBER 20, 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. The Chairman, Roger Bickford turned the meeting over to Councilor Kolbe, who 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; Traci Austin, School Committee Chairman; Planning Board members Donald Fellows (Chair), Scott Hall, Karen Paradis; Miriam Alexander-Morgan, Assessment Review Board/Appeals Board; Diane Nadeau, Librarian; and approximately twenty-five citizens in the audience.

GOOD NEWS AND RECOGNITION

Councilor Bickford announced the Rails to Trails Project is still moving forward. It is expected the multi-purpose trail will go from Lisbon to just past the Gridiron Restaurant in Lewiston.

PUBLIC HEARINGS

A. SPECIAL ENTERTAINMENT PERMIT – LEFT HAND CLUB

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

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

CONSENT AGENDA

VOTE (2016-01) Councilor Bickford, seconded by Councilor Metivier moved to approve the minutes of September 6, 2016, the Liquor License and Special Entertainment Permit for the Left Hand Club, and Proclamations for the Dairy Maid and Kennebec Fruit Company as follows:

DAIRY MAID PROCLAMATION

WHEREAS, The Dairy Maid has been a family owned and operated business in the Lisbon community for 64 years; and

WHEREAS, Donald and Velma McGraves established The Dairy Maid in 1952; built in the spring and opened for ice cream in July where there were empty fields on both sides of the business along Rt. 196 with Building Supply and Lisbon High School across the street; and

WHEREAS, the McGraves expanded The Dairy Maid in 1961 adding a kitchen to include italian sandwiches, pizza, hamburgers, hot dogs, fries and the like; and

WHEREAS, throughout the years the McGraves family continued to serve generations of the Lisbon community as they watched the town grow and were able to have been a stable, friendly contributor to the strong community of Lisbon; and

***NOW, THEREFORE,** we, the Town Council of the Town of Lisbon wish to congratulate and thank Janet McGraves and the McGraves family for keeping The Dairy Maid in operations for 64 years.*

KENNEBEC FRUIT COMPANY PROCLAMATION

***WHEREAS,** the Kennebec Fruit Company has been a family owned and operated business in the Lisbon community for 103 years; and*

***WHEREAS,** Lamberto Anicetti (Joe) immigrated to America from Italy in 1909, married and had 4 sons and established the Kennebec Fruit Company in 1913; and*

***WHEREAS,** in 1952 the second generation of Anicetti's (Frank) ran the downtown business that was a place where kids could get ice cream, penny candy and serviced the workers of the Worumbo Mill who worked all shifts; and*

***WHEREAS,** in 1997 after working alongside his father and grandfather, third generation Frank Anicetti II took the helm of the Kennebec Fruit Company and gave it the iconic name of "Moxie Store" and the start of the nationally known Moxie Festival, which brings in thousands of visitors to Lisbon the second weekend in July; and*

***NOW, THEREFORE,** we, the Town Council of the Town of Lisbon wish to congratulate and thank Frank Anicetti II and family for servicing the Lisbon community for 103 years.*

Order passed – Vote 7-0.

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

ORDINANCE - CHAPTER 70 DEFINITIONS MEDICAL MARIJUANA DEFINITIONS

First Reading

INTRODUCTION: Mr. Fellows indicated Chapter 70's amendments address the medical use and has nothing to do with personal use of marijuana. He reported medical marijuana will exist in this state with or without personal use. He said our CEO has to make decisions everyday about where it should be in the town. He indicated the contracted town planner has reviewed it and has attended lots of events about medical marijuana. He reported her latest opinion was that she had heard a little more over the summer and that perhaps Maine's legal community is re-thinking or being open to the different interpretations of the land use issue surrounding medical marijuana. This could mean that despite there has not been any changes in the state statutes or court case law, the fact that so many communities have been enacting land use regulation uses for medical marijuana despite legal questions that reasonable regulation is becoming more acceptable and some lawyers are finding new ways to interpret the law. He said in his opinion and her opinion, the Council should act. He pointed out our CEO currently is out there without any backup. He said our attorney once said the town should backup what we enforce out there. He encouraged the Council, if it did postpone it, to include a specific date to take it back up.

COUNCILOR COMMENTS: Councilor Kolbe recommended the Council wait until after the vote on the November Ballot. Councilor Albert said he understood the daily pressures on the CEO. Councilor Kolbe said she heard from Augusta that some of these issues communities are having will be ironed out if the initiative passes. If not, we have an ordinance to review and go from there. She indicated the Council needs time to discuss it as well. Councilor Albert said the Council understands the stress here and that moving it to mid November or early December is not that far away and that having something to fall back on will be a lot easier for him. He thanked the Planning Board for their diligent work and said this postponement should not be a reflection upon them, and that the Council certainly appreciates all their hard work. He indicated the Council would not leave this indefinitely. He recommended the Council put a December guideline together. Councilor Ward suggested December 6.

VOTE (2016-215) Councilor Bickford, seconded by Councilor Brunelle moved this item to the December 6 agenda. **Order passed – Vote 7-0.**

ORDINANCE - OUTDOOR SHOOTING RANGE

First Reading

INTRODUCTION: Mr. Fellows presented the Outdoor Shooting Range Ordinance. He reported the controversy started in Scarborough over noise problems. There appeared to be some interest locally that Lisbon may have some potential problems so the Council put together a committee to study the issue and create an ordinance if needed. The Committee reported that it felt there should be some regulation so the Scarborough ordinance was used and modified significantly. The final draft was sent to the town's attorney for review. It regulates the shooting range itself and any future ranges should there be some. The Planning Board unanimously approved it. He said now it's ready for the Council's review.

VOTE (2016-216) Councilor Bickford, seconded by Councilor Metivier moved to adopt the attached Outdoor Shooting Range Ordinance.

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

ANNUAL APPROVAL OF RESIDENTIAL TAX CLUB POLICY

INTRODUCTION: Mrs. Barnes reported the Tax Club Policy which was adopted in November of 2014 is required to be approved annually and explained how it works.

VOTE (2016-217) Councilor Bickford, seconded by Councilor Brunelle moved to approve the Tax Club Policy as follows:

TOWN OF LISBON RESIDENTIAL TAX CLUB POLICY

The Tax Club will be from April 1st to March 31st, with the taxpayer enrolled in the club and the first payment due and payable in April, and a payment due each and every month thereafter. Taxes must be paid in full by March 31st.

Tax Club status is only for the current year's taxes. If any taxes other than the current year are owed, the taxpayer is not eligible for Tax Club status.

The Tax Club member will be responsible to let the Tax Collector know which tax accounts will be enrolled in the Tax Club. Tax Club books will be issued for each and every tax account separately that the taxpayer wishes to pay through the club and the stubs from each book must be submitted with the payment to ensure proper allocation of the payment.

The club payments will be calculated into 12 equal monthly payments based on the previous year's tax, and will be recalculated by the Tax Collector after the new tax bills are sent in August. The Tax Collector will notify the taxpayers of the new tax club payment to ensure that the taxes will be paid in full by March 31st.

Failure to pay a club payment in any month will constitute a late payment and interest will be charged on the outstanding balance beginning on the date that Town Council sets for interest each year until that tax bill is paid in full. The taxpayer will no longer be eligible for the tax club status of not having to pay interest for the remainder of that tax year. They may still make monthly payments, but interest will be receipted first.

The Tax Collector will maintain an up-to-date list of Tax Club members and the current payment amounts.

Advance payments will be accepted at any time with no penalty to the taxpayer.

I, the undersigned, understand that if I miss any monthly payment, interest will be charged on any outstanding amount due after the date Council sets for interest until that tax is paid in full.

Tax Club Taxpayer Signature: _____

Tax Club Taxpayer and address: _____

Date: _____

Tax Year: _____

Tax Accounts for this Taxpayer: _____

Tax Collector Signature: _____

Order passed - Vote 7-0.

ORDER OF PAYMENT OF TAXES

INTRODUCTION: Mrs. Barnes reported that pursuant to Title 36, MRSA, Section 906, the Council must adopt annually the attached order to apply any tax payment received from an individual as payment for any property tax against outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill. She said no such payment may be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer.

VOTE (2016-218) Councilor Bickford, seconded by Councilor Metivier moved to adopt the attached order of payment of taxes as presented. **Order passed - Vote 7-0.**

VOTING CREDENTIALS FOR THE MMA ANNUAL BUSINESS MEETING

VOTE (2016-219) Councilor Ward nominated Councilor Kolbe. There were no other nominations. **Order passed - Vote 7-0.**

SCHOOL CAPITAL RESERVE REQUEST

INTRODUCTION: Mrs. Austin said on September 19 the School Committee voted in favor to give permission for Superintendent Green to request authorization from the Council to approve the payment of invoices from Capital Reserve Funds for the Gartley Street Day Treatment improvements. She said this vote was not to exceed \$30,000. Invoices total \$29,958.20. There will be minor stuff left. Mr. Ouellette explained what was left to be done.

VOTE (2016-220) Councilor Ward, seconded by Councilor Bickford moved to authorize Superintendent Green permission to expend Capital Reserve Funds for Gartley Street Day Treatment improvement invoices not to exceed \$30,000. **Order passed - Vote 7-0.**

Mrs. Austin invited the Council to attend the Day Treatment Program tour on Monday night, September 26 at 5:30 at Gartley Street. Councilor Albert said 15 of the 16 students being transported out of town are now located in town. Mrs. Austin said this will save the town a lot of money.

OTHER BUSINESS

A. TOWN MANAGER'S REPORT

Mrs. Barnes reported the CDBG Grant application has been submitted and Lisbon should hear something by mid October. She announced that the Spirit of American award is being presented to Natalie Thomsen tomorrow night and that she and Ms. Steuber would be attending.

Mrs. Barnes said she received a request for an ordinance regulating landlords maintain heat at no less than 68 degrees like Lewiston. She asked the Council if this is something they would like her to work on. Councilor Ward said he preferred leaving this to the CEO to regulate. Councilor Albert said he preferred the landlord and tenant talk. Councilor Kolbe said she preferred we only use the state's guidelines, which say the heat is turned on

mid November and can be turned off the first of April. Councilor Ward said he was not inclined to move forward because Lisbon doesn't have the resources to deal with this issue like Lewiston.

B. DEPARTMENT HEAD WRITTEN REPORTS – NO COMMENTS

C. DEPARTMENT HEAD ORAL REPORTS

KATHY MALLOY, ASSESSOR - ITEM REMOVED FROM AGENDA

DIANE NADEAU - LIBRARIAN

Mrs. Nadeau pointed out the wonderful reading logs that decorated the Council room. She said the children were excited to share their reading logs and crafts with the Council and the community. The cutouts represented the books that 123 children read in 6 weeks. They had 1,502 of these logs hung from the ceiling in the children's room, up the stairs to the main floor and into her office. She reported they were very proud of Lisbon's children. The children met the challenge of 1,500 books so the children's librarian had to dye his hair purple and the Librarian had to dress in a big purple hat and fancy gloves to hand out ice cream cone certificates to all the readers.

Mrs. Nadeau said to keep with the sports/exercise and health theme the children decorated their own kites and were encouraged to ask their families to join them in a kit-flying outing. She explained the pendulum paintings that were done in the garden with the giant pendulum that Bill built. She explained the marble painting art pieces that children chose to do as well. She explained GIOD'S (rocks/crystals) which the children were excited about doing. The children decorated Frisbees with beads, glitter, and lots of other fantastic items. She showed the Council the two beautiful wind chimes the children created which hung in the garden this summer. These were all part of the annual summer educational activities and contests.

Mrs. Nadeau said the decision to offer the Thursday evening program was very successful. This was convenient for parents and families who could never attend the Tuesday afternoon event. The Cricket Camp Outreach program through the Dollar General Grant averaged 25 residents each week for an 8-week period. They checked out and read 187 books. Each reader received 2 gift books to start the school year as part of the Dollar General Grant. Staff is now getting ready for their fall programs. Pre-School Story Time began last Thursday.

Mrs. Nadeau said the Friends of the Library and staff will host the commemoration event for staff member Mary Lou Schalk on Saturday, October 15 at 3 PM when they will dedicate the beautiful stained glass artwork and memorial plaque. She said the Children's Garden and playhouse will stay open throughout the fall months for families to enjoy.

AUDIENCE PARTICIPATION & RESPONSE NEW ITEMS

Dorothy Fitzgerald said the Librarian does such a wonderful job. That will instill a love for reading their entire life.

Kim Printy, Executive Director for the Medical Marijuana Caregivers of Maine located at 42 Bangor Street in Augusta, Maine said they are available to work with towns to address concerns and offer their assistance wherever needed. She mentioned she also serves on her town's Planning Board in Cornish.

APPOINTMENTS - NONE

COUNCIL COMMUNICATIONS

Councilor Ward said the last Androscoggin County Budget Committee meeting started at 5:30 p.m. and ended at 12:45 a.m. in the morning. He said when they tried to raid the fund balance to put it into capital reserves, which was their last motion at 12:15 a.m., he said, he was not happy and told them they were being fiscally irresponsible and left, which was the right thing to do. He pointed out that it takes 11 affirmative votes on a committee of 12 to pass a motion. This is a \$13.2 million dollar budget. These meetings are open to the public and more meetings are scheduled for next week.

Councilor Bickford announced Aubuchon's Hardware is hosting Wind over Wings, a bird show, on September 24 from 11:00 AM to noon and on October 15 they will host Fire Prevention activities all day.

Councilor Albert said a local boy who lives in Durham, who is the financial officer for the local veterans over there, put together a memorial ride for Thomas Field. A lot got on board and a lot of money was raised. This will go to local vets here. He commended Darren and the rest of the folks on the other side of the bridge for keeping in mind our local boy who paid the ultimate price.

EXECUTIVE SESSION - NONE

ADJOURNMENT

VOTE (2016-221) Councilor Bickford, seconded by Councilor Metivier moved to adjourn at 7:59 p.m.
Order passed - Vote 7-0.

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved October 4, 2016