



## TOWN COUNCIL MEETING MINUTES OCTOBER 4, 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 requested Councilor Ward proceed with the agenda items. Councilor Ward 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; Lydia Colston, Finance Director/Deputy Tax Collector; Mark Hagan, Police Chief; Dennis Douglass, CEO/Health Officer; Ryan Leighton, Public Works Director; Tracey Steuber, Economic & Community Development Director; and approximately 18 citizens in the audience.

### GOOD NEWS AND RECOGNITION

Councilor Ward announced the homecoming events for homecoming weekend. Councilor Albert recognized our Lisbon Football team for chiming in to sing the national anthem when the audio equipment failed. Councilor Bickford recognized a passing citizen, David White, who will be missed for his candor and fixing small engines.

Mrs. Barnes welcomed Lydia Colston to her first Council meeting.

### PUBLIC HEARINGS

#### A. OUTDOOR SHOOTING RANGE ORDINANCE

Councilor Ward opened the public hearing. Mr. Fellows briefly explained the ordinance and the steps taken to create it. He mentioned there should be a slight amendment in section 10 involving background checks. He said the Police Department would not be able to do background checks; however the Town of Lisbon could and suggested changing this in two locations from Police Department to Town of Lisbon. He said this ordinance will relate existing ranges and future ranges only. Councilor Ward closed the public hearing.

### AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

### CONSENT AGENDA

**VOTE (2016-222)** Councilor Bickford, seconded by Councilor Metivier moved to approve the minutes of September 20, 2016. **Order passed – Vote 7-0.**

### COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

#### ORDINANCE - OUTDOOR SHOOTING RANGE

##### *Second Reading*

**VOTE (2016-223)** Councilor Bickford, seconded by Councilor Metivier moved to approve the following Outdoor Shooting Range Ordinance changing Police Department to Town of Lisbon in Section 10 as follows:

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## SHOOTING RANGE ORDINANCE

### **Section 1. Purpose**

This Shooting Range Ordinance is intended to regulate the establishment and operation of new and existing outdoor shooting range facilities pursuant to 12 M.R.S.A. §13201 (1) and 25 M.R.S.A § 2011 (3), as they may be amended, and 30-A M.R.S.A. § 3001 *et seq.* (Maine's Home Rule Law). Due to their potential noise impacts and safety concerns, shooting range facilities merit careful review to minimize adverse effects on adjoining properties. This ordinance does not otherwise apply to the general discharge of firearms or the use of bows and arrows in accordance with all other applicable laws or regulations.

### **Section 2. References**

The following references provide the sources of information as used in this ordinance:

*NRA Range Source Book* - NRA's guide to planning and constructing shooting ranges. Copyright 2016 The National Rifle Association of America

*EPA Best Management Practices for Lead at Outdoor Shooting Ranges* - United States Environmental Protection agency - EPA-902- B-01-001 Revised June 2005 Region 2

*Lisbon Maine Code of Ordinances:*

Chapter 26 Article IV. Noise

Chapter 62 Site Plans Division 3.- Tier 2 Developments

*Maine Revised Statutes :*

Title 30-A: Municipalities and Counties Chapter 141 §3011. Regulation of Sport Shooting Ranges

Title 17: Crimes Chapter 91: Nuisances §2806. Sport Shooting Ranges

### **Section 3. Definitions**

As used in this ordinance, the following terms shall have the respective meanings ascribed to them:

*dBA*- The sound pressure level, in decibels, as measured on a precision level meter on the A-weighted scale.

*EPA Lead Management Guidelines* - Shall mean, at any given time, the latest edition of the United States Environmental Protection Agency's Best Management Practices for Lead at Outdoor Shooting Ranges.

*Firearm(s)*- A weapon, including but not limited to pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

*NRA Range Source Book* - Shall mean, at any given time, the latest edition of The Range Source Book, as published by the National Rifle Association.

*Occupied Dwelling(s)*- Shall mean any structure which is legally occupied by one or more Persons.

*Person(s)* - Any individual, corporation, association, club, firm, or partnership.

*Shooting Range(s)* - An area designed and improved to encompass shooting stations or firing lines, Target areas, berms and baffles, and other related components.

*Shooting Range Facility* - A public or private facility, including individual Shooting Ranges, safety fans or Shotfall Zones, Structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of Firearms; provided, however, that a shooting range facility shall not include incidental Target practice areas on private property.

*Shotfall zone(s)* - means that area of a firing range where spent shot falls to the earth.

*Structure(s)* - A walled and roofed building that is principally above ground or any other permanent, manmade facility.

*Surface Danger Zone*- Any area that may reasonably expect projectile impact from direct fire, including misdirected and accidental discharges and ricochets, from any Firearm, which takes into consideration all mitigation efforts as submitted by an applicant and determined by a certified engineer.

*Target(s)* - Any object or area which is used as the intended recipient of the projectiles fired from a Firearm.

*Town*- Shall mean the town of Lisbon, Maine located in Androscoggin County.

### **Section 4. Applicability**

This ordinance is applicable to all outdoor Shooting Range Facilities in the town.

### **Section 5. Performance Standards**

All Shooting Range Facilities in lawful existence as of the date of this Ordinance shall have one (1) year to bring the Shooting Range Facility into compliance with this section.

#### 70-5-1. Shot Containment

Shooting Range Facilities shall be designed and operated to contain all of the bullets, shot and other projectiles, and any other debris within the Shooting Range Facility.

#### 70-5-2. Noise Mitigation

Noise levels measured at the property line where the Shooting Range Facility is operated or, in the case of leased land, at the boundary line of any leased parcel, shall not exceed sixty-five (65) dBA when said property is located within one thousand (1,000) feet of an existing Occupied Dwelling, subject to the limitations of 30-A M.R.S.A. §3011 and Title 17: Chapter 91, §2806. Reference Town of Lisbon Ordinances, Chapter 26 Article IV: Noise, for additional regulation.

### **Section 6. Development Requirements**

#### 70-6-1. Minimum design requirements

Where not otherwise specified within this ordinance, new Shooting Range Facilities shall meet or exceed the design standards for general and utility type of range specified by the NRA Range Source Book.

#### 70-6-2. Setbacks

The following setbacks shall apply to all Shooting Range Facilities:

1. Except for existing shooting range facilities, all shooting stations, firing lines and Targets on a shooting range facility shall be located a minimum of three hundred (300) feet from any property line. Existing shooting range facilities with shooting stations and targets located closer than three hundred (300) feet from any property line shall not be allowed to further encroach within that setback; and
2. Except for existing shooting range facilities, the Surface Danger Zone shall be contained within the property boundary line.

#### 70-6-3. Warning Signs

Warning signs shall be posted at one hundred (100) foot intervals along the entire perimeter of the shooting range and along the entire perimeter of the property lines in the same intervals.

All Shooting Range Facilities in lawful existence as of the date of this Ordinance shall have one year to bring the Shooting Range Facility into compliance with this subsection.

#### 70-6-4. Access to Shooting Range Facility

Access to all Shooting Range Facility shall be secured and controlled. Ingress and egress is permitted only during those operating hours established in Section 70-7-3 except during routine maintenance or other business that does not involve shooting firearms.

### **Section 7. Operational Requirements**

#### 70-7-1. Maintenance

Where not otherwise specified in this ordinance, Shooting Range Facilities shall be operated and maintained in a manner that meets or exceeds the standards set forth in the NRA Range Source Book.

#### 70-7-2. Best Management Practices

Each Outdoor Shooting Range Facility shall provide a plan outlining its best management practices relating to lead management. Said plan shall meet or exceed the standards set forth in EPA's Best Management Practices for Lead at Outdoor Shooting Ranges.

#### 70-7-3. Hours of Operation

Shooting Range Facilities shall only be allowed to operate between 9 a.m. and sunset Monday through Saturday and from noon to sunset on Sundays.

#### 70-7-4. Liability Insurance

Each Shooting Range Facility shall be required to carry a liability insurance providing a minimum of Two Million Dollars (2,000,000.00) of coverage. A current certificate of liability insurance coverage shall be provided to the Town. The Town shall be notified of any policy changes or lapses in coverage.

### **Section 8. Procedure for securing approval for new Shooting Range Facilities**

#### 70-8-1. Site Plan Review

All new Shooting Range Facilities shall be subject to Tier 2 Site Plan Review, as described in Chapter 62 of the Town of Lisbon Code of Ordinances.

All Shooting Range Facilities in existence of the date of this Ordinance shall have one (1) year to file an application for Site Plan Review, as described in Chapter 62 of the Town of Lisbon Code of Ordinances. Review of existing Shooting Range Facilities shall be subject to the limitations of 30-A M.R.S §3011.

#### 70-8-2. Environmental Stewardship Plan

A site-specific Environmental Stewardship Plan (ESP) for managing shooting-associated materials shall be submitted with the application

### **Section 9. Abandonment of Shooting Range Facilities**

When an existing Shooting Range Facility is discontinued without the intent to reinstate the shooting range use, the property owner shall notify the Town of such intent. In any event, if a Shooting Range Facility is discontinued or not used for a period in excess of three (3) years, said Shooting Range Facility shall be deemed abandoned, and any current, valid permits issued shall terminate.

### **Section 10. Background Check**

Upon receipt of an application from the Code Enforcement Officer for a new Shooting Range Facility the Town's ~~Police Department~~ of Lisbon will conduct a criminal records check on the owner and lessee, if any, of the property on which the Shooting Range Facility is to be located and on the individual designated by the owner to operate the Shooting Range Facility, if different from the owner. Upon completion of the criminal records check, the ~~Police Department~~ Town of Lisbon will forward its findings to the Code Enforcement Officer.

### **Section 11. Changes, Expansions and Transferability**

#### 70-11-1. Changes or Expansions

Before any Shooting Range Facility is substantially changed or expanded to include additional or different types of shooting, operations, or activities not covered by an existing permit, the entire facility shall be subject to new Site Plan Review with the provisions of this ordinance.

#### 70-11-2. Transferability

A permit issued pursuant to this ordinance may not be transferred to another owner or operator without the written approval and consent of the Town of Lisbon Planning Board.

### **Section 12. Conditions and Safeguards**

The Town of Lisbon Planning Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the exception is granted, shall be deemed a violation of this ordinance.

### **Section 13. Enforcement, Remedies, and Penalties**

#### **70-13-1. Enforcement and Remedies**

The Code Enforcement Officer shall be responsible for the enforcement of this ordinance. Any violation of this ordinance or of any condition or requirement adopted pursuant to these provisions may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings as allowed by state law.

#### **70-13-2. Civil Penalties**

Any Person who violates any provision of this ordinance shall be subject to a civil penalty of not less than \$100.00 per violation plus costs of prosecution, including but not limited to attorney's fees. No penalty shall be assessed until the Person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separate violation and any such penalty shall be recovered for the use of the Town.

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

### **CDBG MICRO-ENTERPRISE ASSISTANCE PROGRAM – LISBON BUSINESS FAÇADE PROGRAM**

**INTRODUCTION:** Ms. Steuber explained that the Town of Lisbon is a recipient of a CDBG (Community Development Block Grant) Micro-Enterprise Assistance Program (Façade Grant) in the amount of \$150,000.

She explained the Town of Lisbon's Business Façade Grant Program Guidelines and Requirements for Council adoption. These Guidelines were sent to the Office of Community Development after comments and suggestions were taken into consideration by the advisory committee to address the committee concerns and still meet the requirements of the grant. The Town of Lisbon's Façade Grant Guidelines and Requirements have been approved by the Office of Community Development as submitted. The template that was used to create these guidelines has been used in Maine for many years as well as nationally and do not require the Town to seek a legal review.

**VOTE (2016-224)** Councilor Kolbe, seconded by Councilor Bickford moved to adopt the Town of Lisbon Business Façade Grant Guidelines and Requirements as presented. **Order passed – Vote 7-0.**

### **SELF CONTAINED BREATHING FILL STATION COMPRESSOR**

**INTRODUCTION:** Chief Galipeau requested approval to solicit request for proposals for the replacement of the Self Contained Breathing fill station compressor, which was approved in the Fire Department budget. The Department was allotted \$24,000 for the purchase. This replaces the existing jockey pump type system they currently have in place. The original system they are utilizing is approximately 15 to 20 years old and with the recent upgrades to our SCBA's they added the jockey pump in hopes that it would suffice. It has done its job for the last four years, but won't last much longer. With this purchase, he said, we should be good for the life of the current SCBA's the department has, twenty plus years as long as standards don't change.

The Fire Chief included the specification. He explained the policy reads, we will open the process and then present the findings and recommendations to the council at a future meeting. Chief Galipeau encouraged the Council to consider this request, as it does have a definite impact on life safety within the Town of Lisbon.

**VOTE (2016-225)** Councilor Brunelle, seconded by Councilor Bickford moved to authorize the Fire Chief to solicit bids for a Self Contained Breathing Fill Station Compressor. **Order passed – Vote 7-0.**

### REQUEST TO BID FOR A 2017 FORD SUV INTERCEPTOR

**INTRODUCTION:** Chief Hagan requested permission to send out requests for bids for the new Ford Interceptor that has been approved in the current budget. Attached you will find my bid request. My intention was to send the request to the following Ford dealerships:

Tucker Ford (Brunswick)  
 Casco Bay Ford (Yarmouth)  
 Rowe Ford (Auburn)  
 Hight Ford (Skowhegan)  
 Wiscasset Ford (Wiscasset)

**VOTE (2016-226)** Councilor Brunelle, seconded by Councilor Bickford moved to authorize the Police Chief to solicit bids for a 2017 Ford SUV Interceptor. **Order passed – Vote 7-0.**

### HVAC SERVICE CONTRACT

**INTRODUCTION:** Attached please find the RFP which was sent to the following vendors:

AAA Energy	Nason Mechanical
Air Temp Inc.	Patriot Mechanical
Fontaine HVAC	Pine State Service
Integrity Services of Maine	Siemens
Mechanical Services	Thayer Corporation
Nadeau Refrigeration	

We received the following bids:

AAA Energy	-	\$10,896
Air Temp	-	\$10,944
Mechanical Services	-	\$13,414
Patriot Mechanical	-	\$ 4,480 no on site visit & required trips not included
Siemens	-	\$15,690
Thayer Corporation	-	\$11,950

Mr. Leighton said after reviewing all the proposals he would have to recommend Thayer Corporation who meets all the requirements of the RFP and still falls within the budgeted \$15,000. He requested permission to award the annual maintenance to Thayer Corporation. He indicated Patriot Mechanical had no on site visit and had not included the required trips, although they had indicated an hourly rate.

**VOTE (2016-227)** Councilor Metivier, seconded by Councilor Crafts moved to table the award to allow time for Mr. Leighton to renegotiate with Patriot Mechanical a number that would include the required trips so that the Council could compare all of the bids for the same service. **Order passed – Vote 7-0.**

### MANAGED IT SUPPORT SERVICES CONTRACT

#### INTRODUCTION:

Attached please find the RFP which was sent to the following vendors:

API Technology	Portland Computer Company
BEK, Inc.	Round Table Technology
Burgess Technology Services	Symquest
Maine Total Technology	Systems Engineering

We received the following bids:

BEK, Inc.	-	\$98,092
Burgess Technology Services	-	\$66,948
Round Table Technology	-	\$53,790
Systems Engineering	-	\$59,940
Symquest	-	\$69,005 - Disqualified, received after bid deadline

After reviewing all the proposals we request permission to award the Managed IT Support Services contract to Round Table Technology as their proposal fits within our budgeted amount of \$58,764.

**VOTE (2016-228)** Councilor Bickford, seconded by Councilor Metivier moved to award the bid for the Managed IT Support Services Contract to Round Table Technology in an amount not to exceed \$53,790. **Order passed – Vote 7-0.**

## **OTHER BUSINESS**

### **A. TOWN MANAGER’S REPORT**

Mrs. Barnes announced that she would be putting together an Intent/Content Summary of facts explaining the bond referendum and charter questions for the public. She indicated she would place it on the town’s website, distribute them as handouts, and would try to use social media if possible to help voters get this information. There were no objections noted from the Council. Larry Fillmore asked that he receive a copy to post on the Lisbon Reporter as well.

### **B. SEWER STUDY UPDATES**

Mr. Leighton reported over the past year Olver Associates has been working on several studies for the Lisbon Sewer Department.

**Sewer System Evaluation** - Mr. Leighton pointed out that it has been over ten year since our last sewer system evaluation which resulted in many of the upgrades we have done to the Treatment Plant and Collection System. Olver Associates has been working for the past year or so on completing a study where they reviewed the condition, status, and capacity of our wastewater infrastructure components including the sanitary sewer system, the twelve pump stations, and the wastewater treatment plant. The purpose was to review the overall condition and define any capacity limitations or upgrades needed and to define both short term and long-term capital plans to address any deficiencies or upgrades identified. The Town’s sewer system has sections that are approaching 100 years of age and experience inflow and infiltration during wet weather. It took decades for the system to reach this condition, and the upgrade of the sewers will likely be an ongoing focus over many decades to come. Some of the mechanical equipment at the pump stations and treatment plant is over forty years old and will need to be upgraded in the foreseeable future. The first sewer upgrade priority will likely be to replace the leaking Main Street sewer as part of the MDOT road project. We are currently exploring outside funding sources and have scheduled a meeting with USDA Rural Development.

**Water Department Arsenic Backwash Evaluation** – Mr. Leighton reported this particular study was a joint effort between the Water and Sewer Departments as we worked to determine if the backwash water from the Moody Road filter plant could be discharged to the Sewer Department and ultimately the Treatment Plant. This discharge has not been allowed in years past based on negative impacts to the levels of arsenic in the sludge removed from the Sewer Treatment Plant. Based on the current operations and ongoing testing of the flow to be discharged to the Sewer Department it appears we will be able to accommodate the backwash in an effort to reduce operational costs to the Water Department. The Water Department is currently continuing with testing and we anticipate making the transition later this fall or early winter.



**Local Limits Study** – Mr. Leighton mentioned this particular study was done in conjunction with the Water Department Arsenic Backwash Evaluation. The nature of the wastewater flow in Lisbon has changed over the past decade with the closing of the mills and limited industrial activity. When looking at the Arsenic loadings it was also recommended we review the other permitted limits associated with our wastewater and sludge discharges so we will know what our limitations are associated with potential development. This study is still underway.

**Rate Study** – Mr. Leighton indicated the Sewer rate study was also initiated in some respects due to the Water Department Arsenic Backwash Evaluation and is tied into the Local Limits Study. Once we have a clearer picture of what our wastewater flow consists of and what is necessary to treat the flow and meet our permit requirements we can determine if we are fairly distributing the cost of treatment to the sewer users. For instance, what rate should we charge for the Arsenic Backwash. We anticipate results of this study shortly.

**Ordinance Review** – Mr. Leighton said they have been reviewing ordinances and making updates as necessary. Based on all the studies mentioned above, the Ordinance Review was timely, as we will need to adopt changes as necessary to implement the results of some of these studies. This study is ongoing at this point.

**COUNCILOR COMMENTS:** Councilor Albert asked where the Council should go from here now that the report is completed, should we hold a workshop to determine priorities or discuss how to fund them. Mr. Leighton indicated there should be plenty of room for discussion on how to proceed during the upcoming budget season. Mrs. Barnes suggested the new Council take this item up with Public Works.

#### C. DOWNTOWN PARKING LOT & HASEY STREET UPDATES

Mr. Leighton said he was able to locate the 1989 easements so plowing the downtown parking lots will continue as usual now that documentation is on file. However, the plan still is that the town will not do winter maintenance on streets we don't own.

#### AUDIENCE PARTICIPATION & RESPONSE NEW ITEMS

Fern Larochelle mentioned the original performance contract was done so efficiencies could be realized. He asked if the Council would encounter problems with Siemens' over changing an operating system. Mr. Leighton indicated these contractors will be working with Siemens to ensure it all works together; however our preventative maintenance contract is separate.

Mr. Larochelle thanked Councilor Bickford for his service and time dedicated to the Lisbon Council over the years. He said it has been appreciated.

#### APPOINTMENTS

##### TWO (2) CONSERVATION MEMBERS

**VOTE (2016-229)** Councilor Kolbe, seconded by Councilor Bickford moved to Richard Main and Annica Mcguirk to the Conservation Commission. **Order passed – Vote 7-0.**

#### COUNCIL COMMUNICATIONS

Councilor Ward reported the Androscoggin County Budget is up \$39,277 this year. He said Lisbon's Valuation will be 536,150,000 for 2017 at 6.81% increase totaling \$624,615.

Councilor Bickford thanked the townspeople for supporting him over the last 6 years. He said he had a good run. He said this was not a farewell since he will go on to serve in other capacities. He said the staff here in Lisbon were fantastic to work with.

### **EXECUTIVE SESSION - NONE**

### **ADJOURNMENT**

**VOTE (2016-230)** Councilor Bickford, seconded by Councilor Metivier moved to adjourn at 8:20 p.m. **Order passed - Vote 7-0.**

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