

TOWN COUNCIL MEETING MINUTES DECEMBER 20, 2016

Dale Crafts, At Large 2017 Normand Albert, At Large 2018 Kasie Kolbe, District 1 2018 Allen Ward, District 2 2018 Christopher Brunelle, At Large 2019 Mark Lunt, District 1 2019 Kris Crawford, District 2, 2019

CALL TO ORDER. 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 Brunelle, Lunt, Albert, Kolbe, Crawford, and Ward. Councilor Crafts was excused. Also present were Diane Barnes, Town Manager; Mark Hagan, Police Chief; Mark Stevens, Parks & Recreation Director; Tracey Steuber, Economic & Community Development Director; Judy Hardy-Goddard, Deputy General Assistance Director; Miriam Morgan-Alexander, Appeals Board/Assessment Review Board Member; Planning Board Members, Scott Hall and Donald Fellows, Chair; Marie Hale, Water Commissioner; and approximately 55 citizens in the audience.

GOOD NEWS & RECOGNITION

2016 LISBON HIGH SCHOOL FOOTBALL TEAM PROCLAMATION

VOTE (2016-267) Councilor Kolbe, seconded by Councilor Albert moved to adopt the following proclamation:

WHEREAS, The Lisbon High School Football Team has made the community of Lisbon proud through their accomplishments in claiming the 2016 Campbell Conference Championship and representing the Class D South Division in the State Football Championship.

WHEREAS, In their playoff journey, the Greyhounds defeated rival Oak Hill 42-9 and later overcame their only regular season loss to defeat Winthrop 20-17, through last second heroics and hard-fought determination.

WHEREAS, The success of these student athletes was based on continual improvement and constant effort made by every player on the team. That team mentality was stressed by their longtime coach Dick Mynahan in his final season that was a major force in their successful march towards capturing the Conference Championship.

NOW THEREFORE, We the Town Council of the Town of Lisbon, on this 20th day of December 2016, would like to congratulate these students for their outstanding achievements. Well Done.

Order passed - Vote 6-0.

VERY MERRY MAIN STREET

Ross Cunningham welcomed back Councilors Lunt and Brunelle and recognized our new Councilor Crawford. He thanked the Council for their support this year at their Very Merry Main Street event downtown. It was attended by over 200 individuals with many of the local businesses participating. The most popular spot was the Library and the second most popular spot was the Fire Department. He

thanked Chief Hagan and said he did a phenomenal job this year. Police personnel assisted the horse drawn carriage onto Route 196 and he was gracious enough to close the Main Street area for the event. He said it was very much appreciated.

PUBLIC HEARING

A. AUTOMOBILE GRAVEYARD PERMITS – HUSTON'S AUTO SALVAGE & CAMPBELL'S USED AUTO PARTS

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

B. GENERAL ASSISTANCE MAXIMUMS APPENDIX A THROUGH F

The Chair opened the public hearing. Mrs. Hardy-Goddard explained that annually the state gives us guidelines and the town adopts them. The Chair closed the public hearing.

C. MEDICAL MARIJUANA ORDINANCE CHAPTER 70-1 & 70-531

Seeing no objections, the Chair postponed this item until the end of this meeting. Item taken up after appointments see below.

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS

CONSENT AGENDA

VOTE (2016-268) Councilor Albert, seconded by Councilor Lunt moved to approve the Accounts Payable & Payroll Warrant Numbers 79 for \$8,644.31, 80 for \$1,938.00, 81 for \$5,495.56, 82 for \$126,988.82, 83 for \$14,069.10, 84 for \$120,080.85, along with the Minutes of December 6, 2016, and the Automobile Graveyard Permits for Huston's Auto Salvage and Campbell's Used Auto Parts. **Order passed - Vote 6-0.**

COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

ORDINANCE - ADOPTION OF GENERAL ASSISTANCE MAXIMUMS - APPENDIX A-F (Second Reading - Roll Call Vote Required)

VOTE (2016-269) Councilor Albert, seconded by Councilor Kolbe moved to adopt the General Assistance Maximums Appendix A through F as follows:

Appendix A – Overall Maximums

New Maximums

Persons in Household

<u>2016/2017</u>	1	2	3	4	5
Androscoggin	<u>575</u>	<u>678</u>	<u>855</u>	<u>1086</u>	<u>1241</u>
County					

Appendix B Food Maximums (no change)

<u>2016/2017</u>	1	2	3	4	5
Androscoggin	194	357	511	649	771
County					

Appendix C Housing Maximums

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2009-2010 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are subtracted from the FMR to obtain a pure "housing" cost.

New Maximums

<u>2016/2017</u>		
#Bedrooms	Unheated	Heated
1	<u>484</u>	608
2	<u>618</u>	772
3	803	<u>991</u>
4	<u>901</u>	<u>1130</u>

Appendix D – Utilities (no change)

1) Electricity Maximums for Households without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:

Number in Household	Weekly	Monthly	
1	\$14.00	\$ 60.00	
2	\$15.70	\$ 67.50	
3	\$17.45	\$ 75.00	
4	\$19.70	\$ 86.00	
5	\$23.10	\$ 99.00	
6	\$25.00	\$107.00	
NOTE: For each additional person add \$7.50 per month.			

2) Electricity Maximums for Households with Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

Number in Household	Weekly	Monthly		
1	\$20.08	\$ 86.00		
2	\$23.75	\$102.00		
3	\$27.70	\$119.00		
4	\$32.25	\$139.00		
5	\$37.30	\$160.00		
6	\$41.00	\$176.00		
NOTE: For each additional person add \$10.00 per month.				

Appendix E – Fuel Maximums (no change)

We use what the applicant uses per month or the cap of what is allowed for that month at the current price for fuel.

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

Appendix F – Personal and Household Supplies (no change)

Number in Household	Weekly Amount	Monthly Amount	
1-2	\$10.50	\$45.00	
3-4	\$11.60	\$50.00	
5-6	\$12.80	\$55.00	
7-8	\$14.00	\$60.00	
NOTE: For each additional per	son add \$1.25 per week or \$5.00 per	month	

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

ORDINANCE-MEDICAL MARIJUANA- CHAPTERS 70-1 & 70-531 (Second Reading - Roll Call Vote Required)

Seeing no objections, the Chair postponed this item until the end of this meeting. Item taken up after appointments see below.

TOWN DEPARTMENTS CHRISTMAS EVE SCHEDULE

<u>INTRODUCTION:</u> Mrs. Barnes said the Transfer Station and Library are regularly open on Saturday. She requested that Council approve the closure of these departments on Saturday, December 24, 2016 at noon, and to require those employees to use accrued vacation, holiday, personal, or COMP time if they wish to be compensated for the closure.

VOTE (2016-271) Councilor Crawford, seconded by Councilor Lunt moved to authorize the Town Manager to close the Transfer Station and Library Departments on December 24, 2016 at noon and allow the use of accrued vacation, holiday, personal or COMP time for employees who wish to be compensated for the early closure. **Order passed - Vote 6-0.**

MDOT THIRD PARTY AGREEMENTS

<u>INTRODUCTION:</u> Mr. Leighton explained there are currently three projects in Lisbon which are in the design phase. He presented the PIN numbers below with a brief description and the current project budgets received from Maine DOT.

Project #1

- WIN 14862.00 Main Street from Rte. 196 to Huston Street:
- \circ The scope has changed from a Mill & Fill to a Reconstruction due to anticipated need for drainage system replacement

Work Phase	Estimated deral Share	Estimated tate Share	M	Estimated Iunicipal Share	Est	timated Total Cost
Preliminary Engineering	\$ 160,000.00	\$ 20,000.00	\$	20,000.00	\$	200,000.00
Right of Way	\$ 80,000.00	\$ 10,000.00	\$	10,000.00	\$	100,000.00
Construction	\$ 299,400.00	\$ 37,425.00	\$	37,425.00	\$	374,250.00
Construction Engineering	\$ 40,600.00	\$ 5,075.00	\$	5,075.00	\$	50,750.00
Total Project Share	\$ 580,000.00	\$ 72,500.00	\$	72,500.00	\$	725,000.00

Project #2

- WIN 20290.00 Main Street from Huston Street to the Urban Compact Line:
- o Scope is Reconstruction

Work Phase	Estimated Federal Share	Estimated State Share	Estimated Municipal Share	Estimated Total Cost
Preliminary Engineering	\$ 220,000.00	\$ 27,500.00	\$ 27,500.00	\$ 275,000.00
Right of Way	\$ 80,000.00	\$ 10,000.00	\$ 10,000.00	\$ 100,000.00
Construction	\$ 1,039,200.00	\$ 129,900.00	\$ 129,900.00	\$ 1,299,000.00
Construction Engineering	\$ 148,800.00	\$ 18,600.00	\$ 18,600.00	\$ 186,000.00
Total Project Share	\$ 1,488,000.00	\$186,000.00	\$ 186,000.00	\$ 1,860,000.00

Project #3

- WIN 18647.00 Rte. 196/Main Street/Canal Street Intersection Improvements:
- o Scope is Reconstruction with lane shifts to allow for better turning movements

Work Phase	Estimated deral Share	Estimated State Share	Mı	Estimated unicipal Share	Es	timated Total Cost
Preliminary Engineering	\$ 120,000.00	\$ 15,000.00	\$	15,000.00	\$	150,000.00
Right of Way	\$ 120,000.00	\$ 15,000.00	\$	15,000.00	\$	150,000.00
Construction	\$ 440,000.00	\$ 55,000.00	\$	55,000.00	\$	550,000.00
Construction Engineering	\$ 120,000.00	\$ 15,000.00	\$	15,000.00	\$	150,000.00
Total Project Share	\$ 800,000.00	\$100,000.00	\$	100,000.00	\$	1,000,000.00

Mr. Leighton said he was requesting Council's permission for the Town Manager to sign the attached three party agreements which describe the Maine Department of Transportation, Androscoggin Transportation Resource Center, and the Town of Lisbon's responsibilities. The Maine Department of Transportation will invoice the Town for the Preliminary Engineering and Right of Way expenses once the Preliminary Design Report is complete.

VOTE (2016-272) Councilor Lunt, seconded by Councilor Crawford moved to authorize the Town Manager to sign the third party agreements which describe the responsibilities of the Maine Department of Transportation, Androscoggin Transportation Resource Center, and the Town of Lisbon and as a result we will need to raise the required local share (10%) for each project. **Order passed - Vote 6-0.**

HASEY STREET WINTER MAINTENANCE

<u>INTRODUCTION</u>: David Judd, resident of Hasey Street explained that he had researched this street's ownership and found that in a document from Charles William and others in 1847 a petition was filed to alter said road being the old County Road that included the Hasey property. He indicated the street was named after the teacher, Mrs. Hasey who retired in 1920. He said the town has been maintaining this street for years, until 2016. He indicated he did not understand how the town could just stop maintaining it now. The town in 2007 jetted and cleaned the sewer line at the town's expense.

<u>COUNCILOR COMMENTS</u>: Councilor Brunelle reported the town's attorney advised them after conducting a title search that this was not town owned and that it would be a liability to continue maintenance on any street or road not publically owned. He said lots of residents would like the town to maintain private ways, but towns are not permitted to do that. Mr. Leighton said he had been advised that this was not an adopted road and to discontinue maintenance. Mr. Lunt explained that residents can petition the town to accept a street or road, but until the town votes to adopt it, it remains a private way, and there is no evidence the town adopted this road.

<u>INTRODUCTION:</u> Mrs. Steuber explained that the Town of Lisbon is a recipient of a \$200,000 Brownfields Grant given to us by the U.S. Environmental Protection Agency (EPA). The intent of this initiative is to conduct the Brownfields Assessments (Phase I and Phase II) for sites potentially contaminated by hazardous substances. As part of the grant's requirement, the Town needs to contract a qualified environmental professional (QEP) firm for consulting services to implement the grant. The following bids were received and reviewed by the Brownfields Advisory Committee:

	Firm Name	Town/State	Bid
Ī	TRC Environmental Corporation	Scarborough, ME	\$ 159,204
Ī	Weston & Sampson	Portsmouth, NH	\$ 180,000
Ī	CES Inc.	Lewiston, ME	\$ 180,585
ſ	Labella Associates	Rochester, NY	\$ 185,919

Ms. Steuber indicated that although all firms met the qualifications in their proposals, it was the TRC Environmental Corporation that partnered with Wright-Piece that the committee chose based on their above and beyond commitment to the community approach.

Ms. Steuber said the Brownfields Advisory Committee recommends approving TRC Environmental Corporation. She requested Council permission for the Town Manager to enter into a contractual agreement with TRC for the services required in the grant.

VOTE (2016-274) Councilor Brunelle, seconded by Councilor Albert moved to authorize the Town Manager to sign an agreement for consulting services as a Brownfields Qualified Environmental Professional with TRC Environmental Corporation in an amount not to exceed \$159,204. **Order passed - Vote 6-0.**

2017-2018 MUNICIPAL BUDGET SCHEDULE

<u>COUNCILOR COMMENTS</u>: Councilor Albert asked about holding workshops and/or public hearings on Saturdays. Mrs. Barnes said these adjustments could be made later. Councilor Albert indicated he would speak with the Chair for the School Committee to see if that is possible. Mrs. Barnes suggested changing the date for the municipal public hearing from June 20 to Saturday, June 17 for now.

VOTE (2016-275) Councilor Albert, seconded by Councilor Kolbe moved to adopt the following Municipal Budget Schedule with changes as follows:

March 14, 2017 March 21, 2017	School Budget Presentation to Council Municipal Budget Presentation
March 28, 2017	Department Heads (Library, Police, Fire) Workshop
April 11, 2017	Department Heads (Public Works, Solid Waste, Wastewater) Workshop
April 18, 2017	Department Heads (Parks & Rec) plus Approve Warrant
April 25, 2017	Department Heads (Finance, Tax, Clerk, Manager, Codes, Assessor & Economic
	Development) Workshop, plus presentation of Capital Improvement Plan
April 27, 2017	Presentation of Capital Improvement Plan to Planning Board
May 2, 2017	Regular Council Meeting
May 8, 2017	Adopt School Budget
May 9, 2017	Hold School Budget Public Hearing at LCS
May 16, 2017	Adopt School Budget and approve Recommendations on School Budget for ballot
June 13, 2017	School Budget Validation Referendum
June 17, 2017	Hold Municipal Budget Public Hearing
June 20, 2017	Adopt Municipal Budget

Order passed - Vote 6-0.

STREET NAME APPROVAL

<u>INTRODUCTION:</u> Mrs. Barnes indicated the E911 Addressing Officer, Kathy Maloy has a recommendation for Council approval for a street name in a new subdivision. She mentioned our local ordinance on this needs updating

since the new state law went into effect there is no street naming committee now and that an amendment is being prepared for Council review.

<u>COUNCILOR COMMENTS</u>: Councilor Kolbe asked if this ordinance change could be added to the workshop discussion being planned in January. Mrs. Barnes indicated that should be fine since there is no deadline to consider.

VOTE (2016-276) Councilor Kolbe, seconded by Councilor Lunt moved to approve the street name for the road in the new 5-lot subdivision off Mill Street that was approved by the Planning Board on April 9, 2015 that accesses lots 1 to 4 as a private way, which will now be called Fox Knoll Lane. **Order passed - Vote 6-0.**

2017 OUI ENFORCEMENT GRANT

<u>INTRODUCTION</u>: Chief Hagan reported the 2017 Impaired Driving High Visibility Enforcement Grant has been released for the upcoming year and Lisbon is eligible for a maximum of \$2,423.41 to use towards OUI enforcement. This money would allow the department to schedule eight (8) separate four-hour OUI enforcement details. Chief Hagan requested the Council authorize the department to apply for and approve receiving such money if the application is accepted.

VOTE (2016-276A) Councilor Brunelle, seconded by Councilor Albert moved to authorize the Police Chief to apply for the 2017 OUI Enforcement Grant and to receive funds in the amount of \$2,423.41 if the application is accepted. **Order passed - Vote 6-0.**

POLICE DEPARTMENT'S CITIZEN OUTREACH FOR ELDERS PROGRAM

 $(Item\ Added-No\ Objections)$

Chief Hagan explained the Police Department's citizen outreach program for elders. He indicated there are two volunteers now who come in weekly to make calls to the area elders. Lots of elders do not have family or friends to reach out to on a daily or weekly basis. He said the department could use more volunteers; seven (7) would be great, but a few over that would be even better to cover those days when someone can't make it in to do the calls. He mentioned he was planning to restart the program on January 2, 2017. As part of this program, he would also be looking for the names of elders who want to be added to this list.

Councilor Kolbe said to add her to the list of volunteers to come in to make calls. She would be happy to do that. Chief Hagan thanked Councilor Kolbe and said he is eager to restart the program. He asked those interested to contact him.

OTHER BUSINESS

A. TOWN MANAGER'S REPORT

Mrs. Barnes indicated paperwork for the Maine Municipal Bond Bank is underway for the paving project. We have engaged Bond Counsel. She said she met with department heads about capital projects and department are working on their budgets. She reported the Council's audit presentation is scheduled for their January 17 meeting. She indicated they are waiting for one item from the School Department to complete their report.

B. MTM CENTER PLAYGROUND UPDATE

Mr. Stevens explained there is a new movement and renewed interest in upgrading the MTM playground. Positive Change Lisbon and the Recreation Department will be working together to accomplish this goal. He said it will take around \$40,000 to create a better playground for ages 2 through 12. Ross Cunningham from Positive Change Lisbon said his organization is willing to help raise \$20,000 if the town will match it with \$20,000. He asked for a commitment from the town or a letter of intent before sending out letters to area businesses.

Councilor Albert reported the budget season is just getting underway and there is no way to know if the town can commit to it right now. He suggested Mr. Cunningham attend the Parks & Recreation budget presentation on April 18 to see where the Council is at with funding and priority levels. This should allow the Council time to review the

proposal. Mr. Cunningham indicated that time frame is okay and that they should still have time to raise the funds needed. Mr. Stevens said they have \$2,600 in accepted donations set aside in an account already to go towards this.

C. DEPARTMENT HEAD WRITTEN REPORTS - NONE

AUDIENCE PARTICIPATION FOR NEW ITEMS

Chief Hagan reported public complaints were posted on social media over the weekend that referenced personnel matters. He said he wanted the Council to know that he did investigate the complaint and determined the complaint to be unfounded. He indicated that such a call was never made by our department. He reported that call was made by another employee of another town. He said to our credit this individual didn't reply to it. Councilor Ward indicated the administrator did shut it down because it was a personnel matter and that kind of quick action was appreciated.

COUNCILOR COMMUNICATIONS

Councilor Ward reported the municipalities' lawsuit against the county is over, with no appeals, and a minor victory with no repercussions and a ruling for unjust gain for wages; moving forward there may be some charter changes directed by the county budget committee.

Councilor Albert commended the Public Works Crew for doing a heck of a good job over the weekend keeping our main roads cleared and side streets plowed as needed.

EXECUTIVE SESSION – NONE

APPOINTMENTS

2017 COUNCIL COMMITTEE ASSIGNMENTS Moved to a future agenda

CIVIL CONSTABLE APPOINTMENT

VOTE (2016-278) Councilor Kolbe, seconded by Councilor Crawford moved to appoint Paul Carpentier from Ace Security a Civil Constable in Lisbon. **Order passed - Vote 6-0.**

Item taken out of order.

C. MEDICAL MARIJUANA ORDINANCE CHAPTER 70-1 & 70-531

The Chair opened the public hearing. Mr. Fellows, the Planning Board Chair, indicated the Planning Board accepted this ordinance and sent it to the Council for their public hearing process. The Planning Board authorized him to meet with the Council to discuss alternatives and amendments. Since the case was settled in York without an appeal, it appeared that commercial and medical marijuana were considered manufacturing in that case. He indicated it was the Planning Board's intention to regulate larger grow operations only.

Jason Smith said he was a local caregiver and that he had concerns about moving next door to the Library, for example, or the Moxie Store downtown since this operation brings large numbers of individuals to the location, plus presents an odor detectable from outside the location that may offend individuals walking on Main Street or in similar areas. He reported he will be looking to get recreational sales licensing. He said these were some of the obstacles he faced getting into business in Lisbon.

Catherine Lewis, Director of Medical Marijuana Caregivers of Maine, said she was present to answer questions. She pointed out the difference between medical and recreational uses. She offered to help develop an ordinance dealing with recreational and medical marijuana. She said she didn't see any issues in neighborhoods with

caregivers because they deliver to patients. She indicated she had ordinances already put together she could share, too.

Kendra Corsi, MMCM founder and Director for Cannabis for Maine People, explained the proven benefits of medical marijuana, the difference between compounds extracted and uses, how they are harvested, and what's legally allowed. She indicated she was in favor of addressing larger grows and commercial uses. She asked that current caregivers be grandfathered. She reported that once recreational uses are commonplace, caregivers may be a thing of the past.

Jason Smith reported he was asked not to go to Drapeaus or Big Dag's Bait & Tackle. He indicated Lewiston zoned growers for commercial areas, but there is more to it than just zoning it to commercial or residential areas.

Fern Larochelle said the Code's Officer is not being malicious and it is a challenging job, but even small occupations like cake baking requires licensing, inspections, paying personal property taxes, and following regulations. Bigger commercial growers for recreational uses at some point will have to be addressed; that may be a hard decision to make, but necessary to keep commerce going. He suggested using survey monkey to see what the community might want. The Chair closed the public hearing.

ORDINANCE-MEDICAL MARIJUANA- CHAPTERS 70-1 & 70-531

(Second Reading - Roll Call Vote Required)

<u>COUNCILOR COMMENTS</u>: Councilor Brunelle said a few Councilors and the Planning Board met. He indicated he could go along with the Planning Board, but the state will be coming down with new regulations soon since Question #1 passed, which could change the way Lisbon may want to handle this. Although it's great that we looked at it, the conclusion from their meeting was that the Council needs to hear from the public what the public has to say about it. He suggested this ordinance be killed today, because it is going to change. There may be very few caregivers for medical uses in the future as recreational operations emerge. He recommended Lisbon wait to see what the state does with recreational first. He thanked everyone for coming out tonight.

Councilor Albert asked Catherine Lewis to explain the difference between the different growers. Ms. Lewis explained the differences and indicated she understood the need for regulating giant commercial businesses, but not for home growers.

Councilor Lunt thanked the Planning Board for the diligent effort they put into it. He said he hoped that they would look into the recreational part of it, too. He suggested we treat these more like businesses. Mr. Fellows said that was the intention way back when, not to restrict personal caregivers, but to deal with larger operations that operate in the same facility. He said he was concerned that recreational growers will have to be managed somehow, but first we need to figure out as a town what we want to do. He mentioned it might be a good idea to use survey monkey to see what the public wants to do.

VOTE (2016-270) Councilor Kolbe, seconded by Councilor Crawford moved to reject the ordinance [NOT adopt] the ordinance as presented.

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Crafts, Ward, Kolbe, and Brunelle. Nays - None. Order passed - Vote 6-0 to NOT adopt.

ADJOURNMENT

VOTE (2016-279) Councilor Kolbe, seconded by Councilor Crawford moved to adjourn at 8:40 PM. Order passed - Vote 6-0.