



TOWN COUNCIL MEETING MINUTES JANUARY 6, 2015

Dale Crafts, At Large 2017
Gregg Garrison, At Large 2015
Mark Lunt, District 1 2015
Dillon Pesce, District 2 2015
Christopher Brunelle, At Large 2016
Eric Metivier, District 1 2016
Roger Bickford, District 2, 2016

CALL TO ORDER & PLEDGE TO THE FLAG. The Chairman, Dillon Pesce, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Lunt, Bickford, Crafts, Pesce, Garrison, Brunelle, and Metivier. Also present were Diane Barnes, Town Manager; David Brooks, Police Chief; Ryan Leighton, Public Works Director; Diane Nadeau, Librarian; Tracey Steuber, Economic Development Director; William Bauer, Water Commissioner; Fern Larochelle, Finance Committee Chairman; Miriam Morgan Alexander, Finance Committee Member/Appeals Board Chairman; Karen Paradis, Planning Board Chairman; Donald Fellows, Planning Board Member; and approximately five citizens in the audience.

GOOD NEWS & RECOGNITION

Councilor Pesce mentioned that he attended the Lisbon High School Gymnasium groundbreaking ceremony, which went nicely and noted that there were about 10 non-residents present as well.

PUBLIC HEARING

A. AMENDMENTS TO CHAPTER 70 ZONING DIVISION 13 SECTION 70-531 NON DOMESTIC ANIMALS & DIVISION 14 SECTION 70-564 DIMENSIONAL REQUIREMENTS

The Chairman opened the public hearing for the amendment to Chapter 70 Zoning Division 13 Section 70-531 Non Domestic Animals. He said the public hearing for the second amendment will be postponed. That section of the ordinance will be going back to the Planning Board for further review. There were no other comments. The Chairman closed the public hearing.

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

CONSENT AGENDA

VOTE (2015-1) Councilor Bickford, seconded by Councilor Lunt moved to approve the minutes of December 16, 2014. **Order passed - Vote 7-0.**

COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

ORDINANCE – AMEND CHAPTER 70 ZONING DIVISION 13 SECTION 70-531 NON DOMESTIC ANIMALS

(Second Reading - Roll Call Vote Required)

VOTE (2015-2) Councilor Bickford, seconded by Councilor Lunt moved to adopt the amendments to Chapter 70 Zoning Division 13 Section 70-531 Non Domestic Animals as presented (see attached).

Roll Call Vote: Yeas - Garrison, Lunt, Metivier, Bickford, Ward, Pesce, and Brunelle. Nays - None.
Order passed - Vote 7-0.

AMEND CHAPTER 70 ZONING DIVISION 14
SECTION 70-564 DIMENSIONAL REQUIREMENTS
(First Reading- Roll Call Vote Required)

Item will be placed on a future agenda. It was not ready for Council approval.

AUDIO BOOK LEASE PROGRAM

VOTE (2015-4) Councilor Bickford, seconded by Councilor Metivier moved to authorize the Town Manager to sign the one-year lease agreement with TEI Landmark Audio Company for 84 new audio titles for the Lisbon Library Department in the amount of \$2,562. **Order passed – Vote 6-1. (Opposed: Crafts)**

ANIMAL CONTROL SERVICE AGREEMENT - SABATTUS

VOTE (2015-5) Councilor Bickford, seconded by Councilor Garrison moved to authorize the renewal of the Animal Control Contract with Sabattus with the allocated cost of \$20,563.82 for services in the first year of the contract and ensuing fiscal years allocations shall be developed by Lisbon as part of the budget process and to authorize the Town Manager to sign the service agreement.

Mrs. Barnes pointed out that Durham's contract is for one year while the rest are three-year contracts. She said if they do not renew the following year it could have an impact on the other two contracts. Councilor Pesce recommended reviewing these contracts in April, which would be in time to exercise the town's right to revoke the contracts should that happen so they can be adjusted accordingly.

Order passed – Vote 7-0.

ANIMAL CONTROL SERVICE AGREEMENT - BOWDOIN

VOTE (2015-6) Councilor Bickford, seconded by Councilor Garrison moved to authorize the renewal of the Animal Control Contract with Bowdoin with the allocated cost of \$7,627.73 for services in the first year of the contract and ensuing fiscal years allocations shall be developed by Lisbon as part of the budget process and to authorize the Town Manager to sign the service agreement. **Order passed – Vote 7-0.**

ANIMAL CONTROL SERVICE AGREEMENT - DURHAM

VOTE (2015-7) Councilor Bickford, seconded by Councilor Metivier moved to authorize the renewal of the Animal Control Contract with Durham with the allocated cost of \$8,433.00 for services in the first year of the contract and ensuing fiscal years allocations shall be developed by Lisbon as part of the budget process and to authorize the Town Manager to sign the service agreement. **Order passed – Vote 7-0.**

SALT PURCHASE

Mrs. Barnes recommended the council ratify what happened early on in the summer. She said we joined in with the other communities around us who negotiated a rate with Eastern Salt who was the low bidder for the 2013-2014 season. Although the rate for the 2014-2015 season is 10% higher, Eastern has agreed to hold these prices for the entire 2014-2015 season, without imposing an increase to towns purchasing less than 75% or more than 125% of the estimated order.

VOTE (2015-8) Councilor Bickford, seconded by Councilor Lunt moved to ratify the decision authorizing the Public Works Director permission to purchase salt from Eastern Salt at the price of \$55.85 per ton as needed to treat public roadways.

Councilor Pesce pointed out that although the salt comes in over \$10,000, Council would not want to run into a situation where the town was out of salt and offered the following amendment.

VOTE (2015-8) Councilor Pesce, seconded by Councilor Lunt moved Amendment #1 to authorize the Town Manager to make this purchase after consulting with the Town Engineer/Public Works Director. **Amendment #1 voted and passed - Vote 7-0. Main Motion as amended voted and passed – Vote 7-0.**

REVISED MDOT AGREEMENT FOR ROUTE 196 PROJECT

VOTE (2015-9) Councilor Lunt, seconded by Councilor Garrison moved to authorize the Town Manager to sign the amended MDOT agreement.

Mr. Leighton mentioned that in 2011 when we looked at the turning arrow, MDOT indicated that it did not meet their requirements for replacing it at that time; however, today when MDOT paves a section it needs to meet ADA requirements making it necessary to upgrade to turning arrows when they repave this intersection during the Route 196 paving project. He pointed out that both projects need to be funded in the upcoming budget process. He indicated that the video detection equipment will be easier to maintain and is a little better set up. Councilor Lunt said Lisbon really needs to make this improvement and that this will be money well spent.

Order passed – Vote 7-0.

TAX ACQUIRED PROPERTY

Mrs. Barnes pointed out that Lisbon had foreclosed on around 48 properties, some of which date back several years. She requested permission to send 30-day redemption notices and to issue quitclaim deeds for those who pay everything in full.

VOTE (2015-10) Councilor Bickford, seconded by Councilor Metivier moved to authorize the Town Manager to send out a 30-day notice of redemption to the tax acquired real estate and sewer property owners of record allowing them 30-days to pay all real estate, sewer, water taxes and fees owed on the property in full by the end of the 30 day period of redemption and to accept the funds and issue a quit claim deed when payment in full is received.

Councilor Metivier asked if any of these properties were vacant. Mrs. Barnes indicated that she would check on that and insurance as well.

Councilor Pesce thanked the Town Manager and her staff for all their hard work on this. He said this has been a nightmare to straighten out. It's sad to hear the town could potentially take these properties.

Order passed – Vote 7-0.

POLICE CRUISER SALE

VOTE (2015-11) Councilor Bickford, seconded by Councilor Metivier moved to confirm the sale of the 2008 Ford Crown Victoria in the amount of \$4,000 to Brandon Sholan. **Order passed – Vote 7-0.**

FORFEITURE DISBURSEMENTS

VOTE (2015-12) Councilor Bickford, seconded by Councilor Metivier moved to accept two forfeiture disbursements from the U.S. Marshals Service by electronic deposits totaling \$665.86. **Order passed – Vote 7-0.**

ATLANTIC SALMON FEDERATION LETTER OF SUPPORT

John Burrows from the Atlantic Salmon Federation and Director of New England Programs based in Brunswick asked for the Council's support to seek private grants to provide the remaining funds for fixing the dam on Mill Street. He said they have been working with two engineering firms.

Mr. Burrows mentioned that the feasibility study for the dam on Webster Road will be available on Monday for the Town Manager and Council to review.

Mr. Burroughs indicated that letters of support would be obtained from Miller Industries and the Water Department. He said there was no opposition there.

Councilor Pesce indicated the sample letter appears to say that the Council supports taking over ownership of the land. He said the Council to his knowledge has not had such a conversation. He indicated he would be reluctant to assume ownership of this land if it were still contaminated. He talked about making sure this letter of support did not portray an agreement that the town would take it when it's cleaned up.

Mr. Burrows said most grants require some kind of community benefit and that this site would be Maine Department of Environmental Protection site certified as clean when completed. He said he understood the town's position. He encouraged the Council to make changes to this sample letter.

Mr. Bauer indicated the water main crosses the stream by Mill Street and can be seen when the water is low. He said the real danger is that when the water is too low the water main is exposed so a log or fallen tree coming down the river could hit and break that water main. He reported Dirigo Engineering estimated this could cost as much as \$101,000 to install 300 feet of 12" replacement pipe. He said they were in favor of doing this, but that they did not have any funds set aside to do this right now because they are working on several other infrastructure projects. He said they could use all the help they can get to fund it.

Steve Warren urged the Council to support this. He indicated this group could provide the resources we need to solve our problems.

VOTE (2015-13) Councilor Bickford, seconded by Councilor Lunt moved to draft a letter supporting the search for grant funding to repair the dam at the Mill Street area. **Order passed – Vote 7-0.**

MAINE BUREAU OF HIGHWAY SAFETY 2015 EQUIPMENT GRANT

VOTE (2015-13A) Councilor Bickford, seconded by Councilor Lunt moved to accept the Maine Bureau of Highway Safety 2015 Grant funds in an amount up to \$7,500 and use forfeiture funds not to exceed \$2,500 for the Town's 25% grant match.

Chief Brooks said he received notice yesterday that the Maine Bureau of Highway Safety (MeBHS) has a reimbursement program available for police traffic enforcement equipment. It's been our goal to put these cameras in each unit. He indicated that this grant requires only a 25% town match so we are submitting an application for two (2) video units totaling \$9,398. Forfeiture funds would be used for this purchase along with the MeBHS reimbursement grant funds.

Order passed – Vote 7-0.

OTHER BUSINESS

A. DOWNTOWN TIF DISCUSSION

Mrs. Barnes said she received estimates for legal fees, which could be between \$3,000 and \$10,000 to do this type of Tax Increment Financing (TIF) work. If the Council approves, the town could move forward with a conditional TIF to capture the original 2013 assessed value of the proposed TIF District.

Ms. Steuber said this would be our way of getting our foot in the door so we can shelter the 2013 value, hold any required public hearing(s), and submit our two-page development plan and map. This would give us the flexibility to market the bigger projects, like the mill, to potential developers who then might be more willing to come into our community.

Councilor Lunt asked if this covers Lisbon Falls and Lisbon Village. Ms. Steuber replied yes. Councilor Lunt said this is a very important tool. He explained that we need to do this so that we can reinvest those funds in our downtown areas where we want to see development.

VOTE (2015-13B) Councilor Bickford, seconded by Councilor Lunt moved to go forward with the Conditional TIF submission. **Order passed – Vote 7-0.**

B. TOWN MANAGER’S REPORT

Mrs. Barnes reported that the town switched from Unitil to Sprague for its natural gas. She indicated last year we paid \$1.29 and this year we will pay \$1.0764 per therm. She reported a one-year contract with Sprague had been completed.

Mrs. Barnes announced Jessica Maloy has accepted the Finance Director position in Freeport and will be leaving us shortly. She thanked Mrs. Maloy for her dedicated service to the Town of Lisbon and wished her well in her new endeavor. The Council thanked her as well.

AUDIENCE PARTICIPATION & RESPONSE FOR NEW ITEMS - NONE

APPOINTMENTS

VOTE (2015-14) Councilor Bickford, seconded by Councilor Lunt moved to appoint Twila Lycette Lisbon’s Registrar of Voters. **Order passed – Vote 7-0.**

COUNCIL COMMUNICATIONS

Councilor Lunt reminded residents to stay safe and wear hats and gloves outside during this cold spell.

Councilor Pesce asked if the Council is willing to meet on Saturday, January 17th or 24th to do department tours. The Council unanimously agreed to meet on January 17th and to schedule the 24th for a backup date in case there is bad weather.

Councilor Pesce asked if the Council would like to meet on January 13 in workshop session to discuss the following:

- 1) Moxie Committee (Council’s expectations and to find out what support is needed)
- 2) Town-owned land (Discuss what to keep or sell)
- 3) Card Swipe Program for Fuel (Discuss how to secure fuel reserves)
- 4) Addition to Public Works Garage

Council Pesce pointed out that the Town Manager will be presenting the town’s budget in February this year. He indicated that Eaton & Peabody provided a summary that recommended the town hire a firm who specializes in personnel studies to perform a personnel study for the Police Department. Eaton and Peabody indicated that a personnel study is not necessary for the other Town Departments based on the information they received to date. Mrs. Barnes said the one quote Eaton & Peabody obtained to do this was between \$7,000 and \$10,000. Councilor Lunt indicated he would like the town to obtain more quotes.

Mrs. Barnes indicated our personnel policy does not address state retirement issues for personnel who may want to resign but stay employed at the town while drawing state retirement. Seeing no objection, Councilor Pesce asked that language be drafted and placed on the next agenda.

EXECUTIVE SESSION

VOTE (2015-14) Councilor Bickford, seconded by Councilor Metivier moved to go into Executive Session at 8:05 PM per 1 MRSA Section 405 (6) (E) consultations with legal counsel on legal issues. **Order passed - Vote 7-0.**

Councilor Pesce announced that Council would be taking action when they returned. The Council dismissed the Council Secretary. Councilor Metivier, seconded by Councilor Garrison moved to come out of executive session at 9:40 PM. **Order passed - Vote 7-0.**

VOTE (2015-14A) Councilor Bickford, seconded by Councilor Garrison, moved the following:

- 1) To re-finance loan #1177 and extend loan for 15 years at a rate of 5% with no modification to the collateral.
- 2) To authorize Allonge and Modification Agreement for loan #4466 and extend loan for 15 years at a rate of 5% with no modification to the collateral, and that
- 3) Both loan modifications are contingent on receiving the past 2 years of tax returns.

Order passed - Vote 7-0.

VOTE (2015-14B) Councilor Bickford, seconded by Councilor Garrison moved to authorize legal counsel to pursue legal action against loan #4467. **Order passed - Vote 7-0.**

ADJOURNMENT

VOTE (2015-15) Councilor Metivier, seconded by Councilor Bickford moved to adjourn at 9:45 PM. **Order passed – Vote 7-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved January 20, 2015