



**TOWN COUNCIL
MEETING MINUTES
SEPTEMBER 18, 2018**

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
Fern Larochele, At Large 2020

CALL TO ORDER. The Chairman, Councilor Ward, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Ward, Albert, Kolbe, Brunelle, Lunt, Crawford, and Larochele. Also present were Diane Barnes, Town Manager; Dennis Douglass, CEO; Tom Martin, Public Works Director; Tracey Steuber, Economic Development Director; Nate LeClair, Fire Chief; Karen Paradis, Planning Board Chairman; Michael E. Carry, Esquire, Attorney from Brann & Isaacson;

There were approximately 10 citizens in the audience.

GOOD NEWS & RECOGNITION

PROCLAMATION – CHILDHOOD CANCER AWARENESS MONTH

VOTE (2018-192) Councilor Kolbe, seconded by Councilor Larochele moved to adopt the Childhood Cancer Awareness Proclamation as follows:

The Town of Lisbon supports Going Gold in the month of September in support of Childhood Cancer Awareness.

WHEREAS, Cancer is the leading cause of death by disease among U.S. Children and is detected in more than 15,000 of our country's sons and daughters every year; and

WHEREAS, in the State of Maine cancer affects more than 50 new children and families annually, where more than 400 children are undergoing treatment currently and where we are ranked in the top range of incidence of all cancers at 468.3 per 100,000 people; and

WHEREAS, September is nationally recognized as Childhood Cancer Awareness Month; and

WHEREAS, thanks to all the advances in research and treatment, the five year survival rate for all childhood cancers has climbed from less than 50 percent to 80 percent over the last several decades; and

WHEREAS, innovative studies are leading to real breakthroughs reminding us of the importance of supporting scientific discovery and moving closer to finding cures, though much work remains to be done; and

WHEREAS, 1 in 5 children diagnosed will not survive.

NOW THEREFORE, we the Town Council of Lisbon have declared our support for all of the children and families affected by Childhood Cancer. In doing so, we do recognize September as **Maine Childhood Cancer Awareness Month**. This is our way of paying tribute to the families, friends, professionals and communities who lend their strength to children fighting pediatric cancer.

Order passed - Vote 7-0.

PUBLIC HEARING

A. DANGEROUS BUILDING - 430 RIDGE ROAD OLD TAVERN

WITH SABATTUS SELECTMEN

Councilor Ward welcomed the Sabattus Selectmen to Lisbon's joint meeting. Selectmen Duquette opened the Sabattus Board of Selectmen's meeting. He mentioned that they have had the same interest from members of the public about the agenda item regarding the Order for the dangerous building hearing regarding 430 Ridge Road in Lisbon /921 Middle Road in Sabattus that Lisbon has had. Because of the interest, he said, he would like to provide an opportunity for public comment and take the Public Comment portion of their agenda out of order. Councilor Ward called for anyone who would like to speak to come forward now.

David Offinger said he was a contractor and that he works with old paintings. He said he works with a non-profit group that protects all historical paintings. He encouraged the paintings to be saved if possible prior to the demolition process. He said there was a serious interest in purchasing or working with people to preserve these paintings.

Ron Wills of 120 Lisbon Road reported that in Francis Plummer's book "*Lisbon, The History of a Small Maine Town*" he writes that this was the house used to hold Lisbon's first town meeting. He said it would be somewhat foolhardy to lose that kind of history. He said back then this house would have been built with hand hued beams and timbers and should be quite sturdy. He said all the sides are perfectly straight on that building, but it does need a whole new roof. He said that building could be saved; this would be a big mistake for the town to demolish it.

Councilor Ward opened the public hearing for the Dangerous Building at 430 Ridge Road in Lisbon, Maine also known as 921 Middle Road in Sabattus, Maine, (which will be referred to as the "Structure"). He said the hearing is to determine whether the Structure is a nuisance or dangerous building within the meaning of the applicable Maine statute found in 17 M.R.S. Section 2851 and succeeding statutes. If the Lisbon Town Council determines that the Structure is a nuisance or dangerous building, they will then determine what actions the property owner must take.

Councilor Ward said before they proceed, he would share the standard that both bodies will use to determine whether the Structure is a nuisance or dangerous building. Under 17 M.R.S. Section 2851, a structure, or any part thereof, is a nuisance or a dangerous building if it is "structurally unsafe, unstable, unsanitary, constitutes a fire hazard, is unsuitable or improper for the use or occupancy of which it is put, constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property."

Councilor Ward said before they start, he asked a question of all Lisbon Town Councilor members. The property on which the Structure is located is owned by Pamela A. McGuire and the heirs of Robert A. McGuire. He said does any Lisbon Town Council member know the property owner, or have knowledge about this matter, and believe you could not fairly and impartially hear the facts and decide the matter based on the evidence presented at this hearing? No Councilors responded.

Selectmen Duquette said both bodies will jointly take evidence regarding the Structure, and then each body will separately deliberate to determine whether the Structure is a nuisance or dangerous building and, if so, what action should be taken. Now, the procedures that the Lisbon Town Council and the Sabattus Board of Selectmen members will follow in conducting this hearing are as follows:

Councilor Ward said I accept the Code Enforcement Officer's previously provided, Exhibits A-M into evidence.

- 1) The presentation of evidence regarding the Structure will occur in the following order:
 - a. Dennis Douglass, who is the Code Enforcement Officer for the Town of Lisbon and the Town of Sabattus, will present an opening statement and relevant evidence regarding why he believes that the Structure is a nuisance or dangerous building, and what remedy the Lisbon Town Council and the Sabattus Board of Selectmen shall order.
 - b. Councilor Ward said seeing no opposing parties, the Lisbon Town Council Members and Sabattus Board Members can then ask questions of the Code Enforcement Officer, an opposing party, or a witness. This is not the time for members to deliberate amongst themselves.
 - c. Each side can then make closing remarks of not more than two minutes each.

- 2) Only parties to these hearings will be allowed to participate. Comments from the public will not be taken at this hearing.
- 3) After all information has been presented, the record will be closed. The Town of Sabattus Selectmen and staff will take seats among members of the public.
- 4) The Lisbon Town Council will deliberate and take a vote on whether the Structure is a nuisance or dangerous building. If the Lisbon Town Council determines that the Structure is a nuisance or dangerous building, it shall deliberate and take a vote on the appropriate order to be made to remedy the situation. The Town of Lisbon Councilors and staff will take seats among members of the public.

Selectman Duquette said the Town of Sabattus Selectmen and staff will return from the audience to deliberate and take a vote on whether the Structure is a nuisance or dangerous building. If the Sabattus Board of Selectmen determines that the Structure is a nuisance or dangerous building, it shall deliberate and take a vote on the appropriate order to be made to remedy the situation. This is an administrative hearing and not a court proceeding or trial. Therefore, the formal rules of evidence will not apply. He said the Chairman of the Lisbon Town Council and I will determine the appropriateness and admissibility of evidence, on the advice of the Towns' Attorney.

Selectman Duquette asked Dennis Douglass, the Town of Lisbon and the Town of Sabattus Code Enforcement Officer, to present the Lisbon Town Council and the Sabattus Board of Selectmen with information relevant to this matter before it.

I. Introduction

Dennis Douglass introduced himself and said he worked for the Towns of Lisbon and Sabattus as the Code Enforcement Officer. He said his certifications are included in your packets as Exhibit M, and are in brief:

- Maine Dept. of Economic and Community Development Certification #989 - To perform duties as Code Enforcement officer in the areas of Land Use, Building Codes, Energy Codes, Shoreland Zoning, Ventilation Codes and Radon Codes.
- Maine Dept. of Economic and Community Development Certification #1170 - To perform duties as the Local Plumbing Inspector.
- Maine Dept. of Health and Human Services Local Health Officer Certification, pursuant to Title 22, Chapter 153, §451(2).

II. Property owner and parties in interest

Mr. Douglass said the property at question tonight is a single-family dwelling addressed as 430 Ridge Road, Lisbon and 921 Middle Road, Sabattus. It was deeded to Robert A. McGuire and Pamela A. McGuire on April 30, 2001, and a copy of the deed is in your packet as Exhibit A. Also in Exhibit A is a copy of Lisbon Tax Map R-09 Lot 14, and Sabattus Tax Map 2 Lot 26. Robert A. McGuire died on November 2, 2014 and a copy of a portion of the Town of Lisbon Annual Report celebrating his life is included in your packets as Exhibit B. The Bank of New York Mellon FKA The Bank of New York as Trustee for the Benefit of the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2004-2 holds a mortgage on the Property. The following entities have filed a lien on the Property: Sherman Acquisition II, LP and State of Maine, Maine Revenue Services.

Mr. Douglass said notices of this dangerous building hearing were recorded in the Androscoggin County Registry of Deeds, on July 9, 2018, in Book 9880 and Page 51 and Book 9905 and, on August 9, 2018, in Page 301, copies of which are included in your packets as Exhibit C. On July 31, 2018, Pamela A. McGuire was served with notices of hearing, both individually and as a representative of the heirs of Robert A. McGuire, and those returns of service are in your packets as Exhibit D and Exhibit E. On July 24, 2018, The Bank of New York Mellon FKA The Bank of New York as Trustee for the Benefit of the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2004-2 was served with notices of hearing, and those returns are in your packets as Exhibit F. On September 12, 2018, Sherman Acquisition II, LP was served with notices of hearing at the address on file at the Delaware Department of State, and those returns of service are in your packets as Exhibit G. On September 6, 2018, State of Maine, Maine Revenue Services was served with notices of hearing, and those returns of service are in your packets as Exhibit H.

III. Location Of The Building

Mr. Douglass pointed out that no survey has determined the exact location of the building in relation to the boundaries of the two towns. According to the State of Maine GIS system, the Dangerous Building is located in both towns and the detached barn is located entirely in Lisbon. An image from the Maine GIS system is included in your packets as Exhibit I. He said according to the Maine GIS system, the town line runs through the formal front door, or very near it. He said he accessed the Structure through the primary door, located across from the detached garage, on the south end of the house. He said he entered the house, through that door, into the kitchen. The living room is on that same side of the house, furthest away from King Rd. A bedroom is on the other end of the house, nearest the corner of King Rd and Rt. 9.

He indicated the Historical Lisbon tax cards show the Dangerous Building to be located in Sabattus but, according to the Lisbon assessor, the recent revaluation picked-up some portion of the building. A copy of the most recent Lisbon tax card is in your packet as Exhibit K. Sabattus assesses \$139,500 for the value of the building, and the tax card notes that "Owner's land is in both Sabattus and Lisbon. Some buildings are in Lisbon." A copy of the most recent Sabattus tax card is in your packet as Exhibit J.

IV. Dangerous Building

Mr. Douglass said present conditions of the Structure are portrayed in the slide show, which is included in your packets as Exhibit L, and which he read through.

Mr. Douglass reported the following Conclusion: The Structure is a dangerous building for the following reasons:

- The Structure's fascia board and soffits are missing, deteriorated, or hanging from the front of the Structure and on the back of the Structure's main portion.
- Many or most of the rafters are deteriorated, caving in or collapsed in the main portion of the Structure.
- A large portion of the roof is missing on the back of the main portion of the Structure.
- The Structure's roof and rafter system is substantially deteriorated, caving in and collapsing, exposing the elements, introducing moisture, and contributing to rot, mold, escalated deterioration and other structural issues.
- The exterior of the Structure is not maintained; and,
- The Structure is in danger of collapsing, making it unsafe to enter, constituting a hazard to health and safety.

Mr. Douglass said as such, "I ask that you adopt the proposed findings of fact and conclusions of law and order that the Structure be demolished."

Attorney Carey said we have not heard from the Mortgage Holder, however, there is one company that came forward that holds a credit card lien on the property and the registered agent has contacted them to say that they are no longer their registered agent but their address still appears in the Delaware Secretary of State's website. He said that was the only one.

Mr. Douglass said he has received many calls about this building. One capable contractor was interested in rehabbing the building. He said this would be quite a long process before the town would ever take over this property. He mentioned Daniel Buck was interested in the murals; however, he reported he had no luck.

Councilor Ward said seeing no more discussion to be entered into the record that he would entertain a motion to close the record.

VOTE (2018-194B) Councilor Brunelle, seconded by Councilor Crawford move that the Lisbon Town Council close the record in the dangerous building hearing regarding 430 Ridge Road in Lisbon. **Order passed – Vote 7-0.**

VOTE (2018-194D) Councilor Brunelle, seconded by Councilor Crawford moved to table this item to let the Sabattus Selectmen deliberate first since they own the largest piece of this Structure. **Order passed - Vote 7-0.**

Councilor Ward reopened the Town of Lisbon Dangerous Building hearing to take a vote on the matter regarding 430 Ridge Road in Lisbon. He said the Town Council will deliberate and may take a vote on whether the Structure is a nuisance or a dangerous building.

Councilor Larochelle said he did not think there was any question about whether it is a dangerous building; this is only one of many buildings in Lisbon that Council is considering for due process. The Council needs to take care of buildings that could cause harm to others in town. The burden of proof is way beyond establishing that it is a danger to other. He recommended the Council move forward to declare it a dangerous building and adopt the findings of fact, conclusions, and order as included in the packet. He said there is still the opportunity for this thing to change its course. He said he would like to see this process move forward with an end to it at some point in time in hopes that someone will come forward to make the necessary repairs as time goes on. This is a dangerous building and the CEO has invested some time in this to tell them it is a dangerous building. This building holds a lot of history and it would be nice to see it rehabbed, but since it is a dangerous building the Council has a responsibility to move forward and remedy this situation.

Councilor Albert asked if Lisbon can order the demolition if Sabattus does not. Attorney Carey said if you find part of this building is in your town then you can vote to order the demolition, but the more important question is how do you get your cost back. He said you could file a civil action against the owners and if you win that you would get a writ of execution to put on the property but only one town can file a real estate tax lien. He said if you find that the Town of Sabattus is the town that can file the real estate tax lien but they do not issue an order there is no authority for the Town of Sabattus to issue a real estate tax lien to recover the cost, so it is a two-step process.

Councilor Albert asked if at the end of the 30-days the town does not act on it is there any liability to the town. Attorney Carey said the town does not own that liability. Mr. Douglas said if the town does not take action after the 30-days and proper permitting goes into place and the building repaired, then the building could be removed from a dangerous status. He said this is what he would prefer to see.

Councilor Kolbe said neither town is financially responsible for refurbishing this property because neither town owns this property.

Councilor Lunt said he hopes the town is interested in working with interested parties and if this comes to demolition, that we try to recover the murals in there. Perhaps scans to preserve it if they cannot be removed.

VOTE (2018-194H) Councilor Larochelle, seconded by Councilor Brunelle moved to adopt the Findings of Fact, Conclusions of Law, and Order for Demolition of 430 Ridge Road as proposed.

**TOWN OF LISBON TOWN COUNCIL
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER OF DEMOLITION**

430 RIDGE ROAD, LISBON

On September 18, 2018 at 7:00 pm, the Lisbon Town Council held a hearing at 300 Lisbon Street, Lisbon, Maine to determine whether the single-family structure (the "Structure") located on the real estate at 430 Ridge Road, Lisbon, Maine identified as Lot 14 on Tax Map R09 of the Town of Lisbon Tax Maps, and further described in a Deed recorded in the Androscoggin County Registry of Deeds at Book 4645, Page 1, is dangerous or a nuisance pursuant to 17 M.R.S. Section 2851. The location of the Structure is also known as 921 Middle Road, Sabattus, Maine, and the real estate is also identified as Lot 26 on Tax Map 2 of the Town of Sabattus Tax Maps. Based on the information presented at the hearing, the Town Council makes the following findings of fact and conclusions of law, and orders that the Structure be demolished.

Findings of Fact

Present at the hearing on this matter for the Town of Lisbon was Dennis Douglass, Town of Lisbon Code Enforcement Officer. The following individual(s) appeared on behalf of the owners and/or parties in interest: None.

After considering the testimony and evidence presented, the Town Council makes the following findings of fact:

1. Pamela A. McGuire and Robert A. McGuire purchased the Property (the "Owners"). Code Enforcement Department Exhibit A.
2. On November 2, 2014, Robert A. McGuire Died. Code Enforcement Department Exhibit B.
3. On August 9, 2018, a copy of the notice of the dangerous building hearing held pursuant to 17 M.R.S. Section 2851 (the "Notice") was recorded in the Androscoggin County Registry of Deeds at Book 9905, Page 301. Code Enforcement Department Exhibit C.
4. On July 31, 2018, Pamela A. McGuire was served with a copy of the Notice. Code Enforcement Department Exhibit D.
5. On July 31, 2018, Pamela A. McGuire, and heirs of Robert A. McGuire was served with a copy of the Notice. Code Enforcement Department Exhibit E.
6. The Bank of New York Mellon FKA The Bank of New York as Trustee for the Benefit of the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2004-2 ("The Bank of NY Mellon") holds a mortgage on the Property.
7. On July 24, 2018, The Bank of NY Mellon was served with a copy of the Notice. Code Enforcement Department Exhibit F.
8. Sherman Acquisition II, LP ("Sherman") holds a lien on the Property.
9. On September 12, 2018, Sherman was served with a copy of the Notice. Code Enforcement Department Exhibit G.
10. State of Maine, Maine Revenue Services ("Maine Revenue") holds a lien on the Property.
11. On September 6, 2018, Maine Revenue was served with a copy of the Notice. Code Enforcement Department Exhibit H.
12. No survey has determined the exact location of the Structure in relation to the two towns' boundaries.
13. According to the State of Maine GIS system, the Dangerous Building is located in both towns and the town line runs through, or very near, the formal front door. Code Enforcement Department Exhibit I.
14. The primary door is across from the detached garage, located on the south end of the house, and one enters the house, through that door, into the kitchen. The living room is on that side of the house, furthest away from the house. A bedroom is on the other end of the house, nearest the corner of King Rd and Rt. 9.
15. Sabattus assesses a portion of the land on which the Structure is located, has assessed \$139,500 for the value of the building since at least 2007, and the tax card notes that "owner's land is in both Sabattus and Lisbon. Some buildings are in Lisbon." Code Enforcement Department Exhibit J.
16. Neither Pamela A. McGuire nor Robert A. McGuire ever contested the assessment of the Structure by the Town of Sabattus.
17. For the lot recorded in the Androscoggin County Registry of Deeds at Book 4645, Page 1, Lisbon assesses a portion of the land and, after the reassessment completed in 2016, assessed a portion of the Structure. Code Enforcement Department Exhibit K.
18. The Structure is located in both towns.
19. The most necessary and indispensable part of the Structure is in Sabattus because it has taxed the Owners for the value of the building for a long period without contest by them, and the first floor bedroom is located in Sabattus.
20. The Structure's fascia board and soffits are missing, deteriorated, or hanging from the front of the Structure and from the back of the Structure's main portion.
21. Many or most of the rafters are deteriorated, caving in or collapsed in the main portion of the Structure.
22. A large portion of the roof is missing on the back of the main portion of the Structure.
23. The Structure's roof and rafter system is substantially deteriorated, caving in and collapsing, exposing the interior of the Structure to the elements, introducing moisture, and contributing to rot, mold, escalated deterioration and other structural issues.
24. The exterior of the Structure is not maintained.
25. The Structure is in danger of collapsing and unsafe to enter.

Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. Section 2851, the Lisbon Town Council reaches the following conclusions of law:

26. The Structure is structurally unsafe.
27. The Structure is unstable.
28. The Structure is unsuitable or improper for the use or occupancy to which it is put.
29. The Structure constitutes a hazard to health and safety because of inadequate maintenance, dilapidation and obsolescence.

30. The Structure is dangerous to life and property.
31. The Structure poses a serious threat to the public health and safety.

Any of the conclusions in paragraphs 26-30 would be sufficient to support a finding that the Structure is a nuisance or dangerous building, and the Town Council hereby concludes that the single-family structure at 430 Ridge Road, Lisbon is a nuisance and dangerous building within the meaning of 17 M.R.S. Section 2851. The conclusion in paragraph 30 supports a finding that the Structure must be secured pursuant to 17 M.R.S. Section 2856.

Order

Having found that the Structure at 430 Ridge Road, Lisbon is a nuisance and dangerous building within the meaning of 17 M.R.S. Section 2851, and that the Structure must be secured pursuant to 17 M.R.S. Section 2856, the Town of Lisbon Town Council hereby ORDERS:

32. That the Owner and/or its successors and/or assigns shall immediately secure the Structure from entry.
33. That the Owner and/or its successors and/or assigns shall keep the Structure secure.
34. That within thirty (30) days of service of this Order, the Owners and/or its successors and assigns shall demolish the Structure, remove all debris, and stabilize the site.
35. That if the Owners and/or its successors and assigns fail to comply with this Order in the periods set forth herein, the Town of Lisbon shall have the authority to carry out this Order.
36. That within thirty (30) days after demand by the Town, the Owners and/or its successors and assigns shall reimburse the Town for all expenses incurred related to or in connection with this proceeding, if applicable, including, but not limited to, expenses for securing and/or demolishing the Structure, service and other costs incurred, and attorneys' fees.
37. That if the Owners and/or successors and assigns fails to timely reimburse the Town for the expenses provided for above, as provided for in 17 M.R.S. Section 2853, the Town may recover its costs by means of a civil action for collection.

This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.

Order passed - Vote 7-0.

Seeing no objections, the Chairman for the Town of Lisbon called for a 5-minute recess at 7:05 PM. There were no objections.

Councilor Ward resumed the Lisbon Town Council Meeting at 7:10 PM.

COST SHARING AGREEMENT

VOTE (2018-193) Councilor Ward, seconded by Councilor Kolbe moved to **TABLE** this agenda item regarding the cost sharing agreement for the Dangerous Building at 430 Ridge Road with the Town of Sabattus.
Order passed - Vote 7-0.

B. PUBLIC HEARING - DANGEROUS BUILDING - 428 RIDGE ROAD

Councilor Ward opened the agenda item regarding the Order for the dangerous building hearing regarding 428 Ridge Road in Lisbon. He said they were meeting this evening to conduct a hearing to determine whether the structure at 428 Ridge Road is a nuisance or dangerous building within the meaning of the applicable Maine Statute found in 17 M.R.S. Section 2851 and succeeding statutes. He said if they determine that the structure is a nuisance or dangerous building, they will then determine what actions the property owner must take.

Councilor Ward said under 17 M.R.S. § 2851, a structure, or any part thereof, is a nuisance or a dangerous building if it is “structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property.” He said this is the standard that they will use to decide whether the structure is a nuisance or dangerous building.

He said before they start, I first have a question for all Town Council members. 428 Ridge Road is owned by Ray Belyea. Does any Town Council member know the property owner, or have knowledge about this matter, that means you could not fairly and impartially hear the facts and decide the matter based on the evidence presented at this hearing? No one knew the property owner or had knowledge about the matter that meant they could not fairly and impartially hear the facts and decide the matter based on the evidence presented at the hearing.

Next, Councilor Ward asked that any representative or representatives for 428 Ridge Road, or a party-in-interest, who is present tonight to introduce themselves, including identifying their name, address and position.

Ray Belyea came forward and stated that he lives in an apartment in Portland, Maine, that he comes up from Portland to stay in his camper trailer on this property off and on. He said he has been trying to tear this building down. That he has removed all the hazardous materials and is dividing the lumber as it comes down into piles for keeping to recycle and piles for trash. Councilor Ward told Mr. Belyea that he would be given an opportunity to present his case later on in this process.

Councilor Ward said now, the procedures that the Town Council will follow in conducting this hearing are as follows:

- (1) Any document to be used in this proceeding will be marked as an Exhibit. I accept into evidence the Code Enforcement Officer's previously provided, Exhibits A - E for 428 Ridge Road.
- (2) The presentation of evidence for the property will occur in the following order:
 - a. The Town of Lisbon Code Enforcement Officer will present an opening statement and relevant evidence regarding why he believes that the structure at issue is a nuisance or dangerous building, and what remedy the Council shall order.
 - b. Following the completion of the Code Enforcement Officer's presentation, any opposing party will have an opportunity to present an opening statement and any relevant evidence it wants the Town Council to consider with regard to whether the structure at issue is a nuisance or dangerous building, if so, what remedy the Council shall order.
 - c. The Code Enforcement Officer can then ask questions of any opposing party and any witnesses it presents.
 - d. Any opposing party can then ask questions of the Code Enforcement Officer and any witnesses.
 - e. The Code Enforcement Officer can then make additional comments regarding any opposing party's presentation.
 - f. Any opposing party can then make additional comments regarding the presentation of the Code Enforcement Officer.
 - g. Town Council Members can then ask questions of the Code Enforcement Officer, an opposing party, or a witness.
 - h. Each side can then make closing remarks of not more than two minutes each.
 - i. Only parties to these hearings will be allowed to participate. Comments from the public will not be taken at this hearing.
- (3) After all information has been presented, the record will be closed and the Town Council will deliberate and take a vote on whether the structure in question is a nuisance or dangerous building. If the Council determines that the structure is a nuisance or dangerous building, it shall deliberate and take a vote on the appropriate order to be made to remedy the situation.
- (4) This is an administrative hearing and not a court proceeding or trial. Therefore, the formal Maine rules of evidence will not apply.
- (5) As Chairman of the Town Council, I will determine the appropriateness and admissibility of evidence, on the advice of the Town Attorney.

Councilor Ward asked that Dennis Douglass, the Town of Lisbon Code Enforcement Officer, present the Town Council with information relevant to this matter before it.

I. Introduction

Dennis Douglass introduced himself and said he worked for the Town of Lisbon as the Code Enforcement Officer. He said his certifications are included in your packets as Exhibit E, and are in brief:

- Maine Dept. of Economic and Community Development Certification #989 - To perform duties as Code Enforcement officer in the areas of Land Use, Building Codes, Energy Codes, Shoreland Zoning, Ventilation Codes and Radon Codes.
- Maine Dept. of Economic and Community Development Certification #1170 - To perform duties as the Local Plumbing Inspector.
- Maine Dept. of Health and Human Services Local Health Officer Certification, pursuant to Title 22, Chapter 153, §451(2).

II. Property owner and parties in interest

Mr. Douglass said 428 Ridge Road, Lisbon, is a single-family dwelling, and was deeded to Ray Belyea on May 14, 2007. The property is also identified on Tax Map R-9, Lot 13. The deed to Ray Belyea and copy of Tax Map R-9 is in your packet as Exhibit A.

Mr. Douglass said on July 20, 2018, Notice of this dangerous building hearing was recorded in the Androscoggin County Registry of Deeds in Book 9889 and Page 46, a copy of which is included in your packets as Exhibit B. On August 28, 2018, Ray Belyea was served with a notice of hearing, and that return of service is in your packets as Exhibit C.

III. Dangerous Building

- A. Mr. Douglass said the Lisbon Fire Chief has ordered that fire fighters and emergency medical technicians shall not enter the Structure to respond to an emergency.
- B. Mr. Douglass reported present conditions of the Structure are portrayed in the slide show, which is included in your packets as Exhibit D, which he read through.
- C. Mr. Douglass reported his Conclusion: The Structure is a dangerous building for the following reasons:
 - The front wall of the Structure is collapsing into the ground, which is escalating rot and causing structural damage, making the Structure unsafe to enter constituting a severe hazard to health and safety.
 - The rear portion of the Structure has collapsed.
 - Windows are missing panes and the exterior door is missing a panel.
 - The siding has been removed, leaving tar paper remnants and exposed, untreated wood.
 - Fascia board and roof sheathing are rotted and likely structurally unstable.
 - The exterior of the Structure is not maintained; and,
 - The entryway floor has rotted away, making the Structure unsafe to enter.

Mr. Belyea said he did not disagree that the Structure is in dyer shape. He said he was in the process of taking it down. He said he had a video to share and pictures of his progress. He said the house is structurally sound and that he had been trying to get it into decent shape.

Mr. Douglas explained that there had been a recent chimney fire at this residence. The Fire Department determined that it was not safe to enter the building at that point.

Mr. Belyea said he had removed all the hazardous materials on the property. He said his intentions were to tear it down. He said he brought pictures. Councilor Ward requested Mr. Belyea send his picture to the town by email. Mr. Belyea said he had an agreement with his neighbor and that in the end his neighbor would end up with more land and he would end up with a decent home.

Mr. Douglass said he agreed that Mr. Belyea is making efforts. He said Mr. Belyea understands the need to demolish it. He said Mr. Belyea would like to place a mobile home on the property. Mr. Belyea indicated there was an issue with the delivery of the trailer to where he wanted it so the deal didn't go through. He indicated he wanted to use the current septic system for a dumping station for his camper trailer.

Councilor Kolbe asked Mr. Belyea if he had a timeframe he thought he would be completed. Mr. Belyea said he couldn't tell. The whole house is coming down and there are parts to be recycled and parts to be trashed and/or burned. Shingles need to go. The insulation consisted of newspaper. He indicated that he would do it in a respectable time, but that he was only one person.

Councilor Larochelle said the question is, is this a dangerous building. He said there are different ways to get to the end result, but Mr. Belyea and the town both agree is needs to be flattened. He said we can not leave this building as it is; our result is the same as what we are both looking for.

Councilor Kolbe asked if the building would survive the winter. Mr. Douglass said there is no proper structure to hold it up and the floor is not safe to stand on. Mr. Belyea said he believed it should survive a couple of winters and that the structure is sound. He said yes, there are places that are decayed and rotted. He said he was willing to tear it down but that there was only him to do the work.

Councilor Larochelle asked if the building was secure or accessible. Mr. Belyea said the back can't be secured because it is open. He said he had locks on the front door.

Councilor Brunelle said he had heard enough discussion and recommended the Council make a decision to deem this a dangerous building.

VOTE (2018-195) Councilor Brunelle, seconded by Councilor Kolbe moved to approve Findings of Fact, Conclusions of Law, and the Order of Demolition for 428 Ridge Road as follows:

**TOWN OF LISBON TOWN COUNCIL
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER OF DEMOLITION**

428 RIDGE ROAD, LISBON

On September 18, 2018 at 7:00 pm, the Lisbon Town Council held a hearing at 300 Lisbon Street, Lisbon, Maine to determine whether the residential structure (the "Structure") at 428 Ridge Road, Lisbon, Maine (the "Premises"), identified as Lot 13 on Tax Map R09, and further described in a Deed recorded in the Androscoggin County Registry of Deeds at Book 7141, Page 309, is dangerous or a nuisance pursuant to 17 M.R.S. Section 2851. Based on the information presented at the hearing, the Town Council makes the following findings of fact and conclusions of law, and orders that the Structure be demolished.

Findings of Fact

Present at the hearing on this matter for the Town of Lisbon was Dennis Douglass, Town of Lisbon Code Enforcement Officer. The following individual(s) appeared on behalf of the owners and/or parties in interest:

After considering the testimony and evidence presented, the Town Council makes the following findings of fact:

1. Fay Belyea is the owner of the Premises ("Owner"). Code Enforcement Department Exhibit A.
2. On July 20, 2018, a copy of the notice of the hearing held pursuant to 17 M.R.S. Section 2851 (the "Notice") was recorded in the Androscoggin County Registry of Deeds at Book 9889, Page 46. Code Enforcement Department Exhibit B.
3. On August 28, 2018, Ray Belyea was served with a copy of the Notice. Code Enforcement Exhibit C.
4. The Lisbon Fire Chief has ordered that fire fighters and emergency medical technicians shall not enter the Structure to respond to an emergency.
5. The front wall of the Structure is collapsing into the ground, which is escalating rot and causing structural damage.

6. The rear portion of the Structure has collapsed.
7. In the rear portion of the Structure, windows are missing panes and the exterior door is missing a panel.
8. The siding has been removed, leaving tar paper remnants and exposed, untreated wood.
9. Fascia board and roof sheathing are rotted and likely structurally instable.
10. The exterior of the Structure is not maintained;
11. The entryway floor of the Structure is nonexistent or unstable due to pervasive rot.

Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. Section 2851, the Lisbon Town Council reaches the following conclusions of law:

12. The Structure is structurally unsafe.
13. The Structure is unstable.
14. The Structure is unsanitary.
15. The Structure is unsuitable or improper for the use or occupancy to which it is put.
16. The Structure constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, and abandonment.
17. The Structure is dangerous to life and property.
18. The Structure poses a serious threat to the public health and safety.

Any of the conclusions in paragraphs 12-17 would be sufficient to support a finding that the Structure is a nuisance or dangerous building, and the Council hereby concludes that the Structure at 428 Ridge Road, Lisbon is a nuisance and dangerous building within the meaning of 17 M.R.S. Section 2851. The conclusion in paragraph 18 supports a finding that the Structure must be secured pursuant to 17 M.R.S. Section 2856.

Order

Having found that the Structure at 428 Ridge Road, Lisbon is a nuisance and dangerous building within the meaning of 17 M.R.S. Section 2851 and that the Structure must be secured pursuant to 17 M.R.S. Section 2856, the Lisbon Town Council hereby ORDERS:

19. That the Owner and/or its successors and/or assigns shall immediately secure the Structure from entry.
20. That the Owner and/or its successors and/or assigns shall keep the Structure secure.
21. That within thirty (30) days of service of this Order, the Owner and/or its successors and assigns shall demolish the Structure, remove all debris, and stabilize the site.
22. That if the Owner and/or its successors and assigns fail to comply with this Order in the time frames set forth herein, the Town shall have the authority to carry out this Order.
23. That within thirty (30) days after demand by the Town, the Owner and/or its successors and assigns shall reimburse the Town for all expenses incurred in connection with this proceeding, including, but not limited to, expenses for securing and/or demolishing the Structure, service and other costs incurred, and attorneys' fees.
24. That if the Owner and/or successors and assigns fails to timely reimburse the Town for the expenses provided for above, The Town shall assess a special tax against the Premises, as provided for in 17 M.R.S. Section 2853, and/or recover its costs by means of a civil action for collection.

This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.

Order passed - Vote 7-0.

C. SPECIAL ENTERTAINMENT PERMIT FOR THE LEFT HAND CLUB

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

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

CONSENT AGENDA

Item taken up after Proclamation above and Playground Installation below.

VOTE (2018-196) Councilor Larochelle, seconded by Councilor Albert moved to approve the following:

A. Municipal Accounts Payable & Payroll Warrants -
 #22 \$155,102.40 #23 \$190,215.62
 #24 \$17,959.26 #25 \$14,821.74
 #26 \$308,949.60

B. School Accounts Payable & Payroll Warrants -
 #6 \$22,569.04 #1011 \$286,689.98
 #1012 \$9,680.24 #1014 \$303,788.59
 #1900 \$102,985.55

C. Minutes of September 4, 2018
 D. Approve Special Entertainment Permit and Liquor License for Left Hand Club

Order passed - Vote 7-0.

COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

**SET PUBLIC HEARING FOR PHASE II
 DOWNTOWN REVITALIZATION CDBG GRANT**

The Town of Lisbon is the recipient of another Community Development Block Grant (CDBG) Downtown Revitalization for the Lisbon Village Streetscape Project in the amount of \$300,000. As part of the phase II grant process, we need to hold a public hearing.

The Economic Development Department along with the Lisbon Development Committee would like to ask Council to set a public hearing date on the CDBG-DR Lisbon Village Streetscape Project on Tuesday, October 2, 2018 to meet the grant requirement.

VOTE (2018-197) Councilor Larochelle, seconded by Councilor Kolbe moved to set a public hearing on October 2, 2018 for the Community Development Block Grant Downtown Revitalization Lisbon Village Streetscape Project. **Order passed – Vote 7-0.**

**CDBG FAÇADE GRANT
 14 MAIN STREET**

Item taken up after Consent Agenda above

INTRODUCTION: Ms. Steuber reported the following bid was advertised in the Sun Journal and on our website. *There were no bids received on the deadline date/time of 9/3/2018, however after speaking with DECD, they have allowed us to seek quotes after the bid deadline. The following bid has been received:

<u>Location</u>	<u>Bidder</u>	<u>Bid</u>
14 Main Street	Portland Glass (Windows/Doors)	*\$17,900

The Scope of Work consists of the following:

- Replacement of window screens

- Replacement of all glass and doors in front of building with high performance low-e glass and keypad lock on side door.
- Rear door replacement - New steel door with key pad entry
- Decorative Window safety grates- lower half of 2nd floor windows.

The owners and the Economic & Community Development Director is requesting Council award the one Windows/Doors Replacement bid from Portland Glass in the amount of \$17,900 as part of the CDBG Façade Grant requirements. There were no bids for the rest of this project, but if something comes in, she said, she would be back. There is a short timeframe to get this work done. The windows portion needs to be contingent upon the work being completed by the November 30, 2018 deadline.

VOTE (2018-198) Councilor Kolbe, seconded by Councilor Lunt moved to award the CDBG Façade Grant bid to Portland Glass in the amount of \$17,900 contingent upon completion by November 30, 2018. **Order passed - Vote 7-0.**

DIESEL TANK REQUEST

INTRODUCTION: Mr. Martin requested Council authorize repairs to the Diesel Underground Storage Tank (UST). This tank was on a 30-year replacement schedule. We have reached that milestone and upon an inspection and a few upgrades this year, it would qualify for a 10-year extension with inspections happening the last 5 years. Simard and Son did an inspection and they found all in good order with the exception of a required dispenser sump and pump. The cost estimate to provide a 10-year warranty extension is \$10,470. Simard has been servicing this system for years and it would be our recommendation to continue this program with them. The price is fair and compensable given the type of work that will have to be done.

COUNCILOR COMMENTS: Councilor Albert asked what this would cost in 10 years to replace. Mr. Martin said it would be hard to predict (\$250,000) what that amount would be. He suggested the Council set aside funds each year through to make that purchase easier when the time comes. Councilor Albert pointed out this is really a five-year extension since annual inspections could reveal the need to purchase a replacement sooner.

VOTE (2018-199) Councilor Kolbe, seconded by Councilor Larochelle moved to authorize Diesel Underground Storage Tank repairs in the amount of \$10,470 and to re-designate the funds from the MUNIS reserve account to cover the costs of this project. **Order passed - Vote 7-0.**

SCHOOL DEPARTMENT CAPITAL RESERVE REQUEST PLAYGROUND INSTALLATION AT GARTLEY STREET SCHOOL

Item taken up out of order after Proclamation above

INTRODUCTION: Allen Ouellette representing the School Department requested permission to expend \$28,895.00 from the Capital Reserve Fund to pay for the installation of a playground at the Gartley Street School. He reported the School installed the current playground in the 1960's. The current balance in the Capital Reserve Fund is \$40,550. On September 10, 2018, the School Committee voted 5-0 in favor of requesting authorization from the Town Council to utilize an amount not to exceed \$28,895 from the Capital Reserve Fund to pay for the installation of a playground at the Gartley Street School. Quotes are in your Council packet for your review.

COUNCILOR COMMENTS: Councilor Albert suggested if possible, the School Department use volunteers, and maybe the same volunteers used at the MTM playground installation, to reduce the cost by \$11,000. He said he understood there would be a time crunch to get this done with volunteers this fall though, but if possible, he said he would love to see that happen.

VOTE (2018-200) Councilor Kolbe, seconded by Councilor Crawford moved to authorize the Lisbon School Committee permission to expend an amount not to exceed \$28,895 from the School Department's Capital Reserve Account to pay for the installation of a playground at the Gartley Street School. **Order passed - Vote 7-0.**

VOTING CREDENTIALS FOR
MMA DELEGATES TO ANNUAL BUSINESS MEETING

COUNCILOR COMMENTS: Councilor Ward asked if any Councilor would be attending MMA this year. Councilor Lunt indicated he was willing to attend. Councilor Brunelle indicated he was willing to attend.

VOTE (2018-201) Councilor Kolbe, seconded by Councilor Larochelle moved to appoint Councilor Lunt the regular voting member and Councilor Brunelle the alternate voting member at the MMA Annual Business meeting.
Order passed - Vote 7-0.

CONSOLIDATION OF VOTING DISTRICTS 1 & 2

INTRODUCTION: The Town of Lisbon consolidated polling locations 90 days prior to the November 2016 Presidential Election with state approval. This location consolidation prompted the State to consider consolidation efforts for voting Wards 1 and 2, which they did and now Lisbon voters vote on the same state ballot for the same House and Senate District seats. This reduced the number of DS200 tabulating machines needed on Election Day.

Our local ballots are different still for Town Council District 1 and District 2. Perhaps the Council would also like to see if Lisbon voters are interested in consolidating Districts so Council seats would “all” be at-large with street addresses printed on the ballot under each candidate’s name. Voters would still be able to determine where candidates live in town.

This move to consolidate Voting Districts should save some money on programing costs, save time when testing different ballot styles, and should we run low on ballots, the warden would no longer have to worry whether there are enough ballots left for District 1 or District 2 since these could then be shared.

COUNCILOR COMMENTS: Councilor Lunt recommended this be on a November ballot to get the largest turnout possible for this vote. Councilor Kolbe pointed out the School Department consolidated its elementary schools. Councilor Ward said he was okay with the June Election; this does not interfere with our local candidates’ re-election. Councilor Albert said he did not think this would be controversial and suggested staff prepares the necessary paperwork and presents it to the Council for consideration for the June 2019 ballot; it is more a common sense issue. There were no objections noted.

VOTE (2018-202) Councilor Larochelle, seconded by Councilor Kolbe moved to authorize the Town Manager to prepare the necessary paperwork and ballot questions for the June 2019 ballot to consolidate local Districts 1 and 2. **Order passed - Vote 7-0.**

ORDINANCE AUTHORIZING ISSUANCE OF BONDS UP TO \$294,000 FOR THE ROUTE
125/HUSTON STREET TO URBAN COMPACT LINE – MDOT PROJECT

First Reading

INTRODUCTION: The Council approved the notice and ordered a public hearing for October 16 at their last Council meeting. Mrs. Barnes introduced these bond ordinances to the Council at the last meeting and Council approved the language for the ballot. Mrs. Barnes mentioned the informational flyer is almost ready to go out to each household. She said they are just waiting to hear what the price will be.

VOTE (2018-203) Councilor Larochelle, seconded by Councilor Ward moved to adopt the Ordinance authorizing the Town Of Lisbon to issue up to \$294,000 in bonds to finance Lisbon’s 10% share of the cost of reconstructing State Route 125 from Huston Street to the Urban Compact Line as follows:

BE IT ORDAINED, pursuant to Articles 6.09 and 8.11(b)(2) of the Charter of the Town of Lisbon and section 5772 of Title 30-A of the Maine Revised Statutes:

- (1) That the Town of Lisbon (the “Town”) be authorized to issue general obligation bonds in an amount not to exceed \$294,000 and notes in anticipation thereof (collectively, the “Bonds”), to fund Lisbon’s 10% share

of the costs of reconstruction of State Route 125 from the intersection of Huston Street to the Urban Compact Line (the "Project"), subject to approval of federal and state funding of approximately \$2,935,000 to finance remaining Project costs;

(2) That the proceeds of the Bonds, including any investment earnings on the Bonds, be appropriated for the costs of the Project;

(3) That the Finance Director be authorized to arrange for the sale of the Bonds at public or private sale to such parties as the Finance Director determines to be in the best interest, to execute and deliver loan agreements and other contracts, certificates and instruments as the Finance Director shall determine prudent in connection with the issuance and sale of the Bonds, to approve the date(s), maturity or maturities, denomination(s), interest rate(s), place(s) of payment, form(s) and other terms, provisions, and details of such Bonds, and to provide for the sale and delivery against payment thereof, to provide that the Bonds may be redeemable or callable, with or without premium, prior to their maturity, and to hire such financial advisors and other consultants, if any, as the Finance Director deems necessary to assist with the sale of the Bonds, all on such terms (not inconsistent with this Order) as the Finance Director shall approve;

(4) That the Bonds be issued in registered form in the name of the Town, executed and delivered by the Finance Director and countersigned by the Chairman of the Town Council and the Town Manager under the official seal of the Town attested by the Town Clerk;

(5) That the Municipal Officers, being the Town Council, Town Manager, Finance Director and Clerk of the Town of Lisbon are each authorized to do or cause to be done all such acts, including but not limited to the execution and delivery of any and all contracts, agreements, certificates and other documents as may be necessary or advisable in order to carry out the provisions of this Ordinance in connection with the issuance and delivery by the Town of the Bonds;

(6) That if any Municipal Officer whose signature may be required in connection with the issuance and sale of the Bonds is for any reason unavailable to approve and execute the required documents, the persons then acting in such capacity on behalf of such Municipal Officer, whether an assistant, a deputy or in some other capacity, is authorized to act on behalf of such Municipal Officer and to perform such acts themselves;

(7) That if any of the Municipal Officers who have signed, attested, or sealed the Bonds shall cease to be such officers before the Bonds so signed, attested and sealed shall have been actually authenticated and delivered by the Town, such Bonds nevertheless may be authenticated, delivered and issued with the same force and effect as though the person or persons who signed, attested or sealed the Bonds had not ceased to be such Municipal Officer;

(8) That it shall be a condition to the foregoing authority conferred by this Ordinance that the voters of the Town, pursuant to Article 8.11(b) (2) of the Town Charter, ratify the adoption of this Ordinance;

(9) That the Town Clerk file an attested copy of this Ordinance with the minutes of this meeting and make attested copies of this Ordinance available to the public;

(10) That a referendum election question regarding the ratification of this Ordinance be placed on the ballot for the November 6, 2018 municipal election, and that the Town Clerk is hereby authorized to take all actions required of the Town Clerk for that referendum question to be considered by the voters, and that a ballot title and referendum question in the following form appear in the warrant for and on the ballot at said election, accompanied by a statement of the Town's Finance Director with respect to said indebtedness in accordance with section 5772 of Maine Revised Statutes Title 30-A:

ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SECURITIES OF THE TOWN OF LISBON IN AN AMOUNT NOT TO EXCEED \$294,000 FOR THE PURPOSE OF FINANCING LISBON'S 10% SHARE OF THE COST OF RECONSTRUCTING STATE ROUTE 125 FROM HUSTON STREET TO THE URBAN COMPACT LINE.

**Roll Call Vote: Yeas – Albert, Lunt, Crawford, Larochelle, Ward, Kolbe, and Brunelle. Nays - None.
Order passed - Vote 7-0.**

ORDINANCE AUTHORIZING ISSUANCE OF BONDS UP TO \$430,000 FOR THE ROUTE
125/ROUTE 196 TO HUSTON STREET – MDOT PROJECT

First Reading

INTRODUCTION: The Council approved the notice and ordered a public hearing for October 16 at their last Council meeting. These bond ordinances were introduced to the Council at the last meeting and Council approved the language for the ballot.

VOTE (2018-204) Councilor Albert, seconded by Councilor Larochelle moved to adopt the ordinance authorizing the Town Of Lisbon to issue up to \$430,000 in Bonds to finance Lisbon's 10% share of the cost of reconstructing State Route 125 from State Route 196 to Huston Street as follows:

BE IT ORDAINED, pursuant to Articles 6.09 and 8.11(b)(2) of the Charter of the Town of Lisbon and section 5772 of Title 30-A of the Maine Revised Statutes,

- (1) That the Town of Lisbon (the "Town") be authorized to issue general obligation bonds in an amount not to exceed \$430,000 and notes in anticipation thereof (collectively, the "Bonds"), to fund Lisbon's 10% share of the costs of reconstruction of State Route 125 from the intersection of State Route 196 to Huston Street (the "Project"), subject to approval of federal and state funding of approximately \$4,300,000 to finance remaining Project costs;
- (2) That the proceeds of the Bonds, including any investment earnings on the Bonds, be appropriated for the costs of the Project;
- (3) That the Finance Director be authorized to arrange for the sale of the Bonds at public or private sale to such parties as the Finance Director determines to be in the best interest, to execute and deliver loan agreements and other contracts, certificates and instruments as the Finance Director shall determine prudent in connection with the issuance and sale of the Bonds, to approve the date(s), maturity or maturities, denomination(s), interest rate(s), place(s) of payment, form(s) and other terms, provisions, and details of such Bonds, and to provide for the sale and delivery against payment thereof, to provide that the Bonds may be redeemable or callable, with or without premium, prior to their maturity, and to hire such financial advisors and other consultants, if any, as the Finance Director deems necessary to assist with the sale of the Bonds, all on such terms (not inconsistent with this Order) as the Finance Director shall approve;
- (4) That the Bonds be issued in registered form in the name of the Town, executed and delivered by the Finance Director and countersigned by the Chairman of the Town Council and the Town Manager under the official seal of the Town attested by the Town Clerk;
- (5) That the Municipal Officers, being the Town Council, Town Manager, Finance Director and Clerk of the Town of Lisbon are each authorized to do or cause to be done all such acts, including but not limited to the execution and delivery of any and all contracts, agreements, certificates and other documents as may be necessary or advisable in order to carry out the provisions of this Ordinance in connection with the issuance and delivery by the Town of the Bonds;
- (6) That if any Municipal Officer whose signature may be required in connection with the issuance and sale of the Bonds is for any reason unavailable to approve and execute the required documents, the persons then acting in such capacity on behalf of such Municipal Officer, whether an assistant, a deputy or in some other capacity, is authorized to act on behalf of such Municipal Officer and to perform such acts themselves;
- (7) That if any of the Municipal Officers who have signed, attested, or sealed the Bonds shall cease to be such officers before the Bonds so signed, attested and sealed shall have been actually authenticated and delivered by the Town, such Bonds nevertheless may be authenticated, delivered and issued with the same force and effect as though the person or persons who signed, attested or sealed the Bonds had not ceased to be such Municipal Officer;
- (8) That it shall be a condition to the foregoing authority conferred by this Ordinance that the voters of the Town, pursuant to Article 8.11(b)(2) of the Town Charter, ratify the adoption of this Ordinance;

(9) That the Town Clerk file an attested copy of this Ordinance with the minutes of this meeting and make attested copies of this Ordinance available to the public;

(10) That a referendum election question regarding the ratification of this Ordinance be placed on the ballot for the November 6, 2018 municipal election, and that the Town Clerk is hereby authorized to take all actions required of the Town Clerk for that referendum question to be considered by the voters, and that a ballot title and referendum question in the following form appear in the warrant for and on the ballot at said election, accompanied by a statement of the Town's Finance Director with respect to said indebtedness in accordance with section 5772 of Maine Revised Statutes Title 30-A:

ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SECURITIES OF THE TOWN OF LISBON IN AN AMOUNT NOT TO EXCEED \$430,000 FOR THE PURPOSE OF FINANCING LISBON'S 10% SHARE OF THE COST OF RECONSTRUCTING STATE ROUTE 125 FROM STATE ROUTE 196 TO HUSTON STREET.

**Roll Call Vote: Yeas – Albert, Lunt, Crawford, Larochele, Ward, Kolbe, and Brunelle. Nays - None.
Order passed - Vote 7-0.**

ORDINANCE AUTHORIZING ISSUANCE OF BONDS
UP TO \$675,000 FOR THE PURCHASE OF A "PUMPER" FIRE TRUCK
First Reading

INTRODUCTION: The Council approved the notice and ordered a public hearing for October 16 at their last Council meeting. These bond ordinances were introduced to the Council at the last meeting and Council approved the language for the ballot.

COUNCILOR COMMENTS: Councilor Albert asked how much was in the Capital Reserve Account. Chief LeClair indicated they could use approximately \$240,000 to \$250,000 leaving some for future needs. Councilor Larochele said this vehicle needs to be replaced mainly because it is old, but more information will be made available as we move through this process. He indicated the town would need to prove its case that it is necessary. Councilor Ward mentioned the independent appraisal, which has been completed. He pointed out that it would be the spring of 2020 before this vehicle arrives. Councilor Larochele said this vehicle was slotted to be replaced in 2019.

VOTE (2018-205) Councilor Larochele, seconded by Councilor Crawford moved to adopt the ordinance authorizing the Town Of Lisbon to issue up to \$675,000 in Bonds to finance the purchase of a Fire Engine as follows:

BE IT ORDAINED, pursuant to Articles 6.09 and 8.11(b)(2) of the Charter of the Town of Lisbon and section 5772 of Title 30-A of the Maine Revised Statutes,

- (1) That the Town of Lisbon (the "Town") be authorized to issue general obligation bonds in an amount not to exceed \$675,000 and notes in anticipation thereof (collectively, the "Bonds"), to fund the purchase of a "pumper" fire engine;
- (2) That the proceeds of the Bonds, including any investment earnings on the Bonds, be appropriated for the costs of the Project;
- (3) That the Finance Director be authorized to arrange for the sale of the Bonds at public or private sale to such parties as the Finance Director determines to be in the best interest, to execute and deliver loan agreements and other contracts, certificates and instruments as the Finance Director shall determine prudent in connection with the issuance and sale of the Bonds, to approve the date(s), maturity or maturities, denomination(s), interest rate(s), place(s) of payment, form(s) and other terms, provisions, and details of such Bonds, and to provide for the sale and delivery against payment thereof, to provide that the Bonds may be redeemable or callable, with or without premium, prior to their maturity, and to hire such financial advisors and other consultants, if any, as the Finance Director deems necessary to assist with the sale of the Bonds, all on such terms (not inconsistent with this Order) as the Finance Director shall approve;

- (4) That the Bonds be issued in registered form in the name of the Town, executed and delivered by the Finance Director and countersigned by the Chairman of the Town Council and the Town Manager under the official seal of the Town attested by the Town Clerk;
- (5) That the Municipal Officers, being the Town Council, Town Manager, Finance Director and Clerk of the Town of Lisbon are each authorized to do or cause to be done all such acts, including but not limited to the execution and delivery of any and all contracts, agreements, certificates and other documents as may be necessary or advisable in order to carry out the provisions of this Ordinance in connection with the issuance and delivery by the Town of the Bonds;
- (6) That if any Municipal Officer whose signature may be required in connection with the issuance and sale of the Bonds is for any reason unavailable to approve and execute the required documents, the persons then acting in such capacity on behalf of such Municipal Officer, whether an assistant, a deputy or in some other capacity, is authorized to act on behalf of such Municipal Officer and to perform such acts themselves;
- (7) That if any of the Municipal Officers who have signed, attested, or sealed the Bonds shall cease to be such officers before the Bonds so signed, attested and sealed shall have been actually authenticated and delivered by the Town, such Bonds nevertheless may be authenticated, delivered and issued with the same force and effect as though the person or persons who signed, attested or sealed the Bonds had not ceased to be such Municipal Officer;
- (8) That it shall be a condition to the foregoing authority conferred by this Ordinance that the voters of the Town, pursuant to Article 8.11(b)(2) of the Town Charter, ratify the adoption of this Ordinance;
- (9) That the Town Clerk file an attested copy of this Ordinance with the minutes of this meeting and make attested copies of this Ordinance available to the public;
- (10) That a referendum election question regarding the ratification of this Ordinance be placed on the ballot for the November 6, 2018 municipal election, and that the Town Clerk is hereby authorized to take all actions required of the Town Clerk for that referendum question to be considered by the voters, and that a ballot title and referendum question in the following form appear in the warrant for and on the ballot at said election, accompanied by a statement of the Town's Finance Director with respect to said indebtedness in accordance with section 5772 of Maine Revised Statutes Title 30-A:

ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SECURITIES OF THE TOWN OF LISBON IN AN AMOUNT NOT TO EXCEED \$675,000 FOR THE PURPOSE OF FINANCING THE PURCHASE OF A "PUMPER" FIRE ENGINE.

**Roll Call Vote: Yeas – Albert, Lunt, Crawford, Larochelle, Ward, Kolbe, and Brunelle. Nays - None.
Order passed - Vote 7-0.**

AUTHORIZE PAYMENT FOR MARIJUANA CONSULTING FEES

INTRODUCTION: Kim Printy is a patient advocate and worked to develop a cannabis law that already existed in Maine to ensure others could benefit as she did. Kim joined MMCM when it began and has always understood the importance of having a trade association for the cannabis industry. Understanding that MMCM needed support and knowing she had experience that could help the organization grow, she became a board member in 2012.

Mrs. Barnes said the town would like to retain Kim as a consultant and enter into a contract for scope of services for marijuana related topics and compensation to be paid. This would not include legal advice.

COUNCILOR COMMENTS: Councilor Ward said this item was requested to be placed on the agenda after the last workshop. She is a great resource. Councilor Kolbe said she is a unique resource so there will not be many who do this type of work. Councilor Larochelle suggested an agreement be in place prior to the next time. Mrs. Barnes said the town may need her again, that she is a great resource, and that in case we do need her again we should have an agreement in place so we know what it will cost. Councilor Albert suggested negotiating a flat fee.

VOTE (2018-206) Councilor Larochelle, seconded by Councilor Albert moved to authorize the payment of \$125.00 from the legal budget to Kim Printy for consultation fee and to authorize the Town Manager to enter into an agreement for consultation services on marijuana related topics. **Order passed - Vote 7-0.**

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert said he had nothing to report.
2. Planning: Councilor Ward said they met Thursday to finish signing off on the Kelly Park Subdivision and to accept an application from Kieran Johnson to approve relocating his transport business to the other side of Route 196 at 725 Lisbon Street. The board discussed the Village Streetscape project, too.
3. LDC: Councilor Larochelle said was not able to attend but they were discussing the plans for Graziano's Square.
4. Conservation Commission: Councilor Ward said the meeting had been postponed to next month and that they were discussing solar farms locally. He recommended they consider a composting program to reduce the tipping fees at the Solid Waste facility.
5. Recreation: Councilor Kolbe said the seniors group left this morning on their Grand Canyon trip and they have their new used bus.
6. County Budget: Councilor Ward said they had 13 out of 14 member seats on this board filled. The budget presented was a 5.19% increase over last year. The County Commissioners cut \$500 of the budget and presented it to the budget committee.
7. Library: Councilor Lunt said he had nothing to report.

B. TOWN MANAGER'S REPORT

Mrs. Barnes reported the LDC group had a discussion on how to spend the remaining funds allotted for the façade grants. They are getting quotes to purchase four trash receptacles to match the benches downtown. She said if there is anything left they will go back to LDC to see if they would like to get more benches.

C. DEPARTMENT HEAD REPORTS

Councilor ward asked about the carpet project and wanted to know if the storage problem will put them over their budget. Mrs. Barnes said no, the building budget would cover some.

APPOINTMENTS – NONE

COUNCILOR COMMUNICATIONS

Councilor Ward asked Ms. Steuber to update the Council on the Out & About Forum. Ms. Steuber announced she is holding an information forum at the Furniture Superstore on Wednesday, October 10 from 5PM to 7PM to talk with folks about projects going on in town, like the Fire truck purchase, sewer project, road bonds and construction, etc. She said this was a good way to communicate with businesses and residents since there is no local chamber where this would typically be done. She said Chief Hagan, Chief LeClair, the Town Manager and herself will be there to address questions. Councilor Larochelle suggested holding an informational forum at the Fire Station so individuals can walk around the truck needing to be replaced.

Councilor Albert asked Ms. Steuber to update the Council on the Moxie Festival merger with the Recreation Department. Ms. Steuber said their first meeting is taking place this month on September 20 at 6:00 PM. She

invited the Council to attend if they would like. Councilor Larochelle recommended Mrs. Barnes, Ms. Steuber, and Mr. Stevens determine what tasks they are completing prior to going into this meeting. Councilor Albert agreed, and asked that the Council be regularly informed about the merger's progress.

Councilor Brunelle requested the Council repeal the Marijuana Moratorium. Councilor Larochelle asked for clarity on opting in or out. He said there isn't something to discuss yet. He said he may propose the town not opt in at all. He indicated once a business is established we can't really opt out. He recommended the town do medical marijuana first to see how that goes. This process may include code inspections annually. He said he would like to regulate store fronts to ensure they are professional and there are no flashing signs, glass pipes in the window, etc. He said he would like to ensure the whole piece (product manufacturing, testing labs, etc.) gets completed first so everything is consistent.

Councilor Brunelle said he was only talking about Medicinal. Councilor Ward said yes, but the town can regulate licensing, storefronts, etc. Councilor Brunelle said but the state does the licenses. Councilor Larochelle pointed out the town has some authority in that process. Councilor Kolbe requested the item be placed on the next agenda. Councilor Albert agreed. There were no objections.

AUDIENCE PARTICIPATION & RESPONSE FOR NEW ITEMS

Mr. Martin reported that tariffs were impacting the local recycling program. He said single stream figures are going from \$30 a ton to \$130 a ton. AVCOG is putting on two different informational forums to talk about this. He said Lisbon's current contract ran out. This will be a huge impact to the solid waste budget, although it is possible to discard everything into the waste stream at \$43 a ton, but that would not be considered favorable.

Mr. Martin reported the traffic lights at Franks are close to being done. The new lights are up and should be working within a week. He said striping will be completed tonight.

EXECUTIVE SESSION

VOTE (2018-207) Councilor Albert, seconded by Councilor Larochelle moved to go into Executive Session at 8:55 PM per 1 MRSA Section 405 (6) (C) Acquisition or disposition of real property or Economic Development. **Order passed – Vote 7-0.**

The Council came out of executive session and resumed the meeting at 9:15 PM.

ADJOURNMENT

VOTE (2018-208) Councilor Kolbe, seconded by Councilor Albert moved to adjourn at 9:15 PM. **Order passed - Vote 7-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: October 2, 2018