



TOWN COUNCIL MEETING MINUTES SEPTEMBER 19, 2017

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, Allen 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, Lunt, and Crawford. Councilors Crafts and Brunelle were excused. Also present were Diane Barnes, Town Manager; Ryan Leighton, Public Works Director; Mark Stevens, Parks & Recreation Director; Donald Fellows, Planning Board Chairman; Mike Carey, Attorneys Brann & Isaacson; Mandy Olvr, Olver Associates Environmental Engineers; and approximately 20 citizens in the audience.

GOOD NEWS & RECOGNITION

Mr. Stevens called Jamey Martin forward and presented her with an award recognizing her for the many hours she has devoted to the recreation program as Assistant Director for the past 10 years (2007-2017). She has also been teaching in our Lisbon school system for the past 17 years.

Mr. Stevens called forward Abby Cunningham, Amelia Mooney, and Carolyn White from the Girl Scout troop. He announced that this group would like to create a dog park. He said they will be meeting with him to develop a work plan and decide upon a location. Once that has been completed they will bring their ideas to the Council for approval. He indicated Summer Street Park may be a good location for the dog park since it offers really nice marked trails to the water and along the water, although parking may be an issue. He said many residents do not know about Summer Street Park.

Councilor Albert suggested signage about Summer Street Park be added to the downtown area sign.

Mrs. Barnes announced that Lisbon's Town Clerk was awarded the Ethelyn Stuart Marthia Award by the Maine Town & City Clerk's Association on September 12. This is not awarded often and only to a praiseworthy clerk who has embraced many of Ethelyn's strengths and traits during her tenure. The Council and audience applauded Mrs. Lycette for being given such an honor. Mrs. Lycette thanked the Council and audience for the recognition.

Judy Arledge brought flowers and vegetables to the Town Hall for staff from the community gardens and mentioned there were spots available for next year for those interested.

PUBLIC HEARING

A. PROPOSED BOND FOR WASTEWATER COLLECTION AND TREATMENT SYSTEM UPGRADES

The Chairman opened the public hearing. Many Olvr presented a handout for the Council covering the proposed wastewater infrastructure capital improvements (see attached). She mentioned a while back they had completed a study of the overall system and had made recommendations for upgrades. In an effort to get some of this work completed they applied for a USDA Rural Development loan for \$6,543,000 and a \$2,457,000 USDA Rural Development Grant to fund the upgrades. The loan is for 29 years at 2.65% interest making annual payments \$325,122. She said this is a phenomenal deal with 27% of the work being accomplished with grant funds. Unfortunately, if not approved by the voters the work will still have to be done since MDEP is already watching Lisbon's progress because it had some prior situations. Ms. Olvr said if MDEP gets involved they would most

likely develop a Consent Agreement that would schedule work to be done based upon the issues we know we have. Work not done and/or in their timeframe could result in fines.

Councilor Albert said we are on our own timeline here, being proactive, and finding cost savings to offset the anticipated expense. He indicated should voters turn it down MDEP could tell us it has to be corrected and we would then have to borrow the money at a higher interest rate. He said now is the time to do this work. Ms. Olvr agreed that Lisbon is controlling its own destiny by taking charge now. Councilor Lunt said Lisbon has been fined in the past so MDEP is sniffing around already.

Councilor Kolbe mentioned that this expense would be paid back through user fees. Councilor Albert reported nothing is getting cheaper.

Ms. Olvr indicated the next step would be to vote on November 7 regarding the loan, and if approved, begin with the survey and design over the winter. Then establish a desired bidding schedule and contract scope with the town. Construction would take place in 2018 and most likely end with the MDOT Main Street project in 2020. If voters do not approve, it is possible that the MDEP will require Lisbon to proceed with the projects through enforcement action, with or without grants.

Mrs. Barnes said Lisbon is first in line for funding now. To delay this work might put the taxpayers not in the system at risk to contribute, which is not the case right now. Seeing no further comments, the Chairman closed the public hearing.

B. PROPOSED ENERGY EFFICIENCY & CAPITAL INFRASTRUCTURE UPGRADES (SCHOOL)

The Chairman opened the public hearing. Superintendent Green explained the School Department is seeking voter approval to enter into a \$1,650,000 lease purchase agreement for the purpose of making energy-efficiency related capital improvements to the high school, middle school, elementary school, and central office. This would include, but not be limited to, the steam to hot water boiler conversion, classroom unit ventilator replacement, district energy management system improvements, LED lighting replacement, ceiling replacement, high efficiency AC improvements, exhaust fan replacement and classroom demand control ventilation upgrades. He reported funding sources would be from the energy savings, anticipated Gartley Street revenue, capital reserves, contracted/professional services, along with available debt service as items get paid off.

Superintendent Green said the School Committee is planning to hold an informational night on October 23, 2017 at 7:00 PM at the Town Hall in the Public Meeting Room. A flyer will also be distributed.

C. 4 ZAMORE STREET UNDER DANGEROUS BUILDING SUBCHAPTER, WHICH IS SUBCHAPTER 4 OF CHAPTER 91 OF TITLE 17 OF THE MAINE REVISED STATUTES

Councilor Ward said we are meeting this evening to conduct a hearing to determine whether the structure at 4 Zamore Street is a nuisance or dangerous building within the meaning of the applicable Maine statute found in 17 M.R.S. § 2851 and succeeding statutes. If we determine that the structure is a nuisance or dangerous building, we 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.” This is the standard that we will use to decide whether the structure is a nuisance or dangerous building.

Councilor Ward said before we start, I first have a question for all Town Council members. 4 Zamore Street is owned by Anthony R. Gunnells and Belinda J. Gunnells. Do any Town Council members know the property owners, 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? Next, I ask that any representative or representatives for 4 Zamore Street, or a party-in-interest, who is present tonight introduce yourself, including identifying your name, address and position. No one came forward.

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 - I for 4 Zamore Street.
- (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. Town Council Members can then ask questions of the Code Enforcement Officer, an opposing party, or a witness.
 - c. Each side can then make closing remarks of not more than two minutes each.
 - d. 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 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.

PUBLIC HEARING: Councilor Ward opened the public hearing. Councilor Ward said I now ask that Dennis Douglass, the Town of Lisbon Code Enforcement Officer, present the Town Council with information relevant to this matter before it.

I. Introduction

- A. Mr. Douglass said my name is Dennis J. Douglass, and I have worked for the Town as Lisbon as Code Enforcement Officer since 2012. My certifications are included in your packets as Exhibit G, and are in brief:
- Maine Dept. of Economic and Community Development Certification #989 - To perform duties as Code Enforcement officer in the areas of Shoreland Zoning, Land Use, Building Codes, Energy Codes, 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 owners and parties in interest

Mr. Douglass said 4 Zamore Street, Lisbon (the "Property") is a single family dwelling, deeded November 15, 1993 to Anthony R. Gunnells and Belinda J. Gunnells. The deed to Anthony and Belinda Gunnells is in your packet as Exhibit A. The following entity has a mortgage on the Property: Deutsche Bank Notional Trust Company (fka Bankers Trust Company of California, N.A.) as Trustee of Vendee Mortgage Trust 1994-1 ("Deutsche Bank"). Carrington Mortgage Services, LLC self-identified as an attorney-in-fact for Deutsche Bank with respect to the Premises.

Mr. Douglass said on August 18, 2017, Notice of this hearing was recorded in the Androscoggin County Registry of Deeds in Book 9669 and Page 179, a copy of which is included in your packets as Exhibit B. On August 24, 2017, Anthony Gunnells was served with a notice of hearing, and that return of service is in your packets as Exhibit C. On August 24, 2017, Belinda Gunnells was served with a notice of hearing, and that return of service is in your packets as Exhibit D. On August 24, 2017, Deutsche Bank was served with a notice of hearing, and that return of service is in your packets as Exhibit E. On August 24, 2017, Carrington Mortgage Services, LLC was served with a notice of hearing, and that return of service is in your packets as Exhibit F. Additionally, the Town sent the notice of hearing to two companies that appear to manage, or have been managing, the Property even though they are not parties-in-interest and the town has no legal obligation

to notify them. I have communicated with Safeguard Properties about the Property in the past, but it now contends that it does not currently perform preservation work at the Property and that it unable to identify the lien holder. Carrington Home Solutions, L.P. has left notices at the Property, but it has not responded to the Town's communications or the notice.

III. Dangerous Building

- A. Mr. Douglass said there have been numerous calls to the Lisbon Police Department concerning break-ins at 4 Zamore Street. The police reports are included in your packets as Exhibit H.
- B. Present conditions of 4 Zamore Street are portrayed in the slide show, which is included in your packets as Exhibit I, and which I now review.
- C. Conclusion: 4 Zamore Street is a dangerous building for the following reasons:
 - The foundation—portions of which are absent and other portions of which are collapsing and caving in—is structurally unsafe, unstable, constitutes a major hazard to health or safety, and is dangerous to life or property;
 - The roof and rafters structure is deteriorated and compromised, and ceiling and floor joists are failing, making the building structurally unsafe and constituting a safety hazard;
 - The roof is compromised—roof shingles are missing and the roof allows water into the building—and the interior of the structure has significant water damage, with mold growth prevalent throughout, creating unsanitary conditions, constituting a health hazard and making the structure unsuitable for occupancy;
 - The property has been vacant for several years, and is not secure, constituting a fire hazard and a hazard to health or safety;
 - The siding is in disrepair and the trim is decayed or missing because of inadequate maintenance, dilapidation or abandonment; and,
 - The exterior stairs and ramp appear to be inadequately maintained, are deteriorated, and do not meet current building code standards, constituting a hazard to health or safety

Mr. Douglass said as such, we ask that you adopt the proposed findings of fact and conclusions of law and order that the structure be demolished. Seeing no more discussion, the Chairman closed the public hearing.

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS

Donald Fellows commented on the amendments to Chapter 70-7 and pointed out that this is probably leftover language from the Selectman/Town Meeting form of government. He said the 30-day requirement is no longer necessary and encouraged the Council to support the proposed amendment.

CONSENT AGENDA

VOTE (2017-229) Councilor Crawford, seconded by Councilor Lunt moved to approve the Municipal Accounts Payable & Payroll Warrants #26 for \$13,012.99, #27 for \$177.00, #28 for \$169,621.81, #29 for \$13,595.92, #30 for \$16,832.60, #31 for \$652.60, #32 for \$9,614.05, #33 for \$616,508.43, and #34 for \$800.00, School Accounts Payable & Payroll Warrants #1013 for \$284,427.30, #1014 for \$12,517.15, #1015 for \$299,134.98, #1805 for \$160,384.68, and #7 for \$22,566.39, along with the Minutes of September 5, 2017 and the regular meeting minutes for September 12, 2017, plus schedule Public Hearings for October 3 to discuss a Special Entertainment Permit for the Left Hand Club and a Victualer's License for Christine Amaya d/b/a Chris' House.
Order passed - Vote 5-0.

COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

PUBLIC WORKS & SEWER ¾ TON PICKUP BIDS

INTRODUCTION: Mr. Leighton explained the RFP was sent to the following vendors:

Bill Dodge Auto Group	Rowe Ford
Bodwell's	Tucker Ford
Casco Bay Ford	Weirs Motor Sales, Inc.
Charlie's Motor Mall	Whited Truck
Darling's	Wiscasset Ford Truck Center
O'Connor Motors	Yankee Ford
Prime Motors Group	

The town received the following bids:

Darling's	- \$25,843 each	
O'Connor Motors	- \$28,773 each	
Weirs Motor Sales, Inc	- \$29,980 each	
Whited Ford Truck Center	- \$34,480 each	- received by email

After reviewing the bids and based on the available budgets for the Public Works and Sewer Department, we request permission to award the bid to Darling's for one pickup for the Sewer Department. We request permission to use the available funds carried forward from the previous year as well as the funds intended to be transferred from the Parks and Recreation Department to the Sewer Department for the truck we want to replace. Below are the account numbers we would like to use in order.

E-04-405-5368	Vehicle Replacement	\$ 4,000.00 (in Park budget)
E-20-100-5410	Sewer-Equipment	\$11,631.00
E-20-100-5554	WWTP Sewers	\$18,615.73

At this point, an effort will be made to continue looking for a used pickup to be purchased with the funds currently available in the Public Works Budget.

VOTE (2017-230) Councilor Albert, seconded by Councilor Lunt moved to award bid to Darling's in the amount of \$25,843 for one pickup truck for the Sewer Department. **Order passed - Vote 5-0.**

KELLY PARK ROADS

INTRODUCTION: Mr. Leighton explained that the town received a request from Premier Development, LLC, the owners of the Kelly Park Development on Route 196, to determine the process to be completed in order for the Town to accept Premier Drive and Champagne Lane as town ways. First the owner must file with the Council a petition, agreement, deed, affidavit or other writing specifically describing the property or interest and its location, and stating that the owner voluntarily offers to transfer such interests to the municipality without claim for damages. Alternatively, the owner can file in the registry of deeds an approved subdivision plot plan that describes the road(s) to be appropriated for public use. In either case, the best practice is for the dedication to be memorialized in a deed that the Council can accept, which is what our attorney strongly recommended. Then the second step is for the legislative body, in this case the Council, to accept the dedication.

COUNCILOR COMMENTS: Councilor Ward said he did not foresee any issue. Mrs. Barnes said once the town accepts the deeds, then the town can adopt these roads. Councilor Albert commented, why wouldn't we.

VOTE (2017-231) Councilor Ward, seconded by Councilor Crawford moved to intend to accept the roads once all these steps are completed, but this vote would not constitute a binding acceptance and would not be effective to make them town roads. **Order passed - Vote 5-0.**

UNION STREET GAS LINE PROJECT

INTRODUCTION: Mr. Leighton reported an RFP was sent to the following vendors:

Carl Huston Excavation
Copp Excavation
ETTI

Longchamps and Sons
St. Laurent and Son

Mr. Leighton said he did not receive any bids. The town has one estimate from ETTI which we received in advance of sending out the formal RFP. He said we are also requesting an estimate from Ranger Contracting to complete this work in conjunction with the Lisbon Falls Streetscape project.

AAA Energy
Air Temp, Inc.
Mechanical Services
Nason Mechanical

Patriot Mechanical
Thayer Corp.
Siemens, USA

The town received the following bids:

Lisbon Library Burner Conversion

Patriot Mechanical - \$8,700
Mechanical Services - \$11,492

Lisbon Fall Fire Station Boiler Replacement

Patriot Mechanical - \$23,770
Mechanical Services - \$29,995

Patriot Mechanical Alternative Bid for boiler eligible for Efficiency Maine rebate - \$26,255

Mr. Leighton said considering we did not receive bids from contractors to provide the open trench for the natural gas main extension, he recommend rejecting all bids and rebidding the project next year.

COUNCILOR COMMENTS: Councilor Ward said there is no need to rush into a decision.

VOTE (2017-232) Councilor Albert, seconded by Councilor Kolbe moved to reject all bids and rebid the project next year in the spring. **Order passed - Vote 5-0.**

SENTER GRANT FOR IMPROVEMENTS TO KITCHEN AT MTM

INTRODUCTION: Mr. Stevens said the Lisbon Parks and Recreation Department would like to apply for the Alfred M. Senter Grant to attain funds to purchase a new refrigerator for the MTM Community Center Kitchen. The current refrigerator expired earlier this month and according to professionals, it is not repairable. It is estimated this appliance was installed when the building was built in the 1950's. A new commercial refrigerator is estimated to cost around \$3,000.

This department is requesting to apply and if awarded to accept a non-matching grant in the amount of \$3,000 from the Alfred M. Senter Fund. This project will make a significant difference for the community who uses this kitchen regularly for community functions and/or special events.

VOTE (2017-233) Councilor Albert, seconded by Councilor Kolbe moved to apply and accept the Alfred M. Senter Grant Funds if awarded in the amount of \$3,000 and to authorize the Town Manager to sign the application. **Order passed - Vote 5-0.**

**ORDINANCE – AMENDMENT TO CHAPTER 70 ZONING ORDINANCE
ARTICLE I-IN GENERAL, SECTION 70-7 AMENDMENT
*First Reading - Roll Call Vote Required***

INTRODUCTION: The Town of Lisbon Planning Board has proposed a change to the amendment process for Public Hearings. The change is to eliminate the 30 day waiting period for the Town Council to review a recommendation by the Planning Board in Section 70-7 Amendments. The Planning Board is still required to hold a Public Hearing. This request has been reviewed and drafted by the Town's legal representative.

VOTE (2017-234) Councilor Albert, seconded by Councilor Crawford moved to adopt the amendments to Chapter 70-7 as follows:

Sec. 70-7. Amendment.

- (a) *Initiation of amendment.* An amendment to this chapter may be initiated by:
 - (1) *Planning board.* The planning board provided a majority of the board has so voted;
 - (2) *Town officers.* Request of the town officers to the planning board; or
 - (3) *Petition.* Written petition of a number of voters equal to at least ten percent of the number of votes cast in the town at the last gubernatorial election.
- (b) *Adoption of amendment.* An amendment to this chapter may be adopted by:
 - (1) *Recommended.* A majority vote of the governing body if the proposed amendment is recommended by the planning board; or
 - (2) *Not recommended.* Two-thirds majority vote of the governing body if the proposed amendment is not recommended by the planning board.
- (c) *Public hearing.*
 - (1) The planning board shall hold a public hearing on ~~the a~~ proposed amendment to this chapter at least 30 days prior to the meeting of the governing body voting whether to recommend the amendment to the town council. Notice of the hearing shall be posted in the municipal office at least 13 days before the hearing and published in a newspaper of general circulation in the municipality at least two (2) times with the date of the first publication at least twelve (12) days before the hearing and the date of the second publication at least seven (7) days before the hearing.
 - (2) Additional notice must be sent by regular mail to the public drinking water supplier if the area to be rezoned contains its source water protection.
 - (3) Additional notices may also be required where the change in a zoning district falls under the provisions of 30-A M.R.S.A. § 4352.10 and/or 38 M.R.S.A. Chapter 3, Article 2-B, Section 438-A.
- (d) *Copies to department of environmental protection.* Copies of ordinance amendments or amendments to the official zoning map that are within areas regulated by 38 M.R.S.A. § 435, attested and signed by the town clerk, shall be submitted to the commissioner of the department of environmental protection following adoption by the legislative body and shall not be effective unless approved by the commissioner of the department of environmental protection. If the commissioner fails to act on any amendment within 45 days of the commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the town within the 45-day period shall be governed by the terms of the amendment if such amendment is approved by the commissioner.

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Ward, and Kolbe. Nays - None. Order passed - Vote 5-0.

SECURE DANGEROUS STRUCTURE – 4 ZAMORE STREET

VOTE (2017-235) Councilor Kolbe, seconded by Councilor Albert moved to approve Findings of Fact, Conclusions of Law, and Order of Demolition for 4 Zamore Street as follows:

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

On September 19, 2017 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 4 Zamore Street in Lisbon, Maine (the “Premises”), identified as Lot 46 on Tax Map U12, and further described in a Deed recorded in the Androscoggin County Registry of Deeds at Book

3162, Page 77, is dangerous or a nuisance pursuant to 17 M.R.S. § 2851. Based on the information presented at the hearing, the 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 was Dennis Douglass, Town of Lisbon Code Enforcement Officer. The following individual(s) appeared on behalf of the owners and/or parties in interest: No one.

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

1. Anthony R. Gunnells and Belinda J. Gunnells are the owners of the Premises (“Owners”). Code Enforcement Department Exhibit A.
2. On July 7, 2017, a copy of the notice of the hearing held pursuant to 17 M.R.S. § 2851 (the “Notice”) was recorded in the Androscoggin County Registry of Deeds at Book 9669, Page 179. Code Enforcement Department Exhibit B.
3. On August 24, 2017, Anthony Gunnells was served with a copy of the Notice. Code Enforcement Exhibit C.
4. On August 24, 2017, Belinda Gunnells was served with a copy of the Notice. Code Enforcement Department Exhibit D.
5. Deutsche Bank National Trust Company (fka Bankers Trust Company of California, N.A.) as Trustee of Vendee Mortgage Trust 1994-1 (“Deutsche Bank”) holds a mortgage on the Premises.
6. On August 24, 2017, Deutsche Bank was served with a copy of the Notice. Code Enforcement Department Exhibit E.
7. Carrington Mortgage Services, LLC (“Carrington”) self-identified as an attorney-in-fact for Deutsche Bank with respect to the Premises.
8. On August 24, 2017, Carrington was served with a copy of the Notice. Code Enforcement Department Exhibit F.
9. The Town also sent a copy of the Notice to Safeguard Properties and Carrington Home Solutions, L.P., two property managers that are or have been associated with the Property, even though neither is a party-in-interest and the Town has no legal obligation to notify them.
10. A significant portion of the Structure’s foundation has collapsed, and another portion is caving in and collapsing.
11. The Structure’s roof and rafters structure is deteriorated and compromised, and ceiling and floor joists are failing.
12. The Structure’s roof shingles are missing and the roof allows water into the building.
13. The Structure’s interior has significant water damage, with mold growth prevalent throughout.
14. The structure has been abandoned and vacant for several years, is not secure, and police have responded multiple times to reports of authorized persons gaining access to the Structure.
15. The Structure’s siding is in disrepair and the trim is decayed or missing because of inadequate maintenance, dilapidation or abandonment.
16. The Structure’s exterior stairs and ramp are inadequately maintained, are deteriorated, and do not meet current building code standards.

Conclusions of Law

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

17. The Structure is structurally unsafe.
18. The Structure is unstable.
19. The Structure is unsanitary.
20. The Structure constitutes a fire hazard.

21. The Structure is unsuitable or improper for the use or occupancy to which it is put.
22. The Structure constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, and abandonment.
23. The Structure is dangerous to life and property.

Any of the conclusions in paragraphs 17 - 23 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 4 Zamore Street, Lisbon is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851.

Order

Having found that the Structure at 4 Zamore Street, Lisbon is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851, and the Lisbon Town Council hereby ORDERS:

24. That within thirty (30) days of service of this Order, the Owners and/or its successors and assigns demolish the Structure, remove all debris, and stabilize the site.
25. That if the Owners 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.
26. 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 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, if applicable (*e.g.* if the Town secures or demolishes and cleans up the Structure because the Owner fails to under the terms of this Order).
27. That if the Owners and/or its 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. § 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 5-0.

ORDINANCE – EXTEND MORATORIUM ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS, STORES, & SOCIAL CLUBS

Final Reading

VOTE (2017-236) Councilor Albert, seconded by Councilor Kolbe moved to extend the Moratorium Ordinance on Retail Marijuana Establishments, Stores, and Social Clubs as follows:

TOWN OF LISBON EXTENSION AMENDMENT TO MORATORIUM ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA STORES AND RETAIL MARIJUANA SOCIAL CLUBS

WHEREAS, the Town's Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Stores and Retail Marijuana Social Clubs ("Moratorium Ordinance") was adopted on April 4, 2017, went into effect on April 25, 2017, and is due to expire after 180 days on October 22, 2017; and

WHEREAS, pursuant to the Marijuana Legalization Act, as adopted in a state-wide referendum and subsequently amended by the Legislature and codified in the Maine Revised Statutes at Title 7, chapter 417 (the "Act"), the operative provisions of the Act—including the provisions pertaining to State licensing and municipal regulation – do not become effective until February 1, 2018; and

WHEREAS, pursuant to the Act, the State of Maine licensing authority must adopt rules for the proper regulation and control of the cultivation, manufacture, distribution, sale and testing of retail marijuana and retail marijuana products and for the enforcement of the Act on or before October 30, 2017; and

WHEREAS, the Maine Legislature's Joint Select Committee on Marijuana Legalization Implementation is working to help guide the state agencies that will craft the rules and regulations around the recreational marijuana industry; and

WHEREAS, the State of Maine licensing authority that is to draft the rules and regulations around the recreational marijuana industry has not done so yet; and

WHEREAS, the Town needs to know the State of Maine regulatory framework for the recreational marijuana industry before it can determine the land use and other regulatory implications of retail marijuana establishments, stores and social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, the problems giving rise to the need for the moratorium still exist and reasonable progress is being made to alleviate the problems;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Lisbon, that all provisions of the Moratorium Ordinance are hereby extended for an additional one hundred and eighty (180) days (i.e., from October 23, 2017 to April 21, 2018).

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Ward, and Kolbe. Nays - None. Order passed – Vote 5-0.

ORDINANCE – AMENDMENT TO CHAPTER 10 SEC. 166(A)
TO REMOVE PROCESSING FEE FOR RECORD CHECKS
&
ORDINANCE – AMENDMENT TO CHAPTER 10 SEC. 406(A) (2)
TO REMOVE PROCESSING FEE FOR RECORD CHECKS
&
ORDINANCE - AMENDMENT TO CHAPTER 10 SEC. 505(A) (2)
TO REMOVE PROCESSING FEE FOR RECORD CHECKS

Final Reading

VOTE (2017-237, 8, 9) Councilor Albert, seconded by Councilor Kolbe moved to amend Chapter 10-166(A), Chapter 10-406(A)(2), and Chapter 10-505(A)(2) as follows:

Chapter 10 - Businesses
Article III. Alcoholic Beverages
Division 2 - Special Amusement Permits
Sec. 10-166. - Fee.

- (a) The fee for a new application shall be \$100.00 ~~and an additional processing fee of \$50.00 for each new applicant, including any partners or officers.~~
- (b) The town council shall have the authority to amend this fee after a public hearing.

Chapter 10 - Businesses
Article VII – Adult Use Establishments
Sec. 10-406. - Application.

- (a) An applicant for an adult use establishment license shall:
 - (1) Complete and file an application prescribed by and provided by the town.
 - (2) Deposit with the town clerk a processing and licensing fee of \$250.00 ~~and an additional processing fee of \$50.00 per person for each person required to be investigated.~~ This fee is

nonrefundable and must be deposited before the town takes any further action in investigating or processing the license. The amount of this fee may be determined and adjusted from time to time as costs and expenses may dictate by the town council.

(b) Additional filing requirements:

- (1) A description of the form of ownership of the business enterprise together with attested copies of the organizational documents of the business entity (i.e. articles of incorporation and by-laws if a corporation, partnership agreement if a partnership, articles of association and by-laws if an association, LLC filings and managing agreement if an LLC, etc.).
- (2) An affidavit under oath which states the names, contact information, places of residence at the time of application, and for the immediately preceding Three years of all owners, stockholders, members, partners, officers, directors, or other participants in the business entity together with all managers and supervisory personnel responsible for the business operation.
- (3) Evidence of an interest in the premises in which the adult use establishment will be sited, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (4) A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- (5) The date of initiation of the business use if in operation at the time of adoption of this article and application for license.
- (6) A release authorized by 16 M.R.S.A. § 620(6) (Criminal History Record Information Act) for each individual identified in subsection (b) above.
- (7) Evidence of compliance with the requirements of sections 10-412 through 10-417 and evidence that there is no basis for denial of a license to an applicant under the standards listed in section 10-411.
- (8) Any other information that the town manager or the town clerk, upon review of the completed application and submissions, may deem necessary in order for the town council to determine that the applicant complies with all of the regulations and requirements of this article.

Chapter 10 - Businesses

Article VIII – Pawnbroker Establishments

Sec. 10-505. - Application.

(a) An applicant for a pawnbroker establishment license shall:

- (1) Complete and file an application prescribed by and provided by the town.
- (2) Deposit with the town clerk a processing and licensing fee of \$250.00 ~~and an additional processing fee of \$50.00 per person required to be investigated under the provisions of subsections 10-506(5) and (6).~~ This fee is nonrefundable and must be deposited before the town takes any further action in investigating or processing the license. The amount of this fee may be determined from time to time as costs and expenses may dictate, and adjusted by order of the town council.

(b) Additional filing requirements:

- (1) A description of the form of ownership of the business enterprise together with attested copies of the organizational documents of the business entity (i.e.) articles of incorporation and by-laws if a corporation, partnership agreement if a partnership, articles of association and by-laws if an association, LLC filings and managing agreement if an LLC, etc.).
- (2) An affidavit stating the names, contact information, places of residence at the time of application, and for the immediately preceding three years of all owners, stockholders, members, partners, officers, directors, or other participants in the business entity together with all managers and supervisory personnel responsible for the business operation.
- (3) Evidence of an interest in the premises in which the pawnbroker establishment will be sited, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.

- (4) A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- (5) The date of initiation of the business use if in operation at the time of adoption of this article and application for license.
- (6) A release authorized by 16 M.R.S.A. § 620(6) (Criminal History Record Information Act) for each individual identified in subsection 10-505(b)(2) above to allow access to inspect criminal history record information.
- (7) Evidence of compliance with the requirements of sections 10-511 through 10-513 and evidence that the standards for approval listed in section 10-510 have been met.
- (8) Any other information that the town manager or the town clerk, upon review of the completed application and submissions, may deem necessary in order for the town council to determine that the applicant complies with all of the regulations and requirements of this article.

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Ward, and Kolbe. Nays - None. Order passed - Vote 5-0.

**ADOPT ORDINANCE FOR PROPOSED BOND FOR WASTEWATER COLLECTION AND
TREATMENT SYSTEM UPGRADES**

Final Reading

VOTE (2017-240) Councilor Albert, seconded by Councilor Kolbe moved to adopt the following Ordinance for the Proposed Bond for Wastewater Collection and Treatment System Upgrades, along with authorizing this item to be place on the November 7, 2017 ballot:

**ORDINANCE AUTHORIZING THE TOWN OF LISBON
TO ISSUE UP TO \$6,543,000 IN BONDS TO FINANCE
WASTEWATER COLLECTION
AND TREATMENT SYSTEM UPGRADES.**

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 \$6,543,000 and notes in anticipation thereof (collectively, the “Bonds”), to fund a portion of the costs of (a) replacement of and upgrades to sanitary sewer lines on and in the vicinity of St. Ann Street, Webster Road, Upland Road, Park Street, Ferry Street, Osborn/Nason Street, Andrea Street and Main Street, (b) upgrades to the Davis Street and Brook Street wastewater pumping stations, (c) expansion of the wastewater treatment plant chlorine contact tank and related improvements, and (d) costs associated with the above (collectively, the “Project”), subject to approval of grants of approximately \$2,457,000 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 in accordance with section 8.25(b) of the Town Charter 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 7, 2017 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 \$6,543,000 FOR THE PURPOSE OF FINANCING WASTEWATER COLLECTION AND TREATMENT SYSTEM UPGRADES AND RELATED IMPROVEMENTS.

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Ward, and Kolbe. Nays - None. Order passed - Vote 5-0.

**BALLOT RECOMMENDATION
FOR PROPOSED BOND FOR WASTEWATER COLLECTION AND
TREATMENT SYSTEM UPGRADES**

VOTE (2017-241) Councilor Ward, seconded by Councilor Crawford moved to recommend YES.
Order passed – Vote 5-0.

ADOPT ORDINANCE FOR PROPOSED ENERGY EFFICIENCY
AND CAPITAL INFRASTRUCTURE UPGRADES
(SCHOOL PROJECT)
Final Reading

VOTE (2017-242) Councilor Crawford, seconded by Councilor Albert moved to adopt the Ordinance for the proposed contracts regarding energy efficiency and capital infrastructure upgrades authorizing this item to be placed on the November 7, 2017 ballot as follows:

**ORDINANCE AUTHORIZING THE TOWN OF LISBON TO ENTER INTO CONTRACTS
REGARDING ENERGY EFFICIENCY AND CAPITAL INFRASTRUCTURE UPGRADES**

BE IT ORDAINED, pursuant to Articles 4.06 and 8.11(b)(2) of the Charter of the Town of Lisbon,

Section 1. That the Town of Lisbon (the “Town”), acting through the School Committee and the School Superintendent, be authorized to enter into one or more long-term tax-exempt lease purchase contracts with Siemens, Inc. for a term not to exceed 17 years, in a cumulative amount not to exceed \$1,650,000 for the purpose of financing the costs of certain energy-efficiency related capital improvements to the Lisbon High School, P.W. Sugg Middle School, Lisbon Community School and Lisbon Central Office, including but not limited to steam to hot water boiler conversion, classroom unit ventilator replacement, district energy management system improvements, LED lighting replacement, ceiling replacement, high efficiency AC improvements, exhaust fan replacement and classroom demand control ventilation upgrades (collectively, the “School Project”),

Section 2. That an amount not to exceed \$1,650,000 is hereby appropriated for the purpose of accomplishing the School Project,

Section 3. That the term of the lease purchase agreement described in this ordinance shall not exceed seventeen (17) years.

Section 4. That the Municipal Officers of the Town of Lisbon, being the Town Council, Town Manager, Finance Director and Clerk of the Town of Lisbon, shall determine the form, date or dates, maturities, denominations, interest rate or rates, place of payment, and other details of any contracts entered into or securities issued pursuant to this ordinance.

Section 5. That the Town Finance Director is authorized to do or cause to be done any and 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 including by way of example the leases referred to herein, an arbitrage and use of proceeds certificate and a continuing disclosure certificate, in order to carry out the provisions of this ordinance in connection with the entry into the leases described herein.

Section 6. That if the Town Finance Director or any other Municipal Officer whose signature may be required for the financing authorized herein, is for any reason unavailable to approve and execute the required documents, then the person or persons then acting in such capacity either as an assistant, a deputy, a replacement or otherwise is authorized to act for such official and perform such act themselves.

Section 7. 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;

Section 8. That the Town Clerk file an attested copy of this Ordinance with the minutes of this meeting and in accordance with section 8.25(b) of the Town Charter make attested copies of this Ordinance available to the public;

Section 9. That a referendum election question regarding the ratification of this Ordinance be placed on the ballot for the November 7, 2017, 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:

APPROPRIATION ORDINANCE

“SHALL AN ORDINANCE APPROVED BY THE TOWN COUNCIL AUTHORIZING THE TOWN OF LISBON TO APPROPRIATE AN AMOUNT NOT TO EXCEED \$1,650,000 FOR THE PURPOSE OF FINANCING ENERGY EFFICIENCY UPGRADES AND CAPITAL INFRASTRUCTURE IMPROVEMENTS TO SCHOOL DISTRICT BUILDINGS BE APPROVED AND RATIFIED?

SO ORDERED AND ADOPTED by the Town Council of the Town of Lisbon this 5th day of September, 2017, and be it FURTHER ORDAINED by the Town Council of the Town of Lisbon that this Ordinance be submitted to the voters under the authority of the Town Council pursuant to the provisions of Section 8.21(b) and pursuant to the requirements of Section 8.11(b)(2) and Section 8.25(b) of the Charter of the Town of Lisbon, the submission to the voters to occur at the general election scheduled for Tuesday, November 7, 2017.

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Ward, and Kolbe. Nays - None. Order passed - Vote 5-0.

BALLOT RECOMMENDATION FOR PROPOSED ENERGY EFFICIENCY AND CAPITAL INFRASTRUCTURE UPGRADES (SCHOOL PROJECT)

VOTE (2017-243) Councilors Albert, seconded by Councilor Kolbe moved to recommend YES. **Order passed - Vote 5-0.**

ADOPT WARRANT FOR THE NOVEMBER 7, 2017 ELECTION

VOTE (2017-244) Councilor Kolbe, seconded by Councilor Crawford moved to adopt the Warrant for the November 7, 2017 Election as presented with recommendations. **Order passed - Vote 5-0.**

VOTING CREDENTIALS FOR ANNUAL MMA BUSINESS MEETING

VOTE (2017-245) Councilor Albert, seconded by Councilor Kolbe moved to nominate Councilor Crawford the official voting delegate and Councilor Lunt the alternate voting delegate. **Order passed - Vote 5-0.**

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert said he had nothing to report.
2. Planning: Councilor Ward said at their last meeting they approved a 3 lot subdivision for craft's lot on Route 9 and accepted James Lemieux's resignation. He pointed out there are two alternate seats on the Planning Board to fill.
3. Water Commission: Councilor Crawford said he had nothing to report.
4. LDC: Councilor Albert said LDC is circling back around into motion soon.
5. Conservation Commission: Councilor Lunt said he had nothing to report.
6. Recreation: Councilor Kolbe said she had nothing to report.
7. County Budget: Councilor Ward their first county budget committee meeting is tomorrow night, that you can watch these meetings on Great Falls TV. He said they have a lot to talk about.
8. Library: Councilor Lunt said he had nothing to report.

B. TOWN MANAGER'S REPORT

Mrs. Barnes said she and Ms. Steuber went to the Androscoggin County official's presentation of the Spirit of American award to the Lisbon Development Committee. Karen Paradis and Donald Fellows attended to receive the award on LDC's behalf. She reported staff was extremely busy processing tax payments.

C. SUMMER STREET PARK – SCOUT PROJECT/DESIGNATE DOG PARK

Item Take Up Under Good News and Recognition Above

D. DEPARTMENT HEAD WRITTEN REPORTS – NO COMMENTS**AUDIENCE PARTICIPATION FOR NEW ITEMS – NONE****APPOINTMENTS**

ACCEPT PLANNING BOARD RESIGNATION FROM
JAMES LEMIEUX, ASSOCIATE MEMBER TERM TO 2018

VOTE (2017-246) Councilor Lunt, seconded by Councilor Albert moved to accept James Lemieux's resignation on the Planning Board. **Order passed - Vote 5-0.**

TO EXTEND DAN LEEMAN'S TERM ON THE PLANNING BOARD TO 2020

VOTE (2017-247) Councilor Kolbe, seconded by Councilor Lunt moved to extend Dan Leeman's term on the Planning Board to 2020. **Order passed - Vote 5-0.**

COUNCILOR COMMUNICATIONS

Councilor Kolbe mentioned that next Tuesday, September 26 the Moxie Committee will hold its first Moxie Committee meeting as plans begin for next year's festival.

Councilor Albert congratulated the Lisbon Greyhounds on their big win last week.

EXECUTIVE SESSION – NONE**ADJOURNMENT**

VOTE (2017-248) Councilor Kolbe, seconded by Councilor Albert moved to adjourn at 8:30 PM. **Order passed - Vote 5-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved October 3, 2017