



## TOWN COUNCIL MEETING MINUTES APRIL 7, 2015

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

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

**ROLL CALL.** Members present were Councilors Lunt, Bickford, Crafts, Pesce, Garrison, Brunelle, and Metivier. Also present were Diane Barnes, Town Manager; Tracey Austin, School Committee Chairman; Kathi Yergin, School Committee member; Ryan Leighton, Public Works Director; Mark Stevens, Recreation Director; Tracey Steuber, Economic & Community Development Director; Amanda Bunker, Contracted Town Planner; Karen Paradis, Planning Board Chairman; Donald Fellows, Planning Board & Assessment Review Board Member; Larry Fillmore, Finance Committee Member; Dan Stockford, Esquire, Town Attorney; totaling approximately 40 citizens in the audience.

### EXECUTIVE SESSION

**VOTE (2015-76, 77, 78)** Councilor Bickford, seconded by Councilor Metivier moved to go into Executive Session at 7:08 PM per 1 MRSA Section 405 (6) (a) Personnel Matter – Finance Committee resignations & appointments, and per 1 MRSA Section 405 (6) (A) Personnel Matter and per 1 MRSA Section 405 (6) (C) Economic Development Negotiations – Revolving Loan Fund. **Order passed - Vote 7-0.**

A motion to come out of Executive Session was made by Councilor Bickford, seconded by Councilor Garrison at 8:05 PM. The regular session resumed at 8:10 PM.

Councilor Pesce said the Town Council would like to address erroneous information that has been circulated regarding the Town's Public Works Director, Ryan Leighton. Statements suggesting that Mr. Leighton is not lawfully qualified for the positions that he holds, or that he has engaged in embezzlement because of his qualifications, are false and unfair to Mr. Leighton.

Councilor Pesce said that Mr. Leighton has held the title of Town Engineer since 2001, when he was appointed to that position by the Town Manager at that time. Neither Maine law nor the Town's statutes and ordinances require that an individual must be a Licensed Professional Engineer in order to serve as Town Engineer. In fact, Maine law provides that a municipality may engage in construction of any public work involving professional engineering without procuring the services of a licensed professional engineer, as long as the contemplated expenditure for the project does not exceed \$100,000 and the work does not create an undue risk to the public health or safety. In those cases when a project requires the services of a Licensed Professional Engineer, the Town contracts with an outside engineering firm, Olver Associates, Inc., to provide those services.

Councilor Pesce said in his capacity as Public Works Director for the Town, Mr. Leighton also oversees the Sewer Department. The operations manager for the Sewer Department's Wastewater Treatment Facility, who reports to Mr. Leighton, holds a Grade Four wastewater treatment plant operator certification from the Maine Division of Water Quality Management. The operations manager's certification authorizes him to operate Lisbon's Wastewater Treatment Facility, which is a Grade Four plant. Because there is an operations manager with a Grade Four certification operating Lisbon's plant, Mr. Leighton is not legally required to hold any wastewater treatment plant operator certification. He said in fact, Mr. Leighton currently holds a Grade Two certification.

### GOOD NEWS & RECOGNITION

Councilor Pesce said if there were no Councilors opposed, he would like to present the Resolution for the 2015 Spirit of America Tribute under Good News and Recognition and move the order regarding Longchamps to the beginning of Council Orders, Resolutions, and Ordinances. No objections were noted.

### FAYE BROWN - 2015 SPIRIT OF AMERICAN TRIBUTE

Councilor Pesce announced the Council's nomination of Faye Brown for the 2015 Spirit of America Tribute and requested the Town Clerk read the Resolution for adoption and presentation. Ms. Brown came forward to receive the recognition and very deserving award. Ms. Brown thanked the Council and community for this prestigious recognition.

## **PUBLIC HEARING**

### **A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DOWNTOWN REVITALIZATION GRANT PROGRAM APPLICATION**

The Chairman opened the public hearing. Amanda Bunker said in 2013, the Town adopted the Route 196 Corridor Plan. In early 2014, the Route 196 Committee presented to the Council the proposed first implementation project, a streetscape and pedestrian project for Lisbon Falls. This project area was selected based on an analysis of both what project was most needed and highest priority for the town, as well as what project would be well positioned to leverage state and federal grant funding.

Ms. Bunker said following the Council's support to move ahead with the Lisbon Falls project, the Committee and staff completed several key steps in 2014-2015 preparing to apply for CDBG funding and construction in 2015. Lisbon updated and adopted the Downtown Plan. The Town was able to hire an engineer to develop the project design. She said the Town also held the required public hearing needed to establish the Blight Designation for Lisbon Falls downtown, a strict requirement to be eligible to receive CDBG funding.

Ms. Bunker said tonight's public hearing is to hear comments on the Town's anticipated submission for a CDBG application, under the Downtown Revitalization program. This grant program is administered by the Maine Department of Economic & Community Development (DECD), with funding that originates from federal Housing & Urban Development (HUD) funding.

Downtown Revitalization grants are available for up to \$400,000, but require a 25% local match. She said Lisbon can match up to \$80,000, which means that Lisbon will request \$320,000 in grant funds.

Lisbon's \$80,000 match comes from four areas. 1) \$50,000 has been set aside in the current FY 2014-2015 budget as grant match to implement the Route 196 and Downtown Plans. 2) The Town already budgeted \$20,000 to construct the Davis Street sidewalk to connect the Trail to Lisbon Street, which can be used towards the match because of its direct connection to this project. 3) It has been established that Public Works can contribute \$7,000 of in-kind labor installing landscape elements and crosswalks. And 4) the town is allowed to use as match its CDBG Administrator's time, estimated at \$3,000 because Ms. Steuber is a certified CDBG Administrator, which is a required role for receiving CDBG funds.

Ms. Bunker said the design and cost estimates for the Falls Revitalization Project are just about finalized, which is an excellent status for submitting the CBDG application. The intent of the CDBG program is to fund projects already to construct upon receipt of funds on July 1. Currently, staff and the committee are working with the engineer to complete the design and budget over the next month, in anticipation of the announcement of grant award in May or early June. She said there is still some ongoing coordination with the abutters of the project to ensure the town's project meets their needs, so the design plan at present may have some small changes as we work with the committee and abutters. These changes will not substantially change the overall design or budget. She said this project has been in the works for over a year. The Route 196 Committee has had public workshops and numerous open committee meetings on this project and has always encouraged community participation. She mentioned that the Council has heard several presentations and received updates on the project while the grant application was being developed. In addition, the

committee and staff have worked one-on-one with the abutting property owners and businesses to ensure they have an understanding of the project and in several cases to incorporate their needs.

Ms. Bunker said this is not only a strong application and serious contender for the grant; the project represents the kind of vision, dedication, and community collaboration that Lisbon needs to revitalize and bring new opportunities to the Town.

Ms. Steuber mentioned she received a letter from Gina Mason, Moxie Committee Member, and Parade Chairman, which she read as follows:

As a Moxie Committee member and parade chairman I am in support for the town's CDBG application for the Lisbon Falls Revitalization Project. I feel that this project would have a positive impact for the Festival and Downtown Lisbon Falls area. Lisbon becomes the host to tens of thousands of guests each July for our annual Moxie Festival in downtown Lisbon Falls. The proposed revitalization project is in the midst of all our Moxie Festival activities. These efforts would be critical improvements for a more walkable and pedestrian friendly festival downtown. The aesthetic improvements alone would draw more guests to Lisbon during the festival and would draw business support and attraction to the area. She wrote these improvements would be a positive step toward all businesses, citizens, and visitors seeing Lisbon working to improve the Downtown Lisbon Falls area. As part of the committee we hope that you will support this CDBG application and the revitalization project should the town receive the grant award.

John Wierzbicki, Vice-President for Positive Change Lisbon (PCL) said on behalf of PCL, that he would like to express their support for the Town's CDBG application for the Lisbon Falls Revitalization Project, and the positive impact it would have for revitalizing Downtown Lisbon Falls. He said over the past several years, PCL members have been involved in the planning and development of Lisbon's Route 196 Corridor Plan and the Downtown Plan Update. The proposed Lisbon Falls project and the CDBG application would seek to implement several of the high priority items that came out of those plans. Like the proposed Downtown TIF District, this shows that the Town is now poised to take action and invest in our downtown areas.

Mr. Wierzbicki said PCL has been working with the community, businesses, and town staff over the past several years to help improve and bring vitality to Lisbon, especially the downtown areas. Our work to organize community events and support business opportunities, as well as conduct activities like "clean up days" would greatly benefit from the Town's investment in pedestrian and streetscape improvements. Making a walkable and more beautiful downtown is important to supporting businesses and to attracting more people to the downtown area.

Mr. Wierzbicki encouraged everyone to remember, that everything we do, the steps we take, and every task we complete, not only improves the infrastructure and appearance of our town, it also encourages more and more participation to make reaching our goal easier and sooner. He commented let's create some synergy and increase the means to move these projects along. He said PLC is pleased to support the Town's efforts to revitalize Downtown Lisbon Falls and encourages the Council to endorse this CDBG application and the Falls Revitalization Project.

Ms. Steuber indicated the Route 196 Master Plan Committee and staff are ready to recommend the Council support and approve submitting the application. The Chairman closed the public hearing.

## **AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS**

Larry Fillmore said on the agenda tonight there is a proposed \$25,000 shortfall regarding the MDOT agreement on the trails project. He said MDOT is the project manager, Mr. Leighton is the Site Engineer, and State Project Engineer is Nate Benoit. He indicated this is the second amendment; we already added \$30,000 for the Davis Street sidewalk. Now we have a \$125,000 shortfall and MDOT who supervised the entire project is contributing absolutely no funds. He said the taxpayers are paying enough. He said the town should

go back to MDOT and tell them that they were the project managers and that they need to come up with that money; they approved these expenditures and they are responsible. He remarked that someone should have picked up on this overage before now; this is \$125,000 over. This additional amount of money will come from road improvements. He commented are our roads doing so well that we don't need to use that money to improve them. Some of this is coming from culvert funds so now we are robbing Peter to pay Paul. He said this is just not right.

Mr. Fillmore asked if he could address the Council's comments made right after executive session. Councilor Pesce said not at this time. He recommended Mr. Fillmore put those comments in a letter to the Council.

Dorothy Fitzgerald recommended on the shortfall that we use the \$30,000 designated to build the Davis Street Sidewalk and the \$50,000 in matching funds to pay for the trail project shortfall instead of burdening the taxpayers. She said we already put so much money into that trail.

## CONSENT AGENDA

**VOTE (2015-63)** Councilor Bickford, seconded by Councilor Metivier moved to approve the minutes of March 17, March 24, and March 31, 2015. **Order passed – Vote 7-0.**

## COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

### LONGCHAMPS & SONS, INC ABATEMENT

*Item taken out of order.*

Dan Stockford said this application was filed more than a year after the taxes were committed; therefore it's not an abatement the Tax Assessor can consider. In some circumstances the Council can consider them when they are filed more than one year, but less than three years of the date of commitment. The abatement request under established Maine law would be considered a request for an abatement based upon over valuation. He said the law is clear that as the Council you do not have the authority to grant a request based on over valuation. The statute does allow you to grant abatements only if the taxpayer in question has submitted a list of their property in response to the list that was mailed or provided to them by the Assessor. In this case, the list was sent, but was not filled out and returned by the taxpayer. Thus again, the Council does not have the authority in that situation to grant the abatement request.

**VOTE (2015-83)** Councilor Bickford, seconded by Councilor Metivier moved to not abate this based on the knowledge that the Council does not have any authority to grant it. **Order passed – Vote 7-0.**

### PUBLIC WORKS GARAGE ADDITION BID AWARD

Mr. Leighton indicated we sent out for bid an RFP for the addition to utilize the remaining \$165,000+/- insurance money we had left from the fire. We received the following bids:

\$82, 862	Building Systems, LLC
\$94,143	Irishspan Steel Buildings
\$71,489	SME Corporation base bid with bid alternate of \$85,900

Mr. Leighton recommended awarding the bid to SME Corporation for \$71,489. This will allow us to get the addition put onto the Public Works building right away. SME's base bid is for a metal pitched roof and the other one was based on a single sloped rubber roof. The steel building with the steel roof pitched in two different directions will be a better fit for us and would allow an additional bay to be added in the future. He said they still have to fund the floor, insulation, etc.

**VOTE (2015-80)** Councilor Bickford, seconded by Councilor Garrison moved to award the Public Works garage addition to SME Corporation for \$71,489. **Order passed – Vote 7-0.**

MAINE DEPARTMENT OF TRANSPORTATION (MDOT)  
PROJECT AGREEMENT MODIFICATION  
(ANDROSCOGGIN RIVER TRAIL)

Mr. Leighton mentioned the last time Lisbon did a budget increase for the trail it was still under construction and quite a few items had not been completed at that point. He pointed out several of those items ended up going over the estimate by a considerable amount.

Mr. Leighton explained that the original estimates for this project were done in May of 2008 and the project started around September or October of 2013. The budget was never addressed throughout that timeframe. The quantities were not reconciled or determined until the project was complete. Crushed stone, riprap, loam, geotextile fabric, and the mechanically stabilized earth wall at the Davis Street end were the big-ticket items that ended up impacting the bottom line. The original project estimated mobilization at \$60,000 and it ended up being \$165,000. \$126,000 was budgeted for contingency originally, but the contingency was not allowed to be carried forward when that year passed. Engineering and permitting was a big hit originally estimated at \$180,000; however, it came in at \$450,000. He said the trail is completed and we would have been on the hook for the full \$125,000 if we had not found a partner to work with us to offset those costs. That partner is ATRC (Lisbon/Sabattus/Lewiston/Auburn/MDOT/Maine Turnpike Authority), who voted to transfer \$100,000 out of their holding bin to Lisbon to help fund the balance of this project pending Lisbon provides the remaining required \$25,000 in matching funds. This \$100,000 comes from MDOT and federal funds so MDOT is contributing to the overrun on this project.

Mr. Leighton requested permission to proceed with the agreement modification which will allow Lisbon to close out this project.

**VOTE (2015-81)** Councilor Bickford, seconded by Councilor Garrison moved to authorize the Town Manager to sign the amended MDOT agreement and authorized the \$25,000 in matching funds be taken from the Public Works budget account numbers 03-305-5440 and 03-305-5392. **Order passed – Vote 7-0.**

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DOWNTOWN  
REVITALIZATION GRANT PROGRAM APPLICATION

**VOTE (2015-82)** Councilor Bickford, seconded by Councilor Metivier moved to authorize the submission of the CDBG Downtown Revitalization Grant Application to the Maine Department of Community Development before the April 17, 2015 deadline and to authorize the Town Manager to sign the same. **Order passed – Vote 7-0.**

LONGCHAMPS & SONS, INC ABATEMENT

*Taken up first under Council Orders, Resolutions, and Ordinances above*

ACCEPT FORFEITURE DISBURSEMENTS

**VOTE (2015-84)** Councilor Bickford, seconded by Councilor Metivier moved to accept three forfeiture disbursements from the U.S. Marshals Service by electronic deposits totaling \$515.78. **Order passed – Vote 7-0.**

APPROVE TRANSFER OF SNOWMOBILE  
REIMBURSEMENT TO THE RECREATION RESERVE ACCOUNT

**VOTE (2015-85)** Councilor Bickford, seconded by Councilor Lunt moved to authorize the Finance Director to transfer the snowmobile reimbursement funds in the amount of \$2,032.34 to the recreation reserve account, which currently has a balance of \$2,885.66. **Order passed – Vote 7-0.**

RECREATION FEE SCHEDULE  
(Policies, Rules, & Regulations)

**VOTE (2015-86)** Councilor Bickford, seconded by Councilor Garrison moved to approve the rate changes for the Lisbon Fitness Center to \$15, Summer Day Camp to \$300.00, and Playground Camp to \$300.00. **Order passed – Vote 7-0.**

#### SCHEDULE SPECIAL COUNCIL MEETING FOR APRIL 14, 2015

**VOTE (2015-87)** Councilor Bickford, seconded by Councilor Metivier moved to schedule a Special Council Meeting on April 14, 2015. **Order passed – Vote 7-0.**

#### FINANCE COMMITTEE DISCUSSION

Councilor Garrison said this committee currently has one (1) active member [on this seven-member committee]. Two applications have been received; however three (3) members would not make the required four (4) members present and voting to make a quorum to take action.

Dorothy Fitzgerald said she recently submitted an application. Councilor Lunt said regardless of the number of applications, this committee is not effective and has not made any usable recommendations so far. He reported the way this committee is organized does not make sense.

**VOTE (2015-88)** Councilor Bickford, seconded by Councilor Lunt moved to direct the Town Manager to prepare the necessary language for the Lisbon Code Book to dissolve the Finance Committee. **Order passed – Vote 7-0.**

#### HEALTH OFFICER

**VOTE (2015-89)** Councilor Bickford, seconded by Councilor Lunt moved to assign the Health Officer duties with an annual stipend of \$5,000 to Dennis Douglass, Code Enforcement Officer effective July 1, 2015 contingent on Mr. Douglass successfully obtaining the required state certification. **Order passed – Vote 7-0.**

#### NOMINATIONS FOR MMA EXECUTIVE COMMITTEE

**VOTE (2015-90)** Councilor Bickford, seconded by Councilor Garrison moved to table. **Order passed – Vote 7-0.**

#### RESOLUTION FOR THE 2015 SPIRIT OF AMERICA TRIBUTE

**VOTE (2015-91)** Councilor Bickford, seconded by Councilor Metivier moved to nominate Faye Brown for the 2015 Spirit of America award and adopt the following Resolution:

The 2015 Lisbon, Maine Spirit of America Foundation Tribute honors Faye Brown for commendable community service.

**BE IT HEREBY RESOLVED** By the Town Council of the Town of Lisbon as follows:

**WHEREAS**, Faye is well known throughout Lisbon for her work with the Town's Gardens and starting the Green Thumb Gang. In 1997, with thoughts of beautifying Lisbon for the bicentennial in 1999 Faye organized a meeting of citizens interested in tending to the neglected town gardens. Six interested citizens attended the meeting and the Green Thumb Gang was born; and

**WHEREAS**, The Green Thumb Gang with Faye as their fearless leader, raised money for the gardens by placing painted flower pots at various business locations throughout town. Over the years with the flowerpot donations, unsolicited donations and 'in kind' donations from local contractors she collected \$32,693 for the Green Thumb Gang.

The gang maintained 35 gardens, 12 planters, and built the town gazebo with the donations; and

**WHEREAS**, She also worked with the local schools, giving garden lessons and working on garden projects with the students; and

**WHEREAS**, Faye's vision and commitment to maintaining the gardens has benefited the Town of Lisbon and all who drive through town on Route 196. The gardens were designed to offer beauty throughout all four seasons; and

**WHEREAS**, Although Faye no longer directs the Green Thumb Gang, she continues to tend to her adopted garden and is well known throughout town for her volunteer work and commitment to 'The Green Thumb Gang'; and

**NOW THEREFORE, BE IT RESOLVED** By the Town Council of the Town of Lisbon that Faye Brown is hereby recognized for her admirable achievements and honors that she has instilled upon this community with the 2015 Lisbon Spirit of America Foundation Tribute; and

**BE IT FURTHER RESOLVED** That a copy of this resolution be framed and presented to Faye Brown for appropriate display.

Given under our hands this 7<sup>th</sup> day of April, 2015

**Order passed – Vote 7-0.**

## **OTHER BUSINESS**

### **A. TOWN MANAGER'S REPORT**

Mrs. Barnes requested Council's permission to move the Economic Development budget into the town's operating budget and add the TIF revenue funds to the revenue chart so it would show a zero balance but reflect the true cost of operations. Councilor Pesce mentioned there would be more time to discuss this at the budget workshop, but for now he did not object. No further objections were noted.

## **AUDIENCE PARTICIPATION & RESPONSE NEW ITEMS**

Richard Nadeau suggested the town create a parking area at the Summer Street Park location so visitors can park vehicles off the road while visiting that park. He recommended using the gravel picked up along the road during spring clean up to save money.

Mr. Nadeau asked if there was anything in the charter about employees leaving for other jobs after we pay to train them while they are here.

Mr. Fellows asked the Council to think about adopting a different strategy to handle topics like the budget. He recommended the Council appoint sub-committees with Council Liaisons. He said he was not sure that would require a charter change to accomplish.

Councilor Pesce thanked Mr. Nadeau for his parking lot suggestion and replied that Lisbon did not have anything in its policies regarding leaving after receiving training. He thanked Mr. Fellow for his suggestion as well.

## **APPOINTMENTS**

### **FINANCE COMMITTEE RESIGNATIONS (2)**

**VOTE (2015-92)** Councilor Lunt, seconded by Councilor Bickford moved to accept the Finance Committee resignations from Michael Bowie and E. Charlie Smith. **Order passed – Vote 7-0.**

### FINANCE COMMITTEE APPOINTMENTS

Councilor Lunt said both applicants would bring a lot to this committee and they are outstanding citizens with important voices in our town, but we need to find a better way to organize this committee and move in a different direction here.

Councilor Pesce said he agreed and explained how unfortunate it is that we have reached this point. He indicated he appreciated everyone's time. He acknowledged volunteers were hard to come by and said these efforts given to the community have been appreciated.

**VOTE (2015-93)** Councilor Metivier, seconded by Councilor Garrison moved to not accept applications for the Finance Committee at this time. **Order passed – Vote 7-0.**

### COUNCIL COMMUNICATIONS

Councilor Pesce announced that the Lisbon High School Drama Club won the Regional Championship competition this year and placed third at the State Championship competition. We are proud of them and lucky to have Ms. Fox instructing this group of teens.

Councilor Pesce recognized Ray Schlotterbeck, Scout Leader for Troop 109 and his team of scouts who attended tonight's meeting to earn their Communication Merit Badge. They are planning to help the town spray ducks on the storm drains, another MS4 Stormwater requirement.

Councilor Bickford requested Mrs. Barnes direct Mr. Leighton to work with Mr. Nadeau regarding parking space at the entrance to the old Summer Street Park. He said he was sure Mr. Leighton could come up with something that would work for everyone. Councilor Lunt recommended looking into the parks in a more organized fashion once the budget season has been completed.

### EXECUTIVE SESSION - ABOVE

*Item taken up after roll call*

### ADJOURN TO BUDGET WORKSHOP

**VOTE (2015-94)** Councilor Bickford, seconded by Councilor Garrison moved to adjourn to a budget workshop at 9:15 PM. **Order passed – Vote 7-0.**

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Twila D. Lycette, Council Secretary  
Town Clerk, Lifetime CCM/MMC  
Date Approved 4-14-2015