



**TOWN COUNCIL
MEETING MINUTES
JUNE 25, 2019**

Christopher Brunelle, At Large 2019
Mark Lunt, District 1 2019
Vacant, District 2, 2019
Fern Larochelle, At Large 2020
Normand Albert, At Large 2021
Kasie Kolbe, District 1 2021
Allen Ward, District 2 2021

CALL TO ORDER. The Vice Chairman, Kasie Kolbe, 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 (arriving at 7:05 PM), Kolbe, Brunelle, Lunt, and Larochelle. Also present were Diane Barnes, Town Manager; Steve Aievoli, Sewer Superintendent; Dennis Douglass, CEO/Health Officer; Marc Hagan, Police Chief; Nate LeClair, Fire Chief; Diane Nadeau, Librarian; totaling approximately 25 citizens in the audience.

GOOD NEWS & RECOGNITION

Item Taken Out Of Order – Was Second Item

LISBON HIGH SCHOOL BASEBALL PROCLAMATION

VOTE (2019-133) Councilor Kolbe, seconded by Councilor Ward moved to adopt the following proclamation:

WHEREAS, The Lisbon High School Baseball Team has made the Community proud as they finished in first place with an undefeated regular season in the Heal Point Play-off System for Southern Class C, which gave them home field advantage for the first two rounds of the play-offs;

WHEREAS, The Lisbon High School Baseball Team opened the play-offs against #9 seeded Old Orchard Beach, which Lisbon won 7-1. Lisbon then hosted #4 Monmouth Academy. Lisbon went on to a convincing 8-0 win and an invitation to the Southern Regional Finals;

WHEREAS, The Lisbon High School Baseball Team, playing at St. Joseph's College of Maine, took on Sacopee Valley in the Southern Regional Finals. It was a hard fought and well played battle with Lisbon coming out on top 4-3 to claim the Southern Regional Championship and then advancing to the State Championship Game;

WHEREAS, On June 15th, 2019 The Lisbon High School Baseball Team defeated Orono High School 4-1 at Mansfield Stadium in Bangor, to complete the first undefeated season in Lisbon Baseball History and first Baseball State Championship in 40 years (since 1979);

WHEREAS, Special recognition is given to Head Coach Randy Ridley; Coach Ridley has completed 19 seasons representing the Pride of Lisbon in youth athletics. He achieved a milestone of 200 wins this year, received Coach of the Year honors and capped it all off with an undefeated season and a 2019 State Championship;

WHEREAS, Seniors recognized for their achievements and respected for their contribution to a Lisbon High School State Championship that will forever be remembered on the banner hanging in the High School gym and the Golden Glove State Championship Trophy displayed in the trophy case: Lucas Francis, Noah Austin, and Devin Marquis;

NOW THEREFORE, We the Lisbon Town Council, on this twenty-fifth day of June 2019, would like to congratulate and thank the Lisbon High School Baseball Team for their fine representation of the Town of Lisbon while winning the Class C State Championship Title on June 15, 2019.

Order passed – Vote 6-0.

PUBLIC HEARINGS

A. MUNICIPAL BUDGET FISCAL YEAR 2019-2020

The Chairman opened the public hearing.

Mrs. Barnes announced the FY 2019-2020 Municipal Operating budget totals \$9,247,224.00, which represents an increase of \$369,420.00 or 4.1% more than FY 2018-2019. The FY 2019-2020 projected Revenues is \$3,595,181.00, which is an increase of \$358,442.00. The difference between the Budget increase and the Revenue increase is \$10,978.00, which has no impact on the FY 2019-2020 mill rate. The Municipal budget does not include the local contribution to the Schools and County, which will be raised through taxation.

Expenses

Mrs. Barnes said this budget includes new, much needed positions. Some of these positions were eliminated during the most recent recession:

Finance Office- Finance Assistant- Full-Time
Clerk's Office-Assistant Clerk- Additional 5 hours per week
Library- Children's Librarian-Additional 5 Hours per week
Public Works- Truck Driver/Laborer- Full-Time
Transfer Station- Driver Attendant-Full-Time

Mrs. Barnes said this budget also includes an additional \$17,000 in equipment for the Fire department, an increase in worker's comp premiums, an increase in legal fees due to negotiating 3 new contracts in the spring, \$25,000 for paving projects, an additional \$10,000 in waste disposal, and \$50,000 for capital improvements for a new MSW trailer for the Solid Waste department.

Mrs. Barnes indicated some departments are showing a decrease. The Town Insurances came in less than current Fiscal Year due to going back out in the market. We saved approximately \$25,000 by going out in the market and changing carriers. This savings includes Wastewater and the Water Department.

Revenues

Mrs. Barnes said Revenue Sharing is up \$291,776.00 and the other revenues are up \$66,666.00 to include an increase of \$25,000.00 in excise tax, \$17,000.00 in investment income, and \$35,000.00 in transfer station permits. These are the most notable increases.

Expenses

Mrs. Barnes announced the FY 2019-20 Wastewater Treatment Plant budget totals \$1,148,504, which represents an increase of \$19,288 or 1.7% increase over FY 2018-2019. This budget includes an additional full-time employee. The FY 2019-2020 revenues total \$1,296,148.00 or \$79,188.00 over the current fiscal year. The sewer rates will increase by 6% to get us closer to our budget when the first sewer debt payment is due. She said for the past two years we have increased sewer fees by 12% each year. The new domestic sewer rate will be \$7.12 per 100 cubic foot. The current rate is \$6.72 per 100 cubic foot.

B. AMEND APPENDIX C FEE SCHEDULE – SOLID WASTE TRANSFER & RECYCLING FACILITY

The Chairman opened the public hearing.

Richard Plummer said he watched the previous Council meeting and the Council's discussion about commercial haulers. He said he felt he had been portrayed as a villain. He reported he had been hauling Lisbon trash for the past 35 years and that he provides a service for the people of this town at no cost to the town for widows, handicapped people, those whose work schedules prevent them from going, or for people who just do not want to

do it. These individuals opt to hire him or one of the other two individuals who haul trash. He pointed out that this same trash will end up at the transfer station whether he does it or they do it. He said he had not gotten rich doing this and that he still has to work at age 67. He has 375 stops. He said if raising rates make him lose half of his customers, then he would have to let an employee go. He mentioned he also picks up for Bowdoin, Sabattus, and Bowdoinham. Lisbon trash goes to Lisbon. Renters don't pay taxes, but landlords do. He reported permits came into play when it became necessary to stop Durham and surrounding residents from using the Lisbon facility. He said the new fee jumped from \$250 to \$1,000, which bothered him to a degree. He asked who is considered commercial and who is not. He asked if commercial included the guy who has 12 apartments.

Mr. Plummer said he brings 5 ½ tons a week or \$18,492.76. He said if he brought 6 tons a week that's \$20,005.44, along with Nicks Recycling and Gary's Waste Removal at about 4 tons a week, that would totals 520 tons or \$33,623.00 a year, not the \$95,826.00 previously estimated at the last Council meeting; that's a \$66,000 difference.

Mr. Plummer mentioned he has been nice to residents over the years and has tried to be fair with people. He said he was born in Lisbon. He has lived practically all his life in Lisbon. He said he would never want to cheat this town.

Alan Seamans said he was a customer of Nick's who does a superb job. Nick collects trash and recyclables. He asked what would become of the recyclables. He said Auburn only takes cardboard. He understood he would have to take recyclables to the Lisbon transfer station while paying Nick to take trash. Councilor Lunt pointed out that there was a proposal to eliminate commercial access, but that was taken off the table so commercial haulers can continue their usual routine picking up trash and recyclables.

Councilor Albert apologized to Mr. Plummer and said he would not question his integrity and that he was sorry Mr. Plummer felt that way. He said we certainly would not want to indict one of our own.

Councilor Larochelle said Lisbon has a functional place and the cost is going up so how do we offset it and at the same time be fair. He asked how do we separate a commercial business from others; there are so many moving parts. He pointed out that business owners are hauling more trash, like Mr. Plummer, so could these groups balance each other out by combining a fee for business/commercial haulers. He said the Council did not intend to hurt anyone, but are looking for ideas. Lisbon needs to stay ahead of the curve and at the same time the Council hopes to represent everybody. He said the increase from \$10 to \$25 appears justifiable when you consider the time it takes to purchase stickers, sell them, and record them for tracking purposes; you can't do much for \$25.

Councilor Albert pointed out that Lisbon has a number of infrastructure needs, we are chasing sewer and water line breaks, which means something else has to be put off. He said it costs money to do these repairs, so the Council is more detailed in their approach and will have to identify what is not efficient, which is why it made sense to look at the transfer station. He explained it is not an easy task to ask for more money to offset costs and at the same time, the Council is trying to be considerate of all our residents.

Mr. Plummer said he believes there is a problem and that there are only two solutions: 1) close it, or 2) go to the pay per bag system priced fairly. He said he would gladly offer bags for sale. He said most grocery stores would even help sell them.

Daryl Varney said he would support a pay per bag system. He indicated loosing commercial haulers would make Saturdays at the transfer station look like the New York rush hour traffic, where no one would go anywhere.

Nick's Recycling's wife said she appreciates Lisbon because it is a beautiful place, but if Lisbon raises its price too high then trash might gather up along the roadside or blow around the streets making Lisbon not such a beautiful place. She said she hoped the Council would take that into consideration.

The Chairman closed the public hearing.

**C. AMEND CHAPTER 2, ARTICLE IV, DIVISION 14,
SECTIONS 2-450 & 2-451 SOLID WASTE TRANSFER & RECYCLING
AND**

**D. AMEND CHAPTER 38 SOLID WASTE TRANSFER & RECYCLING ORDINANCE
AND**

E. AMEND CHAPTER 98 SOLID WASTE TRANSFER & RECYCLING IN RULES, REGS, & POLICIES

The Chairman opened all these public hearings at once. Councilor Albert pointed out these were mostly housekeeping items. There were no other comments. The Chairman closed these public hearings.

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

CONSENT AGENDA

VOTE (2019-134) Councilor Ward, seconded by Councilor Larochelle moved to approve the following:

A. Municipal Accounts Payable & Payroll Warrants –

#662019	\$19,129.06	#6182019	\$ 488,900.08	#6212019	\$12,546.55
#62819YE	\$198,952.45	#190411	\$181,256.97	#190425	\$191,826.09
#190509	\$178,219.10	#190523	\$184,218.79	#190606	\$202,049.76
#190620	\$179,918.20	#1904W1	\$19,041.01	#1904W2	\$17,811.37
#1905W1	\$17,538.91	#1905W2	\$15,867.80	#1906W1	\$14,118.08
#1906W2	\$18,414.05				

B. School Accounts Payable & Payroll Warrants - None

C. Minutes of June 4, 2019 and Ratify June 11, 2019 Election Results

D. Renewal Street Closure for Moxie Festival Beer Garden–Campus Ave From Fri 2PM to Sun 12PM

E. Set Public Hearing on July 16 for Itinerant/Mass Gathering Permit for Eastcraft's Main Street Block Party

Order passed - Vote 6-0.

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

LIBRARY RECIPROCAL BORROWING MEMORANDUM OF AGREEMENT

INTRODUCTION: Mrs. Nadeau requested Council permission to enter into the reciprocal borrowing program for one year, which begins on September 1, 2019. The “Memorandum of Understanding of the Maine Reciprocal Borrowing Pilot Program” would be signed by the Town Manager and monitored by the Library Director. The Librarian would report to the Town Manager each month to ensure it meets the Lisbon Library's needs.

This new and innovative program would allow library patrons to visit and borrow materials from the other participating libraries throughout the state of Maine. As a participant of the statewide MILS program, Lisbon's library does not have to invest additional funds or staff time to participate. The program would allow our patrons to “walk into” a participating library and check out materials with their Lisbon library card. The materials can be returned to the Lisbon Library for return to the lending library via the van delivery service. Mrs. Nadeau said our patrons would benefit from this additional service as they travel throughout the State of Maine. Patrons from other participating libraries would have access to our collection in the same way. All lending library's borrowing fines and overdue policies apply to all borrowers. She said this is the next step to ensure the Lisbon Library and its patrons continue to receive library services that meet their needs and would move the Lisbon Library forward as the State of Maine moves forward with new and innovative library services for all citizens of the state.

VOTE (2019-135) Councilor Kolbe, seconded by Councilor Lunt moved to authorize the Town Manager to sign the Library Reciprocal Borrowing Memorandum of Agreement. **Order passed - Vote 6-0.**

AMEND APPENDIX C FEE SCHEDULE
SOLID WASTE TRANSFER & RECYCLING FACILITY
Second Reading

INTRODUCTION: Mrs. Barnes explained that commercial haulers should be defined as one who makes a living carrying trash from property other than property they own as a service, to charge a fee, which is not in this document.

COUNCILOR COMMENTS: Councilor Albert said cleaning up an estate or handyman work would not be a commercial hauler. Councilor Ward said Mrs. Barnes has previously managed the pay per bag system and that it would help to have commercial haulers sell them too. Councilor Larochelle said he agreed with the pay per bag system as well. Mrs. Barnes said it appears to be the fairest way to charge. Councilor Ward said composting does make sense too, since putting less in the trash is good.

VOTE (2019-136) Councilor Larochelle, seconded by Councilor Kolbe moved to adopt Appendix C Fee Schedule Solid Waste Transfer & Recycling Facility amendments as follows:

APPENDIX C - FEE SCHEDULE

SOLID WASTE TRANSFER AND RECYCLING FACILITY		
98-38	There shall be no fee for disposal of waste materials at the site except for the following:	
	Residential Permit	
	a. Residents	40.00 <u>25.00</u>
	b. Commercial	15.00
	c. Business	45.00 <u>25.00</u>
98-39(b)	<u>Temporary Permits issued for no more than 6 months</u>	
	a. <u>Residents</u>	45.00 <u>25.00</u>
	b. <u>Non-Residents</u>	45.00 <u>25.00</u>
98-38	Household refrigerators, freezers/air conditioners; (Freon: R12-R22):	
	a. Residents	10.00
	b. Commercial	15.00
	c. Business	15.00
	Propane Bottles 20#:	
	a. Residents	3.00
	b. Commercial	5.00
	c. Business	5.00
	Will not accept 100# bottles	
	Tires:	
	a. 15"	3.00
	b. 16"—18"	5.00
	c. 18"—22"	10.00

	Off-the-road tires:	
	a. Small	50.00
	b. Medium	75.00
	c. Large	100.00
	Windows and doors:	
	a. Windows	2.00
	b. Doors	2.00
	Shingles:	
	a. Lisbon sticker and demo permit from CEO, per yard	25.00
	b. No demo permit, per yard	50.00
	Furniture and other miscellaneous items:	
	a. TV's and computers, each	5.00
	b. Carpets, 10' x 12'	10.00
	c. All Mattresses , boxspring, each	5.00
	d. <u>Mattress, twin and full</u>	<u>5.00</u>
	e. <u>Mattress, queen and larger</u>	<u>10.00</u>
	D-f. Chairs and sofas , each	10.00
	<u>g. sofas, each</u>	<u>20.00</u>
	E-h. Wood, per yard	5.00
	F-i. Brush:	
	1. Under four inches in diameter, per yard	5.00
	2. Over four inches in diameter, per yard	15.00
	g. Mix load—Other bulky waste (shingles, wood, drywall), per yard	60.00
	Note: References to yard(s) shall mean cubic yard(s). (See subsection 98-38(b))	
98-39(b)	Licenses and sticker for access to facility beginning Sept. 1 for one calendar year:	
	First sticker for vehicles one ton and under, annually	40.00 <u>25.00</u>
	Subsequent vehicles	5.00 <u>25.00</u>
	Vehicles over one-ton	50.00 <u>75.00</u>
	<u>Commercial</u> Resident hauler	250.00 <u>1,000</u>
	<u>Commercial</u> Nonresident hauler	750.00 <u>1,500</u>
98-39(c)	Local contractors, license and sticker issued with an agreement for weekly <u>monthly</u> billing	40.00 <u>25.00</u>
	One-day permits for residents with proof of residency	5.00 <u>25.00</u>
	One-day permits for out of town contractors, with a valid demolition permit	40.00 <u>25.00</u>

Roll Call Vote: Yeas – Albert, Ward, Kolbe, and Brunelle. Nays - Larochelle, Lunt. Order passed - Vote 4-2.

AMEND CHAPTER 2 ARTICLE IV, DIVISION 14,
SECTIONS 2-450 & SEC 2-451 SOLID WASTE TRANSFER & RECYCLING
Second Reading

VOTE (2019-137) Councilor Ward, seconded by Councilor Larochelle moved to amend Chapter 2 Article IV, Division 14, Section 2-450 & 451 Solid Waste Transfer & Recycling Ordinance as presented as follows:

Chapter 2 – ADMINISTRATION ...

ARTICLE IV. - ADMINISTRATIVE ORGANIZATION AND DEPARTMENTS ...

DIVISION 14. - SOLID WASTE TRANSFER AND RECYCLING DEPARTMENT

Sec. 2-450. - Established; appointment.

There shall be established a solid waste, transfer and recycling department, the head of which shall be the ~~solid-waste~~ Public Works director who shall be appointed by the town manager.

(~~T.M. C. M.~~ of 4-3-2007, § 2007-39)

Sec. 2-451. - Duties of the director of ~~solid-waste~~ Public Works.

- (a) Administer all activities necessary and appropriate to the operation of the town's solid waste transfer facility and recycling facility in accordance with all town ordinance, applicable state laws, rules, regulations and standards.
- (b) Administer all solid waste and recycling matters within the Town of Lisbon in accordance with town ordinances and the provisions of state law and applicable rules, regulations, and standards.
- (c) Investigate and recommend fees for recycling items.
- (d) Prepare and submit annual to the town manager a budget relating to all solid waste operations.
- (e) Perform all other duties required by Town Charter, town ordinances, state law or as may from time to time be requested by the town manager and/or town council.

(~~T.M. C. M.~~ of 4-3-2007, § 2007-39)

Sec. 2-452. - Reserved.

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

AMEND CHAPTER 38 SOLID WASTE TRANSFER & RECYCLING ORDINANCE
Second Reading

VOTE (2019-138) Councilor Larochelle, seconded by Councilor Kolbe moved to amend Chapter 38 Solid Waste Transfer & Recycling Ordinance as presented, including changes above in the Fee Schedule to match as follows:

Chapter 38 - SOLID WASTE TRANSFER AND RECYCLING ...

ARTICLE I. - IN GENERAL ...

DIVISION 2. - SOLID WASTE DEPARTMENT ...

Sec. 38-51. - Established.

A department of solid waste management is established for the town.

(T.M. of 5-18-1996, art. 45, § 12.501)

Sec. 38-52. - General duties.

The department of solid waste management shall be responsible for conducting all matters relating to the handling, transportation and disposition of all solid waste and recyclable materials handled by the town.

(T.M. of 5-18-1996, art. 45, § 12.502)

Sec. 38-53. - Director of ~~solid waste management~~ Public Works.

- (a) The director of ~~solid waste management~~ Public Works shall be the head of the department of solid waste management. It shall be the director's responsibility to attend to all solid waste and recycling aspects of town government and to supervise all solid waste and recycling activities within the town, subject to the direction of the town manager and the town council. The director of solid waste management shall specifically be responsible for the solid waste site and the handling of all solid waste and recyclable materials to their final destination.
- (b) The director shall operate under guidelines established by the town council and make periodic reports to the town council as to department activities and efficiencies. The director shall be responsible for preparing, under the direction of the town manager, an annual budget and for budget administration of the budget approved at the town meeting. The director shall perform all duties required of him under town ordinances and state law as may be requested of him by the town manager and/or the town council. In the exercise of these duties, he shall have all powers customarily exercised by department heads, including but not limited to the requisitioning of supplies and the ability to interact with and cooperate with other town departments.

(T.M. of 5-18-1996, art. 45, § 12.503)

Sec. 38-54. - Department activities.

It shall be the function of the department of solid waste management, under the direction of the director of ~~solid waste management~~ Public Works, subject to the supervision of the town manager, to:

- (1) *Solid waste site*. Administer all activities necessary and appropriate to the operation of the town's solid waste site/transfer station in accordance with applicable state law, town ordinances, rules, regulations, and standards. This shall specifically include maintenance and improvement of the site and its equipment.
- (2) *Solid waste*. Be responsible for the handling of all solid waste materials brought to the site in accordance with this chapter and all other applicable provisions of state law, town ordinances, rules, regulations or standards. This activity shall include not only the on-site handling of material but transportation of material and its final disposition. The department director, in exercising authority over these activities, shall have the right to determine the acceptability of any materials for handling and disposal and shall have the right to reject any materials found to be hazardous or not in accordance with operational procedures.
- (3) *Recyclables*. Administer activities for the collection, handling, sale, and disposition of all items deemed to be recyclable in accordance with applicable state law, town ordinances in consultation with the town manager, rules, regulations and standards. This shall specifically include the duty to promote recycling activities so as to minimize the amount of solid waste necessary for disposal and to maximize returns to the town.

(T.M. of 5-18-1996, art. 45, § 12.504)

Secs. 38-55—38-90. - Reserved.

ARTICLE III. - MUNICIPAL SOLID WASTE TRANSFER AND RECYCLING FACILITY

DIVISION 1. - GENERALLY

Sec. 38-91. - Purpose.

The purpose of this division is to regulate the use of the municipal solid waste transfer and recycling facility of the town.

(Code 1983, § 12-101)

Sec. 38-92. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulk waste means large items of refuse such as appliances, furniture, auto parts, stumps, branches and brush.

Business means a local company within town limits which provides goods or services to the local population.

Commercial Hauler means any person or business engaged in the collection, transportation and disposal of solid waste materials for residents for a fee or other compensation.

Contractor means a person or business who contracts to furnish supplies or perform work at a certain price or rate.

Cover means material placed over refuse for vector and fire control, aesthetics, prevention of odors, percolation of water, grading, support of vegetation, and other purposes.

Demolition wastes means lumber, pipes, bricks, masonry and other materials from razed structures.

Garbage means wastes from preparation, cooking and serving of food; market wastes; and wastes from handling, storage and sale of produce.

Local means residing or located within the Town of Lisbon limits

Non-Local means residing or located outside of the town of Lisbon limits

Non-local Contractor means any contractor not residing or located within the town of Lisbon limits, that is performing a service or work in which solid waste is produced from property located within Lisbon, and is being disposed of at the town of Lisbon solid waste facility.

Nonresident mean residents of any town other than Lisbon.

Persons means any individual, association, partnership, firm, corporation or other entity, or the agents or employees of any of them.

Proof of residency is any document that shows a valid town of Lisbon address to prove that a person or business reside in the town.

Refuse means putrescible or nonputrescible solid waste materials, consisting of all combustible and noncombustible solid wastes, including garbage and rubbish, but not including sewage.

Residency means that a person or business claims the town of Lisbon as the primary place that they live or operate a business and register their vehicle(s) in town.

Resident means any individual, association, partnership, firm or corporation who is a legal resident of the town.

Rubbish means combustible or noncombustible solid waste material except garbage and sewage, including but not limited to such materials as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, mineral matter, glass, crockery, dust, ashes, construction wastes, street sweepings, bulky wastes, the residue from the burning of wood, coal, coke or other combustible materials, and other unwanted or discarded material.

Sewage means human or animal excrement and liquid waste containing animal, vegetable or mineral matter in suspension or solution, and shall include septage, sludge or agricultural wastes.

Solid waste means any unwanted or discarded rubbish or other solid material with insufficient liquid content to be free flowing, but shall not include septage, sludge or agricultural wastes.

Special wastes means special wastes and hazardous wastes as defined in chapter 400, section 6 (RP and GG) of the Solid Waste Management Regulations promulgated by the Department of Environmental Protection pursuant to 38 M.R.S.A. § 1304, effective November 2, 1998. Special wastes shall include agricultural wastes.

Sticker means a numbered permit issued by the Town of Lisbon to residents for access to the solid waste facility.

Temporary Permit means a permit issued to person(s) who own real estate but do not claim residency, tenants of rental properties that do not claim residency or non-residents who fall within a category outlined in section 38-93. This permit is valid for no more than six months at a time.

(Code 1983, § 12-102; T.M. of 8-22-1988, art. 3, § 12-102)

Cross reference— Definitions generally, § 1-2.

Sec. 38-93. - Categories of users.

- (a) Residents. Any person(s) who either has real estate and/or rents a dwelling in Lisbon and whom also has a vehicle(s) registered with the town of Lisbon. The municipal solid waste transfer and recycling facility hours shall be posted on the main gate at the facility. open at least six days per week only to the residents of the town. Such disposal shall be in a manner consistent with the provisions of this division
- (b) Nonresidents. Residents of any other town with which the Town of Lisbon has ~~made an agreement~~ approved a temporary permit for the use of the Lisbon solid waste transfer and recycling facility site may use the landfill for the disposal of wastes generated ~~within that town~~ within the Town of Lisbon in the manner provided in this division.

1) Taxpayers who own real estate property but do not claim residency in the town of Lisbon including but not limited to landlords who need to cleanout properties.

2) Tenants of rental properties are encouraged to obtain a sticker permit for the year if they are residents of the town of Lisbon. If tenants of rental properties do not claim residency in the town of Lisbon they will need to show a valid vehicle registration as well as a lease agreement for the property they are renting to obtain a temporary permit.

3) Nonresidents who need access to the solid waste facility to dispose of solid waste for a Lisbon resident, such as a family member or estate clean up. All waste disposal brought to the solid waste facility must be generated within the Town of Lisbon. The solid waste facility cannot accept any waste that is brought in from another town. A valid vehicle registration of the vehicle being used to haul the trash and proof of residency for the location of where the trash was generated is required to obtain the temporary permit.

(c) The town of Lisbon reserves the right to obtain including but not limited to a valid vehicle registration and/or proof of residency before approving or denying issuance of any temporary permit.

- (ed) *Hours; commercial users.* The hours during which the solid waste transfer and recycling facility will be open shall be established by the town council. The town council may issue permits to commercial users wishing to use the municipal solid waste transfer and recycling facility outside of regular hours, provided the users each post annually a \$500.00 bond to ensure their compliance with this division, or agree to engage the services of either an employee of the town's highway department or the contracted caretaker, as designated by the town manager, during the extraordinary dumping hours at the same or greater hourly rate of pay the employees or contractor normally receives from the town.

(Code 1983, § 12-103)

Sec. 38-94. - Disposal activities.

- (a) *Refuse separation.* No person shall place or cause to be placed at the municipal solid waste transfer and recycling facility any bulky or recyclable items such as automobile bodies, tires, kitchen appliances and other white goods, lawn and garden wastes, and construction debris, except in designated areas. All doors shall be removed from all appliances before depositing them at the solid waste transfer and recycling facility. Fuel tanks of all vehicles shall be removed or filled with water or sand before depositing them at the solid waste transfer and recycling facility. Toxic, flammable or explosive materials shall not be mixed in any way and only be disposed of ~~only~~ by the transfer station attendant.
- (b) *Sewage and special wastes.* Sewage and special wastes shall not be disposed of at the solid waste transfer and recycling facility, except as may be otherwise permitted by the state department of environmental protection.
- (c) *Demolition wastes.* Demolition wastes shall not be disposed of at the solid waste transfer and recycling facility without first obtaining a building demolition permit from the code enforcement officer. Before the permit may be issued, the town manager shall be notified so that appropriate dumping provisions may be arranged. On receipt of the permit and notification of the town manager, the holder may transport the debris to the solid waste transfer and recycling facility. He shall dump it according to direction from the attendant. The permit holder shall furnish all the necessary equipment to unload and pile the debris.

- (d) *Litter control.* No person shall place or cause to be placed at the solid waste transfer and recycling facility any refuse which, as a result of normal seasonal winds, might be blown away from the disposal area. All paper, cardboard, plastic and other loose lightweight materials shall be bound, boxed or bagged securely prior to being deposited at the site. Items such as leaves, sawdust, plaster and other potentially dusty debris shall be delivered to the site in covered containers or vehicles but are not required to be deposited in containers.

(Code 1983, § 12-104)

Sec. 38-95. - Prohibited activities.

- (a) *Salvage.* All materials deposited at the solid waste transfer and recycling facility shall become the property of the town. Any removal or salvage of materials is prohibited except with the express permission of the town council.
- (b) *Burning.* Burning at the solid waste transfer and recycling facility shall be strictly prohibited.
- (c) *Firearms.* No firearms shall be discharged within the limits of the solid waste transfer and recycling facility.

(Code 1983, § 12-105)

Sec. 38-96. - Penalty.

Any person violating the provisions of any section of this division shall be subject to a fine of not less than \$10.00 nor more than \$100.00 for each offense. Any fine recovered shall be for the use of the town.

(Code 1983, § 12-107)

Secs. 38-97—38-119. - Reserved.

DIVISION 2. - LICENSE PERMIT

Sec. 38-120. - Purpose.

The purpose of this article is to provide a licensing permit structure and fee schedule for access and use of the town municipal landfill facility.

(T.M. of 8-22-88, art. 3, § 12-301) Sec. 38-121. - Required.

No person shall deposit, ~~or~~ dump or have access to the municipal solid waste transfer and recycling facility site without first obtaining a license permit. Such license permit shall be obtained from the town. It is understood that this license permit is for access to the site Lisbon Transfer Station only, and any license permit fee is in addition to any charges which may be imposed for the actual disposal of materials at the site.

(T.M. of 8-22-1988, art. 3, § 12-302) Sec. 38-122. - License Permit fee schedule.

Licenses Permits for access to the municipal solid waste transfer and recycling facility shall be issued upon payment of the fees for the appropriate category as follows in the fee schedule, such fees to be established or adjusted by the town council ~~after public hearing:~~ at any time.

See Appendix C, Sec 98-38 – Fee Schedule

Category

(1) —Residential means:

a. —Residents of the town.

b. —Residents of other municipalities with which the town has made an agreement for use of the solid waste transfer and recycling facility site.

(2) —Commercial means:

a. —Any person who collects for compensation within the town.

b. —Any person who collects for compensation in any town with which the Town of Lisbon has made an agreement for use of the solid waste transfer and recycling facility site.

~~(3) — Businesses means:~~

- ~~a. — Businesses within the town who haul their own waste.~~
- ~~b. — Businesses in any other town with which the Town of Lisbon has an agreement for use of the solid waste transfer and recycling facility site who do not haul their own waste.~~

(T.M. of 8-22-1988, art. 3, § 12-303)

Sec. 38-123. - Issuance.

- (a) The ~~license~~ permit required in this division shall be issued by the town office, in the form of a sticker, which shall be prominently displayed on the vehicle windshield. Failure to display the license permit shall result in denial of access to the facility and denial of the opportunity to deposit or dump materials.
- (b) Residential and Temporary Permits will only be issued to residents, persons and businesses that meet the approval criteria outlined in section 38-93.
- (c) Commercial Haulers are authorized to collect and transport all MSW from Town of Lisbon residents under their own individual contract(s) with the resident.

(Sel. Ord. of 11-1-1988, § 12-303; Sel. Ord. of 1-18-1994, § 12-303)

Editor's note— Pursuant to section 38-122, a license shall be required for access to the facility. There shall be no fee assessed for the categories of licenses delineated in section 38-122.

Sec. 38-124. - Expiration date.

Licenses Permits issued under this division shall expire on the same date as the person's motor vehicle registration.

(T.M. of 8-22-1988, art. 3, § 12-304)

Sec. 38-125. - Suspension/revocation.

- (a) *Suspension.* The town manager may suspend the license of any person for failure to comply with the provisions of this article. This suspension shall continue until that person has remedied the faults and evidences ability to comply with the provisions of this article, to the satisfaction of the town manager.
- (b) *Revocation.* The town council, upon hearing after 24 hours' written notice to the licensee, may revoke the license of any person for failure to comply with the provisions of this article.

(T.M. of 8-22-1988, art. 3, § 12-305)

Secs. 38-126—38-150. - Reserved.

DIVISION 3. - DISPOSAL FEES^[4]

Footnotes:

--- (4) ---

Cross reference— Municipal finance, § 2-261 et seq.; town council rules, regulations and policies for financial matters, ch. 86.

Sec. 38-151. - Schedule.

Charges for the disposal of waste material at the municipal solid waste transfer and recycling facility shall be in accordance with a fee schedule for the appropriate category listed as follows, as adopted or adjusted by the town council after public hearing:

See Appendix C, Sec 98-38 – Fee Schedule

Category

~~(1) — Residential means:~~

~~a. — Residents of the town.~~

~~b. — Residents of other municipalities with which the town has made an agreement for use of the solid waste transfer and recycling facility site.~~

~~(2) — Commercial means:~~

~~a. — Any person who collects for compensation within the town.~~

~~b. — Any person who collects for compensation in any town with which the Town of Lisbon has made an agreement for use of the solid waste transfer and recycling facility site.~~

~~(3) — Businesses means:~~

~~a. — Businesses within the town who haul their own waste.~~

~~b. — Businesses in any other town with which the Town of Lisbon has an agreement for use of the solid waste transfer and recycling facility site who do not haul their own waste.~~

(T.M. of 8-22-1988, art. 3, § 12-306)

Sec. 38-152. - Nonpayment.

Failure to pay any fee assessed under this division shall constitute a violation of this division. Such failure shall result in refusal of access to the solid waste transfer and recycling facility and prohibition of any disposal of any material or any other use of the facility.

(T.M. of 8-22-1988, art. 3, § 12-307)

Sec. 38-153. - Penalties.

Any person violating any provision of this division shall be subject to a fine of up to \$100.00 for the first offense and up to \$500.00 for a second or any subsequent offense. All fines shall be for the sole and exclusive benefit of the town. In addition to any fine, the access license shall be suspended for a period of up to 30 days for a first offense and for a period of up to six months for a second or any subsequent offense.

(T.M. of 8-22-1988, art. 3, § 12-308)

Secs. 38-154—38-180. - Reserved.

ARTICLE IV. - RECYCLING

Sec. 38-181. - Purpose.

In order to preserve natural resources, conserve energy, reduce the cost of waste disposal, and provide for a more efficient and effective means of disposing of waste materials, it is appropriate to exercise the police power in order to initiate a mandatory recycling program. Therefore, in order to reduce the volume of solid wastes and to encourage the effort to recover and reuse valuable resources, this mandatory recycling program is established.

(T.M. of 8-22-1988, art. 3, § 12-401) Sec. 38-182. - Rules and regulations.

The town council, by promulgation of rules and regulations, shall establish by category items which it deems to be recyclable and which shall be separated and separately deposited from the normal waste stream. These categories of items may be amended, deleted or added to, as the program for recycling for the town is developed. In addition, these rules and regulations shall determine the proper preparation of recyclable commodities, method of disposal of these items, and their ultimate disposition. The rules and regulations are printed in part II, section 98-32 of this volume.

(T.M. of 8-22-1988, art. 3, § 12-402)

Sec. 38-183. - Separation of recyclable material.

Each person using the town municipal solid waste transfer and recycling facility, including all commercial haulers and businesses, shall be required to separate from the normal waste stream all items determined to be recyclable, by category, as determined by the rules and regulations of the town council in part II, section 98-35 of

this volume. Each separate category of recyclable material shall be properly prepared and disposed of in accordance with the rules and regulations in that section.

(T.M. of 8-22-1988, art. 3, § 12-403) Sec. 38-184. - Ownership of recyclable materials.

From the time of disposal of recyclable materials at the municipal solid waste transfer and recycling facility, such material shall become the sole and exclusive property of the town. It shall be a violation of this section for any person, without authority of the town, to collect, pick up, remove or cause to be collected, picked up or removed any recyclable material; and each such collection, pickup or removal shall constitute a separate and distinct offense.

(T.M. of 8-22-1988, art. 3, § 12-404) Sec. 38-185. - Disposal fee waived.

The disposal fee designated in section 38-151 shall be waived with respect to all recyclable materials disposed of in a manner consistent with the rules and regulations regulating such disposal.

(T.M. of 8-22-1988, art. 3, § 12-405)

Sec. 38-186. - Failure to properly recycle.

Failure by any person to properly segregate, prepare or dispose of recyclable materials, so designated by the rules and regulations of the town council, shall cause the refusal of all material brought to the site by that person.

(T.M. of 8-22-1988, art. 3, § 12-406)

Sec. 38-187. - Penalties.

Penalties for violation of any of the terms of this article shall be the same as those imposed in section 38-153.

(T.M. of 8-22-1988, art. 3, § 12-407) Secs. 38-188—38-220. - Reserved. ARTICLE V. - PRIVATE SOLID WASTE FACILITY

Sec. 38-221. - Dumping without permission.

No person shall deposit refuse of any kind on land not his own, other than the municipal solid waste transfer and recycling facility without the consent of the owner or the public authority having custody or maintenance responsibility of such land.

(Code 1983, § 12-201) Sec. 38-222. - Establishment of private solid waste facility.

No person shall establish or maintain a private solid waste facility for the deposit of refuse or rubbish within 100 feet of any public way, brook, stream or property line without the written permission of the abutters and the town council. Such private solid waste facility must meet the standards under the statutes of the state and shall be subject to the provisions of state law. The town council shall not approve or permit a private solid waste facility until the requirements of the state statutes have been met.

(Code 1983, § 12-202)

Sec. 38-223. - Exemption.

So-called compost piles of vegetable matter shall be exempt from the provisions of this article.

(Code 1983, § 12-203)

Sec. 38-224. - Penalty.

Any person violating the provisions of any section of this article shall be subject to a fine of not less than \$10.00 nor more than \$100.00, by imprisonment for not more than ten days, or by both, for each violation.

(Code 1983, § 12-204)

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

AMEND CHAPTER 98 SOLID WASTE TRANSFER & RECYCLING
IN RULES, REGS, & POLICIES

Second Reading

VOTE (2019-139) Councilor Albert, seconded by Councilor Larochelle moved to amend Chapter 98 Solid Waste Transfer & Recycling under Rules, Regulations, & Policies as presented as follows:

Chapter 98 - SOLID WASTE TRANSFER AND RECYCLING ...

ARTICLE I. - IN GENERAL

Secs. 98-1—98-30. - Reserved.

ARTICLE II. - SOLID WASTE TRANSFER AND RECYCLING FACILITY

Sec. 98-31. - Authority.

The procedures, rules and regulations in this article are promulgated by the town council, subsequent to public hearing, and under the authority of section 98-32.

(Sel. Ord. of 11-1-1988(1), § 12-402)

Sec. 98-32. - Categories of recyclable material.

(a) Each person utilizing the town solid waste transfer and recycling facilities shall be required to separate from the normal waste stream, for recycling purposes, the following items:

- (1) Newspaper, printed or newspaper stock, clean, dry, and bagged or tied; magazines; and catalogs. No junk mail or cereal boxes may be recycled.
- (2) Corrugated cardboard, completely flattened. No wax containers or gray paperboard may be recycled.
- (3) Computer paper, including all computer-generated paper.
- (4) Glass containers, rinsed with caps and rings removed. Paper labels are acceptable. No window glass, mirrors, lightbulbs, dishes or ceramics may be recycled.
- (5) Tin cans, cleaned of foodstuffs. No paint cans, pressured cans, or cans with residual materials remaining may be recycled. Paper labels are accepted.
- (6) HDPE #2 plastic containers completely emptied of contents, rinsed and caps removed.
- (7) Wood, including all wood demolition materials and brush. Material must be free of metal, sheetrock, and insulation.
- (8) Scrap metal.
- (9) White goods, including all appliances.
- (10) Motor oil, not mixed with any other substance.
- (11) Tires, no rims accepted.

(b) The items described in subsection (a) of this section shall be separated from the normal waste stream and disposed of at the municipal solid waste transfer and recycling facilities as indicated in section 38-183.

(Sel. Ord. of 11-1-1988(1), § 12-402; Sel. Ord. of 2-23-1993, § 12-402; Sel. Ord. of 9-7-1993, § 12-402; Sel. Ord. of 1-18-1994, § 12-402)

Sec. 98-33. - Effective date.

Mandatory recycling of the classifications of materials in section 98-32 shall become effective on January 1, 1989.

(Mo. of 11-1-1988(1), § 12-402)

Sec. 98-34. - Preparation of recyclable materials.

Prior to disposal at the solid waste transfer and recycling facility, all recyclable materials shall be collected into bundles or packages which shall not exceed 60 pounds in gross weight or four feet in any dimension. All such bundles or packages shall be securely tied so as to prevent their breaking apart. All other items which may be added to the list of recyclable materials, which do not lend themselves to bundling or packaging, shall be separated and containerized and in a clean and sanitary condition.

(Mo. of 11-1-1988(1), § 12-402)

Sec. 98-35. - Disposal.

Disposal of recyclable materials at the solid waste transfer and recycling facility shall be in areas designated for the receipt of such materials. Those utilizing the facility shall cause recyclable materials to be deposited only in approved and designated locations as indicated by signage or by the facility's personnel. Recyclable materials may not be included for disposal with other waste items.

User fees shall be set by the Town Council and may be updated at any time. See fees listed in the Fee Schedule under Solid Waste Transfer & Recycling Facility.

(Mo. of 11-1-1988(1), § 12-402)

Sec. 98-36. - Amendments.

This article may be amended in accordance with the following procedures:

- (1) The town council shall cause to be drafted a proposed amendment to this article.
- (2) There will be a public hearing at least 30 days prior to the proposed effective date of any amendment.
- (3) The amendment shall then receive final approval by order of the town council, either as originally presented or with changes deemed appropriate by the town council after public hearing.
- (4) Emergency amendments to this article may be promulgated by order of the town council only in instances where the operation or licensing of the facilities are in jeopardy and immediate action is required. In such instances, the emergency rules and regulations shall be in effect for a period of 120 days, during which the normal amendment procedures shall be followed for permanent enactment of any amendment.

(Mo. of 11-1-1988)

Sec. 98-37. - Unacceptable waste.

- (a) The following waste shall not be accepted at the solid waste transfer and recycling facility:
 - (1) Junk vehicles.
 - (2) Dead animals.
 - (3) Sewage/septage/sludge.
 - (4) Waste classified as hazardous.
 - (5) Waste classified as radioactive.
 - (6) Containers of liquid or solid waste that are sealed and/or closed.
 - (7) Any waste prohibited by state department of environmental protection regulations.
- (b) Attempted disposal or disposal of any of these types of waste may subject the person to refusal of access pursuant to section 38-152 and/or the penalties provided in section 38-153.

(Mo. of 11-1-1988(1), § 12-104(4); Mo. of 1-18-1994, § 12-104(4)) Sec. 98-38. - Disposal fees.

See Appendix C, Sec 98-38 – Fee Schedule

~~(a) — There shall be no fee for disposal of waste materials at the site except for the following:~~

~~(1) — Household refrigerators/
freezers/air conditioners;
(Freon: R12 R22)~~

- a. ~~Residents \$ 10.00~~
- b. ~~Commercials 15.00~~
- c. ~~Business 15.00~~
- (2) ~~Propane Bottles 20#:~~
 - a. ~~Residents 3.00~~
 - b. ~~Commercials 5.00~~
 - c. ~~Business 5.00~~~~Will not accept 100# bottles.~~
- (3) ~~Tires:~~
 - a. ~~15" 3.00~~
 - b. ~~16" 18" 5.00~~
 - c. ~~18" 22" 10.00~~
- (4) ~~Off the road tires:~~
 - a. ~~Small 50.00~~
 - b. ~~Medium 75.00~~
 - c. ~~Large 100.00~~
- (5) ~~Windows and doors:~~
 - a. ~~Windows 2.00~~
 - b. ~~Doors 2.00~~
- (6) ~~Shingles:~~
 - a. ~~Lisbon sticker and CEO slip, per yard 25.00~~
 - b. ~~No slip, per yard 50.00~~
- ~~{(7) Furniture and other miscellaneous items:}~~
 - a. ~~TV's and computers, each 5.00~~
 - b. ~~Carpets, per room 10.00~~
 - c. ~~Mattresses, each 5.00~~
 - d. ~~Chairs and sofas, each 10.00~~
 - e. ~~Wood, per yard 10.00~~
 - f. ~~Brush:~~
 - 1. ~~Four feet in length, per yard 10.00~~
 - 2. ~~Under four feet in length, per yard 5.00~~
 - 3. ~~Over four feet in length, per yard 15.00~~
 - g. ~~Mix load Other bulky waste (shingles, wood, drywall), per yard 60.00~~

~~Note: References to yard(s) shall mean cubic yard(s).~~

(b) Fees collected from ~~homeowners~~ permit holders for item disposal (televisions, mattresses, brush, etc.) will be collected at the solid waste facility at the time of disposal by a Transfer Station Attendant, through a punch card system. ~~The card will be available for purchase at the town office, transfer station, and public works. No cash will be transferred in the yard for items, only punch cards. The card will be designed to show a receipt for each sale.~~

(Sel. Ord. of 11-1-1988; Sel. Ord. of 9-7-1993; Sel. Ord. of 8-19-1999; Sel Ord. of 11-21-2000, § 5.107; Sel. Ord. of 7-22-03, § 4.002; Sel. Ord. of 8-5-03, § 5.044)

Sec. 98-39. - Licenses Permit and sticker administration.

- (a) The licenses residential permits shall be issued by the front counter and/or Public Works Administrative Assistant at the town office, ~~solid waste transfer station, or the public works department~~, in the form of a sticker, which shall be prominently displayed on the vehicle windshield. Failure to display the license sticker shall result in denial of access to the facility and denial of the opportunity to deposit or dump materials.

(1) Pursuant to this section, the permit period shall be for one calendar year, beginning September 1ST and expire on the August 31st each year, regardless of the date it was purchased.

(b) Temporary permits shall be issued by the Public Works Administrative Assistant at the town office. The permit must be located on person and readily available for inspection. Failure to display the permit when requested shall result in denial of access to the facility and denial of the opportunity to deposit or dump materials.

~~(b) Pursuant to this section, the license period shall be for one calendar year, beginning October 1 and there shall be a \$10.00 annual fee for the sticker for vehicles one ton and under, and \$50.00 for vehicles over one ton.~~

(c) Local contractors ~~will~~ shall be issued a license permit and sticker ~~for \$10.00~~ with an agreement for billing. They will be billed ~~weekly~~ monthly through the ~~secretary at the public works office~~ Public Works and Solid Waste Administrative Assistant. All bills will be on a 30-day account or denied use of the facility.

~~(d) The following list describes additional fees and regulations:~~

~~(1) Ten dollars for first sticker for one ton and under, \$5.00 for subsequent vehicles.~~

~~(2) To receive a rebate for the sticker when vehicles are traded during the year the old sticker must be returned.~~

~~(3) A \$5.00 fee will be charged for a one day permit for Lisbon residents with proof of residency. This will be issued at the transfer station or public works office.~~

~~(4) Out of town contractors doing work in Lisbon will be charged a one day entrance fee of \$10.00 with a valid demolition permit.~~

~~(5) The starting date will be October 1 for stickers and September 15 for fees.~~

~~(6) Resident hauler fee is \$250.00; nonresident hauler fee is \$750.00.~~

(Sel. Ord. of 7-22-03, § 4.002; Sel. Ord. of 8-5-03, § 5.044; C.M. of 7-1-2014, V. 2014-118)

~~Sec. 98-40. Solid waste disposal fee committee established.~~

~~There is hereby established a solid waste disposal fee committee, which will analyze and make recommendations to the town council regarding the disposal fees for the town.~~

(Sel. Ord. of 4-22-03, § 5.191)

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

USE OF UNASSIGNED FUND BALANCE

INTRODUCTION: Mrs. Barnes presented the list of items that she recommended the Council assign funding from the unassigned fund balance. She indicated any unused balances would be returned to the unassigned fund balance for future use.

13% of GF Operating Budget	\$272,000.00
FY 19 Overlay	\$122,675.00
	\$394,675.00
Town Clerk Records Restoration	\$ 10,000.00
Town Buildings: Pole Roof Over Entrance	\$ 31,700.00
Police Department Cruiser Reserve	\$ 22,000.00
Public Works: Skid Steer	\$ 50,000.00
Public Works: Wheeler Truck/Dump Body/Snow Attachments	\$220,358.00

Recreation Dept. Truck	\$ 20,000.00
Trash Trailer 50% of Cost	<u>\$ 50,000.00</u>
 Total Unassigned Fund Balance	 \$394,058.00

COUNCILOR COMMENTS: Councilor Ward reported the thresholds the auditors recommend have been met. He said this a fair amount leaving an appropriate balance. Councilor Albert confirmed there are still funds left if needed.

VOTE (2019-140) Councilor Larochelle, seconded by Councilor Albert moved to authorize the use of unassigned fund balance in the amount of \$394,058.00 to be set aside for the list stated above.

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

ADOPT FISCAL YEAR 2019-2020 BUDGET RESOLVES

VOTE (2019-141) Councilor Larochelle, seconded by Councilor Brunelle moved to adopt the following 2019-2020 Municipal Budget Resolution:

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LISBON AS FOLLOWS:

For General Government (Department 01)

Line 5100 for Personnel Services	\$ 1,056,315
Line 5200 for Contractual Services	\$ 493,514
Line 5300 for R/M & Operating Supplies	\$ 91,000
Line 5400 for Capital Purchases	<u>\$ 40,000</u>
Total for the General Government Budget	\$ 1,680,829

For Public Safety (Department 02)

Line 5100 for Personnel Services	\$ 2,272,203
Line 5200 for Contractual Services	\$ 38,377
Line 5300 for R/M & Operating Supplies	\$ 322,808
Line 5400 for Capital Purchases	<u>\$ 165,736</u>
Total for the Public Safety Budget	\$ 2,799,124

For Public Works (Department 03)

Line 5100 for Personnel Services	\$ 1,176,234
Line 5200 for Contractual Services	\$ 933,825
Line 5300 for R/M & Operating Supplies	\$ 392,850
Line 5400 for Capital Purchases	<u>\$ 545,000</u>
Total for the Public Works Budget	\$ 3,047,909

For Public Services (Department 04)

Line 5100 for Personnel Services	\$ 759,407
Line 5200 for Contractual Services	\$ 75,812
Line 5300 for R/M & Operating Supplies	<u>\$ 179,843</u>
Total for the Public Services Budget	\$ 1,015,062

**For General Assistance, County Tax, Economic Development, Abatements,
Debt Service, & Bonds (Department 05-09)**

Line 5100 for Personnel Services	\$ 99,842
Line 5200 for Contractual Services	\$ 792,179
Line 5300 for R/M & Operating Supplies	\$ 3,500
Line 5400 for Capital Purchases	\$ 476,331
Line 5500 for Lease Purchases	<u>\$ 54,785</u>
Total for the General Assistance County Tax, Economic Development, Abatements, Debt Service & Bonds	\$ 1,426,637

BE IT ORDERED: That the Municipal Budget for the Town of Lisbon for the fiscal year commencing on July 1, 2019 and ending on June 30, 2020 be and hereby is adopted with a total expenditure of **\$9,969,561.00** balanced with a total of **\$3,595,181.00** in estimated revenue. A summary of appropriations is attached to this Resolution as Exhibit A. (*see attached*). A summary of estimated revenue is attached to this Resolution as Exhibit B (*see attached*).

BE IT ORDERED: The Assessor of the Town of Lisbon be and hereby is directed to assess a tax upon all real estate in Lisbon and liable to be taxed therein, and to assess the owner of personal estate liable to be taxed therein on the first day of April, 2019 A. D. and in accordance with the provisions of the State of Maine in such cases made and provided; make perfect lists under her hand of such assessments and commit the same to the Collector of Taxes of the Town of Lisbon on or before the 1st day of July, 2019. All taxes assessed as above and committed to the Collector shall be due on July 1, 2019. That having set the date on which the first installment of taxes shall become due, to wit July 1, 2019, any taxes remaining unpaid after September 16, 2019 shall bear interest from September 17, 2019 at a rate of 9% per annum, said interest to be added to and become a part of said taxes. That having set the date on which the second installment of taxes shall become due, to wit July 1, 2019, any taxes remaining unpaid after March 16, 2020 shall bear interest from March 17, 2020 at a rate of 9% per annum, said interest to be added to and become a part of said taxes and to fix the rate of interest paid for overpayments at 3% annum.

BE IT ORDERED: We, the Municipal Officers of the Town of Lisbon, Maine, upon request of Diane Barnes, Tax Collector/ Treasurer, of said Town, hereby authorize and direct said Tax Collector and Treasurer, pursuant to Title 36, Maine Revised Statutes Annotated, section 906, to apply any tax payment received from an individual as payment for any property tax against outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill. However, no such payment may be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer.

BE IT ORDERED: That the Tax Collector be and hereby is, authorized to accept money prior to the date of the 2020 Tax Commitment in prepayment of taxes at 0% interest, and to issue receipts for the same. It shall be discretionary with the Tax Collector/Town Manager to make arrangements through the Town of Lisbon Tax Club policy with any taxpayer for a schedule of monthly payments without interest and such arrangements, as they jointly deem necessary.

BE IT ORDERED: That the following categories of State funds be accepted during the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Municipal Revenue Sharing
Local Road Assistance
State Aid to Education (including Federal pass-through funds and property tax relief)
Snowmobile Reimbursement Money
Tree Growth Reimbursement
General Assistance Reimbursement
BETE Exemption Reimbursement
Homestead Exemption Reimbursement
State Grant and/or Other Funds

BE IT ORDERED: That the Sewer Budget for the Town of Lisbon for the fiscal year commencing on July 1, 2019 and ending on June 30, 2020 be and hereby is adopted with a total expenditure of \$1,148,504.00 balanced with a total of \$1,296,148.00 in estimated revenue. A summary of appropriations and estimated revenue is attached to this Resolution as Exhibit A. (*see attached*).

Pursuant to Title 30-A M.R.S.A. Sec 3406 and the Town of Lisbon Sewerage Ordinance the Town Council hereby adopts the following rates for the Town Sewerage Works:

\$ 7.12 per 100 cu. ft.	Domestic Sewer Rate
\$ 2.50 per 100 cu. ft.	Maine Electronics
\$.12 per gallon	Septage Disposal
\$.06 per gallon	Holding Tank Waste Disposal

The Treasurer of the Town of Lisbon is hereby directed to assess sewer service charges on a quarterly basis as determined by the water meter readings. All sewer service charges remaining unpaid after the date which they are due shall bear interest at a rate of 9% per annum, said interest to be added to and become a part of said sewer service charges.

BE IT ORDERED: That the Tax Club policy, which was adopted in November of 2014, is approved as presented.

BE IT ORDERED: That the Capital Improvement Plan for the Town of Lisbon for the fiscal year commencing on July 1, 2019 and ending on June 30, 2020 be and hereby is adopted as presented and attached to this Resolution as Exhibit C (*see attached*).

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

PUBLIC WORKS WHEELER TRUCK BID AWARD

INTRODUCTION: Mr. Cyr said the Town of Lisbon Public Works Department sent out for 2019-2020 fiscal year requesting Bids for a Double Axle Plow Truck and also requested Bids for Plow Equipment and Dump Bed for the Double Axle Plow Truck. Both requests for Bids were sent on June 11, 2019 and the deadline was June 20, 2019 @ 10:00 am. The following was received:

1. O'Connor Motor Co - \$130,056.29
2. Portland North Truck Center - \$118,605.00
3. Freightliner of Maine - \$123,184.00
4. Whited Truck – Did not submit a Bid

Randy Cyr recommended Freightliner of Maine, although Freightliner is \$4,579 higher he indicated his choice for the following reasons:

- Portland Truck did not have a quote which satisfied the horse power wanted
- Freightliner delivery is the first week of September whereas Portland Truck is later.
- We already have Freightliner vehicles in our fleet which our mechanics are very familiar with.
- Along with the mechanics and public works employees having a working knowledge of Freightliner vehicles, it will also allow us to maintain current stocked parts for services and ease of ordering.

Bids were received for the Plow Equipment and Dump Bed for the Double Axle Plow Truck as follows:

1. HP Fairfield - \$97,174.00
2. Viking Cives - \$96,263.00

Randy Cyr recommended HP Fairfield, although HP Fairfield is \$911 higher, he indicated his choice based upon availability of equipment as follows:

- HP Fairfield will have the equipment ready by mid-February or sooner.
- Viking will have the equipment ready by spring 2020.

COUNCILOR COMMENTS: After much discussion, Councilor Albert confirmed that to build could be shorter if done sooner. Mr. Cyr said he could place the order July 19 and take deliver in September, with the worst case scenario being in February.

VOTE (2019-142) Councilor Brunelle, seconded by Councilor Larochelle moved to award the wheeler truck bid for a Double Axle Plow Truck to Freightliner of Maine for \$123,184.00 and the Plow Equipment and Dump Bed for the Double Axle Plow Truck to HP Fairfield for \$97,174.00 totaling \$220,358.00 to be funded from the Unassigned Fund Balance, except for \$10,000.00. **Order passed - Vote 6-0.**

TOWN BUILDING PROJECT – BID AWARD

INTRODUCTION: Mr. Douglass submitted estimates for three town building repair projects that have been discussed during budget meetings. Mr. Douglass recommends the following projects be completed:

Town Office Building Repairs, which includes washing, painting, repairing the exterior of the building: Restorations Home Remodeling - \$15,745.00

Town Office Shed/Hip Roof construction project, which is for the open storage roof constructed around the back of the Town Office to protect HVAC equipment, alleviate snow issues and to protect the exterior of the building from more weather related damage: Restorations Home Remodeling - \$31,700.00

Public Works Salt Shed roof/structural repairs, which is for the new roof/rafters and wall repairs to fix the problems with the salt shed at public works facility: Restorations Home Remodeling - \$34,091.00

Mr. Douglass reports that Restorations Home Remodeling is available to start this work immediately. Smiley's Carpentry Division would not be able to start the work until the end of the year. Bob Strout Home builders submitted an estimate for the work, but he also has a scheduling problem and cannot start the work until late in the year.

Mr. Douglass said he did not address securing the walls that are falling off the side of the building yet and the HVAC was \$500,000.00 to renovate the entire system. He mentioned he had the furnace at the Police Department repaired for \$7,000 for now.

Mr. Douglass mentioned the well at Beaver Park needs to be filled in and a new one drilled at an approximate cost of \$10,000 to \$11,000.

VOTE (2019-143) Councilor Albert, seconded by Councilor Larochelle moved to award the Town Office Building Repairs bid to Restorations Home Remodeling for an amount not to exceed \$15,745, Town Office Shed/Hip Roof in an amount not to exceed \$31,700 from unassigned fund balance, and Public Works Salt Shed roof/structural repairs in an amount not to exceed \$34,091 from the Public Works current budget. **Order passed - Vote 6-0.**

VACANT COUNCIL SEAT

INTRODUCTION: Counsel's opinion is that because the Council seat became vacant more than 6 months prior to the next regular Town election, the Charter requires that the vacancy must be filled for the unexpired term by special election. Lisbon Charter § 2.11(c) ("If a seat on the Town Council becomes vacant more than six (6) months prior to the next regular Town election, the vacancy shall be filled for the unexpired term by a special election.) The only circumstance in which the Council has authority to appoint someone to fill a vacancy is when the seat becomes vacant within 6 months prior to the next regular Town election. Id. ("If a seat on the Town Council becomes vacant within six (6) months prior to the next regular Town election, the Council shall appoint a qualified person to fill the vacancy.")

Based on the fact that the seat became vacant more than 6 months before the next regular Town election, the options now available to the Council are either: (1) the Council may schedule another special election to attempt to fill the vacancy for the balance of the unexpired term, with new deadlines for submission of nomination papers, or (2) having already attempted to fill the position by special election, with no eligible regular or write-in candidates having filed papers on a timely basis, the Council could choose to leave the position vacant until the next regular election.

VOTE (2019-144) Councilor Ward, seconded by Councilor Brunelle moved to leave the Council seat vacant.
Order passed – Vote 6-0.

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert said he had nothing new to report.
2. Planning: Councilor Ward said they will meet Thursday so more later.
3. LDC: Councilor Larochelle said they met and went over ongoing projects and discussed their progress. Next meeting is in July.
4. Conservation Commission: Councilor Ward said Richard Main indicated they were working on a volunteer nature walk at Beaver Park, talking about invasive species, and the garbage to gardens grant. They received the grant for the Kiosk.
5. Recreation: Councilor Kolbe said summer camp started and they have a large turnout. The Moxie Committee members are finalizing their events and details.
6. County Budget: Councilor Ward said he attended the caucus for nominating members and that he nominated Councilor Lunt and himself.
7. Library: Councilor Lunt said the Summer Reading Program began with a big Planetarium show at MTM. He encouraged residents to have their children participate when possible.

B. TOWN MANAGER'S REPORT

Mrs. Barnes said she was going to mention the waste diversion grant, but that's already been mentioned.

C. DEPARTMENT HEADS WRITTEN REPORTS

No Comments

D. DEP UPDATE ON MILL STREET DAM AND MERCURY

Item Taken Out Of Order at the Beginning of the Meeting

Mrs. Barnes introduced Danielle Obery, from the Maine Department of Environmental Protection onsite Project Manager. Ms. Obery introduced Brian Beneski, MDEP's Uncontrolled Sites Management leader, and Gail Wipplehauser from the Department of Marine Resources. Mr. Beneski mentioned that the Maine Department Of Transportation did a bridge replacement recently that allowed the abandonment of the water line through the stream. They can now access the mercury and remove the last of the settlement in the river. He indicated the Department of Marine Resources would be able to do the dam removal at the same time saving money.

Ms. Obery reported the dam is breached already. Mr. Beneski said it made sense to do both projects together for cost savings. He said they are closing on the bids today; they have two.

Ms. Obery said they received approval from Joe Miller the owner of the property along with the permit by Rule from DEP; however, there is a time limit to operate within so the project has to be completed by the end of September. She said they would use sandbags to build a cofferdam to pump out a dry area to operate within for removing the mercury.

Councilor Ward asked about the bankruptcy and abandonment of the property. Ms. Obery said she still owns it, but when abandoned ownership goes back to Miller Industries. Mr. Beneski explained when an entity goes bankrupt and the property is deemed worthless they petition the court to make an offer at that time. If nobody stops the process, then it would go back to Miller Industries.

Councilor Ward said he heard it would be best to keep what's ahead of that dam so would what's ahead of that dam stay in place; its breached but not removed.

Councilor Brunelle said no one has informed the abutters along the river that this work is going to be done. He said he was concerned that the river now only has half as much water in it so when this dam is gone it could be half as much again.

Ms. Obery said not that much should happen. The Salmon Federation is not involved with their process. This has been in the works for the past five years. She said this is the first time she has heard anything about property owners not wanting the dam removed. Councilor Albert asked what notification does the abutting property owners receive. Ms. Obery said they do not notify abutting property owners, that they are at tonight's Council meeting only as a courtesy, and that they only have to notify the Millers. She said if the dam owners say the dam can come out then we do that.

Mrs. Barnes explained that in 2015 a different Council at the time tried to work with Mrs. Miller to obtain the property. She mentioned the town was willing to contribute \$50,000 and at that time had completed a Brownsfield Assessment, when the property went into bankruptcy before the town could obtain it. She said that was the intent all along to take the dam out and remove the mercury.

Councilor Larochelle said we want cleaner rivers, we don't know what's down there, and that he has no concern with cleaning it up. He said Lisbon appreciates your help with that.

Councilor Albert said you will not find a better partner as the Town of Lisbon. He said you do not need our cooperation and we know you can operate around us.

Councilor Ward said if you remove it and something happens who is on the hook for that. Ms. Obery said that's on us. Mr. Beneski said there is no liability to the Town of Lisbon since you didn't cause it and didn't purchase it.

Ms. Wipplehauser said the cement structure is the only part coming out of the dam to make way for the fish passage. She reported they stock the Sabattus Pond with 400,000 alewives each year. The dam needs to come out to restore the historic fish passage and levels. This work will continue up stream to Sabattus eventually, however, the lower parts are done first

Mr. Douglass explained that he received a lot of calls when the water level dropped 3 feet to 4 feet last time. He suggested a study be done to show what impact taking this dam out will have on the water level down stream.

Ms. Obery said this is the beginning of the process. Funding has been found to do the cofferdam, remove the mercury, and at the same time take out the cement portion of the dam, which saves money. She said they are pulling resources together to get it done.

Councilor Albert thanked Ms. Obery, Mr. Beneski, and Ms. Wipplehauser for the update and attending this evening. Councilor Brunelle requested the Town Clerk look into whether there is a petition process available for abutters to use.

APPOINTMENTS

ANNUAL RENEWAL AND/OR NEW APPOINTMENTS

VOTE (2019-145) Councilor Larochelle, seconded by Councilor Albert moved to appoint the following board and committee members:

Nominees	Board/Committee
Marie Hale	Assessment Review Board 3 Year
Clyde Cavender	Assessment Review Board 3 Year
Miriam Morgan Alexander	Board of Appeals 3 Year
Chris Rugullies	Board of Appeals 3 Year
Curtis Lunt	Planning Board, Regular 3 Year Regular Member
Donald Fellows	Planning Board, Regular 3 Year Regular Member
Chris Huston	Planning Board, Alternate 3 Year Regular Member
David Mailhot	Cemetery Committee 3 Year
Richard Main	Conservation Commission 3 Year Regular Member
Jesse Zack	Ethics Panel 2 Year Regular Member – Council
Jo-Jean Keller	Library Governing Board 3 Year
Trudy Duval	Library Governing Board 3 Year
Heather Duley	Recreation Committee 3 Year Regular Member
William Kuhl	Recreation Committee 3 Year Regular Member
Chris Cloutier	Recreation Committee 3 Year Regular Member

Order passed - Vote 6-0.

ANNUAL APPOINTMENT OF CHAIR FOR ETHICS PANEL

VOTE (2019-146) Councilor Larochelle, seconded by Councilor Albert moved to reappoint David Bowie as Chairman of the Ethics Panel for the ensuing year. **Order passed – Vote 6-0.**

COUNCILOR COMMUNICATIONS

Councilor Ward said he noticed all the advertising and signs up for this coming year's Moxie Festival. He reported a renewed enthusiasm going forward that's going to be different. There are a lot of new events this year. Councilor Kolbe said the festival carries into Sunday with the car show, class of 2020's corn hole event, and the concerts and movie at the MTM pavilion.

Councilor Brunelle commended Public Works for their assistance with the generator pad on the high school property.

AUDIENCE PARTICIPATION FOR NEW ITEMS

Chief LeClair announced Mark Moulton and Kristina Tucci were attending the Fire Academy. He said Shawn Fleck received a leadership award and Tristan Coffin was the valedictorian for the class.

EXECUTIVE SESSION

VOTE (2019-147 & 148) Councilor Larochelle, seconded by Councilor Albert moved to go into Executive Session at 9:15 PM per 1 MRSA Section 405(6)(C) Acquisition or Disposition of Real Property Or Economic Development & Section 405 (6)(A) Personnel Matters. **Order passed – Vote 6-0.**

The Council came out of executive session at 9:45 PM. The meeting resumed.

VOTE (2019-148A) Councilor Larochelle, seconded by Councilor Albert moved to authorize the Town Manger to execute the legal documents for a land swap on Booker Street with PB Rentals, LLC. **Order passed – Vote 6-0.**

VOTE (2019-148B) Councilor Larochelle, seconded by Councilor Albert moved to authorize the carry forward 12 days of unused accrued vacation time. **Order passed - Vote 6-0.**

ADJOURNMENT

VOTE (2019-148C) Councilor Ward, seconded by Councilor Albert moved to adjourn at 9:46 PM. **Order passed - Vote 6-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: July 16, 2019