



**TOWN COUNCIL
ZOOM
MEETING MINUTES
MAY 19, 2020**

Fern Larochelle 2020
Normand Albert, Vice Chair 2021
Kasie Kolbe 2021
Allen Ward, Chairman 2021
Mark Lunt 2022
Donald Fellows 2022
Jeffrey Ganong 2022

CALL TO ORDER. The Chairman, Allen Ward, called the meeting to order and led the pledge of allegiance to the flag at 7:10 PM.

ROLL CALL. Members present were Councilors Ward, Albert, Kolbe, Lunt, Larochelle, Ganong, and Fellows. Also present were Diane Barnes, Town Manager; Auditor Ron Smith, RHR Smith & Company; Kristina Howe, RHR Smith & Company; and no other citizens in the audience.

GOOD NEWS & RECOGNITION - NONE

PUBLIC HEARINGS - NONE

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

Those listening from Town Hall Live Video Streaming were invited to address the Council by emailing brichardson@lisbonme.org with comments at this time. Mr. Richardson reported no emails received.

CONSENT AGENDA

VOTE (2020-90) Councilor Larochelle, seconded by Councilor Kolbe moved to approve the following consent agenda items:

- A. Municipal Accounts Payable – for \$ 120,111.73
- B. Municipal Payroll Warrants – for \$ 135,895.46
- C. School Accounts Payable – for \$ 54,118.85
- D. School Payroll Warrants – for \$7,246.00
- E. Minutes of April 28, 2020 and May 5, 2020
- F. Set Public Hearing on June 2 for Victualer's License for Antonio Briglio d/b/a Roadside Barbecue -73 Lisbon St
- G. Set Public Hearing for June 2 for Special Entertainment Permit for Franks
- H. Personnel Policy Amendment to Section 90-37- Holiday Schedule changing Columbus Day to Indigenous Peoples Day

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

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

AUDIT PRESENTATION

INTRODUCTION: Mr. Smith introduced Kristina Howe from RHR Smith & Company. He said Ms. Howe would give the Council an overview of the financial statement and highlight some points of interest this year.

Ms. Howe said Lisbon received an unmodified opinion this year, which is the highest favorable opinion one can receive. She mentioned that the town received its federal compliance audit with an unmodified opinion for that as

well. They audited the Wastewater Treatment Plant program on the town side this year. She reported page 20 in the audit has been broken down differently this year, pointing out that Council controls these numbers. Special project revenues and earmarked funds residing in the general fund for capital projects have now been pulled out and have been restated and brought over to their own separate schedules. The general fund balance at the end of Fiscal Year 2019 was about \$2.5 million dollars, which translates into about 2 months of the town's operating expenses. Mr. Smith said this is up about 5 days over last year's amount.

Ms. Howe said from page 22, Statement E of revenue, expenditures, and changes in funds showed overall that the general fund balance went down, but it went down by only 5%. Mr. Smith explained the unassigned fund balance went up and the general fund balance went down, largely because the town spent a lot of its restricted money, in other words, projects that were earmarked were spent in 2019, which is why the totality of the fund balance went down but the unassigned went up. The increases showed that excise taxes were stronger by about \$125,000 and the town did not expend all the money it had appropriated for expenses so that lapsed and rolled back forward. He said the town returned some expenses so back to the bottom line that was about \$250,000 to \$300,000. Ms. Howe said the town also decided to pay off some debt ahead of schedule and that came to about \$300,000, also.

Ms. Howe said on page 91 is the budget to actual that shows some over drafted accounts, but not very many. On page 92 is Schedule 1A showing that education fund RHR Smith pulled out from the general fund. On page 109 is that restricted money earmarked for Capital Projects and so on that RHR Smith, also, pulled out from the general fund. She said they also created a breakout of those funds if you look even further into the financial statements.

Mr. Smith said 2019 was a tough transition year. He said the Town Manager lost the Finance Director, which had to be replaced; the town went through the MUNIS conversion and that was brutal with ongoing MUNIS issues; plus tackling the School Department reconciliation, which had been problematic, but those details are working out, although meetings are on hold right now, they are on top of this for 2020-2021. He said they do not expect to see the MUNIS problems again, but there will still be some MUNIS struggles for sure. He said they did not miss any deadlines and hats off to all hands on deck.

COUNCILOR COMMENTS: Mrs. Barnes said next year the town would be in a better position. Right now, she said, she is working on settling with the School Department reconciling month by month. Mr. Smith said we all know what needs to be done so it is just a matter of getting to it and getting it done. Councilor Ward pointed out RHR Smith's involvement with the good working relationship the town has with the school department. He thanked everyone for their hard work this year and stated, we have a good thing going. Mr. Smith said it is as strong as it has ever been and that it took a lot of hard work on everyone's part.

JAMES CARVILLE D/B/A RIVERSIDE FLEA MARKET ITINERANT VENDOR/OUTDOOR FLEA MARKET PERMIT

VOTE (2020-92A) Councilor Larochelle, seconded by Councilor Fellows moved to approve the Itinerant Vendor/Outdoor Flea Market Permit for James Carville.

VOTE (2020-92B) Amendment #1: Councilor Larochelle, seconded by Donald Fellows moved to make the license conditional upon his compliance with the restrictions that are in place and that he follows the Guidelines set by the Governor's Executive Orders.

Amendment # 1 Vote by Roll Call: Yeas – Albert, Lunt, Larochelle, Ward, Kolbe, Ganong and Fellows. Nays - None. Order passed - Vote 7-0.

Main Order as Amended - Roll Call Vote: Yeas – Albert, Lunt, Larochelle, Ward, Kolbe, Ganong and Fellows. Nays - None. Order passed - Vote 7-0.

COVID-19 EMERGENCY SUPPLEMENT FUNDING GRANT

INTRODUCTION: Chief Hagan reported the Police Department has the opportunity to apply for Federal funds through the 2020 Coronavirus Emergency Supplement Funding Grant. This grant was designed to assist law enforcement agencies attempting to address safety concerns directly related to the COVID-19 Pandemic and does not require any matching funds.

Chief Hagan said if approved by Council, the Police Department would apply for funding to purchase “Personal Protective Kits” that will protect our officers in any environment that we may encounter during the course of their duties. The kits are designed for law enforcement use, approved by the National Institute for Occupational Safety and Health (NIOSH), and include: protective masks with filters, a protective suit that can be worn on the outside of our officers uniform, rubber boots, and gloves. The kits are \$419.95 each, will not expire for ten years, and protect our officers in any chemical or biological environment in addition to a positive COVID-19 scenario. The total funding requested would be \$7,559.10.

Chief Hagan requested Council permission to apply for, accept, and spend any funding amount allotted through this grant process towards the above purchase.

VOTE (2020-93) Councilor Fellows, seconded by Councilor Larochelle moved to authorize the Town Manager to apply for a COVID-19 Emergency Supplement Funding Grant in the amount of \$7,559.10 and to accept and spend any funding amount allotted through this grant process towards the purchase of Personal Protective Kits.

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

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING ASSISTANCE APPLICATION

INTRODUCTION: Mr. Richardson reported in April 2020, the Maine Department of Economic and Community Development’s Office of Community Development invited the Town of Lisbon to submit a Community Development Block Grant (CDBG) application for the Housing Assistance (HA) program to support the creation of additional affordable housing units at the Farwell Mill by Realty Resources Management (RRM).

Mr. Richardson said the CDBG Housing Assistance program does not allow private developers to directly apply for funding. CDBG guidelines require a municipality apply for funding and allows the municipality to designate a private developer as a sub-grantee to implement the project. Realty Resources Management will be the designated sub-grantee to the Town of Lisbon’s proposed Housing Assistance application. RRM is in the development phase of a project to convert current commercial space at the Farwell Mill to 14 new affordable housing units and to complete necessary upgrades and routine maintenance to the property.

Mr. Richardson indicated the Town’s proposed Housing Assistance application totals \$1,000,000 to support RRM’s development project, and the Office of Community Development may fund the full request or provide partial funding. Per correspondence with RRM, the Town’s administrative role to complete the project will be determined during the Office of Community Development’s Project Development phase based on the level of funding provided by the Office of Community Development and the Town will be reimbursed for relevant administrative costs to manage the grant.

Mr. Richardson explained that to obtain funding to support affordable housing units for Lisbon residents at the Farwell Mill, the Economic Development Director needs the Council to authorize the Town Manager to submit a CDBG Housing Assistance grant for \$1,000,000 on behalf of designated sub-grantee Realty Resources Management. RRM would provide matching funds for the application and the Town will be reimbursed for relevant administrative costs. The deadline to submit the proposal is June 5, 2020.

COUNCILOR COMMENTS: Councilor Fellows said he would like make sure what happened previously at the Farwell Mill doesn’t happen again. Mr. Richardson said he would pay close attention to how and what these funds will be used for and if it doesn’t reach the landing with Realty Resources Management then the town would hold off. He said it would be better to have good discussions right out of the gate.

VOTE (2020-94) Councilor Larochelle, seconded by Councilor Fellows moved to authorize the Town Manager to submit the Community Development Block Grant (CDBG) Housing Assistance Grant Application for \$1,000,000 on behalf of designated sub-grantee Realty Resources Management.

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

**NORTHERN BORDER REGIONAL COMMISSION (NBRC)
INFRASTRUCTURE GRANT APPLICATION**

INTRODUCTION: Mr. Richardson explained that redeveloping the former Worumbo Mill parcel has been a priority for the Town of Lisbon for many years. In 2019, the Town purchased the former Worumbo Mill site that connects Main Street in Lisbon Falls with the Androscoggin River at the intersection of Maine Routes 196 and 125.

Mr. Richardson said to help facilitate the Worumbo site redevelopment, the Lisbon Development Committee (LDC) has undertaken a site evaluation for potential uses and is developing a public visioning process to gather community input when social gatherings are again permitted. To build on the Town's investments in the Worumbo site, the Town submitted a letter of intent to the Northern Border Regional Commission (NBRC) in March of 2020 seeking Economic Infrastructure Investment Program (EIIP) grant funds. As a basis for the NBRC application a budget and work plan was prepared for the Worumbo Mill Site. The application features the creation of four development lots totaling 1.28 acres, green space with access to the Androscoggin River, and 110 new parking spaces.

Mr. Richardson said that NBRC's EIIP, however, is designed to spur economic development and use of NBRC funds at the level proposed would not be appropriate for green space and parking alone. Council need not endorse a final redevelopment site plan to apply for NBRC funding, but if the Town moves forward with the Worumbo project using NBRC funding, the result must be significant development on the buildable area of the site as depicted in the OA site plan.

Mr. Richardson pointed out that NBRC's EIIP policies require applicants for projects located in Androscoggin County to contribute matching funds equal to 20 percent of the project. Based on the estimated project budget of \$1,010,000, the Town's matching contribution will equal \$202,000. Upcoming site investments managed by Public Works will equal approximately \$52,000 and the remaining Town match will equal a cash investment of approximately \$150,000. The cash match is an appropriate use of the Town's Downtown Tax Increment Financing fund.

Mr. Richardson mentioned NBRC EIIP projects that receive funding must be completed within three years. Successful applications will receive notification of awards in summer 2020, allowing the Town until summer 2023 to complete site planning, design, and construction. To obtain funding to significantly advance redevelopment of the Worumbo site and prepare the parcel for appropriate commercial and/or residential development, public green space, and +/- 110 new parking spaces, the Economic Development Director is requesting Council authorize the Town Manager to submit an application to NBRC for \$808,000 and to commit Town funds to contribute the in-kind and cash match of \$202,000. The deadline to submit the proposal is June 1, 2020.

COUNCILOR COMMENTS: Councilor Fellows said just because the drawing shows the parking lot at the end near the woods does not mean there can't be parking elsewhere too. Mr. Richardson explained that the plans generated for the grant were intended to show maximum redevelopment to avoid obtaining a grant for less than what we could do here on this site. He said everyone wants to see the river in some way.

Councilor Lunt said he was concerned the town might be getting the cart before the horse and indicated this design presumed a lot of things such as a big access road, parking way down at the end so that one has to walk a ways to get to downtown. He was concerned that once the town takes those funds it would have to redevelop the property to that size. Councilor Ward said he preferred the blank drawing to the virtual pictures.

Councilor Larochelle pointed out that Lisbon could modify this plan. He explained the town has to hit as many goals as we can to obtain the grant. He said he did not see the town going with this layout; however, the Council did ask for what could be done with this property and this plan does show that. He said the town could reach out for this grant and can say no at any point, while we make sure we do what the community wants. He said Mr. Richardson has done a great job at selling this for a redevelopment site so people might think this is a great place to stop. He suggested connecting natural gas to the site. He said we can find a happy medium and make our town more viable. Maybe we do some parking as Councilor Fellows mentioned across from Franks and maybe we add charging stations so people can walk downtown to get a bite to eat while they wait for their car to get charged.

Councilor Albert urged the Council to be cautious, that the town has not always treated businesses the best, that this representation doesn't do that, and yet the last thing we want is to put green space there when a taxable

business would be better. He said this feels a little rushed. Councilor Fellows pointed out that this is only one concept and that it can be changed and that we could put parking at the beginning and end.

Councilor Ward mentioned that the ones who develop businesses on a river appear to be the ones who really thrive. Councilor Kolbe pointed out this grant is not for green space alone and requires significant building/redevelopment. Mr. Richardson explained significant redevelopment comes from job creation or retention, the need for overflow parking to mitigate that, along with adding regional businesses, maybe a brewery, clinic, or a place for industry trends like one town that added containers for crafters, where it can all be located in one spot that becomes a place for folks to visit. He said maybe adding a few amenities that perhaps the neighborhood can benefit from. These are the things that lead to job retention, which is the basis for the grant.

Councilor Albert said he would like to see the second parking lot at the beginning of the access road drawn into this plan. Councilor Larochelle said a consensus seems to be emerging that lot #1 be used for parking, which is encouraging. Councilor Fellows suggested locating the second parking lot on half of lot #1 at the beginning of the access road.

Mr. Richardson indicated he would mention the idea to Mandy Olver at a meeting they will be attending on Thursday night because they have access to an architect. He said they are discussing a plan to close Main Street to allow businesses an opportunity to serve the public in the street, so while they are making plans for that they can address Councilor Lunt, Albert, and Fellows' suggestions for parking in such a way as to tie this all together.

VOTE (2020-95) Councilor Fellows, seconded by Councilor Albert moved to Authorize the Town Manager to submit an NBRC Infrastructure Grant Application for \$808,000 and to commit Town funds to contribute the in-kind and cash match of \$202,000 for significantly advance redevelopment of the Worumbo site for appropriate commercial and/or residential development, public green space, and +/- 110 new parking spaces and to designate up to \$202,000 from the Downtown TIF for Lisbon's in-kind match.

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

INFORMATION TECHNOLOGY (IT) SERVICES AGREEMENT

INTRODUCTION: The current IT Service Agreement was signed on October 6, 2016 with an effective date of October 31, 2016 between the Town of Lisbon and The IT Kings, Inc. DBA/Roundtable Technology. Since this time, there has been no increase in annual service fees and The IT Kings, Inc. have agreed to service the Town for another year at no additional cost per month, but it will now include cyber security. There is no loss in service between the current contract and the new proposed contract (Premier Managed Service Level). The primary difference between our current support agreement and Premier is that Cybersecurity is included in the Premier, which is outlined in the new agreement. It is the Town Manager's recommendation that Council sign a new contract with The IT Kings, Inc. for fiscal year beginning July 1, 2020.

VOTE (2020-96) Councilor Albert, seconded by Councilor Ganong moved to authorize the Town Manager to enter into an agreement with The IT Kings, Inc. for IT Services.

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

PURCHASING POLICY DISCUSSION

INTRODUCTION: Mrs. Barnes presented the draft purchasing policy, which does not require a first and second reading.

COUNCILOR COMMENTS: Councilor Ward said the different levels in this policy did not seem relevant to what the town can do with the MUNIS system. He said the Town Manager has addressed several items already in the past few months dealing with bids.

Councilor Ward said anything with federal or state money that would not pass the criteria in the purchasing policy should be addressed. Mrs. Barnes said there were a lot of changes to this document. Councilor Fellows questioned

the 3 quote bids reference. He recommended that it say that an award of purchase requiring 3 quotes should be made by Department Heads instead of 3 quote bids; in that context within this document 3 quote bids are a type of bid. Councilor Ward pointed out that the 3 quote bids are not a formalized bid.

Councilor Larochelle said in the past he totally agreed with the idea of having a local 2% advantage over an outside bid; however, it was taken out in this draft. Councilor Ward said that cannot be done for federal projects so it was removed to be consistent with all bids. Councilor Ward said he was not opposed to adding it back into the document specifying that if there are no federal or state funds involved a local 2% preference should be given. Mrs. Barnes said she would add back in to that section, providing that no state of federal funding is involved. Councilor Larochelle said it gives local businesses more of an incentive to participate.

VOTE (2020-97) Councilor Fellows, seconded by Councilor Ward moved to adopt the Purchasing Policy as amended as follows:

ARTICLE II. - PURCHASING POLICY

Footnotes:

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Editor's note— At the town council meeting of Dec. 4, 2007, the purchasing policy in Art. II was amended in its entirety to read as herein set out. Former Art. II, §§ 86-31—86-42, pertained to similar subject matter, and derived from a selectman ordinance of July 7, 1992, §§ A—K; and selectman ordinance of Oct. 20, 1998.

Sec. 86-31. - Purpose.

- (a) Introduction. This article establishes guidelines for the purchase of equipment, supplies and services for the town.
- (b) Purpose. The purpose of this article is to standardize the purchasing procedures for the town, thereby increasing savings of taxpayers' money and to set forth the duties and responsibilities of the department heads.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-31a. - Budget and expense responsibility.

TL Corr 3/15/21 The responsibility of the entire town budget and expenses resides with the town manager/**finance director**. The town manager is solely accountable to the town council as identified in the Charter. Each department head is responsible and accountable for his or her department's budget and expenses regardless of expenditures initiated by those identified in section 86-41.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-31b. - Payments and obligations prohibited.

- (a) Payments. No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly made and unless the town manager/**finance director** or the town council first discerns that there is sufficient unencumbered balances within the total departmental or cost center appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable.
- (b) Violations. Any authorization of payment or incurring of obligations in violation of the provisions of this policy shall be void and any payment so made illegal, such action shall be cause for removal of any department head who knowingly authorized or made such payment or incurred such obligation, and such department head shall be liable to the town for any amount so paid; provided, however, that no provision of this policy shall be construed to prevent the town from making or authorizing payments or making contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond that end of the fiscal year, provided that such action is made or approved by ordinance and is not in violation of state or federal law.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-32. - Small purchases.

Purchases up to \$1,000.00 shall be authorized by the department heads choosing the best value, taking into consideration price, local market availability and quality of merchandise as long as the dollars have been appropriated.

Purchases or contracts for good or services in excess of \$1,000 shall require purchase order approval by the town manager or finance director.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-33. - ~~Informal bidding.~~ Purchases of \$1,000-10,000 - Three Quotes Required.

~~Informal bidding shall be used. Whenever a purchase or contract exceeds \$1,000.00, but is less than \$5,000.00. The informal bidding process requires that quotations be obtained from at least the department head shall obtain a minimum of three (3) written quotes shall be obtained from vendors, either in writing or by verbal communications. The vendor names and telephone numbers shall be included on the purchase order or attached under this method. specifics for all quotes shall be clearly identified. The requests for quotations are not publicly advertised, nor is there a formal bid opening. Award of the informal bid shall be made by the department head in consultation with the town manager. The town manager must countersign all purchase orders over \$1,000.00 before the purchase order is placed and submitted for encumbrance. Email or online quotations shall be accepted.~~

Award of three (3) quote purchases shall be made by the department head in consultation with the town manager/finance director as outlined below:

For vendors set up in accounts payable, the quotes shall be attached to the PO requisition to be submitted for town manager/finance director approval. In the event that three (3) quotes cannot be obtained, (sole source or limited market, unavailability etc) the specific shall be summarized in the purchase order requisition content for consideration/approval by the town manager or finance director.

In the event that the lowest quote is from a vendor not yet set up in accounts payable, the specifics of the request shall be summarized by the department head in writing to the town manager/finance director for consideration. If approved, the vendor shall be sent W9 Form to be set up in accounts payable and then a purchase order requisition as outlined above shall be created for town manager/finance director for the purchase.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-34. - Purchases in excess of \$10,001 ~~Formal bidding~~ Bids Required.

- (a) Purchases and contracts in excess of ~~\$5,000.00~~ \$10,001.00 shall require the use of the bid process in this section.
- (b) Notice of invitation to bid ~~should~~ shall be published ~~in a newspaper providing local coverage or mailed on the town website and distributed electronically or by mail~~ to a qualified bidders list. Notification should be made whenever possible at least five days preceding the last day acceptable for the receipt of bids. In addition to the invitation to bid, each prospective bidder will be furnished a specification sheet as deemed necessary by the town manager.
- (c) Bids shall be submitted, sealed and identified as "BIDS" on the envelope. They shall be opened in public at the time and the place stated, and the bid results and tabulation shall be available for public inspection. The town manager or town council, where appropriate, will have the authority to waive the formalities of this bidding process should it be determined to be in the town's best interest.
- (d) Where deemed necessary by the town manager or town council, bid deposits may be prescribed. Unsuccessful bidders shall be entitled to a return of the deposit, while the successful bidder shall forfeit the bid deposit upon failure on their behalf to enter into a contract within ~~44~~ 30 days after the award.

- (e) Before entering into a contract, for projects in excess of \$50,000 the town manager or town council shall have the authority to require performance bonds in such amounts as they may determine necessary to protect the best interests of the town. For projects in excess of \$100,000 where any portion is Federally or State Funded, performance bonding will be required.
- (f) All Formal Bid purchases in excess of ~~\$10,000.00~~ \$10,001.00 shall require the approval of the town council.
- (g) Purchases by competitive bidding—Waiver. The requirement of competitive bidding may be waived by a vote of the council upon recommendation by the town manager when he/she determines that quality, expertise, time factors, or other important considerations outweigh the possible benefits of bidding or requesting proposals.

The competitive bidding requirement may not be waived when legally required by a contract, grant award, or other types of financial assistance. This includes awards made by the State of Maine, federal government, county government, or any other agency providing assistance to the town where competitive bidding is required. Additionally, competitive bidding may not be waived by the town or any of its departments when required by state or federal statute, rule, or regulation.

(h) All purchases with funds provided by the State or Federal Government in whole or in part will be required to go through the formal competitive bidding process regardless of the amount of the purchase.

(i) For projects to be paid for in whole or in part with Federal Grant funds where a specific entity is being considered, staff must make a determination between Federal Grant sub-recipient and Contractor (vendor) status using the Federal Governments resources. Sub-recipient designated entities are prohibited from also being awarded a contract for the same grant they were designated sub-recipient status.

The Department Head shall document any sub-recipient designations for services to be communicated to the Town Manager.

(j) All necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firm are included in all bid notifications shall be made. Further, bid specifications shall require language requiring the same affirmative steps of contractors who subcontract.

(T.M. of 12-4-2007, § 2007-218; C.M. of 10-4-2011, V. 2011-186; C.M. of 11-18-2014, V. 2014-247; C.M. of 12-16-2014, V. 2014-274; C.M. of 2-2-2016, V. 2016-15)

Sec. 86-34.5. - Disqualification from bidding.

Bidders or vendors may be disqualified from bidding on contracts with the town or providing products or services to the town if the bidder or vendor is delinquent with tax payments and/or other debts or liabilities the town, quasi-governmental agencies affiliated with the town such as the water department, or the town's revolving loan programs. The town shall require bidders and vendors to make payment in full, or to enter into payment arrangements satisfactory to the town manager, before considering any bid or quote from a delinquent bidder or vendor. Vendors and bidders will be informed that a condition of doing business with the town is that any monies owed for taxes, water/sewer, fines, general billing, debts, etc., will be withheld from any payments made to the vendor through the AP process.

Any vendor, who currently does business with the Town of Lisbon and has a delinquent tax or other liability with the town, will have their payments for goods and services offset by amounts that the vendor owes to the Town of Lisbon.

(C.M. of 1-19-2016, V. 2016-10)

Sec. 86-35. - ~~After hours~~ Emergency Public purchases and/or repairs.

After hours and Purchases deemed either Emergency or Public Emergency purchases and repairs shall be approved by the Town Manager and may not be subject to three (3) quotes or formal bid process. All approved emergency or Public Exigency purchases and repairs in excess of \$10,000 shall be documented and summarized for the Town

Council in a timely manner. ~~should have a purchase order processed the following day with a reasonable estimate of cost. Emergency items are not to exceed \$2,000.00 unless prior approval is obtained from the town manager.~~

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-36. - Local bidding preference.

~~(a) — Provided all other factors are equal, a bidder having its place of business located within the town shall be awarded the contract if its bid is less than two percent higher than the low bidder.~~

~~(b) — If more than one bidder having its place of business located within the town is less than two percent higher than the low bidder, the contract shall be awarded to the lowest local bidder.~~

Local vendors shall only be granted preferential treatment when all bids received are for the same total amount or on a unit cost basis reflect the same pricing with quality and service being equal.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-37. - Bid most advantageous to the town.

~~A bid shall be chosen on the basis of price, quality of merchandise, suitability of merchandise, and the service reputation of the vendor and therefore may not necessarily be the lowest bid received.~~

Contracts shall be award to the lowest responsible bidder. In addition to price, the following shall be considered in determining the lowest responsible bidder:

- (a) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, judgement, experience and efficiency of the bidder;
- (d) The quality of performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws and ordinance relating to the contract or services;
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or proved the services;
- (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (h) The ability of the bidder to provide maintenance and service for the use of the subject of the contract; and
- (i) The number and the scope of the conditions attached to the bid.

When federally funded bids contain a variety of criteria to be evaluated, the selection process should include a matrix ranking the criteria by weight of importance. Evaluation and ranking criterial must be included in the RFP to prospective bidders.

Prior to the award of any Federal funded bids, the town manager/finance director will check www. SAM.gov to confirm that the low bidder is not on the federal debarred or ineligible contractors list. Ineligible or debarred bidders cannot be awarded federally funded project contracts.

In the event of a tie bid:

- A. Non-Federal funded bids: if all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded first to a local bidder and second to an in-state bidder.

If neither of the above applies, the contract shall be awarded to one of the tie bidders by drawing lots in public.

B. Federal funded bids: If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded first to any identified local disadvantaged business and, if none, then by public drawing of lots to decide who receives the bid award.

When the award is not given to the lowest bidder, a statement of reasons for placing the bid elsewhere shall be prepared and filed with the papers relating to the transaction.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-38. - Group purchase.

The town shall encourage group purchase by grouping two or more department requisitions on one purchase order. The town shall have the authority to join with other units of government, including quasi-municipal agencies, in cooperative purchase efforts when the best interest of the town will be served.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-39. - Duties of the department heads.

All department heads shall:

- (1) Determine acceptable quality of commodities and supplies to be purchased.
- (2) Cooperate with the town manager in establishing lists of approved specifications and vendors.
- (3) Share knowledge of special factors which will implement a policy designed to enable the town to minimize cost and maximize quality.
- (4) Supply the town manager with a list of estimated annual requirements of frequently used supplies, thereby fostering group purchasing.
- (5) Prepare requisitions with an eye toward group purchasing and keep corresponding records to facilitate correct accounting charges.
- (6) Be empowered to reject any unacceptable supply or commodity on the grounds of high cost or low quality, and provide the town manager a written detailed report of any rejection.
- (7) Report to the town manager all of the following:
 - a. Items beyond use.
 - b. Items being replaced or to be replaced.
 - c. Items no longer in use to his department operations.
 - d. Equipment or materials that are obsolete or surplus assets, to be reported to the town manager for appropriate disposition instructions.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-40. - Ethics in public contracting.

- (a) Employee conflict of interest. It shall be unethical for any town employee to participate directly or indirectly in a procurement contract when the town employee knows that the town employee or any member of the town employee's immediate family has a financial interest pertaining to that procurement contract.
- (b) Gratuities and kickbacks. It shall be unethical for any person to offer and for any town employee to accept any payment, gratuity or offer of employment for himself or his immediate family in connection with any part of a town purchase or contract.

(c) Waiver of conflict of interest. The town council may grant a waiver of the conflict of interest provision upon making a written determination that:

- (1) The financial interest of the town employee has been publicly disclosed.
- (2) The town employee will be able to perform his procurement functions without actual or apparent bias or favoritism.
- (3) The award will be in the best interest of the town.

(d) Use of confidential information. It shall be unethical for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain or for the actual or anticipated personal gain of any other person.

(e) Sanctions.

(1) Employees. The town manager may impose any one or more of the following sanctions of a town employee for violations of the ethical standards in this article:

- a. Oral or written warnings or reprimands.
- b. Suspensions with or without pay for a specified period of time.
- c. Termination of employment.

(2) Nonemployee. The town council and/or town manager may impose any one or more of the following sanctions on a nonemployee for violations of the ethical standards:

- a. Written warning or reprimands.
- b. Termination of contracts.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-41. - Purchase order authorization.

The persons authorized to submit purchase orders for their respective departments shall be as listed below:

- (1) Town manager.
 - a. Town manager.
 - b. Administrative assistant.
- (2) Public works.
 - a. Public works director.
 - b. Administrative assistant.
 - c. Chief mechanic.
 - d. Foreman.
 - [e. Operations Manager](#)
- (3) Police.
 - a. Police chief.

- b. Lieutenant.
- c. Administrative assistant.
- (4) Fire department.
 - a. Fire chief.
- (5) Economic development.
 - a. Economic development director.
- (6) Code enforcement.
 - a. Code enforcement officer.
- (7) General assistance.
 - a. Deputy welfare director.
- (8) Finance.
 - a. Finance director.
 - b. Accounts payable clerk (master purchase order only).
 - c. Tax collector (as it relates to taxes only).
- (9) Parks and Recreation.
 - a. Director of parks and recreation.
- (10) Town clerk.
 - a. Town clerk.
- (11) Assessing.
 - a. Assessor.
- (12) Sewer department.
 - a. Superintendent. (i.e. Engineer).
 - b. Operations manager.
- (13) Lisbon Falls Library.
 - a. Librarian.
- (14) Health officer.
 - a. Health officer.

TL Corr 3/15/21 ~~(15) — Town engineer.~~

TL Corr 3/15/21 ~~a. Engineer.~~

TL Corr 3/15/21 (16) — ~~Recreation department/teen center/MTM.~~

TL Corr 3/15/21 a. ~~Director.~~

(17) Solid waste.

a. Director.

b. Foreman.

c. Administrative assistant.

Note: All purchase orders need to be signed/approved by the department head or in his/her absence the established subordinate in command. If both are unavailable, an administrative assistant may sign any purchase order under \$100.00. Any amount above \$100.00 requires either the town manager's signature or written approval from the town manager for the administrative assistant to sign the purchase order with an explanation as to why the department head or subordinate was not available.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-42. - Distribution of purchase orders.

- (a) A copy of a purchase order, or the purchase order number, will be given to the vendor and will be retained by the vendor as the vendor's authorization to ship the equipment or supplies or perform the services specified.
- (b) A second copy will be given to accounts payable to be entered as a pending journal.
- (c) A third copy will be held by the department head until the goods are received. The purchase order with all appropriate signatures and invoice is then sent to the accounts payable clerk and processed for the next warrant for payment.
- (d) A fourth copy can be retained by the respective department.

(T.M. of 12-4-2007, § 2007-218; C.M. of 7-1-2014, V. 2014-115; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-43. - Petty cash.

The finance director will supply the departments as he deems necessary with a petty cash fund for the departments use on miscellaneous items. The amount of petty cash will not exceed \$100.00 for any one department. Department heads are required to retain receipts for all purchases. In order to have the petty cash fund replenished the department head is required to process a purchase order identifying all purchases, amounts and the actual master receipt for each purchase. When the purchase order is processed through the cycle the finance director will provide the petty cash as identified in the purchase order. The department head is fully accountable to the finance director for the management of these funds. Should petty cash be used inappropriately then the finance director will bring this misuse of funds to the attention of the town manager for the appropriate disciplinary action as identified in section 86-31b.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-44. - Grants.

There are two types of grants 1) grants that require a large match which is greater than what the town carries for a grant match budget. These types of grants will require council approval or possibly town approval depending on the size of the town matching funds required. These types of grants would be considered unbudgeted and would require a special appropriation within the confines of the charter; 2) grants that fall within what the town carries for grant match budget. These grants are considered budgeted as the council has budgeted funds in the current fiscal year to address grants that become available in the current fiscal year. These grants must also be approved by town council prior to submitting for the grant. This is required to make sure that when the grant money expires and there

is a requirement to continue funding the activity or equipment, which will be 100 percent by the town, that this continued expenditure is a true benefit to the community and does not become a burden to the taxpayer.

The intent is to make sure that council is aware and approves of all grants and the expenditures for that grant so as not to create an unnecessary liability for the town. The town manager is accountable to insure that department heads seek both town manager and town council approval prior to applying for any grant either funded or unfunded.

(T.M. of 12-4-2007, § 2007-218; C.M. of 11-18-2014, V. 2014-247)

Sec. 86-45. - Credit card use.

The town shall allow departments to purchase goods and services directly from vendors with a credit card when those items are needed, but it is not expedient, practical, or desirable to have either a check or cash available when payment is demanded. Credit cards shall not be used to circumvent the general purchasing procedures required by the policies of the Town of Lisbon.

The finance office will select a company to use to obtain the necessary credit cards and establish a line of credit with that company. Consideration will be given to a company who can meet the general purchasing needs of the various town departments and the billing and payment requirements of the town.

The finance office will establish appropriate credit limits for each card, recognizing that individual cards may vary with the types of goods and services which are anticipated to be acquired.

The use of this card is restricted for the Town of Lisbon to acquire goods and services which are appropriate for the conduct of the town's business.

Each department head is responsible for the use of the cards by their department. The department head is responsible to make sure that any charges are authorized town expenditures and that adequate monies are available within the department's approved budget.

No personal expenditures are allowed by employees with the credit cards, even if the intent is to re-pay the town at a future point.

Credit card bills submitted to the finance office for payment must include supporting documentation, such as receipts and invoices, which clearly show what goods and services were purchased using the credit card.

The persons authorized to be issued credit cards for their respective departments shall be as listed below:

- (1) Town manager;
- (2) Public works director;
 - a. Public works operations manager;
- (3) Police chief;
- (4) Fire chief;
- (5) Economic development director;
- (6) Parks and recreation director;
- (7) ~~Recreation director;~~
- (8) Librarian;
- (9) Finance director.

(C.M. of 11-18-2014, V. 2014-247)

Secs. 86-46—86-70. - Reserved.

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

WORUMBO MILL SITE ROCK CRUSHING BID

INTRODUCTION: Mr. Cyr reported that bids went out on May 07, 2020. Bids received were as follow:

1. Affordable Well Drilling, Inc.- \$20,000.00
2. St Laurent & Son - \$19,950.00

Mr. Cyr said five contractors showed up at the pre-bid meeting. He recommended awarding the bid to St Laurent & Son, due to the lower cost and all work performed will meet our specification needs. He recommends requesting all work be performed prior to the end of June 2020.

COUNCILOR COMMENTS: Councilor Larochelle confirmed this means St Laurent & Son's will crush it, pile it, and we should have 2" or something good for gravel to layout as a base. Mr. Cyr said this would be about 3" to 4" minus for gravel. He said he could screen 2" minus out. He mentioned he could use the bigger gravel and rip rap in other areas, leaving about 200-300 yards of rock to crush down to 8" to 12" muck to shore up the walking path and other areas in town with road washouts.

Councilor Larochelle asked about using that product for a temporary or permanent parking area in the spot Mr. Richardson presented earlier for leveling. Mr. Cyr said that is not a problem, but if you mix it with regular dirt and soil it will not compact as good. He said 300 yards would do the parking lot in the back. He said essentially the town could do a small area at the beginning as mentioned earlier that the Council wanted to do and quite possibly do ¾'s of the back parking lot. Councilor Larochelle requested Mr. Cyr look into that before we use all of this product on the parking lot out back to try and make that front parking lot useful at this point. Mr. Cyr said that front area will have to be leveled and compacted prior to placing the material there because part of the agreement with All State was that they were going to run it through their paver to make it look really good when they are doing their clean up in August. If that is the case, Mr. Cyr said, he would have to get a dozer in there to get it ready for them to do, just like he was planning to do for the back parking lot. Councilor Larochelle asked if he could have Mr. Cyr put together the cost and a proposal for the Council to review at the next meeting. Councilor Ward said make this happen.

VOTE (2020-98) Councilor Albert, seconded by Councilor Larochelle moved to award the Worumbo Mill Site Rock Crushing Bid to St. Laurent & Son in the amount of \$19,950.00 and that all work be performed prior to the end of June 2020.

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

Item Added - No Objections

TOWN HALL REOPENING PLANS

Mrs. Barnes reported she was making plans to reopen the Town Hall, MTM Community Center, Library, Solid Waste facility on June 1 with limits as outlined in the Governor's guidelines. For the most part, these buildings could be reopened with no restrictions other than social distancing. She said there would be no public access to restrooms. She indicated the Town Hall could not allow more than five residents at a time with the current number of employees under the guidelines. She explained that means only one person at the Town Clerk's office, three at Excise, and one at Codes & Assessing. Employees will not be required to wear masks unless they are not behind the plexus-glass. Although it is highly recommended the public wear masks, they will not be required to, unless

they cannot do safe social distancing. She reported summer camp guidelines should be out later this week or next, which would have to be reviewed prior to us making any local announcements.

Councilor Albert left the meeting to plug in his computer at 9:17 PM.

ITINERANT VENDOR LICENSE FOR MACDADDY'S MOBILE CUISINE, LLC

VOTE (2020-99) Councilor Larochelle, seconded by Councilor Fellows moved to approve the Itinerant Vendor License for MacDaddy's Mobile Cuisine, LLC for 501 Lisbon Street, Lisbon.

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

Councilor Albert returned at approximately 9:21 PM

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert reported the School Committee has been reducing the School's budget, looking for cuts and removing all wants. He mentioned the out of district placement fees were significant, along with all the benefits and salaries.
2. Planning: Councilor Fellows said the Planning Board would be reviewing two applications; the Ricker Farm for a solar project and a wood processing yard on Summer Street for Dana Morgan.
3. LDC: Councilor Larochelle said this committee is talking about doing some outside events.
4. Conservation Commission: Councilor Ward said he had nothing to report.
5. Recreation: Councilor Albert said he had nothing new to report.
6. County Budget: Councilor Ward said he had nothing new to report, although the county budget committee did hold an emergency meeting to discuss opening parks.
7. Library: Councilor Lunt said he had nothing new to report.
8. Water Commission: Councilor Fellows indicated the Water Commission would be holding a meeting soon.

B. TOWN MANAGER'S REPORT

Mrs. Barnes reported the town finally received the draft Commissioner's Certification of the Completion of the Remedial Action under the Voluntary Response Action Plan (VRAP) for the Worumbo Mill Site. The Certification needs the Commissioner's signature. It will have a Declaration of Environmental Covenants attached to the site, which states that the extraction of groundwater at the site is prohibited without the express written permission of the Department and the Department must be notified before any excavations take place onsite.

Mrs. Barnes briefly mentioned that Mr. Richardson was looking at how other communities are assisting local businesses and will be presenting a plan to the Council at the next meeting to close Main Street maybe for part of one-day a week starting around mid to late June to help businesses move forward during this pandemic. Placing picnic tables on Main Street socially distanced apart is a low-cost approach to assist local businesses with gearing up to reopen. He said he might be looking at adding a beer tent in July if the approach appears justified because

alcohol sales is a big piece of revenue for some businesses. So far Police and Fire seem to be supportive. Councilor Fellows mentioned that Rockland recently did this type of an event including alcohol sales and it was successful.

APPOINTMENTS

WARDEN FOR JULY 14, 2020 ELECTION

RICK ROBERTS

VOTE (2020-100) Councilor Albert, seconded by Councilor Fellows moved to appoint Richard Robert Warden for the July 14, 2020 Election.

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

COUNCILOR COMMUNICATIONS - NONE

AUDIENCE PARTICIPATION FOR NEW ITEMS - NONE

Those listening from Town Hall Live Video Streaming were invited to address the Council by emailing brichardson@lisbonme.org with comments at this time. Mr. Richardson reported no emails received.

EXECUTIVE SESSION - NONE

ADJOURNMENT

VOTE (2020-101) Councilor Kolbe, seconded by Councilor Albert moved to adjourn at 9:39 PM.

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

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: June 2, 2020