



**TOWN COUNCIL
MEETING MINUTES
OCTOBER 6, 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 7:00 PM.

ROLL CALL. Members present were Councilors Ward, Albert, Kolbe, Lunt, Larochelle, Ganong, and Fellows. Also present were Diane Barnes, Town Manager; Brett Richardson, Economic & Community Development Director; Ryan McGee, Acting Police Chief; Casey Clark, Maine Department of Marine Resources; and one other citizen in the audience.

VOTE (2020-172) Councilor Larochelle, seconded by Councilor Albert moved to excuse Councilor Kolbe's absence. **Order passed – Vote 6-0.**

GOOD NEWS & RECOGNITION

Councilor Larochelle said the Employee Recognition Day at Beaver Park went well. Several employees and their families attended. Everyone enjoyed the picnic and had a good time. He said thank you to all who did attend and thank you to all those who were not able to attend because we appreciate all the work our employees do.

Councilor Ward announced that Elwood "Buttons" Beals had retired last week. He thanked Mr. Beals for his many years of service. Mrs. Barnes indicated Mr. Beals would be invited back during Service Awards to be recognized for his years of service to the community of Lisbon.

PUBLIC HEARINGS

A. AMEND CHAPTER 14 GENERAL ASSISTANCE MAXIMUMS & APPENDIXES

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

B. SPECIAL ENTERTAINMENT PERMIT FOR THE LISBON LEFT HAND CLUB

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

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

CONSENT AGENDA

VOTE (2020-173) Councilor Larochelle, seconded by Councilor Albert moved to approve the following:

- A. Municipal Accounts Payable – \$ 1,742,053.81
- B. Municipal Payroll Warrants – \$ 314,922.72
- C. School Accounts Payable – \$ 467,428.00

- D. School Payroll Warrants – \$ 391,930.09
- E. Minutes of September 15, 2020
- F. Set Public Hearing on October 20 for the 2020 CDBG Housing Grant
- G. Approve the Liquor License & Special Entertainment Permit for the Left Hand Club
- H. Set a Public Hearing on October 20 for Nicole Clavet d/b/a Cruzin Slice for an-Itinerant Vendor Permit & Victualer License at 501 Lisbon St.
- I. CMP Pole Permit for Hudon Road for New House

Order passed - Vote 6-0.

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

DEPARTMENT OF MARINE RESOURCES UPPER DAM DISCUSSION

INTRODUCTION: Casey Clark from the Department of Marine Resources explained that his team was getting ready to present an offer to the Council to go out for design plans to remove the Upper Town Dam that is located about 300 feet upstream from the Webster Street Bridge. He explained that design plans could include total dam removal and retaining wall while creating green space to the water for easy access, or perhaps partial removal along with repairs and installation of a fish ladder with rock wall reinforcement and/or some combination the Council and community could support. He indicated the cost of the design plans would be paid for from grant funds. He said he wanted to avoid what happened last time with the dam downstream from the bridge on Mill Street and would like to include the Council and community early on by gathering input now since this project is expected to take place a couple of years away.

Mr. Clark said there were five barriers on the Sabattus River that needed to be addressed to allow fish passage up and down the river to the Sabattus Lake. He explained the Sleeper Dam at the lake would be repaired and a fish ladder installed because that dam serves a purpose. However, the other four really serve no purpose and that it could be a benefit to the community to remove this one. Design plans would look at the benefits and costs of the project. He asked what was the Town's vision for that site and who would be the representative to meet with their team.

COUNCILOR COMMENTS: Mrs. Barnes said the Public Work's Director, Randy Cyr and herself would be available. She said with proper marketing their team could avoid the public backlash experienced previously.

Councilor Albert said the Upper Dam was already breached on the right side looking downstream. Mr. Clark indicated the damage happened during the storm of 2012 and the temporary repair happened in 2013. He asked who residents would call to get information. He said that everyone along that corridor should be included in this process.

Councilor Fellows asked how much water would be left in the river when it's down. Mr. Clark said this would be the town's decision, but the Maine Department of Transportation would like it to be removed and the retaining wall on the bank removed, which would also remove the maintenance of that structure, too. The new green space would be a benefit to the town at that location.

Councilor Larochelle said he would like a lot more information before a decision could be made. Removing that dam would change the appearance of the river and that when water levels drop, stuff becomes visible and there is no one to help clean that stuff up. He indicated there would be a lot of hurdles to jump through before he could support this. He indicated Council would like to make sure the next project benefits everybody.

Mr. Clark said he wanted to get the town's input on it from the start and through the design process as it progresses. The design plan would include the spillway, structure, and retaining wall. He said although they have a grant that will pay for the design plan, there is no funding for implementation yet. He said he wanted to do something there the town can be proud of.

Councilor Fellows said he would like to see staff input. Councilor Ward said he would like to get community input. Councilor Lunt said the Sabattus River has been a source of recreation for the community. Individuals kayak and fish there, plus the river is visible from Route 196. He said, not that making minor changes would mitigate that any; however, he was concerned that lowering the water too much could make it a narrow channel that no one could use again. He suggested the Conservation Commission get involved.

Councilor Ward said perhaps we have all the right players now. Councilor Albert said he would like to hear all the information regarding this Upper Dam starting from when it was created and for what purpose initially, when it fell into disrepair and so on. Mr. Clark replied, absolutely, we can do that.

WORUMBO REDEVELOPMENT EVALUATION STUDY

INTRODUCTION: Mr. Richardson reported over the last several months, Lisbon's Public Works Department has completed site upgrades at Worumbo. They have cleared and graded an additional +/- 2.5 acres of the Worumbo site behind the adjacent MDOT Park & Ride along the western boundary of the property. On August 24th, over 60 local residents and business owners participated in a community visioning session for the Worumbo site. The session kicked-off a public input process to assess the community's priorities for redevelopment of the Worumbo parcel. Since that time, over 418 residents and business owners have completed a survey to provide further input.

Mr. Richardson explained to accommodate the mix of land use desired by the community, the portion of the Worumbo parcel best suited for development is located adjacent to the railroad tracks that separate the Town-owned parcel from the abutting railroad and MDOT Park & Ride. This prime development area includes the footprint of the former mill building and portions of the recently cleared and graded area by the Lisbon's Public Works Department. Siting appropriate commercial and/or residential development along the railroad tracks will balance the community priorities by protecting a corridor of green space adjacent to the river and maintaining river views from Main Street and the eastern gateway from Topsham on Route 196.

Mr. Richardson said currently, much of this area along the railroad tracks that is best suited for development is located within the federally-designated flood plain. Public Works has conducted preliminary site elevation estimates that suggest that much of the prime development area at Worumbo is only 6" to 10" below the flood plain elevation of 107' NAVAD. The next step to determine existing elevations within the prime development areas of Worumbo is to conduct an elevation study. The elevation study will clarify the:

- Elevation increase in inches or feet required to bring the prime development area up and out of the flood plain
- Volume of fill required to elevate prime development areas out of the flood plain
- Estimated cost of the fill and site work required to position the Town to petition FEMA with a LOMA-F to remove the prime development areas from the flood plain
- Determine elevation-based property boundaries, as budget allows

Mr. Richardson said during the Lisbon Town Council meeting on February 18, 2020, the Council unanimously approved item 2020-34 to "authorize the Town Manager to allocate up to \$15,000 from the Downtown Tax Increment Financing (TIF) account to retain outside consulting from subject matter experts to inform the Town's design for the redevelopment of the Worumbo site." He recommended moving forward.

Councilors Larochelle and Ward indicated there were benefits to retaining the firm previously used since a lot of background information would already be known. Councilor Larochelle asked that verification be received that it will be out of the flood plain. He suggested a detailed description of what the town is looking for be given to the consultant.

VOTE (2020-175) Councilor Ward, seconded by Councilor Fellows moved to approve the use of Downtown TIF funds as authorized via Council item 2020-34 to retain Jay Raitt from Little River as the qualified consultant to conduct an elevation study of the Worumbo parcel with a primary focus on the prime development area along the railroad tracks between Canal Street and the western property boundary to determine the feasibility and associated costs to pursue a Letter of Map Adjustment from FEMA. **Order passed - Vote 6-0.**

COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT DEVELOPMENT RESOLUTIONS

INTRODUCTION: Mr. Richardson reported during the summer of 2020, the State of Maine's Office of Community Development (OCD) awarded the Town of Lisbon two Community Development Block Grants for a

business façade program and affordable housing development. To access the funds and implement the proposed projects, the Town must complete a Phase II project development phase. As part of the CDBG Phase II project development phase, standard documentation is required by the State and U.S. Dept of Housing and Urban Development demonstrating respective CDBG grant recipient's commitment to good management, ethical conduct and equity.

Mr. Richardson said the Town of Lisbon's current versions of the necessary Phase II documents date to 2012 and OCD has requested new versions. The required forms include:

- Standards of Conduct
- Fair Housing Resolution
- Section 504 Self-Evaluation & Transition Plan
- Residential Anti-Displacement & Relocation Assistance Plan
- Equal Employment Opportunity Statement.

VOTE (2020-176) Councilor Larochelle, seconded by Councilor Ward moved to adopt the CDBG Phase II Resolutions as follows:

STANDARDS OF CONDUCT

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT

INTRODUCTION

Elected officials, appointed officials, employees of Community Development Block Grant (CDBG) recipients, and contractors are those responsible for administering Maine's CDBG Program and are also responsible for its integrity. Following sound business practices, prescribed standards of conduct and Department of Housing and Urban Development (HUD) requirements will help protect these grant funds, but also those who administer the program.

PURPOSE

This notice provides information on specific activities you must avoid and identifies essential HUD requirements that must be met. The requirements will help to prevent fraud and program abuse by alerting essential officials to appropriate standards of conduct.

AUTHORITIES

Pertinent laws and requirements that you should have copies of are:

- ✓ Housing and Community Development Act of 1974 as amended in 1992.
- ✓ Community Development Block Grant Regulations (24 CFR Part 570).

PROGRAM REQUIREMENTS & PROHIBITED ACTIVITIES

The following sections reviewed prohibited activities and administrative requirements that must be followed by all CDBG communities.

1. Prohibition against conflicts of interest

CDBG regulations (25 CFR, Part 570.489 (h)) prohibit conflicts of interest. For all CDBG activities: no employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients may:

- a) Obtain personal or financial interest or benefits including money, favors, gratuities, entertainment or anything of value that might be interpreted as conflict of interest.
- b) Obtain a direct or indirect interest in any contract, subcontract or agreement for any CDBG activity. This prohibition extends to contract in which your spouse, minor child, dependent or business associate may have personal or financial interest. This prohibition extends for a period of one year after you leave your position with a CDBG activity or program.
- c) HUD may grant an exception to this conflict of interest provision if it determines that such exception will enhance the effectiveness of the CDBG project. Requests for such exceptions must be made in writing to this office.

2. Procurement and Contracting Requirements

Provisions of 24 CFR Part 85 and Part 36, Administrative Requirements apply to the CDBG Program grantees. These provisions prohibit the following practices in your procurement and contract administration.

a) Circumventing competitive bidding requirements by:

- 1) failing to advertise for sealed bids or soliciting proposals and engaging in noncompetitive negotiation;
- 2) failing to use established evaluation criteria in negotiations;
- 3) splitting bids by breaking down contracts into small parts so that purchase order procedures can be used except to meet Minority/Women Business Enterprise goals;
- 4) favoring or providing a competitive advantage to any one firm or individual; identifying the names of those invited to bid; and preparing fictitious bids to simulate competition.

b) Failing to adhere to contract award requirements by:

- 1) allowing excessive price charges;
- 2) awarding contract to other than low bidder without adequate justification; and
- 3) accepting a bid that does not contain a price for all items or services included in the bid invitation.

c) Failing to verify contractual and programmatic compliance by contractors by:

- 1) authorizing payment for work not completed;
- 2) falsifying inspection reports;
- 3) altering contractor invoices; and
- 4) misusing modification or change orders.

3. Financial Management and Recording Systems

You must comply with the following requirements of 24 CFR part 85.20 and 85.42 and CDBG regulations.

- a) Establish internal controls to safeguard cash, inventory and equipment.
- b) Establish a special ledger account for all CDBG monies.
- c) Maintain financial records including:
 - 1) A register of cash receipts and disbursements;
 - 2) record of all non-cash transactions;
 - 3) General ledger to show the status of each CDBG account;
 - 4) A fixed account ledger, and
 - 5) A record of drawdowns, funds received and balance of funds.
- d) Ensure you maintain financial records and maintain for three years from final closeout.
- e) Use income generated from grant activities for other eligible activities.
- f) Use program income before drawing additional grant funds to pay for allowable program expenses.

- g) Not request or draw down more funds then needed.

4. Cost Allowance

You must comply with OMB Circular A-87, Cost Principles for State and Local Governments. You may not spend CDBG funds on ineligible activities including:

- a) Expenses required to carry out the regular responsibilities of the general local government.
- b) Partisan political activities (e.g. contributions towards political campaigns, voter registration or candidate forums).

5. Program Monitoring

Regulation CFR Part 85.40 states you must monitor the performance of grant supported activities to assure compliance with federal requirements and that performance goals are being achieved. It is suggested you:

- a) Keep records for your on-site visits to sub grantees and contractors.
- b) Place special emphasis on your monitoring of the highest risk sub recipients and contractors.

DATE ADOPTED: October 6, 2020

FAIR HOUSING RESOLUTION

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

LET IT BE KNOWN TO ALL PERSONS of the Town of Lisbon that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law). It is the policy of the Town Lisbon to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin. Therefore, the Town does hereby pass the following Resolution:

BE IT RESOLVED that within available resources the Town will assist all persons who feel they have been discriminated against because of race, color, religion, sex, handicap, familial status or national origin to seek equity under federal and state laws by filing a complaint with the Maine Human Rights Commission or the U.S. Department of Housing and Urban Development, Boston Regional Office Compliance Division.

BE IT FURTHER RESOLVED that the Town shall publicize this Resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state and local laws or ordinances.

SAID PROGRAM will at a minimum include but not be limited to: (1) the printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; (2) distribution of posters, flyers and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

DATE ADOPTED: October 6, 2020

SECTION 504 SELF EVALUATION AND TRANSITION PLAN

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

TOWN OF LISBON

The following individual is responsible for inquiries regarding this Section 504 Self-Evaluation and Transition Plan:

Diane Barnes
(name)

Town Manager
(title)

300 Lisbon Street, Lisbon ME 04250
(address)

(207) 353-3000 (207) 353-3007 dbarnes@lisbonme.org
(telephone) (fax) (e-mail)

The Section 504 Self Evaluation and Transition Plan was adopted by the following authorized individuals on behalf of the municipality:

DATE ADOPTED: October 6, 2020

1. EMPLOYMENT

1. Are job announcements put into newspapers that have general circulation?

 X Yes No

If No, describe how individuals are made aware of employment opportunities: _____

2. Do job announcements state that the municipality is an Equal Opportunity Employer?

 X Yes No

If No, explain why the "Equal Opportunity Employer" statement is not contained within job announcements:

3. Has the municipality adopted a Equal Employment Opportunity Policy Statement?

 X Yes No

4. Do job applications inquire as to whether an applicant is a disabled person or as to the nature or severity of a disability?

 Yes X No

If Yes, explain: _____

5. Describe the accommodations that can be made for the known physical and mental limitations of otherwise qualified disabled persons who are currently employed or applying for employment:

Wheel chair accessibility; work station adjustments_____.

2. PROGRAM ACCESSIBILITY

1. Are any of the following services or benefits provided to residents directly by the municipality?

 X Yes No

(Please mark an "X" for all services provided by the municipality)

 X Transportation Services Counseling Services

☐ Health Services ☐ Employment Services
☐ Public Housing ☒ Food Services
☒ General ☒ Social, Recreational, or Athletic Services

(a) For those services that are provided, describe accommodations that can be taken to make them accessible and usable for persons with disabilities (e.g. provision of auxiliary aids, relocating programs to accessible facilities, use of alternative materials, home visits, etc.):

All facilities are ADA compliant _____

2. Are there any limitations on the number of qualified disabled persons who may participate in or be admitted to the program?

☐ Yes ☒ No

If Yes, list the steps to eliminate the limitations:

3. Do applications for these services, in any way discriminate against persons with disabilities?

☐ Yes ☒ No

4. Describe the nature of the qualifications that are needed in order to be eligible for each respective program:

Program

Qualifications

1. All Programs

Must be a Lisbon Resident

2.

3-7.

3. FACILITIES

Note: The definition of "facility" under Section 504 includes all or any portion of buildings, structures, equipment, roads, walks, parking lots or other real or personal property or interest in such property, owned, operated or leased by the municipality)

1. List below all facilities and the programs or operations for which each facility houses.

Facility

Programs or Operations Housed

1. Town Hall

Town offices and Police Department

2. Public Works Garage

Public Works Dept

3. MTM Center

Recreation/After school programs/Senior programs

4. Fire Stations	Fire Department
5. Library	Library
6. Transfer Station	Waste management
7. Sewer Treatment plant	Sewer treatment facility
8. Central School Dept Office	School administrative offices
9. High School	Public Ed. 9-12
10. Middle School	Public Ed. 6-8
11. Elementary School	Public Ed. K-5

Using the Uniform Federal Accessibility Standards (UFAS), each facility must be reviewed for compliance:

COMPLIANCE COMPONENT

FACILITIES

	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11
Accessible Route	1	1	1	1	1	1	1	1	1	1	1
Outside Paths and Walks	1	1	1	1	1	1	1	1	1	1	1
Parking	1	1	1	1	1	1	1	1	1	1	1
Curb Ramps	1	1	1	1	1	1	1	1	1	1	1
Ramps	1	1	1	3	3	3	3	3	1	1	1
Entrances	1	1	1	1	1	1	1	1	1	1	1
Elevators	3	1	3	3	3	3	3	3	1	3	1
Lifts	3	2	3	3	3	3	3	3	3	1	3
Toilet Rooms	1	1	1	1	1	1	1	1	1	1	1
Drinking Fountains	3	3	1	3	3	3	3	1	1	1	1
Warning Signals	3	3	3	1	3	3	3	1	1	1	1
Assembly Areas	1	1	1	1	1	1	1	1	1	1	1
Public Telephones	3	3	3	3	3	3	3	3	3	3	3
Other Building Elements and Specialized Facilities	3	3	3	3	3	3	3	3	3	3	3

- Place a "1" in the respective box if item is in compliance with UFAS
- Place a "2" in the respective box if item is not in compliance with UFAS
- Place a "3" in the respective box if item is not available and is not required

* #1 through #7 above must correspond to the specific facility with that same number identified on the preceding page.

- For those facilities where a "2" was indicated for the specific component, list below the inaccessible feature that limits accessibility to the programs provided in that facility:

_____ Public Works is not a public access building.

DATE ADOPTED: October 6, 2020

RESIDENTIAL ANTIDISPLACEMENT & RELOCATION ASSISTANCE PLAN

Town of Lisbon

(under Section 104(d) of the Housing and Community Development Act of 1974, as amended).

I. PURPOSE:

This Plan is established following Section 104(d) of the Housing and Community Development Act of 1974, as amended. Its objective is to insure that persons displaced as a result of CDBG-assisted projects are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of a project designed for the benefit of the public as a whole.

II. COMPLIANCE MEASURES:

The **Town of Lisbon** will replace all occupiable and vacant Low - Moderate Income dwelling units demolished OR converted with funds provided under the Housing and Community Development Act of 1974, as amended, in a way as described as follows:

1. The units must be located within the state recipient's jurisdiction and to the extent possible shall be located within the same neighborhood as the units replaced.
2. The units must be sufficient in number and size to house no less than the number of occupants who could have been housed in the units that are demolished or converted.
3. The units must be provided in standard condition.
4. The replacement units must be made available for occupancy during the period beginning one year before an agreement to convert or demolish the units in question is executed and ending three years after the commencement of the demolition or rehabilitation related to the conversion.

The units must remain Low-Moderate Income dwelling units for at least 10 years from the date of initial occupancy. Before the **Town of Lisbon** enters into an agreement to provide funds that will directly result in the demolition of Low-Moderate Income dwelling units or the conversion of Low-Moderate Income dwelling units, the **Town of Lisbon** will make public and submit the following information in writing to the State:

- 1) A description of the proposed assisted activity;
- 2) The location on a map and the number of dwelling units by size that will be demolished or converted to a use other than for Low-Moderate Income dwelling units as a direct result of the assisted activity;
- 3) A time schedule for the commencement and completion of the demolition or conversion;
- 4) The source of funding and a time schedule for the provision of replacement dwelling units;
- 5) The basis for concluding that each replacement dwelling unit will remain a Low-Moderate Income dwelling unit for at least 10 years from the date of initial occupancy;
- 6) Information demonstrating that any proposed replacement dwelling units with smaller dwelling units is consistent with the housing needs of Low-Moderate Income households in the jurisdiction.

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act, the **Town of Lisbon** will take all possible actions within its power to minimize the displacement of persons from their homes.

III. ASSISTANCE TO PERSONS DISPLACED:

The **Town of Lisbon** shall provide relocation assistance and payments as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or the Housing and Community Development Act of 1974, as amended, Section 104(d) for residents displaced as a result of CDBG funded activities. All displaced residents who are eligible for other housing programs will be helped through that agency's process. In addition, City

staff shall provide housing counseling and referral services to assist those displaced to find alternative housing in the neighborhood.

IV. DEFINITIONS:

Displaced Person: Any person (family, individual, business, nonprofit organization or farm operation) that moves from real property, or moves personal property from real property, permanently and involuntarily, as a direct result of rehabilitation, demolition or acquisition (privately undertaken or public) for HUD-assisted program/project.

V. AGENCY RESPONSIBILITY:

The **Town of Lisbon** Community Development Department shall be responsible for the implementation of this Plan as well as ensuring compliance with applicable Federal and State law and regulations. The **Town of Lisbon** will identify and designate a Relocation Officer to perform functions concerning this Plan.

Any questions regarding this Plan or Federal and State laws regarding displacement should be addressed to Diane Barnes, Town Manager, 300 Lisbon Street, Lisbon, ME 04250.

VI. CERTIFICATIONS:

The **Town of Lisbon** hereby certifies that it will uphold the contents of this Plan and the intentions of the compliance measures stated.

DATE ADOPTED: October 6, 2020

Order passed - Vote 6-0.

AMEND CHAPTER 14 GENERAL ASSISTANCE MAXIMUMS & APPENDIXES AS PRESENTED *Second Reading*

VOTE (2020-177) Councilor Laroche, seconded by Councilor Ward moved to adopt the following amendments to Chapter 14 General Assistance Maximums & Appendixes:

Chapter 14 - GENERAL ASSISTANCE

Footnotes:

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Editor's note— At the direction of the Town of Lisbon, Chapter 14 has been changed to read as herein set out. See § 14-36 for further explanation.

State Law reference— General assistance, 22 M.R.S.A. § 4301 et seq.

ARTICLE I. - IN GENERAL

Secs. 14-1—14-35. - Reserved.

ARTICLE II. - GENERAL ASSISTANCE ORDINANCE

Sec. 14-36. - Adoption.

The General Assistance Ordinance, prepared by the Maine Municipal Association, is hereby adopted and incorporated herein by reference, except for such portions as are deleted, modified, or amended in this article. Please refer to the ordinance on the town's website: <https://www.lisbonme.org/general-assistance-0>

Sec. 14-37. - Additions, deletions, insertions, and changes.

The General Assistance Ordinance is revised as follows:

Amend Article VI, Section 6.8 (B), effective on and after July 1, 2012:

- B) **Housing.** The administrator will provide assistance with rent or mortgage payments that are reasonable within the allowed maximum levels and in accordance with the housing assistance limits and exceptions provided in Title 22, section 4308, subsections 1-A and 1-B. See Appendix C of this ordinance for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level of the number of rooms actually needed. (C.M. of 7-17-2012, V. 2012-92)

APPENDICES

Appendix A

Appendix A is a listing of the overall maximum levels of assistance pertaining to all municipalities in Maine. These new overall maximum levels of assistance have been calculated on the basis of the 2009-2010 HUD Fair Market Rent (FMR) values that will become effective on October 1, 2009. These maximum levels of assistance are established by Maine General Assistance law (22 MRSA (4305(3-B))) and cannot be altered by action of the municipal officers.

Amend Appendix A of the General Assistance Ordinance to incorporate the following maximum levels of assistance to be effective on and after October 16, 2018 for Androscoggin County, as follows:

GA Overall Maximums	
1 person household	725 <u>741</u>
2 person household	783 <u>798</u>
3 person household	1007 <u>1025</u>
4 person household	1265 <u>1287</u>
5 person household	1606 <u>1633</u>

(C.M. of 11-4-2009, V. 2009-158; C.M. of 7-17-2012, V. 2012-92; C.M. of 12-20-2016, V. 2016-269; C.M. of 11-14-2017, V. 2017-282; C.M. of 10-16-2018, V. 2018-229; C.M. 10-15-2019, V. 2019-203)

Appendix B

Appendix B is a listing of the maximum levels of assistance for food. These maximum levels are the same as the USDA 2009-2010 Thrifty Food Plan, which are presumed to be reasonable by regulation of the Department of Health and Human Services (DHHS). Note that the Appendix B maximums in this packet remain unchanged from the mid-year increase that was made in March 2009, due to the federal economic stimulus package. If the municipal officers wish to amend these maximum levels of food assistance, a local survey must be developed and provided to DHHS to justify the proposed alterations.

Amend Appendix B of the General Assistance Ordinance to incorporate the following maximum levels of assistance to be effective on and after October 16, 2018 for Androscoggin County, as follows:

Number in Household	Weekly	Monthly
1 person household	\$47.44	\$194.00 <u>\$204.00</u>
2 person household	\$86.98	\$355.00 <u>\$374.00</u>
3 person household	\$124.42	\$509.00 <u>\$535.00</u>
4 person household	\$158.14	\$646.00 <u>\$680.00</u>

5 person household	\$187.67	\$768.00 <u>\$807.00</u>
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(C.M. of 11-4-2009, V. 2009-158; [C.M. of 12-20-2016, V. 2016-269](#); C.M. of 11-14-2017, [V. 2017-282](#); [C.M. of 10-16-2018, V. 2018-229](#); C.M. 10-15-2019, V. [2019-203](#).)

Appendix C

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2009-2010 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are subtracted from the FMR to obtain a pure "housing" cost.

Amend Appendix C of the General Assistance Ordinance to incorporate the following maximum levels of assistance to be effective on and after October 16, 2018 for Androscoggin County, as follows:

Unheated			Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
1	<u>\$140.00</u>	\$591.00 <u>\$603.00</u>	<u>\$171.00</u>	\$719.00 <u>\$736.00</u>
2	<u>\$181.00</u>	\$763.00 <u>\$779.00</u>	<u>\$222.00</u>	\$929.00 <u>\$953.00</u>
3	<u>\$230.00</u>	\$965.00 <u>\$990.00</u>	<u>\$280.00</u>	\$1,174.00 <u>\$1,203.00</u>
4	<u>\$295.00</u>	\$1,240.00 <u>\$1,267.00</u>	<u>\$356.00</u>	\$1,497.00 <u>\$1,530.00</u>

(C.M. of 11-4-2009, V. 2009-158; [C.M. of 12-20-2016, V. 2016-269](#); C.M. of 11-14-2017, [V. 2017-282](#); [C.M. of 10-16-2018, V. 2018-229](#); C.M. 10-15-2019, V. [2019-203](#).)

GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY consider adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)

Appendix D

Electric Utility Maximums

Without electric hot water

The maximum amounts allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

Number in Household	Weekly	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70 <u>\$19.90</u>	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

*Add \$7.50 a month for each additional family member.

With electric hot water

The maximum amount allowed for electric utilities for dwelling units that have electrically heated hot water shall be \$70 per month for the first member of the household, with an additional \$10 per month for each additional household member.

<i>Number in Household</i>	<i>Weekly</i>	<i>Monthly</i>
<i>1</i>	\$20.08 <u>\$20.65</u>	\$86.00 <u>\$89.00</u>
<i>2</i>	\$23.75	\$102.00
<i>3</i>	\$27.70	\$119.00
<i>4</i>	\$32.25	\$139.00
<i>5</i>	\$37.30 <u>\$38.75</u>	\$160.00 <u>\$167.00</u>
<i>6</i>	\$41.00	\$176.00

*Add \$10.00 a month for each additional family member.

Note: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum amount for fuel as provided In Appendix E.

In accordance with the following conditions, the administrator may allow as a budgetable expense the amount of an applicant's summer-loaded special payment arrangement (SPA) or budget payment arrangement (BPA), as calculated by the electric utility and entered into by the applicant, even when the arranged payment amount exceeds the above maximums or actual usage.

- 1) The SPA or BPA, when annualized, does not exceed the above monthly maximums, when annualized, for non-electrically heated dwelling units.
- 2) The SPA or BPA, when annualized, does not exceed the above monthly maximums and the fuel assistance maximums, when annualized, for electrically heated dwelling units.
- 3) The administrator determines, in consultation with the utility, that the payment arrangement does not include in any part the installment payment of past debt unless the municipality guaranteed to the utility the allowance of such an arrangement as a condition of averting a disconnection.

Pursuant to the use-of-income requirements in section 6.6 of this ordinance, whenever the administrator budgets for SPA's or BPA's under this section, the recipient will be required to pay the SPA or BPA him or herself to the extent of the income capacity of the household.

([C.M. of 12-20-2016, V. 2016-269](#))

Appendix E**Heating Fuel**

When considering requests for heating fuel, eligible applicants will be granted assistance with the actual amount necessary up to the following maximums:

<i>Month</i>	<i>Gallons</i>
<i>September</i>	<i>50</i>
<i>October</i>	<i>100</i>
<i>November</i>	<i>200</i>
<i>December</i>	<i>200</i>

<i>January</i>	<i>225</i>
<i>February</i>	<i>225</i>
<i>March</i>	<i>125</i>
<i>April</i>	<i>125</i>
<i>May</i>	<i>50</i>

When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon.

When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. However, no eligible applicant shall be considered to need more than:

7 tons of coal per year

8 cords of wood per year

126,000 cubic feet of natural gas per year, or

1,000 gallons of propane.

(C.M. of 11-4-2009, V. 2009-158; [C.M. of 12-20-2016, V. 2016-269](#).)

Appendix F

PERSONAL CARE & HOUSEHOLD SUPPLIES

(Appendix F, as Revised 09/2007)

<i>Number in Household</i>	<i>Weekly Amount</i>	<i>Monthly Amount</i>
<i>1-2</i>	<i>\$10.50</i>	<i>\$45.00</i>
<i>3-4</i>	<i>\$11.60</i>	<i>\$50.00</i>
<i>5-6</i>	<i>\$12.80</i>	<i>\$55.00</i>
<i>7-8</i>	<i>\$14.00</i>	<i>\$60.00</i>

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<i>Number of Children</i>	<i>Weekly Amount</i>	<i>Monthly Amount</i>
<i>1</i>	<i>\$12.80</i>	<i>\$55.00</i>
<i>2</i>	<i>\$17.40</i>	<i>\$75.00</i>
<i>3</i>	<i>\$23.30</i>	<i>\$100.00</i>
<i>4</i>	<i>\$27.90</i>	<i>\$120.00</i>

(C.M. of 11-4-2009, V. 2009-158; [C.M. of 12-20-2016, V. 2016-269](#).)

Appendix G**2005-2006 Mileage Rate**

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate (until June 30, 2008) for approved employment and necessary medical travel etc. is 40 cents (40¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit:

<http://www.state.me.us/osc/>

Appendix H**Funeral Maximums****Burial Maximums**

The maximum amount of general assistance granted for the purpose of a burial increased to \$1,475. The previous amount was \$1,125. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- The wholesale cost of a cement liner if the cemetery by-laws require one;
- The opening and closing of the grave site; and
- A lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- Removal of the body from a local residence or institution;
- A secured death certificate or obituary;
- Embalming;
- A minimum casket;
- A reasonable cost for necessary transportation; and
- Other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation increased to \$1,025 from the prior maximum of \$785. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- A cremation lot in the least expensive section of the cemetery;
- A reasonable cost for a burial urn not to exceed \$55; and
- Transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

(C.M. 10-15-2019, V. [2019-203](#))

Appendix I**26 MRSA § 1043 (23)**

Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge. [1999, c. 464, §2 (RPR).]

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work or unauthorized use of alcohol while on duty;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;
- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[1999, c. 464, §2 (NEW).]

B. "Misconduct" may not be found solely on:

- (1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;
- (2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or
- (3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[1999, c. 464, §2 (NEW).]

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

SOLAR REQUEST FOR PROPOSAL

(Seeing no objections – Item taken up after 2020-175 above)

INTRODUCTION: Councilor Fellows reported there would soon be a bunch of solar powered locations in Lisbon. The Planning Board recently received another application in addition to the one on Mill Street for Ricker. He reported the needs and benefits are different for each community. There are a lot of questions to still answer. He suggested picking the best model that fits Lisbon then adjust it for Lisbon in the coming months. Councilor Ward explained the Economic Development Office is very busy right now.

Mr. Richardson suggested the town consider going with a Power Purchase Agreement (PPA) that would be a lower investment and a quicker turn around. He indicated a PPA to test the market could be ready early in the new year. Councilor Fellows said that would mean the town could have a solar investment without owning it; simpler and less involved. The only thing left to do is to decide which piece of property we are moving on.

VOTE (2020-178) Councilor Fellows, seconded by Councilor Ward moved to have the Economic & Community Development Director prepare a Request for a Proposal for a Power Purchase Agreement as the first step towards solar power. **Order passed - Vote 6-0.**

POLICE CRUISER BID AWARD

INTRODUCTION: Acting Chief McGee reported he received only one bid, which was from Quirk Ford. Quirk ordered standard cruisers that will be arriving in November 2020. He said he compared the price offered to previous years, which are comparable. Councilor Ward indicated this was a good price and the town will do well with Quirk.

VOTE (2020-179) Councilor Ward, seconded by Councilor Larochelle moved to award the Police Cruiser Bid for a 2021 Ford Inceptor to Quirk Ford in an amount not to exceed \$30,422.00. **Order passed - Vote 6-0.**

OTHER BUSINESS**A. COUNCIL COMMITTEE REPORTS**

1. School: Councilor Albert said its business as usual at the School Department.
2. Planning: Councilor Fellows said the Planning Board cancelled their meeting.
3. LDC: Councilor Larochelle reported discussions were moving forward with a focus on the Worumbo and Village areas. There are a lot more discussions to be had regarding the pros and cons of Moxie Square; good dialogue so far and everyone was trying to resolve issues.

Councilor Albert indicated there is some talk about trying to hold a Halloween event at Moxie Plaza and closing the road if needed to allow families to congregate in a safe fashion. Councilor Ward said if nothing comes of it, then nothing comes of it.

4. Conservation Commission: Councilor Ward indicated he had nothing to report.
5. Recreation: Councilor Albert reported the wind blew the tent down on Main Street, but hats off to the Recreation Department who was right on top of it removing it and setting up umbrellas.
6. County Budget: Councilor Ward reported it is possible when this budget process is over that this budget may come in flat. The net impact right now is around .23%.
7. Library: Councilor Lunt said he had nothing to report.
8. Water Commission: Councilor Fellows said he had nothing to report.

B. TOWN MANAGER'S REPORT

Mrs. Barnes reported a force main break on Davis Street. She gave kudos to the way Steve Aievoli runs the Treatment Plant. She indicated he made a reasonable effort to clean it up and MDEP did not fine the town; there were no mandates either. She said he runs a top-notch facility. Councilor Albert said thank you to Mr. Aievoli and good job.

Mrs. Barnes reported they had done some recent training on the Utility module, but more training will happen in a few weeks. She indicated the multi-year Casella Contract should be ready for Council to review at their next meeting. She explained that the Thanksgiving Dinner would be replaced by baskets to be delivered. She mentioned the Recreation Department would get involved this year.

Mrs. Barnes mentioned the town would be receiving around \$50,000 with interest on the Kimball judgement regarding the \$35,000 Economic Development check. Councilor Ward asked that Mrs. Barnes place this in the real estate account.

Mrs. Barnes indicated Pinewoods Road would be completed by the end of October.

APPOINTMENTS

APPOINT WARDEN FOR NOVEMBER 3, 2020

VOTE (2020-179) Councilor Ganong, seconded by Councilor Larochelle moved to appoint Richard Roberts as Warden for the November 3, 2020 Presidential and Annual Municipal & Referendum Election. **Order passed – Vote 6-0.**

ACCEPT RESIGNATION FROM APPEALS BOARD MEMBER

VOTE (2020-180) Councilor Larochelle, seconded by Councilor Fellows moved to accept Bruce Marshall's resignation on the Appeals Board. **Order passed - Vote 6-0.**

APPOINT FINANCE COMMITTEE MEMBERS

VOTE (2020-181) Councilor Ward, seconded by Councilor Fellows moved to appoint the following individuals to the Finance Committee:

Daniel Leeman
Noly Lopez
Curtis Lunt
Heather Ward
Jesse Zack

Order passed - Vote 6-0.

COUNCILOR COMMUNICATIONS

Councilor Albert reported how much fun it was to watch the performers this weekend at Moxie Plaza. He said the band members were age 11 or 12 to 17 years old and fantastic to watch. He said that new ideas bring new business partners.

Councilor Ward said he read an article in the Sun Journal about the \$140,000 bond issue on our ballot, which is the necessary increase for the town to complete the Route 125/Main Street project. He said he would like to see the town support this and encouraged all to get out and vote.

AUDIENCE PARTICIPATION FOR NEW ITEMS

Mrs. Lycette asked the Council to authorize the Town Manager to submit a grant application to the Center for Tech and Civic Life who will be awarding funds to help with the November Election.

VOTE (2020-182) Councilor Albert, seconded by Councilor Lunt moved to authorize the Town Manager to submit a grant application to the Center for Tech and Civic Life for funds to help with November Election related expenses. **Order passed - Vote 6-0.**

EXECUTIVE SESSION – NONE

ADJOURNMENT

VOTE (2020-183) Councilor Albert, seconded by Councilor Larochelle moved to adjourn at 9:25 PM. **Order passed - Vote 6-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: October 20, 2020