



**TOWN COUNCIL
MEETING MINUTES
MARCH 16, 2021
ZOOM**

Normand Albert 2021
Kasie Kolbe 2021
Allen Ward 2021
Mark Lunt 2022
Donald Fellows 2022
Jeffrey Ganong 2022
Fern Larochelle 2023

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; Kayla, Tierney, Finance Director; Brett Richardson, Economic & Community Development Director; Steve Aievoli, Sewer Superintendent; Ryan McGee, Police Chief; Randy Cyr, Public Works Director; Finance Committee members-Heather Ward, Jesse Zack, Noly Lopez, Curtis Lunt, and Dan Leeman; and Mandy Olver.

GOOD NEWS & RECOGNITION

Councilor Ward announced the winner of the Maine Recreation and Parks Association award for the 2021 “Why We Love Summer” video contest went to the Lisbon Parks and Recreation Department. [The Lisbon video is available on the Maine Recreation and Parks Association’s website under contest announcement.]

Councilor Albert announced our K-9 Moxie suffered a sudden medical event Friday, March 12, 2021 and without warning is gone. [Our always-faithful K-9 Moxie proudly served Lisbon from 2015 to 2021 with noteworthy service.]

PUBLIC HEARING - NONE

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS

Gary Alley at the end of Farnsworth Street sent an email requesting the town consider resurfacing and extending his street 70 feet, which currently is 13 feet wide and 280 feet long. The plow truck uses his land to turn around and puts dirt onto his property. Mr. Cyr estimated that would cost around \$5,000. Councilor Fellows mentioned this might be the case previously discussed where the homeowner would have to deed over his property. Councilor Ward said Council would leave this request in Mr. Cyr’s hands to follow up on.

CONSENT AGENDA

VOTE (2021-56) Councilor Larochelle, seconded by Councilor Kolbe moved to approve the following:

- A. Municipal Accounts Payable Warrants for \$ 214,717.82
- B. Municipal Payroll Warrants for \$
- C. School Accounts Payable Warrants for \$270,960.99
- D. School Payroll Warrants for \$364,408.39
- E. March 2, 2021 and March 9, 2021 Council Minutes

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

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

CREST AVENUE SEWER PROJECT BID AWARD

INTRODUCTION: Mr. Aievoli reported on March 8, 2021, bids were opened for the Lisbon Crest Avenue Sewer Main Replacements project. Six bids were received as follows:

| CONTRACTOR | LOCATION | Base Bid |
|----------------------------|-----------------------|--------------|
| Aceto & Sons Earthwork LLC | Lisbon, Maine | \$ 89,521.50 |
| St. Laurent and Son Inc. | Lewiston, Maine | \$ 97,435.00 |
| C.L.H. & Son Inc. | Auburn, Maine | \$121,894.40 |
| R. Labbe & Sons Inc. | Brunswick, Maine | \$131,095.00 |
| Longchamps & Sons Inc. | Lisbon, Maine | \$244,664.40 |
| Pratt and Sons Inc. | Mechanic Falls, Maine | \$334,170.00 |

Mr. Aievoli said the low bidder was Aceto & Sons Earthwork LLC. He said the town has not worked with this firm before, so references were requested. Those that we contacted stated Aceto is a good firm to work with, they have ample equipment, and have worked on sewer utilities before. Based on this, we have no reason to recommend awarding the project to a higher priced bidder. Ms. Olver pointed out their quoted price of \$89,521.50 is close to the \$89,000 construction estimate obtained last August. She said the estimate included \$15,600 for construction contingency due to the unknown location of the force mains and possible extra impact to the pavement. She indicated this was a unit price contract so items not used we would not pay for and items needed we would pay for. She mentioned the contingency if not used will be returned to the town just like any other project. Mr. Aievoli said there were sufficient funds to cover the amount over the budgeted figure.

VOTE (2021-57) Councilor Fellows, seconded by Councilor Albert moved to award the Crest Avenue Sewer Project Bid to Aceto & Sons Earthwork LLC in the amount of \$89,521.50.

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

APPLY TO DEP FOR SEWER PROJECT FUNDING

INTRODUCTION: Mr. Aievoli said Olver Associates prepared a report for the Town in September of 2016 that identified a number of sanitary sewers that were in poor condition and required attention. The first phase of sewer repairs were completed in 2019. The second contract will be completed in 2021. Both projects, as well as the Main Street MDOT related sewer work, Davis Street Pump Station, and Chlorine Contact Tank Expansion projects were funded by the \$ 9 million dollar USDA Rural Development grant/ loan package that the Town voted to accept in 2017. While these projects are an excellent start to addressing needs related to the sewer system and Wastewater Treatment Plant, more projects will be necessary.

Mr. Aievoli said the Maine Department of Environmental Protection (DEP) is urging the Town to start planning for additional projects. There are two projects under discussion that each satisfies the DEP's request to continue addressing our sewer conditions and our MS4 goals, because both projects are in the watershed of Alder Brook, which DEP considers an impaired stream.

Mr. Aievoli presented a map showing the locations of the projects in the labeled boxes, along with updated cost estimates in 2022 dollars. The Huston Street Extension (Cross Street to East Street) project includes reconstruction of 1200 feet of poor condition pipe for \$890,000. The Hinkley Street Cross County Sewer Project includes the lining of 3600 liner feet of 10" pipe to restores its structural integrity and reduce leaks for \$585,000.

Mr. Aievoli said DEP is accepting applications for their low interest loan program, which includes a grant component. These are due April 2. There is also talk of an infrastructure funding program or stimulus funding that DEP will soon be offering. He recommended the town apply for these funds; if the offer is not favorable, there is no obligation to accept the funds.

VOTE (2021-58) Councilor Albert, seconded by Councilor Larochelle moved to authorize the Town Manager permission to submit an application for DEP Sewer Project Funding for their low interest program.

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

MUNICIPAL BUDGET PRESENTATION

INTRODUCTION: Mrs. Barnes presented the draft FY 2022 Municipal and Waste Water expenditure budgets for Council review and consideration. She proposed a budget for municipal services with the goal of funding our operational needs and starting a capital improvement reserve for future expenditures. This budget maintains the

level of service currently provided to the citizens of Lisbon. She thanked the Department Heads and staff for their assistance in preparing the proposal before Council. The FY 2022 estimated revenues are not part of this budget document. She said she would presented the estimated revenue at a later date. (The FY 21 expenditures listed are as of 3/1/2021.)

Mrs. Barnes briefly went over the initial Municipal Budget for FY 2022 requested by departments totalling \$9,924,769 for an increase of \$1,000,484, or 11.2%, over the current FY 2021 budget of approximately \$8,923,285. Of this increase, 38.4% is comprised of wages and benefits, which is lower because the capital items were included. These budgetary numbers exclude the County Tax, the local contribution to the School Department. Included in this proposal are capital requests for operational needs and planning for the future by funding capital improvement reserve accounts. This will enable Council to see what the budget would entail if we raised through taxation the needs of all the departments.

| Initial Budget Requests | |
|---------------------------------------|-----------------|
| 2022 Initial Not Including County Tax | \$ 9,924,769.00 |
| 2021 Final Not Including County | \$ 8,923,285.00 |
| Total Increase | \$ 1,001,484.00 |
| Percentage Increase | 11.2% |
| | |
| 2022 County Tax Increase | \$ 34,970.00 |
| Increase over FY 2021 | 4.6% |
| | |
| 2022 Wage and Benefits Request | \$ 5,482,351.00 |
| 2021 Wage and Benefits Adopted | \$ 5,097,785.00 |
| Wage and Benefits Increase | \$ 384,566.00 |
| Percentage Increase | 7.5% |
| Percent of Total Increase | 38.4% |
| Percent of Total Budget | 55.2% |
| | |
| Wage and Benefits Increase | \$ 384,566.00 |
| Position Change Requests | \$ 297,506.78 |
| Remaining Wage and Benefit | \$ 87,059.22 |
| Remaining Wage and Benefit Increase % | 1.7% |

Mrs. Barnes pointed out the Town Manager's Municipal Budget FY 2022 requests total \$9,600,809 for an increase of \$677,524 or 7.1% over the current budget. This also excludes the County Tax that's going to increase \$34,970.00, or 4.6% and the local contribution to the School Department. In this proposal, wages and benefits total \$5,482,351 or 57.1% of the budget because capital items have been removed.

| Managerial Budget Requests | |
|--------------------------------------|-----------------|
| 2022 Managerial Not Including County | \$ 9,600,809.00 |
| 2021 Final Not Including County | \$ 8,923,285.00 |
| Total Increase | \$ 677,524.00 |
| Percentage Increase | 7.1% |
| | |
| 2022 County Tax Increase | \$ 34,970.00 |
| Increase over FY 2021 | 4.6% |
| | |
| 2022 Wage and Benefits Request | \$ 5,482,351.00 |
| 2021 Wage and Benefits Adopted | \$ 5,097,785.00 |
| Wage and Benefits Increase | \$ 384,566.00 |
| Percentage Increase | 7.5% |
| Percent of Total Increase | 56.8% |
| Percent of Total Budget | 57.1% |

Mrs. Barnes pointed out the town's fund balance policy, which indicates the town should maintain not less than 12% or more than 16%. She said the unassigned fund balance as of June 30, 2020 is \$2,360,000, which is lower because of deferred taxes. 13% of the General Fund Operating Budget would be \$117,485. 12% of the General Fund Operating Budget would be \$289,986. She recommended the use of 12% along with an approximate \$180,000 for overlay and the \$33,180 received for Police Personnel Training Expenses.

Mrs. Barnes said revenues will be presented at another time during the budget process, but as Lisbon continues to navigate through COVID-9, Lisbon will be closely following the State of Maine's revenue projections. As of March 16, 2021, the state has not issued the FY22 Revenue Sharing Projections. She indicated revenues will be higher than anticipated and Lisbon will probably exceed this year's budgeted revenue for excise taxes. She pointed out revenue from Parks and Recreation will be under what was anticipated as a direct result of COVID-19 and fewer participants.

Mrs. Barnes said the town would be watching for the newest stimulus funds sited for the local level. She indicated the use of undesignated through the budget process complies with the Charter, but the town attorney will be working on changes to the Charter dealing with donations for the November ballot.

COUNCILOR COMMENTS: Councilor Ward reminded members to send budget questions in advance. He mentioned jump drives with the budget on it are at dispatch for members to pick up. He asked that the presentation be emailed to him. He said a 7% budget increase is not palatable to anyone, but that's why we make our decision at a later date.

The Finance Committee Chairman, Mr. Lunt, reported that revenue projections were due to Council in March per Section 6.2 in the Charter. Last year's estimate of \$800,000 was low compared to the \$1,000,000 collected to date. He pointed out that it would be to the Town Manager's benefit to make those projections at this time.

Councilor Larochelle said he would like to keep the budget flat for FY22. He said he would support a 3% increase or a 7-8% increase between the town and school, but it should stay under 10%.

Councilor Fellows indicated support for 3% town, 3% school, and asked how much has to be cut to attain that goal.

Councilor Ward indicated raises should be fair across the board for union and non-union.

SOLICIT BIDS FOR PAVING PROJECTS

INTRODUCTION: Mr. Cyr requested authorization to send Requests for Proposals (RFP) for paving at our earliest possible date. The following streets and roads requested for paving are as followed:

| STREET NAME | LINEAR FEET | MILES |
|--------------------------------------|-------------|-------|
| Josephine St | 10,618 | 2.01 |
| Merrill | 450 | 0.09 |
| Bonifide | 1,320 | 0.25 |
| Fillion | 2,690 | 0.51 |
| Hinkley | 1,035 | 0.20 |
| Parillo | 1,320 | 0.25 |
| Vining (Royal, Faith, to Second) | 3,728 | .71 |
| Charity | 1,360 | 0.26 |
| Edgecomb (Stable Rd to dirt section) | 1,000 | 0.19 |
| Earle St Ext (All) | 234 | 0.04 |
| Wagg (All) | 1,862.7 | .35 |
| Booker Street Parking Lot | | |
| Behind Rusty Lantern Parking Lot | | |
| Union Street Parking Lot | | |

PUBLIC COMMENT: Councilor Ward read the email sent for Audience Participation from Gary Alley who lives at the end of Farnsworth Street. He is requesting the town consider resurfacing and extending his street 70

feet, which currently is 13 feet wide and 280 feet long. The plow truck uses his land to turn around and puts dirt onto his property.

Mr. Cyr estimated resurfacing and extending that street should cost around \$5,000. Councilor Fellows mentioned this might be the case previously debated where the homeowner would have to deed over his property. Councilor Ward recommended leaving this request in Mr. Cyr's hands to follow up on.

COUNCILOR COMMENTS: Councilor Fellows asked what was budgeted last year. Councilor Ward indicated the town has budgeted \$475,000 for a few years and that this motion to authorize the RFP is contingent upon the amount budgeted in the final appropriation [in June].

VOTE (2021-60) Councilor Larochelle, seconded by Councilor Ganong moved to authorize the Town Manager and Public Works Director to solicit bids for the FY 22 paving projects.

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

IT MANAGED SERVICES BID RESULTS

INTRODUCTION: Mrs. Barnes said bid packets were sent to the following:

API Technology, Gardiner, ME
 BEK, Inc., Brunswick, ME
 Maine Total Technology, Gorham, ME
 Round Table Technology, Lewiston, ME
 Symquest, Lewiston, ME
 Systems Engineering
 Maine Technology Group, Winslow, ME
 Winxnet DBA Logically, Portland, ME
 Network Knowledge, Inc., Lewiston, ME

Mrs. Barnes said the following bids were received and publically opened:

- 1) Winxnet DBA Logically
 63 Marginal Way
 Portland ME 04103

| | |
|---|-----------------|
| Outsourced Managed Services (Annual) | \$47,400 |
| Secure Care Next Generation Security (Annual) | \$18,120 |
| Managed Backup & DR (Annual) | \$ 9,480 |
| Onboarding one-time | <u>\$ 8,000</u> |
| | \$83,000 |

Project Hourly Rates \$125-\$195

- 2) Burgess Technology
 6 Oak Grove Ave.
 Bath, ME 04530

| | Option 6/3-yr Contract | |
|---|------------------------|-----------------|
| Bizguard Guardian Managed Service Plan | \$50,820 | \$60,408 |
| Barracuda Appliance Managed Backup Costs | \$ 9,000 | 9,000 |
| Burgess Anti-Virus \$154 per month 77 Devices | \$ 1,848 | \$ 1,848 |
| Hosted Anti-Spam/Email Protection Costs (\$340 for 68 mailboxes) | <u>\$ 4,080</u> | <u>\$ 4,080</u> |
| | \$65,748 | \$75,336 |

\$140/hour for all work during regular hours except Consulting

\$140/hour for Consulting

\$280/hour for Emergency after hours work

Mrs. Barnes reported she asked for pricing on options to have a technician on site weekly, bi-weekly and monthly, along with pricing for a 3-year contract. Below are the results:

Monthly

BizGuard Guardian to include (1) 8 hour pre-scheduled technician onsite monthly would be \$5,299 monthly without the 5% discount or \$63,588 annually.

Bi-Weekly

BizGuard Guardian to include (1) 8 hour pre-scheduled technician onsite bi-weekly would be \$6,540 monthly without the 5% discount or \$78,480 annually.

Weekly

BizGuard Guardian to include (1) 8 hour pre-scheduled technician onsite weekly would be \$8,603 monthly without the 5% discount or \$103,236 annually.

Mrs. Barnes explained that a 3-year contract would give Lisbon a 5% discount on the Guardian package and during the term of the 3-year contract, the monthly fee would remain the same. The town is currently paying \$52,320 for the above services. This amount was going to increase to \$116,780 if we continued contracting with our current vendor. She said \$65,748 does not include a monthly onsite technician, but appears to be a reasonably priced for the services provided. That amount would further be reduced by \$2,541, when signing a multi-year contract, bringing that total to \$63,207. She said it would be beneficial to have someone onsite monthly to complete scheduled work that is outside the scope of the managed service plan. This work includes setting up new computers and printers, etc. References were provided and those that we contacted stated that Burgess Technology was very good to work with. She reported there would be no support from the school because our needs are so different from theirs.

COUNCILOR COMMENTS: Councilor Larochelle asked if Burgess Technology would be doing an assessment on what our needs are or if the town would have to pay an hourly fee for that. Councilor Albert said as new partners they would want to start with a full assessment. He said he was okay with per diem for the first year, until the town has a good handle on what is needed, but onsite or per diem would be okay.

Chief McGee explained that soon it would be a requirement that officers wear body cams. Those are expensive and the high definition recordings take up lots of space. Councilor Albert asked if those were in the CIP. Chief McGee said this was not because his department would be looking for grant funds that typically support these types of mandates. Councilor Albert recommended Police Body Cams be added to the CIP as a placeholder so the amount is and then show the offset as grants. Councilor Ward pointed out that Lisbon does not have the capacity to store that amount of information at this point. Councilor Albert said this should show up on any needs assessment.

VOTE (2021-61) Councilor Albert, seconded by Councilor Larochelle moved to accept the Bid from Burgess Technology in the amount of \$63,207 and to allow the Town Manager to enter into a 3-year contract for IT managed services with the ability to negotiate a pre-scheduled monthly onsite technician if and when needed over that 3-year period.

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

**AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP)
COMMUNITY CHALLENGE GRANT APPLICATION**

INTRODUCTION: Chief McGee reported the AARP Community Challenge program provides small grants to fund quick-action projects that can help communities become more livable for people of all ages. They are accepting applications for projects to improve public spaces, housing, transportation, civic engagement, coronavirus recovery, diversity and inclusion, and more.

Chief McGee indicated the Lisbon's Police, Public Works, Parks and Recreation, and Economic and Community Development Departments have teamed up to develop a project to improve pedestrian safety and mobility in Lisbon's village areas. The collaborative project will include the installation of a permanent raised speed table on School Street to slow vehicle traffic near the MTM Center, the purchase and installation of 12 in-street crosswalk signs to enhance pedestrian safety, and community engagement through celebratory painting of the crosswalks during summer 2021. The proposed project will assist Lisbon residents and visitors of all ages to safely access the MTM Center, local trails, parks, Grazi Square, and village businesses.

Chief McGee said the budget for the proposed projects is \$22,500. No matching funds are required. The application is due April 14 and awards are announced in June of 2021. Public Works has the capacity to complete the project as proposed. The Lisbon Police Department has endorsed this project as a top public safety priority.

Chief McGee requested Council approve their submitting an application to AARP for \$22,500 for the Village Areas Pedestrian Improvement and Safety Project, and if the grant is awarded to implement the project as proposed.

COUNCILOR COMMENTS: Mr. Richardson explained that celebratory crosswalk painting includes professionals and community members working together to create artful murals on pavement, which is similar to what the group did last year at Moxie Plaza.

VOTE (2021-62) Councilor Albert, seconded by Councilor Fellows moved to approve submitting an application to AARP for \$22,500 for the Village Areas Pedestrian Improvement and Safety Project, and if the grant is awarded to implement the project as proposed.

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

REQUEST FUNDING THROUGH MAINE COMMUNITY FOUNDATION’S (MCF) SCALE UP GRANT

INTRODUCTION: Mr. Richardson reported the Maine Community Foundation’s (MCF) Start Up Scale Up Grant Program invests in nonprofit organizations and projects that help start up new businesses or help grow existing businesses. This includes but is not limited to “incubator” and “accelerator” programs and collaborative workspaces such as “makerspaces” or “coworking” spaces. By supporting innovation and entrepreneurship, these organizations and projects help support Maine people, contribute to community vitality, and help grow Maine’s economy.

Mr. Richardson explained that MCF selected Lisbon as an Entrepreneurship Ecosystem (EE) pilot community in 2020. The local planning phase for Lisbon’s entrepreneurship initiative has been completed and the implementation phase of the programming is underway. The Town Council approved a proposed budget and project list during their meeting on March 2, 2021, including a budget of \$47,500 to advance development of an entrepreneurial hub in a village area of Lisbon. He said as currently envisioned, development of the local entrepreneurial hub would include revitalization and upgrades to an underutilized building in a visible, high-traffic area of Lisbon. Pending additional analysis and planning support from Main Street America via the entrepreneurship grant, the hub will include a commercial kitchen, event and community space, a co-working space for entrepreneurs and remote workers, and/or a makerspace for hands-on projects.

Mr. Richardson indicated development of the Lisbon entrepreneurial hub is a good fit for the funding priorities of MCF’s Start Up Scale Up program. MCF made it clear that Lisbon should apply because MCF felt Lisbon was a good fit for this program. To develop and sustain this entrepreneurial hub, additional funding will be required. He requested Council approve the submission of an application to MCF for \$25,000 under the Start Up Scale Up Program to advance development of the Lisbon Entrepreneurial Hub.

VOTE (2021-63) Councilor Fellows, seconded by Councilor Albert moved to approve submitting an application to MCF for \$25,000 under the Start Up Scale Up Program to advance development of the Lisbon Entrepreneurial Hub.

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

ADOPT SOLAR ARRAY MORATORIUM EMERGENCY ORDINANCE

INTRODUCTION: Councilor Fellows said there appears to be a misunderstanding in regards to the previous motion made on March 2, 2021 to create a moratorium. He said the motion is just what I stated in the minutes although a bit confusing or misunderstood, the draft moratorium before Council is what he had intended to be written.

VOTE (2021-64) Councilor Fellows, seconded by Councilor Ganong moved to adopt the following Commercial Solar Energy Facility Emergency Moratorium Ordinance:

TOWN OF LISBON

COMMERCIAL SOLAR ENERGY FACILITY EMERGENCY MORATORIUM ORDINANCE

THE TOWN OF LISBON adopts a Commercial Solar Energy Facility Emergency Moratorium Ordinance as follows:

WHEREAS, there is growing interest in Commercial Solar Energy Facility development in the Town;

WHEREAS, the topography of the Town is believed to be conducive to Commercial Solar Energy Facility development;

WHEREAS, the Town is under threat of Commercial Solar Energy Facility development pressure;

WHEREAS, this development pressure is unanticipated and has not been adequately provided for in the Town's current ordinances governing land use, zoning and site plan review;

WHEREAS, development of Commercial Solar Energy Facilities could pose serious threats to the public health, safety and welfare of the residents of Lisbon abutting or in close proximity to such facilities without adequate provision for issues of health, safety, land use compatibility, noise, visual degradation and environmental degradation;

WHEREAS, the Town needs time to study its Code of Ordinances to determine the implications of development proposals involving Commercial Solar Energy Facilities and to develop reasonable ordinances for the protection of the health, safety, and welfare of Lisbon's residents, property owners and natural resources;

WHEREAS, the Town Council and the Planning Board, with such professional advice and assistance as they deem necessary and appropriate, shall study the Town's ordinances to determine the land use, environmental and other regulatory implications of development proposals involving Commercial Solar Energy Facilities and consider what regulations might be appropriate for such activity;

WHEREAS, the Town's current ordinances are not adequate to prevent serious public harm from proposed development proposals involving Commercial Solar Energy Facilities;

WHEREAS, the Town's current ordinances do not contain sufficient standards to effectively provide municipal review and approval of development proposals involving Commercial Solar Energy Facilities;

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least ninety (90) days from the date the Town first considers this moratorium on development proposals involving Commercial Solar Energy Facilities;

WHEREAS, amendments to ordinances may require public hearings by the Planning Board and Town Council and votes by the Planning Board and Town Council; and

WHEREAS, in the judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S.A. § 4356(1)(B) and Section 2.08(b) of the Town Charter, and require this Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town does hereby ordain that the following Emergency Moratorium Ordinance be, and hereby is, enacted:

Section 1. Moratorium Declared.

The Town does hereby declare a moratorium on development proposals involving a Commercial Solar Energy Facility. The moratorium shall remain in effect for ninety (90) days from the date of

applicability of this Ordinance, unless extended or modified by the Town Council, for the express purpose of drafting an amendment or amendments to Town ordinances to protect the public from health and safety risks including, but not limited to, the potential adverse environmental, health, safety, land use compatibility, noise, and visual degradation effects of development proposals involving a Commercial Solar Energy Facility if not properly regulated; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall apply to any development proposals involving a Commercial Solar Energy Facility for which an application for site plan review has not been determined to be complete by vote of the Planning Board prior to March 16, 2021, the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall start or engage in the construction or operation of a Commercial Solar Energy Facility for which an application for site plan review has not been determined to be complete by vote of the Planning Board prior to March 16, 2021, without complying with whatever ordinance amendment or amendments the Town may enact as a result of this moratorium; and

BE IT FURTHER ORDAINED, that during the time this moratorium is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, certificate of approved use, conditional use review and/or any other permits, licenses or approvals related to a Commercial Solar Energy Facility for which an application for site plan review has not been determined to be complete by vote of the Planning Board prior to March 16, 2021; and

BE IT FURTHER ORDAINED, that those provisions of the Town's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 2. Violations; Civil Penalties.

If the construction or operation of a Commercial Solar Energy Facility is initiated in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties in accordance with 30-A M.R.S.A. § 4452, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

Section 3. Definitions.

Associated Facilities means elements of a Commercial Solar Energy Facility other than its Generating Facilities that are necessary to the proper operation and maintenance of the Commercial Solar Energy Facility, including, but not limited to, buildings, access roads, generator lead lines and substations.

Generating Facilities means Solar Collectors and electrical lines, not including generator lead lines, that are immediately associated with Solar Collectors.

Town means the Town of Lisbon, Maine, a municipal corporation organized and existing under the laws of the State of Maine.

Commercial Solar Energy Facility means a facility that uses one or more Solar Collectors to convert solar or photovoltaic energy to electrical energy and that is operated solely for the purpose of generating electrical power for sale. A Commercial Solar Energy Facility includes Generating Facilities and Associated Facilities, but does not include a solar energy facility that principally generates electrical energy used by one or more residential, agricultural or business uses on the property on which the facility is located, even if a portion of the energy from such facilities is sold or distributed to the grid.

Solar Collector means a device, structure or a part of a device or structure for which the primary purpose is to transform photovoltaic or solar radiant energy into thermal, mechanical, chemical, or electrical energy, along with associated electrical conversion components designed to convert solar

energy into electricity.

Section 4. Effective Date; Emergency Declaration

This Ordinance shall be effective immediately upon enactment by the Town Council and shall remain in effect for 90 (ninety) days from the date of enactment unless it is terminated or extended in accordance with this Ordinance. The Town Council declares the existence of an emergency because the Code of Ordinances is insufficient to prevent serious public harm that could be caused by the unregulated development of Commercial Solar Energy Facilities, thereby necessitating a moratorium to provide an opportunity for the Town to review the potential impacts and harm that may be caused by such development, and to amend its Code of Ordinances to mitigate the potential impact and harm on the Town and its residents. In accordance with Section 2.08(b) of the Town Charter, this Ordinance shall be enacted as an emergency ordinance.

COUNCILOR COMMENTS: Councilor Larochelle explained that motions need to be more detailed and what we discuss needs to be then added into the motion to be more clear in the future. He said that's why he asked Mrs. Barnes if the motion included Frost Hill or did not include Frost Hill. He indicated he would not have voted in favor of it if it did not include the Frost Hill solar project. He said that is why he asked if the Frost Hill plan had been approved like the Mill Street project. He said his interpretation of the motion was that it would not include projects fully approved like the Mill Street project. He said Councilors need a full understanding before voting.

Councilor Fellows said I thought that everybody wanted some kind of moratorium. I did not want it to be retroactive because I did think all projects not completed, but initiated should be excluded. He mentioned that he read over the minutes from that meeting many times and indicated he was aware of the possible confusion in understanding what the Council voted. He said just know that if the Frost Hill project would have been included that I would never have made that motion. He pointed out that his comments just before the vote reflect that.

Councilor Fellows explained why the Frost Hill project should not be covered and allowed to proceed, along with the Mill Street project:

1. A Planning Board application was accepted as complete on February 11, 2021, meaning that everyone submitted all that is needed and that it was considered a legitimate project for a site plan review. At the point that the Board accepted it upon the recommendation of the Codes Enforcement officer, the plan was deemed to be allowed under some, yet to be determined conditions. The closest applicable use in our Zoning ordinances to compare it to was an electric utility.
2. The Planning Board should be allowed to consider the matter and impose conditions that would mitigate if not eliminate abutter's concerns.
3. Planning Board members were put in place and appointed by the Town Council to decide these matters while considering the impact on the town and the residents. He said the matter rightfully belongs there. Both the Codes Enforcement Officer and the Planning Board need to be respected and allowed to do their respective jobs without Council interference. He pointed out that it should be understood that while being considerate, the Planning Board is not in a popularity contest.
4. The neighbors restated their cases to the Council in a similar manner that they had done at the Planning Board hearing:
 - a. Peter Larochelle spoke stating that solar farms are tax exempt. Councilor Fellows said he understood that 50% of the exempt value is returned to the town by the state. Mr. Larochelle stated that several towns have instituted moratoriums and that Monmouth was one. Councilor Fellows said but we now know that moratorium was voted down after Mr. Larochelle spoke. Mr. Larochelle talked about blinding glares from panels. Councilor Fellows said the solar applicant is taking mitigating steps.
 - b. Lisa McDougal spoke about wild life. Councilor Fellows said we know that small wildlife will be allowed under the fencing.
 - c. John Mynahan's letter asked Council to consider several things. Councilor Fellows said Mr. Mynahan's last request was to consider "at the very least, if this specific Frost Hill project were to be approved, that it should be revised so that the 10-acre southern section is moved back to a more

northwestern section so that it lessens the impact...” Councilor Fellows said the applicants have done just that.

Most of the neighbors spoke of the impact on views as well and this seemed to be the primary issue. The applicant has proposed moving the array’s just as requested. He said the Planning Board should be allowed to complete the task of adding appropriate conditions and approving this project.

5. Lastly, Councilor Fellows pointed out that property owners have rights too and there must be an acceptable use for that property. Besides agricultural, the current zoning allows, among other things, subdivisions, public/private recreational facilities, timber harvesting, two family dwellings, home occupations, planned unit developments, public utilities, schools, public buildings. He asked, of these other activities, which would be acceptable to the neighbors. These could all be there instead of a solar farm.

Councilor Fellows said, yes, we should consider a moratorium, but this project should not be included. He said this solar project could be done correctly if allowed to be considered to the fullest, which is why he offered the included wording determined to be complete.

Councilor Albert said now that the applicant has filed the revised plans to relocate the panels in writing, he could vote in favor of this moratorium tonight.

Councilor Larochelle said this could be subject to interpretation and brought to legal. Any project over two acres is considered commercial and cannot be located in a residential area. He asked 50% of “what,” does the town get back. He indicated the town is not prepared and is never ahead of the curve.

Councilor Lunt pointed out that the residential zone does allow for utilities or power substations because they do not generate street or foot traffic so that solar project would not be considered commercial.

Councilor Ward said the town needs to be prepared going into this venture to be set up to receive this money. Clearly, there was a hole in our ordinances when it comes to addressing solar arrays. He asked who would be writing that ordinance. Councilor Larochelle said why reinvent the wheel when the state already has created one.

Mrs. Barnes said there is money in Planning left that can be used for drafting this ordinance. The Planning Board Chairman, Mr. Lunt said it could be more complex than we think to draft this Solar ordinance so it would be better if the board took its time to do it. Councilor Lunt said the emergency moratorium can be extended if its needed.

Councilor Lunt recommended the Planning Board draft a Windmill ordinance to deal with other green options as well so the town would be ahead of the curve on those.

Roll Call Vote: Yeas – Albert, Lunt, Larochelle, Ward, Ganong and Fellows. Nays – Larochelle and Kolbe. Order passed - Vote 5-2.

TAX ACQUIRED BID AWARD

INTRODUCTION: Mrs. Barnes said letters were sent out to the abutters of R09-050 on the Littlefield Road notifying them of the Town’s intent to sell the property. The following bids were received and publically opened:

Michael J. Daley, 76 Littlefield Road, Lisbon, ME \$700.00

VOTE (2021-65) Councilor Larochelle, seconded by Councilor Ganong moved to accept payment of \$700 from Michael J. Daley, deposit the funds into the Sale of Town Owned Property Reserve Account, and to authorize the Town Manager to issue a quitclaim deed without warranties to Michael J. Daly.

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

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert said he had nothing to report.

2. Planning: Councilor Fellows said this committee meets March 26.
3. LDC: Councilor Larochelle said they are moving forward with Mr. Richardson's plans.
4. Conservation Commission: Councilor Ward said the Conservation Commission meeting was cancelled.
5. Recreation: Councilor Albert said he had nothing to report.
6. County Budget: Councilor Ward said there is some noise going on about placing a county bond referendum question on this November ballot for renovations to the jail, including the sheriff's office.
7. Library: Councilor Lunt said he had nothing to report.
8. Water Commission: Councilor Fellows said they filled their vacant commissioner's seat. Mrs. Reynolds will be moving to part-time so they are hiring a Finance Assistant. They are also looking to hire a general manager.
9. Finance Committee: Councilor Albert said he had nothing to report now that they are attending Council workshops.

B. TOWN MANAGER'S REPORT

Mrs. Barnes said she is working on utility agreements to put into place. She said MUNIS Utility Billing is on track. The auditors indicated they would be done by March 31. The auditors mentioned they completed the school's audit and gave the School Department their final copy back in January. Councilor Ward asked Mrs. Barnes to obtain the school's final undesignated fund balance amount for Council.

C. DEPARTMENT HEAD WRITTEN REPORTS

Councilor Larochelle said he appreciated the Department Head reports. They were good reading. He liked the new report format. He said it is good to see what is coming up and what each department is planning to do.

Councilor Larochelle pointed out that the Lisbon Fire Department is supplementing Lisbon Emergency according to the stats in Chief LeClair's report. It appears Lisbon Emergency may not have a driver at times. He asked how often that happens monthly. He mentioned a concern moving forward with per diem personnel to take care of emergency needs. The numbers show our Fire Department is supplementing their staff as first responders. The majority of calls were medical. He asked how would the town adjust or adapt to this.

Councilor Ward asked that Lisbon Emergency address our additional costs for standing in as first responders at budget time during their presentation. He pointed out that the town is paying higher than what we are contracted for. He said he liked the new reporting format.

APPOINTMENTS - NONE COUNCILOR COMMUNICATIONS

Councilor Fellows said Councilor Ward and he went over the Town Manager's review with her on Friday. He said the town will be offering her a three-year contract that should be ready to go by the end of the month. He suggested the Council set up something to go over it at some point.

AUDIENCE PARTICIPATION & RESPONSE FOR NEW ITEMS - NONE EXECUTIVE SESSION - NONE ADJOURNMENT

VOTE (2021-66) Councilor Fellows, seconded by Councilor Ganong moved to adjourn at 9:15 PM.

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