



TOWN COUNCIL MEETING MINUTES APRIL 6, 2021

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; Mark Stevens, Parks and Recreation Director; Brett Richardson, Economic & Community Development Director; Dennis Douglass, Code Enforcement Officer; Randy Cyr, Public Works Director and approximately 6 citizens in the audience.

GOOD NEWS & RECOGNITION

2021 LISBON MAINE SPIRIT OF AMERICA TRIBUTE

VOTE (2021-75) Seeing no objections, the Council unanimously adopted the following 2021 Spirit of America Tribute:

The 2021 Lisbon, Maine, Spirit of America Foundation Tribute honors Miranda Torrey for commendable community service.

Providing for: Recognition of Miranda's continual dedication, even during her young life, toward supporting multiple causes for good within the community.

BE IT RESOLVED by the Town Council of the Town of Lisbon as follows:

WHEREAS, Miranda has devoted countless hours over the last year toward raising awareness and creating fundraisers for pediatric cancer patients through Make-A-Wish Foundation and the Maine Children's Cancer Program, even throughout the 2020 Covid-19 pandemic;

WHEREAS, Miranda has innovated for the anti-bullying cause both in Lisbon and nationally, using speaking and photo opportunities to generate more public concern toward the experiences of bullied children and steps that can be taken to eradicate bullying, including a website resource for children and work collaboration with Unite Against Bullying Maine;

WHEREAS, Miranda has continued to excel in her studies at Philip W. Sugg Middle School, contributing to an atmosphere of positivity and academic excellence; and, nominated by her teachers, won the 2021 Maine Prudential Spirit of Community Award;

WHEREAS, Miranda has been volunteering in her hometown and beyond since the age of six, working to better the lives of many,

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lisbon that Miranda Torrey be recognized for her admirable achievements and honors, which she has instilled upon this community, and that she receive the 2021 Lisbon Spirit of America Foundation Tribute; and for her to know her contributions to the youth of both Lisbon and the State of Maine have not gone unnoticed by the people of Lisbon.

BE IT FURTHER RESOLVED that a copy of this resolution be framed and presented to Miranda Torrey for appropriate display.

Order passed - Vote 7-0.

**CERTIFICATE OF APPRECIATION
FOR TIME AND SERVICE TO THE TOWN OF LISBON**

Mr. Stevens submitted the following letter of appreciation recognizing Richard Nadeau's time and service to the Town Of Lisbon.

It is our pleasure to take this opportunity to recognize resident Richard Nadeau for his time and volunteer service with several committees for the Town of Lisbon. Richard's investment of time and effort indicates his passion for wanting Lisbon to be a better place to live for all.

Richard has served on the Trail Committee from 2011 until the trail committee merged with the conservation commission in 2013. Richard served during the planning and creation stages of Lisbon's Androscoggin River Trail. This is one of the most beautiful and appreciated assets in Lisbon.

Richard also served with the Lisbon Conservation Commission during the planning and implantation stages of the town's composting program in 2019. The composting program has doubled in size in just one year and continues to grow in 2021.

Richard also spent many hours volunteering his time at the Androscoggin River Trail planting decorative grass along the walkways entering the trail in 2019

Thank you, Richard Nadeau for your time and service to our department and our community.

Councilor Ward called Richard Nadeau forward to be recognized. Councilor Ward presented Mr. Nadeau with the following:

CERTIFICATE OF APPRECIATION

Awarded to
RICHARD NADEAU

For the numerous hours of volunteer service to the Town of Lisbon,
from serving on committees to planting decorative grass along the walkways
on our trail system, making Lisbon a better place for all.

Mr. Nadeau stated that once COVID is over, he would like to start a Committee to get a monument in Lisbon to recognize our World War II veterans.

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS – NONE

CONSENT AGENDA

VOTE (2021-75) Councilor Larochelle, seconded by Councilor Fellows moved to approve the following:

- A. Municipal Accounts Payable Warrants for \$ 38,345.58
- B. Municipal Payroll Warrants for \$ 314,034.97
- C. School Accounts Payable Warrants for \$ 181,701.13
- D. School Payroll Warrants for \$ 759,065.07
- E. Council Minutes for March 16 & Workshop minutes for March 23, 2021
- F. To Set the School Budget Validation Referendum Election Date on June 8, 2021, authorize the Town Clerk to order ballots, approve the Election Warrant and set a public hearing to hear comments on the School Budget/CIP on May 4, 2021 at 7:00 PM at the Lisbon Town Office or through Zoom.
- G. To set the Voter Registrar hours on June 1, 2, 3, 4, and 7 during office hours 8:30AM to 4PM and on Election Day from 7AM to 8PM at the polling place and to cast absentee ballots at the polling place at specific times throughout Election Day.

Order passed - Vote 7-0.

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

ORDER 2021- 76 CDBG FAÇADE GRANT PROJECTS

INTRODUCTION: Mr. Richardson said in June 2020, the State of Maine's Office of Community Development (OCD) awarded the Town of Lisbon a \$100,000 grant to administer a business façade grant program. The purpose of Lisbon's façade grant program is to provide matching funds to local property and business owners to make visual improvement to the exterior of commercial buildings in Lisbon village areas and Route 196 Corridor. Lisbon's Business Façade Program helps improve the overall visual character of the community to support revitalization and attract additional investment. The Lisbon Development Committee (LDC) serves as the CDBG Citizen Advisory Committee. In this capacity, the LDC reviews potential projects to ensure that each project fulfills the mission of the façade program and is consistent with CDBG guidelines. On February 10, 2021, the LDC reviewed three proposed projects detailed below and voted unanimously to approve funding. Subsequently, environmental and historic preservation reviews were completed, resulting in OCD approval.

- Bob's Auto Care. 58 Lisbon Street. \$16,000 total budget; \$8,000 CDBG funds and \$8,000 private matching funds. New siding for garage visible from Route 196 to improve the appearance of the western gateway to Lisbon from Lewiston. This project is located just outside the designated Slum & Blight area, but the project scope has been deemed consistent with the project scope by OCD staff, and therefore eligible for funding.
- Mike's Flooring. 13 Main Street. \$21,000 total budget; \$9,500 CDBG funds and \$10,500 private matching funds from building owner. New siding and trim for Main Street visual improvement.
- Olive Pit Brewing. 16 Main Street. \$14,000 total budget; \$7,050 CDBG funds and \$7,050 private match. New paint, signage and lighting, beer garden improvements facing Route 196, and new overhead door facing Main Street.

Mr. Richardson said the proposed façade improvements at the three properties referenced above are consistent with Lisbon's Business Façade Program and OCD's CDBG funding guidelines: 1) The projects will enhance the visual character of the Lisbon Falls village and Route 196 corridor; 2) The projects are located in Lisbon's designated Slum & Blight Area or have been deemed consistent with program mission and guidelines; 3) The property owners have committed to provide the 1:1 matching funds to complete the projects; 4) Appropriate historic preservation and environmental reviews have been completed for the projects resulting in no restrictions for the proposed scopes of work; and 5) The projects were approved by Lisbon's CDBG Citizen Advisory Committee on February 10, 2021.

Mr. Richardson requested Council approve the business façade projects at 58 Lisbon Street, 13 Main Street, and 16 Main Street, allocate \$24,550 of Business Façade Program funding for the projects, and authorize Town staff to put the projects out to bid as required by Town and OCD program guidelines.

COUNCILOR COMMENTS: Mr. Richardson stated that there are funds remaining and they are still looking for good projects so now is a good time to get a request in.

Councilor Lunt asked how much money would be left over once these projects are done. Mr. Richardson said there would be about \$50,000 remaining.

VOTE (2021-76) Councilor Larochelle, seconded by Councilor Albert moved to approve the business façade projects at 58 Lisbon Street, 13 Main Street, and 16 Main Street, allocate \$24,550 of Business Façade Program funding for the projects, and authorize Town staff to put the projects out to bid as required by Town and OCD program guidelines. **Order passed - Vote 7-0.**

ORDER 2021- 77 PAVING BID AWARD

INTRODUCTION: Mr. Cyr said the Town of Lisbon, Public Works Department sent out request for Bids on March 18, 2021 to all companies wanting to submit bids for the Street Resurfacing Program. The cut off time for submission for all sealed bids to the town was April 01, 2021 at 10:00 am. The companies that were sent a request for bids were Glidden Excavation, Spencer Group Paving, All States Asphalt, Crooker Construction, St. Laurent & Sons, Pike Industries, Gendron Corp, Northeast Paving, Shaw Brothers Construction and P and B Paving.

In order, the bids received and opened are as follows:

1. Glidden Excavation	\$535,908.00
2. Spencer Group Paving, LLC	\$475,486.60
3. All States Asphalt	\$513,778.40
4. Crooker Construction	\$553,204.50
5. St. Laurent & Sons	\$588,438.60
6. Pike Industries Inc.	\$516,117.00
7. Gendron Corp.	Did not submit a Bid
8. Northeast Paving	Did not submit a Bid
9. Shaw Brothers Construction	Did not submit a Bid
10. P and B Paving	Did not submit a Bid

Mr. Cyr indicated after a thorough review of each bid submitted, he recommended going with the Spencer Group Paving, LLC, due to the lower cost and all work performed will meet our specification needs.

Mr. Cyr stated that the bid came in a little over the original bid of \$475,000.00 due to the Hot Top figures being a little high, but that everything should come in under \$475,000.00 in the end. He said the good thing is that Wagg Road will be paved. He said Hinkley Street is coming apart. He indicated he was not sure if the second layer was ever put on. He said they will try milling an inch off and if they pull up gravel, they will have to reclaim it, which means taking it all out and going with new, which will cost a little more. He indicated he would keep the Council informed on their progress.

VOTE (2021-77) Councilor Larochelle, seconded by Councilor Ganong moved to award the FY 2021-2022 paving bid to Spencer Group Paving, LLC in an amount not to exceed \$475,486.60. **Order passed - Vote 7-0.**

ORDER 2021- 78 49 FROST HILL AVENUE – CLEAN UP ACTION

INTRODUCTION: Mr. Douglass stated that he has been working on a Notice of Violation regarding a trash/litter issue at 49 Frost Hill Avenue (Tax Map U9 Lot 018) with limited results. He requested permission from the town council to pursue Rule 80K action in court to force the clean-up of this property. The town's attorney Mike Carey of Brann & Isaacson followed up with a certified letter to both Mr. and Mrs. Pomerleau demanding compliance with the notices and reimbursement of the Town's attorneys' fees and costs.

Mr. Douglass indicated Chad Pomerleau is the owner of the property located at 49 Frost Hill in Lisbon Falls, that Pomerleau, as well as his attorney, has been communicating with Attorney Mike Carey and myself. He mentioned Casey Pomerleau has not responded to the Town or the Town Attorney.

Mr. Douglass said he believes a resolution to this issue will be coming soon. He has no indication that Mr. Pomerleau, when given the right, will not comply with the order to clean up this property. He has been through a lot and adding substantial fines, court costs, and legal fees will only add to his problems. Mr. Douglass is sensitive to Mr. Pomerleau's problem and has given extra time to sort this out through the court system. The courts are very slow these days.

COUNCILOR COMMENTS: Councilor Ganong asked for clarification of the meaning of Rule 80K for the Public. Mr. Douglass stated that it is an easier and quicker form of going to court for Land Use Violations.

VOTE (2021-78) Councilor Albert, seconded by Councilor Fellows moved that the Code Enforcement Officer having notified the Council of violations of the Zoning Ordinance by Casey Pomerleau and Chad Pomerleau at 49 Frost Hill Ave., Lisbon Falls, I move that the Town Manager is authorized to institute an action against Mr. Pomerleau and Mrs. Pomerleau for land use violations in the name of the Town of Lisbon in Maine District Court. **Order passed - Vote 7-0.**

ORDER 2021-79 FEE SCHEDULE AMENDMENTS

INTRODUCTION: Chief McGee and Chief LeClair recommended adding into the fee schedule the current fees each department is charging.

VOTE (2021-79) Councilor Larochelle, seconded by Councilor Lunt moved to add into the Fee Schedule the current Public Safety Administration and Fire Department Administration fees as follows:

PUBLIC SAFETY ADMINISTRATION	
<u>Research</u>	<u>\$15.00 per hour after 1st free hour</u>
<u>Reports</u>	<u>\$ 2.00 per page</u>
<u>Accident Report</u>	<u>\$10.00</u>
<u>Disk (Containing Photos)</u>	<u>\$15.00</u>
<u>Notary</u>	<u>\$8.00</u>
<u>FIRE DEPARTMENT ADMINISTRATION</u>	
<u>Reports</u>	<u>\$2.00 per page</u>

Order passed - Vote 7-0.

ORDER 2021-80 SUMMER MEETING SCHEDULE

INTRODUCTION: Mrs. Barnes indicated the Council's summer schedule should be decided at this time for planning purposes. Our recommendation is to meet only once in July on the 13th, August on the 17th, and in November on the 16th resuming the normal schedule for September.

VOTE (2021-80) Councilor Larochelle, seconded by Councilor Lunt moved to meet once in July on July 13, once in August on August 17 and once in November on November 16. **Order passed - Vote 7-0.**

ORDER 2021-81 LD 920 CABLE TAX

COUNCILOR COMMENTS: Councilor Larochelle asked what our current relationship with the Cable Company is.

Councilor Kolbe explained that the town currently has the option of opting in or out of a contract. Lisbon, as a community has always chosen to opt out and not to pursue the collection of the Franchise Fee. The LD 920 Bill would make it mandatory for Towns to have to opt in. The town would then have to enforce a 5% fee, collect it, and send it to the PUC (Public Utilities Commission). She read that it looks like this Bill would require every Cable Company to contract with the municipality in order to be able to supply cable in that community.

Councilor Kolbe explained part of the Bill as follows:

“The State is taking the town's ability to raise the funds to maintain the right of way required to supply cable to the residents. Taxes would automatically be raised on Lisbon's Cable users with no benefit to the Town. It would only go to fund positions at the PUC.”

Councilor Fellows said that some municipalities are charging the 5% tax already on Cable services.

Councilor Albert suggested contacting those municipalities who have opted in and the representatives that are sponsoring this Bill to get more information.

Councilor Ward asked Mrs. Barnes to check with the Maine Townspeople and the MMA legislative bulletins to see if there are any updates and information regarding this Bill. Mrs. Barnes said she would check into it.

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert said the School Committee chair stated that they had some encouraging news about their insurance numbers and that they are working hard to get those numbers down to the lowest possible point. He said the School Department's Spring Sports program has started with restrictions.
2. Planning: Councilor Fellows said the Planning Board will meet on April 15th and will continue to work on Solar projects.
3. LDC: Councilor Larochelle said they will meet next week and encouraged those interested to reach out to Brett Richardson for questions and answers.
4. Conservation Commission: Councilor Ward said they recognized Richard Nadeau tonight for his volunteer service in the community.
5. Recreation: Councilor Albert said they redid the Parking Lot at Beaver Park and they are gearing up for the after school youth programs.
6. County Budget: Councilor Ward said he met with the Androscoggin Sherriff who has expressed a need for space for his office.
7. Library: Councilor Lunt said the number of patrons visiting the Library is rising due to individuals getting their vaccinations and feeling more confident. He said the Library has done a good job of keeping the Library safe, especially the Children's Room.
8. Water Commission: Councilor Fellows said they would meet next week.
9. Finance Committee: Councilor Albert said he had nothing to report.

Councilor Ward requested Mrs. Barnes contact the School Department for an update on stimulus funds and ask where the School Committee will be putting it in their budget when it arrives.

Councilor Larochelle asked that the Council and Finance Committee receive a copy of the School Budget that will be presented to the School Committee.

B. TOWN MANAGER'S REPORT

Mrs. Barnes said Representative Jared Golden's office reached out to her and Brett Richardson, to see if the town has any shovel ready projects because of the earmarks that are being instituted in Washington. Mrs. Barnes sent them the Main Street project that will potentially start next year to get the Town's portion covered. She indicated it may not qualify because it is so large. She mentioned she sent the Burrough Road bridge project. She said ATRC (Androscoggin Transportation Resource Center) is submitting three projects, one from Auburn, one from Lewiston and one from Lisbon that goes from Huston Street to the urban compact line.

Mrs. Barnes stated the state posted the estimated revenue sharing figures for this next fiscal year and it looks like Lisbon will get \$1.7 million.

She said Lisbon would be getting almost \$900,000 in stimulus money. The town will get the first half in May. She indicated it is not clear how the town would be able to spend it yet. The Town lost revenue from COVID-19 and if the town were not able to collect the \$1.7 million in revenue sharing, then that would be another revenue loss so the town could potentially apply some of this stimulus money towards the lost COVID-19 revenue.

Mrs. Barnes sent the Council a copy of the Audit. She said they ended up with more unassigned fund balance than what they quoted so the town could now spend more from the unassigned balance account. She mentioned she pulled more out from the budget so the budget is down to an increase of \$324,000, which is a 3 1/2% increase over last year.

Councilor Ward asked Mrs. Barnes to go through all of the budget highlights during the next budget workshop.

Councilor Albert asked Mrs. Barnes to talk about the Revenue Losses. Mrs. Barnes explained the lost revenue from this budget was due to COVID-19 because the Parks & Recreation Department cancelled programs and the town lost revenue on the Town's investments because the interest rates went down. She said everything that she collects over this year would go right into the unassigned fund balance.

Councilor Ward requested someone from R/H/R Smith present the audit.

Mrs. Barnes stated she has been in touch with Realty Resources Management regarding the Farwell Mill loan repayment. She said the Maine State Housing Authority is responsible for this delay, not Realty Resources Management. She pointed out the town will need to extend the date for Realty Resources Management to pay back the money until their loan goes through.

VOTE (2021-81A) Councilor Ward, seconded by Councilor Larochelle moved to extend Farwell Mill's Loan repayment date to June 29, 2021. **Order passed 7-0.**

C. VILLAGE STREET SIDEWALK

VOTE (2021-81B) Councilor Albert, seconded by Councilor Larochelle moved to approve the remedy that resealed the concrete surface last fall by L P Poirier & Son Inc. and to move forward with that same process for the entire sidewalk area.

Councilor Larochelle and Ward asked when this project would begin. Councilor Fellows asked for the Public Works Director's recommendation on grinding it down a little further than the original surface and asked for this to be included as a friendly amendment to the motion. Councilor Ward said it should be 1/2 inch instead of 3/8 inch. Seeing no objections the motion was restated as follows:

VOTE (2021-81B As amended) Councilor Albert, seconded by Councilor Larochelle moved to approve the remedy that resealed the concrete surface last fall by L P Poirier & Son Inc. and to move forward with that same process (grinding the upper layer of the concrete down 1/2 inch from the surface, and then resealing the concrete surface) for the entire sidewalk area. **Order passed - Vote 7-0.**

APPOINTMENTS

APPOINT RICK ROBERTS AS WARDEN FOR JUNE 8, 2021 ELECTION

Councilor Albert thanked Mr. Roberts for his hard work and that Lisbon is lucky to have him.

VOTE (2021-82) Councilor Fellows, seconded by Councilor Albert moved to appoint Rick Roberts as Warden for the June 8, 2021 election. **Order passed - Vote 7-0.**

COUNCILOR COMMUNICATIONS - NONE

AUDIENCE PARTICIPATION & RESPONSE FOR NEW ITEMS

Councilor Ward read an email from Dawn King, residing at 11 Alexander Street as follows:

Hello, I would like to take this opportunity to discuss an issue that is a matter of contention with our residents of our Town. This is in reference to the closing of Main Street to assist in supporting local restaurants and businesses. At this time, the Maine CDC and Governor Mills are continuing to increase the number of customers allowed into bars, tap rooms, businesses and restaurants. As I see it, because of these changes, closing Main Street is now unwarranted. A simple revisit to your previous vote to take into consideration the volume of people who were not in favor of closing Main Street, perhaps a total review of the situation is needed. I do know .. there was some discussion that closing Main Street would also behoove citizens to get them in the habit of not using that thoroughway with major construction of Main Street/Route 125 being planned for 2022. As I see it, there are not many activities that are held now that require the closing of a major route. The old Paper Mill lot offers plenty of parking for cars and patrons of the restaurants and businesses. There is also ample parking available if a gathering is set up for food trucks to be brought in. As for any type of

entertainment, there is ample room on the land as well for that. It is my firm position that our Town Councilors need to revisit their previous decision in regards to closing of Main Street. I strongly urge you to listen to your townspeople to holding the line on the previous bill. Thank you for your consideration.

Councilor Ward said that the Town has responded to this letter.

EXECUTIVE SESSION - NONE

ADJOURNMENT

VOTE (2021-83) Councilor Ganong, seconded by Councilor Albert moved to adjourn at 8:15PM. **Order passed - Vote 7-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: April 20, 2021