



**TOWN COUNCIL
MEETING MINUTES
AUGUST 17, 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, Lunt, Larochelle, Ganong (arriving at 7:02 PM), and Fellows. Also present were Diane Barnes, Town Manager, Randy Cyr, Public Works Director; Mark Stevens, Parks & Recreation Director; Steve Aievoli, Sewer Superintendent; William Kuhl, Planning Board Chairman, Richard Main, Conservation Commission Chairman; Traci Austin, School Committee Chairman; and approximately 10 citizens in the audience.

VOTE (2021-164) Councilor Larochelle, seconded by Councilor Albert moved to excuse Councilor Kolbe's absence. **Order passed – Vote 5-0.**

EXECUTIVE SESSION

VOTE (2021-165A) Councilor Albert, seconded by Councilor Lunt moved to go into Executive Session at 7:01 PM per 1 MRSA Section 405 (6) (A) Personnel and Section 405 (6) (D) Labor Negotiations.
Order passed – Vote 5-0.

Councilor Ganong arrived as the doors to the Executive Session closed. The Council came out of executive session at 7:41 PM and the meeting resumed.

GOOD NEWS & RECOGNITION

Mrs. Barnes said the good news is that the mil rate went down one mil this fiscal year. She explained there was a glitch sending out the bills in the MUNIS system, which put all the homestead and veteran exemptions into the category labeled "other," which was the wrong category, but they did all get credited into the billed amount.

Councilor Albert commended the events coordinator and those who have worked tirelessly on the Moxie Plaza events this year. He said it's so nice to see the buzz and activity downtown.

PUBLIC HEARINGS

A. POSITIVE CHANGE LISBON – MASS GATHERING PERMIT

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

**B. CHAPTER 70 ZONING, ARTICLE VIII. PROPOSED GROUND MOUNTED
SOLAR ENERGY SYSTEMS ORDINANCE**

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

**C. CHAPTER 10 BUSINESSES, PROPOSED ORDINANCE
FOR ADULT USE MARIJUANA ESTABLISHMENTS**

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

D. AMEND CHAPTER 10 BUSINESSES,
ARTICLE XI. MEDICAL MARIJUANA ESTABLISHMENTS

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

E. AMEND CHAPTER 70 ZONING ORDINANCE,
ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 13. DISTRICT USES, SECTION 70-530 LAND USES

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

F. AMEND CHAPTER 70 ZONING ORDINANCE,
ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 13. DISTRICT USES, SECTION. 70-531 TABLE OF LAND USES

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

G. AMEND APPENDIX C - FEE SCHEDULE

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 (2021-167) Councilor Larochelle, seconded by Councilor Lunt, moved to approve the consent agenda items as follows:

- A. Municipal Accounts Payable Warrants - \$1,193,970.66
- B. Municipal Payroll Warrants - \$ 363,147.79
- C. School Accounts Payable Warrants - \$ 1,530,099.87
- D. School Payroll Warrants - \$ 1,305,734.35
- E. Minutes for July 13, 2021
- F. Mass Gathering Permit for Positive Change Lisbon
- G. Road Name Requests for Elderberry Lane in the Subdivision off Upland Road and Rockin T Lane off Edgecomb Road, and
- H. Ratifying the Teamsters Local 340 Union Contract for the Public Works Unit for the period 2020 to 2023.

Order passed - Vote 6-0.

VOTE (2021-165B) Councilor Albert, seconded by Councilor Fellows moved to retain Tiner Consulting to conduct a workplace environment survey for the Town of Lisbon. **Order passed – Vote 6-0.**

VOTE (2021-165C) Councilor Ganong, seconded by Councilor Albert, moved to accept Councilor Ganong's resignation from the Town Council effective at the end of this meeting. **Order passed – Vote 6-0.**

VOTE (2021-165D) Councilor Fellows, seconded by Councilor Ward moved to appoint Greg Garrison to the vacated Council seat until the next election, and since this term is under 6 Months the Council will not hold a Special Election. **Order passed - Vote 6-0.**

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

SCHOOL CAPITAL RESERVE REQUEST FOR ATHLETIC FIELD LIGHTS

INTRODUCTION: Mrs. Austin reported that on April 29, 2019, the Lisbon School Committee voted 4-0 to request Council permission to spend \$57,000.00 from the Capital Reserve Fund to pay for the final phase installation of the Athletic Field Lights. The School Committee is requesting permission to expend this 57,000.00 from the Capital Reserve Fund now that these lights are ready to be purchased and installed. The remainder of the equipment and labor will be donated by Enterprise Electric.

VOTE (2021-168) Councilor Albert, seconded by Councilor Larochelle, moved to grant permission to the School Department to utilize an amount not to exceed \$57,000 to cover the cost of purchasing and installing Athletic Field Lights. **Order passed - Vote 6 - 0.**

RAILS TO TRAILS RESOLUTION AS FOLLOWS:

INTRODUCTION: Dick Woodbury, an advisory board member of the Eastcoast Greenway Network and co-founder of the Casco Bay Trail Alliance. He mentioned he attended the Lisbon Conservation Commission meeting recently and approached them to have the Council endorse a new resolution supporting the creation of the 25-mile Casco Bay Rail Trail. He indicated Maine has 34 rail lines totaling 399 miles, according to the National Rails-to-Trails Conservancy. He reported his proposed resolution requesting an evaluation of Lisbon's section of trail between Lisbon and Lewiston on our inactive rail line.

Mr. Woodbury said the first step by the legislature created a 9 to 15 member Rail Corridor Advisory Council who reports to the Maine Department of Transportation. The Rail Advisory Council would have one or more local officials appointed to it from along this corridor. The Council was designed to evaluate prospective future uses of state-owned rail corridors and directs the Maine Department of Transportation to establish a statewide active Transportation Plan. He said this resolution, along with the many other resolutions he hopes to obtain, should support this project and kick off that review process. He indicated this trail could certainly be built within our region with a fair amount of private contributions together with anticipated Federal and State funds.

Richard Main, Lisbon's Conservation Commission Chair, thanked Mr. Woodbury for his presentation and opening himself up for questions. He encouraged the development of this trail to allow individuals to move around in our area without using a car and without having to use a motorized vehicle. He pointed out how much safer it would be riding a bike from Lisbon to Lewiston on a trail instead of on the highway with such heavy traffic. He encouraged the Town Council support for this project.

VOTE (2021-169) Councilor Don Fellows, seconded by Councilor Fern Larochelle and Councilor Lunt moved to adopt the Rails to Trails Resolution as follows:

WHEREAS, the Lisbon Town Council on December 17, 2013 voted unanimously to support a Regional Rail to Trail Committee and to work with Lewiston, Auburn, Androscoggin Land Trust and other non-profit organizations on a plan to construct a multi-use trail from Lisbon to Lewiston on the inactive rail line.

AND WHEREAS, the 2013 resolution states that the Lisbon Town Council "supports any legislative effort that will result in the development and completion of a multi-use trail for recreational and wellness activities. The effect of the completion of this trail will allow all citizens of the State of Maine and its visitors to have access to all that Maine has to offer in terms of recreation and area to encourage healthy lifestyles. It will also optimize and develop regional cooperation that would enhance economic development opportunities for the Androscoggin County region."

AND WHEREAS, the Casco Bay Trail network envisions an interconnected system of trails connecting Portland, Lewiston-Auburn, and Brunswick, Maine, and includes the multi-use trail between Lisbon and Lewiston referenced in the 2013 resolution.

AND WHEREAS, the Casco Bay Trail network plan includes the Lisbon Papermill Trail, a multi-use trail on the inactive rail line between Lisbon and Lewiston, and a multi-use trail on the disused rail corridor (hereinafter "Casco Bay and Royal River SLA Corridor") from Portland to Falmouth, Cumberland, Yarmouth, North Yarmouth, Pownal, New Gloucester, and Auburn, currently known as the St Lawrence and Atlantic rail corridor, that was acquired by the State of Maine in 2007 and 2010.

AND WHEREAS, the Lisbon-to-Lewiston rail trail plan, the Casco Bay and Royal River SLA Corridor plan, and the broader Casco Bay Trail network plan together enhance the regional impact of its component

projects on recreation, wellness, transportation, and economic development opportunities for the Town of Lisbon.

AND WHEREAS, the Maine legislature enacted two bills in 2021, one of which establishes a Rail Corridor Advisory Council process within the Maine Department of Transportation, designed to evaluate prospective future uses of state-owned rail corridors, and one of which directs the Maine Department of Transportation to establish a statewide active transportation plan.

BE IT THEREFORE RESOLVED that the Lisbon Town Council hereby petitions the Maine Department of Transportation to consider in its active transportation plan the Lisbon to Lewiston rail trail, the Casco Bay and Royal River SLA Corridor rail trail, and the larger Casco Bay Trail network.

BE IT FURTHER RESOLVED, that the Town of Lisbon petitions the Maine Department of Transportation to create a Rail Corridor Use Advisory Council to consider future use of the Casco Bay and Royal River SLA Corridor as a multi-use trail.

IN WITNESS WHEREOF, We have here unto set our hands and caused the Seal of the Town of Lisbon, Maine to be affixed at Lisbon, Maine this 17th day of August, 2021.

Order passed - Vote 6-0.

MDOT UTILITY AGREEMENT

INTRODUCTION: Mr. Aievoli reported MDOT and the Town of Lisbon have entered into a transportation project for highway improvements along Route 125 beginning at the intersection of Route 196 and extending toward Huston Street. In connection with the Project, the Lisbon Sewer Department has expressed an interest in installing new facilities within the limits of the public highway right-of-way and the impact limits of the Project. He said the Lisbon Sewer Department provided MDOT with the scope of work to be included in MDOT's construction contract for the Project. This agreement outlines the "Parties" responsibilities and establishes a process for including the utility work in the department's construction contract for the project. Work is anticipated to begin in the spring of 2023.

VOTE (2021-170) Councilor Larochelle, seconded by Councilor Ganong, moved to authorize the Town Manager to sign the MDOT Utility Agreement as presented. **Order passed - Vote 6-0.**

AWARD BID FOR PUBLIC WORKS EXCAVATOR

INTRODUCTION: Mr. Cyr reported bid 2021-005 was for one excavator and one 20-Ton Tilt Trailer for Public Works. Bids were solicited from eight (8) different companies, and publicly opened on Wednesday, August 4, 2021 at 10:00am in the Council Chambers. Diane Barnes, Town Manager; Ray Soucy, PW Admin; Brent Davis, Milton CAT; Ryan Kennard, Whited Equipment and Glenn Connell, Nortrax were present at the bid opening. The following bids were opened and reviewed by Mrs. Barnes and Mr. Soucy:

Ahearn Equipment	Excavator	\$95,399.00
Whited Equipment	Excavator	\$95,485.00
Nortrax	Excavator	\$119,250.00
	20-Ton Tilt Trailer	\$34,220.00
Milton CAT	Excavator	\$119,900.00
	20-Ton Tilt Trailer	\$24,900.00

Mr. Cyr recommended awarding the bid for an excavator to Whited Equipment for \$95,485. Although not the lowest bid, Mr. Cyr confirmed that this machine meets the specifications required set forth by our bid request. He pointed out Whited is local and Ahearn is based in Massachusetts. He indicated Whited would be easier for warranty work or maintenance items. The difference between the lowest bid from Ahearn and Whited was \$86.00. He indicated the budget for the excavator was \$111,000.

Mr. Cyr recommended not awarding the bid for the 20-Ton Tilt Trailer because each bid was over budget at that point.

VOTE (2021-171) Councilor Ward, seconded by Councilor Fellows moved to award the excavator bid to Whited Equipment in an amount not to exceed \$95,485.00. **Order passed - Vote 6-0.**

REQUEST TO PURCHASE ONE (1) 20-TON TILT TRAILER

INTRODUCTION: Mr. Cyr requested permission to purchase a 20-Ton Tilt Trailer for the Public Works Department. The desired equipment will be utilized by the Public Works Department, for both summer and winter work. The Council approved the director's original request that was to solicit bids for an Excavator and Trailer with a budget of \$24,000. He explained that the RFP was sent out via email to our vendor list and we received bids from four companies for an excavator and two bids for a trailer: Nortrax for \$34,220 and Milton Cat for \$24,900. Trailers are popular right now and companies have already filled their orders so trailers are being backordered and come with a lengthy delivery time from 6 months to some exceeding 8 months. Jessi Mitchel at Rampant Trailers, LLC out of Raleigh, NC indicated he had one for \$24,089, which included the delivery fee.

Mr. Cyr recommended going with the 20-Ton Tilt Trailer from Milton Cat, a local firm, although over the budgeted \$24,000, he explained that the total of both items would still be under the total budget allotted for both items and this trailer meets our specifications.

VOTE (2021-172) Councilor Ward, seconded by Councilor Lunt moved to authorize the Town Manager to purchase a 20-Ton Tilt Trailer in an amount not to exceed 24,900 from Milton Cat. **Order passed - Vote 6-0.**

AWARD BIDS FOR TOWN VEHICLES

INTRODUCTION: Mrs. Barnes reported Bid 2021-006 is for one 2020 or newer Truck for Public Works, Waste Water Treatment Plant, and Parks & Recreation. We requested bids on a total of four trucks. Bids were solicited from sixteen different companies, and publicly opened. Present were Randy Cyr, Ray Soucy, Steve Aievoli, and Josh Tracy from Bessey Motors. All bids received had a truck price and additional pricing for all extras needed on the truck for operation. The following bids were received and reviewed:

PUBLIC WORKS:

DEPARTMENT	COMPANY NAME	EQUIPMENT TYPE	COSTS
Public Works	Emerson Chevrolet	Chevy 3500 - Truck Only	\$32,241.00
		All Extras	25,370.47
		Power Inverter	<u>\$1,509.99</u>
			<u>\$59,121.46</u>
	Bessey Motor Sales	Ram 2500 - Truck & Extras	\$61,942.47
		Power Inverter	\$1,509.99
			<u>\$63,452.46</u>

Mr. Cyr recommended Council award the bid for a Chevy 3500 with all extras to Emerson Chevrolet for \$59,121.46 for the Public Works Department. The budget for Public Works to purchase a truck was \$50,000. The difference between our budget and the lowest bid is \$9,121.46, however there will be available funds after purchasing the excavator and trailer, which came in lower than our budgeted amount.

VOTE (2021-173A) Councilor Fellows, seconded by Councilor Lunt moved to award the Public Works truck bid to Emerson Chevrolet in an amount not to exceed \$59,121.46 for a Chevy 3500 truck with all extras for the Public Works Department. **Order passed – Vote 6-0.**

WASTE WATER TREATMENT PLANT:

DEPARTMENT	COMPANY NAME	EQUIPMENT TYPE	COSTS
Waste Water Treatment Plant	Emerson Chevrolet	Chevy 2500 - Truck Only	\$31,560.00
		All Extras	\$18,630.32
			<u>\$50,190.32</u>
	Bessey Motor Sales	Ram 2500 - Truck & Extras	<u>\$55,294.32</u>

Mr. Aievoli recommended Council award the bid to Emerson Chevrolet in an amount not to exceed \$50,190.32 for a Chevy 2500 truck with all extras for the Waste Water Treatment Plant. The budget for the Waste Water Treatment Plant to purchase a truck is \$50,000. The difference between our budget and the lowest bid is \$190.32.

VOTE (2021-173B) Councilor Larochelle, seconded by Councilor Albert moved to award the Waste Water Treatment Plant truck bid to Emerson Chevrolet in an amount not to exceed \$50,190.32 for a Chevy 2500 truck with all extras for the Waste Water Treatment Plant. **Order passed – Vote 6-0.**

PARKS AND RECREATION:

DEPARTMENT	COMPANY NAME	EQUIPMENT TYPE	COSTS
Recreation Department (1)	Emerson Chevrolet	Chevy 1500 -Truck Only	\$30,978.00
		All Extras	\$4,155.00
			<u>\$35,133.00</u>
	Bessey Motor Sales	Ram 1500 - Truck & Extras	<u>\$36,058.99</u>

DEPARTMENT	COMPANY NAME	EQUIPMENT TYPE	COSTS
Recreation Department (2)	Emerson Chevrolet	Chevy 2500 -Truck Only	\$33,081.00
		All Extras	\$4,155.00
			<u>\$37,236.00</u>
	Bessey Motor Sales	Ram 2500 - Truck & Extras	<u>\$40,086.99</u>

Mr. Stevens explained that the budget for Parks & Recreation to purchase two (2) trucks was \$20,000 for each vehicle. However, all bids exceed that budgeted amount. Although not the lowest bid, he recommended the Council award one truck bid to Emerson Chevrolet for a Chevy 2500 with all extras in the amount of \$37,236, which is a larger truck and better for operational needs at this point. The difference between the lowest bid from Emerson for a Chevy 1500 and the second truck for Chevy 2500 from Emerson is \$2,103. Mr. Stevens explained that the proceeds from the two vehicles in Parks that are ready to be sold would go back into the Sewer Department, since these came from the Sewer Department.

VOTE (2021-173) Councilor Larochelle, seconded by Councilor Ganong moved to award the Parks & Recreation truck bid to Emerson Chevrolet in an amount not to exceed \$37,236.00 for a Chevy 2500 truck with all extras for the Parks & Recreation Department. **Order passed - Vote 6-0.**

15 ANN STREET – PROPERTY TAX ABATEMENT

INTRODUCTION: Mrs. Barnes reported the owner of 15 Ann Street is unknown. Real estate may be taxed to the person in possession, even when the owner is unknown per 36 M.R.S. § 553. The Town's assessment records contain a note that, on April 2, 2019, that the owner lived with her daughter and that no one lived in the house at 15 Ann Street. On July 9, 2021, the daughter told the town that her mother now resides in a nursing home (as of July 13, 2015+/-). Taxes for 15 Ann Street assessed to that owner were paid through FY 19, which were committed on August 13, 2018. While that owner lived at 15 Ann Street, taxes were properly assessed to that owner as the person

in possession; however, from available data today, it appears that this owner was no longer in possession of 15 Ann Street when the FY 19, FY 20 and FY 21 taxes were assessed. Per 36 M.R.S. § 557-A provides an assessment procedure to be used for “real property for which no owner is known to the assessors for at least the preceding 20 tax years and for which the assessor has, with reasonable diligence, attempted to determine ownership.” The town has not established who holds record title. Accordingly, FY 22 taxes for 15 Ann Street should be assessed to an unknown owner, and notice given to the unknown owner by publication and to abutting property owner, as required by 36 M.R.S. § 557-A.

Mrs. Barnes indicated the town’s attorney advises the Town Manager notify the assessor in writing of the name of the proper party to be assessed, if known, and the reason why such tax is believed to be invalid, in order that a supplemental assessment may be made and have the Council approve an abatement for taxes assessed as invalid by reason of error.

VOTE (2021-174) Councilor Larochelle, seconded by Councilor Fellows moved to authorize the tax abatement of the 2020 Tax Lien \$623.70 and write off interest of \$90.43 and costs of \$60.90 on bill # 20200073 and the 2019 Tax Lien \$413.58 and write of interest of \$80.52 and costs of \$70.70 on bill # 1000179 assessed to Arlene Baud, 15 Ann Street, Map U06, Lot 004. **Order passed - Vote 6-0.**

NOVEMBER 2, 2021 ANNUAL ELECTION WARRANT

INTRODUCTION: Mrs. Lycette presented the warrant with the following offices to be determined: Councilor – At Large (Vote for Three) 3 Year Terms, Council – At Large (Vote for One) 1 Year Term, School Committee – (Vote for Two) 3 Year Terms, and Water Commission – (Vote for One) 3 Year Term. Along with the following referendum question to be determined:

BOND ORDER – QUESTION 1

QUESTION: “SHALL A BOND ORDER APPROVED BY THE TOWN COUNCIL AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SECURITIES OF THE TOWN OF LISBON IN AN AMOUNT NOT TO EXCEED \$2,800,000 FOR THE PURPOSE OF FINANCING RECONSTRUCTION OF A PORTION OF THE FERRY ROAD AND RELATED IMPROVEMENTS, FOR A TERM NOT TO EXCEED 15 YEARS BE APPROVED AND RATIFIED?”

YES

NO

COUNCILOR COMMENTS: Mrs. Barnes explained that the Finance Director presented options for a 10 year, 15 year, and 20 year bond. The Finance Committee recommended going with the 15 year option. She indicated their recommendation for the warrant would be going with the 15 year option so there would be a favorable recommendation from both the Council and the Finance Committee on the ballot. Otherwise, the Finance Committee recommendation for the other two options would be no.

VOTE (2021-175) Councilor Ward, seconded by Councilor Larochelle moved to approve the warrant presented as a 15 year bond along with adding the one year recently vacated Town Council seat. **Order passed - Vote 6-0.**

RECOMMENDATION ON BALLOT FOR REFERENDUM QUESTION

VOTE (2021-176) Councilor Fellows, seconded by Councilor Albert moved a YES recommendation on the ballot for November 2, 2021’s bond referendum question. **Order passed - Vote 6-0.**

BOND ORDINANCE FOR FERRY ROAD & PUBLIC NOTICE
SETTING THE PUBLIC HEARING FOR SEPTEMBER 7 at 7:00 PM
First Reading

VOTE (2021-177) Councilor Larochelle, seconded by Councilor Fellows moved to approve the following Bond Order and Public Hearing Notice for September 7 at 7:00 PM as presented.

FINANCE THE RECONSTRUCTION OF A PORTION OF THE FERRY ROAD AND RELATED IMPROVEMENTS.

BE IT ORDERED, pursuant to Articles 6.09 and 8.11(b)(2) of the Charter of the Town of Lisbon and section 5772 of Title 30-A of the Maine Revised Statutes,

(1) That the Town of Lisbon (the "Town") be authorized to issue general obligation bonds in an amount not to exceed \$2,800,000 and notes in anticipation thereof (collectively, the "Bonds"), to fund the reconstruction of approximately 2.5 miles of the Ferry Road from the intersection of Ferry and Marshall Roads extending to the river bend area, and related improvements (the "Project");

(2) That the proceeds of the Bonds, including any investment earnings on the Bonds, be appropriated for the costs of the Project;

(3) That the Finance Director be authorized to arrange for the sale of the Bonds at public or private sale to such parties as the Finance Director determines to be in the Town's best interest, to execute and deliver loan agreements and other contracts, certificates and instruments as the Finance Director shall determine prudent in connection with the issuance and sale of the Bonds, to approve the date(s), maturity or maturities, denomination(s), interest rate(s), place(s) of payment, form(s) and other terms, provisions, and details of such Bonds, and to provide for the sale and delivery against payment thereof, to provide that the Bonds may be redeemable or callable, with or without premium, prior to their maturity, and to hire such financial advisors and other consultants, if any, as the Finance Director deems necessary to assist with the sale of the Bonds, all on such terms (not inconsistent with this Order) as the Finance Director shall approve;

(4) That the Bonds be issued in registered form in the name of the Town, executed and delivered by the Finance Director and countersigned by the Chairman of the Town Council and the Town Manager under the official seal of the Town attested by the Town Clerk;

(5) That the Municipal Officers, being the Town Council, Town Manager, Finance Director and Clerk of the Town of Lisbon are each authorized to do or cause to be done all such acts, including but not limited to the execution and delivery of any and all contracts, agreements, certificates and other documents as may be necessary or advisable in order to carry out the provisions of this Order in connection with the issuance and delivery by the Town of the Bonds;

(6) That if any Municipal Officer whose signature may be required in connection with the issuance and sale of the Bonds is for any reason unavailable to approve and execute the required documents, the persons then acting in such capacity on behalf of such Municipal Officer, whether an assistant, a deputy or in some other capacity, is authorized to act on behalf of such Municipal Officer and to perform such acts themselves;

(7) That if any of the Municipal Officers who have signed, attested, or sealed the Bonds shall cease to be such officers before the Bonds so signed, attested and sealed shall have been actually authenticated and delivered by the Town, such Bonds nevertheless may be authenticated, delivered and issued with the same force and effect as though the person or persons who signed, attested or sealed the Bonds had not ceased to be such Municipal Officer;

(8) That any short-term notes issued in anticipation of the completion of the Project shall be and hereby are designated "Qualified Tax-Exempt Obligations" within the meaning of Section 265(b)(c)(3) of the Internal Revenue Code.

(9) That it shall be a condition to the foregoing authority conferred by this Order that the voters of the Town, pursuant to Article 8.11(b)(2) of the Town Charter, ratify the adoption of this Order;

(10) That the Town Clerk file an attested copy of this Order with the minutes of this meeting and in accordance with section 8.25(b) of the Town Charter make attested copies of this Order available to the public;

(11) That a referendum election question regarding the ratification of this Order be placed on the ballot for the November 2, 2021 municipal election, and that the Town Clerk is hereby authorized to take all actions required of

the Town Clerk for that referendum question to be considered by the voters, and that a ballot title and referendum question in the following form appear in the warrant for and on the ballot at said election, accompanied by a statement of the Town's Finance Director with respect to said indebtedness in accordance with section 5772 of Maine Revised Statutes Title 30-A:

ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SECURITIES OF THE TOWN OF LISBON IN AN AMOUNT NOT TO EXCEED \$2,800,000 FOR THE PURPOSE OF FINANCING RECONSTRUCTION OF A PORTION OF THE FERRY ROAD AND RELATED IMPROVEMENTS, FOR A TERM NOT TO EXCEED 20 YEARS.

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

NEW REMOTE PARTICIPATION ORDINANCE

INTRODUCTION: Councilor Fellows said the legislature passed legislation to allow towns to adopt a policy or ordinance in our case in order to hold a hybrid meeting. He reported he had wanted the town to establish remote meetings two years prior to COVID-19, that remote meetings went well during COVID-19, and that remote meetings were only allowed during the Governor's Emergency Executive Order so to continue remote meetings the Council would need to adopt a Remote Participation Ordinance. They have to be able to hear and see everything so we do not have all that technology to do that yet.

VOTE (2021-178A) Councilor Fellows, seconded by Councilor Ganong moved to adopt the new Remote Participation Ordinance.

COUNCILOR COMMENTS: Councilor Albert requested a laundry list of items needed to be able to do this and asked the Council what amount they wanted to spend. He recommended the Chair and Vice-Chair be present in-person always. He advised taking this slower and thoroughly mapping out all the requirements. He indicated he supported a majority being present in-person.

Councilor Larochelle said remote meetings were unique to COVID-19. Participating remotely could be distracting and hard to get your point across if you are participating by phone and not sitting in your seat in person in the Council room. There are more unknowns than knowns here. He indicated he would like to see a quorum present in-person always. He said more guidelines need to be discussed before adoption. He asked how this would work with Department Head presentations or for public hearings.

Councilor Ward said one Council cannot bind the hand of another. Once you open the door it may not be closed. He remarked this ordinance is premature and should be voted down, that the town does not have the capacity, or even the staff level needed to accomplish this. He said remote and in-person meetings should be the exception, not the rule. He explained that once the door is open some Councilors might not want to be bothered by attending in-person.

Councilor Lunt said he agreed with having a quorum physically present in-person always so four Councilors should always be present in the room.

Councilor Fellows asked for recommendations for revisions prior to the next Council meeting or by September 1 and for staff to find out how we can do this and what we need to purchase to accomplish this. Councilor Albert pointed out that texting into to the chairman during the meeting is not the best way to communicate because most services are not instantaneous.

VOTE (2021-178B) Councilor Ward, seconded by Councilor Fellows move to table the first reading of this Remote Participation Ordinance to the next meeting. **Order passed – Vote 6-0.**

CHAPTER 70 ZONING, ARTICLE VIII PROPOSED GROUND MOUNTED SOLAR ENERGY SYSTEMS ORDINANCE *Second Reading*

VOTE (2021-179) Councilor Fellows, seconded by Councilor Lunt moved to adopt the proposed Ground Mounted Solar Energy Systems Ordinance as follows striking out under Section 4 Definitions, section (c) that is not directly connected to a Residential Structure, which was agreeable with the Planning Board as follows:

New Ordinance (Code Company to reassign Section numbers)

Chapter 70 - Zoning Ordinance

Article VIII. Ground Mounted Solar Energy System Ordinance:

Section 1. Purpose - The purpose of this Ordinance is to allow ground mounted solar energy systems in certain districts subject to setback, height, screening, maintenance, safety, and decommissioning requirements and Planning Board review. Refer to Sec. 70-531 Table of Land Uses. The Zoning district designation for a particular site shall be determined from the Zoning Map of Lisbon, Maine.

Section 2. Applicability - This Ordinance shall apply to Ground Mounted Solar Energy Systems applications filed with the Planning Board for site plan review pursuant to Chapter 62. Site Plans.

Section 3. Authority and Validity –

A. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, provisions of 30-A M.R.S. § 3001, Ordinance Power, and the provisions of 30-A M.R.S. § 4352, Zoning.

B. To the extent that any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision shall be removed from the Ordinance and the balance of the Ordinance shall remain valid.

C. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

Section 4. Definitions –

Ground Mounted Solar Energy System: for purposes of this Ordinance: (a) a solar energy system that is structurally mounted to the ground; (b) has a physical size based on total airspace projected over the ground that is greater than 20,000 square feet; and (c) that is not directly connected to a Residential Structure.

Section 5. Dimensional Requirements –

A. Ground Mounted Solar Energy Systems in residential zoning districts shall not exceed twelve (12) feet in height when oriented at maximum tilt. Ground Mounted Solar Energy Systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt in Commercial, Industrial and Diversified Development zoning districts.

B. Minimum front setback shall be 50 feet, minimum side setback shall be 50 feet and minimum rear setback shall be 50 feet.

C. Lot coverage for Ground Mounted Solar Energy Systems shall be calculated based on the area of the supporting structure that is in contact with the ground and not the area of the panels, as long as the area under the panels remains vegetated and there is sufficient space between the panels to allow sunlight necessary to sustain live growth.

Section 6. Screening, Security, Maintenance and Regulatory Compliance –

A. Subject to the approval of the Lisbon Planning Board, the lots on which Ground Mounted Solar Energy Systems are located shall be buffered from roads and residences by plantings, berms, and natural topographical features.

B. Subject to the approval of the Lisbon Planning Board, the lots on which Ground Mounted Solar Energy Systems are located shall be protected by a perimeter fence designed to allow for passage of wildlife. One or more signs shall be affixed to the fence identifying the owner of the facility and 24-hour emergency contact

information. A KnoxBox, or other system agreed to by the Fire Chief, that provides emergency access inside the security gate shall be installed.

C. For purposes of emergency services, the owner or operator of a Ground Mounted Solar Energy Systems shall provide a copy of the project summary, electrical schematic, and site plan to the Lisbon Fire Chief. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person to the Fire Chief for public inquiries throughout the life of the installation.

D. The owner or operator of a Ground Mounted Solar Energy System shall maintain the facility in good condition. Maintenance shall include but not be limited to, painting, structural repairs, vegetation control and integrity of security measures. Site access shall be maintained to a level acceptable to the Lisbon Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s).

E. The owner or operator of a Ground Mounted Solar Energy System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.

Section 7. Performance Guarantee - After the plan is approved but before a permit is issued, the applicant for a Ground Mounted Solar Energy System shall submit to the Town of Lisbon a performance guarantee in the amount of 150% of the applicant's estimated decommissioning cost of the system, subject to a review of such cost by the Code Enforcement Officer. The applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Code Enforcement Officer.

Section 8. Decommissioning and Removal –

A. Any Ground Mounted Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a plan approved by the Lisbon Planning Board during the application process. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.

B. Decommissioning shall consist of:

(1) physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;

(2) disposal of all solid and hazardous waste in accordance with Local, State and Federal waste disposal regulations; and

(3) stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.

C. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, Ground Mounted Solar Energy Systems shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.

D. If the owner or operator of a Ground Mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town of Lisbon retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.

Section 9. Effective Date and Duration - This Ordinance shall take effect 21 days after enactment by the Town of Lisbon unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 10. Enforcement Violations and Penalties - This Ordinance shall be enforced by the municipal officers or their designee. Violation of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A, M.R.S. § 4452, Enforcement of Land Use Laws and Ordinances.

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

**CHAPTER 10 BUSINESSES, PROPOSED ORDINANCE
FOR ADULT USE MARIJUANA ESTABLISHMENTS
*Second Reading***

VOTE (2021-180) Councilor Albert, seconded by Councilor Ganong moved to adopt the proposed ordinance for Adult Use Marijuana Establishments as follows:

Chapter 10. BUSINESS LICENSES

Article XII.- ADULT USE MARIJUANA ESTABLISHMENTS

Sec. 70-701.-Authority.

This article is enacted pursuant to authority granted under 30-A M.R.S. § 3001 and 22 M.R.S. § 2429-D.

Sec. 70-702. -Purpose.

The purpose of this article is to provide procedures and standards relating to the operation of adult use marijuana establishments and to require their annual licensing.

Sec. 70-703.-Definitions.

As used in this article, unless the context otherwise indicates, the following terms have the following meanings:

Cultivation of marijuana for adult use. "Cultivation of marijuana for adult use" means all cultivation of marijuana for adult use must comply with state rules and state statutes.

Cultivation facility. "Cultivation facility" means a facility authorized under state law to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under Chapter 3 of Title 28-B of the Maine Revised Statutes.

Extraction. "Extraction" means a process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. The use of inherently hazardous substances in marijuana extraction is restricted by state rule.

Marijuana product. "Marijuana product" means a product composed of marijuana, or marijuana concentrate and other ingredients that is intended for adult use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana inhalant, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products as authorized under 28-B M.R.S. chapter 1. Manufacturing includes, but is not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing or manufacture" does not include cultivation or testing.

Marijuana store. "Marijuana store" means a facility authorized under state law to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and

adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Marijuana testing facility "Marijuana testing facility" means an entity licensed by the Department of Administrative and Financial Services to develop, research and test marijuana, marijuana products and other substances in accordance with 28-B M.R.S. chapter 1.

Adult use marijuana establishment. "Adult use marijuana establishment" means a marijuana store, a cultivation facility, a products manufacturing facility or a marijuana testing facility.

Products manufacturing facility. "Products manufacturing facility" means a facility authorized under state law to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Registration certificate. "Registration certificate" means a Department of Administrative and Financial Services document containing a unique registry identification number that permits the manufacturing of marijuana and marijuana products for adult use.

Registry identification card. "Registry identification card" means a photographic identification card issued by the Department of Administrative and Financial Services to an individual who is licensed to cultivate, sell, manufacture or test marijuana or marijuana products for adult use as an owner, officer, managers, contractor, employee or other support staff. For the purposes of state rules, the Department of Administrative and Financial Services may issue a registry identification card to any person who holds an active and valid Individual Identification Card issued under Maine's Adult Use Marijuana Program authorized by 28-B M.R.S., chapter 1.

State registration authority. "State registration authority" means the authority created or designated by the state for the purpose of regulating and controlling registration for adult use marijuana establishments.

Sec. 70-704. - License required.

No person shall operate an adult use marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as an adult use marijuana establishment, without a valid license issued by the town. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of an adult use marijuana establishment. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

Sec. 70-705.-Application.

Each applicant for an adult use marijuana establishment license shall complete and file an application on the form provided by the town clerk, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) Copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority, if applicable.
- (2) Copies of all state approvals or conditional approvals required to operate an adult use marijuana establishment, including, but not limited to, state registry identification card, state registration certificate, state application for registration or renewal along with approval certifications as applicable.
- (3) If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the adult use marijuana establishment.
- (4) If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
- (5) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Lisbon to obtain criminal records and other background information related to the individual.

- (6) A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- (7) A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the adult use marijuana establishment.
- (8) Evidence of an interest in the premises in which the adult use marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (9) Evidence of all land use approvals or conditional land use approvals required to operate the adult use marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
- (10) Copies of all other approvals or conditional approvals required to operate the adult use marijuana establishment, including any applicable state food or local victualer's license as applicable.
- (11) Copies of compliance with the requirements of section 11 including, but not limited to Department of Administrative and Financial Services licensing, registration, and certification and evidence that the standards listed in section 10 have been met including but not limited to copies of Department of Administrative and Financial Services licensing, registration, and certification as applicable.

If the town clerk determines that a submitted application is not complete, the clerk shall notify the applicant of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the clerk's request, the application may be denied.

Sec. 70-706 - Investigation of applicant, officers, etc.

Upon receipt of an application or of a notice of a change of any of the individuals listed in subsection 5(4) above, the town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The building inspector shall verify that the premises at which the establishment will be located complies with all applicable town ordinances including, but not limited to, the building code, electrical code, plumbing code, and section 11, and shall report findings in writing to the town clerk.
- (2) The code officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the town clerk.
- (3) The health officer shall inspect the location or proposed location to determine whether all applicable ordinances relating to health and safety have been satisfied and shall report findings in writing to the town clerk.
- (4) The fire chief or his/her agent shall inspect the location or proposed location to determine if all town ordinances and any other applicable regulations concerning fire and safety have been satisfied and shall report findings in writing to the town clerk.
- (5) The police chief or his/her agent shall investigate the application, including the criminal history record information authorized under subsection 5(5) and under section 10 and shall report findings in writing to the town clerk.

Sec. 70-707.-Action on application.

- (1) *Public hearing.* The town clerk upon receipt of a completed application and upon receipt of the reports required under section 6 above, shall schedule a public hearing at a regular or special meeting of the town council and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Lisbon at least seven days prior to the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.
- (2) *Town council action.* The council, after notice and public hearing, shall determine whether the applicant complies with the requirements of this article. Upon such determination by the council, the town clerk shall be authorized to issue the license.

Sec. 70-708.-Status of license—Display.

No license issued under this article may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the adult use marijuana establishment for which the license is issued.

Sec. 70-709.-Duty to update information.

Any licensee issued a license under this article shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process and as required in section 5 within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

Sec. 70-710.-Standards for approval, denial, revocation.

A license application for an adult use marijuana establishment shall be denied by the town council, and an existing license may be suspended or revoked by the town council after notice and hearing, if the applicant, or any owner of the applicant or licensee:

- (1) Fails to meet the requirements of this ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Is not a resident of the state of Maine.
- (4) Has had a license for a marijuana establishment revoked by a municipality or by the state.
- (5) Has not acquired all necessary state and local approvals prior to issuance of the license.
- (6) Has been convicted of a disqualifying drug offense.
- (7) Has provided false or misleading information in connection with the license application.

Sec. 70-711.-Operating requirements.

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the town council that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

- (1) Fixed location. All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate adult use marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- (2) Security.
 - (a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to the Lisbon Police Department.
 - (b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
 - (c) The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).
- (3) Ventilation.
 - (a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.
 - (b) All adult use marijuana establishments that cultivate, manufacture or extract marijuana shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.
- (4) Loitering. The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found

to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.

- (5) Compliance with requirements of state and local law. An adult use marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing adult use marijuana establishments that conflicts in any way with the provisions of this article, the more restrictive shall control.

Sec. 70-712.-Violations; penalties.

In addition to revocation or suspension of an adult use marijuana establishment license as provided in this article, the violation of any provision of this article shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this article. All fines and penalties, together with costs of prosecution of violations, which shall include the town's cost and attorney's fees, shall inure to the benefit of the town. This section shall be enforced by the Lisbon police chief, the Lisbon codes enforcement officer, and/or their designees. Notice of violations by adult use marijuana establishment licensees of other provisions of this Code shall be provided to the police chief, town officers, and town attorney.

Sec. 70-713.-License fee. (25% of the license fees and license renewal fees go to the local D.A.R.E program)

For annual license fees See Appendix C – Fee Schedule

Sec. 70-714.-Severability.

If any section, phrase, sentence or portion of this article is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Sec. 15.-Appeals.

An appeal from any final decision of the town council under this article may be taken by any party to Superior Court within thirty (30) days of the decision being appealed in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

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

AMEND CHAPTER 10 BUSINESSES,
ARTICLE XI. MEDICAL MARIJUANA ESTABLISHMENTS
Second Reading

VOTE (2021-181) Councilor Albert, seconded by Councilor Fellows moved to amend Chapter 10 Businesses, Article XI. Medical Marijuana Establishments as follows:

ARTICLE XI. - MEDICAL MARIJUANA ESTABLISHMENTS

Sec. 10-601. - Authority.

This article is enacted pursuant to authority granted under 30-A M.R.S. ~~A.~~ § 3001, ~~22 M.R.S.A § 2423~~ and 22 M.R.S.A. § 2429-D.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-602. - Purpose.

The purpose of this article is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-603. - Definitions.

As used in this article, unless the context otherwise indicates, the following terms have the following meanings:

Cultivation of marijuana for medical use. "Cultivation of marijuana for medical use" means all cultivation of marijuana for medical use must comply with state rules and state statutes.

Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

Extraction. "Extraction" means a process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. The use of inherently hazardous substances in marijuana extraction is restricted by state rule.

Marijuana product. "Marijuana product" means a product composed of marijuana, or marijuana concentrate and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana inhalant, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products by a registered manufacturing facility or by a patient, caregiver or dispensary as authorized under 22 MRS, chapter 558-C. Manufacturing includes, but is not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing or manufacture" does not include cultivation.

Manufacturing facility. "Manufacturing facility" means a manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Marijuana testing facility "Marijuana testing facility" means an entity licensed by the ~~State~~ Department of Administrative and Financial Services and certified to test medical use marijuana, including concentrates and products containing marijuana, for research and development purposes and to analyze contaminants in, and the potency and cannabinoid profile of, marijuana samples and products containing marijuana cultivated in accordance with 22 MRS, chapter 558-C.

Medical marijuana establishment. "Medical marijuana establishment" means a registered caregiver retail store, registered dispensary, marijuana testing facility, or manufacturing facility.

Registered caregiver retail store. "Registered caregiver retail store" means a registered caregiver authorized under state law to ~~cultivate medical marijuana for qualifying patients that~~ operates a retail store to sell medical marijuana to qualifying patients.

Registered caregiver cultivation facility. "Registered caregiver cultivation facility" means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients.

Registered dispensary. "Registered dispensary" means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

Registration certificate. "Registration certificate" means a ~~State~~ Department of Administrative and Financial Services document containing a unique registry identification number that permits the manufacturing of marijuana and marijuana products for medical use.

Registry identification card. "Registry identification card" means a photographic identification card issued by the ~~State~~ Department of Administrative and Financial Services to an individual who is authorized to manufacture marijuana or marijuana products for medical use, in the capacity of or in the employ of a patient, caregiver, dispensary or manufacturing facility. For the purposes of state rules, the ~~State~~ Department of Administrative and Financial Services may issue a registry identification card to any person who holds an active and valid Individual Identification Card issued under Maine's Adult Use Marijuana Program authorized by 28-B MRS, chapter 1.

State registration authority. "State registration authority" means the authority created or designated by the state for the purpose of regulating and controlling registration for medical marijuana establishments.

(C.M. of 11-13-2018, V. 2018-247; C.M. of 1-15-2019, V. 2019-13; C.M. of 2-18-2020, V. 2020-40)

Sec. 10-604. - License required.

No person shall operate a medical marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a medical marijuana establishment, without a valid license issued by the town. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of a medical marijuana establishment. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-605. - Application.

Each applicant for a medical marijuana establishment license shall complete and file an application on the form provided by the town clerk, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) Copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority, if applicable.
- (2) Copies of all state approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, state registry identification card, state registration certificate, state application for registration or renewal manufacturing facility tier 1 or 2 along with approval certification, and state application for registration or renewal testing facility and dispensary facility along with approval certifications as applicable.
- (3) If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical marijuana establishment.
- (4) If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
- (5) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Lisbon to obtain criminal records and other background information related to the individual.
- (6) A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- (7) A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the medical marijuana establishment.
- (8) Evidence of an interest in the premises in which the medical marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (9) Evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
- (10) Copies of all other approvals or conditional approvals required to operate the medical marijuana establishment, including any applicable state food or local Victualer's license as applicable.
- (11) Copies of compliance with the requirements of section 10-611 including, but not limited to State Department licensing, registration, and certification and evidence that the standards listed in section 10-610 have been met including but not limited to copies of Department of Administrative and Financial Services licensing, registration, and certification as applicable.

If the town clerk determines that a submitted application is not complete, the clerk shall notify the applicant of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the clerk's request, the application may be denied.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#); C.M. of 2-18-2020, V. [2020-40](#))

Sec. 10-606. - Investigation of applicant, officers, etc.

Upon receipt of an application or of a notice of a change of any of the individuals listed in subsection 10-605(4) above, the town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The building inspector shall verify that the premises at which the establishment will be located complies with all applicable town ordinances including, but not limited to, the building code, electrical code, plumbing code, and section 10-611, and shall report findings in writing to the town clerk.
- (2) The code officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the town clerk.
- (3) The health officer shall inspect the location or proposed location to determine whether all applicable ordinances relating to health and safety have been satisfied and shall report findings in writing to the town clerk.
- (4) The fire chief or his/her agent shall inspect the location or proposed location to determine if all town ordinances and any other applicable regulations concerning fire and safety have been satisfied and shall report findings in writing to the town clerk.
- (5) The police chief or his/her agent shall investigate the application, including the criminal history record information authorized under subsection 10-605(5) and under section 10-610 and shall report findings in writing to the town clerk.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#); C.M. of 2-18-2020, V. [2020-40](#))

Sec. 10-607. - Action on application.

- (1) *Public hearing.* The town clerk upon receipt of a completed application and upon receipt of the reports required under section 10-606 above, shall schedule a public hearing at a regular or special meeting of the town council and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Lisbon at least seven days prior to the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.
- (2) *Town council action.* The council, after notice and public hearing, shall determine whether the applicant complies with the requirements of this article. Upon such determination by the council, the town clerk shall be authorized to issue the license.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-608. - Status of license—Display.

No license issued under this article may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the medical marijuana establishment for which the license is issued.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-609. - Duty to update information.

Any licensee issued a license under this article shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process and as required in section 10-605 within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-610. - Standards for approval, denial, revocation.

A license application for a medical marijuana establishment shall be denied by the town council, and an existing license may be suspended or revoked by the town council after notice and hearing, if the applicant, or any owner of the applicant or licensee:

- (1) Fails to meet the requirements of this ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Is not a resident of the state of Maine.
- (4) Has had a license for a marijuana establishment revoked by a municipality or by the state.
- (5) Has not acquired all necessary state and local approvals prior to issuance of the license.
- (6) Has been convicted of a disqualifying drug offense.
- (7) Has provided false or misleading information in connection with the license application.

([C.M. of 11-13-2018, V. 2018-247](#) ; C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-611. - Operating requirements.

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the town council that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

- (1) *Fixed location.* All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate medical marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- (2) *Security.*
 - (a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to the Lisbon Police Department.
 - (b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
 - (c) The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).
- (3) *Ventilation.*
 - (a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.
 - (b) All medical marijuana establishments that cultivate, manufacture or extract marijuana shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.
- (4) *Loitering.* The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
- (5) *Compliance with requirements of state and local law.* A medical marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this article, the more restrictive shall control.

([C.M. of 11-13-2018, V. 2018-247](#) ; [C.M. of 12-18-2018, V. 2018-272](#) ; C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-612. - Violations; penalties.

In addition to revocation or suspension of a medical marijuana establishment license as provided in this article, the violation of any provision of this article shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this article. All fines and penalties, together with costs of prosecution of violations, which shall include the town's cost and attorney's fees, shall inure to the benefit of the town. This section shall be enforced by the Lisbon police chief,

the Lisbon codes enforcement officer, and/or their designees. Notice of violations by medical marijuana establishment licensees of other provisions of this Code shall be provided to the police chief, town officers, and town attorney.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-613. - License fee.

~~For The~~ annual license fees ~~shall be as follows:~~ see Appendix C – Fee Schedule

~~Registered caregiver retail store: \$250.00~~

~~Registered caregiver cultivation facility: \$250.00~~

~~Registered dispensary: \$250.00~~

~~Manufacturing facility: \$250.00~~

~~Marijuana testing facility: \$250.00~~

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-614. - Severability.

If any section, phrase, sentence or portion of this article is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-615. - Appeals.

An appeal from any final decision of the town council under this article may be taken by any party to Superior Court within thirty (30) days of the decision being appealed in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

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

AMEND CHAPTER 70 ZONING,
ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 13. DISTRICT USES, SECTION 70-530 LAND USES
Second Reading

VOTE (2021-182) Councilor Fellows, seconded by Councilor Ganong moved to amend Chapter 70 Zoning, Article IV. District Uses, Section 70-530 Land Uses as follows:

Sec. 70-530. - LAND USES.

All land use activities, as indicated Sec. 70-531 Table of Land Uses, shall conform to all of the applicable performance standards. The district designation for a particular site shall be determined from the Zoning Map of Lisbon, Maine.

~~Note: Businesses dealing with Adult Use (Recreational) or with Medical Use of Marijuana are included in the Commercial/Business Uses category and are specifically titled "Medical Marijuana Businesses" and "Adult Use (Recreational) Marijuana Businesses." No marijuana business shall be considered under any other section or subsection of this Table of Land Uses.~~

(1) Key to Table of Land Uses:

P	Permitted by right if they comply with all applicable federal, state and town laws and regulations and the performance standards in article VI of this chapter. Uses may also require Subdivision and/or Site Plan Review approvals pursuant to other provisions of this Code.
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C	Permitted upon authorization of a conditional use permit by the planning board in accordance with Article III of this Chapter. {May also required Site Plan Review and/or Subdivision approval }
No	Prohibited

(2) Abbreviations:

RP	Resource Protection
LR	Limited Residential
GR	General Residential
RO-I	Rural Open Space I
RO-II	Rural Open Space II
RR	Rural Residential
LRR	Limited Rural Residential
V	Village
C	Commercial
I	Industrial
DD	Diversified Development

(C.M. of 11-15-2011, V. 2011-208; [C.M. of 10-30-2018, V. 2018-238](#))**Roll Call Vote: Yeas – Albert, Lunt, Larochelle, Ward, Ganong and Fellows. Nays - None. Order passed - Vote 6-0.**

AMEND CHAPTER 70 ZONING,
ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 13. DISTRICT USES, SECTION 70-531 TABLE OF LAND USES
Second Reading

VOTE (2021-183) Councilor Fellows, seconded by Councilor Ganong moved to amend Chapter 70 Zoning, Article IV. District Regulations, Division 13. District Uses, Section 70-531 Table of Land Uses as follows:**Sec. 70-531. - TABLE OF LAND USES.**

<i>Commercial/Business Uses</i>	RP	LR	GR ¹²	RO-I	RO-II	RR	LRR	V	C	I	DD ₈
Medical Marijuana Businesses (See footnote 14 for definitions) Marijuana: Retail Store											
• Registered Caregiver Retail Store	NO	NO	NO	NO	NO	NO	NO	C	C	NO	C
• Registered Caregiver Cultivation Facility	NO	NO	NO	C14	C14	C14	NO	NO	C14	C14	C14
• Registered Dispensaries	NO	NO	NO	NO	NO	NO	NO	C	C	C	C
• Marijuana Testing Facilities	NO	NO	NO	NO	NO	NO	NO	C	C	C	C
• Manufacturing Facilities	NO	NO	NO	NO	NO	NO	NO	NO	C	C	C
Adult Use (Recreational) Marijuana Businesses (See footnote 15 for definitions)											
• Marijuana Retail Stores	NO	NO	NO	NO	NO	NO	NO	NO <u>C</u>	NO <u>C</u>	NO	NO <u>C</u>

• Cultivation Facilities	NO	NO	NO	NO <u>C</u>	NO <u>C</u>	NO <u>C</u>	NO	NO	NO <u>C</u>	NO <u>C</u>	NO <u>C</u>
• Products Manufacturing Facilities	NO	NO	NO	NO	NO	NO	NO	NO	NO <u>C</u>	NO <u>C</u>	NO <u>C</u>
• Testing Facilities	NO	NO	NO	NO	NO	NO	NO	NO <u>C</u>	NO <u>C</u>	NO <u>C</u>	NO <u>C</u>

Notes:

14. Medical Marijuana Businesses:

- Registered caregiver retail stores - authorized to ~~cultivate medical marijuana for qualifying patients, and operating~~ operate a retail store to sell medical marijuana to qualifying patients.
- Registered caregiver cultivation facilities - authorized to cultivate medical marijuana for qualifying patients except that the facility must be organized as a legal business entity recognized under the laws of the state and that the business must operate its cultivation area solely as an indoor operation.
- Registered dispensaries - authorized to cultivate and dispense medical marijuana to qualifying patients and caregivers.
- Marijuana testing facilities - authorized to test medical marijuana for contamination, potency and cannabinoid profile.
- Manufacturing facilities - authorized to manufacture marijuana products and marijuana concentrate for medical use.
- Signs, advertising and marketing used by or on behalf of Medical Marijuana business may not be placed within 500 feet of the property line of a pre-existing public or private school.

15. Adult Use (~~Recreational~~) Marijuana Businesses:

- Marijuana stores - authorized to sell marijuana, marijuana products, immature marijuana plants and seedlings directly to consumers.
- Cultivation facilities - authorized to grow, prepare and package marijuana for sale to other marijuana businesses.
- Products manufacturing facilities - authorized to blend, infuse or extract components of the marijuana plant to make marijuana products such as ointments, tinctures or edibles, for sale to marijuana stores or other marijuana products manufacturing facilities.
- Testing facilities - authorized to conduct research, analysis and testing of marijuana and marijuana products for contamination, potency and safety.
- Signs, advertising and marketing used by or on behalf of an Adult Use Marijuana business may not be placed within 500 feet of the property line of a pre-existing public or private school.

<i>Industrial Uses</i>	RP	LR	GR	RO-I	RO-II	RR	LRR	V	C	I	DD ⁸
Junkyards	NO	NO	NO	C	NO	C	NO	NO	NO	C	NO
Transmission facilities-radio, television, power, telephone	NO	NO	NO	C	C	C	C	NO	C	P	NO
Sawmills	NO	NO	NO	C	C	C	NO	NO	NO	P	NO
Truck Terminal	NO	NO	NO	NO	NO	NO	NO	NO	P	P	NO
Bottling & beverages	NO	NO	NO	NO	NO	NO	NO	NO	P	P	NO
Manufacturing, processing, assembly of products or Goods	NO	NO	NO	NO	NO	NO	NO	NO	P	P	NO
Above ground storage of propane or flammable petroleum fuel products stored in accordance with rules promulgated by the state fire marshal	NO	NO	NO	NO	NO	NO	NO	C	C	P	NO
Commercial & industrial uses and facilities not meeting criteria for permitted uses	NO	NO	NO	NO	NO	NO	NO	NO	C	C	NO
Temporary construction, excavation, fabrication or Processing	NO	NO	NO	C	C	C	NO	NO	C	P	NO
Accessory Uses & Structures	NO	NO	NO	P	P	C	C	P	P	P	P
<u>Ground Mounted Solar Energy System</u>	<u>C</u>	<u>C</u>	<u>NO</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>NO</u>	<u>C</u>	<u>C</u>	<u>C</u>

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

AMEND APPENDIX C - FEE SCHEDULE TO ADD NEW FEES

Second Reading

VOTE (2021-184) Councilor Larochelle, seconded by Councilor Fellows moved to adopt and add the new fees to Appendix C Fee Schedule as follows:

Section this Code	Description	Fee/Rate
BUSINESSES		
10-613	Marijuana licensing fees:	
	Registered caregiver retail store	250.00
	<u>Registered caregiver cultivation facility</u>	<u>250.00</u>
	Registered dispensary	250.00
	Manufacturing facility	250.00
	Marijuana testing facility	250.00
<u>11-713</u>	<u>Marijuana store</u> <u>(25% go to the local D.A.R.E program)</u>	<u>5,000.00</u>
	<u>Cultivation facility</u> <u>(25% go to the local D.A.R.E program)</u>	<u>5,000.00</u>
	<u>Manufacturing facility</u> <u>(25% go to the local D.A.R.E program)</u>	<u>5,000.00</u>
	<u>Marijuana testing facility</u> <u>(25% go to the local D.A.R.E program)</u>	<u>10,000.00</u>

Section this Code	Description	Fee/Rate
PLUMBING FEES		
<u>The LPI is the official charged with carrying out the duties required by 30-A M.R.S.A. 4221-4223. The fees were set by DHHS/CDC State Rule as of 11/13/2021. See Fees Below – Municipal Fee is 75% / State Fee is 25%.</u>		
	<u>Disposal System Components</u>	<u>Total Fee</u>
		<u>State Share</u> <u>25%</u>
	<u>Complete Non-Engineered System</u>	<u>\$250.00</u>
	<u>Primitive / Limited System (graywater & alt toilet)</u>	<u>\$100.00</u>
	<u>Alternative Toilet</u>	<u>\$50.00</u>
	<u>Non-Engineered Treatment Tank</u>	<u>\$150.00</u>
	<u>Holding Tank</u>	<u>\$100.00</u>
	<u>Non-Engineered Disposal Field</u>	<u>\$150.00</u>
	<u>Separated Laundry System</u>	<u>\$35.00</u>
	<u>Complete Engineered System</u>	<u>\$200.00</u>
	<u>Engineered Treatment Tank (only)</u>	<u>\$80.00</u>
		<u>DEP Surcharge</u>
		<u>\$15.00</u>
		<u>\$15.00</u>
		<u>\$15.00</u>
		<u>n/a</u>
		<u>n/a</u>
		<u>\$15.00</u>
		<u>n/a</u>
		<u>n/a</u>
		<u>n/a</u>

	<u>Engineered Disposal Field (only)</u>	<u>\$150.00</u>	<u>\$37.50</u>	<u>n/a</u>
	<u>Pre-Treatment</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
	<u>Miscellaneous Components</u>	<u>\$30.00</u>	<u>\$7.50</u>	<u>n/a</u>
	<u>First-Time System Variances</u>	<u>\$20.00</u>	<u>\$5.00</u>	<u>n/a</u>
	<u>Replacement System Variances</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
	<u>Seasonal Conversion Permit</u>	<u>\$50.00</u>	<u>\$12.50</u>	<u>n/a</u>
	<u>Internal Plumbing Permits</u>			
	<u>Minimum fee, Includes up to 4 fixtures/hook-ups</u>	<u>\$40.00</u>	<u>\$10.00</u>	<u>n/a</u>
	<u>Individual fixtures, each, over 4</u>	<u>\$10.00</u>	<u>\$2.50</u>	<u>n/a</u>
	<u>Mobile or Modular Home–factory components</u>	<u>\$40.00</u>	<u>\$10.00</u>	<u>n/a</u>
	<u>Hook up to public sewer</u>	<u>\$10.00</u>	<u>\$2.50</u>	<u>n/a</u>
	<u>Hook up to existing subsurface system</u>	<u>\$10.00</u>	<u>\$2.50</u>	<u>n/a</u>
	<u>Piping relocation with no new fixtures</u>	<u>\$10.00</u>	<u>\$2.50</u>	<u>n/a</u>
	<u>Permit transfer</u>	<u>\$10.00</u>	<u>\$2.50</u>	<u>n/a</u>

Roll Call Vote: Yeas – Lunt, Larochelle, Ward, Ganong and Fellows. Nays - Albert. Order passed - Vote 5-0.

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert indicated he had nothing to report.
2. Planning: Councilor Fellows indicated he had nothing to report. William Kuhl mentioned the Planning Board is doing its homework trying to get ahead of anticipated items.
3. LDC: Councilor Albert indicated he had nothing to report.
4. Conservation Commission: Richard Main reported his committee hosted a meeting with the Casco Bay Trail Alliance's co-founder Dick Woodbury. He said he was pleased the Council approved the Resolution tonight.
5. Recreation: Councilor Albert indicated he had nothing to report.
6. County Budget: Councilor Ward reported their first meeting will be September 7 and the public hearing is scheduled for September 30.
7. Library: Councilor Lunt said the "Tails & Tales" Summer Reading Program is going very well with lots of feathers being added onto Percy the peacock, the Library Summer's Reading Mascot.



8. Water Commission: Councilor Fellows indicated the department recently hired a new superintendent, Chuck Harrison. Mr. Alexander will be do some training until the end of December.
9. Finance Committee: Councilor Albert said the committee has been challenged with researching Transfer Station options. They meet again the end of this month.

B. TOWN MANAGER'S REPORT

Mrs. Barnes said if you have not noticed at the Worumbo site work has been started for the Electrical Vehicle Charging Stations going in downtown.

Mr. Stevens updated the Council on the progress being made at Graziano Square. He indicated benches should be installed in two weeks, landscaping for the sign will get started soon, picnic tables from Main Street are going to be moved to this site once Moxie Plaza closes, which will be one week earlier than scheduled, and the fence should be installed by the end of September.

Councilor Larochelle suggested fall events for Graziano Square should be added to the Event Calendar, which is another way the town can promote them. Councilor Albert mentioned the ribbon cutting ceremony for the new business located at the old Lisbon Library building on Village Street could be coordinated with events happening at Graziano Square.

C. DEPARTMENT HEAD WRITTEN REPORTS

APPOINTMENTS

See vote taken to appoint Greg Garrison to Vacant Council Seat prior to Consent Agenda

MMA ELECTION FOR VICE PRESIDENT AND EXECUTIVE COMMITTEE MEMBERS

Council unanimously decided not to cast a ballot since there were no contested positions and Councilors did not know any of these candidates.

COUNCILOR COMMUNICATIONS

Councilor Ward mentioned it would be nice if Councilors could attend the Ribbon Cutting Ceremony on Friday, August 20, for Unbreakable Health located downstairs in the Big Dipper building.

Councilor Fellows explained that the coverage for the Worumbo site in the newspaper was not accurate. He said the town is not pursuing businesses yet. Councilor Lunt suggested the Council place a non-binding referendum question to voters to see if they prefer a park or development.

Councilor Albert said he would not vote for any one of the three public renderings previously presented for ideas on how the site might look.

Councilor Larochelle said abutters came to that meeting and expressed their concerns to Council. The Council moved to go forward with that.

Councilor Albert said Council did approve the market analysis, parking study, and regardless of how we do the design the Council indicated they wanted to move forward with obtaining an RFQ (request for qualifications). Councilor Ward said the Council did want to see the survey, parking study, and applauded the efforts being done.

AUDIENCE PARTICIPATION & RESPONSE FOR NEW ITEMS

Jeff Blouin of 190 Summer Street reported noise violations created by contractors working next door. He said the pulp trucks and chain saws are just too loud. No one has addressed the problem and he had talked to the Code Enforcement Office, Planning Board, and Police Department. The Police Department showed up to measure the

noise level but their equipment would not work. He said it is too loud for his children to play outside or for the family to sit outside on the deck out back.

Councilor Ward thanked Mr. Blouin for making the Council aware of this situation. Councilor Lunt said this business owner could have moved his operations back further on his 50 acres, which the Planning Board had asked him to do. Councilor Ward suggested the new Code Enforcement Officer follow up on this complaint when he arrives. Mrs. Barnes said she created a folder for the new individual to review once they start and this complaint has already been placed in that file.

Richard Main suggested the Council look at solar energy for some of the town buildings. Councilor Ward mentioned that Council approved a solar contract and is evaluating solar energy as it evolves; he thanked Mr. Main and said the Council will take this under advisement.

EXECUTIVE SESSION

See votes taken at the beginning of this meeting.

ADJOURNMENT

VOTE (2021-186) Councilor Lunt, seconded by Councilor Ganong moved to adjourn at 10:22 PM. **Order passed - Vote 5-1. (Against: Ganong)**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: September 7, 2021