



**TOWN COUNCIL
MEETING MINUTES
OCTOBER 19, 2021**

Normand Albert 2021
Kasie Kolbe 2021
Allen Ward 2021
Mark Lunt 2022
Donald Fellows 2022
Gregory Garrison (appt to 12/7/21) 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, Garrison, and Fellows. Also present were Diane Barnes, Town Manager; Kayla Tierney, Finance Director; Nate LeClair, Fire Chief; Ryan McGee, Police Chief; James MacDonnell, Chief at Lisbon Emergency; John Cordt, Captain at Lisbon Emergency and owner of Black Bear Ladder in Lisbon; Toby Tiner of Tiner Consulting; Dan Stockford, Esquire, Town Attorney; and no other citizens in the audience.

GOOD NEWS & RECOGNITION – NONE

PUBLIC HEARINGS

**A. AMEND PART 1, CHAPTER 46. STREETS, SIDEWALKS & OTHER PUBLIC PLACES,
ARTICLE III. STREET ACCEPTANCE STANDARDS**

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

**B. AMEND PART 1, CHAPTER 12. ETHICS & CONFLICT OF INTEREST,
SECTION 12-3. ETHICS PANEL**

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 (2021-220) Councilor Larochelle, seconded by Councilor Fellows moved to approve the following consent agenda items:

- A. Municipal Accounts Payable Warrants - \$803,211.73
- B. Municipal Payroll Warrants - \$ \$340,918.15
- C. School Accounts Payable Warrants - \$188,486.87
- D. School Payroll Warrants - \$735,458.60 and
- E. Minutes of October 5, 2021 and Public Forum Minutes of October 12, 2021 along with the
- F. 2022-2024 Durham ACO Contract, authorizing the Town Manager to negotiate and execute a 3-year ACO contract with the Town of Durham, and approve the
- G. Mutual Aid Policing Services Agreement with the Sagadahoc County Sheriff's Office, authorizing the Town Manager to sign the MOU as presented.

Order passed - Vote 7-0.

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES**ACCEPT WINE TIME CIRCLE IN KELLY PARK SUBDIVISION
AS A TOWN ROAD**

INTRODUCTION: Premier Development, LLC petitioned the inhabitants of the Town of Lisbon to accept “Wine Time Circle in Kelly Park Subdivision as a town way. A description of this proposed town way can be found in the Warranty Deed below:

WARRANTY DEED

Premier Development, LLC, a Maine Limited Liability Company with a mailing address at 19 Kelly Lane, Lisbon Falls, Maine 04252, grants to the Inhabitants of the Town of Lisbon, a body politic having its principal offices in the Town of Lisbon, County of Androscoggin and State of Maine, with a mailing address at 639 Lisbon Street, Lisbon, Maine 04252, with Warranty Covenants, the real estate designated as "Wine Time Circle" forming part of the Kelly Park Subdivision as more fully described on the Amended Subdivision Plan, Kelly Park Residential Amendment prepared for Premier Development, LLC by Sitelines, P A. dated December 23, 2016, as revised through March 6, 2017, as approved by the Town of Lisbon, Maine on March 9, 2017 recorded in the Androscoggin County Registry of Deeds at Plan Book 51, Page 177.

This conveyance is made together with all rights appurtenant thereto and any improvements situated therein or thereon relating to any and all storm water runoff systems and infrastructure, water distribution utilities, sewer utilities and related infrastructure, and all street lights and related infrastructure, including all lampposts, light bases, conduits, wiring, lights and lighting facilities (collectively the “Street Lights”). This conveyance does not include rights appurtenant thereto and improvements situated therein or thereon relating to gas or electrical infrastructure (other than Street Lights), or bollards.

For Grantor's source of title, See Quitclaim Deed with Covenant from Dragon Products Company, LLC to Premier Development, LLC dated December 6, 2010, recorded in the Androscoggin County Registry of Deeds at Book 8070, Page 203, as amended pursuant to Confirmatory Release Deed from Dragon Products Company, LLC to Premier Development, LLC dated April 27, 2011, recorded in the said Registry of Deeds at Book 8169, Page 302.

VOTE (2021-221) Councilor Fellows, seconded by Councilor Larochelle moved that the Town of Lisbon, pursuant to 23 M.R.S.A. § 3025, accept the dedication made by Premier Development, LLC of title in fee simple of “Wine Time Circle” in the Kelly Park Subdivision, and establish this road as a town way.

Order passed - Vote 7-0.

**AMEND PART 1 – CODE OF ORDINANCES,
CHAPTER 46. STREETS, SIDEWALKS & OTHER PUBLIC PLACES,
ARTICLE III. STREET ACCEPTANCE STANDARDS
(Second Reading)**

VOTE (2021-222) Councilor Larochelle, seconded by Councilor Fellows moved to amend Part 1 – Code of Ordinances, Chapter 46 Streets, Sidewalks and Other Public Places, Article III. Street Acceptance Standards as follows:

**PART 1 – CODE OF ORDINANCES
CHAPTER 46 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
ARTICLE III. STREET ACCEPTANCE STANDARDS**

Section 46-63. Minimum Construction Standards.

...

- (c) Form of bond. With the application for a building permit, the applicant shall tender either a certified check payable to the town or a faithful performance bond running to the town in an amount of money to be determined by the town manager to be equal to the costs of furnishing, installing, connecting and

completing all aspects of the street grading, construction, all layers of paving, storm drainage and utilities required within one year from the date of the check or bond. This bond may be renewed for one additional year at the discretion of the town manager.

(C.M. of 3-20-2018, V. 2018-57)

...

Sec. 46-65. Application process and review procedure for the dedication and acceptance of municipal roads.

...

- c. Proof that the private way has endured without damage at least one consecutive freeze/thaw cycle after construction;

Construction will be defined as the completion of all work on the project with the exception of a final surface layer of pavement;

Explanation: the purpose of the freeze-thaw waiting period is to allow for settlement and/or frost action to show itself in the soils under the pavement. Waiting to add surface pavement until after the freeze-thaw is generally considered an improvement to the final construction method as it allows corrections to any defects to be addressed in the final pavement by shimming, and should be encouraged as this provides a better final roadway structure; and

- d. An application ...

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

AMEND PART 1 - CODE OF ORDINANCES,
CHAPTER 12. ETHICS & CONFLICT OF INTEREST,
SECTION 12-3. ETHICS PANEL
(*Second Reading*)

VOTE (2021-223) Councilor Fellows, seconded by Councilor Albert moved to Amend Part 1 – Code of Ordinances, Chapter 12. Ethics & Conflict of Interest, Section 12-3. Ethics Panel as follows:

Sec. 12-3. Ethics panel.

- (a) *Establishment of ethics panel.* There shall be established an ethics panel consisting of three regular voting members and two alternate members. Two regular voting members and one alternate member of the ethics panel shall be appointed by the town council, and one regular voting member and one alternate member of the ethics panel shall be appointed by the school committee. A regular voting member or alternate member of the ethics panel may not hold any other town or school department office or position or be a member of any board or commission for which members receive compensation for their service and to which the town council or school committee have appointing authority. If a member of the ethics panel serves on any other Town board or commission, the member shall refrain from participation in any ethics panel matter that relates to the other Town board or commission on which the member serves.
- (b) *Term.* The regular voting members of the ethics panel shall be appointed to staggered three-year terms. When the first appointments are made, one member shall be appointed by the council to a three-year term, one member shall be appointed by the school committee to a two-year term, and one member shall be appointed by the council to a one-year term. The town council chair annually shall appoint one of the regular voting members to serve as chair of the ethics panel. Alternate members shall be appointed to three-year terms.

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

**SET NOVEMBER AND DECEMBER COUNCIL MEETING SCHEDULE
TO MEET ON NOVEMBER 16 & DECEMBER 7**

VOTE (2021-224A) Councilor Fellows, seconded by Councilor Lunt moved to set the Council Meeting Schedule for November and December to meet once on November 16 and once on December 7. **Order passed - Vote 7-0.**

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert said he had nothing new to report.
2. Planning: Councilor Fellows said this board discussed potential zoning changes to ROSII and Village areas. They will be requesting a workshop with the Council to continue this discussion for future action. They approved a revision to reduce the size of the Solar Farm on Frost Hill Avenue.
3. LDC: Councilor Fellows said this committee will be discussing the Market Study and Traffic Study along with a remote meeting policy at their next meeting.
4. Conservation Commission: Councilor Ward said he had nothing new to report.
5. Recreation: Councilor Albert announced the Recreation Department's Scarecrow Building Contest and said they are wrapping up things at Beaver Park and expecting to finish up Graziano Park this coming spring.
6. County Budget: Councilor Ward explained the Androscoggin County Budget came in at a 5.84% increase, which was within the intended goal of no more than 6%. Mrs. Barnes said she reached out to the other communities the Council requested to let them know what was happening with the county budget.
7. Library: Councilor Lunt said he had nothing new to report.
8. Water Commission: Councilor Fellows said he had nothing new to report.
9. Finance Committee: Councilor Albert pointed out that Curtis Lunt, the Chairman for this committee, was present to present to the Council the Finance Committee's report on the Transfer Station's task next.

B. FINANCE COMMITTEE NARRATIVE FOR TRANSFER STATION DISCUSSION

Curtis Lunt thanked Mrs. Tierney for all her hard work. He indicated she did most of the work on this subject. He thanked the Public Works Department, Mr. Soucy the Public Works Administrative Assistant as well for giving them lots of information. He pointed out Councilor Albert's regular attendance at their meeting and thanked him for all the good advice.

Mr. Lunt explained the Transfer Station budget totals around \$575,000 with revenues totaling around \$178,000 or 31%. He said the state average is around 20% in other towns. He indicated the agreed upon ideal target should be around 50%.

Mr. Lunt reported this committee discussed in detail curb side pickup, scales, and pay-per-bag. However, their conclusion was not to support any of those options, although the report attached details these options and further explains their reasons for not supporting them.

Mr. Lunt said the committee focused on the fee structure, noticing that Lisbon's fees were much lower than other communities around us. He said raising fees would be the best chance for getting to the 50% goal. He said the

committee included in their narrative good fundamental information. For instance, currently Lisbon charges \$10-15 for mattresses, but his brother-in-law recently paid \$50 to get rid of a mattress. The committee recommended going from \$30 to \$60 for stickers to enter. He said perhaps increasing this fee \$10 annually until you reach \$50 or \$60 would more likely be acceptable over doubling the fees all at once. He pointed out the committee recommended commercial haulers go directly to Auburn to save on transportation costs. He suggested negotiating tipping fees to prevent those businesses from going out of business

Mrs. Barnes said Auburn would charge us the same rate for the commercial haulers to dump. Mr. Lunt pointed out that their current commercial hauler fee of \$3,000 seemed unfair since some haulers only have 100 customers and others might have 400 customers. He said a graduated fee structure might work better.

Councilor Albert recommended the Council revisit the fee schedule. Councilor Ward asked Mr. Lunt if his committee would be interested in making recommendations for fees.

Councilor Fellows said his concern was that Lisbon continue to recycle and that the fees be equitable. Mr. Lunt reported recycling was not profitable and could cost more if required. Councilor Ward pointed out that trucks and equipment were expensive and that expense was not incorporated into their report. Mr. Lunt indicated his committee would not have all the knowledge necessary to determine all their operational costs, but that the fee schedule would be something they could handle.

Councilor Larochelle said this committee was tasked with the question of whether or not this service should be taxpayer based or fee based. The answer may be 50/50 but the town has not resolved the equitable piece yet. He recommended the Council address dumpsters with an ordinance. He pointed out the annual increase of \$10 might not keep up with inflation costs because equipment is expensive.

Councilor Albert said hats off to all of you on this committee. This report gives us lots of good information, so when we look back on this topic we may find this was our starting place. Councilor Ward said next Council will need transportation cost saving figures to move that commercial haulers go to Auburn. We would need break out amounts per household. Then we need the Finance Committee to take a stab at the other bulky waste items in the fee schedule to recommend what level those items should be. Mr. Lunt said his committee would be happy to look at the fee schedule.

C. TOWN MANAGER'S REPORT

Mrs. Barnes reported the Worumbo web page is ready. Visit the website at Worumbo.org to see details. She indicated paving on Ann Street and Route 125 was completed with left over funds.

D. LISBON EMERGENCY UPDATE AND DISCUSSION

John Cordts said you all have heard that the vaccine mandate is causing staffing issues among healthcare facilities and unfortunately this includes Lisbon Emergency. The vaccine mandate for health care facilities goes into effect the end of October and the mandated deadline for Emergency Medical Service (EMS) agencies was October 15th. Staffing in EMS was in trouble before COVID hit, he said, and they are now in a crisis, which is not a local issue, but an issue all over the State of Maine and nation. He said you can read numerous articles, which have come out in Maine papers over the last month, but the one that sticks out the most was the one by the Town of Waldoboro's Town Manager who reported to Waldoboro town officials that "We're not facing a crisis, we're in it." Some services have not lost any providers or only a very few, but the problem for EMS in Maine is that we were so short staffed before COVID that even losing a few providers is having a negative effect. Virtually all EMS services are recruiting heavily for employees with some giving large sign on bonuses of up to \$3,000. Other contributing factors to a lack of EMS personnel are non-competitive pay, long hours, physical labor, and mental health concerns.

Mr. Cordts said Lisbon Emergency lost three providers directly due to the mandate and one indirectly; three of these were Paramedics and one was a Basic EMT. If the vaccine mandate were rescinded, he said, they would gain back these providers. They held an emergency board meeting the end of September, and at that board meeting the officers recommended the following changes:

1. A \$2.00 per hour raise among all providers; this brings a basic EMTs to \$16 per hour, Advanced EMTs to \$18 per hour, and Paramedics to \$23.50 per hour. In the officers' opinion this increase in pay will help only a little with recruitment and was more about retention for current and new employees.
2. Allowing the ambulance to be staffed with a driver and one licensed provider. Since the towns of Lisbon and Bowdoin have staffed our ambulances with two licensed providers. We have in the past had one driver and one licensed provider; this is not abnormal and is a strategy used at other ambulance services. The driver must pass background checks, be CPR certified and take an Ambulance Vehicle Operators Course. The goal is to have the ambulance staffed with two licensed providers.
3. Allow the ambulance to be staffed at the basic EMT level. The goal is to always have the ambulance staffed at the Advanced Life Support level (ALS) with and Advanced EMT or Paramedic.
4. Increase the orientation budget for new providers. Basic EMT classes that were held during COVID did not allow students clinical time in the hospital or ambulance. He said they are finding that we need more time to train new EMT's since they have not had any real world experience.
5. Actively recruit new EMS providers at all levels.
6. The increase in pay and training hours raised LE's budget by \$45,000.

Mr. Cordts said all of these recommendations were approved by our Board of Directors at the emergency meeting. He reported they have had 100% coverage at the ALS level this fiscal year to date. He said they have never not had 24-hour ambulance coverage with two employees with at least one being a licensed provider. He said their October schedule is 100% filled, shifts are in 12-hour blocks, and at this time they have six shifts in November that require one provider not currently scheduled. Although this is more than normal, it is not drastic; they anticipate these being filled as they get closer to the shifts. He mentioned they currently need more EMS providers, especially at the ALS level. Again, all services are struggling at this time for providers.

Lisbon Emergency's fiscal year is July 1st to June 30. He said over the past few years, he can remember only 5 primary budget revisions at the most, and that was for the 2018 budget when we went from a 50% volunteer service to a 100% paid volunteer service. He said this year they had 11 primary budget revisions. There have been numerous revisions due to the ever-changing situations due to COVID as well as unfunded mandates requiring new procedures and special equipment by Maine EMS.

Mr. Cordts said Lisbon Emergency held the line to only a \$500 increase in the required stipend from the Towns of Lisbon and Bowdoin for the fiscal year 2021-2022. He said they were able to absorb this change by using available cash that was intended to fund this year's capital improvement budget. They did not plan on a pay increase until next fiscal year, but with the steep increase in pay among other employers (especially non-EMS) and the mandate the board determined at the emergency board meeting that if we did not raise our pay immediately, they would be at critical staffing within months. He reported they used cash on hand to fund this pay increase that was going to be used to pay ahead on capital improvements. This money was supposed to be used to lower future town stipends and accelerate the replacement of ambulance 401. Lisbon Emergency is currently in a sound fiscal condition and does not anticipate any funding issues this fiscal year. In order to retain and recruit employees as well as fund our capital improvement plan, he said, they will be forced to increase their stipend for FY 22-23. He said it is unknown at this time how much, but they anticipated a minimum of \$60,000 to approximately \$80,000 from Lisbon.

Mr. Cordts explained CMMC and other hospitals are on "diversion." One of the consequences of a hospital going on diversion is that patients have to be transported by ambulance to other hospitals after they are evaluated and stabilized. Critical care diversion for CMMC started a couple weeks ago. St. Mary's has been on critical care off and on over the last month. When hospitals go on normal diversion, they still take trauma (if they are a trauma center), stroke, pediatrics, and MI's (heart attacks), but when they are on critical care diversion, they will not take any patients only stabilizing to transfer to another hospital. There is no notice when a hospital goes on diversion and there is no pattern; it can happen at any random time, which has happened over the past couple of weeks. There has been no communication from the hospitals to EMS agencies as to when diversions will happen in the future or if there will be a reduction in frequency. Hospital diversions further reduce the amount of available ambulances in our area as more ambulances are needed for inter-facility transfers and/or emergency calls that require ambulance transport to a further hospital.

Mr. Cordts said they are working with United ambulance on a trial basis to staff a second ambulance one to three times a week (if we have the staff available) to answer calls in Lewiston and perform transfers. He indicated the call volume available in Lewiston should pay for the cost of the ambulance, payroll, and supplies. If their primary ambulance is on a call, the second ambulance will stage at the Lisbon/Lewiston line. By adding this ambulance to the available calls, it should help to reduce the stress on the hospitals and EMS allowing the hospital to come off of diversion sooner, less waiting times in the ER, and have more ambulances available to answer emergency calls.

Mr. Cordts explained why they could not staff the second ambulance exclusively for Lisbon and Bowdoin. He reported the cost to run an 8 hour to 12 hour second ambulance would not be possible with the current budget or cash on hand. When the town manager and council formed the EMS committee in 2018, Rick Petrie, from Atlantic Partners EMS, stated that it takes 2,500 calls to have one ambulance be profitable. Lisbon EMS budgets 1,040 call per year. Lisbon Emergency owns two ambulances, one is a 2009 and the other is a 2012. He explained that in order to consistently run two ambulances, you really need three. Both of their units are older and all vehicles (even new ones) are prone to break down. Ambulance 401, the 2009, is scheduled for replacement in 2023-2024. He said when they replace that ambulance, they will need to make the decision on whether to keep it for a third ambulance with a second day crew or sell it and return to the status quo.

Mr. Cordts mentioned the LE officers will be presenting their budget committee and the board two future budgets, one to staff a second daytime ambulance and one to remain with the status quo. He said they plan to bring these two proposals to the towns to decide how they wish to proceed.

Mr. Cordt said EMS is a non-essential service according to the State of Maine; no town or city in Maine is under any obligation to provide EMS service to its residents. Staffing issues among EMS agencies was becoming very serious prior to COVID and it has now reached a crisis in Maine. As an “essential” non-essential service there are no plans to help from the Federal or State levels at this time; they are basically leaving it up to the towns and cities to figure this out on their own.

Mr. Cordts said prior to 2018 Lisbon Emergency was half volunteer and did not charge Lisbon or Bowdoin for EMS services. He said they reported to the towns that they could no longer be a viable service without town funding in the future. An EMS committee was established by the town manager and council and decisions that were made at that time are the only reason Lisbon Emergency is in such a financially sound position today and able to weather this storm. All areas of public safety are hurting, police departments, fire departments, and dispatching services. He pointed out that in an emergency there are no time outs or let’s start over; they bring what they have: 1) their training, 2) personnel, and 3) equipment. He said with the lack of federal and state funding, the decisions made by the town(s) will directly affect the outcome on an emergency scene. He said they were grateful for the continued support from both towns and look forward to working with each in the near future.

Mr. Cordts read a letter from Sam Hurley, Director of Maine EMS to the Council.

Councilor Larochelle remarked Mr. Cordts had laid out this information pretty well. He said our residents need this service. Councilor Fellows said he has heard a lot of good things about this service. He said he appreciated this service. He said the Council needs to determine what residents really want and how much they are willing to pay. Councilor Lunt said this would be a great topic for the Finance Committee to explore and make a recommendation on. Councilor Albert said Council may have a lot of work ahead of them, but that he was confident that Council would do what is best for the town and residents in the end. Councilor Ward suggested Council and Lisbon Emergency keep an open dialogue between them and meet more often to avoid a knee-jerk reaction to one meeting and final decision.

Chief McGee said Mr. Cordts was very well spoken and that they share the same concerns. He pointed out in July they had two calls LE couldn’t staff, in August they had four calls LE couldn’t staff, and in September they couldn’t staff 8 calls and a second ambulance for a call. He reported so far in October there have been 12 emergency calls LE has not been able to staff. These are emergency calls and we owe it to ourselves to speak up. He mentioned Lisbon officers are dealing with armed individuals, suicides, and bigger issues than we used to deal with 20 years ago. He thanked Lisbon Emergency and said Lisbon is fortunate to have an ambulance service in town. Lisbon is a growing community with more life-threatening circumstances happening that require medical emergency services.

E. DEPARTMENT HEAD WRITTEN REPORTS

(There Were No Comments)

APPOINTMENTS - NONE**COUNCILOR COMMUNICATIONS**

Councilor Fellows reported that the local news on television did a spot about Lisbon's Springworks Farm, the largest aquaponics greenhouse in New England. They even took the time to explain the difference between hydroponics and aquaponics. Mrs. Barnes said they did a segment about Flux as well.

Councilor Albert commended Chief McGee and his team at the Police Department for making his daughter's birthday special with a tour of their department and a mug shot. He said they try to do this as part of their efforts to try to interact with the community.

Chief McGee reported they will be hosting a pie eating contest at the Harvest Festival on October 30 at MTM and that he will be giving away three prizes; three rides to school with an officer. He announced the Halloween event at MTM this October 31 and encouraged those in the area to drop by for a traditional hot dog that evening. Officers will be handing out glow sticks in an effort to keeps kids safe.

AUDIENCE PARTICIPATION & RESPONSE FOR NEW ITEMS**FIREHOUSE SUBS GRANT**

Chief LeClair said he found a grant opportunity with an October 10 deadline that he would like to apply and if accepted to spend \$26,000 from Firehouse Subs for hydraulic equipment for the Fire Department.

VOTE (2021-224B) Councilor Albert, seconded by Councilor Fellows moved to authorize the Town Manager and Fire Chief permission to apply for and if approved to spend \$26,000 on hydraulic equipment for the Fire Department. **Order passed - Vote 7-0.**

VOTE (2021-225) Councilor Albert, seconded by Councilor Larochelle moved to go into Executive Session at 8:46 PM per 1 MRSA Section 405 (6) (A) Personnel Matters and 6 (E) Consultations with Legal Counsel. **Order passed – Vote 7-0.**

The Council came out of executive session at 10:05 pm and the meeting resumed.

ADJOURNMENT

VOTE (2021-226) Councilor Garrison, seconded by Councilor Fellows moved to adjourn at 10:05 PM. **Order passed - Vote 7-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: 11-16-2021