



**TOWN COUNCIL  
MEETING MINUTES  
JANUARY 18, 2022  
LISBON TOWN HALL**

Mark Lunt 2022  
Donald Fellows 2022  
Jason Smith 2022  
Fern Larochelle 2023  
Harry Moore, Jr. 2024  
Raymond Robishaw 2024  
Clifford Miller 2024

**CALL TO ORDER.** The Chairman, Fern Larochelle, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

**ROLL CALL.** Members present were Councilors Fellows, Lunt, Larochelle, Robishaw, Miller, and Moore, Jr. Councilor Smith was excused. Also present were Diane Barnes, Town Manager; Ryan McGee, Police Chief; Nate LeClair, Fire Chief; Randy Cyr, Public Works Director; Steve Aievoli, Sewer Superintendent; Kayla Tierney, Finance Director and Marie Hale, Water Commissioner. There were approximately 13 citizens in the audience.

**VOTE (2022-14A)** Councilor Fellows, seconded by Councilor Moore moved to excuse Councilor Smith's absence. **Order passed – Vote 6-0.**

### **GOOD NEWS & RECOGNITION**

Councilor Larochelle presented Diane Barnes, the outgoing Town Manager, with a Certificate of Appreciation and recognized her for her fine leadership skills and the significant contributions she has made to strengthen the community since 2014 while serving as Town Manager for the Town of Lisbon and wished her the best in her next endeavor. He also presented her with a Pad folio as a token of appreciation from the Town Council. Mrs. Barnes thanked the Council for the opportunity to serve the taxpayers of Lisbon. She said it has been a wonderful ride for the last 7-1/2 years, accomplishing a lot together, moving Lisbon forward in the right direction, and hopes it will continue. She said she was glad to have been a part of it, that leaving feels like a double edged sword because she had built so many great relationships with co-workers and Lisbon community members and will remain a resident of the town.

### **PUBLIC HEARINGS**

#### **A. MEDICAL MARIJUANA MANUFACTURING AND MEDICAL MARIJUANA RETAIL STORE LICENSES FOR CRYSTAL SPRINGS**

The Chairman opened the Public Hearing. Michael Scalia, owner of Crystal Springs stated they were happy to be in Lisbon and were almost ready to open their retail store. Seeing no further comments, the Chairman closed the Public Hearing.

#### **B. SPECIAL ENTERTAINMENT PERMIT AND VICTUALER'S LICENSE FOR OLIVE PIT BREWING COMPANY**

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

### **AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS**

Lisa Ward, Chairman of the Lisbon Development Committee (LDC) said she is pleased to offer information for the Council's review. LDC developed Worumbo site options in a work group setting with invited guests, input from the Lisbon Planning Board, Positive Change Lisbon, and Save the View members. LDC, as a collective work group,

put together four options that all include a recreational area/public park space, not only to add beauty to the area, but to attract residents and visitors to this area, offering opportunities for outdoor events, like concerts in this space. In turn, that could attract people to the businesses here in Lisbon. She said this could also be a draw for potential investors or developers to other parts of Lisbon. She handed out preliminary information regarding the Worumbo site options and indicated this group would continue to accept and share input about the Worumbo site with the Council on an ongoing basis and would be updating the information as needed prior to the next Council meeting. The four options were as follows:

1. Riverside Park
2. Residential Housing with Public Riverside Park
3. Residential Housing with Restaurant(s) and Riverside Park
4. Boutique Business Opportunities and Riverside Park

Mrs. Ward stated each option includes greenspace and parking acreage. Each option took into consideration the following: a) does it fit with the character and needs of the Town of Lisbon, b) economic and tax impacts, c) the probability of Developer interest in such a project, d) and documented notes about the option.

Mrs. Ward said every option will require upgrades to the adjacent public infrastructure as well. TIF revenues are available to help fund those much-needed improvements both at Worumbo and in the surrounding village area. There are also matching funds available for additional grants for the area. Upgrades could include improving the crosswalk at Route 196 and Main Street, adding a possible rail trail, additional lighting and streetscapes, as well as installing benches, displays for public art, and other pedestrian amenities.

She stated at the first Council Meeting in February, LDC will formally present the information for all four options continuing the process of determining the future of the Worumbo site. These four conceptual redevelopment options can be seen on the Worumbo website at [www.worumbo.org](http://www.worumbo.org). She encouraged anyone interested in giving input or recommendations to email Mrs. Ward at [ward@lisbonme.org](mailto:ward@lisbonme.org).

## **CONSENT AGENDA**

**VOTE (2022-14)** Councilor Fellows, seconded by Councilor Lunt moved to adopt the following agenda item:

- A. Municipal Accounts Payable Warrants - \$ 306,461.81
- B. Municipal Payroll Warrants - \$0.00
- C. School Accounts Payable Warrants - \$268,007.27
- D. School Payroll Warrants - \$740,520.33
- E. Minutes of January 4, 2022
- F. Renewal Medical Marijuana Manufacturing and Retail Store Licenses for Crystal Springs & Special Entertainment Permit and Victualer's License for Olive Pit Brewing Company
- G. Set a public hearing on Feb 1 for a Medical Marijuana Retail Store License for BBB Pharmaceutical Alternatives, LLC and an Adult Use Products Manufacturing Facility for Cannabis Angels
- H. Audit Engagement Letter – Authorizing the Town Manager to sign the RHR Smith Audit engagement letter
- I. Tax Collector Settlement – Approving the Certificate of Settlement for Diane Barnes, Tax Collector for the FY 19, 20, 21 & 22 years.

**Order passed - Vote 6-0.**

## **COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES**

### **REVIEW COUNCIL RULES – SUGGESTED AMENDMENTS**

**INTRODUCTION:** Councilor Fellows stated the Council recently adopted a Remote Meeting Policy for emergency situations and suggested the following amendment be added to the current Council's working rules as follows:

**Sec. 74-201. Working rules for town council.**

- (a) *Purpose.* The purpose of these rules is to establish procedures for the conduct of town business before the council, pursuant to the authority of council under Section 2.06(b) of the Charter.
- (b) *Effective date/adoption/amendment.*
  - (1) *Effective date.* These rules shall be effective for the council year that runs from the organizational meeting on the first Tuesday after the first Monday in December to the next organizational meeting in the ensuing year. Should the council fail to adopt working rules at its organizational meeting, then the rules for the previous year shall remain in full force and effect.
  - (2) *Adoption.* The adoption of these working rules, or any amendment thereof, shall require four affirmative votes.
  - (3) *Amendment.* These working rules may be amended at any regular or special meeting of the town council. Any amendment proposed for these working rules shall be submitted in writing and shall be included in the agenda package for the meeting at which the amendment is to be considered.
- (c) *Agenda.*
  - (1) *Development.* The development of agendas for meetings of the Lisbon Town Council shall be in accordance with Section 2.04(a)(2) of the Charter.
  - (2) *Deadline.* For regular and special meetings of the council held at the designated time and place, all agenda items shall be provided to the manager's office by close of business on the Wednesday prior to the regular Tuesday meeting.

The agenda shall be provided online by the close of business on the Friday prior to the regular Tuesday meeting. Changes to the agenda will not normally be made after this time and documentation for all agenda items will be included with the agenda. Any missing documents will be addressed via memorandum from the Town Manager (i.e., fuel bids).

For special meetings not scheduled at the regular Tuesday meeting time, agenda items shall be provided by the town manager's office at least 48 hours before the scheduled time and date of the meeting.

When an emergency meeting is called, or changes to the regular meeting agenda are needed, agenda items shall be provided as much in advance as possible prior to the meeting, but may be presented at the meeting itself if circumstances so require.

In the event a councilor, resident and/or taxpayer of the Town of Lisbon, authorized representatives of such resident or taxpayer, or in the case of an organization, the authorized representative of that organization, wishes a matter to be considered at a council meeting, it shall be submitted to the town manager as far in advance of the meeting as possible, and prior to the normal Wednesday deadline. The individual requesting the matter be considered shall explain the reason or necessity for consideration in order for the request to be considered by the council for inclusion on the agenda.

- (3) *Consent agenda.* Those items which in the opinion of the chair are considered routine matters not requiring debate, may be included on the agenda as a consent item. If so designated, it shall be listed on the agenda under "consent agent." Any councilor wishing to have any item so listed, removed from the consent agenda, shall have the unlimited right to do so at any time prior to the vote by council on the consent agenda. If such an item is removed from the consent agenda, it shall be considered as the next item of business after the consent agenda. In the case of items included as consent items, the motion to approve the item shall be

considered to have been adopted by the town council as part of its vote to approve the consent agenda.

- (4) *Fiscal items.* If a proposal has a direct fiscal impact of \$10,000.00 or more and requires a council vote outside the annual budget process, the council may consider that proposal only after the finance department has provided the council with a written evaluation of the direct impact of the proposal on town revenues and expenditures during the current and following fiscal year. As used in this rule, "proposal" means a supplemental appropriation, a proposed contract, or a proposed grant. This rule does not preclude the council from considering a proposal's longer term impact on town revenues and expenditures.
- (5) *Order of business.* All regular meetings of the town council shall transact their business in the following order:
  - a. Call to order and pledge to flag;
  - b. Roll call;
  - c. Reading of meeting rules;
  - d. Good news, recognition;
  - e. Public hearings;
  - f. Audience participation and response for agenda items;
  - g. Consent agenda;
  - h. Council orders, resolutions, and ordinances;
  - i. Other business;
  - j. Appointments;
  - k. Councilor communication;
  - l. Audience participation and response for new items;
  - m. Executive session;
  - n. Adjournment.

The town council may have the right to change the agenda order and to take up any agenda item out of order upon a majority vote of those councilors present.

- (6) *Non-agenda items.* In the event the town manager, town staff, or a councilor, wishes a matter to be considered at the current council meeting, that was not able to be submitted prior to the deadline and has not been included on the agenda, then that matter in proper form shall be submitted to the town council as far in advance of the meeting as possible, but it may be presented at the meeting. The council member, the manager or staff requesting that the matter be considered, shall explain the reason for and the necessity of immediate consideration at the current meeting. The council may vote to waive the rules to consider that item, and upon a majority vote of those councilors present, the item(s) shall be considered for action by council.

(d) *Meetings.*

- (1) *Generally.* Unless otherwise designated by the chair or by four members of council, and for good cause shown, meeting of the town council shall occur at the central meeting room in the town office building.
- (2) *Attendance.* Failure to attend 3 consecutive meetings of the Council without being excused by a vote of the Council will result in forfeiture of office. Acceptable excuses include, without limitation, illness, vacation, and family emergencies. A

limit of seven (7) excused absences over a one year session shall trigger Council review.

- (3) *Meeting length.* All council meetings, workshops, or executive sessions shall be conducted, except in extraordinary circumstances, within 2½ hours of the time the meeting is called to order. At regularly scheduled meetings, this will call for adjournment on or before 9:30 p.m. The council may, by waiving these rules, agree to extend the time for meetings if it is deemed appropriate.
- (4) *Adjourned sessions.* Any session of the town council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.
- (5) *Organizational meeting.* The council shall conduct an organizational meeting at 7:00 p.m. at its regular place of meeting, on the first Tuesday after the first Monday of December of each year. The meeting shall address the installation and oath of office of newly elected councilors, the election of a chair and vice chair, appropriate annual appointments as may be necessary, consideration and adoption of council working rules for the ensuing year, and such other organizational matters as may be deemed necessary and appropriate.
- (6) *Regular meetings.* The town council shall hold its regular meetings at 7:00 p.m. on the first and third Tuesdays of each month. If that Tuesday falls on a holiday, then the meeting shall be held on the next day. For good cause, the meeting date may be changed by the chair or by the vote of four councilors to another date and or time. If it is determined by the chair that there is no business to come before the town council, then he/she shall advise the town council accordingly and no meeting need be held.
- (7) *Special meetings.* Special meetings shall be held upon the call of the chair or four or more members of the council in accordance with the provisions of Section 2.06 of the Charter. The same notice requirements for a regular meeting shall pertain to the calling of a special meeting.
- (8) *Emergency meetings.* Where circumstances justify and constitute a hazard to the health, safety and welfare of the inhabitants, that requires action by the town council, then an emergency meeting may be held. Notice shall be given in the best practical manner including telephonically and electronically. The press shall be given the same notice within the same time frame as the town councilors.
- (9) *Remote Meetings.* Pursuant to 1 M R S Subsection 403-B and in accordance with Article II, Section 2.06 of the town charter; if an emergency or urgent situation is determined to exist, meetings of the Town Council may be held in accordance with the Town Council Remote Meeting Policy. The requirements stipulated in these Working Rules may be modified in a manner consistent with the requirements of the Remote Meeting policy."

(e) *Conduct of meetings.*

**VOTE (2022-15)** Councilor Moore, seconded by Councilor Miller moved to adopt the following Amendment to Section 74-201 Working Rules for the Town Council as follows:

**Sec. 74-201. Working rules for town council.**

...

(d) *Meetings.*

...

- (8) *Emergency meetings.* Where circumstances justify and constitute a hazard to the health, safety and welfare of the inhabitants, that requires action by the town council, then an emergency meeting may be held. Notice shall be given in the

best practical manner including telephonically and electronically. The press shall be given the same notice within the same time frame as the town councilors.

- (9) Remote Meetings. Pursuant to 1 M R S Subsection 403-B and in accordance with Article II, Section 2.06 of the town charter; if an emergency or urgent situation is determined to exist, meetings of the Town Council may be held in accordance with the Town Council Remote Meeting Policy. The requirements stipulated in these Working Rules may be modified in a manner consistent with the requirements of the Remote Meeting policy."

(e) *Conduct of meetings.*

**Order passed - Vote 6-0.**

### LISBON COVID-19 VACCINATION, TESTING, AND FACE COVERING POLICY

**INTRODUCTION:** Councilor Fellows suggested, in reference to the recent Supreme Court action and State Occupational Safety and Health Administration (OSHA) group not making a decision yet, that it would be best to move this agenda item to the next meeting.

**VOTE (2022-16)** Councilor Fellows, seconded by Councilor Lunt requested the Lisbon COVID-19 Vaccination, Testing and Face Covering Policy be moved to the next meeting's agenda. **Order passed - Vote 4-2 (Opposed: Miller and Moore).**

### BUDGET SCHEDULE

**INTRODUCTION:** Mrs. Barnes presented the draft budget schedule and said this Budget Schedule is similar to last year's budget schedule and if approved tonight, the Finance Committee will be included in these workshops.

**VOTE (2022-17)** Councilor Moore, seconded by Councilor Miller moved to adopt the Budget Schedule as presented. **Order passed - Vote 6-0**

### GENERATOR BIDS

**INTRODUCTION:** Mrs. Barnes said the Bids were opened and were all overbid. She recommended rejecting the bids. She said if the Council chooses not to reject the bids, they will have to go through a process to appropriate more money through the Unassigned Fund Balance.

Mr. Cyr stated Bid 2021-010 is for a new Generator, Transfer Switch, and Installation at three locations, which are the Public Works Garage, Village Street Fire Station, and Main Street Fire Station. He requested bids be broken down by location.

Bids were solicited from thirteen different companies and publicly opened. Randy Cyr, Public Works Director; Ray Soucy, PW Admin; Matthew Tassinari, Electrical Systems of Maine & Don Rossignol, Enterprise Electric were also present at the bid opening. He said as Council reviews each bid, they should refer to the individual attachments per each company and department for complete specifications. The following bids were received and reviewed. Following each bid is a recommendation:

### **PUBLIC WORKS - GARAGE:**

Public Works - Garage	Enterprise Electric	Generator	\$36,328.39
		Transfer Switch	\$4,041.68
		Installation	<u>\$25,540.44</u>
			<b>\$65,910.48</b>

Public Works - Garage	Electrical Systems of ME	Generator	\$32,300.00
		Transfer Switch	\$3,300.00

		Installation	<u>\$20,400.00</u>
			<b><u>\$56,000.00</u></b>

Mr. Cyr recommended Council reject both bids from Enterprise Electric and Electrical Systems of Maine for the Public Works Department because each bid is higher than the budgeted amount for the new generator. He indicated that budgeted amount for the Public Works Generator, Transfer Switch, and Installation is \$40,000.00. Back in November 2020 Mr. Cyr estimated a generator for the garage verbally quoted was around \$38,000.00 to \$40,000.00, which was why \$40,000.00 was budgeted. Mr. Cyr pointed out the reason for the increase on the current quote over the previous quote was because the quote in 2020 was for a 48kw generator and the new generator quote is for an 80kw generator, because the larger generator is needed to run all of the shop equipment.

### **FIRE DEPARTMENT – VILLAGE STREET:**

Fire Department – Village St	Enterprise Electric	Generator	\$30,312.59
		Transfer Switch	\$6,208.53
		Installation	<u>\$26,318.30</u>
			<b><u>\$62,839.42</u></b>

Fire Department – Village St	Electrical Systems of ME	Generator	\$27,585.00
		Transfer Switch	\$4,800.00
		Installation	<u>\$21,615.00</u>
			<b><u>\$54,000.00</u></b>

Mr. Cyr recommended Council reject both bids from Enterprise Electric and Electrical Systems of Maine for the Lisbon Village Fire Station because each bid is higher than the budgeted amount for a new generator. The budget amount for Fire Department to purchase a Generator, Transfer Switch, and Installation at Village Street Station is \$15,000.00.

### **FIRE DEPARTMENT – MAIN STREET:**

Fire Department – Main St	Enterprise Electric	Generator	\$30,312.59
		Transfer Switch	\$6,208.53
		Installation	<u>\$33,502.61</u>
			<b><u>\$70,023.73</u></b>

Fire Department–Main St	Electrical Systems of ME	Generator	\$27,585.00
		Transfer Switch	\$4,800.00
		Installation	<u>\$25,615.00</u>
			<b><u>\$58,000.00</u></b>

Mr. Cyr recommended Council reject both bids from Enterprise Electric and Electrical Systems of Maine for the Lisbon Falls Fire Station on Main Street because each bid is higher than the budget amount for a new generator. The budget amount for a Generator, Transfer Switch, and Installation at the Main Street Station is \$15,000.00 and an additional \$14,000.00 was budgeted for the electrical upgrade totaling \$29,000.00.

**COUNCILOR COMMENTS:** Councilor Lunt suggested the town purchase just one generator this year and a second generator next year because prices are so high. Councilor Larochelle said they could get one generator for Public Works with the money already budgeted since the Fire Chief is willing to try and acquire their generators with grant funds.

Chief LeClair mentioned the possibility of obtaining a Federal FEMA Grant for generator projects. He said the town also needs to upgrade the electrical service from 100 amps to 200 amps and that he hopes to get that done this year. He indicated he would concentrate on the electrical upgrade before the new generator if he had to choose.

Councilor Larochelle asked what the need was for both Fire Stations. Chief LeClair said one station needs electrical upgrades and a generator and the other one only needs a generator. Councilor Larochelle asked if both stations needed the same size generator. Chief LeClair replied yes, and they both should be upgraded with 48-50 kilowatts. Councilor Larochelle asked what was budgeted for the electrical. Chief LeClair replied \$17,000.00 was budgeted last year. Councilor Lunt suggested Mr. Cyr and Chief LeClair get together to see if they can purchase one generator for Public Works and also upgrade the electrical system for one Fire Station with the money currently allocated.

**VOTE (2022-18)** Councilor Fellows, seconded by Councilor Lunt requested this item be moved to the next meeting's agenda pending more information. **Order passed - Vote 6-0.**

## OTHER BUSINESS

### A. COUNCIL COMMITTEE REPORTS

1. School: None.
2. Planning: Councilor Fellows stated the Planning Board met last week and did a Site Plan Review for Grandview Estates and two Cannabis operations. One for Manufacturing and One for Retail, both located in the downtown Lisbon area.
3. LDC: None.
4. Conservation Commission: None.
5. Recreation: None.
6. County Budget: None.
7. Library: None
8. Water Commission: Councilor Fellows stated there's still a concern with the corrosion in the Water System and the Water Department is still waiting for parts to remedy that situation.
9. Finance Committee: None.

### B. TOWN MANAGER'S REPORT

Mrs. Barnes said she will send out an email about the FEMA (Federal Emergency Management Agency) training. She also wanted the Council to know the ad for a new Town Clerk, which closes on January 21. Councilor. Lunt asked if there were many that applied. Mrs. Barnes said no.

### C. DEPARTMENT HEAD WRITTEN REPORTS – NO COMMENTS

### D. COUNCIL GOAL SETTING – NO COMMENTS

## APPOINTMENTS

### LISBON DEVELOPMENT COMMITTEE 3 YEAR RENEWAL APPOINTMENTS EXPIRING JAN 31

**VOTE (2022-19)** Councilor Lunt, seconded by Councilor Robishaw moved to renew the LDC appointment for Don Fellows as Council Member and Primary Liaison and to renew regular member appointments for Angela D'Amours and Lisa Ward, and Christopher Rugullies, as Associate Member until 2024. **Order passed - Vote 6-0.**

### CONSERVATION COMMITTEE APPOINTMENT FOR

**VOTE (2022-20)** Councilor Fellows, seconded by Councilor Miller moved to appoint Cherie Garnett to the Conservation Commission. **Order passed - Vote 6-0.**

### COUNCIL COMMITTEE ASSIGNMENTS



- School: Councilor Larochelle Primary Liaison
- Planning: Councilor Fellows Primary Liaison
- LDC: Councilor Fellows Primary Liaison and Councilor Smith Secondary Liaison
- Conservation Commission: Councilor Moore Primary Liaison
- Recreation: Councilor Miller Primary Liaison
- County Budget: Councilor Moore Primary Liaison and Councilor Lunt Secondary Liaison
- Library: Councilor Lunt Primary Liaison
- Water Commission: Councilor Fellows Primary Liaison
- Finance Committee: Councilor Robishaw Primary Liaison

## **COUNCILOR COMMUNICATIONS**

Councilor Moore recognized and thanked the Public Works Department for doing a good job during the last snowstorm.

Councilor Larochelle stated Mark Stevens, the Parks & Recreation Director is requesting permission to use the Worumbo site for their annual Car Show and possibly expanding the Moxie Festival to that site this year due to the Main Street construction project coming up. Mrs. Barnes recommended talking to the contractors on the Main Street project first to make sure there is space available after the contractor's needs are met for their staging and equipment.

## **AUDIENCE PARTICIPATION & RESPONSE FOR NEW ITEMS**

Traci Austin, Chairman of the School Committee invited the Council to their next School Committee meeting to listen in on their budget process as they go through the school's budget line by line. She said this would help the Council understand and familiarize themselves with how the School Committee develops the school budget.

## **EXECUTIVE SESSION - NONE**

## **ADJOURNMENT**

**VOTE (2022-22)** Councilor Fellows, seconded by Councilor Robishaw moved to adjourn at 8:00 p.m. **Order passed - Vote 6-0.**

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Lisa B. Smith, Deputy Clerk  
Date Approved: February 1, 2022