



**TOWN COUNCIL
MEETING MINUTES
FEBRUARY 18, 2020**

Fern Larochelle 2020
Normand Albert, Vice Chair 2021
Kasie Kolbe 2021
Allen Ward, Chairman 2021
Mark Lunt 2022
Donald Fellows 2022
Jeffrey Ganong 2022

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, Larochelle, and Ganong. Also present were Diane Barnes, Town Manager; Randy Cyr, Public Works Director; Marc Hagan, Police Chief; Nate LeClair, Fire Chief; Brett Richardson, Economic & Community Development Director; Kayla Tierney, Finance Director; and one audience member.

VOTE (2020-29) Councilor Albert, seconded by Councilor Larochelle moved to excuse Councilor Lunt and Councilor Fellows absence. **Order passed – Vote 5-0.**

GOOD NEWS & RECOGNITION

ORDER 2020-30 PROCLAMATION FOR LISBON HIGH SCHOOL CHEERING TEAM

VOTE (2020-30) Councilor Larochelle, seconded by Councilor Albert moved that the proclamation presentation be moved to the March 10 meeting due to the weather and school vacation. **Order passed – Vote 5-0.**

EXECUTIVE SESSIONS

VOTE (2020-31 & 32) Councilor Larochelle, seconded by Councilor Kolbe moved to go into Executive Session at 7:03 PM per 1 MRSA Section 405(6) (C) Acquisition or Disposition of Real Property Or Economic Development and Section 405 (6) (A) Personnel Matters. **Order passed – Vote 5-0.**

The Council came out of executive session at 7:40 PM.

VOTE (2020-32B) Councilor Albert, seconded by Councilor Larochelle moved to enter back into regular session. **Order passed – Vote 5-0.**

PUBLIC HEARINGS

A. SPECIAL ENTERTAINMENT PERMIT FOR THE RAILROAD RESTAURANT & PUB

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

**B. AMEND CHAPTER XI MEDICAL MARIJUANA ESTABLISHMENTS,
SECTIONS 10-603, 605, & 606**

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 (2020-33A) Councilor Larochelle, seconded by Councilor Albert moved to approve the following:

- Municipal Accounts Payable & Payroll Warrants -

# 02052020	\$ 12,812.22	#02062020	\$ 153,068.40
# 200213	\$ 127,270.25	#2002W1	\$ 14,611.28
# 02122020	\$ 17,417.03	# 2182020	\$ 292,363.31
# 218Moxie	\$ 460.00		

- School Accounts Payable & Payroll Warrants –

# 33	\$ 2, 194.32	# 1058	\$ 359,066.02
# 1059	\$ 13,401.12	# 1060	\$ 3,840.96
# 1064	\$ 329,475.15	# 1062	\$ 66.24
#1061	\$ 6,779.99	# 36	\$ 2,105.66
#1063	\$ 678.17	#2014	\$ 79,606.10

- Minutes of February 4, 2020
- Renewal Liquor License & Special Entertainment Permit for the Railroad Restaurant & Pub
- Renewal Liquor License for Angelo's Pizzeria of Lisbon
- Set Public Hearing on March 3 for a Medical Marijuana Establishment for BBB Pharmaceutical Alt, LLC
- Annual Road Postings from March 1st, 2020 through May 1st, 2020 only within the limits of the Town of Lisbon as follows:

Bowdoinham Road	Gould Road	Mill Street
Burrough Road	Hudon Road	Moody Road
Edgecomb Road	Keay Road	Pinewoods Road
Ferry Road	King Road	River Road
Fisher Road	Littlefield Road	Summer Street

Wing Street and Webster Road are posted year round.

VOTE (2020-33B) Councilor Larochelle, seconded by Councilor Albert moved to amend the public hearing date for BBB Pharmaceutical Alternative, LLC to March 10 and to reschedule the March 3 meeting to March 10 because March 3 is Election Day. **Amendment passed - Vote 5-0.**

Main Order as Amended: Voted and Passed - Vote 5-0.

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

**DOWNTOWN TIF FUNDS TO RETAIN CONSULTANTS
FOR WORUMBO SITE DEVELOPMENT DESIGN PROCESS**

INTRODUCTION: Mr. Richardson said following the Town of Lisbon's acquisition of the former Worumbo Mill site, the Town Council sanctioned a property analysis to identify development opportunities and constraints for the Worumbo Mill site. The Lisbon Development Committee (LDC) assisted in oversight for the analysis.

Mr. Richardson said based on initial findings from the property analysis, the Worumbo site has development potential worthy of further analysis, site plan design for potential future uses, and subsequent public input to determine the highest and best use of the site to advance the Town's Downtown Plan, Route 196 Corridor Plan, and Town Comprehensive Plan. Evaluation criteria for the design process will include economic development, recreation, and increased parking in the designated Downtown district of Lisbon Falls.

Mr. Richardson mentioned ECD and LDC have identified the need for additional consulting capacity to design and publicly display development alternatives for public input to inform Council decision-making regarding future revitalization of the Worumbo site. Anticipated consulting needs include but are not limited to civil engineering, site plan and architectural design, parking needs analysis, and stakeholder engagement.

Mr. Richardson explained that per Item O. of the Downtown Omnibus Municipal Tax Increment Financing (TIF) District and Development Program Approval Letter from Maine Department of Economic and Community Development Commissioner George Gervais dated March 31, 2017, "Professional service costs including licensing/engineering and planning" are approved uses of Lisbon's Downtown TIF District funds.

COUNCILOR COMMENTS: Councilor Larochelle mentioned North Star would be reviewing the Worumbo area to see what limitations and options there are for this piece of property. He said he would like to see this presentation made to Council. Councilor Albert said he had no problem with ear marking this money. He suggested the Council be careful with how they frame this; we want business folks to come here and we missed that opportunity at Graziano Square. He said we could certainly set aside these funds to make this property more viable, but let us be mindful of snags. Councilor Larochelle reported clean up started and those dollars had already been put aside. Mrs. Barnes said yes and that those funds were coming from the Downtown funds the Council previously authorized for the VWRAP.

Mr. Richardson explained the three different segments here, the piece that is high and dry with setbacks, the cleaned up and elevated area, and the boggy piece. He reported the landscape architect could help define potential site uses, what the town needs, and what planning opportunities would support our downtown area. He mentioned how nice it will be to connect the downtown area to that side of Lisbon Street. He pointed out a lot of energy, attention, and momentum is going on so should a business opportunity come up it would be nice for the town to be able to respond quickly so we keep the momentum going and stay engaged.

VOTE (2020-34) Councilor Larochelle, seconded by Councilor Albert moved to authorize the Town Manager to allocate up to \$15,000 from the Downtown Tax Increment Financing account to retain outside consulting from subject matter experts to inform the Town's design for the redevelopment of the Worumbo site. **Order passed - Vote 5-0.**

MAINE DOWNTOWN CENTER COMMUNITY ENTREPRENEURSHIP PILOT PROGRAM – RFP RESPONSE

INTRODUCTION: Mr. Richardson reported the Maine Development Foundation's Maine Downtown Center (MDC) will select 2-3 communities to receive planning grants (up to \$10,000) followed by implementation grants (up to \$25,000) to support entrepreneurship via the Community Entrepreneurship Pilot Program. The MDC has issued a Request for Proposals (RFP) to select the pilot communities.

Mr. Richardson said Lisbon is eligible to respond to the RFP because Don Fellows, Scott Hall, Maggie Oliver, and Angie D'Amour attended the MDC kick-off in Skowhegan in December 2019 with Lisbon's Director of Economic and Community Development. ECD is collaborating with Positive Change Lisbon, Lisbon Development Committee, and representatives of the local business community to respond to the RFP. He said Lisbon has a lot going on, control over the Worumbo Site, and other locations. This will keep the momentum going and there are no matching funds required. The deadline for the proposed Letter of Intent is due on February 21, 2020 at 5:00pm

COUNCILOR COMMENTS: Councilor Ganong asked that the Council be given a copy of the letter.

VOTE (2020-35) Councilor Larochelle, seconded by Councilor Albert moved to authorize the Town Manager to submit an application to MDC to become a Community Entrepreneurship Pilot Community. **Order passed - Vote 5-0.**

2020 CDBG ECONOMIC DEVELOPMENT GRANT LETTER OF INTENT

INTRODUCTION: Mr. Richardson reported the Community Development Block Grant program (CDBG) has historically been an important resource for the Town of Lisbon's economic and community development initiatives.

Mr. Richardson said that in preparation for the 2020 CDBG application process, staff identified the CDBG Economic Development Grant Program a funding priority to support expansion and job creation in Lisbon. Matching funds required by the CDBG program will be contributed by the participating business. The deadline for the proposed Letter of Intent is due on February 21, 2020 at 4:00pm. He said the first step is this letter and then the application. He said this provides a great opportunity to create some in-town jobs.

VOTE (2020-36) Councilor Larochelle, seconded by Councilor Kolbe moved to authorize the Town Manager to submit a 2020 CDBG Economic Development Grant Letter of Intent for direct business support in the amount of \$500,000. **Order passed - Vote 5-0.**

BICYCLE COALITION MINI GRANT

INTRODUCTION: Chief Hagan said the Bicycle Coalition of Maine is offering “mini-grants” of \$750 for bike and pedestrian safety education. The Police Department would like to apply for this grant and, if accepted, use the money to purchase new bicycle helmets. These helmets would be given away randomly as needed, plus at two “Healthy Decisions Day” events currently scheduled for the spring at schools and during our annual bike rodeo in the summer. There are no required matching funds for this grant.

VOTE (2020-37) Councilor Larochelle, seconded by Councilor Albert moved to authorize the Police Chief/Town Manager permission to apply for the Bicycle Coalition Mini Grant. **Order passed - Vote 5-0.**

ROAD CLOSING/MEMORIAL DAY PARADE & WAIVE BANNER FEE FOR COOMBS MOUNTFORT AMERICAN LEGION POST 158

VOTE (2020-38) Councilor Larochelle, seconded by Councilor Albert moved to approve the usual road closings for the Memorial Day Parade & waive the banner fee for the Coombs Mountfort American Legion Post 158. **Order passed - Vote 5-0.**

LISBON/SABATTUS COST-SHARING AGREEMENT

INTRODUCTION: Mrs. Barnes said on September 18, 2018 at 7:00 pm, the Lisbon Town Council held a hearing at 300 Lisbon Street, Lisbon, Maine to determine whether the single-family structure (the “Structure”) located on the real estate at 430 Ridge Road, Lisbon, Maine, identified as Lot 14 on Tax Map R09 of the Town of Lisbon Tax Maps, and further described in a Deed recorded in the Androscoggin County Registry of Deeds at Book 4645, Page 1, is dangerous or a nuisance pursuant to 17 M.R.S. § 2851. The location of the Structure is also known as 921 Middle Road in Sabattus and the real estate is also identified as Lot 26 on Tax Map 2 of the Town of Sabattus Tax Maps. Based on the information presented at the hearing, the Town Council orders that the Structure be demolished.

Mrs. Barnes said Lisbon has incurred legal cost in the amount \$8,407.62 for this dangerous building action. The Town of Sabattus cannot demand, assessor collect costs that the Town of Lisbon incurred related to the order. The Town of Lisbon does not have the authority to assess a special tax lien related to the property, or foreclose on a tax lien certificate related to such assessment. The Town of Sabattus can include Lisbon’s costs in their special assessment for costs related to the dangerous buildings order once the Town’s enter into a cost-sharing agreement.

COUNCILOR COMMENTS: Councilor Albert asked what happens if only 70% of this cost gets satisfied and whether Sabattus would be collecting their 100% first before Lisbon gets any. He asked how do we all become whole in the end. Mrs. Barnes pointed out that Lisbon has to issue a quitclaim deed for our portion, which is to Lisbon’s advantage for collection. She said this makes sense to move forward. Councilor Larochelle said this is a decent property worth something. Mrs. Barnes mentioned they might have a buyer so this would probably be taken care of sooner rather than later.

VOTE (2020-39) Councilor Larochelle, seconded by Councilor Albert moved to authorize the Town Manager to sign a cost-sharing agreement for the reimbursement of costs incurred with the dangerous buildings order for 430 Ridge Road Lisbon, ME. **Order passed - Vote 5-0.**

AMEND CHAPTER XI MEDICAL MARIJUANA ESTABLISHMENTS,
SECTIONS 10-603, 605, & 606 – SECOND READING
Second Reading - Roll Call Vote Required

VOTE (2020-40) Councilor Larochelle, seconded by Councilor Albert moved to adopt the following amendments to Chapter XI Medical Marijuana Establishments, Sections 10-603, 605, & 606:

ARTICLE XI. - MEDICAL MARIJUANA ESTABLISHMENTS

Sec. 10-603. - Definitions. (Codifier will put definitions in alpha order)

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

Cultivation of marijuana for medical use. 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 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 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 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 a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.~~

Marijuana testing facility means an entity licensed by the State Department 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 dispensary. "Registered dispensary" means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

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

Registry identification card means a photographic identification card issued by the State Department 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 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](#))

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) ~~A~~ Copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority, if applicable.
- (2) ~~Evidence~~ Copies of all state approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, ~~a~~ state registry identification card, ~~or~~ 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) ~~Evidence~~ 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) ~~Evidence~~ 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 State Department licensing, registration, and certification as applicable as applicable.

If the town clerk determines that a submitted application is not complete, the clerk shall notify the applicant ~~within ten (10) business days~~ 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](#))

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, ~~and~~ plumbing code, and subsection 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 subsection 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](#))

Roll Call Vote: Yeas – Albert, Larochelle, Ward, Kolbe, and Ganong. Nays - None. Order passed – Vote 5-0.

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. School: Councilor Albert reported he attended the School Committee's recent meeting. The major topic discussed was the new SRO position. He said they seemed favorable and more discussions are expected.

2. Planning: Councilor Ward reported a new Medical Marijuana Establishment was approved at their last meeting for 8 Main Street in Lisbon Falls.
3. LDC: Councilor Larochelle reported LDC is focusing on the future of the Worumbo site. They will be reviewing this site, looking at limitations, potential uses, and addressing our downtown area needs. He said at the end of the day they are looking for community involvement and a collaborative decision on what direction this site should be going in.
4. Conservation Commission: Councilor Ward reported there was no meeting this month, but that they are continuing their work on Beaver Park and invasive species.
5. Recreation: Councilor Albert reported Moxie dates for next year have been set and that the Moxie Website is being updated. He said they are looking for themes right now. He mentioned he would like to see the new Moxie Fire Truck in the State of Maine bicentennial parade.
6. County Budget: Councilor Ward said he had nothing new to report.
7. Library: Councilor Lunt said he had nothing new to report.

B. TOWN MANAGER'S REPORT

Mrs. Barnes reported she would be attending a meeting at Town Hall with the Maine Department of Transportation to discuss the Main Street project. She indicated the town might not want MDOT to put back the trees they take out to do the sidewalk downtown because roots can get into the sewer system. Councilor Albert suggested MDOT plant trees to compensate the town in another location that will not interfere with the underground utilities; somewhere else so they do not interfere with the power lines, but maintains the green look we have now downtown.

Mrs. Barnes said a decision needs to be made regarding lights. She indicated MDOT should put back the wiring. If not, perhaps the town might go ahead with solar lights instead to save money. Mr. Cyr said the town is not able to purchase replacement poles identical to the ones we have now; they no longer make those. He indicated he could save the ones we have to be used for replacement poles for the other end of town. It is around \$2,500 to \$4,000 for new ones. Councilor Larochelle said MDOT should be replacing the base and hardware, but that he totally understood their not replacing the poles. If not, the Council should discuss what to do next. Mr. Cyr pointed out that along with new poles comes a great opportunity to get ones that can hang banners to dress up Main Street for special occasions. Councilor Larochelle said he was anxious to see what transpires next week from the meeting with MDOT.

APPOINTMENTS

FINANCE COMMITTEE

Seeing no objections, the Chairman requested this item be moved to the second meeting in March.

PLANNING BOARD

VOTE (2020-42) Councilor Albert, seconded by Councilor Larochelle moved to appoint Pat Maloy to the Planning Board as an Associate Member to 6/30/2021. **Order passed – Vote 5-0.**

COUNCILOR COMMUNICATIONS

Councilor Larochelle mentioned Brewer's Barber Company Ribbon Cutting Ceremony for February 19. He said along with some tasty treats they would also be listening to a speaker from the State of Maine for the Public Art Community Kick Off to "Let's Paint the Town." He invited everyone to join them.

Councilor Albert mentioned that the Middle School started a Unified Basketball Team. He said there would be an away game on March 3, then March 10 and 17 games here, and March 19 away. He thanked Coach Kevin Morrisette and said he was proud of his community for putting this together.

AUDIENCE PARTICIPATION FOR NEW ITEMS - NONE

EXECUTIVE SESSION

See Item Taken Up At the Beginning of This Meeting

ADJOURNMENT

VOTE (2020-43) Councilor Larochelle, seconded by Councilor Kolbe moved to adjourn at 8:42 PM. **Order passed - Vote 5-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: March 10, 2020