



AGENDA
COUNCIL MEETING
September 5, 2023
LISBON TOWN OFFICE
7:00 PM MEETING

1. CALL TO ORDER & PLEDGE TO FLAG
2. ROLL CALL
Harry Moore, Jr., Chair
Raymond Robishaw, Vice Chair
Mark Lunt
Donald Fellows
Jo-Jean Keller
Christine Cain
Fern Larochelle
3. GOOD NEWS & RECOGNITION
4. PUBLIC HEARINGS
 - A. Charter Amendment to Change Elections for School Committee to June
 - B. Authorizing Issuance of Bonds for Burroughs Road Bridge Project
 - C. Itinerant Vendor's License for Beach Betti's
 - D. Itinerant Vendor & Victualers Licenses for Mannie's Phillie 2 Me & Benchwarmerz
5. AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS
6. CONSENT AGENDA
 - A. Consent Agenda Items:
 1. Municipal Accounts Payable Warrants - \$ 1, 464,125.04
 2. Municipal Payroll Warrants - \$ 292,142.93
 3. School Accounts Payable - \$ 139,528.18
 4. School Payroll Warrant - \$ 0.00
 5. Minutes of August 14, 2023
 6. Itinerant Vendor's License for Beach Betti's
 7. Set Public Hearing for Sept. 19th for Mass Gathering Permit for Lisbon Falls Art Walk
 8. Itinerant Vendor & Victualer's Licenses for Mannie's Phillie 2 Me & Benchwarmerz
 9. Set Public Hearing for Sept 19th for a Victualer's License for The Loving Bite Catering
 10. Waive Victualer's application fee for The Loving Bite Catering
 11. Approve extension for Lisbon Left Hand Club for Liquor and Special Entertainment License to January 7, 2024.
7. COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES
 - Order-2023-5 Erosion and Sedimentation Control at Construction Site Ordinance -- *First Reading*
 - Order-2023-36 Charter Amendment to Change Elections for School Committee to June - Second Reading



AGENDA
COUNCIL MEETING
September 5, 2023
LISBON TOWN OFFICE
7:00 PM MEETING

Order-2023-37 Authorizing Issuance of Bonds for Burroughs Road Bridge Project - *Second Reading*

Order-2023-40 Approving Contract Award: \$67,500 to Electrical Systems of Maine

8. OTHER BUSINESS

A. Council Committee Reports:

1. School Committee – Councilor Larochelle
2. Planning Board – Councilor Fellows
3. Lisbon Development Committee – Councilor Lunt
4. Conservation Commission – Councilor Moore
5. Parks & Recreation Committee – Councilor Moore
6. County Budget Committee – Councilors Moore/Lunt
7. Library Governing Board – Councilor Keller
8. Water Commission – Councilor Fellows
9. Finance Committee – Councilor Robishaw

B. Town Manager's Report

9. APPOINTMENTS

Order-2023-38 Order-2023-38 Appointment of Assistant Town Manager

10. COUNCIL COMMUNICATIONS

11. AUDIENCE PARTICIPATION & RESPONSE TO NEW ITEMS

12. EXECUTIVE SESSION

A. Order-2023-39 Executive Session: Acquisition of Real Property or Economic Development per 1 M.R.S.A. § 405(6) (C)

13. ADJOURNMENT



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Charter Amendment to Change Elections for School Committee to June
Date: September 5, 2023

Summary

Public Hearing.

Recommendation

Attachments

1. Public Hearings



TOWN OF LISBON

300 Lisbon Street, Lisbon ME 04250

Lisa M. Ward, *Town Clerk*
Lisa B. Smith, *Deputy Clerk*

PUBLIC HEARING CHARTER AMENDMENT

Pursuant to an order of the Town Council, the public is hereby notified that a public hearing will be held on Tuesday, September 5, 2023 at 7:00 PM in the Council Meeting Room at the Lisbon Town Office, 300 Lisbon Street, Lisbon, Maine, for the purpose of receiving public input on the Charter Amendment Question 1. The proposed Charter Amendment Question, and summary of the amendments, is as follows:

QUESTION 1

Shall the municipality approve the Charter Amendment summarized below?

SUMMARY: This amendment to the Lisbon Town Charter would modify Article IV, Sections 4.01, 4.04, and 4.05, Article VI, Section 6.04, Article VII, Section 7.01, and Article IX, Section 9.01 to provide that elections for School Committee members and the School Department Budget validation referendum shall occur annually on the second Tuesday of June.

Note: A copy of the proposed Charter Amendment is available for inspection and review in the Town Clerk's office during regular business hours.

The public is invited to attend.

A handwritten signature in black ink, appearing to read "Lisa M. Ward", written over a horizontal line.

Lisa M. Ward
Town Clerk

23-10123

**Constable's
Return of Posting
State of Maine**

Lisbon,

Androscoggin, ss.

Pursuant to the within notice, I have posted said notice at the Lisbon Post Office, the Lisbon Falls Post Office, and the Town Office Building, all being conspicuous and public places within the Town of Lisbon.

8-16-2023

Date

Daniel A. Cusack

Constable, Town of Lisbon



TOWN OF LISBON

300 Lisbon Street, Lisbon ME 04250

Lisa M. Ward, *Town Clerk*
Lisa B. Smith, *Deputy Clerk*

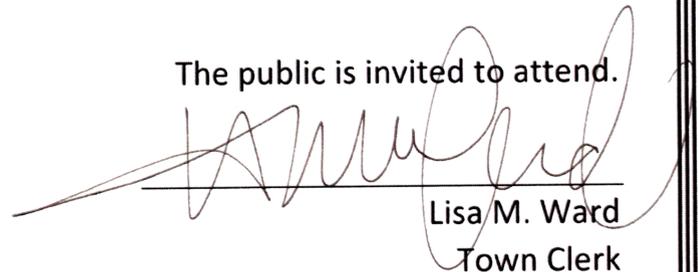
PUBLIC HEARING MUNICIPAL BOND

The Municipal Officers of the Town of Lisbon have considered and approved in concept the issuance of bonds for the purpose of financing the design, permitting and construction of repairs, replacements and improvements to bridges and related roads and facilities located in or on Burrough Road.

Pursuant to the Charter of the Town of Lisbon (the "Charter"), approval of the financing of this purchase requires that a Public Hearing be conducted prior to the issue of an order calling for a Referendum. Therefore, pursuant to the authority conferred by Section 8.21(b), and the requirements of Sections 6.09 and 8.11 (b)(2) of the Charter, a public hearing shall be held on Tuesday, September 5, 2023 at 7:00 P.M. at the Lisbon Town Office, 300 Lisbon Street, Lisbon, Maine for the purpose of hearing public comment on the Order providing for the issuance of such bonds and securing the financing described above, intended to raise \$650,000 for the purchase.

Copies of the proposed text may be viewed or obtained at the Town Clerk's office, 300 Lisbon Street, Lisbon, or online at www.lisbonme.org.

The public is invited to attend.


Lisa M. Ward
Town Clerk

23-10/21

Constable's
Return of Posting
State of Maine

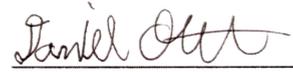
Lisbon,

Androscoggin, ss.

Pursuant to the within notice, I have posted said notice at the Lisbon Post Office, the Lisbon Falls Post Office, and the Town Office Building, all being conspicuous and public places within the Town of Lisbon.

8-16-2023

Date



Constable, Town of Lisbon



TOWN OF LISBON

300 Lisbon Street, Lisbon ME 04250

Lisa M. Ward, Town Clerk
Lisa B. Smith, Deputy Clerk

PUBLIC HEARING

The Lisbon Town Council will hold a public hearing on September 5, 2023 at 7:00 PM in the Town Office Public Meeting Room to consider the following:

A Victualer's License for

Beach Betti's
17 Higgins Street
Lisbon Falls, ME 04252

*A Victualer's License and Itinerant Vendor License
("Food Truck")*

Benchwarmerz
13 Andrea St.
Lisbon, ME 04250

And

Mannie's Philly 2 Me
17 Pleasant St., Apt 1
Auburn, ME 04210

The public is invited to attend.

A handwritten signature in black ink, appearing to read "Lisa M. Ward", written over a horizontal line.

Lisa M. Ward
Town Clerk

23-10122

Constable's
Return of Posting
State of Maine

Lisbon,

Androscoggin, ss.

Pursuant to the within notice, I have posted said notice at the Lisbon Post Office, the Lisbon Falls Post Office, and the Town Office Building, all being conspicuous and public places within the Town of Lisbon.

8-16-2023

Date

Daniel Ouellette

Constable, Town of Lisbon



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Laroche 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Authorizing Issuance of Bonds for Burroughs Road Bridge Project
Date: September 5, 2023

Summary

Recommendation

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Laroche 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Itinerant Vendor's License for Beach Betti's
Date: September 5, 2023

Summary

Recommendation

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Itinerant Vendor & Victualers Licenses for Mannie's Phillie 2 Me & Benchwarmerz
Date: September 5, 2023

Summary

Recommendation

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Consent Agenda Items:
Date: September 5, 2023

Summary

Consent Agenda Items are considered routine and will be considered for adoption by one motion with no separate discussion unless a Councilor requests an item be removed. Any Councilor wishing to remove an item may do so for separate consideration.

Recommendation

Approve Consent Agenda as presented.

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Municipal Accounts Payable Warrants - \$ 1, 464,125.04
Date: September 5, 2023

Summary

Recommendation

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Municipal Payroll Warrants - \$ 292,142.93
Date: September 5, 2023

Summary

Recommendation

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: School Accounts Payable - \$ 139,528.18
Date: September 5, 2023

Summary

Recommendation

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: School Payroll Warrant - \$ 0.00
Date: September 5, 2023

Summary

Recommendation

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Minutes of August 14, 2023
Date: September 5, 2023

Summary

Minutes from August 14, 2023.

Recommendation

Approve the minutes of the August 14, 2023 Executive Session meeting.

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Itinerant Vendor's License for Beach Betti's
Date: September 5, 2023

Summary

Recommendation

Attachments

1. Beach Betti's

Name of Business: Beach Betti

I, Randall Smith (owner's name), owner (title) am authorized to sign on behalf of said business and further declare that the foregoing information is accurate and true to the best of my knowledge and belief, and that I hereby acknowledge a public records check may be conducted.

Signature: [Signature] Date: 7/10/23

FEES

Itinerant Vendor Permit

- \$0.00 No Fee—I am covered under a Mass Gathering Permit (entity): _____
- \$50.00 Temporary Stand, up to 60 days
- \$100.00 1 Year

Victualer's Permit

- \$25.00 1 Week
 - \$50.00 1 Year
- N/A

| <u>Fee Worksheet</u> | |
|---|---------------------|
| Itinerant Vendor Fee: | \$ <u>50</u> |
| Victualer's Fee: | \$ <u>—</u> |
| TOTAL DUE: | \$ <u>50</u> |
| <i>Please make check payable to: Town of Lisbon</i> | |

INSPECTIONS AND REQUIREMENTS

Check One:

- Food Preparation (including coffee) – *Requires inspection*
- Pre-packaged Food or Ice Cream only – *Does not require inspection*

HEALTH OFFICER

Notice of Compliance (By Ordinance): I, **Nate LeClair, Health Officer** for the Town of Lisbon, hereby certify I have inspected the above establishment and found the premises meet all requirements under the Lisbon Code entitled Victualer and any applicable state regulations.

Signature: N/A Date: _____

POLICE CHIEF

Notice of Compliance (By Ordinance): I, **Ryan McGee, Police Chief** for the Town of Lisbon, hereby certify I have reviewed this application and the vendor will not create safety problems for either traffic or pedestrians, and that information on file does not indicate the applicant is a person of bad moral character.

Public Records Check completed

Signature: [Signature] Date: 7-11-23



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Set Public Hearing for Sept. 19th for Mass Gathering Permit for Lisbon Falls Art Walk
Date: September 5, 2023

Summary

Recommendation

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Itinerant Vendor & Victualer's Licenses for Mannie's Phillie 2 Me & Benchwarmerz
Date: September 5, 2023

Summary

Recommendation

Attachments

1. Mannies Phillie 2 Me Food Truck App
2. Benchwarmerz Food Truck App

TOWN OF LISBON

Food Truck/Mobile Unit Application

Please attach additional information where applicable.

Thank you for your interest in bringing your Food Truck/Mobile Unit to Lisbon! This form includes the details needed to complete your application. Please read all information carefully. You can contact us via email with any questions at clerk@lisbonme.org. All Fees are payable to the Town of Lisbon.

Business Name: MANNIE'S Philly 2 Me.

We are a Non-Profit or School Group: Yes No

Contact Person/Owner: EMANUEL CUSANS

Mailing Address: 17 PLEASANT ST APT #1 AUBURN ME. 04210

Business Email Address: MANNIESPhilly2Me@gmail.com

Home Phone: 207 212 6527 Cell Phone: SAME

Owner's Residence Address: 17 PLEASANT ST APT #1

Town/City: Auburn State: Me Zip: 04210

Residence(s) for last 5 years: Yes

List of Applicant / Partners / Corporate Officers. Please Print Clearly, attach separate sheet if needed.

Name & Address: EMANUEL CUSANS
17 PLEASANT ST APT #1 AUBURN ME 04210 Date of Birth: [REDACTED]

Name & Address: _____ Date of Birth: _____

Name & Address: _____ Date of Birth: _____

Town/City: _____ State: _____ Zip: _____

Has applicant's Business License ever been revoked? Yes No If yes, Why? _____

Has any applicant / partner / corporate officer ever been convicted of a felony? Yes No
If yes, describe specific circumstances: _____

- Please acknowledge the following and attach where applicable:
- Copy of State of Maine FOOD LICENSE. State ID License #: 30291 Exp 6-8-24
 - Certificate of Liability Insurance is REQUIRED for food vendors. Town of Lisbon must be listed as an additional insurer.
 - Proof of non-profit status if applicable.
 - If fixed location, attach Landowner Permission letter.
 - If roaming, attach route map for Police Chief to review.
 - I have scheduled/will schedule a Lisbon Food Truck Site.

State

Name of Business: MANNIES Philly 2 Me.

I, EMMANUEL CUVENS (owner's name), OWNER (title) am authorized to sign on behalf of said business and further declare that the foregoing information is accurate and true to the best of my knowledge and belief, and that I hereby acknowledge a public records check may be conducted.

Signature: [Signature] Date: 7/26/2023

FEES

Itinerant Vendor Permit

- \$0.00 No Fee—I am covered under a Mass Gathering Permit (entity): _____
- \$50.00 Temporary Stand, up to 60 days
- \$100.00 1 Year

Victualer's Permit

- \$25.00 1 Week
- \$50.00 1 Year

| Fee Worksheet | |
|---|-------------------------|
| Itinerant Vendor Fee: | \$ <u>50.00</u> |
| Victualer's Fee: | \$ <u>50.00</u> |
| TOTAL DUE: | \$ <u>100.00</u> |
| Please make check payable to: <u>Town of Lisbon</u> | |

INSPECTIONS AND REQUIREMENTS

Check One:

- Food Preparation (including coffee) – *Requires inspection*
- Pre-packaged Food or Ice Cream only – *Does not require inspection*

HEALTH OFFICER

Notice of Compliance (By Ordinance): I, Nate LeClair, Health Officer for the Town of Lisbon, hereby certify I have inspected the above establishment and found the premises meet all requirements under the Lisbon Code entitled Victualer and any applicable state regulations.

Signature: [Signature] Date: 8/11/23
Chris McLaughlin - Fire Chief - Topsham

POLICE CHIEF

Notice of Compliance (By Ordinance): I, Ryan McGee, Police Chief for the Town of Lisbon, hereby certify I have reviewed this application and the vendor will not create safety problems for either traffic or pedestrians, and that information on file does not indicate the applicant is a person of bad moral character.

Public Records Check completed

Signature: [Signature] Date: 7-27-23

TOWN OF LISBON

Food Truck/Mobile Unit Application

Please attach additional information where applicable.

Thank you for your interest in bringing your Food Truck/Mobile Unit to Lisbon! This form includes the details needed to complete your application. Please read all information carefully. You can contact us via email with any questions at clerk@lisbonme.org. All Fees are payable to the Town of Lisbon.

Business Name: Benchwarmerz

We are a Non-Profit or School Group: Yes No

Contact Person/Owner: Nicole Lovejoy

Mailing Address: 13 Andrea Street Lisbon, Me 04250

Business Email Address: Benchwarmerzme@gmail.com

Home Phone: N/A Cell Phone: 207 577-6340

Owner's Residence Address: Same as above

Town/City: _____ State: _____ Zip: _____

Residence(s) for last 5 years: Same as above

List of Applicant / Partners / Corporate Officers. Please Print Clearly, attach separate sheet if needed.

Name & Address: Nicole Lovejoy
13 Andrea Street Lisbon, Me 04250 Date of Birth: 

Name & Address: _____
Date of Birth: _____

Name & Address: _____
Date of Birth: _____

Town/City: _____ State: _____ Zip: _____

Has applicant's Business License ever been revoked? Yes No If yes, Why? _____

Has any applicant / partner / corporate officer ever been convicted of a felony? Yes No
If yes, describe specific circumstances: _____

Please acknowledge the following and attach where applicable:

- Copy of State of Maine FOOD LICENSE. State ID License #:
- Certificate of Liability Insurance is **REQUIRED** for food vendors. Town of Lisbon must be listed as an additional insurer.
- Proof of non-profit status if applicable.
- If fixed location, attach Landowner Permission letter.
- If roaming, attach route map for Police Chief to review.
- I have scheduled/will schedule a Lisbon Food Truck Site.

Name of Business: Benchwarmerz

I, Nicole Lovejoy (owner's name), Owner (title) am authorized to sign on behalf of said business and further declare that the foregoing information is accurate and true to the best of my knowledge and belief, and that I hereby acknowledge a public records check may be conducted.

Signature: Nicole Lovejoy Date: 7/28/23

FEES

Itinerant Vendor Permit

- \$0.00 No Fee—I am covered under a Mass Gathering Permit (entity): _____
- \$50.00 Temporary Stand, up to 60 days
- \$100.00 1 Year

Victualer's Permit

- \$25.00 1 Week
- \$50.00 1 Year

| <u>Fee Worksheet</u> | |
|--|----------------------|
| Itinerant Vendor Fee: | \$ <u>50</u> |
| Victualer's Fee: | \$ <u>50</u> |
| TOTAL DUE: | \$ <u>100</u> |
| <i>Please make check payable to: Town of Lisbon</i> | |

INSPECTIONS AND REQUIREMENTS

Check One:

- Food Preparation (including coffee) – *Requires inspection*
- Pre-packaged Food or Ice Cream only – *Does not require inspection*

HEALTH OFFICER

Notice of Compliance (By Ordinance): I, **Nate LeClair, Health Officer** for the Town of Lisbon, hereby certify I have inspected the above establishment and found the premises meet all requirements under the Lisbon Code entitled Victualer and any applicable state regulations.

Signature: Nate LeClair Date: 7/28/23

POLICE CHIEF

Notice of Compliance (By Ordinance): I, **Ryan McGee, Police Chief** for the Town of Lisbon, hereby certify I have reviewed this application and the vendor will not create safety problems for either traffic or pedestrians, and that information on file does not indicate the applicant is a person of bad moral character.

Public Records Check completed

Signature: Ryan McGee Date: 7/3/23



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Set Public Hearing for Sept 19th for a Victualer's License for The Loving Bite Catering
Date: September 5, 2023

Summary

The Loving Bite Catering has completed the paperwork for a first time Victualer's License.

Recommendation

Set the Hearing for September 19th.

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Waive Victualer's application fee for The Loving Bite Catering
Date: September 5, 2023

Summary

The Loving Bite Catering will be serving the employee appreciation picnic for the town.

Recommendation

Waive the temporary Victualer's Permit fee for this event.

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Laroche 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Approve extension for Lisbon Left Hand Club for Liquor and Special Entertainment License to January 7, 2024.
Date: September 5, 2023

Summary

The State has extended the liquor license for the Left Hand Club to Jan. 7, 2024 due to loss of business due to Covid. We have done this for another Lisbon business, as well.

Recommendation

Approve extension of related Town permits, Liquor and Special Entertainment, per the State policy.

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Erosion and Sedimentation Control at Construction Site Ordinance -- *First Reading*
Date: September 5, 2023

Summary

The Planning Board has considered and approved this item. This is to bring our local ordinance in line with the State.

Recommendation

Amend the Erosion and Sedimentation Control at Construction Site Ordinance as presented and set a hearing for May 16, 2023.

Attachments

1. Erosion and Sedimentation Control at Construction Site Ordinance

Town of Lisbon Ordinance for Erosion and Sedimentation Control at Construction Sites

Last Revised 3/14/23



Credits: This model ordinance was prepared by SMPDC, CCSWCD, and Integrated Environmental Engineering, Inc. under award CZM NA20NOS4190064 to the Maine Coastal Program from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of NOAA or the Department of Commerce.

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Section 1 Purpose

The purpose of this Ordinance is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control erosion at construction sites and prevent migration of sediment from construction sites so that erosion and sedimentation do not adversely impact off-site natural resources, properties, or the Regulated Small MS4.

Section 2 Definitions

Adverse Impact – Means any undue deleterious effect due to erosion or sedimentation from Construction Activity on Waters of the State, Protected Natural Resources, the infrastructure of the Regulated Small MS4, or off-Site. Such undue deleterious effect is or may be potentially harmful or injurious to human health, welfare, safety, or property to biological productivity, diversity, or stability, or may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Erosion and Sedimentation Control Best Management Practices (Erosion and Sedimentation Control BMPs) - Means schedules of activities, prohibitions of practices, maintenance procedures, and other methods, techniques, designs, and management practices to prevent or reduce the pollution of Waters of the State and to control erosion (Erosion Control BMPs) and sedimentation (Sedimentation Control BMPs). BMPs also include treatment requirements, operating procedures, and practices to control Site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Common Plan of Development or Sale - Means a “subdivision” as defined in Title 30-A M.R.S. §§ 4401 *et seq.* (the Maine Subdivision statute) and in in Section 70 Article 1 and Section 66 Article 2 of the Municipality’s code of ordinances.

Construction Activity – Means any activity on a Parcel that results in Disturbed Area.

Discharge - Means any spilling, leaking, pumping, pouring, emptying, dumping, disposing, or other addition of pollutants to the Waters of the State located within the Municipality’s Urbanized Area and not including groundwater.

Disturbed Area - Means all land areas of a Parcel that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. “Routine maintenance” is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

Enforcement Authority – The Town of Lisbon, and their designee, are authorized to enforce this Ordinance. The use of Enforcement Authority in this Ordinance is synonymous with “Enforcement Authority or their designee”.

General Permit – Means the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4) approved October 15, 2020 and modified November 23, 2021 and any amendment or renewal thereof.

Impervious Area - Means the total area of a Parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common Impervious Areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and underdrained artificial turf fields are all considered impervious.

Municipal Separate Storm Sewer Systems (MS4) - Means a conveyance or system of conveyances designed or used for collecting or conveying stormwater (other than a publicly owned treatment works (POTW), as defined at 40 CFR 122.2, or a combined sewer), including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains owned or operated by any municipality, sewer or sewage district, Maine Department of Transportation (MDOT), Maine Turnpike Authority (MTA), State agency or Federal agency or other public entity that Discharges to Waters of the State other than groundwater.

Municipality – Means the Town of Lisbon.

Parcel - Means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or Parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

Permitting Authority - Means the Code Enforcement Officer, Building Inspector, Planning Board, or other official or body authorized by State law or the Municipality’s ordinances to approve development or redevelopment projects.

Person - Means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency, or other legal entity which creates, initiates, originates, or maintains a Discharge authorized or regulated by the General Permit.

Protected Natural Resource - Means coastal sand dunes, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, community public water system primary protection areas, great ponds, or rivers, streams or brooks as defined in the *Natural Resources Protection Act* at 38 M.R.S. §480-B.

Qualified Professional – Means a person who has been certified by Enviro-Cert International in erosion and sedimentation control practices or has been certified by completing the Maine Department of Environmental Protection Erosion and Sedimentation Control Practices Workshop, or is a Maine Professional Engineer with at least two years’ experience in designing Erosion and Sedimentation Control BMPs.

Regulated Small MS4 - Means any Small MS4 authorized by the most recent, in-force MS4 General Permit or the general permits for the Discharge of stormwater from MDOT and MTA Small MS4s or state or federally owned or operated Small MS4s including all those located partially or entirely within an Urbanized Area.

Small MS4 - Means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, state or federally owned systems, such as colleges, universities, prisons, military bases and facilities, and transportation entities such as MDOT and MTA road systems and facilities. See also 40 CFR 122.26(b)(16).

Site - Means the portion(s) of a Parcel upon which Construction Activity subject to this Ordinance is located.

Urbanized Area - Means the area of the Municipality so defined by the inclusive sum of the 2000 decennial census and the 2010 decennial census by the U.S. Census Bureau.

Waters of the State – Means Waters of the State as defined in 38 M.R.S. §361-A (7).

Section 3 Applicability

This Ordinance applies to Construction Activity on a Parcel or Common Plan of Development or Sale commencing after the effective date of this Ordinance, with stormwater Discharges to the Regulated Small MS4 within the Municipality’s Urbanized Area, that results in:

- a. Disturbed Area of one or more acres of land, or
- b. Disturbed Area that is less than one acre of land if the Construction Activity creating Disturbed Area less than one acre of land is part of a larger Common Plan of Development or Sale that as approved or amended would create Disturbed Area of one acre or more.

Section 4 Procedure

4.1 Erosion and Sedimentation Control Plan Required

No Person shall commence Construction Activity subject to the Applicability Section of this Ordinance without first preparing and obtaining approval for an Erosion and Sedimentation Control Plan in accordance with this Ordinance.

4.2 Submission

When Construction Activity is subject to subdivision, site plan, or other review under the Municipality’s planning, zoning, and land use ordinances which includes a review for erosion and sedimentation control, an Erosion and Sedimentation Control Plan meeting these requirements shall

be submitted to the Permitting Authority concurrently with that review. When a concurrent review is not otherwise required, an Erosion and Sedimentation Control Plan shall be submitted to the Enforcement Authority.

4.3 Review

The Erosion and Sedimentation Control Plan shall be reviewed by the Enforcement Authority or incorporated into the municipal review of a subdivision, site plan, or other review under the Municipality's planning, zoning, and land use ordinances by the Permitting Authority, in accordance with subsection 4.2 above. The Enforcement Authority and the Permitting Authority, as appropriate, will conduct the review under the standards of this Ordinance, and will accept and consider public comment provided as part of that review.

The Enforcement Authority or Permitting Authority, as appropriate, will review the Erosion and Sedimentation Control Plan for compliance with the standards of Section 5, Section 6, and Appendix 1 of this Ordinance and may provide comments where standards have not been met. Once an applicant has submitted an Erosion and Sedimentation Control Plan that the Enforcement Authority or Permitting Authority finds is in compliance with the standards of Section 5, Section 6, and Appendix 1 of this Ordinance, the Enforcement Authority or Permitting Authority shall provide written confirmation to the applicant. The Enforcement Authority or Permitting Authority may approve the Erosion and Sedimentation Control Plan, approve it with conditions, or deny the Erosion and Sedimentation Control Plan, and that decision shall be in writing and supported by findings of fact and conclusions of law. Appeals from decisions of the Enforcement Authority regarding the Erosion and Sedimentation Control Plan may be taken within 30 days of the date of decision to the Board of Appeals as provided under the Municipality's Zoning Ordinance; appeals from decisions of the Permitting Authority regarding the Erosion and Sedimentation Control Plan may be taken within 30 days of the date of decision in the same manner as appeals are taken under the Municipality's subdivision or site plan ordinance, as appropriate.

4.5 Compliance with Requirements

The applicant shall implement and comply with the Erosion and Sedimentation Control Plan as approved throughout all phases of Construction Activity.

Section 5 Submission Requirements

5.2 Erosion and Sedimentation Control Plan Content

The Erosion and Sedimentation Control Plan shall be prepared in accordance with the performance standards contained in Appendix 1.

The Erosion and Sedimentation Control Plan shall consist of a graphic representation of the Site at a scale no smaller than 1 inch = 100 feet showing:

- Parcel boundaries,
- Locations of Protected Natural Resources,
- Locations of all potential sources of authorized and unauthorized non-stormwater discharges,
- Locations of all Erosion and Sedimentation Control BMPs to be used,

- Topography for Site pre-and post-construction conditions as 2-foot elevation contours,
- Details for all Erosion and Sedimentation Control BMPs to be used,

The Erosion and Sedimentation Control Plan shall also include documentation of any variances or releases provided by the Maine Department of Environmental Protection from Chapter 500 performance standards.

Section 6 Requirements and Standards

The Enforcement Authority shall determine if the following standards are met in accordance with Appendix 1.

- Qualified Professional.** The Erosion and Sedimentation Control Plan has been prepared by a Qualified Professional.
- Timing of Installation and Maintenance.** The Erosion and Sedimentation Control Plan requires that Erosion and Sedimentation Control BMPs shall be in place before construction begins, additional measures phased in if phasing is used, and shall be maintained until permanent stabilization is achieved.
- Inspection.** The Erosion and Sedimentation Control Plan provides for inspection of the Site by the applicant to confirm that Erosion and Sedimentation Control BMPs are in place and functioning. The Erosion and Sedimentation Control Plan also provides for corrective action if erosion is occurring or there is a discharge of sediment or turbid water from the construction Site.
- Spill Prevention.** The Erosion and Sedimentation Control Plan includes measures that prevent construction Site pollution and spills from entering stormwater.
- Groundwater Protection.** The Erosion and Sedimentation Control Plan restricts the storage or handling of liquid petroleum products and other hazardous materials that may drain to an "infiltration area."
- Fugitive Sediment and Dust.** The Erosion and Sedimentation Control Plan includes provisions to prevent erosion of soils, tracking or migration of soils into the right of way, discharge of sediment from the Site, and fugitive dust emissions during or after construction.
- Debris.** The Erosion and Sedimentation Control Plan includes provisions to minimize the exposure of construction materials and waste to stormwater runoff and prevent them from migrating off-Site.
- Excavation Dewatering.** The Erosion and Sedimentation Control Plan must include provisions to remove or properly disperse the collected water in a manner that prevents sediment from entering stormwater.
- Non-stormwater Discharges.** The Erosion and Sedimentation Control Plan minimizes non-stormwater discharges and, if non-stormwater discharges are allowed, they are identified in the Erosion and Sedimentation Control Plan with appropriate pollution measures for discharge.

Section 7 Inspection

The Enforcement Authority will inspect the Site as follows at a minimum:

- Once before any disturbance begins and after all Erosion and Sedimentation Control BMPs specified in the Erosion and Sedimentation Control Plan are in place

- b. Three times during the active earth moving phase of construction
- c. Once at project completion to ensure the Site has reached permanent stabilization and all temporary erosion and sedimentation controls have been removed

Additional inspection requirements to be completed by the applicant during construction are contained in Appendix 1.

Section 8 Enforcement

It shall be unlawful for any Person to violate any provision of or to fail to comply with any of the requirements of this Ordinance. Whenever the Enforcement Authority believes that a Person has violated this Ordinance, the Enforcement Authority may enforce this Ordinance in accordance with 30-A M.R.S. § 4452 and this Section.

Section 8.1 Right of Entry

In order to determine compliance with this Ordinance, the Enforcement Authority may enter upon the Parcel at reasonable hours with the consent of the owner, occupant, agent, or contractor to inspect the Parcel for compliance with this Ordinance.

Section 8.2 Notice of Violation

Whenever the Enforcement Authority finds that a Person has violated this Ordinance, the Enforcement Authority may order compliance with this Ordinance by written notice of violation to that Person indicating the nature of the violation(s), a statement of the Ordinance provision(s) alleged to have been violated, including a statement of the penalties for violation, and ordering the action necessary to correct it, including, without limitation:

- a. The abatement of violations and the cessation of practices or operations in violation of this Ordinance;
- b. At the Person's expense, compliance with or repair of the Erosion and Sedimentation Control BMPs required as a condition of approval of the Erosion and Sedimentation Control Plan, and/or the restoration of any affected portion(s) of the Parcel;
- c. The payment of fines, of the Municipality's remediation costs and of the Municipality's reasonable administrative costs and attorneys' fees and costs;
- d. If abatement of a violation, compliance with the Erosion and Sedimentation Control Plan, repair of Erosion and Sedimentation Control BMPs, and/or restoration of affected portions of the Parcel is required, the notice shall set forth a deadline within which such abatement, compliance, repair, and/or restoration must be completed.

Section 8.3 Stop Work Notice

The Enforcement Authority may issue a Stop Work Notice whenever:

- a. A Person has not acted on a notice of violation issued pursuant to this Ordinance within the time set forth in the notice, or
- b. A Person subject to the applicability section of this Ordinance undertakes Construction Activity without first submitting an application for and obtaining approval of an Erosion and Sedimentation Control Plan.

The Enforcement Authority will attempt to deliver the Stop Work Notice to the applicant, the Person performing the Construction Activity, or the owner or occupant of the Parcel, as appropriate, by any means reasonable calculated to effectuate delivery.

Once the Stop Work Notice has been delivered, no further Construction Activity at the Site may proceed other than as is necessary to correct the non-compliance. Construction Activity may resume only when the Enforcement Authority provides written notice that the Person may resume that Construction Activity.

Section 8.4 Penalties/Fines/Injunctive Relief

Any Person who violates this Ordinance, including, but not limited to the Erosion and Sedimentation Control Plan, shall be subject to fines, penalties, and orders for injunctive relief and shall be responsible for the Municipality's attorney's fees and costs, all in accordance with 30-A M.R.S. § 4452. Each day that such violation continues shall constitute a separate violation. Moreover, any Person who violates this Ordinance also shall be responsible for any and all fines, penalties, damages, and costs, including, but not limited to attorneys' fees and costs, incurred by the Municipality for enforcement of violation(s) of Federal and State environmental laws and regulations caused by or related to that Person's violation of this Ordinance; this responsibility shall be in addition to any penalties, fines, or injunctive relief imposed under this Section.

Section 8.5 Consent Agreement

The Enforcement Authority may, with the approval of the municipal officers, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance for the purposes of eliminating violations of this Ordinance and of recovering fines, costs, and fees without court action.

Section 8.6 Appeal of Notice of Violation

Any Person receiving a Notice of Violation or Stop Work Notice may appeal the determination of the Enforcement Authority to the Zoning Board of Appeals. The notice of appeal must be received within 30 days from the date of receipt of the Notice of Violation. The Board of Appeals shall hold a de novo hearing on the appeal within 30 days from the date of receipt of the notice of appeal. A party aggrieved by the decision of the Board of Appeals may appeal that decision to the Maine Superior Court within 45 days of that date of the Board of Appeals decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

Section 8.7 Enforcement Measures

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal to the Board of Appeals, within 45 days of a decision of the Board of Appeals affirming or modifying the Enforcement Authority's decision, then the Enforcement Authority may recommend to the municipal officers that the Municipality's attorney file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

Section 9 Severability and Conflicts

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any Person, establishment, or

circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this Ordinance.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Municipality, the more restrictive provision shall control.

Section 10 Waivers

Where the Enforcement Authority finds that there are special circumstances of a particular Erosion and Sedimentation Control Plan that make a particular submission requirement or standard inapplicable, a waiver may be granted, provided that such waiver will not have the effect of nullifying the intent and purpose of this Ordinance. The applicant shall submit, in writing, the reason for the requested waiver. In granting waivers or modifications, the Enforcement Authority may require such conditions that will substantially secure the objectives of the standards so waived or modified.

Section 11 Authority

The Municipality enacts this Erosion and Sedimentation Control Ordinance pursuant to 30-A M.R.S. §§3001 et seq. (municipal home rule ordinance authority), 38 M.R.S. §413 (the Wastewater Discharge Law), 33 USC §§1251 et seq. (the Clean Water Act), and 40 CFR Part 122 (US Environmental Protection Agency's regulations governing the National Pollution Discharge Elimination System (NPDES)). The Maine Department of Environmental Protection, through its promulgation of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems has listed the Municipality as having a Regulated Small MS4; under this General Permit, listing as a Regulated Small MS4 necessitates enactment of elements of this Ordinance as part of the Municipality's stormwater management program in order to satisfy the minimum control measures for Construction Site Stormwater Runoff Control.

Appendix 1 – Erosion and Sedimentation Control Standards

The following are the mandatory minimum standards for Construction Activity subject to this Ordinance. The Erosion and Sedimentation Control Plan required under this Ordinance shall be developed and implemented to include these mandatory minimum standards, which are based upon the Maine Department of Environmental Protection's 06-096 CMR Chapter 500 Stormwater Management Rule Appendices A, B, and C.

General Timing of Installation and Maintenance until Permanent Stabilization

Sedimentation Control BMPs must be in place before Construction Activity begins.

- Erosion and Sedimentation Control BMPs must remain in place and functional until the Site is permanently stabilized.
 - Adequate and timely maintenance of Erosion and Sedimentation Control BMPs must be conducted until permanent stabilization is achieved.
1. **Pollution Prevention:** Minimize Disturbed Area and protect natural downgradient buffer area to the extent practicable. Control stormwater volume and velocity within the Site to minimize soil erosion. Minimize the disturbance of steep slopes. Control stormwater Discharges, including both peak flow rates and volume, to minimize erosion at outlets. The Discharge shall not result in erosion of any open drainage channels, swales, stream channels or stream banks, upland, or coastal or freshwater wetlands off the project Site.
 - a. Whenever practicable, no disturbance activities shall take place within 50 feet of any Protected Natural Resource.
 - b. If it is not practicable to maintain the 50-foot buffer of no disturbance, the Erosion and Sedimentation Control Plan must include redundant (at least two) perimeter control measures that are appropriate for the soil and slope.
 2. **Sediment Barriers:** Prior to construction, properly install sediment barriers at the downgradient edge of any area to be disturbed and adjacent to any drainage channels within the Disturbed Area. Sediment barriers shall be installed downgradient of soil and sediment stockpiles and stormwater must be prevented from running onto the stockpile. Maintain the sediment barriers by removing accumulated sediment, or removing and replacing the barrier, until the Disturbed Area is permanently stabilized. Where a Discharge to a storm drain inlet occurs, you must install and maintain protection measures that remove sediment from the Discharge
 3. **Stabilized Construction Entrance:** Prior to construction, properly install a stabilized construction entrance (SCE) at all points of egress from the Site. The SCE is typically a stabilized pad of aggregate, used to prevent traffic from tracking material away from the Site onto public ROWs. Maintain the SCE until all Disturbed Areas are stabilized. If an alternate SCE has been approved by Maine DEP, provide proof of this with the Plan or application.
 4. **Temporary Stabilization:**
 - a. Within 7 days of the cessation of Construction Activities in an area that will not be worked for more than 7 days, stabilize any exposed soil with mulch, or other non-erodible cover.
 - b. Stabilize areas within 75 feet of a wetland or waterbody within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.

5. **Removal of Temporary Measures:** Remove any temporary control measures, such as silt fence, within 30 days after permanent stabilization is attained. Remove any accumulated sediments and stabilize.
6. **Permanent Stabilization:** If the Site or a portion of the Site will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, moisture, and soil conditions; amend the Disturbed Area subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding so to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established with 90% cover by healthy vegetation. If necessary, areas must be reworked and restabilized if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. Permanent Stabilization Definitions are as follows:
 - a. **Seeded Areas:** For seeded areas, permanent stabilization means a 90% cover of the Disturbed Area with mature, healthy plants with no evidence of washing or rilling of the topsoil.
 - b. **Sodded Areas:** For sodded areas, permanent stabilization means the complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.
 - c. **Permanent Mulch:** For mulched areas, permanent mulching means total coverage of the exposed area with an approved mulch material. Erosion control mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.
 - d. **Riprap:** For areas stabilized with riprap, permanent stabilization means that slopes stabilized with riprap have an appropriate backing of a well-graded gravel or approved geotextile to prevent soil movement from behind the riprap. Stone must be sized appropriately. It is recommended that angular stone be used.
 - e. **Paved Areas:** For paved areas, permanent stabilization means the placement of the compacted gravel subbase is completed, provided it is free of fine materials that may runoff with a rain event.
 - f. **Ditches, Channels, and Swales:** For open channels, permanent stabilization means the channel is stabilized with a 90% cover of healthy vegetation, with a well-graded riprap lining, turf reinforcement mat, or with another non-erosive lining such as concrete or asphalt pavement. There must be no evidence of slumping of the channel lining, undercutting of the channel banks, or down-cutting of the channel.
7. **Winter Construction:** Winter construction is Construction Activity performed during the period from November 1 through April 15. If Disturbed Areas are not stabilized with permanent measures by November 1 or new soil disturbance occurs after November 1, but before April 15, then these areas must be protected and runoff from them must be controlled by the following additional winter construction measures and restrictions:
 - a. **Site Stabilization:** Hay mulch is applied at twice the standard temporary stabilization rate. At the end of each construction day, areas that have been brought to final grade must be stabilized. Mulch may not be spread on top of snow.
 - b. **Sediment Barriers:** All areas within 75 feet of a Protected Natural Resource must be protected with a double row of sediment barriers.

- c. Ditch Lines: Ditch lines must be stabilized with an appropriate stone lining backed by an appropriate gravel bed or geotextile unless specifically released from this standard by the Maine DEP. If release from Maine DEP has been granted, provide proof of this with the Plan or application.
 - d. Slopes: Mulch netting must be used to anchor mulch on all slopes greater than 8% unless erosion control blankets or erosion control mix is being used on these slopes. Unvegetated slopes less than 8% must be protected with an erosion control blanket, erosion control mix, or riprap.
8. Stormwater Channels: Each channel shall be constructed in sections so that the section's grading, shaping, and installation of the permanent lining can be completed the same day. If a channel's final grading or lining installation must be delayed, then diversion berms must be used to divert stormwater away from the channel, properly-spaced check dams must be installed in the channel to slow the water velocity, and a temporary lining installed along the channel to prevent scouring.
 9. Sediment Basins: Sediment basins that will be used to control sediment during construction activities must be designed to provide storage for either the calculated runoff from a 2-year, 24-hour storm or provide for 3,600 cubic feet of capacity per acre draining to the basin. Outlet structures must discharge water from the surface of the basin whenever possible. Erosion controls and velocity dissipation devices must be used if the discharging waters are likely to create erosion. Accumulated sediment must be removed as needed from the basin to maintain at least half of the design capacity of the basin.

The use of cationic treatment chemicals in Sediment Basins, such as polymers, flocculants, or other chemicals that contain an overall positive charge designed to reduce turbidity in stormwater may only be used if proof of approval by Maine DEP is provided.

Inspection, Maintenance and Corrective Action by Applicant On-Site Personnel During Construction

During construction, the following are the inspection, maintenance, and corrective action requirements which must be implemented by the applicant or their on-Site representative:

1. Inspection: Disturbed and Impervious Areas, Erosion and Sedimentation Control BMPs, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the Site are inspected at least once a week as well as before and within 24 hours after a storm event (rainfall), and prior to completing permanent stabilization measures. A person with knowledge of erosion and sedimentation control, including the standards and conditions in the permit shall conduct the inspections.
2. urbanixedurbanizedMaintenance and Corrective Action: If Erosion or Sedimentation Control BMPs need to be maintained, or repaired (corrective action), the work shall be initiated upon discovery of the problem but no later than the end of the next workday. If additional Erosion or Sedimentation Control BMPs or significant repair of Erosion or Sedimentation Control BMPs are necessary, implementation must be completed prior to any storm event (rainfall) and within 7 calendar days of identification. All measures must be maintained in effective operating condition until areas are permanently stabilized.
3. Documentation: A log (report) summarizing the inspections and any repairs or enhancements (corrective actions) added must be maintained by the applicant. The log must include the

name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicles access points to the Parcel. Major observations must include Erosion and Sedimentation Control BMPs that need maintenance, Erosion and Sedimentation Control BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional Erosion and Sedimentation Control BMPs are needed. The log must document each Erosion and Sedimentation Control BMP requiring maintenance, Erosion and Sedimentation Control BMP needing replacement, and location needing additional Erosion and Sedimentation Control BMPs, as well as the corrective action taken and when it was taken. The log shall be maintained for at least three years from the completion of permanent stabilization.

Housekeeping Requirements

1. Spill Prevention: Controls must be used to prevent pollutants from construction and waste materials stored on-Site from entering stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The Site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.
2. Groundwater Protection: During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the Site draining to an infiltration area. An infiltration area is any area of the Site that by design or as a result of soils, topography, and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the Site for the purposes of storage and handling of these materials.
3. Fugitive Sediment and Dust: Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance shall be included to minimize tracking of mud and sediment. If off-Site tracking occurs, public roads shall be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems, shall wet down unpaved access roads once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.
4. Debris and Other Materials: Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source.
5. Excavation Dewatering: Excavation dewatering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or otherwise treated to collect the maximum amount of sediment possible, like a coffer dam sedimentation or sediment filter bag. Avoid allowing the water to flow over Disturbed Areas of the Site. If the Maine DEP

has approved equivalent measures, provide proof of approval. Note that discharge of excavation dewater fluids from the Site must be visually clear (no visible suspended or settleable solids).

6. Authorized Non-stormwater Discharges: Identify and prevent contamination by non-stormwater Discharges. Where allowed non-stormwater Discharges exist, they must be identified, and steps shall be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the Discharge. Authorized non-stormwater Discharges are:
 - a. Discharges from firefighting activity
 - b. Hydrant flushing if dechlorinated to 0.05 mg/l or less
 - c. Vehicle wash water if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage, and transmission washing is prohibited)
 - d. Dust control runoff if it does not cause erosion
 - e. Routine external building washdown, not including surface paint removal, that does not involve detergents
 - f. Pavement wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used
 - g. Uncontaminated air conditioning or compressor condensate
 - h. Uncontaminated groundwater or spring water
 - i. Foundation or footer drain-water where flows are not contaminated
 - j. Uncontaminated excavation dewatering per item 5 Excavation Dewatering
 - k. Potable water including waterline flushings
 - l. Landscape irrigation
7. Unauthorized Non-stormwater Discharges: The following Discharges are prohibited:
 - a. Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds, or other construction materials;
 - b. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
 - c. Soaps, solvents, or detergents used in vehicle and equipment washing; and
 - d. Toxic or hazardous substances from a spill or other release.



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Charter Amendment to Change Elections for School Committee to June - Second Reading
Date: September 5, 2023

Summary

Recommendation

Attachments

1. School Committee Memo re Charter Change
2. Lisbon Charter_School Amends Redline
3. School Dept. Recommendation

Lisbon School Department

Charter Amendment Request August 8, 2023

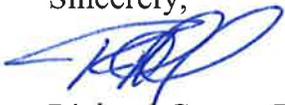
Dear Town Councilors and Lisbon/Lisbon Falls Residents:

The election of public officials is one of the most important and pivotal processes to the local governance of our towns and schools. Over the last two years the Lisbon School Committee has been discussing changing the timeline for their annual elections as a result of feedback and research that has been received from members who have resigned and those who have been elected. The challenge for newly elected committee members in November is the fact that these individuals are joining the conversation well after the school budget has been approved and students and staff have retired. They also are not able to participate in the annual retreat where the district goals and vision/focus are reviewed, revised and implemented. As a result, many of these newly elected members are currently asked to take action on items and make decisions with a limited amount of access to the information and training, which cannot occur until after they are sworn in.

In the spring of 2023, the Lisbon School Committee contacted the executive director of Maine School Management Association (MSMA) in an effort to determine when school districts held their annual elections and based on the data that we were provided, over 83% of the school districts in Maine who responded, have their elections at the same time as their budget referendums which occurs prior to the end of June. As a result, these newly elected members are able to participate and provide input during the summer months which surprisingly is the busiest time of the year for district administrators as we are very busy hiring staff and preparing for the start of the new school year. These newly elected members would also have the opportunity to participate and provide input during the annual retreat in August which is a time when the yearly goals and focus is developed. As a result, the Lisbon School Committee is proposing that the Lisbon Town Charter be amended so that the annual elections for members be changed so that they occur at the same time as our budget referendum in June.

Please feel free to contact me directly at rgreen@lisbonschoolsme.org or 353-6711 X 1005 if you have any questions.

Sincerely,



Richard Green, Ed. D.
Superintendent of Schools
Lisbon School Department



CHARTER(requires Election to Amend)¹

ARTICLE I. GRANT OF POWERS TO THE TOWN

Sec. 1.01. Incorporation.

The inhabitants of the Town of Lisbon, within the limits as now established or as hereafter established in the manner provided by law, shall be a municipal corporation by the name of the Town of Lisbon.

Sec. 1.02. Powers and Duties.

The Town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said Town as a municipal corporation, or the inhabitants or municipal authorities thereof. It may enact bylaws, regulations and ordinances not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, to be recovered for such uses as said bylaws, regulations and ordinances shall provide. The Town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require.

Sec. 1.03. Construction.

In this Charter, mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers that the Town would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the Town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the Town may assume pursuant to state laws and to the provisions of the State Constitution.

Sec. 1.04. Intergovernmental Relations.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, states or civil divisions or agencies thereof, or of the United States or any agency thereof.

¹Editor's note(s)—Printed herein is the council-manager charter of the town, as adopted by the charter commission on Sept. 15, 2005. Amendments to the charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

Sec. 1.05. Separation of Powers.

The Town of Lisbon, pursuant to authority granted by the Home Rule Amendment to the Maine Constitution and statutory authority under the Maine Revised Statutes, exercises both legislative and administrative powers in carrying out its governmental functions. Legislative powers are vested solely and exclusively with the Town Council. This Legislative function pertains to the enactment of Ordinances, Regulations, Resolutions and Orders, and with the establishment of Policy, the purpose of which is to determine a course of conduct for Town government, and to formulate Rules of Conduct consistent therewith. Administrative powers are vested in the Town Manager and Town Staff. These executive functions vested in the Town Manager and Town Staff exist for the purpose of carrying out administratively the Legislative Policies adopted, approved and set down by the Town Council. This Charter recognizes a firm line of division between these two governmental functions and herein expresses the principal that members of the Town Council shall not be involved in the exercise of the administrative powers of the Town, except to determine that the Legislative Enactments and Policies adopted by Council are being carried out by Town Administration.

(C.O. of 9-16-2008, § 2008-152J; Ref. of 11-4-2008; Ref. of 11-3-2015)

ARTICLE II. TOWN COUNCIL

Sec. 2.01. Composition, Eligibility, Election and Terms.

- (a) *Composition.* There shall be a Town Council of seven (7) members. Each member of the Council shall be nominated and elected by the qualified voters of the Town at large. Each Councilor shall also be a Sewer Commissioner.
- (b) *Eligibility.* Only qualified voters of the Town who reside in the Town shall be eligible to be nominated, to be elected, and to hold the office of Councilor, and each Councilor shall be sworn in the manner hereinafter prescribed.
- (c) *Election, Terms.* Councilors shall be elected to serve staggered three-year terms as provided for in Article X. (Ref. of 4-16-2019)

Sec. 2.02. General Powers and Duties.

The Town Council shall constitute the municipal officers of the Town, and all powers of the Town shall be vested in the Town Council, except as otherwise expressly provided by this Charter. The Town Council shall provide for the exercise of all powers and for the performance and administration of all the fiscal, prudential and municipal affairs of the Town. Except as otherwise expressly provided by this Charter, all legislative powers of the Town shall be vested in the Town Council, which shall be and constitute the legislative body of the Town as that term is used in the Laws of the State of Maine. Said powers shall include the power to fill vacancies on the Board of Water Commissioners.

Sec. 2.03. Compensation.

Except as provided in Article X, the Council may determine the annual salary of Councilors by ordinance, but no such ordinance increasing the salary of members of the Town Council shall take effect during the then current fiscal year.

Sec. 2.04. Chair.

- (a) *Election and Term.* At its organizational meeting held on the first Tuesday after the first Monday in December, or as soon thereafter as practicable, it shall elect, by a majority vote of the entire Council, one of its members as Chair and one of its members as Vice-Chair for the ensuing year, and the Council shall fill, for an unexpired term, any vacancy in the office of Chair or Vice-Chair that may occur. This Chair shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law, but the Chair shall have no regular administrative duties. In the temporary absence or disability of the chair, the Vice-Chair shall exercise all the powers of the Chair during such temporary absence or disability of the Chair. It shall be the duty of the Chair to (1) preside at all meetings of the Council; (2) develop, after consultation with the Town Manager, agenda for Council meetings, provided that no Councilor shall be denied the right to place an item on the agenda; (3) after consultation with the Council, represent the Council in all dealings with the Town Manager and with all statutory and advisory boards, commissions and committees in person or by delegation.
- (b) *Term Limit.* No member of the Town Council shall be eligible for election as Chair or Vice-Chair for more than two consecutive one-year terms. For purposes of this section, election to an unexpired term of less than six (6) months shall not be considered a term.
- (c) *Removal.* The Council may remove the Chair by a vote of five (5) Councilors, after public notice, notice in writing to the Chair, and a public hearing. The Chair may elect to waive the requirements for public notice and/or a public hearing.

(T.M. of 9-19-2006, § 2006-43, Ref. of 11-7-2006)

Sec. 2.05. Secretary to the Council.

In addition to the statutory duties of the Town Clerk, the Town Clerk shall act as Secretary of the Council and shall make and maintain a public record of all proceedings of the Council, including all votes, and shall perform such other duties as may be assigned to him or her by this Charter or the Council. The Clerk may delegate any of said duties to one or more subordinates.

Sec. 2.06. Proceedings of the Council.

- (a) *Meetings.* The Council shall meet regularly at least once each month at such times and places as the Council may prescribe. Special meetings may be held on the call of the Chair or of four or more members of the Council by causing notification to be given in hand or left at the usual dwelling place of each Councilor. If practicable, such notice shall be given not less than twelve hours before the special meeting and shall be published in a newspaper or newspapers having general circulation in the town. The Chair, and the Vice Chair when acting as Chair, shall exercise full privileges of Council membership including participation in deliberations on all issues before Council and the right to vote on all issues.
- (b) *Rules.* The Council shall determine its own rules of procedure and order of business. The term limits for each office shall be administered separately and a term as Vice Chair, shall not preclude the Vice chair from being elected the Chair.
- (c) *Voting.* Voting shall be by show of hands except that a vote recording the yeas and nays of the Councilors shall be taken for final passage of any ordinance or upon the request of any Councilor. A majority of the members of the Council shall constitute a quorum, and no vote shall be taken in the absence of a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in

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(Supp. No. 42)

the manner and subject to the penalties prescribed by the rules of the Council. No other action of the Council shall be binding or valid unless adopted by four or more affirmative votes.

(C.O. of 9-16-2008, § 2008-152A, Ref. of 11-4-2008)

Sec. 2.07. Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which (1) adopt or amend an administrative code, or establish, alter or abolish any Town department, office or agency; (2) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed; (3) regulate the rate at which a business or establishment may charge for its services; (4) convey or lease real or personal property of the Town except tax acquired property; or (5) amend or repeal any ordinance previously adopted. Acts other than those referred to in this section may be accomplished by ordinance, order, or resolve.

(Ref. of 11-8-2011)

Sec. 2.08. Ordinances.

- (a) *Procedure.* An ordinance may be introduced by any Councilor at any regular or special meeting of the Council and may not be enacted except after public hearing thereon. All Ordinances shall be submitted in writing. Notice of all public hearings on any proposed ordinance shall be given at least seven (7) days in advance of the public hearing by publication in a newspaper or newspapers having general circulation in the Town and by posting copies of said notice at the Town Hall and such other places as the Council may designate. An ordinance, in order to be finally adopted, must be read and voted upon at two separate meetings of the Town Council held not less than seven days apart without any material amendment of the ordinance between the first and second vote. Except as otherwise provided in this Charter, every ordinance shall be effective 21 days after the date of final adoption.
- (b) *Emergency Ordinances.* The Town Council may adopt an emergency ordinance to meet a public emergency affecting life, health, property, or the public peace. An emergency ordinance shall be plainly designated as such and shall contain a statement that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted at the meeting at which it is introduced without a second reading upon affirmative vote of at least 5 members of the Town Council. It shall become effective at the time of adoption or at such later time as the Council may specify. An emergency ordinance may be repealed by the adoption of a repealing ordinance in the same manner as the emergency ordinance was originally adopted. Every ordinance shall stand repealed as of the ninety-first (91st) day following the date on which it was adopted unless adopted under the provisions of Subsection 2.08(a) within the emergency ordinance period.
- (c) *Copies.* Copies of ordinances shall be available to the public for free or for a reasonable price to be fixed by the Council.

(T.M. of 9-19-2006, § 2006-43, Ref. of 11-7-2006; C.O. of 9-16-2008, § 2008-152B, Ref. of 11-4-2008)

Sec. 2.09. Investigations and Subpoena Power.

The Council may make investigations into the affairs of the Town and the conduct of any Town department, office or agency and for this purpose may establish by ordinance a hearing procedure that includes the issuance of subpoenas to compel the attendance of witnesses and the production of evidence, the administering of oaths, the taking of testimony, and other procedures.

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Sec. 2.10. Prohibitions.

- (a) *Holding Other Office.* Except pursuant to an agreement under the Interlocal Cooperation Act, no Councilor shall hold any other Town of Lisbon office or employment by the Town of Lisbon while holding the office of Councilor, and no former Councilor shall hold any compensated appointive Town office or Town employment until one year after leaving office of Councilor.
- (b) *Appointments and Removals.* Except as provided herein, neither the Council nor any of its members shall in any manner dictate the appointment or removal of any Town administrative officers or employees within the jurisdiction of the Town Manager or his or her subordinates, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- (c) *Interference with Administration.* Except for the purpose of inquiries and investigations under Section 2.09, the Council or its members shall deal with the Town officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

(T.M. of 9-19-2006, § 2006-43, Ref. of 11-7-2006)

Sec. 2.11. Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) *Vacancies.* The office of Councilor shall become vacant upon a Councilor's nonacceptance, death, resignation, failure to qualify for the office within ten days after written demand of the Council, forfeiture of office, or failure of the municipality to elect a person to the office.
- (b) *Forfeiture of Office.* A councilor may forfeit the office if the Councilor (1) lacks at any time during his or her term of office any qualifications for the office prescribed by this Charter or by law, (2) knowingly and willfully violates any express prohibition or other provision of this Charter, of the terms of their oath of office, the Town's Ethics Policy, or any other Town provision relating to the conduct of a Councilor, including violation of confidentiality requirements (3) is convicted of any crime or offense which is reasonably related to his or her ability to serve as councilor, (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council, (5) malfeasance of office, (6) failure to carry out the duties of the office, or (7) misappropriation of funds.

In its review of a Council member, the Council shall have the authority to issue a public reprimand, to cause a reduction of elimination of salary, to suspend the member for a specific period of time, or to cause removal of a Council member which shall result in the seat being declared vacant. A Councilor charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand of that Councilor. Notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one (1) week in advance of the hearing.

- (c) *Filling of Vacancies.* If a seat on the Town Council becomes vacant more than six (6) months prior to the next regular Town election, the vacancy shall be filled for the unexpired term by a special election. The Town Council shall follow the time frames for the availability, and filing of nomination petitions and the date of the special election in Section 7.02 of this Charter except that shorter time frames may be prescribed by Council where it can be assured that the time frames for circulating nomination petitions and for the Town Clerk to prepare ballots is adequate. If a seat on the Town Council becomes vacant within six (6) months prior to the next regular Town election, the Council shall appoint a qualified person to fill the vacancy.

(C.O. of 9-16-2008, §§ 2008-152C, 2008-152D; Ref. of 11-4-2008; Ref. of 11-3-2015 ; Ref. of 4-16-2019)

Sec. 2.12. Judge of Qualifications.

The Council shall be the judge of the election and qualifications of all officers elected by the voters under this Charter and of the grounds for forfeiture of their office and for that purpose shall have the power to issue subpoenas to compel the attendance of witnesses and the production of evidence as provided for in Section 2.09 of this Charter. An officer charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing if the officer requests one in writing within five (5) days after the officer is given notice that the Council will examine the question, and notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least seven (7) days in advance of the hearing.

ARTICLE III. TOWN MANAGER

Sec. 3.01. Appointment; Qualifications; Compensation.

The Council shall appoint a Town Manager for an indefinite term or a definite term by contract and fix his or her compensation. The Manager shall be appointed solely on the basis of character and executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of office as hereafter set forth. The Manager need not be a resident of the Town or State at the time of appointment but may reside outside the Town of Lisbon while in office only with the approval of the Town Council. The Council shall appoint a Town Attorney.

(Ref. of 11-4-2014)

Sec. 3.02. Powers and Duties of the Town Manager.

The Town Manager shall be the chief administrative officer of the Town and the head of the administrative branch of the Town government. The Manager shall be responsible to the council for the proper administration of all affairs of the Town. The Manager shall have the following powers and duties:

- (a) Except as provided in Section 2.10(b), The Manager shall appoint, prescribe the duties of, supervise and, when necessary for the good of the Town, suspend or remove all town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, by this Charter, or by personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency. The Town Manager's appointments of the following administrative offices shall be subject to confirmation by the Council: Town Clerk, Police Chief, Fire Chief, Public Works Director, Finance Director, Tax Assessor, and Town Treasurer/Tax Collector.
- (b) The Manager shall direct and supervise the administration of all departments, offices and agencies of the Town except as otherwise provided by this Charter or by law.
- (c) The Manager shall attend all meetings of the Council except when his or her attendance is excused by the Council, and except when his or her removal is being considered, and shall have the right to take part in discussion but may not vote
- (d) The Manager shall see that all laws, provisions of the charter and acts of the council, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.

-
- (e) The Manager shall prepare and submit the annual budget, the annual capital program and annual financial and administrative reports to the Council and be responsible for the administration of the annual budget and capital program after their adoption.
 - (f) The Manager shall act as purchasing agent for all departments of the Town, except the School Department.
 - (g) The Manager shall prepare and submit to the Council such reports and shall perform such duties as the council may require and shall make such recommendations to the council concerning the affairs of the Town as he or she deems desirable or as the Council may request.

(T.M. of 9-19-2006, § 2006-43, Ref. of 11-7-2006; Ref. of 11-4-2014)

Sec. 3.03. Removal.

The Council may remove the Manager from office in accordance with the following procedures:

- (a) The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which shall state the reasons for removal and may suspend the Manager from duty for a period not to exceed 30 days. A copy of the resolution shall be delivered to the Manager within five (5) days of the vote.
- (b) Within five (5) days after the delivery of a copy of the resolution, the Manager may file with the Council a written request for a public hearing. The hearing shall be held at a council meeting not earlier than ten (10) nor later than twenty (20) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing.
- (c) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after ten (10) days from the date when a copy of the preliminary resolution was delivered to the Manager, if the Manager has not requested a public hearing, or at any time after the public hearing, if one has been requested.
- (d) The Manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

Sec. 3.04. Absence of Town Manager; Vacancy.

In any case involving the Manager's absence or disability for a period which is reasonably expected to be twenty-one (21) days or less, the Manager shall designate in writing, subject to the approval of the Council, a qualified administrative officer of the Town to exercise the powers and perform the duties of the Manager as acting Town Manager during such absence or disability and shall file said designation with the Town Clerk. During such absence or disability, the Council may revoke such designation at any time and appoint another qualified person other than a member of the Council, to serve until the manager shall return or his or her disability shall cease. In any case in which the absence or disability is reasonably expected to exceed twenty-one (21) days, or in the event the Office of Town Manager becomes vacant by death, resignation, removal or otherwise, said appointment shall be made by the Council.

ARTICLE IV. SCHOOL DEPARTMENT

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(Supp. No. 42)

Sec. 4.01. School Committee; Qualifications; Election and Term.

There shall be a School Committee of five (5) members nominated and elected by the qualified voters of the Town at large, as provided in Article VII. Only qualified voters of the Town shall be eligible to be nominated, to be elected, and to hold the office of School Committee member. School Committee members shall be elected **at regular municipal elections as provided in Article VII** and shall serve staggered three year terms as provided for in Article X.

Sec. 4.02. Powers and Duties.

The School Committee shall have all the powers and duties prescribed for superintending school committees by the general laws of the State of Maine. The School Committee shall direct the operations of the School Department of the Town of Lisbon and for financial purposes shall be governed by Article VI.

Sec. 4.03. Salary.

The compensation of the School Committee shall be established by the Council by ordinance.

Sec. 4.04. Chair.

At its organizational meeting held on the first Tuesday after the first Monday in ~~December~~**July**, or as soon thereafter as practicable, the School Committee shall elect, by a majority vote of the entire Committee, one of its members as Chair for the ensuing year, and the School Committee shall fill for an unexpired term any vacancy in the office of Chair that may occur. The Chair shall preside at all meetings of the School Committee and may vote on any matter to come before the Committee.

(T.M. of 9-19-2006, § 2006-43, Ref. of 11-7-2006)

Sec. 4.05. Vacancy, Forfeiture of Office, Filling of Vacancies.

The office of School Committee member shall be deemed vacant or forfeited for the same reasons that the office of Councilor shall be deemed vacant or forfeited as provided in section 2.11. If any vacancy shall occur, the vacancy shall be filled until the next **regular School Committee** election by appointment of the remaining members of the School Committee. At the next **regular School Committee** election, a new member of the School Committee shall be elected to serve for the remainder of the term, if any, of the member whose office became vacant or was forfeited.

Sec. 4.06. Major Appropriations.

No action of the School Committee which authorizes a lease or other contractual obligation of the School Department for capital equipment whose costs per unit exceeds two hundred fifty thousand dollars (\$250,000) and which exceeds a term of twelve months shall be effective unless and until said action is ratified by the qualified voters of the Town in a referendum conducted in accordance with the provisions set forth in Article VIII. This provision specifically excludes agreements for services, personnel contracts and collective bargaining agreements.

(T.M. of 9-19-2006, § 2006-43, Ref. of 11-7-2006; Amendment of 11-8-2016)

ARTICLE V. ADMINISTRATIVE ORGANIZATION AND DEPARTMENTS

Part 1. General Administration

Sec. 5.11. Creation of Departments.

The Council may, by ordinance, establish Town departments, offices, boards, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, boards, and agencies, except that no function assigned by this Charter to a particular department, office, board, or agency may be discontinued or assigned to any other.

Sec. 5.12. Direction by Manager.

All departments, offices and agencies under the direction and supervision of the Town Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Town Manager. All department heads shall be appointed by the Town Manager, and the Manager's appointment of the following administrative officers shall be subject to confirmation by the Council: Town Clerk, Police Chief, Fire Chief, Public Works Director, Finance Director, Tax Assessor, Town Treasurer/Tax Collector, and Town Attorney. With the consent of the Council, the Town Manager may serve as the head of one or more of such departments, offices or agencies or may appoint one person as the head of two or more of them.

Sec. 5.13. Water Department.

All functions of the Water Department shall be administered by the Board of Water Commissioners provided for by Chapter 241, Maine Private and Special Laws of 1903 and amended by Chapter 34, Maine Private and Special Laws of 1955, and this Charter, as may be amended.

Part 2. Personnel Administration

Sec. 5.21. Merit Principle.

All appointments and promotions of Town officials and employees shall be made solely on the basis of merit and fitness for the position. The appointing Town Official(s) shall determine the qualifications of potential employees and where applicable may conduct examinations, including testing related to job functions and utilize such other methods as may be deemed appropriate to determine the qualifications of an applicant.

(Ref. of 11-8-2011)

Sec. 5.22. Personnel Director.

The Town Manager or his or her appointee shall be the Personnel Director, and the Personnel Director shall administer the personnel system of the Town.

Sec. 5.23. Personnel Rules.

The Personnel Director shall prepare personnel rules, a draft of which shall be submitted to the Council no later than two years after the effective date of this charter. The Council may adopt the proposed rules with or without amendment. These rules shall provide for:

- (1) The classification of all Town positions, based on the duties, authority or responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (2) A pay plan for all Town positions;
- (3) Methods for determining the merit and fitness of candidates for appointment or promotion, or demotion or dismissal;
- (4) Policies and procedures regulating reduction in force and removal of employees;
- (5) Policies governing disciplinary measures such as suspension, demotion, or discharge, with provisions for presentation of charges, hearing rights and appeals;
- (6) The hours of work, attendance regulations and provisions for sick and vacation leaves;
- (7) Policies and procedures governing persons holding provisional appointments; and,
- (8) Other practices and procedures necessary to the administration of the Town personnel system.

Where there is a conflict between the Rules adopted by Council under this Provision, with Collective Bargaining Agreements, the provisions of the Collective Bargaining Agreements shall govern.

(T.M. of 9-19-2006, § 2006-43, Ref. of 11-7-2006; C.O. of 9-16-2008, § 2008-152E, Ref. of 11-4-2008)

Part 3. Tax Administration

Sec. 5.31. Tax Assessor.

There shall be a single Tax Assessor appointed by the Town Manager who is confirmed by the Town Council pursuant to Section 2.10. The Tax Assessor shall have custody of and maintain the assessment records of the Town and shall perform all duties and responsibilities as are prescribed for assessors by the laws of the State of Maine. The Tax Assessor must be a certified Maine Assessor as designated and certified by the State of Maine. The Town Manager may also appoint one or more assistant assessors.

(Ref. of 11-8-2011)

Sec. 5.32. Board of Assessment Review.

The Town Council shall appoint a Board of Assessment Review of five members as provided by state law and shall adopt appropriate ordinances establishing the terms of the members and the procedures to be followed in processing appeals from decisions of the Tax Assessor. In the absence of appointment, the Town Council shall act as the Board of Assessment Review.

(Ref. of 11-8-2011)

Part 4. Town Clerk

Sec. 5.41. Town Clerk.

There shall be a Town Clerk appointed by the Town Manager who is confirmed by the Town Council pursuant to Section 2.10. He or she shall perform all duties and responsibilities provided for municipal clerks under the general law, under this Charter, and such other duties as the Council may require.

Part 5. Other Boards and Agencies

Sec. 5.51. Planning Board.

There shall be a Planning Board consisting of five members, serving staggered terms of three (3) years, appointed by the Town Council. Each Planning Board member shall be a qualified voter of the Town. The Planning Board shall annually elect one of its members as its Chair. No member may be elected to more than two consecutive terms as Chair. By ordinance the Council may provide for the appointment of two associate members of the Planning Board.

Sec. 5.52. Powers and Duties of Planning Board.

The Planning Board shall have such powers and perform such duties as are provided by the laws of the State of Maine, this Charter, or ordinances duly adopted by the Council. Among other things, the Planning Board shall be responsible for evaluating and updating the Town's comprehensive plan, and shall annually review the capital program as provided for in Article VI.

Sec. 5.53. Zoning Board of Appeals.

There shall be a Zoning Board of Appeals, which shall have such powers and perform such duties as are provided by the laws of the State of Maine and the ordinances duly adopted by the Council. The Zoning Board of appeals shall annually elect one of its members as its Chair. No member may be elected to more than two consecutive terms as Chair.

Sec. 5.54. Reserved.

Editor's note(s)—This section was deleted in its entirety by voters at the Nov. 6, 2012 referendum election. The former section pertained to Budget Advisory Board.

Sec. 5.55. Conservation Commission.

A Conservation Commission shall be appointed by the Council as provided by the laws of Maine.

Sec. 5.56. Salaries.

The compensation of the Planning Board, Zoning Board of Appeals, Library Governing Board, and Conservation Commission, if any, shall be established by the Council by ordinance.

Sec. 5.57. Board of Water Commissioners.

- (a) *Powers and Duties.* There shall continue to be a Board of Water Commissioners which shall have the powers, duties, and responsibilities set forth in chapter 241 of the Maine Private and Special Laws of 1903 as amended by chapter 34 of the Maine Private and Special Laws of 1955, except as provided in this Charter.
 - (b) *Appointments; Terms.* The Board of Water Commissioners shall consist of three persons, each a resident of the Town, elected at the annual municipal election for terms of three years. The incumbent members of the Board shall serve for the remainder of their terms. Any Water Commissioner whose term expires after the abolition of the Town Meeting shall be deemed to be serving a term which expires on June 30 following the date of the next general election of Town Officers held more than three years after the anniversary of their election.
 - (c) *Vacancies.* A Water Commissioner will be deemed to have forfeited or vacated their office for the same reasons that the office of Councilor is deemed to be vacated or forfeited under Sections 2.11(a) and 2.11(b) of this Charter. Vacancies on the Board of Water Commissioners shall be filled by the Council.
 - (d) *Salary.* The Water Commissioners shall receive such salary as the Town Council shall annually determine by ordinance. Said salaries shall be paid from revenues of the Water Department.
 - (e) *Bonds.* The Town may issue bonds and notes upon the same terms and conditions as are set forth in section 10 of chapter 34 of the Private and Special Laws of 1955 except that approval shall be by the Town Council rather than the town meeting and the bonds shall be signed by the members of the Town Council rather than the Board of Selectmen.
 - (f) *Extensions.* The Board of Water Commissioners shall have the authority to authorize extensions of the water system as provided in section 12 of chapter 34 of the Private and Special Laws of 1955, or as provided under the general laws of Maine, except that approval of the town meeting shall not be required.
 - (g) *Disposition of Income.* Receipts of the Board of Water Commissioners shall continue to be deposited and accounted for as provided in section 13 of chapter 34 of the Private and Special Laws of 1955 except that the reference in such section to the Board of Selectmen shall hereafter be taken as meaning the Town Council and the reference to a vote of the Town shall be taken as referring to a vote of the Town Council.
 - (h) *Water Rates.* Water rates shall continue to be set as provided in section 14 of chapter 34 of the Private and Special Laws of 1955 except that the reference to the Board of Selectmen in sub-section V shall be taken as referring to the Town Council and the requirement of an affirmative vote of the Town before the establishment of a sinking fund shall no longer apply.
- (Ref. of 11-3-2015)

Sec. 5.58. Library Governing Board.

There shall be a Library Governing Board consisting of five members serving staggered terms of three years appointed by the Council.

ARTICLE VI. FINANCIAL PROVISIONS

Sec. 6.01. Fiscal Year.

The fiscal year of the Town shall begin on the first day of July and end on the last day of June.

Sec. 6.02. Submission of Budgets; Budget Messages.

On or before the third Tuesday of March each year, the Town Manager and the School Committee shall submit to the Town Council line item budgets for the ensuing fiscal year. The budget messages accompanying the budgets shall explain the respective budgets both in fiscal terms and in terms of programs. They shall outline the proposed financial policies for the Town and the School Department respectively for the ensuing fiscal year, describe the important features of the respective budgets, indicate any major changes from the current year with respect to financial policies, expenditures, and revenues, and the reasons for the same, summarize the debt position of the Town and School Department respectively, and include such other information as the Town Manager and the School Committee believe to be desirable.

(C.O. of 9-16-2008, § 2008-152F, Ref. of 11-4-2008)

Sec. 6.03. Budgets.

The budgets, excluding that of the Water Department, shall, respectively, provide financial plans for Town and School Department funds and activities for the ensuing fiscal year, and except as required by this Charter, shall be in such form as the Town Manager and School Committee shall deem advisable, or as the Town Council may require. In organizing the budgets, the Manager and the School Committee shall use the most feasible combination of expenditure classification by fund, organizational unit, program, and purpose. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, shall indicate the proposed property tax levy, and shall set forth all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to reflect comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures for the preceding fiscal year. The budgets shall state separately:

- (1) Proposed expenditures for current operations during the ensuing fiscal year detailed by offices, departments or agencies in terms of their respective work programs and the method of financing such expenditures; and
- (2) Proposed capital expenditures for the ensuing fiscal year detailed by offices, departments, or agencies, when practicable, and stating the proposed method of financing each such capital expenditure.

Sec. 6.04. Council Action on Budget.

- (a) *Notice and Hearing.* The Town Council shall publish in one or more newspapers having general circulation in the Town a general summary of the budgets and a notice stating:
 1. The times and places where copies of the budget messages and the budgets will be available to the public, and
 2. The time and place (not less than two weeks after the first such publication) of a public hearing on the proposed budgets.
- (b) *Budget Deliberations.* The Town Council shall review the proposed budgets at budget sessions which may be informal but which shall be open to the public. Except as otherwise provided herein, The the Council shall complete its review of the budgets no later than the last Tuesday in June.

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- (c) *Amendments Before Adoption.* After the public hearing, the Town Council may adopt the Manager's budget with or without amendment. It may by amendment add or increase programs or amounts and delete or decrease programs or amounts except expenditures for debt service or otherwise required by law. The Council may adopt the School budget as proposed and may amend it, but such amendments shall be limited to adding to or decreasing the total amount of the budget.
- (d) *Adoption.*
1. Town Budget. The final vote on the Town Budget shall be taken on or before the last Tuesday of June. If Council fails to adopt a Budget for the Town by the last Tuesday in June, the Budget as presented by the Town Manager shall become the Budget to be implemented on a month to month basis until such time as a final Budget is approved.
 2. School Budget. Until such time as the Town of Lisbon becomes certified as a member of a Regional School Unit by the Commissioner of the Maine Department of Education, the Town Council shall act as the Board of the Regional School Unit, approving the Budget with or without amendment, and providing for Referendum vote on the Budget in accordance with the procedures and time frames provided in LD499 as amended. The final vote on the School Budget shall be taken on or before the first Tuesday of June. A validation referendum on the School Budget shall be held annually on the second Tuesday of June. If a School Budget is not approved or validated prior to the first day of July, the prior fiscal year's School Budget shall become the School Budget for the ensuing fiscal year until a final School Budget is validated by a subsequent validation referendum.
- (e) *Post Adoption Amendments in School Budget.* Within 30 days after the budget for the School Department becomes final, the School Committee shall adopt such amendments in the school budget as may be necessary to absorb any decrease or expend any increase in the total amount of the budget which was approved by the Council. The Superintendent of Schools shall forward to the Town Council a copy of the final revised budget. Thereafter the School Department budget shall not be amended except in accordance with the provisions of this Charter.

(C.O. of 9-16-2008, § 2008-152F, Ref. of 11-4-2008)

Sec. 6.05. Amendments After Adoption.

- (a) *Supplemental Appropriations.* If during the fiscal year, the Town Manager, in the case of the Town's budget, or the Superintendent of Schools, in the case of the School budget, certifies that there are available for appropriation revenues from state or federal sources or from private gifts or bequests, or from other sources, in excess of those estimated in the budget, the Town Council may make supplemental appropriations for the fiscal year up to the amount of the estimated excess. All supplemental appropriations shall be in the form of an Ordinance and approved in accordance with the provisions of Section 2.08 of this Charter.
- (b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the Town Council may take emergency action to appropriate the necessary funds. To the extent that there are no unappropriated revenues available to meet such an emergency, the Council may authorize the issuance of temporary notes, which may be renewed from time to time but which must be paid not later than the last day of the fiscal year following that in which the emergency appropriation was made.
- (c) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the Manager that available revenues in the Town budget will be insufficient to fund the amount budgeted in a particular account, they shall report to the Town Council without delay, indicating the amount of the anticipated deficit in that account, any remedial action which they have taken, and their recommendations regarding any further steps to be taken. The Council shall then take such further action as it deems necessary to prevent or

Commented [FCA1]: Lisa - This change fixes the date for the school budget referendum so that it will generally occur simultaneously with the School Committee election (2nd Tuesday in June); however, it's not strictly necessary. I see that the Town has generally managed to get the budget finalized for a vote on that date without this requirement.

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minimize the effect of any deficit and, for that purpose, may reduce the sums appropriated in particular budget accounts to the extent of any unencumbered balance, except that no appropriation for debt service shall be reduced and no other appropriation account shall be reduced below the level required by law.

- (d) *Transfer of Line Item Appropriations.* Upon written request by the Manager or by the School Committee through the Superintendent of Schools, the Council may, after public hearing, transfer part or all of any line item balance within an appropriation account, except debt service, to another line item within the same or any other appropriation account of the Town or School budgets respectively.

(C.O. of 9-16-2008, § 2008-152G; Ref. of 11-4-2008; Ref. of 11-3-2015)

Sec. 6.06. Lapse of Appropriation.

Every general fund appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, except that an appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. A capital expenditure shall be deemed to have been abandoned and the appropriation shall lapse if five years pass without any disbursement from or encumbrance of the appropriation.

(Ref. of 11-8-2011)

Sec. 6.07. Audit.

The Town Council shall annually provide for an audit of the municipal finances for the preceding year by a reputable accounting firm.

Sec. 6.08. Capital Program.

- (a) *Submission to Council.* The Town Manager, School Committee and Board of Water Commissioners shall prepare and annually submit to the Council and Planning Board a five year capital program on or before the first day of May.
- (b) *Contents.* The capital program shall include:
1. A general summary of its contents;
 2. A list of the capital improvements proposed to be undertaken during the next five years together with documentation of need. "Capital improvement" shall mean any construction project exceeding \$25,000, and any equipment purchase to be bonded or to be budgeted in more than one fiscal year.
 3. Cost estimates, methods of financing, and recommended time schedules for each improvement; and
 4. The estimated annual cost of operating and maintaining any new facilities.
- (c) *Planning Board Review.* The Planning Board shall review the proposed capital program each year to determine, where appropriate, that the capital expenditure is consistent with the provisions of the Town Comprehensive Plan and forward its recommendations to the Town Council no later than the first day of June.
- (d) *Council Action on Capital Program.*
1. *Notice and Hearing.* The Town Council shall publish in one or more newspapers having general circulation in the Town a general summary of the capital program and a notice stating:
 - i. The times and places where copies of the capital program will be available to the public; and

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- ii. The time and place, not less than two weeks after the first date of publication, for a public hearing on the capital program.

- 2. *Adoption.* The Council by resolution shall annually adopt the capital program with or without amendment after the public hearing and on or before the first day of July.

(C.O. of 9-16-2008, § 2008-152H, Ref. of 11-4-2008; Ref. of 11-3-2015 ; Amendment of 11-8-2016)

Sec. 6.09. Permanent Financing.

The Town may issue general obligation and revenue obligation securities for any purpose for which municipalities may raise money in accordance with the provisions of the Maine Revised Statutes; however, it is contemplated that these purposes shall be restricted to general capital purposes, and shall not be for the purpose of providing funding for general Town operations. The Town may also issue general obligation or revenue obligation securities for funding or refunding all or any part of its existing debt.

(a) *Adoption Procedures.*

- (1) Where the Town Council has the authority to adopt an Ordinance providing for permanent financing, it shall follow the procedures for the passage of Ordinances under Section 2.08 of this Charter.
- (2) Where a Referendum vote is required under the provisions of Section 8.11(b)(2) of this Charter, then the Council by Order shall submit the Ordinance to Referendum vote in accordance with the provisions of Section 8.21(b). Prior to considering an Order calling for a Referendum vote on an Ordinance providing for permanent financing, the Town Council shall hold a public hearing. Notice of that public hearing shall be advertised at least once in one or more newspapers of general circulation in the Town, not less than seven (7) days nor more than fifteen (15) days before final action by the Council on the Order.

(b) *Form and Content of Borrowing Ordinance.* An Ordinance authorizing the issuance of permanent financing shall contain at least the following provisions:

- (1) An appropriation of a sum of money to be raised in whole or in part by the issuance of the bonds, notes or securities for an authorized purpose or purposes.
- (2) A statement of the amount of the permanent financing to be issued.
- (3) A description of the purpose or purposes for which the permanent financing is being issued.

(c) *Combination of Improvements.* Two or more authorized purposes may be included in a single Ordinance authorizing the issuance of permanent financing.

(d) *Effective Date.* A permanent financing Ordinance issued by the Town Council under its authority, and not requiring public Referendum, shall become effective twenty-one (21) days after final approval. A permanent financing Ordinance enacted by Referendum vote shall become effective upon its approval and certification of the vote by the Town Council.

(e) *Installment, Prepayment and Term.* Bonds, notes and any securities issued pursuant to this Section may be in serial form payable in annual installments, which need not be equal, the total of which shall extinguish the entire debt at maturity, pursuant to the requirements of 30-A M.R.S.A. § 5772(3). Any bond, note or other security may be prepaid in whole or in part at any time as may be permitted in accordance with the terms and conditions of the borrowing of the original bond, note or security. The terms of such bonds, notes or securities shall not exceed thirty (30) years from the date that they are issued.

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- (f) *Application of Proceeds.* The proceeds of bonds, notes or other securities issued pursuant to this Section shall be used only for the purposes specified in the Ordinance authorizing the issuance of such permanent financing. All proceeds not so used shall be applied to the repayment of the principle and/or interest of such permanent financing.
 - (g) *Anticipatory Borrowing.* The Town Finance Director, with the approval of the Chairman of the Town Council and the Town Manager, may borrow money temporarily by the issuance of notes in anticipation of the issuance of serial bonds, notes or other securities, after approval of said bonds, notes or other securities by the Town Council or at Referendum vote. Except as otherwise provided herein, the issuance of said notes shall be subject to the laws of the State relating thereto.
 - (h) *Execution of Permanent Financing; Determination of Details.* All bonds, notes or other securities issued by the Town pursuant to this Section, shall be signed by the Town Finance Director and countersigned by the Chairman of the Town Council and the Town Manager. In the absence of a contrary provision in any Ordinance authorizing serial bonds, notes or other securities, the Town Finance Director, with the approval of the Chairman of the Town Council and the Town Manager, shall determine the date or dates, maturities, denomination, interest rate or rates, and other details of each issue of serial bonds, notes or other securities, and any notes issued in anticipation of such serial bonds, notes or other securities, and shall provide for the sale thereof.
 - (i) *General Obligations; Revenue Bonds.* All bonds, notes or other securities issued pursuant to this Section shall be general obligations of the Town, provided, however, that nothing herein contained shall be deemed to prevent the issuance of revenue bonds in accordance with, and subject to, the provisions of the Maine Revised Statutes relating thereto as amended.
 - (j) *Refinancing.* Bonds, notes or other securities may be issued in accordance with the provisions of this Section and any other relevant provisions of the Charter of the Town of Lisbon, and after approval by Town Council by Ordinance, in order to refinance any outstanding bond, note or security or other indebtedness of the Town. This authority to refinance any outstanding permanent financing includes financing approved at public Referendum and shall not require additional voter approval for the refinancing.

(Ref. of 11-8-2011)

Editor's note(s)—Ref. of 11-8-2011 repealed the former section and enacted a new section as set out herein. The former section pertained to bond issues.

Sec. 6.10. Borrowing in Anticipation of Taxes.

In anticipation of the collection of taxes, the Council may by Order authorize borrowing by the issuance of notes, which said notes may be renewed, but all such notes or renewals thereof, shall mature and be paid no later than the end of the fiscal year in which the borrowing occurred. In the absence of a contrary provision on an Order authorizing said notes, the Town Finance Director with the approval of the Chairman of the Town Council and the Town Manager, shall determine the date or dates, maturities, denominations, interest rate or rates, and other details of each issue of notes or renewals thereof and shall provide for the sale thereof.

(C.O. of 9-16-2008, § 2008-152K, Ref. of 11-4-2008)

ARTICLE VII. NOMINATIONS AND ELECTIONS

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Sec. 7.01. Municipal Elections.

The regular municipal election shall be held annually on the first Tuesday after the first Monday in November. ~~The School Committee election shall be held annually on the second Tuesday in June.~~ All elections shall be conducted on a nonpartisan basis and without party designation on petitions and ballots. Except as otherwise provided by this Charter, the provisions of the laws of the State of Maine shall govern the qualifications of voters, the registration of voters, the manner of voting, absentee ballots, the duties of election officers and all other matters relating to the preparation for, conduct and management of elections. The requirements for the declaration of write in candidates and the procedures for tallying and reporting of votes cast for all write in candidates at municipal elections shall be in accordance with the provisions of State Law regarding candidates in State elections as set forth in Title 21-A of the Laws of the State of Maine.

(Special election of 6-10-2014)

Sec. 7.02. Nomination by Petition.

- (a) *Petitions.* Candidates for Town Council, School Committee, and Water Commission shall be nominated by petition. Any qualified voter of the Town may be nominated for election as a Council member, School Committee member, or Water Commissioner by not less than 50 nor more than 75 qualified voters of the Town by signing a nomination petition. Nomination petitions shall be filed on forms provided by the Town Clerk. Each petition shall clearly indicate the office to which nomination is sought. No nomination petitions shall be issued by the Clerk more than forty (40) days prior to the earliest date upon which a completed petition could legally be accepted by the Clerk. The signatures on a nominating petition need not all be affixed to the same paper, but an affidavit which has been executed by the circulator shall be attached to each separate sheet of the petition. The circulator shall state in the affidavit the number of signatures on the paper, that each signature was affixed in the circulator's presence, and that the circulator believes it to be the genuine signature of the person whose name it purports to be. The petitioners shall sign their names in ink. Each signer shall indicate his or her street address next to his or her signature. The name and address of the signers and of the candidates do not have to be identical in form to the voting registration list as long as their identity can be clearly determined from the information provided. There is no limit on the number of petitions which may be signed by any one voter.
- (b) *Filing and Acceptance.* All separate papers comprising a nominating petition shall be assembled and filed with the Town Clerk as a single document not earlier than one hundred (100) days nor later than sixty (60) days before the scheduled date of the election. If the 60th day falls on a Saturday, Sunday, a day recognized by the State of Maine as a legal holiday, or a day that the Lisbon Town Office is closed for business, the final filing date shall be the next regular business day. The Council may, on the recommendation of the Town Clerk, set a shorter time for filing nomination petitions in the case of special elections but under no conditions shall the time for circulating nominating petitions be less than ten (10) days nor the last filing day be less than fourteen (14) days before the day of the election. The Clerk shall note the time and date when each nominating petition is filed. No petition shall be accepted unless accompanied by a signed acceptance of the nomination by the candidate.
- (c) *Certification of Validity.* Within five (5) business days after the filing of a nominating petition, the Clerk shall notify the candidate and the petition circulator whether or not the petition satisfies the requirements of this Article. If a petition is found to be insufficient, the Clerk shall immediately return it to the person who filed it together with a statement as to why it is insufficient. Within the regular time for filing petitions such a petition may be amended and filed again. The Clerk shall keep on file each petition found to be valid at least until the expiration of that calendar year.

(C.O. of 9-16-2008, § 2008-152D, Ref. of 11-4-2008; Amendment of 6-13-2017 ; Ref. of 4-16-2019)

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Sec. 7.03. Voting Places.

The Council may, by ordinance, divide the Town into wards for the purpose of establishing convenient voting places. The voting places established for municipal elections shall be the same as those established for state elections.

(Ref. of 4-16-2019)

Sec. 7.04. Names on Ballots.

(a) *At Large Candidates.* The full names and addresses of all candidates for Council member, for School Committee, and for Water Commissioner, except any who has died, withdrawn, or become ineligible, shall be printed on the ballot without party designation under the heading "For Council Member", "For School Committee Member", or "For Water Commission." The name of any candidate as it appears on the ballot need not be identical with the list of registered voters as long as the identity of the candidate can be clearly determined.

(Ref. of 4-16-2019)

Sec. 7.05. Order of Names on the Ballot.

When two or more candidates have been nominated for any office, the order of their names on the ballot shall be determined by lot. The lots shall be drawn by the Town Clerk.

Sec. 7.06. Determination of Election Results.

- (a) *Number of Votes.* Each voter shall be entitled to vote for as many at large candidates as there are vacancies to be filled.
- (b) *Plurality.* Elections shall be determined by plurality vote. In case of a tie, a run-off shall be held between the candidates having an equal number of votes. The run-off election shall be held no later than thirty (30) days after the tie is officially declared.

(Ref. of 4-16-2019)

Sec. 7.07. Ballots for Ordinances.

An ordinance which is to be voted on in accordance with Article VIII shall be presented on the ballot by title only. The ballot title of an ordinance may differ from its legal title and shall be a clear and concise statement regarding the substance of the measure without argument or slanting. Below the ballot title shall appear the following question: "Shall the ordinance described above be adopted?" Immediately below such question shall appear in the following order the words "yes" and "no" and, to the left of each, a square in which the voter may indicate his or her vote.

Sec. 7.08. Voting Machines.

The Council may provide for the use of mechanical or other devices for voting or counting voters in a manner not inconsistent with state law, notwithstanding the provisions of this Charter regarding the form and content of paper ballots.

ARTICLE VIII. INITIATIVE, REFERENDUM, RECALL AND SPECIAL TOWN MEETING

Part 1. General Provisions

Sec. 8.11. General Authority.

- (a) *Initiative.* The qualified voters of the Town shall have the power to propose ordinances to the Council. If the Council fails to adopt an ordinance in the same form as proposed in all material respects, the voters may adopt or reject it at an election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of appointed officers or employees. Ordinances relating to the salaries of elected officials are subject to the initiative process.
- (b) *Referendum.*
1. *Ordinance.* The qualified voters of the Town shall have the power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election. Such power shall not extend to the budget or capital program, any emergency ordinance, or any ordinance relating to appropriation of money, levy of taxes, or salaries of appointed officers or employees. Ordinances relating to the salaries of elected officials are subject to the referendum process.
 2. *Borrowing; Major Appropriations.* No action of the Town Council which approves the issuance of any general obligation or revenue obligation bond of the Town or which authorizes a lease or other contractual obligation of the Town for capital equipment whose costs per unit exceed \$250,000 and which exceeds a term of 12 months shall be effective unless and until said action is ratified by the qualified voters of the Town in a referendum conducted in accordance with the provisions set forth in this Article. A referendum to ratify action by the Town Council to approve the issuance of any general obligation or revenue obligation bond in a principal amount that exceeds \$1,000,000 must be held on the first Tuesday following the first Monday in November, except where the purpose of the funding is to respond to an emergency. An emergency is defined as an unexpected occurrence or set of circumstances that demands immediate action and refers to circumstances where the Town is unable to provide adequate necessary services to its citizens or where the public peace or the life, health, property, or safety of the Town and/or its inhabitants is at risk. This provision specifically excludes agreements for services, personnel contracts and collective bargaining agreements.
- (c) *Recall.* The qualified voters of the Town shall have the power to recall any member of the Town Council, School Committee, or Water Commission in accordance with the provisions set forth in this Article.
- (d) *Special Town Meeting.* The qualified voters of the Town shall have the power to reconsider any budget appropriation at a special Town meeting called by petition. The petition must cite the specific appropriation(s) to be included in the warrant for the special Town meeting.

(T.M. of 9-19-2006, § 2006-43, Ref. of 11-7-2006; Ref. of 11-4-2014 ; Amendment of 11-8-2016)

Part 2. Initiative and Referendum

Sec. 8.21. Commencement of Proceedings.

- (a) *Petitioners Committee; Affidavit.* Any five qualified voters of the Town may commence initiative or referendum proceedings by filing with the Clerk an affidavit stating that they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses, specifying the mailing address to which all notices to the committee are to be sent, and setting out in full the proposed ordinance or the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners committee is filed, the Clerk shall issue the appropriate petition blanks to the petitioners committee.
- (b) *Council Action.* The Town Council may submit on its own initiative, a proposal for the enactment, repeal or amendment of any ordinance except as otherwise prohibited in this Charter, and specifically to comply with the provisions for approval of bond issues and certain contracts for capital equipment or expenditures as may be required under the provisions of Section 6.09 of this Charter as well as Subsection 8.11(b)(2) and Section 4.06. Such proposition submitted to the voters may be voted on at any municipal election or any special election called by the Town Council and should such proposition receive a majority of the votes cast thereon at such election, it shall be enacted, repealed or amended accordingly.

(T.M. of 9-19-2006, § 2006-43, Ref. of 11-7-2006)

Sec. 8.22. Petitions.

- (a) *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of the Town at least equal in number to 15 percent of the total number of qualified voters who cast votes for Governor in the most recent gubernatorial election.
- (b) *Form and Content.* All papers of a petition shall be uniform in size and style and shall be assembled as one document for filing. Each signature shall be executed in ink and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit which has been executed by the circulator. The circulator shall state in the affidavit that the circulator personally circulated the paper, the number of signatures thereon, that each signature was affixed in the circulator's presence, that the circulator believes it to be the genuine signature of the person whose name it purports to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered. At any time prior to the issuance of the Clerk's certificate, a signer may have his or her name removed from the petition by filing a signed written request that this be done.
- (d) *Time for Filing Referendum Petitions.* Referendum petitions must be filed within 20 days after final adoption by the Council of the ordinance sought to be reconsidered.

(T.M. of 9-19-2006, § 2006-43, Ref. of 11-7-2006)

Sec. 8.23. Procedure after Filing.

- (a) *Certificate of Clerk; Amendment.* Within 20 days after the petition has been filed, the Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, why it is defective. The Clerk shall promptly send a copy of the certificate to the petitioners' committee by mail. A petition certified as insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two days after receiving the copy of the Clerk's certificate and

files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 8.22. Within five days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by mail as in the case of an original petition. If a petition or amended petition is certified as sufficient, or if a petition or amended petition is certified as insufficient, and the petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk shall promptly present the certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

- (b) *Council Review.* If a petition or amended petition has been certified as being insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it. The Council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) *Court Review; New Petition.* A final determination as to the sufficiency of a petition shall be subject to court review and the time limits relating to that petition shall be tolled during the review process. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose. A new petition shall proceed independently of the proceedings to determine the sufficiency of the prior petition.

(Ref. of 11-8-2011)

Sec. 8.24. Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate on the earliest to occur of the following events:

- (1) There is a final determination of insufficiency of the petition in accordance with section 8.23 (a) or (b) hereof, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The Council repeals the ordinance, or
- (4) The referendum is adopted at the Town election.

Sec. 8.25. Action on Petitions.

- (a) *Action by Council.* When an initiative or referendum petition has been finally determined to be sufficient, the Council shall promptly consider the proposed ordinance or reconsider the referred ordinance. If the Council fails to adopt the proposed ordinance without any material change within 60 days or fails to repeal the referred ordinance within 30 days after the date when the petition was finally determined to be sufficient, it shall submit the proposed or referred ordinance to the voters.
- (b) *Submission to Voters.* The vote on a proposed or referred ordinance or the referendum required by section 8.11(b)(2) shall be held not less than 30 days and not later than one year from the date of the final Council vote thereon. The vote may be taken at a special election or at a regular Town election if one is to be held within the period prescribed in this subsection. Copies of the proposed or referred ordinance or the action described in section 8.11(b)(2) shall be made available to the voters within a reasonable time prior to the election.

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(Supp. No. 42)

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- (c) *Withdrawal of Petitions.* An initiative or referendum petition may be withdrawn at any time prior to a final determination of sufficiency of the petition by filing with the Clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 8.26. Results of Election.

- (a) *Initiative.* If a majority of the qualified voters voting on a proposed ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council so long as the total number of votes cast for and against the ordinance is at least equal to 30% of the total number of qualified voters who cast votes for Governor in the most recent gubernatorial election. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Ordinance Referendum.* If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results so long as the total number of votes cast for and against the referred ordinance is at least equal to 30% of the total number of qualified voters who cast votes for Governor in the most recent gubernatorial election.
- (c) *Borrowing; Major Appropriations.* If a majority of the qualified voters voting on ratification of an action of the Town Council in accordance with section 8.11(b)(2) vote in its favor, the action shall be considered ratified as required by that section.

Part 3. Recall

Sec. 8.31. [Generally.]

- (a) *Commencement of Proceedings; Recall Committee; Affidavit.* Any five or more qualified voters may commence recall proceedings by filing with the Clerk an affidavit stating that they will constitute the recall committee and be responsible for circulating the recall petition and filing it in proper form, stating their names and street addresses, specifying the mailing address to which all notices to the committee are to be sent and setting out in full the name, address and office of the Town Councilor, School Committee Member, or Water Commissioner sought to be recalled and a statement detailing the reason or reasons therefor.
- (1) *Basis for Petition.* The required statement detailing the reason or reasons for the recall as stated on the affidavit shall be directly related to the requirements, duties and obligations of the position for which the recall is sought. The reasons for removal shall constitute acts which are in and of themselves contrary to law or to a specific requirement or obligation of the office, the improper and/or unlawful execution of some action where the action itself is not unlawful or improper, or the failure to perform some action which is officially required as a requirement or obligation of the office.
- (2) *External Review.* Within five (5) working days of being advised by the Town Clerk of the filing of a recall affidavit, the official who has been proposed to be recalled, may request the Town Council that the Town Council, by majority vote, shall appoint an independent third-party examiner who is not a property owner, business owner, taxpayer, or resident of the Town of Lisbon and who has experience in municipal matters and in mediation, arbitration or legal proceedings, to review the affidavit stating the reasons for recall, in order to determine the sufficiency of those reasons in accordance with the standards set forth in Subsection (1) above. This appointment shall occur at the next scheduled meeting of the Town Council or the Town Council may elect to call a special meeting to make the appointment. The examiner shall have full authority to conduct such investigation as is deemed

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appropriate to determine the sufficiency of the reasons stated in the recall affidavit. The examiner shall submit a written report to the Town Council and Town Clerk with copies to the official proposed for recall and the recall committee stating whether or not the petition meets the criteria and if it is determined that the criteria are not met, the petition will go no further and have no further effect. The written report shall be submitted within twenty-one (21) days of appointment unless another time is designated by Council. Any time frame for the submission of the report may be extended by Council.

- (3) *Appeal.* If the officer or official being proposed for recall or the recall committee is aggrieved by the report and decision of the examiner, then each shall have the right to appeal the examiner's decision to the Lisbon Ethics Panel. The Ethics Panel shall have the authority to conduct an independent investigation, hold hearings, take evidence, or do whatever it deems to be necessary and appropriate to determine whether the decision of the examiner is correct. If the result of the appeal is that sufficient cause is found to move forward, then the Clerk shall issue the circulation petitions to the Recall Committee. If the Ethics Panel determines that there is no cause for recall, then the matter shall be ended and shall go forward no further.
 - (4) *Issuance of Petitions.* If there is no challenge to the recall affidavit or the independent examiner and/or the Ethics Panel find that there is sufficient reason to support the recall, then the Clerk shall promptly issue the appropriate petition blanks to the Recall Committee.
 - (5) *Further Appeal.* The determination by the independent examiner or the Ethics Panel may be appealed to the Superior Court, Androscoggin County. Such appeal shall not stay the time frames for the petition and subsequent proceedings under the provisions of this section unless ordered by the Court.
- (b) *Petitions.*
- (1) *Number of Signatures.* Recall petitions must be signed by qualified voters of the Town at least equal in number to 15 percent of the total number of qualified voters who cast votes for Governor in the most recent gubernatorial election.
 - (2) *Form and Content.* All papers of a petition shall be uniform in size and style and shall be assembled as one document for filing. Each signature shall be executed in ink and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full name, address and office of the person sought to be recalled and a statement detailing the reason or reasons therefor.
 - (3) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit which has been executed by the circulator. The circulator shall state in the affidavit that the circulator personally circulated the paper, the number of signatures thereon, that each signature was affixed in the circulator's presence, that the circulator believes it to be the genuine signature of the person whose name it purports to be, and that each signer had an opportunity before signing to read the full name, address and office of the person sought to be recalled and the statement detailing the reason or reasons therefor. At any time prior to the issuance of the Clerk's certificate, a signer may have his or her name removed from the petition by filing a signed written request that this be done.
 - (4) *Time for Filing Recall Petition.* A recall petition must be filed within 30 days of the issuance of the petition blanks to the recall committee.
- (c) *Procedure after Filing.*
- (1) *Certificate of Clerk; Amendment.* Within 20 days after the circulated petition has been filed, the Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, why it is defective. The Clerk shall promptly send a copy of the certificate to the recall committee by mail. A petition certified as insufficient for lack of the required number of valid signatures may be amended once if the recall committee files a notice of intention to amend it with the Clerk within two days after receiving the

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copy of the Clerk's certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b)(2) and (b)(3) of section 8.31. Within five days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the recall committee by mail as in the case of an original petition. If a petition or amended petition is certified as sufficient, or if a petition or amended petition is certified as insufficient, and the recall committee does not elect to amend or request Council review under subsection (2) of this section within the time required, the Clerk shall promptly present the certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

- (2) *Council Review.* If a petition or amended petition has been certified as being insufficient, the recall committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it. The Council's determination shall then be a final determination as to the sufficiency of the petition.
 - (3) *Public Hearing.* Subsequent to Council's determination of sufficiency, the Council shall convene a public hearing in order to allow the members of the public to attend and have an opportunity to discuss the recall petition and the basis and criteria for the recall. If the matter has been referred to an independent examiner, then, if possible, the independent examiner will chair the public hearing. If no independent examiner has been appointed or is available, then the chair of the Town Council shall appoint another individual to chair the public hearing.
 - (4) *Court Review; New Petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.
- (d) *Actions on Petitions.* The Council shall, within 30 days following a final determination that the recall petition is sufficient, hold a municipal election for the purpose of submitting the question of recall to a vote of the qualified voters of the Town. Pending the outcome of the election, the elected official who is the subject of the recall petition shall continue to exercise all of the privileges of his or her office. An official shall be recalled when a majority of those voting thereon shall have voted in the affirmative so long as the total number of votes cast for and against recall is at least equal to 30% of the total number of qualified voters who cast votes for Governor in the most recent gubernatorial election. Where the voters have recalled an official, the Council shall fill the vacancy thus created in accordance with the provisions of Section 2.11 of this Charter.
- (e) *Candidacy of Incumbent.* An official who is recalled by the voters shall be allowed to seek re-election at the special election called for the purpose of filling the vacancy created by the recall by filing a notice with the Town Clerk that he or she wishes to have his or her name appear on the ballot. The request shall be filed no later than the fifteenth day preceding the election. The official shall not be required to circulate a nomination petition. Other qualified voters who seek to fill the vacancy created by the recall shall have until the fifteenth day preceding the election to file with the Town Clerk a petition as required by the Charter for a regular municipal election.
- (f) *Recall Ballot.* The ballot for recall shall contain the following question: "Shall (name of person being subjected to recall) be recalled from the office of (name of office)?" Immediately below such question shall appear in the following order the words "yes" and "no" and to the left of each, a square in which the voter may indicate his or her vote.

(C.O. of 9-16-2008, § 2008-152D, Ref. of 11-4-2008; Ref. of 11-8-2011; Ref. of 4-16-2019)

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(Supp. No. 42)

Part 4. Special Town Meeting

Sec. 8.41. Commencement of Proceedings; Petitioners' Committee; Affidavit.

Any five or more qualified voters of the Town may commence proceedings to call a special Town meeting to reconsider budget article(s) by filing with the Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in the proper form, stating their names and street addresses, specifying the mailing address to which all notices to the committee are to be sent, and setting out in full the budget article(s) to be included in the special Town meeting warrant. Promptly after the affidavit of the petitioners' committee is filed, the Clerk shall issue the appropriate petition blanks to the petitioners' committee.

Sec. 8.42. Petitions for Special Town Meeting.

- (a) *Number of Signatures.* Petitions calling for a special Town meeting must be signed by qualified voters of the Town equal in number to at least 10 percent of the total number of qualified voters who cast votes for Governor in the most recent gubernatorial election.
- (b) *Form and Content.* All papers of a petition shall be uniform in size and style and shall be assembled as one document for filing. Each signature shall be executed in ink and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the budget article(s) to be included in the special Town meeting warrant.
- (c) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit which has been executed by the circulator. The circulator shall state in the affidavit that the circulator personally circulated the paper, the number of signatures thereon, that each signature was affixed in the circulator's presence, that the circulator believes it to be the genuine signature of the person whose name it purports to be, and that each signer had an opportunity before signing to read the full text of the budget article(s) to be included in the special Town meeting warrant. At any time prior to the issuance of the Clerk's certificate, a signer may have his or her name removed from the petition by filing a signed written request that this be done.
- (d) *Time for Filing Special Town Meeting Petitions.* Special Town meeting petitions must be filed within 15 days after the budget being questioned became legally adopted.

(Special election of 6-10-2014)

Sec. 8.43. Procedure After Filing.

- (a) *Certificate of the Clerk; Amendments.* Within 5 days after the petition is filed, the Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, why it is defective. The Clerk shall promptly send a copy of the certificate to the petitioners' committee by mail. A petition certified as insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two days after receiving the copy of the certificate and files a supplementary petition upon additional papers within five days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 8.42. Within five days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as

amended and promptly send a copy of such certificate to the petitioners' committee by mail as in the case of an original petition. If a petition or amended petition is certified as sufficient, or if a petition or amended petition is certified as being insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk shall promptly present the certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

- (b) *Council Review.* If a petition or amended petition has been certified as being insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at a Council meeting to be held within 3 days following the filing of such request and approve or disapprove it. The Council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) *Court Review; New Petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose if filed within the time required in the case of an original petition.

Sec. 8.44. Special Town Meeting Petitions; Suspension of Effect of Budget Articles.

When a petition for a special Town meeting is filed with the Town Clerk, the budget article(s) to be included in the special Town meeting warrant shall be suspended from taking effect. Such suspension shall terminate on the earliest to occur of the following events:

- (1) There is a final determination of insufficiency of the petition in accordance with section 8.43(a) or (b) hereof, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The special Town meeting acts on the budget article(s).

Sec. 8.45. Action on Petitions.

- (a) *Action by Council.* When a petition for a special Town meeting has been finally determined to be sufficient, the Council shall set a date for a special Town meeting to be held not later than 15 days after such determination. Copies of the special Town meeting warrant shall be made available at the Town Office as soon as practicable and shall be available at the special Town meeting.
- (b) *Withdrawal of Petitions.* A petition for a special Town meeting may be withdrawn at any time prior to a final determination of sufficiency of the petition by filing with the Clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 8.46. Results of Special Town Meeting.

- (a) *Budget Article(s).* If a majority of the qualified voters voting on a budget article at a special Town meeting vote in its favor it shall be considered adopted, and shall be treated in all respects in the same manner as budget articles of the same kind adopted by the Council, so long as the total number of votes cast for or against the budget article at the special Town meeting is at least 250. If the special Town meeting does not adopt a budget article(s) as provided herein, the original budget article passed by the Council will immediately take effect.

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- (b) *[Adoption of budget.]* If the budget, or any part thereof, has not been finally adopted on July 1, then the budget for the prior year, or part thereof corresponding with that being challenged, shall remain proportionately in effect.

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.01. Terms of Elected Officials.

The terms of all elected officials, other than School Committee members shall begin on the first Tuesday after the first Monday in December and end on the first Monday in December. The terms of School Committee members shall begin on the first Tuesday after the first Monday in July and end on the first Monday in July. Every elected official shall serve for his or her prescribed term and thereafter, if necessary, until his or her successor is elected and qualified.

Sec. 9.02. Oath of Office.

Every officer of the Town shall, before entering upon the duties of that office, take and subscribe to the following oath or affirmation, which shall be filed and kept in the office of the Town Clerk: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Lisbon and will faithfully discharge the duties of the office of _____."

Sec. 9.03. Conflict of Interest.

If any elected or appointed officer, official, employee, or the spouse of any such person, has a substantial financial interest, direct or indirect, in any contract with the Town or in the purchase or sale of any land, material, supplies, or service to the Town or to a contractor supplying the Town, that person shall make known that interest and shall refrain from voting or otherwise participating in his or her capacity as an elected or appointed officer, official, or employee in making any such purchase or sale or in making such contract. Any such person who willfully conceals said financial interest or that of his or her spouse, or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the same. Any contract made in violation of this section shall be voidable by the Town. An elected or appointed officer, official, employee or spouse of any such person may participate in a commercial transaction with the Town only where that commercial transaction is governed by a competitive bid process.

(C.O. of 9-16-2008, § 2008-152I, Ref. of 11-4-2008)

Sec. 9.04. Prohibited Activities.

- (a) *Discrimination.* No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any Town office or employment because of race, sex, or political or religious opinions or affiliations.
- (b) *Solicitation of Advantage.* No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, promotion, or proposed promotion to, or any advantage in, a position in Town government. No elected or appointed official or employee of the Town shall solicit or accept any valuable consideration from any person as an inducement to confer a special advantage upon that person in his or her dealing with the Town.

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(Supp. No. 42)

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- (c) *Political Solicitation.* No officer, official or employee of the Town shall solicit any contributions or services not relating to his or her employment from any Town employee whose compensation, tenure, job security, or other employment benefits are subject to the control or influence of the solicitor.
 - (d) *Violations.* Violations of this section shall be dealt with under section 2.11(b) of this Charter and under any ordinance or personnel policy which the Town Council may adopt.

Sec. 9.05. Separability.

If any provision of this Charter is determined to be invalid, the other provisions shall not be affected thereby. If the application of this Charter to any person or circumstances is held to be invalid, its application to other persons or circumstances shall not be affected thereby.

Sec. 9.06. Repealing Clause.

All acts and parts of acts of the private and special laws of Maine relating to the Town of Lisbon that are inconsistent with the provisions of this Charter are repealed.

Sec. 9.07. Short Title.

The Charter shall be known and may be cited as "Lisbon Town Charter". The Clerk shall cause it to be printed and made available to the public.

ARTICLE X. TRANSITIONAL PROVISIONS

Sec. 10.01. First Election.

This Charter, if approved, shall become effective immediately upon adoption, but only for the limited purpose of conducting a municipal election under Article VII hereof. The first election shall be held on May 13, 2006. The selectmen shall adopt temporary regulations applicable only to the first election designed to insure its orderly conduct and to prevent fraud and to provide for a possible recount of ballots. For all other purposes, this Charter shall become effective on July 1, 2006.

Sec. 10.02. Election of First Town Council and Budget Advisory Board.

- (a) *Initial Staggering of Terms.* The terms of Councilors and Budget Advisory Board members elected at the first election under this Charter shall be staggered as set forth below. At the next regular municipal election and thereafter, Councilors and Budget Advisory Board members shall be elected to fill the terms of those members whose terms are expiring. Seven Councilors and seven Budget Advisory Board members shall be elected on May 13, 2006, three at large and two from each Voting District. The Councilor and Budget Advisory Board member from each Voting District who received the greatest number of votes shall be elected for a two year term and the other shall be elected for a one year term. The at large Councilor and Budget Advisory Board member receiving the greatest number of votes shall be elected for a term of three years. The at large Councilor and Budget Advisory Board member receiving the second greatest number of votes shall serve for a term of two years. The at large Councilor and Budget Advisory Board member receiving the third largest number of votes shall serve for a term of one year. If there is a tie between Councilors or Budget Advisory Board members, the length of term shall be decided by lot. The first "year" of the term of each Councilor and Budget Advisory Board member shall begin on July 1, 2006 and end on December 4, 2006.

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- (b) *Salary.* Each Councilor shall receive a salary of \$1,500 for his or her first year of office and the Chair shall receive a salary of \$1,800 for the first year. The word "year" herein is defined as set forth in Section 10.02(a). These salaries may be modified pursuant to Section 2.03 of this Charter.
- (c) *First Meeting.* The newly elected members of the Town Council shall meet on July 1, 2006 at 7:00 p.m. at a meeting place previously determined by the Board of Selectmen for the purpose of:
1. Taking the oath of office;
 2. Electing a Chair and Vice-Chair;
 3. Adopting such ordinances and resolutions as may be necessary to effect the transition of government under this Charter and to maintain effective municipal government during the transition period; and
 4. Taking up such other business as the Council may wish to consider.
- (d) *Transitional Ordinances.* The Town Council shall follow the procedures set forth in Section 2.08 for the adoption of ordinances except that, at the first meeting and within 60 days thereafter, the Council may enact emergency ordinances for which there is an urgent need in order to accomplish an orderly transition of Town government.

Sec. 10.03. School Committee.

The terms of the school committee members in office on the effective date of this Charter shall not be altered or affected.

Commented [FCA2]: Can we shorten this to make terms expire as of July 1 of the year in which the existing term is set to expire?

Sec. 10.04. First Budget.

The budget of the Town which is in effect on the effective date of this Charter shall continue in effect and may be amended only as permitted by this Charter.

Sec. 10.05. Existing Officers and Employees.

Existing officers and employees of the Town shall continue to serve until and unless replaced or removed as provided in this Charter.

Sec. 10.06. Existing Ordinances.

All Town ordinances, regulations, orders, or resolves in force at the time when this Charter takes effect, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

Sec. 10.07. Existing Contracts and/or Obligations.

All rights, actions, proceedings, prosecutions, and contracts of the Town or any of its departments, pending when this Charter goes into effect and not inconsistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

DRAFT AMENDMENTS TO THE LISBON TOWN CHARTER

Text to be added is indicated by underlining and text to be deleted is indicated by ~~strikethrough~~.

ARTICLE IV. SCHOOL DEPARTMENT

Sec. 4.01. School Committee; Qualifications; Elections and Term.

There shall be a School Committee of five (5) members nominated and elected by the qualified voters of the Town at large, as provided in Article VII. Only qualified voters of the Town shall be eligible to be nominated, to be elected, and to hold the office of School Committee member. School Committee members shall be elected ~~at regular municipal elections~~ as provided in Article VII and shall serve staggered three year terms as provided for in Article X.

Sec. 4.04. Chair.

At its organizational meeting held on the first Tuesday after the first Monday in ~~December~~ July, or as soon thereafter as practicable, the School Committee shall elect, by a majority vote of the entire Committee, one of its members as Chair for the ensuing year, and the School Committee shall fill for an unexpired term any vacancy in the office of Chair that may occur. The Chair shall preside at all meetings of the School Committee and may vote on any matter to come before the Committee.

Sec. 4.05. Vacancy, Forfeiture of Office, Filling of Vacancies.

The office of School Committee member shall be deemed vacant or forfeited for the same reasons that the office of Councilor shall be deemed vacant or forfeited as provided in section 2.11. If any vacancy shall occur, the vacancy shall be filled until the next ~~regular~~ School Committee election by appointment of the remaining members of the School Committee. At the next ~~regular~~ School Committee election, a new member of the School Committee shall be elected to serve for the remainder of the term, if any, of the member whose office became vacant or was forfeited.

Sec. 6.04. Council Action on Budget.

- (a) *Notice and Hearing.* The Town Council shall publish in one or more newspapers having general circulation in the Town a general summary of the budgets and a notice stating:
1. The times and places where copies of the budget messages and the budgets will be available to the public, and
 2. The time and place (not less than two weeks after the first such publication) of a public hearing on the proposed budgets.
- (b) *Budget Deliberations.* The Town Council shall review the proposed budgets at budget sessions which may be informal but which shall be open to the public. ~~The~~ Except as

otherwise provided herein, the Council shall complete its review of the budgets no later than the last Tuesday in June.

(c) *Amendments Before Adoption.* After the public hearing, the Town Council may adopt the Manager's budget with or without amendment. It may by amendment add or increase programs or amounts and delete or decrease programs or amounts except expenditures for debt service or otherwise required by law. The Council may adopt the School budget as proposed and may amend it, but such amendments shall be limited to adding to or decreasing the total amount of the budget.

(d) *Adoption.*

1. Town Budget. The final vote on the Town Budget shall be taken on or before the last Tuesday of June. If Council fails to adopt a Budget for the Town by the last Tuesday in June, the Budget as presented by the Town Manager shall become the Budget to be implemented on a month to month basis until such time as a final Budget is approved.

2. School Budget. Until such time as the Town of Lisbon becomes certified as a member of a Regional School Unit by the Commissioner of the Maine Department of Education, the Town Council shall act as the Board of the Regional School Unit, approving the Budget with or without amendment, and providing for Referendum vote on the Budget in accordance with the procedures and time frames provided in LD499 as amended. The final vote on the School Budget shall be taken on or before the first Tuesday of June. A validation referendum on the School Budget shall be held annually on the second Tuesday of June. If a School Budget is not approved or validated prior to the first day of July, the prior fiscal year's School Budget shall become the School Budget for the ensuing fiscal year until a final School Budget is validated by a subsequent validation referendum.

ARTICLE VII. NOMINATIONS AND ELECTIONS

Sec. 7.01. Municipal Elections.

The regular municipal election shall be held annually on the first Tuesday after the first Monday in November. The School Committee election shall be held annually on the second Tuesday in June. All elections shall be conducted on a nonpartisan basis and without party designation on petitions and ballots. Except as otherwise provided by this Charter, the provisions of the laws of the State of Maine shall govern the qualifications of voters, the registration of voters, the manner of voting, absentee ballots, the duties of election officers and all other matters relating to the preparation for, conduct and management of elections. The requirements for the declaration of write in candidates and the procedures for tallying and reporting of votes cast for all write in candidates at municipal elections shall be in accordance with the provisions of State Law regarding candidates in State elections as set forth in Title 21-A of the Laws of the State of Maine.

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.01. Terms of Elected Officials.

The terms of all elected officials, other than School Committee members, shall begin on the first Tuesday after the first Monday in December and end on the first Monday in December. The terms of School Committee members shall begin on the first Tuesday after the first Monday in July and end on the first Monday in July. Every elected official shall serve for his or her prescribed term and thereafter, if necessary, until his or her successor is elected and qualified.

SUMMARY: This amendment to the Lisbon Town Charter would modify Article IV, Sections 4.01, 4.04, and 4.05, Article VI, Section 6.05, Article VII, Section 7.01, and Article IX, Section 9.01 to provide that elections for School Committee members and the School Department Budget validation referendum shall occur annually on the second Tuesday of June.

The Lisbon School Committee Recommends passage of the above-proposed amendments to the Lisbon Charter.

Lisbon School Committee

Date: 8/28/23

Printed Name

Signature

Laura Craig

Laura Craig

Leonard Lednum

LL

Kimberly Lubbe-Poisson

[Signature]

Kathi Yergin

Kathi Yergin

Margaret Galligan-Schmidl

Margaret Galligan-Schmidl



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Authorizing Issuance of Bonds for Burroughs Road Bridge Project - *Second Reading*
Date: September 5, 2023

Summary

Recommendation

Attachments

1. Lisbon_Burrough Bridge_GOB23 Ordinance

ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$650,000 IN GENERAL
OBLIGATION BONDS AND NOTES OF THE TOWN OF LISBON, MAINE

BE IT ORDAINED, that, pursuant to Article 6.09 and 8.11(b)(2) of the Charter of the Town of Lisbon and Title 30-A, Section 5772 of the Maine Revised Statutes:

1. The Town of Lisbon, Maine (the “Town”) be and hereby is authorized to borrow an amount not to exceed Six Hundred and Fifty Thousand Dollars (\$650,000) for the purpose of financing the design, permitting and construction of repairs, replacements and improvements to bridges and related roads and facilities located in or on Burrough Road in the Town (the “Project”);
2. The Town, acting through the Town Manager and Finance Director, be and hereby is authorized from time to time to issue and sell to an investment bank, a financial institution, the Maine Municipal Bond Bank, the United States of America, or any other person or persons (each a “Purchaser”) its general obligation bonds in an aggregate principal amount not to exceed Six Hundred and Fifty Thousand Dollars (\$650,000) (the “Bonds”) for the purposes of paying for all or a portion of the Project;
3. The proceeds of the Bonds, including any investment earnings thereon, shall be appropriated for the costs of the Project;
4. The estimated period of utility of the Project is greater than twenty (20) years and that this declaration shall be conclusive determination thereof;
5. The Bonds shall be payable over a term not to exceed thirty (30) years from the date of issue of the Bonds and shall bear interest at a rate or rates to be determined by the Finance Director;
6. The Finance Director, with the approval of the Chairman of the Town Council and Town Manager, shall have the authority to fix the terms and conditions applicable to the Bonds, including their date(s), maturity or maturities, denomination(s), interest rate(s), place(s) of payment, form(s), and other terms, provisions and details, including to provide that the Bonds may be redeemable with or without premium prior to their final 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 as the Finance Director determines to be in the Town’s best interest;
7. The Bonds shall be issued in registered form in the name of the Town, be 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, and execution of the Bonds by the Chairman of the Town Council and Town Manager shall be a definitive demonstration of their approval of the terms thereof;
8. A tax levy shall be made for each year in which the Bonds are outstanding in an amount necessary to meet the payment of the annual serial installments of principal and the installment of interest due on the Bonds and such amounts shall be included in the tax

levy for each year until all outstanding principal and interest due on the Bonds has been paid;

9. The Finance Director, with approval of the Chairman of the Town Council and Town Manager, be and hereby is authorized from time to time to issue and sell to a Purchaser its bond anticipation notes (the “Notes”) in an aggregate principal amount not to exceed Six Hundred and Fifty Thousand Dollars (\$650,000) for the purpose of providing interim financing for the Project in anticipation of the issuance of the Bonds. Execution of such Notes by the Chairman of the Town Council and Town Manager shall be a definitive demonstration of their approval of the terms thereof. Each issue of Notes shall be subject to prepayment at any time but shall be paid within one year after the date of issue of such Notes. The Notes shall bear interest at a rate or rates to be determined by the Finance Director and interest shall be payable at maturity of the Notes;
10. The Town Manager and Finance Director be and hereby are authorized to make application on behalf of the Town to one or more purchasers for the purpose of requesting that a Purchaser purchase the Bonds, Notes or both, and to execute and deliver a loan agreement with a Purchaser in such form and substance as such Purchaser shall require, provided that, notwithstanding any other provision of this Ordinance, any such loan agreement may obligate the Town to accept a loan from such Purchaser and issue the Bonds or Notes to such Purchaser at a rate or rates of interest not to exceed the rate or rates determined by the officer signing the loan agreement and set forth in the loan agreement;
11. The Town may covenant and consent that the interest on the Bonds and Notes is includable, under the U.S. Internal Revenue Code of 1986, as amended, including regulations adopted and amended pursuant to such Code (the “Code”), in the gross income of the holders of the Bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States are includable;
12. The Finance Director be and hereby is authorized, to the extent allowed by law, to designate the Bonds and Notes as “qualified tax-exempt obligations” of the Town pursuant to the requirements of the Code, including without limitation Section 265(b)(c)(3);
13. If and to the extent applicable and subject to appropriation, the Town shall take any and all actions required under the Code to maintain the tax-exempt status of the interest on the Bonds and Notes and to maintain the status of the Bonds and Notes as “qualified tax-exempt obligations” of the Town, and the Bonds and Notes shall be subject to such further terms and conditions as may be agreed to by the Finance Director to carry into effect the full purport and intent of this Ordinance;
14. The Town Council, Town Manager, Finance Director, Town Clerk and all other officers, officials, employees or agents of the Town be and each of them hereby is authorized to execute and deliver any and all instruments, agreements, certificates and other documents, and to take any and all actions, including affixing the seal of the City, as may

be necessary, convenient or appropriate to carry out the full purport and intent of this Ordinance;

15. If any Town official, officer or employee whose signature may be required in connection with the issuance and sale of the Bonds or Notes is for any reason unavailable to approve and execute the required documents, the persons then acting in such capacity on behalf of said official, officer or employee, whether an assistant, a deputy or in some other capacity, is authorized to act on behalf of such official, officer or employee and to perform such acts themselves;
16. If any Town official, officer or employee who has signed, attested or sealed the Bonds or Notes shall cease to be such officers before the Bonds or Notes so signed, attested and sealed shall have been actually authenticated and delivered by the Town, such Bonds and Notes nevertheless may be authenticated, delivered and issued with the same force and effect as though the person or persons had not ceased to be such official, officer or employee;
17. All actions of the Town Council, Town Manager, Finance Director, Town Clerk, and all other officers, officials, employees or agents of the Town heretofore taken with respect to the issuance of the Bonds and Notes, including distribution of any requests for proposals, are in all respects hereby ratified, approved and confirmed.
18. The engagement of the law firm of Preti, Flaherty, Beliveau & Pachios LLP to act as bond counsel to the Town, to advise the Town with respect to the issuance of the Bonds and Notes, to prepare documentation and to render opinions as may be required by a purchaser is hereby ratified, approved and confirmed;
19. That a referendum election question regarding the ratification of this Ordinance be placed on the ballot for the November 7, 2023 municipal election, and that the Town Clerk is hereby authorized to take all actions required of the Town Clerk for the referendum question to be considered by the voters, and that a ballot title and referendum question in substantially 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, in accordance with Title 30-A, Section 5772 of the Maine Revised Statutes:

Shall an ordinance entitled Ordinance Authorizing The Issuance Of Up To \$650,000 In General Obligation Bonds And Notes Of The Town Of Lisbon, Maine be approved and ratified?

20. This Ordinance and all authority granted hereunder, shall be conditioned upon ratification of this Ordinance by the voters of the Town, pursuant to Article 8.11(b)(2) of the Town Charter, and shall be effective as of the date of its ratification by the voters of the Town and certification by the Town Council.



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Laroche 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Approving Contract Award: \$67,500 to Electrical Systems of Maine
Date: September 5, 2023

Summary

Bids for the specified project were officially solicited and subsequently closed on September 1st at 10 am. Upon review of the submissions, Electrical Systems of Maine emerged as the low bidder.

Recommendation

This proposed contract award is in alignment with the previously approved capital budget. The installation is crucial for maintaining the functionality and continuity of the Sewer Department's operations, ensuring service reliability during potential power outage.

Attachments

1. 2023-014 ESM_Generator



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochelle 2023

Town of Lisbon
300 Lisbon St
Lisbon, ME, 04250
207-353-3000

Project Name: Sewer Treatment Plant Generator Bid
Bid Submission Deadline: September 1, 2023
Bid Opening Time: 10:00 a.m.
Location: Town of Lisbon, 300 Lisbon St, Lisbon, ME, 04250

Introduction

Welcome to the bid submission for the Treatment Plant Generator Bids. Sealed bids will be received in the office of the Town Manager until ~~1:00 p.m.~~ ^{10:30 a.m.} on September 1, 2023, at the Town of Lisbon, 300 Lisbon St, Lisbon, ME, 04250. At this time, they will be publicly opened and read aloud. Please ensure that all required documents are enclosed in a sealed envelope clearly marked with the bid name and project number.

Attendance

Please record your attendance below:

| Name of Company/Bidder | Representative Name | Signature |
|-----------------------------|---------------------|-------------|
| Electrical Systems of Maine | Matt Tassia | [Signature] |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Bid Opening Process

The bid opening process is as follows:

- Confirm the attendance of bidders.
- Verify the receipt of all required bid documents.
- Open and read aloud each bid proposal.
- Record the bid amounts and any discrepancies.
- Evaluate the bids for responsiveness and compliance.
- Prepare a bid tabulation sheet.
- Announce the apparent low bidder (subject to further review and verification).

Bid Tabulation



Electrical Systems
of Maine, Inc.



Date: 08/31/23

To: Steve Aievoli
Lisbon Sewer Dept
3 Summer St
Lisbon Falls, ME

Reference: Portable Generators

Electrical Systems of Maine is your local Generac Industrial, Commercial, and Residential generator dealership and distributor. Our factory trained technicians are certified to install, start up, service, and perform warranty work on anything we sell. We are your one stop shop for generators, installation, service and support.

What we offer:

1. 24/7 support
2. Factory trained industrial, commercial, and residential generator technicians
3. Journeyman and master electricians licensed in the state of Maine
4. Service contracts
5. Service, warranty, and factory support
6. Turnkey installations
7. Load bank testing up to 600 KW
8. Project coordination, project management, and design.

We are pleased to offer the following quote for the procurement of portable diesel generator per the specification put forth in the invitation to bid.

Generac MDG100DF4 - \$67,500.00

Sincerely,

Matt Tassinari
General Manager
Electrical Systems of Maine
1200 Minot Ave,
Auburn, ME 04210
207-783-7126
matt@electricalsystemsofmaine.com

Place of residence – 94 Pinnacle Dr, Auburn, ME 04210
Other Principals – David Tassinari, Craig Norcross

Acceptance of Quote _____

Prior to ordering equipment or services, please sign and return as a confirmation of the above terms and conditions. Quote valid for 30 days.

MDG100DF4 | 4.5 L | 100 kVA

MOBILE DIESEL GENERATOR SET

EPA Emissions Certification: Tier 4 Final



Standby Power Rating

85 kW, 106 kVA, 60 Hz

Prime Power Rating

80 kW, 100 kVA, 60 Hz

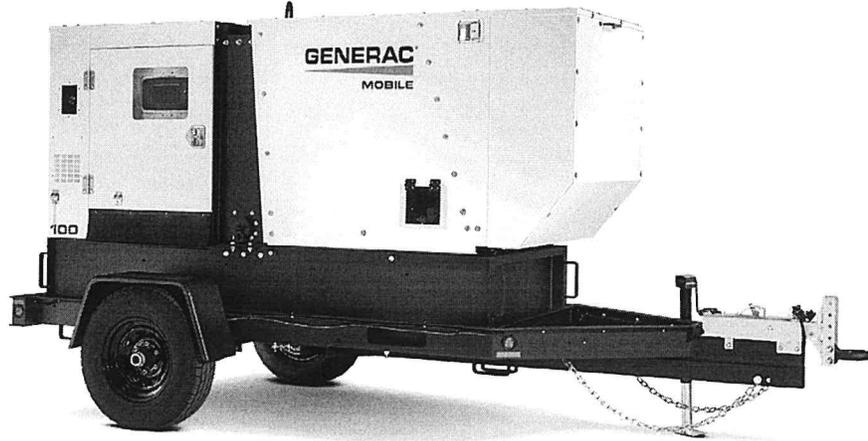


Image used for illustration purposes only



Manufactured in the USA using 99% domestic and foreign parts

Codes and Standards

Generac Mobile products are designed to the following standards:



CSA CERTIFIED



NATM



TIER 4 FINAL EMISSIONS



UN31 A, UL142, ULC-S601
CERTIFIED

Power When and Where You Need It

Generac Mobile diesel generators are designed and engineered to power a variety of projects, in the most extreme environments. Gensets are configured to meet customer needs, including choice of containment, cold weather packages, trailer options, and more.

Generac Mobile diesel generators are manufactured to deliver reliable power, when and where you need it.

MDG100DF4 | 4.5 L | 100 kVA

MOBILE DIESEL GENERATOR SET

EPA Emissions Certification: Tier 4 Final



STANDARD FEATURES

ENGINE SYSTEM

- John Deere® 4045HFG04
- 4 Cylinder
- Turbocharged & Aftercooled
- 275 in³ (4.5 L) Displacement
- EPA Tier 4 Final
- Power @ 1,800 rpm – hp (kW):
 - Prime: 122 (90)
 - Standby: 133 (99)
- Paper Element Air Filter
- Electronic Isochronous Governing
- Variable Speed Fan
- One Spin-on Cartridge Oil Filter
- Oil Drain Extension
- One CCV System Filter
- One Fuel/Water Separator-Filter
- One Fuel Filter
- One 12 V, 720 CCA Wet Cell Battery

COOLING SYSTEM

- Capable of Operating at 104° F (40° C) Ambient
- 50/50 Coolant (50% Ethylene Glycol)
- Coolant Drain Extension

FUEL SYSTEM

- Single Wall Fuel Tank
- Fuel Tank Capacity – gal (L):
 - Total: 165 (625)
 - Usable: 146 (552)

- Maximum Run Time @ 75% Load: 32 hr
- DEF Tank Capacity – gal (L):
 - Total: 12 (45.4)
 - Usable: 9.1 (34.4)
- Padlockable Fuel and DEF Tank Caps

CONTROL SYSTEM

- Deep Sea Electronics® 7310 MKII Controller
- 3-Position Voltage Selection Switch
- 400 A Main Circuit Breaker (MCB), Manual, with Shunt Trip
- Individual Convenience Receptacle Circuit Breakers
- Emergency Stop Switch
- Remote 2-wire Start/Stop Contacts

ALTERNATOR SYSTEM

- 60 Hz Engine-Drive Alternator
- Standard Alternator
 - Brushless
 - 4 Pole
 - 2/3 Pitch
 - Class H Insulation
 - Corrosion Protection
- Marathon Electric® PM500 AVR
- Shunt Excitation System

POWER DISTRIBUTION

- Connection Lugs
- Convenience Receptacles

- Two 120 V, 20 A, GFCI Duplex (NEMA 5-20R)
- Three 120/240 V, 50 A, 3 Pole, 4 Wire Twist-lock (CS6369)

ENCLOSURE

- Aluminum, Sound Attenuated Enclosure, Insulated and Baffled
- UV and Fade Resistant, High Temperature Cured, White Polyester Powder Paint
- Central Lifting Point
- Fully Lockable Enclosure
- Multi-lingual Operating and Safety Decals
- Document Holder with Owner's Manual – Includes AC and DC Wiring Diagrams

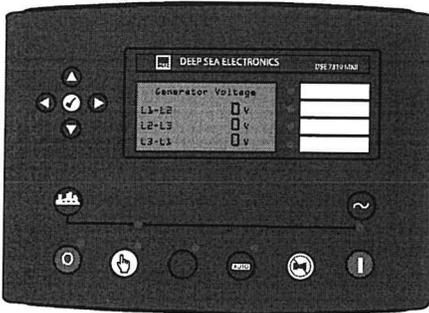
TRAILER

- Hydraulic Surge Brakes
- 3 in. (76.2 mm) Pintle Ring, Adjustable
- Single 6,000 lb. (2,722 kg) Axle
- 15 in. Tires, Tubeless, 10 ply
- Heavy Duty Trailer Jack
- Safety Chains with Spring Loaded Safety Hooks
- Transportation Tie Downs
- Plug Adapter, Round 7 Blade (SAE J2863)
- DOT Approved Tail, Side, Brake, and Directional Lights

WARRANTY

- 2 Year Limited or 2,000 Hours
 - Unlimited Hours Covered in First Year

CONTROL SYSTEM



010643

Deep Sea Electronics® CONTROLLER AND DISPLAY

- Model DSE7310 MKII
- 4 Line Back Lit LCD Text Display
- -40 to 158 °F (-40 to 70 °C) Operating Temperature Range
- Multiple Language Options
- Configurable Timers and Alarms
- Configurable Start/Stop Timers

- Configurable Maintenance Alarms
- Heated Display

PUSH BUTTONS FOR EASY OPERATION

- Manual or Auto Start
- Engine Start
- Engine Stop/Reset
- User Friendly Setup and Button Layout
- Five Key Menu Navigation
- Hours Counter
- Multiple Parameters are Monitored and Displayed Simultaneously for Full Visibility
- View Controller Parameters (Configuration, Firmware Version, Connections)

LCD ALARM INDICATION

- Generator Diagnostic Display
 - System kVA Output Display
 - Line Output and Frequency Display
- Alarm Types: Warning, Shutdown, Electrical Trip, Engine
- Alarm List – Warnings/Shutdowns; 250 Event History Log – Date/Time Stamped
 - Fuel Level: Warning – 15%; Shutdown – 5%

- Overspeed Protection: Shutdown – 110%
- Engine Diagnostic Warnings Communicated Through J1939 CANbus
- Battery Voltage: Over – 15 VDC; Under – 11 VDC
- Generator Over Voltage: Warning – 110%; Electrical Trip – 115%
- Generator Under Voltage: Warning – 90%; Shutdown – 85%
- Generator Over Frequency: Warning – 105%; Electrical Trip – 110%
- Generator Under Frequency: Warning – 95%; Electrical Trip – 90%

- Auto Schedule
- Status

ELECTRICAL CONTROLS

- Lockable control box door with diagnostics window
- Lockable lug box with safety switch
 - Trips main breaker when door is opened
 - Disables voltage regulator
- Output ground connection lug inside lug box
- Voltage adjustment ±10%

MDG100DF4 | 4.5 L | 100 kVA

MOBILE DIESEL GENERATOR SET

EPA Emissions Certification: Tier 4 Final



CONFIGURABLE OPTIONS*

ENGINE SYSTEM

- Positive Air Shutdown (PAS), Electronic
- Oil Evacuation System - requires customer-sourced, specialized equipment to use for oil change

COLD WEATHER

- Engine Block Heater - included with selection of any other CW heater option
- Two Fuel Filter Heaters
- Oil Heater
- Crankcase Ventilation (CCV) System Heater
- Battery Heater
- ~~10 A Battery Charger~~ **6A charger**
- 60/40 Coolant (60% Ethylene Glycol)

FUEL SYSTEM

- Containment Pan - for use with standard single wall fuel tank
 - 110% Containment - engine fluid (oil, coolant, & DEF) and fuel
- Double Wall Fuel Tank
 - 110% Containment - engine fluid (oil, coolant, & DEF) and fuel
 - UN31A Certification
 - UL142/ULC-S601 Certification

- Fuel Tank Capacity - gal (L)
 - Total: 128 (485)
 - Usable: 120 (454)
- Runtime @ 75% load: 26.5 hr
- Engine Fluid & Fuel Leak Detection Sensor - option available only with selection of double wall fuel tank option

CONTROL SYSTEM

- 4-Position Voltage Selection Switch
- Paralleling Capability
 - Deep Sea Electronics® 8610 MKII Controller
 - 400 A Main Circuit Breaker (MCB), Motorized, with Shunt Trip
 - Mobile Switching Center (MSC) Cable Connections
- Telemetry
- Lojack Equipment Recovery System
- Battery Disconnect Switch

ALTERNATOR SYSTEM

- SUPERSTART® Alternator
- VFLEX (600 V) Alternator
- Marathon Electric® DVR2400 DVR
- Permanent Magnet Generator (PMG) Excitation System

POWER DISTRIBUTION

- Camlocks - one set, female (US or Canada color code)
- Buck Transformer

ENCLOSURE

- Control Panel Lights
- Interior Lights
- Fire Extinguisher

TRAILER

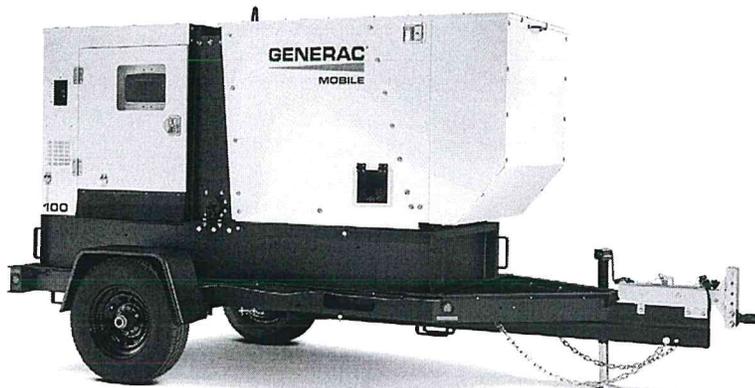
- Skid Mount (Non-trailer)
- Electric Brakes
- Tandem Axle
- 2-5/16 in. (58.7 mm) Ball Hitch, Adjustable
- 2 in. (50.8 mm) Ball Hitch, Adjustable
- Rear Stabilizer Jacks
- Toolbox Aluminum, 49 x 15 x 18.5 in. (125 x 38 x 47 cm)
- Spare Tire

RATING DEFINITIONS

Standby: Applies to varying emergency load for the duration of a utility power outage.

Prime: Applies to supplying power to a varying load in lieu of utility for an unlimited amount of running time.

*Consult Generac for availability



MDG100DF4 | 4.5 L | 100 kVA

MOBILE DIESEL GENERATOR SET

EPA Emissions Certification: Tier 4 Final



APPLICATION AND ENGINEERING DATA

ENGINE SPECIFICATIONS

General

| | |
|------------------------------------|----------------------------|
| Make (Model) | John Deere (4045HFG04) |
| EPA Emissions Compliance | Tier 4 Final |
| After-Treatment System | DOC and SCR |
| Cylinders – Qty | 4 |
| Type | In-Line |
| Displacement – in ³ (L) | 275 (4.5) |
| Bore – in (cm) | 4.2 (10.6) |
| Stroke – in (cm) | 5.0 (12.7) |
| Compression Ratio | 17:1 |
| Intake Air Method | Turbocharged & Aftercooled |

Engine Governing

| | |
|-------------------------------------|------------|
| Governor | Electronic |
| Frequency Regulation (Steady State) | 2% |

Lubrication System

| | |
|-----------------------------|-------------------|
| Oil Pump Type | Gear |
| Oil Filter Type | Spin-On Cartridge |
| Crankcase Capacity – qt (L) | 15.9 (15) |

Cooling System

| | |
|----------------------------------|-----------------------|
| Cooling System Type | Radiator and CAC |
| Water Pump Type | Engine Belt Driven |
| Fan Type | Pusher |
| Fan Speed – rpm | Variable Speed Clutch |
| Fan Diameter – in (cm) | 23.2 (59.0) |
| Cooling System Capacity – qt (L) | 22.0 (20.8) |

Fuel System

| | |
|-------------------------------------|--|
| Fuel Type | Ultra Low Sulfur Diesel |
| Fuel Specifications | EN 590 / ASTM D975 |
| Fuel Filtering – μ | Primary: 10 Final: 2 |
| Fuel Injection Pump – Make (Model) | Denso (HP3) |
| Fuel Pump Type | Engine Gear Driven |
| Injection Type | Electronic |
| Engine Type | Direct Injection High Pressure Common Rail |
| Fuel Supply Line Diameter – in (mm) | 0.375 (9.5) |
| Fuel Return Line Diameter – in (mm) | 0.375 (9.5) |

Engine Electrical System

| | |
|--------------------------------------|--------------|
| System Voltage – VDC | 12 |
| Battery Charger Alternator – VDC (A) | 12 (90) |
| Battery – CCA | 720 |
| Battery – V (Qty) | 12 (1) |
| Ground Polarity | Negative (-) |

STANDARD ALTERNATOR SPECIFICATIONS

| | |
|-------------------------------|--------------------------------|
| Make (Model) | Marathon Electric (362CSL1606) |
| Poles – Qty | 4 |
| Field Type | Rotating |
| Insulation Class – Rotor | H |
| Insulation Class – Stator | H |
| Total Harmonic Distortion | <3.5% |
| Telephone Interference Factor | <50 |

| | |
|------------------------------------|----------------------|
| Standard Excitation | Shunt |
| Bearings | Single Bearing |
| Coupling | Direct Flexible Disc |
| Prototype Short Circuit Test | Yes |
| Voltage Regulator Type | AVR |
| Number of Sensed Phases | 1 |
| Regulation Accuracy (Steady State) | $\pm 0.5\%$ |

SUPERSTART ALTERNATOR SPECIFICATIONS

| | |
|-------------------------------|---------------------------------|
| Make (Model) | Marathon Electric (362PSSL1650) |
| Poles – Qty | 4 |
| Field Type | Rotating |
| Insulation Class – Rotor | H |
| Insulation Class – Stator | H |
| Total Harmonic Distortion | <3.5% |
| Telephone Interference Factor | <50 |

| | |
|------------------------------------|----------------------|
| Standard Excitation | Shunt |
| Bearings | Single Bearing |
| Coupling | Direct Flexible Disc |
| Prototype Short Circuit Test | Yes |
| Voltage Regulator Type | AVR |
| Quantity of Sensed Phases | 1 |
| Regulation Accuracy (Steady State) | $\pm 0.5\%$ |

MDG100DF4 | 4.5 L | 100 kVA

MOBILE DIESEL GENERATOR SET

EPA Emissions Certification: Tier 4 Final



APPLICATION AND ENGINEERING DATA (CONTINUED)

VFLEX ALTERNATOR SPECIFICATIONS

| | | | |
|-------------------------------|---------------------------------|------------------------------------|----------------------|
| Make (Model) | Marathon Electric (362PSL36115) | Standard Excitation | Shunt |
| Poles – Qty | 4 | Bearings | Single Bearing |
| Field Type | Rotating | Coupling | Direct Flexible Disc |
| Insulation Class – Rotor | H | Prototype Short Circuit Test | Yes |
| Insulation Class – Stator | H | Voltage Regulator Type | AVR |
| Total Harmonic Distortion | <3.5% | Quantity of Sensed Phases | 1 |
| Telephone Interference Factor | <50 | Regulation Accuracy (Steady State) | ±0.5% |

OPERATING DATA

POWER RATINGS

| | Standard Alternator | | SUPERSTART Alternator | | VFLEX Alternator | |
|--|------------------------|----------------------|------------------------|----------------------|------------------------|----------------------|
| | Standby: kW/kVA (A) | Prime: kW/kVA (A) | Standby: kW/kVA (A) | Prime: kW/kVA (A) | Standby: kW/kVA (A) | Prime: kW/kVA (A) |
| 1-phase, 120/240 VAC @ 1.0 pf-zig zag* | 78/78 (325) | 78/78 (325) | 78/78 (325) | 78/78 (325) | 40/40 (166) | 40/40 (166) |
| 3-phase, 120/208 VAC @ 0.8 pf-low wye | 85/106 (295) | 80/100 (278) | 85/106 (295) | 80/100 (278) | 83/104 (288) | 78/98 (271) |
| 3-phase, 120/240 VAC @ 0.8 pf-delta** | 85/106 (256) | 80/100 (241) | 85/106 (256) | 80/100 (241) | 83/104 (250) | 78/98 (235) |
| 3-phase, 277/480 VAC @ 0.8 pf-high wye | 85/106 (128) | 80/100 (120) | 85/106 (128) | 80/100 (120) | 85/106 (128) | 80/100 (120) |
| 3-phase, 346/600 VAC @ 0.8 pf-high wye | N/A | N/A | N/A | N/A | 85/106 (102) | 80/100 (96) |

*Alternator limited.

**Power ratings achieved through use of optional 4-position voltage selection switch.

FUEL AND DEF CONSUMPTION RATES

| Prime Load | Fuel: gph (L/hr) | DEF: gph (L/hr) |
|----------------|------------------|-----------------|
| 25% | 1.9 (7.2) | 0.07 (0.26) |
| 50% | 3.2 (12.1) | 0.13 (0.49) |
| 75% | 4.5 (17.0) | 0.20 (0.76) |
| 100% | 6.0 (22.7) | 0.26 (0.98) |
| 110% (Standby) | 6.4 (24.2) | 0.31 (1.17) |

Deration – Operational characteristics consider maximum ambient conditions. Derate factors may apply under atypical site conditions.

Please contact a Generac Mobile Authorized Service Dealer for additional details. All performance ratings in accordance with ISO3046, BS5514, ISO8528, ISO8665, SAE J1228, SAE J1995, and DIN6271 standards.

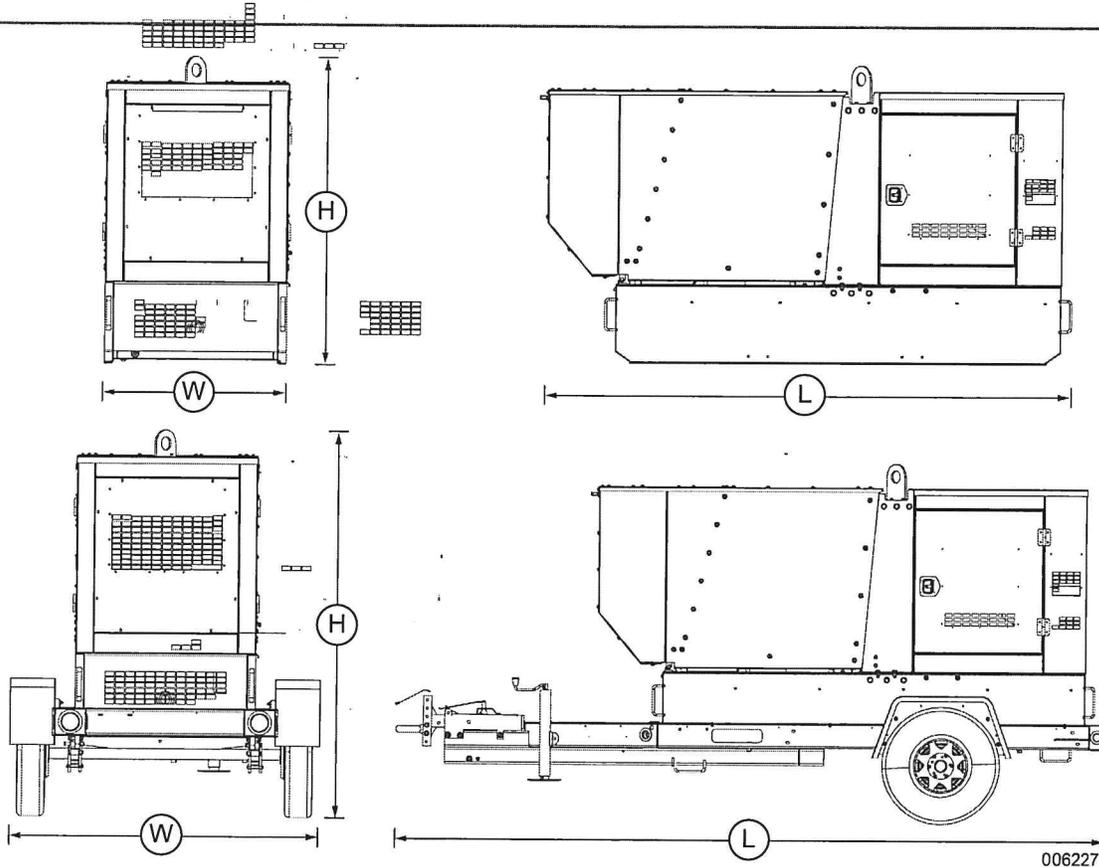
MDG100DF4 | 4.5 L | 100 kVA

MOBILE DIESEL GENERATOR SET

EPA Emissions Certification: Tier 4 Final



DIMENSIONS AND WEIGHTS*



006227

| | Runtime: hr* | Usable Fuel Capacity: gal (L) | Dimensions – L×W×H: in (m) | Weight: lb (kg) |
|---------|--------------|-------------------------------|--------------------------------|--|
| Skid | 32 | 146 (552) | 119 (3.02)×40 (1.02)×62 (1.57) | Dry: 3,980 (1,805) Operating: 4,940 (2,240) |
| Trailer | 32 | 146 (552) | 170 (4.31)×69 (1.75)×80 (2.03) | Dry: 4,680 (2,122) Operating: 5,640 (2,555) |

* Runtime based on 75% prime rated power

SOUND RATING

- 74 dB(A) @ 23 ft (7 m) @ prime power

* All measurements are approximate and for estimation purposes only.

YOUR FACTORY RECOGNIZED GENERAC MOBILE DEALER

Specification characteristics may change without notice. Dimensions and weights are for preliminary purposes only. Please consult a Generac Mobile Authorized Service Dealer for detailed installation drawings.



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Larochele 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Water Commission – Councilor Fellows
Date: September 5, 2023

Summary

Recommendation

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Laroche 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Order-2023-38 Appointment of Assistant Town Manager
Date: September 5, 2023

Summary

Request for Council Confirmation: Appointment of Sarah J. Bennet as Assistant Town Manager, Effective September 18, 2023.

Recommendation

The Council is requested to review and confirm the Town Manager's appointment of Ms. Sarah J. Bennet for the position of Assistant Town Manager, effective September 18, 2023. Ms. Bennet's qualifications, experience, and dedication make her a suitable candidate for this vital role. Confirming her appointment will ensure a smooth transition and continued excellence in town management. We highly recommend the Council's positive consideration of this appointment.

Attachments

None



Town of Lisbon

Harry Moore, Jr., Chair 2024
Raymond Robishaw, Vice Chair 2024
Mark Lunt 2025
Donald Fellows 2025
Jo-Jean Keller 2025
Christine Cain 2024
Fern Laroche 2023

MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: Order-2023-39 Executive Session: Acquisition of Real Property or Economic Development per 1 M.R.S.A. § 405(6) (C)
Date: September 5, 2023

Summary

Discussion regarding the Main St Grant for the businesses affected by Route 125 construction this year.

Recommendation

No action is taken in Executive Session.

Attachments

None