

Town of Lyman
Select Board Meeting Minutes
January 16, 2018 – 6:30 p.m.

Select Board present: Jeffrey Demers, Chair; John Tibbetts, Vice-Chair; William Single, John Houy and David Dulong.

Public present: Donald Hernan, Brad Nickel, Dave Riley, Judy Johnson and Chris Carroll.

Meeting called to order by Jeffrey Demers, Chair at 6:30 pm.

Pledge of Allegiance

Item #1 – Special Offers/Presentations

a. Public Hearing on Funky Bow Brewery and Beer Co. Special Amusement Permit

Jeffrey Demers, Chair opened the Public Hearing. Motion by John Tibbetts to approve the Special Amusement Permit for Funky Bow Brewery and Beer Co.; motion seconded by John Houy. David Dulong asked Planning Board member Donald Hernan if they have completed all their requirements for the contract zoning. Donald replied yes, as the board have entered into a contract. David added that there was a list of things to be accomplished. Jeffrey Demers added that they are addressed in the letter from CEO Patti McKenna:

- Electric wiring has been brought up to code in the tasting room/greenhouse
- Bathroom facility is in the final stages of being constructed and will not be used until the final building and electric inspections have been performed and an occupancy permit is issued.
- Emergency egress areas are in compliance. The aisles are 44” wide, the doors swing in the right direction, the emergency lighting is in place and functioning.
- The road to the property has been improved to a standard better than what was required by the contract. There is lighting along the road for people who walk up from the lower parking areas. This is a feature that was not required.

Original motion to approve the Special Amusement Permit for Funky Bow Brewery and Beer Co. Motion carried 5-0-0.

b. Harriman re: Cousen’s School renovation update

Chris Carroll and Judy Johnson from Harriman came before the Board to give them an update on the project. Chris reported that they went before the Planning Board last week, also had a site walk review on Sunday. The Planning Board scheduled a Public Hearing for Jan. 17th. John Houy added that the only thing was if there was going to be some sort of buffer for the house on the opposite side from the church. Don Hernan reported that the Planning Board did not go inside, but the question about some sort of planting for a buffer may come up at the Public Hearing. Chris reported on the Fire Chief with his recommendations for a sprinkler system. Also, within the report;

- Property does not create a fire danger
- Fire dept. equipment access is adequate;
- The water supply for fire protection is insufficient, will defer to the State’s Fire Marshal for their determination on fire protection and sprinkler system.

Alternate to a fully sprinkle system is a 30,000 gallon in ground tank.

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Chris added regarding the sprinkler system, they have been working in conjunction with the State's Fire Marshall Office and within the conversations they are comfortable with what is being proposed. Jeffrey Demers asked Chris if there were funds within the budget for a tank and he responded no. In December the information given was it would be about \$50,000.00 more to rebuild the system entirely with a tank, pump house, new pump and a 30,000-gallon tank separate from the building the tab for that was around \$100,000. There is a tank in the mechanical room and it is several hundred gallons does not know exactly how many gallons it will hold. Will be putting a new sprinkler pump on top of the tank and re-pipe throughout the building. The piping system is limited, it is a Maine Life Safety System which works to give occupants time to exit the building and not supposedly to save the building necessarily. Only three sprinkler heads can operate at any one time. Will be working with existing system and adding on to it. Jeffrey Demers is the state fire marshall is acceptable with the current system, town will need to check to see if the town's insurance company will insure the building. Will need to see what the insurance cost will be on the building. Brad Nikel asked if the plans were for the sprinkle pump to be three phase. Chris Carroll responded he is not able at this time to answer this question, does not have that information.

William Single asked if the whole building will be under the generator. Judy Johnson informed the board that she will check to see how much of the building will be powered. John Tibbetts asked if there is such a thing as a priority switch. Chris Carroll added, can define what will be powered by the generator. Jeffrey Demers added to see what the difference in cost would be to power the whole building.

Judy Johnson, presented the Board with an updated budget cost estimate. Budget is tight. There are a few things need to be aware of and to keep an eye on. Budget total is \$1,441,945, which includes the generator. A few items came in higher and are add alternates.

- Finish pavement course \$14,843.00
- Range hood and make-up air system estimated at \$5,000. Came in at \$28,934.00
- Insulation and structural upgrades \$94,368.00
- Lights to flagpole and provisions for future sign which is an additional scope \$13,063.
- Total of \$151,208.

John Houy asked if the size of that stove bringing that much increase. Judy Johnson replied, that it is a 10-burner stove and the cost including the makeup air brought the price up. David Dulong felt insulation and structural upgrades is not an alternate. Judy Johnson further explained, have reduced the bid contingency to \$61,004. Money that can move all the money up to the alternates which would be part of the actual bid. Construction contingency has been reduced to \$108,148. Been reduced from 10% to 7.5%. Under fees and services, added \$10,000. For electric service allowance, was not in the budget before. Construction Clerk is if the town hires someone. Jeffrey Demers added, once the bids go out and they come back, referrals look good, have done research, possible may not go in that direction. Still carrying a 2% contingency. William Single asked if a small stove that would do the job, will that bring the cost down. Bid day, want to look at below the 1.5 million, finish pavement could be last. If come in more, then can prioritize bid alternates. Jeffrey Demers recommended the structural upgrades and move forward. Also, there is

\$60,000.00 with town meeting approval that is specific for Cousen's School. Judy Johnson added that the final analysis for the trusses system made the increase.

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Advertising. Judy Johnson the next step is to work on the ad and bid package. Bid date is February 9th. Will be in the Dodge report and all others. Will be in the Portland Press Herald.

Jeffrey Demers reported that there was water in the middle of the basement floor. Nothing was found to where the water came from. Chris Carroll was also present at the school. Brad Nikel thought it could have come from the old plastic water pipe outside of the building, if the pipe failed it would fill the building as it would run right into the underdrain. If the underdrain out flow pipe was blocked, because of all the heavy snow, the water had nowhere to go, it could not make it to the outlet pipe so up the drain the water would come. Most likely the drain does not have a check valve in it. Chris Carroll explained that they did identify one leak in the bottom of the pressure tank which has been fixed. Didn't make sense that that little leak would have caused all that water. Judy Johnson, looked like hydrostatic pressure. David Dulong reported that the plumber also walked around the building and did not see any leaks. Now the tiles have been compromised, finding a match will be hard. Jeffrey Demers suggested a finished cement type floor in case this ever happens again in the future. There was no visible leak found. Brad Nikel added that he why he thinks he came up through the floor drain. Question was brought up if there is a floor drain. David Dulong responded there is a clean out that goes to somewhere, but it is capped.

Item #2- Hearing of Delegations / Public input

- a. Public input - *Public in attendance will have up to 5 minutes to address Board*
Don Hernan reported on the Fire Commission report. His report did not include PSAP increase which is .25 cents per capita and the same increase on July 1, 2019. Will also be information Dayton Select Board of the increase. Commission will also be making a recommendation on the Fire Chief salary. Jeffrey Demers asked if the commission would forward any information that they receive to the board.
- b. Mail
- 2 -Attorney correspondence regarding current court case
 - Memo from Susan Bellerose, Tax Collector on excise collected.
 - Attorney correspondence regarding town employee as ecoMaine rep.
 - Information from Sign Concepts.
- c. Time off requests
All time off requests were approved.
- d. Complaints received
One complaint received regarding plowing on Clarks Woods Road. Complaint dated 1/9/2018 and was forwarded to Paul Poirier.

Item #3-minutes

- a. Approve minutes of January 2nd, 2018 meeting.
John Tibbetts made the motion to approve the meeting minutes of January 2nd, 2018; motion seconded by John Houy. Motion carried 5-0-0.

Item #4 - Sign Warrants-

- a. Payroll warrant #57 in the amount of \$14,678.58.
Motion by John Tibbetts to approve payroll warrant #57 in the amount of \$14,678.58; motion seconded by John Houy. Motion carried 5-0-0.

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- b. Payable warrant #56 in the amount of \$58,732.28.
Motion by John Houy to approve payable warrant #56 in the amount of \$58,732.28; motion seconded by David Dulong. Motion carried 5-0-0.

Item #5 - Unfinished Business

- a. ecoMaine Representative Stipend
Tabled to next agenda.
- b. Credit Card Policy
Tabled to next agenda to amend to add Fire Dept. and Transfer Station to follow policy.

Item #6- Dept. and Committee Reports

- a. Cemetery Committee-No Report.
- b. Cousens School Update-to be given at meeting
- c. Fire Commission- Report Submitted.

Lyman Fire Commissioner's Informational Report

January 16, 2018

This report is submitted by Lyman Fire Commissioner Don Hernon to the Lyman Select Board for the information of the Selectpersons and other attendees at the Select Board's meeting. This report has **NOT** been voted on by the Lyman-Dayton Fire Commission (FC).

Fire Commission Meetings and related activities since last report – FC regular meeting on December 14, 2017; Lyman Select Board Workshop on January 10, 2018.

Highlights from:

Thursday, December 14th Regular FC Meeting

- Copies of the current Fire Chief's performance Measurement Form were provided to the Fire Commissioners and the Fire Chief for review. Any changes will be approved at the next regular FC meeting and a copy of the form will be sent to the Select Boards for their use in evaluating the Fire Chief's performance, if desired.
- Response to the October storm (Halloween) was discussed.
- FY 2018/19 GMFD budget issues were discussed including: personnel (with/without cost of living adjustment; minimum wage adjustment; EMS QA Coordinator; overnight per diem position and converting Kelly day per diem to a full time position); operations – try to stay at current budget level;

Fire Chief's salary relative to other area fire chiefs; and capital equipment replacement. More detailed discussion to occur at next regular FC meeting.

- Discussed possible random drug tests for GMFD personnel.
- FC voted to approve a GMFRA to request a building permit to upgrade the sign at the front of the Fire station; project to be funded by GMFRA.

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- Chief provided information concerning Lyman Select Board's proposed changes to the GMFR Personnel Policy; may include adding Paid Time Off to combine vacation and sick time, leaving holidays as currently stated in the policy. Fire Commission has not been requested to participate in the discussion with the Lyman Select Board.
- Discussed role of Town Emergency Management Directors and interfaces with GMFD.
- Conducted an executive session to discuss a personnel matter; no votes taken in executive session.

Lyman Select Board Workshop on January 10th.

The agenda for this workshop included the GMFR Personnel Policy and the GMFR Interlocal Agreement. This workshop was held after the due date for this report and will be included in the February Fire Commissioner's Informational Report.

Future GMFR/Fire Commission Related Meetings/Events

- **Thursday, January 18th**, 6:30 pm at the Fire Station; regular Fire Commission meeting. All FC meetings are posted on the Lyman Town website Community Calendar. Select Board members and members of the public are welcome at all Fire Commission meetings except for executive sessions.
- **Tuesday, January 23rd**, 6:00 pm at the Lyman Town Hall; **proposed** Joint Lyman-Dayton Select Board Meeting to continue discussion on proposed changes to the Interlocal Agreement and the GMFR Personnel Manual.

Action Requested of Lyman Select Board by Fire Commission

1. Please contact **Fire Commission Chair** Jim Roberts if the SB's have questions on draft changes to the GMFR Personnel Policy submitted to the SB's on November 24, 2015.
2. Please provide the FC Secretary a copy of any **additional** comments received from the attorney regarding proposed changes to the Interlocal Agreement. FC Secretary will distribute the comments to Fire Commissioners and Fire Chief for their information.



Don Hernon, Lyman Fire Commission member

- d. Road Commissioner-to be given at meeting
- e. Tax Collector- Report submitted

Personal Property Tax Commitment –	\$ 37,852.21
Total Tax Commitment:	\$5,629,754.44

Supplemental Taxes YTD:	\$8,067.29
Abatements Granted YTD:	\$13,155.72
Prior Year(s) Abatement(s) YTD:	
Real Estate / Personal Property Tax Payments*	\$ 157,520.42

*Includes Current, Delinquent, Prepayments, and Lien Payments for the month.

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Excise Tax

Excise Tax Received	
Vehicles registered here at office:	\$47,171.65
Online Rapid Renewal Service	<u>5,494.00</u>
Total Vehicle Excise	\$ 52,665.65

Boat Excise	
Boats registered here at office:	\$ 18.00
Online Registration Service	<u> </u>
Total Boat Excise	\$ 18.00

Excise Tax Reimbursement	\$
Excise Tax Collected by State	

Total Excise	\$ 52,683.65
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Respectfully submitted by: Susan J. Bellerose, Tax Collector

- f. Town Clerk- No report.
- g. Treasurer- Report submitted.
- h. Zoning Board of Appeals- No report.

Item #7– New Business

- a. **Approve orders for June 12th and June 14th, 2018 Annual Town Meeting.**
Motion by John Tibbetts to approve the orders for June 12th and June 14th, 2018 Annual Town Meeting; motion seconded by David Dulong. Motion carried 5-0-0.
- b. **Discuss/approve Special Amusement Permit for Funky Bow Brewery and Beer Co.**
Approved previous in meeting.
- c. **Discuss/approve replacement copier.**
Motion by David Dulong to take out of contingency account \$4,349. for the cost for the copier; motion seconded by John Tibbetts. Motion carried 5-0-0.

Other:

Computer Equipment. William Single and John Tibbetts are in the process of reviewing what the town has for computer equipment and what will need to be replaced/upgraded in the future. There is no plan in place if needed, to replace partially or fully equipment. Their suggestion is to put together a plan for the capital plan. Also, asked Treasurer Lisa Vargas if the town keeps track of assets. Was informed that there was a program, but no one used it. Auditors use their own list. Will bring forward a plan for the budget.

Snow Day Policy. Jeffrey Demers does not think should have a blanket policy. If town hall is closed, can come in to work or can use PTO if they do not want to work. Also last year had an employee take vacation time during the budget season, and the Board asked that employee not to take vacation during the budget time. Employee in this case, can work from home for snow days.

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Does not mean other employees can work from home. William Single added need exception on snow amount, if employee wants to leave can they just leave? John Tibbetts replied need to contact him as Vice-chair for permission, and no employee is taking advantage of the town-have good employees. David Dulong added that it seems to him that the Treasurer does have work she can do from home. John Tibbetts added that it is time sensitive during this time of year. John Houy agrees not a blanket policy, would have to go case by case on the people who have the ability. Jeffrey Demers added that if the town hall is closed, will let them use their accrued time that they have or unless they want to come in. If the doors are locked and they have work they can do, can come in to work. John Tibbetts added that they would be working behind closed doors and there would be a sign-up town hall is closed. Jeffrey Demers want to make sure the whole board agrees. William Single asked what is the policy for snow days as far as when the town hall will be closed. Jeffrey Demers responded it is made by a majority of the Select Board. William Single if a bomb cyclone storm agrees to close, but a storm with 4 to 6 inches not close. Jeffrey Demers want to add that he does not want the employees to think they don't care about them by putting their life in danger coming to work, that is not what he wants. Board agreed if the Treasurer takes snow day time, will be able to work from home and not be required to use earned time where the Board has asked that earned time not be taken during the budget process. John Tibbetts added that recently had a storm that was forecasted to intensify during the day, employees came in to work, and the Town Hall was closed, what I believe what we have done in the past is the town pays for the closing time. Board agreed that if the employee's come into work, and then the town hall is closed they will not be required to use any earned time off but if an employee decides to leave early or stay at home, will be required to use earned time including a telephone call to Vice-chair. John Tibbetts informed the Board that the employees are good on calling. Do not have an attendance problem or work ethic problem with any of them. Jeffrey Demers must also look at how the Transfer Station handles snow days. John Tibbetts added that there are no full-time employees there. Other board members felt they should be handled the same. William Single asked if there is a written policy now. Nancy Brandt added that it is in the personnel policy. Jeffrey Demers read the section in the policy regarding snow days.

Town Personnel Policy reads:

5.5 Snow Days: Employees may be excused from work due to snow days or severe weather at the discretion of the Board of Selectmen. Compensation for that absence will be considered as follows:

- a) if the municipal building closes the doors to the public, affected employees will be compensated for the hours they normally would have worked at their normal rate of pay;
- b) when the municipal building is open, if an employee does not report for work, is offered the opportunity to leave work early and does so or is late arriving, non-exempt employees **will not** be paid for the absence automatically, but may use accrued paid time off;
- c) employees will be notified when the municipal building is closed due to inclement weather.

Jeffrey Demers apologized to the employees, and may have to look back to add their accrued time back on the books. Will ask Lisa Vargas to go back this winter only. Discussion was held if storm is predicted 12, 18 or 24 inches of snow, will close the town hall. David Dulong felt if it is going to snow hard, should not open.

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12.3 Bereavement Leave: An employee may be excused from work for:

- a) up to five (5) days because of the death of his/her spouse and children and/or;
- b) up to three (3) days because of a death in his/her immediate family.

The employee shall be paid his/her regular rate of pay for the scheduled work hours missed. It is intended that his/her time off be used for the purpose of handling necessary arrangements and attendance of the funeral. One (1) workday may be granted without pay to employees at the discretion of the Board of Selectmen for attendance at funerals of persons not covered under the above.

Webpage: Lisa Vargas has recommended going with Joseph Strassler with Guardawg as administrator of the town's website, so everything is under one vendor. John Tibbetts made the motion to approve the recommendation; motion seconded by David Dulong. John Houy asked if there is a cost. Jeffrey Demers will get information and bring it back to next agenda.

Sexual Harassment. John Tibbetts has been in contact with Fire Chief in having an instructor come in on a Wednesday morning with the Transfer Station employees to have the training. Also, include the brunch has not been held for the employees yet. Discussion was held if the hours would put them over on their hours. Decision is being mandatory training and would be paid overtime if needed.

Loggers. John Tibbetts reported that the loggers are almost done on Stage Coach/Williams Road. Suggested board members go to look at the job. \$5,713.00 has been received so far from that project, \$3,758.08 was received from Cousen's School. Will need to stump out Cousen's School.

YMCA. Contract with YMCA for Bunganut will expire in October. Board would like to invite the Board of Directors in for the discussion of the contract when a date is set.

Adjourn:

Motion for adjournment was made at 8:25 p.m.

*Note: *Minutes may not be verbatim; they may have been paraphrased for clarity.*

Jeffrey Demers; Chair

John Tibbetts, Vice-Chair

John Houy

David Dulong

William Single

I, Nancy Brandt, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of nine (9) pages are the original minutes of the Select Board Meeting of January 16, 2017. _____ Nancy Brandt 1/16/2018

Approved