

**Town of Lyman
Select Board Meeting Minutes
January 7th, 2019 – 6:00 p.m.
Lyman Town Hall**

Board members present: John Tibbetts, Chair; David Dulong, Vice-Chair; Thomas Guillemette. Ralph Blackington arrive late. William Single was absent.

Others present: Patti McKenna, CEO/Land Planning Dir.; Planning Board member Joe Wagner, Fire Chief Rod Hooper, Maurice St. Clair, Road Commissioner and Lloyd and Joan Leach.

Pledge of Allegiance

Item #1 – Special Offers/Presentations

a. Fire Chief Rod Hooper.

Discussion was held on the proposal for amendments to the GMFR Personnel Policy. Explanation of the amendments was given. Motion by David Dulong to approve the GMFR Personnel Policy amendment; motion seconded by Thomas Guillemette. Motion carries 3-0-0.

Article 2 Employment

Section 2.8 Probation Period

Change Section 2.8 to read:

2.8 Probation Period: All full-time employees newly hired or rehired into a position are considered probationary for the first twelve (12) months of employment. All part-time, per diem or call force employees hired or rehired are considered probationary for the first twenty-four (24) months of employment.

A. For the purpose of this article, part-time, per diem or call force employees hired to full-time positions are considered rehires. Additionally, full-time employees reverting to part-time, per diem or call force are considered rehires.

B. Pursuant to State Law, probationary employees may be terminated without cause and without right to file a grievance.

C. Newly promoted employees are considered in a probationary status in their new position for 12 months.

D. At least one week before the end of a probationary period, the Fire Chief, or designee, or if applicable the Fire Commission, shall evaluate the performance of the employee with the following results:

1) End the probationary status for satisfactory performance. Report such action to the Fire Commission or Municipal Officers at the earliest opportunity.

2) Recommend to the Fire Chief, or if applicable the Fire Commission or Municipal Officers, to extend the probationary period for no more than twelve (12) additional months. Extension of a probationary period will have no effect on eligibility of any pay or benefits. Report such action to the Fire Commission or Municipal Officers at the earliest opportunity.

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3) Recommend to the Fire Chief, or if applicable the Fire Commission or Municipal Officers, to terminate the employee.

Article 9 Earned Benefits

Section 9.3 Retirement Plan

Change Section 9.3 to read:

9.3 Retirement Plan. After the first six (6) months of employment, all fulltime employees are eligible to participate in a 457(b)-retirement plan. The Fire Department matches up to 3% of gross wages. Open enrollment is January and July.

Outstanding EMS and MVA bills. Fire Chief Rod Hooper also requested waiver of outstanding EMS and MVA bills over \$300.00 and older than 12/31/2017 be forgiven as recommended by the billing company. Motion by David Dulong to forgive all outstanding EMS and MVA bills older than 12/31/2017; motion seconded by Thomas Guillemette. Motion carries 3-0-0.

Refurbished truck. Received the final invoice on the refurbished truck and is \$5,102.11 over budget. Found some corrosion on the underside of the apparatus body when the frame came off it. That was the time to fix it, so it was fixed. Was an \$8,000. fix. David Dulong asked where the money came from. Fire Chief Rod Hopper explained that there is about \$160,000. Sitting in the fire truck fund and the \$20,000. received from the sale of the old truck is sitting in surplus. Believe it must go to town meeting to take the sale of the old truck back into the truck fund. There are some paint chips that will need to be taken care of, and the Fire Commission suggested using up to \$20,000.00. David Dulong would like to see estimates, as that amount of money could fix a lot of paint chips. David Dulong made the motion to pay \$5,102.11 out of the Fire Truck fund; motion seconded by Thomas Guillemette. Motion carries 3-0-0. Motion by David Dulong to have on the June warrant to put \$20,000. Out of the truck sale into the truck fund; motion seconded by Thomas Guillemette. Motion carries 3-0-

b. CEO/Land Use Director Patti McKenna re: property clean up on Kennebunk Pond Rd. Patti McKenna discuss with the board the property. Lloyd and Joan Leach property owners were also present. Mr. Leach would like an extension to the end of June. Discussion was held. Concerns were raised over another extension. Received a ball park figure of 3- 4 thousand to tear the building down and level the property. Lloyd and Joan Leach are willing to sign an agreement if the building is not torn down and removed by June 30th, the town can tear it down along with removal, and agree to pay the town back. Patti will have the Consent to Removal agreement for them to sign and the Select Board to sign.

The request for contract zoning was moved up on the agenda. David Dulong would like the Planning Board to take another look for criteria #1 Is for land with unusual nature or location. The board found that because this is residential zoning district, and this is not allowed in that zone, this makes the location unusual.

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Joe Wagner explained that what the language is communicating is unusual usage of that particular property. David Dulong made the motion that this be returned this to the Planning Board and asked them to relook at that first issue. Motion seconded by Ralph Blackington for discussion.

John Tibbetts added that his understanding of contract zoning is to allow a home-based business in a place that normally would not be allowed as residential. If that is the case, why doesn't the ordinance word that way or is there a bigger problem. Patti McKenna explained that wording is standard wording for contract zoning from the state law. Not sure what it was called for Funky Bow, but thought it was unusual land in a residential zone where it was a large lot, was way off the road which we could for this lot to. On a busy highway, located in farm land not residential type land. David Dulong agrees, but if it is approved there is no reason to have that criteria as everyone coming for contract zoning would meet it, so it is not really needed. Does not want this to be the record. Patti McKenna added that the Planning Board could talk about the finding. Patti McKenna also asked in the meantime, the contract wording is decent, can there be a vote to send it to the town attorney. On the town's behalf while the Planning Board works on the criteria so the whole process is not held up. David Dulong amended his motion to send to the town attorney for his review so when the Planning Board comes back with their revision it will be ready to go; amended motion seconded by Ralph Blackington. Motion carries 4-0-0.

Item #2- Hearing of Delegations / Public input

- a. Public input - *Public in attendance will have up to 5 minutes to address Board*
No public input.
- b. Mail
Memo from ecoMaine union employment information.
Memo from Charter Communications, locally known as Spectrum, WGN and all associated Video On Demand content are no longer available to Spectrum customers. Tribune asked for a dramatic increase in fees (200%) and believe it's completely unjustified.
- c. Complaints received- Non-received

Item #3-minutes

- a. Approve minutes of the December 17th, 2018 meeting.
Motion by David Dulong to approve the December 17th, 2018 Select Board meeting minutes; motion seconded by Thomas Guillemette. Motion carries 3-0-0.

Item #4 - Sign Warrants-

- a. Payroll warrant #51 in the amount of \$16,634.59.
Motion by David Dulong to approve payroll warrant #51 in the amount of \$16,634.59; motion seconded by Thomas Guillemette. Motion carries 3-0-0.
- b. Payable warrant #54 in the amount of \$521,722.10.

Motion by David Dulong to approve payable warrant #57 in the amount of \$521,722.10; motion seconded by Thomas Guillemette. Motion carries 3-0-0.

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Item #5 - Unfinished Business

- a. Reminder of Select Board meeting with the Library Trustees
Wed. January 9th 6:30 pm @ library.**
- b. Logging landing.** John Tibbetts reported that the logging company has cleanup the landing that was used for logging of YCSW District. Thanked Thomas Guillemette for overseeing of the cleanup,
- c. YMCA Contract Workshop Date:** Monday, January 14th at 6:00 pm will be set to meet with the YMCA regarding the contract with Bunganut Park. Alternate date of Thursday, January 17th if the YMCA is not available on the 14th.

Item #6- Dept. and Committee Reports

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| a. Animal Control Officer- Report submitted. | e. ECO Maine-No report. |
| b. Assessor-No report. | f. Parks & Recreation-Report submitted |
| c. CEO/Building Insp.- Report submitted. | g. Planning Board-No report. |
| d. Comp. Plan – Meeting on Jan. 23rd | h. Road Commissioner- To be given at meeting |

Road Commissioner Maurice St. Clair reported that he will get the Nortrax agreement in place. Agreement was for \$1,500. Initial maintenance then \$500. Per year. Has been in contact with the MDOT Engineer regarding the water in the road at 221 So. Waterboro Road along with looking at the same problem at the intersection of Kennebunk Pond Road and Rte. 111.

John Tibbetts reported Thomas Guillemette picked up 15 tires that were dumped by the dry hydrant on Walker Road. Some were on rims, big truck tires. Thanked Tom for picking the tires up.

Item #7– New Business

- a. Approve GMFR Personnel Policy amendments.**
Moved to beginning of agenda.
- b. Approve GMFR waiver of outstanding EMS and MVA bills.**
- c.** Moved to beginning of agenda
- d. Discuss/approve FOAA (Freedom of Access Act) Policy.**
Motion by David Dulong to approve the FOAA (Freedom of Access Act) Policy; motion seconded by Ralph Blackington. Motion carries 4-0-0.
- e. Discuss/approve Communication and Social Media Policy & Guidelines.**
Motion by David Dulong to approve the Communication and Social Media Policy; motion seconded by Ralph Blackington. Motion carries 4-0-0.
- f. Approve Funky Bow application for Special Entertainment.**
Motion by David Dulong to approve the application for Funky Bow Special Entertainment Permit; motion seconded by Thomas Guillemette. Motion carries 4-0-0.
- g. Approve/discuss to set monetary cap for exchange of property on Walker Road.**

Motion by David Dulong to set the monetary cap for exchange of property at \$1,750.00 includes \$750.00 for attorney fees; motion seconded by Thomas Guillemette. Motion carries 4-0-0.

- h. Approve/discuss setting date for budget meeting with Treasurer Lisa Vargas.**
What workshop date the YMCA chooses, the open date will be a budget workshop.

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- i. Approve/discuss forwarding correspondence from St. Philip Church Atty. Thomas R. Kelley to Town Atty. Re: encroachment of a portion of left field/fence at Bernier Field on church property.**
Motion by David Dulong to table; motion seconded by Thomas Guillemette.
Motion carries 4-0-0.
- j. Request from Avesta Housing to look at Cousen’s School for possible rehab for senior housing.**
Agreed to wait until a Real Estate Agent is hired.
- k. Discuss/approve Planning Board request to approve budget request for SMPDC for 2019/2020 budget year.**
Motion by David Dulong to table-lack of information; motion seconded by Thomas Guillemette.
Motion carries 4-0-0.
- l. Approve sending Contract Zoning Agreement by and between Lise D. Ouelette, Trustee of the Lise D. Ouelette Living Trust, on a Plain Brewing LLC and the Town of Lyman to the Town Atty. for review.**
Moved to beginning of agenda.

Adjourn:

Motion for adjournment was made at 7:12 pm

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

John Tibbetts, Chair

David Dulong, Vice-chair

Thomas Guillemette

Ralph Blackington

I, Nancy Brandt, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of five (5) pages are the original minutes of the Select Board Meeting of January 7th, 2019. _____ Nancy Brandt 1/ 7 /2019