

**Town of Lyman  
Select Board Meeting Minutes  
October 2nd, 2017 – 5:30 p.m.**

***5:30 pm - 6:30 Executive Session Per Title 1 M.R.S.A § 405(6)(E) Consultation with legal counsel.***

Select Board members present: Jeffrey Demers, Chair; John Tibbetts, Vice-Chair; John Houy and Dave Dulong.

Other present: Maurice St. Clair, Brad Nikel, Bob & Barb Schultz, Loren Blair.

***Pledge of Allegiance***

**Item #1 – Special Offers/Presentations**

**a. GA Maximum Ordinance update Public Hearing**

Select Board tabled the public hearing to the next Select Board meeting to have Welfare Director Priscila Ouellette present to answer questions,

**b. Open sealed paving bids.**

Two bids were opened and read aloud by Jeffrey Demers. Pike Industries total bid price \$262,712.00; Dayton Sand & Gravel total bid price was \$284,775.00

**Item #2- Hearing of Delegations / Public input**

**a. Public input - *Public in attendance will have up to 5 minutes to address Board***

**b. Mail**

- News update from Rep. Wayne R. Parry.
- Monday, October 9<sup>th</sup> 12 Town Group Meeting agenda.
- September 11<sup>th</sup> draft copy of the 12 Town Group meeting.
- Fall workshop registration form for Maine Resource Recovery Association
- Thank you to the Select Board from Bob and Barb Schultz regarding Oscar Littlefield Road
- Notice of the 2017 AppleCycle Charity Bike Ride on Saturday, October 14, 2017.
- Notice from Charter Communications, effective October 30, 2017, Sportsman Channel will no longer be available on Spectrum TV Channel lineups.

Engineer report on Ibex Lane to release escrow funds being held for Roger Berube.

**c. Time off requests**

All requests were approved.

**d. Complaints received**

Two complaints have been received. One regarding bus drivers' visibility impaired at stop signs on town roads with branches, brush and scratching the buses. Second complaint was for Birch Acres street sign from Kennebunk side being hidden in the trees, branches. Maurice St. Clair reported that work is being done to cut back the bush, branches etc. on town roads for better visibility and the brush will also be cut back to make the Birch Acres sign visible.

**Town of Lyman  
Select Board Meeting Minutes  
October 2nd, 2017 – 5:30 p.m.**

**Item #3**-minutes

**a. Approve minutes of September 18<sup>th</sup>, 2017**

Dave Dulong feels way behind on the minutes and thinks one of the reasons is, get the minutes with the agenda at the last minute and does not have enough time to review as there are other items to review and plus by the time the minutes are received, he forgets what was said. Suggestion that when Nancy completes the minutes which is typically a couple of days after the meeting, the minutes are sent out as soon as they are finished, sent out as one email with the minutes being the only attachment. Jeffrey Demers rebuttal is thinks this Board has done very well with the minutes is not as backlogged as bad. Dave Dulong thought there were 3 back logged now. Jeffrey Demers corrected to say that is only one, to approve the minutes of September 18<sup>th</sup>. Does also like the concept of getting the minutes out earlier so he does not have to cram everything in to read. Dave Dulong added, they are not on the website and asked if they are supposed to be on the website. Jeffrey Demers added, after they are approved, are put on the website. Dave Dulong added, he has not been able to find them. Nancy Brandt added, can only put so much on the website and only put the audio of the meetings on and only goes back four weeks. Dave Dulong feels the written minutes should be made available on line and maybe find someplace else to put them if we can't put them there. Audio minutes take up a lot of space and minutes are not that big. Jeffrey Demers asked if would rather see the written minutes on there and keep the audio banked in case someone requests it? Dave Dulong added, all he cares about is getting the minutes earlier. Further discussion was held regarding audio and written minutes on the website. Dave Dulong suggested when the approved minutes are put on the website, swap out the audio of the meeting. Nancy will try as suggested. John Houy also added that there are several months of Fire Commission minutes that should be removed to free up space. Also added the audio is used for reference for meeting too meeting and would hate to see it taken off. Jeffrey Demers added the audio will be there for two weeks, and when the minutes are approved, the audio is archived and approve written minutes are put in their place on the website. John Houy does not like that process personally as he uses it for reference. Jeffrey Demers added that it does not make a difference either way, as via FOAA (Freedom of Access Act) at any time a request can be made and Dave Dulong included can also download on put on a computer. Discussion was held written or audio. Consensus of the Board was to leave as is. Bob Schultz wanted to make a comment as a member of the public. Some of the meetings are quite lengthy and how he uses them is he likes to see the written and if he sees a topic, then he goes back to the audio and listens to the whole thing, Realizes the minutes have to shortened up and have just the key points. If the audio is taken off right away, he will not be able to go back to listen to the dialogue. Jeffrey Demers asked if he would like to see the audio there for a week after the approved minutes and he felt yes, for some short period of time. John Houy would like to see at least a month so if needed he could go back to listen to Old Business etc. Jeffrey Demers asked Nancy to do the best she can to accommodate with what space there is available on the website. Motion by John Houy to approve the September 18<sup>th</sup>, 2017 Select Board Meeting Minutes; motion seconded by John Tibbetts. Motion carried 3-0-1. Dave Dulong abstained as he was not present at the meeting.

**Town of Lyman  
Select Board Meeting Minutes  
October 2nd, 2017 – 5:30 p.m.**

**Item #4 - Sign Warrants-**

- a. Payroll warrant # 24 in the amount of \$ 14,306.52  
Motion by John Tibbetts to approve payroll warrant #24 in the amount of \$14,306.52.  
Motion seconded by John Houy. Motion carried 4-0-0.
- b. Payables warrant #27 in the amount \$448,828.09  
Motion by John Tibbetts to approve payables warrant #27 in the amount of \$448,828.09 for discussion. Motion seconded by John Houy for discussion. Discussion: John Houy had a question regarding Alex Cyr invoice dated 9/12/2007 10:30 – 3:30 pm with excavator, there was no description of where the work was done. Maurice St. Clair thought it was for ditching but could not remember and will have to call him. Jeffrey Demers added that the payment will be held as that is how the Board agreed how it will be done. Maurice St. Clair added if he can't do his bill right then he should be paid. Also, John Houy added that on the same bill, there was a charge for 70 yards of reclaim from Thyng for Oscar Littlefield Road, and did not see an invoice on reclaim. Maurice St. Clair informed the Board that it was not town owned reclaimed but purchased from Jimmy Thyng, and he probably has not sent in an invoice yet for the reclaim. Jeffrey Demers asked the Board if he receives a call from Maurice St. Clair after Maurice has talked to Alex Cyr and has the information on where area of the 5 hours of work was done, can move on with the warrant. Maurice St. Clair will have Alex Cyr submit a new invoice. Motion by John Tibbetts to approve payables warrant #27 in the amount of \$448,828.09 after Jeffrey Demers has received a call from Maurice St. Clair regarding Alex Cyr's invoice. Motion to approve payables warrant #27 in the amount of \$448,828.09. Motion carried 4-0-0.

**Item #5 - Unfinished Business**

- a. **Oscar Littlefield Road**  
Jeffrey Demers explained their meeting with the Town's attorney prior to the meeting. Letter from Attorney will be available if anyone would like to read it and will be part of the minutes. Attorney is from Bourque & Clegg, and is going ahead to do up a letter which will be in the CEO office explaining the reason why the town is going to continue maintenance per discretion of the Road Commissioner, and the plowing and what is going on today. It was the attorney opinion that this is the way the town should go and the Select Board agreed. Also, would be some security for the townspeople of Oscar Littlefield Road. Barb Schultz asked the Board if that means they are not going ahead with the prescriptive use. Jeffrey Demers responded would say no, after litigation town would not gain with the funds that it would cost would not gain anymore that what the town has today. Barb Schultz asked so in terms of the people that live on that road and have to use it, the town would continue to maintain it? Jeffrey Demers responded will continue to maintain the road. You can't spend public funds on private road, that is illegal, but this will documentation to allow. Has been 40 to 50 years doing this. John Houy added that this will be a bookmark to show what has been discussed and if this should come up again, going to be a lot easier. Jeffrey Demers added that this is a precedence that the town has been maintaining the road.

**Town of Lyman  
Select Board Meeting Minutes  
October 2nd, 2017 – 5:30 p.m.**

If someone wants to come and go to court then the town will go ahead with litigation, during that time not sure what direction the town would go in and this Board is not willing to roll the dice to go in that direction. There are no guarantee's if this happens to the residents.

**b. Leaf & yard waste compost.**

John Tibbetts reported that a lot of emails back and forth with DEP, the soil test has been completed. He was going to just sent them that, as had to prove that before anything and they had him read some parts of the test over the phone. Mark King came out for the site walk and told John that when he saw it, he knew it would be fine and to send everything together. Nancy has been busy with notifying abutter also have had some other questions. There is some money here, \$480.00 dollars for this application and license. We have to pay them to get input, have to hold a public hearing and do not want to do a public hearing without him here. Would like him here to be able to answer questions on regulations that could come up. Dave Dulong asked if the application is complete and are they going to require an engineering design. John Tibbetts inform the Board that all they want is the size, right now talking 100 x 100. Wanted a soil test, they have other regulations on how often the pile must be turn, has suggestions on recipes, also how long the material can be there. Dave Dulong asked if anyone has look at what it is going to cost all their requirements and move this stuff out. John Tibbetts responded, starting to do that, know we are going to have to have a tipping fee structure for people to bring in leaves and yard waste in. Should only take in small chipped wood, along with the license can take in 2 yards of food waste a month if we want to go that route which is equal to 250 5-gallon pails a month. Dave Dulong has concerns over the smell. John Tibbetts added will only that day that it is dumped, then it must be immediately incorporated into the pile. Would not consider doing anything with food waste, until there is considerable build up in order to mix it in. Will lose 60% of volume when mixed and composted. DEP has an education program and will help to set it up. Maurice St. Clair estimated cost to set up as:

\$2,500.00 – Excavation

\$2,000.00 – 30 x 30 x 2-inch-thick pad

\$ 600.00 - Blocks

Will need to set up a fee structure. Also, would like to check out some other municipalities. An email was received today from Mike Clark, and he said, "If an interested party makes a request for a public hearing, the decision to hold such a hearing will be made by the Commissioner (I believe), in any event, the granting of a hearing is not likely for a Leaf and Yard Composting PBR notification." Dave Dulong added that he would not be comfortable unless the town holds a public hearing before putting it in.

John Houy asked if what he is hearing, DEP will not hold public hearing unless we first pay the application fee to take out a permit, and answer is correct. Specific question was asked to DEP if both the application fee and license fee had to be sent together and the response back was yes. Dave Dulong feels the first thing to pay is the application fee, then once approved pay the license fee. Jeffrey Demers added that they have been 4 different discussions on the subject, once before new members were on the Board.

**Town of Lyman  
Select Board Meeting Minutes  
October 2nd, 2017 – 5:30 p.m.**

On April 18<sup>th</sup>, Board approved to have the soil test completed, second discussion was John reporting have not received the soil test back and the third was on Sept. 5<sup>th</sup>. John Houy feels it started out as leaves and yard waste, not food waste and horse manure. Jeff Demers added that the food waste portion caught his attention 3 months ago, food waste costs of disposal are huge. But have not decided on what will be going into the pile. This would get some weight out of the dumpsters. Board members raised concerns over possible rodent problem with composting food waste. Possibility would be to trade some of the product for loam with contractors. Discussion was held on getting a piece of equipment in the next budget for the Transfer Station. Dave Dulong would like to go along on the tour in looking at other municipalities. John Houy would like to see a plan, how to dispose of the compost. Dave Dulong agrees, but this will get the town to the next step. Call for the vote was made by John Houy. Motion by Dave Dulong for \$484.00 for application and permit fee to start the process. Seconded by John Tibbetts. Motion carried 3-1-0. John Houy opposed.

**Item #6- Dept. and Committee Reports**

- a. Animal Control Officer- No report submitted  
Will contact to obtain a report.
- b. Assessor- No report submitted
- c. CEO/Building Insp.-Report Submitted

Town of Lyman  
Code Enforcement Office  
MEMORANDUM  
Phone: 207-247-0647 ceo@lyman-me.gov

**To:** Board of Selectmen  
**From:** Patti McKenna, CEO  
**Date:** September 27, 2017  
**Re:** Monthly Report for September 2017

The Code Enforcement Office has conducted the following business for the time period of 9/1/17-9/27/17 resulting in total fees collected of \$10,415

Building Permits:	26	\$ 7,647
Electrical Permits:	11	\$ 1,093
Internal Plumbing Permits:	05	\$ 400
Septic permits	06	\$ 1,275
Driveway	0	\$
Complaint	02	
Site plan Applications	00	\$

**Town of Lyman  
Select Board Meeting Minutes  
October 2nd, 2017 – 5:30 p.m.**

Staff Review Application	00	\$
Inspections	40	
Tree cut request		05
New Violations	00	

**New Violations / Complaints:**

A notice went to an owner on Loon Lane who constructed a shed without a permit.

**Update on Violations/ Complaints**

- A wetland alteration violation was discovered on a property at 131 Walker Road. DEP met with the owner on 7/13. A stop work order was placed on the earthmoving and fill that was being moved. the stop work order is still in force and DEP is bringing a wetland biologist to the site. DEP and I met onsite on 9/21, There is still a wetland alteration violation and the owner will have to replace the affected wetlands. There was an agreement that the proposed location of the house was not in the wetland so building permit was issued for the house to be built.
- All the violations previously listed are either remedied or in the process.

**General Information Update:**

A reminder letter was sent to 13 gravel pit owners to let them know they have not scheduled their gravel pit inspection for this year. Inspections were due to be done between April 1 and November 1. 2 of the 15 pits have complied. If they don't have their inspections by Nov. 1 their gravel pit permit expires. The town is not obligated to remind them, but I had the forethought and took the time to do this courtesy. It also saves the Planning Board to review all of these permits as new pits again. I am hoping not to have to do this every other year.

Respectfully submitted,  
Patti McKenna, Code Enforcement Officer

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**d. Comp. Plan – No report submitted**

John Tibbetts reported that the George Cheney contacted him and the committee is about 90% done. Would like to have it to Board and also on the website. Maurice St. Clair added that the committee is just finishing up. Board is in favor of the plan being on the website.

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**Town of Lyman**  
**Select Board Meeting Minutes**  
**October 2nd, 2017 – 5:30 p.m.**

- e. Cousens School Update- to be given at meeting  
Jeffrey Demers reported it is on the ballot for the November 7<sup>th</sup> election and asked the Board if anyone gave him any suggestions or directions so people will know what they are voting on. Mr. Single had an issue with that, thought we were just adding to the questions and we were not closing out the other one and want to make sure we are all on the same page. John Houy did not know he wanted something in writing. Jeffrey Demers did put something in writing and read it into the minutes.

Lyman Residents:

On November 7, 2017, you will once again be asked to vote on the Cousen's School renovations to be turned into the town's offices and community center. Below, please see some questions and answers that may help residents understand the reason why you are being asked to vote on this again after it passed by Yes XXX NO XXXX in February 2017.

Q. Please explain the process before this was sent out to the voters in February 2017:

A. April ??? of 2016 a committee of town residents were appointed and asked to do a cost analysis of making the Cousen's School into a town hall/community center. After many hours of work and several meetings with the Select Board, the committee brought forward a package that both the Select Board and committee members thought was a good package with an estimated cost price of \$1,143,000.00 to bring to vote to the tax payers of Lyman, which \$250,000.00 was to be taken out of unassigned reserve fund and the remainder \$893,000. to go out for bond. After the voters approved and funds were available for the Select Board to move forward, the Board agreed that professional services in this field of work, should take a look at the project and send forward to the Board their findings. The Select Board then proceeded to move forward with a request for proposal (RFP) for an Architectural firm to check the committee and board findings. Three firms put in proposals and the Town moved forward with Harriman Associates. After many hours of work and several joint meetings with both Boards, Harriman Associates came back with a total price of \$1,817,208.00 After going through the cost in depth with the committee and Harriman Associates, it was then decided by the Select Board that we should not move forward. It was thought that the town's people would not get the finished product they had voted on. Knowing residents were told if there were not enough funds to do the project then we would not move forward. It was then decided by the Select Board to bring the new estimated cost by Harriman to the people once again for vote because of the majority voted in February and that's what the Select Board that was the correct thing to do.

Q. Why didn't the Board just start the project?

**Town of Lyman  
Select Board Meeting Minutes  
October 2nd, 2017 – 5:30 p.m.**

A. The Board agreed before anything got started, they would not be going back to the people for more funds. After the findings by Harriman Associates, the Select Board felt the amount approved in February would not be sufficient to give the towns people a completed project and for that reason the Select Board did not move forward with the bond and those terms on that bond agreement have fund out as of September 10, 2017.

Q. Are these additional funds added to what was already approved?

A. No. Residents are being asked to go out for bond for a total of \$1,609,00.00 in general obligation bond and \$208,000.00 from unassigned reserve fund (surplus) for a total appropriation of \$1,817,000. (\$1.817 million) of which \$1,609,000. Will be borrowed funds.

The Select Board want to make sure all the residents of Lyman understand what they are voting on and that is the reason this ad has been placed. Any questions can be sent through the Town's web site, by phone, or in person at the Public Hearing being held on Oct. XX, 2017 at 6:00 pm at the Lyman Town Hall.

Jeffrey Demers added Board members can add, removed or can just toss it. Dave Dulong feels Jeff did a good job and should move forward putting it in the paper, will be holding a public hearing and some will not come will at least can read that. Jeffrey Demers will get with Bill Single within a couple of weeks to explain. Brad Nickel added he felt it was worded well and clear and no cloak and dagger going on.

- f. ECO Maine- to be given at meeting  
John Tibbetts reported that he has not attended meetings in a while and Bob Randall who is the alternate has attended a hand full of meetings. Depending on the vote on Nov. 7<sup>th</sup> regarding Cousens School, Dave Dulong might be interested in attending the meetings. This was tabled until after the Nov. 7<sup>th</sup> vote.

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- g. Parks & Recreation- No report submitted  
Report was submitted for the meeting  
Lyman Parks and Recreation  
Monthly Report  
October 2017

Monthly meeting had 3 in attendance

**Programs for fall:**

Yoga – Sunday mornings and Wednesday nights

Swim lessons started on 9/16 and there are 11 signed up

Dog grooming class on 9/20 – had 14 people attend, went well

A talk on essential oils will be on October 21<sup>st</sup> at the library

**Town of Lyman  
Select Board Meeting Minutes  
October 2nd, 2017 – 5:30 p.m.**

Offering a trip for Seniors to the Fryeburg Fair with Waterboro Parks and rec.  
Hayride and Pumpkin picking at Harris Farm on October 8<sup>th</sup> at 10am

**New Programs:**

Starting to plan the visit with Santa  
Planning something in the winter at Bunganut  
Working on craft nights  
Looking into a learn to play cribbage night

**Next meeting will be October 11, 2017 at the library**

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**h.** Planning Board- Report submitted

**PLANNING BOARD  
MONTHLY REPORT TO BOARD OF SELECT PERSONS**

In the month of September 2017, the Planning Board held two regular meetings. The Board visited a medical marijuana facility in Saco with electrical inspector, Marcel Desrosiers, to better understand the correct way to set up and run such a facility.

The Board will wait until after the November referendum votes to determine how to proceed with writing up an ordinance dealing with the marijuana issues. The Board voted unanimously to recommend to the Select Board to lift the medical marijuana moratorium since it's regulated by the State. The Board will, however, create regulations for the electrical component.

The Board had no applicants this month.

Respectfully submitted,  
Irene Single, Planning Board Clerk

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**i.** Road Commissioner-To be given at meeting  
Maurice St. Clair reported cutting brush. Brad Nikel has completed his portion, which was about 750 feet on the Mast Road. Jeffrey Demers asked if he was interested in continuing roadside tree trimming and Brad informed the Board that he is interested. Board agreed for Brad Nikel to continue with the roadside tree trimming.

**Item #7– New Business**

- a.** Discuss/approve General Assistance Ordinance updates  
Tabled until the next meeting.
- b.** Vote to accept/reject any or all paving bids  
Board voted to accept the paving bids received. Two bids were received and Pike was \$20,000.00 less that Dayton Sand & Gravel.

**Town of Lyman**  
**Select Board Meeting Minutes**  
**October 2nd, 2017 – 5:30 p.m.**

Maurice St. Clair added that he would not let Pike into town. Jeffrey Demers added have not have good luck with Pike in the past. Have a good working relationship with Dayton Sand & Gravel. Maurice St. Clair added that years ago, when the Clarks Woods Road was paved, it was bid as one lump sum and Pike was lowest bidder. Paved the main line but asked for \$6,000.00 more to do the aprons going into the driveways. And they wouldn't come back and ended up paying them the \$6,000.00 which was over and above their original contract.

- c. Discuss/approve renewal of Roland Fortin junk yard permit.  
Motion by Dave Dulong to approve the junk yard application for Roland Fortin. Seconded by John Tibbetts. Motion carried 4-0-0.
- d. Town's computer company.  
Jeffrey Demers tried a new direction and went with Biz Compass, and the service just hasn't been there and have been having issues. Just last week a new virus software was installed, and the program recognized a component within the TRIO municipal software as a virus so the office was out of luck again. Asked Lisa Vargas to go back the company the town had before to give a price, right now paying Biz Compass \$743.50 a month previous company will come back for \$587.00 month. Will not ask for a vote tonight will be on next meeting.
- e. Discuss/approve CEO Office/Land Use Director Patti McKenna request re: remove Medical Marijuana Facilities from the Moratorium.  
Dave Dulong raised concerns if taken off the moratorium, will be able to issue permits. John Houy reported on a conversation that he had with Patti McKenna regarding the request. There are two separate sections, 1 is medical and the other is recreational and put recreational aside. Also told the Board that Marcel Desrosiers is very informative a wealth of information on it. Within the letter, if you do have the safe guards in place, and do not have requirements within the ordinance, someone can come in and get a permit and basically due what they want. If we wait until all the regulations are in place, then odor control, safety and electricity issues will be addressed and in effect. John Houy made the motion to not lift the Medical Marijuana Facilities from the Moratorium until the safe guards are in place. Motion seconded by Dave Dulong. Motion carries 4-0-0.

Other:

Monument. Board will invite Mr. Poitras in to meet with the Board.

Transfer Station Rails: John Tibbetts reported there are some issues with the gates. Safety Works have said that employees cannot be in the containers or remove the gates, Only contractors. Board members felt there would be a high liability if contractors opened the gates. John Tibbetts will amend the RFP to include locking gates. Board will advertise in the Portland Press Herald, Smart shopper and the Town Website.

Salt Shed Doors: Maurice St. Clair will check with Bob Randall to see if he is interested in installing ¾ inch plywood with blocks to hold the doors.

**Town of Lyman  
Select Board Meeting Minutes  
October 2nd, 2017 – 5:30 p.m.**

**Adjourn:**

Motion for adjournment was made at 8:08 p.m.

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

\_\_\_\_\_  
Jeffrey Demers; Chair

\_\_\_\_\_  
John Tibbetts, Vice-Chair

\_\_\_\_\_  
John Houy

\_\_\_\_\_  
Dave Dulong

I, Nancy Brandt, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of eleven (11) pages are the original minutes of the Select Board Meeting of October 2nd, 2017. \_\_\_\_\_ Nancy Brandt  
10/02/2017