

**Town of Lyman  
Select Board Meeting Minutes  
November 20th, 2017**

Select Board members present: Jeffrey Demers, Chair, John Tibbetts, Vice Chair, William Single, John Houy.

**6:00 pm- Executive Session per 1 M.R.S.A. § 405(6) (A) Personnel matter**

Motion by John Tibbetts to go into Executive Session per 1 M.R.S.A. § 405(6) (A) Personnel matter; motion seconded by John Houy. Motion carried 4-0.

Motion by John Tibbetts to come out of executive session; motion seconded by John Houy. Motion carried 4-0

**6:15 pm- Executive Session per 1 M.R.S.A. § 405(6) (A) Personnel matter**

Motion by John Tibbetts to go into Executive Session per 1 M.R.S.A. § 405(6) (A) Personnel matter; motion seconded by John Houy. Motion carried 4-0.

Select Board member Dave Dulong arrived at the meeting.

Motion by John Tibbetts to come out of executive session; motion seconded by John Houy. Motion carried 5-0

Staff present: Patti McKenna, Lisa Vargas and Rod Hooper.

Others present: Wendell Smith, Chris Carroll, Judy Johnson, Fred Bechard, Don Hernon, Kenneth Poitras and two other members from the public.

***Pledge of Allegiance***

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

- a. CEO Patti McKenna re: change of office Wednesday hours to close at 7:00; recreational use marijuana

Patti McKenna came before the Board to request a change the office hours of the Code Enforcement Office and Electrical Inspector. Currently the office is open to 8 pm on Wednesdays while the other offices close at 7 pm and there has been no one coming in between 7 and 8. People that do come in are looking at conducting other business i.e. registrations of vehicles. Motion by John Tibbetts to change the hours of the Code Enforcement Office and Electrical Inspector to 1 pm to 7 pm on Wednesday; motion seconded by John Houy. Motion carried 5-0-0.

Recreational use of marijuana. The Planning Board would like some direction from the Select Board on how to proceed. John Houy suggested a joint workshop with the Planning Board and Select Board. Motion by Jeffrey Demers to hold a workshop with the Planning Board, for Wednesday, December 13<sup>th</sup> at 6:00 pm; motion seconded by John Tibbetts. Motion carried 5-0-0. Jeffrey Demers will put together an agenda for the workshop.

Keyword Manor water: Patti McKenna told the Board that she is keeping track of the water situation and will keep the Board informed.

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PTO Buy out: Patti McKenna made a request to the Board for the town to buyout 37 ½ hours of her PTO. Jeffrey Demers asked if this is within the personnel policy and Patti McKenna responded it is not addressed in the policy, but has been done previously on a case by case basis.

Dave Dulong concern if this would set a precedence. He was assured by Jeffrey Demers that it would not. Motion by John Tibbetts made the motion to approve the PTO buy out of 37 ½ hours; motion seconded by William Single. Motion carried 5-0-0

**b. Treasurer Lisa Vargas: Cousens's School Bond**

Lisa Vargas came before the Board to discuss the bond for the Cousens's School renovation. Three quotes were submitted. Camden Bank rate was 2.62%; Biddeford Savings Bank was 2.95% and Androscoggin Bank was at 4.17%. The bond is a 10-year bond with a 20-year amortization with biannual payments. \$54,431.55 will be due on April 29<sup>th</sup> and November 29<sup>th</sup>. Motion by John Tibbetts to approve the bond at 2.62% with Camden Bank.; motion seconded by William Single. Motion carried 5-0-0. John Houy and Jeffrey Demers let Lisa Vargas know of the good job that she did in a short time.

**c. Kenneth Poitras and Barbara Pillsbury re: Veteran memorial**

Kenneth Poitras was in attendance and relayed Barbara Pillsbury regrets that she was unable to attend. Current monument has WW 1 and WW 2, nothing on the Korean war or Viet Nam war. He was not aware of any veterans that perished in the Korean War but do know of Viet Nam veterans that died in the war especially his brother. He would like to add a plaque to the backside where nothing is that now and he has offered to pay for the bronze plaque. Jeffrey Demers explained that this came before the board about 18 months ago and asked Kenneth Poitras to get a cost of the plaque include what it would look like, the wording for the Board to approved. John Houy asked if this was just for his brother and Kenneth Poitras responded it was for all the vets that died in the war.

**d. Paul Poirier re: Standard Operating Procedures re: sand/salt**

Paul Poirier was not in attendance, and Jeffrey Demers, Chair will contact him and will be put on the next agenda.

**e. Harriman re: Cousens's School renovation:**

Chris Carroll and Judy Johnson attended the meeting to continue with the project. Jeffrey Demers explained that it was a kick off meeting for next phase. Chris Carroll presented a schedule on what the process will be. Judy Johnson will give the Board an updated contract, but has yet have not completed it. Also, the Select Board will now be the building committee. John Houy asked with the previous schedule, was the project completion at 40 weeks, Judy Johnson responded it was longer. She would like to see it completed by the end of December 2018. The date can be refined as the project progresses. Have been working on getting the documents ready for the Planning Board by December 20<sup>th</sup>, possibly will take three meetings, also working on the septic design. If a third meeting would be required, it would be first meeting in February. Jeffrey Demers requested to CC emails to David Dulong on all emails and transactions, as he is going to be the Select Board oversight for the Board.

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Judy Johnson explained that the schedule has 50% of the bid documents completed by 12/20/2017, 90% completed by 1/16/2018 which co-insides with the Select Board meeting with the final product by 2/9/2018 which has the possible 3<sup>rd</sup> Planning Board meeting built in. Would like to have the bids back by first of March. David Dulong asked about the bid packages. Judy Johnson responded that these days, no one wants hard copies, and if they want to buy will need to purchase them directly from Harriman, generally sent email and downloadable.

David Dulong asked if copies would be available at the Town Hall, and Judy Johnson informed the Board that there would be copies available and the Town will receive a hard copy. David Dulong asked what are the bidders going to receive, Chris Carroll added that they would ship the copies to the bidders. Jeffrey Demers added that if any bidder would like hard copies, the request will be made directly to Harriman and the payment given to Harriman and not the Town. David Dulong asked what is the date for advertising the bids, Judy Johnson responded Monday, February 12<sup>th</sup> after the Select Board meeting on the 9<sup>th</sup>. Judy Johnson also added, that what they had planned was a four-week bid period. Bids are normally opened on a Tuesday, Wednesday or Thursday at 2:00 p.m., which is the general rule in Maine. Bids will be opened at the Lyman Town Hall, with a target date of March 14<sup>th</sup> or 15<sup>th</sup>. Feels Wednesday or Thursday are the better days. David Dulong also asked about how long the award period would be as he did not see it. Judy Johnson, usually takes a week or two. David Dulong added shooting for March 28<sup>th</sup> as the award date. Judy Johnson added that all the dates will be in the documents once, the documents are ready to be finalized and will be in the documents. One of the mile stones, is to be completed by the end of 2018. Discussion of penalties or liquidated damages was held, it was decided that it would create an extra expense and did not want. A decision will be made later. Both Chris Carroll and Judy Johnson will be coming to every meeting for a brief update. Chris Carroll added that Albert Frick Associates will be conducting a soil evaluation and design a new septic system. Jeffrey Demers added that the Board's desire is to make the project something that the tax payers can be proud of. Also added to let Nancy Brandt, Select Board Clerk know when they are going to be in the building.

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

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

Don Hernon can either make comments now or when the Fire Commissions report comes up. Jeffrey Demers informed him to go ahead at this time. Would like to address some comments at the joint Select Board Meeting, was the first one since August and was a short meeting because four of the Lyman Selectmen left and one stayed and listened. Anyway, back again on the changes to the inter local agreement. Has the feeling that the current Select Boards when terms expire will appoint Select Board members, questions if that happens are they town employees as addressed in the charter. This would dismiss the current commission members and appoint Select Board members. Dayton does not want to do that. Feels will set a precedence. There are two Lyman commission members whose term will expire next year and as a commission member, Don will not seek reappointment. When another meeting is set up, not only the interlocal agreement be considered but also the GMFR Personnel Policy including paid time off which has taken 2 years.

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Jeffrey Demers added he does not believe Dayton is holding up their end of the bargain with the costs, currently at 60%-40% and would work towards 70%-30%, and that has not taken place. Not sure where it came from that the Select Board members are going to take over the members of the Fire Commission, does not remember it being said. Do not think Select Board members should be on the commission, but feels the commission has put everything for the Fire Dept. to operate. The Fire Chief should be able to run the department without an additional layer. No other community within the state has a fire commission. Will be asking the Board to come forward with a vote to abolish the fire commission, which have done a wonderful job. John Tibbetts agrees.

Don Hernan added that he has no problem abolishing the commission if done correctly.

Frederick Bechard spoke to the Board about the task that the Select Board have with putting name and picture on the Town Report. He presented in writing someone who should be recognized in the Town Report.

**b. Mail**

- Thank you from YCSP on contribution.
- Thank you from Leavitt's Mill on contribution.
- Notice from Charter Communications America's Auction Network has ceased transmission of their signal and is no longer available. Effective November 13<sup>th</sup>, i24 News Launch (Altice) programming will launch in SD or HD versions.
- Maine Municipal Employees health trust notice of 2018 rates-Nancy Will send out to Select Board members.

**c. Time off requests**

Time off requests were reviewed. John Houy raised a question on time off for Dec. 26<sup>th</sup>, as there will be three employees' out, Lisa, Patti and Nancy and if Sue would be alone. Nancy added that as far as she knows, Alex, Sue and Shirley will be in. Both John Houy and Jeff Demers are not comfortable with three employees out and questioned if it had been done in the past. With the three employees, Nancy is the least seniority. Jeffrey Demers asked if she would be available if someone called in to cover. Nancy told the Board that she would be willing to come in. Jeffrey Demers added that he hopes no one does call in so she would have to come in. John Tibbetts added that if someone calls in, he would come to the Town Office until Nancy could come in.

**d. Complaints received**

No complaints were received.

**Item #3-minutes**

**a. Approve meeting minutes of November 6th, 2017.**

Motion by John Tibbetts to approve the minutes of the November 6<sup>th</sup>, 2017 meeting; motion seconded by John Houy. Motion carried 5-0-0.

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**Item #4 - Sign Warrants-**

- a. Payroll warrant # 41 in the amount of \$15,323.48  
John Tibbetts made the motion to approve Payroll warrant #41 in the amount of \$15,323.48; motion seconded by John Houy. Motion carried 5-0-0.
  
- b. Payables warrant #40 in the amount of \$46,258.24  
John Tibbetts made the motion to approve Payables warrant #40 in the amount of \$46,258.24; motion seconded by John Houy. Motion carried 5-0-0.

**Item #5 - Unfinished Business**

- a. **List of unregister dogs**  
Nancy Brandt reported that Debbie Higgins. ACO has been working on the list and will be bringing in an updated list.
  
- b. **Approve hiring of Transfer Station Attendant**  
Motion by John Tibbetts to hire John Pettingill for part-time transfer station attended.

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

- a. ACO – Report submitted - Attached
- b. Cemetery Committee- No reported submitted
- c. CEO- 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:** November 3, 2017  
**Re:** Monthly Report for October 2017

The Code Enforcement Office has conducted the following business for the period of 10/1/17-10/31/17 resulting in total fees collected of \$16,497

Building Permits:	32	\$12,011
Electrical Permits:	26	\$ 2,561
Internal Plumbing Permits:	10	\$ 600
Septic permits	05	\$ 1,325
Driveway	00	\$
Complaint	03	

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Site plan Applications	00	\$
Staff Review Application	00	\$
Inspections	76	
Tree cut request	04	
New Violations	00	

**New Violations / Complaints:**

A complaint was logged regarding a homemade camper in Oakwood Park with people living in it and construction without permits at the same location. Other complaints were filed against this property owner that were suggested to report to Maine Forestry Department. After investigating, the complaint was found to be valid. A permit was given for the construction. The owner stated the person camping in the homemade camper was going to be asked to leave. No further complaints have been filed since.

A complaint was logged against a property on John Street for moving in a camper and hooking into the existing septic system without permits. After investigating this was found to be valid and electric work was also done without permits. The person living there is a renter and the owner was notified and had no knowledge of this activity nor gave permission. The hook up will be removed and any permits needed for electric work will be obtained.

A complaint was received about illegal tree cutting from an abutter. The property owner was instructed to contact the Maine Forest Service and it was reported that the Forest Dept. came out and proved the complaint valid and a fine will be levied for each tree cut that was over the property line.

There was a K-1 spill on Grasshopper Lane that required reporting to DEP. That was cleaned up.

A complaint was called in regarding puppies being left outside that was forwarded to the ACO.

A concern by a homeowner who is having a house constructed that the builder wasn't building according to building code was investigated. Upon site inspection and research, it is deemed she is correct and an engineer will have to be called in to design the repairs.

**Update on Violations/ Complaints**

There is a court hearing scheduled for December 28 at Biddeford District Court on the Campbell contempt of court ruling.

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**General Information Update:**

These 71 inspections and 68 permits that were done this month were done in 16 working days, between a holiday, two sick days and two down days from the power outage. Everyone was patient and was taken care of in a timely manner.

Even though I was slightly overwhelmed with keeping up with walk in questions, issuing permits and answering phone calls along with doing all these inspections, I would like to thank everyone for their patience through this busy month.

Respectfully submitted,  
Patti McKenna, Code Enforcement Officer

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- d. Cousen's School Update-given earlier in meeting.
- e. Fire Commission- Report submitted.

**Lyman Fire Commissioner's Informational Report  
November 20, 2017**

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 meetings on October 19, 2017 and November 16, 2017; joint Lyman and Dayton Select Board meeting on November 9, 2017

**Highlights from:**

**Thursday, October 19<sup>th</sup> Regular FC Meeting**

- o After discussion regarding benefits of owning vs. renting, FC authorized Chief to purchase a stripping/waxing machine for use on GMFR floors for a cost not to exceed \$1500.
- o FC reviewed and accepted Chief's 3<sup>rd</sup> Quarter report and will forward the report to the Select Boards for their information.
- o FC reviewed Treasurer's reports and noted that the Personnel budget may exceed the budget this fiscal year.
- o Chief presented information on the Wadleigh Pond Dam Exercise. There was some discussion on the possibility of the Fire Chief also serving as the Emergency Management Director for Lyman and Dayton.

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- Chief provided information and issues regarding group homes which are run by state contracted companies, including issues with home staffs. Chief is working to have GMFR personnel meet with staffs to promote better communication.
- Recent Iron Man Bicycle Race through the towns resulted in traffic related issues which hindered GMFR response to injured bikers. Chief will attend a meeting on November 1<sup>st</sup> to help resolve the issues.
- Chief provided information on changes to pharmacy service program. GMFR directives have been updated to accommodate the changes.
- Tentative settlement from November 2015 accident involving a hose from a GMFR Fire Truck striking a bystander has been reached by the insurance company.
- FC discussed a possible contract for the Chief with the towns, and recommended that the Chief approach the Select Boards if he so desires.
- FC voted to authorize Chief to attend Fire Officer 1 and 2 class, which will result in a national certification. FC Chair signed a letter of recommendation.
- Discussed a Fire Fighter Assistance Grant which could result in installation of red flashing lights on route 35 to warn of GMFR equipment responding to calls.
- Chief and CEO are conducting inspections of Lyman gravel pits, as required by Zoning Ordinance.
- Chief noted that safety inspections and fire prevention awareness visits have been conducted at Lyman and Dayton schools.
- FC and Chief discussed budget process for FY 17/18.

**Joint Lyman-Dayton Select Board meeting, November 9<sup>th</sup>**

- This was a short joint meeting since four Lyman SB members walked out after 30 minutes; three Dayton and one Lyman SB members remained for the entire meeting.
- Lyman and Dayton SB members could not agree on proposed wording changes to the Interlocal Agreement.
- Some Lyman SB members and one Dayton SB member had issues with a FC letter sent to a Lyman resident regarding an EMS response in July 2017. The FC investigated the incident, took corrective action, and sent a letter to the resident, with a copy to the Select Boards. The Select Boards did not express their concerns to the FC either in writing or in person at FC meetings in August, September or October.
- Lyman SB Chair indicated the intent to dismiss current Lyman SB members (if the wording “Fire Commission members serve at the pleasure of the Select Board” is approved) and replace them with three Lyman SB members. Dayton SB members stated that they are not interested in also serving as Dayton Fire Commissioners.



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- After the four Lyman SB members left, Fire Chief presented information on his family health insurance situation, proposals for regional fire authority, and proposed regional paramedic intercept service.
- Fire Commission proposed changes to the GMFR Personnel Policy, submitted in November 2015, were not discussed.
- No date was set for another joint SB meeting.

**Future GMFR/Fire Commission Related Meetings/Events**

- **Thursday, November 16<sup>th</sup>**, 6:30 pm at the Fire Station; regular Fire Commission meeting. This meeting was held after the due date for this report to the Select Board and will be covered in the December report to the Select Board. All FC meetings are posted on the Lyman Town website Community Calendar.
- **Projected Date - Thursday, December ?** – Regular Fire Commission meeting; date to be determined at November 19<sup>th</sup> meeting.
- **Joint Lyman-Dayton Select Board Meeting** As noted above, a joint Lyman-Dayton Select Board meeting was held on November 9, 2017 to continue discussion on the Interlocal Agreement and proposed changes to the GMFR Personnel Manual. As far as I know, the next joint Select Board meeting has not been scheduled.

**Action Requested of Lyman Select Board by Fire Commission**

1. Please contact Fire Commissioners Gay and Herson If the SBs 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 Herson, Lyman Fire Commission member

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- f. Planning Board report- report submitted

**PLANNING BOARD**

**MONTHLY REPORT TO BOARD OF SELECT PERSONS**

In the month of October 2017, the Planning Board held two regular meetings followed by two workshops. The Board discussed changes to the subdivision regulations and back lots within subdivisions.

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The Clerk informed the Board that her last day as Clerk will be November 2.

The Board had no applicants this month.

Respectfully submitted,  
Irene Single, Planning Board Clerk

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**f. Road Commissioner Report:**

Maurice St. Clair reported that Pike Industries will finish the paving by Thanksgiving. Pike felt that the base is a little rough and should be shimmed at an extra cost, but Maurice does not feel it will be needed and is happy with the project.

Jeffrey Demers informed Maurice that the Board would like to see the beaver problem taken care of within the next week

John Tibbetts will get with Maurice and Steve Stearns to look over the bridge on Lords Lane prior.

Wendell Smith reported that the turn a round on Shore Road is unable to be used as there are items in the easement. Will be unable not to damage the board and portable cover pushing snow into the easement. Jeffrey Demers will contact the town attorney to discuss the problem.

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**g. Tax Collector- Report Submitted.**

Report to Selectmen  
Month of October 2017  
2017 – 2018 Tax Year

Real Estate Tax Commitment -	\$5,591,902.23
Personal Property Tax Commitment –	<u>\$ 37,852.21</u>
Total Tax Commitment:	\$5,629,754.44
Supplemental Taxes YTD:	\$8,067.29
Abatements Granted YTD:	\$11,623.20

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Prior Year(s) Abatement(s) YTD:

Real Estate / Personal Property Tax Payments\*                   \$ 753,892.36

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

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Excise Tax

Excise Tax Received

Vehicles registered here at office:	\$56,751.42
Online Rapid Renewal Service	<u>8,797.94</u>
Total Vehicle Excise	\$ 65,549.36
Boat Excise	
Boats registered here at office:	\$     6.00
Online Registration Service	<u>          </u>
Total Boat Excise	\$     6.00
Excise Tax Reimbursement	\$ 1,430.16
Excise Tax Collected by State	
Total Excise	\$ 66,985.52

Respectfully submitted by:  
Susan J. Bellerose, Tax Collector

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- h.** Town Clerk-no report submitted
- i.** Treasurer-report submitted (attached)
- j.** Zoning Board of Appeals-No report submitted

**Item #7- New Business**

- a.** Planning Board Clerk position and request from Planning Board  
Memo will be sent to the Planning Board to conduct the interviews and then forward a recommendation to the Select Board.
- b.** Snowplowing/sanding for Town Hall and Transfer Station re: extend for one year.  
John Tibbetts explained that Nicholas Cyr is interested in extending the contract for one year, and for the Town Hall this winter will be salt along with keeping at the same contracted price.

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Discussion was held regarding plowing of Cousens's School. Paul Poirier plowed the area last year. Jeff Demers will contact Paul Poirier about the plowing. William Single has a question and have discussed it before, where it is plowed right up to the lawn, should have a clause in there that the town will hold the last two payments until the town has the lawn fixed by someone who will fix it the way the town wants it done and then he could be paid with whatever is left over. John Tibbetts will contact Nick Cyr regarding the last two payments. William Single added, do not expect him to fix it but will hire someone to fix it. Maurice St. Clair raised the question that the contractor should have the chance to fix any damage. David Dulong agreed. William Single added that all that has to be done is to throw some grass seed out and can say he fixed it. Thinks that it is atrocious they come in and destroy lawns. Maurice St. Clair added can oversee how it is done and if the guy is doing the work, should not hire someone to come in and fix the screw up. William Single added can do that, but will have to be done to the town's standards. Jeffrey Demers added that John Tibbetts will contact Nick Cyr to let him know there will be an addendum to his contract, to have someone of his choice to fix the plow damage prior to the last two payments and must be acceptable by the Town.

- c. Discuss/Appoint committee member to Parks & Recreation Committee  
Motion by John Tibbetts to appoint Jessica Peoples to the Parks & Recreation Committee; motion seconded by William Single. Motion carried 5-0-0.

Other:

Pressure Treated wood disposal: Maurice St. Clair has been keeping track of what has been taken in and disposal costs. Taking in \$75.00 less to cover hauling and disposal, will wait until spring to change the fees.

Port-a-potties: Appears are down to one at Kennebunk Pond.

John Houy asked about Bunganut where people come in to slide and skate. Jeffrey Demers suggested having Holly Hart to come in for any plans going forward.

John Tibbetts will go down to look at the steps at the park to also Jeffrey Demers will also go look and take pictures for the file so if there are any problems.

Ballfield teams- Jeffrey Demers would like to send out a thank you to the baseball teams, felt the teams helped us going forward. Did receive a letter regarding the extra mowing, the price they paid was higher than the town, the town goes out to bid for a price. These were for extra mowing that was not part of the contract. Board will consider on the next

Bunganut Parking Lot. Discussion was held regarding adding additional parking area. John Tibbetts suggested the Board conducting a site walk to look the area over.

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Bunganut water. Jeffrey Demers asked about winterizing the water in the park. The ballfield water has been taken care of. John Tibbetts did not know the status of the water. Nancy Brandt will contact Jeff MacDonald about winterizing the water.

**Adjourn:**

Motion for adjournment was made at 8:38 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 twelve (12) pages are the original minutes of the Select Board Meeting of November 20th, 2017. \_\_\_\_\_ Nancy Brandt 11/20/2017