

**Town of Lyman
Select Board Meeting Minutes
May 7th, 2018 – 6:30 p.m.**

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

Public present: Tom Guillemette, Nancy Harrison, Donald Herson, Wendell Smith, Henry Ingwersen, Judy Johnson and Chris Carroll from Harriman, Deirdre Wadsworth and Dan Smith from Hardy Pond. Rod Hooper and Maurice St. Clair arrived later into the meeting.

Pledge of Allegiance

Item #1 – Special Offers/Presentations

a. Fire Chief Rod Hooper re: new full-time hire and disposal of 1988 E-one Ladder Truck

Fire Commission member Donald Herson was present as Fire Chief attended the funeral today of CPL. Eugene Cole. Further reported that the commission voted to accept the Fire Chief's recommendation to hire one full-time employee. Two candidates were interviewed. Nicki Fowlie was hired as the one full-time employee. Fire Chief also want to know about selling the 1988 E-One ladder. His recommendation was to bid out to sell for \$55,000.00 with a minimum of \$30,000.00. Jeffrey Demers asked where the funds would be applied. Fire Commission would like to see the funds go into the truck account. John Houy asked when the selling of the truck would go out to bid. Donald Herson responded his understanding is not sell without getting the new truck first. Jeffrey Demers asked if someone look at the truck. Don Herson replied that the Fire Chief talked to a couple of brokers. John Houy asked if there was an actual physical appraisal done. Wendell Smith replied not yet. Tabled until the actual price has been obtained.

Donald Herson asked about the interlocal agreement. John Houy responded should be finished very soon.

Item #2- Hearing of Delegations / Public input

- a. Public input - *Public in attendance will have up to 5 minutes to address Board*
Courtney Shay addressed the Board regarding the upcoming banquet for the and has tickets if anyone would like any.

Henry Ingwersen from Arundel introduced himself as a candidate for State Representative in House District 10, Arundel, Dayton and part of Lyman.

b. Mail

- M.D.O.T. bridge report on Cousens Bridge located on Day Road over Lords Brook.
- M.D.O.T. notice of contract awarded to Coastal Road Repair LLC., 56 Roosevelt Trail, Windham, Maine 04062 for crack sealing in the town so Biddeford, Acton, Buxton, Hollis, Lyman and Wells.
- Public Notice from RSU #57 will destroy selected Special Education records of special education students at the end of the school year in which the student would turn 28 years old. Parents or adult students wishing to obtain these records should contract the School Department. Project Child Find, any

questions call the Special Education Director.

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- Maine Municipal Association nomination for 2018-2020 Legislative Policy committee.
 - Public hearing notice from the Planning Board.
 - Notice of grand opening of the Layman Way Recovery Center.
- c. Time off requests
All time off requests were approved.
- d. Complaints received
Review list of complaints. Still outstanding is the lighting at the Transfer Station, 186 Frost Road driveway is being washed out by road, Hill Road is being undercut. Will discuss with Maurice St. Clair when he arrives to the meeting.

Item #3- minutes

- a. Approve minutes of April 17th, 2018 meeting.
Motion by John Tibbetts to approve the minutes of the April 17th, 2018 meeting. Motion seconded by John Houy. Motion carries 4-0-1. Jeffrey Demers was not present at the meeting.
- b. Approve minutes of April 26th, 2018 meeting.
Motion by John Tibbetts to approve the minutes of the April 26th, 2018 meeting. Motion seconded by John Houy. Motion carries 5-0.

Item #4 - Sign Warrants-

- a. Payroll warrant #88 in the amount of \$20,968.14.
Motion by John Tibbetts to approve payroll warrant #88 in the amount of \$20,968.14. Motion seconded by Dave Dulong. Motion carries 5-0.
- b. Payable warrant #87 in the amount of \$507,676.47.
Motion by John Tibbetts to approve warrant #87 in the amount of \$507,676.47 for discussion. Motion seconded by John Houy.
John Houy had a question on the Clarks Woods Road, 46 hours, seems a little bit excessive and will wait until the Road Commissioner comes in. The other one was the steel gate to get back to the property where they are doing the logging. As point of order, would like to have that pulled out of the warrants. Board can do what they want with it, case of point of order is a 1989 Maine Supreme Court ruled that public funds or equipment may not be used to maintain or plow privately owned roads. The municipality may make substantial repairs to a private road, open to the public only to find that the very next day the road could be closed for public access Therefore, the Court held that the proposed use of public funds to maintain a private road would represent an unconstitutional expenditure of public funds for a private purpose, thereby violating the “public purpose” doctrine of the Maine Constitution. Would like to have it separate from the warrants, know it has been voted on last time but that does not make it legal, also per the advice from the town lawyer. Dave Dulong asked if requesting a separate vote on it or do not pay it. John Houy further explained that he does not want it included in the warrants, didn’t vote for it and it is an illegal act.

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Dave Dulong raised the question on what would be considered road maintenance and for the town to be able to go in and do what they had to do required a gate and does not see that as road maintenance. John Tibbetts added that they paid for access. Jeffrey Demers explained that the Board voted on the 17th to install the gate, but it had been previously voted on by a prior board 3 year or so ago and prior Board vote not to put the gate up and asked what the reasons for that was. John Tibbetts explained that he understands the attorney was consulted and was looking at the wrong road. There were several land owners possibly involved, with this there are two land owners, one of the left, the gentleman owns the road and one on the right owned by the town. Original motion to approve warrant #87 in the amount of \$507,676.47. Motion carried 4-1.

Item #5 - Unfinished Business

a. Bunganut stumping bids.

John Houy made the motion to go with Leighton Excavating, LLC for a lump sum fix price of \$16,520.00. Motion seconded by John Tibbetts. Dave Dulong would like to look over the bids. Jeffrey Demers explained that the project was laid out the same and was for 55 stumps. Original motion; motion carries 4-1.

b. Designate Government Accounting Standards Board (GASB) designee.

Motion by John Tibbetts to appoint Treasurer, Lisa Vargas as Maine Municipal Health Trust GASB representative. Motion seconded by John Houy. Motion carries 5-0.

Item #6- Dept. and Committee Reports

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

Item #7– New Business

a. Discuss/approve Town Line Restaurant liquor license renewal.

Motion by John Tibbetts to approve the renewal liquor license for Town Line Restaurant. Motion seconded by Dave Dulong. Motion carried 5-0.

b. Approve warrant for Annual Town Meeting.

Motion by John Tibbetts to approve warrant with amendments:
\$4,000.00 to salaries/wage line with a special code.
\$10,000.00 for Bunganut Park improvements.
Motion seconded by John Houy. Motion carries 5-0.

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Fire Chief Rod Hooper addressed the Board. Apologized for being late as he attended the funeral of CPL. Cole which is an uncle of a member of the Fire Dept. about 8 members went with him today. Back to Item #1-A. Does not know who to call to get a value of the truck and does not have the funds to hire an appraiser. Would like to sell it before the certification expires, which will be in January. The replacement truck will be here in Sept. and does not want to wait for the truck to arrive to sell the old truck. Dave Dulong made the motion to go with the Fire Chief recommendation. Motion seconded by John Tibbetts. Motion carries 5-0. Fire Chief would like to sell the truck before something breaks on it. Will list at \$55,000.00 not lower than \$30,000.00 or will need to come back before the Board.

Board went into recess at 7:20 pm and will come back in session at 7:30 p.m.

Jeffrey Demers felt there was no reason to go into executive session, project has been in a public forum. If they feel that someone's business may be in jeopardy, downgrade somebody business or tarnished their business, if that is the case would be willing go into executive session. Dierdre Wadsworth from Hardy Pond answered yes, probably. David Dulong read the definition for executive session. William Single made the motion to go into executive session. Motion seconded by John Houy. Motion carries 3-2. Board went into executive session at 7:28 pm.

Executive session per 1 M.R.S.A. § 405(6)(C) involving the condition or use of public property when premature disclosure would prejudice a bargaining position.

Motion to come out of executive session was made at 7:38 pm. Motion carried.

Judy Johnson and Chris Carroll from Harriman along with Dierdre Wadsworth and Dan Smith from Hardy Pond came before the Board to discuss the budget for Cousen's School. Presented the Board with copies of spreadsheet with updated budget numbers. Dan Smith explained that subcontractors are concern with rising prices, and scheduling issues. Judy Johnson informed the Board that Harriman is willing to defer their construction administrative fee of \$18,000.00 until the project is complete and everyone is happy. Dave Dulong asked the question if all the contingencies are used and there is not \$18,000.00 left would Harriman be willing to give it back. Judy Johnson answered, there would be nothing to give back if it is not there. Very confident in their amounts that it will be there. Recommending reducing building contingency to 5%. Updated construction amount is approximately \$1,604,000.00. Explained options and alternates on the spreadsheet. Discussion was held regarding the mechanical systems of the project and updating heating system with oil or propane. Board moved forward with voting on the alternates and options to get to the final budget

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A. Alternates

1. Finish Pavement Course \$24,941.00 - Vote to leave out the finish course 4-1.
2. Buried provisions for power \$2,007.00 – Vote to leave out buried provisions 4-1.
3. Range Hood and air system \$28,265.00 - Vote to leave out 5-0.
4. Demo raised platform \$5,602.00 - Vote to leave raised platform 3-2.
5. Reuse doors \$500.00 – Vote to reuse, refinish existing doors 5-0
6. Delete Generator \$32,860.00-Vote to add generator back in to bid scope. 5-0
7. Delete 4-hour vault door/add 3-hour door \$5,945.00. Vote to use 3 hr. door 5-0.

B. Proposed Project Deducts.

1. Delete insulation & structural upgrade to attic in addition \$24,865.00. Vote to delete 4-1.
2. Delete Grease trap \$2,050.00. Vote to delete grease trap 5-0.
3. Delete exterior egress stairs \$16,000.00. No vote needed, will be required.
4. Delete entrance canopies \$9,100.00. Vote to keep canopies 5-0
5. Delete case work in clerk's office \$3,778.00. Vote 1-4.
6. Revise millwork package \$4,125.00. Vote to revise millwork package. 5-0.
7. Delete attic stair \$4,142.00. Vote to delete attic stairs 5-0.
8. Not applicable.
9. Delete welded door frames \$700.00. Vote to delete welded frames. 5-0.
10. Leave existing VCT floor on the ground floor \$8,500.00. Vote not to leave existing VCT floor 3-2.
11. Delete vapor barrier and 5/8" GWB from ground floor ceilings. \$4,800.00. Vote to delete 4-1.
12. Delete vapor barrier from renovated first floor ceilings \$200.00. Vote 5-0.
13. Delete glue applied ACT from renovated first floor ceilings \$7,900.00. Will be a finished sheet rock ceiling. Painting was not included. Vote to take out \$5,000.00 4-1. Discussion was held regarding noise level in meeting room. Motion to reconsider vote. Vote to leave ACT 5-0.
14. Delete floor finishes \$1,161.00. Vote to leave in the floor finishes 5-0.
15. Floor finishes \$1,400.00. Vote to leave in floor finishes 5-0.
16. Carpet in conference room #5 \$250.00. Not needed-keeping floor finishes as in scope of work.
17. New carpet in conference room #5 \$510.00. Not needed-keeping floor finishes as in scope of work.
18. Leave carpet in place in meeting room \$2,104.00. Vote to remove and finish floors 5-0.
19. N/A
20. Lighting package savings. Voted to approve lighting package at a \$9,500.00 savings 5-0.
21. Reduce elevator costs \$270.00. No vote.
22. Delete painting from scope \$26,000.00 add back with contingency. Voted to leave in scope \$26,000.00 for painting 5-0.
23. Install enclosed lift in lieu of elevator a savings of \$18,000.00. Accepted 5-0 with review from State Fire Marshall.

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C. Other Options

Town contracts site work.

\$43,000.00 savings in site work. Discussion was held on the savings of the site work. Town would contract, and the site work would be removed from the construction. Dan Smith from Hardy Pond explained there is a price for \$211,000.00 and another price for \$168,000.00 (rounded off amounts). Would be removed from the construction costs moved to town cost. Concerns were raised that there would be two different contractors working on the same site. Deirdre Wadsworth explained that there would be times both would be working concurrent and would like to be part of the conversation to make sure that they could meet their schedules. Will supply work schedule to make sure the project and what is expected to have it run smoothly. Jeffrey Demers explained looking for a motion to segregate the two and have the town with legal assurance can go ahead and take it from the bid that is already bid and the town work in it themselves. Dave Dulong added that there would be two contracts. Deirdre Wadsworth added they would be reviewing shop drawings and would on a day to day basis make sure the allotted time the contractor would be in and out on the project. John Houy asked if the Town is going to have someone to oversee the project. Town would be hiring a private person to oversee the project, and this would come under their job. Motion to segregate the two and have the town with legal assurance can go ahead and take it from the bid that is already bid and the town work in it themselves. Vote 2-3.

Value of bid bond and performance bond – stay the same.
Waive building permit fee. Waived.

Contingency

Dave Dulong made the motion to leave the 7 ½% contingency, Harriman has 5% .
Motion not seconded. Motion fails.

John Houy made the motion for 5% contingency based on the total construction costs.
Motion seconded by John Tibbetts. Motion carries 4-1.

Judy Johnson gave the updated the Board on the budget. The new total is \$1,715,057.00; project tracking budget at \$1,817,208.00; total project cost is \$1,966,260.00, a difference of \$149,052.00. Jeffrey Demers explained that this would give everything wanted including the decisions tonight, right now \$149,052.00 short right now. Currently there is \$1,731,794.00 in other accounts \$50,865.37 in the Town Hall Reserve and \$14,836.80 in the Computer Reserve approved by the voters for any expenses relating to Cousens School for a total of \$1,797,596.17. Which leaves \$80,000.00 short, which is a rough number. Discuss was held on the board's due diligence on the project and felt after this meeting the board did complete due diligence and still approximately \$80,000.00 short. Is there money in the contingency for the \$80,000.00, probably not, closer to \$40,000.00.

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Jeffrey Demers explained that he would be looking for a motion to move forward with the Cousen's School project. William Single asked where would the board find the \$80,000.00 and asked what the options are. Jeffrey Demers responded a gamble to hope at the end there will be enough in the contingency to cover the amount or getting towards the end of the project and start plucking away and not getting what have been voted on. Next board move forward with this project, next board to take money from current building. Can't really answer, have done everything we said we would do. William Single asked if that was something to look into using money from current town hall? Jeffrey Demers responded would have to ask the people. John Houy added the problem is time is against us right now. Jeffrey Demers, Chair passed the gavel to John Tibbetts, Vice-chair. Jeffrey Demers made the motion to continue forward with the Cousen's School project. Motion seconded by William Single. John Houy added that he wanted to reiterate that the board did their due diligence. Dave Dulong added that the contractor and architect have gone above and beyond. William Single also added that off roughly off by 5%, can't see letting the project go for 5%. John Tibbetts felt will be dealing with this with next board. Jeffrey Demers and John Houy responded no, this vote will end the project if the vote is to not go forward. Judy Johnson asked if she could comment, with the bidding costs of spring 2017 to last fall for bidding, supply costs increased by \$45,000.00 and the costs will continue to go up. John Houy called for a vote. Original motion to continue forward with the Cousen's School project. Motion fails 1-4.

Due to length of meeting, the Board will table items to discuss with Road Commissioner Maurice St. Clair until the next Select Board meeting.

Adjourn:

Motion to adjourn was made at 9:53 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

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I, Nancy Brandt, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of seven (7) pages are the original minutes of the Select Board Meeting of May 7th, 2018. _____ Nancy Brandt 5/7/2018

Approved