

**TOWN OF LYMAN BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MARCH 15, 2021 – 6:00 P.M.
LYMAN TOWN HALL**

Note: These are summary minutes. A recording of the meeting is on file at the Lyman Town Hall. Minutes are not verbatim. Minutes may be paraphrased for clarity. Minutes are draft until approved by the Board of Selectmen.

SELECTMEN PRESENT: Chairman William Single, Vice-Chairman Ralph Blackington, John Tibbetts, Thomas Guillemette, and David Alves (via Zoom).

PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:00 p.m. with the Pledge of Allegiance. Attendance was taken; a quorum was present.

ITEM #1 SPECIAL OFFERS / PRESENTATIONS

None.

ITEM #2 HEARING OF DELEGATIONS / PUBLIC INPUT

- a. **Public Input – Public in attendance will have up to 5 minutes to address the Board**
Dave Dulong, 107 Chappell Shores Drive, came forward to question the Board regarding the status of a Zoning Board of Appeals Application submitted on or about January 12th. A written copy of his input was submitted for the record and is attached hereto and made a part hereof. When asked it was noted the Board will seek the answers sought from the Zoning Board of Appeals and once obtained will respond by mid-week (tentatively).
- b. **Mail**
The following correspondence was received:
- | | <u>Date</u> | <u>From</u> | <u>Subject</u> |
|----|-------------|-------------|--------------------------------------------------|
| 1. | 03/02/21 | M. Goodrum | Kennebunk River WMP follow up |
| 2. | 03/09/21 | P. McKenna | Proposed Shoreland Zoning Reg Revised – re Docks |
- c. **Complaints – (Old Falls Rd, 28 Poor Farm Rd)**
- **Old Falls Road** - Community Manager/Maintenance Supervisor Jody Pendergast of Keywood Manor came forward to request traffic roadway signs (curve ahead, arrow, reduce speed, etc.) and/or a streetlight for better illumination on Old Falls Road at the curve in the road just prior to the Candlewood Park Entrance/ Intersection due to the motor vehicle accidents that have occurred at that location. It was noted this entrance had been closed off for some time and has reopened. Discussion was held wherein motor vehicle operator speed did play a part in one of the recent accidents and additional signage is something the Town can offer. Due to reoccurring cost to the Town, the suggestion was made for Keywood Manor to contact their electric company to arrange purchase and operation of a streetlight at their own cost. Another suggestion was made to utilize the other Park Entrance that has had no issues reported. The following action was taken:

A **MOTION** was made by John Tibbetts, seconded by Thomas Guillemette, to install dangerous intersection signs/arrow curve signs (wording to be determined) at the Keywood Manor Entrance. The Motion passed 5-0-0.

- **28 Poor Farm Rd** - Brad Nikel will be looking into this complaint regarding a dead pine tree to evaluate whether the tree is on town property and what needs to be done.

ITEM #3

MINUTES

a. **Accept Minutes – Regular Meeting dated March 1, 2021**

A **MOTION** was made by John Tibbetts, seconded by Ralph Blackington, to accept the minutes of the regular meeting dated March 1, 2021. The Motion passed 5-0-0.

ITEM #4

SIGN WARRANTS

a. **Payroll Warrant # 39 in the amount of \$ 15,548.06**

A **MOTION** was made by Ralph Blackington, seconded by David Alves, to approve Payroll Warrant #39 in the amount of \$15,548.06. The Motion passed 5-0-0.

b. **Payable Warrant # 40 in the amount of \$ 823,892.81**

It was noted the payable warrant contained a fund transfer in the amount of \$750,000 from Camden Bank to Biddeford Savings Bank. The following action was taken:

A **MOTION** was made by Ralph Blackington, seconded by David Alves, to approve Payable Warrant #40 in the amount of \$823,892.81. The Motion passed 5-0-0.

ITEM #5

UNFINISHED BUSINESS

a. **DOT Flashing Beacons – Status Update**

It was reported the Town is still awaiting reply from the State DOT.

b. **Town Report Dedication**

This item was placed on the next Agenda.

c. **Proposed Zoning Change (Commercial Design Standards) – Status Update**

It was reported the Public Hearing on this item is scheduled for March 17th.

d. **Proposed Shoreland Zoning Change (Docks) – Status Update**

It was reported the Public Hearing on this item is scheduled for March 17th.

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

a. **Planning Board**

Report highlights were recited relative to Hillview Mini Barns on Route 111 and the two zoning changes discussed under Agenda Item #5.

b. **Code Enforcement Officer**

Reference was made to items in the report the CEO has listed as business conducted.

c. **Parks & Recreation**

Report highlights were recited relative to past and upcoming events and also the shed built for Kennebunk Pond by Eagle Scout Thomas Guillemette.

d. **Tax Collector**

Reference was made to the Tax Report submitted.

e. **Treasurer**

An expenditure status report was submitted.

ITEM #7

NEW BUSINESS

a. **Disaster Mutual Aid Agreement with York County Emergency Management**

This item was put aside until Fire Chief Matt Duross was present.

b. **Tax Collector & Select Board Clerk Proposed Job Descriptions**

It was noted the descriptions were looked at by current employees.

A **MOTION** was made by Thomas Guillemette, seconded by John Tibbetts, to accept the two job descriptions as written. The Motion passed 5-0-0.

c. **Committee/Board Member Appointment Application – ZBA – J. Demers**

Discussion was held wherein input from Zoning Board of Appeals (ZBA) Chairman Tom Larned and Code Enforcement Officer Patti McKenna was read aloud as to Mr. Demers joining the ZBA as an Alternate Member.

Selectman David Alves recused himself due to the current ZBA application filed against his project by Mr. Demers (on January 12th).

A **MOTION** was made by Thomas Guillemette, seconded by John Tibbetts, to accept the application. Discussion followed.

A question was posed by John Tibbetts regarding the timeliness of action on the application (received December 28th). William Single indicated time was allowed for other issues to die down.

The Motion failed by voice and/or show of hands 2-2-1.

At this time, Fire Chief Matt Duross was present. Agenda Item #7a was addressed.

- a. **Disaster Mutual Aid Agreement with York County Emergency Management**
Matt Duross explained this is basically the same agreement that was signed in 2013 with a slight change with regard to reimbursement for services. As there remains a question on #5 in the Agreement relating to mutually agreed upon resources and the lack of further defining what happens if not in agreement, an amendment is in the works to ensure the final decision rests with the Municipality and not the County. He asked that the item be put on hold until the new agreement is received. The item will be placed on a future Agenda.

The Board resumed the regular order of business on the Agenda.

- d. **Approval to purchase two computers for Town Hall (\$3,500)**
William Single reported the computers that need replacement are in the Select Board Clerk's Office and the Assessor's Office. IT has provided specifications to fit the use for each. The following action was taken:

A **MOTION** was made by Ralph Blackington, seconded by Thomas Guillemette, to approve the purchase of two computers totaling \$3,500.00. The Motion passed 5-0-0.

- e. **Approval to increase Bandwidth from 50x50 to 200x200**
William Single explained the Town Hall currently has a 50-megabit connection for approximately \$180/month. For an additional \$70/month, it can increase to 200-megabit and it will benefit all departments. The following action was taken:

A **MOTION** was made by Thomas Guillemette, seconded by David Alves, to increase the bandwidth to 200-megabits. The Motion carried 4-0-1, with John Tibbetts abstaining.

- f. **Accept Proposal from Zebra Striping for 2021 Pavement Painting (\$1,295)**
Reference was made to the proposal received from Zebra Striping for pavement markings the same as last year totaling \$1,295 (up from \$885 last year). It was reported the markings at the Transfer Station need to be re-done. It was decided to move forward with this proposal and contact Zebra Striping for the additional work needed at the Transfer Station. Ralph Blackington questioned if the Select Board would shop this price out noting that although it is not a crazy price, there is an increase in price of \$410. William Single stated this is the same company that has done this job for years. John Tibbetts noted the job should not be done prior to May 1st. The following action was taken:

A **MOTION** was made by John Tibbetts, seconded by Thomas Guillemette, to contact Zebra Striping and accept their proposal and say we have some additional stuff to add to it to be priced out and start the job after May 1st. The Motion passed 5-0-0.

ITEM #8

EXECUTIVE SESSION

a. **M.R.S.A. §405(6)(A) – Personnel Matters**

A **MOTION** was made by Ralph Blackington, seconded by John Tibbetts, to enter into Executive Session at 6:45 p.m. with Patti McKenna and Michelle Felicitti in attendance. The Motion passed 5-0-0.

ADJOURN

A **MOTION** was made by Ralph Blackington, seconded by John Tibbetts, to adjourn the meeting at 8:20 p.m. The Motion passed 5-0-0.

Selectmen Meeting March 16, 2021

My name is Dave Dulong, I live at 107 Chappell Shores Dr, in Lyman.

On or about January 12th of this year an appeal was filed with the Lyman Zoning Board of Appeals addressing a permit that was issued by the Panning Board, to David Alves, for a Marijuana growing facility on Reagan Lynn Rd.

There was a public hearing scheduled to address this appeal on February 11th. This hearing was postponed for some reason and never rescheduled, to my knowledge.

According to our Zoning Ordinance: (and I quote)

“Following the filing of a complete application for an appeal, the Board of Appeals shall within thirty (30) days set a hearing date for that appeal.”

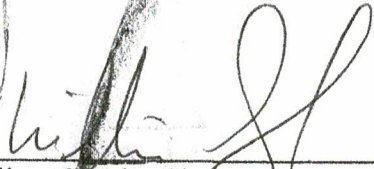
It also states:

“Once the public hearing is closed, the board has twenty (20) days to meet and reach a decision on the appeal... ..”


Since these time frames seem to have been exceeded, I have a few questions for the Board:

1. Has a stop work order been issued?
2. Has the Zoning Board of Appeals met?
 - a. If so, when? Was it publicized?
 - b. If not, why not, and when do they plan to meet?
3. When will the public hearing be held?
4. If you don't have the answers to these questions now, when can I expect them?

I am giving you a copy of this for the minutes.



William Single, Chairman



Ralph Blackington, Vice-Chairman



John Tibbetts




Thomas A. Guillemette



David Alves

I, Laurie Bosco, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of six (6) pages are the original minutes of the Select Board Meeting of March 15, 2021.



Laurie Bosco