

**TOWN OF LYMAN BOARD OF SELECTMEN
REGULAR MEETING MINUTES
APRIL 5, 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.

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 **EXECUTIVE SESSION (1) – (approximately ½ hour)**

- a. **Title 1 - M.R.S.A. §405(6)(E) – Reason: Consultation with legal counsel**
- b. **Title 1 – M.R.S.A. §405(6)(A) – Reason: Personnel**

A **MOTION** was made by Ralph Blackington, seconded by Thomas Guillemette, to enter into Executive Session at 6:01 p.m. regarding Title 1, M.R.S.A. §405(6)(E) - Consultation with legal counsel, and Title 1, M.R.S.A. §405(6)(A) - Personnel, with Attorney Bradley Morin (via Zoom), Michelle Felicitti, and Laurie Bosco in attendance. Motion passed 5-0-0.

A **MOTION** was made by Ralph Blackington, seconded by John Tibbetts, to end Executive Session and return to Regular Session at 6:45 p.m. Motion passed 5-0-0.

ITEM #2 **SPECIAL OFFERS / PRESENTATIONS**

None.

ITEM #3 **HEARING OF DELEGATIONS / PUBLIC INPUT**

- a. **Public Input – Public in attendance will have up to 5 minutes to address the Board**

Michelle Felicitti commented on speed limits in town and the problem with getting police response to violators. She inquired about the town's flashing speed trailer sign. It was noted the trailer is currently being built and once in position will serve as a reminder to motorists to stay within the posted speed limits and will also provide a record of travel statistics.

David Alves commented on his recent purchase of the Cousens School property and explained his ideas for housing and a professional use building thereon. He noted his research and inspection findings to date reflect a lot of town work and a lot of town money went into the school building and asked that before he moves forward with development, if the Town would like to discuss and put a vote out to the people of Lyman if there is interest in reacquiring the building for a town hall.

b. Mail

The following mail was received in the meeting packets:

	<u>Date</u>	<u>From</u>	<u>Subject</u>
1.	03/11/21	J. Putnam	York County Budget Committee Caucuses
2.	03/22/21	T. Larned	J. Demers - ZBA Application/Public Hearing Notice
3.	03/22/21	M. Goodrum	Kennebunk River WMP – Follow Up
4.	03/22/21	P. & C. Roy	Request for Zone Change – Huff Rd
5.	03/23/21	P. McKenna	Employee Wi-Fi Activity Monitored/Shared
6.	04/13/21	T. Larned	Notice of Scheduled Public Hearing
7.	03/25/21	P. McKenna	Notice of Violation/Enforcement Order - Walker Rd
8.	03/25/21	P. McKenna	Notice of Violation/Enforcement Order – 314 Kennebunk Pond Rd
9.	03/26/21	P. McKenna	Employee Wi-Fi Activity Monitored/ Shared
10.	03/29/21	P. McKenna	Notice of Violation/Enforcement Order - 24 Lords Ln
11.	03/29/21	B. Flaherty	2021 Spirit of America Recipient

Reference was made to the following: (1) #4 - the request received (as an fyi) for a zone change on Huff Road noting another request for a zone change is coming in the next meeting packet; (2) #2 - the Zoning Board of Appeals Public Hearing Notice for Applicant Jeffrey Demers scheduled for April 13th; and (3) #7, #8, #10 – the Notices of Violation/Enforcement Orders received from the Code Enforcement Officer.

c. Complaints – (Upper Shore Rd-additional work, 162 Chappell Shores Dr-assessment, Williams Rd-trees)

• Upper Shore Rd

It was reported the culvert was opened earlier this year resolving a lot of the drainage issues at this location and some decisions need to be made as to the additional work needed and when it can be done. (It was noted a ditch needs to be dug on the town portion of the road, so water no longer by-passes the culvert.)

• 162 Chappell Shores Dr

It was reported the property owner called to state he was told his taxes were going to go down, but nothing has happened to date, and he wanted to know what the Select Board was going to do about it.

• Williams Rd

It was reported there are three dead marked trees extremely rotted that need to come down (on the right- hand side just before you crest down the hill out of town).

Discussion followed regarding the budgeted funds remaining in Road Accts.

ITEM #4 **MINUTES**

a. **Accept Minutes – Regular Meeting dated March 15, 2021**

A **MOTION** was made by Ralph Blackington, seconded by David Alves, to accept the minutes of the Regular Meeting dated March 15, 2021. Motion passed 5-0-0.

ITEM #5 **SIGN WARRANTS**

a. **Payroll Warrant # 41 in the amount of \$23,646.33**

A **MOTION** was made by Ralph Blackington, seconded by David Alves, to approve Payroll Warrant #41 in the amount of \$23,646.33. Motion passed 5-0-0.

b. **Payroll Warrant # 42 in the amount of \$15,401.37**

A **MOTION** was made by John Tibbetts, seconded by Ralph Blackington, to approve Payroll Warrant #42 in the amount of \$15,401.37. Motion passed 5-0-0.

c. **Payable Warrant # 43 in the amount of \$579,277.50**

A **MOTION** was made by Ralph Blackington, seconded by David Alves, to approve Payable Warrant #43 in the amount of \$579,277.50. Motion passed 5-0-0.

ITEM #6 **UNFINISHED BUSINESS**

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

David Alves reported he has been communicating with DOT who determined Kennebunk Pond Road is not a candidate for a speed study but that the Town should continue as planned with the sidewalks, flashing beacons, and thicker striping/slash marks on the roadway near the beach to bring the sidelines in to get motorists to slow down. He added we would need to see how that goes before the State DOT will get involved in taking things any further. William Single added there is a \$5,000 reimbursement grant available to fix the ends of the crosswalk to make it a stable area that can be easily navigated.

b. **Town Report Dedication**

This item will be placed on the next Agenda.

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

Fire Chief Matthew Duross explained this is the same agreement as was signed in 2013 with the addition that we assist in staffing mass vaccination clinics and obtaining reimbursement off an invoice instead of the previous way which revolved around hazardous material incidents (billing somebody who spilled the material and recouping the costs). He noted it is basically streamlining the way we get reimbursed.

ITEM #7 **DEPARTMENT AND COMMITTEE REPORTS**

a. **Code Enforcement Officer**

Reference was made to the report submitted. Comment was made that the CEO has been very busy.

b. Treasurer

Reference was made to the report submitted. There were no comments.

ITEM #8

NEW BUSINESS

a. Committee Appointment Application – D. Dulong Town Hall Expansion

A **MOTION** was made by John Tibbetts, seconded by Thomas Guillemette, to accept the application. David Alves abstained. The Motion carried by voice vote 3-1-1.

b. Road Repairs & Maintenance Status – Budgeted Funds in Line Item Depleted

William Single stated this item correlates with Agenda items #8c-#8g.

With regards to road sweeping and road striping, William Single asked what the Board proposed to do as there are no funds remaining in the Road Maintenance line item. John Tibbetts stated a Special Town Meeting needs to be held as funds are also needed for the operation of the Transfer Station through to June 30th. William Single indicated he would look into the dollar amount of available road funds to work with tomorrow. John Tibbetts added it is allowable to transfer between lines.

c. SHOem Roadway Services Road Sweeping – Existing Award 2020-2023

There was no action taken.

d. Zebra Striping Proposal - Additional \$490 for Transfer Station Pavement Painting

It was noted the striping/pavement painting can be done July 1st.

e. Poirier Guidelines Road Striping Price Proposal 2021

It was noted the striping can be done July 1st.

f. Williams Road – Tree work needed

It was suggested to take the money for this tree work out of the Contingency Fund.

g. Old Kennebunk Road – Road Work (Restoration) needed

John Tibbetts noted all the heavy traffic on Old Kennebunk Road is related to Hissong Ready-Mix & Aggregates, LLC located at the end of that road. He suggested asking Hissong to contribute the materials for the necessary gravel/dirt road repairs and the town will cover the cost of labor. Discussion followed regarding grading and crowning the road now and paving it in July in addition to also paving Oscar Littlefield Road (the other dirt road in town).

A **MOTION** was made by John Tibbetts, seconded by Thomas Guillemette, to get prices and numbers and make sure it is palatable to this Board and agreed to by this Board and then approach Hissong to donate the materials. Motion passed 5-0-0.

h. Salt Shed Realign - not to exceed \$20,000 (Capital Improv Reserve Fund)

Discussion was held regarding taking the funds from the Capital Improvement Fund to repair the salt shed. John Tibbetts noted the estimate should include piling material into the middle and fixing it to keep the loaders out so this damage does not happen again. Brad Nikel suggested installing a 12" wide by 2' tall curb poured up against the existing wall which would allow the loader to only get within 2' preventing the bucket from ever touching the wall. It was noted other issues would be taken care of as well (exposed rebar, water leaks, and possibly the cement work). It was decided to obtain pricing before moving forward. The following action was taken:

A **MOTION** was made by John Tibbetts, seconded by Thomas Guillemette, to table the item. Motion passed 5-0-0.

i. Transfer Station Paving – not to exceed \$15,000 (Capital Improv Reserve Fund)

It was stated this project is not time sensitive and can be done any time. The following action was taken:

A **MOTION** was made by John Tibbetts, seconded by Thomas Guillemette, to approve the Transfer Station Paving project not to exceed \$15,000 to be paid from the Capital Improvement Reserve Fund. Motion passed 5-0-0.

j. Board of Selectmen Report for the Annual Town Report of 2020

John Tibbetts stated last year when he was Chairman the Select Board Clerk Nancy Brandt wrote the report for him.

k. Ed MacDonald Safety Enhancement Grant – Deadline April 15th

William Single requested a volunteer to look into this grant that provides financial incentives to members of the MMA Workers Compensation Fund to purchase safety equipment that assists in reducing the frequency and severity of workplace injuries. No one came forward.

l. Town of Lyman Roadside Message Board in front of Town Hall Building

William Single stated the message board is collapsing and noted \$8,000 remains unencumbered in Town Hall Building Maintenance. Discussion followed regarding asking Joe who works at the Transfer Station who is also a carpenter to see if he can make a sign. Also discussed was seeking information for purchasing an LED message display board (like the one Goodwins Mills Fire Department has). It was decided to place this item on the next Agenda.

m. Approve Referendum Questions for Warrant – Articles 5, 6, & 7

The referendum questions contained in the meeting packets as Articles 5, 6, and 7 pertaining to amendments to zoning ordinances were reviewed. Article 5 pertained to Commercial Design Standards. Article 6 pertained to docks on Right-of-Ways. Article 7 pertained to defining the word “dock”.

Discussion was held wherein John Tibbetts read sections of Article 5 regarding Commercial Design Standards and stated it was not business friendly, he has no interest in it, and he cannot support it. David Alves stated John Tibbetts made a very good point and added that as written, it would be a lot more expensive to construct buildings in town. William Single first noted there was a public hearing held on the proposed articles then he asked - “where was everybody?”. David Alves stated the language needed to have a little more leeway for the Planning Board. William Single noted this proposal is from the Planning Board. No action taken.

With regard to Article 6, John Tibbetts stated it was just a clarification regarding construction of docks on Right-of-Ways and Article 7 was just a definition of the word “dock” - so he could live with both of those articles.

A **MOTION** was made by David Alves, seconded by John Tibbetts, to accept Article 6 and Article 7 as written. Motion passed 5-0-0.

Note: This action made proposed Article 6 now become proposed Article 5 and made proposed Article 7 now become proposed Article 6.

ITEM #9

EXECUTIVE SESSION (2)


a. Title 1 – M.R.S.A. §405(6)(A) – Reason: Personnel Matters

A **MOTION** was made by John Tibbetts, seconded by Thomas Guillemette, to enter into Executive Session at 8:10 p.m. regarding Title 1 – M.R.S.A. §405(6)(A) reason personnel matters. Motion passed 5-0-0.

A **MOTION** was made by John Tibbetts, seconded by Thomas Guillemette, to end Executive Session and return to Regular Session at 8:40 p.m. Motion passed 5-0-0.

ADJOURN

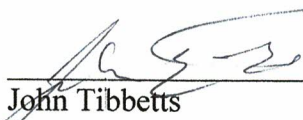
A **MOTION** was made by John Tibbetts, seconded by Ralph Blackington, to adjourn the meeting at 8:40 p.m. Motion passed 5-0-0.



William Single, Chairman

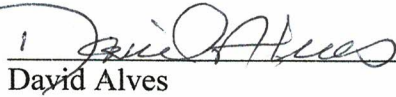


Ralph Blackington, Vice-Chairman



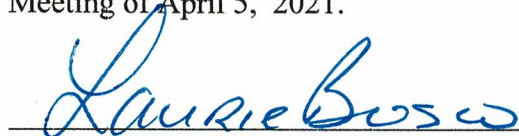
John Tibbetts

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 Regular Meeting of April 5, 2021.



Laurie Bosco