

**TOWN OF LYMAN BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
JUNE 9, 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, and David Alves.

**SELECTMEN ABSENT:** Thomas Guillemette.

**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**

**a. Spirit of America Foundation Tribute**

Recipient of the 2021 Spirit of America Award, Leo Rule, was not present.

**b. Jeffrey Duhaime – 12 Basswood Court**

Jeffrey Duhaime, Oakwood Street, stood and asked for a status on the issue of the continuing dump/junk yard at 12 Basswood Court and reported a shed on the property that would require a permit of which he would like to see. William Single stated he would contact the Interim Code Enforcement Officer to see what could be done and he or someone will get back to him.

**ITEM #2**            **HEARING OF DELEGATIONS / PUBLIC INPUT**

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

Victoria Gavel, Kennebunk Pond Road, stood and questioned what constituted an emergency meeting and the criteria used for the one held June 1<sup>st</sup>. William Single explained the Select Board does what they deem practicable.

Victoria Gavel then spoke regarding statements made before and after the municipal election held June 8<sup>th</sup> and asked John Tibbetts if he would be resigning today as Selectmen based off his statements that if certain people did not win the election, he would. John Tibbetts answered, "not today".

Victoria Gavel then spoke regarding the three most recent Town Hall employees that resigned having all named John Tibbetts as a cause. She stated the town employees are doing the town a great service and deserve more respect than they are getting, adding that steps have been taken by the Select Board to treat the elected Town Clerk unfairly as well.

Bob St. Onge, South Waterboro Rd, stood and noted within two days of an Executive Session what happened therein is out in the public arena including references made to the contents within employee files that is private and confidential. He advised the Select Board that he would be looking into the matter further and taking the necessary actions.

Jeffrey Duhaime added that the public just wants the Selectmen to do their job and if you tell him you will call him back, then call him back.

Lester Worthen, Deer Hill Road, stood to state he is seeing a lot going on, things are being looked into, and there are no questions being answered tonight. He noted a good friend and past co-worker, Patti McKenna - who did not have a bad bone in her body and did so much to help people, has left employment with the town due to something being done to her to drive her out and that something is in this room. He stated it was a bunch of crap and told the Selectmen to smarten up or get the hell out or the voters will vote them out.

**b. Mail**

David Alves asked why the public in attendance are not supplied with copies of the mail received in the meeting packets. William Single explained that had never been a practice at Select Board meetings. The mail listed below was received and reviewed. A short discussion regarding the mail relating to iWorQ and the hiring of a Planning Board Clerk was held.

<u>Date</u>	<u>From</u>	<u>Subject</u>
1. May 2021	York County Commissioners	Public Hearing Notice – 06/16/21 – American Rescue Plan Act
2. 05/19/21	Planning Board	Notice of Decision - Permit #SPP21-05
3. 05/19/21	Planning Board	Notice of Decision - Permit #SPP21-06
4. 05/21/21	Patti McKenna	Working conditions
5. 05/21/21	Don Hernon	Job Postings-CEO & Planning Board Clk
6. 05/25/21	York County Budget Comm	Zoom Public Hearing – 06/02/21 – Proposed Budget
7. 05/25/21	Patti McKenna	iWorQ, Ordinance Review Comm, Administration for CEO
8. 05/27/21	Jeanette Lemay	MMA Webinar – 06/02/21 – American Rescue Plan Act
9. 05/27/21	Maine DOT Planning Bur	Transportation Funding Updates
10. June 2021	York County Comm	2 <sup>nd</sup> Public Hearing – 06/23/21 – American Rescue Plan Act
11. 06/02/21	Planning Board	Hire Planning Board Clk – Status on hiring CEO

- |              |                          |                                    |
|--------------|--------------------------|------------------------------------|
| 12. 06/08/21 | Select Board Clerk       | Interim CEO delay in start date    |
| 13. 06/09/21 | EcoMaine                 | LD 57 -Act to reduce landfill      |
| 14. 06/09/21 | Town Clerk Pauline Weiss | Outcome of Munic Election 06/08/21 |

**c. Complaints**

William Single reported the gates at Bunganut Lake are closed in the early morning and vehicles are parking along the roadside which is an issue that needs to be addressed. Discussion was held. The following action was taken:

A **MOTION** was made by John Tibbetts, seconded by David Alves, to appoint Ralph Blackington to open and close the gate at Bunganut Lake as discussed. Motion passed 4-0-0.

*At this time, the Select Board returned to Agenda Item #2b, Mail.*

**ITEM #2**

**b. Mail**

John Tibbetts referenced the correspondence from EcoMaine dated June 9<sup>th</sup> regarding LD 57 – Act to reduce landfill. He noted it was unclear to him the impact it will have on the town financially due to the tremendously high volume of use at the Transfer Station. It was decided John Tibbetts and Ralph Blackington would look further into this.

*At this time, the Select Board returned to the regular order of business on the Agenda.*

**ITEM #3**

**ACCEPT MINUTES**

**a. Regular Meeting dated May 3, 2021**

A **MOTION** was made by John Tibbetts, seconded by David Alves, to accept the minutes of the Regular Meeting dated May 3, 2021. Motion passed 4-0-0.

**b. Regular Meeting dated May 17, 2021**

A **MOTION** was made by John Tibbetts, seconded by David Alves, to accept the minutes of the Regular Meeting dated May 17, 2021. Motion passed 4-0-0.

**c. Public Hearing dated May 24, 2021**

A **MOTION** was made by Ralph Blackington, seconded by John Tibbetts, to accept the minutes of the Public Hearing dated May 24, 2021. Motion passed 4-0-0.

d. **Special Meeting dated May 26, 2021**

A **MOTION** was made by Ralph Blackington, seconded by David Alves, to accept the minutes of the Special Meeting dated May 26, 2021. Motion passed 3-0-1 (John Tibbetts abstained).

e. **Emergency Meeting dated June 1, 2021**

A **MOTION** was made by John Tibbetts, seconded by David Alves, to accept the minutes of the Emergency Meeting dated June 1, 2021. Motion passed 4-0-0.

**ITEM #4**

**SIGN WARRANTS**

a. **Payroll Warrant #54 in the amount of \$15,497.26**

Discussion was held regarding the discrepancies in figures in the warrant and figures changed by hand due to issues with the Trio software. The Treasurer will be asked to provide explanations of all discrepancies in the future. It was noted by Maurice St. Clair and Brad Nikel that a \$100,000 discrepancy in the Roads Budget was also found after calculating all figures by long hand on paper, also caused by the Trio Software. It was decided David Alves will spearhead looking into the software problem. The following action was taken:

A **MOTION** was made by Ralph Blackington, seconded by John Tibbetts, to approve Payroll Warrant #54 in the amount of \$15,497.26. Motion carried 3-1-0 (with David Alves against).

b. **Payable Warrant #55 in the amount of \$564,674.35**

Discussion was held regarding expenses listed for Bean Data and explanation was given as to which expenses were for contracted services and which expenses were for services performed outside of the contract. The Treasurer will be asked to provide details on the warrant itself of the expenses listed in the future. The following action was taken:

A **MOTION** was made by Ralph Blackington, seconded by John Tibbetts, to approve Payable Warrant #55 in the amount of \$564,674.35. Motion carried 3-1-0 (with David Alves against).

**ITEM #5**

**UNFINISHED BUSINESS**

a. **Approve and Sign Mutual Release and Settlement Agreement w/KRT Appraisal, LLC**

William Single read aloud the Settlement Agreement. Discussion followed wherein it was confirmed this settlement will result in all but \$13,000 of the contract amount

being paid to KRT Appraisal, LLC. (Contract Amount \$165,000 – Paid Amount \$152,000 = Amount not paid \$13,000.) The following action was taken:

A **MOTION** was made by John Tibbetts, seconded by David Alves, to accept and sign the Agreement. Motion passed 4-0-0.

**b. Vote to accept Town Hall Cleaning Quote**

The quote received from Jessica Hubbard dated April 28<sup>th</sup> totaling the annual cost of \$5,700 was reviewed. Additional services to be provided were noted and also that the upcoming fiscal year budget reflects the quoted amount. The following action was taken:

A **MOTION** was made by Ralph Blackington, seconded by John Tibbetts to accept the quote as provided. Motion passed 4-0-0.

**c. Vote to accept proposal for LED Sign at Town Hall**

William Single provided an overview of the LED sign project and bid for Town Hall to include levels of quality and pricing received. David Alves indicated his agreement that the sign is good communication for the public. He added that the timing may not be right and referenced the upcoming budget and increases thereof. He suggested holding off on a decision until after the Town Meeting on June 11<sup>th</sup>. John Tibbetts added he also had similar concerns. The following action was taken:

A **MOTION** was made by David Alves, seconded by John Tibbetts, to table the purchase. Motion passed 4-0-0.

**d. Status re: Maintenance to Old Kennebunk Road**

Maurice St. Clair stated Hissong is willing to supply the gravel to get the road ready to pave and suggested taking the remaining funds in the line item (\$22,600) and do as much as possible.

Discussion followed regarding using remaining road project funds already bid towards other additional road work at the same bid price for material. Past practice was noted. The following action was taken:

A **MOTION** was made by John Tibbetts, seconded by David Alves, to move forward with work on Old Kennebunk Road. Motion passed 4-0-0.

**ITEM #6**      **DEPARTMENT AND COMMITTEE REPORTS**

**a. Treasurer's Expenditure Status Report**

William Single explained this report is provided by the Treasurer and it provides the details for/status of budget line items. David Alves stated he has some questions and was told by the Treasurer she would assist with walking him through the budget.

**ITEM #7**      **NEW BUSINESS**

**a. Accident Insurance for Volunteers**

Discussion was held regarding the insurance offered by Maine Municipal Association Risk Management Services and HUB International New England at the cost of \$2 per volunteer. The following action was taken:

A **MOTION** was made by John Tibbetts, seconded by David Alves, to purchase the insurance. Motion passed 4-0-0.

**b. Central Maine Power – LED Street Light Conversion**

Ralph Blackington reported this conversion would save the town \$3,000 per year regardless of who supplies the power and included changing out all existing lights to LED, which would take 6-8 weeks. He noted maintenance is also included and the town would have to commit to not removing the streetlights for the next 15 years. The following action was taken:

A **MOTION** was made by Ralph Blackington, seconded by John Tibbetts, to go forward with this project. Motion passed 4-0-0.

**c. Vote to renew Policy Regarding Check Disbursement Prior To Expenditure Warrant Approval**

William Single reviewed aloud the policy. The following action was taken:

A **MOTION** was made by John Tibbetts, seconded by Ralph Blackington, to approve the policy. Motion passed 4-0-0.

**d. Vote to renew Policy Regarding Payroll Warrant**

William Single reviewed aloud the policy. The following action was taken:

A **MOTION** as made by John Tibbetts, seconded by Ralph Blackington, to approve the policy. Motion passed 4-0-0.

e. **Vote to approve Lock-in Price Quote for Propane**

William Single reviewed aloud the fixed price quotes obtained from Fielding's Oil & Propane (\$1.599 g), Downeast Energy (\$1.999 g), and JP Carroll Fuel Co (\$2.099g). The following action was taken:

A **MOTION** was made by John Tibbetts, seconded by Ralph Blackington, to accept the price quote from Fielding's Oil & Propane. Motion passed 4-0-0.

f. **Cemetery Committee Appointment Application Request - Celeste Hatch**

William Single referenced the application received. The following action was taken:

A **MOTION** was made by David Alves, seconded by John Tibbetts, to accept and appoint Celeste Hatch to the cemetery committee. Motion passed 4-0-0.

g. **Vote to appoint Richard Lambert Part-Time Interim CEO/LPI as per Agreement**

The Agreement was received as part of the meeting packet. The following action was taken:

A **MOTION** was made by David Alves, seconded by John Tibbetts, to accept and appoint Richard Lambert as part-time interim CEO/LPI as per agreement. Motion passed 4-0-0.

h. **Administrative Assistant to Tax Assessor – Internal Job Posting Applicants**

The job description for the assistant to the Assessor was prepared and reviewed by the Assessing Agent David Sawyer. One internal application was received.

i. **Interim Planning Board Clerk**

A short discussion was held wherein the following action was taken:

A **MOTION** was made by David Alves, seconded by John Tibbetts, to post the position internally. Motion passed 4-0-0.

j. **Purchase Orders-(After review by Chair) – Grant verbal approval/ authorization to sign to Select Board Clerk**

Discussion was held regarding giving approval for the Select Board Clerk to sign purchase orders after Selectmen review. It was explained the Clerk would forward a copy of the purchase order to the Selectman who would review it and give her the approval to sign off on it instead of the Selectman having to make a trip to Town Hall to sign.

A **MOTION** was made by John Tibbetts, seconded by David Alves, to grant approval as discussed. Motion passed 4-0-0.

Maurice St. Clair began the discussion that followed regarding blanket/open purchase orders. It was noted that money spent against such purchase order would need to be tracked by the requestor and once all money is exhausted, a new request for a new blanket/open purchase order would need to be done and monies encumbered.

David Alves began the discussion that followed regarding displaying documents at the Select Board meetings. Michelle Felicitti explained the two ways that can be accomplished and the approximate cost for an ELMO document camera (\$300) for presentation of documents received during a meeting (live/in the moment).

*At this time, the Select Board returned to Item #6 on the Agenda.*

**ITEM #6**

**DEPARTMENT AND COMMITTEE REPORTS**

Maurice St. Clair stated he heard through the grapevine that the Town Attorney had stated an association must be formed in order to get anything done on Oscar Littlefield Road. He questioned why that was stated if it is a town road. William Single noted it would have to be verified whether it was a town road or a private road. The following comments were made from the audience: (1) This was already done; (2) There was a three page letter from the Town Attorney stating it was a town road; (3) To be finalized the matter would have to be brought to court (adjudicated) by the property owners on that road; and (4) The Select Board voted years ago to take over the road by prescriptive use and then later decided not to. John Tibbetts added that the town has been plowing and maintaining the road for years and the big issue now is paving it; that this has been gone over a number of times and issues presented dealt with width and property. Robert Schultz, Oscar Littlefield Road, stated the CEO sent a letter out asking all abutters if they would sign an easement for the town to pave the road and of the 20+ abutters, 2 did not/would not respond; then the town attorney wrote a letter that basically stated the town owns the road – it is a town road – and it would be a waste of people's time and money to go through any other process. He added that it would be an economic benefit to the town to pave the road. John Tibbetts explained issues with dirt roads relating to the crown of the road, plowing the road, and the road icing up quicker and requiring more salt and sand (which leads to potholes) therefore the smart move would be to put a base coat of pavement on the road; however, the issue is the road is not up to standards for paving (too narrow). It was decided to obtain the letter spoken of from the town attorney and forward it to legal counsel for review.



Maurice St. Clair asked that the town fill the two vacant positions at the Transfer Station, one for Sunday mornings and one for a floater to fill in during absences. William Single stated this will be discussed in further detail.

Brad Nikel reported the salt shed interior has been redone and suggested a 12" wide by 2' tall curb be poured along the outside walls to keep equipment from getting close enough to cause damage. Discussion was had regarding costs obtained and alternative options. It was decided that Mr. Nickel would obtain hard costs and come up with a plan of action.

Thomas Hatch thanked Maurice St. Clair, Brad Nikel, and all those that worked on the Frost Road paving job and stated a very nice job was done.

**ITEM #8**

**EXECUTIVE SESSION**


**a. 1 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 7:40 p.m. regarding 1 M.R.S.A. §405(6)(A) – personnel matter. Motion passed 4-0-0.

*The Select Board ended Executive Session and returned to Regular Session at 9:09 p.m. At this time, 9:09 p.m., John Tibbetts left the meeting.*

**ADJOURN**

A **MOTION** was made by David Alves, seconded by Ralph Blackington, to adjourn the meeting at 9:10 p.m. Motion passed 3-0-0.

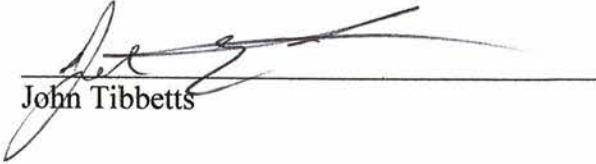


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William Single, Chairman

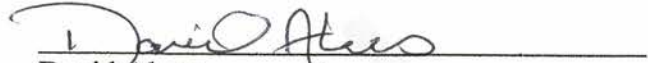
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Ralph Blackington, Vice-Chairman



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John Tibbetts




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David Alves

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Thomas Hatch

I, Laurie Bosco, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of nine (9) pages are the original minutes of the Board of Selectmen Regular Meeting dated June 9, 2021.



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Laurie Bosco

Approved