

**Town of Lyman
Board of Selectmen Meeting Agenda
July 19, 2021 -6:00 pm
Lyman Town Hall**

Board of Selectmen present: William Single, Chair; Vice-Chair Ralph Blackington, David Alves, John Tibbetts and Thomas Hatch.

Others present: Michelle Felicicitti, Treasurer Jeanette Lemay; Select Board Clerk Donna Richard

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.

Pledge of Allegiance

Item #1 – Special Offer/Presentations (None)

Item #2- Public input

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

Treasurer Jeanette Lemay wanted to ask the board where to allocate the funds from when we have staff attend the meeting since there is no overtime budget. She advised there was a line for extra time available that is capped at \$4,700. The board agreed that this would be the appropriate place to pay out of. It was also mentioned that staff could comp their time as an option as well.

b. Mail

The first mail packet presented was concerning a visit from Mr. Goodwin from 23 Old North Berwick Rd. He advised that when Walker Road was worked on, some of his frontage was taken away and he was left with less than the required number of footage for frontage. He believes the requirement is either 350 feet or 500 feet. He has less than 500 feet and wants it rectified and he wants it all in writing.

Selectman John Tibbetts said that this was not part of the land swap deal. The town paid Mr. Pierce \$4000 to straighten the width of the road. The Town of Lyman owns the road and the right of way. There was some talk at the time of deeding a strip to Mr. Goodwin but it never got done. Mr. Goodwin lost some road frontage, a strip that is not road, but is also not town owned. Maurice St. Clair, who was in the audience asked why we don't just give it back. Brad Nike, road commissioner agreed there was no reason it could not be done. He said it is never used and thinks it just fell through the cracks. It is not a driveway, but possibly another access point to his land. The road bed was raised quite a bit and some fill was added to help the angle.

Chair Single wanted to know it affected the road frontage. They believe there is enough land for 2 buildable lots but not completely sure.

Brad Nikel said they have no use for it. John Tibbetts agreed and said it is not right to keep that portion. The issue was brought up at the March 5, 2020 agenda under new business.

Chair Single wants to be sure things are done right and that we have all the information and not to guess. Brad Nikel asked why wouldn't we do it? It was voted at the time to deed it to the abutter according to John Tibbetts. Vice Chair Ralph Blackington voted to leave as is. Chair Single again just asked that everything is verified before anything is done. Selectman David Alves asked if at title search would be done. Project was only done 2 years ago. An audience member asked if the frontage line is established. Chair Single said again this is why they need to be sure. In the minutes of the last meeting they voted to NOT give it back, so just want to be sure. Bob St. Onge asked if land was surveyed out. Chair Single repeated again that is why they

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want to sure since he did not have the answer to that in front of him.

Maurice said that if the town was not going to use it, just to give it back with a quick claim deed.

Selectman Alves said if he had frontage before he should have it back. Chair Single just wants to be sure we have all information before they make a decision.

After a little more discussion, the board decided to wait until the next meeting to review all documents pertaining to this issue.

The next piece of mail was from John and Linda Huoy regarding having 2 docks. Code Enforcement advised they were in violation.

Mr. Lambert sent the Huoys a follow up letter. The letter advises that no further action was going to take place from the Town.

Final piece of mail for discussion was a Planning Board Site Plan Review Decision Letter for 1486 Alfred Rd. to demolish and existing structure and replace it with a new convenience store and gas pumps. This was approved by the Planning Board approved this on July 7, 2021

c. Complaints received-No complaints received.

No complaints received except for the previously discussed issue at 23 Old North Berwick Rd. Mr. Alves asked going back to that property if we have the power to give the land back. Would it need to go to town meeting for a vote. Chair Single said he was not sure and he would need to look into. Town can dispose of property but a special meeting would probably need to be called for this. Mr. Tibbets agreed and said an article would need to be written in and voted on at a special town meeting.

Item #3- Minutes

- a. None.

Item #4 - Sign Warrants-

- a. Payroll warrant #3 in the amount of \$17,966.65
Motion by John Tibbetts to approve payroll warrant #3 in the amount of \$17,966.65; motion seconded by Ralph Blackington.

Discussion : David Alves addressed the treasurer about explaining the encumbrances. The encumbrances do not show up on the report, they are done manually. She used an example of a project schedule in for road work in November of 2020 in the amount of 61,000 which threw the budget over. They decided to cancel the job and the extra funds put money back into the Resurfacing Line. URIP monies came in in 12/1/2020 putting funds back in to reconstruction. There is a glitch with Trio in that it does not show encumbrances. She put in a ticket with Trio for it and it has yet to be fixed. Right now she is doing the encumbrances manually. There is a similar issue with earnable compensation where she has to record some things as negative deductions but it is not being recorded in the correct place.

Motion carries 5-0-0.

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- b. Payable warrant #63 for FY 2021 in the amount of \$43,157.65. Motion by John Tibbetts to approve payable warrant #20 in the amount of \$43,157.65; motion seconded by David Alves.
Motion carries 5-0-0.
- c. Payable warrant #4 for FY 2022 in the amount of \$374,707.36; Motion by John Tibbetts to approve payable warrant #4 in the amount of \$374,707.36; motion seconded by David Alves
Discussion: Questions about credit card fees; Jeanette explained it is for the use of the credit card.
David A. asked about Bean Data. She explained that some of the fees are for contracts and some are for services rendered.

Motion carries 5-0-0.

Victoria Gavel asking why they no longer have the warrants posted on the bulletin boards. She said she is not tech savvy and said they used to have a print out posted on the bulletin board. Treasurer and Chair will look into getting this done again.

Item #5 - Unfinished Business

- a. **12 Basswood Court – cleanup of junk on property (what is the current status)**
The board will check with code enforcement to see if anything new
- b. **Old Kennebunk Rd**
Brad advised they hoped to get to this done in the upcoming week weather permitting
- c. **Oscar Littlefield Rd**
There were not enough people to sign off on the ROW. Attorney believes the town should file with the superior court or the homeowners file with the court to prevent any homeowner from suing the town. All but two people signed off on the ROW. The cost would be less than \$2000 to file with the court, but the question is who pays for it. Selectman Alves feels that if the town owns it, the town should pay for it. Maurice St. Clair feels we should just get it over with. Audience member asked why not district court. Chair Single advised it may be district court and not superior court. The existing road is 40 feet wide but the pins are not consistent along the road. According to the attorney, the road is 30 feet wide. Road Commissioner said the longer we procrastinate, the longer it will take to get it through the court. Mr. Schultz read from a previous meeting dated 9/18/2017, John Huoy made a motion to start paperwork for prescriptive use of the road, maintain and plow as is. This motion was seconded by John Tibbetts, so Mr. Schultz said we already have the authority to move forward.

Motion by David to move it to council to have paperwork filed and to determine how to get it moved to a town road.
Second by Tom.
Motion carries 5-0
- d. **Trio Software – status on issues with software**
Jeanette updated board to advise that the Web version is still having issues with registrations, but they will let us know when issues are resolved.
- e. **Address budget cuts made at Annual Meeting; Discuss/Consider how much money to take from Surplus and Excise to offset the tax rate**
Jeanette gave breakdown of what was cut at town meeting and what wasn't voted. The 2 items talked about at

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the last meeting was to take \$1,000,000 from surplus and apply towards taxes. Also spoke about taking \$300,000 from excise and apply towards taxes. Article 9 to see if town will vote to appropriate from 2020-2021 Personnel budget an amount not to exceed \$30,000 for professional services. That should be changed to say from "surplus". That was to cover contract assessing and CEO from last year. \$26,351 is the total amount for those positions.

Article 15 to see if the town will vote to appropriate from Surplus the sum of \$8000 for the Contingency Account. There was discussion amongst the Selectboard, treasurer and Maurice St. Clair trying to understand what moving the funds would be taking care of. It was not approved at the meeting, people said No. Looking to refund it from surplus. The surplus it would be coming from is not from the \$1.3 million. This would be in addition to the surplus. Maurice St. Clair wondering why we would do that. Article written one way but treasurer advised you can raise and appropriate if it happens before the tax commitment. There is more surplus available. The 1.3 takes care of taxes but also takes care of decreases. There will have to be budget recommendations that will need to happen at a joint meeting with the new warrant articles. There were also questions directed to the Fire Dept about what their final numbers are. The numbers will be forthcoming but not available yet.

Article 17 was for town maintenance. Approved amount was \$8000. Only a portion was approved. The remainder of \$9500 is being proposed to come out of surplus. It can say raise and appropriate or take it from surplus per the treasurer.

The remainder of the conversation was a lot of confusing back and forth discussion between the treasurer, selectman and Maurice St. Clair about the amount in surplus, and what would be left in surplus after all is said and done. Bottom line, treasurer advised \$725,401 is approximately what would be left in surplus.

Need to determine the wording for the articles and schedule a meeting between the board and the budget committee. If we stick with the September meeting, we would have time for a public hearing or a workshop with public input as well as a special meeting between the budget committee and the board. This needs to be done at least 7 days before the meeting. There was also a recommendation to have some sort of explanation to the public about what the warrant articles are actually asking for. Some public find the articles very confusing and not sure what they are actually voting on.

Motion by Chair Single to have a budget workshop to be followed by another Selectboard meeting before a workshop/Special Meeting for the public. Motion seconded by David Alves.
Carried 5-0

Motion to take \$1,000,000 from surplus to apply to taxes by Tom, 2nd by John
Carries 5-0

Motion to take \$300,000 from excise and apply to taxes by Ralph "Rusty", 2nd by John
Carries 5-0

Motion for article 9 to take from surplus \$26,500 for professional services for fiscal year 2020-2021 by John, 2nd by Tom
Carries 5-0

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Article 15 Motion by Tom to see if town will vote to appropriate from surplus the sum of \$8,000 for the Contingency account, 2nd by Rusty
Carries 5-0

Article 16 Motion by John to see if the town will vote to appropriate from Surplus, the amount of \$90,000 for Professional Services 2nd by Rusty
Carries 5-0

Article 17 motion by Tom take from surplus the amount of \$ 9,500 for maintenance of town buildings. 2nd by John.
Carries 5-0

Fire Department budget projected to be \$10-15 thousand over. Not to exceed 72% (\$15,000)

Motion by John not to exceed \$15,000 from the ambulance fund to cover the fire department overage. 2nd by David
Carries 5-0

f. Vote on new appointments

Donna Richard appointed as FOAA Officer until 6/30/2022

Donna Richard appointed as select board clerk until 6/30/2022

Laurie Gonska appointed as assistant assessor until 6/30/2022

David Alves selectman representative for Charter Revision committee until 6/30/2022

Motion by Rusty to approve all, 2nd by John
Carries 5-0

g. Decide date for special town meeting to be either August 3rd or September 7, 2021

Not enough time to get all done by August 3rd. Special Town Meeting will be September 7, 2021

Item #6– Department Reports

- Tax collector not present but reported for the month.
 - Year to date excise tax collection is \$1,373,469.66
 - Real estate/Personal Property Tax Payments Collected is \$187,268.92
- Road Commissioner Report – Brad Nikel advised striping is done. Pot holes on Oscar Littlefield, wash outs taken care of on Shore Road and Mast Rd.
- Treasurer Report – brief rundown of reports that Selectboard received.

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Item # 7 – New Business:

- Email received from Karen Kane regarding Kennebunk Pond Beach Parking lot. In past years it was closed at dusk by David Riley, it is not happening this year and people are staying there past midnight. It has been brought up before, but the gate is not getting closed. Maurice St. Clair advised that Dave Riley is worried about confrontation that he may encounter from rowdy people being there drinking. A group of people drinking from Biddeford drove him out on one occasion. Chair advised there is money in the budget this year to get electricity out there and be able to install cameras. State Police say it is not feasible for them to constantly monitor it. The hope is that once cameras are installed the state police will be able to deal with it. It is agreed that Dave Riley should not have to be put in any danger by enforcing the gate being closed. Suggestions by several to possibly have a security company. Should have some money for signage. Crosswalks are ready to be picked up. Money is earmarked but did not have specifics as to what was appropriated. State can reimburse some of the monies for handicapped accessibility. Agreed that Dave will open and close the gate at 7 a.m. and 7 p.m.
- Next item is for a real estate tax write-off. Mobile home has been demolished. Communication with the previous owner has been unsuccessful. John made a motion to take the recommendation of the tax collector and write it off, 2nd by Tom Carries 5-0
- Tom brought discussion regarding the Goodwins Mills Cemetery. Nobody seems to be in charge. He advised that he was told monies are being taken in for perpetual care, but nothing is being done. He asked if anyone knew what was going on. People are paying for perpetual care and they are not getting it. Ben Harris came forward and advised that the person who has been doing it is getting older. A reorganization is in process. There is a bank account totaling around \$100,000 but nobody wanted to step up and be in charge. They are waiting for a lawyer to draft something up. The Goodwin Mills Cemetery Association has the bank account and the land. They still have a board of trustees. They do not have a legal organization, but it is not a town asset. Who is actually in charge of the money? Way say you are offering perpetual care and not being done.

Executive Session

Motion by Rusty to move into Executive Session Title 1-M.R.S.A Section 405 (6) (A) – reason Personnel Matters, 2nd by Dave

Adjourn: 9:33 Motion to adjourn was made



William Single, Chairman

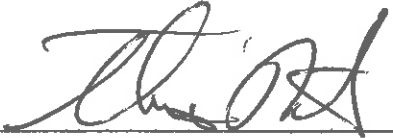


Ralph Blackington, Vice-Chairman

John Tibbetts

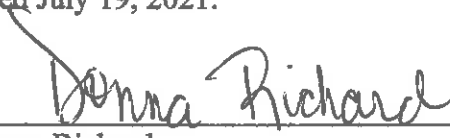


David Alves



Thomas Hatch

I, Donna Richard, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of nine (6) pages are the original minutes of the Board of Selectmen Regular Meeting dated July 19, 2021.



Donna Richard