

**Town of Lyman
Board of Selectmen Regular Meeting
September 13, 2021 -6:00 pm
Lyman Town Hall**

Board of Selectmen present: William Single, Chair; Ralph Blackington, Thomas Hatch, David Alves. Absent was John Tibbetts.

Others present: Amber Swett (YouTube recording), 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.

ITEM #1 SPECIAL PRESENTATIONS

ITEM #2 HEARING OF DELEGATIONS / PUBLIC INPUT

Chair William Single read a statement from the board in response to some questions and accusations brought up at the Special Meeting held on 9/7/2021. This statement will be attached to the end of these minutes.

a. Public Input

- Sean McDonough addressed the board asking for permission to start a program to provide meals to the public. He wants to be able to bring meals to town hall for families to be able to pick up anonymously. The board asked for him to put his request and ideas in writing to present to the board, but they have no issue with the idea at all. The board just wants to have record of it.
- David Alves made a motion to accept the proposal presented, 2nd by Ralph (Rusty) Blackington
- Mr. McDonough also asked about trees in Spikehorn Circle. He would like them removed due to the safety of the area as many trees are overhanging and potentially harmful. The road commissioner advised that he would go out to check the trees in question.
- Leo Thibodeau asked about the progress on the Goodwins Mills cemetery. Chair Single advised he had spoken to Rick Hall and 9/7/2021 and is waiting to hear back. He also wanted to bring attention to the fact that the Kennebunk Pond Beach parking lot was still locked at 7 a.m. with many trucks and trailers waiting to get in. He said there is going to be big issues in the future. The chair advised that leaving it unlocked leads to other problems with people using it after hours.
- Jeff Duhaime asked about the situation on 12 Basswood. Chair advised it is on the agenda for later in this meeting.

b. Mail (copies attached at end of minutes)

c. Complaints

ITEM #3 MINUTES

Minutes from 8/16/2021 Regular Meeting. Motion by Ralph, 2nd by Tom 3-1(abstained)

ITEM #4 SIGN WARRANTS

Payroll Warrant # 14 in the amount of \$17, 913.62 Motion by Tom, 2nd by Rusty 4-0

Payroll Warrant #15 in the amount of \$417.29 Motion by Tom, 2nd by Dave PASSED 4-0

Accounts Payable Warrant #16 for FY 2022 in the amount of \$72,876.40. Motion by Dave, 2nd by Tom PASSED 4-0

Motion passed after some discussion on check #8356 for Bean Data wondering if this was not part of contracted amount already paid. Some items are not covered under the contract but are above and beyond for services rendered. Items will need to be better outlined to see why these overages keep happening.

ITEM #5 UNFINISHED BUSINESS

- 12 Basswood. Pictures were shared with the board. Pictures taken by CEO a few weeks ago. CEO said there have been quite a bit of improvement but wants to know if board feels there is enough improvement to avoid court or not. David Alves asked what was under the tarps. The neighbor advised that it is hiding the junk. CEO also advised that we do not regulate fencing. Jeff Duhaime advised that the attorney said they were supposed to comply by 8/23 and he does not think that he has met the requirements. David Alves also asked how many unregistered vehicles are on the property. Any more than 2 is illegal. The CEO confirmed there are 3 or more possibly. The board feels like the fence debris should still be cleaned up and it is not fair to the neighbors. CEO would rather have board decide rather than make a recommendation. If taken to court, the judge would give the owners a deadline to get it done. The last time we took someone to court it was \$11,000 in attorney fees and it took 7 years to recoup the money.
- Rusty made a motion to start legal action, 2nd by Dave. **PASSED 4-0**
- Storage update – supposed to identify and purge first. All we have thus far are a few vendors with some ideas on digitizing.
- SMPDC (this is the Zoom guidelines) We were supposed to talk to legal counsel to see what other towns have done. NO new update yet.
- Oscar Littlefield Road – we have nothing back from the attorney yet. Maps have been submitted and will get a generic easement for people to sign. Similar process was done about 4 years ago. Will look at previous submittal for documents located in selectboard office files.
- Outcome of special town meeting. Voted to take \$700,000 from general fund and \$300,000 from excise for a total of \$1 million dollars. We can take additional from excise and still have above and beyond (approximately \$800,000). Easier to take funds from excise since the town is in control of the excise tax. David Alves made a motion to take \$500,000 from excise tax. 2nd by Ralph. **PASSED 4-0**
- Cameras at transfer station issue came back up. System was put up by former IT person but currently not working. There is some money in the budget to fix some of the issues. They previously budgeted for 4 cameras for the transfer station. Additional cameras for salt shed. We would possibly have transfer station done in about a month, but Kennebunk Pond is months away. Goal is to have it all tied into the network together. Road commissioner also advised we need a lot more lighting at the transfer station. We need to decide about Spectrum to see if we want to do a franchise agreement where the residents bill would go up, but the funds would come back to the town to improve infrastructure. We can charge anywhere between 1-5%. Over 15 years, 5% would give us \$4 million dollars. Need a plan to figure out how much work each location needs. The benefit to doing so is the funds would enable the town to extend service to locations that now can't get it.

ITEM #6 DEPARTMENT AND COMMITTEE REPORTS

- CEO, Patti gave her report. From July 26-September 8, 2021 we collected \$30,004.25 in permit fees. Working a complaint about chickens and roosters in the residential zone. She is investigating and the owner is looking to rehome the rooster. There is a complaint about a possible septic malfunction on Wadleigh Pond Rd. Was called in by DEP today which is under investigation. Wetland fill on Cottage Lane. Waiting for homeowner to get wetland soil investigator. CEO asking for authority to contact the town attorney regarding a DEP complaint on an ongoing shoreland zoning dispute. If the attorney initiates the conversation, she can communicate with them.

New energy code has been created and effective 7/1/2021. They are advising we have 30 days from that date to comply. It is also noted that it is at the local level to determine date to start enforcing. This new code will cost a lot more money for contractors and homeowners. We do not have the code book as of yet and she has not had training for this new code. She knows some other towns are not enforcing this. She does not want to enforce it but wants the board to decide. She advised we can't exactly "opt out" but can extend when we begin enforcing it.

David Alves made a motion to postpone enforcing this new code, 2nd by Ralph. Passed 4-0
CEO would also like to raise the cost for the Home Occupation permit from \$35 to \$250. The board sets the fees. The application, inspection and other inspections does not come close to the time invested in this. They are time consuming.

David made motion to approve the price increase, 2nd by Ralph. Passed 4-0
CEO would also like to raise the cost of the medical marijuana caregiver occupation fee. The annual inspection fee should not be any less than \$250 and for a production facility should not be any less than \$500. We also should find a way to share the inspection with electrical and fire dept.

Board asked her to have recommendations on paper. CEO also asked for planning board fees to be adjusted. She wants fees for both planning and ZBA fees should be a nonrefundable flat fee of \$300 for each. There is an ordinance that allows for reimbursement for overages.

David made a motion to approve her recommendation on fees, 2nd by Ralph. Passed 4-0

- Road commissioner addressed the RFP for Paving.
The bid sheet was presented in the packet. Motion by Dave, 2nd by Ralph. Passed 4-0

ITEM #7 NEW BUSINESS

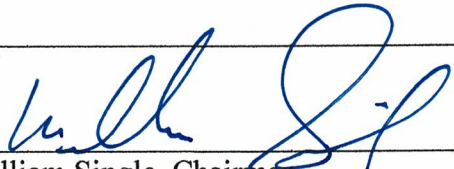
- In regard to question about having a Hazardous Waste Day. Will check with Maurice again on this
- Road Commissioner asking about signs at Kennebunk Pond. Recommendation for Dawn to Dusk signs. We could leave blank and enter specific hours on our own with black tape. The boat launch will remain open. The parking lot needs to remain open to keep cars off the road. The area is set to be surveyed the 1st week of November.
- Also as an FYI by road commissioner, it was advised it would be salary of \$85,000 up to \$140,000 to have an officer assigned to the town. They would need two officers for the school time overlaps.


EXECUTIVE SESSION

Motion by Vice Chair to go into Executive Session under Title 1- M.R.S.A. section 405 (6) (A) – personnel matters and Title 1-M.R.S.A. section 405 (6) (C) – reason: Real or personal property attached to real property or interests therein if premature disclosure would prejudice competitive or bargaining position of the municipality

Ralph made a motion to accept the hiring committee recommendation to hire Tracy Jacek as the administrative assistant to the code enforcement officer. 2nd by Tom. Passed 4-0

ADJOURN. Motion to adjourn at 8:01 by David, 2nd by Ralph


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 three (3) pages are the original minutes of the Board of Selectmen Regular Meeting dated September 13, 2021.


Donna Richard