

**Town of Lyman  
Board of Selectmen Regular Meeting Agenda  
Monday July 18, 2022 – Lyman Town Hall**

Welcome to the July 18, 2022, Regular Meeting of The Lyman Board of Selectmen.  
This meeting is a public proceeding and is being recorded.  
The agenda is subject to change without notice

**Select board present:** Ralph “Rusty” Blackington (Chair), Thomas Hatch (Vice Chair), Dave Alves, Jessica Picard, John Tibbetts  
**Absent:** None

**PLEDGE OF ALLEGIANCE**

**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*  
John Harris – Asked for updates on the town hiring a CEO  
Tom Hatch – The town is currently recruiting for new hires and in the process of interviewing a likely candidate.  
David Alves – Suggests using a third-party inspector in the interim.  
Debra Boucher – Asks for some assistance with a noise complaint.  
David Alves – States there is a noise ordinance and suggests getting a decimal meter to measure the noise levels and to take pictures to provide to the board. This will help them to assist with the issue.
- b. Mail
- Letter re: June 30<sup>th</sup>, 2022 Independent Auditor’s Report & Financial Statements requested by Maurice St. Clair & Fred Bechard
  - MMA re: MMA annual election – Vice president & executive committee members.
  - Email re: Maine DOT project review sent by Julie Senk, Maine.gov
- c. Complaints
- Noise complaint from Debra and Denis Boucher. Addressed in public input
  - Follow up on noise complaint for Funky Bow. Paul Lorrain sent pictures of decimal meter readings
  - Email from Michelle Felicitti regarding last workshop meeting statements made about allowing public comment in meetings  
Tom Hatch – Clarifies the discussion was to put the public comment at the end of the meeting.

**ITEM #3**            **MINUTES**  
None

**ITEM #4**            **SIGN WARRANTS**

- a. Payroll Warrant #2 in the amount of **\$21,532.48**  
**Tom Hatch – Makes a motion to approve**  
**Jessica Picard – Seconds the motion**  
**Motion passes 5-0**
- b. Accounts Payable Warrant #66 in the amount of **\$52,347.84** For **FY2022**  
**David Alves – Makes a motion to approve**  
**Jessica Picard – Seconds the motion**

**Town of Lyman  
Board of Selectmen Regular Meeting Agenda  
Monday July 18, 2022 – Lyman Town Hall**

**Motion passes 5-0**

- c. Accounts Payable Warrant #3 in the amount of \$36,769.61 For FY 2023  
**David Alves – Makes a motion to approve**  
**Jessica Picard – Seconds the motion**  
**Motion passes 5-0**

**ITEM #5**

**UNFINISHED BUSINESS**

- a. Charter Communications – Cost estimates for 37 & 55 Sterns Road  
Tom Hatch – Requests to set up a meeting with Tony Vigue
- b. Discuss Franchise agreement  
Ralph Blackington – This will be included in meeting with Tony Vigue
- c. Shed purchased for Kennebunk Pond Beach is ready to be delivered  
David Alves – Volunteers to be the liaison with permission to have Bill Single at the meetings to assist with the ongoing projects.
- d. Kennebunk Pond Committee – Finalize & vote on Select Board Liaison to Committee  
**Jessica Picard – Makes a motion to elect David Alves as the Select Board Liaison to The Kennebunk Pond Beach Committee**  
**Tom Hatch – Seconds the motion**  
**Motion passes 4-0 (With David Alves recusing himself from the vote)**
- e. Kennebunk Pond Beach area project update  
David Alves will schedule a meeting with the Kennebunk Pond Beach Committee  
Donna Pappas – Would like to attend the meeting and review updates on the projects. She addresses issues that have been going on.
- f. Discuss, finalize, vote on Agenda format  
David Alves – Asks if putting public comment at the end of the meeting, will there be an option to answer questions  
Tom Hatch – Suggests adding “Other” on the bottom of the agenda.  
Ralph Blackington – Item will be continued at the next workshop.
- g. Planning Board administrative support (both interim and after hiring CEO)  
Jessica Picard – Volunteers to assist planning board with downloading their voice recorder and camera documents to help free up space for them to continue to record their meetings. She asked if the clerk position and assistant position were separate or the same  
Dave Alves – They were put together into one position  
Tom Hatch – Will need to discuss it further once we hire a CEO.
- h. IWorq Software status update  
Jessica – Asked for update if David Alves, Bill Single and Jeanette Lemay have called Iworq yet.  
David Alves – It did not happen but will mention it to Bill Single.

**ITEM #6**

**DEPARTMENT AND COMMITTEE REPORTS**

- a. Town Clerk Report  
Reviewed Excise tax report from Sue Bellerose

**ITEM #7**

**NEW BUSINESS**

- a. New Appointments  
Ralph Blackington – The ZBA position has not expired yet, appointment not reviewed  
Health Officer, this person was recommended but not confirmed if they wanted this position, appointment not reviewed.

**Town of Lyman  
Board of Selectmen Regular Meeting Agenda  
Monday July 18, 2022 – Lyman Town Hall**

ARPA committee – Michelle Felicitti applied.

**David Alves - makes a motion to approve Michelle Felicitti on the ARPA committee**

**Jessica Picard – Seconds the motion**

**Motion passes 5-0**

- b. RFP – Walker Road Reconstruction  
1 Bid received from Gerard Excavation in the amount of \$85,000  
David Alves – States there should be more discussion with the Road Commissioner  
Brad Nickel – States this is a time sensitive project that needs to be completed by 9/1/22 otherwise there will no longer be a budget for the project. CMP is also causing some deadline issues with delaying to move a telephone pole to a different location.  
John Tibbets – States this contractor has done prior work for the town that was satisfactory. Given the time sensitivity, this could be considered in deciding sooner.  
David Alves – Suggests making a motion contingent upon further review of the proposal.  
Brad Nickel – Would like to contact the contractor and talk with him about the project and relay further information to the board.  
**David Alves – Makes a motion to accept the bid pending review by the road commissioner.**  
**John Tibbets – seconds the motion**  
**Discussion by Jessica Picard clarifies the board would deny this bid if the road commissioner had issues with the proposal.**  
**Motion passes 5-0**
- c. RFP – Sign Enclosure (if any bids come in)  
1 Bid received by Brach Starbird, Maine Highlands Contracting, in the amount of \$34,750  
**David Alves – makes a motion to not accept this bid**  
**Jessica Picard – seconds the motion**  
**Discussion by David Alves this is not a \$34,000 job. Motion passes 5-0**
- d. Nicole Derosier – Inquiry to purchase town owned property Map R06, Lot# 60, see email  
David Alves – States the board still needs to go through a list of town owned properties to identify what properties they are willing to put on the market.
- e. National Multiple Sclerosis Society request for charity cycling event approval  
**Jessica Picard – makes a motion to accept this proposal.**  
**Tom Hatch – Seconds the motion**  
**Motion passes 5-0**
- f. Rustic Dreams Catering – Request for approval to renew catering license  
Rusty Blackington – has no report of any complaints of the establishment.  
**Tom Hatch – makes a motion to renew the license.**  
**Jessica Picard – Seconds the motion**  
**Motion passes 5-0**
- g. Growth management plan discussion  
John Tibbets – There’s state funding available to assist and provide resources for a citizen-based committee  
Jessica Picard – clarifies this would be additional to the comprehensive plan committee  
John Tibbets – We would have to put a committee together. It would follow up to the comprehensive plan and what direction the town can go in.  
Ralph Blackington – suggests adding this to the workshop agenda.
- h. Schedule workshop date/agenda items  
A workshop is scheduled for August 8<sup>th</sup> at 6:00p.m.
- i. Discuss CEO position – hiring candidates and/or backup interim plan

**Town of Lyman  
Board of Selectmen Regular Meeting Agenda  
Monday July 18, 2022 – Lyman Town Hall**

Ralph Blackington – Asks the other board members if they want to interview the candidate Jessica and Tom interview. They declined. The next step will be to make an offer to the candidate.

Other:

Tom Hatch – Explains that Maurice St Clair has offered six months of free storage space to store town property that needs to be stored. He would also like to get the meeting room chairs taken to the transfer station and replaced with new chairs. He also addresses a prior email among select board members concerning accusations about the board.

**Dave Alves – makes a motion to attach the email correspondence to the minutes on record**

**Tom Hatch – Seconds the motion**

**Motion passes 3-2 (David Alves, Tom Hatch, Ralph Blackington for the motion. Jessica Picard, John Tibbitts against the motion)**

Maurice St. Clair – Asks about getting a hazardous waste day for the transfer station.

Brad Nikel – Met with DOT and was able to get them to help with 500-ton shimming on the South Waterboro Road.

Dave Alves – Asks for an update on Oscar Littlefield Rd

Public member – Is working on getting more signatures for the waiver

Dave Alves – Discusses the culverts on Walker Road were not installed during the first Walker Road project. This should be looked into further so we can figure out why they were not installed.

**EXECUTIVE SESSION**

1-M.R.S.A 405 (6) (A)

**Tom Hatch – makes a motion to go into executive session for 1 M.R.S.A 405 (6) (A)**

**Jessica Picard – Seconds the motion**

**Motion passes 5-0**

The board goes into executive session at 7:54p.m

The board comes out of executive session at 8:12p.m

**Jessica Picard – makes a motion to authorize payment to Holli Hutchens in the amount \$1,000.00 to cover the 403.25 hours she worked covering the Select Board Clerk Position.**

**Tom Hatch- Seconds the motion**

**Motion passes 5-0**

**ADJOURN**

**Tom Hatch – makes a motion to adjourn**

**Jessica Picard – seconds the motion**

**Motion passes 5-0. Meeting is adjourned at 8:16p.m.**

  
\_\_\_\_\_  
Ralph "Rusty" Blackington (Chair)

  
\_\_\_\_\_  
Thomas Hatch (Vice Chair)


\_\_\_\_\_  
David Alves

  
\_\_\_\_\_  
Jessica Picard  
JMP

  
\_\_\_\_\_  
John Tibbetts

**Town of Lyman**  
**Board of Selectmen Regular Meeting Agenda**  
**Monday July 18, 2022 – Lyman Town Hall**

I, Lindsay Gagne, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of (11) pages are the original minutes of the Board of Selectmen Regular Meeting dates July 18<sup>th</sup>, 2022

  
Lindsay Gagne





"I strongly object to Mr. Alves using his position on the Board to smear people he has animosity towards,"

This is an accusation!

I have many questions about this year coming . I do not believe these undermining attacks against me or the Board in general will stop.

You stated at the meeting you knew it was untrue before you sent the email, but you sent it anyway so someone else could check into it . This caused more undue stress for me and my family .

In the past you told me that if I did not run for selectman, we probably be best friends. In my opinion you are more concerned about a few of your friends than you are about sending out false accusations. Also, in my opinion you have done everything that you could to make the past board and now this board look like there are nefarious things going on. It was not true then and it is not true now.

Thank you,

David Alves-Board of Selectmen

Town of Lyman

**From:** John Tibbetts <johnt@lyman-me.gov>

**Sent:** Thursday, July 7, 2022 7:39 AM

**To:** David Alves <davida@lyman-me.gov>; Ralph Blackington <RalphB@lyman-me.gov>; Thomas Hatch <thomash@lyman-me.gov>; Jessica Picard <jessicap@lyman-me.gov>

**Subject:** Re: Rumors and responsibilities

Dave,

There were no lies or accusations in my email. I reported what was said to me and my concerns about it. You may be a victim of rumor mongers, not me. I reported the rumor and my concerns privately to this Board so we could discuss them among ourselves and, if the Board agreed, to publicly address the rumor mill. I did nothing to warrant an apology to you or anyone.

Tom,

I don't appreciate you publicly mischaracterizing my statement and concerns as "accusing another selectman". Your action was not befitting your position as a member of the board. Again, I find I must remind you that you are NOT a soloist. We are charged with corporate decision making and communication. Whatever the motive for your action, it certainly was not done in the Kumbaya spirit. I believe you were unprofessional and out of order and should check yourself in the future when addressing the townspeople in our meeting forum.

Rusty,

I know you are new to the Chairman position, but you should have either stopped Tom or refuted his statement. I request that the entire board compose a corporate document at our workshop, vote at our next meeting to present it to public, and then read it into the record. The document should correct Tom's statement, refute the rumor, and affirm the real reason for the CEO Assistant's resignation.

You three have asked me to bring concerns to you instead of issuing a public minority report.

I did just that. Tom, not I, took it public before any discussion or investigation could be done among us.

In the executive session Tuesday night, when Brendan said we have the wrong equipment, Tom stated that Brandan only said that because of his association with a person in town. If you don't trust the tech we hired, why is he still working for us? Tom mentioned Michelle Felicitti by name, again! Reminder: you MUST NOT discuss anyone in executive session who has not been given the opportunity to attend.

I attached a handy Quick Guide to executive sessions that I adapted from one I found on the internet.

John

Get Outlook for iOS

---

**From:** David Alves <davida@lyman-me.gov>  
**Sent:** Tuesday, July 5, 2022 5:09 PM  
**To:** John Tibbetts <johnt@lyman-me.gov>; Ralph Blackington <RalphB@lyman-me.gov>; Thomas Hatch <thomash@lyman-me.gov>; Jessica Picard <jessicap@lyman-me.gov>  
**Subject:** RE: Rumors and responsibilities

No Idea what you are talking about John.

I never told anyone about the Clerk leaving for any specific reason, but she enjoyed working with Patty. Houy or Demers never came out of my mouth.

Your tone and lie is unacceptable to me , for you to accuse me of what in my opinion , you have been doing for two years is very concerning.

I expect a full and complete apology from you!

Thank you,

David Alves-Board of Selectmen

Town of Lyman

**From:** John Tibbetts <johnt@lyman-me.gov>  
**Sent:** Tuesday, July 5, 2022 7:06 AM  
**To:** Ralph Blackington <RalphB@lyman-me.gov>; David Alves <davida@lyman-me.gov>; Thomas Hatch <thomash@lyman-me.gov>; Jessica Picard <jessicap@lyman-me.gov>  
**Subject:** Rumors and responsibilities

Hello,



In a conversation I had with the Road Commissioner, I was told that Mr. Alves told him that the CEO Clerk resigned because she feared that John Houy and Jeff Demers would run for and be elected selectmen in the future. Even if they were to do this, why would she fear these two people she has never had any contact with? Maybe the better question is why would a Selectman of the Town start or spread such a rumor, and what other rumors is he spreading? I strongly object to Mr. Alves using his position on the Board to smear people he has animosity toward. I know how hurtful it is to be on the receiving end of these dirty tricks and I also know the derogatory effect it has on the town. It must stop immediately.

When I couple this with the condescending response I got from Mr. Hatch regarding my request for information on who we are voting to hire to be our Selectmen's Clerk, I can't help but wonder what the Board's intentions are.

I would like to remind you that the positions of Chair and Vice Chair come with the responsibility to give support and information to the Board, NOT take control over the Board. We are a Board of five people who are supposed to work together for the good of the Town. The townspeople resoundingly rejected the last Chair because of this arrogant, dictatorial behavior, which was supported by three of you.

When I have an issue, you will hear about it in this format, front and center. I don't start rumors or go behind your back. I treat you with respect and I expect the same from you. I also expect you to treat the townspeople with more respect than has been done in the past two years.

If you have to vilify someone else to make yourself feel or look good, something is wrong with you.

Your fellow selectman,  
John Tibbetts

Please refer to the Town Charter -

### **Section 401 – Town Administration**

**The administration of the Town will be vested in the Board of Selectmen. The Vice-Chair of the Board will provide administrative oversight [liaison] for the town and the town employees. The Board will work together with all Town employees to ensure efficient and effective Town administration.**

Also, from the dictionary -

noun: **liaison**

1. communication or cooperation which facilitates a close working relationship between people or organizations.

a person who acts as a link to assist communication or cooperation between groups of people.

**JT 7/5/22 email:**

Hello,

In a conversation I had with the Road Commissioner, I was told that Mr. Alves told him that the CEO Clerk resigned because she feared that John Houy and Jeff Demers would run for and be elected selectmen in the future. Even if they were to do this, why would she fear these two people she has never had any contact with? Maybe the better question is why would a Selectman of the Town start or spread such a rumor, and what other rumors is he spreading? I strongly object to Mr. Alves using his position on the Board to smear people he has animosity toward. I know how hurtful it is to be on the receiving end of these dirty tricks and I also know the derogatory effect it has on the town. It must stop immediately.

When I couple this with the condescending response I got from Mr. Hatch regarding my request for information on who we are voting to hire to be our Selectmen's Clerk, I can't help but wonder what the Board's intentions are.

I would like to remind you that the positions of Chair and Vice Chair come with the responsibility to give support and information to the Board, NOT take control over the Board. We are a Board of five people who are supposed to work together for the good of the Town. The townspeople resoundingly rejected the last Chair because of this arrogant, dictatorial behavior, which was supported by three of you.

When I have an issue, you will hear about it in this format, front and center. I don't start rumors or go behind your back. I treat you with respect and I expect the same from you. I also expect you to treat the townspeople with more respect than has been done in the past two years.

If you have to vilify someone else to make yourself feel or look good, something is wrong with you.

Your fellow selectman,  
John Tibbetts

**Transcribed notes from the 7/5/22 Select Board meeting:**

Tom - 54:45: Everybody knows how I feel about personnel issues and trying to retain employees. This is another one that is difficult. Once Patti left we had an idea that she might be next. You can read her resignation - it was very plain, very neat. But somebody on the Board here decided to write an email here tonight accusing one of the other selectmen of making statements for why she left. Being on the HR side and as Vice-Chair I checked into it and it was completely false.

**John - I found it was false before I wrote the email. Wanted everyone else to check into it too. I know it may not have come across that way.**

Tom - Pretty scathing and for me to get it at 5 o'clock tonight without any other information.

John - It was sent out at 6 o'clock this morning.

Tom - 7:06 - it would have been nice to have a retraction for the person who was accused.

John - That's why I did it privately. Because it was a rumor - it didn't go any further but that rumor was floating around out there...(inaudible)

Tom - Because you used the word rumor that's why I'm bringing it up in public. If anybody hears any rumors of why she left - she left on her own accord - it wasn't anything - she saw no growth for her here.

**Responses to JT 7/5/22 email:**

**Response from DA:** No Idea what you are talking about John.

I never told anyone about the Clerk leaving for any specific reason, but she enjoyed working with Patty. Houy or Demers never came out of my mouth. Your tone and lie is unacceptable to me , for you to accuse me of what in my opinion , you have been doing for two years is very concerning.

I expect a full and complete apology from you!

**Response from JT:**

Dave

There were no lies or **accusations** in my email. I reported what was said to me and my concerns about it. You may be a victim of rumor mongers, not me. I reported the rumor and my concerns privately to this Board so we could discuss them among ourselves and, if the Board agreed, to publicly address the rumor mill. I did nothing to warrant an apology to you or anyone.

Tom,

I don't appreciate you publicly mischaracterizing my statement and concerns as "accusing another selectman". Your action was not befitting your position as a member of the board. Again, I find I must remind you that you are NOT a soloist. We are charged with corporate decision making and communication. Whatever the motive for your action, it certainly was not done in the Kumbaya spirit. I believe you were unprofessional and out of order and should check yourself in the future when addressing the townspeople in our meeting forum.

Rusty,

I know you are new to the Chairman position, but you should have either stopped Tom or refuted his statement. I request that the entire board compose a corporate document at our workshop, vote at our next meeting to present it to public, and then read it into the record. The document should correct Tom's statement, refute the rumor, and affirm the real reason for the CEO Assistant's resignation.

You three have asked me to bring concerns to you instead of issuing a public minority report.

I did just that. Tom, not I, took it public before any discussion or investigation could be done among us.

In the executive session Tuesday night, when Brendan said we have the wrong equipment, Tom stated that Brandan only said that because of his association with a person in town. If you don't trust the tech we hired, why is he still working for us? Tom mentioned Michelle Felicitti by name, again! Reminder: you MUST NOT discuss anyone in executive session who has not been given the opportunity to attend.

I attached a handy Quick Guide to executive sessions that I adapted from one I found on the internet.

John