

Town of Lyman
Board of Selectmen Regular Meeting Minutes
Tuesday September 6th, 2022 – Lyman Town Hall

Welcome to the September 6th, 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.

Selectboard members present: Thomas Hatch, Jessica Picard, John Tibbets, David Alves

Selectboard members absent: Ralph “Rusty” Blackington,

PLEDGE OF ALLEGIANCE

ITEM #1 **SPECIAL OFFERS / PRESENTATIONS**

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

a. *Paul Thurston – Discussion regarding gate at Old Kennebunk Rd.*

Paul Thurston – States he owns land on Old Kennebunk Road. The gate on that road has been locked for many years. The old dump sites have not been used in years. He has traveled them recently and found no dumping has occurred. The lock has been changed three times and this last time he has taken the gate down at the Alfred end to access his property. He states he will fix the gate if the board would like him to do this. He suggests opening the gate and he’ll keep an eye on any dumping issues. This is the Alfred gate that was given to Lyman from Alfred. He will be building a house soon and will need access to get to his property.

John Tibbets – States the gate has stayed locked other than hunting season. He has locked it himself in the past. Property owners had their own individual keys.

Maurice St. Clair – States there were dumping issues in the past. The road was discontinued but because the town did not notify the abutters, it was illegal. This is also a county road

Chip Basset – States there have been ATVs in the area recently that are not permitted. There was also a history of partying and personal injury in the past.

Paul Thurston – States there is only one posted property on that road.

Steve Marble – States the only way to discontinue a county road is to have the County commissioners do it.

Tom Hatch – States there is a lot of history here and he would recommend the board revisit this. The gate should go back up in the meantime.

Brad Nikel – States it is a County Road, and we can’t just automatically do what we want.

b. *Bob St. Onge – Discussion on Town Vault (Follow up from 8/22/2022)*

Not present

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

Melissa – States her concern for the crime rate in Lyman and the need for Law enforcement. As recorded by the States Crime Statistics, Lyman is a grade B. Response time for Law Enforcement is low. Lyman is strategically located off an interstate highway. Statistics have shown smaller towns that have relied solely on State Police services have seen an increase in their crime rates for reasons such as, the State departments are not as familiar with the area or the general public, and they are responsible for covering larger geographical areas causing longer response times. There has been an increase in drug related crimes near her home and she has personally been followed and harassed with no support provided by state police. She suggests Lyman can join with another Town to utilize their law enforcement and there are also grants available for recruitment that help make this goal achievable with zero to minimal tax impact.

Maurice St. Clair – Asks about the mowing contract and if the board got three quotes or did this go out to bid at the time?

Thomas Hatch – States he can put this on the next meeting agenda and the board can look into this further.

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d. Mail

- Regional School Unit 57 – Re: Offering option to Towns several busses and vans that will no longer be used, otherwise vehicles will be put out to public bid. There was some discussion on using these for the fire department however, if the town took on additional vehicles this would incur additional maintenance costs. The GWFD have worked with Biddeford in using vehicles like these and don't agree there is a need here.
- Planning Board Notice of Decision on EVO Cell Phone Tower.

e. Complaints

ITEM #3

MINUTES

Review and approve Minutes from 8-22-22 meeting

Motion made by Jessica Picard to approve the minutes, seconded by John Tibbetts. Motion passes 4-0

ITEM #4

SIGN WARRANTS

a. Payroll Warrant #11 in the amount of \$23,016.25

Motion made by Jessica Picard to approve, seconded by David Alves. Motion passes 4-0

b. Accounts Payable Warrant #69 (FY2022) in the amount of \$20,000

Motion made by David Alves to approve, seconded by John Tibbetts. Motion passes 4-0

c. Accounts Payable Warrant #12 (FY2023) in the amount of \$590,455.64

Motion made by Jessica Picard to approve, seconded by John Tibbetts. Motion passes 4-0

d. Accounts Payable Warrant #13 (FY2023) in the amount of \$191.00

Motion made by Jessica Picard to approve, seconded by David Alves. Motion passes 4-0

ITEM #5

UNFINISHED BUSINESS

a. Lyman Property Map#3 Lot#94 – Tabled from 8/22/22 meeting – Approve outside attorney review Steve Marble – States he has a lien release from 1987 releasing from the Town of Lyman to the Marbles that was not registered in the registry of deeds. They have done the research on their end and need the Town to confirm the research.

Motion made by David Alves to Hire Timothy Murphy as the attorney to review this item.

Seconded by John Tibbetts. Motion passes 4-0

b. Franchise Agreement – Discussions tabled from 8/22/22 meeting

David Alves – States we could lose options on money for this if we keep putting off and suggests sending back the Draft to Shelly

Thomas Hatch – States the board can table this till next meeting and send the drafted copy to Shelly for review on the Town's changes.

David Alves – **Makes a motion to send the contract from Tony Vigue to Shelly Winchenbach**

Jessica Picard – **Seconds the motion**

Motion passes 4-0

c. Oscar Littlefield Road – Updates and/or scope of plans if any

Brad Nikel – Explains he has put markers out every one-hundred feet, and the scope of work notes each location where work will be completed and what that work will be. As far as paving, the beginning of the road is wider, and they will match the width going down the road as it narrows. Any paved driveways, the pavement will be tied into the driveways. One concern he notes is property owners with gravel driveways, the gravel may wash out with the rain into the ditching in some areas and suggests the property owners are responsible for gravel coming off their property and damaging any ditching.

David Alves – Suggests looking into what the DEP rules are to property owners managing water coming off their property if causing erosion. He suggests paving the road in front of the properties

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that have signed the easement from one point to the first property that hasn't signed which is about the first 500-feet.

Maurice St. Clair – Suggests to the board they should read the prescriptive use segment in the MDOT manual.

Thomas Hatch – Suggests getting back from Brad Morin any advisement on the scope of work that was drawn up from the road commissioner. Also, to start paving as David Alves suggested.

John Tibbets – Asks if they can bevel the pavement down to the gravel section to reduce damages from snow plowing. Brad Nikel confirms they can do this.

David Alves – **Makes a motion to proceed with paving the first 500-feet or as far as the first signatures that were obtained and to also to send out the scope of work and continue to get signatures from the property owners that have not signed yet.**

John Tibbetts – **Seconds the motion.**

John Tibbetts – **Asks if it will impact the road if paving the top of the hill**

Brad Nikel – **States it won't be an issue because the road is already crowned.**

Motion passes 4-0.

d. Ordinance Review Committee – Discuss/Review applications

Jessica Picard – **Makes a motion to accept Michelle Felicitti' s resignation from November 2021**

John Tibbetts – **Seconds the motion**

Motion passes 4-0

Jessica Picard – **Makes a motion to accept Amber Swett's resignation from November 2021**

John Tibbetts – **Seconds the motion**

Motion passes 4-0

Thomas Hatch – States he would like to see more diversity from different locations in the town.

Michelle Felicitti – States she believes there were 5-7 seats on the committee.

John Tibbetts – Agrees with Don Herson's recommendation to have a planning board member liaison on the committee. They may offer suggestions on ordinances they run into complications with. He asks the board how committed they feel on the geographic location idea?

Jessica Picard – States we currently don't have a policy to distinguish applicants based on location.

John Tibbetts – **Makes a motion to approve everyone on the "interested/applied" list, six applicants.**

Jessica Picard – **Seconds the motion**

Motion fails: 2-2

Jessica Picard – States this is still unfinished business and should be tabled to the next meeting for further discussion.

e. Town Owned Properties – Discuss/review next steps

Jessica Picard – States we will need to verify how we acquired the property

Brad Nikel – Suggests selling any land that is currently land locked where abutters may want to purchase this land.

David Alves – Wants to identify properties that the Town could benefit from to sort out which ones are more appropriate to sell.

Jessica Picard – **Makes a motion for David Alves to take a lead on town-owned property research**

John Tibbetts – **Seconds the motion**

Motion Passes 3-0-1 (David Alves abstains)

f. Staff Review Committee – Discussion/ next steps

Thomas Hatch – States this committee reviews certain items according to the Zoning Ordinance. He suggests if the issue were about a board member the board would have to pick a different member

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John Tibbetts – States if someone were to request a staff review committee, they may not want certain board members to be involved so the decision would arise as needed.

g. [Bunganut Ball Field – Approval for invoice payment](#)

John Tibbetts – States his only issue was did we know where to take the money from to approve this work

David Alves – States he was shown there was no water which put the field at risk. The contractor had all the parts to do the work, but he reiterated he couldn't give approval as an individual board member. His understanding is that there is money in the Bunganut reserve funds.

Jessica Picard – States she has seen an email possibly from KCB stating the issue, but there was no decision made by the board.

Thomas Hatch – States under the purchasing and sales in the charter it states in an emergency deemed necessary by the board of selectmen they can make emergency purchases. His concern was the Town was at risk to losing the field.

Jessica Picard – States she is not opposed to paying for the work performed or that there was an emergency but there was a proceeding without authorization.

David Alves – Agrees there should be a procedure and there could have been more conversation.

Thomas Hatch – States the board should have an invoice before they vote to approve payment. Lindsay can reach out and ask for an invoice.

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

a. [Treasurer Expense Summary Report September 2, 2022](#)

No discussion

ITEM #7

NEW BUSINESS

a. [Vote & approve Orders – Special Town Referendum for Nov 8, 2022](#)

a. [Amendments for Article 3 & 4](#)

b. [Article 5](#)

John Tibbetts – Makes a motion to rescind the votes made on Article 3 and 4 from the August 22, 2022 meeting

Jessica Picard – Seconds the motion

Motion passes 4-0

John Tibbetts – Makes a motion to accept Article 3 as written

Jessica Picard – Seconds the motion

Motion passes 4-0

David Alves – Makes a motion to accept Article 4

John Tibbetts – Seconds the motion

David Alves – States he's received different opinions on this article, and he thinks the way this article is worded takes out contract zoning. You may as well put out to the Town "Do you want contract zoning or not?". If you met all the conditions in this ordinance, then you wouldn't have a contract.

John Tibbetts – States the way it seemed to him was that contract zoning allows you to do something in one zone that isn't normally allowed there. The reason they wanted to take out "but not limited to" is because they struggled with getting solid legal opinions when it came to other projects. He thinks the purpose of contract zoning is to allow other uses in district zones with a contract that only applies to that property owner. He thinks this is still a useful tool for the Town and matches the state statute.

Thomas Hatch – States he feels there needs to be more work done on it.

Motion fails 2-2

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- Thomas Hatch** – Discusses Article 5 regarding moving funds from surplus for the purpose of cemetery tree removal and trimming
- John Tibbetts** – Suggests adding to the question “to be offset by sale of town land” as an explanatory note to voters.
- David Alves** – Agrees voters may want to know the intent of using the money.
- Michelle Felicitti** – States there have been issues in the past with the wording of Budget items and suggests the board check with the treasurer. It may be the amount of money cannot be in the question.
- Brad Nickel** – States in doing so could mean you could not change the amount of money. It could be lowered but not increased.
- Thomas Hatch** – Suggested revised wording “To see if the Town will vote to appropriate money from surplus for the purpose of cemetery tree removal and trimming to be offset by sale of Town land. Select board recommends \$60,000.”
- David Alves** – **Makes a motion to approve the revised wording of the article as stated.**
- Jessica Picard** – **Seconds the motion**
- Motion passes: 4-0.**
- b. Town items discuss putting out to Bid – Woodchipper/ Furniture at transfer station**
- David Alves** – States he is not for selling the woodchipper right off and the Town should store it.
- Jessica Picard** – **Makes a motion to hold on to the Woodchipper for the time being**
- John Tibbetts** – **Seconds the motion**
- Motion passes: 4-0**
- Thomas Hatch** – States there are also 4 tables and 34 chairs at the Transfer station that can go out for bid.
- Jessica Picard** – **Makes a motion to accept bids for 34 chairs and 4 tables that are currently located at the transfer station**
- John Tibbetts** – **Seconds the motion**
- Motion passes – 4-0**
- Thomas Hatch** – States to post it for ten days then open sealed bids on the meeting after.
- c. Open sealed bids for RFP – LED Sign Enclosure**
- Jessica Picard** – reviews the bids. Bid #1: from Bellerose Carpentry for \$14,400. Bid #2 from Bob Duling for \$4,800.
- John Tibbetts** – Asks if we need to do any due diligence on those bids. The clerk can look online for reviews.
- David Alves** – States he would like to meet with them at the sign
- John Tibbetts** – **Makes a motion to accept Bob Duling’s Bid of \$4,800 pending positive reviews**
- David Alves** – **Seconds the motion with adding “pending positive reviews”**
- Motion passes: 4-0**
- d. Approve appointment for CEO Assistant – Julie Liemieux**
- Jessica Picard** – The hiring committee interviewed three applicants and recommended to proceed with any of the three. Herself and Brenda Charland were able to interview two of them, with the third opting out. Brenda felt comfortable with Julie, and they felt she would be a good fit.
- David Alves** – **Makes a motion to accept**
- John Tibbetts** – **Seconds the motion**
- Motion passes: 4-0**
- e. Approval – To add and remove to Infinity Document**
- David Alves** – **Males a motion to accept**
- John Tibbetts** – **Seconds the motion**

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Motion passes: 4-0

- f. **KPB committee – David Alves request to look into funds for cameras \$10,300 current budget**
David Alves – Originally it was thought the Town could use ARPA, but then later found it was already in the KPB funds. As an update he just received a landscape proposal for \$3,900 and a landscape designer proposal for \$700. He’s going to review this with the committee and see what they want to do with it.

OTHER

Michelle Felicitti – Asks the board if the Charter Committee can be an ADHOC committee so they can continue to inform the public of the changes in the charter to help inform them what they are voting on.

John Tibbetts – **Makes a motion to make the Charter commission be appointed as an ADHOC committee.**

Jessica Picard – **Seconds the motion**

Thomas Hatch – **Asks if this is the whole same group. Michelle Felicitti verifies it is**

Motion passes: 4-0

Maurice St. Clair – Asks the board to create an article for the November ballot to appropriate funds from surplus for the purpose of putting towards the South Waterboro Road.

Brad Nikel – States this has been on the warrant before but has gotten missed for a couple of years.

Maurice St. Clair – States the state would match what the Town would put in. He suggests \$400,000 - \$600,000 to do a decent section from Kennebunk Pond Road to the Transfer Station which is the worst area.

John Tibbetts – Asks Brad if he has verified with D.O.T that they will provide work for this road

Brad Nikel – States he has spoken with D.O.T and they told him they would, and that there is grant money available

John Tibbetts – States he had spoken with D.O.T in the past when they were scheduled to put skinny mix on that road, and they informed him the wheels were already in motion and they would not perform other work

Brad Nikel – States this is true, but if the town approached D.O.T first before the skinny mix is scheduled then they would consider doing the matching of funds to repave the road. The project itself, would take a couple of years.

EXECUTIVE SESSION - None

ADJOURN

Jessica Picard – **Makes a motion to adjourn. David Alves seconds the motion. Motion passes: 4-0. The meeting is adjourned at 8:48pm**

Ralph “Rusty” Blackington (Chair)

David Alves

Thomas Hatch (Vice Chair)

Jessica Picard

John Tibbetts

I, Lindsay Gagne, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of 6 pages are the original minutes of the Board of Selectmen Regular Meeting dated September 6th, 2022

Lindsay Gagne