

**Town of Lyman**  
**Board of Selectmen Regular Meeting Minutes**  
**Monday September 19<sup>th</sup>, 2022 – Lyman Town Hall**

Welcome to the September 19<sup>th</sup>, 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: Ralph “Rusty” Blackington, Thomas Hatch, John Tibbets,  
Selectboard members absent: David Alves, Jessica Picard

**PLEDGE OF ALLEGIANCE**

**ITEM #1**      **SPECIAL OFFERS / PRESENTATIONS**

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

**a.** [Don Hernon – Notes for Select Board Meeting](#)

**Don Hernon** – Reads his statement submitted to the Select Board via email on September 7<sup>th</sup>, 2022. He states afterwards that two select board members came to a Planning board meeting making statements of ethics violations. He states these members can refer to the planning board Bylaws on submitting formal complaints. He asks if the Select board has adopted any bylaws or code of ethics to govern their conduct. He states by the select board voting this article down on contract zoning, they are preventing this from going to the voters.

**John Tibbetts** – Asks if MMA had recommended the changes to the contract zoning ordinance from the Cousins School application.

**Don Hernon** – States he doesn’t recall precisely but it was not the planning boards intention to eliminate contract zoning but to better mimic the state statute for clarity on the ordinance.

**Thomas Hatch** – States he was at the planning board meeting as a public member with the other board member there as an applicant. He states there were comments made at the planning board meeting he disagreed with.

**Don Hernon** – States any concerns can be addressed to the planning board in writing.

**b.** [Public Input – Public in attendance will have up to 5 minutes to address the Board](#)

**Michelle Felicitti** – Asks about the public comment portion of the agenda

**Ralph Blackington** – States the board had decided to allow people to be put on the agenda provided they submit some information ahead of time for the board.

**c.** [Mail](#)

Email regarding discussion from last meeting on law enforcement issues

Email from Tony Vigue regarding general information on franchise agreements

**d.** [Complaints](#)

None

**ITEM #3**      **MINUTES**

[Review and approve Minutes from 9-6-22 meeting](#)

**Ralph Blackington** – States there is a lack of voting members because he was not present for this meeting and these minutes will need to be approved at the next meeting.

[Review and approve Minutes from 9-12-22 meeting](#)

**John Tibbetts makes a motion to approve the minutes. Thomas Hatch seconds. Motion passes: 3-0**

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**ITEM #4**

**SIGN WARRANTS**

- a. Payroll Warrant #14 in the amount of \$25,988.96  
**John Tibbetts makes a motion to approve. Thomas Hatch seconds. Motion passes: 3-0**
- b. Accounts Payable Warrant #70 (FY2022) in the amount of \$2,988.94  
**Thomas Hatch makes a motion to approve. John Tibbetts seconds. Motion passes: 3-0**
- c. Accounts Payable Warrant #15 (FY2023) in the amount of \$78,688.59  
**Thomas Hatch makes a motion to approve. John Tibbetts seconds. Motion passes: 3-0**

**ITEM #5**

**UNFINISHED BUSINESS**

- a. Lyman Property Map#3 Lot#94 – Vote/Approve/ Notarize & Attest Quit Claim Deed  
**Lindsay Gagne** – Explains the attorney reviewed the documentation and found there was missing release from the Town back in the 40's-50's that was not recorded in the Registry of Deeds.  
**Thomas Hatch** – **Makes a motion to approve the Quit Claim Deed as written by Attorney Timothy Murphy**  
**John Tibbetts** – **Seconds the motion**  
**Motion passes: 3-0**
- b. Lyman Property Map#3 Lot#94 – Quit Claim Deed invoice – Review/approve invoice  
**Thomas Hatch** – **Makes a motion to pay the invoice for \$306.25**  
**John Tibbetts** – **Seconds the motion**  
**Motion passes: 3-0**
- c. Old Kennebunk Rd Gate – Follow up from last meeting  
**Ralph Blackington** – Suggests the gate should go back up  
**Brad Nickel** – Asks what to do about the lock and keys for property owners. In the past keys were distributed to the landowners and anyone else could sign a key out but this won't ensure the gate remains locked.  
**John Tibbetts** – States there are other gates in town with similar situation that works out well with the landowners having their own keys and they seem to like having the gate for added security and seclusion.  
**Brad Nickel** – States he will check both the gates and find out if the one taken down was put back up.
- d. Franchise Agreement – Sent to Shelly – Waiting response no updates yet  
**Ralph Blackington** – This is waiting a response from Shelly Winchenbach on the draft that was sent.
- e. Oscar Littlefield Road – Updates from Brad Morin – See email  
**Lindsay Gagne** – Explains Brad Morins response regarding water runoff from properties. In Brad's response they would have to rewrite the easements and have them signed to add responsibility on the property owners or the board could leave it as it is with the signatures they have.  
**Bob Shultz** – States the last owner that hasn't signed is Mr. Proctor at the end by the turnaround and the board agreed to pave up to the last person that has signed  
**Brad Nickel** – States he would have to start getting the paving scheduled within a week or so before he runs out of time and would also need to start paving from Proctors end out to South Waterboro Road. He will need to know if the board wants to leave it unpaved in front of Proctors or start at the turnaround. The bottom area is his biggest concern because of the way the water washes out and if it were paved would add improvement in that regard.  
**John Tibbetts** – Asks how it is determined who owns what portions of the Right of Way  
**Brad Nickel** – States most of the properties including Mr. Proctor do not actually touch the Right of Way and when paving the road, we won't be extending onto their property.

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- Barbara Shultz** – States the last person that hasn't signed has stated on record multiple times that they were not opposed to the road being paved.
- Thomas Hatch** – **Makes a motion to pave Oscar Littlefield Road based on the recommendations from the Road Commissioner and former Road Commissioner from beginning to end taking no property from anyone that's as the road lies.**
- John Tibbets** – **Seconds the motion**
- Discussion from Bob Shultz to add to the motion "to go down to the turnaround". Thomas Hatch amends the motion adding "to the turnaround". John Tibbets seconds the amendment**
- Motion passes: 3-0**
- f. [Ordinance Review Committee – Review/Approve applicants \(7\)](#)**
- Thomas Hatch** – States he contacted Lee Shatz and verified he was sworn in just recently.
- Maurice St. Clair** – States he would apply to be on the Ordinance Review Committee
- John Tibbets** – Suggests having a planning board member as a liaison to offer input as to what types of ordinances they have struggles with. He recommends Don Hernon as the Liaison from the Planning Board.
- Thomas Hatch** – **Makes a motion to appoint Michael Rancourt, Leo Thibodeau, Steven Merola, Maurice St. Clair with Don Hernon as the Liaison.**
- John Tibbets** – **Seconds the motion**
- Motion passes: 3-0**
- g. [KCB Contract – updates/ discussion](#)**
- John Tibbets** – Suggests reviewing the contract and getting things cleaned up so it is done properly.
- Michelle Feliccitti** – States this originally came up when reviewing the budgets and she was unable to find minutes or videos that show the boards approval on the contract. This contract for the amount would need to go out to bid.
- Thomas Hatch** – Suggests having KCB finish out the season and the board review the contract in November.
- h. [Bunganut Ball Field – Review and approve invoice](#)**
- Thomas Hatch** – **Makes a motion to approve the invoice**
- John Tibbets** – **Seconds the motion**
- Motion passes: 3-0**

**ITEM #6**

**DEPARTMENT AND COMMITTEE REPORTS**

[Treasurer – Expense Summary Report 9-19-2022](#)

No Discussion

**ITEM #7**

**NEW BUSINESS**

- a. [Open sealed bids for Town owned property \(Tables and chairs at transfer station\)](#)**
- Received one bid from David Riley in the amount of \$1.00 for all chairs and tables.
- John Tibbets** – **Makes a motion to accept David Riley's bid**
- Thomas Hatch** – **Seconds the motion**
- Motion passes: 3-0**
- b. [Vote and approve final warrant – Schedule a Public Hearing between 10/3 and 10/28](#)**
- John Tibbets** – **Makes a motion to schedule both public hearings on October 3<sup>rd</sup>, 2022**
- Thomas Hatch** – **Seconds the motion**
- Motion Passes: 3-0**
- John Tibbetts** – **Makes a motion to approve the warrant as written**
- Thomas Hatch** – **Seconds the motion**
- Motion passes: 3-0**

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- c. [New GA Ordinance Amendment \(MMA\) – Schedule a Public Hearing for 10/3/22.](#)
  - a. [GA requests PH on 10/3/22](#)  
Motion made above (*Item #7 (b)*) to schedule Public Hearing on 10/3/2022

**OTHER**

**John Tibbets** – Explains there is a State program available to match funds for road maintenance. If the Town takes money from surplus the state will match it provided there is 12 months’ notice to the state. For South Waterboro Road, if we do this program, it will stay a State Aide road.

**Brad Nikel** – States this would grant the Town more funding and we would be the general contractor to choose what parts of the project are more relevant to work on.

**Maurice St. Clair** – Is concerned the money in Surplus may not be there the next Town Meeting.

**John Tibbets** – Suggests having more discussion with a full board and determining a dollar amount that would be appropriate to set aside for the potential use of the program. The board can discuss it in more detail on the meeting on the 17<sup>th</sup>.

**EXECUTIVE SESSION**

**ADJOURN**

**John Tibbetts** – Makes a motion to adjourn

**Thomas Hatch** – Seconds the motion

**Motion passes 3-0**

**Meeting is adjourned at 7:44pm**

|                                   |                |
|-----------------------------------|----------------|
|                                   | David Alves    |
| Ralph “Rusty” Blackington (Chair) | Jessica Picard |
| Thomas Hatch (Vice Chair)         | 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 4 pages are the original minutes of the Board of Selectmen Regular Meeting dated September 19<sup>th</sup>, 2022

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Lindsay Gagne