

**Town of Lyman
Board of Selectmen Regular Meeting Agenda
Monday August 22nd, 2022 – Lyman Town Hall**

Welcome to the August 22, 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),
Jessica Picard, John Tibbetts, and David Alves
Absent: none

PLEDGE OF ALLEGIANCE

ITEM #1 **SPECIAL OFFERS / PRESENTATIONS**

- a. Cemetery Committee – Update on tree removal.
Cemetery committee provided information regarding tree damage and their plans on removing damaged trees. They hope to remove and cut damaged trees by 2026 for all 115 ancient cemeteries. The final plan is to reduce their annual cost to the price of mowing, flag purchases and minor maintenance as needed, estimated to be about 5-6 thousand dollars annually. Currently, from their lowest bidders, they are looking for \$20,000 dollars each year for the next three years to be able to cover the costs of the tree removal. These trees are leaning on headstones and walls causing damage. Cost of one tree is \$1,500.
David Alves: Suggests taking funds from a surplus fund to give to the cemetery committee and reimburse the surplus funds with the land sales from tax acquired land.
John Tibbetts: Suggests putting a question on the ballot for November.
John Tibbetts: makes a motion to put a question on the November ballot to move funds of \$60,000 from surplus for the purpose of cemetery tree removal, pending legalities.
David Alves: Seconds the motion
Discussion to add pending legalities to the motion and to add a total sum of 60,000
Motion passes 5-0
Cemetery Committee asks if the board would agree to sell the woodchipper, they are no longer in need of it.
Ralph Blackington: Explains it would have to go out to bid, they can look into this.

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

- a. Historical Society – Question on Budget and requests for funds
Pat, current Secretary and Joanne Johnston, Treasurer
Pat: Explains they are requesting the board to reconsider their decision for the historical society to submit invoices for reimbursement. The town approved to grant \$5,000 dollars to the historical society to help with ongoing and future costs. They feel it is not necessary or practical to submit invoices to the town to collect funds for such reasons. . .
1. The society has an operational structure that ensures the proper handling of monies. The society has an executive board consisting of a President, Vice President, Treasurer and Secretary and a board of three Trustees, who also vote for approved expenditures.
2. There is no need for a separate accounting of the \$5,000 dollars awarded by the Town.
3. It’s an unnecessary step to reimburse members for purchases made on the society’s behalf.
4. The society was included on the Town Warrant for outsourced funds. The library was a separate outsourced fund also and we don’t believe the library is subject to these same requirements.

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David Alves: states he has no problem with this where they have a treasurer, as long as, the yearly reporting goes back to the Town Treasurer.

Jessica Picard: **Makes a motion to reverse the boards original decision and issue the amount voted on at Town Meeting, in the amount of \$5,000 dollars, for the historical society to work through their inner processes and a yearly reporting of all their financials reported to the Town**

Thomas Hatch: **Seconds the motion**

Motion passes 5-0

Thomas Hatch: Asks the Historical Society if they may have pictures that could be loaned to the Town Hall

John Tibbetts: Asks if there may be a budget line to cover for cost of framing the pictures

Pat: States they would be agreeable to that.

b. Bob St. Onge – Discussion on Town Vault

Bob St. Onge: Has asked in the past without response and is asking the board again regarding the vault and employee complaints. He asks if complaints filed against board members by the Tax assessor, Treasurer, and Code Enforcement Officer are in these employees' personnel files, as well as the file of the accused in the vault. He is looking for verification that the files are there. If they are not then there is a problem, the files should be there and should not be removed.

Thomas Hatch: States as vice chair it would be his responsibility with Jessica to look if they are there. He will get a response back to Mr. St. Onge.

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

Pricilla Ouellette: She asks the board to make a motion to take Item #7, e out of order to have discussion and take a vote. She is not interested in taking on Health Officer if this is merged with General Assistance.

Don Hernon: Asks if the Select Board will be reviewing the proposed amendments for the ordinance from the planning board.

Michelle Felicitti: States she read through the email attached to the minutes. She saw her name in that attachment referencing Bean Data. She states to the board that to make it seem there is an appearance of impropriety is not appropriate. She has advocated for Bean Data in the past. She asks the board if they could be more careful in mentioning her business and Bean Data.

Pauline Weise: States applications to request an absentee ballot for November 8th election are now available. Also, there is a Rabies Vaccination clinic scheduled to be held at the Town Hall from 9am to 12pm on October 22nd. Information is posted.

Brian Dulong: States at the last couple meetings, there was a talk about a letter that the Chair stated he did not read then contradicted that he did read the letter. Secondly, regarding July's meeting with an email attached to the minutes, Celest Hatch's name is on those emails as a sender. This raises flags with him.

d. Mail

Ralph Blackington: Reads a letter addressed to board members regarding an affidavit to start a recall process. He states he does not recall stating he didn't read the letter. He received MMA guidance regarding the letter. He didn't feel this was appropriate to blindsides a board member in public. At this point this is a citizen's initiative and does not have to do with the board until there is an outcome from the petition.

e. Complaints

- Request from Richard Morin to put signs up on Rt 111 to stop Engine Braking. Maine DOT provided information regarding the issue. MDOT cannot put a sign on this road and the Town would be responsible for this.

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- Email from Steven Austin. He is requesting if Shore Road were to be paved by the Town, he does not want his turnaround paved. This year the Road Commissioner fixed Shore Road, but the Town gives the association money to be able to do this. John Tibbets believes the association hired Brad as a private contractor.

Jessica Picard: makes a motion to move Item #7 (e) out of order for discussion

John Tibbetts: Seconds the motion

Motion passes: 5-0

Thomas Hatch: Has offered the Health Officer position to the Fire chief and awaiting a response

Jessica Picard: Verifies they will not merge the two position, GA and Health Officer

Thomas Hatch: Explains the treasure is getting the GA phone line up and running and recommends the board approve forwarding the calls to the GA cell phone.

Thomas Hatch: Makes a motion to forward GA phone calls to the GA cell phone

Jessica Picard: Seconds the motion

Motion passes: 5-0

ITEM #3

MINUTES

Review and approve Minutes from 8-1-22 meeting

Thomas Hatch: Makes a motion to accept the minutes

Jessica Picard: Seconds

Motion passes: 4-0 (David Alves abstains, he was not present at the 8/1/2022 meeting)

ITEM #4

SIGN WARRANTS

- a. Payroll Warrant #7 in the amount of \$23,277.38

Jessica Picard: Motions to approve Payroll Warrant #7 in the amount of \$23,277.38

John Tibbetts: Seconds the motion

Motion passes: 5-0

- b. Payroll Warrant #8 in the amount of \$21,765.66

Jessica Picard: Motions to approve payroll warrant # 8 in the amount of \$21,765.66

John Tibbetts Seconds the motion

David Alves: Asks the difference between the two different numbers in the payroll warrants and verifies the treasurer can explain this.

Motion passes: 5-0

- c. Payroll Warrant #10 in the amount of \$194.80

Jessica Picard: Makes a motion to approve payroll warrant #10 in the amount of 194.80

John Tibbetts: Seconds the motion

Motion passes: 5-0

- d. Accounts Payable Warrant #68 (FY2022) in the amount of \$30,747.69

David Alves: Makes a motion to approve

John Tibbetts: Seconds the motion

Thomas Hatch: Clarifies the workstations are new computers and Gerard is the bid project.

Motion passes: 5-0

- e. Accounts Payable Warrant #9 (FY2023) in the amount of \$98,114.09

Thomas Hatch: Makes a motion to approve

Jessica Picard: Seconds the motion

Motion passes: 5-0

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ITEM #5

UNFINISHED BUSINESS

- a. Franchise Agreement – Discussions from workshop. Ordinance suggestion from Tony
Jessica Picard: clarifies Tony's suggestion was to put an ordinance in place before signing the contract
Lindsay Gagne: States the board would not meet notification requirements to hold a public hearing and get this a question on the November 8th ballot.
Jessica Picard: States from her notes it might be possible to sign the contract and work on the ordinance after
David Alves: Suggests tabling the ordinance and work on the contract
- b. Oscar Littlefield Road – invitations sent to owners requesting signatures/ Discuss next steps
David Alves: States at this point the board has been advised by Town Council to continue pursuing the signatures. His suggestion would be to pave the road up to where the first property owner has declined to sign an easement.
Justin Proctor: States he is a resident that has declined to sign the easement. He explains to the board his reason is because he wants to see a scope of the plan to pave the road, such as the ditching, culverts, grading, pitch, watershed, etc. His concern is he has received three letters and not one letter mentions the intention to pave the road. The centerline in the easement is defined as 12-feet. The beginning of the road is wider than the other end. If one driveway is dirt, will this roadwork require taking more land from a homeowner.
David Alves: The Road Commissioner has stated he would be making the road narrower
Justin Proctor: There hasn't been any sort of proposal brought to the homeowners indicating the plans. Some road work has been completed in the past that has caused flooding and the road being washed out by rain. If the Town paves this road, is there any plan on how to redirect the watershed back to the pond. His other concern is if the road were to be paved, traffic conditions would worsen. They have issues already with cars driving too fast on the road.
David Alves Agrees there can be a scope of work or plan put together to show the property owners
- c. Ordinance Review Committee – Discuss/Review applications
David Alves: Suggests a spot on the committee should be reserved for a planning board member
Thomas Hatch: Suggests having a diverse group of members
Lindsay Gagne: States there are applicants that have expressed interest in this recently.
David Alves: Asks if we can refresh the website and find the application from Rancourt
Jessica Picard: Is concerned we have all these applications we should communicate with what we have in front of the board.
David Alves: Suggests tabling the item and continue seeking more applications for the committee.
Michelle Felicitti: Asks if committee applications have to go through the hiring committee
Jessica Picard: States it has not been confirmed, either way it should be consistent going forward.
Ralph Blackington: Asks Lindsay to reach out to the applicants if they are still interested.
- Thomas Hatch: Makes a motion the board address an item not on the agenda regarding signing an ambulance and emergency medical service document.**
Jessica Picard: Seconds the motion
Motion passes: 5-0
- d. Town Owned Properties – Discuss/review next steps
Jessica Picard: Makes a motion to table this item to the next agenda
David Alves: Suggests the board members visit some of the properties
David Alves: Seconds the motion

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Motion passes: 5-0

- e. Personnel Policy – Budget ends 2023

Jessica Picard: States she will look at it and will bring it back to the agenda.

- f. Transfer Station – Cameras installed incorrectly – IT to take a look at it and fix if he can.

Lindsay Gagne: Explains these are existing cameras that are not working properly.

David Alves: Makes a motion for Thomas Hatch to take this item to look into

Jessica Picard: Seconds the motion

Motion passes: 5-0

- ~~g. Cemetery committee Q: What does the board want to do with the Wood Chipper?~~

~~This item already taken care of under Item# 1.~~

- h. Agenda Format – Discuss revisions.

Ralph Blackington: Suggests the public comment area should remain as only public comment. If someone wants to get on the agenda to speak with the board, they can make a request to the board clerk. Requests can be made by Thursday 4pm to get on the following agenda. The person making the request should provide any further information that the board can review, and requests should be approved before getting on the agenda, so that it's appropriate and there are not too many agenda items already. If you don't get on the agenda, there is still the public comment section.

Michelle Felicitti: Asks if you ask a question in public comment, could you request the board to provide a response at their next meeting

Thomas Hatch: States it's a good point

Thomas Hatch: Makes a motion to keep public input on the agenda as it is and if the public has an issue, they want on the agenda they request by Thursday before the meeting with supportive documentation the board can review.

John Tibbetts: Seconds the motion

Motion passes: 5-0

- i. Walker Rd Construction – Memo

David Alves: Reads his recommendations based off looking through the past Walker Road Project. He explains with what was done with funding from the Town to take care of extra projects on the job; it should have been documented, and it was not.

Jessica Picard: States in an effort to move forward this could be an outlined policy the board can continue to review.

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

David Alves: Gives an update he met with Kennebunk Pond Beach Committee. He met with the Architect for landscape design and contacted DEP. The Daigle's do not want the fence on their property but wanted to know what the Town will do on the Town Property. The shed has been installed and he's been in touch with Marcel to get a work order for electrical on that, the board will need to discuss where the funds will come from for those cameras. He thinks the cameras should be a priority. He's scheduled to have the secondary pole come down.

- a. Assessor: 2022-2023 Tax Commitment

Ralph Blackington: Reviews the Tax Commitment report from the Assessor

- b. Planning Board Notice of Decision for site plan review.

Ralph Blackington: Notice of Decision submitted from Planning Board for the Cousins Memorial School at 382 Goodwin Mills Rd Site Plan Review Application

ITEM #7

NEW BUSINESS

- a. Vote & approve Orders – Special Town Referendum for Nov 8, 2022

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- **John Tibbetts: Makes a motion to approve the Order that a Special Town Referendum of the Town of Lyman be held on November 8th, 2022.**
David Alves: Seconds the motion
Motion passes: 5-0
 - **Thomas Hatch: Makes a motion to approve the Order that Article 2 be placed on the ballot.**
John Tibbetts: Seconds the motion
Motion passes: 5-0
 - **Jessica Picard: Makes a motion to approve the Order that Article 3 be placed on the ballot:**
John Tibbetts: Seconds the motion
Motion passes: 5-0
 - **David Alves: States “provides reasonable expectations of an overall benefit to the town as a whole” He thinks the wording should be tightened up due to conflicts with individual perceptions of the phrase.**
John Tibbetts: Recommends taking out one of the conditions in Article 4
David Alves: Makes a motion not to approve Article 4
Jessica Picard: Seconds the motion
Motion passes: 5—0
Don Hennon: States in item number 4 in article 4 the planning board discussed there should be some benefit to the town and left the language in that section.
Jessica Picard: Makes a motion to accept Article 4 with the amendment to number 4 striking out “reasonable expectations of” so that it reads “Provides an overall benefit to the Town as a whole”.
John Tibbetts: Seconds the motion
Motion passes: 5-0
- Thomas Hatch: Makes a motion to move agenda Item #7 (m) to next item on the agenda**
David Alves: Seconds the motion
Motion passes: 5-0
- m. Lyman Property Map#3 Lot#94 – Request for Quit Claim Deed**
Steven Marble:-Explains in doing the survey they found there was a 1.5 acre lot that at some point was tax acquired by the Town, however it was sold to another person who did not record the sale in the registry of the deeds.
Nancy Marble Doesn’t think the town of Lyman owns the 1.5 acres given that there is some record Ralph Drown bought the quit claim deed from the Town and then later sold it to the Marbles.
David Alves: Motions to table this item till next meeting pending conference with legal and treasurer.
John Tibbetts: Seconds the motion
Motion passes: 5-0
- b. Appointment sheet for plumbing inspector and 911 addressing agent
Completed
 - c. Appointment sheet – Bruce Fearon ZBA / see Town Clerk letter
John Tibbetts: Makes a motion to reappoint Bruce Fearon to ZBA
Thomas Hatch: Seconds the motion
Motion passes: 5-0
 - d. Appointment Sheet – Town Hall Expansion/Need to approve members and sign oath sheets
 - a. David Alves, Brad Nikel, Marc Swett
John Tibbetts: Makes a motion to appoint all three

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Thomas Hatch: Seconds the motion with adding Ralph Blackington to the committee

Motion passes: 5-0

~~e. Health Officer and GA, do we want to merge the two? Also, approval for GA phone forwarding calls
This item has already been addressed under Item #2~~

f. Maurice storage shed agreement

David Alves: Makes a motion to accept the contract

John Tibbetts: Seconds the motion

Motion passes: 5-0

g. Application for Catered Function – request approval

Thomas Hatch: Makes a motion to accept

John Tibbetts: Seconds the motion

Motion passes: 5-0

h. Electrical Inspector – Request to waive electrical permit fee for 214 Kennebunk Pond Road

Jessica Picard: Motions to waive the electrical permit fee for 214 Kennebunk Pond Road

Thomas Hatch: Seconds the motion

Motion passes: 5-0

i. Capital Improvements for Bunganut Field – Bridge needs repair

Thomas Hatch: Makes a motion to close the bridge

Jessica Picard: Seconds the motion

Discussion, Ralph Blackington will close it off

Motion passes: 5-0

j. Zoom Package – approve plan/pricing

Jessica Picard: Makes a motion to continue with the 199.99 plan

John Tibbetts: Seconds the motion

David Alves: Asks for Discussion with Michelle Felicitti

Michelle Felicitti: The current plan allows for 400 participants, which you could upgrade for a small one-time fee if you wanted to bring in more participants. Also, you would need someone in the server room to manage the zoom room online. State laws also require documents are shared on the screen which the board currently does not have the capability to do.

Jessica Picard: Rescinds her motion to accept the 199.99 plan and makes a new motion to go with the 149.99 plan

John Tibbetts: Seconds the motion

Motion passes: 5-0

k. Staff Review Committee – 8.3.11 Zoning Ordinance: Elect a board member to chair meetings

John Tibbetts: States this has not been done before; this is an ADHOC committee at the request of the landowner on a small project. Traditionally the landowner selects the Selectmen. If we select a permanent member, then this may make it a standing committee. This is only per job, not a standing committee.

David Alves: Makes a motion to table the item

John Tibbetts: Seconds the motion

Motion passes: 5-0

l. FOAA request form updated, vote to approve new form

Thomas Hatch: Motions to accept the FOAA form update

John Tibbetts: Seconds the motion

Motion passes: 5-0

~~m. Lyman Property Map#3 Lot#94 – Request for Quit Claim Deed~~

~~*Item moved out of order, see above*~~

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- n. Sign Pole Permit – CMP
David Alves: Motions to approve
John Tibbetts: Seconds the motion
Motion passes: 5-0

OTHER – None

EXECUTIVE SESSION

1.M.R.S.A §405 (E)
Thomas Hatch: Makes a motion to go into executive session under 1.M.R.S.A §405 (E)
Jessica Picard: Seconds
Motion passes: 5-0
The board goes into executive session at 10:00pm
The board comes out of executive session at 10:08pm
Thomas Hatch makes a motion to come out of executive session
Jessica Picard: Seconds
Motion passes: 5-0

Thomas Hatch makes a motion to waive the liens on said property that was discussed
John Tibbetts: Seconds
Motion passes: 5-0

David Alves: Asks if the IT can look into TRIO software to see if there is easy access to collect abutter data.
Jessica Picard: Spoke with the CEO that was going to a TRIO training and was going to ask them about it.

ADJOURN

Thomas Hatch: Makes a motion to adjourn
Jessica Picard: Seconds
Motion passes: 5-0

Ralph "Rusty" Blackington (Chair)

Thomas Hatch (Vice Chair)

David Alves

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 8 pages are the original minutes of the Board of Selectmen Regular Meeting dated August 22nd, 2022

Lindsay Gagne