

Town of Lyman
Select Board Regular Meeting Minutes
Monday February 21, 2023 – Lyman Town Hall

Selectboard members present: Ralph “Rusty” Blackington (Chair), Thomas Hatch (Vice Chair)
David Alves (Via Zoom), Jessica Picard, John Tibbetts

Selectboard members absent: none.

EXECUTIVE SESSION

1.M.R.S.A §405 (E) Attorney/ legal matters

Thomas Hatch - Makes a motion to go into executive session per 1.M.R.S.A. 405(e) Attorney/ Legal matters.

Jessica Picard - Seconds the motion.

Motion passes: 5-0-0

Jessica Picard - Makes a motion to come out of executive session.

Thomas Hatch – Seconds the motion.

Motion passes: 5-0-0

Thomas Hatch - Makes a motion to authorize the CEO and Town Attorney to file a land use complaint against the property at 296 Wadleigh Pond Rd and also allow the Town Attorney to contact the property owner to discuss resolutions.

Jessica Picard – Seconds the motion.

Motion passes: 5-0-0

Thomas Hatch – Makes a motion to have a public hearing scheduled to initiate the process to declare a portion of the Old Kennebunk Road abandoned per 23 M.R.S. 3028-A.

Jessica Picard – Seconds the motion. Motion passes: 5-0-0

ITEM #1

SPECIAL OFFERS/ PRESENTATIONS

a. Tony Vigue – Franchise agreement

David Alves – Asks why this agreement has been taking so long and if it has anything to do with Charter avoiding paying the five percent franchise fee.

Toney Vigue – Explains the cable company hasn't been holding this up because of the franchise fee because the Town can give them written notice and ask them to pay the fees. He's sent the board his outline of what the board needs to be aware of and decide weather or not if they agree. More than likely, they don't want regulation from the Town or at least very little as possible. Your old Franchise will stay in place until a new agreement is signed. He recommends scheduling a workshop to go over the suggested changes he's outlined and review ordinances/regulations the Town would want. The current franchise allows the board to write the cable company a letter asking them to pay the franchise fee, which they have done at the beginning of this process, however Charter suggested to work on revising the agreement instead.

John Tibbetts – Asks about the limits on collecting the Franchise fee and how payment is made by Charter.

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Tony Vigue – Explains Charter passes it to the subscribers; however the Town has no limits on how they can use the fees once they are collected. The Town can charge anything up to five percent if that's what they choose. Whether or not the Town charges a fee, the cable company will increase their rates and keep with market increases. The fees are a small amount compared to their annual increases. The franchise fee may keep them from increasing the rates too much because they will want to keep market trends so as not to lose subscribers to rate hikes.

Brad Morin – States the board could pass an ordinance in accordance with state statute and he suggests possibly working on getting the agreement close to finalized then mirror the ordinance to the agreement.

Tony Vigue – States that is a possibility. In one case South Portland passed their ordinance then finalized their Franchise agreement and it worked out, however with Sebago, they passed an ordinance and are now dealing with issues getting Charter to negotiate an agreement because of the ordinance. He recommends sending back to Charter the Towns revision and work on the franchise agreement.

Jessica Picard – Asks if state statute on enacting a franchise ordinance supersedes the Towns charter.

Brad Morin – States this is correct, and he will connect with Tony Vigue to go over some of the revisions in the meantime.

ITEM #2

HEARING OF DELEGATIONS / PUBLIC INPUT

- a. *Public Input – Public in attendance will have up to 5 minutes to address the Board. Please use the podium to address the board.*

Don Hernon – States the Planning Board is currently working on a proposed change to the Towns Zoning Ordinance for contract zoning. It will be the same wording that was agreed upon in August of 2022. They will have a public hearing regarding the changes on March 15th and send their proposal to the Select Board. The Planning Board agreed to put this to annual town meeting to be voted on. He also proposes recommended changes to the new Town Charter to revise the definition of “general election” regarding ordinances being amended every two years. He recommends taking the word “general election” out of the ordinance amendment section in the new charter and voting on this at Annual Town Meeting. His only concern is there may not be enough voting members in accordance with state statute regarding charter revisions/amendments which would need approximately 740 votes.

Pauline Weiss – States municipal election is scheduled for June 13th. Nomination papers will be available March 6th and due back to the Clerk's office by April 14th, 4:00pm. There are two Select Board seats, two budget committee, one three-year RSU 57 School Board, and on one-year RSU 57 School Board member.

Michelle Feliccitti – States the term “general election” was placed in the new charter because there are not many ordinances that get passed every year and there seems to be little public awareness when ordinances do get passed.

- b. Mail •Historical Society, Budget Expense Report
c. Complaints - none

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ITEM #3

MINUTES

- a. [Review / Approve meeting minutes 1/18/2023](#)
Jessica Picard – Makes a motion to approve. John Tibbetts Seconds. Motion passes: 4-0-1 (David Alves abstains).
- b. [Review / Approve meeting minutes 2/6/2023](#)
Thomas Hatch – Makes a motion to approve. David Alves seconds. Motion passes: 3-0-2 (Jessica Picard, John Tibbetts abstains).

ITEM #4

SIGN WARRANTS

- a. [Payroll Warrant #36 in the amount of \\$23,889.33](#)
David Alves – Makes a motion to approve. Jessica Picard seconds. Motion passes: 5-0-0
- b. [Accounts Payable Warrant #37 \(FY2023\) in the amount of \\$104,591.68](#)
David Alves – Makes a motion to approve. Jessica Picard seconds. Motion passes: 5-0-0

ITEM #5

UNFINISHED BUSINESS

- a. [Discuss procedure around lock box and key.](#)
Lindsay Gagne – States this lockbox device works with Bluetooth on cell phones to gain access to the lockbox and will track user access. You can also set parameters on days and time frames when a user can have access. It cost less than \$200.00 and the treasurer has verified funds available to purchase.
Thomas Hatch – Makes a motion to purchase this lockbox.
Jessica Picard – Seconds the motion. Motion passes: 5-0-0
- b. [Bunganut Park Memo](#)
Ralph Blackington -States we should do a workshop to go over this. He is going to talk with MUSC on making sure we are getting donations for the ball field use.
- c. [Transfer Station ARPA funds – RFP. Discuss timelines.](#)
David Alves – Suggests the board finalize what the ARPA committee recommended and allocate the money.
Thomas Hatch – States his recommendation is to accept the ARPA committee recommendations and complete the tasks in sequence from the Transfer Station, to Bunganut, to Kennebunk Pond Beach.
David Alves – States all the projects can go concurrently.
Thomas Hatch – States there should be some flexibility until we know what costs will come at and what types of needs are determined.
Thomas Hatch – Makes a motion to accept the ARPA committee’s recommendation of projects starting with Transfer Station first, Bunganut second, and Kennebunk Pond third, and the board having flexibility to manage money as needed as we have savings in one area being able to use it in another area.
David Alves – asks for clarification are we still giving each project a specific amount of money or are we putting everything into one pot?
Jessica Picard – States she understands it as prioritizing the projects and the board can determine necessity of certain tasks considering costs if they come in too high. She

suggests putting all bids out with the same due date and look at all the expenses coming in. Bunganut may be challenging because of timing issues.

David Alves – States this could disrupt funding for the other projects if for example the first priority comes in higher in expenses.

Thomas Hatch – Suggests with **Brad Nikel** working on Transfer Station and **David Alves** working on Kennebunk Pond he would be willing to volunteer for Bunganut to spread the workload.

John Tibbetts – Seconds the motion.

Motion passes: 4-1-0 (Ralph Blackington, Thomas Hatch, Jessica Picard, John Tibbetts in favor; David Alves opposed).

d. [IT Contracting services – RFP. Discuss timelines.](#)

Jessica Picard – Suggests tabling the item to the next agenda for further review.

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

a. [Road Commissioner](#) –

Brad Nikel – States all the roads in Town are posted. He will be issuing special heavy load permits. States we have two crosswalk signs at the transfer station that can be installed at the Kennebunk Pond, but we have been having difficulties finding resources on the DOT grant for the installation of the signs.

b. [Fire Chief](#) – none

c. [Kennebunk Pond Beach Committee – Dave Alves Liaison Report/update](#) - none

d. [Treasurer](#) – Expense Summary Report 2-16-23 - reviewed.

e. [CEO](#) – none

f. [Tax Clerk](#) – none

g. [Town Hall Expansion Committee](#) –

Brad Nikel – States he has some quotes for the survey.

David Alves – He spoke with the draftsman who agreed to donate his time to the time, however he cannot do the permitting. He's contacted an architect who will put together a proposal.

h. [Other](#) - none

ITEM #7

NEW BUSINESS

a. [Review Audio Video Recording Equipment Use policy.](#)

Jessica Picard - Suggests tabling the item to the next agenda for further review.

b. [Assessor request for Board of Assessment Review](#)

Jessica Picard – Suggests following charter provisions and the board will need to elect their own secretary. There is discussion among the board and the board agrees.

c. [Review Committee Application received for Local Health Officer](#)

Jessica Picard – Asks if there should be an interviewing process with this because there is paid stipend.

Thomas Hatch – Agrees this is a good idea and can work with Lindsay on the who and when.

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- d. **Town Clean Up day – Organizer is seeking suggestions/recommendations.**
Jessica Picard – States the Lyman Elementary PT Chair and Matt Duross are working on putting this together this year. They were looking for suggestions or input they are open to it. The tentative date is scheduled for April 22nd.
- e. **Review / Approve Purchase Order. Assessor Training** – Reviewed in meeting.

OTHER

ADJOURN

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

Ralph “Ralph” 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 5 pages are the original minutes of the Board of Selectmen Regular Meeting dated February 21st, 2023

Lindsay Gagne