

Town of Lyman
Select Board Regular Meeting Agenda
Monday March 20th, 2023 – Lyman Town Hall

Welcome to the March 20th, 2023, Regular Meeting of The Lyman Board of Selectmen.
This meeting is a public proceeding and is being recorded.

PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION

- 1.M.R.S.A §405 (C) real or personal property matters.
- 1.M.R.S.A §405 (A) personnel matters

ITEM #1 **SPECIAL OFFERS/ PRESENTATIONS**

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.*
 - o Katrina Randal – Inquiry regarding property access dispute off of Old County Rd
 - o Karen Kane – Inquiry regarding forming a Bunganut committee
- b. Mail
- c. Complaints

ITEM #3 **MINUTES**

- a. Review / Approve meeting minutes 3/6/2023.

ITEM #4 **SIGN WARRANTS**

- a. Payroll Warrant #41 in the amount of **\$27,177.74**
- b. Accounts Payable Warrant #40 (FY2023) in the amount of **\$64,664.62**

ITEM #5 **UNFINISHED BUSINESS**

- a. Annual Town Report Dedication – Tabled from last meeting.
- b. ARPA funding – discuss RFPs. Where are we at
- c. Appointment LHO – Review approve, application submitted.
- d. Handicap ramp – discussion on project
- e. Old Kennebunk Road – review/ discuss procedure, see email
- f. Discuss Municipal Election, review/sign orders

ITEM #6 **DEPARTMENT AND COMMITTEE REPORTS**

- a. Ordinance Review Committee – review/approve bylaws & mission statement
- b. Parks and Recs – Requested waiver for insurance documents, see email.
- c. Town Clerk – Requested waiver for insurance documents, see email.
- d. Planning Board – Request to add Ordinance Amendment Article to Town Meeting Warrant.
- e. Road Commissioner –
- f. Fire Chief –
- g. Tax Clerk – February Report
- h. CEO – Review/approve – Updates to fee schedule, review/approve. Discussed at last meeting
- i. Board of Assessment Review –
 - o Discuss board secretary/ duties.
 - o Appointment – application received for board member.
- j. Treasurer –
- g. Town Hall Expansion Committee – Review/ approve quotes received for Survey of Town Hall.



k. Other -

ITEM #7

NEW BUSINESS

- a. Committee Request for AV/IT Equipment Use –
 - o Budget: Michelle, Vicky
 - o ORC: Mike, Peggy
- b. Appointment – Application received for Comprehensive Plan Committee
- c. Cemetery Committee – Review/approve resignation, see email.
- d. Discuss procedure/policy re: contacting Town Attorney
- e. Assessor Request for Board approval, see email.
- f. Assessor Request to contact Town Council
- g. Review/approve Key policy for Lock box
- h. Approve PO for Jim Thomas GIS Services.
- i. Approve PO for Kennebunk Pond Beach Committee Quote for Architect Services

OTHER

ADJOURN

ITEM#2: (a.)

From: [katrina.randall](#)
To: [Selectmen Board Clerk](#)
Subject: request to be put on agenda
Date: Tuesday, March 7, 2023 1:42:08 PM

Hi,

You and I have communicated on the cemetery committee and the easy GPS program. I really want to get there soon to show you.

The purpose of this email is to request a place on the next available selectmen's meeting. This would be regarding Ray Poirier who is denying access to people up Old County Rd off Williams Rd.

Several of the abutters of this road would be attending, along with myself. And I think it would be helpful to have both the code enforcement officer (brenda carland), and the assessor (Laurie Gonska) attend as they have additional information about Mr Poirier's request for buildings of some kind at some point.

the abutters: Lisa and Alan Bouchard, Jamie and Sue Bridgeo

Once I hear from you, I'll contact the Bouchards and Bridgeo's also.

thanks !

Katrina

Katrina Randall, RN
PH: 207-651-2174
Geriatric Care Manager
A Katrina, Inc.

email: akatrinacare@gmail.com

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ITEM #3: (a.) Minutes 3-6-23

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

Selectboard members absent: Thomas Hatch (Vice Chair)

ITEM #1 SPECIAL OFFERS/ PRESENTATIONS

David Alves – Explains he has sent to the board a scope of work for surveying services for the Town Hall Expansion. There have been three quotes that were submitted, at this point the committee or the board needs to choose a quote to get things in motion.

John Tibbetts – Asks if there is a long lead time for surveyors.

David Alves – States at least four to six weeks, approximately. He recommends we should put out to bid for the architect/ engineer firm.

John Tibbetts – **Makes a motion to move this forward provided the Select Board Clerk doesn't come back with anything that says the board can't move forward.**

Jessica Picard – **Seconds the motion.**

David Alves – States the chairman of the Town Hall expansion Committee has all three bids and he will contact him to send the quotes to Lindsay.

John Tibbetts – Verifies the procedure is the board will review those bids at the next meeting and choose one.

Motion passes: 4-0-0

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.

No public input

b. Mail • York County Sheriff February Report

c. Complaints -none

ITEM #3 MINUTES

a. Review / Approve meeting minutes 2/21/2023.

Jessica Picard – **Makes a motion to approve. John Tibbetts seconds. Motion passes: 4-0-0**

ITEM #4 SIGN WARRANTS

a. Payroll Warrant #39 in the amount of **\$25,330.22**

David Alves – **Makes a motion to approve. Jessica Picard seconds. Motion passes: 4-0-0**

b. Accounts Payable Warrant #38 (FY2023) in the amount of **\$591,847.98**

David Alves – **Makes a motion to approve. Jessica Picard seconds. Motion passes: 4-0-0**

ITEM #5 UNFINISHED BUSINESS

a. Annual Town Report Dedication

Ralph Blackington – Suggests the board continue to review the suggestions and come back to this topic at the next meeting.

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- b. [Review Audio Video Recording Equipment Use policy. Tabled from last meeting.](#)
Jessica Picard – Makes a motion to accept the policy. David Alves seconds the motion.
Motion passes: 4-0-0
- c. [IT Contracting services – RFP. Discuss timelines. Tabled from last meeting.](#)
Lindsay Gagne – Asks the board if they would like to do a single-year contract or multi-year contract. If doing a multi-year, we will want to make sure we negotiate a non-appropriation clause.
Jessica Picard – Recommends putting out the RFP as a one-year contract with a multi-year renewal option.
Ralph Blackington- Suggests at least three years and agrees doing a one year with the additional options.
Jessica Picard – **Makes a motion to proceed with the RFP for IT services with bids due on April 17th, 2023.**
John Tibbetts – **Seconds the motion.**
Motion passes: 4-0-0
- d. [ARPA funding – discuss RFPs.](#)
David Alves – **Makes a motion Ralph Blackington is the liaison for the Ball Field project and Thomas Hatch being the liaison for the Beach side of Bunganut Park.**
Jessica Picard – **Seconds the motion. Motion passes: 4-0-0**
John Tibbetts – **Makes a motion that Brad Nikel is the liaison for the Transfer Station project and David Alves being the liaison for the Kennebunk Pond Beach project.**
Jessica Picard – **Seconds the motion and adds discussion; motion pending if Brad Nikel is in favor of being the lead for the project.**
David Alves – **States he will offer help to Brad if he needs support.**
Motion passes: 4-0-0
- e. [Franchise agreement – discuss setting up a workshop with Tony.](#)
A workshop is scheduled on Tuesday March 14th, 2023 at 6:00pm located at the Town Hall.

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

- a. [Road Commissioner](#) – none
- b. [Ordinance Review Committee – Question regarding Comprehensive Plan.](#)
Peggy MacDonald – Presents to the board copies of the mission statement and bylaws from the Ordinance Review Committee (ORC) to review at a later time. She mentions at the last select board meeting there was discussion of holding off on the Franchise Ordinance. The ORC will hold off on reviewing that ordinance for now until the board decides they want them to revisit it. She states the ORC is reviewing a new law, LD 2003, which will require municipalities to be compliant with less restrictive housing regulations. The law requires that municipalities can no longer deny an accessory dwelling unit on a single house lot provided they still meet setbacks, shoreland zoning, etc. The ORC will need to look at all the zones and define what multi-family means in each zone. She requests the board assemble a Comprehensive Plan Committee to help address areas in the Comprehensive Plan that would pertain to LD 2003 as well as, any other growth areas.

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Brenda Charland – Suggests getting members from different committees to assist may be helpful in revising the plan.

Jessica Picard – Asks on how many members are typically on the committee. After some further discussion, it's recommended possibly seven with other committees offering liaison support.

c. **Fire Chief** –

Matt Duross – States the Fire Department is currently recruiting new staff. All the striker equipment has come in and been set up. The extrication equipment should be coming in a couple of weeks, and they are still waiting on the ballistic vests to come in. They are currently still working on selling the old fire truck. They also have a budget committee meeting for GMFD on March 16th, 6:30p at the fire department and he is inviting the Select Board and Lyman budget committee.

d. **Kennebunk Pond Beach Committee – Karen Kane**

Karen Kane – Asks the board for clarification on the ARPA funds. The Kennebunk Pond Beach Committee has worked very hard to pull together all the data to ensure a cost estimate. Further delay of the project will increase costs. The committee is requesting that the ARPA funds be allocated per project to ensure they can get funding in a timely manner.

Ralph Blackington – States the board is currently working on putting together RFPs for all projects and will put them out at the same time so they can review all the quotes/bids received. Once reviewed, they will have a clear idea of costs for each project. From that point, they can start to prioritize specific scopes of each project in effort to get the most out of each of them and ensure funds are allocated.

e. **Tax Clerk** - none

f. **CEO – Review/approve Tree cutting permit.**

Brenda Charland – Explains to the board the current Zoning Ordinance clearly lays out a process for tree cutting in the Shoreland Zone. She has developed a tree cutting permit to establish a record that will be kept with the map/lot files to maintain historical data. She researched other fees in other Towns, the average being \$25.00 per tree. She is recommending a fee of \$15.00 per tree to cover costs of her administrative time and travel.

John Tibbetts – **Makes a motion to adopt the tree cutting permit and \$15.00/tree fee.**

Jessica Picard – **Seconds the motion.**

David Alves – **Asks if someone would have to pay for harvesting.**

Brenda Charland – **States it is only for selective trees in Shoreland Zoning.**

Motion passes: 4-0-0

Brenda Charland – States she will update the Fee schedule, but she did notice for Zoning Board of Appeals (ZBA) application fees are set for \$500.00 and she thinks this is a lot of money for a citizen to have to go to an appeal. She recommends \$250.00.

David Alves – Asks if the ZBA had requested the increase last year and suggests checking into that before coming to a conclusion.

g. **Treasurer – Expense Report 3-2-23**

h. **Town Hall Expansion Committee** – Discussed under Item #1

i. **Other** - none

ITEM #7

NEW BUSINESS

- a. [YMCA Contract amendment request, see email. Discuss setting up a workshop.](#)

Ralph Blackington – Suggests waiting for Town Council input on the proposed updates to the agreement.

- b. [Handicap Ramp for side door, discuss approval for funds.](#)

Ralph Blackington – States he got a quote from Thyng Paving not to exceed \$2,500.00 and the board needs to decide if taking funds out of Capital Improvement or Town Hall Reserve. There is discussion among the board; the board agrees to take funds out of capital improvement.

John Tibbetts – Makes a motion to hire Thyng Paving on their quote not to exceed \$2,500.00 to complete a handicap access ramp and take funds out of Capital improvement.

Jessica Picard – Seconds the motion.

David Alves – Asks if a railing is required.

Ralph Blackington – States it didn't include a railing, it was just a dig and regrade from the door all the way to the parking lot, four-feet wide. They felt confident that it was a long enough distance from the parking lot to the door to make the pitch within grade, but he will check on the railing requirements.

Motion passes: 4-0-0

- c. [Parks and Recs Field Use Request Form – Review/Approve](#)

John Tibbetts – Asks if the board will look into doing a fee structure for use of the field considering costs of maintenance and revenue options for the Town.

Ralph Blackington – States the board should have a workshop.

David Alves – Suggests looking into how many teams access this field to help determine the potential of revenue.

Ralph Blackington – States he can get some data on the field side.

John Tibbetts – Makes a motion to approve the field use form.

Jessica Picard – Seconds the motion and adds discussion that the board relay to this organization that we are currently reviewing a fee structure so we can be clear to them what changes may be coming.

John Tibbetts – Rescinds his motion.

David Alves – Suggests tabling this to next meeting and looking at the data of the field use.

Jessica Picard – Asks if everyone that uses the field fill out a field use form, can we check historical data on the forms, and do these organizations have to provide insurance.

Lindsay Gagne – States this is the first form that has been submitted.

David Alves – States if we don't determine a fee structure or no fee structure, then it will be difficult for these teams to put a fall program together.

EXECUTIVE SESSION

OTHER

Town of Lyman
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ADJOURN

Jessica Picard – Makes a motion to adjourn. John Tibbetts Seconds the motion. Motion passes: 4-0-0

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 March 6th, 2023

Lindsay Gagne

ITEM#4: (a.) Payroll Warrant

LYMAN
11:10 AM

Payroll Warrant
Pay Date: 03/22/2023

03/16/2023
Page 1

WARRANT: 41

Check	D / D	Check	Employee	Gross Pay
1	1,416.85	0.00	79 SUSAN J BELLEROSE	2,007.55
2	172.24	0.00	032 DANA A CARTER	186.50
3	1,896.08	0.00	029 BRENDA D CHARLAND	2,775.14
4	1,346.74	0.00	028 LINDSAY GAGNE	1,768.75
5	1,833.71	0.00	016 LAURIE L GONSKA	2,913.46
6	864.26	0.00	03 HOLLY L HART	990.00
7	256.42	0.00	007 THOMAS M HOLLAND	286.85
8	1,287.54	0.00	019 HOLLI L HUTCHINS	1,766.52
9	1,523.06	0.00	015 JEANETTE E LEMAY	2,405.15
10	700.09	0.00	036 JULIE LEMIEUX	940.00
11	1,174.02	0.00	041 RANDALL L MURRAY	1,758.21
12	839.78	0.00	005 BRADLEY J NIKEL	1,458.00
13	346.27	0.00	19 BRIAN D. RACICOT	430.51
14	248.12	0.00	002 DAVID W RILEY	268.68
15	179.12	0.00	020 DAVID H SANTORA	193.96
16	882.72	0.00	001 MAURICE ST CLAIR	1,006.34
17	1,175.15	0.00	26 JOHN E. TIBBETTS	1,272.50
18	199.79	0.00	40 RAYMOND J VALLIERE	216.34
19	1,516.77	0.00	76 PAULINE F WEISS	2,186.54
20	0.00	17,858.73	D / D 1 BIDDEFORD SAVINGS BANK	
21	0.00	6,095.56	T & A 1 I.R.S.	
22	0.00	1,008.08	T & A 3 ICMA	
23	0.00	1,023.48	T & A 2 MAINE REVENUE SERVICES	
24	0.00	1,191.89	T & A 9 MPERS	
Total	17,858.73	27,177.74		24,831.00

Put into A/P **10,037.01**
Taken out of A/P **(9,319.01)**
Total Payroll **27,895.74**

Count
Checks 24

TO THE MUNICIPAL TREASURER OF LYMAN, MAINE: THIS IS TO CERTIFY THAT THERE IS DUE AND CHARGEABLE TO THE APPROPRIATIONS LISTED ABOVE THE SUM AGAINST EACH NAME AND YOU ARE DIRECTED TO PAY UNTO THE PARTIES NAMED IN THIS SCHEDULE.

TOWM OF LYMAN, BOARD OF SELECTMEN

THOMAS HATCH

JOHN E. TIBBETTS

RALPH BLACKINGTON

DAVID ALVES

JESSICA PICARD

Payroll Check Register

Pay Date: 03/22/2023

Check	D / D	Check	Amount	Date	Employee
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Employee Checks

1	1,416.85	0.00	1,416.85	03/22/23	79 SUSAN J BELLEROSE
2	172.24	0.00	172.24	03/22/23	032 DANA A CARTER
3	1,896.08	0.00	1,896.08	03/22/23	029 BRENDA D CHARLAND
4	1,346.74	0.00	1,346.74	03/22/23	028 LINDSAY GAGNE
5	1,833.71	0.00	1,833.71	03/22/23	016 LAURIE L GONSKA
6	864.26	0.00	864.26	03/22/23	03 HOLLY L HART
7	256.42	0.00	256.42	03/22/23	007 THOMAS M HOLLAND
8	1,287.54	0.00	1,287.54	03/22/23	019 HOLLI L HUTCHINS
9	1,523.06	0.00	1,523.06	03/22/23	015 JEANETTE E LEMAY
10	700.09	0.00	700.09	03/22/23	036 JULIE LEMIEUX
11	1,174.02	0.00	1,174.02	03/22/23	041 RANDALL L MURRAY
12	839.78	0.00	839.78	03/22/23	005 BRADLEY J NIKEL
13	346.27	0.00	346.27	03/22/23	19 BRIAN D. RACICOT
14	248.12	0.00	248.12	03/22/23	002 DAVID W RILEY
15	179.12	0.00	179.12	03/22/23	020 DAVID H SANTORA
16	882.72	0.00	882.72	03/22/23	001 MAURICE ST CLAIR
17	1,175.15	0.00	1,175.15	03/22/23	26 JOHN E. TIBBETTS
18	199.79	0.00	199.79	03/22/23	40 RAYMOND J VALLIERE
19	1,516.77	0.00	1,516.77	03/22/23	76 PAULINE F WEISS
Total	17,858.73	0.00	17,858.73		

Direct Deposit Checks

20	0.00	17,858.73	17,858.73	03/22/23	D / D 1 BIDDEFORD SAVINGS BANK
Total	0.00	17,858.73	17,858.73		

Trust & Agency Checks

21	0.00	6,095.56	6,095.56	03/22/23	T & A 1 I.R.S.
22	0.00	1,008.08	1,008.08	03/22/23	T & A 3 ICMA
23	0.00	1,023.48	1,023.48	03/22/23	T & A 2 MAINE REVENUE SERVICES
24	0.00	1,191.89	1,191.89	03/22/23	T & A 9 MPERS
Total	0.00	9,319.01	9,319.01		

Summary

Checks:	Regular	0.00	19
	D / D	17,858.73	1
	Employee	17,858.73	
	T & A	9,319.01	4
	Voided		0
Total		27,177.74	24

ITEM#4: (b.) AP Warrant

Lyman
10:40 AM

A / P Check Register

Bank: BIDDEFORD SAVINGS

03/16/2023
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	9641	5,904.99	03/03/23	40	0569 SECRETARY OF STATE
P	9642	8,166.54	03/13/23	40	0569 SECRETARY OF STATE
P	9643	1,606.50	03/15/23	40	0022 BEAN DATA
R	9644	483.31	03/20/23	40	0170 BRENDA CHARLAND
R	9645	339.65	03/20/23	40	0208 CHAMPAGNE'S ENERGY
R	9646	32.00	03/20/23	40	0994 CINTAS CORPORATION- # 758
R	9647	6,102.72	03/20/23	40	0024 EASTERN SALT COMPANY INC
R	9648	19,211.43	03/20/23	40	0500 ECOMAINE
R	9649	50.31	03/20/23	40	0147 GONETSPEED
R	9650	997.50	03/20/23	40	0233 GOODWINS MILLS FIRE & RESCUE
R	9651	20.20	03/20/23	40	0322 KENNEBUNK LIGHT & POWER DISTRICT
R	9652	3,550.00	03/20/23	40	0190 KOFILE TECHNOLOGIES
R	9653	25.00	03/20/23	40	0368 M B O I A
R	9654	14,940.67	03/20/23	40	0376 M M E H T
R	9655	40.00	03/20/23	40	0414 MAINE MUNICIPAL ASSOCIATION
R	9656	5.00	03/20/23	40	0005 PETTY CASH
R	9657	27.00	03/20/23	40	0502 REGISTRY OF DEEDS
R	9658	64.19	03/20/23	40	0062 THOMAS HOLLAND
R	9659	152.86	03/20/23	40	0148 VERIZON WIRELESS
R	9660	31.41	03/20/23	40	0985 WARRENS OFFICE SUPPLIES
R	9661	15.00	03/20/23	40	0192 YORK COUNTY TOWN&CITY CLERK'S ASSOC
P	9999	1,194.47	03/20/23	40	0091 CENTRAL MAINE POWER, INC.
P	88889	120.09	03/20/23	40	0140 WEX BANK
P	99999	17.99	03/20/23	40	0095 CARDMEMBER SERVICE
P	99999	492.91	03/20/23	40	0095 CARDMEMBER SERVICE
P	99999	15.99	03/20/23	40	0095 CARDMEMBER SERVICE
P	99999	22.00	03/20/23	40	0095 CARDMEMBER SERVICE
P	99999	462.00	03/20/23	40	0095 CARDMEMBER SERVICE
P	99999	7.20	03/20/23	40	0095 CARDMEMBER SERVICE
P	99999	493.36	03/20/23	40	0095 CARDMEMBER SERVICE
P	99999	72.33	03/20/23	40	0095 CARDMEMBER SERVICE
Total		64,664.62			

Count	
Checks	31
Voids	0

Warrant 40

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
00022 BEAN DATA						
0510	9643	03	MAR 2023 VOID REISSUE	1345		
MAR 2023			E 110-11-32-310		1,606.50	1,606.50
			CTRCT SVS EQ / PROF SVS			
			Vendor Total-		1,606.50	
00170 BRENDA CHARLAND						
0510	9644	03	MILEAGE	12/1-2/28		
MILEAGE			E 110-11-90-910		136.81	0.00
			OTHER / MILEAGE/TRAV			
MILEAGE			E 110-11-90-910		191.85	0.00
			OTHER / MILEAGE/TRAV			
MILEAGE			E 110-11-90-910		154.65	0.00
			OTHER / MILEAGE/TRAV			
			Vendor Total-		483.31	
00095 CARDMEMBER SERVICE						
0510	99999	03	STAMPS	021723		
STAMPS			E 110-11-60-650		17.99	0.00
			SUPPLIES / POSTAGE			
			Invoice Total-		17.99	
0510	99999	03	STAMPS	030323		
STAMPS			E 110-11-60-650		492.91	0.00
			SUPPLIES / POSTAGE			
			Invoice Total-		492.91	
0510	99999	03	ZOOM	192473821		
ZOOM			E 110-11-32-310		15.99	0.00
			CTRCT SVS EQ / PROF SVS			
			Invoice Total-		15.99	
0510	99999	03	MICROSOFT	E0600MKMSJ		
MICROSOFT			E 110-11-32-310		22.00	0.00
			CTRCT SVS EQ / PROF SVS			
			Invoice Total-		22.00	
0510	99999	03	MICROSOFT	E0600NKJ90		
MICROSOFT			E 110-11-32-310		462.00	0.00
			CTRCT SVS EQ / PROF SVS			
			Invoice Total-		462.00	
0510	99999	03	MICROSOFT	E0600MKNSP		
MICROSOFT			E 110-11-32-310		7.20	0.00
			CTRCT SVS EQ / PROF SVS			
			Invoice Total-		7.20	
0510	99999	03	DUAL MIC SYSTEM	8639816		
DUAL MIC SYSTEM			E 191-11-70-710		493.36	0.00
			EQUIPMENT / COMP EQUIP			
			Invoice Total-		493.36	
0510	99999	03	MIC ITEMS	8639820		
MIC ITEMS			E 191-11-70-710		72.33	0.00
			EQUIPMENT / COMP EQUIP			
			Invoice Total-		72.33	
			Vendor Total-		1,583.78	
00091 CENTRAL MAINE POWER, INC.						
0510	9999	03	ELECTRICITY	4010000024772		

Warrant 40

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
3501-2118-408			E 147-22-50-560		20.16	0.00
			UTILITIES / ELECTRICITY			
3501-1893-878			E 147-22-50-560		26.44	0.00
			UTILITIES / ELECTRICITY			
3501-2918-062			E 147-22-50-560		20.16	0.00
			UTILITIES / ELECTRICITY			
3501-6854-669			E 147-31-50-560		469.19	0.00
			UTILITIES / ELECTRICITY			
3501-6858-561			E 147-21-50-560		30.76	0.00
			UTILITIES / ELECTRICITY			
3501-2989-030			E 147-11-50-560		579.29	0.00
			UTILITIES / ELECTRICITY			
3001-3752-495			E 147-21-50-560		48.47	0.00
			UTILITIES / ELECTRICITY			
Vendor Total-					1,194.47	
00208 CHAMPAGNE'S ENERGY						
0510	9645	03	29084-0 PROPANE	1315279		
PROPANE			E 147-11-50-510		339.65	0.00
			UTILITIES / PROPANE			
Vendor Total-					339.65	
00994 CINTAS CORPORATION- # 758						
0510	9646	03	13117643	4148617413		
RUGS-TH			E 141-11-31-310		32.00	0.00
			CTRCT SVS BL / PROF SVS			
Vendor Total-					32.00	
00024 EASTERN SALT COMPANY INC						
0510	9647	03	SALT LYMANM05	129098		
SALT LYMANM05			E 143-51-31-360		4,281.42	0.00
			CTRCT SVS BL / PLOW & SAND			
Invoice Total-					4,281.42	
0510	9647	03	SALT LYMANM05	129278		
SALT LYMANM05			E 143-51-31-360		1,821.30	0.00
			CTRCT SVS BL / PLOW & SAND			
Invoice Total-					1,821.30	
Vendor Total-					6,102.72	
00500 ECOMAINE						
0510	9648	03	RECYCLE	022823		
RECYCLE			E 150-31-35-352		952.31	0.00
			CTRCT SVS WA / PROF SVS REC			
Invoice Total-					952.31	
0510	9648	03	BULKY	022823		
BULLYMAN01 OBW-WOOD			E 150-31-35-351		1,219.82	0.00
			CTRCT SVS WA / PROF SVS TW			
Invoice Total-					1,219.82	
0510	9648	03	TIPPING	022823		
LYMAN01 MSW			E 150-31-35-350		17,039.30	0.00
			CTRCT SVS WA / PROF SVS TIP			
Invoice Total-					17,039.30	
Vendor Total-					19,211.43	
00147 GONETSPEED						

A / P Warrant

Warrant 40

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
0510	9649	03	13668 PHONE	13668		
13668 PHONE			E 150-31-50-580		50.31	0.00
			UTILITIES / COMM			
Vendor Total-					50.31	
00233 GOODWINS MILLS FIRE & RESCUE						
0510	9650	03	SPECIALITY VEHICLES ARPA	10182		
SPECIALITY VEHICLES ARPA			E 551-84-70-790		997.50	0.00
			FED - EQUIPMENT / OTHER EQUIP			
Vendor Total-					997.50	
00322 KENNEBUNK LIGHT & POWER DISTRICT						
0510	9651	03	2101002-01	030823		
2101002-01			E 147-51-50-560		20.20	0.00
			UTILITIES / ELECTRICITY			
Vendor Total-					20.20	
00190 KOFILE TECHNOLOGIES						
0510	9652	03	VOL 6 TOWN RECORDS	010167		
VOL 6 TOWN RECORDS			E 110-11-80-830		3,550.00	3,550.00
			ADVER, PRINT / FORMS			
Vendor Total-					3,550.00	
00368 M B O I A						
0510	9653	03	CHARLAND MARCH TRAIN	1000441438		
CHARLAND MARCH TRAIN			E 102-31-20-280		25.00	0.00
			BENEFITS / TRAINING			
Vendor Total-					25.00	
00376 M M E H T						
0510	9654	03	MHT.31171	APR 2023		
INSURANCE-EMPLOYEE			G 1-205-00		1,886.20	0.00
			BENFTS-EMPLE			
HEALTH			E 102-99-20-210		12,650.61	0.00
			BENEFITS / HEALTH			
DENTAL			E 102-99-20-211		394.11	0.00
			BENEFITS / DENTAL			
LIFE NO MED			E 102-99-20-214		9.75	0.00
			BENEFITS / LIFE NO MED			
Vendor Total-					14,940.67	
00414 MAINE MUNICIPAL ASSOCIATION						
0510	9655	03	31170 BROADBAND GAGNE	1000441021		
33170			E 102-11-20-280		40.00	0.00
			BENEFITS / TRAINING			
Vendor Total-					40.00	
00005 PETTY CASH						
0510	9656	03	KEYS	030623		
KEYS			E 110-11-60-610		5.00	0.00
			SUPPLIES / SUPPLIES			
Vendor Total-					5.00	
00502 REGISTRY OF DEEDS						
0510	9657	03	FEB TRANSFERS	23246637		

A / P Warrant

Warrant 40

Jrnl	Check	Month	Invoice Description	Reference	Amount	Encumbrance
Description			Account	Proj		
FEB TRANSFERS			E 110-11-39-399		27.00	0.00
			CONT SVS OTH / OTHER			
			Vendor Total-		27.00	
00569 SECRETARY OF STATE						
0510	9641	03	31170	02/24-03/02		
31170			G 1-250-00		5,904.99	0.00
			MTR VEHICLE			
			Invoice Total-		5,904.99	
0510	9642	03	31170	03/02-03/09		
31170			G 1-250-00		8,166.54	0.00
			MTR VEHICLE			
			Invoice Total-		8,166.54	
			Vendor Total-		14,071.53	
00062 THOMAS HOLLAND						
0510	9658	03	MILEAGE	JAN-FEB		
MILEAGE			E 125-72-90-910		64.19	0.00
			OTHER / MILEAGE/TRAV			
			Vendor Total-		64.19	
00148 VERIZON WIRELESS						
0510	9659	03	6423575065-00001	9929309547		
642357065-00001			E 110-11-50-580		152.86	0.00
			UTILITIES / COMM			
			Vendor Total-		152.86	
00985 WARRENS OFFICE SUPPLIES						
0510	9660	03	TOWLYM	516283-00		
TOWLYM			E 110-11-60-610		31.41	0.00
			SUPPLIES / SUPPLIES			
			Vendor Total-		31.41	
00140 WEX BANK						
0510	88889	03	0496-00-621844-0	FEB 2023		
0496-00-621844-0			E 150-31-40-450		120.09	0.00
			REPAIRS & MA / EQUIPMENT			
			Vendor Total-		120.09	
00192 YORK COUNTY TOWN&CITY CLERK'S ASSOC						
0510	9661	03	PAULINE WEISS			
PAULINE WEISS			E 102-11-20-290		15.00	0.00
			BENEFITS / MEMB & DUES			
			Vendor Total-		15.00	

ITEM#5: (a.) Town Report Dedication *(Recommendations)*

I would like to dedicate the town report to the Planning Board. Most of the members have been serving on the Board for many years , attending meetings, going on site walks and having public hearings. They are very devoted to our town and spend enormous amounts of time studying the applications and zoning.

I think it would be nice to recognize the Cemetery Committee this year. They do more than the townspeople realize.

My vote would be for all the employees at the Transfer station that keep our Transfer station flowing and all that they do for our citizens when they arrive there to dispose of their trash. No matter what the weather conditions are they are always there and keep it running smoothly.

Louisa Nunan. She is our oldest remaining female Select Board member. She blazed the trail and has been a longtime resident.

Brad Nikel. He truly is a treasure to the town and goes above and beyond in his work. He truly cares about the Town and is a wealth of knowledge.

Shirly Harrison or Maurice St. Clair.

ITEM#5: (e.) Old Kennebunk Rd

BOURQUE CLEGG CAUSEY & MORIN LLC

ATTORNEYS AT LAW
www.bourqueclegg.com

949 MAIN STREET
POST OFFICE BOX 1068
SANFORD, MAINE 04073
TELEPHONE (207) 324-4422
FAX (207) 324-9556

BRADLEY C. MORIN
CHRISTOPHER R. CAUSEY
JILL S. CRAMER
COLIN B. REILLY

RONALD D. BOURQUE (1947-2022)
KENNETH R. CLEGG (1944-2003)

March 8, 2023

Lyman Board of Selectmen
11 South Waterboro Road
Lyman, ME 04002

Re: Old Kennebunk Road, Lyman

Dear Board:

Lindsay asked me to provide a summary of the process for declaring Old Kennebunk Road abandoned. To begin, if a town way has not been kept passable for motor vehicles at public expense for a period of at least thirty consecutive years, it is “presumed abandoned.” 23 M.R.S.A. § 3028-A. Isolated acts of maintenance by the Town might not affect the presumption of abandonment, but any person affected by the abandonment may bring suit in the Superior Court to prove that the road has *not* been abandoned.

The first step in the statutory abandonment process is for the municipal officers to begin to collect and review evidence (factual history) to determine if the road is “presumed abandoned.” Sources of evidence can include the following:

- Review of records of past Town meetings and Selectboard meetings for indications that money was raised and appropriated for the road in question;
- Review of records of the Selectboard or Town Treasurer for expenditures for the road;
- Review of municipal maintenance records and inventories reported to the State;
- Review of road commissioner’s or public works director’s repair and maintenance logs; and
- Discussions with or written statements from longtime abutters, residents of Old Kennebunk Road.

I believe you already have sufficient evidence of abandonment based on existing municipal records.

Second, the Board must schedule a public meeting of the Selectboard and must notice all affected property owners at least thirty (30) days prior to the meeting (all owners of record) by first class mail, postage prepaid.

The notice to affected property owners must include information regarding the potential retention of a public easement, and:

1. The affected property owners' maintenance obligations for and right of access to the town way, if any;
2. The right of access to the town way by the public if a public easement is retained; and
3. Information regarding the rights of affected property owners to enter into agreements regarding maintenance of and access to that town way, including the right of affected property owners to create private easements.

If you give us a list of affected property owners, my office can prepare these notices.

If the town way that is being discontinued by abandonment is the only means of access to a property in another town, the Selectboard must cause a written notice of the meeting to be given to the municipal officers of the adjacent municipality or county at least 30 days prior to that meeting. **I believe this does not apply to us, but we can give notice to the Alfred Selectmen, anyway.**

If 25% of the affected property owners make a written request for a public hearing within 10 days of issuance of the notice, the Selectboard must hold a public hearing prior to voting to declare the road abandoned. **I would recommend that the Selectboard hold a public hearing, anyway.**

Third, at the Selectboard meeting, the Board should review the evidence and vote to declare the road abandoned, and vote as to whether a public easement shall be maintained on the abandoned road. If the Board votes in favor of a public easement, the public shall have the right to pass and repass by foot or vehicle. If no public easement is retained, they will not. In either case, all ownership in the town way passes to the abutters to the centerline.

Town of Lyman
March 8, 2023
Page Two

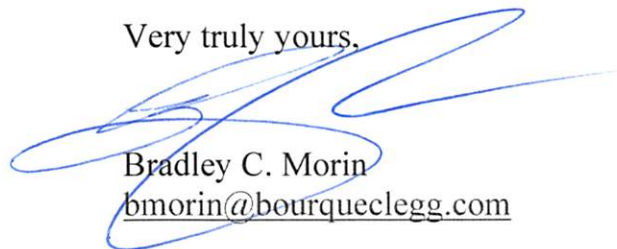
Please note that the Town cannot declare a town way discontinued by abandonment if evidence is presented that the Town expended funds for any portion of the road for more than 84 months of the period of 30 or more consecutive years.

Any person affected by the vote has 10 days to appeal to the Board of Appeals. Within 15 days of receipt of request for appeal, the clerk shall schedule a public hearing on the appeal and provide written notice of the hearing date to the Board and the person who filed the request. The public hearing must be held within 30 days of the day the request is received. If the person appealing loses the appeal, he or she may file an appeal at the Superior Court within 30 days of the decision.

Fourth, after the appeal period has run (or the appeal has been decided in the Town's favor), the Town clerk must file a certificate of discontinuance of abandonment of with the registry of deeds (listing the date of the vote of the Board, describing the town way, and including whether a public easement was retained) and send a copy to the Maine Department of Transportation, Bureau of Maintenance and Operations. The Registry must record the certificate under the name of the Town and all affected property owners. I have included some sample documents provided by the Maine Municipal Association. **My office will assist in preparing the Certificate.**

I hope this clarifies the process of declaring a road discontinued by abandonment. Please do not hesitate to contact me if you have any questions or wish to discuss.

Very truly yours,



Bradley C. Morin
bmorin@bourqueclegg.com

JSC/

ABANDONMENT:

APPENDIX E – Sample Notice of Determination of Presumption of Abandonment

Be it known by all persons as follows:

On _____, _____, the undersigned Municipal Officers of the [City/Town] of _____ met in public session and after public hearing and deliberation, determined that the _____ [Road/Street] (or a portion of the _____ [Road/Street] more particularly described as: _____) is presumed abandoned pursuant to 23 M.R.S.A. § 3028.

In making this determination, the Municipal Officers received oral and written comments from: _____

_____.

Copies of written comments are on file at the Town Office.

The Municipal Officers determined that the _____ [Road/Street] was laid out and accepted by the Town on _____, _____. This determination is based upon the following information and statements from the following persons and sources:

_____.

The Municipal Officers also determined that the Town of _____ has not kept said way or portion of way passable for the use of motor vehicles at Town expense for a period of at least 30 consecutive years, commencing on _____, _____ and ending on _____, _____. This determination is based upon the following information and statements from the following persons and sources: _____

_____.

Dated: _____, _____

By:

Municipal Officers of the
[City/Town of] _____

ACKNOWLEDGMENT

STATE OF MAINE

_____ (county) _____, ss. Date: _____, _____

Personally appeared the above-named _____,
Town Clerk of the Town of _____,
Maine, and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity.

Before me,

(signature) _____
Justice of the Peace/Notary Public

(Print Name)

(Note: This notice should be recorded in the registry of deeds.)

Therefore, a public easement which resulted automatically from discontinuance between September 3, 1965 and October 24, 1977 does not include an easement for public utility facilities. In such cases, the utility must obtain an easement from whomever holds title in fee simple (see Chapter 1 for discussion of title interests). Note also that from October 24, 1977 until July 28, 2016, the State’s public utility laws stated that unless the order of discontinuance of a public way provided otherwise, the public easement automatically retained under State law¹¹ included an “easement for public utility facilities.”¹² Effective July 29, 2016, a new provision in the State road discontinuance statute, 23 M.R.S.A. § 3026-A(6), now automatically retains an easement for public utility facilities in all discontinued town ways, regardless of whether a public easement is retained by the municipality. (Note that the previous rule, in 35-A M.R.S.A. § 2308, was not repealed, but was likely superceded by the new rule recently enacted in 23 M.R.S.A. § 3026-A(6)).

Defective Discontinuance

The municipality should comply strictly with all steps in the discontinuance procedure to ensure that the road is effectively discontinued. If an abutter (or anyone else, for that matter) can prove that a discontinuance was defective and that the road is still a town way, it could be very expensive for the municipality to resume maintenance and repair of the way.

The discontinuance law has changed over time, and did not always require the same steps as are now necessary. Therefore, when someone challenges the validity of a discontinuance, it is important to *identify with certainty the statutes in effect at the time of the discontinuance*. For example, the Law Court upheld the validity of road discontinuances that did not state the amount of damages paid where the abutters’ predecessors in title had a right of appeal but did not appeal the order of discontinuance.¹³

If a discontinuance is found to be defective, the municipality still may be able to treat the road as abandoned.¹⁴ For example, if a discontinuance was improperly done in 1933 but since that time the town has not maintained the road (mistakenly believing it to be discontinued), the road can be presumed abandoned on the basis that it has not been maintained at public expense for over thirty years.¹⁵ Abandonment is discussed below.

Statutory Abandonment

The focus of statutory abandonment is on non-maintenance.

A municipality may be relieved of the obligation to maintain a town way by operation of Maine law.¹⁶ Under this law, a town way which has not been

kept passable for motor vehicles at public expense for a period of thirty or more consecutive years is *presumed* abandoned. This method of disposing of roads is “informal” in the sense that it requires no vote of the municipality, nor are any documents recorded or damages paid. Abandonment occurs by the passage of time coupled with lack of public maintenance. The Maine Supreme Court has upheld the validity of this law in the case of *Lamb v. Town of New Sharon*. In that case, an abutter to an abandoned road sued the town, claiming among other things that the statute allowed an unconstitutional taking of his property by reducing its value (through the loss of public maintenance of the road) without compensation. The Court soundly rejected this claim, recognizing that the abandonment law essentially tracks the common law doctrine of abandonment by public non-use.

Determination of Presumed Abandonment

The municipal officers initially determine whether a road is presumed abandoned. Often, the question arises when a new resident asks the municipality to repair or maintain a road on which no one has lived for many years. If a review of the facts reveals that the road (or a portion thereof) has not been maintained at public expense for thirty or more consecutive years, the municipal officers may make a determination that the road is presumed abandoned and that the municipality has no further obligation to repair or maintain the way.¹⁷ Through this determination, the municipal officers can take the position that the municipality is not liable for defects in the road, since it has lost its status as a town way. The law on abandonment provides that neither the municipality nor its officials will be liable for failing to maintain or repair a way if they rely in good faith on the presumption of abandonment. The municipal officers should make this determination after research and a public hearing, and should memorialize their decision in a notice of determination of presumption of abandonment and should record this notice in the registry of deeds. Appendix E contains a Sample Notice of Determination of Presumption of Abandonment.

In making this determination, the municipal officers must review the evidence (factual history) and make a decision based on that evidence. Political factors (e.g., a selectman’s son owns property on the road) or financial factors (e.g., it will cost a lot to repair the road) cannot properly be considered in this decision. Also, while state law does not address the issue directly, we advise that if information subsequently becomes available that makes the municipal officers question their previous determination that a road is presumed abandoned, they may, and should, revisit that decision.¹⁸

In the event the municipal officers determine that a town way has become abandoned pursuant to 23 M.R.S.A. § 3028(1), an amendment to the statutory discontinuance law (effective July 29, 2016) now requires the municipal clerk to file a record of the officers’ determination with

the registry of deeds, and to send a copy to the Maine Department of Transportation, Bureau of Maintenance and Operations. See 23 M.R.S.A. § 3028(5). Prior to 2016 amendment, this filing was not required by the law. The new law provides that a road may be considered abandoned even if a record of the determination of abandonment has not been filed at the Registry of Deeds.

Litigating the Presumption of Abandonment

Maine law¹⁹ creates a *rebuttable* presumption of abandonment. The municipality bears the initial burden of establishing the presumption of abandonment.²⁰ Once this presumption arises, the burden of proving that the road is a town way is on the person seeking to have the way repaired or maintained.²¹ Any person affected by the presumption of abandonment may seek declaratory relief in Superior Court.²² The county commissioners have no jurisdiction to hear these cases.

The presumption of abandonment can be rebutted by evidence which shows a clear intent by the municipality and the public to consider or use the way as if it were a public way. However, isolated acts of maintenance are not sufficient to rebut the presumption of abandonment. There is no simple test to determine the amount or type of evidence necessary to rebut the presumption of abandonment, nor does the law define “isolated acts of maintenance.” As a rule of thumb, the more substantial the repair or more regular the maintenance, the more likely it is that the presumption of abandonment will be deemed rebutted. Court decisions provide some guidance:

- Where a road had been kept passable for motor vehicles at public expense through the 1950’s and graded on an annual basis and plowed, though irregularly, during the winter months into the 1960’s, there was no abandonment as of the 1980’s.²³
- Where the Town graded the road once or twice each year for seventeen of the thirty years, the Town had failed to establish the presumption of abandonment.²⁴
- Where the town “at various times” within the thirty-year period had expended funds for bridge reconstruction, ditch scraping, brush cutting and other repairs, there was no abandonment.²⁵
- The town’s intermittent and minor repairs of a road and use of the road for logging purposes and for recreational purposes (snowmobiles and ATVs) did not demonstrate a clear intent to consider or use the way as a public way, thus the presumption of abandonment was upheld.²⁶

As noted above, while the municipal officers make the initial determination of abandonment, the final determination can only be made by a court. Contrary to popular belief, the county commissioners do not have the authority to review or reverse the municipal officers' determination of abandonment or to determine the legal status of a road, although the issue of abandonment may arise where persons seek to have the commissioners order a municipality to repair a way.²⁷

Sources of Evidence

The determination that the presumption of abandonment has arisen—or has been rebutted—must be based on evidence about the history of the road. This evidence may come from several sources. For example, records of past town meetings or council meetings may indicate that money was raised and appropriated for repair or maintenance of the road in question. Records of the selectmen, council or treasurer may reflect expenditures for a particular road. The municipality may have included the road in question when the road was included in the municipal maintenance inventory reported to the State at the time the municipality requested local road assistance reimbursement from the State. Likewise, road commissioners and public works directors often keep road repair and maintenance logs showing what was done and when. Also useful are statements from people who use or live along the road in question. Longtime residents may be a wealth of information about the roads in a municipality, as can be former road commissioners, road workers or public works personnel. When the information is a person's recollection, make a point to put it in writing, date it, and have it signed. This will preserve the information in the event that the person dies or moves away.

Status of a Road After Abandonment

When a road is abandoned, it is relegated to the same status as it would have had following discontinuance.²⁸ Thus, if the abandonment occurred before September 3, 1965, the property reverted back to the abutters (to the centerline) and there is no public right of access remaining. If the abandonment occurred on or after September 3, 1965, a public easement remains. In determining when abandonment occurs, look at the end point, not the starting point, of the statutory thirty year period.²⁹

There is a curious provision in the statutory abandonment provisions that provides that an abandoned road “is at all times subject to an affirmative vote of the legislative body of the municipality...making that way an easement for recreational use.” This language was added in the 1975-76 overhaul of the law, but its intent is unclear. MMA Legal Services staff believes that may raise constitutional issues. For example, if a road was abandoned in 1931 (thus reverting to private property without a public easement) and is currently a potato farm, is it an unconstitutional “taking” of property if the municipality now votes to allow a recreational

easement across the farm, without payment of compensation to the landowner? The question has never been addressed in court, so in view of these issues we recommend that the municipality consult an attorney before creating a recreational easement under this law.

Common Law Doctrine of Abandonment

The focus of the common law doctrine of abandonment is on public non-use.

Discussed above was the *statutory* presumption of abandonment. Maine court decisions (common law) also recognize that roads may be abandoned by long periods of non-use by the public. Only a court can make the final

determination on abandonment by public non-use. This common law doctrine of abandonment differs from statutory abandonment in three major respects.

No Specific Time for Lack of Public Use

First, there is no clearly established time period necessary for abandonment; it varies depending on how the road was created. For a town way originally created by prescriptive use, the Supreme Judicial Court held that an unexplained failure by the public to use a way for twenty years resulted in a surrender of the way as a public way.³⁰ In another case, the Court concluded that the public rights to a way created by statutory method were lost after one hundred years of non-use.³¹ More recently, the Maine Supreme Judicial Court has affirmed the Superior Court's finding that twenty years of public non-use of a road is sufficient to give rise to common law abandonment of that road.^{32 33}

Focus is on Public Non-use

The second difference is that the common law doctrine focuses on public non-use, rather than public non-maintenance (which is the focus of statutory abandonment). It appears that in adopting the statutory presumption of abandonment, the Legislature looked to the expenditure of public funds for maintenance of the road as an objective measure of whether the public was actually using the way.

No Public Easement Retained

The third difference is that the public likely does not acquire a public easement upon common law abandonment of a town way. As noted above, State law provides that for a post-September 5, 1965 abandonment of a road, a public easement is retained.³⁴ However, in all Maine cases that have addressed the issue, a road deemed abandoned by public non-use reverted to the ownership of the abutters to the centerline.³⁵ In other jurisdictions as well, abandonment of a public way by non-use does not result in a public easement. Perhaps the difference in focus between statutory abandonment (demonstrated by lack of public maintenance expenditures)

and common law abandonment (demonstrated by actual public non-use) is the reason why a public easement is retained in the case of the former, but not in the case of the latter.

Private Easements May Exist

When a road is discontinued or abandoned, a public easement may or may not exist, as discussed above. Even when this occurs, however, private individuals may have a right to continue using the road. A private easement might result from prescriptive use (for example, where the person used the way long before it became a public way), by necessity, by implication or by a deed in favor of the landowner. It is important not to confuse private easements with the public easement. The municipality should not spend public funds protecting (i.e., litigating) these private rights, but it can suggest to the parties that private rights may exist.

Vacation of Paper Streets

Paper streets have been a significant source of title problems over the years because of the uncertainty associated with public and private rights of access. This is because at common law, once a lot is sold with reference to a recorded subdivision plan, there is an incipient dedication of the ways shown on that plan, and that incipient dedication is of infinite duration.³⁶ The Legislature acted in 1903 to provide for termination of the public and private rights through the “vacation” process.³⁷ The Law Court has observed that vacation is the exclusive process for the termination of the public right of incipient dedication once a lot has been sold with reference to the subdivision plan.³⁸

However, because vacation of a paper street is an expensive, time-consuming, case-by-case process, in 1987, the Legislature amended the State road and title statutes in an attempt to resolve the title problems associated with ancient paper streets.³⁹ As explained below, these amendments provide for a deemed vacation of older subdivision ways and, prospectively, provide for the termination of unaccepted dedications of public rights and of unused private rights in subdivision ways.

Methods of Vacation

Paper streets can be vacated by formal action of the municipal officers, can be deemed vacated and can be vacated by the passage of time.

Title 23: TRANSPORTATION
Part 3: LOCAL HIGHWAY LAW
Chapter 304: ACQUISITION OF PROPERTY FOR HIGHWAY PURPOSES

§3028-A. Abandonment of town ways

Beginning October 1, 2021, a town way, or portion thereof, may not be declared discontinued by abandonment unless the municipality or county where the proposed abandoned town way is situated complies with the requirements of this section. A municipality or its officials or a county or its officials are not liable for nonperformance of a legal duty with respect to a town way declared discontinued by abandonment in accordance with this section. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Affected property" means real property that abuts the town way to be declared discontinued by abandonment and real property for which the town way is the only access route. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

B. "Best practicable notice" means, at minimum, the mailing of notice by the United States Postal Service, postage prepaid, first class, to affected property owners whose addresses appear in the assessment records of the municipality or county. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

2. Declaration of abandonment. Municipal officers or county commissioners may vote to declare a town way discontinued by abandonment if:

A. For a period of 30 or more consecutive years, the town way was not kept passable for the use of motor vehicles at the expense of the municipality or county. Isolated acts of maintenance by the municipality or county without other evidence that shows a clear intent by the municipality or county to consider or use the town way as if it were a public way as defined in [section 1903, subsection 11 \(./23/title23sec1903.html\)](#) does not negate evidence that the town way was not kept passable for the use of motor vehicles; and [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

B. The municipal officers or county commissioners vote to declare the town way discontinued by abandonment at a regularly scheduled meeting of the municipal officers or county commissioners. If the municipal officers or county commissioners vote to declare a town way discontinued by abandonment, they must also vote on whether a public easement is retained. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

A municipality or county may not declare a town way discontinued by abandonment if evidence is presented to the municipal officers or county commissioners at a meeting held pursuant to [paragraph B \(./23/title23sec3028-A.html\)](#) or a public hearing held pursuant to [subsection 4 \(./23/title23sec3028-A.html\)](#) that the municipality or

county received funds for any portion of the town way that is the subject of the discontinuance by abandonment for more than 84 months of the period of 30 or more consecutive years specified in [paragraph A \(./23/title23sec3028-A.html\)](#).

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

3. Notification of discontinuation by abandonment. The municipal officers or county commissioners shall give best practicable notice to all affected property owners of the town way to be declared discontinued by abandonment at least 30 days prior to the meeting required in [subsection 2, paragraph B \(./23/title23sec3028-A.html\)](#).

A. The notice must include information regarding the potential retention of a public easement, and:

- (1) The affected property owners' maintenance obligations for and right of access to the town way, if any;
- (2) The right of access to the town way by the public if a public easement is retained; and
- (3) Information regarding the rights of affected property owners to enter into agreements regarding maintenance of and access to that town way, including the right of affected property owners to create private easements. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

B. If the town way to be declared discontinued by abandonment is the only means of access to property in an adjacent municipality or county, the municipal officers or county commissioners shall cause a written notice of the meeting required in [subsection 2, paragraph B \(./23/title23sec3028-A.html\)](#) to be given to the municipal officers or county commissioners of the adjacent municipality or county at least 30 days prior to that meeting.

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

4. Public hearing. The municipal officers or county commissioners shall hold a public hearing prior to voting to declare a town way discontinued by abandonment under [subsection 2 \(./23/title23sec3028-A.html\)](#) upon receipt of written request signed by at least 25% of affected property owners. The written request for a public hearing must be received by the municipal clerk or county clerk no more than 10 days after the notification issued pursuant to [subsection 3 \(./23/title23sec3028-A.html\)](#).

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

5. Status of town way discontinued by abandonment. If the municipal officers or county commissioners vote to declare a town way discontinued by abandonment, the interests of the municipality or county in the abandoned town way pass as follows.

A. If the municipal officers or county commissioners vote to not retain a public easement in the abandoned town way, all interests of the municipality or county in the town way, if any, pass to the abutting property owners to the center of the town way. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

B. If the municipal officers or county commissioners vote to retain a public easement in the abandoned town way, all other interests of the municipality or county in the town way, if any, pass to the abutting property owners to the center of the town way and the public easement retained is limited to rights of access by foot or motor vehicle as defined in [Title 29-A, section 101, subsection 42 \(./29-A/title29-Asec101.html\)](#). [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

An easement for public utility facilities necessary to provide or maintain service remains in a town way declared to be discontinued by abandonment regardless of whether a public easement is retained by the municipality or county.

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

6. Filing in registry of deeds. If the municipal officers or county commissioners vote to declare a town way discontinued by abandonment, the municipal clerk or county clerk shall record an attested certificate of the discontinuance by abandonment in the registry of deeds in the county where the abandoned town way is situated.

A. The certificate of discontinuance by abandonment may not be filed before the appeal period in [subsection 7 \(./23/title23sec3028-A.html\)](#) has passed or, if an appeal is filed, before the appeal process has ended. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

B. The certificate of discontinuance by abandonment must list the date of the vote by the municipal officers or county commissioners, describe the town way and include whether a public easement was retained. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

C. The register of deeds shall record the certificate of discontinuance by abandonment under the name of the town way, the name of the municipality or county and the names of the affected property owners. The municipal clerk or county clerk shall provide a photocopy of the certificate to the Department of Transportation, Bureau of Maintenance and Operations. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

7. Appeal. Notwithstanding [section 3029 \(./23/title23sec3029.html\)](#), a person affected by a vote to declare a town way discontinued by abandonment may appeal the decision by filing a written appeal request within 10 days of the vote as follows:

A. With the municipal clerk for an appeal of a vote by the municipal officers in a municipality with a board of appeals authorized to hear the appeal; [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

B. With the county clerk for an appeal of a vote by the municipal officers in a municipality that does not have a board of appeals authorized to hear the appeal; or [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

C. With the county clerk for an appeal of a vote by the county commissioners. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

Within 15 days after receiving a written appeal request filed pursuant to this subsection, the municipal clerk or county clerk shall schedule a public hearing on the appeal before the municipal board of appeals or county commissioners and provide written notice of the hearing date to the municipal officers or county commissioners and the person filing the appeal request. The public hearing must occur no more than 30 days after the appeal request is received.

A person aggrieved by the decision of the municipal board of appeals or county commissioners pursuant to this subsection may appeal the decision to the Superior Court in the county where the town way is situated, pursuant to the Maine Rules of Civil Procedure, Rule 80B.

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

8. Quasi-judicial act. The determination of the municipal officers regarding the status of a town way pursuant to this section is a quasi-judicial act under Title 14, section 8104-B, subsection 2 ([./14/title14sec8104-B.html](#)).

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

9. Previously abandoned town ways. This section does not alter the status of a town way abandoned by a municipality or county under the terms of former section 3028.

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

10. Common law abandonment. This section does not alter the ability of a town way to be abandoned under the common law presumption of abandonment.

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

11. Removal of obstructions. If the municipal officers or county commissioners have declared a town way discontinued by abandonment and have retained a public easement in the abandoned town way under this section, the municipality, county commissioners or an abutter on the way, acting with the written permission of the municipal officers or county commissioners, may remove any gates, bars or other obstructions in the town way.

[PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

SECTION HISTORY

PL 2021, c. 145, §2 (NEW). PL 2021, c. 145, §3 (AFF).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

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ITEM#5: (f.) Review/Sign Orders & Election Layout

ORDER

VOTED: That it be and is hereby Ordered that a Municipal Election of the Town of Lyman be held on June 13th, 2023, and that an attested copy of this order be placed on file with the Town Clerk of the Town of Lyman.

Given under our hands this 20th day of March, 2023 at Lyman Maine

Ralph Blackington; Chair

Thomas Hatch; Vice Chair

John Tibbetts

David Alves

Jessica Picard

ORDER

VOTED: That it be and is hereby Ordered that a Annual Town Meeting of the Town of Lyman be held on June 15th, 2023, and that an attested copy of this order be placed on file with the Town Clerk of the Town of Lyman.

Given under our hands this 20th day of March, 2023 at Lyman Maine

Ralph Blackington; Chair

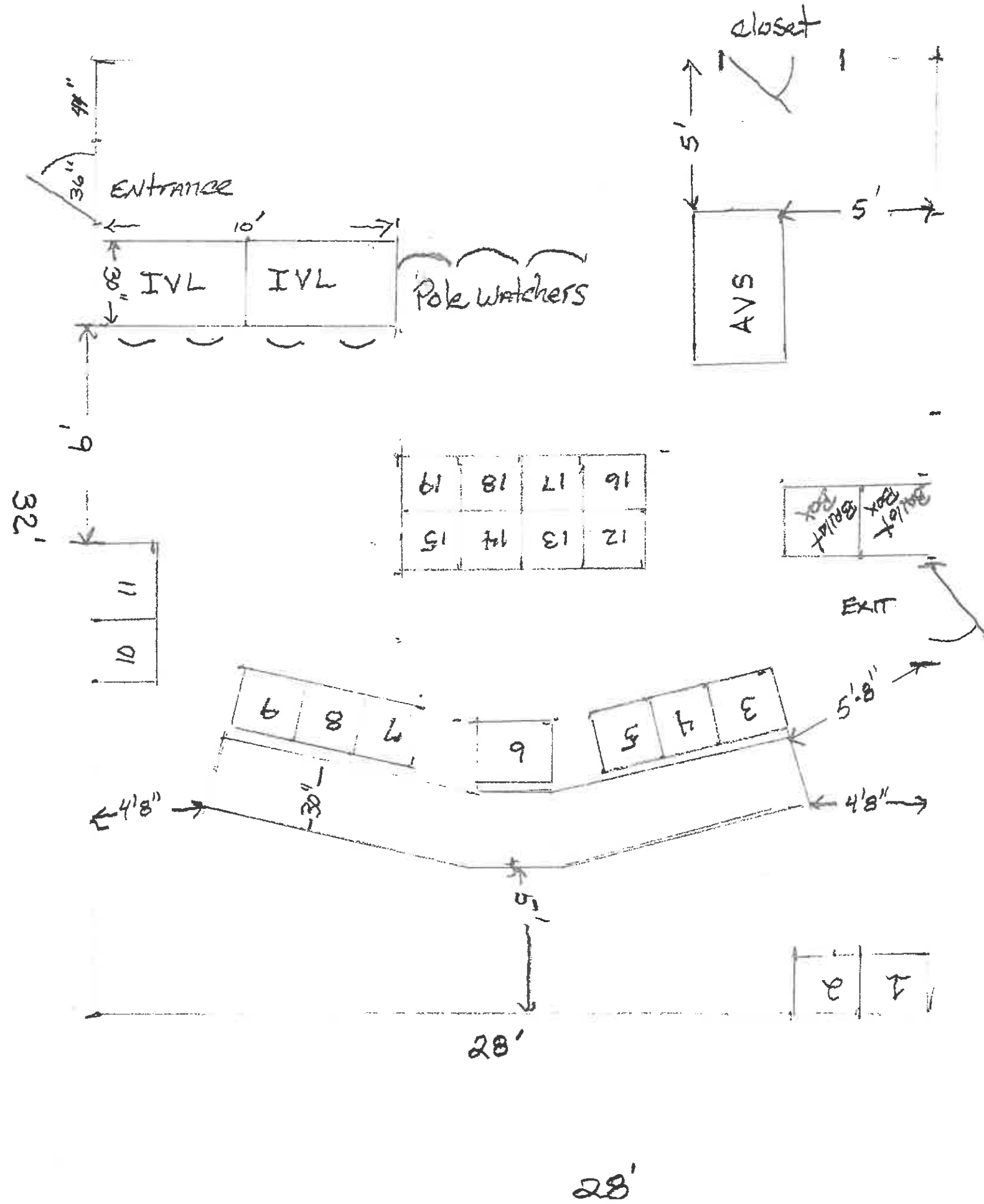
Thomas Hatch; Vice Chair

John Tibbetts

David Alves

Jessica Picard

Lyman Town Hall voting LAYOUT



To Scale
 1/4 inch = 1 foot



Town of Lyman, Maine Ordinance Review Committee

Mission Statement

The mission of the Ordinance Review Committee is to review existing ordinances and propose modifications, revisions, or revocations as necessary, as well as develop new ordinances in accordance with the current approved Town Charter.

Relative to Section 3.12(a) of the Town Charter, the Committee recognizes that an ordinance is legislative in nature and prescribes general, uniform, and permanent rules of conduct related to the corporate affairs of the Town of Lyman. An ordinance reflects the will of the people and is only valid and enacted when approved by the voters in accordance with the provisions of the Charter, Statutes, and the Constitution of the State of Maine.



Bylaws of the Ordinance Review Committee of the Town of Lyman, Maine

Section 1. Purpose of the Ordinance Review Committee

The purpose of the Ordinance Review Committee ("Committee") is to review, revoke, evaluate, modify, or develop proposed Town ordinances, for consideration by the Select Board and/or Legal Counsel, in accordance with the approved Town Charter.

Section 2. Purpose and Scope of These Bylaws

These bylaws aim to establish reasonable rules of procedure for Committee meetings and promote the fair, orderly, and efficient conduct of the Committee's proceedings and affairs. These bylaws shall govern the Committee's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

Section 3. Membership

The Committee shall consist of at least five members, all of whom shall be residents of the town of Lyman and of the age of 18. These members are voluntary and shall serve a three-year

staggered term without pay after being appointed by the Select Board.

From time to time, as required by the volume of work assigned to the Committee, it may be temporarily expanded to facilitate the completion of assigned tasks such as rewriting the ordinance resulting from the implementation of a new Comprehensive Plan. Such additional members shall serve only so long as required by the workload.

If any member fails, without cause, to attend three (3) consecutive regular meetings, or 75% of all meetings during the preceding twelve-month period, a recommendation may be made to the Select Board that the member be removed from the Committee.

Section 4. Officers; Duties

The Committee shall elect a Chairman, Vice Chairman, and Secretary. These officers will serve a term of one year and new elections shall take place at the first meeting in July or as soon as possible thereafter.

The Chairman shall preside at all Committee meetings and shall have the authority to rule on questions of procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and consistent with these bylaws. The Chairman also shall set the agenda for each meeting. In the absence of the Chairman, the Vice Chairman shall have the same authority as the Chairman.

The Secretary is responsible for all minutes, records, notices of meetings, hearings, and correspondence of the Committee.

The Town Manager shall maintain a permanent record of all Committee meetings and all correspondence of the Committee, which shall be public record except as otherwise provided by law.

Section 5. Meetings

Regular meetings are to be held as needed. Special meetings may be called at the discretion of the Chairman or upon the request of a majority of the Committee, provided, however, that notice thereof shall be given to each member and to the public at least 24 hours in advance and no business shall be conducted except for the reason stated for the Special Meeting. Meetings will be posted in the Townhall and on the Town's website.

All meetings shall be open to the public.

A Committee meeting can not take place without a quorum being present. In the event that a quorum (majority) is not present, the meeting will be rescheduled following regular meeting notice requirements.

Section 6. Conflict with Town Charter

Any conflict or inconsistency between these bylaws and any applicable law or provision of the Town of Lyman Charter shall be resolved in favor of the Town Charter.

Section 7. Waiver; Amendments

These bylaws, or any provisions thereof, may be waived but only if they remain consistent with applicable law and the Town of Lyman Charter. These bylaws may be amended at any time in writing by a majority vote of the Committee.

ITEM#6: (b. & c.) Request for waiver of policy, see emails.

TOWN OF LYMAN

Independent Contractor/Subcontractor Requirements Policy

Adopted: October 3rd, 2022

Amended:

PURPOSE: *The purpose of this policy is to establish and provide reasonable requirements for Department Heads when using outside Independent Contractor/Subcontractors and to limit the financial liability to the Town of Lyman.*

All Department Heads are responsible to ensure that the Treasurer has the following paperwork in hand **PRIOR** to an Independent Contractor/Subcontractor performing any duties for the Town of Lyman:

- **Worker's Compensation Insurance** each Contractor/Subcontractor will carry Worker's Compensation Insurance as defined under State of Maine Worker's Compensation Law, 39-A M.R.S.A. Contractor/Subcontractor's will carry employers Liability Limits of \$500,000 Each Accident/\$500,000 Policy Limit – Disease/\$500,000 Each Employee – Disease. If the Contractor/Subcontractor is not required to carry Worker's Compensation according to the State of Maine Worker's Compensation Law, 39-A M.R.S.A., then the Contractor/Subcontractor must provide the Town of Lyman with an approved Independent Contractor/Subcontractor's Status from the State of Maine Worker's Compensation Board.
- **Public Liability Insurance (or Commercial General Liability)** Covering the legal liability (including liability assumed contractually) of the Contractor/Subcontractor, covering claims for bodily injury and property damage arising out of the services to be performed by the Contractor/Subcontractor, or those working on Contractor/Subcontractor's behalf, in an amount not less than \$1,000,000 per one occurrence, \$2,000,000 general aggregate (subject to a per project general aggregate provision), \$1,000,000 Products/Completed Operations aggregate limit OR in the event of any amendment to the Maine Torts Claims Act, 14 M.R.S.A. §8101-8118, that increases the limitation of liability to the Town of Lyman under such Act, Contractor/Subcontractor shall increase its amount of coverage so that it is not less than the limitation of the liability of the Town of Lyman established under the Act, to protect the Contractor/Subcontractor and the Town of Lyman from claims and damages that may arise while the Contractor/Subcontractor is performing work for the Town of Lyman, whether such operations be by Contractor/Subcontractor or by anyone directly or indirectly employed by it. All Certificate of Liability Insurance shall name the Town of Lyman, 11 So. Waterboro Rd., Lyman, ME 04002 as additional insured. A Waiver of Subrogation in favor of Town of Lyman must also be included.

TOWN OF LYMAN

Independent Contractor/Subcontractor Requirements Policy

- **Automobile Liability Insurance (if applicable)** in the amount of not less than One Million Dollars (\$1,000,000), combined single limit, OR in the event of any amendment to the Maine Torts Claims Act, 14 M.R.S.A. §8101-8118, that increases the limitation of liability to the Town of Lyman under such Act, Contractor/Subcontractor shall increase its amount of coverage so that it is not less than the limitation of the liability of the Town of Lyman established under the Act, to protect the Contractor/Subcontractor and the Town of Lyman from claims and damages that may arise while the Contractor/Subcontractor is performing work for the Town of Lyman, whether such operations be by Contractor/Subcontractor or by anyone directly or indirectly employed by it. All Certificate of Liability Insurance forms shall name the Town of Lyman, 11 So. Waterboro Rd., Lyman, ME 04002 as additional insured.

- **Town of Lyman Contractor/Subcontractor Agreement** is to be signed by the owner or a representative of the company that has the authority to bind the Independent Contractor/Subcontractor to such an agreement. The Board of Selectmen may require revisions to its basic contractor / subcontractor agreement in its sole discretion. The basic form prepared herewith shall not be used for project involving construction, hazardous substances, or professional service.

- **An Internal Revenue Service, Form W-9, Request for Taxpayer Identification Number and Certification** must be filled out and submitted prior to payment unless already on file with the Town of Lyman.

- Any request to waive a portion(s) of this policy must be presented to the Board of Selectmen at a regularly scheduled meeting.

- All contract or subcontracts require advance approval by the Board of Selectmen. The foregoing provisions are minimum requirements. The Board of Selectmen may impose additional or increased requirements in its discretion based on the nature of the work to be performed and may involve legal counsel or the Town's insurer in the review. Contracts involving construction, hazardous substances, or professional services (e.g. architects or engineers) shall require additional insurance coverage to be discussed with the Board of Selectmen.

TOWN OF LYMAN

Independent Contractor/Subcontractor Requirements Policy

Adopted: October 3, 2022

Effective: Immediately



Ralph "Rusty" Blackington - Chair

Thomas Hatch – Vice Chair



John Tibbetts



David Alves



Jessica Picard

A Majority of the Board of Selectpersons

Lyman, Maine

From: [Holly Hart](#)
To: [Selectmen Board Clerk](#)
Subject: Meeting
Date: Wednesday, March 8, 2023 7:41:26 PM

Hi Lindsey

I put a Field request in your mailbox. Can you put parks and rec on the agenda for the next meeting. I want to ask about the required papers for people hired by the town, all that paperwork doesn't seem needed for someone Who is just hired for two hours for an event.

Thank you

Holly

Sent from my iPhone

From: [Town Clerk](#)
To: [Selectmen Board Clerk](#); [Ralph Blackington](#); [Thomas Hatch](#); [Treasurer](#)
Subject: FW: Independent Contractors
Date: Tuesday, March 7, 2023 11:24:29 AM
Attachments: [insurances.pdf](#)

Good Morning,

I just had conversation with Jeanette regarding Rick Hull, our Moderator for Town meeting, being paid as a Independent Contractor. She said to ask if the Board would waive this requirement for him. So, I'm asking the Board to discuss this and make a decision before I call him and ask him to gather and fill out a bunch of paperwork for one or possibly 2 times a year moderating annual/special town meetings.

Also, I noticed our locksmith, Joey Brooks, isn't on the list Jeanette sent out. If his services are going to be required in the future depending on what you are planning to do with the key situation, someone should reach out to him for paperwork needed so he is on file before we actually need him as per Jeanette's email.

Thanks,
Polly

ITEM#6: (d.) Ordinance Amendment Proposal

TOWN OF LYMAN, MAINE PLANNING BOARD

PROPOSED REVISION TO LYMAN ZONING ORDINANCE FOR JUNE 2023 TOWN MEETING WARRANT ARTICLE

March 16, 2023

To: Lyman Select Board

Subject: Proposed Revision to Town of Lyman Zoning Ordinance

Reference: (a) Lyman Zoning Ordinance (LZO) Amendment Procedure Article 1.8

The Planning Board held a public hearing on March 15, 2023 on the attached LZO amendment. No public comments were received. After reviewing the amendment at the March 15, 2023 PB meeting, the PB voted to refer the attached amendment to the Select Board for inclusion as an Article for the Annual Town Meeting in June 2023.

Please refer to the attached proposed LZO amendment for inclusion on the June 2023 Town of Lyman Annual Town Meeting Warrant, as an Article to be voted on at the meeting.

Roderick Tetu

Roderick Tetu, Chairman

Attached:

Proposed Lyman Zoning Ordinance Amendment for June 2023 Town Meeting Warrant Article

Copy to with proposed amendment:

Town Clerk

Code Enforcement Officer

PB members

Lyman Zoning Ordinance Amendment for June 2023 Town Meeting Warrant Article

Shall an amendment to the Town of Lyman Zoning Ordinance Article 1, Section 1.8.3 Contract Zoning be enacted as follows:

~~Deleted language struck through~~ Added language underlined

1.8.3 Contract Zoning

B. Authorization

Fourth sentence:

Areas rezoned under this provision shall be consistent with, ~~but not limited to~~, the existing and permitted (whether permitted or with site plan approved conditional) uses within any zoning district.

F. Recommendation

Before forwarding a recommendation of a contract zoning amendment to the Board of Selectmen, the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Board of Selectmen requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendations on whether the rezoning:

- ~~1. Is for land with an unusual nature or location~~
1. Is consistent with the Comprehensive Plan;
2. Is consistent with, ~~but not limited to~~, the existing uses and permitted uses within any zoning district; ~~and~~
3. That the conditions proposed are sufficient to meet the intent of this section; and
4. Provides reasonable expectations of an overall benefit to the Town as a whole.

ITEM#6: (g.) Tax Clerk February Report

Report to Selectmen
Month of February 2023
2022-2023 Tax Year

Real Estate Tax Commitment -	\$7,417,133.10
Personal Property Tax Commitment –	\$ 41,542.02

Total Tax Commitment: \$7,458,675.12

Supplemental Taxes YTD:	\$ 3,554.21
Abatements Granted YTD:	\$ 4,609.80
Prior Year(s) Abatement(s) YTD:	\$ 968.61

Real Estate / Personal Property Tax Payments Collected \$ 60,676.41
Includes Current, Delinquent, Prepayments, and Lien Payments for the month.

Monthly Excise Tax

Excise Tax Received	
Vehicles registered here at office:	\$ 74,269.87
Online Rapid Renewal Service	<u>15,382.98</u>
Total Vehicle Excise	\$ 89,652.85

Boat Excise	
Boats registered here at office:	\$ 147.00
Online Registration Service	<u>\$ 111.00</u>
Total Boat Excise	\$ 258.00

Total Excise \$ 89,910.85

Excise Tax Reimbursement 10/23/2022	\$ 9,877.52
Excise Tax Collected by State	

Year-to-date excise collection \$ 802,347.98

Respectfully submitted: Susan J. Bellerose, Tax Collector

ITEM#6: (h.) CEO Updated Fee Schedule



LYMAN BUILDING DEPARTMENT

11 South Waterboro Road, Lyman, Maine 04002

Telephone: (207) 247-0647 Email: ceo@lyman-me.gov

FEE SCHEDULE

Beginning any activity before permit is issued may result in a double fee, or a penalty of \$200, whichever is more.

Re-inspection fee for any permit\$50.00

Building

Minimum fee (residential)\$60.00

Minimum fee (commercial)\$100.00

New structures, habitable area - per square ft\$0.50

New structures, non-habitable (decks, sheds,
garage, etc.) - per square foot.....\$0.30

Renovations – per \$1000\$3.00

Modular home - per square foot\$0.30

Foundations - - per square foot\$0.20

Commercial Structures – per \$1000.....\$6.00

Driveway permits\$35.00

Demolition permits.....\$50.00

Gravel pit inspection\$250.00

Swimming pools (electric permit if required)\$60.00

Sign permit.....\$50.00

Plumbing

Minimum fee\$40.00

Fixture fee, each fixture\$12.50

Hook-up fee\$40.00

Transfer fee\$40.00

Electrical: Contact Electrical Inspector –

lyman.electrical.inspector@gmail.com

Septic

New system\$312.50

Surcharge on full systems only\$ 15.00

Replacement field\$187.50

Non-engineered replacement tank\$187.50

Added component.....\$30.00

Minimum Fee\$40.00

Variance (on new systems only).....\$20.00

Land Use Fees

Shoreland Tree Removal\$15.00 per tree

Zoning Letter\$50.00

Home Occupation including Medical

Marijuana.....\$250.00

Bi-annual Gravel Pit Inspection\$175.00

Conditional Use.....\$300.00

Best Practical Location\$250.00

Subdivision Application Fee.....\$1,000

*Plus \$250 per lot and Applicable Plan
Review fees and Expenses related to
posting Required Public Hearing Notices
and sending abutter notices*

Plan Review

Preliminary\$250.00

Final\$250.00

Revision\$250.00

Ralph Blackington (Chair)

Thomas Hatch (Vice Chair)

John Tibbetts

David Alves

Jessica Picard

Approval Date

ITEM#6: (g.) Quotes for surveyor.

RE: Letter of Proposal for Surveying Services:

Dear Selectmen,

Per request of Brad Nickel we have prepared an estimate of cost for surveying services to be performed on land described in the deed from David W. Smith, et al to the Inhabitants of The Town of Lyman, dated July 18, 1994 and recorded at the York County Registry of Deeds in Book 7123, page. 77. Said land is depicted as Lot 14 on Town of Lyman Assessor's Map 13 and is believed to contain approximately 11 acres

Scope of services:

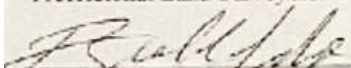
Standard Boundary Survey of entire parcel
Topographic Survey of area around existing Town Hall Building
Boundary markers to be set at any unmarked property corners
Preparation of a Survey Map depicting the results of the survey, showing all property improvements, property boundaries and topography in the vicinity of existing Town Hall.

Estimated cost of services: \$7,000.00

Estimated completion - 12 weeks from receipt of signed formal contract (to be provided) and retainer of 50% of estimated cost.

If you have any questions, please do not hesitate to contact me.

Middle Branch, LLC
Professional Land Surveyors


Brad R. Lodge P.L.S. #2087

Date: 5-4-2021

supporting improvements located at 11 South Waterboro, Road in Lyman, ME. Prepare a certified plan of the results of the survey.

Deed Research (York County Registry/ Town Office)	450.00
Field Recon (initial field investigation for boundary monuments.)	850.00
Topographic Survey (option)(Topographic Survey of improvements)	1350.00
Location Survey (Location Survey of improvements)	950.00
Office Analysis (Plotting, computations)	1700.00
	\$3,950.00
<u>Total (with topo option)</u>	<u>\$5,300.00</u>

This is a not to exceed proposal. Project to begin upon the acceptance of this proposal and be completed within 50 days. This proposal expires in 30 days

Accepted: _____

Date: _____

Dec. 31, 2022

Stephen W. Everett PLS 2161
73 Pheasant Run
E. Waterboro, ME 04030

Proposal for Survey Services

For Dave Alves
Selectman
Town of Lyman
11 South Waterboro, Rd. Lyman 04002

Description of services: Conduct a boundary and location (topographic) survey of the Existing Town Office Building and



Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

380B Main Street
Gorham, Maine 04038

Tel. (207) 839-2771
www.bh2m.com

WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY
ANDREW S. MORRELL
STEVEN J. BLAKE

May 3, 2021

Town of Lyman
c/o Dave DeLong
11 South Waterboro Road
Lyman, Maine 04002

Re: Survey Proposal

Dear Committee Members;

Thank you for contacting BH2M for surveying services for your property located on South Waterboro Road & Route 35 in Lyman, Maine (Lyman Tax Map 13, Lot 14). I have reviewed the property information and offer the following Scope of Services, estimated cost and time frame to perform a Boundary Survey/Existing Conditions for this property.

Scope of Services:

1. All necessary Deed Research related to the subject parcels and abutting parcels.
2. Transfer benchmark elevation to site.
3. On-site instrument survey to locate existing monumentation, existing physical features, encroachments, site elevations, existing building elevations, site features and record information associated with the subject parcels.
4. Analysis of the above information to determine the location of the subject parcel's boundaries.
5. Prepare a Boundary Survey/ Existing Conditions Plan showing the subject parcel's boundaries, existing physical features, existing and proposed monumentation, State Lidar Topography, site features, spot grades and record information associated with the subject parcel.
6. Meet with Client to review the survey results.
7. Set 5/8" rebar with surveyors cap at all missing corners of the subject parcel.

ITEM#7: (a.) Request for Audio/Video equipment use

Committee Request for AV/IT Equipment use –

Budget Committee request assigned designee:

- Michelle Felicitti
- Vicky Gavel

Ordinance Review Committee request assigned designee:

- Michael Rancourt
- Peggy MacDonald

ITEM#7: (e.) Assessor request for Board Approval.

From: [Assessor](#)
To: [Brendon S. Bean](#)
Cc: [Selectmen Board Clerk](#)
Subject: Assessing Agreement - Remote Access
Date: Wednesday, March 15, 2023 1:39:05 PM
Attachments: [J Murphy Agrmt.pdf](#)
Importance: High

Hello –

Jim Murphy, Murphy Appraisal Services, has arranged to be here in Lyman on Friday, March 31st and if needed Saturday, April 1st.

This is for services outlined in the Agreement for Assessing Training Services executed by BOS on February 8, 2023. (See Attached)

Jim and I will be working together on as many issues as possible while on site in Lyman.

However, if all is not accomplished and work needs to continue off-site (Jim resides I believe 2.5 hours north of Lyman), Jim included remote access (to TRIO) in his Agreement.

I am hereby requesting arrangements be made for successful operation and carrying out of the services which would include providing Jim remote access to TRIO when/if needed. (Agreement Item #2)

I also draw your attention to Agreement Item #13. While he is at Town Hall, he may require a separate connection to TRIO while working in the meeting room. (Absolutely not a definite... but would like it arranged so if needed, it's there.) Perhaps that can easily be satisfied with the Assessor's Laptop ? Please let me know.

If this requires additional more specific approval from the BOS, please make this e-mail my request for this to be on the Agenda for the next meeting – Monday, March 20th.

Please let me know if you require anything further from me at this time.

Sincerely,
Laurie Gonska, CMA
Town of Lyman, Maine
207-247-0645
assessor@lyman-me.gov

AGREEMENT FOR ASSESSING TRAINING SERVICES

This document details the agreement between the TOWN OF LYMAN Maine and MURPHY APPRAISAL SERVICES, INC. (MAS, Inc) and defines the situation to be addressed.

The TOWN OF LYMAN Maine has need of additional training and guidance for their assessor to become more proficient with functions in the TRIO assessing system to address issues at hand efficiently. It is determined that the TOWN OF LYMAN would increase its standard of municipal assessment process, knowledge of system operation and accessibility to the citizens of Lyman by agreement with an outside agency to address training while correcting several deficiencies in the current assessing system. Doing so will address in a timely manner some necessary actions for a successful in-house statistical land update to be performed for the purpose of increasing the current State Certified Ratio for Lyman.(81%)

1. The TOWN OF LYMAN wishes to agreement with MURPHY APPRAISAL SERVICES, INC. to perform the following services and scope of work:

- A. Training in the use of the TRIO assessing system to review/identify/address possible issues to include:
 - 1. Set up and configure the current assessing system to produce Municipal Valuation Return addressing coding and current use classification errors and Business Equipment Taxation Exemption errors.
 - 2. Changes to accounts
 - 3. Accessory Dwelling Units (ADU) both attached and not attached to the main dwelling
 - 4. Single wide and Double wide mobile home valuations
 - 5. Outbuilding cost valuations and dwelling cost models (i.e. heating)
 - 6. Gravel Pit coding issues
 - 7. Land lock property coding issues
 - 8. Farm Space Classification valuations
- B. Field assessment of new commercial property
- C. Sales Analysis / In-House Statistical Update for land values

2. The TOWN OF LYMAN is to provide remote computer access to TRIO for the purpose of making corrections in consultation with Town of Lyman Assessor.

3. The TOWN OF LYMAN will be solely responsible to verify the resulting data input.

4. All employees of MURPHY APPRAISAL SERVICES, INC. will be covered and at all times be represented by workers compensation insurance provided by MURPHY APPRAISAL SERVICES, INC. An in-force workers compensation policy is in effect and will be made available to the TOWN OF LYMAN. MURPHY APPRAISAL SERVICES, INC. also agrees that it will make known immediately to the TOWN OF LYMAN notice of the assigned person request waiver of benefits from the Maine Workers Compensation Commission.

5. The TOWN OF LYMAN enters into this agreement for Assessment Consultation Services under an agreed Independent Contractor status (IRS Publication 963). MURPHY APPRAISAL SERVICES, INC. will be responsible for all its employees Worker Compensation costs, Liability



Insurance, all Federal, State and local tax filings; all of its own equipment and tools, vehicle costs and other clothing and items of need to complete the assignment agreed upon.

6. MURPHY APPRAISAL SERVICES, INC. agrees to indemnify the TOWN OF LYMAN for any and all penalties and interest that may be assessed against the TOWN OF LYMAN for any failure by MURPHY APPRAISAL SERVICES, INC to pay Federal, State, and local taxes, interests and penalties.

7. Liability limits shall not be less than the limits established in the Maine Tort Claims Act, 14 M.R.S. §8105. To the extent permitted by law, all such insurance provided by the company shall be carried in favor of the municipality and its officers, employees, and agents, as well as in favor of the company. All certificates of insurance showing policies covering insurance herein required shall be filed with the assessor and approved by them prior to the commencement of any work under the project.

8. Performance Bonds: MAS, Inc. is not required to provide a performance bond.

9. Projected completion date for the items above is June 30, 2023. Agreement may be extended as agreed by the parties.

10. It is recognized that the plan of operation may require alteration from time to time and the assessor shall not unreasonably require strict adherence to the plan. This agreement commences upon signature of the parties.

11. The assessor may use the monthly report form as a basis for payment but is not compelled to make payments as requested in the report form.

12. AGREEMENTUAL COMPENSATION: The TOWN OF LYMAN agrees to pay MURPHY APPRAISAL SERVICES, INC. as follows:

A. An amount of \$120 per hour for the scope of work detailed above.

B. Given the unknown nature of the depth of the Items above it is possible the additional corrections may be necessary. In the event the above items cannot be completed both parties have the option to continue additional written agreements until the situations are resolved.

13. OFFICE SPACE: The TOWN OF LYMAN shall provide office space together with necessary tables and chairs in the Assessor's office or elsewhere in Town Hall for use of the company's staff working on this project, which is satisfactory to the company. It is expected that most of the scope of work will be completed by remote access.

14. EQUIPMENT AND SUPPLIES: The company shall provide all personal equipment and supplies at the company's expense.

15. PROHIBITION OF CONFLICTING REPRESENTATION. For the period of the agreement MURPHY APPRAISAL SERVICES, INC. and any employee is prohibited from performing any other real and personal property valuation services within the TOWN OF LYMAN for any reason.



16. CONFLICT OF LAWS: This agreement shall be governed by and construed in accordance with the laws of the State of Maine

17. SEVERABILITY OF PROVISIONS: In case of any one or more provisions contained in the agreement should be found to be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired.

18. ENTIRE AGREEMENT: This document constitutes the entire agreement between the TOWN OF LYMAN and MURPHY APPRAISAL SERVICES, INC. with respect to the subject matter thereof and the agreement supersedes all previous negotiations, discussions, and agreement between the parties. Amendment of the agreement will be in written form and such amendments will be made at the agreement of the TOWN OF LYMAN and MURPHY APPRAISAL SERVICES, INC.

IN WITNESS THERE OF, THE PARTIES OR DULY EMPOWERED REPRESENTATIVES, EXECUTING THIS AGREEMENT AS DATED

FOR MURPHY APPRAISAL SERVICES, INC.

James H. Murphy, Jr., its President
Date _____

Witness

FOR TOWN OF LYMAN

Ralph Blackington, Chair
Date: 2/8/2023

Witness *Lindsay Gagne*

TOWN OF LYMAN

Access/Key Policy

Adopted:

Amended:

PURPOSE: *To protect property, people, and sensitive information*

PROCEDURE:

It is the duty of the Town Manager to determine individual accessibility, based on need, to different areas (rooms, gates, information) of the Town of Lyman and to issue key/codes to those individuals.

In the absence of the Town Manager the interim Town Manager shall have this duty

In the absence of a Town Manager or Interim Town Manager, the Select Board shall name an appointed employee to administer the function of access. The Board shall be the authority requesting and/or assigning accessibility (in writing) and shall set forth the administrator, named above, to carry out this duty. During the absence of a Town Manager/Interim Town Manger no elected Official or Employee shall have access to anything other than their respective offices and access to the building in which the respective office is. All other access deemed necessary must be carried out using a cell phone code access, specifically assigned to them, for the lock box containing the Master Key within the Town Hall.

All keys not issued shall be kept locked in the vault of the Town Hall.

Adopted:

Effective: Immediately

_____ Ralph "Rusty" Blackington - Chair

_____ Thomas Hatch – Vice Chair

_____ John Tibbetts

_____ David Alves

_____ Jessica Picard

A Majority of the Board of Selectpersons

Lyman, Maine

ITEM#7: (h.) Purchase Order for GIS Mapping services

PURCHASE ORDER

TOWN OF LYMAN
11 South Waterboro Rd.
Lyman, ME 04002
(207) 499-7562



PO # 1240

DATE: 3/9/2023

VENDOR: Jim Thomas

SHIP TO: Town of Lyman

ITEM	DESCRIPTION	QUANTITY	RATE	AMOUNT
	Maps - Quoted not to exceed \$2500.00			
				TOTAL

Supervisor Approval

Account # 81-11-33.310

Board Approval

Specifications:

- 1) Purchase order must be signed by one Selectman to be valid
- 2) We DO NOT pay **partial** purchase orders (all orders must be completed for payment)
- 3) VOID after 30 days



James H. Thomas
45 Longwoods Rd
Cumberland, ME 04021
jht@maine.rr.com

Town of Lyman
Proposal for Agreement for GIS Services Zoning & Shoreland Zoning Mapping

This PROPOSAL for an agreement between the TOWN OF LYMAN (TOWN) and JAMES H. THOMAS (gisSolutions or Contractor) on this Date: 11 | 21 | 2022

The TOWN and gisSolutions agree as follows:

1. Description of Services

gisSolutions will provide services that will build upon the efforts of the TOWN to update its Zoning and Shoreland Zoning maps. This will be accomplished by generating GIS data to meet these needs.

The process will be to create GIS-based polygons emulating the "colorized," hand drawn portions of the current map(s). As digital street map renditions of your street map do not currently exist, these polygons will be placed over your current GIS parcels (tax map base). Other embellishments, such as road names, water bodies and other physical features may be agreed to as they will add reference assistance to readers of the map.

This will be an iterative process where Contractor will produce draft maps and Town officials will comment and provide feedback for updates until the updated Zoning map is ready for adoption by the Town.

2. Responsibilities of the TOWN

Enlist the cooperation of municipal staff in the process.

3. Term of agreement

The term of agreement shall continue until the task is completed. gisSolutions understands that the Town's objective is to create a GIS-based zoning/shoreland zoning map(s) to improve the decision-making process in land use matters by the Town.

4. Compensation

5. Contractor will invoice the Town at a rate of \$100 per hour and does not think the cost will exceed \$2,500. In addition to this, the Town will bear all printing costs.



Town of Lyman

11/21/2022

Date

James H. Thomas
gisSolutions

Date

ITEM#7: (i.) Purchase Order Quote for Kennebunk Pond

PURCHASE ORDER

TOWN OF LYMAN
11 South Waterboro Rd.
Lyman, ME 04002
(207) 499-7562



PO # 1250

DATE: 3/15/23

VENDOR:
David Maynes Studio
26 Storer Street
Kennebunk, ME 04043

SHIP TO:

ITEM	DESCRIPTION	QUANTITY	RATE	AMOUNT
	See Attached Invoice			4961.-
TOTAL				4961.-

Supervisor Approval

726-86-90-999
Account #

Board Approval

Specifications:

- 1) Purchase order must be signed by one Selectman to be valid
- 2) We DO NOT pay **partial** purchase orders (all orders must be completed for payment)
- 3) VOID after 30 days

Kennebunk Pond Beach Improvements - Town of Lyman

Town of Lyman, ME.



Landscape Architectural Scope of Services: Design & Technical Development & Construction Documentation - BID PROJECT

UPDATED 3/14/2023 FOR FINAL ISSUE

davidmaynesSTUDIO

26 Storer Street, Kennebunk, ME 04043

I. Details Package Development for Client Review

\$795.00

- Develop Digital Design File - For Consultant Coordination
- Prepare Material Relationships/Details For Coordination: Hardscape
- Finalize Planting Approach & General Species Composition: Softscape
- Graphics Production & Package Formatting
- Communication and Coordination w/Committee

II. Construction Documentation: Develop Landscape Bid Package For Contractor Pricing

\$5,820.00

- Sheet Set Organization & Setup
- Finalize Drawing & Specifications Package Suitable for Contractor Pricing:
 - Demolition & Site Preparation Plan*
 - Materials & Layout Plan*
 - Final Grading & Drainage Plan*
 - Planting Plan*
 - Details, As Needed*
- Update Estimate of Probable Cost
- Communication and Coordination w/Committee & Contractor
- (4) Mtgs: (1) Town Review Mtg - In Person, (1) MeDEP, (1) MeDOT, (1) Pre-Construction Mtg

Actual Site Visit Task Order May Deviate From Above - Per Contractor Sequencing

TOTAL DESIGN FEES **\$6,615.00**

25% Municipal Rural Development / Non-Profit Pro Bono Credit **\$1,654.00**

TOTAL FEES TO PROJECT COMPLETION **\$4,961.00**

Landscape Architectural Scope of Services Does Not Include Additional Surveying Fees, Professional Engineering Fees, Additional Professional Consultant Fees, & Regulatory/Permitting Fees

Direct Expenses at Cost Plus 10 % (See Current Rate Sheet) - **PRO BONO**

- Travel Expenses:
 - Mileage (at IRS reimbursement rate)
 - Meals and Accommodation
- Other Direct Expenses may include (but are not limited to):
 - Telephone/Fax/Data
 - Reprographics/Scans/Copying/Plots/Prints
 - Postage/Shipping
 - Photography/Processing
 - Administrative Fees