

Town of Lyman
Select Board Regular Meeting Minutes
Monday April 3rd, 2023 – Lyman Town Hall

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

Selectboard members absent: none

ITEM #1 **SPECIAL OFFERS/ PRESENTATIONS**

none

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

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

Don Hernon – Discusses the Planning Board’s initiative on an ordinance amendment for contract zoning. The Planning Board has requested the Select Board to put this on the warrant for the open Town meeting in June.

John Tibbetts – Asks if this would help the ordinance line up with the comprehensive plan.

Don Hernon – States the way the wording on contract zoning is now would allow for any type of use to go anywhere in Town.

Michelle Feliccitti – States she has gathered some information regarding Goodwin Mills Fire Rescue completing multiple runs to a current business in Lyman. She has submitted the information to the Select Board. The use of EMS services is excessive and poses a burden on the Town.

- b. *Mail* •York County Sheriff’s insider bulletin. •York County Sherriff’s Monthly Report
c. *Complaints*

ITEM #3 **MINUTES**

- a. *Review / Approve meeting minutes 3/20/2023.*

David Alves – Makes a motion to approve. **Thomas Hatch seconds. Motion passes: 5-0-0**

ITEM #4 **SIGN WARRANTS**

- a. *Payroll Warrant #43 in the amount of \$25,430.52*

David Alves – Motions to approve. **Jessica Picard seconds. Motion passes: 5-0-0**

- b. *Accounts Payable Warrant #42 (FY2023) in the amount of \$606,761.41*

David Alves – Motions to approve. **Jessica Picard seconds. Motion passes: 5-0-0**

ITEM #5 **UNFINISHED BUSINESS**

- a. *ARPA funding – discuss RFPs. Where are we at?*

Thomas Hatch – States he walked the beach side of the park. He created a list that itemizes some items as ARPA related and others not. Some items on the list may need to be addressed before opening. He is currently contacting DEP regarding some stumps by the shoreline that will need to be removed.

- b. *Planning Board – Request for Ordinance Amendment to be put to Town Vote*

Don Hernon – Explains the amendment addresses contract zoning and would remove the language “but not limited to” that would have the effect of requiring the proposed use for contract zoning at a minimum is allowed anywhere else in the Town. The amendment would also add language “provides reasonable expectations of an overall benefit to the Town as a whole”.

Thomas Hatch – Suggests this should go through the Ordinance Review Committee. We’ve established the committee for this purpose and he suggests we should be consistent with the process that’s in place.

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Brenda Charland – Asks how the ordinance isn't contrary to the Comprehensive Plan.

John Tibbets – States the reason is you could allow things that aren't covered in the comprehensive plan such as density and size of buildings.

Brenda Charland – States contract zoning is about use and doesn't think density or the size of the building would play into it. It could be a potential issue in the way it's currently worded loosely but perhaps not an emergent issue.

David Alves – States the Ordinance Review Committee is seated, and Town Council did not allude to this issue being an emergency.

Jessica Picard – States her only concern is that the Planning Board was previously tasked with bringing this forward

David Alves – States this task was put on the planning board to help streamline things. However, initially the planning board stated they shouldn't be tasked with writing the ordinance to which they have to enforce. This became part of the development of the new process outlined in the revised charter.

Brian Dulong – Asks the board what their issue is with the wording of the amendment.

Thomas Hatch – States he doesn't have an issue with the wording, but is more concerned with maintaining a consistent process with the Ordinance Review Committee.

c. [Requested Waivers for Insurance Requirements, discussion from last meeting.](#)

•Parks & Recs, re: Musicians •Town Clerk, re: Moderator

Lindsay Gagne – Explains she looked into this per the discussion from the last meeting. Waterboro does require vendors to submit a W9 but does not require an agreement. However, if the vendor provides a contract, they will agree to that contract. They review events case by case and evaluate risk. At this time with our policy, the board can waive any or all of the hold harmless policy. It will be up to the board to weigh out the risk.

Jessica Picard – Suggests having a form developed to cover the board waiving certain requirements.

David Alves – Asks if our insurance provides any type of risk assessment category or sliding scale type chart that can help identify areas of concern.

Jessica Picard – **Makes a motion to waive the insurance requirements for the Parks and Recs Summer band concert events.**

John Tibbetts – **Seconds the motion. Motion passes: 5-0-0**

Jessica Picard – **Makes a motion to waive the insurance requirements for the Moderator for Town Meeting**

John Tibbetts – **Seconds the motion. Motion passes: 5-0-0**

Jessica Picard – **Makes a motion to waive the insurance requirements for the land surveyor for the Town Hall Expansion Committee.**

Thomas Hatch – **Seconds the motion. Motion passes: 5-0-0**

d. [Stagecoach Road, discussion from last meeting.](#)

Lindsay Gagne – States after discussion from the last meeting, we found this road was discontinued in 1921 by Town Warrant but no public easement was retained.

Jessica Picard – Agrees to ask Town Council to verify the boards options.

David Alves – Suggests asking Town Council to verify if it is up to the owner to claim their portion up to the center line and if they did not record that portion of the property in their recorded deed, can the Town take it back and issue a public easement.

Brenda Charland – States she is currently having issues with five roads and if she can issue a building permit.

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- e. [Review/ Approve Field Use Request forms.](#)
Jessica Picard – Makes a motion to approve both field use request forms.
Thomas Hatch – Seconds the motion.
Jessica Picard – States the board can review a fee schedule in the future.
Motion passes: 5-0-0
- f. [IT Committee – approve a statement of purpose.](#)
Jessica Picard – Suggests the board continue to review this and table till the next meeting.
- g. [Bunganut Committee – discussion from last meeting](#)
Lindsay Gagne – Asks the board if this will be a standing committee or an Adhoc committee.
David Alves – Suggests this be an Adhoc committee because by the time they are done with their task it will turn over to the Parks and Recs Committee
Jessica Picard – Would like to see a similar statement of purpose to give a general explanation of the purpose of the committee.

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

- a. [Road Commissioner –](#)
Brad Nikel – States all the road postings have been lifted. The PPI matching fund program, he found, will stay a program and no changes are predicted to occur and the board will need to determine what they would like to do with South Waterboro Road. He has a quote to repair the solar sign at Bunganut. He thinks this should come out of Capital Improvement. As far as the storm damage at Bunganut, the trees are all gone but there still needs to be clean up over there.
Jessica Picard – Suggests with the storm damage at Bunganut if it’s worth looking into doing an insurance claim.
- b. [Fire Chief –](#)
- c. [Tax Clerk –](#)
- d. [CEO – Question re: building permits on Discontinued roads. Review Updated Zoning map](#)
Brenda Charland – States the adjustment doesn’t really change the zoning but more clearly identifies the different zones. They will need to be voted on by the Town. This doesn’t clear up any discrepancies of the roads, but just clears up the zoning part of the map. We will also get a parcel overlay of the zones that can be printed on larger maps to identify parcels within each zone.
- e. [Treasurer – Expense Report](#)
- h. [Town Hall Expansion Committee – Open RFP’s for Architect/Engineer Services](#)
Two RFPs were submitted
Custom Concepts Inc: Total price = \$31,200 including architectural and construction engineering.
Port City Architects: Total price = \$155,102 including architectural and construction engineering.
Jessica Picard – States she would like more information on Custom Concepts where there are some line items left blank. She inquires what the next step will be to keep this moving forward.
David Alves – States in this way we can get a product together to determine what the plan will be going ahead.
- f. [Other -](#)

ITEM #7

NEW BUSINESS

- a. [Request for Board approval on expenses for TRIO Upgrade, see memo.](#)
John Tibbetts – Motions to approve the TRIO upgrade.
Thomas Hatch – Seconds the motion. Motion passes: 5-0-0

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- b. **Review Hold Harmless for tree cutting, Contractor requesting sub-letting approval**
Lindsay Gagne – Explains the contractor for tree cutting needs to hire a crane operator. The board will need to decide if they want to waive the section in the hold harmless and allow the contractor to subcontract the crane work. Either way we will need all the insurance information from the crane operator.
Jessica Picard – States she would be okay with the contractor sub-letting the work; however we need all the insurance information from any sub-contractors doing any of the work.
Brad Nikel - Suggests the cemetery committee inspect the work as it's being done.
Jessica Picard – States the work needs to be confirmed.
David Alves – Suggests doing a stop work order until we can get more information.
Jessica Picard – **Makes a motion to do a stop work order with Larry Blanchet until we can confirm he has all insurance, and we have more information on the work being done.**
David Alves – **Seconds the motion. Motion passes:5-0-0**
Thomas Hatch – States to hold payments until more information is confirmed.
- c. **Review Hold Harmless for Jim Murphy, Contractor requesting waivers.**
Jessica Picard – **Makes a motion to waive the highlighted non-applicable sections as provided in the hold harmless.**
Thomas Hatch – **Seconds the motion. Motion passes: 5-0-0**
- d. **Appointment, review/approve committee application for Bunganut Committee**
•William Single • Michelle Felicitti •Karen Kane
Jessica Picard – **Motions to table Item #7: (d) and (e) until the board finalizes the committee statements of purpose and solicit more volunteers.**
Thomas Hatch – **Seconds the motion. Motion passes: 5-0-0**
- e. **Appointment, review/approve committee application for IT Committee**
•William Single • Michelle Felicitti •Nigel Sampson

EXECUTIVE SESSION

1.M.R.S.A §405 (A) personnel matters

Thomas Hatch – **Motions to go into executive session per 1.M.R.S.A 405 (A) personnel matters.**

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

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

Thomas Hatch – **Seconds the motion. Motion passes: 5-0-0**

Thomas Hatch – **Motions to approve a step increase to the Admin Ceo assistant that was agreed to at point of hire.**

Jessica Picard – **Seconds the motion and adds discussion the budget has been verified.**

OTHER

None

ADJOURN

Jessica Picard – **Makes a motion to adjourn. John Tibbetts seconds the motion. Motion passes: 5-0-0**

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Ralph "Ralph" Blackington (Chair)




Thomas Hatch (Vice Chair)

David Alves



Jessica Picard



John Tibbetts

I, Lindsay Gagne, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of 5 pages are the original minutes of the Board of Selectmen Regular Meeting dated April 3rd, 2023



Lindsay Gagne

