

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

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

Selectboard members absent: none

EXECUTIVE SESSION

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

1.M.R.S.A §405 (A) personnel matters

Thomas Hatch – Motions to go into executive session per 1.M.R.S.A 405 (C) real or personal property matters and 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. John Tibbetts seconds. Motion passes: 5-0-0

David Alves – Motions to restructure payment on back taxes owed on account number 1401 Map and Lot 11-118-22 with no professional fees for a 38 and half month period at \$300.00 per month.

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

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.*

Brad Nikel -Requests the Board’s approval for him to initiate a Go Fund Me page to raise funds to put a granite bench for Maurice St. Claire to be put over at the library.

- o **Katrina Randal** – *Inquiry regarding property access dispute off of Old County Rd*

Katrina Randal – Explains a resident, Ray Poirier, has been barring access on sections of Stagecoach Road. She explains this road has been discontinued by the Town and does not seem to have a public easement established to allow abutters to travel over the abandoned roadway. She submits letters and copies of state statutes regarding abandoned roads into the record. Records indicate the Town voted in 1921 to discontinue the Stagecoach Road. She would like the Town to contact the individual to instruct them passage can be made by others on this roadway.

David Ales – Asks if the CEO has had any issues with this?

Brenda Charland – States she currently is dealing with five discontinued roads and inquiries regarding buildable land lots. If the property owners don’t claim the land to the centerline of the road in their deed then there will remain a public easement. Because the roads fall on the zoning map for Lyman, she believes she is obligated to issue a building permit on these roads. However, some of these roads are being blocked off by property owners, some are being maintained by property owners, and some are not being maintained.

Katrina Randal – Reads guidelines explaining any roads discontinued prior to September 3rd, 1965 left no public easement and case law dictated that ownership of the way reverted back to the abutters on each side to the centerline of the road. Abutters may legally bar the public from using the road in this situation, however the exception to this rule is a public easement is retained in a pre-1965 discontinuance if the warrant article authorizing the discontinuance

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specifically provides for the retention of a public easement. Abandonment occurring after September 3rd, 1965 terminates the Town's maintenance obligations and a public easement is automatically retained.

David Alves – Makes a motion to look into the language of the 1921 warrant article.

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

- o **Karen Kane** – Inquiry regarding forming a Bunganut committee

Karen Kane – Proposes to the Board that they form a committee for Bunganut Park to help move improvements forward. The committee would work with the Board liaisons for the beach side and field side to help support plans around the ARPA funding project. They would also look into management strategies for the Park and over a longer term, serve to prospect better improvements overall and how to get more activities year-round.

John Tibbetts – Recommends having Parks and Recs participate with the committee as well.

David Alves – Makes a motion to form a Bunganut Park Committee with Thomas Hatch as Beach Side liaison and Ralph Blackington as Field Side liaison.

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

Ralph Blackington – Suggests the board have a workshop to discuss some of the logistics.

Jessica Picard – Makes a motion to take Item #6, letter (d) out of order.

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

Don Hernon – Explains the Planning Board put together an article question to go to a Town Vote for an ordinance amendment on Contract Zoning. Primarily the amendment would remove the language “but not limited to” and add language “provides reasonable expectations of an overall benefit to the Town as a whole.”. The current language seems to be too open ended and does not mirror state statute on contract zoning. The Planning Board is requesting the Board put this on Town Meeting floor rather than secret ballot so there can be discussion of the amendment if voters have questions.

Thomas Hatch – States Funky Bow was one of the contract zoning permits. If the language were to be removed as stated above, would a similar situation like that be able to happen again?

Don Hernon – States it would be able to because a brewery is allowed in other zones. He states he thinks the Town shouldn't allow a contract for something that isn't allowed anywhere else in the Town. The words “but not limited to” allows for more wiggle room.

David Alves – States we have a new Charter with a new procedure in place for ordinance amendments so more citizens can get involved and vote on these. The Planning Board had a public hearing and nobody showed or gave comment on this and that is the reason he advocated to have the new procedure added to the revised Charter. He feels the public should be more informed and have the Ordinance Review Committee get involved in this.

Joe Wagner – States with the language “but not limited to” an applicant may press the limits potentially into litigation.

b. Mail none

c. Complaint none

ITEM #3

MINUTES

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

David Alves – States on page four he said the leagues were putting together their Fall programs together, he meant to say the Spring programs and wanted to clarify that.

Jessica Picard – Motions to accept the minutes. **David Alves** seconds. Motion passes: 4-0-1 (Thomas Hatch abstains, he was not present at the last meeting).

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ITEM #4

SIGN WARRANTS

- a. Payroll Warrant #41 in the amount of \$27,177.74
Thomas Hatch – Motions to accept. Jessica Picard seconds. Motion passes: 5-0-0
- b. Accounts Payable Warrant #40 (FY2023) in the amount of \$64,664.62
Thomas Hatch – Motions to accept. Jessica Picard seconds. Motions passes: 5-0-0

ITEM #5

UNFINISHED BUSINESS

- a. Annual Town Report Dedication – Tabled from last meeting.
There is discussion among the board to elect the Cemetery Committee and include a memoriam page for Maurice ST. Claire.
David Alves – Makes a motion to dedicate the Town Report to the Cemetery Committee
Thomas Hatch – Seconds the motion. Motion passes: 5-0-0
- b. ARPA funding – discuss RFPs. Where are we at
David Alves – Motions to take Item #7, letter (i) out of order. To address the purchase order to pay the architect for the Kennebunk Pond Beach as this pertains to the ARPA funding.
Thomas Hatch – Seconds the motion. Motion passes: 5-0-0
David Alves – Motions to approve the Purchase Order for David Maines Architect Services.
John Tibbetts – Seconds the motion. Motion passes: 5-0-0
Karen Kane – Asks the Board if they will designate a deadline to get all the RFPs together and ready to send out.
The board agrees all RFP drafts will be due by May 1st for the board to start the process advertising them.
- c. Appointment LHO – Review/ approve, application submitted.
Jessica Picard – Motions to appoint Eileen Kelly to the position of Local Health Officer.
David Alves – Seconds the motion: Motion passes: 5-0-0
- d. Handicap ramp – discussion on project
Ralph Blackington – States he was told the ramp was not required for elections. Some discussion with the board there may still be a need for general handicap accessibility and the board has already approved the spending out of Capital Improvement.
- e. Old Kennebunk Road – review/ discuss procedure, see email
Lindsay Gagne – Explains Town Council has outlined the procedure to start the process to abandon the road. Town Council believes the Town already has the supporting evidence that the road has been discontinued and is no longer being maintained which is the first step. The board will need to schedule a public hearing. Affected property owners will need to be notified at least 30 days prior to the hearing, which Town Council will ensure the notices will get sent out. The board will vote after the public hearing to abandon the road and will also need to vote if a public easement will be retained. After the appeals timeline is finished the decision and easement gets recorded in the registry of deeds. At this time, the Board will need to schedule a public hearing.
Jessica Picard – Motions to schedule the Public Hearing for May 15th, 2023 at 6:00pm
Thomas Hatch – Seconds the motion. Motion passes: 5-0-0
- f. Discuss Municipal Election, review/sign orders
Jessica Picard – Makes a motion to approve the order that the Municipal Election be held on June 13th, 2023. John Tibbetts – Seconds the motion. Motion passes: 5-0-0
Jessica Picard – Makes a motion to approve the order that the Annual Town Meeting be held on June 15th, 2023. Thomas Hatch – Seconds the motion. Motion passes: 5-0-0

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ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

- a. [Ordinance Review Committee – review/approve bylaws & mission statement](#)
Jessica Picard – Motions to approve the Ordinance Review Committee Bylaws and Mission statement as submitted.
John Tibbetts – Seconds the motion. Motion passes: 5-0-0
- b. [Parks and Recs – Requested waiver for insurance documents, see email.](#)
Holly Hart – Explains to the Board there is specific insurance information required per policy, but for the bands that come out for the music in the park this is too much or them to fill out. They are not licensed businesses that have these insurances available.
Jessica Picard – Makes a motion to waive any Parks and Recs entities that are working for the Town less than two times a year. After brief discussion, Jessica Picard rescinds her motion.
Thomas Hatch – Asks to get confirmation the Town has appropriate coverage if they decide to waive the insurance requirements.
Holly Hart – States they have talked with the bands, and they are not required to do this per other Towns.
Jessica Picard – States if waiving these there should be parameters. The board can get more information for the next agenda.
Holly Hart – Asks if the board will also waive the W9 because the band doesn't have an LLC. The Board discusses collecting more information to verify a few things.
- c. [Town Clerk – Requested waiver for insurance documents, see email.](#)
Ralph Blackington – States this falls under the same as above. The board can gather some more info.
- d. [Planning Board – Request to add Ordinance Amendment Article to Town Meeting Warrant.](#)
Item moved out of order and discussed above.
- e. [Road Commissioner –](#)
Brad Nikel – States he had a lot of issues with people pushing snow across the roads. He recommends the Select Board notify violators with a certified letter that this is a finable offense and send out a fine if violations continue. He will take a picture documenting it next to a mail box with a house number. He also reports the Solar sign at Bunganut was destroyed but is still functioning. He may be able to salvage the sign if it still works. He asks the Board what they want to do with South Waterboro Road for the Budget. Reflective cracking is already coming up through. Lastly, He is looking into some federal grant money for bridges and replacing some fish chase ways.
Jessica Picard – Confirms the board will be discussing South Waterboro Road in a workshop.
David Alves – Suggests the Board should look into getting a bond for the road.
- f. [Fire Chief –](#)
Matt Duross – Recruitment for open positions is coming along. The extrication Equipment arrived, and they are still waiting for the ballistic vests.
- g. [Tax Clerk – February Report , Reviewed in agenda packet.](#)
- h. [CEO – Review/approve – Updates to fee schedule, review/approve. Discussed at last meeting](#)
Jessica Picard – Motions to accept the updated fee schedule for Code Enforcement.
John Tibbetts – Seconds the motion. Motion passes; 5-0-0
- i. [Board of Assessment Review –](#)
 - o [Discuss board secretary/ duties.](#)
 - o [Appointment – application received for board member.](#)**Jessica Picard – States she provided some support at their public hearing, so the board is caught up with this latest application. She reviewed the secretarial duties of the committees and thinks the committee may need clarification on the duties. Some duties such as filing can be done by**

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departments in the Town and the committee will be responsible for drafting letters of decisions and recording their meetings, etc.

David Alves – Makes a motion to appoint Charles Harrison to the Board of Assessment Review

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

j. Treasurer – none

g. [Town Hall Expansion Committee – Review/ approve quotes received for Survey of Town Hall.](#)

Brad Nikel – States the Town Hall Expansion Committee solicited three separate quotes. Their recommendation is to go with Stephen Everette. He has a great track record, and his response time was quicker than the other two.

Jessica Picard – Verifies this is within the budget for Town Hall Expansion and the vendor will hold this amount as quoted.

John Tibbets – Motions to award the services to Stephen Everette.

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

k. Other -

ITEM #7

NEW BUSINESS

a. [Committee Request for AV/IT Equipment Use –](#)

o Budget: Michelle, Vicky

o ORC: Mike, Peggy

Jessica Picard – Motions to approve Michelle Felicitti, Michael Rancourt, Peggy MacDonald, and Vicky Gavel.

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

b. [Appointment – Application received for Comprehensive Plan Committee](#)

There is discussion among the board. One application submitted so far, and the board may want to wait until more applications come in. In the meantime, the Town can contact former committee members if they are interested.

c. [Cemetery Committee – Review/approve resignation, see email.](#)

Jessica Picard – Makes a motion to accept Celeste Hatch’s resignation from the Cemetery Committee effective September 1st, 2022.

David Alves – Seconds the motion. Motion passes: 5-0-0

d. [Discuss procedure/policy re: contacting Town Attorney](#)

Jessica Picard – States legal inquiries should be funneled through the Select Board Clerk to ensure the Board has the documentation and to help avoid asking similar questions multiple times. The board clerk can determine if other resources like MMA can be utilized first. If the decision by the Select Board Clerk is not favored, then the decision will be up to the Select Board.

e. [Assessor Request for Board approval, see email.](#)

Lindsay Gagne – Explains the IT contractor won’t provide remote services on someone’s personal device due to security risks but suggested loaning out a town-owned computer for the Assessor’s training.

Ralph Blackington – States he would loan out his computer.

Jessica Picard – Makes a motion approving remote access via town-owned device.

David Alves – Seconds the motion. Motion passes: 5-0-0

f. [Assessor Request to contact Town Council](#)

Discussion with the board and the board agrees to filter the request through the Select Board Clerk.

g. [Review/approve Key policy for Lock box](#)

David Alves – States he’s been addressed by some employees the cameras in the public areas are video and audio.

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Thomas Hatch – States there have been incidents in the past, and this offers employees protection.

Brenda Charland – States she would have liked it communicated.

Jessica Picard – Reviews the policy and verifies the board has the authority in the interim of a Town Manager to assign access to keys.

Jessica Picard – Makes a motion to approve the access key policy.

Thomas Hatch – Seconds the motion.

Discussion employees will have mobile access to the lock box and the cleaners will not have access to the vault.

Motion passes: 5-0-0

h. [Approve PO for Jim Thomas GIS Services.](#)

David Alves - Makes a motion to approve. **Jessica Picard** seconds. **Motion passes: 5-0-0**

i. [Approve PO for Kennebunk Pond Beach Committee Quote for Architect Services](#)

Item moved out of order and discussed above.

OTHER

David Alves – Makes a motion to form an IT committee.

Jessica Picard - Seconds the motion.

Motion passes: 5-0-0

Lindsay Gagne – Explains the revised Charter dictates the Town Manager prepares a statement of purpose for committees. In lieu of a Town Manager, the Board will need to draft a purpose for the committee.

Jessica Picard – Suggests herself and David Alves can draft something for the next meeting.

John Tibbetts – Motions to approve Brad Nikel's request to start a Go Fund Me page to raise funds for a memorial bench for Maurice St. Clair to be placed at the library.

Brad Nikel – Explains the Go Fund Me would be set up in a way that any additional funds collected above what it cost for a bench, the residual amount can go to another project. He recommends giving residual amounts to the Fire department. This can be clarified in the Go Fund Me page.

David Alves – Seconds the motion.

Brad Nikel – States he would start the page as soon as he can get a quote on what it would cost for a bench. He would implement a start and end date once it's set up.

Motion passes: 5-0-0

Karen Kane – States she has recommended to the board to dedicate the Town Hall expansion to Maurice ST. Clair.

Thomas Hatch – States the board will take that under consideration when the building project gets going.

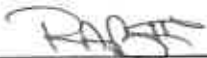
ADJOURN

David Alves – Makes amotion to adjourn.

Jessica Picard – Seconds the motion.

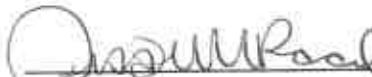
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Ralph "Ralph" Blackington (Chair)

David Alves



Jessica Picard



Thomas Hatch (Vice Chair)



John Tibbetts

I, Lindsay Gagne, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of 7 pages are the original minutes of the Board of Selectmen Regular Meeting dated March 20th, 2023



Lindsay Gagne

