

Town of Lyman
Select Board Regular Meeting Minutes
Tuesday April 18th, 2023 – Lyman Town Hall

Selectboard members present: Thomas Hatch (Vice Chair), Jessica Picard, John Tibbetts, David Alves (Via Zoom)

Selectboard members absent: Ralph “Rusty” Blackington (Chair)

EXECUTIVE SESSION

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

Jessica Picard – Makes a motion to go into executive session per 1 M.R.S.A 405 (C) real or personal property matters

John Tibbetts – Seconds the motion. Motion passes: 4-0-0

Jessica Picard – Makes a motion to come out of executive session. John Tibbetts seconds. Motion passes: 4-0-0

ITEM #1

SPECIAL OFFERS/ PRESENTATIONS

a. [Cemetery Committee, tree cutting project](#)

Shelia McNeil – States there are four cemeteries that need to be taken care of before moving on to any other cemeteries.

Steven Carpenteri – States the tree cutter does not have a crane and was told he could not sub-contract without board approval. He will be doing the tree cutting then going in after the trunks are removed and clearing and chipping the brush. These cemeteries may look like a mess right now, but this is because we have not got a crane to go in yet to move the larger trees. This contractor has done work for the Town before and always subbed a crane.

Jeanette Lemay – Explains this issue came to us because someone called the Town Hall and stated they were being asked to bid on some tree work for the Town and they didn’t know if it was some sort of a hoax. If Larry had been subbing work before, it was not known to the Town. We’ve updated our policies around insurance requirements for contractors and have been in discussion with Larry about the policy. She asks who will clean up the brush, where are the big trunks going when they are being moved, and who will clean up the brush.

Jessica Picard – Clarifies the board could waive the restriction on sub-contracting.

Steve Carpenteri – States property owners and other people will take the hard wood for free, however the pines are usually left behind. The brush will be chipped up as much as possible.

Without having a crane right now, the cemetery committee will need an extension on time for use of the funds.

Thomas Hatch – Asks what the plans are for each cemetery on how they will be cleaned up, what happens when the wood is not taken, and if the cemetery committee can write up what their plan will be going forward.

Jeanette Lemay – Explains as long as the money is encumbered before June 30th and the work is underway the timeline can extend a little further into the year because the books don’t close until some time after. Otherwise, the board can put a warrant article question for Town Meeting to carry over remaining funds into the next fiscal year.

Katrina Randal – States the board could put notices out there is hard available if someone wants to pick up. For the pines she asks if we can bring it to the dump or get rid of it somehow.

Brad Nikel – States the left-over pine and brush can be taken to a pit on Route 111. They take stumps and brush.

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Jessica Picard – Makes a motion to waive the subcontracting clause for Larry Blanchett provided any sub-contractor he hires provides all the necessary insurance requirements per our policy.
John Tibbetts – Seconds the motion. Motion passes: 4-0-0

ITEM #2 **MINUTES**

- a. [Review / Approve meeting minutes 4/3/2023.](#)
David Alves – Makes a motion to approve. Jessica Picard seconds. Motion passes: 4-0-0

ITEM #3 **SIGN WARRANTS**

- a. [Payroll Warrant #45 in the amount of \\$24,941.64](#)
David Alves – Makes a motion to approve. Jessica Picard seconds. Motion passes: 4-0-0
- b. [Accounts Payable Warrant #44 \(FY2023\) in the amount of \\$84,033.26](#)
David Alves – Makes a motion to approve. Jessica Picard seconds.
David Alves – Asks if we want to release the funds for Breakwood Trees or wait until we receive all the insurance paperwork.
Jeanette Lemay – States we have all the paperwork for Breakwood Trees. We will need the paperwork for the Crane when one is hired. This invoice is for cutting the trees.
Motion passes: 4-0-0

EXECUTIVE SESSION

[1.M.R.S.A §405 \(A\) Personnel Matters](#)

Jessica Picard – Makes a motion to go into executive session per 1.M.R.S.A 405 (A) Personnel Matters.
David Alves – Seconds the motion. Motion passes: 4-0-0

Jessica Picard – Makes a motion to come out of executive session.
John Tibbetts – Seconds the motion. Motion passes: 4-0-0

ITEM #4 **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.](#)
Item tabled.
- b. [Mail](#)
• [ZBA – Notice of Public Hearing](#)
Item tabled
- c. [Complaints](#)
• [John Mead](#)
Item tabled.

ITEM #5 **UNFINISHED BUSINESS**

- a. [ARPA funding – discuss RFPs. Where are we at?](#)
Item tabled.
- b. [Planning Board – Request for Ordinance Amendment to be put to Town Vote](#)
John Tibbetts – Explains he looked through the charter and found language that zoning ordinance amendments aren't under the control of the Select Board. We should look into this more.
David Alves – Asks to look into the current charter under section 202 and section 701.

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Lindsay Gagne – Explains warrant articles cannot be inserted into the warrant after a certain time. May 1st is the deadline for money articles and May 16th is the deadline for non-money articles. The warrant will be ready on May 1st for the Board to sign and if necessary, we can add non-money articles no later than May 16th.

Thomas Hatch – States we are tabling this item till the next meeting and the board will look into what John was explaining.

Don Hernon – States the charter talks about the will of the people and in his opinion, this should go to the voters. We don't have any pending contract zoning projects, but who's to say we won't get any in the next couple of months or so.

David Alves – States he would like to see changes get brought to as many voters as possible and the intention of the new charter was to encourage more awareness of ordinance changes. This language in the charter has been there for several years and has never been addressed up until now. The contract zoning change is not an emergency, and he would rather see that we use the process and get as many voters informed as possible.

Joe Wagner – States the language in contract zoning as it is written seems too loose that it could become a litigation issue potentially if someone were to challenge it.

- c. [Stagecoach Road, discussion from last meeting, no further updates waiting on Town Attorney.](#)

Item tabled.

- d. [IT Committee – approve a statement of purpose. Tabled from last meeting](#)

Item Tabled.

- e. [Bunganut Committee – approve statement of purpose, tabled from last meeting.](#)

Item Tabled

- f. [YMCA contract revisions. Review from attorney & Insurance provider.](#)

Lindsay Gagne – Explains the contract revisions have been reviewed by Town Council and also our insurance provider. We have two conflicting views on the wording the YMCA had originally put in the amendment. Our insurance underwriter ensured that the YMCA would not be liable for issues relating to the general public as the Town is the primary owner and operator of the park. At our workshop with the YMCA, they explained they needed some kind of language in the contract that identifies the Town's municipal immunity. The board will need to decide if they want to stay with Town Council's amendments or add in language per the YMCA recommendations.

Jessica Picard – States to carry this over to the next meeting. She would like to know if the YMCA would still sign the agreement without the language in there.

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

All items tabled.

- a. [Road Commissioner –](#)
- b. [Fire Chief –](#)
- c. [Tax Clerk –](#)
- d. [CEO –](#)
- e. [Treasurer – Expense Report 4/13/2023](#)
- f. [Town Hall Expansion Committee –](#)
- g. [Other -](#)

ITEM #7

NEW BUSINESS

- a. [Open RFPs for IT Services.](#)
RFPs submitted for IT Remote Managed Services
 - o All About IT (Houston, TX)

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- Marco Technologies (Middletown, PA)
- Soft Stages Technologies (Malvern, PA)
- Bean Data (Gray, ME)
- Burgess Technologies (Bath, ME)
- Golden Five (San Pedro, CA)
- Community Square, LLC (Sheridan, WY)
- SPN (Fairfax, VA)

There is discussion among the board to have Lindsay summarize the information submitted and table this to the next meeting before the board makes a decision on awarding the bid.

b. [RSU 57 Election Warrants. Review/Approve](#)

Jessica Picard – Makes a motion to approve warrant and notice of election calling regional school unit #57 budget validation referendum.

John Tibbetts – Seconds the motion. Motion passes: 4-0-0

Jessica Picard – Makes a motion to approve warrant and notice of election to call regional school unit #57 referendum.

John Tibbetts – Seconds the motion. Motion passes: 4-0-0

c. [Cleaning services, discuss if changing to one day or keep at two days a week.](#)

Item Tabled

d. [Purchase order for Town Report](#)

John Tibbetts – Makes a motion to approve the purchase order for Edison Press \$4,364.

Jessica Picard – Seconds the motion. Motion passes: 4-0-0

e. [Appointment, review/approve committee application for Bunganut Committee](#)

•William Single • Michelle Felicitti •Karen Kane •Holly Hart

Item Tabled

f. [Appointment, review/approve committee application for IT Committee](#)

•William Single • Michelle Felicitti •Nigel Sampson

Item Tabled

g. [Appointment, review/approve committee application for Parks & Recs Committee](#)

•Jonna Johnson • Clair Campbell

Item Tabled

h. [Appointment, review/approve committee application for Comprehensive Plan Committee](#)

•Don Hernon • John Tibbetts

Item Tabled

OTHER

Joe Wagner – States the state will be issuing their final rule for LD2003 that goes in effect July 2023. If we need to make changes to our ordinances to comply with the rule it's not likely going to happen in time. The feedback he got from the state was the planning board can operate by applying state rules and regulations even though Town ordinance may not fully comply with LD 2003

John Tibbetts – States LD214 has not yet been passed but does address Town's under population of 10,000 would be exempt from LD 2003.

David Alves – States there is also provision in LD 2003 for Town's that don't have public water.

Michelle Felicitti – Asks the board if they would agree to do a candidate night again this year and she will coordinate with Lindsay getting information out there. The board agrees.

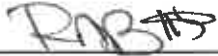
David Alves – Asks the board how they want to proceed with the RFP for the architect/engineers?

Jessica Picard – States she would want to see what we end up approving for the budget.

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ADJOURN

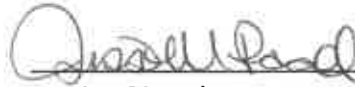
Jessica Picard – Makes a motion to adjourn the meeting. John Tibbetts seconds. Motion passes:4-0-0



Ralph "Ralph" Blackington (Chair)

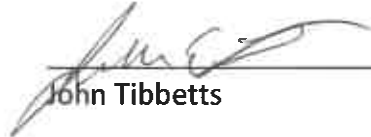


David Alves



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 5 pages are the original minutes of the Board of Selectmen Regular Meeting dated April 18th, 2023



Lindsay Gagne

