

Town of Lyman
Select Board Regular Meeting Minutes
Monday May 1st, 2023 – Lyman Town Hall

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

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.*

Carol Baker-Roux – States to the board her concerns regarding the personnel salaries budget. She was disappointed in the board’s decision to consolidate salaries to come up with a Town Managers salary. She would have rather the board put the salary options to the voters instead.

Don Hernon – States he is asking the select board to vote on the planning board ordinance amendment proposed for contract zoning. The planning board would like the select board to put this amendment on the town warrant for the Annual Town meeting in June. The amendment covers some changes to contract zoning, primarily removing the language “but not limited to” to avoid the perception that anything can be allowed under contract zoning and rather focuses on uses that are allowed in other areas of the town or provide an overall benefit to the Town.

- b. *Mail ZBA letter (Tabled from last meeting)* Letter reviewed in agenda packet.
c. *Complaints*
• *John Mead – (Tabled from last meeting)* Letter reviewed

ITEM #3 **MINUTES**

- a. *Review / Approve meeting minutes 4/18/2023.*

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

ITEM #4 Bun **SIGN WARRANTS**

- a. *Payroll Warrant #46 in the amount of \$25,162.92*

John Tibbetts – Motions to approve. **David Alves** seconds the motion. **Motion passes: 4-0-0**

- b. *Accounts Payable Warrant #47 (FY2023) in the amount of \$593,881.89*

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

ITEM #5 **UNFINISHED BUSINESS**

- a. *ARPA funding – Scope of work for RFPs due May 1st. Discuss putting RFPs out to bid*

Ralph Blackington – Asks the board if there is anything that may need more urgent work to be completed before they determine a date to open the bids.

David Alves – States most of the work for the lakeside will probably have to get done later in the season given the scope of work. But otherwise, the Park can be opened and operated in May. The board discusses scheduling opening the bids and agrees on June 5th at their regular meeting. The board also discusses coordinating site walks for bidders.

- b. *Planning Board – Request for Ordinance Amendment for Town Vote (Tabled from last meeting)*

David Alves – States in the past, ordinances had been passed without taking into consideration of citizen participation. He would like to see the process with the Ordinance Review Committee be utilized to get as much voter participation as possible before changing ordinances. He would rather see changes go to voters in November where there is a higher turn out of voters rather than annual town meeting which has a lower turn out. The revised charter outlines a process for ordinance

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amendments to help support more awareness of these changes before voters. The contract zoning language has been brought to Town Council and MMA for review and both parties told the Town this was a non-emergent amendment, and the Town did not need to take immediate action to make the changes. He asks the Code Enforcement Office for their opinion of the contract zoning.

Brenda Charland – States in the way the ordinance is written now she doesn't believe there is any danger of creating a problem. The current zoning ordinance for contract zoning requires approval from both the Planning Board and the Select Board, which gives two bodies of protection for the Town. She's aware there has been a lot of discussion regarding contract zoning across the state. She can see a potential issue with contract zoning in that it weakens your zoning ordinances by allowing something that normally would not be allowed. Things can happen that aren't well defined because it is so subjective. She would recommend meeting with the Ordinance Review Committee if this were something they would review.

Jessica Picard – **Makes a motion to place the contract zoning amendment warrant proposal submitted by the planning board to the warrant for June 2023 Town Meeting.**

John Tibbetts – **Seconds the motion.**

Jessica Picard – **States the planning board has been tasked with this for over a year and she feels okay with putting this in front of the people at Town Meeting.**

Ralph Blackington – **States he agrees with the Code Enforcements Officers point of view.**

Motion fails: 2-2 (Jessica Picard, John Tibbetts in favor; David Alves, Ralph Blackington opposed)

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

Lindsay Gagne – States there has been an update recently. Town Council reviewed this issue earlier this afternoon. They advised because there is evidence from the Town Warrant in 1921 that discontinues this road, and pursuant to state statute that prior to 1965 an easement does not get automatically retained, this road was abandoned with no easement. The interest reverts automatically to the abutters, there are no deeds necessary to claim ownership of the land to the centerline. Although this may make for a civil issue between some property owners, it was done during a time it was legal to do so and the property owners would have to come to some sort of an agreement to reconcile passage.

Brenda Charland – States she has been approached by property owners requesting building permits and would like to have some guidance or clarification on how to deal with these requests. She requests a second opinion from a land use attorney.

David Alves – **Makes a motion to get a second opinion of a land use attorney**

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

Jessica Picard – **Makes a motion to take Item #5, (f) out of order.**

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

f. [YMCA contract revisions, updates and park management rules, review and approve](#)

Lindsay Gagne – Explains Town Council and the insurance underwriters both reviewed the language originally added by the YMCA regarding liability. They both agreed the language in there was okay to use but asked to change "additionally named insured" to "additionally insured". Also included is a draft of Park Management Rules and some options for a fee structure, which the board will need to decide what they want to charge for park use. It may make sense to focus more on collecting data for this season in efforts to gain a better perspective of how the park performs.

Andy Orazio – States he can work with the board and make adjustments for any sort of tracking the board prefers.

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Jessica Picard – Suggests keeping the fees per car for simplicity and increasing the seasonal pass. She agrees with focusing efforts to collect data.

Andy Orazio – Asks if the park passes are transferable to others in the same household.

Jessica Picard – States the gate attendant could handle this case by case. If they know the address of the passholder is the same but they come in a different car we could verify it's the right household.

There is some discussion with the board, and they agree to a fee of \$20 per car and \$100 per seasonal pass for non-residents. Weekly will remain at \$50. Senior Citizen will remain at \$10 per car between 4p-7p and Pines Rentals will remain at \$250 per day.

Jessica Picard – **Makes a motion to approve the Management agreement as outlined by Town Council and Park Management rules with the updated fee structure.**

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

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

Jessica Picard – **Motions to approve the project statement for IT Committee and Bunganut Committee**

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

- e. **Bunganut Committee** – **approve statement of purpose. (Tabled from last meeting)**

Motioned to approve above (d.)

- ~~f. **YMCA contract revisions, updates and park management rules, review and approve**~~

Move out of order and discussed above.

- g. **Dumpster for Bunganut Park** – **review/approve quotes for services**

Jessica Picard – Asks if the dumpster should be on a concrete pad.

Ralph Blackington – States he has been told by other waste management companies it is okay to place anywhere.

Jessica Picard – **Makes a motion to go with CIA Salvage for the seasonal dumpster rental at Bunganut.**

John Tibbetts – **Seconds the motion.**

David Alves – Asks how CIA has been doing.

John Tibbetts – States he hasn't heard of any issues recently.

Jessica Picard – **Verifies the dumpster can be locked to ensure it's not being used other than for park use.**

Motion passes: 4-0-0

- h. **RFP – Architect Engineer Services** – **discuss next steps**

David Alves – Suggests talking to the low bidder, maybe inviting them to a meeting. Perhaps they can review with the board their insights of the scope and plan and what we're not seeing that could be addressed.

Jessica Picard – Suggests checking the references they provided.

After board discussion, a workshop is scheduled for May 16th, 2023 at 6:00pm

- i. **RFP – IT Remote Managed Services** – **discuss next steps**

Lindsay Gagne – Explains there were eight RFPs submitted. Two companies are based out of Maine, the other six are based out of other states. The companies out of state covered the services in the scope of work in the RFP, however there was no detailed information how these companies would facilitate in-house support, such as, if it would be through a third party or another branch office. There are some details pertaining to charges for in-house support and additional services. Some are hourly rates; some are charges per day. Bean data offers block time and proposed an all inclusive price. The block time includes in-house support and additional hours for services. We bought 240 hours from the current contract with Bean Data and historically use approximately 220 hours a year. Burgess Technology out of Bath offers a base fee for the scope of services in the RFP then there are

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additional charges per hour for in-house supports and consultations. The board may want to look at how many hours we know we've used with Bean Data to help figure what those additional services might cost us with Burgess Technologies.

Jessica Picard – Motions to table this item until next meeting to continue reviewing the information.

David Alves – Seconds the motion. Motion passes: 4-0-0

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

- a. Road Commissioner – none
- b. Fire Chief – none
- c. Tax Clerk – none
- d. CEO – none
- e. Treasurer – Expense Report 4/27/2023 – reviewed in agenda packet.
- f. Town Hall Expansion Committee – none
- g. Other -

ITEM #7

NEW BUSINESS

- a. Board approval for deputy clerk access to vault.

Jessica Picard – Motions to give deputy clerk Holli Hutchins access to the vault.

John Tibbets – Seconds the motion.

Ralph Blackington – Asks if she should she use the lock box, or we issue a key

Jessica Picard – Agrees to streamline and use the lock box. She will have a vault code

Motion Passes: 4-0-0

- b. Review and approve Warrant for Annual Town Meeting June 15th, 2023

Jessica Picard – Makes a motion to approve the warrant for annual town meeting June 15th, 2023

John Tibbetts – Seconds the motion.

Brenda Charland – Asks if the board will add the amended zoning map.

Lindsay Gagne – States the board can add the zoning map by May 15th if they want to add any changes to the warrant.

Brian Dulong – Asks if the snowmobile registration article is in the warrant. It's verified it is.

Motion passes: 4-0-0

- c. Appointment, review/approve committee application for Bunganut Committee

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

Jessica Picard – Suggests since the Bunganut Committee and IT committee now have a general purpose we should try to recruit more volunteers on both of these committees. The board agrees to table both committees.

- d. Appointment, review/approve committee application for IT Committee

•William Single •Michelle Felicitti •Nigel Sampson

Tabled to recruit more volunteers, see above.

- e. Appointment, review/approve committee application for Parks & Recs Committee

•Jonna Johnson •Clair Campbell

Jessica Picard – Motions to appoint Donna Johnston and Claire Campbell to the Parks and Recs Committee

David Alves – Seconds the motion. Motion passes: 3-0-1 (John Tibbetts away from meeting)

- f. Appointment, review/approve committee application for Comprehensive Plan Committee

•Don Herson •John Tibbetts

The board discusses tabling this until we can get more volunteers to apply for the committee.

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- g. Appointment, review/approve committee application for Ordinance Review Committee
•Don Hernon • John Tibbetts

Jessica Picard – Asks if there is a member not attending the ORC if the ORC has one or more seats open.

Lindsay Gagne – States there is one seat open that we know of and if the ORC wants to address other members' attendance they may want to come to the Select Board to discuss the issue.

John Tibbetts – States he is rescinding his application from both the comprehensive plan committee and Ordinance Review Committee.

Jessica Picard – Makes a motion to appoint David Dulong to the Ordinance Review Committee

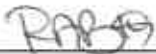
John Tibbetts – Seconds the motion. Motion passes: 3-1-0 (Ralph Blackington, Jessica Picard, John Tibbetts in favor; David Alves opposed)

EXECUTIVE SESSION

OTHER

ADJOURN

Jessica Picard – Makes a motion to adjourn. 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 May 1st, 2023



Lindsay Gagne

