

Town of Lyman
Select Board Regular Meeting Minutes
Monday June 5th, 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**

- a. *Public Hearing regarding warrant articles 42 & 43 for Annual Town Meeting scheduled June 15th, 2023*

The Select Board opens the public hearing at 6:00pm. There is no public comment. The public hearing closes at 6:05pm.

EXECUTIVE SESSION

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

Jessica Picard – Motions to go into executive session for 1.MRSA 405 (C) Real or Personal Property Matters

Jessica Picard – Motions to come out of executive session. John Tibbetts seconds. Motions passes: 4-0-0

The board comes out of executive session at 6:30pm.

1.M.R.S.A §405 (E) Attorney/ legal matters

Jessica Picard – Makes a motion to go into executive session 1.MRSA 405 (E) Attorney/ Legal Matters

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

Jessica Picard – Motions to waive interest and fees in the amount of \$777.50 on account number 1904 with the principle due no later than this Wednesday June 7th, 2023.

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

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

- a. *David Corbet – Discussion regarding advertising swim lessons at Kennebunk Pond*

David Corbet – Explains he is interested in posting a small sign at the Kennebunk Pond advertising his business of swimming and boating lessons. The Lessons are provided at his home located on Pines Rd. There is more information about what he is proposing at davidcorbet.org. The sign would be left there seasonally, and he would be responsible for setting it up and taking it down. Because the beach is owned by the Town of Lyman he is requesting the board’s permission.

David Alves – States we should consult with the Kennebunk Pond Beach committee, the association and the CEO in regards to whether or not there needs to be a business license or site walk, etc.

Brenda Charland – Recommends looking into the change of use for the property owner’s property.

David Alves – **Motions to table this and look into all avenues of how or if this could be done.**

Jessica Picard – **Seconds the motion.**

John Tibbetts – **Asks about the class size.**

Davit Corbet – **States class sizes are small, about five people.**

David Alves – **Suggests Mr. Corbet contact the Planning Board and get this on their agenda.**

Motion passes: 4-0-0

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

Gary Milliard – States the RFP for Bunganut Field Side regarding Earth Works did not specify the elevation of the parking area or any other specifications of the project. He is a contractor and wanted to bid on this but was unable to put together a proposal.

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Steve Lord – States he is with the Lyman Historical Society. He has provided to the Board a display that details the first Town Meeting occurring 243 years ago on June 5th. This was back when Lyman was known as Coxhall. The display board features the members of the Select Board, Town Clerk, Police Chief, and other public servants of the Town.

Mike Sukalas – States the board asked for the snowmobile club to bring their members to a meeting then he was later called a liar. There were statements that the building was in good shape, then later it was in disrepair. The board shut down a trail and the club had to pay 3,000 to open a new trail.

David Alves – Clarifies the board was asking for the membership rolls and information about the club.

- c. Mail •York County Budget Memo •Email
- d. Complaints

ITEM #3

MINUTES

- a. Review / Approve meeting minutes 5/15/2023.

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

ITEM #4

SIGN WARRANTS

- a. Payroll Warrant #50 in the amount of \$24,489.87

David Alves - Motions to approve. Jessica Picard seconds. Motion passes: 4-0-0

- b. Accounts Payable Warrant #51 (FY2023) in the amount of \$607,725.36

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

ITEM #5

UNFINISHED BUSINESS

- a. Franchise Agreement – Review Draft Ordinance. Schedule Public Hearing.

John Tibbetts – States the franchise fee shows up on the gross bill. This ordinance will affect a lot of residents in Town. He would like to see more input on it.

David Alves – States the cable company will take that percentage of franchise fee if the Town doesn't take it.

Ralph Blackington – States it was explained to the board there is a market cap on charging the subscribers. If the Town does not have a franchise fee, the cable company will add that charge to the subscribers anyways.

David Alves – States the franchise fee is not another tax. It may look that way because the cable company can write it in the bill to look like a tax.

Ralph Blackington – States he remembers Tony saying phone companies had special loopholes. He doesn't think the fee goes to the gross bill.

Jessica Picard – States we can contact Tony to address some of these questions.

- b. Open RFPs for ARPA funded projects. Bunganut Ball Field, Transfer Station, Kennebunk Pond

David Alves – Makes a motion not to open the RFPs for Earthworks at Bunganut Ball Field until the board can clarify the scope of work.

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

RFPs Received:

- RFP Bunganut Park Sports Field Complex – Well Drilling: No bids received.

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- **RFP Bunganut Park Sports Field Complex – Concession Stand:**

- **BD Carpentry**

| | |
|------------------|------------------------|
| Item 1: | \$3,500 |
| Item 2: | \$2,940 |
| Item 3: | \$4,990 |
| TOTAL BID | <u>\$11,390</u> |

- **KCB Landscaping**

| | |
|------------------|------------------------|
| Item 1: | \$3,300 |
| Item 2: | \$3,674 |
| Item 3: | \$3,850 |
| TOTAL BID | <u>\$12,024</u> |

- **RFP Transfer Station – General Contracting**

- **TCD Construction Inc**

| | |
|---------|----------|
| Item 1: | \$19,708 |
| Item 2: | \$30,485 |
| Item 3: | \$22,000 |
| Item 4: | \$- |

Note: Base bid, site, gen cond, structure \$245,922
TOTAL BID **\$318,185**

- **Dan cause Construction**

| | |
|------------------|-------------------------|
| Item 1: | \$46,500 |
| Item 2: | \$82,100 |
| Item 3: | \$23,350 |
| Item 4: | \$111,800 |
| TOTAL BID | <u>\$263,750</u> |

- **RFP Transfer Station – Electrical Work**

- **Bana Corp**

| | |
|------------------|------------------------|
| Item 1: | \$6,767 |
| Item 2: | \$31,122 |
| TOTAL BID | <u>\$37,889</u> |

- **Electrical Controls of Maine**

| | |
|------------------|------------------------|
| Item 1: | \$14,372 |
| Item 2: | \$23,120 |
| TOTAL BID | <u>\$36,492</u> |

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- **RFP Kennebunk Pond Beach – Landscape Improvements**

- **Salmon Falls Nursery & Landscaping**
TOTAL BID \$189,980

- **GT Scapes**
TOTAL BID \$110,142.55

(Note from bidder: All plantings. Excluding trees, are quoted from plant schedule and divided between parking and beach access areas until actual placement locations from LA)

- **Electrical Controls of Maine**
TOTAL BID \$10,000

(Note: Only “Pedestrian Signal Tower” item was quoted for both beach access and parking area)

David Alves – Recommends re-evaluating the scope of work for Kennebunk Pond Beach and determine if some things can be reduced. They will need to go back out to bid if the scope of work changes.

Jessica Picard – Recommends having Brad Nikel review bids received for the transfer station.

Ralph Blackington – States he will review bids received for the Sports Field Complex.

No bids were awarded.

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

a. **Road Commissioner** –

Brad Nikel – States ditching had been completed on Rustic Lane and Walker Road. A culvert is being replaced on Howitt Road. Sweeping is all complete. Striping is scheduled in about two weeks. The salt contract is done and came in \$1 per ton less than the last contract.

b. **Fire Chief** –

Matt Duross – States there are no new updates from last meeting.

c. **CEO** –

Brenda Charland – States the Planning Board met with SMPDC in a workshop regarding LD2003. Based off that meeting she found that Lyman was not terribly out of compliance with LD2003. There are two issues she would like the board to consider. One is there are a lot of additional dwelling unit applications coming in and with the current ordinance she can only approve an ADU on a conforming lot. The state says we need to permit any lot with a residence on it provided they meet the criteria for setbacks, septic, etc. The other is the Ordinance requires meeting double density requirements for ADU, however with LD2003 this will no longer apply. SMPDC recommended lots with ADUs can never be subdivided so people can't try to circumvent subdivision regulations. As far as a shoreland zone residence, because of the size of these parcels, they would still have to meet all the dimensional requirements and most of them couldn't fit more dwelling units and meet the standard requirements. She requests a directive from the board on the first two matters.

d. **Tax Clerk** –

e. **Treasurer** – Expense Report 6-1-23 – reviewed in agenda packet

f. **Town Hall Expansion Committee** –

David Alves – Verifies we are still reviewing the bids that came in and waiting for follow up from one of the bidders.

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g. Other - none

ITEM #7

NEW BUSINESS

a. Animal Welfare agreement, review/approve

Jessica Picard – Motions to approve the Animal Shelter Agreement with the Animal Welfare Society.

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

b. Reschedule meeting June 19th, due to holiday.

Discussion with the Board. Town Hall will be closed June 19th, 2023 and the Select Board meeting will follow on June 20th.

c. Discuss July 4 holiday, Town Hall closures

Lindsay Gagne – Explains some Towns are giving the option to close on Monday July 3rd and allow employees to use PTO time.

Some discussion with the board to get more input from employees offering a half day and determining if the Select Board will keep their meeting scheduled on July 3rd.

Jessica Picard – Makes a motion to table this to the next meeting.

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

d. Committee Request for AV/IT Equipment Use – Bunganut Committee: Michelle Felicitti

Jessica Picard – Motions to approve Michelle Felicitti from the Bunganut Park Committee access to use the AV equipment for recoding meetings.

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

e. Review/ Approve Acceptable Use Policy

Jessica Picard – Recommends removing from the last page “without prior warning or notice” and suggests changing passwords every 180 days vs 90 days.

Lindsay Gagne – Suggests setting up a training to review this agreement with employees and committee members and address some of the changes.

Jessica Picard – Motions to approve the Acceptable Use Agreement with the above changes noted to strike out “without prior warning or notice” and changing passwords every 180 days vs 90 days.

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

f. Committee Application Received – Bunganut Park Committee (2 applicants)

Jessica Picard - Makes a motion to appoint Holly Wooldridge and Liz Mitchell to the Bunganut Park Committee

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

g. Committee Application Received – Parks and Recreation Committee

Jessica Picard – Makes a motion to appoint Tracie Cyr to the Parks and Recs Committee

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

h. Committee Application Received – Ordinance Review Committee

Lindsay Gagne – States there are no vacancies on the committee at this time, however any applicants interested will go in a pool of applicants, should a vacancy occur. We’ve reached out to the Ordinance review committee to address coordinating meetings and if there is an issue with attendance then to bring that to the board to discuss next steps moving forward.

Jessica Picard – States she wouldn’t mind reaching out the ORC chair to help address any possible issues.

David Alves – Makes a motion to approve Jessica Picard as a liaison to the Ordinance Review Committee.

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

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i. Review/Appoint Election Clerks

•Susan Locke, Lorna Henley, Carol Baker-Roux, Kerry Jo Sampson, Joanne Ricker, Jennifer Croteau, Michelle Tate

Jessica Picard – Makes a motion to appoint the following election clerks; Susan Locke, Lorna Henley, Carol Baker-Roux, Kerry Jo Sampson, Joanne Ricker, Jennifer Croteau, Michelle Tate

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

OTHER

Lindsay Gagne – States the board will need to decide if they are going to close the Town Hall at 3:00pm on June 30th so we can process end of fiscal years processing.

Jessica Picard – Motions to approve closing the Town Hall at 3:00pm June 30th, 2023 for year end processing.

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

EXECUTIVE SESSION

1.M.R.S.A §405 (A) Personnel Matters

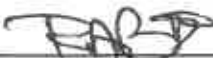
Jessica Picard – Motions to go into executive session per 1.MRSA 405 (A) Personnel Matters

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

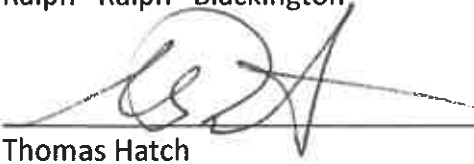
Jessica Picard – Motions to come out of executive session. David Alves seconds. Motion passes: 4-0-0

ADJOURN

Jessica Picard – Motions to adjourn. John Tibbetts seconds. Motion passes: 4-0-0



Ralph "Ralph" Blackington



Thomas Hatch

~~Amber Swett~~ David Alves



Jessica Picard

~~Victoria Gavel~~ 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 6 pages are the original minutes of the Board of Selectmen Regular Meeting dated June 5th, 2023



Lindsay Gagne