

Town of Lyman
Select Board Meeting Minutes
Monday August 7th, 2023 – Lyman Town Hall

These are summary minutes in nature only and a full video recording of the proceeding is available to view on our YouTube channel at <https://www.youtube.com/@LymanTownHall/streams> or visit our website: <https://lyman-me.gov/committees/board-of-selectmen/agenda-and-minutes/>

Selectboard members present: Thomas Hatch (Vice Chair), Jessica Picard, Amber Swett, Victoria Gavel
Selectboard members absent: Rusty “Ralph” Blackington

ITEM #1 **SPECIAL OFFERS/ PRESENTATIONS**

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 – States he sent a memo to the board regarding the procedures outlined in the Planning Board Bylaws and Zoning Ordinances for appointing members to the Planning Board. He doesn’t think the process was followed. The Planning Board is in the process of reviewing and updating their bylaws and they will be forwarding the documents to the Town Manager and Select Board. He recommends the board consider a charter amendment regarding the ordinance review process and change the language “General Election” to “November Election” so ordinances can go to the voter every year vs every two years.

Joe Wagner – States the board should consider a sunset date for the interim recruitment of volunteer’s policy. He states he turned in his citizens petition forms for a special town meeting.

Carol Baker Roux – States to the board she would like them to consider not putting a franchise fee in effect. She finds she has to contact charter communications periodically to negotiate removal of added junk fees.

- b. *Mail* • *York County Sheriffs Alfred/Lyman Report* • *ECO ME FY2023 Report*
c. *Complaints* - none

ITEM #3 **MINUTES**

- a. *Review / Approve meeting minutes 7/17/2023.*

Victoria Gavel – States in the minutes she did not make recommendations to file a civil suit but did address the matter as being a civil matter. She would also suggest changing Ms. Gavel to Mrs. Gavel.

Jessica Picard – **Motions to approve the minutes with the two changes recommended by Victoria Gavel.**

Victoria Gavel – **Seconds the motion. Motion passes: 3-0-1 (Jessica Picard, Victoria Gavel, Amber Swett in favor; Thomas Hatch abstains. He was not present for that meeting).**

ITEM #4 **SIGN WARRANTS**

- a. *Payroll Warrant #3 in the amount of \$23,032.89*

Jessica Picard – **Motions to approve. Amber Swett seconds. Motion passes: 4-0-0**

- b. *Payroll Warrant #5 in the amount of \$26,551.05*

Jessica Picard – **Motions to approve. Victoria Gavel seconds. Motion passes: 4-0-0**

- c. *Accounts Payable Warrant #58 (FY2023) in the amount of \$280,047.60*

Victoria Gavel – **Motions to approve. Jessica Picard seconds. Motion passes: 4-0-0**

- d. *Accounts Payable Warrant #4 (FY2024) in the amount of \$990,914.60*

Amber Swett – **Motions to approve. Victoria Gavel seconds. Motion passes: 4-0-0**

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ITEM #5

UNFINISHED BUSINESS

- a. [Tax Acquired Properties. Discussion from workshop to appoint a liaison.](#)

Lindsay Gagne – States the board had discussed at their last workshop to appoint David Alves as a liaison so he can finish the land study and provide to the board a final plan identifying properties that could be of future use to the Town.

Amber Swett – **Motions to appoint David Alves as a liaison to continue working on the land study.**

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

Victoria Gavel – States she would be interested in working with David Alves as a Select Board liaison on this project.

Jessica Picard – **Motions to nominate Victoria Gavel to serve as s Select Board liaison to this working group on the Town Owned land project.**

Amber Swett – **Seconds the motion. Motion passes: 4-0-0**

- b. [Franchise Agreement – Review Draft Ordinance. Schedule Public Hearing. – Discussion from last meeting, item tabled. – Updates as requested from Shelly, see email.](#)

Lindsay Gagne – Explains the ordinance mirrors state statute as how Towns can establish and/or renew Franchise Agreements. They will need to hold a public hearing before adopting said ordinance. In reference to any fees associated with a franchise agreement, this is separate from the ordinance and the board can address that when they go back to negotiating the agreement.

There is discussion regarding adding fees to the agreement and the impact it will have on subscribers. It is recommended to have Tony Vigue attend the public hearing and can give more insight into franchise agreements.

A Public hearing is scheduled on October 2, 2023 at 6:00pm to provide information regarding the Franchise Ordinance.

- c. [RFPs for ARPA funded projects. Bunganut Ball Field, Transfer Station, Kennebunk Pond – Discussion, next steps, Bid updates received for Transfer Station.](#)

Karen Kane – States she sent out the revised RFP to the two bidders and asked them to submit their final and best offer. The Kennebunk Pond Beach Committee has a meeting a week from today to discuss logistics with the implementation of the final stages of this project.

Lindsay Gagne – States the paving section to the salt shed was removed from the RFP and put back out to the bidders to provide an updated bid. Given the ARPA funds available and depending on how the bids come back for Kennebunk Pond Beach the bulk of the funds will likely be used for the Transfer Station and Kennebunk Pond Beach. The board could consider using Capital Improvements for items that need to be fixed at Bunganut. Otherwise, there will not be enough ARPA funds for all the projects.

Thomas Hatch – States there isn't much the board can decide on right now until we get the final bids in for the beach. This item will be tabled until the next meeting.

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

- a. [Road Commissioner – none](#)

- b. [Fire Chief –](#)

Matt Duross – States it has worked out very well adding the extra positions. Shifts are being filled and calls are being covered. They are utilizing the Southern Maine Community College program and have two live-in college students at the fire station. They started in July, the third Saturday of every month, they will be holding a community CPR class. Information is posted on their website. He's been working on getting a new dry hydrant in Town. GMFR will need to survey a parcel of land to ensure the Town owns the land. He will talk with the CEO to find a surveyor. He has a revised GMFR Personnel Policy the board will need to sign.

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- Thomas Hatch** – Verifies with the board they are okay moving ITEM #7 (d.) up from the agenda to discuss the GMFR Personnel Policy.
- Matt Duross** – States he made some grammatical changes. He also added the Maine State retirement language and the Earned Paid Leave and removed the ICMA match.
- Amber Swett** – Asks if GMFR has money set aside for if in an event several employees left and took their PTO buyback: the maximum being 480 hours of PTO time.
- Matt Duross** – States he’s certain there’s enough money in the GMFR Fund balance to cover an event like that. We encourage employees to use their PTO. However, in the future, he would like to address better budgeting for possible scenarios like those.
- Jessica Picard** – **Motions to approve the GMFR Personnel Policy.**
- Amber Swett** – **Seconds the motion. Motion passes: 4-0-0**
- c. [CEO – Review/ Approve updated fee schedule](#)
- Brenda Charland** – States she’s added a fee for the assignment of a 911 address. Because this requires some research and a visit to the property. She’d also like to add a fee for long term RV hookups. The zoning ordinance allows RVs to be parked on a parcel for up to 120 days. She would like to add a fee and a separate permitting form to collect information to verify they are within the setbacks, hooked into the septic appropriately, and checking the electrical hookup. She’s also added a non-refundable application fee. Often, people will start a permit process but then never finish it. Because there’s a lot of research that goes into the permitting process, she would like to add a non-refundable fee.
- Amber Swett** – Verifies with Brenda the RV parking is for RVs that are parked on a lot for several weeks. In some cases, people may have family come up to visit for a whole season.
- Victoria Gavel** – Recommends \$90.00 for the fee based off the existing minimal fees for plumbing and electrical.
- Thomas Hatch** – Asks if the RV permitting fee also kicks in for an electrical fee for the electrical inspector.
- Victoria Gavel** – **Motions to approve the changes that are highlighted and add a fee for the seasonal RV hookup verification.**
- Jessica Picard** – **Seconds the motion. Motion passes: 4-0-0**
- d. [Tax Clerk](#) – none
- e. [Treasurer – Expense Report 8-3-2023](#) – Reviewed in Agenda Packet
- f. [Town Manager – Monthly Progress Report 8-3-2023](#) – Reviewed in Agenda Packet.
- g. [Other](#) - none

ITEM #7

NEW BUSINESS

- a. [Review / Approve Code of Ethics](#)
- Amber Swett** – **Motions to approve the Code of Ethics.**
- Jessica Picard** – **Seconds the motion.**
- Victoria Gavel** – **States she’s not ready to vote on this until she can read through it.**
- Amber Swett** – **Rescinds her motion.**
- Thomas Hatch** – States we’ll table this for next meeting.
- b. [Discussion Ordinance review process/ Charter](#)
- Lindsay Gagne** – States there were a lot of emails back and forth and felt it would be more appropriate for the board to discuss the matter as a board. There were varying opinions from members of the planning board and charter commission on whether the ordinance amendment/ adoption process should be every two years or change the language in the charter to allow every one year. The board can decide how they would rather address that.

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Thomas Hatch – States the ORC currently doesn't have anything to go to the voters for this year anyways and should go through at least one cycle of the process for trial and error.

Jessica Picard – States as a member of the charter commission her intent was to bring ordinance changes to a November election so as to get as many votes as possible. It wouldn't hurt to remove the word "General" and have it go every November Election. For now, the charter reflects the State definition of general election being every two years. The ORC has so much in front of them right now she's not in a rush to change the charter.

Thomas Hatch – There's no burning issue. He'd leave it the way it is and let the process go through.

c. **Discussion Agenda format update/ revision**

Lindsay Gagne – States complaints should come off the agenda and rather streamlined through the Town Manager. The Town manager can investigate a complaint and should something rise to the level of the Select Board it can be added to the agenda. There is already public comment and mail on the agenda, so folks will still have an avenue if they want to bring something to the Select Board.

Jessica Picard – **Motions to remove complaints from the agenda.**

Amber Swett – **Seconds the motion.**

Jessica Picard – **States that if anything goes to the Town Manager that still needs support or attention of the Select Board that it be put on the agenda as an item or executive session.**

Motion passes: 4-0-0

d. **Review / Approve GMFR Revised Personnel Policy**

Reviewed and approved under ITEM #6: (b.)

e. **Committee Application Received – Comprehensive Plan (3 applicants)**

Amber Swett – **Motions to appoint the three applicants to the Comprehensive Plan Committee.**

Victoria Gavel – **Seconds the motion. Motion passes: 4-0-0**

Jessica Picard – For clarification states the board appointment Don Herson, David Alves, and Michelle Felicitti to the Comprehensive Plan Committee.

f. **Committee Application Received – Ordinance Review Committee (2 applicants)**

Jessica Picard – States they currently have seven members and there is a lot of work in front of them. Additional members would help the group potentially divide and conquer.

Amber Swett – States her concern is if the more members they have the larger the quorum they need and if it would cause issues with attendance.

Lindsay Gagne – States the ORC has written in their bylaws addressing an attendance provision. If members aren't attending, then the ORC should be bringing that to the board's awareness so the board can remove members and open vacancies for other volunteers to join the committee.

Amber Swett – **Motions to appoint the two applicants to the Ordinance Review Committee.**

Victoria Gavel – **Asks what if she only wants to vote for one member but not the other.**

Amber Swett – **Rescinds her motion and rephrases it as Motion to appoint Applicant #1 to the Ordinance Review Committee.**

Jessica Picard – **Seconds the motion.**

Brian Dulong – **Asks if it would be better to have alternates.**

Lindsay Gagne – **States these applicants didn't apply to be alternates.**

Jessica Picard – **States if attendance is problematic, it should be addressed through their bylaws. The Charter Commission had nine or ten members and never had to cancel a meeting for lack of a quorum.**

Motion passes: 4-0-0

Amber Swett – **Motions to appoint applicant #2 to the Ordinance Review Committee.**

Jessica Picard – **Seconds the motion. Motion passes: 3-1-0 (Thomas Hatch, Jessica Picard, Amber Swett in favor; Victoria Gavel opposed).**

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Jessica Picard – States for clarification the board appointer David Alves and Roger Grant to the Ordinance Review Committee.

g. **Committee Application Received – Board of Assessment Review (2 applicants)**

Amber Swett – Motions to re-appoint applicant #1 for the Board of Assessment Review.

Victoria Gavel – Seconds the motion. She asks about the composition of the board.

Lindsay Gagne – States it's per state statute that allows you to have a minimum of three members and two alternates or up to 5 members and two alternates.

Motion passes: 4-0-0

Amber Swett – Motions to re-appoint applicant #2 to the Board of Assessment Review.

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

Jessica Picard – States the board has appointed David Dulong and Donald Brann to the Board of Assessment Review.

h. **Committee Application Received – Zoning Board of Appeals (2 applicants)**

Amber Swett – Motions to re-appoint applicant #1 to the Zoning Board of Appeals.

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

Amber Swett – Motions to re-appoint applicant #2 to the zoning Board of Appeals.

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

Jessica Picard – States the board has appointed Kelly Stevens and Burt Sobinak to the Zoning Board of Appeals.

OTHER

EXECUTIVE SESSION

1.M.R.S.A §405 (A) for discussion regarding Personnel Matters

Jessica Picard – Motions to go into executive session per 1 MRSA 405 A for discussion regarding personnel matters.

Victoria Gavel – Seconds the motion. **Motion passes: 4-0-0**

Jessica Picard – Motions to come out of executive session.


Amber Swett – Seconds the motion. **Motion passes: 4-0-0**

Jessica Picard – M options to pay the Tax Collector a one time payment of \$1,000.00 for additional duties performed since July 1, 2023. **Amber Swett** – Seconds the motion. **Motion passes: 4-0-0**

ADJOURN

Jessica Picard – Motions to adjourn. **Amber Swett** Seconds. **Motion passes: 4-0-0**


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Rusty "Ralph" Blackington



Thomas Hatch



Amber Swett




Jessica Picard



Victoria Gavel

I, Lindsay Gagne, Town Manager of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of 6 pages are the original minutes of the Select Board Meeting dated August 7th, 2023



Lindsay Gagne