

Town of Lyman  
Select Board Regular Meeting Minutes  
Monday October 2<sup>nd</sup>, 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 (Chair)

**ITEM #1**

**SPECIAL OFFERS/ PRESENTATIONS**

a. *Select Board Public Hearing regarding the Franchise Ordinance*

**Thomas Hatch** – Opens the public hearing at 6:00pm.

**Tony Vigue** – States he has been working as a consultant for the Town on the franchise agreement. The board has decided on a basic ordinance that mirrors state statutes. The ordinance doesn’t cover penalties and he would recommend ensuring the agreement reflects compensation and responsibilities with regard to penalties and damages. He also recommends adding in language to the ordinance defining “video service provider”, as some cable companies are moving towards offering streaming services and the term “cable operator” may no longer apply. This will help add more protection for the Town. Some companies that offer solely internet services may not need a franchise agreement, however if they offer both internet services and a channel selection streaming service, then they would need to have a franchise agreement with the Town that matches the terms of any other provider already in a current franchise agreement. The franchise fee is a way for the town to put a rental fee on the public right of way for utility facilities using that right of way for their cables. The cable company is initially charged this fee; however, they are allowed to pass it through to their customers. The Town has authority to use the collected franchise fee however they want. Most municipalities choose to enhance their own communication services.

**Carol Baker Roux** – Asks how the board will handle the franchise agreement if the cable company is not performing up to what they agreed to. Will there be a performance expectation? For example, her services often come in pixelated and are buffering frequently. This often requires a reboot and in some cases a service provider to come out and fix the issue. Although, even afterwards, the problem will still persist. She also mentions an email from Shelly Winchenbach explaining the franchise fee is imposed by the municipality and the cable company will not collect a fee if the Town does not charge it. She asks the board to consider not imposing a fee as this will impact subscribers.

**Tony Vigue** – States if the cable company does not respond to address a service complaint, the customer can call the attorney general’s office and there is a form that you fill out on the website. Most issues related to performance standards can be handled in the franchise agreement, under liquidated damages. He states cable companies will charge subscribers what the market will bear.

**Sue Briggs** – Asks if there is an auditing process for collecting a franchise fee.

**Tony Vigue** – States the cable company can hold the collected franchise fee and collect interest on it making profit from the interest, however, the Town can impose that they pay the franchise fee quarterly and they would not be able to collect as much interest on it.

There is no further public comment.

**Thomas Hatch** – Closes the Public hearing at 6:30pm

**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.*

**Joe Wagner** – States the Planning Board would be agreeable to a joint workshop to review the bylaws with the Select Board.

Town of Lyman  
Select Board Regular Meeting Minutes  
Monday October 2<sup>nd</sup>, 2023 – Lyman Town Hall

**Karen Kane** – States she is on the Bunganut Park Committee, and they did a walkabout this last Saturday. Some things that were noted were the woodchips by the beach area are difficult to walk on and she would suggest the chips get removed and the beach area restored to what it was.

**Michelle Felicitti** – States Some of the buildings at the park are not locked and they did find needles in the booth. The playground had glass debris in some areas. Also, some trees may need to come down and could be a hazard.

**Sue Briggs** – States she had asked the board in the last meeting about how many ballots were cast at the September election and hasn't received an answer from the board.

**Lindsay Gagne** – States the information is in the office and residents are welcome to call or visit the office during regular hours and speak with the Town Manager.

- b. [Mail](#) • [Alfred/Lyman Monthly Report](#) • [York County Sherriff's Report](#)

**ITEM #3**

**MINUTES**

- a. [Review / Approve meeting minutes 9/18/2023](#)

**Jessica Picard** – Motions to approve the minutes.

**Amber Swett** – Seconds the motion.

**Victoria Gavel** – Asks to correct item 5 to change Thomas Swett to Thomas Hatch

**Motion passes: 4-0-0**

**ITEM #4**

**SIGN WARRANTS**

- a. [Payroll Warrant #13 in the amount of \\$26,356.84](#)

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

- b. [Accounts Payable Warrant #12 \(FY2024\) in the amount of \\$629,346.30](#)

**Victoria Gavel** – Motions to approve. **Jessica Picard** seconds.

**Amber Swett** – Asks a question regarding a report for the state. It looked like the report may have been pulled twice in the same day and wanted to clarify if it was intended that way or if it was an error.

**Victoria Gavel** – Rescinds her motion.

**Jessica Picard** – Motions to approve the warrant in the amount of \$620,080.34

**Amber Swett** – Seconds the motion.

**Jessica Picard** – Clarifies this removes check number 1062.

**Motion passes: 4-0-0**

**ITEM #5**

**UNFINISHED BUSINESS**

- a. [Review updated bids for concession stand at the Ball Field.](#)

**Victoria Gavel** – Motions to award the bid to **BD Carpentry** for \$4,030 out of Capital Improvement to remove and replace the existing stairs on the concession stand at the Ball field

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

**ITEM #6**

**DEPARTMENT AND COMMITTEE REPORTS**

- a. [Kennebunk Pond Beach Committee – Updates](#)

**Karren Kane** – Provided the board with a packet of the companies they received quotes from. The committee is recommending the simple barrier gate for a total of \$9,828.96. This gate will lock the entrance at a designated time with the ability to change the time seasonally. Where this came in less than the other option, the committee will be looking into installing cameras with the remaining balance of the ARPA funds. The gate company explained they wouldn't recommend a service

Town of Lyman  
Select Board Meeting Minutes  
Monday October 2<sup>nd</sup>, 2023 – Lyman Town Hall

agreement for the gate because it is very simple, and they'd be willing to demonstrate the features. The gate will still allow vehicles to get out of the park after closing.

**Amber Swett** – States some of the other quotes include a heater kit required for temps below zero, but the simple gate system doesn't reflect a heater kit in the quote.

**Karren Kane** – States she will look into that.

b. **Road Commissioner** –

**Tom Croteau** – States everything is striped, and work is ready to be done on Day Road. They have been doing some cleanup work on Shore Road removing trees that had fallen. He is currently looking at the budget for next year to determine a work plan for any roads that need to be assessed. They repaired a large hole on Howitt Road. He will be working on doing ditching for Deering Ridge, removing the safety bumps on John Street, and putting in culverts on Grasshopper Lane. He's also looking into pricing for next year's road sweeping.

c. **Fire Chief** –

**Matt Duross** – States the hiring process is underway for a full-time employee. GMFR is selling the old firetruck, the 2002 Freightliner, they are accepting sealed bids until next week. Also, October 12<sup>th</sup> GMFR is doing an Open House for the public.

d. **CEO** –

**Brenda Charland** – Provides the board with a quarterly report. She issued 178 permits and did 156 inspections through the quarter.

e. **Tax Clerk** – none

f. **Treasurer – Expense Report** – reviewed in agenda packet.

g. **Town Manager – Progress Report**

**Lindsay Gagne** – States the work is under way at the Transfer Station for the reconstruction and repairs. Notices have gone out to the public. Kennebunk Pond should be starting soon. Both deputies were able to attend Title 21-A Elections training. This will help cross-train employees. At the last municipal election there were a lot of scattered write-ins for the 2-year and 3-year budget committee terms. Both write in candidates came in at a landslide victory. If anyone has any specific questions or anything they want to go over, they are always welcome to contact me.

h. **Other** -

**Michelle Felicitti** – States they had a good walkabout at Bunganut Park with the Bunganut park Committee. They noted one of the bridges got reinforced with some blocks placed underneath it. There was some trash in the area that they cleaned up. Some of the old BBQs were pulled out and thrown to the side in the woods with the cement still attached to the base. The platform in the pines for the Porta Potties are rotted out. The play area had debris in it and the plastic slide has a large rip in it that could pose a hazard. A set of stairs were left in the water that probably should be pulled out before winter. These were some concerns they noted that should be addressed before the park opens again next year. The committee is working on some grants for a few different projects and also looking into the Day of Giving. Parks and Recs would recommend cutting some trees by the small pond and use that as the skating rink. The pump house has electricity to string up lights, it's also a larger area for skating, there's a gate for locking it, and there's no flowing water that would leave it flat for skating.

**ITEM #7**

**NEW BUSINESS**

a. **Discussion regarding festival event**

**Thomas Hatch** – States residents had brought forward concerns about a local event and a former elected official approaching them regarding actions of current employees. Employees deserved not to be defamed or slandered or victimized by any former or current municipal officials; employees have the right to due process and residents deserve to enjoy public events without being

Town of Lyman  
Select Board Meeting Minutes  
Monday October 2<sup>nd</sup>, 2023 – Lyman Town Hall

approached about political activities by former officials. The workplace should be a safe place for employees to work and they are being respected.

b. [Application for Forestry and Conservation Committee – 1 applicant](#)

**Jessica Picard – Motions to appoint Emily Bauer to the Forestry and Conservation Committee**

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

c. [Pole Permit – Nason Property Management](#)

**Jessica Picard – States she will abstain from voting because of family relations.**

**Amber Swett – Motions to approve the pole permit for private power services**

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

d. [Appoint designee for permit locations.](#)

**Lindsay Gagne – States the board can appoint a designee to approve these permits. Typically, the Town receives maybe two per year. This way, the designee can approve the permits and streamline the services.**

**Jessica Picard – Motions to appoint the CEO as the designee for approving pole permits**

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

#### EXECUTIVE SESSION

[1.M.R.S.A §405 \(H\) Consultation with CEO on pending enforcement matter](#)

**Jessica Picard – Motions to go into executive session per 1 MRSA §405 (H) Consultation with the CEO on pending enforcement matter.**

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

**Jessica Picard – Motions to come out of executive session.**

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

#### OTHER

**Lindsay Gagne – States earlier tonight, the Kennebunk Pond Committee was seeking board approval for the quote they recommended for the gate system. Karen Kane contacted the gate company this evening and emailed their response to Amber’s question regarding the heating system. The gate company responded that the gate has a built-in heating system and there would be no extra cost.**

**Jessica Picard – Motions to approve the quote for the simple gate system from CTR in the amount of \$9,828.96**

**Amber Swett - Seconds. Motion passes: 4-0-0**

**Victoria Gavel – Asks about the land study if that will be coming back to the agenda.**

**Lindsay Gagne – States she will reach out to the liaison.**

**Michelle Felicitti – States the Comprehensive Plan Committee will be meeting soon and the liaison for the land study wanted to go over the comprehensive plan before determining which parcels of land might be worth reserving for the Town.**

#### ADJOURN

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

Town of Lyman  
Select Board Meeting Minutes  
Monday October 2<sup>nd</sup>, 2023 – Lyman Town Hall



Amber Swett

Rusty "Ralph" Blackington



Thomas Hatch

Jessica Picard



Victoria Gavel

I, Lindsay Gagne, Town Manager of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of 5 pages are the original minutes of the Select Board Meeting dated October 2<sup>nd</sup>, 2023



Lindsay Gagne