

Town of Lyman
Select Board Meeting Minutes
Monday October 16th, 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), Amber Swett, Victoria Gavel

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

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.*
- b. *Mail • York County Commissioners Letter*

ITEM #3 **MINUTES**

- a. *Review / Approve meeting minutes 10/2/2023*
Amber Swett - Motions to approve. Victoria Gavel seconds.
Amber Swett – Asks about Tony Vigue’s recommendation to add language to the Franchise Ordinance and if that should also be added to the agreement. There is some discussion that this can be added to both documents. She also clarifies spelling correction on Page four.
Motion passes 3-0-0

ITEM #4 **SIGN WARRANTS**

- a. *Payroll Warrant #15 in the amount of \$27,699.23*
Amber Swett – Motions to approve. Victoria Gavel seconds. Motion passes: 3-0-0
- b. *Accounts Payable Warrant #14 (FY2024) in the amount of \$45,778.25*
Victoria Gavel – Motions to approve. Amber Swett seconds
Victoria Gavel – Verifies the TRF personal protect gear is for the Transfer Station employees.
Amber Swett – States the Town spent \$11,676.86 on Municipal Solid Waste vs \$556.65 on recycling.

ITEM #5 **UNFINISHED BUSINESS**

- a. *Review Planning Board Bylaws*
Don Hernon – States from the last meeting the Select Board submitted to the Planning Board their feedback on the bylaws and recommended changes. On section 1.4 regarding Bias, the Planning Board agreed to change the language so that bias would be dealt with in an open public session. Under 2.2.1 in the bylaws makes reference to the Zoning Ordinance that filling vacancies on the Planning Board shall be by advertising for new members and the Planning Board will review applicants and make recommendation to the Select Board. The Planning Board doesn’t see any reason to make changes to this section.
Lindsay Gagne – States the Charter calls for filling of vacancies on boards and committees in accordance with the current hiring policy. The Select Board approved an interim hiring policy for recruiting members to boards and committees. Applications that are submitted are confidential records until the person is hired or appointed.
Thomas Hatch – States what’s worked in the past may have worked then but we’re trying to bring forward new methodology and some of the past practices were more encumbering when trying to recruit employees.

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Victoria Gavel – States the Ordinance says one thing and the Charter says something different and feels we would need to choose which one to follow and amend the other at some point, so it makes sense.

Amber Swett – States there is reference in the notes that on July 20th two members of the Planning Board were in attendance of an ORC meeting and made an argument that the Charter supersedes the Lyman Zoning Ordinance. She recommends changing 2.1 in the bylaws to read “Appointments to the Planning Board are to be made by the Town Manager with concurrence of the Select Board and in accordance with the Lyman Municipal Charter.”

Don Hernon – States on section 3.4 there were questions regarding the Planning Board Secretary completing minutes and administrative duties, however, they would agree to change the language to reflect that the Planning Board Secretary will coordinate with the Admin CEO on completing administrative duties for the planning Board. Though there was some confusion between the terminology of Planning Board Clerk and Admin CEO. Once the planning board gets clarification on which terminology to use, they will make adjustments to that section in the bylaws. He clarifies that under 3.7 the vacancies of officers are elected by the Planning Board, meaning the roles of chair, vice chair and secretary and the Planning Board can refer 3.7 to 3.1 in the bylaws where 3.1 defines the term “Officers”. Under 5.1 the Planning Board was going to clarify the term “Planning Board Clerk” and remove the language “under the supervision of the secretary”. Under 5.2 the Admin CEO reports to the select board, however this should be clarified that the Admin CEO maintains copies of approved documents and provides periodical reports to the Town Manager as it states in the Charter. There is discussion to remove section 5.2 as the job descriptions and charter will cover regular maintenance of public records. Under 6.2, the Planning Board would agree to remove this section. Under 7.1 the Planning Board was going to add “Town Library, GMFR, or another Town property with sufficient meeting space.”

Amber Swett – Suggests wording under 6.2 “at Town Hall or other Town Approved meeting place.” And the Select Board can come up with a list of approved spaces to hold meetings.

Don Hernon – States under 7.1 posting notification, they will add language “request for postings shall be made in a timely manner” and will make other modifications in the same paragraph to remove repeated use of “Town”. Under 11.1 the planning board will add language to add “will submit to the select board for final approval of amendments”.

Amber Swett – States under 2.5 the planning board moves alternate members into permanent vacancies when one becomes available, but the charter states how vacancies are filled and would suggest 2.5 be removed from the bylaws.

b. [Review Franchise Ordinance, revision discussion from Public Hearing.](#)

Lindsay Gagne – States after the public hearing and recommendations from Tony Vigue the definition of “Video Service Provider” was added to the Ordinance. Once the Ordinance is enacted by the Select Board then the Board can go back to negotiating the Franchise Agreement. Tony Vigue had recommended the board ensure there are terms in the agreement to cover events such as liquidated damages and things the cable company should be accountable for.

Amber Swett – **Motions to accept the Cable Television Ordinance**

Victoria Gavel – **Seconds the motion.** She asks why we have to have an ordinance and if this is the only cable company we have in Town

Lindsay Gagne – Explains the Ordinance doesn’t pertain specifically to the Cable company; however the Agreement specifies it is not exclusive to only one company so the board can have multiple agreements with other service providers. Tony Vigue had recommended the Board enact an Ordinance as added protection for the Town and Town Council recommended a simplified

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version that mirrors state statutes. The Franchise Agreement can be further negotiated if the board feels there needs to be better terms in there.

Motion passes: 3-0-0

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

a. Road Commissioner – none

b. Fire Chief –

Fire Chief was not in attendance, but there was discussion of the open house event the week prior and GMFR did a great job coordinating and making a wonderful public event. GMFR was able to sell their older firetruck to Limington that was in need of one. The equipment they were able to get with ARPA funds has been a great addition also.

c. CEO – none

d. Tax Clerk – Monthly Reports July - September

e. Treasurer – Expense Report

f. Town Manager – none

g. Other -

Michelle Feliccitti – States Bunganut Committee will be scheduling their upcoming meetings. They are currently looking into grant options for the Park. They have roughly 130 responses from the Survey they will be evaluating. The Comprehensive Plan Committee will hold their initial meeting on October 30th and will look into the Land Study. The Budget Committee has their quarterly meeting on the 30th as well.

Thomas Hatch – States there was a walkthrough at Bunganut Park with YMCA and they had done a great job cleaning up the park for the end of the season.

Victoria Gavel – States if the board waived all the insurance requirements, she would volunteer to remove the old charcoal grills out of there to help clean up the Park.

Thomas Hatch – States he recently was at the Transfer Station and the improvements are looking good. The area will be a safer environment once the work is completed.

ITEM #7

NEW BUSINESS

a. Discussion regarding Town Clerk Position

Lindsay Gagne – States after the Town meeting in October, she has been considering a job description for a separate Town Clerk Position. However, as it stands alone, this would be a part-time position.

Victoria Gavel – States she wouldn't think it would be a full-time position and thought when the position carried other titles, like Tax Collector, allowed it to be more of a full-time position.

Lindsay Gagne – States she has pulled some data that shows the amount of time that is put in for Town Clerk duties and would recommend adding other titles to streamline the position. There was sentiment at the Town Meeting of what the contingency plan would be in the event the Town Manger was absent. The board could also consider the idea of an office administrator/Town Clerk.

Carol Baker Roux – Asks if the \$60,217 amount includes the \$19,000 amount from Salaries and Benefits of the previous Town Meeting.

Lindsay Gagne – Explains the \$60,000 was appropriated from Surplus but not moved to another account and was voted as a separate account. The Board can't merge any dollar amount from one account to another unless there was a Town Meeting and the voters voted in favor of doing that.

b. Approval for electrical work at Transfer Station

Thomas Hatch – States there was an underground wire that had been uncovered during construction that will need to be fixed.

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Lindsay Gagne – States there are a couple different reserve accounts the money could come out for the repair, but this would need board approval to use funds out of a reserve account. The board could take out of the Contingency reserve, however there is only \$2,500 in that account and the Electricians quote is for \$5,000. The other reserve accounts are Capital Improvement or Transfer Station Reserve. The Transfer Station Reserve account was originally designed to help build up funds to work towards replacing the compactors.

Amber Swett – States she would prefer it come out of Capital Improvement for the reason that in past years, reserves put aside for the Transfer Station had been pulled from for other things and she would like to see the Transfer Station get the repairs it needs.

Victoria Gavel – **Motions to take the \$5,000 out of Capital Improvement**

Amber Swett – **Seconds the motion. Motion passes: 3-0-0**

c. [Cemetery Committee, request for fundraising event](#)

Thomas Hatch – States there was a vehicle accident that damaged two headstones in the Burbank Cemetery. The cemetery committee is looking to collect donations to replace the broken headstones. They have put together a request to set up an expendable fund.

Victoria Gavel – **Motions to create an Expendable fund for the purpose of replacing and repairing headstones at a cemetery located on Route 111 that sustained damage as a result of a crash on September 2nd, 2023 and any funds collected over and above the purchasing and installation costs will be used for additional landscaping and some sort of fencing to alert and protect both drivers and the headstones.**

Amber Swett- **Seconds the motion. Motin passes: 3-0-0**

OTHER

EXCECUTIVE SESSION

[1.M.R.S.A §405 \(A\) Discussion with Town Manager regarding personnel matters](#)

[1 M.R.S.A §405 \(C\) Discussion regarding the condition, or acquisition of real property](#)

Amber Swett – **Motions to go into executive session per 1 M.R.S.A 405 (A) personnel matters discussion with Town Manager and 1 M.R.S.A 405 (C) discussion regarding the condition, or acquisition of real property.**

Victoria Gavel – **Seconds the motion. Motion passes: 3-0-0**

Amber Swett – **Makes a motion to come out of executive session.**

Victoria Gavel – **Seconds the motion. Motion passes: 3-0-0**

ADJOURN

Amber Swett – **Motions to adjourn.**

Victoria Gavel – **Seconds the motion. Motion passes: 3-0-0.**

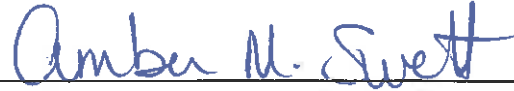
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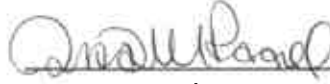
Rusty "Ralph" Blackington



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 5 pages are the original minutes of the Select Board Meeting dated October 16th, 2023



Lindsay Gagne

