

Town of Lyman
Select Board Meeting Minutes
Monday January 2nd, 2024 – 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: Rusty “Ralph” Blackington (Chair), Thomas Hatch (Vice Chair), Jessica Picard, Amber Swett, Victoria Gavel

Selectboard members absent: None

ITEM #1 **SPECIAL OFFERS/ PRESENTATIONS**

a. *Funky Bow Public Hearing – Re-Application for Special Amusement Permit*

Ralph Blackington – Opens the public hearing and asks for public comment. There is no public comment. The public hearing closes at 6:03pm.

Thomas Hatch – **Motions to approve the Special Amusement Permit for Funky Bow.**

Jessica Picard – **Seconds the motion. Motion passes: 5-0-0.**

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 and please be respectful of others

Joe Wagner – States if having a law enforcement officer present at Elections is a requirement of the State, the Town can seek to have the State reimburse the Town for costs. Asks that the Planning Board vacancy be filled by the process recommended by the Town Manager with the involvement of two planning board members. He is unclear about the mileage reimbursement policy, as to which employees are eligible for the reimbursement. With regard to appointment of Town Clerk, hopefully the person appointed to the position of town clerk will have had substantial experience in conducting elections such that direct supervision and oversight will not be necessary.

Lindsay Gagne – States to the comment of having law enforcement present at Elections, this is a requirement of RSU57 because the Town is using their building and they would prefer there are protective measures in place to monitor the use of the building. If at any time there are questions, residents are welcome to contact the Town Manager.

b. *Mail •Alfred/ Lyman Monthly Report York County Sheriff’s •LHS Letter*

ITEM #3 **MINUTES**

a. *Review / Approve meeting minutes 12/4/2023*

Amber Swett – **Motions to approve the minutes. Victoria Gavel seconds. Motion passes: 5-0-0**

b. *Review / Approve meeting minutes 12/21/2023*

Victoria Gavel – **Motions to approve the minutes. Jessica Picard seconds. Motion passes: 5-0-0**

ITEM #4 **SIGN WARRANTS**

a. *Payroll Warrant #24 in the amount of \$25,661.13*

Victoria Gavel – **Motions to approve. Thomas Hatch seconds. Motion passes: 5-0-0**

b. *Accounts Payable Warrant #25 (FY2024) in the amount of \$611,335.39*

Thomas Hatch – **Motions to approve. Amber Swett seconds. Motion passes: 5-0-0**

ITEM #5 **UNFINISHED BUSINESS**

a. *Franchise Agreement, Discuss next steps, Updates from Tony/Brad. Tabled from last meeting*
No new updates

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- b. [MDOT Request approval for transporting materials, project on Rt 202, waiting on updates](#)
Lindsay Gagne – States there is preconstruction meeting scheduled January 5th, the board has been invited to attend.
Ralph Blackington – States he is interested and planning on attending.
- c. [Giving Committee – Project Statement](#)
Jessica Picard – Verifies this committee could be self-funded in some ways and donation based.
Victoria Gavel – States she has concerns about confidentiality.
Lindsay Gagne – States the committee would not be collecting personal information but would be working towards fundraising events. There is language in the project statement and code of ethics pertaining to responsibility of confidentiality. This could be an adhoc committee initially and later could be established as a standing committee.
Amber Swett – **Motions to accept the Giving Committee’s Project Statement.**
Thomas Hatch – **Seconds the motion.**
Motion passes: 4-0-1 (Thomas Hatch, Ralph Blackington, Jessica Picard, Amber Swett in favor. Victoria Gavel opposed).
- d. [Cemetery Committee – Chadborn Cemetery](#)
Amber Swett – States some concerns that town funds were used for a private entity.
Thomas Hatch – Suggests sending a memo to the committee.

ITEM #6

DEPARTMENT AND COMMITTEE REPORTS

- a. [Road Commissioner](#) –
Thomas Croteau – States he has been cleaning up hanging trees in the roads and helped clean up the vandalism at Kennebunk Pond. The culvert at Fryes Bridge Road will need to be replaced. He plans on doing the repair on January 15th. Project should take a day and the road will need to be temporarily closed, but they will try to keep at least one lane open as much as they can.
- b. [Fire Chief](#) – none
- c. [CEO](#) –
Brenda Charland – States she has put together a report. She submits a report to the Board. She’s developed a good working relationship with the Electrical Inspector, the Assessor and Fire Chief. She’s been looking at the Fee Structure and comparing it with other Towns and would like to keep an eye towards user fees supporting the department and not derived from taxpayers as much as possible. She asks the board if they want her to look at configuring the fee schedule and see if they can bring it up a little more. The board has some discussion and agrees to review updating the fee schedule.
- d. [Tax Collector – November Report](#) – Reviewed in Agenda Packet
- e. [Bunganut Park Committee](#) –
Michelle Feliccitti – States the Committee met with a landscape architect to go over a suggestions for the committee to start looking into. It was recommended that the Town consider getting a topographical survey and wetland delineation, at least in the area where Improvements will be considered. This way a landscape architect will be able to use this information in developing a plan. They have collected quotes. One came in for the topographical survey for approximately \$3,500. Wetlands delineation would require a soil scientist, which will likely add more costs.
- f. [Treasurer – Expense Report](#) – Reviewed in Agenda Packet
- g. [Town Manager – Progress Report](#)
Lindsay Gagne – States as an update to the notes, there were power outages from the last storm that caused some issues. It was discovered that the server room and AC unit in the server room was not hooked up to the Panel for the generator. They can, however, run on battery but the room will get very hot. After talking with the Electrical Inspector, it was verified the Town will need to invest in a larger generator to meet the need of adding more items to the panel. An alternative would be to

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take some things off the panel to add the server room, but that may mean we'd have to close the Town Hall in events of power outage. Review of progress notes in agenda packet.

h. **Other -**

Thomas Hatch – States there was vandalism at Kennebunk Pond recently and he had chosen to close the gate for now where there is no ice fishing right now.

Amber Swett – States she was at an Eco Maine meeting, and they are going to be voting on going out for a bond for planning design, construction modification, repairs and improvements to their new MRF. They will be voting January 8th.

ITEM #7

NEW BUSINESS

a. **Discuss chain of communications**

Amber Swett – States she attended the Municipal Officers Webinar Training where they discussed boards having a chain of communication. One example that was provided was more of a code of conduct for the Town of Hallowell. She suggests the Board consider clarifying some chain of communication.

Lindsay Gagne – States it was brought to the board's attention by a former charter commission member that had stated to the board one of the reasons the commission considered a Town Manager plan was because at the time there were instances of elected officials going to employees directly. The idea of a Town Manager was to have a point person to help with directions and process. For example, there are no longer complaints addressed on the agenda, because issues can now be addressed with the Town Manager and brought to the board when appropriate. It would be a good idea to establish a clear process. The board could table the item but would be good to keep workshopping ideas.

b. **Funky Bow – Review/Approve State Liquor License.**

Amber Swett – Motions to approve. **Thomas Hatch** seconds. **Motion Passes: 5-0-0**

c. **Board/Committee Resignations – Planning Board, ORC, RSU#57**

Thomas Hatch – Motions to accept resignation of **Michael Rancourt** from the ORC.

Victoria Gavel – Seconds the motion. **Motion passes: 5-0-0**

Thomas Hatch – Motions to accept the resignation of **Rod Tetu** from Planning Board.

Amber Swett – Seconds. **Motion passes: 5-0-0.**

Thomas Hatch – Motions to accept the resignation of **Norm Dubois** from RSU#57 School Board.

Amber Swett – Seconds the motion. **Motion passes: 5-0-0**

Thomas Hatch – States all resignations were due to personal life changes.

Victoria Gavel – States she would like to get some thank you cards for the board to sign.

d. **Review/ Approve Mileage compensation policy.**

Victoria Gavel – Motions to accept the Draft 2 "Accountable Plan" mileage policy.

Amber Swett – Seconds the motion. **Motion passes: 5-0-0**

e. **Appointment – Town Clerk**

Jessica Picard – Motions to rescind the appointment of **Lindsay Gagne** as Town Clerk and appoint **Susan Bellerose** as Town Clerk effective December 18th, 2023.

Thomas Hatch – Seconds the motion,

Discussion, change the effective date to January 3rd, 2024

Jessica Picard – Rescinds her motion above.

Jessica Picard – Motions to rescind the appointment of **Lindsay Gagne** as Town Clerk and appoint **Susan Bellerose** as Town Clerk effective January 3rd, 2024.

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OTHER

Amber Swett – States she would like to address an issue and reads a prepared statement, see attached.

EXECUTIVE SESSION

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

Thomas Hatch – Motions to go into executive session per MRSA 405 (A) Discussion with Town Manager regarding personnel matters.

Amber Swett – Seconds the motion.

Lindsay Gagne – States for discussion a reminder to the board that anything discussed in executive session is confidential and cannot be shared outside of executive session. Board members are elected officials and can be held both jointly and separately liable.

Motion passes: 4-0-1 (Thomas Hatch, Ralph Blackington, Jessica Picard, Amber Swett in favor. Victoria Gavel opposed).

Jessica Picard – Motions to come out of executive session. Thomas Hatch seconds. Motion passes: 5-0-0


ADJOURN

Jessica Picard – Motions to adjourn. Amber Swett seconds. Motion passes: 5-0-0



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 8 pages are the original minutes of the Select Board Meeting dated January 2nd, 2024



Lindsay Gagne

It has become evident to me that we need to do better!!! By we, I mean the five of us sitting here behind this table. Out of the past 13 meetings we've had, there has been a member of our community, an appointed municipal officer, who, at 1 of those meetings has been using the guise of public comment to repeatedly bully and harass our town manager, and we have been sitting here in silence during the whole thing. Maybe the silence was in the hope that it would eventually end sooner rather than later, but it has become apparent to me and other members of our community that that is not the case. And I believe we need to do something about this. At our December 4th meeting, again under the guise of public comment, there was a speech given about keeping with the spirit of the 6th Amendment of the Constitution and with Article 1 Section 6 of the Maine State Constitution about due process for EVERYONE that COULD, in my opinion, be misconstrued as an untruth, misinformation, a falsehood or even a lie. And for those of you watching or listening and were like me and did not or do not know, the 6th Amendment of the Constitution sets forth the rights related to criminal prosecutions and Article 1 Section 6 of the Maine State Constitution is also dealing with Criminal Prosecution. It was suggested that a person so charged would be notified in advance of the nature of the allegations so that person could prepare responses to them instead of spontaneously replying on the fly and that that would also be in keeping with the central principle of the 5th and 14th Amendments of due process and also found in Section 6A of the Maine State Constitution, due process standards of fairness to which ALL are entitled. This just seemed odd to me on a couple of different levels, so I contacted our town manager and we spoke about the situation. What seemed odd to me was that this person attended 10 out of 12 of our previous selectboard meetings and, again under the guise of public comment, used that time to, in my opinion, bully, harass, and even undermine our town manager, but not once before any of those meetings did they reach out to our town manager to 1.) see if any of the questions or concerns they had could be addressed without having to wait until the next selectboard meeting and 2.) there was no keeping with the spirit of the 6th Amendment of the Constitution and with Article 1 Section 6 of the Maine State Constitution and the due process standards of fairness to which ALL are entitled. Our town manager has never been notified before any of these meetings to prepare any kind of a response leaving them to spontaneously reply on the fly. Our town manager provided me with email correspondence dated November 14,

a Tuesday and six days before our Monday meeting, that was sent to this individual, inviting them to an executive session at the next selectboard meeting and gave a couple of bullet points of items to be reviewed. The email was ended with "if you have any questions, you can call me at 247-0642." There were no responses to that email received by our town manager. Our town manager reached out again two days later, making this individual aware of some of the issues to be discussed along with detailed questions that were put together if they were going to be attending the next meeting. There was an attachment to that email that contained three pages of issues to be discussed and a list of questions to be asked. The Town Manager also stated "As for the other topic, there is some concern with ethical standards, and I hope we can address a resolution. This email was ended with "if you have any questions, please don't hesitate to contact me." There was a reply to this email, from this individual, saying "thank you for the information." Now anyone watching at home COULD assume that what was said in public comment by this individual was the whole truth and not a version of their own truth and not reach out themselves to our town manager for clarification. It was strange to me also, that at the December 4th meeting it was insinuated that no notice was given to prepare a response but at the November 20th meeting during public comment the individual came with a prepared statement and discussed each of the points and topics that were going to be discussed in the executive session later in the meeting. At 1:06:53 of the meeting it was acknowledged that detailed questions were provided.

Please know that I do not throw around the words bully and harass lightly. I looked up many different definitions of the word bully and will share a few with you. 1.) Oxford languages - a person who habitually seeks to harm or intimidate those whom they perceive as vulnerable. 2.) Merriam-Webster - a blustering, browbeating person especially: one who is habitually cruel, insulting or threatening to others who are weaker, smaller or in some way vulnerable; to treat someone in a cruel, insulting, threatening or aggressive fashion; to cause someone to do something by means of force or coercion; to use language or behavior that is cruel, insulting, threatening or aggressive; 3.) Dictionary.com – a blustering, mean or predatory person who, from a perceived position of relative power, intimidates, abuses, harasses or coerces people, especially those

considered unlikely to defend themselves; 4.) ACAS (Advisory, Conciliation and Arbitration Service – an HR Company) – offensive, intimidating, malicious or insulting behavior, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient, and as to the word harass: 1.) Oxford languages – subject to aggressive pressure or intimidation; make repeated small-scale attacks. 2.) Merriam-Webster – exhaust, fatigue; to annoy persistently; to create an unpleasant or hostile situation for especially by uninvited and unwelcome verbal or physical conduct; 3.) Dictionary.com – to disturb or bother persistently; torment, as with troubles or cares; pester; to intimidate or coerce, as with persistent demands or threats. 4.) ACAS – unwanted conduct that violates people’s dignity or creates an intimidating hostile, degrading, humiliating or offensive environment. For context, if you are an eight-year-old child attending Lyman Elementary School and you laugh at another child and hurt their feelings, it will go into your permanent school record that you are bully. If our school is taking this as seriously as necessary, shouldn’t we be doing the same?

On August 2, the selectboard was emailed a draft Code of Ethics Policy to be reviewed for our upcoming meeting. At the August 7 selectboard meeting, it was tabled to the next meeting. At our August 21 meeting, the Code of Ethics Policy was voted on and approved. The Code of Ethics was then sent out on August 24th to all employees and board/committee members. A separate email was sent to the individual on September 6th also with the Code of Ethics, again, attached for review.

The behavior of this individual from August 24th when they received their first copy of the Code of Ethics, through September 6th when they received their second copy of the Code of Ethics and, I feel, right up until December 4th meeting has continuously, and again, in my opinion, broken several of Section 3: Responsibility of proper conduct and commitment to ethics, standards, such as: A: - Every town official needs to apply effort in maintaining ethical standards. B: - Town officials shall treat each other with mutual respect and strive for a collaborative, team environment that enhances fairness, impartiality, and is responsive to the needs of the people they serve and each other in the performance of their duties. C: - Town officials will support the town to increase its citizens, public and vendor satisfaction by providing quality services. F: - All

town officials will maintain a standard of conduct that will inspire public confidence and fortify the integrity of the towns' government.

At our November 20th meeting our Town Manager brought it to our attention questioning whether this individual's behavior is borderline harassment? So, I take it that our town manager is feeling harassed by this continued behavior and clearly unsupported by us.

So, I ask my fellow board members, what can we do to stop this behavior?

Do we require all public comments to be submitted for approval before a meeting? Does our chair or another member of the board call point of order whenever a public comment is discussing a municipal official? Is there an HR way to address this? I am open to help and suggestions and look forward to seeing how we can all work together to end this toxic situation for all of our town employees and community members.