



TOWN OF  
LYMAN

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**COMMITTEE  
HANDBOOK**

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# TOWN OF LYMAN

## Committee Handbook

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### INTRODUCTION

Welcome to the Town of Lyman Committee Handbook! This guide has been developed to provide volunteers with a clear understanding of their roles, responsibilities, and the procedures necessary to support the successful operation of our various municipal boards and committees. Whether you are a new appointee or a seasoned volunteer, this handbook serves as a resource to help you navigate your work and contribute effectively to the goals of the Town.

Boards, committees, commissions, and volunteers play an essential role in shaping our community by providing valuable input, recommendations, and decisions on matters of local governance. The time, energy, and expertise you bring to this role are deeply appreciated and vital to the success of our Town. This handbook outlines the policies and procedures that guide local governmental operations, including meeting protocols, public engagement, and collaboration with town staff and elected officials.

Our aim is to foster a spirit of cooperation, transparency, and accountability in all committee activities. By adhering to these principles, we can ensure that the work of each committee reflects the needs and aspirations of our community.

Thank you for your dedication to serving the Town of Lyman. Your contributions make a lasting difference in the quality of life for all who live and work here.

### PURPOSE

This handbook aims to provide clear guidelines for the operation, responsibilities, and expectations of volunteers among the Town's committees. For the purpose of this handbook, the term committee refers to all Town appointed committees, boards, commissions, and other volunteers. This handbook serves as a resource to:

- Outline the roles and responsibilities of volunteers.
- Promote consistency and accountability in compliance with Town policies.
- Limit the liability of the Town and volunteers
- Encourage inclusive and diverse representation within committees.
- Foster understanding of the Town's values and strategic goals.

By offering this structured approach, the handbook ensures that volunteers feel empowered, informed, and supported in their efforts.

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### MISSION STATEMENT

The Town of Lyman is committed to fostering civic engagement through the active participation of its residents in committees. These committees provide vital support to the town's governance, ensuring that decisions reflect diverse perspectives and benefit the entire community. The Town values collaboration, transparency, and community service, and this handbook serves as a guide for volunteers to contribute meaningfully to Lyman's growth and success.

### CORE VALUES

**Culture of Excellence:** We foster a community built on mutual respect and dignity for all individuals. We value inclusivity, welcoming diverse perspectives, and embracing our differences to create a sense of belonging. We rely on collaboration and teamwork to serve the public effectively. We uphold high ethical standards in our personal, professional, and organizational conduct. We are dedicated to innovation and adaptability to meet the evolving needs of the community through the resources available.

**Accountability:** We operate with transparency and take responsibility for our actions and ensure our decisions are aligned with the community's best interest, while delivering practical and cost-effective services.

**Civic Engagement:** We openly communicate with the public and each other fostering collaboration and a sense of shared ownership in Town initiatives.

**Diversity, Inclusion, Connection:** We embrace diverse perspectives, promote equity, and strive to ensure people from all backgrounds and experiences feel welcomed, respected, and accepted.

**Sustainability:** we support initiatives that promote long-term benefits for the community and utilize strategic planning methods.

**Innovation:** We encourage creative problem-solving and forward-thinking approaches to address challenges and improve services.

**Integrity & Trust:** We uphold high ethical standards, act honestly, and cultivate trust through consistent and fair decision-making.

### DEFINITIONS

Ad-hoc: Created as a temporary committee and has specific purpose and deadlines.

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Agenda:	A list of items to be discussed in a formal meeting
By-Laws:	Rules outlining the conduct of a committee
Committee:	A group of People organized and appointed for a specific function. Term is synonymous with “Board” and “Commission” for the purpose of this Handbook.
Conflict of Interest:	A situation in which the concerns or aims of two different parties are incompatible
Ex-officio:	A non-voting member acting in a capacity by virtue of one’s position or status
Harassment:	Creation of an unpleasant or hostile situation by uninvited and unwelcomed verbal or physical conduct.
Maine Freedom of Access Act:	A State statute that is intended to open government of Maine by guaranteeing access to “public records” and “public proceedings” of state and local government bodies and agencies.
Meeting Minutes:	A written summarized record of the proceedings of a meeting
Policy:	A course or principle of action adopted or proposed by a government, party, business, or individual.
Project Statement:	A concise and focused declaration that outlines the purpose, function, objectives, and intended outcomes of a committee.
Quorum:	The minimum number of members of a committee that must be present at any of its meetings to conduct business.
Resignation:	An act of retiring from or giving up a position
Select Board Liaison:	An assigned member of the Select Board who acts on behalf of the Board to facilitate a working relationship between the Select Board and the Committee.
Staff Liaison:	An assigned employee of the Town of Lyman who acts on behalf of the Town to facilitate a working relationship between the Town Administration and the Committee.

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Town Charter:	The governing document of the Town of Lyman , consisting of written lists of articles outlining the rights and privileges of the Town, which establishes the form of government, administrative, rulemaking and budget process and is adopted by public vote.
Town Manager:	The chief administrative official of the Town of Lyman.
Volunteer:	A person who freely offers to take part in an enterprise or undertake a task. Also refers to a committee member for the purpose of this Handbook.

## WELCOME

Thank you for your willingness to serve on one of the Town of Lyman’s committees! Your dedication to our community is essential to the success of our local government and the well-being of our residents.

The Town of Lyman depends on the knowledge, skills, and commitment of volunteers like you to benefit the community by providing input on important decisions and guiding initiatives that impact our future. Committees play a vital role in advising the Select Board, engaging with residents, and ensuring transparency and inclusivity in municipal decision-making.

As a member of a Town committee, you are an ambassador of the Town of Lyman, contributing to a collaborative process that fosters trust, respect, and thoughtful progress. This handbook is designed to help you understand your role, the expectations of committee service, and the resources available to support you.

We hope this guide will provide you with the tools and information you need to serve effectively and confidently. Whether you are new to municipal service or a seasoned volunteer, your voice is invaluable in shaping Lyman’s path forward.

## COMMITTEE TYPES & STRUCTURE

Committees are an essential part of local governance, providing opportunities for residents to actively participate in shaping the future of Lyman. This section outlines the types of committees, how to join them, and general information about their structure. For the purpose of this handbook, the term “committee” shall refer to all boards, committees, and commissions.

**Elected Offices:** Elected offices are filled at Town Meeting for a term of three years, with positions staggered so that seats become available each year. These positions include



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Select persons, RSU #57 School Board of Directors, and Budget Committee Members. Candidates may either be elected by write-in vote or complete the nomination by petition process to have their name placed on the ballot for the Annual Town Election. Nomination papers are provided by the Town Clerk annually in accordance with State law.

**Boards:** Boards are established to oversee and execute functions of Town Government.

**Commissions:** Commissions are established for specific purposes and may dissolve once their tasks are completed, unless otherwise designated as permanent.

**Standing Committee:** Standing committees are permanent committees with a general purpose and function. These committees are established by ordinance or Town Meeting.

**Ad Hoc Committee:** Ad hoc committees are temporary committees with specific tasks assigned to them. These committees may be established by the Select Board and may exist for a period of up to two years.

### How to Join a Committee

Outside of elected offices filled at Town Meeting, residents interested in volunteering for a committee must complete a *Committee Application Form*, available on the Town's website or at the Town Office. To qualify for eligibility, in accordance with Town Charter, volunteers must be residents of the Town and a registered voter.

Applications are reviewed by the Town Manager, who may conduct interviews and provide recommendations to the Select Board. The Select Board serves as the final appointing authority. Once appointed, new members will receive confirmation of their term and relevant onboarding materials.

There are various boards and committees' volunteers can join, each with unique missions and functions serving the community. Examples include the Planning Board, Zoning Board of Appeals, Ordinance Review Committee, Cemetery Committee, Parks & Recreation Committee, Conservation and Forestry Committee, Recycling & Waste Committee, Buildings & Grounds Committee, and others. For more information on these committees, visit the Town's website.

Join a Committee



### Committee Project Statement

The Town Manager prepares a project statement for each committee. The project statement is a concise document outlining the committee's composition, purpose, goals, and key policies regarding their operation. This statement is approved by the Select Board and serves as a guiding document to focus committee efforts and ensure alignment with town priorities.

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### **Appointment & Reappointment**

Appointments to committees are made by the Select Board following a review of applications. Considerations include relevant skills, letters of interest, committee recommendations, and other qualifications. The Select Board determines term lengths and specific roles, such as alternate versus regular membership, as applicable (e.g., on the Planning Board or Board of Appeals).

Reappointments are not automatic. Members seeking reappointment must submit a written request and may be evaluated based on their past contributions. Factors for reappointment include attendance, performance, the evolving needs of the committee, and overall contributions. A committee member is under no obligation to accept reappointment nor is the appointing authority obligated to offer reappointment.

Members must be sworn in by the Town Clerk before attending meetings as official members. Appointees have 30 days from notification of appointment to take the oath. Failure to do so may result in removal by the Select Board.

Committee members must perform the duties incumbent as a member of a Town committee according to the constitution of the United States of America, the laws of the State of Maine, the Town of Lyman Municipal Charter, and applicable ordinances. As a member of a committee, you represent citizens, the Select Board and the Town Manager, and must abide by a number of policies and procedures which govern public bodies including Town Charter, ordinances, Town policies, and the rules of this handbook.

### **Vacancies**

Vacancies can occur at any time and information about each Committee is posted on the Town's website. If no immediate openings are available, applications are kept on file in a pool for future consideration. Residents are encouraged to apply, and the Select Board will work to fill vacancies. When multiple vacancies occur, each with varied term lengths, the Select Board will determine which applicant fills which term.

### **Terms**

Committee members serve staggered terms to maintain continuity, so no committee is composed entirely of new members. Members serve until successors are appointed unless they resign or are removed. The Town Manager maintains a list of appointed members and their terms.

### **Quorum**

A quorum is the minimum number of members required for a committee to conduct official business. Unless otherwise specified, a quorum consists of a majority of the committee's appointed members. Meetings without a quorum may be held for discussion but cannot take formal votes or make decisions.

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### **Resignation, Removal, and other Forfeiture**

A vacancy shall occur upon non-acceptance, resignation, death, failure to qualify as a registered voter and resident of the Town of Lyman, failure to take oath within 30 days of notification of appointment, by removal by an affirmative vote of a majority of the Select Board, or by any other manner provided by law.

A committee member who is no longer able to serve should resign promptly so that the vacancy may be filled. A written resignation must be submitted to the Town Manager's office who will place the resignation on the next available agenda for the Select Board to take action on.

The Select Board has the authority to remove appointees from any board, commission, or committee for cause, following notice and a hearing, and by a majority vote of the Board. The appointee will receive written notice of the charges against them and a scheduled hearing before the Select Board. Under Maine law, the appointee has the right to request in writing that their hearing be conducted in a public meeting, in accordance with M.R.S.A. 1 §405, along with all other applicable legal provisions.

Grounds for removal may include, but are not limited to, failure to attend regular meetings, violations of explicit prohibitions outlined in Town Charter, Town Policies, or this Handbook, substantiated complaints, failure to fulfill the duties and responsibilities of the committee, or other reasons deemed appropriate by the Select Board. Each case will be reviewed on its merits, and the Select Board will act in the best interest of the Town.

### **CONFLICT OF INTEREST**

All committee members must act with fairness and impartiality in carrying out their duties. Members are expected to ensure that their actions do not create actual or potential personal or financial gain, either directly or indirectly, for themselves, family members, close friends, or associated parties.

Any actual or potential conflicts of interest must be disclosed promptly and transparently to the Chair, Town Manager, and/or Select Board liaison. If a conflict is determined to exist, the member must recuse themselves from participating in discussions, deliberations, or decision-making on the matter. This ensures the integrity of the committee's work and upholds public trust. In any event where a conflict may be perceived, volunteers should avoid the appearance of a conflict of interest by recusing themselves accordingly.

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### COMMITTEE OFFICERS

Committee officers are essential for effective operations. Each committee elects its officers to provide leadership, ensure adherence to town policies, and promote orderly and efficient meetings.

#### **Election of Officers**

Committees elect officers annually at the beginning of the fiscal year in July. If the committee is newly formed, then they shall elect their officers during their first meeting and then annually in July thereafter. Each committee must elect at a minimum a Chair and a Correspondence Secretary. Committees may also elect a Vice Chair to act in the absence of the Chair. Election of officers are conducted by a majority vote of the members present, provided a quorum is achieved. Nominations for each officer are taken from the floor, and all committee members are eligible to serve as officers, unless otherwise serving as an alternate member. Officers serve for one year or until successors are elected. An officer may be reelected to their position. It is the responsibility of the newly elected chair to notify the Town Manager of changes in membership and officers.

#### **Roles & Responsibilities of Officers**

**Chair:** The Chair serves as the primary leader and facilitator of the committee. The chair has the same rights as any other member to offer resolutions, make motions, and vote. The Chair should have or be able to obtain knowledge of applicable Maine laws, Town Charter, ordinances, policies, and other information relative to the committee. Responsibilities include:

- Presides over meetings, maintains order, and ensures all participants and members remain respectful and adhere to proper decorum.
- Develops meeting agendas and if posting on the Town's website, ensures they are submitted to the Town Manager via email at least three business days prior to the meeting. *(See Appendix A – Sample Agenda)*
- Coordinates and reserves the meeting room in advance by emailing the Town Manager, ensuring availability.
- Ensures adherence to open meeting laws, the Town Charter, ordinances, Town policies, and other applicable rules and regulations.
- Represents the committee in communications with the Select Board, Town Manager, and the public.
- Delegates tasks and assigns responsibilities to members as necessary to promote efficient operation and fulfill the committee's objectives.

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**Vice-Chair:** The Vice-Chair acts as the Chair's assistant and assumes the Chair's responsibilities in their absence. Should the Chair resign, the Vice Chair will serve as the Chair until the committee elects a new Chair. Responsibilities include:

- Presides over meetings in the absence of the Chair.
- Assists the Chair with agenda preparation and other tasks as requested.
- Ensures continuity of leadership and support within the committee.

**Correspondence Secretary:** The Secretary is responsible for ensuring accurate and timely documentation of the committee's activities. In this position, it is important to understand Maine laws with public records and the Secretary should familiarize themselves with such rules and regulations. Responsibilities include:

- Prepares meeting minutes in compliance with Maine's Freedom of Access Act (FOAA).
- Submits meeting minutes, reports, drafts, as well as other committee documents to the Town Manager for public record. (*See Appendix B – Sample Minutes*)
- Assists the Chair with other administrative tasks as needed or delegated.

## STANDARDS OF CONDUCT

### **Standards of Conduct**

Committee members are representatives of the Town and expected to uphold the highest standards of ethical behavior, integrity, and professionalism in the performance of their duties. It is important to maintain public trust and confidence in our local government and all officials, whether an employee, elected, or volunteer, should maintain civility and respect regardless of any difference of opinion. Everyone should strive for constructive and diplomatic practices in all matters with the goal of learning from one another and instituting better public policy. Committee members are expected to act in a professional manner at meetings even when diverse ideas or opinions are presented. If differences cannot be resolved committee members should consult with the Select Board Liaison, and/or Town Manager who may assist in finding resolution.

In effort to promote civility, build trust, and inspire confidence in our local government, committee members must strive to: Act with fairness, impartiality, and in the best interests of the Town; Avoid personal or financial conflicts of interest, as well as disclose and recuse themselves if such conflicts arise; Treat fellow members, staff, and the public with respect and courtesy; Comply with all applicable laws, including Maine's Freedom of Access Act (FOAA), Town Charter, Town ordinances, and Town policies; Refrain from engaging in behavior that disrupts meetings or undermines public confidence in the committee's work.

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All committee members, elected officials, volunteers, and employees are expected to uphold and abide by the Town's Non-Discrimination and Harassment policies, which requires that:

- Employees, committee members, elected officials, and volunteers shall refrain from any form of workplace abuse, bullying, harassment, discrimination, or violence. This includes refraining from unwelcome, offensive, or abusive comments or conduct, or discriminatory treatment, related to an individual's race, religion, age, sex, physical or mental disability, sexual orientation, including gender identity and expression, national origin, genetic predisposition, color, political affiliation, whistleblower activity, or any other status protected by law.
- Employees, committee members, elected officials, and volunteers shall cooperate fully in any investigation of a workplace abuse, harassment, discrimination, or violence complaint.
- Failure to adhere to these standards is a violation of law and Town policy and may result in removal from the committee.

*See Appendix K – Municipal Code of Ethics*

*See also, Town of Lyman Personnel Policy Handbook, Section 3*

## **TRAINING & RESOURCES**

The Town encourages committee members to participate in ongoing training to enhance their understanding of municipal governance and their roles and responsibilities. Committees and volunteers are also encouraged to consult the Town Manager on procedural, policy, or any other matters of interest. Some training courses may be available at no cost, while others are offered through the Maine Municipal Association (MMA) as part of the Town's membership.

The Town allocates funds in its budget to cover membership dues and training course fees. Committee members are encouraged to sign up for training relevant to their committee's work and objectives and pending appropriate funding is available. To register for a course, the committee member must email a request to the Town Manager, who will authorize payment for the training. The Town Manager may deny the request or offer alternative recommendations if the funding is not available or if the training is not relevant to the committee's objectives. If the training is free, the committee member may register independently without Town Manager approval.

For training courses unrelated to a committee's objectives, members may attend independently at the non-member rate. In these cases, the member is responsible for arranging and covering the cost of the training, which cannot be billed to the Town under its membership.

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### SELECT BOARD LIAISON

The Select Board may appoint members from within the Board to serve as liaisons to Town committees. A Select Board liaison may be assigned to multiple committees, depending on the Board's decision. Not all committees will have a Select Board liaison, as appointments are made at the discretion of the Board.

The liaison's role is to monitor the committee's progress and provide support when needed. Attendance at committee meetings by the liaison is optional and left to the discretion of the assigned Select Board member.

The liaison maintains regular communication with the committee, reviews its deliberations and minutes, assists with clarifications of Town policies or procedures and is included in the distribution of informational notices and other updates. Additionally, the liaison keeps the Town Manager and the Select Board informed and updated on the committee's activities and progress.

### STAFF LIAISON

Town employees may serve on committees in a non-voting capacity, offering technical support and information as needed. Staff liaisons, if appointed, will facilitate communication between the committee, other Town employees, and the Town Manager, assisting with the exchange of relevant information about the committee's work and significant matters. The appointment of staff liaisons is not mandatory and is at the sole discretion of the Town Manager. Committees are not authorized to issue directives to Town employees, whether those employees are serving on the committee or in any other capacity.

### MEETINGS

Committees act as representatives of the Town of Lyman, and all committee meetings shall be open to the public to encourage community engagement and maintain transparency. Meetings may be held weekly, bi-weekly, monthly, quarterly, or less frequently, as appropriate. When possible, committees should establish a regular meeting time, day, and location. Meetings must be scheduled in advance to allow reasonable public notice, held when a quorum is present, and documented in accordance with Maine laws. All records of proceedings and other public documents must be kept by the Town Hall to comply with FOAA requirements.

### **By-laws, Mission Statement, and Conduct**

Section Five (5) of the Town Charter requires each board and committee to adopt by-laws governing their meeting conduct and to develop a Mission Statement that prioritizes their goals

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and objectives. Both the by-laws and Mission Statement are reviewed and approved annually by the Select Board. (*See Appendix C – Sample by-laws*)

Committees establish by-laws that govern their procedural conduct. These by-laws focus on internal committee procedures and administrative matters and cannot govern other government bodies, change rules for citizen participation established by State law, ordinance, or Town Charter, or override Town policies.

While by-laws are not legally enforceable, they serve as a guide for conducting meetings. Committees may outline rules for public participation, such as time limits for comments, processes for making motions and voting, meeting agendas, tie votes, setting agenda items, addressing conflicts of interest, amending by-laws, meeting frequency, and attendance provisions for committee members to name a few examples.

### **Executive Session**

Executive sessions are governed exclusively by the Freedom of Access Act (FOAA). Committees cannot alter the requirements for holding executive sessions. For complaints against committee members, FOAA authorizes only the Select Board, as the appointing authority, to hold an executive session to discuss the appointment, duties, or discipline of officials they appoint, as outlined in 1 M.R.S.A. §405(6). Committees cannot use executive sessions to circumvent FOAA requirements such as discussing potential conflicts of interest, as such matters must be disclosed publicly. Committees rarely require executive sessions, and any proposed use should be consulted with the Town Manager before proceeding.

### **Public Comment and Public Hearings**

Public comment is not legally required at committee meetings unless otherwise stipulated by the Town Charter or by ordinance. Committees may choose to exclude public comment, but meetings must remain open to the public. Committees that allow public comment may impose consistent time limits to ensure fairness. Excluding or limiting public comment should be applied uniformly to maintain impartiality. Public comment can provide valuable perspectives and encourage broader discussions.

Public hearings are governed by multiple Maine laws required for municipal matters to provide information and gather public input. Meetings advertised as public hearings must allow the general public a right to speak. Notices for public hearings must include the date, time, location, subject matter, and any materials to be presented or instructions for accessing those materials. To ensure compliance with notification requirements and timelines of public hearings, committees should review applicable State law requirements. In some cases, committees may extend a public hearing to a later date, if necessary (e.g. meetings running for too long, emergency issues, intense disruptions, etc.), provided appropriate public notice is given of the later date. Typically, public



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participation cannot be limited. However, the Chair may provide guidance to participants to facilitate the flow of the meeting and ensure everyone has an opportunity to speak. Committees cannot take official votes during a public hearing.

### **Meeting Location**

Committees must meet in a Town building that is open to the public, encourages participation, and complies with ADA accessibility guidelines. Such buildings include the Town Hall and the Community Library. Meetings may not be held via email, in private homes, in private business spaces like restaurants, or other private locations, as this could discourage public attendance or appear secretive. Exceptions may include site walks, such as ones conducted by the Planning Board or other committees for purposes specific to the committees' objectives. Such site walks held by a quorum are considered an open public meeting and require proper notification.

### **Request for Meeting Room Availability**

The Committee Chair is responsible for reserving the meeting room by emailing the Town Manager with the requested date and time of the meeting. Availability is provided on a first-come, first-served basis. In cases where the Select Board requires the meeting room, the committee's meeting may be moved or rescheduled. The committee will be notified promptly, and the committee may move to another location if available or may reschedule their meeting.

For use of the Community Library, the committee Chair must contact the appropriate personnel at the Library.

### **Posting and Notification of Meetings**

The Town Manager maintains postings and notifications for all meetings. The Committee must notify the Town Manager via email of the meeting's date, time, location, at least nine days in advance to allow for proper posting and website updates. Agendas should outline anticipated discussion topics and may be submitted for web posting. To ensure web posting of an agenda, Committees must submit to the town Manager at least three business days prior to the meeting. Any changes to a posted agenda must be promptly communicated to the Town Manager for reposting. Meetings should adhere to posted agendas, and new substantive business should be deferred to the next scheduled meeting.

### **Audio /Video Equipment Use**

The Town provides equipment for streaming and recording public meetings. Committees may assign a member to operate this equipment, provided they receive training from the Town Manager, and they agree to and sign acknowledgement of any applicable policies. Authorized users cannot modify passwords, remove devices from Town property, download unauthorized

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software, access Town accounts on other unauthorized devices or grant access to others. Equipment is intended to enhance meeting transparency and public participation. Misuse of equipment may result in the removal of the responsible committee member. To request access and training, email the Town Manager.

### **Remote Meetings Policy**

Committees may adopt a remote participation policy in compliance with MRS Title 1 §403-B. Remote participation is utilized when a committee member cannot attend in person and after the committee adopts a policy. To adopt a policy, the committee must hold a public hearing with proper notice, including date, time, location, participation details and access to the proposed policy. After the hearing, the committee may vote to adopt the policy during a regular open meeting.

When holding a meeting with any one or more members participating remotely, the committee must comply with State Statute requirements. This includes first adopting a remote participation policy, providing the public meaningful opportunity to participate remotely, providing notice of the proceeding in advance that includes the means by which members of the public may access the proceeding using remote methods, as well as the location of the meeting for in person attendance, and all documents and other materials considered by the public body are made available electronically and otherwise to the public. Additionally, all votes taken during the public proceeding using remote methods must be taken by roll call vote that can be seen and heard.

Upon giving notice of a meeting, The Committee shall notify the Town Manager that a meeting will be held via remote participation and who of the committee is attending remotely and provide all documents and materials that will be considered by the committee at the meeting. The Town Manager will schedule a zoom meeting on the Towns zoom account and send the invite link to the Chair and any members who will be participating remotely. The zoom link will be provided on the Towns website under the committee's page along with all documents and materials for the public to access, and public notices will include information about remote participation methods. It is the responsibility of the committee to request training and facilitate the zoom proceeding. Contact the Town Manager for training and information.

*(See Appendix D – Sample remote participation policy)*

## **COMMUNICATIONS & PUBLICATIONS**

Effective communication is a cornerstone of local government, fostering transparency, trust, and engagement between the Town and its residents. Publications and public messaging serve as

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essential tools for keeping the community informed about the work of municipal committees, upcoming initiatives, and opportunities for public involvement.

For committees, clear and consistent publications ensure that their work is accessible and understood by the public, helping to build support and collaboration on key projects.

Publications, whether through digital platforms or traditional means, provide a reliable way to share updates, educate residents, and celebrate the progress made on behalf of the Town.

### **Town Website Updates**

The Town Manager is responsible for maintaining the Town of Lyman's website. Each committee has a dedicated page on the website, which includes basic information about the committee, such as meeting minutes and videos, agendas, a list of current members, and updates or events generated by the committee. Committees should regularly review their page to ensure that all information is accurate and up to date. These pages provide an opportunity to share news and resources relevant to the committee's work. Any updates or content that a committee wishes to post on their webpage must be submitted to the Town Manager for approval. Content deemed inappropriate or unrelated to the committee's objectives may be denied. Committees, including all individual members, are not permitted to create or manage independent website pages on behalf of the committee or the Town.

### **Social Media Policy**

The Town Manager also oversees all social media platforms for the Town of Lyman, including Facebook, Instagram, Mailchimp, and others. These platforms serve as official channels for Town communications, providing notifications about meetings, events, resources, and special updates. When a committee requests meeting room availability, the Town Manager will post meeting notifications on the website and all applicable media platforms. Committees wishing to share additional information or event notices must submit their requests to the Town Manager for approval. Approved content will be disseminated through platforms such as Facebook, Instagram, Mailchimp email subscriptions, the Town website, etc. Committees, including all individual members, are not permitted to create or manage independent social media pages on behalf of the committee or the Town.

Committee members must conduct themselves responsibly on social media platforms. They are expected to refrain from any defamatory, offensive, libelous, or slanderous conduct that could negatively impact Town officials or volunteers in the performance of their duties.

All public officials and individuals conducting business on behalf of the Town, such as committees, must be aware that discussions, posts, or other communications related to Town business on private social media accounts may fall under the scope of Maine's Freedom of Access Act (FOAA). Courts have ruled in some cases that such communications relative to official governmental matters are considered public records. This may not always be the case, however, and to avoid conflicts and potential legal issues it's best practice to refrain from using

# TOWN OF LYMAN

## Committee Handbook

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personal social media accounts for Town-related business; direct all official communications and discussions to approved Town platforms; and ensure transparency and compliance by following the Town's Social Media and Communications Policy and FOAA requirements.

*(See Appendix I – Social Media Policy)*

### **Acceptable Use Policy**

The town's acceptable use policy governs the use of town-owned equipment, devices, email accounts, and other media. Any committee or committee member with access to such resources must comply with this policy.

*(See Appendix J – Acceptable Use Policy)*

### **MMA and legal correspondence**

The Town of Lyman also benefits from membership with the Maine Municipal Association (MMA), which provides training, manuals, informational packets, legal advisement, and other services. To streamline legal inquiries and avoid redundancy, any request for legal services through MMA or Town Council must be approved and coordinated by the Town Manager unless a designated staff liaison has been assigned to the committee.

## **MAINE FREEDOM OF ACCESS ACT**

The Maine Freedom of Access Act (FOAA) promotes government transparency by ensuring public access to meetings and records of governmental bodies. Committees must adhere to FOAA requirements, which stipulate that meetings are open to the public with proper advance notice. Committee decisions and deliberations must occur in public unless explicitly exempted by law. While FOAA does not prohibit all communications between individual board members outside public meetings, such communications must not undermine the law's intent.

Maine laws also outline specific notification requirements depending on the nature of the public proceeding. For example, proceedings relative to subdivision reviews, charter amendments, ordinance amendments, comprehensive growth plans, to name a few. Depending on the committee's objectives, it is essential to review relevant State requirements for public proceedings.

FOAA grants the public access to all public records and documents, including any written materials generated by a committee. These records are considered the property of the Town and must be retained and managed appropriately. Committees are responsible for maintaining written communications, drafts, meeting minutes, notes, and other related documents, which must be routinely submitted to Town Hall for proper retention. Timely submission ensures compliance with FOAA and prevents delays in responding to public records requests. Members of all boards

# TOWN OF LYMAN

## Committee Handbook

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and committees are required to complete FOAA training by either completing the FAQ online or attending a training through MMA.

Maine provides online resources regarding FOAA including frequently asked questions. Visit [www.Maine.gov](http://www.Maine.gov) or visit [www.maine.gov/foaa/faq/index.shtml](http://www.maine.gov/foaa/faq/index.shtml)

*(See Appendix L – FOAA information packet)*

### **Email, Texting, Telephone, and Other Electronic Communications**

Committee members must exercise caution when using email, texting, telephone calls, or other electronic communication methods to discuss committee matters. Under FOAA, communications related to committee or Town business is considered public record. To prevent violations, members should avoid substantive discussions or deliberations outside of properly noticed public meetings. Electronic communications should focus on logistical matters, such as scheduling or distributing agendas. Substantive discussions or deliberations involving a quorum or more members conducted via email, telephone, or other electronic means, or in person outside of a properly noticed meeting violate Maine’s Open Meeting Laws and FOAA.

All communications, whether written or electronic, are treated as public records if they pertain to public or governmental business, even if conducted through personal devices or accounts. Members should be aware that emails and attachments related to committee work are subject to public inspection. To avoid inadvertent violations, electronic communications must remain non-substantive and should not be used to deliberate on governmental business or applications or decisions that require review. For instance, emails notifying members of a meeting or agenda posting are permissible, but any response that initiates a discussion is not.

When sharing information such as agenda items or scheduling updates, members should ensure communications are one-way and avoid group replies. Committee invitations to non-board-related events or personal matters are generally non-substantive but should still be handled cautiously to maintain compliance with FOAA. Members must also avoid group replies to emails that could unintentionally lead to quorum discussions in violation of the law.

### **Public Records, Record Keeping, and Reporting**

All documents, communications, and materials created or received by committees in the course of their work are public records and must be managed under FOAA guidelines. This includes meeting minutes, reports, correspondence, and electronic communications. Committees must ensure records are accurate, complete, and submitted to the Town Hall—the Town Manager’s Office—on a routine basis. This practice prevents delays in fulfilling public records requests and ensures compliance with FOAA requirements.

Committees may also generate reports to update the Select Board on progress or objectives. The Select Board can request specific reports to be reviewed during their meetings. Committees are

# TOWN OF LYMAN

## Committee Handbook

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required to submit reports regularly—monthly, bi-monthly, or quarterly—or as necessary. To be placed on the Select Board agenda, committees must email the Town Manager with all supporting documentation by 12 p.m. on the Thursday preceding the next scheduled meeting. Late submissions will be deferred to the following agenda. The Select Board Chair and Vice Chair reserve the right to approve or deny agenda items.

By adhering to these guidelines, committees maintain transparency, fulfill their public obligations, and foster trust within the community

### **BUDGETS & FINANCIAL OVERSIGHT**

Budgets are prepared for the fiscal year, which runs from July 1 through June 30, with the year of June marking the fiscal year (e.g., FY2024 ends on June 30, 2024). Committees may participate in the budgeting process by submitting budget requests for consideration. The Town Manager or Finance Department will solicit input annually from committees via a budget worksheet. Committees must provide detailed proposals outlining their requests, including the purpose, amount, supporting documentation such as quotes or expense estimates, and a clear plan for how the funds will be used. These requests should align with the Town’s strategic goals and serve its best interests.

Funding allocations are approved by Lyman voters during Town Meeting in June. Spending requests of the allocated funds must be authorized by the Town Manager or Select Board. Committees with financial allocations must adhere to the Town’s fiscal policies, tracking expenditures and regularly reviewing financial activities to ensure compliance with legal requirements and Town objectives.

Funds that are raised through fundraising events or donations for special programs or initiatives must be approved by the Select Board prior to collection and specifically for placement into an expendable account for the approved designated purposes. Committees must request an expendable account that specifies the purpose and procedures on which the funds may be utilized if they wish to collect donations to fund a special purpose.

*(See Appendix E-F - Budget request worksheets)*

### **PURCHASING POLICY**

All purchases on behalf of the Town must comply with the Town’s purchasing policy, and Town Charter requirements under section 7.7 which ensure procurement is fair, competitive, and cost-effective. Committees must seek prior approval for purchases exceeding established thresholds, and some expenses may require a formal bid or proposal process. Receipts and invoices must be submitted promptly to the Finance Department with a signed purchase order form for processing.

# TOWN OF LYMAN

## Committee Handbook

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Committees are encouraged to consult the Town Manager or Finance Department for guidance to avoid unauthorized expenditure.

Committees are not authorized to independently approve spending or hire vendors, even for projects within allocated budgets. Spending recommendations must be presented to the Town Manager with a detailed plan, including cost estimates, implementation strategies, required services, and other relevant information. The Select Board may approve, modify, or deny the proposal. All spending and project planning should prioritize fiscal responsibility and the Town's best interests.

Checks must be approved by the Select Board by warrant. The Select Board meets twice a month and approves the Accounts Payable Warrant at each meeting. Invoices and receipts awaiting approval must be submitted to the Finance Department no later than 3 p.m. Wednesday prior to a Select Board meeting. Late submissions will be deferred to the next Select Board meeting.

*(See Appendix G – Purchasing Policy)*

### **RECEIPT, FUNDS, GRANTS, DONATIONS, & GIFTS**

Committees handling funds, grants, donations, or gifts must follow Town policies and adhere to state and federal regulations. Any funds collected or received must be promptly deposited with the Town Treasurer and accurately recorded. Donations or gifts for committee use require approval and acknowledgment by the Town Manager.

Grant applications must be pre-authorized by the Town Manager and aligned with the Town's priorities. Committees pursuing grants must prepare strategic plans detailing how funds will be utilized, including project goals, bid processes (if required), necessary permits or approvals, and steps to ensure project success. Committees are responsible for monitoring grant-funded activities to comply with the terms of the grant.

*(See also Appendix H – Grant Funds Policy)*

### **ANNUAL TOWN REPORT**

The Annual Town Report serves as a comprehensive record of municipal activities and accomplishments from the previous fiscal year and is presented prior to Town Meeting. Committees are encouraged to contribute by providing a written summary of their work during that fiscal year. These summaries should emphasize key initiatives, achievements, and contributions to the Town, as well as outline goals and objectives for the coming year.

To ensure inclusion in the Annual Town Report, submissions must be delivered to the Town Manager's office no later than April 1 each year. The report focuses on the prior fiscal year,

# TOWN OF LYMAN

## Committee Handbook

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excluding activities or accomplishments from the current fiscal year. This timing is largely due to the fact that the report's preparation and information gathering occur mid-way through the current fiscal year, with the final report presented before the fiscal year concludes. The Annual Town Report serves as an important resource for engaging the public and enhancing understanding of the committee's contributions and impact within the community.

### **USE OF TOWN EQUIPMENT & FACILITIES**

Committees may use Town equipment and facilities to support their activities, provided such use is pre-approved by the Town Manager, complies with Town policies, and does not disrupt other municipal operations. Equipment and facilities must be used responsibly and exclusively for official purposes. Any damage, loss, or misuse of Town property must be reported immediately to the Town Manager.

Committees are responsible for coordinating with the Town Manager to reserve facilities or equipment, ensuring availability and adherence to usage guidelines. Personal or unauthorized use of Town property is strictly prohibited. Committees must leave facilities in a clean and orderly condition after use, demonstrating respect for shared resources and maintaining their availability for others.

### **AMENDMENT**

The Town of Lyman Select Board reserves the right to amend this handbook at any time for any reason by a majority vote of the Select Board.

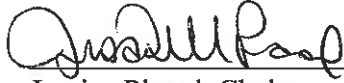


# TOWN OF LYMAN

## Committee Handbook

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Town of Lyman Committee Handbook approved and signed by a majority of the Town of Lyman Select Board on this 18<sup>th</sup> day of February, 2025



Jessica Picard, Chair

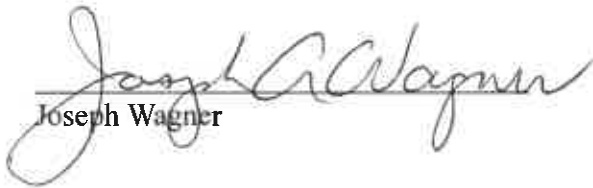


Victoria Gavel, Vice Chair



Amber Swett

\_\_\_\_\_  
David Alves



Joseph Wagner

# Appendix A

[SAMPLE]

**Town of Lyman**  
**Committee Name – Meeting Agenda**  
**Meeting Date – Meeting Time**  
**Meeting Location**

[Welcome statement]

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

### **ITEM #1 APPROVAL OF MINUTES**

- a. Meeting Minutes – Date

### **ITEM #2 UNFINISHED BUSINESS**

- a.
- b.
- c.

### **ITEM #3 NEW BUSINESS**

- a.
- b.
- c.

### **ITEM #4 PUBLIC COMMENT**

- a. The committee welcomes public comment and questions about the Committee matters and any items on the agenda. Questions are not always answered immediately, and the Committee may agree to answer questions by the next regularly scheduled meeting or whenever possible. We ask that comments are kept brief and to the point (no more than five (5) minutes and one time per meeting, except when public comment is solicited by the Committee on specific agenda items). We ask that the public in attendance is respectful. Please use the podium to address the committee and state your name.

## **ADJOURN**

# Appendix B

[SAMPLE]

**Town of Lyman**  
**Committee Name – Meeting Minutes**  
**Meeting Date – Meeting Time**  
**Meeting Location**

Members present:

Members absent:

**Meeting Discussion:**

List Agenda Items

**Item # 1** \_\_\_\_\_

- Summary of agenda item discussion
- Note any motions with members calling for motion, member seconding the motion and the vote

Motion to \_\_\_\_\_ Made by \_\_\_\_\_

Seconded by \_\_\_\_\_

Vote \_\_\_\_\_

**Item # 2** \_\_\_\_\_

- Summary of agenda item discussion
- Note any motions with members calling for motion, member seconding the motion and the vote

Motion to \_\_\_\_\_ Made by \_\_\_\_\_

Seconded by \_\_\_\_\_

Vote \_\_\_\_\_

[SAMPLE]

**Town of Lyman**  
**Committee Name – Meeting Minutes**  
**Meeting Date – Meeting Time**  
**Meeting Location**

**Item # 3** \_\_\_\_\_

- Summary of agenda item discussion
- Note any motions with members calling for motion, member seconding the motion and the vote

Motion to \_\_\_\_\_ Made by \_\_\_\_\_

Seconded by \_\_\_\_\_

Vote \_\_\_\_\_

**Adjournment**

Motion to adjourn made by \_\_\_\_\_

Seconded by \_\_\_\_\_

Vote \_\_\_\_\_

**Signed by:**

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

# Appendix C

[SAMPLE]

Town of Lyman

By-laws of \_\_\_\_\_ Committee

## Article I. Mission Statement

[Committee mission statement]

## Article II. Committee Membership and Officers

### Section 1. Membership

Members must qualify as residents and registered voters of the Town of Lyman in accordance with the Municipal Charter. Members are appointed by the Select Board. Members will serve a term for three years, ending on June 30<sup>th</sup> and terms shall be staggered.

### Section 2. Appointments and Vacancies

Appointments to the membership of the Committee shall be made and by the Select Board. Vacancies caused by a member resignation or expiration of a term of office shall be filled in the same manner

Committee resignations shall be submitted to the Chair of the Committee and Town Manager's office for inclusion on the next Select Board's agenda, at which time the resignation will be accepted and the position deemed vacant

### Section 3. Officers

The officers of the Committee shall be elected from the regular voting membership annually at the beginning of the fiscal year in July. Officers shall include the following positions and duties:

- Chair – The chair shall preside at all meetings of the Committee at which he or she is present and direct the work of the Committee
- Vice Chair – The Vice Chair shall act for the Chair in his or her absence.
- Correspondence Secretary – The Secretary shall keep accurate records of proceedings, including attendance, and shall notify each member of upcoming meetings and send meeting updates and web postings to the Town Managers office.

## Article III. Meetings

### Section 1. Meetings

Meetings will be held regularly at a minimum of once per month. Special meetings of the Committee may be called by the Chair or by a majority vote of the membership. Meeting schedules shall be provided to the Town Managers office.

The meeting held in October of each year shall be for the approval of budget recommendations for the upcoming fiscal year, preparation of the Committee's annual summary for the Town Report, and for other business that needs to come before such meeting.

All meetings must be held in a Town building, meeting ADA requirements and are open to the public.

### **Section 2. Attendance**

Members who are unable to attend a meeting of the Committee shall notify the Chair, Vice Chair, or Secretary prior to the meeting. Members shall make every effort to attend all meetings and perform the duties assigned by the Chair.

Members absent from three consecutive regular scheduled meetings or from 25% of all meetings held in a six-month period will be subject to removal by the Select Board. The Committee Chair or Vice Chair shall notify the Town Manager's office for inclusion on the next Select Board's agenda at which the Select Board shall consider grounds for removal.

### **Section 3. Quorum**

A majority of the regular members of the Committee shall constitute a quorum. A majority of those present and voting, if a quorum, shall be sufficient to conduct the business of the Committee.

## **Article IV. Standards of Conduct**

\_\_\_\_\_ Committee members are representatives of the Town of Lyman. Members should conduct themselves so as to maintain public confidence in their local government and in the performance of the public trust. They should treat with respect and civility the rights of all fellow members, attendees, and Staff regardless of any differences of opinion. Professional respect does not preclude differences of opinion but requires respect for those differences and the people who express them. Everyone should strive for civil discourse on all matters. Committee members are expected to act in a professional manner at meetings even when diverse ideas and opinions are presented.

All Committee members are expected to uphold and abide by the Town's Non-Discrimination and Harassment policies, which requires that:

- Employees, Committee members, elected officials, and volunteers shall refrain from any form of workplace abuse, bullying, harassment, discrimination, or violence. This includes refraining from unwelcome, offensive, or abusive comments or conduct, or discriminatory treatment, related to an individual's race, religion, age, sex, physical or mental disability, sexual orientation, including gender identity and expression, national origin, genetic predisposition, color, political affiliation, whistleblower activity, or any other status protected by law.
- Employees, Committee members, elected officials, and volunteers shall cooperate fully in any investigation of a workplace abuse, harassment, discrimination, or violence complaint.
- Failure to adhere to these standards is a violation of law and Town policy and may result in removal from the Committee.

**Article V. Adoption of By-laws and Amendments**

By-laws must be adopted and approved by the Select Board annually in accordance with the Municipal Charter. Each year in July, the Committee will review the by-laws for changes as needed and submit the by-laws to the Town Managers office for inclusion on the next Select Boards agenda for approval. Amendments to the by-laws must be adopted by a majority vote of the Committee and notice of the proposed changes shall be circulated to all members prior to the meeting when they will be voted on. If no amendments are considered, then the Committee shall vote to pass the by-laws, as written with no changes, to the Select Board for annual review and approval. These by-laws are effective upon the approval by a majority vote of the Town of Lyman Select Board.

By-laws accepted and approved by the \_\_\_\_\_ Committee on \_\_\_\_\_ date, by vote of \_\_\_\_\_

By-laws approved by the Select Board on \_\_\_\_\_ date, by which shall be the effective date of these by-laws.

## Appendix D

**REMOTE PARTICIPATION POLICY  
TOWN OF LYMAN  
\_\_\_\_\_ COMMITTEE**

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named body adopts the following policy to govern the participation, via remote methods, of members of the \_\_\_\_\_ COMMITTEE and the public in the public proceedings or meetings of the \_\_\_\_\_ COMMITTEE.

Members of the \_\_\_\_\_ COMMITTEE are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the \_\_\_\_\_ COMMITTEE to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location or when traveling/working out of state. All \_\_\_\_\_ COMMITTEE meetings will be accessible by Zoom or other remote platform when possible. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the \_\_\_\_\_ COMMITTEE as far in advance as possible.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when any member of the \_\_\_\_\_ COMMITTEE participates via remote methods, if practicable. If public input is allowed or required at the meeting, an effective means of communication between the \_\_\_\_\_ COMMITTEE and the public will also be provided, if practicable. The Committee chairperson may instruct the moderator to mute members of the public who are disruptive to the proceedings. The public will also be provided with an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire \_\_\_\_\_ COMMITTEE to meet using remote methods.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include how the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The \_\_\_\_\_



COMMITTEE will not restrict public attendance to remote access except in the case of an emergency or urgent issue that requires the \_\_\_\_\_ COMMITTEE to meet using remote methods of attendance.

The \_\_\_\_\_ COMMITTEE will make all documents and materials to be considered by the \_\_\_\_\_ COMMITTEE available, electronically or otherwise, when practicable, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the Town of Lyman

Remote Participation Policy of the \_\_\_\_\_ COMMITTEE

Adopted on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Amended: \_\_\_\_\_

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member



**Committee Budget Request Worksheet**  
**Proposed Budget**

<b>Type of Expense (e.g., postage, printing, services, materials, specific items, etc.)</b>	<b>Reason for Expense (e.g., info mailing for residents, hire consulting services, beatification project, etc.)</b>	<b>Estimated Expense (List dollar amount, include quotes and estimates if available)</b>

## Appendix F

### Worksheet for creating Goals & Initiatives

*Committees are encouraged to discuss as a group the development of new goals and initiatives. This worksheet can be useful in exploring all aspects and impacts of a new goal or initiative.*

1. What is the initiative or goal being proposed
2. Is this goal relative to the Committees' objectives?
3. Does this address an identified goal of the Town?
4. Is there a cost associated with this goal/initiative? If so, how much? Is there future considerations to be aware of such as maintenance, upkeep, etc? Who will fund this?
5. Who will benefit from this goal/initiative?
6. Who will manage the goal/initiative?
7. Who will support the goal/initiative?
8. Who will perform the tasks?
9. Where will the goal/initiative take place? Is this a one-time event or an on-going event?
10. Why is this goal/initiative important to the Committee?
11. Why is this goal/initiative important to the Town?
12. How will you encourage public participation and engagement?
13. Are there other co-collaborators that can be involved to create a broader benefit?
14. Where to see this goal/initiative in 6 months? In 1 year? In 3 years?
15. How will this goal/initiative be sustainable?

## TOWN OF LYMAN PURCHASING PROCEDURES

### **PURPOSE:**

The purpose of the procedures are to standardized the purchasing procedure of the Town of Lyman, thereby securing for the town the advantages of a centralized and uniform purchasing procedures saving the taxpayer's money and increasing public confidence in the procedures for purchasing. This policy statement includes Section 807 of the Lyman Town Charter Purchasing and Sales Procedures.

**PURCHASING:** Except in matters pertaining to normal road maintenance or in emergency situations as determined by the Board of Selectmen, in those cases where the scope of the work or services to be performed for the Town shall require an expected expenditure of \$10,000.00 or more, the following guidelines shall be followed:

- (a) A clear statement defining the required scope of services or specifications of the work to be performed shall be provided to the potential bidders along with notice as to where the bid forms may be picked up. Notices shall be mailed to prior and appropriate bidders, notifying them of the current bid request.
- (b) Requests for bids shall be advertised in the local papers early enough to give bidders sufficient time to prepare bids. Such advertisement should include the statement that, "the Selectmen reserve the right to accept or reject any or all bids." Awards shall be made to the most responsible and responsive bidder.
- (c) The manner in which the bids are to be submitted, when they shall be due in the town office, and when the bids are to be publicly opened shall be clearly, stated in the ad.
- (d) The Board of Selectmen may contractually require a bid bond and a performance bond.

For purchases between \$5,000. and \$9,999., at least three (3) price quotes for comparable products must be obtained prior to the purchase.

### **LIMITATIONS ON PURCHASES.**

Limit amount is fifty dollars (\$50.00) or a combination thereof, shall require a purchase order(s) to be completed and submitted to the Selectmen's Office. The guidelines listed below will be followed:

- (a) Selectmen's Clerk or the Board of Selectmen designee shall be purchasing agent for the Town. Responsible for overseeing all purchases, supplies, services, materials, and equipment.
- (b) Selectmen's Clerk receives the purchase order.
- (c) Confirmation of funds available for the purchase will be attached to the purchase order.
- (d) Purchase order will be submitted to the Board of Selectmen for their approval.
- (e) No purchases or services, supplies, materials, and equipment shall be made without prior approval.
- (f) Once approved, the purchasing agent will order or submit approval to appropriate department head.

**EMERGENCY**

Purchases made in emergency circumstances shall be considered exempt. Notification that the emergency exists is made to the Board of Selectmen Chair with a discussion to the nature of the emergency, the source of funding for the emergency and the most advantageous manner in which to make the purchase for services, supplies, materials and equipment. Emergency notification shall be for emergencies only and not used to circumvent this policy.

**CREDIT CARD USE**

The Board of Selectmen shall determine who is authorized to utilize Town credit cards.

- (a) The card will not be used at any time for personal expenditures.
- (b) The card will not be used at any time without prior purchase order approval within the guidelines listed under limitation on purchases.

Each time the town's credit card is used, it will be immediately returned to the Treasurer. All receipts will be attached to the approved purchase order with expense codes written on the receipt to be used for payment of the charges. The Treasurer will pay the bill in a timely manner to avoid any interest and penalty.

All purchases made with any town credit card and purchase order require the Town's tax exemption to be utilized. If tax appears on the receipt the person authorized to use the card must contact the vendor to have the tax removed from the purchase.


Each time an individual is authorized to use any town credit card the user must sign out and sign in the credit card usage log in the Treasurer's Office. Upon signing the log, the card user will be acknowledging they have read and understand this policy.

The Transfer Station shall have a Home Depot credit card with a maximum limit of \$500.00 and will follow the rules and regulations within this policy. Prior approval must be obtained through purchase order procedure. Town's tax exemption must be utilized. Failure to do so will result in credit card(s) being rescinded. The individual issued a municipal credit card is responsible for its protection and custody and shall immediately notify the Treasurer's Office if the card is lost or stolen.


Approved by the Lyman Board of Selectmen on June 15<sup>th</sup>, 2020.

  
 \_\_\_\_\_  
 John E. Tibbetts, Chair

  
 \_\_\_\_\_  
 David Dulong, Vice-chair

  
 \_\_\_\_\_  
 William Single

\_\_\_\_\_  
 Thomas A. Guillemette

  
 \_\_\_\_\_  
 Ralph Blackington

# TOWN OF LYMAN

## Grant Application & Management Policy

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**Adopted:** 2/18/2025

**Amended:**

***PURPOSE:*** *The purpose of this policy is to establish a clear and structured process for identifying, applying for, and managing grants and funding opportunities in the Town of Lyman.*

To coordinate grant-writing efforts and avoid duplication, all grant applications must be approved by the Town Manager before submission, and a copy of the application and supporting documents must be filed with the Town. Volunteers may not enter into contracts on behalf of the Town and must coordinate any such work with a staff liaison or the Town Manager as appropriate.

Before submitting a grant application, committees or volunteers must present a proposal to the Town Manager detailing the scope and purpose of the grant, the anticipated outcomes, and the parties responsible for overseeing the project. The proposal must include cost estimates, any financial commitments required from the Town, including maintenance, upkeep, subscriptions and services, and a clear breakdown of matching fund requirements, if applicable. If the project involves permitting, detailed information regarding the necessary permits must be provided. It is the responsibility of the committee or volunteer(s) to gather all relevant information necessary for the grant submission unless otherwise assigned by the Town Manager. Depending on the project's scope, the Town Manager may present the proposal to the Select Board for approval.

Committees or volunteers must track all grant-related documentation and are responsible for completing any required post-grant reporting. They must also ensure that projects funded through grants are completed within the specified deadlines. They will be responsible for coordinating the project through completion unless otherwise assigned by the Town Manager.

All purchases must comply with the Town's purchasing procedure and Town Charter. If a grant project requires matching or additional funding from the Town, the committee or volunteers must follow the appropriate budgeting process for approval of funds.

To avoid delays and any unforeseen challenges, planning, budgeting, and coordination of projects should be done as early as possible. All grant-related records, whether in digital or physical format, are considered official Town records and must be submitted for records retention in compliance with Town policies. Any proposed project must align with the best interests of the Town and support its long-term objectives.

# TOWN OF LYMAN

## Grant Application & Management Policy

---

**Adopted:** 2/18/2025

**Effective:** Immediately

\_\_\_\_\_  
Jessica Picard - Chair

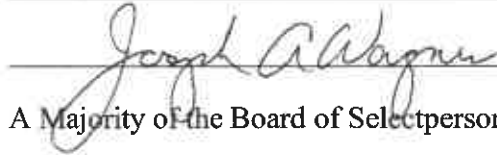
\_\_\_\_\_  


Victoria Gavel – Vice Chair

\_\_\_\_\_  


Amber Swett

\_\_\_\_\_  
Dave Alves

\_\_\_\_\_  


Joseph Wagner

A Majority of the Board of Selectpersons

Lyman, Maine



# Appendix I

## Town of Lyman Communications & Social Media Policy

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### **SECTION 1 – PURPOSE**

The purpose of this policy is to establish guidelines for the creation, use, and distribution of public communications and social media as a means of informing the citizens of Lyman.

For purposes of this policy, communications and social media are understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include Facebook, Blogs, YouTube, Twitter, and LinkedIn. For purposes of this policy “comments” include information, articles, pictures, videos, or any other form of communicative content posed on a Town of Lyman’s social media site.

### **SECTION 2 – STATEMENT**

The Town of Lyman (Town) has an overriding interest and expectation in deciding what is “spoken” on behalf of the Town regarding public and social media. The chosen means of active communication between the Town and its citizens are local newspapers, electronic newsletters, electronic e-mails, postcards, postal correspondence, postal newsletter, local community posters, public meetings, Facebook and the Town website.

Content for announcements can be created by town officials, town employees. These announcements reflect matters and issues of common public interest and information that relates to the Town’s functions, objectives and mission. The Select Board or their designees will approve the content generated by any party other than that provided by town officials. If content is generated by any party other than town officials, it must meet the test of common public interest and must be nonpartisan and noncommercial.

### **SECTION 3 – GENERAL MANAGEMENT**

The establishment and use by any Town department of the Town’s public and social media are subject to approval by the Select Board designee. Town communication and social media sites should make clear that they are maintained by the Town and they follow the Town’s Communications & Social Media Policy. The Select Board or their designee will monitor content on the Town Communications and social media sites to ensure adherence to both the Town’s Communications & Social Media Policy and the interest and goals of the Town. The Town will approach the use of communications and social media tools as consistently as possible, enterprise wide.

Whenever possible, Town social media sites should link back to the official Town of Lyman’s website for forms, documents, online services, and other information necessary to conduct business with the Town. The Town’s website at [www.lyman-me.gov](http://www.lyman-me.gov) will remain the town’s primary and predominant internet presence.

All Town public and social media communications and/or sites shall adhere to applicable federal, state and local laws, regulations, and policies. All town public and social media communications and/or sites are subject to the Maine Freedom of Access Act. Any content maintained in a social media format that is related to Town business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.

Employees representing the Town via public and/or social media communications must conduct themselves at all times as representatives of the Town in accordance with all Town policies. When a Town employee responds to a comment in his/her capacity as a Town employee, he/she shall not share personal information about himself/herself or other Town employees.

The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Any content removed based on these guidelines must be retained by the Select Board designee for a reasonable period of time including the time, date and identity of the person or organization posting, when available. Comments on topics or issues not within the jurisdictional purview of the Town may be removed. This policy may be amended at any time by the Select Board. These guidelines shall be made available to users by hyperlink.

**SECTION 4 – CONTENT**

As a public entity, the Town must abide by certain standards to serve all its constituents in a civil and unbiased manner. Comments containing any of the following inappropriate forms of content shall not be permitted in or on any town public and social media form of communications. Town sites are subject to removal and/or restriction by the Select Board of their designee:

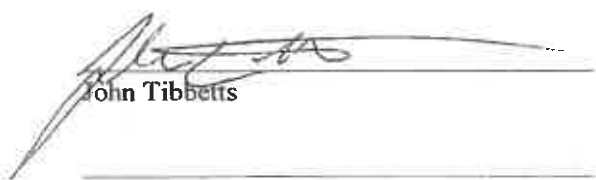
- Comments not related to the original topic, including random or unintelligible comments.
- Profane, obscene, violent or pornographic content and or language.
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender or national origin.
- Defamatory or personal attacks.
- Threats to any person or organization.
- Comments in support of or in opposition to any political campaigns or ballot measures.
- Solicitation of commerce, including but not limited to advertising of any business product for sale.
- Conduct in violation of any federal, state, or local law.
- Encouragement of illegal activity.
- Information that may tend to compromise the safety or security of the public or public systems.
- Content that violates a legal ownership, such as copyright or any party.

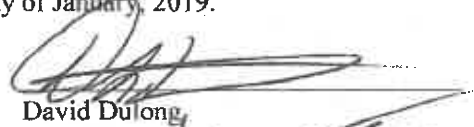
A comment posted by a member of the public on any town public or media site is the opinion of the commentator or poster only and publication of a comment does not imply endorsement of, or agreement by, the Town, not do such comments necessarily reflect the opinions of policies of the Town.

The Town reserves the right to deny access to Town public or social media sites for any individual who violates Communications & Social Media Policy, at any time and without prior notice.

All comments posted to any Town Facebook site are bound by Facebook’s Statement of Rights and Responsibilities, located at <http://facebook.com/terms.php>, and the Town reserves the right to report any violation of Facebook’s Statement of Rights and Responsibilities to Facebook with the intent that Facebook takes appropriate and reasonable responsive action.

Adopted by the Town of Lyman Select Board this 7<sup>th</sup> day of January, 2019.

  
John Tibbets

  
David Dulong

William Single

  
Thomas Guillemette

  
Ralph Blackington

Town of Lyman  
11 South Waterboro Rd  
Lyman, ME 04002

## Town of Lyman Acceptable Use Agreement

Effective cyber security is a shared responsibility, and a team effort involving the participation and support of all employees, including volunteer members of boards, committees and/or commissions in the Town of Lyman. It is everyone's responsibility to know, understand and adhere to the guidelines listed in this agreement.

Based on best practices and regulations, we have endeavored to create safe cyber practices which are clear, concise, and easy to understand. If you have any questions about this agreement, please contact The Select Board's Office at [selectboard@lyman-me.gov](mailto:selectboard@lyman-me.gov).

Thank you in advance for your support as we do our best to maintain a secure environment and fulfill our obligations and our mission.

### Acceptable Use Agreement

- I certify that I have read and fully understand this Acceptable Use Agreement. I understand and acknowledge my obligations and responsibilities.
- I understand that Lyman reserves the right to monitor system activity and usage. My signature on this document means I have consented to this monitoring.
- I agree that I will not purposely engage in activity that may: harass, threaten or abuse others; take actions that will impede or reduce the performance of Information Resources; deprive an authorized Lyman user access to a Lyman resource; obtain extra resources beyond those allocated; or in any way circumvent Lyman security measures.
- I further understand that violation of these policies is subject to disciplinary action up to and including termination. Additionally, individuals may be subject to civil liability and criminal prosecution.

### Acknowledged & Agreed to by:

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User Signature

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Date

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Printed Name

## Distribution

- Employees of the Town of Lyman and members of boards, committees and/or commissions, hereinafter known as employees/members, that have access to any Town owned devices, emails, or office equipment/media will receive a copy of the Acceptable Use Agreement upon hire/appointment and annually thereafter.
- Failure to comply with initial and/or annual training requirements and review of this agreement within a reasonable time upon request for review will result in temporary revocation of any and all access to Town-owned devices, emails, or media until all compliance requirements are met.

## Definition

- IT Support is defined as the current IT Remote Managed Services Contractor under contract with the Town of Lyman.
  - To contact IT Support, Lyman uses the support email address provided to document a support ticket. For emergencies, the Select Board's Office shall be contacted as well as IT Support.
- Select Board's Office is defined as the current department head working with and under the supervision of the Select Board.

## Access Control

Access to Lyman information will be limited to those persons who are reasonably required to know such information in order to accomplish our legitimate business purposes or as is necessary for compliance with local, state and federal regulations.

## Data Classification

- Lyman data classifications include Protected and Confidential.
  - Protected information is defined as information that requires the highest level of protection; which if modified or disclosed would have legal, regulatory, and financial or negative public perception impact.
  - Confidential information is defined as information that is restricted to Lyman employees/members, auditors, regulators, vendors, and affiliates on a "need-to-know" basis.
- For details regarding Lyman data classifications, and the security requirements around each classification, contact The Select Board's Office at [selectboard@lyman-me.gov](mailto:selectboard@lyman-me.gov).

## Authentication

### Password Requirements

- Passwords must be at least 12 characters long and be comprised of a minimum of 3 out of the following 4 types of characters: numbers, lower-case letters, upper-case letters, and special characters (i.e., #, &, \*, etc.).
- The password must not include the user's first or last name and should not contain dictionary words or names like those of children, pet, or favorite hobby.

- Passwords must be changed at least every 180 days.
- Users are not permitted to reuse any of their last 10 passwords when selecting a new password.
- Accounts will be locked out (disabled) after 5 consecutive failed log-on attempts.
  - Network accounts will remain locked out for 30 minutes.
  - If you need your account reenabled during the lockout period, contact the Select Board's Office, or IT Support.
  - We understand getting locked out of your account is inconvenient and we will attempt to resolve the issue as quickly as is reasonably possible.

### Password Protection

- Every user is responsible for any actions performed using their network or application account. Therefore, it is critical that users protect their passwords by not storing them in a text file on their computer in an unencrypted form.
- Passwords are to be kept in a secure location and not to be left open to public areas or as visible by others
- Passwords must *never be shared* with anyone, including IT staff.
- Work passwords must never be used for personal accounts such as Gmail, Amazon, an ISP e-mail account, etc. These passwords can be easily intercepted and can result in compromising Lyman's network security.
- Users must report all password compromises or attempted compromises to the IT Support.
- Passwords must be changed by the user immediately if there is any suspicion of compromise and the issue must be reported to IT Support as soon as the user is able to.

### Email

Email use is subject to the following:

- Lyman owns the email system and the information transmitted and stored within it. Users will have no expectations of privacy.
- Users will use the Lyman's approved email encryption solution when sending any email (with or without attachments) which contains Protected or Confidential data.
- The following activities are prohibited:
  - Sending email that can be construed as intimidating, harassing, libelous, slanderous, or defamatory of another person, business, or entity.
  - Using email for purposes of political lobbying or campaigning.
  - Violating copyright laws by inappropriately distributing protected works.

- Posing as anyone other than oneself when sending or receiving email, except when authorized to send messages for another when serving in an administrative support role.
- The following activities are prohibited because they impede the functioning of network communications and the efficient operations of electronic mail systems:
  - Sending or forwarding chain letters.
  - Sending unsolicited messages to large groups except as required to conduct Lyman business.
  - Sending excessively large messages.
  - Sending or forwarding email that is likely to contain computer viruses.
- Individuals must not send, forward or receive protected or confidential information through non-Lyman email accounts. Examples of non-Lyman email accounts include, but are not limited to, Gmail, Yahoo mail, and email provided by other Internet Service Providers (ISP).
- Individuals must not access non-Lyman email accounts from Lyman provided equipment.
- Individuals must not send, forward, receive or store protected or confidential information utilizing non-Lyman approved devices. Examples of such devices include, but are not limited to, home computers and laptops, smartphones, tablets, etc.
- E-mail messages and Internet sites accessed are not private but are property of Lyman. Lyman may review e-mail messages and Internet sites accessed by a user.
- **Think twice before you open attachments or click links in email.**
  - If you don't know the sender, delete the email; if you do know the sender but weren't expecting an attachment, double check using an alternate method of contact that they actually sent the email.
  - If your contact didn't send you the attachment, delete the message. If his or her computer is infected with malicious code, it may automatically send you emails (without their knowledge) with links or attachments in an attempt to infect your computer as well.

## Internet Use

In addition to being an excellent resource for information and a revolutionary way to communicate with the world, the Internet is a rapidly changing and volatile place which can introduce threats to Lyman and its ability to achieve our mission. These policies are intended to provide guidance and protection, while still making available this useful business tool. The following rules apply when using the Internet:

All users must **not**:

- Knowingly visit Internet sites that contain obscene, hateful or other materials that could be construed as offensive; send or receive any material, whether by email, voice mail, memoranda or oral conversation, that is obscene, defamatory, libelous, slanderous, harassing, intimidating, offensive, discriminatory, or which is intended to annoy, harass, or intimidate another person, business, or entity. Intentional access to such sites,

whether or not blocked by Lyman's content filtering system, is prohibited, and subject to disciplinary action, including termination.

- Solicit non-Lyman business for personal gain or profit.
- Use the Internet or email for any illegal purpose.
- Use the Internet or email for offensive or vulgar messages such as messages that contain sexual or racial comments or for any messages that do not conform to Lyman's policies against harassment and discrimination.
- Download or install any software or electronic files without the prior approval of the IT Support.
- Access the Internet via any means other than an approved connection provided for that purpose.
- Change any security settings in their Internet browser unless under the direction of the IT Support.
- Upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of Lyman, or Lyman itself.
- Download or stream images, podcasts, music files, videos, games, etc. unless there is a business-related use for the material.
- Intentionally interfere with the normal operation of the network, including the propagation of computer viruses and sustained high volume network traffic, which substantially hinders others in their use of the network.

## Social Media

Social media, such as Facebook, Twitter, and blogs, is largely a personal communication medium. Even LinkedIn, as well as other "professional" social media sites, are used by individuals in their personal capacity. If Lyman elects to participate in social media, any Lyman communications will be subject to review and approval by The Select Board's Office.

Personal use of such media needs to be conducted in compliance with the following:

- Under no circumstances will Protected or Confidential Information be posted on social media sites.
- The personal use of Facebook, Twitter or social networking web sites must not interfere with working time. Personal use of social networking web sites from Lyman provided equipment is prohibited.
- Any identification of the author, including usernames, pictures/logos, or "profile" web pages, must not use logos, trademarks, or other intellectual property of Lyman, without approval of the Select Board.

- Employees/members are responsible for their conduct on social media platforms and in matters of Lyman shall refrain from defamatory, offensive, libelous, or slanderous conduct that adversely affects employees/members job performance or duties, or customers, suppliers or people who work on behalf of Lyman or conduct legitimate business for Lyman.
- Employees/members are prohibited from using their personal social media to post responses, questions, etc. while acting in an official capacity. All posting requests shall be submitted to the Select Board's office for posting from Town of Lyman social media accounts.
- Written messages are, or can become, public. Use common sense.

## Messaging

Lyman's messaging systems are a communication tool designed to enhance productivity and facilitate internal communications in order to provide excellent customer service. Only messaging applications approved by the Select Board are permitted. Policies governing the acceptable use of email and the Internet apply to Messaging systems.

- Employees have no reasonable expectation of privacy when using the company's Messaging system. The company reserves the right to monitor, access and disclose all employee Messaging communications.
- The Messaging system is intended for business use only.
- Employees will use professional and appropriate language in all messages.

## Removable Media

To minimize the risk of loss or exposure of sensitive information maintained by Lyman and to reduce the risk of acquiring malware infections on computers operated by Lyman, the following restrictions on removable media apply:

- Authorized Lyman staff may only use Lyman removable media in their work computers.
- Lyman removable media may not be connected to or used in computers that are not owned or leased by Lyman without explicit permission of Lyman's Select Board.
- Media such as printers, copiers, scanners, etc. may not be connected to a Lyman remote or mobile device unless such media is owned by Lyman and leased with explicit approval of the Select Board.
- Protected or Confidential information may only be stored on removable media when required in the performance of your assigned duties.
- When Protected or Confidential information is stored on removable media, it must be encrypted.



## Mobile Devices

This section applies to all users who have been granted permission to access Lyman's internal information resources via the use of a mobile device (smartphone or tablet).

### Mobile Device Controls

Smartphones and tablets are a great convenience and are a part of doing business. They also come with many risks including ease of theft, operation in unsecured environments, and easily intercepted wireless communications.

In order to protect our valuable information; it is important that users of mobile devices follow these rules of use:

- Only Lyman approved mobile devices may be used to access Lyman information resources.
- Mobile devices must never be shared with anyone and are intended only for the authorized user.
- The theft or loss of a mobile device must be reported to the IT Support immediately.
- Mobile devices require a powered-on password and will lock after 5 minutes of inactivity.
- Mobile devices will be configured to be wiped after 10 failed password attempts.
- Lyman data residing on mobile devices must be encrypted.
- Mobile devices must be physically secured at all times.

## Laptops

Laptops are a great convenience. They also come with many risks including ease of theft, operation in unsecured environments, and easily intercepted wireless communications.

In order to protect our valuable information; laptop users must follow these rules of use:

- Only Lyman approved laptops may be used to access Lyman information resources.
- Laptop devices must never be shared with anyone and are intended only for the authorized user.
- Laptops are subject to the same Lyman controls as workstations, including patch requirements, malware protection, firewall rules, screen saver timeouts, etc.
- Laptops must be full disk encrypted.
- Laptops must be physically secured at all times.

- The theft or loss of a laptop must be reported to the IT Support immediately.
- Protected and/or Confidential company data cannot be stored on laptops unless specifically authorized by the Select Board's Office.

## Remote Access

This section applies to all users who have been granted permission to access the Organization's internal computing resources from a remote location.

### Remote Access Policy

- Remote access to the Lyman network will be provided to users authorized by The Select Board.
- Any devices used for remote connectivity to the Lyman network must conform to Lyman remote access standards.
- Termination of an authorized user's Remote Access is handled through the standard employee termination process upon employee termination or at management's request.

### Remote Access System

Users must review this Acceptable Use Agreement and acknowledge they understand their requirements in respect to remote access.

- Lyman information WILL NOT be stored on / saved to the remote workstation unless authorized by the Select Board.
- Remote access connections must use the authorized Lyman remote access solution by VPN or authorized remote desktop via provided Town device.
- Remote access connections require two factor authentication by VPN or 2-factor secure remote desktop client.
- The remote workstation will:
  - Be kept physically secure and not be used by anyone other than a Lyman workforce member.
  - Have security controls in place:
    - Antivirus Software installed and virus definition files updated.
    - Desktop Firewall Software.
    - Updated and current with operating system and application patches.
    - No critical vulnerabilities or malware are present that could negatively affect the health of the Lyman network.
- Remote sessions will be automatically disconnected after 5 minutes of inactivity.

## Physical Access

This section applies to all facilities operated by Lyman and all employees/members and any other person who may come in physical contact with resources that affect Lyman's information assets on Lyman's premises.

Physical Security is the process of protecting information and technology from physical threats. Physical access to information processing areas and their supporting infrastructure (communications, power, and environmental) is controlled to prevent, detect, and minimize the effects of unintended access to these areas (i.e., unauthorized information access or disruption of information processing itself). The business of Lyman requires that facilities have both publicly accessible areas as well as restricted areas.

- When an individual authorized to access a controlled area is separated from Lyman or has a role change that no longer authorizes access to that area, that person's authorization will be removed from all applicable access lists and immediately removed from controlled areas.
  - When a user is separated from Lyman, any access tokens or keys will be collected, and the necessary access control personnel will be notified.
- All individuals that enter any of Lyman's secured areas must be verified as authorized to do so.
- Third parties must not be given access to the Data Center unless authorized by The Select Board's Office.
- Protected and confidential data and/or information systems containing confidential or protected data must be physically secured when not in use. Files must be stored in controlled areas or locked vaults and access is limited to appropriate users based on job function.
- Individuals are required to notify a Manager if they notice improperly identified visitors.
- Desktops will be automatically disconnected after 5 minutes of inactivity.
- No users personal information or data should be stored on Lyman's devices.

## Incidental Use of Information Resources

As a convenience to the user community, incidental use of Information Resources is permitted. Only brief and occasional use is considered to be incidental. The following restrictions on incidental use apply:

- Incidental personal use of electronic mail, Internet access, fax machines, printers, copiers, and so on, is restricted to approved users; it does not extend to family members or other acquaintances.
- Incidental use must not result in direct costs to Lyman.
- Incidental use must not interfere with the normal performance of a user's work duties.

- All messages, files and documents – including personal messages, files and documents – located on information resources are considered to be owned by Lyman and may be subject to open records requests and may be accessed in accordance with this policy.

### Termination

The following requirements apply to all users and contractors whose employment or affiliation is terminated either voluntarily or involuntarily.

- The terminated user must immediately surrender the following: all keys, IDs, access codes, badges, business cards and similar items that are used to access Lyman’s premises or records.
- The terminated user’s voicemail access, e-mail access, Internet access, passwords, and any other physical or electronic access to personal information will be disabled immediately.
- The terminated user must return all records to Lyman that contain protected or confidential information, which at the time of termination is in the terminated user’s possession. Such records include all personal information stored on laptops or other portable devices or media, and in files, work papers, etc.

### Adoption

Adoption of this agreement is by a majority of the Town of Lyman Select Board on this 5<sup>th</sup> day of June, 2023 and is effective immediately.



\_\_\_\_\_  
Ralph Blackington - Chair

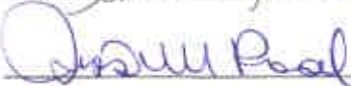
\_\_\_\_\_  
Thomas Hatch – Vice Chair



\_\_\_\_\_  
John Tibbetts



\_\_\_\_\_  
David Alves



\_\_\_\_\_  
Jessica Picard

A majority of the Select Board  
Lyman, Maine

## TOWN OF LYMAN

### Municipal Code of Ethics

#### **SECTION 1: STATEMENT OF POLICY**

The Town of Lyman is committed to the highest ethical standards and practices, protecting employees, partners, volunteers, elected and appointed officials, and the organization from unethical, illegal, or damaging actions and statements by individuals, either knowingly or unknowingly. When the Town of Lyman acts in an ethical manner, addresses issues proactively, and uses best business judgement and practices, it establishes a positive reputation and protects the interest of our citizens.

The proper operation of the Town requires that all Town officials whether elected or appointed, be impartial, equitable, and responsive to the needs of the people and each other in the performance of their respective functions and duties; that proper conduct of Town officials will promote public confidence in the integrity of government and ensure a culture of transparency, openness, fairness, and equity; that public office not be used for personal or financial gain or advantage; that the structure of government be used properly in decision and policy making. In recognition of these goals, this Code of Ethics is hereby established for all Town officials of elected office, appointed members of boards and committees, volunteers, and employees. All ethical policies that are created outside of this code of ethics shall be null and void.

#### **SECTION 2: PURPOSE**

The purpose of this Code of Ethics is to establish ethical standards of conduct expected of all Town elected officials, appointed members of boards and committees, volunteers, and employees by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of impropriety, with the best interests of the Town of Lyman.

#### **SECTION 3: RESPONSIBILITY OF PROPER CONDUCT AND COMMITTEMENT TO ETHICS**

The Town of Lyman elected officials, appointed members of boards and committees, volunteers and employees will treat everyone with respect, fairness, promote a team environment, and will consistently avoid the intent and appearance of unethical or compromising practices. For the purpose of this code of ethics, "Town official" shall mean any elected, appointed, volunteer, or employee of the Town that in their capacity serve a role in the functions or business operations of the municipality or provide any such services related to municipal affairs.

- 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.

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- c. Town officials must, at all times, disclose any potential conflict of interest that may arise regarding their position or duties with the Town.
  - d. Town officials will support the Town to increase its citizens, public, and vendor satisfaction by providing quality services.
  - e. Public office will not be used by any Town official for personal gain.
  - f. All Town officials will maintain a standard of conduct that will inspire public confidence and fortify the integrity of the Towns' government.
  - g. Decisions and policy making will be made within the proper channels of the Town government structure, and will uphold federal, state, and local law.

The Town will not tolerate any wrongdoing or impropriety at any time.

#### **SECTION 4: TOWN MANAGER RESPONSIBILITY OF ADMINISTRATION**

The Town Manager shall perform their duties with professionalism, civility, respect, and with the duty of avoiding impropriety whenever possible. With respect to the administration of the day-to-day affairs of the Town, the Town Manager shall conduct his/her duties to the extent possible:

- a. Affirm the dignity and worth of the services rendered by local government and maintain a constructive, creative, and practical attitude toward local municipal affairs and a responsibility as a trusted public servant.
- b. Conduct his/her official affairs in such a manner as to give a clear impression that they cannot be improperly influenced in the performance of their duties.
- c. Uphold and implement local policies adopted by the Select Board; and submit policy proposals to the Select board.
- d. Refrain from political activities, which undermine public confidence in the integrity of government.
- e. Uphold the duty to continually improve his/her professional ability and to develop the competence of associates in the use of management techniques.
- f. Emphasize friendly and courteous service to the public and seek to improve the quality and image of public service.
- g. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern decisions pertaining to appointments, pay adjustments, promotions, and discipline. Concerns of employee performance should only be made directly with the affected individuals through private conversation.
- h. Uphold all sections of this code of ethics as well as the International City/County Management Association Code of Ethics.

#### **SECTION 5: DISCLOSURE OF CONFIDENTIALITY**

No Town official shall, to the detriment of the Town, disclose confidential information concerning the property, government or affairs of the Town; nor shall he or she use such information for the advancement of their own financial, special, or private interests or the financial, special, or private interest of others. Information received and discussed during an executive session of any Town agency called pursuant to

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1 M.R.S.A § 405 et seq. shall be considered within the constraints of this section and shall not be disclosed to any third party unless permitted by an affirmative vote of such body. For the purpose of this section, the term “Confidential information” shall mean any information, oral or written, that comes to the attention of, or is available to a Town Official only because of their position with the Town and is not a matter of public record.

## **SECTION 6: GIFTS AND FAVORS**

The conduct of public business shall be free of any influence arising from gifts, favors, donations, or special privileges. It is the obligation of all Town officials to refuse personal gifts, favors, donations, or special privileges in every instance where favor or special privilege would not have been extended but for the position of such Town official; where there exists a reasonable belief that the giver’s interests are likely to be affected by the actions of the Town official; or where the gift is or may reasonably be considered to be designed to influence the actions of the Town official.

This does not prohibit the following:

- a. The acceptance of gifts or social courtesies related to a family relationship or friendship between the Town official and the donor, which are not designated to influence the proper judgement or action of the Town official in a matter within his/her authority.
- b. Public, government-sponsored or informational events, generally accepted as a condition of office, where refreshments are served or other sponsored gifts are provided, which are not designed to influence the proper judgement or action of the Town official in a matter within his/her authority.
- c. “De Minimis” Things of Value, which shall initially be defined as Things of Value that do not exceed \$25 in total value.
- d. Gifts associated with holidays or special events to the extent that such gifts are made available and/or shared with all employees in a department/office. Gifts made available for the purpose of customary performance, merit awards or honorariums, consistent with municipal practices. Nor shall it extend to reasonable gifts made to employees to recognize their service at time of retirement or separation.
- e. Political contributions received in compliance with law.

In determining whether a violation of this section has occurred, the following may be taken into consideration: the monetary or pecuniary value of the Thing of Value received; the act and/or item that constitutes the Thing of Value; any special economic value the Thing of Value received may have to the recipient; and the circumstance of which the Thing of Value was receive.

For the purpose of this section, “Thing of Value” shall mean any gift, favor, service, loan, event, promise, or other thing of value.

## **SECTION 7: INCOMPATIBLE EMPLOYMENT**

No Town official shall engage in or accept private employment or render or sell services or goods for private interests when such employment or services is incompatible with the proper discharge of his/her official duties.

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## **SECTION 8: CONFLICT OF INTEREST**

All Town officials must be fair and impartial in carrying out their duties and responsibilities. All Town officials must ensure that their official actions are not intended to create actual or the potential for personal or financial gain, either directly or indirectly, for themselves, family members, personal friends, or other related parties. Any actual or potential conflicts between personal interests and Town business must be fully disclosed in a timely manner. If it is determined that a conflict of interest does exist, the Town official shall recuse themselves from officially participating in any discussion or decision-making action on the issue. For the purpose of this section, the Table of Consanguinity in Appendix A outlines the degrees of relationships in conflict with each other.

## **SECTION 9: POLITICAL ACTIVITIES**

No Town official shall participate in any political activity that would be in conflict or incompatible with the performance of their official functions and duties for the Town. No Town official may use their official authority or position for the purposes of influencing, interfering with, or affecting the results of any election, nor shall they solicit or accept funds or contributions during the workday from other Town officials for political purposes. Nothing herein shall prohibit any Town official from participating in the political process in their capacity as a private citizen or as candidates for elected office.

## **SECTION 10: USE OF TOWN PROPERTY**

No Town official shall use or authorize others to use Town-owned property, including but not limited to, motor vehicles, equipment, and buildings for any private purposes. Nothing herein shall prohibit the use of Town-owned property for the following:

- a. The purpose of Town business.
- b. For purposes and on terms generally available to other persons.
- c. In accordance with a contract of employment with the Town in which the use of such property is part of the compensation or a term of employment.

## **SECTION 11: SOCIAL MEDIA POLICY**

Town officials are responsible for their conduct on social media platforms and, in matters of the Town, shall refrain from defamatory, offensive, libelous or slanderous conduct that adversely affects any Town officials job performance or duties, suppliers, vendors, or contractors who work on behalf of the Town or conduct legitimate business for the Town; and shall not violate any section of this code of ethics, including but not limited to, section 5.

Town officials should have the utmost regard in the professional representation of the Town and its functions and shall conduct themselves in a manner that promotes civility, rectitude, competence, and respectability whether on any form of social media or other media exchanges, including but not limited to, emails, direct mail, flyers, websites, newspapers, social platforms, internet communities, or other types of publications. No Town official shall engage in any media forum exchanges while in the capacity of his/her



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official duties. Nothing herein shall prohibit any Town Official from engaging in any media forum in their capacity as a private citizen.

## **SECTION 12: VIOLATIONS OF CODE OF ETHICS**

Town officials have an affirmative obligation to report all suspected violations of this code of ethics. Reporting violations shall follow the Town's whistleblower and protection reporting policy.

Violations of this code of ethics, including failure to report violations of others, may result in disciplinary action, up to and including removal of appointment or termination of employment, in accordance with the disciplinary procedures outlined in the personnel policy.

## **SECTION 13: STATUTORY STANDARDS**

There are certain provisions of the general statutes of the State of Maine which, while not set forth herein, should be considered an integral part of this Code of Ethics. Accordingly, the provisions of the following sections of general statutes of the State of Maine, as may be amended, are hereby incorporated in this Code of Ethics by reference to the extent applicable.

- 17 M.R.S.A § 3104, Conflicts of interest; purchase by the State.
- 17 M.R.S.A § 456, Tampering with public records or information.
- 17 M.R.S.A § 602, Bribery in official and political matters.
- 17 M.R.S.A § 603, Improper influence.
- 17 M.R.S.A § 604, Improper compensation for past action.
- 17 M.R.S.A § 605, Improper gifts to public servants.
- 17 M.R.S.A § 606, Improper compensation of services.
- 17 M.R.S.A § 607, Purchase of public office.
- 17 M.R.S.A § 608, Official oppression.
- 17 M.R.S.A § 609, Misuse of information.
- 17 M.R.S.A § 903, Misuse of entrusted property.
- 17 M.R.S.A § 504, Persons ineligible to serve.
- 17 M.R.S.A § 2605, Conflicts of interest.
- 17 M.R.S.A § 5122, Interests of public officials, trustees, or employees.

## **SECTION 14: SEPARABILITY**

If any section, subsection, sentence, clause, or phrase, of this Code of Ethics is for any reason held to be invalid or unconstitutional, such validity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this code of ethics.

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**SECTION 15: AMENDMENT**

This Code of Ethics may be amended or revised by a majority vote of the Town of Lyman Select Board.

**SECTION 16: DEFINITIONS**

**Appointed Official:** Anyone appointed to a board or committee to perform duties in the capacity of that board or committee.

**Employee:** An individual working for the Town on a permanent or temporary basis drawing wage or a stipend from the Town.

**Financial Interest:** A direct or indirect interest having monetary or pecuniary value, including, but not limited to, the ownership of shares of stock.

**Immediate Family:** Spouse, children, parents, siblings, including step, half, and in-law relations, a domestic partner of a Town official, or persons sharing the same household and intermingling financial assets with a Town official.




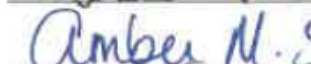

**Special Interest:** Any interest which will allow some form of personal gain, usually pecuniary in nature.

**Town Official:** Any elected, appointed, volunteer, or employee of the Town that in their capacity serve a role in the functions or business operations of the municipality or provide any such services related to municipal affairs.

**Volunteer:** Anyone conducting specific business and/or duties on behalf of the Town as delegated by the Town Manager or Select Board either on a temporary or permanent basis and does not receive wage or stipend from the Town.

**Adopted: August 21, 2023**

**Amended:**

	Ralph "Rusty" Blackington - Chair
	Thomas Hatch – Vice Chair
	Jessica Picard
	Amber Swett
	Victoria Gavel

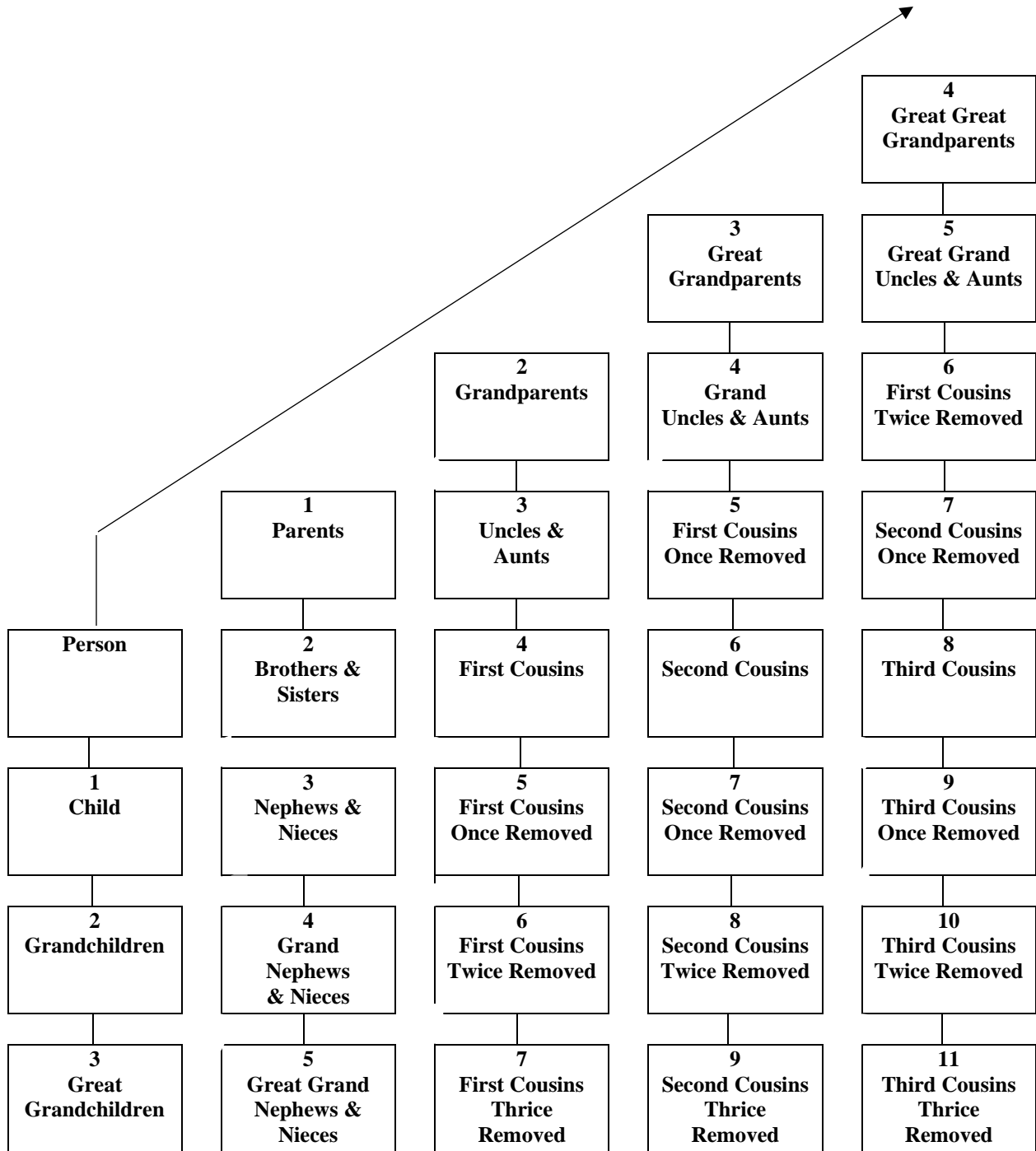
A Majority of the Board of Selectpersons

Lyman, Maine

**APENDIX A**

**TABLE OF CONSANGUINITY**

Showing degrees of relationships





## APPENDIX L

# Right to Know Law (Freedom of Access Act)

### MMA Legal Services Information Packet

*This packet is intended for general informational purposes only and is not a substitute for consultation with legal counsel. It should not be relied upon as legal advice. Links to documents are provided for informational purposes only and have not been reviewed by MMA Legal Services. Do not use any sample unless it has been reviewed by your legal counsel. Statutes and other information herein are current as of the date of publication.*

*Date of last revision: 10/2023*

This information packet reviews legal requirements regarding Maine's Freedom of Access Act. It includes several attachments (see links below).

### **Purpose and Scope of the Right to Know Law.**

Maine's "Right to Know" Law, officially named the Freedom of Access Act ([1 M.R.S. §§ 400-14](#)), was enacted along with similar "sunshine" legislation in other states following the Watergate scandal of the early 1970s. Its purpose is to assure the general public access to both the public proceedings and public records of governmental entities, including municipalities and quasi-municipal entities, such as school and sanitary districts. The Right to Know Law specifically directs that the law be liberally construed to promote its purposes—a rule often cited by the courts when finding in favor of public access where the statute's applicability is otherwise uncertain. 1 M.R.S. § 401.

The Right to Know Law provides public access to most meetings ("public proceedings") of municipal boards and committees. The law also provides public access to most government records. See links below for detailed discussion of the law's requirements.

### **Violations.**

Willful violations of the law are punishable by a civil fine of up to \$500 for a first violation, up to \$1,000 for a second violation committed within four years of the initial violation, and up to \$2,000 for a third or subsequent violation committed within four years of the second violation, payable by the governmental entity whose officer or employee committed the violation. 1 M.R.S. § 410. The fine is recoverable by the Attorney General or District Attorney only. Also, in an expedited appeal, a Superior Court may order the disclosure of wrongfully withheld public records and may invalidate action illegally taken in executive session. 1 M.R.S. § 409.

## MMA Legal Services Information Packets

This packet is intended for general informational purposes only. It is not meant, nor should it be relied upon, as legal advice in any particular situation. Links to documents herein are provided as examples for informational purposes only and have not been reviewed by MMA Legal Services. Do not use any sample unless it has been reviewed by your legal counsel. The information herein is not a substitute for consultation with legal counsel and legal review or other specific guidance on the subject. The statutes and other information herein are only current as of the date of publication.



## Public Proceedings: Definition, Notice Requirements, Public Access

### ► What is a public proceeding?

The term "public proceeding" is broadly defined by the Right to Know law and Maine courts to mean the transaction of any function by a public body or agency affecting any or all citizens of the State. 1 M.R.S. § 402(2). This includes regular and special meetings of municipal boards and committees, including but not limited to, selectboards, town and city councils, planning boards, boards of assessors, board of appeals, boards of assessment review, budget committees, and school boards, as well as committees and sub-committees of those boards.

The term "public proceeding" also includes work sessions, workshops, strategy meetings and any other informal meeting of a municipal board or committee, where board business is discussed, even if no decisions will be made or no formal action will be taken at the meeting.

If there is a question as to whether a particular entity is a public "body or agency" subject to the Right to Know Law, Maine courts will consider and weigh four factors:

- (1) whether the entity is performing a governmental function;
- (2) whether the funding of the entity is governmental;
- (3) the extent of governmental involvement or control; and
- (4) whether the entity was created by private or legislative action.

*See Town of Burlington v. Hospital District No.1*, 2001 ME 59, 769 A.2d 857, 863; *Turcotte v. Humane Soc. Waterville Area*, 2014 ME 123.

The Right to Know Law does not prohibit all communications between individual board members outside of a properly noticed public proceeding. 1 M.R.S. § 401. These communications,

however, must not be used to defeat the purposes of the law. For example, board members may communicate with each other, by phone, email or otherwise, to develop agendas, schedule meetings, or distribute information for discussion at an upcoming meeting. However, board members may not discuss, deliberate on or make any decision on substantive matters pending before the board outside of a properly noticed, public meeting of the board. Since, for boards of three, only two members need to be present to constitute a quorum (the minimum number of members required to act), a telephone call or e-mail between two members involving substantive discussions, deliberations or decisions on town business is likely a violation of the law. For more information see “Emailing Board Members Outside of Public Meetings” *Maine Town & City*, Legal Note, in the Resources page of this packet.

### ► Public access to public proceedings.

Except where the Right to Know Law allows for an executive session (see “Executive Sessions” page of this packet), all public proceedings must be open to the public and any person shall be permitted to attend. 1 M.R.S. § 403 . Public notice is required in advance of all public proceedings if the proceedings are a meeting of a *body or agency* consisting of 3 or more persons. 1 M.R.S. § 406

Members of the public must also be allowed to take notes, record, videotape, or live broadcast public proceedings, provided the action does not interfere with the orderly conduct of the proceedings. No advance permission or notice is required. The body or agency holding the proceeding may make reasonable rules or regulations to govern these activities so long as the rules or regulations do not defeat the purpose of the law. 1 M.R.S. § 404 .

It is important to note that the law gives the public the right to *attend* a public proceeding but does not provide the public with a right to participate in the meeting, ask questions, or offer comments. Other than public hearings, the board or committee conducting a public proceeding retains the right to control when and how much public participation is allowed, if at all.

### ► General notice requirement for public proceedings.

The Right to Know Law does not specify the timing or method of giving notice for public proceedings. The law merely requires that notice "be given in ample time to allow public attendance and . . . be disseminated in a manner reasonably calculated to notify the general

public" in the municipality. 1 M.R.S. § 406. The board or committee holding the meeting should choose a method of notification that will reasonably communicate to most people in the community the fact that the meeting will be held. Notice should be given far enough in advance for people to reasonably arrange to attend the meeting. (In some cases, additional notice is required. see "Special notice requirements" below.)

If a true emergency arises so that it is impossible to give meaningful notice to the general public, the board must first notify local representatives of the media by the same means that notice of the emergency meeting was communicated to the other members of the board. 1 M.R.S. § 406.

We recommend that notice of a meeting contain a statement that the board is meeting and the date, time and place of the meeting. The notice need not contain an agenda of the meeting, unless a local charter, ordinance or board bylaw requires that the notice contain an agenda. Despite the fact that an agenda is not required, we recommend that meeting notice mention something about the topic(s) to be discussed, particularly for emergency meetings. This is a courtesy to the public that will save the board members from receiving numerous public inquiries asking what the meeting will cover.

### ► Record of meeting required.

The Right to Know Law requires that a record be made of all public proceedings, except where the body itself is purely advisory (e.g., a budget committee). The record must be created and open to public inspection within a reasonable time after the meeting. The record may be created in paper form, audio, video, or other electronic recording of a public proceeding will satisfy this requirement.

At a minimum, the record must include: (1) the time, date, and place of the meeting; (2) the members of the body recorded as either present or absent; and (3) all motions and votes taken, by individual member, if there is a roll call. 1 M.R.S. § 403. There is no requirement for detailed minutes of deliberations, although certain types of proceedings may require a detailed record (see the "Public Records, Confidential Records, Mandatory Records" page of this packet). Failure to make or maintain a record of the public proceeding does not affect the validity of any action taken at the public proceeding.

### ► Special notice requirements.



**Local requirements.** Municipal charters, ordinances and board bylaws may contain more stringent or additional special notice requirements for local board meetings. The stricter of the local or Right to Know requirements generally will apply.

**Statutory requirements.** In addition, other state or federal laws may impose special notice requirements for certain types of proceedings; some of these statutes are listed below. Note that the list below is not intended to be used as a substitute for reading the full text of the statute.

- **Charter Adoption or Amendment.** 30-A M.R.S. § 2103(2) requires 7 days' notice of the charter commission's organizational meeting. 30-A M.R.S. § 2103(5) requires 10 days' notice of the public meeting, newspaper publication required. 30-A M.R.S. § 2104(5) requires 7 days' notice of the public hearing on petitioned charter amendments, newspaper publication required.
- **Comprehensive Plan Adoption.** 30-A M.R.S. § 4324(8) requires posting of notice at least 30 days before the public hearing on the proposed plan; proposed plan must be available for public inspection at least 30 days before hearing.
- **Ordinance Adoption or Amendment.** 30-A M.R.S. § 3002 requires 7 days' notice for enactment or revision of ordinances by the legislative body of a municipality. 30-A M.R.S. § 4352(9) regarding zoning ordinances and zoning maps, requires more notice, and the notice must be published two times. 38 M.R.S. § 438-A(1-B) requires that a municipality give landowners written notification (in addition to the notice under § 4352(9)) when their property is being considered for placement in a resource protection district. For ordinances that can be enacted by municipal officers (i.e., selectmen or councilors): 30-A M.R.S. § 3008 (cable TV) requires 7 days' posted notice of meeting. 30-A M.R.S. § 3009 (parking/traffic regulation) requires 7 days' posted notice of meeting. Although not specifically required by statute, a 7-day notice also should be given before adopting General Assistance ordinances.
- **Public Hearing in Advance of Referendum.** For municipalities that will consider a secret ballot referendum question, 30-A M.R.S. § 2528(5) requires at least 7 days' notice of the public hearing on the subject of the referendum. The public hearing must be held at least 10 days before the day of the vote.

- **Source Water Protection Area**. When a proposed land use project is located within the source water protection area of a public drinking water supplier and that project is reviewed by a planning board through a review process that requires notification to abutters, the municipality must notify the public drinking water supplier. 30-A M.R.S. §4358-A. This notice requirement specifically applies to contract and conditional zoning (30-A M.R.S. § 4352(8)); zoning (30-A M.R.S. § 4352(9)(E)); and subdivision (30-A M.R.S. § 4403(3)) proceedings.
- **Subdivision Application Hearing**. Where no local subdivision ordinance has been adopted, 30-A M.R.S. § 4403(2) requires 7 days' notice of the municipal reviewing authority's hearing to adopt, amend, or repeal local subdivision regulations. 30-A M.R.S. § 4403(4) requires two notices by newspaper publication of any public hearing to approve a subdivision application, with the first notice published at least 7 days before hearing.
- **Town Meetings**. For annual and special town meetings, 30-A M.R.S. § 2523 requires at least 7 days' notice by posting a warrant in one or more conspicuous, public places in town.

See chapter 6 of MMA Legal Services' *Municipal Officers Manual* for additional information on special notice and hearing requirements



# Public Records, Confidential Records, Mandatory Records

## What is a “Public Record” under the Right to Know Law?

The term "public record" is defined very broadly by the statutes and by the courts to include "any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained" that has been received or prepared for use in transacting municipal business, or is related to municipal business, and is in the possession or custody of the municipality or a public official. 1 M.R.S. § 402(3). This definition includes paper documents, such as meeting minutes, agendas, town reports, and personal notes of board members, as well as e-mails, computer files, thumb drives and audio or video recordings. Even a settlement agreement entered into by a municipality is considered a public record, although some information contained within such an agreement may be considered confidential.

## Are any records considered confidential?

Only records that have been specifically excepted by law may be withheld from the public. There are numerous records that have been deemed confidential under both state and federal law, but unfortunately, these confidential designations are widely scattered throughout state and federal statutes.

Some confidential records commonly encountered by municipal officials are listed alphabetically below. For a more detailed list of confidential records, see Chapter 3 of MMA Legal Services' *Municipal Clerks Manual*, and see a searchable database of Maine laws creating confidential records on the Maine Attorney General's FOAA website at [www.maine.gov/foaa](http://www.maine.gov/foaa). (This database does not include confidentiality exceptions created by federal law and is not entirely infallible.)

- Ambulance and rescue records, including medical records, 1 M.R.S. § 402(3)(H).

- Collective bargaining records, including materials prepared for and used exclusive in preparing for negotiations by the municipality in collective bargaining with its employees, 1 M.R.S. § 402(3)(D).
- Community well-being check program information, participant application materials and other personal information collected for voluntary programs that provide regular or daily contact with participants, 1 M.R.S. § 402(3)(V).
- General assistance records, 22 M.R.S. § 4306.
- Income tax information, including FICA withholding and other deductions or withholdings, 26 U.S.C. § 6103 *et seq.* MMA Legal Services routinely advises that income tax-related information is not public under most circumstances.(However, property tax information is generally public).
- Information contained in a communication between a constituent and an elected official, if the information is of a personal nature or if the information would be confidential if it were in the possession of another public agency or official, 1 M.R.S. § 402(3)(C-1).
- Non-interactive email lists, 1 M.R.S. § 402(3)(S). Email addresses obtained by a municipality for the sole purpose of disseminating non-interactive (one-way) notifications, updates and cancellations.
- Personal employee information, 30-A M.R.S. § 2702. Personal information pertaining to the age, race, marital status, mental or physical disabilities, personal contact information, employment benefits selections, religion, and social security numbers of state, county, and local government employees. Also deemed confidential for state and local government employees is information pertaining to ethnicity, genetics, gender identity, and sexual orientation.
- Personnel records, 30-A M.R.S. § 2702. This includes records pertaining to an identifiable employee and containing the following: medical information (physical and mental problems); performance evaluations and personal references; credit information, information about the personal history, general conduct or character of members of an employee's immediate family; complaints, charges and accusations of misconduct and replies to same, and other

information which may result in disciplinary action. A final written disciplinary decision is no longer confidential if it imposes or upholds discipline after appeal rights have been exhausted.

- Personal contact information of public employees, except when that information is public pursuant to other law. "Personal contact information" means personal address, telephone number, facsimile number, e-mail address, cellular telephone number, pager number and username, password and uniform resource locator for a personal social media account. "Public employee" includes municipal employees, appointees and volunteers but does not include elected officials. 1 M.R.S. § 402(3)(O).
- Privileged records, 1 M.R.S. § 402(3)(B). Records that are privileged against discovery or use as evidence in a court action are not public records.
- Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct, 1 M.R.S. § 402(3)(H).
- Social security numbers, 1 M.R.S. § 402(3)(N).
- Resumes, applications, references and other information submitted by a person seeking municipal employment are confidential, 30-A M.R.S. § 2702(1)(A). Except for letters and notes of reference expressly submitted in confidence, the application, resume, and letters and notes of reference of a successful applicant become public records after that applicant is hired.
- Poverty abatement applications, supporting materials and decisions, 36 M.R.S. § 841(2)(E).
- Voter addresses, 21-A M.R.S. § 22(3). Where a voter submits to the registrar a signed statement that the voter has good reason to fear for the safety of the voter or the voter's family if the voter's address were public, the registrar shall treat that voter's address as confidential.

A thorough search of state and federal statutes should be undertaken before granting a request for records. If there is any doubt as to the confidentiality of a requested record, legal advice from the municipal attorney or MMA Legal Services should be sought.

## Does the Right to Know Law require the creation of records?

Records created by the municipality must be kept and made available to the general public. Other than the records required by statute, the Right to Know Law does not generally require that a record be made or that information be compiled in a form that does not otherwise exist. 1 M.R.S. § 408-A(6). If information does not exist in the form requested, but is available in another form, however, the person requesting it must be so informed and invited to inspect and copy it in the form available. *Bangor Publishing Co. v. City of Bangor*, 544 A.2d 733 (Me. 1988).

However, the Right to Know Law does require creation of a written record in a few situations:

- **Record of meetings.** The law requires a basic record of most municipal board and committee meetings. 1 M.R.S. § 403. See the “Public Proceedings” page of this packet for more details.
- **Dismissal or non-renewal of appointment or contract:** The law requires a written record when there has been a decision involving the dismissal or the refusal to renew the contract of any public official, employee or appointee. Except in the case of probationary employees, the record must set forth the reason(s) for the decision and make findings of fact, in writing, sufficient to apprise the individual concerned and any interested member of the public of the basis for the decision. 1 M.R.S. § 407.
- **Denial or conditional approval of permits.** The law requires a written record of every decision involving the conditional approval or denial of an application, license, certificate or any other type of permit. The record must include the reason(s) for the decision and make findings of the fact, in writing, sufficient to appraise the applicant and any interested member of the public of the basis for the decision. 1 M.R.S. § 407.

Other statutes outside the Right to Know law may require issuance of written decisions with findings of fact and conclusions of law in other instances or may impose other requirements. For example, 30-A M.R.S. § 2691(3)(E) requires all decisions of a board of appeals to "include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial of relief," and 30-A M.R.S. § 4403(6) requires a planning board to make findings of fact in acting upon an application for subdivision approval. Also, conflict of interest law requires certain disclosures related to a vote (e.g., to award a contract) to be filed with the municipal clerk. 30-A M.R.S. § 2605.

In addition, a municipal charter or ordinance (such as a licensing or land use ordinance) may require a written decision in other situations.



## Public Records: Public Access & Inspection

### Local public access officers/state ombudsman.

The Right to Know Law requires each unit of government, including each municipality, to designate an existing employee as its “public access officer” to serve as the contact person for public records requests. Public access officers are subject to the same FOAA training requirements as certain other local officials (see “Required Training” page of this packet). Public access officers are responsible for ensuring that each record request is acknowledged and that an estimate of the response time is provided. However, a request must be acknowledged and responded to regardless of whether it was delivered or directed to the public access officer. A response may not be delayed due to the unavailability of a public access officer. 1 M.R.S. § 413.

The law establishes an Assistant State Attorney General position to serve as a Public Access Ombudsman. 5 M.R.S. § 200-I. The Ombudsman’s duties include working to informally resolve complaints by the public and public officials concerning the Right to Know Law and, upon request, issuing advisory opinions on the interpretation of and compliance with the law. For the Public Access Ombudsman’s contact information, visit Maine’s FOAA website: <http://www.maine.gov/foaa/ombudsman/index.htm>.

### Inspection & copying of public records.

Every person – not just residents or taxpayers of the municipality – has the right to access public records of the municipality. Requests to inspect or copy public records do not have to be made in person or in writing. See 1 M.R.S. § 408-A.

A requestor has two options for seeking access to public records:

- **In-person inspection and copying**. Any person may request to inspect public records in-person during the reasonable office hours of the municipality or official having custody of the public record. The law requires that persons asking to inspect or copy public



records shall be granted access "within a reasonable time" of making the request. 1 M.R.S. § 408-A. However, inspection, translation and copying may be scheduled so as not to delay or inconvenience the custodian of the records.

- **Request for copies.** In addition, any person may request that a municipality make a copy of a public record provide it to the requestor by mail or to be picked up.

## **Responding to record requests: time frames & requirements.**

Municipal officials are subject to several notice responsibilities and time limits when responding to public record requests. These requirements are all listed in 1 M.R.S. § 408-A, and are summarized below:

- The municipality or official with custody of a public record must acknowledge receipt of a request for public records within 5 working days. The date a request is "received" is the date a sufficient description of the public record is received by the municipality or official at the office responsible for maintaining the record. If the request is received by an office that does not maintain the record, but the record is maintained by another office of the municipality, then the request must be forwarded to the proper office without willful delay. The office that received the request must notify the requestor that the request has been forwarded to the proper office and that office will acknowledge receipt of the request within five working days of receiving it.
- The municipality may request clarification concerning which public record(s) are requested. Clarification is commonly sought at the time the request is acknowledged.
- Within a reasonable time after acknowledging a request, the municipality or official must provide a good faith, nonbinding estimate of time necessary to complete the request and a cost estimate. The municipality or official must make a good faith effort to comply with the estimates given.
- The record itself must be provided to the requestor within a reasonable time of receiving the request. Contrary to popular belief, the municipality is not required to fulfill record requests within 5 days from receipt of the request. Instead, a "reasonable" time depends on the specific facts and circumstances involved, such as the breadth of the request, the

location and difficulty of locating and compiling the records, and the municipality's staffing resources.

- Effective 10/25/23, if the estimated total fees exceed \$50 (previous threshold was \$30), the municipality must inform the requestor before proceeding to fulfill the request. If estimated fees exceed \$100, or if the requestor has previously failed to pay record fees in a timely manner, the municipality may require payment in advance before it proceeds to compile and copy records. The municipality may, but is not required to, waive part or all of these costs if the requestor is indigent or if release of the records is "in the public interest" and "not primarily in the commercial interest of the requestor."
- Regardless of the fee amount, the municipality may request payment in full at the time the records are delivered or mailed to the requestor.

## Access to electronic records.

The law requires that access to an electronically stored record be provided either as a printed document or in the electronic medium in which the record is stored, at the requestor's option. However, a municipality or official is not required to provide access to a computer file if there is no ability to separate out, or prevent disclosure of, confidential information in that file.

The law does not require that a municipality or official provide access to a computer terminal. Nor does it require that an electronically stored record be provided in a different electronic medium or format. If an electronically stored record must be converted into a comprehensible or useable format in order to provide access to it, the municipality may charge for the actual cost of conversion. 1 M.R.S. § 408-A.

Municipalities are required to consider the purchase of computer software and other resources that will maximize the public's access to public records and maximize the exportability of public records, while protecting confidential information that may be a part of those public records. 1 M.R.S. § 414.

## Authorized fees.

- No fee may be charged for filing a record request, nor may a fee be charged for in-person inspection of records or for records provided electronically. However, a fee for staff time

(see below) may apply if the public record must be compiled or printed out in order to be provided for in-person inspection. In addition, if the public record cannot be inspected without being compiled or converted, the actual cost of converting the record into a usable format may be imposed.

- The municipality or official with custody of a public record may charge a reasonable fee to recover the cost of copying. The copying fee for a standard 8 1/2-inch by 12-inch black and white hard copy may not exceed 10 cents per page, however.
- The municipality may charge up to \$25 per hour *after the first two hours of staff time* for searching for, retrieving and compiling the requested public record. Compiling the public record includes reviewing and redacting confidential information.
- The actual cost of converting a public record into a different form or usable format also is recoverable if conversion is necessary, and for the actual cost of a device used to store the public record if the storage device will be given to the requester by the agency or official (e.g., a thumb drive, memory card).

If the estimated total fees exceed \$30 (effective 10/25/23, the threshold is \$50), the municipality must inform the requestor before proceeding to fulfill the request. If estimated fees exceed \$100, or if the requestor has previously failed to pay record fees in a timely manner, the municipality may require payment in advance before it proceeds to compile and copy records. The municipality may, but is not required to, waive part or all of these costs if the requestor is indigent or if release of the records is "in the public interest" and "not primarily in the commercial interest of the requestor."

The law now allows municipalities to require payment of all costs (of any amount) associated with public records requests before the records are provided to the requester.

It is recommended that the municipal officers adopt a written fee policy describing local fees applicable to record requests in order to ensure consistency and provide advance notice of applicable fees to the public.

## **Refusing a request/appeal.**

If the municipality or official with custody or control of a public record will refuse permission to inspect or copy the record, the law requires that the denial be issued in writing within 5 working days of receipt of the record request. The written denial must state the reasons for denial, which will usually mean citing the statute that makes that record confidential. 1 M.R.S. § 408-A(4). If it is impossible to determine within 5 working days whether a record is public or confidential, the municipality may issue a tentative denial within 5 working days, together with an explanation that the request will be denied in full or in part pending further review.

The requestor may appeal the refusal within 30 calendar days of receipt of the written notice of refusal or denial with the Superior Court, and the municipality will have 14 days to file an answer. 1 M.R.S. § 409(1).

## **Unduly burdensome or oppressive requests.**

A request for records may be denied if it is unduly burdensome or oppressive and the municipality or official has sought and received an order of protection from the Superior Court. 1 M.R.S. § 408-A(4-A). To obtain an order of protection, the municipality must file an action in the Superior Court in the county where the record request was made within 30 days of receipt of the request. The municipality must give the party requesting the records a notice of its intent to file for an order of protection at least 10 days before filing with the court. The complaint must include the terms of the request and any modifications agreed to by the requestor, a statement of facts demonstrating the burdensome or oppressive nature of the request, estimates of the cost and time required to fulfill the request, and a description of the efforts made to discuss possible modifications of the request that would reduce the burden of production.



## Required FOAA Training

The Right to Know law requires certain state, county and municipal officials to receive training on the requirements of the law. 1 M.R.S. § 412.

### Which municipal officials must receive training?

On the municipal level, the following officials must receive training, whether they are elected or appointed to their position:

- Municipal officers (selectboards, councilors, plantation assessors);
- Municipal clerks and their deputies;
- Municipal treasurers and their deputies;
- Municipal managers and administrators and their deputies;
- Municipal assessors and their deputies;
- Municipal code enforcement officers and their deputies;
- Municipal planning boards;
- Budget committee members;
- Public access officers; and
- School board and committee members.

### When must training be taken?

Covered officials must complete training within 120 days after taking the oath of office for each new term the official is elected or appointed to serve. The public access officer (PAO) must take the training within 120 days after designation as the PAO.

### What type of training is required?

The training requirement can be met by training that summarizes the general legal requirements of the Right to Know law regarding public records and public proceedings;

procedures and requirements regarding complying with a request for a public record; and the penalties and other consequences for failure to comply with the law.

The training requirement can be fulfilled by reviewing the “Frequently Asked Questions” section of the Maine Attorney General’s FOAA website ([www.maine.gov/foaa](http://www.maine.gov/foaa) ).

The training requirement can also be fulfilled by attending any other training that includes all of the information on the state's website.

### **Verification of training.**

To verify that the training has been completed, officials must make a written or electronic record certifying that they have completed the training, identifying the training completed, and the date of completion. This record must be kept by the official or filed with the municipality.

See a [FOAA Training Certificate](#) Form for certifying compliance. Forms are also available on the state's website at: <http://www.maine.gov/foaa>.

## Appendix M

### Acknowledgement and Receipt of Committee Handbook

By signing below, I hereby acknowledge receipt of this handbook and understand it is my responsibility to read and abide by the procedures and policies herein.

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Signature of Committee Member/ Volunteer

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Printed Name of Committee Member/ Volunteer

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Date