

**Town of Lyman
Select Board Meeting Minutes
October 16th, 2017 – 6:00 p.m.**

Select Board members present: Jeffrey Demers, Chair; John Tibbetts, vice-chair, and John Houy. Absent was David Dulong and William Single.

Others present: Wendell Smith, Rod Hooper, Don Hernon, Dave Riley, Amber Swett and 20 others.

Meeting called to order at 6: 50 pm after a brief recess after the public hearing.

Pledge of Allegiance

Item #1 – Special Offers/Presentations

- a. Norm Labbe from Kennebunk/Kennebunkport/Wells water district re: extending water to Keywood Manor using roads in Lyman
Norm Labbe contact the Select Board Office last this afternoon and will not be attending the meeting as he hoped he would have by now something to add but nothing has changed. Residents in Lyman that live in Keywood Manor were in attendance to ask questions about the water. Jeffrey Demers explained that KKW brought preliminary interest to expand water to Keywood as the current water is not enough. Further explained water to go through Town of Lyman road to get the water there. Have not heard back on the status. Jerry Stone informed the Board that they know nothing about this. Residents are concerned about the process. Jeffrey Demers would run on town roads utilizing shoulder areas of the road. Did ask what is in it for the Town of Lyman, do we get free hydrants but response was no, would just get water to the proposed expansion. No decisions have been made still in limbo have not heard anything back from Mr. Labbe rather they are considering the water extension. Jerry Stone asked if anyone from Keywood Manor management have been approached for this matter. Jeffrey Demers informed them that the Board has not heard anything from the Keywood Manor ownership. Benny Krol asked what will be the process with them trying to get KKW water over the town roads. Jeffrey Demers explained they showed a map where the road should would be used to get the water and KKW would also take care of the infrastructure to get the water there and the Town of Lyman would be billed for any hydrants, but nothing has been decided. Personally, does not feel would negotiate for the town's hydrants. If Keywood was out of water, would work to get those people water, but they are looking at extending for the expansion of Keywood Manor. Jerry Stone asked if they are going to use the infrastructure there in place or are they going to put in a new piping system. John Tibbetts added that they are just exploring. Nothing has been cast in stone, there are other options. This is an expensive option. No decisions have been made on anything. Only presented possibilities. Suggested contact the management as they would have more current information that what the Select Board has. John Houy added didn't get into any of the specifics, other options were drilling more wells. Jerry Stone asked how would they be able to get the information that was given out at the meeting. Jeff Demers explained will put the audio meeting on the website. Concerns were asked if they would be charged for the water. Jeffrey Demers added if there are issues, Select Board would like to know during the process. Jerry Stone reiterated that the residents are not getting any information on what is going on and that is why they are here. Realize the Select Board have not control over that.

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Jeffrey Demers added if there is a contact person for the group, when the next meeting is to come forward, will do our best to get ahold of that person to let him know either Keywood Manor, KKW etc. will be coming before the Board. Phil Gauthier added that when the plan was submitted for the original park, believes at that time there was adequate water supply for that expansion of the park into Lyman. Estimated about 12 years ago.

Gary Beers is the consultant of the Hynes Group out of Kittery who owns the entire park which falls into Alfred and Lyman and will get his number to the Board. Board was asked when do they meet and Jeffrey Demers inform them the first and third Monday of each month. Don Glardino suggested that the Board put together a letter to Keywood Manor management to Mr. O'Neil, there is also a private manager and his first name is Steve, Hynes Group is in Vancouver Canada, requesting additional information on what they are trying to do. There is plenty of water, Poland Spring is trying to pump water out of the area. We do have fire hydrants and all that. Concern would be to sell the water they have there, going to tap into that and filter back to their KKW system? There are all kinds of questions to this. Know they are doing a fact finding, have engineers working on the water. They just bought in Alfred and will be putting 100 homes there and 35 in Lyman which has been preapproved in the original Keywood layout. That way everyone involved will be notified to answer their questions. Donald Glardino will be the contact person for the group.

Dan Brit just wanted to thank the Board for being so thorough doing such a great job of explaining all the issues here. Felt it should be mentioned.

b. Pike Industries re: past issues

Jeffrey Demers asked if it would be agreeable to wait until Road Commissioner Maurice St. Clair is present. Pike Industries was agreeable to wait further into the meeting.

c. Doris Greene re: Berm snowplowing concerns.

Doris Greene came before the Board to discuss the speed bump located on her driveway. Maurice St. Clair told her that he was going to consider it and he hasn't. And was talking to one of her neighbors and Steve Mayo is saying when he had problems with his yard you guys were up there the next day to fix it. He told her guess it is because you are not a man Doris and that is why they are not complaining about it. That water is still coming down. Jeffrey Demers asked if he could speak on the issue now. Do not have the dates in front of him, but actually showed up to your house myself, showed up again with Mr. St. Clair, John Houy was there. John Tibbetts added that he has made a couple of trips himself. Jeffrey Demers further explained that the town had put in a catch basin, work was done there a year prior. After that the berm was put in to try elevating the water from going down the driveway which is steep. With the statement, the town did not take care of it because you are not a man, town has done due diligence, have showed up to your property, have done some work to your property. Have sent you out a registered letter and here we are today, and you are still not happy. His concern is over the part of her not being happy. Doris Greene would like the speed bump taken out. Jeffrey Demers wanted her to know that if the town takes out that speed bump, she will be back to where she was. She told the Board that she is now still getting water so what would be the difference. Jeffrey Demers asked if she would be willing to write a letter asking for the town to take the speed bump out and you will be find? Doris Greene responded she would be fine.

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Her porch is getting all rotten. John Houy made a suggestion before you jump into that step and asked if anyone else, a second opinion, look at it. Doris Greene responded that she has had a couple of people look at it. John Houy added that he has been at her property several times, and if that berm is removed, she is going to be right back to the original problem of why the town put the berm in place and there will be nothing to stop that water from coming from the road. It will be a straight shot. Added that her driveway is long, and the water that she is getting now is rain after the berm that is running down her driveway, if the berm is removed you are going to lose all of it, but that is her choice. Be careful what you wish for and have someone else look at it to get another opinion. Jeffrey Demers asked Doris Greene if she has a different vehicle now, and her other vehicle did not bottom out. Doris Greene added that it is the same on both, and she has had a couple people visit and it pulled off their muffler because of that speed bump. Jeffrey Demers added that if she wants the speed bump out, the Board will vote to send the Road Commissioner out to remove it but thinks she should go with John Houy suggestion of having someone else come out and look at it to make sure that is her best move. Doris Greene told the Board that she has had a couple of people look at it and their suggestion was to make a gully on both sides and put a screen on it. John Houy added that she should get someone who does this professionally and not just neighbors with opinions, as she set up is very inducive to water hitting her house, at the very end of the pitch of her driveway, it is a problem. Doris Greene told the Board that she had never had that problem until the road was paved. John Houy added that if she submits a request, the Board will have no problem considering taking it out to make her happy. Doris Greene added that she is still getting water whether that speed bump there is or not. Jeffrey Demers asked her to take a couple of weeks to think about it and if she still would like the berm removed, the Board will consider it.

Item #2- Hearing of Delegations / Public input

- a. Public input - *Public in attendance will have up to 5 minutes to address Board*
Don Hernon, Fire Commission member has questions regarding the report and he can ask them now or wait until the report. Board told him it was up to him. Regarding the Fire Chiefs memo dated August 31st, 2017 on Fire Department Long Term Planning proposed three focus groups; Staffing, Apparatus Replacement, Funding Formula. Response from Dayton Select Board indicated they are not in favor of the groups. But do not recall any response from Lyman Select Board. Also added, that there has been some work done in those areas, but has not been finalized. Commission feels they are three important areas to consider. Jeffrey Demers responded that he has not sent a response from himself or brought it before the Board for a response. It seems that Dayton and Lyman have a tough time meeting, except where it is the funding formula, where Dayton wants more money. Have a gentleman agreement on which direction the two towns will go in and to this date would say that part of that was not fulfilled. So, at this time we are still waiting. John Tibbetts added that they have been trying to get a meeting all summer. Don Hernon added that if the interlocal agreement with changes had been sent to the attorney, and if it has come back requested a copy of the copy with attorney comments. And the holdup on the personnel policy is the changes in the interlocal agreement. John Tibbetts added that at the last meeting it was brought forward the two Boards started working on it. The chief will some input coming to the next meeting. And now with the possibility of a meeting, have started to get together information on PTO for the policy. We would like to do that.

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Don Hernon added if having one policy or a separate policy, the only difference is with the PTO. There were some editorials changes and that is why he created those documents. The difference in the PTO is the work week and working holidays and that is one reason why the number is significantly higher in the Fire Department. John Tibbetts responded expected to have another meeting after the last meeting to continue with the personnel policy and work on that at the last joint meeting. We have been trying diligently to get a meeting since then and have had no luck and that has been the issue. John Houy added that he does not want to move on to any more issues like in the chief's letter, until the slate has been cleared that is in front of both boards now. Jeffrey Demers added that the town's adjusted the pay so that Lyman is paying more of a percentage and part of that was would work on the interlocal to finish that up go to the personnel policy, finish that up and then would talk about the other 5% that they want or whatever the percentage is. Seems like they got what they wanted out of it and they do not want to tackle the interlocal as it is a fragile subject that some individuals do not want to get onto which is totally understood because it is. The personnel policy for some reason, do not know what the reasons are, but this board is ready to go to more forward. Don Hernon informed the Board that Dayton does have a new Fire Commission member who was on the commission before. Also feels that the personnel policy could be explained and could go through quickly. John Tibbetts added that the nuts and bolts of the policy is the PTO time and as soon as the Boards can come up with that will be golden and then could finish the agreement. Everyone was in agreement that it has taken to long for the personnel policy, has been in the works for two years. Fire Chief Rod Hooper asked if Dayton had been in touched with the Board and if they had received an email. Board responded they have not received any email. He was at a Dayton meeting and the discussion of hold a meeting was held, and decided to have Angela make contact to set up a meeting. Jeffrey Demers added that they just got a hold of the. Date was chosen and now they can't meet until November 9th and waiting confirmation on that date. John Houy added they gave three dates for October, board picked it and then it wouldn't work for them and now we are into November.

Wendell Smith informed the board of a problem with County Woods, Desert Brook, Fox Meadow Run and Huff Road, where the state road is higher there is a hump where the main roads have been graded up, the plow blade catches on it and will stop the truck and tears up the pavement. Suggested 25 to 30 ft. shim back in to resolve the problem. He has talking to Road Commission Maurice St. Clair about the problem

- b.** Mail
Correspondence from the Town's Attorney on an ongoing court case.
- c.** Time off request
No requests received.
- d.** Complaints received
Reviewed complaints received, Complaint received 10/13 regarding 28 Fox Meadow Run regarding road damage in from on house.

Board went back to #1 b Pike Industries re: past issues

Justin Brewer and Loren Blair were in representing Pike Industries. Justin Brewer introduced himself as the area manager of Pike Industries. Has been with Pike since 2006. 2002 was the last time Pike Industries was awarded a paving bid in the Town of Lyman. Pike has submitted a bid for both 2016 and 2017 paving bid and both times have come in as the lowest bidder but have not been awarded the contract.

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For him it is an understanding why lowest bidder and not be chosen, does not know what specifically the issues were in 2002, but he can tell the Board that those people who were able to make those decisions in 2002 are no longer there. Have begun to rebuild their reputation and have done work in the Town of Kennebunkport, Town of Scarborough, Town of Sanford, Lebanon and Shapleigh, and all have good things to say about the work they have done for them. It is hard to erase what has been done in the past without references on what is being done currently. Jeffrey Demers explained what the issue was in 2001 or 2002, whenever it was, Pike Industries was given some work in town, contract said they would do ABC but Pike did AB and would not do C. C being the shoulders of the roads. John Tibbetts added that the work was on Clarks Woods Road. Town had to hire someone else to come in and finish the work. John Tibbetts added that there was another issue was the bid included connections to the driveways and when the job was completed it was near to the end of the season and the hot top plant was days away from closing. Was part of the contract and had to do it, it was disputed. The town had the choice to leave the home owners high and dry or fix the problem. The Board at that time felt forced because they only had a couple of days to make the decision. Felt they were pushed into it. Jeffrey Demers does not think Pike Industries should be chastised for what was done 15 years ago, again going with the Road Commissioner. Suggested there are four roads that need work, and possible have Pike Industries come in and do those projects to show the town their work. Also, it is not always the low bidder for his decision. If another bidder is going to give the credible work that the town is look for will go for that bid. Would like to contact other towns on Pikes Industries work. Asked if they would be interested into coming into town to do to work. Justin Brewer responded yes, they are and the value in their service that they provide is on a large scale and that is where they are competitive. Would gladly come in and work on projects but that is not the area they are competitive in. Added if given the bid would gladly add extra work on. Jeffrey Demers added that relying on the Road Commissioner who was not happy with the work, and if the town game Pike Industries some projects, they would come into town to show what their work is.

Item #3-minutes

- a. Approve minutes of October 2nd, 2017 meeting.
John Tibbetts made the motion to approve the minutes of October 2nd, 2017 meeting; motion seconded by John Houy. Motion carried 3-0.

Item #4 - Sign Warrants-

- a. Payroll warrant #28 in the amount of \$16,919.17.
Motion by John Tibbetts to approve payroll warrant #28 in the amount of \$16,919.17; motion seconded by John Houy. Motion carried 3-0.
- b. Payroll warrant #31 in the amount of \$158.12.
Motion by John Tibbetts to approve payroll warrant #28 in the amount of \$16,919.17; motion seconded by John Houy. Motion carried 3-0.
- c. Payables warrant #32 in the amount of \$314,463.32
Motion by John Tibbetts to approve payables warrant #32 in the amount of \$314,463.32; motion seconded by John Houy. Discussion: John Houy had a question on the warrant regarding Workwell and if it was for the Fire Dept. John Tibbetts added that it was for the Transfer Station attendant that was recently added. Jeffrey Demers explained that an employee was going out for surgery, and there was someone who was very interested and this person is a temporary

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employee and was sent to Workwell. Will put on the next agenda to formally hire the person. Original motion to approve payables warrant #32 in the amount of \$314,463.32; motion carried 3-0.

Item #5 - Unfinished Business

- a. Award paving bid contract
Will hold until Road Commissioner Maurice St. Clair is present.
- b. Releasing of escrow amount for Ibox Lane/Nook Rock Subdivision to Roger Berube.
Will hold until Road Commissioner Maurice St. Clair is present.

Item #6- Dept. and Committee Reports

- a. Cemetery Committee- No report submitted
- b. Cousens School Update-to be given at meeting.
- c. Fire Commission- Report submitted.

Lyman Fire Commissioner's Informational Report

October 16, 2017

This report is submitted by Lyman Fire Commissioner Don Hernon to the Lyman Select Board for the information of the Selectpersons and other attendees at the Select Board's meeting. This report has **NOT** been voted on by the Lyman-Dayton Fire Commission (FC).

Fire Commission Meetings since last report – FC regular meeting on September 21, 2017.

Highlights from:

Thursday, September 21st Regular FC Meeting

- FC welcomed Ray Demers as a new Dayton Fire Commissioner, noting his previous experience in the position.
- FC discussed Chief's proposal to purchase a stripping/waxing machine for use on GMFR floors which included three price quotes. Chief will look into the cost of renting this type machine, which would probably be used several times per year.
- Chief provided status on maintenance items, including Ladder Truck repairs, hose testing, and defibrillators.
- Chief provided additional details on recent Maine EMS inspection which included an ambulance inspection.
- Chief provided status on his Memo to Select Boards and Fire Commission, dated 8-31-17; Fire Department Long Term Planning. This Memo proposed formation of three focus groups: Staffing; Apparatus Replacement; Funding Formula. Response from Dayton Select Board indicates they are not in favor of focus groups.
- Scott Littlefield (Black Majic Sealcoating) has agreed to donate labor required to seal coat the GMFR Station front apron, and will bill only for the cost of material (estimated at about \$1000).

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- Chief explained the revised protocol for refilling of ambulance pharmacy boxes using hospital medications.
- FC discussed distribution of GMFR calls by district, day of the week and mutual aid, using handouts provided by the Chief.
- FC noted that Dr. Brown will conduct a quarterly Quality Assurance review as part of the EMS Quality Improvement Plan.
- FC discussed Chief's proposals to apply for grants and voted to authorize applications for:
 - VFA – 50% reimbursement; two smaller portable pumps; foam; dry hydrant parts.
 - Firehouse Subs – 100% funded; boat + motor + trailer for possible water rescue in 7 bodies of water in GMFR jurisdiction.
 - AFG – Matching grant based on population; five inch hose; dump tanks; fire scene traffic lights.
- FC discussed status of person injured by GMFR fire hose dragging from truck in September 2015.
- FC Chair provided data on use of GMFR surplus funds from ambulance revenue.
- Chief stated that no revenue has been collected as yet from motor vehicle crash billing process.
- Chief noted that Turf Farm hydrant has been repaired,
- Chief provided info on issues generated by Iron Man bicycle competition on August 27th; he will continue to follow-up.
- Chief noted that GMFR will celebrate its 70th anniversary on June 19, 2019; a celebration event is being planned; no taxpayer funds will be used.
- Fc discussed several recent fire/EMS calls with the Chief.

GMFR/Fire Commission Related Meetings/Events

- **Wednesday, October 11th, Fire Prevention Week, GMFR Open House**
GMFR conducted an open house with a kitchen fire demo held outside; trucks/ambulance open for visitors; refreshments provided by GMFRA. Good turnout of residents/children noted.
- **Thursday, October 19th**, 6:30 pm at the Fire Station; regular meeting.
All FC meetings are posted on the Lyman Town website Community Calendar.
- **Joint Lyman-Dayton Select Board Meeting** A joint Lyman-Dayton Select Board meeting was held on August 10, 2017 to continue discussion on the Interlocal Agreement and proposed changes to the GMFR Personnel Manual. As far as I know, the next meeting has not been scheduled.

Action Requested of Lyman Select Board by Fire Commission

1. Please contact Fire Commissioners Gay and Hernon If the SBs have questions on draft changes to the GMFR Personnel Policy submitted to the SB's on November 24, 2015.

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2. Please provide the FC Secretary a copy of any comments received from the attorney regarding proposed changes to the Interlocal Agreement. FC Secretary will distribute the comments to Fire Commissioners and Fire Chief for their information.

Don Herson

Don Herson, Lyman Fire Commission member

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- d. Road Commissioner-To be given at meeting
- e. Tax Collector-Report submitted

Report to Selectmen
Month of September 2017
2017 – 2018 Tax Year

Real Estate Tax Commitment -	\$5,591,902.23
Personal Property Tax Commitment –	<u>\$ 37,852.21</u>
Total Tax Commitment:	\$5,629,754.44

Supplemental Taxes YTD: \$8,067.29

Abatements Granted YTD: \$11,623.20

Prior Year(s) Abatement(s) YTD:

Real Estate / Personal Property Tax Payments* \$ 2,003,697.54

*Includes Current, Delinquent, Prepayments, and Lien Payments for the month.

Excise Tax

Excise Tax Received	
Vehicles registered here at office:	\$78,957.90
Online Rapid Renewal Service	<u>7,570.08</u>
Total Vehicle Excise	\$ 86,527.98

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Boat Excise

Boats registered here at office:	\$ 31.00
Online Registration Service	
Total Boat Excise	\$ 31.00

Excise Tax Reimbursement

Excise Tax Collected by State	61.62
Total Excise	\$ 86,620.60

Respectfully submitted by: Susan J. Bellerose, Tax Collector

- f. Town Clerk-No report submitted.
- g. Treasurer-No report submitted.
- h. Zoning Board of Appeals-Nothing to report

Item #7– New Business

- a. Discuss/vote on changing date of the November 6th Select Board Meeting
John Tibbetts made the motion the November 6th Select Board Meetings agenda will be to sign warrants only and the next regular schedule Select Board meeting will be November 20th, motion seconded by John Houy. Motion carried 3-0.
- b. Discuss/appoint ballot clerks for the November 7th, 2017 Municipal Election
John Tibbetts made the motion to appoint Constance Tarbox as Warden for the November 7th, 2017 State Referendum Election; motion seconded by John Houy. Motion carried 3-0.
John Tibbetts made the motion to appoint Shirley Harrison as Deputy Warden for the November 7th, 2017 State Referendum Election; motion seconded by John Houy. Motion carried 3-0.
John Houy made the motion to appoint Irene Single, Carol Stewart, Frederick Bechard, Barbara Hull, Beverly Weymouth, Michael Jubinsky, Priscilla Ouelette and Susan Locke as Election Clerks for the State Referendum/Municipal Special Election on November 7th, 2016; motion seconded by John Tibbetts. Motion carried 3-0.

Other:

John Tibbetts reported that he received a call from the forester regarding the gate on Old Kennebunk Road, town will need to buy another lock as they had to cut the lock. Traditionally have left the gate open all through hunting season and there also has been some trash thrown. Would like to ask if the Board will approve paying to have the trash picked. Motion by John Houy to have Dave Reilly pick up the trash; motion seconded by John Tibbetts. Motion carried 3-0. Dave will look to see if there are any names or information in the trash. John Tibbetts will go with Dave when he goes over to pick up the trash.

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Fire Chief Rod Hooper recommends a Knox padlock be installed on the gate, which can't be cut and is willing to have it installed and he will take care of locking and unlocking the gate. Board agreed to have the Knox padlock installed and for the Fire Chief oversee locking and unlocking the gate.

Jeffrey Demers read the email received from Don Marean regarding the marijuana issue. He is willing to come to speak to the board regarding his bill before the legislature. Suggestion having a joint meeting with the Planning Board and Select Board. Board asked Don Herson to set it up with the Planning Board on November 20th.

Maurice St. Clair joined the meeting at 7:50 pm.

Board went back to #1 b Pike Industries re: past issues

Jeffrey Demers updated Maurice St. Clair on Pike Industries. Maurice St. Clair suggested that they come before the Select Board to discuss it. Jeffrey Demers added that did ask them if they would be willing to come into town to do some small projects. Maurice St. Clair, told the board that he has no problem with bidding again and giving them a chance. Jeffrey Demers, would like additional time to decide on the paving bid award, and just because low bidder does not get the job. Also thanked Justin Brewer and Loren Blair for attending and they will have a decision after the next meeting, and will also give a price on any small projects that the town has.

28 Fox Meadow Run. Maurice St. Clair reported that he has talked to the resident and they are going to have their driveway done, so he will be asked what the cost is while the paving company is there is fix the problem. He is waiting to hear back on the cost. It is part of their driveway.

Doris Greene. Jeffrey Demers gave Maurice St. Clair an update on what took place earlier in the meeting. Maurice St. Clair reported that the town has spent \$8-9,000.00 on this problem.

New Business-Other

Planning Board Clerk-Irene Single submitted a letter to the Select Board that her last day will be November 8th. Jeffrey Demers asked Don Herson if the Planning Board would support including the Planning Board Clerk position in with another part time office clerk which will be discussed in the upcoming budget. Don Herson did not think that would be a problem. Don Herson spoke on the good job that Irene has done as clerk.

ACO- Jeffrey Demers requested to have a list at the next meeting a list of the unlicensed dogs prior to him be appointed to current.

Regarding the Iron Man Bike Race. Chief Rod Hooper reported that the State Policy and the Governor's Office received a lot of complaints. He has been in contact with Jason Weber from the OOB Parks & Recreation and there will be a meeting on November 1st on how to go forward. There were 1,800 bicyclists using town roads. Need to let the towns know west of the turnpike and engage with Select Boards. Also suggested making part of the amusement ordinance. There are options, and need to look at other options.

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Biz Compass: Jeffrey Demers do not like to bring motions forward without a full board, but lately can't seem to get a full board, which will have to talk about that also. Guess I will say individuals run for these boards and they have to try to show. Totally understand things happen and things come up. John Tibbetts added one had a special one tonight. Jeffrey Demers explained that Biz Hub (Compass) is the company that the town went in direction to, but it just has not worked out. Pay \$743.50 per month for Biz Compass and the prior company will come back for \$587.00 a month. Have had nothing but computer issues. Jeffrey Demers made the motion to give Biz Hub (Compass) their required 90-day notice and to go with Customize Computer Design: seconded by John Houy. Motion carried 3-0.

Adjourn:

Motion to adjourn at 8:15 p.m.

*Note: *Minutes may not be verbatim; they may have been paraphrased for clarity.*

Jeffrey Demers; Chair

John Tibbetts, Vice-Chair

John Houy

I, Nancy Brandt, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of eleven (101 pages are the original minutes of the Select Board Meeting of October 16th , 2017. _____ Nancy Brandt