

2012

Town of Lyman Annual Town Meeting June 12, 2012

Paula F. Weiss, Town Clerk

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**TOWN OF LYMAN
ANNUAL TOWN MEETING JUNE 12, 2012**

A legal meeting of the inhabitants of the Town of Lyman was held on June 12, 2012 at the Lyman Town Hall. Town Clerk, Pauline F. Weiss, opened the meeting at 8:00 a.m.

ARTICLE 1. To choose a Moderator to preside at said meeting.

Shirley A Harrison made a motion to nominate Richard Hull III.

Constance Tarbox seconded the motion.

Richard Hull III was elected moderator by written ballot. Mr. Hull took his oath of office before the Town Clerk. Catherine L. Girard was appointed Deputy Moderator by Richard Hull III and took her oath before him. Copies of oaths are on file in the Town Clerk's office.

The Moderator declared the polls open at 8:00 a.m. Voters proceeded to cast their ballots.

Mr. Hull closed the polls at 8:00 p.m.

The ballots were sorted and counted in public. The results were posted for the public.

ARTICLE 2. To choose, by secret ballot, two Selectmen / Overseers of the Poor for three year terms; one Selectman/Overseer of the Poor for a two year term; one Road Commissioner; two Budget Committee Members; and one Director of R.S.U. #57; for terms of three years each; and one Budget Committee Member for a one year term (finishing a previous three year term).

Results are as follows:

Selectman and Overseer of the Poor

Victoria E. Gavel	497 votes	(3 year term)
George P. Sutton	375 votes	(3 year term)
Roger S. Grant, Sr.	360 votes	(2 year term)
Scattered write-ins	105 votes	
Blanks	901 votes	

Road Commissioner (3 year term)

Thomas M. Croteau	322 votes
Maurice E. St. Clair	393 votes
Scattered write-ins	1 vote
Blanks	30 votes

Budget Committee (3 year term)

Stephen L. Gray	481 votes
William L. Darling	447 votes
Scattered write-ins	15 votes
Blanks	549 votes

Budget Committee (1 year term)

Brad Nikel	11 votes
Nancy Harrison	10 votes
Scattered write-ins	38 votes
Blanks	687 votes

RSU #57 School Director (3 year term)
 Donald G. Beane 193 votes
 Bruce W. Woodward 376 votes
 Scattered Write-ins 10 votes
 Blanks 167 votes

ARTICLE 3. To see if the Town will vote to raise and appropriate from taxes the sum of \$90,600.00 to be paid to the Goodwin’s Mills Fire-Rescue Department, said money to be used to enable the fire-rescue to hire qualified individuals on a per diem basis to augment the full-time staff. This will allow for 24 hours-a-day staffing of the fire station. The Town of Dayton will be requested to appropriate \$60,400.00 as its share. To be effective, this question must pass in both the Town of Lyman and the Town of Dayton.

Selectmen recommendation: Voted 2-1 in favor
 Budget Committee recommendation: Voted 5-0 in favor

Yes 490 No 244 Blanks 10

ARTICLE 4. Shall a new ordinance entitled “Special Amusement Ordinance” be enacted for the Town of Lyman? A copy is available in the Town Clerk’s Office for inspection.

Yes 264 No 438 Blanks 42

ARTICLE 5. Shall a new ordinance entitled “Exempting Eligible Active Duty Military Personnel From Vehicle Excise Tax” be enacted for the Town of Lyman? A copy is available in the Town Clerk’s Office for inspection.

Yes 538 No 195 Blanks 11

Lyman Elementary School – June 16, 2012 @ 1: p.m.

The Moderator reconvened the Annual Town Meeting and led the Pledge of Allegiance. It was announced that this years Town Report was dedicated to Lee Schatz, Parks and Recreation Director. Results of Article 2 on the warrant were then read.

Candidates in attendance were sworn before the Moderator. (Victoria E. Gavel, George P. Sutton, Roger S. Grant, Sr., Maurice E. St. Clair, Stephen L. Gray, and William L. Darling.)

Mr. Hull stated he will be using the 2005 Edition of the Moderators Manual and went over general rules for Town Meeting and then proceeded with the warrant.

ARTICLE 6. To see if the Town will vote to raise and appropriate from taxes the sum of \$343,389.00 for Wages, Salaries and Social Security Tax for Town Employees, Unemployment Wages, Stipends for the Board of Selectmen, Parks & Recreation Director, and Planning Board Clerk . (Last year’s appropriation was \$332,671.00 – Taxes)

Requested: \$ 343,389.00 Taxes

Selectmen’s Recommendation: Voted 2-1 in favor.
 Budget Committee Recommendation: Voted 4-1 in favor.

Priscilla Ouellette made a motion to except the article. Roland Nadeau seconded the motion.
Article 6 was voted and passed. \$ 343,389.00 Taxes

Roland Nadeau made a motion to allow the Tax Collector, Treasurer and Town Clerk, all non-residents, to speak. Maurice St. Clair seconded the motion. It was voted and received the necessary 2/3 vote.

Roland Nadeau made a motion to move article 53 out of order, to the front. Stephen Gray seconded the motion. Maurice St. Clair stated that Article 53 has to be by written ballot and explained why. Discussion was heard in regards to moving the article. Roland Nadeau, again, motioned to move the article. George Sutton seconded the motion. Moving Article 53 received the 2/3 required vote.

ARTICLE 53. To see if the Town will vote to increase the so called "property tax levy limit" of \$882,947.26, established for Lyman by State law in the event that the municipal budget approved under the preceding articles will result in a tax commitment that exceeds property tax levy limit.

Maurice St. Clair made a motion to accept the article. Roland Nadeau seconded the motion. Written ballots were cast.

Article 53 was voted and passed. Yes 51 No 34
(1 ballot could not be counted due to distinguishing marks on ballot.)

Roland Nadeau brought to the Moderators attention that he hadn't read the results of the referendum questions that were on the ballot. The Moderator then read the election results for articles 3, 4 and 5.

The results of RSU# 57 School Budget Validation Referendum were also read:

ARTICLE 1: Do you favor approving the Regional School Unit NO. 57 budget for the upcoming school year that was adopted at the latest Regional School Unit NO. 57 budget meeting?

Yes 489 No 229 Blank 28

ARTICLE 7. To see if the Town will vote to raise and appropriate from taxes the sum of \$10,680.00 for street lights and electricity for Town buildings. (Last year's appropriation was \$10,485.00 - Taxes)

Requested: \$ 10,680.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article. Ken Burr Jr. seconded the motion.
Article 7 was voted and passed. \$10,680.00 Taxes

ARTICLE 8. To see if the Town will vote to appropriate from accumulated surplus the sum of \$87,170.00 for the Operating Account. (Last year's appropriation was \$80,800.00 - Surplus)

Requested: \$87,170.00 Surplus

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 4-1 in favor.

Roland Nadeau made a motion to accept the article. Barbara Hull seconded the motion.
Jeff Demers read off last years balance of \$19,000.00. He asked why there is an increase.
Maurice St. Clair gave an explanation of the figures.

Jeff Demers made a motion to amend the article to \$80,800.00. Ed Ross seconded the motion.

The amendment was voted and failed. Yes 40 No 49

Article 8 was voted and passed as written. \$87,170.00 Surplus

ARTICLE 9. To see if the Town will vote to appropriate from accumulated surplus the sum of \$6,500.00 for the annual Audit. (Last year's appropriation was \$ 6,500.00 - Surplus)

Requested: \$6,500.00 Surplus

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

Leo Ruel made a motion to accept the article. Barbara Hull Seconded the motion.
Article 9 was voted and passed. \$6,500.00 Surplus

ARTICLE 10. To see if the Town will vote to appropriate from accumulated surplus the sum of \$2,000.00 for Office Equipment. (Last year's appropriation was \$2,000.00 - Surplus)

Requested: 2,000.00 Surplus

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

William Darling made a motion to accept the article. Roland Nadeau seconded the motion.
Article 10 was voted and passed. \$2,000.00 Surplus

ARTICLE 11. To see if the Town will vote to raise and appropriate from taxes the sum of \$3,391.09 for the balance owed on the purchase of a new photocopier for the Town Hall. (Total purchase price of \$5,019.09, \$1,700.00 paid out of the FY 2012 budget)

Requested: \$3,391.09 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

Roger Grant Sr. made a motion to accept the article. Barbara Hull seconded the motion.
Article 11 was voted and passed. \$3,391.09 Taxes

ARTICLE 12. To see if the Town will vote to raise and appropriate from taxes the sum of \$2,000.00 for the Contingency Account. (Last year's appropriation was \$2,000.00 - Taxes)

Requested: \$2,000.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

Ken Burr Jr. made a motion to accept the article. Roland Nadeau seconded the motion.
Article 12 was voted and passed. \$2,000.00 Taxes

ARTICLE 13. To see if the Town will vote to appropriate from accumulated surplus the sum of \$500.00 for the Twelve Town Group. (Last year's appropriation was \$500.00 - Surplus)

Requested: \$500.00 Surplus

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article. Leo Ruel seconded the motion.
The Moderator explained what the Twelve Town Group is.

Article 13 was voted and passed. \$500.00 Surplus

ARTICLE 14. To see if the Town will vote to raise and appropriate from taxes the sum of \$10,000.00 to be deposited in a non-lapsing reserve account known as the Revaluation Account and to allow the funds in this Revaluation Account to be withdrawn with the approval of the Board of Selectmen solely for revaluation purposes. (Last year's appropriation was \$10,000.00 - Taxes)
Balance in account - \$47,527.41.

Requested: \$10,000.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

Roland Nadeau made a motion to accept the article. William Darling seconded the motion.
Roland Nadeau asked when the next revaluation is. Leo Ruel answered it has only been 3 or 4 years. Jeff Demers asked how much does it cost to do a revaluation. Leo Ruel stated it would be a couple hundred thousand dollars if done correctly.

Article 14 was voted and passed. \$10,000.00 Taxes

ARTICLE 15. To see if the Town will vote to raise and appropriate from taxes the sum of \$2,000.00 to pay CPI Qualified Plan Consultants, Inc. for its professional services to the Town for administering the Town's employee retirement account. (Last year's appropriation was \$1,600.00 - Taxes)

Requested: \$2,000.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article. Irene Single seconded the motion.
Article 15 was voted and passed. \$2,000.00 Taxes

ARTICLE 16. To see if the Town will vote to appropriate from accumulated surplus the sum of

\$2,000.00 to be deposited in a non-lapsing reserve account to update the Town Tax Maps. (Last year's appropriation was \$2,000.00 - Surplus) Balance in account - \$6,039.56.

Requested: \$ 2,000.00 Surplus

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 4-1 in favor.

William Darling made a motion to accept the article. Barbara Hull seconded the motion.

Article 16 was voted and passed.

\$2,000.00 Surplus

ARTICLE 17. To see if the Town will vote to appropriate from accumulated surplus the sum of \$20,000.00 to cover Legal fees for the Town. (Last year's appropriation was \$18,000.00 - Surplus)

Requested: \$20,000.00 Surplus

Selectmen's Recommendation: Voted 2-1 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Roland Nadeau made a motion to accept the article. Priscilla Ouellette seconded the motion.

Discussion was heard. Roland Nadeau made a motion to amend the article to add that no further legal fees be expended on the pending litigation between The Inhabitants of Lyman and Steve Marble. Mr. Hull said he knows this is an issue which is of great concern to a number of people in the town and that he is hesitant not to have a vote on this. He went on to explain that when the warrant is written and published, the State law is pretty clear that you can't make substantive changes. He thinks this form of change, which would limit the Selectmen's ability to spend money for a lawful purpose, is beyond the scope of the original article. He explained there are other ways to achieve the ends that are probably desired. One of which is to vote to reduce the legal budget to zero and have a Special Town Meeting. He went on to say that Roland Nadeau's amendment goes beyond the original intent of the article. Mr. Hull ruled the amendment out of order. He stated his decision is appealable, and can be over turned. Chris Melquist asked how to go about over ruling the Moderator. More discussion was heard.

Roger Grant Sr. made a motion to over rule the Moderator. Chris Melquist seconded the motion. Jeff Demers said the Moderator is an attorney, to take his advice, lower it to zero and go to Special Town Meeting and vote. Jennifer Roy suggested amending to a minimal amount. Leo Ruel explained where the case was at the present time. He suggested waiting until there was a 5 selectmen board on June 18, that the board will decide on whether or not to pursue the case. Matt Clarkson asked why the people can't vote. Roland Nadeau stated they could, continue what their doing. Victoria Gavel said that \$1500.00 was expended on this case so far. Roger Grant Sr. told the people their vote today can kill the issue now instead of waiting for a deadlock at the Selectmen's meeting. John Wasileski asked the Moderator to map out what has to be done to get rid of the lawsuit. The Moderator again explained alternatives. There was more discussion. John Houy asked if there can be repercussions, if it could be reversed how people vote. Mr. Hull answered that the action of a Town Meeting can be illegal because it doesn't comply with the State Law. He then said John has asked to vote on over ruling the moderator which is essentially a motion to limit debate. A vote was then taken to limit debate, which received the required 2/3's vote.

Vote to over rule the Moderator Yes 45 No 35

Roger Grant Sr. told the people the Charter Commission was working on this issue for the charter. Victoria Gavel added that the charter had not been voted in yet and that there is no guarantee that it will be. Priscilla Ouellette said that her issue is not with Steve Marble. She thinks this is an issue that needs to be settled once and for all and she wants the courts to say yes or no. She disagrees totally with the amendment. She asked for a role call vote to vote on amendment. There was discussion on role call vote.

Priscilla Ouellette changed her motion to written ballot. Victoria Gavel seconded the motion.

Vote for written ballot failed.

Vote to amend the article passed.

There was more discussion. The Moderator started to explain the next steps in the procedure. Roger Grant Sr. told the Moderator to stop playing games and vote, people want to go home. Mr. Grant said it is dragging on like Mr. Hull wanted to see Steve Marble go to court. Mr. Hull said he was trying to stay neutral. Shirley Harrison spoke up and said to move the question.

Vote to accept the article, as amended, passed. Yes 45 No 29 \$20,000.00 Surplus

Article as amended: To see if the Town will vote to appropriate from accumulated surplus the sum of \$20,000.00 to cover Legal fees for the Town, provided that there will be no further legal fees expended on the pending civil action of The Inhabitants of the Town of Lyman v. Steven Marble.

Priscilla Ouellette asked how to find out if it was legal or illegal to over rule the Moderator. Mr. Hull said to contact Town Council. **Note: Attorney Bill Dale was contacted and determined, in his opinion, that the Moderator was correct in his decision, that the people should not have over ruled him.** (An excerpt from the Town Attorney's letter states the following: Once the Town Meeting has determined the amount of money, it is then within the Board of Selectmen's exclusive authority to decide how to spend it. This is because, absent a few exceptions provided expressly by Maine statutes such as cable TV ordinances and motor vehicle parking regulations, the Town meeting is the "legislative body" and the Selectmen are the Town's "executive body." As the executive body, the Selectmen are to "execute" the legislative decisions made by Town meeting and so get to decide how to execute the Town meeting choice on the size of the legal budget, i.e., get to decide how to spend the monies appropriated for legal fees.) However, at the next Selectmen's Meeting, the Selectmen voted to drop the lawsuit.)

ARTICLE 18. To see if the Town will vote to appropriate from accumulated surplus the sum of \$650.00 for the maintenance of the Town Website. (Last year's appropriation was \$650.00 - Surplus)

Requested: \$650.00 Surplus

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article. Priscilla Ouellette seconded the motion.

Article 18 was voted and passed.

\$650.00 Surplus

ARTICLE 19. To see if the Town will vote to raise and appropriate from taxes the total sum of \$28,236.00 to contract with the City of Biddeford for dispatching services and to answer 911 emergency calls (PSAP) for the Town of Lyman from July 1, 2012 to June 30, 2013.

(Last year's appropriation was \$28,236.00 - Taxes)

Requested: \$28,236.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

William Darling made a motion to accept the article. Priscilla Ouellette seconded the motion.

Article 19 was voted and passed.

\$28,236.00 Taxes

ARTICLE 20. To see if the Town will vote to raise and appropriate from taxes the sum of \$5,700.00 and to authorize the Selectmen, on behalf of the Town, to enter into a contract with the Animal Welfare Society of West Kennebunk based on a fee of \$1.285 per capita, with the remainder of the funds to be used for miscellaneous animal needs. (Last year's appropriation was \$5,663.00 - Taxes)

Requested: \$5,700.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 3-2 in favor.

Priscilla Ouellette made a motion to accept the article. Barbara Hull seconded the motion.

Article 20 was voted and passed.

\$5,700.00 Taxes

ARTICLE 21. To see if the Town will vote to raise and appropriate from taxes the sum of \$5,610.00 for the Animal Control Officer. (Last year's appropriation was \$5,610.00 – Animal Welfare Account)

Requested: \$5,610.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 3-2 in favor.

Barbara Hull made a motion to accept the article. Kenneth Burr Jr. seconded the motion.

Priscilla Ouellette said she crabbed about it last year, she's going crab about it this year and she will crab about it until it gets done right. She objected to taking the money out of taxation. She stated that had the Dog Officer been doing his job, the money would have come through and be in the coffers to pay his own pay. She added that there is a list of people that do not license their dogs on the counter. She just wants him to do his job. She asked what he was doing for his money. Selectperson Victoria Gavel said the Selectmen recently met with Tom Foster and he is recommitted to doing his job. Priscilla Ouellette said she did not want to have to come back and deal with this again next year. Victoria Gavel stated that he was never asked before to uphold the law by former Boards of Selectmen and he has been following up and getting people to come in and register their dog. She added that he will be turning in a report that will be read into the minutes of the Selectmen's meeting and that there is an ad in the newspaper because his

appointment is coming up and to see who else is out there that is qualified. Nancy Marble said that \$5600 was way to much for the job he does and that she doesn't want the money coming out of her taxes. She added that if it can be amended to say that the money will come out of the dog fees or whatever it is suppose to come out of then maybe they will pass it. She again said that it should not come out of taxes because he wasn't doing his job and its way to much money. The Moderator explained that when the source of money is in the article itself, that part can't be amended. Nancy Marble then said that it should be voted down. There was discussion about how the dog license fees are broken down between the Town of Lyman and Animal Welfare. The Town Clerk gave the break down and added that there is a \$25 late fee per dog and there are still 320 unlicensed dogs. She stated that in the last eight weeks, only four people have come in saying they got a phone call from Tom. Nancy Marble said his pay is way too high and that the Town has other people with much more responsibility and get paid a lot less and do a lot more work for the Town. She didn't think his pay needs to be that much.

Article 21 was voted and passed.

\$5610.00 Taxes

ARTICLE 22. To see if the Town will vote to appropriate from accumulated surplus the sum of \$300.00 to decorate military graves. (Last year's appropriation was \$300.00 - Surplus)

Requested: \$300.00 Surplus

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Leo Pinard made a motion to accept the article.

Roland Nadeau seconded the motion.

Article 22 was voted and passed.

\$300.00 Surplus

ARTICLE 23. To see if the Town will vote to appropriate from accumulated surplus the sum of \$ 15,000.00 for the maintenance and repair of town buildings and ground care maintenance of the Town Hall. (Last year's appropriation was \$15,000.00 - Surplus)

Requested: \$15,000.00 Surplus

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article.

Priscilla Ouellette seconded the motion.

Article 23 was voted and passed.

\$15,000.00 Surplus

ARTICLE 24. To see if the Town will vote to appropriate from accumulated surplus the sum of \$3,000.00 to prune trees and any other work recommended by the Forestry Committee, the Board of Selectmen and the York County Soil and Water Conservation Forester, on the Town of Lyman Plantations and Conservation land. (Last year's appropriation was \$3,000.00 - Surplus)

Requested: \$3,000.00 Surplus

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Roland Nadeau made a motion to accept the article.

George Sutton seconded the motion.

Roland Nadeau asked if there was a Forestry Committee. Maurice St. Clair answered that Rodney Hammond and Peter Swensen are on the committee.

Article 24 was voted and passed.

\$3,000.00 Surplus

ARTICLE 25. To see if the Town will vote to authorize the Selectmen to purchase a Blanket Fidelity Bond to cover all Town Officials, and to vote to appropriate from accumulated surplus the sum of \$92,235.00 for all insurance carried by the Town, including fire insurance, liability insurance, employees health insurance, worker's compensation insurance and public officials liability insurance. (Last year's appropriation was \$85,000.00 - Excise)

Requested: \$92,235.00 Surplus

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

William Darling made a motion to accept the article. Priscilla Ouellette seconded the motion. Brief discussion on which employees get benefits and the cost. Treasurer gave the figures.

Article 25 was voted and passed.

\$92,235.00 Surplus

ARTICLE 26. To see if the Town will vote to raise and appropriate from taxes the sum of \$10,000.00 to be deposited in a non-lapsing reserve account known as the Capital Improvement Account. (Last year's appropriation was \$10,000.00 - Taxes) Balance in account \$161,294.52

Requested: \$10,000.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Priscilla Ouellette made a motion to accept the article. Barbara Hull seconded the motion.

Article 26 was voted and passed.

\$10,000.00 Taxes

ARTICLE 27. To see if the Town will vote to appropriate from excise taxes the sum of \$25,000.00 for the Transfer Station non-lapsing Reserve Account. (Last year's appropriation was \$25,000.00 - Taxes) Balance in account \$75,739.71

Requested: \$ 25,000.00 Excise

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

William Darling made a motion to accept the article. Kenneth Burr seconded the motion.

Article 27 was voted and passed.

\$25,000.00 Excise

ARTICLE 28. To see if the Town will vote to raise and appropriate from taxes the sum of \$30,000.00 to use to heat, plow, protect, repair and maintain the Old Cousens School for the 2012/2013 municipal year. (Last year's appropriation was \$30,000.00 - Taxes)

Requested: \$30,000.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article. Steve Marble seconded the motion. Brief discussion was heard. Priscilla Ouellette explained the results of a survey that was previously done in regards to the Townspeople's wishes regarding what to do with the old Cousen's School. 84% want to keep the building and 16% want to sell it. Priscilla Ouellette and Alyce Swan presented a slide show on previous expenditures, results of survey and proposed work to be done.

Article 28 was voted and passed. \$30,000.00 Taxes

ARTICLE 29. To see if the Town will vote to appropriate from excise taxes the sum of \$145,000.00 for general road reconstruction. (Last year's appropriation was \$145,000.00 - Excise)

Requested: \$145,000.00 Excise

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 4-1 in favor.

William Darling made a motion to accept the article. Leo Pinard seconded the motion. Jeff Demers asked for a written 3 year plan. He wants to know where the money will be going.

Jeff Demers made a motion to amend to \$75,000.00 Roland Nadeau seconded the motion. Discussion was heard on money that has been spent and roads that need to be worked on. Road Commissioner, Maurice St. Clair, said he will give a three year written plan.

Motion to amend to \$75,000.00 was voted and failed.

Article 29, as written, was voted and passed. \$145,000.00 Excise

ARTICLE 30. To see if the Town will vote to appropriate from excise taxes the sum of \$175,000.00 for general road resurfacing. (Last year's appropriation was \$132,000.00-Excise)

Requested: \$175,000.00 Excise

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Leo Pinard made a motion to accept the article. William Darling seconded the motion. Brief discussion was heard.

Article 30 was voted and passed. \$175,000.00 Excise

ARTICLE 31. To see if the Town will vote to appropriate from excise taxes the sum of \$269,920.00 for snow removal and sanding its roads in winter, and further authorize the Selectmen, on behalf of the Town, to negotiate and enter into a contract for the snow removal and sanding of its roads. (Last year's appropriation was \$269,920.00 - Excise)

Requested: \$269,920.00 Excise

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Leo Pinard made a motion to accept the article. Barbara Hull seconded the motion.
Discussion was heard on multi-year contracts.

Article 31 was voted and passed. \$269,920.00 Excise

ARTICLE 32. To see if the Town will vote to appropriate from excise taxes the sum of \$75,000.00 for general road repair. (Last year's appropriation was \$47,000.00 - Excise)

Requested: \$75,000.00 Excise

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Leo Pinard made a motion to accept the article. Barbara Hull seconded the motion.
Jeff Demers asked why there was an increase. Maurice St. Clair stated it included half the cost of a culvert for Shaker Hill Road, mowing and striping.

Jeff Demers made a motion to amend the article to \$65,000.00. John Houy seconded the motion.

Amendment was voted and failed.

Article 32, as written, was voted and passed. \$75,000.00 Excise

ARTICLE 33. To see if the Town will vote to appropriate from excise taxes the sum of \$2,500.00 for the purchase, installation, and maintenance of street signs. Last year's appropriation was \$2,500.00 - Excise)

Requested: \$2,500.00 Excise

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article. William Darling seconded the motion.

Article 33 was voted and passed. \$2,500.00 Excise

ARTICLE 34. To see if the Town will vote to raise and appropriate from taxes the sum of \$26,855.00 to be turned over to the Community Library, said money to be used for books, fixtures and operating expenses. (Last year's appropriation was \$26,530.00 - Taxes)

Requested: \$26,855.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Fred Bechard made a motion to accept the article. Kenneth Burr seconded the motion.

Article 34 was voted and passed. \$26,855.00 Taxes

ARTICLE 35. To see if the Town will vote to raise and appropriate from taxes the sum of \$41,004.00 to be turned over to the Community Library, said money to be used for the personnel services of the library. (Last year's appropriation was \$39,354.00 - Taxes)

Requested: \$41,004.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

Fred Bechard made a motion to accept the article. Barbara Hull seconded the motion.
Article 35 was voted and passed. \$41,004.00 Taxes

ARTICLE 36. To see if the Town will vote to raise and appropriate from taxes the sum of \$ 258,800.00 for the Solid Waste Program, and further authorize the Selectmen, on behalf of the Town, to negotiate and enter into a contract for the disposal of the solid waste in the Town of Lyman. (Last year's appropriation was \$ 263,900.00 - Taxes)

Requested: \$258,800.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article. Kenneth Burr seconded the motion.
Brief discussion.

Article 36 was voted and passed. \$258,800 Taxes

ARTICLE 37. To see if the Town will vote to raise and appropriate from taxes the sum of \$24,010.00 for use by the Parks and Recreation Committee for recreational activities including Little League, softball, soccer, football and swimming. (Last year's appropriation was \$24,010.00 - Taxes)

Requested: \$24,010.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article. Irene Single seconded the motion.
Lee Schatz thanked the Selectmen and all folks involved in the process of dedicating the Annual Town Report to him. He stated Bunganut Park should gross over \$16,000.00 from non-residents this year.

Article 37 was voted and passed. \$24,010.00 Taxes

ARTICLE 38. To see if the Town will vote to raise and appropriate from taxes the sum of \$32,040.00 for the use of Bunganut Lake Park. (Last year's appropriation was \$32,040.00 - Taxes)

Requested: \$32,040.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.
Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article. George Sutton seconded the motion.
Brief discussion.

Article 38 was voted and passed.

\$32,040.00 Taxes

ARTICLE 39. To see if the Town will vote to raise and appropriate from taxes the sum of \$43,746.00.00 for the Town of Lyman's share of the Lyman-Dayton Joint Fire-Rescue Department's operation costs, said sum to be paid to the Town of Lyman for Goodwin's Mills Fire-Rescue Department pursuant to the Interlocal Agreement between the Town of Lyman and the Town of Dayton. Any unused amounts will be carried forward to defer the next year's budget. (Total appropriation is \$105,746.00 minus \$62,000.00 which is Lyman's share of EMS Estimated Revenue) (Last year's appropriation was \$89,615.00 - Taxes) To be effective, this question must pass in both the Town of Lyman and the Town of Dayton.

Requested: \$43,746.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Roland Nadeau made a motion to accept the article. William Darling seconded the motion.

Roger Cooper, Fire Chief, made a motion to amend the article, lowering the amount by \$500.00, to \$43,246.00, which is his actual budget. Roland Nadeau seconded the motion.

Vote to amend the article passed.

Article 39, as amended, was voted and passed.

\$43,246.00 Taxes

Article 39 as amended: To see if the Town will vote to raise and appropriate from taxes the sum of \$43,246.00.00 for the Town of Lyman's share of the Lyman-Dayton Joint Fire-Rescue Department's operation costs, said sum to be paid to the Town of Lyman for Goodwin's Mills Fire-Rescue Department pursuant to the Interlocal Agreement between the Town of Lyman and the Town of Dayton. Any unused amounts will be carried forward to defer the next year's budget.

ARTICLE 40. To see if the Town will vote to raise and appropriate from taxes the sum of \$224,674.00 for the Town of Lyman's share of the Lyman-Dayton Joint Fire-Rescue Department full and part time personnel costs, said sum to be paid to the Town of Lyman pursuant to the Interlocal Agreement between the Town of Lyman and the Town of Dayton. Last year's appropriation was \$51,627.00 - Taxes). To be effective, this question must pass in both the Town of Lyman and the Town of Dayton.

Requested: \$224,674.00 Taxes

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 3-2 in favor.

Barbara Hull made a motion to accept the article. George Sutton seconded the motion.

Article 40 was voted and passed.

\$224,674.00 Taxes

ARTICLE 41. To see if the Town will vote to raise and appropriate from taxes the sum of \$6,000.00 for the General Assistance Program.

Requested: \$6,000.00 Taxes

Selectmen’s Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Barbara Hull made a motion to accept the article. George Sutton seconded the motion.

Article 41 was voted and passed. \$6,000.00 Taxes

ARTICLE 42. To see if the Town will vote to raise and appropriate from taxes the sum of \$200.00 for the operating cost of a street light at the corner of Candlewood Drive and the Old Falls Road. If this article passes, it will be reflected in the electricity article each year hereafter.

Requested: \$200.00 Taxes

Selectmen’s Recommendation: Voted 2-1 in favor.

Budget Committee Recommendation: Voted 3-2 in favor.

Irene Single made a motion to accept the article. Victoria Gavel seconded the motion.

Debate heard from Victoria Gavel, Roland Nadeau, Priscilla Ouellette, Ron Croaken, Jim Andrews, and Nancy Marble.

Article 42 was voted and passed. \$200.00 Taxes

ARTICLE 43. To see if the Town will vote to appropriate from accumulated surplus the sum of \$14,179.00 for the social service agencies as follows:

	<u>2012-2013</u> Surplus	<u>2011-2012</u> Surplus
Woodford’s Family Services	\$ 500.00	\$ 300.00
S.A.R.S.	\$ 100.00	\$ 100.00
American Red Cross	\$ 1,500.00	\$ 1,500.00
York County Community Action	\$ 2,350.00	\$ 2,300.00
Caring Unlimited	\$ 1,129.00	\$ 845.00
Southern Maine Agency on Aging	\$ 1,200.00	\$ 528.00
Visiting Nurse Services	\$ 2,000.00	\$ 2,000.00
Child Abuse Prevention Council	\$ 250.00	\$ 250.00
York County Shelters	\$ 2,000.00	\$ 2,000.00
So. Maine Parent Awareness	\$ 250.00	\$ 0.00
Day One Rehab.	\$ 500.00	\$ 0.00
Counseling Services, Inc.	\$ 2,000.00	\$ 2,200.00
Biddeford Free Clinic	\$ 400.00	\$ 250.00
	\$ 14,179.00	\$ 12,273.00

Requested: \$14,179.00 Surplus

Selectmen’s Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Roland Nadeau made a motion to accept the article. George Sutton seconded the motion.

Leo Pinard made a motion to amend the article to \$12,273.00, same as last year's allocation. Ed Ross seconded the motion. Discussion was heard.

Roland Nadeau made a motion to let Brad Bohan, From York County Community Action, speak. Victoria Gavel seconded the motion.

The motion was voted and received the required 2/3's vote. Brad Bohan explained the need for assistance to families.

The amendment was voted and failed.

Article 43, as written, was voted and passed. \$14,179.00 Surplus

ARTICLE 44. To see if the Town will vote to expend a sum not to exceed \$209,714.00, to be appropriated from the Capital Improvements Fund Account (\$134,714.00) and from the Transfer Station Reserve Account (\$75,000.00) to fund improvements at the Lyman Transfer Station, including but not limited to the purchase of four compactors, concrete work for two pads and improvements to existing pads, two variable frequency drive units, required electrical upgrades, four new hoppers, paving for expanded traffic pattern, reconfiguration of current office building, and to pay for other necessary improvements.

Requested: Capital Improvements Fund Account - \$ 134,714.00
Transfer Station Reserve Account - \$ 75,000.00

Selectmen's Recommendation: Voted 3-0 in favor.

Budget Committee Recommendation: Voted 5-0 in favor.

Kenneth Burr Jr. made a motion to accept the article. William Darling seconded the motion. Brief discussion was heard regarding bids and tonage on the roads.

Article 44 was voted and passed. Capital Improvements Fund Account - \$ 134,714.00
Transfer Station Reserve Account - \$ 75,000.00

ARTICLE 45. To see if the Town will vote to take from the State of Maine Snowmobile Registration fee fund a sum of \$ 6.62 per registered snowmobile, said monies to be turned over to the Lyman Snowmobile Club. These funds will be released after the Town is reimbursed for 2012-2013 registrations, as determined by the State of Maine.

Leo Pinard made a motion to accept the article. Roland Nadeau seconded the motion. Article 45 was voted and passed.

ARTICLE 46. To see if the Town will vote to authorize the Board of Selectmen to make final determinations regarding the closing and opening of roads to winter maintenance, pursuant to 23 MRSA § 2953.

Barbara Hull made a motion to accept the article. Normand Bilodeau seconded the motion. Article 46 was voted and passed.

ARTICLE 47. To see if the Town will vote to authorize the Tax Collector to accept prepayments of taxes not yet due or assessed. Any taxes paid above the amount finally authorized shall be repaid without interest, at the date the tax finally is due and payable.

Barbara Hull made a motion to accept the article. Leo Ruel seconded the motion.
Article 47 was voted and passed.

ARTICLE 48. To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at 4% for the fiscal year.

Roland Nadeau made a motion to accept the article. George Sutton seconded the motion.
Article 48 was voted and passed.

ARTICLE 49. To see if the Town will vote to set a date for taxes to become due and payable, to fix a rate for interest charged on taxes unpaid after this date or 30 days after the bills are mailed, whichever is later.

Deputy Tax Collector, Shirley A. Harrison, made a motion to amend the article to set the dates as October 1, 2012 and April 1, 2013 with an interest rate of 7%. Leo Ruel seconded the motion.

Vote to amend the article was voted and passed.

Article 49, as amended was voted and passed.

ARTICLE 50. To see if the Town will vote to authorize the Board of Selectmen to waive foreclosure of a tax lien mortgage pursuant to State statute if (1) the taxpayer agrees in writing to pay any outstanding balance, plus interest and costs, within 1 year; and (2) no such waiver has been granted by the Town or Board of Selectmen within the past three (3) years.

Leo Pinard made a motion to accept the article. Barbara Hull seconded the motion.

Victoria Gavel made a motion to amend the article from one year to 3 years. Priscilla Ouellette seconded the motion.

Discussion was heard regarding "case by case" and staying current on outstanding taxes. Ed Ross questioned if that would change the article. The Moderator answered that he felt it wouldn't change the article, just the dates. Victoria Gavel explained that the reason she is asking for this is to help the people. Steve Marble and Roger Grant Sr. agreed. Priscilla Ouellette didn't like the "case by case" basis. There was more discussion. Priscilla Ouellette withdrew her second.

Victoria Gavel withdrew motion for the 3 years and changed it to "up to 3 years." Priscilla Ouellette seconded the motion.

Vote to amend the article passed.

Article 50, as amended was voted and passed.

Article 50, as amended: To see if the Town will vote to authorize the Board of Selectmen to waive foreclosure of a tax lien mortgage pursuant to State statute if (1) the taxpayer agrees in writing to pay any outstanding balance, plus interest and costs, for up to 3 years, providing that the said tax payer stays current on taxes assessed and due during the three year period; and (2) no such waiver has been granted by the Town or Board of Selectmen within the past three years.

ARTICLE 51. To see if the Town will vote to authorize the Board of Selectmen to waive foreclosure of a tax lien mortgage pursuant to State statute on such terms as may be determined by the Board of Selectmen to be in the Town's best interest.

Barbara Hull made a motion to accept the article. Roland Nadeau seconded the motion. Steve Gray asked when the people would know if there is a waiver? Leo Ruel answered that it would be on the agenda for a Selectmen's meeting.


Article 51 was voted and passed.

ARTICLE 52. To see if the Town will authorize the Board of Selectmen, on behalf of the Town, to sell and dispose of any real estate acquired by the Town for nonpayment of taxes thereon, or acquired by deed, at public auction after being advertised thirty (30) days prior to said auction, advertising to be done at the Lyman Transfer Station, Jackson Corner Store, Sonny's Convenience Store, Goodwin's Mills General Store, the A-Frame Variety Store, and the bulletin board at the Lyman Town Hall, being conspicuous places in the town; and also posting on the Town website, in the Journal Tribune and such other newspaper as the Selectmen may in their discretion choose, three (3) times, provided that through inadvertence or the like, said tax liens and deeds which remain outstanding of record, when in fact said taxes have been paid, the Selectmen may execute and deliver quit claim deeds without the necessity of following the auction process.

Leo Pinard made a motion to accept the article. Barbara Hull seconded the motion. Article 52 was voted and passed.

Roland Nadeau made a motion to adjourn this Annual Town Meeting ay 4:00 P.M. George Sutton seconded the motion.

A true record of the proceedings of the June 12, 2012 Annual Town Meeting.

Attest: 
Pauline F. Weiss, Town Clerk