

**Town of Livermore
Board of Selectpersons
September 9, 2013 Meeting
Minutes**

Present: Megan Dion, *Chair*, Peter Castonguay, Mark Chretien, Rodney Newman, John Wakefield

1. The meeting was called to order at 6:00 p.m.
2. The Minutes of the August 26, 2013 meeting were accepted as presented.
3. Resident Rob Boothby provided an update on the agricultural operations at Century Elm Farms/Boothby's Orchard and Farm. According to Mr. Boothby, the most recent changes include remodeling a farmhouse on the property for daily and weekly rentals, the construction of a new farm stand, and have repurposed the farm's milk room to allow for making both cider and apple wine. He said the certification and licensing processes for the wine operation are lengthy but they have persevered and should soon have their winery license, which will allow them to serve samples and sell wine at the farm stand and to local businesses. He said he wanted to keep the town informed of all of these activities in the event local approvals are required, and that he had discussed the operation with Planning Board Chair Kathy Perkins, who said she didn't believe he had hit any of the triggers that might require that board's action. Administrator Kurt Schaub suggested Mr. Boothby keep Code Enforcement Officer Richard Marble informed of his progress as it relates to building and land use issues, as he is in the best position to advise on matters requiring Planning Board action.
4. Highway Foreman Roger Ferland and Mr. Schaub reported on the September 5 Road Committee meeting, during which the worst of the drainage problems on River Road was discussed. The Committee considered that the town does not have a recorded easement to flow water to the east side of the road. The bulk of the water drained on the west side of the road until a change was requested by a property owner on that side when the town was working on the road in about 2001-2002. Though a culvert previously existed at the site of the present-day problem, it was smaller and acted primarily as an overflow drain, and not in a primary role. The property owners on the east side of the road are not interested in granting an easement to allow for any additional drainage improvements on their property. The Committee agreed that the best alternative is to restore the drainage as it existed prior to those alterations. Mrs. Dion asked if the Committee had considered digging deeper ditches and raising the road. Mr. Ferland said the Committee discussed raising the road, but was concerned over the impact on the easterly property, particularly without benefit of an easement. It was agreed that Mr. Ferland should get together with the westerly property owner to discuss an additional alternative prior to resorting to the Road Committee's plan. Mr. Ferland said the crew is working on spreading cold mix at several sites, and hopes to rent a roller to assist on Waters Hill Road. Mr. Newman asked about the arrangements for the grader, particularly as a town resident recently purchased one – and also owns a roller. Mr. Newman suggested it might be less expensive to use local help and equipment. Mr. Ferland said the grader is from Rent-It (Auburn), and was originally contracted for September 3 through 6, then the week of September 16. Due to the rain during the first rental week, they agreed to leave it with the town and not charge for additional time during the off week. Mr. Castonguay asked about the use of Ron Greenwood's tractor to rake Stonewall Drive. Mr. Ferland said the town placed reclaim on the hill several years ago, due to its slope. The hill will wash out (and has before) if it is not properly maintained. Mr. Greenwood's tractor does a better job than the town's equipment, he said, at a reasonable price. Mr. Schaub also said the Road Committee agreed to put out to bid the placement of additional cross culverts on South Road and the replacement of the large cement culvert on River Road near the Lamontagne residence.
5. Mr. Schaub provided his Treasurer and Administrator reports. On the financial side, he said referenced the excise tax revenue chart, noting that this year's collections are slightly ahead of last year. He also said the Tax Anticipation Note with Androscoggin Bank is available, and that he will need to use it within the next two weeks to support the town's cash position as paving bills are coming in. He also

reported on the August 27 Solid Waste Board meeting during which the question of allowing limited scavenging of the metal pile was discussed. He said he reported to the board on a conversation he had with Maine Municipal Association Risk Management Services, the town's liability insurer, on this subject. He said they get this question frequently and advise against the practice, and provided their follow-up email. Though they don't have a written prohibition, he said they issue advisories against the practice when they encounter it during loss control inspections. He said they have also paid claims to individuals that have been injured in the course of removing items. The Solid Waste Board also noted that it would be very difficult to draft a policy with enforceable limits, and considered the degree of conflict that could arise between staff and residents, and even between residents who might want the same item. They also recognized that the town receives revenue from the sale of the metal to a recycler. For these reasons, they voted unanimously to recommend no change to the policy prohibiting scavenging of the metal pile. No action followed the report. Mr. Schaub also discussed correspondence he recently received from the town's health insurer, Maine Municipal Employee Health Trust, on an adjustment the town will have to make as the result of the federal Affordable Care Act. According to the act, new employees must wait no longer than 90 days in order to be eligible for employer health insurance. The town's policy for all benefits provides for a 90-day waiting period, with coverage to commence on the first of the month following its completion, which will nearly always exceed the 90-day maximum wait. The recommended adjustment is for a 60-day waiting period, with coverage to begin on the first of the month following its completion. On a motion by Mr. Newman, seconded by Mr. Castonguay, it was unanimously agreed to adopt the recommended change, effective immediately. Mr. Schaub also reported on the theft of three newly-built picnic tables from the recreation field. He said notices of pending tax liens have been sent on 158 accounts, representing \$127,000 in 2013 taxes owed. Last year, \$139,000 was owed on 175 accounts. On a related note, he said the recording and discharge fees charged by the Registry of Deeds will increase by \$6.00 to \$19.00 for each type of recording, effective October 9. He announced that RSU 73 has invited the Selectboards from Jay, Livermore and Livermore Falls to an open house and joint meeting on October 1, and that the annual Household Hazardous Waste collection will take place on September 14.

6. Mr. Newman asked if the Selectpersons could explore leaving RSU 73. He said he would like to have some initial figures to provide residents who want to know what their options are. He offered a motion for the Selectpersons to explore the cost options for withdrawal from RSU 73. The motion was seconded by Mr. Castonguay. Mr. Wakefield asked what options he was considering. Mr. Newman said they included joining with or sending Livermore students on a tuition basis to neighboring districts. Mr. Wakefield said the inquiry could send a message. Mr. Schaub said he would begin making inquiries as to the costs of withdrawal, and would report back to the Selectpersons as they are received. The motion was unanimously approved. Mrs. Dion asked if the Highway Department staff was using their comp time. Mr. Ferland said he believes all have some remaining.

7. Resident Dwight Hines asked why his August 27 letters had not been placed on the Agenda for the correspondence portion of the meeting. Mr. Schaub the correspondence had been addressed to the selectpersons and himself on an individual basis, without reference to whether or not public discussion was requested. He said he would add copies of the correspondence to the Minutes of the meeting. Mrs. Dion suggested that if Mr. Hines should visit the Planning Board if he has suggestions for local ordinances. Resident David Dion commented that other towns allow residents to remove items from their transfer station metal piles that are within reach.

8. The meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Kurt E. Schaub