

Town of Livermore
Board of Selectpersons
July 12, 2016

MEETING MINUTES

PRESENT: Wayne Timberlake, Mark Chretien, Tom Gould, Tim Kachnovich, Megan Dion (sick)

Call to Order and Pledge of Allegiance

1. Approval of the minutes of June 27, 2016 meeting
 - a. *Corrections: (1) strike section h under Public Comment – duplicated in section c under New Business; (2) Correct “Bruce” to “Brad” under Executive Session vote. Dwight – Prosecutor cannot serve as judge. Clarification on roads: 5 affected, not plowing others (Keith, Marcus, Cozy Cove, Bartlett Pond Rd. Richmond Hill Rd. Ext)
A motion was made by Tim Kachnovich to approve the minutes as amended; Second by Tom.
Vote: unanimous

2. Reports

- a. Town Clerk Report – Renda Guild
 - i. The Town Office has been busy. We have registered lots of boats and have run out of stickers. Our Assessor, Paul will be here Friday – he has appointments booked already and should be busy all day. We hope to have the books ready for commitment shortly. (Paul spoke up and updated the Board about our properties in the Tree Growth Program. We currently have 62 properties in Tree Growth and less than a ½ dozen are out of compliance.) Renda updated the Board on the Office Temp application. We received an application and the applicant was interviewed today. Renda feels the applicant is a good fit, but her salary requirements are beyond our budgeted amount. She asked if we should continue to look. There was some discussion on employee rates vs. temp help rates. The Board felt we should approach the applicant with our offer, and if she doesn’t accept, we should re-run the ad.
- b. Highway Foreman Report – Ben Campbell
 - i. The Highway Department has been doing a lot of patching after the recent rain. They have pulled a rock and completed some ditching on Goding Rd. They also uncovered the ends of a few of culverts improving drainage. They have cut out a rock on Butterhill Rd. They will allow it to settle and then pave. While they were on Butterhill Rd. they also cut branches that were hanging out over the road. They have changed a culvert on Hathaway Hill Rd. As they were loading, the pintle hook on the trailer got broken. Ben will order the part and get it fixed. Ben asked what the Board wanted him to do regarding a quote from All-State for Cold Patch. He called and left a message on July 6th, but hasn’t heard back. Amy hasn’t received anything in the office either.
- c. Treasurer Report – Amy Byron
 - i. Excise Tax for the month of June was \$33,776.94 which put us \$79,826.40 ahead of our Fiscal Year Goal. Excise Tax for the month of July is \$18,445.62. Rapid Renewal continues to grow in popularity. We currently have 43 accounts in Lien

for 2015. (This is down 1 account since the last meeting.) Amy is working with the Bank to upgrade our credit card processing and online tax payment systems. Our e-deposit system will be upgraded in the next few weeks.

d. Administrative Report – Amy Byron

- i. Amy reported it continues to be very busy in the office. It is a struggle at times to juggle the three jobs, but we do what we have to do. Tim Cox has completed trimming and brush removal at the Pines. Pollard Scholarship applications are available at the Town Office. They are due in the Office by Monday, August 8 at 6 PM. They will be reviewed at the August 9th Selectmen’s Meeting. Scott Braley sent some preliminary numbers for the wider door on the sand/salt building. He believes it will be approximately \$2,000 for the door and \$500 for the engineering. A motion was made by Tom to opt for the wider door; Second by Tim. Vote: unanimous Amy asked what the Board wished to do regarding Roadside Mowing and RFPs for the River Road Project. Amy will advertise both, with bids due in the Office by 6 PM on Monday, August 8. The Board reviewed two complaints – most items have been addressed. The rest of the items could be done with increased costs to the Town. Amy has spent a considerable amount of time researching what other area Towns do in regarding to agendas, minutes, and website administration. These are things we should consider before the next Budget.

3. Executive Session - §405(6)E – Legal Matter

7:00 *in* Motion: Wayne
Second: Tim
Vote: unanimous

7:25 *out* Motion: Tim
Second: Wayne
Vote: unanimous

→The vote was unanimous to have O’Donnell & Associates send a letter to a commercial tax payer on our behalf in regard to Personal Property Evaluation.

4.

5. Old business

- a. Truck Quote/Purchase – No numbers - TABLED
- b. Roads/Easements – Tom Gould

- i. Tom reports that there are no shocking changes in the road situation. He has drafted a letter to the residents of the affected 5 roads as the easements done in 1989 are not legally binding. (It is being proofread and should be ready soon.) The letter should go out as soon as possible to give residents time to plan. MMA’s opinion is that the Board worked with the best information available at the time, but the easements are not legal. For the short term, we should prepare people that this issue won’t be worked out before snow flies. It is a lengthy, difficult process to get an easement and just one individual can stop the process. One good thing Tom learned is that a legal easement conveys to the new owner when property is sold.. There was a question asked regarding the laws in 1989. Tom stated the laws were the same in 1989 – our easements are not legal. Ben says he researched some of these roads in the spring, and got a different answer from the Selectmen. Tom stated that we need to be looking after the Town’s interest and shouldn’t spend money on something residents may not want. Keith St. is a road with public interest which may make it easier to get an

easement if the people want one. In some cases, the reason for public interest isn't as clear. Tom reminded the Board that an Easement is permission to do maintenance, not an obligation. Tom's suggestion is to get as much done as possible before involving the Town's lawyer. We can expect this to cost the Town a "few thousand dollars ". Wayne said that the Town voted in 1989, and it may have been done wrong, but he felt we should look at their intent and honor their intention. Tom agrees, but it must be done correctly to protect the Town. Tim asked if it should be put to the voters. Tom said it has to be voted on, but the wording must be very specific so that the residents know what they are voting on. We must determine public interest, a cost to maintain, and a cost for legal advice on each road individually. Ben Campbell asked why we would spend money on a homeowner's association road. Keith and Marcus have been brought up several times. The public interest is in the beach and cemetery. Tom can't find the information on which part is private and which part is public. We will need to do some more research. (One section is paved, but we don't know when or by whom that was done.) There was some discussion on bus routes and how that affects easements. Tim suggested the Board digest all this information and revisit it in two weeks.

- c. Email
 - i. We reviewed the email from MMA. There was some discussion on what is or isn't a meeting. We also discussed the use of personal devices. Mark would rather avoid using a personal device for Town business. Tim felt adding another email address to check would be a burden. Wayne doesn't do email. The consensus was that we would continue to use paper copies for Town business. The Selectmen will pick up their packets when done.

6. New business

- a. Set Pay Rates for new fiscal year

A motion was made by Mark to give the Town Office staff (except for Amy), the Transfer Station staff & Bruce Webster (Maintenance only) a 1 % raise; Second by Wayne Vote: unanimous

Discussion: The Highway Fill-In position got a raise in last 12 months from what Dan was making. After 6 months' probation, the Select Board has the option to review Bruce and give him a raise at that point. They can make retroactive. *Retroactive to July 1* The motion was made by Mark; Second by Tom. Vote: unanimous

- b. Safety Works – Mark
 - i. Juanita contacted Safety Works for an inspection. This is a good way to get a Bureau of Labor pre-inspection without the fines. They will be contacting Amy to set up appointments for all departments.
- c. Highway Foreman
 - i. A motion was made by Wayne to hire Roger Ferland; Second by Tim. MOTION FAILED
 - ii. There was some discussion on the negotiated wages. Tom wants clarification on wages. Would this mean a cut in overtime? MOVED TO EXECUTIVE SESSION
- d. Annual appointments
 - i. Renda asked if the Board wished to make the same appointments to the various committees. She will work from the list in the Town Report, complete the forms and have them come in and sign.

7. Public Comment

- a. Ben Campbell: He would have appreciated a phone call from the Board regarding hiring a new Foreman. He is upset that he heard it from the street before Amy contacted him. He asked the Board to consider employees feelings. Some Board Members suggested it was the small town rumor mill at work as they had not made a decision.
- b. Lynn Mercier: She feels the Board was inconsiderate – especially to those that have done a good job. She suggested it was good etiquette to notify those that applied, whether they were interviewed, hired or not.
- c. Bonnie Perkins: Thanked Ben for his hard work and a job well done.
- d. Bruce Webster: Felt that Ben is very knowledgeable and qualified for the job.
- e. Dwight Hines wanted clarification about circulating petitions at the transfer station. He talked with Juanita and she said no one has circulated a petition there. He noted that the Supreme Court Decision was a memorandum decision and is still pending. He would like the Town to think about an ordinance that allows the elderly to work in exchange for money off their property tax bill.
- f. Bruce Webster wants clarification on his position. (Is he being replaced by Brad Buzzell?) The answer is, “No, the Town needs a pool of highway workers to draw from.” It is up to the Highway Foremen to choose the appropriately skilled person for the job they are working on.

8. Executive Session - §405 (6)A – Personnel Matter

- 8:23 *in* Motion: Tim
Second: Wayne
Vote: unanimous
- 8:45 *out* Motion: Mark
Second: Wayne
Vote: unanimous

→A motion was made by Wayne to hire Roger Ferland as the Highway Foreman at the rate of \$21.00/hour; Second by Tim. Vote: unanimous

9. Adjourn