

Town of Livermore
Board of Selectpersons

August 23, 2016

MEETING MINUTES

1. Public Hearing - Review Application for BYOB Permit – Boothby’s Orchard

PRESENT: Wayne Timberlake, Mark Chretien, Megan Dion, Tim Kachnovich, Tom Gould (7:06)

2. Call to Order and Pledge of Allegiance – 6:30 PM

3. Discussion and Vote regarding BYOB Permit

Resident Dwight Hines asked several questions regarding the process of obtaining a BYOB permit. A motion was made by Mark Chretien to approve the BYOB permit; Second by Tim Kachnovich. VOTE: Unanimous

4. Approval of the minutes of August 9, 2016 meeting

A motion was made by Tim Kachnovich to approve the minutes as written; Second by Wayne Timberlake. VOTE: unanimous

5. Reports

- a. Town Clerk Report - absent

- b. Highway Foreman Report – Roger Ferland

- i. Roger scheduled Annual BLS Training for the Highway Department tomorrow. He has ordered Cold Mix and expects it will be ready the week of September 12th. The grader has been rented. Roger reported that Gary Dorr, the grader operator, is asking for \$25/hour. In the past the Town has paid \$20/hour for a 40 hour week. The raise will result in a \$200 increase. A motion was made by Mark Chretien to pay Gary Dorr \$25/hour; Second by Tim Kachnovich. VOTE: unanimous. Roger was able to purchase culverts via AVCOG at the bid price. The GMC is still at Murray’s for repairs. Tim asked about the estimated cost. Jesse’s estimate is \$2800 to repair fuel lines, rear brakes, front brake lines, headlights, and the 4wd pump. It is stickered. Bruce has been repairing, scraping, and painting the Highway Garage over the past 3 weeks. Roger reported some of the trim boards and t1-11 were in bad shaped and needed to be replaced.

- c. Treasurer Report – Amy Byron

- i. Amy reported an error in her Treasurer’s Report at the last meeting. She had reported the August Excise Tax collection to be \$57,453.58, which is the fiscal year-to-date total instead of the monthly total. The monthly total as of the last meeting should have been \$16,126.52. The August Excise Tax collected to date is \$27,003.32. Amy has the 2017 budget entered in TRIO and has worked with the Assessor, Paul on Commitment. She reminded the Board they would be looking at Commitment later in the Meeting. 2015 Lien payments continue to be

collected. One account has been paid off since the last meeting. (We currently have 38 accounts in Lien for 2015.) 2016 accounts will be going to Lien on August 29. Since 30 day notices have gone out, 58 accounts have been paid off. Amy reported the Auditors will be here the last week of September.

d. Administrative Report – Amy Byron

- i. It continues to be busy in the office with Amy sometimes juggling three areas of responsibility. The Town has received three applications for the Office Temp position and Amy expects to conduct interviews later this week. Amy delivered her laptop to Expenet as it stopped booting. The technician suspects the motherboard is bad. He was able to off load the data to a thumb drive. Amy distributed a quote for replacement of the laptop. (The technician did not recommend repairing the current laptop.) A motion was made by Tim Kachnovich to replace the laptop; Second by Wayne Timberlake. VOTE: unanimous. Amy has been working with Ben Guild on a grant for the Fire Department. The \$40,000 grant, if awarded, will help with replacing the current lights in the station with LED lights and the installation of an exhaust system to vent fumes outside the building. If the grant is awarded, there is a 25% Town Match, which would require a Special Town Meeting. Ben expects to be notified in October if the Town has been awarded the grant. Amy reported an accident on Waters Hill Road which resulted in property damage to the Waters Hill Cemetery. She is obtaining repair estimates and working with the Insured Party's insurance company. Amy reported she presented information to the Planning Board regarding the possible donation of land abutting the Ball Field. It received mixed reviews. She expects the buyer to submit a Site Plan Review application shortly. Bruce Webster asked Amy to present a quote for the purchase of a push lawn mower for use around the Highway Garage. Roger Ferland recommended against it, saying in the past it has been maintained with a weed trimmer due to the presence of scrap, etc. behind the garage. The purchase was denied. She reported that contractor Richard Crocker has started on the Roadside Mowing. Lastly, the Town has received contract documents from Bruce Manzer that require review and signature. Mark Chretien reviewed the documents and had a few questions he will address with Bruce. The documents were not signed.

6. Old business

a. Roads/Easements – Tom Gould

- i. Tom reported that he has received notification from MMA that they can no longer be of service to us regarding the Easement Roads. We have exhausted their scope of service. MMA Legal does not recommend that the Town distribute sample easements as this is an issue between residents and their lawyers. The resident's first step is to obtain a title search. Secondly, each resident should speak with a lawyer about drawing up the easement documents. Once these two items have been completed, the Town Lawyer will review and make recommendations. Lastly, a Town Vote will be required for each road. Tom recommended conducting a straw poll to get an idea of resident interest before we pursue. He reminded the Board that a single resident opposed to the easement can shut down the process and of the possible legal costs to residents and the Town. Resident Chris McHugh asked about the status of Wyman Road. Tom clarified that Wyman Road is not an Easement Road. Research being done shows no evidence that this is a Town Road. Tom believes it to be a "Paper Road" resulting from the proposed Cottage Terrace Estates which never developed. Chris McHugh suggested asking the Highway Foreman about the history of Town maintenance and plowing. McHugh maintains he has been told

several times it was a Town maintained road. Megan Dion responded that the Town recently reviewed the road inventory with Peter Coughlin from DOT and Wyman Road is not on the DOT inventory as a Town Road. Tom referenced the 1945 minutes where a vote on Wyman Road was “passed by”. Tom offered to stay after the meeting to address other concerns: Tom offered to stay after to discuss. Tom reminded those in attendance that the current Board cannot speak to prior Board’s / Administrators decisions. MMA’s position is that prior easements and votes were not done legally. Resident Brenda Merrill will have a lawyer look at the sample easement. Tom maintained that the Select Board has no authority on this. Wayne Timberlake asked if the Town Lawyer had looked at the sample Easement yet. The answer was no. He suggests our Lawyer review as he feels the intent was there in 1989. A list of roads provided by Brenda does not match Easement Folders in the vault. This will require more research.

1. A motion was made by Mark Chretien to have the Town Lawyer review the sample easement; Second by Wayne Timberlake. VOTE: unanimous
 - ii. Discussion after the vote included future easements. Mark maintained this was a one-time offer and was offered to all camp owners.
 - iii. Resident Peter Castonguay asked for clarification of new easements in regard to Public Interest. He felt that should have been explored before the 1989 action.
- b. Personnel Policy – Distribute Draft for Review - TABLED

7. New business

- a. Pre-Commitment Review – Amy Byron

Amy presented three possible mil rates for 2017 and the resulting overlay with each rate. She presented 15.9, 16.0 and 16.1. A motion was made by Wayne to approve a mil rate of 16.0; Second by Tim. VOTE: unanimous

- b. Container for Transfer Station – Amy Byron

At the last meeting, Juanita expressed the need for storage at the Transfer Station. Amy has contacted several vendors for a quote on a 20-foot container. Only one contact was made to a vendor in MA. She will attempt to contact local vendors and will bring numbers to next meeting.

- c. Planning Board Member – Amy Byron

Resident Ben Guild is interested in serving on the Planning Board. He serves in a similar capacity in South Portland.

A motion was made by Wayne Timberlake to appoint Ben Guild to the Planning Board; Second by Tim Kachnovich. VOTE: unanimous

8. Public Comment

- a. Andy Witham - Specialty Services

- i. Business Owner Andy Witham expressed frustration with the lack of law enforcement response during a Security Breach at his place of business on

August 11, 2016. He realizes Livermore is rural and depends on shared services between the Sherriff and State Police. He feels it is unsafe to expect anyone to go to the place of business during an alarm without law enforcement presence. Tim Kachnovich stated he can't speak for the State Police, but knows there is no State Police patrol after 11 PM. Tim recommends that Mr. Witham voice his concern with the State Police and he recommended that in the future, Mr. Witham ask the Sheriff's Department to respond if the State Police can't. Mr. Witham will arrange a call tree within his business so that someone will be available to respond. Ben asked about 24 hour coverage by the Sheriff's Office. It would be extremely expensive for a Town this size.

9. Adjourn -7:50 PM