

Town of Livermore
Board of Selectpersons

September 6, 2016

MEETING MINUTES

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

1. Call to Order and Pledge of Allegiance – 6:30 PM
2. Approval of the minutes of August 23, 2016 meeting
 - a. Wayne asked for clarification on Brenda's list of easement roads compared to the easement folders. Tom noted the two do not match. There are several roads on Brenda's list that are not easement roads. There are several folders for non-easement roads. We are correcting and updating records as we go.
 - b. Tim asked why packets were not mailed. Amy reminded the Board they had agreed to pick up packets at the Town Office as they would be in the Office to sign the Payroll Warrant. Megan mentioned it was an attempt to save postage. Tom asked if it was possible to pick the packet up on Friday so they had the weekend. Amy said it was possible. Mark prefers the packets be mailed as it is difficult to get into the Office. Jean asked about the Board Members signing for Payroll. It was stated that arrangements could be made to sign for Payroll. Tim asked that a text be sent if his signature is required.
 - c. A motion was made by Megan to accept the minutes; Second by Tom. VOTE: unanimous
3. Reports
 - a. Town Clerk Report – Renda Guild *absent*
 - b. Highway Foreman Report – Roger Ferland
 - i. Roger reports the GMC is back from Murrays. The 2007 International is down there now. It needs a couple small things & a windshield. Jesse said there is no more adjustment on the clutch. It will need to be replaced before winter. Roger has obtained two prices on the windshield: one from Portland Glass and one from Safelite. Safelite is \$100 cheaper and can be installed same day. He chose Safelite. The windshield will be installed while the truck is at Murray's. The Cold Mix delivery has been pushed back another week. Roger has rescheduled the contractor & grader rental. Roger asked if he is able to sign on things such as contracts, quotes & estimates. After some discussion regarding budget, the bid process and the Purchasing Policy, it was decided Department Heads can sign. Amy reminded everyone that Select Board approval is required on purchases above \$2500.00 Tom asked if the repair bill for the GMC required a vote. Mark stated it was an emergency and Roger needed a truck.
 - c. Treasurer Report – Amy Byron
 - i. Amy reported that the August Excise Tax was \$37,306.80 which is 137% of monthly goal. Excise Tax in September so far is \$7,091.72 – 26% of monthly goal. There are 35 Lien Accounts for 2015 totaling \$31,127.77 – down 3 accounts since the last meeting. There are 108 Liens on file for 2016 – 3

accounts have been paid off since going to Lien. Overall this is an average number of Liens and about the same as previous years. Financially, the Town is doing well. We have not had to draw on the TAN and our balance is \$573,731.22. The audit is scheduled for the last week of September.

- d. Administrative Report – Amy Byron
 - i. Amy reported that it continues to be busy in the Office. Tax Bills are in the mail. The Homestead Exemption increased to \$15,000 and our Mil Rate stayed at 16.00 – reducing Tax Bills slightly if there were no other assessment changes. The Office Staff have been answering lots of questions. A new laptop has been ordered. An estimate to repair damages at Waters Hill Cemetery has been submitted to the responsible party’s insurance company. The Town received a dividend check from MMA Workman’s Comp. Amy, Jean and Renda interviewed three candidates for the Office Temp position. Amy reported that all three are good candidates – some having different skills than others and some having more availability than others. Renda’s recommendation is to hire all three, creating a pool to draw from. Amy asked the Board what they wished to do. Megan made a motion to hire all three candidates; Second by Tom. VOTE: unanimous.

4. Old business

- a. Roads/Easements – Tom Gould
 - i. Tom thanked Mr. Dan Kimble (Keith St.) for supplying information in regard to a workshop held in Winthrop on the topic of Easement Roads. Tom talked with Mary Dennison – she was very helpful. Tom has also reviewed and walked through the proper steps with MMA. Estimated cost of an Easement is approximately \$300/resident. The Town Attorney pointed out that all Easements require notarization. Tom does not think this process can be completed before snow flies as the timeline for a 10 person road is about 1 month. (making our timeline 4 – 5 months total) The Town Attorney voiced concerns about fee simple interest – which is why he recommends a title search. The steps involved are: Title search, registered easement, group easement, document review by Town Attorney, vote. Resident Brenda Merrill asked about title searches done within 5 years. Tom thinks that should be fine, but recommended she ask her attorney. In regard to Keith St. – in 1976, the county turned over several roads to the Town. It had been suggested that Keith St. was one of those, but Peter Coughlin disagrees. The Office Staff has compiled a list of abutting landowners for each road which Tom has compiled into a spreadsheet with a map. These will become part of the permanent record when this process is completed. Resident Chris McHugh asked about Wyman Rd. Tom says everything we have come across suggests it is not a Town Road. Mr. McHugh suggests there is a “loss of services” as it has been taken care of for 68 years – summer and winter. Tom said our hands are tied in this situation. This is a legal issue in which the Select Board has no authority. Town Maintenance of roads such as Wyman Road has been illegal since 1986. Mr. McHugh stated he met with Richard Marble and was told Mr. Marble has no Code Enforcement records from the years before he started. (He is referring to Building Permits, etc. that would help his case.) Five roads are currently under Easement review. Wyman is considered a private way; selectmen do not have authority to vote to break law. Tom offered to have the Town Lawyer review any documentation Chris can provide. Tom asked about the public interest in Bartlett Pond Rd., Richmond Hill Rd, Marcus St? Bartlett Pond Rd is not plowed, but the Town Highway Department wings it back as needed. Richmond Hill Rd provides a place for Town trucks to turn around. Marcus St. – unsure of public interest. Mark Chretien asked about spending

town money for Legal advice and then take a vote that might not pass. Resident Brenda Merrill suggested having one meeting for all roads to discourage “stacking” against any one road. Resident Dan Kimble’s concern is shelling out money with a risk of no return and suggested we are working backwards. Resident Brenda Merrill expressed frustration that the sample easement wasn’t forwarded to the Town Attorney for review. Tim Kachnovich responded that MMA discouraged the Town from providing the sample and any opinion. She asked if the Town Attorney could review the Easement. Tom will forward for an opinion. Wayne Timberlake asked about the plugged culvert on Maple Lane. Roger said it is being monitored by DEP.

- b. Container for Transfer Station - Amy Byron
 - i. At a previous meeting, the need for a container at the Transfer Station had been discussed. Amy has shopped around and obtained a quote from a local supplier. He could provide a 20’ container for \$2500 plus \$200 delivery. Amy provided pictures and contact information. A motion was made by Tom to purchase the container; Second by Tim. VOTE: unanimous.
5. New business
- a. Damage to Gate at Transfer Station – Amy Byron
 - i. Amy provided pictures and information regarding damage to the gate at the Transfer Station. The damage was discovered by the crew working on the Sand/Salt Shed upon entering the facility on Friday, September 9. Amy contacted the Sheriff’s Office. There was little evidence at the scene. Amy called Roger in to straighten the gate enough so it could be used until a more permanent solution can be found. Nothing else appeared to be damaged or tampered with.
 - b. Sand/Salt Pile for Residential Use – Amy Byron/Roger Ferland
 - i. Amy reviewed recommendations from DEP regarding a small sand/salt pile for residential use. It was decided we should wait until the building is completed and the pile is moved inside before locating a residential supply.
- C. Change Order – Sand/Salt Shed

Mark noted that the paved apron outside the sand/salt shed is oriented incorrectly on the final plan. He asked Amy to check with Plymouth Engineering and DEP on a Change Order. He also asked about the invoice for three site visits. He asked Amy to review the contract and financial information and to report findings at the next meeting.

6. Public Comment
- a. Dwight Hines asked about the sign located on R.S. Pidacks property for the sand/salt shed. He also asked if the money appropriated included costs for the Engineer. He reported he is working on a citizen review board focused on competency and credibility in regard to lethal force. He hopes to develop a well-documented database of law violators. He also is looking into ways to provide more funding for the court system as they are woefully underfunded.
 - b. Dan Kimble asked when we can expect review by Town Lawyer. Tom thinks we should know something by the end of the week. Mr. Kimble asked how this would affect the school bus route. Tom acknowledged the public interest and said the Town will notify the RSU.
 - c. Chris McHugh asked about damage caused by Town trucks to his road and lawn. He asserts MMA is there to stir up controversy between Town and residents. He said he isn’t sure that MMA has the Town’s best interest in mind. Mark maintains there is an

easement/ROW to enter from another property owner. Megan asked Mr. McHugh about his legal address and the location of Wyman Road in relation to the original plan. A motion was made by Tom to have the Town Attorney review documentation; Second by Wayne VOTE: unanimous

d. Executive Session – 1 M.R.S.A. §405(6)F – Poverty Abatement Application

7:45 PM: Tim made a motion to enter Executive Session; Second by Wayne.
VOTE: unanimous

8 PM: Mark made a motion to exit Executive Session; Second by Megan.
VOTE: unanimous

Mark made a motion to deny the Abatement Application; Second by Tim.
VOTE: unanimous

7. Adjourn