

Town of Livermore
Board of Selectpersons

October 4, 2016

MEETING MINUTES

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

1. **Public Hearing: Amendment to the General Assistance Ordinance**
 - a. There were a number of questions regarding the number of cases handled annually & the reasoning for ordinance. Amy fielded questions to the best of her ability as Jean Tardif, GA Director was unavailable.
2. Call to Order and Pledge of Allegiance – 6:30 PM
3. Approval of the minutes of September 20, 2016 meeting
A motion was made by Tim to approve the September 20, 2016 minutes; Second by Wayne. VOTE: unanimous
4. Approval of the General Assistance Ordinance
A motion was made by Tim to approve the General Assistance Ordinance; Second by Wayne. VOTE: unanimous
5. Reports
 - a. Town Clerk Report – Renda
 - i. NONE
 - b. Highway Foreman Report – Roger
 - i. Roger reported they have been busy spreading Cold Mix on Robinson Rd. (upper portion), Gibbs Mill Rd, Waters Hill Rd., Bear Mountain Rd, Butter Hill Rd., -- putting gravel & reclaim on the hills. They have done shoulder work on Norlands Rd. He reported that Bruce Manzer started paving on River Rd. today. He plans to do the top coat on Thursday and shoulder work on Friday.
 - ii. Roger has received quotes from Rowe Ford and H.P Fairfield for the Truck and Plow Gear. The purchase will include a 2016 Cab & Chassis with a 9’ dump body from Rowe Ford and the Plow Gear from H. P. Fairfield. The body will be galvanized coated. The Select Board reviewed the quotes. Tom asked if Roger felt the truck was equipped as needed and would there be any additional purchases. Roger stated this was a 6.7 diesel, automatic and was equipped for the Highway Department use. A motion was made by Tim to approve the purchase; Second by Tim. VOTE: unanimous
 - c. Wayne asked if the clutch was done on the 2007. Roger said it has not been done. The Wheeler is at Murray’s now for an inspection. The estimate is \$1,000 for a slack adjuster, air valve, and ABS repairs.
 - d. Treasurer Report – Amy
 - i. Amy reported the September Excise Tax collected was \$23,716.47, which is 135% of the monthly goal. The October Excise Tax collected to date is \$4,612.50, which is 17% of the monthly goal. The 2015 Lien Accounts are unchanged from two weeks ago. The 2016 Lien Accounts number 103 with a

value of \$92,881.46 – this is down 5 accounts from two weeks ago. The Audit is scheduled for the last week of October.

- e. Administrative Report – Amy
 - i. Amy reported that it continues to be busy in the office. The staff is handling a lot of phone calls regarding taxes, absentee ballots and dog licenses. Amy attended the Spirit of America Awards. She encouraged the Board to be thinking about the 2017 nominee. Amy reported that the Planning Board met the Engineer regarding the proposed Dollar General project. They are also considering revisions to the Building, Site Plan Review, and Shoreland Zoning Ordinances. Amy met with a representative from Overhead Door Company to choose a color. The door has been ordered and should be installed in the next few weeks. Amy and Renda will be attending the MMA Convention tomorrow. Amy is meeting with Cintas on Thursday to review the first aid kits. All Town Departments will be closed Monday, October 10, 2016 in observance of Columbus Day.

6. Old business

- a. Roads/Easements – Tom
 - i. Tom has done some research on Wyman Road – including tracking what he thinks is the location of the road. He spoke with Chris McHugh earlier this week. Chris has located a Quit Claim Deed, which he believes indicates Intent, but he has been able to locate the record of a Town vote to accept the road as a Town Way. Tom stated the matter was brought up for a vote, but the matter was “passed by”. At this point, Tom doesn’t think it is the right road. (He will review with Chris later...)
 - ii. Dwight referenced a free book available on forming a road association. He suggested it might be good information.
 - iii. In regard to Easement Roads, Tom consulted the Town Attorney (Lee Bragg). Attorney Bragg said there are three ways to approach this, but he recommends the Deed & Acceptance method. Town Meeting approval is required whichever way we go. Mark stated he also talked with Bragg and found that the road has to be described in the Deed. All abutting landowners must sign an Easement. If road is owned by someone else, the owner must sign off. (In most cases, ownership is to the center of the road. If the road description is not in the Deed, a search must be done of all portions of the divisions and owners. In short, we have come this far in the process and don’t want to skirt anything or take any shortcuts that could jeopardize the process. Tom reiterated that all underlying interests need to be accounted for.
 - iv. Chris McHugh raised questions about the 1989 vote. He pointed out that from 1989 – 1996 there are recorded votes to appropriate money for maintenance. Tom reminded everyone that the money appropriated by those votes was for Easement Roads ONLY. Wyman Road is not an Easement Road. (The Town has signed easements for Cozy Cove Rd., Keith St., Marcus St., Pulsifer Road, Richmond Hill Road, and Bartlett Pond Road.
 - v. Mr. Kimble, who owns a camp on Keith Street, referenced a possible Right-of-Way on Keith and Marcus Streets. He suggested we need to find out who owns those roads and that they might have been formed around the 1950s when Brettuns Beach was given to the Town. Mark suggested we may want to look for whoever subdivided the property. It was stressed that landowners should continue to do as much research as possible before paying for a Title Search.
- b. RFP for Windows at Town Office – Amy
 - i. The Board reviewed the Draft Request for Proposal and changed the bid close date to November 1. Amy will send it to the newspaper for publication.
- c. Personnel Policy

- i. The previously proposed changes are highlighted in gray. (Sections regarding Concealed Carry, Smoking, and Political Activity are affected.)
- ii. Mark proposed that employees should be able to smoke in own vehicle on break or lunch. He suggested the following wording: “Smoking is also prohibited in all municipal vehicles and equipment.” (Strike the portion involving personal vehicles on Town business.)
- iii. Chris asked if this pertains to smoking only or tobacco products in general. It involves smoking only. A motion was made by Tim to accept the policy with the suggested change; Second by Wayne. VOTE: unanimous

7. New business

- a. NONE

8. Public Comment

- a. Resident Dwight Hines stated he would like to have a Meeting Packet copy (such as the Select Board Members receive). He suggested the Board is avoiding the Open Meetings Rule by not complying. (Amy is already emailing him an agenda, but will research the matter further.) He stated that the Town can’t poll people prior to a meeting or decision. The Town should be encouraging everyone to participate in the process. Tim reminded Mr. Hines that the public should only speak or participate during the Public Comment portion of the Meeting. Mr. Hines is happy with the turnout rate at recent meetings. He is attending a FOAA meeting tomorrow as well as the County Budget Meetings. He stated he felt the scheduled Executive Session Statutory Citation is too general. Amy clarified that this is the recommended format obtained from MMA.
- b. Mr. Guay (non-resident) reminded the Board that all communications need to occur in public.
- c. Resident Chris McHugh said he has done a lot of research on Wyman Road. He produced 2 documents from the Androscoggin County Registry. Tom offered to review the documentation with Chris after the meeting.
- d. Mr. Dan Kimble (non-resident, but owns camp on Keith St.) said that the Town of Fayette emails a list/letter to interested residents.

9. Executive Session – Consultation with legal counsel – 1 M.R.S.A. § 405(6) (E)

- a. 7:37 PM – A motion was made by Tim to enter Executive Session; Second by Wayne. VOTE: unanimous
- b. 7:55 PM - A motion was made by Wayne to exit Executive Session; Second by Tim. VOTE: unanimous

→ ACTION: The Select Board authorizes Amy to contact the Town Attorney and have him draft a letter stating there is no merit to the Breach of Contract Claim made by Gerald Whitney. Motion made by Tom; Second by Megan. VOTE: unanimous

10. Adjourn – 7:59 PM