

# TOWN OF LIVERMORE

## Board of Selectpersons

### MEETING MINUTES

November 29, 2016

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

1. Call to Order – 6:30 PM
2. Approval of Minutes - November 15, 2016
  - a. Tim made a motion to accept the minutes as written; Second by Wayne. Discussion included a request made by resident Dwight Hines to correct the Public Comment section to read, “Dwight is \*NOT\* working with DA; he is sharing information. He has an issue with Section 6c – he was asked to clarify during Public Comment.
  - b. Vote: \*NONE\*
  - c. A motion was made by Wayne to accept the minutes as corrected; Second by Tom. Vote: unanimous
3. Reports
  - a. Town Clerk Report - NA
  - b. Highway Foreman Report – Roger Ferland
    - i. Roger updated the Board on the Sand/Salt Shed There is an issue with fan kicking off. The fix is to move the automatic fan switch inside. The door has been fixed. The Shed is full – Roger estimates about 3500 yards of sand is inside. He has about 10 feet of space available for the loader. We still have sand outside that they will be using up first.
    - ii. The new truck should have been here last week. There was a scheduling mix up at HP Fairfield. We expect the truck to be ready next Wednesday.
    - iii. The Bridge bid received at the last meeting has been rescinded. Roger asked the Board for instructions. The Board asked Amy to speak with Brad Buzzell to see if he is interested in doing it.

- iv. Safetyworks – The Safetyworks visit went well. There are a few issues to be addressed, but nothing major. The areas of concern involve recordkeeping and training.
- c. Treasurer Report – Amy Byron
  - i. The Excise Tax to date is \$22,679.77 – 84% of the monthly goal. There are 31 – 2015 Tax Lien Accounts with a total due of \$29,345.33. Thirty Day Notices will be sent out in January. There are 91 – 2016 Tax Lien Accounts with a total due of \$84,475.68. Our Account Balance is in good shape – we have not had to take a TAN Advance.
- d. Administrative Report – Amy Byron
  - i. Amy reported that it has been a little quieter in the Office. There have been some computer issues. Expenet will address one of the issues tomorrow. A Federal Court filed an Injunction on the DOL Overtime Rule. Amy will update the Board as the case progresses. Amy asked what the Board wished to do with Holiday Hours at the Transfer Station. In the past, when Christmas Eve fell on a Saturday, the Transfer Station was given the day off with Holiday Pay. Mark made a motion to give the Transfer Station employees Christmas Eve off with Holiday Pay and remain open New Year’s Eve; Second by Wayne. Vote: unanimous

#### 4. Old Business

- a. Bridge Bid Update – Amy Byron
  - i. This was covered in the Highway Foreman Report.
- b. Small Shed Update – Mark Chretien
  - i. Mark estimates repairs would cost approximately \$700 – wages and materials. The work to be done would include removing and replacing two sills and replacing the sheathing. He recommended the use of one waste block to prevent the loader from pushing against back wall. He reminded the Board there is no standard for salt storage under cover. These costs would be paid out of the Maintenance Budget.
- c. Roads Update – Tom Gould
  - i. Tom updated those in attendance on Wyman Road. There has been a lot of research done which turned up a vote taken in 1946 to build Wyman Road as laid out. The Deed references the “Chicoine Place” which complicated the research. (Many older deeds reference a particular house or person who lived

there and give few other details. This makes research very tedious.) Wyman Road does not follow the exact layout of the proposed road in the Cottage Terrace Estate Plans. It was moved in 1947. (One year after the vote.) Tom feels we are obligated to plow this year, but may seek discontinuance at the next Town Meeting. Tom presented documents to be filed: Wyman, Cozy Cove and Keith Streets. The Office Staff will set up files to keep everything together.

- ii. Mark asked for an update on Cozy Cove Rd. There was discussion regarding the easement and whether or not town meeting is required. Mark requested a written opinion from the Town Attorney on the Town Meeting requirement. Tom's opinion was that "pushing this through" could open the Town up to problems. Megan agreed stating the legality of the prior easements led us to this point. She felt it was important to do this correctly. Megan reminded the Board that part of the problem was due to the fact that individual roads were not listed in the article and they were not voted on individually. Resident Brenda Merrill agreed that roads were not recorded in writing, but they were stated verbally at Town Meeting. Amy reviewed the packet of information on Cozy Cove Road and found the easement to be missing. She will check with Jim Timberlake on the easement. Tom asked if the Board wished to address this at a Special Town Meeting set up specifically for Cozy Cove Road. Megan suggested we combine it with the Special Town Meeting set up for OCRR on January 10<sup>th</sup>.
- iii. Amy suggested the Board may want to consider Turn-around Agreements while we are addressing private roads. These would protect the Town from liability should something happen while a Town Truck is attempting to turn around. Amy has a draft document that she will submit for Town Attorney opinion. She will bring a draft document to the next meeting.

## 5. New Business

### a. Marijuana Moratorium Ordinance – Amy Byron

- 1. Amy reports that many Towns are adopting some form of Marijuana Moratorium Ordinance. It will give the State and the Town time to sort things out. Tom feels it is something we should pursue proactively. It is a good faith effort to protect the Town. He asked about the

possibility of lining it up with the January Special Meeting. It was determined to proceed. A motion was made by Tom to present such an ordinance; Second by Tim. Vote: unanimous

6. Public Comment

- a. Brenda Merrill took objection to the suggestion that the Easement Road proceedings in 1989 were “back door”. She reminded those in attendance that there was a change in the law in 1986. The Board approached the owners of roads and obtained signatures. The issue was brought to Town Meeting and voted on. Brenda feels it is inflammatory to continue to call it “back door”. Megan suggested that the Board should hear what the people have to say. They have a right to speak on all issues.
- b. Dwight Hines wrote Ms. Probert regarding the lack of law requiring notice of cemetery maintenance. He referenced a BDN article on declining population. He met with the Commission for Legal Services in regard to representation for poor people. He maintains there is a need for Public Defenders. Maine has the second lowest paid public defenders in the USA. Dwight referenced a question raised at the last meeting regarding Legal Expenses. Dwight suggested the Town should be liable for his expenses.

7. Executive Session – 1 M.R.S.A. §405(6)(A) – Personnel (Town Office)

- a. POSTPONED. Renda and Jean were unavailable. Amy will check with them for next meeting.

8. Adjourn – 7:16 PM