

TOWN OF LIVERMORE

Board of Selectpersons

MEETING MINUTES

December 27, 2016
6:30 PM

Board Members Present: Wayne Timberlake, Tom Gould, Mark Chretien, Tim Kachnovich, Megan Dion

Guests: Brenda Merrill, Dwight Hines, Pam Harnden, Robin Staples, David Dion

1. Call to Order – 6:30 PM
2. Approval of Minutes - December 13, 2016
 - a. Tim suggested correction/clarification of Section 6: Public Comment, Item a: It should read, “He stated he is against Marijuana in Town...” -- as it reads it sounds like he is against the Moratorium, which he is not.
 - b. Tim made a motion to accept the minutes as corrected; Second by Tom. VOTE: unanimous
3. Reports
 - a. Town Clerk Report – Renda Guild
 - i. N/A
 - b. Fire Department Report – Chief Donald Castonguay
 - i. Chief Castonguay reports the Fire Department has an opportunity to purchase a replacement truck for the aging squad truck. The proposed purchase is a heavy rescue with generator, cascade system, winch, scene lights, and outlets for \$7,000. The truck is currently yellow and the Department would like to paint it if feasible. They have been told the sale of the existing truck could bring \$10,000 (maybe more) and cover the costs of painting the truck. Donald feels this is a good purchase as the truck is designed for this use – not refitted. The truck is currently owned by the Town of New Portland. He has money in his budget to purchase the truck and then would use sale proceeds to cover costs. He could use money in a savings account if the truck doesn’t sell right away. He reported that E1 has needed some repairs (brakes) and is starting to cost us some money. E2 is in good shape – it has been in Town for 5 years and hasn’t needed much for repairs. Ben is working hard to get this within budget and make the fleet more reliable. The truck is a 1995 GMC and is set up for cold weather. This is a flexible piece of equipment. If the motor or chassis gives out, we could pull the body and put a new chassis under it. Ben said the Cascade system will save time and money as they

won't need to go to Livermore Falls to fill tanks as often. Mark reminded Donald that the minimum wage is going up. Donald said we will address it during budget meetings. Donald reported that the Training and Medical Reports will be up to date later in January. Andrew is working on the final draft for the generator. Ben Demonstrated bail out kits. Ben is working on a grant for a TV for the Training Room. He reported that there is money out there; we just need to dig a little. The Department has done well with grants: we have been able to buy new radios, new gear, and bail out kits. The Department reported that back roads were bad this morning. There was a 911 call for two slide offs. The ambulance slid off the road – no one was hurt.

- c. Highway Foreman Report – Roger Ferland (Report given by Amy Byron)
 - i. Roger is not here as they have been out for many hours plowing and sanding. The GMC is in the shop in need of injector work. Murray's is going to check the plug before replacing the injector. The 2007 is back from the shop after getting a new turbo. Roger wants to remind all residents that it is dangerous (and illegal) to plow snow into or across the road. Pam will put something in the paper reminding residents.
 - ii. Resident David Dion asked about the use of chains. All trucks are equipped with chains. He asked are all the trucks mid sanders? Mark responded, "Yes, except the GMC and the Ford." Mr. Dion then asked about backing up the road when slippery? Mark responded that they shouldn't be unless the truck is a mid-sander." Mark continued, "Roger has addressed these issues with the crew." (These questions were due to the fact that Randy and Bruce were both off the road during the recent ice storm.)
- d. Treasurer Report – Amy Byron
 - i. Amy reported that the Excise Tax for the month of December to date is \$23,114.05 which is 85% of the monthly goal. There are currently 29 accounts in lien status for 2015; totaling \$26,663.28 – 1 account has been paid off since the last meeting. Amy will be sending out 30-day notices on January 27, 2017. There are 87 accounts in lien status for 2016; totaling \$79,123.24 – 1 account has been paid off since the last meeting. The checking account balance is at a good level and we have not had to tap into the TAN.
- e. Administrative Report – Amy Byron
 - i. Amy reported that she is still having issues with the desktop computer. Expenet will be picking it up and doing a rebuild on it. Amy has requested that it be restored to Windows 7 to align with other machines in the office. Amy reminded the Board that the deadline to apply for the DEP Culvert Grant is January 17, 2017. She asked if any of the Board Members or Road Committee Members present were available to attend a lunch and learn meeting at Main Land Development. Wayne and David Dion will check their calendars and get back to Amy with their availability. Amy reminded the Board that the Town Office will be closing at NOON on Friday, December 30th to close out the books. Amy presented a Snow

Plow Turn Around Agreement for Richmond Hill Road to be approved and signed by the Board. The Board reviewed and signed the agreement.

4. Old Business

a. Roads Update – Tom Gould

- i. Tom reported that there are no new developments. Lee has responded to the Attorney representing a resident on Keith St. We are awaiting a response. Prescriptive Use was not mentioned.
- ii. In regard to Cozy Cove Road, the Board discussed a Board Vote to accept an Easement without going to Town Meeting Vote. Tom asked the Town Attorney again by email and included previous responses and conversation. Lee's response to Board Chair Mark Chretien involved the phrase "including certain conditions" – which includes whether or not the Board intends to accept any further easements AND whether the current easements have been kept updated as landowners change. The Board's response was, "Yes, we anticipate accepting other easements and No, the easements have not been kept up to date." The easement records were initially filed in 1989, with evidence of a review and update to some records in 1998. Tom checked Keith Street, Marcus Street and Cozy Cove Road – none of which have been updated. Tom does not think we should proceed with a Board vote. Mark stated Cozy Cove Road is not owned by any of the residents. Tom distributed a copy of the conversation between himself and Lee. The Board Members reviewed the email. Megan suggested we avoid "gray areas" and take it to a Town Meeting Vote. Tom doesn't know if we have time to get this on the January 10 warrant. Tim asked if we could get it together and have it ready for Select Board to come in and sign. (This would involve forwarding a draft to Lee Bragg for approval. If approved by Lee, Amy will contact the Board Members to come in and sign the warrant before Tuesday, January 3rd.) Megan feels we should make a motion tonight, vote to move forward with Easement and see if we can get it ready for January 10th. Amy reminded the Board of the time crunch with New Year's Holiday and the posting requirements. The Board felt that Cozy Cove Road meets the criteria and Lee has the easement and title search documents already. The Board just needs wording for a Warrant Article...assuming nobody is arguing another Fee Interest. Tom would be opposed to Board Vote even if it is OK – feels it would look bad and would open a can of worms. All Board Members reviewed Lee's response. Resident Brenda Merrill asked to speak. Permission was granted by Mark. She stated she is not trying to influence a decision and she is not afraid to go to Town Meeting. She wants to look out for best interest of Town, but at same time doesn't feel we should discount the vote of the people.

She stated she is willing to abide by what the Lawyer and the Residents decide. She does not want the Board to compromise themselves. She asked the Board not to portray the action as a punishment, but as corrective action. Tom stated he doesn't feel there was any ill-intent...the former actions by the Board just weren't executed correctly. Mark reiterated: Lee has all the documentation. Megan said she has heard from multiple sources that people are lining up to challenge the decision if this is "voted through by the Board". She said such a move could hurt future easements. Wayne stated that after reading Lee's response, he can't recommend a Board Vote. Tim stated he feels we should do everything to get it on the January 10 Warrant. Tom agreed, stating if Lee is satisfied, let's move it forward. Resident Dave Dion suggested the Board consider adding corrective action wording. Tom thinks he has wording from another Town. He will get to Amy.

With no further discussion, Tom made a motion to approve the warrant article pending document and legal review and Board approval to accept corrective action on the Cozy Cove Road Easement; Second by Wayne. VOTE: unanimous

- b. Small Shed Update – Mark Chretien
 - i. Mark reported that the shed repairs are done and a pile of sand for residential use is moved in. Wayne said it looks good. Tom asked about the amount of sand left. Mark said approximately 1,000 yards has been moved. He stated it will cost the Town \$1.00/yard to move it both directions. (to R.S. Pidacks and then back to the shed when needed) It was necessary to move the pile to meet the deadline for rewriting the loan on a long-term basis and to receive the DOT reimbursement funds.
- c. Marijuana Moratorium Ordinance Update – Amy Byron
 - i. Amy distributed a draft copy of the proposed Ordinance. Amy has secured the Spruce Mountain Elementary School on Gibbs Mill Road for the January 10, 2017 meeting. She has also secured Ron Aseltine to moderate the meeting.
- d. Snow Plow Turn Around Agreement Update – Amy Byron
 - i. **covered during Administrative Report**

5. New Business

- a. Mark reminded Amy that there are several things to be considered before and during Budget Meetings, including:
 - i. Fire Department – new minimum wage (up from \$8.67/hour)
 - ii. Ballot Clerks – new minimum wage (up from \$7.50/hour)
 - iii. Budget: \$\$ to move sand & roofing/siding of small shed at the Transfer Station

6. Public Comment

- a. Robin Staples commented that she was at the Transfer Station the other day. She asked the attendants for help getting sand. She said the attendants seemed unsure as to whether or not they are allowed to help residents with such a request. Robin asked if there is a policy to help handicapped/disabled residents? Mark stated it isn't in the job description. Dave Dion suggested another resident might be available to help. Robin stated she is willing to bring someone with her if it isn't part of their job. **Amy will check with Juanita to see if there is something Board isn't aware of. **
- b. Dave Dion asked if a pile of sand is still available at the Highway Garage. Mark stated it is and is available on days the Transfer Station is closed.
- c. Dwight stated he had really good news – the judicial budget has been increased. He stated there are a lot of bills in legislature and it is expected they will double up on staff to handle the increase. He is working with DA on several items. He asked about the use of email and wondered about schools spending money for computers. He wonders how the school district handles email and FOAA. He states that schools are teaching one thing and the Town is doing something opposite. In regard to the pile of Sand that was moved, he asked if it was required to be covered. Mark stated it is stored on non-Town-owned property and DEP requirements aren't the same. Dwight suggested we may want to shop around for Insurance for better pricing and coverage.

7. Adjourn – 7:25 PM