

TOWN OF LIVERMORE

Board of Selectpersons

MEETING MINUTES

February 16, 2021
6:30 PM

BOARD: SCOTT RICHMOND, BRETT DEYLING, BEN GUILD (via telephone)

DEPT HEADS: AARON MILLER

RESIDENTS/GUESTS:

PRESS: PAM HARNDEN

Meeting

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes - January 19, 2021
Scott motioned to approve, seconded by Scott; 3-0.
4. Administrative Report

Aaron suggested the board develop an Economic Development Committee and a Capital Improvement Committee. He explained that an Economic Development Committee could influence private investments and drive responsible growth in town. A Capital Improvement Committee could assist the town in building assessments and help guide the town regarding any other future capital needs and ensure we continue proper maintenance.

In addition, he suggested the town apply for a federal grant through the US Department of Agriculture. Applications are now being accepted for the *Community Facilities Technical Assistance and Training Grant Program*.

These funds may be used for:

- Assisting communities in identifying and planning for community facility needs;
- Identifying resources to finance community facility needs from public and private sources;
- Prepare reports and surveys necessary to request financial assistance to develop community facilities;
- Prepare applications for Agency financial assistance;
- Improve the management, including financial management, related to the operation of community facilities.

The maximum grant award is \$150,000. Matching funds are not required but preference is given to applications with cash matching funds. The Agency must receive a paper application by March 29 and electronic applications must be submitted by March 22.

Brett said he was concerned about spending money and drawing applicants to serve on both boards. Scott agreed saying that we haven't even paid for the loader and truck.

Aaron noted there would be no harm in securing a grant at no cost to the town to look at facilities and plan for the future. Brett agreed and said he would support that. Scott said we should start with the Economic Development Committee. Aaron will report back with a mission statement and other information regarding the proposal.

5. Old Business

a. Cemetery Tree

Scott motioned to accept Smitty's Tree's proposal to remove a tree at Lakeside Cemetery for \$2,500; seconded by Brett; 3-0.

b. Welcome to Livermore signs

All members agreed to put this on the warrant in June.

c. Snow blowing bridge

Brett motioned to award Brad Buzzell's bid this season to snowblow the Livermore/Livermore Falls bridge and town office at \$150 a storm, seconded by Scott; 3-0.

d. Foreclosures

Aaron reported we sent out notices to 17 people regarding automatic foreclosure for March 2.

e. Old Salt Building

Aaron reminded the board that Maine Municipal Association Risk Management recently asked that we conduct appropriate maintenance to the old salt building

and ensure there is no hazard. Scott said he would like Mark to look at the building.

f. Schedule Budget Meetings

The board planned to meet March 8, March 22 and March 29 to discuss the budget with the budget committee.

g. Heat Pump

Aaron reported the town received 5 proposals for a heat pump at the town office. Efficiency Maine is offering \$2,600 in incentives for a single-zoned system. Applications will be accepted through the end of March, with work completed by June 1. Aaron recommended going with Eco Heat Maine after reviewing the proposals.

Brett motioned to approve \$1,367 to Eco Heat Maine to install a heat pump at the town office, second by Scott; 3-0.

h. Town Meeting

Aaron asked the board to consider a deadline to decide whether they plan to have an open town meeting or referendum town meeting. The current limit for indoor open town meeting is up to 50 persons provided the six foot physical distancing requirement can be maintained; outdoor open town meeting is up to 100 persons; secret ballot allows 50 persons per each separate room provided the six foot social distancing requirement can be maintained.

He said there are various recommended methods for open town meeting such as a "drive in" or "multi-room" town meeting. Remote voter participation is not allowed at open town meeting.

The town is authorized to hold the town meeting as a referendum while Governor Mills' executive order is in effect.

The referendum process includes several procedural steps. In a nutshell, the municipal officers normally must order the final wording of the referendum questions at a public board meeting at least 60 days before the date of the referendum vote. That deadline is April 8, or the March 30th selectboard meeting.

The executive order temporarily shortens the 60-day time frame to order referendum questions wording to 30-days prior to the referendum, but this shortened time-frame only remains in effect during the COVID-19 state of civil emergency.

No decision was made.

i. Weaver Suit

Aaron reminded the board that action has been filed by Michael Weaver against the Town. Weaver is requesting for review of Town action or inaction under Maine Rule of Procedure 80B, coupled with duplicative independent claims. The action asserts claims based on an alleged failure to act by the Town for failure to withdraw its medical marijuana ordinance and failure to approve Weaver's site plan. Like many other Maine towns, Livermore has the right to enact and implement a medical marijuana ordinance and regulate business. However, Weaver has a right to attempt to challenge the Town's actions through Rule 80B review before the Superior Court. Now that the action is filed, the Superior Court judge will determine whether Weaver's claims have any merit.

The town's attorney has filed a Motion to Dismiss. The plaintiff filed an "Opposition to the Motion to Dismiss." The plaintiff also seeks to amend his complaint to transform his independent claims into a Declaratory Judgment action.

On Jan. 15 the attorney reported that we will file a Motion to Amend based on the same grounds that the amendment would be futile. To this date the town has spent \$3,100 in legal fees on this matter. Aaron will update the board.

6. New Business

a. Church St.

Aaron reported the state is looking to classify Church St. as a collector/state aid road based on traffic counts. Aaron has asked Peter Coughlan to meet with us at Mark's request, tentatively at our next meeting.

b. Moran Abatement

Brett motioned to approve an abatement in the amount of \$48.03 due to two acres removed from property located at 1016 River Rd.; seconded by Scott, 3-0.

c. Mowing Bids

Aaron reminded the board that the town should start seeking mowing bids for the Town office, Ballfield, Common, Beach, and War Memorial in Brettuns. Aaron will begin that process.

7. Warrants

The selectboard signed warrants.

8. Other

No discussion.

9. Adjournment

Brett motioned to adjourn at 7:37 p.m., seconded by Ben; 3-0.