

Town Of Litchfield  
Board of Selectmen  
Minutes

Approved 8/8/16

Date: July 25, 2016

- 1.0 Convened at 6:34 PM; Pledge to Flag:** Selectmen Present: Chairman, Mark Russell, George Thomson and Tim LaChapelle. **Staff Present:** Trudy Lamoreau, Town Manager; Larry Nadeau III, Road Commissioner; Steve Ochmanski, CEO/LPI; Bryan Lamoreau, Transfer Station Manager; Carman Douglas, Town Clerk; **Committee Members:** Don Jenkins, Rodney Allen, Elton Wade, Kelly Weissenfels, Budget Committee; Richard Lane, Tom Szepsy, Lindsey Nelson, Cyndi Redmond, Road Committee; Rayna Leibowitz, Academy Trustee; Bill Quackenbush, Solid Waste Committee; Pat Soboleski, Senior Director & Budget Committee; Guests Present: Jamie Andrews, MDOT, Ron Ridly, Jr., Diana Larrabee, Selena Nadeau, Kent Ackley, Renee LaChapelle, Dori Upham, John Upham, Ron Ridley Sr., Bruce Doyle, Tristan Russell, Ken Voorhees and Jim Adams.
  
- 2.0 Minutes of June 27, 2016 meeting** submitted for final approval. Moved by George, 2<sup>nd</sup> by Mark, to approve as presented - **passed 3 - 0**. Minutes of the July 11<sup>th</sup> and July 14 Emergency Meeting were tabled.
  
- 3.0 Reports and Correspondence:**
  - 3.1 Town Manager Report:
    - A) The Town Manager received a poverty abatement request for a property in which foreclosure is not imminent. The Town Manager reminded the Board of the policy to only consider a poverty abatement when there is a danger of foreclosure. That not being the case, this will be brought back at the appropriate time.
    - B) The Town Manager received the previously approved Gardiner Ambulance contract for **2016-2017** for **\$14,369.39**, which now requires Selectmen's signature. **The Selectmen signed the Contract.**
    - C) Updated Selectmen regarding conversation with Business Manager of RSU 4 2016-2017 Assessment. Mr. Eldridge was advised that the Selectmen had decided at their July 11, 2016 meeting to issue the monthly payments in the exact amount as last year (\$288,662.06) until such time as the budget is approved.
  - 3.2 Code Enforcement Officer/Plumbing Inspector:
    - A) The CEO presented the June 2016 Permit log - \$850 in permit fees – estimated value of \$552,200.
    - B) The CEO reported on the current ongoing Shoreland Zone construction site inspections. All earthwork within the Shoreland zone has to be done by Certified Contractors and the CEO is required to inspect the effectiveness of the erosion control measures at least once a week. CEO usually will visit the current sites in the morning on his way to work.
    - C) Reported that he has inspected the Jeffrey Phillips lot and it is acceptable - \$1500 refund of the fine appears on the AP warrant.
    - D) Distributed a draft of MTA's Four Year Capital Improvement Plan.
  - 3.3 Road Commissioner:
    - A) N.F. Luce completed the bridge mid-day on Friday July 22. The detour on private land was closed on schedule and the loam and seeding are completed. The remaining work consists of the installation of a fence on the west side of the property and the rock barricade on the East. Calderwood Engineering and NF Luce will meet on Tuesday at 9:00 am for an inspection. The Selectmen are invited and encouraged to attend.
    - B) There was some damage to a neighbor's culvert that will be taken care of.
    - C) Public works responded to downed trees on Stevenstown Road and Upper Pond Road during a storm in the early hours of Saturday July 26.
  - 3.4 Fire & Rescue: No Report
  - 3.5 Emergency Management: No Report
  - 3.6 Assessing Agent: The Town Manager reported that the Assessing Agent has one more site inspection to complete. An early September Tax Commitment is likely.

- 3.7 Transfer Station: Transfer Station Manager reported that DEP has approved the onsite brush and leaves areas. He would like to see the area surfaced with reclaim when and if possible. The Town will need to clean up the old brush pile.
- 3.8 Other Town Committees:  
A) Rayna Leibowitz of the Litchfield Academy Trustees reported an agreement with the Tacoma Lakes Association to lease space for an office for TLA in the Academy building.  
B) Lindsey Nelson of the Road Advisory Committee passed out an informational packet on invasive plants and the role that road work, particularly ditching, has on spreading the plants around Town.
- 4.0 Agenda Adjustments:**
- 4.1 Maine Department of Transportation: Mr. Jamie Andrews from the MDOT indicated that there was a breakdown in communications concerning the upcoming Plains Road closure. He presented the scope of the project which included a 60 hour closure to replace at large culvert 20 feet below the road surface. He presented the detour plan – Upper Pond Road to Rt. 197 to Hallowell Road, and answered questions. The time frame of the project is Mid-August.
- 5.0 Scheduled Business:**
- 5.1 A) McGee Construction: Did not attend. No action.  
B) The Chairman read a legal opinion from MMA that was requested by the Board as a result of a motion from the 7/11/16 Selectman’s meeting. See Attachment #1. The contingency of the motion to award the gravel bids to LR Nadeau Inc. have been met.
- 5.2 Ken Voorhees (Ferrin Road): Expressed appreciation for a job well done on the Ferrin Road bridge. He inquired about the possibility of creating a Fireworks Ordinance for Litchfield. Many present joined the discussion to offer background on previous efforts in Litchfield and review the results of Monmouth’s Ordinance and outline a process going forward, which, in all likelihood, would include a Citizen Petition.
- 5.3 Quit Claim Deed (R05-002): was requested and presented to quit any claim the Town might have on R005-002. The Town apparently neglected to discharge, in 1971, a lien that had been satisfied. **George moved, 2<sup>nd</sup> by Tim, to sign the Quit Claim Deed for R05-002. After discussion, motion passed 3/0/0.**
- 5.4 Budget Committee – Capital Improvement Plan: Dan Jenkins led a discussion about the work that has been accomplished to date and about the ongoing process envisioned to keep the data current. Much valuable work has been done to establish the worksheets and a periodic review and analysis would go a long way to ensure that capital planning becomes an important part of the budgeting process.
- 6.0 Unscheduled Business:** Dori Upham indicated that the intersection of the Hallowell Road and the Rt.#197 has become increasingly dangerous (heading South) as a result of overgrown bushes toward the East. Because both roads are State Roads the Town does not have jurisdiction, but the CEO and the Road Commissioner offered to make phone calls to the MDOT and the local landowner in an effort to improve the visibility.
- 7.0 Legal:** 7.1 Executive Session moved to later in the meeting. 7.2 Executive Session cancelled.
- 8.0 Appointments/Resignations: none**
- 9.0 Warrants:**
- 9.1 Town Voucher Warrant #2 was presented for \$102,557.82. **It was moved by George, 2<sup>nd</sup> by Tim, to approve, and sign, warrant #2 for \$102,557.82. After discussion, the motion passed 3/0/0.**
- 9.2 Town Payroll Warrant #2 was presented for \$14,614.53. **It was moved by George, 2<sup>nd</sup> by Mark, to approve, and sign, Payroll Warrant #2. After discussion, the motion passed 3/0/0.**

**10.0 Other Business:**

10.1 Richard Lane had given to the Town Manager a Freedom of Information Act Request for a copy of the audio/video recording of the 6/27/16 and the 7/11/16 meetings of the Board of Selectman. He asked about the status of that request. The Town Manager indicated that she was not in possession of the recordings and that she emailed Tim to ask if he could supply a copy of the recordings. Mark asked Tim if he had a copy of the recordings and could he provide one. Tim indicated that he would not provide a copy as he considered it private property. Mark informed Richard that the Town is unable to fulfill his FOIA Request as the Town is not in possession of the Public Records that he is asking for.

**11.0 Selectmen/Public Discussion/Communication:**

7.1 Motion made by Selectmen Thomson and seconded by Selectmen LaChapelle to enter in executive session pursuant to MRSA §405 (6) (A) to discuss personnel. Time In: 8:36 P.M. Time Out: 8:44 P.M.

**12.0 Future Agenda Items**

- 12.1 D. Blocher Property
- 12.2 Street Lights
- 12.3 Old Mill Road Bridge
- 12.4 Gustin Road Bridge/Culvert
- 12.5 Job Description/Mission Statement for the Road Committee

**13.0 Adjournment**

Adjourned at 8:45 PM

Respectfully Submitted  
Trudy Lamoreau, Town Manager  
Mark Russell, Chairman

Attachment #1

----- Forwarded message -----

From: **Legal Services Department** <[legal@memun.org](mailto:legal@memun.org)>

Date: Thu, Jul 14, 2016 at 3:17 PM

Subject: RE: Litchfield - Town employee bidding

To: "[s.ochmanski@litchfieldmaine.org](mailto:s.ochmanski@litchfieldmaine.org)" <[s.ochmanski@litchfieldmaine.org](mailto:s.ochmanski@litchfieldmaine.org)>

Cc: "[t.lamoreau@litchfieldmaine.org](mailto:t.lamoreau@litchfieldmaine.org)" <[t.lamoreau@litchfieldmaine.org](mailto:t.lamoreau@litchfieldmaine.org)>

Dear Steve,

As I understand the facts, the town has no local charter, ordinance or policy prohibiting employees or officials from bidding on a contract for work or materials with the town. The bidding in question was based on bid specs developed by the town's Road Committee. The Road Commissioner has a private contracting business and submitted a bid to sell the town some earth material for town projects. The Road Commissioner had no involvement in the development of the bid specs for this contract. The selectboard made the decision regarding the award of this contract. The Road Commissioner played no role in reviewing bids or helping the board make a decision in this situation. At its last meeting, the selectboard apparently found that the Road Commissioner's company submitted a bid that conformed to the bid specs and was the lowest bid. The board voted to award the contract to the Road Commissioner in his private contractor capacity, subject to receiving an opinion from MMA Legal Services Department that it would be legal to award this contract to the Road Commissioner's private company.

As we discussed yesterday, if my understanding of the facts is correct, I believe the board may legally award the contract to the Road Commissioner's company under State law. There is no general State law prohibition against town employees or officials doing work for the town or selling goods or services to the town in a private capacity. I am not aware of any facts in this case that would make it illegal for the board to award the contract to the Road Commissioner's company under the State conflict of interest law (30-A MRSA section 2605) or any other State law. I recommended to you that the Road Commissioner should not be the judge of the quality of the materials delivered to the town under this contract and that someone like the town manager or selectboard make that determination.

I hope this helps.

Sincerely,

Becky

Rebecca Warren Seel , Senior Staff Attorney

Legal Services Department

Maine Municipal Association

60 Community Drive, Augusta, ME 04330