



Town of Livermore Falls

Select Board Meeting
Tuesday, February 1st 2022
Livermore Falls Town Office
6:30 PM

Attendance: Jeff Bryant; Chair, Ernie Souther; Vice Chair, Rodney Heikkinen, Will Kenniston and Jim Long, Amanda Allen, Rebecca Harmatys, Bill Nichols, Nixon Ortiz, Donna Perry, Tom Barker and George Cummings, Jr.

6:30 PM Board Chair Jeff Bryant called the meeting to order.

1. Pledge of Allegiance

2. Approval of Minutes:

January 18, 2022

- A. Jeff asked to make correction on meeting minutes date as they were incorrect.
- B. Jeff made the motion to approve the minutes with the above correction; Second by Ernie. VOTE: 5-0.

3. Old Business

A. Power Line Easement

Formerly tabled

George Cummings, Jr., stated that he was told his property is landlocked and has no right of way. He asked if he will ever have access to the property. He has spoken with Mr. Bonney who currently owns the abutting land. Bill said this is the first he is hearing that the land is landlocked and there is an Easement for the Powerlines only. Amanda agreed it is for the powerlines only. Will said the permission needs to be between land owners. Rod said the Transfer Station is town land and has a gate and a lock. Ernie was asking about the old road. George believes the road was closed around 1934. The Town has given permission to log during Transfer Station hours. If the property was opened up for solar panels, the equipment would damage the road. Billy called DOT and there are no specific dates. He stated the land beyond the Transfer Station is AVCOG's land Paperwork shows no right of way. George is looking out for family's best interest. Ernie suggested to table until we hear more from family. Ernie made motion to table, Jeff second. VOTE: 5-0.



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4. New Business

A. Budget Discussions

- **Grounds Care**

Amanda suggests putting out to bid. We have had the same contract with one company for 7 years. Ernie made motion to approve, Rodney second. VOTE 5-0.

- **Contingency**

Amanda said we are dropping down to \$10,000 due to non-contract year

- **Health Officer**

Amanda said we are keeping the same because we need one on hand for the few calls we get per year. If not used the money will be expended.

- **Paving**

Amanda said we are keeping the same. Jim asked why the budget should stay the same if we are not close to spending the budget. Billy said last year we could not finish Foundry Road but it should be finished by July and keep the same estimate. There will be a large increase next year~ \$8.00-\$12.00/ton increase.

- **General Assistance**

Amanda would like to keep the same but add School/Dues back into the budget for \$150.00 for training. We currently do not have a second person to handle General Assistance in the office.

- Jeff decided the next meeting on February 15, 2022 will include Budget Discussions for: Public Works, Transfer Station, Buildings, Police Department, Fire Department and Code Enforcement. Tom Barker asked Jeff if he wants the Budget Committee at the next meeting and he said it was up to them if they want to be there or not.



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5. Warrants/Abatements/Deeds/Quit Claims

6. Board Discussion/Department Head Discussion

- A. **Will-** Asked about progression on the Fire Department Substation. Amanda said there is a meeting set up next Thursday, February 17th at 3PM with the Town Attorney. Jeff met with Charlie Barker and he said they discussed Lot 43 and trading property. He said it was a good discussion. He also mentioned that there is a Plan B to be announced later.
- B. **Jim-** NA
- C. **Rodney-**NA
- D. **Ernie-**NA
- E. **Jeff-**NA
- F. **Bill-**NA

7. Manager's Discussion

Amanda-NA

8. Adjourn

- A. 7:31 PM – Ernie made the motion to exit Executive Session; Second by Jeff. All in favor. VOTE: 5 -0 7:31 PM All in favor Adjourn.

Respectfully submitted,
Rebecca E. Harmatys ~ Treasurer

AARON M. FREY
ATTORNEY GENERAL



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February 7, 2022

Chief Ernest Steward
Livermore Falls Police Department
2 Main Street
Livermore Falls, ME 04254

RE: State of Maine v. Duane Hanson
Androscoggin County Unified Criminal Court Doc. No. CR-21-2195
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Steward:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) In Rem will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) In Rem are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) In Rem to a Department, Agency, County or Municipality based upon the "substantial contribution" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) In Rem or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

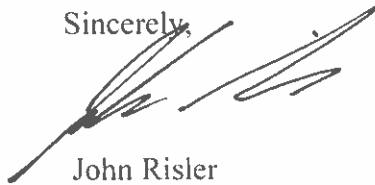
municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John Risler", written over a horizontal line.

John Risler
Assistant Attorney General

JR/lmn
Enclosure

STATE OF MAINE
ANDROSCOGGIN, ss


UNIFIED CRIMINAL COURT
Docket No. CR-21-2195

State of Maine	}	
	}	Municipality of Livermore Falls
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Duane Hanson	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,230.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Livermore Falls, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, namely \$1,230.00, or any portion thereof, on the grounds that the Livermore Falls Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Livermore Falls, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Livermore Falls municipal legislative body on or about

Dated: 2-15-2022



 Municipal Officer
 LIVERMORE FALLS, Maine
 (Impress municipal legislative body seal here)

