

**TOWN OF SANGERVILLE  
BOARD OF SELECTMEN  
MEETING AGENDA  
Beginning @ 5:00 p.m.  
October 4, 2017**

**Item 1. Open Meeting: (Pledge).** Chairman Mike Wark called meeting to order at 5:04 PM, followed by the Pledge of Allegiance.

- a. **Selectmen Present:** Mike Wark, Jody Cabot, Dale Gray
- b. **Employees Present:** Lois Jones
- c. **Residents Present:** Terri Wark

**Item 2. Approval of Minutes:**

- A. **September 20, 2017.**
- B. **September 20, 2017 Public Hearing minutes.**
- C. **September 22, 2017 Emergency meeting minutes.**

Selectman Gray made a motion and Selectman Cabot 2<sup>nd</sup> to approve all minutes as read. All in favor.

**Item 3. Review of the Treasurer's Warrants:**

- A. **Payroll #152, 153,**
- B. **Accounts Payable #154, 155, 156, 157.**

Selectman Gray made a motion and Selectman Cabot 2<sup>nd</sup> to approve all warrants. All in favor.

**Item 4. Open Session: Limited to 2 Minutes – Extension per Chairman.** None.

**Item 5: Selectmen Concerns:**

- A. Selectman Gray spoke with the Animal Control Officer, Gary Sudsbury, who is also the Town Constable and asked if he could enforce an ATV/traffic ordinance and write tickets to ATV users. The ACO stated that he had never lost a barking dog suit when backed by a barking dog ordinance. Selectman Gray asked Mr. Sudsbury to look into the matter and see if he wrote a ticket, that it could be held up in court for a fine. Selectman Gray also stated that he was aware of a petition going around Town to withdraw ATV access to Town roads.

**Item 6. Committee Reports:**

- A. **Road Commissioner.** Road Commissioner/Town Manager informed the Board that they will be hiring Lawson's Landscape Construction to replace or reset culverts on Silver's Mills Road – by the culvert – in preparation for paving Silver's Mills Road next year, 2018. Board stated that the cost for a culvert replacement was under bid amount, therefore, he can be hired by the culvert, directly by the Town Manager/Road Commissioner. Selectman Gray mentioned there is a culvert by Gerry Peters'/riding ring that needs to be reset as the culvert is popping out of the ground.

**Item 7. New Business:**

- A. **Dog/Rabies Clinic – dog licensing policy.** Manager asked if she could schedule a rabies clinic for the Town on a Saturday in December – she also commented that she would like the office open so that the residents can also register their dogs at the same time.
- B. **Bids Sent – Due October 16 & 17.** Acknowledged.

1. **Fuel Bid**
2. **Cleaning Bid**
3. **Grading Bid**

**C. Melissa Randall email.** In reference to Melissa Randall's FOAA request asking for copies of notes and emails that the Selectboard may have had in reference to the Chummy Jackson email discussed at the September 13, 2017 meeting, Item 7K, the Selectboard stated the only papers they have is a copy of the email that was sent. The Board members have no other emails or notes.

The Board moved on to discuss a new email from Melissa Randall- dated 9/26/17 (attached).

Paragraph 1: The Selectboard has the right and the responsibility to discuss emails sent to committee members when the content of the email is directly questioning Town business, Town officials, and Town employees.

Paragraph 2: The email may have been sent to a personal gmail account, however, as a member of the Road Committee for the Town of Sangerville, he has an obligation to share the email when it is referencing Town Business. The Selectboard did not address her email as a FOAA request, but rather addressed a concern about Town business.

Paragraph 3: Mrs. Randall is suggesting that someone changed the email content before we published it. The Board nor the manager never received a digital copy, only a paper copy. The Board concedes it may be possible for Mr. Jackson to have altered the email, however, if Mrs. Randall feels it was altered, she may submit a copy of her original. If it's not the "real" email, Mrs. Randall has the right to be upset. The Board would like to see an end to this conversation as rumors are destructive to the community of Sangerville. The Board simply wishes to address the allegations and move forward. The Board will be happy to investigate if this is, in fact, an incorrect version of the email.

Paragraph 4: Contrary to Mrs. Randall's claims, there is no defamation. When private citizens hear rumors, it is recommended that they contact the Selectboard or the Town Manager for confirmation or clarification of the rumor. The Selectboard is not being malicious – they are clarifying and sharing what has been said so that others that may have heard the same thing or are wondering if rumors are true, then they can be informed, as well.

Paragraph 5: Per the committee policy, all committee members are subject to FOAA when the emails are in reference to business of the Town. The Board feels they have done the right thing by addressing concerns in public forum and will continue to address concerns in the future.

Town Manager shared the response from MMA which states that because it was directed to a public official and refers to matters of public interest, it is within the Selectboard's rights to discuss the email openly. There is no right to privacy invasion and no civil rights violations. The only caution for the future is to not post complete emails when/if they contain information of a personal nature (attached).

#### **Item 8. Old Business:**

- A. Christmas office schedule.** The Selectboard stated the Christmas office open/close schedule is a manager's decision and will let the manager decide the office schedule for the holidays.
- B. Sand Contract.** Chairman Wark made a motion and Selectman Gray 2<sup>nd</sup> to make the following addition to the sand contract: "If more sand is needed in the 2017/ 2018 Winter Season you agree to supply sand at **\$15.25** per yard, pending approval of the Board of Selectmen at the October 4<sup>th</sup> Selectmen's meeting." All in favor.
- C. Gray Road grading/smoothing above Lentini's.** Selectman Gray made a motion and Chairman Wark 2<sup>nd</sup> to give permission to Mr. Lance Burgess to grade/smooth the Gray Road from Lentini's to his own driveway-that is deemed a town way. All in favor.

**Item 9. Correspondence.** None.

**Item 10. Request for Additional Agenda Items.**

- A. Town manager was asked by a resident if it was ok to leave a vehicle in the Town parking lots, as there is a vehicle that has been parked at the Abbie Fowler building all summer. Manager was directed to collect VIN and contact the owner to remove the car, as a courtesy.

**Item 11. Executive Session.**

- A. **Personnel – 90 Day Review – Lois Jones [1MRSA 405 (6) A].**

Chairman Wark made a motion and Selectman Gray 2<sup>nd</sup> to go into executive session under 1 MRSA 405 (6) A, personnel, a 90 day review with Town Manager, Lois Jones, at 6:11PM. All in favor.

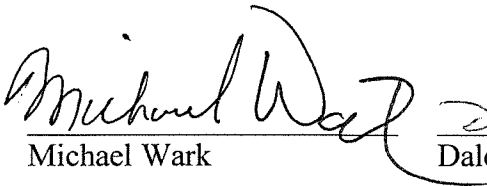
Selectman Gray made a motion and Selectman Cabot 2<sup>nd</sup> to come out of executive session at 7:13PM. All in favor.

**Item 12: Adjourn. (NEXT MEETING OCTOBER 18, 2017, 6PM).** Chairman Wark made a motion and Selectman Cabot 2<sup>nd</sup> to adjourn at 7:14PM. All in favor.

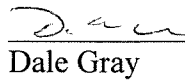
Respectfully submitted,



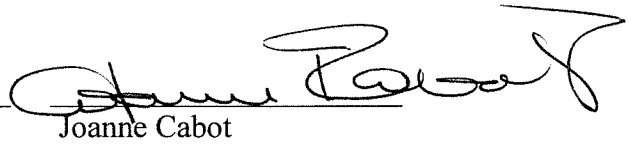
Lois A. Jones



Michael Wark



Dale Gray



Joanne Cabot

**Town Manager**

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**From:** Melissa Randall <bmandc@gmail.com>  
**Sent:** Tuesday, September 26, 2017 3:26 PM  
**To:** tmsangerville  
**Cc:** Mike W; jazzmo farm; jkcabot@gmail.com  
**Subject:** When did I make an FOAA request?

Dear Ms. Jones,

I am writing in regards to the "Minutes/Agenda" of the September 13, 2017 Sangerville Selectmen's Meeting as posted on the Town Website. Specifically, when did I submit a private email addressed to Gerald Jackson to either you or any elected official as an FOAA request for information from the Town in regards to the widely rumored "Emergency Road Committee Meeting" of Sunday, August 20, 2017?

The September 8th email sent to Mr. Jackson from my private Gmail account was addressed solely to Mr. Jackson. And, even though he is an appointed member of the Road Committee, I did not request him to forward my email to you or the Board, or to respond as a member of the Road Committee. If I wanted to bring the August 20th meeting out as a public issue, I would have submitted an FOAA request for a copy of the original posting of the meeting from Sunday, August 20th to you, as the Public Access Officer.

Further, it was your and the Board's decision to make Jackson's email an agenda item on September 13th. Item 7: K was not on the posted agenda, and therefore, I had no idea that you would be taking it up in public. To compound matters, the email that you published without my permission on the Town website, in reference to Item 7: K is *not* the same email that I sent Gerald Jackson. I do keep copies of my "sent" mail, and can produce a properly identified, digital copy should the need arise.

As you are aware, I am no longer a member of the Board, and my private emails in regards to Town affairs are no longer subject to FOAA. The public posting of my email to Mr. Jackson appears to be a malicious attempt to embarrass and discredit me. As a private citizen I have the right to inquire as to rumors floating around the Town. It seems only right that you should have contacted me about the email, before you took it up in a public meeting. As it stands, it appears you and the Board have violated my 4th Amendment rights to privacy, my 1st Amendment right to free speech, and have publicly defamed me.

I request under the guidelines of FOAA any emails or notes taken by you or any Board member in regards to my email to Mr. Jackson. I would like it clarified as to whether Mr. Jackson's private emails are part of the public record and subject to FOAA, since he is a member of the Road Committee. And further I await an explanation for your and the Board's actions, as my civil rights may have been violated, and I am holding you and the Board responsible.

Sincerely,

Melissa Randall

## Town Manager

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**From:** Legal Services Department <legal@memun.org>  
**Sent:** Thursday, September 28, 2017 3:58 PM  
**To:** 'Town Manager'  
**Subject:** RE: Sangerville - email & foaa

Dear Lois,

To follow up on our phone conversation, the email in question is directed to a public official, and it only refers to matters that are of public interest. An individual should have no expectation of privacy when discussing matters of public concern to a public official. As such, I do not think there was an infringement on this individual's rights in disclosing this email. However, going forward I would caution against publishing the emails of private citizens if it isn't necessary to address the matter of public concern. Town officials may run into problems if they accidentally disclose information of a purely private nature.

I hope this helps, please get back on touch if you need anything further.

Best,  
Rebecca

**Rebecca McMahon, Staff Attorney**  
Legal Services Department

**Maine Municipal Association**  
60 Community Drive, Augusta, ME 04330  
Phone: 207-623-8428  
1-800-452-8786 (in state)  
FAX: 207-624-0187  
[legal@memun.org](mailto:legal@memun.org)

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**From:** Christine Bragg  
**Sent:** Wednesday, September 27, 2017 8:57 AM  
**To:** Rebecca McMahon <RMcMahon@memun.org>  
**Subject:** FW: Sangerville - email & foaa

**From:** Town Manager [<mailto:tmsangerville@myfairpoint.net>]  
**Sent:** Tuesday, September 26, 2017 5:05 PM  
**To:** Legal Services Department <[legal@memun.org](mailto:legal@memun.org)>  
**Subject:** RE: Sangerville - email & foaa

Ooops, I meant to also attach this email. This is a third email written from Melissa to Matt Pineo, the interim Town Manager. He forwarded this to my personal email. Is this also subject to FOAA? And this is just more information for my questions.

Thanks,  
Lois Jones

**From:** Legal Services Department [<mailto:legal@memun.org>]  
**Sent:** Tuesday, September 26, 2017 4:52 PM  
**To:** 'Town Manager' <[tmsangerville@myfairpoint.net](mailto:tmsangerville@myfairpoint.net)>  
**Subject:** Sangerville - email & foaa

Lois, MMA Legal Services has received your inquiry. It has been assigned to one of our attorneys, who will respond as soon as possible. Our response time may vary depending on the volume of inquiries, the nature and complexity of your inquiry, and current staffing. We appreciate your understanding and cooperation.

If you have a specific deadline, please let us know.

Thank you. Christine Bragg, Legal Services Department

**Christine Bragg, Administrative Assistant**  
Legal Services Department

**Maine Municipal Association**  
60 Community Drive, Augusta, ME 04330  
1-800-452-8786 (in state)  
207-623-8428  
FAX 207-624-0187  
[legal@memun.org](mailto:legal@memun.org)

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**From:** Town Manager [<mailto:tmsangerville@myfairpoint.net>]  
**Sent:** Tuesday, September 26, 2017 4:50 PM  
**To:** Legal Services Department <[legal@memun.org](mailto:legal@memun.org)>  
**Subject:** Sangerville - email & foaa

Help!

I have attached an email I have received this afternoon from a resident (previous chairman of the Board of Selectmen). The other attachment is the documentation she references in her email.

Advice, please.

Thanks,

Lois A. Jones  
Town Manager  
P. O. Box 188  
1 Town Hall Ave.  
Sangerville, ME 04479  
Phone (207)876-2808  
Fax (207)876-1048  
[tmsangerville@myfairpoint.net](mailto:tmsangerville@myfairpoint.net)