

**TOWN OF SANGERVILLE  
BOARD OF SELECTMEN  
MEETING AGENDA  
Beginning @ 6:00 p.m.  
October 18, 2017**

**Item 1. Open Meeting: (Pledge).** Chairman Mike Wark called meeting to order at 6:00 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. **October 4, 2017.**
- B. **October 9, 2017 Special meeting.**  
Tabled approval of minutes.

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

- A. **Payroll ##158, 159, 161, 163,**
- B. **Accounts Payable #160, 162, 164.**

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.**

- A. **Brent Randall asked if he could respond under Item 7A.** Approved.
- B. **Gerald “Chummy” Jackson asked if he could respond under Item 7G.** Approved.

**Item 5: Selectmen Concerns:**

Chairman Wark made a motion and Selectman Cabot 2<sup>nd</sup> to have an additional meeting on October 25, 2017, at 4:00PM, in an effort to save time at tonight's meeting. All in favor.

**Item 6. Committee Reports:** None.

**Item 7. New Business:**

- A. **Peter DesJardins-ATV/UTV traffic.** Mr. DesJardins presented his concern and request for closing the French's Mill Road to ATV/UTV use. He has submitted a petition to the Town Clerk for inclusion on the Town Warrant at next Town Meeting. There was discussion regarding local law enforcement's ability to ticket and fine; also, if the DA could or would enforce the Town's restrictions. Some of the other questions were regarding liability to the Town if ATV/UTV users are speeding, traveling at night, etc. It was stated that 34 residents signed the petition, which included the majority of the French's Mill Road residents. It was suggested to be more specific when the Town writes the traffic ordinance and Brent Randall suggested stating in an ordinance that 51% of a road's residents of a road need to approve opening the road to ATV/UTV use. Also mentioned, the Town does have a constable and the Board is waiting to hear if he would be able to enforce an ordinance for ATV use and ticket violators. No decision was made – tabled until next meeting.
- B. **Fuel Bid.** Discussion regarding splitting the awarding of the bid. Tabled decision to give Manager time to inquire with the bidders if they bid as an “all or nothing” bid.

- C. Cleaning Bid.** Chairman Wark made a motion and Selectman Cabot 2<sup>nd</sup> to award the bid to the lowest bidder, Central Maine Cleaning. All in favor.
- D. Grading Bid.** Manager only received one bid. Tabled decision until further into the budget process and review with the Road Committee.
- E. Melissa Randall email #1.** Mrs. Randall sent an email to a group of undisclosed recipients regarding the committee policy(attached). She had previously brought to the Town Manager an issue of committee members, and specifically budget committee members, holding office for multiple years, that it may be illegal. Town Manager had contacted MMA legal regarding this concern and sent a response to committee members, including MMA legal's opinion stating that it is not illegal to have multiple year committee members (attached).
- F. Melissa Randall email #2.** A second email was received after the Town Manager contacted the committee members. In paragraph 3, the Board felt she was being a little derogatory to the committee members. The members chosen for the committee represent a great cross-section of the residents of Sangerville. Her statement that Chairman Wark's wife shouldn't be on the committee is in direct contrast with her own husband being on committee's while she was a selectman. They agreed with her comments in paragraph 5.
- G. Rick Doherty email.** The following is Mr. Doherty's email(also attached to minutes in entirety): "I strongly agree for what it's worth!! My other concern is my short stint as road Committee chair came to an end due to foreseeing future corruption being in the works! Example being my first meeting as chair I went over the ethics policy with all members also with the Town manager being present! So how can Chummy Jackson be allowed by the board/ Town manager to inside trade? By being on boards then he gets contracted to Supplie winter sand??? Major ethics violation! Just ask One of the Selectman if he got caught inside trading at work what would happen to his employment status? Also prior to awarding road work contracts I wasn't aware it was customary to be out to lunch with one of the contractors two was prior to awarding the contract! O that contractor was awarded the contract! Imagine that!"  
 It was noted by the Town Manager that she was never present when Mr. Doherty may or may not have gone over the ethics policy. The first Road Committee meeting, the only one where she was present, she reviewed only the committee policy. Selectman Gray, who also attended the meeting, agreed. Further, it is not a violation of the Town of Sangerville's ethics policy, as noted in the attached MMA legal opinion. Mr. Jackson is allowed to bid, and win bids, for work in the Town of Sangerville. In this instance, Mr. Jackson did not win the winter sand bid- C&W Nuite did. Chairman Wark and Town Manager did go to lunch with a contractor, however that contractor did not win the bid for the roadwork.  
 Manager was asked to determine once a road committee member resigns, is he still held to the code of ethics policy for a designated period of time.  
 Mr. Jackson spoke regarding this email. He is very upset regarding the false accusations. He is considering making a public statement to the media and is also considering obtaining a lawyer.

**Item 8. Old Business:**

- A. Committee members:**
  - 1. **Road Committee.** Two members are needed. Tabled.
  - 2. **Budget Committee alternate.** One alternate member is needed. Tabled.
- B. Personnel Policy.** Tabled.

**Item 9. Correspondence.**


**TW Clark.** Manager received a phone call from TW Clark regarding roadside mulching. Tabled.

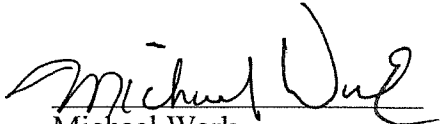
**Item 10. Request for Additional Agenda Items.** None.

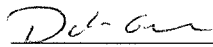
**Item 11. Executive Session.** None.

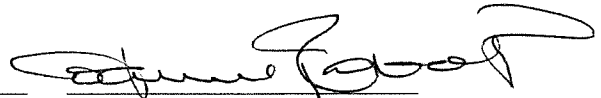
**Item 12: Adjourn.** (NEXT MEETING OCTOBER 25, 2017, 4PM). Chairman Wark made a motion and Selectman Cabot 2<sup>nd</sup> to adjourn the meeting. All in favor.

Respectfully submitted,

  
Lois A. Jones

  
Michael Wark

  
Dale Gray

  
Joanne Cabot

**Town Manager**

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**From:** jbjdarmstrong@myfairpoint.net  
**Sent:** Monday, October 09, 2017 6:06 PM  
**To:** tmsangerville@myfairpoint.net  
**Subject:** Fwd: Committee Terms  
**Attachments:** title30-Asec2601(1).pdf; title30-A sec2001.pdf

----- Original Message -----

**Subject:** Committee Terms  
**Date:** Mon, 9 Oct 2017 17:09:21 -0400  
**From:** Melissa Randall <bmandc@gmail.com>  
**To:** Melissa Randall <bmandc@gmail.com>

Greetings,

Shortly after the Select Board passed their "Committee Policy" on July 5, 2017, I contacted the Town Manager and reminded her that the Select Board cannot "obligate" the Town for more than one year without a vote of the Town Meeting. Three year and two year terms for any board not created by ordinance specifying staggering terms at Town Meeting, are not legal. Ms. Jones informed me that she based the Committee Policy on an ordinance passed in another town and was satisfied with it. I then reminded her that ordinances are only applicable in the town in which they are passed and Sangerville does not have such an ordinance. Policies are an action of the Select Board. But the policy was passed and committees were appointed with staggering terms.

I have attached the relevant state law, 30-A M.R.S.A. sec. 2601, "Appointment and Term of Officials, Generally," which states that "unless otherwise specified the term of a public official is one year. I have included 30-A M.R.S.A. sec. 2001 (11) which defines a public official as "any elected or appointed member of a municipal government." The *Maine Municipal Officers Manual* in Chapter 9: *Personnel*, states plainly that municipal appointments are for one year unless there is an ordinance, charter or contract specifying otherwise. Examples of exceptions would be the Planning Board and the Land Use Appeals Board, as they were created by ordinance in Town Meeting. And any changes to a committee created by ordinance in Town Meeting, can only be *changed* in Town Meeting.

Not surprisingly, the topic of multi year obligation seems to have come up again. Please refer to the Minutes of the September 13th Select Board Meeting "Item 7: G. Multi-year contracting (Mowing)," in which the manager states that the Board cannot enter into multi year contracts without a vote of the Town. I would like to point out to those of you serving on committees in

multi year seats that these seats are contrary to State Law. Since, as municipal officials you have all taken oaths to uphold the laws of the State of Maine, I ask that you contact your Selectmen and your Town Manager and request that they revise their Committee Policy to come into compliance with state law, and update the "Committees" page on the Town website to accurately reflect the current committee members. Many people are named that are no longer on any Town committee. Finally, the Committee Policy is conspicuously absent from the Town website as of the date of this email.

It is in all our best interests to make sure that the policies of the Town of Sangerville are in accordance with State law. In these litigious times, people who graciously volunteer to serve the Town should be protected by well crafted and legal policies and practices. I thank all of you who are volunteering to make Sangerville a better place.

All the best,

Melissa Randall

TM Response to  
Committee members  
in Regards to 7E

## Town Manager

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**From:** Town Manager <tmsangerville@myfairpoint.net>  
**Sent:** Thursday, October 12, 2017 1:16 PM  
**To:** 'jbjdarmstrong@myfairpoint.net'; 'Chris Rowell'; 'Cynthia Hall';  
'dmccarthyclark@sedomocha.org'; 'Diana Bowley (lassieb@myfairpoint.net)'; 'Gerry Peters (heavenlyacres392@yahoo.com)'; 'Gail and Richard Stutzman'; 'Heather Willey (pigeonfeather@gmail.com)'; 'Jason Higgins (jason.higgins@truetextiles.com)'; 'jazzmo farm (jazzmofarm@gmail.com)'; 'James Bell (jabell@sad4.org)'; Jo Cabot; 'Matt Bell'; 'Mike W'; 'Rhonda Taylor (RTaylor@mainehighlandscreditunion.com)'; 'Rick Pellerin'; 'Terri Wark'; 'tmhall816@gmail.com'  
**Subject:** Committee policy

Good morning, All,

It has come to my attention that one or more of you are being contacted by one or more citizens of the Town, trying to give legal counsel on the structure of our Town's committee policy. I have checked with MMA, in July, regarding this matter and have determined we are on solid ground. So please, don't take action on misinformation. Unfortunately, this type of misinformation has become more common. If you receive an email or phone call in the future, alleging wrongdoing by myself, any of my departments or committees, or town officials, please bring it to my attention so I can address it immediately. Thank you!!

Here is accurate counsel from MMA's legal department:

Lois,

I think the citizen is referring to a law that says that the default term of a municipal official is one year unless otherwise specified. That statute, 30-A MRSA § 2601 states that it applies to officials required by "law, charter or ordinance." I do think the selectmen can create a purely advisory committee by policy and can have longer terms for the members without needing an ordinance to create those longer terms. I would not view these members as true "officials" as that term is used in 30-A MRSA § 2601 as there is no law, charter or ordinance requiring them and the selectmen could at any time disband the committee through the same policy action that created the committee.

However, having said the above, we do generally recommend that a budget committee be created by ordinance if the selectmen want a committee that will continue on into the future. Having an ordinance also makes it clearer that the budget committee's recommendations would be included on a secret ballot referendum ballot. I have reprinted an excerpt from our Budget Committee Information Packet below:

"No federal or State law requires a municipality to have a budget committee. However, many Maine municipalities have found it helpful to establish a budget committee to assist in the development and/or review of the budget. Budget committees most commonly are found in the town meeting/selectmen form of government.

Similarly, no law requires that a budget committee be created only by a local ordinance or charter. The municipal officers (selectmen or councilors), by their mere vote, could create a budget committee appointed by them, but such a committee would have no substantive powers or duties, and technically would be advisory to the municipal officers only (although many municipalities with such "advisory" budget committees place these committees' recommendations on the town meeting warrant). We recommend that a municipality wishing to establish a budget committee do so by charter or by ordinance. This makes it more likely that there will exist (and at all times be locatable for reference) a considered statement of the powers and duties (and also the number of members, and their terms) of the

committee. Also, the existence of an ordinance creating the position of member of the budget committee, together with a statement of the committee's powers and duties, makes this a municipal office, subject to an oath to perform the duties of the office, and thus creates legal accountability that otherwise would be lacking. Of course a committee created by charter or ordinance also could be limited to an advisory role.”

The entire packet can be accessed here: <https://memun.org/Member-Center/Info-Packets-Guides/Budget-Committee>

Please let me know if you have any questions.

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**Susanne F. Pilgrim, Esq., Director**  
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:** Town Manager [<mailto:tmsangerville@myfairpoint.net>]  
**Sent:** Friday, July 21, 2017 3:18 PM  
**To:** Legal Services Department <[legal@memun.org](mailto:legal@memun.org)>  
**Subject:** committee policy - Sangerville

This is a policy that was recently written by myself and approved by the Selectboard at a recent selectmen’s meeting.

I was informed by a resident today that the selectboard cannot appoint a budget committee member for more than one year, that it must be approved at a town meeting for a member to be more than one year.

Please feel free to call. 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)

“Preserving the Past, Creating the Present, Enhancing your Future”

Item 7 F+G

## Town Manager

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**From:** Mike W <mtwark@gmail.com>  
**Sent:** Monday, October 16, 2017 9:04 AM  
**To:** Town Manager  
**Subject:** Fwd: Committee Policy

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

**From:** Richard Doherty <retirediaff@icloud.com>  
**Date:** Sat, Oct 14, 2017 at 7:25 PM  
**Subject:** Re: Committee Policy  
**To:** Melissa Randall <bmandc@gmail.com>  
**Cc:** Brydie <jbjdarmstrong@myfairpoint.net>, Gerald Jackson <chummyjackson@myfairpoint.net>, Chris Rowell <bcpipes420@gmail.com>, Cynthia Hall <cynthiahall.1947@gmail.com>, Dyan McCarthy-Clark <dmccarthyclark@sedomocha.org>, Diana <dianacbowley@gmail.com>, Jerry Peters <heavenlyacres392@yahoo.com>, Gail and Richard Stutzman <gailstutzman@gmail.com>, Heather Willey <pigeonfeather@gmail.com>, Jason Higgins <jason.higgins@truetextiles.com>, Matt Bell <piscata2012@hotmail.com>, Rhonda Taylor <RTaylor@mainehighlandscreditunion.com>, Rick Pellerin <rickp@numberall.com>, TW <1cutejack@gmail.com>, Dan Hall <dan@scenicdrivesales.com>, Ron Labonte <ronlabonte@myfairpoint.net>, Mike W <mtwark@gmail.com>, jazzmo farm <jazzmofarm@gmail.com>, "jkcabot@gmail.com" <jkcabot@gmail.com>

Item 7 G

I strongly agree for what it's worth!! My other concern is my short stint as road Committee chair came to an end due to foreseeing future corruption being in the works! Example being my first meeting as chair I went over the ethics policy with all members also with the Town manager being present! So how can Chummy Jackson be allowed by the board/ Town manager to inside trade? By being on boards then he gets contracted to Supplie winter sand??? Major ethics violation! Just ask One of the Selectman if he got caught inside trading at work what would happen to his employment status? Also prior to awarding road work contracts I wasn't aware it was customary to be out to lunch with one of the contractors two was prior to awarding the contract! O that contractor was awarded the contract! Imagine that! ☹

Sent from my iPhone

On Oct 14, 2017, at 4:10 PM, Melissa Randall <bmandc@gmail.com> wrote:

Item 7 F

Hi All:

I see that the Town Manager has sent out a letter from MMA about her Committee Policy. I would like to thank those of you who shared her note with me. Too bad she didn't share her MMA opinion in July, when she got it. My concern about staggered terms still stands. If the Board wants staggered terms, bring it to the Town. A Select Board can never go wrong bringing an issue to Town Meeting. The Board is trying to represent the whole Town, right?

We have been through many Town Managers in Sangerville. I have dealt with five. Every one of them swore up and down that they were always correct and were following the letter of the law. Forgive me if I have become a bit skeptical.

In reference to the Budget Committee, I find it concerning when, what used to be an open and inclusive committee, seems to have turned into an exclusive little club. It didn't used to be that way. Last year, and I do believe the year before, we let on a guy who spent most of the year in another state. We have had other "members" who only showed up to discuss Public Works. From a high of "up to 21" in one year, we now have only five--and one of them is the Chairman's wife.



Hopefully, what we are after in Town Government is rational decisions arrived at democratically, and supported by the majority of the Town's people. We can't find compromise and get the best outcomes when we restrict who sits at the table. Small, overly cohesive Boards and committees are prone to Groupthink. When organizations try to prevent opposing viewpoints from being heard, they lose originality and the ability to make rational decisions. It can quickly degenerate into an "us versus them" mentality. Case in point: Ms. Jones email.

Also, let's remember, that just because someone does not agree with you, does not automatically make that person your enemy. That mentality has our State and Federal Government in perpetual gridlock. Those of us who are questioning the current decision makers are motivated by a sincere desire to make sure that Sangerville is moving in a positive direction.

Cheers!

Melissa

[http://www.psyr.org/about/pubs\\_resources/groupthink%20overview.htm](http://www.psyr.org/about/pubs_resources/groupthink%20overview.htm)

Response from  
MMA prior to email  
in reference to item

76

**Town Manager**

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**From:** Legal Services Department <legal@memun.org>  
**Sent:** Thursday, August 03, 2017 3:53 PM  
**To:** 'Town Manager'  
**Subject:** RE: Sangerville - code of ethics re committee member

Dear Lois,

I have reviewed the Town's Code of Ethics Policy and have found nothing prohibiting a town official from contracting with the Town to provide goods or services or prohibiting the Selectmen from awarding such a contract. Nor is this generally prohibited by State law.

I did find a provision in the Town's ethics policy (Section 3.5(A)(1)) prohibiting a town official from participating in any decision "on any agenda item before the body of which he or she is a member" if he or she has a financial interest in the matter, but this is essentially the same conflict of interest rule as established by Maine statute for municipal officials (see 30-A M.R.S.A. Section 2605). Moreover, it does not prohibit an official from contracting with the municipality, it merely prohibits that official from participating in the award of the contract. Furthermore, it doesn't even apply in this case because the official in question (a member of the Road Committee) is not a member of the Board of Selectmen, which will be awarding the contract.

So, bottom line, I found nothing in the Town's ethics policy, and I know of no other law, that would preclude the Selectmen from awarding the winter sand bid to a member of the Road Committee if, in the Selectmen's judgment, his bid is the lowest responsive and responsible one.

If I have overlooked any provision of the Town's ethics policy that you believe may be relevant, please feel free to say so. Otherwise, I hope this answers your question.

Best regards,

**Richard P. Flewelling, Assistant Director**  
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:** Thursday, August 03, 2017 2:09 PM  
**To:** Legal Services Department <legal@memun.org>  
**Subject:** Sangerville - code of ethics re committee member

Good afternoon,

I have attached our Town's code of ethics policy that is in force at the moment. We have recently passed a committee policy, also attached.

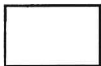
This is our question, we have a committee member, recently seated on the Road Committee- which is strictly an advisory committee. He is also a local contractor that has done business in the past with the town, for example replacing culverts and providing winter sand.

At our Selectboard meeting last night, we tabled opening our winter sand bids due to the fact he submitted a bid, is on the road committee, and in light of the code of ethics policy, can we – if he has the lowest bid – award him the contract? Will this be a breach of our ethics policy or is the wording in the ethics policy such that it is acceptable for him and the Town to continue to do business?

Thank you,

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)

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