

TOWN OF BRADFORD
BOARD OF SELECTMEN'S MINUTES
Monday, March 6, 2023

Item 1. **Open meeting:** 6:06 pm

Attendance: Errol Hanson, Amber Hines, Julie McCarthy, Carlene Oakes

6:32 pm Timothy Bubar

Pledge of Allegiance- commenced

Item 1. Approval of February 27, 2023 minutes- Motion made by Selectman E. Hanson and 2nd by Selectman C. Oakes to accept minutes as presented

Vote 4 in Favor 0 in the Negative

Item 2. Review of Treasurer's Warrants: 15, 16 and 17 **Motion made** by Selectman C. Oakes and 2nd by Selectman A. Hines to accept warrants as presented

Vote 4 in Favor 0 in the Negative

Item 3. Open Session: 5 Residents

P. Murray- Feels strongly about the retention pond. Asked a few questions- from is there a law or town ordinance that prevents the town from revisiting any issue? Only resolution another town vote? What is the procedure to all for a public hearing? What if the fence was funded by donations? Handed out to the Board his testimony that he spoke to on the retention pond.

Item 4. Committee Reports:

a. Planning Board / CEO: report handed out

b. Future Fire Station Committee: Meet with B. Ames and Plymouth Engineering group 03/06/23. It was a productive meeting: they had some good cost saving ideas. They are tweaking the USDA engineering application and will present it to the Board before submitting it to USDA.

c. Recreation Committee/ Bradford Days committee:

d. Fire Department: Generator is up and running as of today.

e. Road Commissioner:

Stated by E. Hanson; that almost all the Heavy Load signs are up

No written road report completed yet

Sand looks pretty good to him

f. Town Manager: no written report

J. McCarthy- Found previous TM evaluation in minutes dated July 21, 2016, and TM received 119.5 out of 220 possible points. Just about 54%.

Received information back from R. Butler – read it over disuse it next week. T. Bubar said he wants to wait for L. Jones is working with an engineering firm out of Houlton that might give a better design price. Their price for the fire station design is less than Plymouth Engineer has quoted to us.

It was requested from P. Murray to re- name the Middle Branch Bridge to Bradford Veterans Memorial Bridge. The Board will discuss this at the next meeting.

Have reached out to Camden Bank- no word yet except whether we pay annually or monthly won't make a difference.

Item 5. Old Business:

- a. **Text messaging plan- table until put into place**
- b. **Rock rake- waiting for payment–**
- c. **Town Web site- table until put in to place**

Item 6. New Business:

- a. **H.A. Higgins- is asking for a permit to haul winter sand to Charleston this week**

Motion made by Selectman E. Hanson and 2nd by Selectman T. Bubar to not give a special exemption permit to H. A. Higgins to haul winter sand to Charleston over Bradford Town roads. For them to follow the regulations on the posted Heavy Load signs.

Discussion: E. Hanson stated he can take the state roads he doesn't need to go over the town roads. We just paid for repaving of the LaGrange Road that's why there are ruts in it all ready.

Vote 4 in favor 1 in the Negative (C. Oakes)

- b. **J. McCarthy- Executive Sessions- If you are to request Executive Sessions to be open, you must print (or sign) your name and date on a form for the Boards records.**

Motion made by Selectman J. McCarthy and 2nd by Selectman T. Bubar to follow MMA's answer on executive session under 1 M.R.S. § 405(6)(A)(3), which is the statute that any person charged or investigated may request that the investigation or hearing be conducted in open session. If this is the case, then this statute provides that the request be made in writing. It does not specifically require that the written statement be signed, but the individual that issued the writing should clearly state their name and the date they are making the request. Stated for the Town Manager to include not only TM tracker sheet to be kept in the safe, but also that should you request an Executive Session to be open, that it be written in the minutes as well.

Discussion- T.M suggested to state it on the agenda then it would stay together with the discussion. A. Hines thought this would be better than having another sheet of paper to keep track of.

J. McCarthy wants a signed sheet in the T.M. locked box

Vote 3 in favor 1 in the Negative (A. Hines) 1 abstention (C. Oakes)

- c. **J. McCarthy- vote on Water Retention Pond- 2 versions the original and the one that was edited at a selectmen's meeting. P. Murray is asking for the dimensions to be put in. Will discuss this at next meeting**
- d. **J. McCarthy – update on 2nd Amendment Ordinance from Town Lawyer**

J. McCarthy is withdrawing this ordinance currently after finding out it is not well written.

- e. **TM Evaluation: Can and should Board member C. Oakes be permitted to submit a TM evaluation based upon information from MMA. J. McCarthy.** J. McCarthy doesn't agree with letting C. Oakes completing an evaluation for it would be a conflict of interest. She based this on the responds from MMA:

I am not aware of any statute or court decision that clearly states a select board member must recuse themselves from the discussion of the town manager's contract if the select board member is a town employee under the supervision of the town manager. A local charter, ordinance, or personnel policy could provide otherwise, however. Absent any local restriction to this effect, it would probably be permissible for a select board member to discuss and vote on the town manager's contract because this hierarchical arrangement, on its own, is probably not enough to establish a clear financial conflict of interest. However, only a court can make a definitive ruling to this effect.

As you probably know, this type of employment arrangement is quite awkward. While there is technically no connection between the select board member and a town employee, we generally recommend against this type of arrangement for two reasons. First, in the public eye it often appears to be a conflict of interest and can cause problems in public perceptions. Second, it often causes internal problems. That is, a town manager may find it difficult to discipline or fire an employee who also happens to be a select board member.

E. Hanson agrees with J. McCarthy

Motion made by Selectman J. McCarthy and 2nd by Selectman E. Hanson to have Selectman C. Oakes abstain from participating in the Town Managers evaluation due to a conflict of interest.

Vote 3 in favor 1 in the Negative (A. Hines) 1 abstention (C. Oakes)

- f. **T. M. evaluation-** went through the 14 questions and each Selectman gave their score. 236 out of 560. Some comments were read out loud. Julie figured the score to be 43%. Town Manager choose to have the evaluation held in open session.

Item 7. Correspondence: presented the 2023 Certified Ratio Declaration Form

An unsigned letter about Errol Hanson- Errol responds to letter was that it had nothing to do with his position on the Board and he had never passed a school bus with lights on. The letter being unsigned was a cowardly move by the one that submitting it.

Item 8. Request for Additional Agenda Items: none

Item 9. Executive Session: none

Item 10. Adjourn: 8 pm

Submitted by with email edits from E. Hanson and J. McCarthy

_____/S/_____

Vittoria J.B. Stevens

Selectman Timothy Bubar

_____/S/_____

Selectman Amber Hines

_____/S/_____

Selectman Errol Hanson

_____/S/_____

Selectman Julie McCarthy

_____/S/_____

Selectman Carlen Oakes