

MINUTES

**SELECT BOARD/ASSESSORS' MEETING
TUESDAY, JUNE 18, 2024
WILLIAM L. PULLEN MUNICIPAL BUILDING MEETING ROOM
ONLINE NON-INTERACTIVE ON TOWN HALL STREAMS
6:30 p.m.**

Select Board present: Wayne Kirkpatrick, Adam Fuller, Martha Johnston-Nash, Steve Migliorini, and Linda Mountainland

Others present: Jay Feyler (Town Manager), John Mountainland, John Gibbons, John Shepard, Tom Pitzi, Yvonne Pitzi, Matt Speno, Ellen Harrison, Argy Nestor, Tracy Weed, Buddy Savage, and others

- 1. Call Select Board Meeting to Order:** at 6:30 p.m. by Adam Fuller
- 2. Pledge of Allegiance**
- 3. Approve Minutes of Tuesday, June 4, 2024:** Approved.
- 4. Approve Treasurer's Warrants dated Tuesday, June 18, 2024:**

Motion by: Martha Johnston-Nash
2nd by: Steve Migliorini
5-0

5. Election of Select Board Officers:

Motion to put Adam in as chair by: Wayne Kirkpatrick
2nd by: Martha Johnston-Nash
4-0-1 abstention (Fuller)

Motion for Wayne Kirkpatrick as vice chair by: Linda Mountainland
2nd by: Adam Fuller

Motion for Martha Johnston-Nash as vice chair by: Steve Migliorini

Martha seconded Steve's motion, but Adam said they cannot have two motions active. He said they could have discussion.

Steve said Martha is starting her fifth year on the select board and was just reelected by a resounding vote in the community. He felt she has earned, by her years of service and the confidence of the community, to be the vice chair. Martha suggested voting by ballot. Brief discussion followed.

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Above motion on the floor (Wayne as vice chair) passed,
3-1 opposed (Johnston-Nash)-1 abstention (Migliorini)

6. Appointment of John Shepard as Tri-County Full Voting Member:

Motion by: Wayne Kirkpatrick
2nd by: Linda Mountainland

John said he wanted to get back in and see where the sausage is made. He explained the Tri-County voting process. In answer to Steve Migliorini, Tom Pitzi said there are two TCSW voting members for Union, two for Appleton, two for Washington, one for Somerville, and one for Liberty for a total of eight.

Above motion passed,
5-0

Adam thanked John for stepping up and doing this again.

7. Other Business:

Jay said Sonya reminded that we need to reappoint Tom Pitzi on Tri-County Solid Waste.

Motion to reappoint Tom Pitzi on TCSW by: Wayne Kirkpatrick
2nd by: Martha Johnston-Nash

Tom said he has served as president for the last three years since John left and is willing to keep going.

Above motion passed,
5-0

Adam thanked Tom for doing it.

Martha said Casey Carr sent her a text asking if the town was going to do anything with the parking area in front of Butler, Maxcy, and Heath. Jay said not this year. This summer they will run a rough survey so everybody understands where the line is. It's in next year's plan. Tom and he are working on that and in front of the grocery store.

Jay said with some of the properties – in front of the post office, in front of the grocery store – part of that paving belongs to the building owners, and most of it belongs to the town. Under state law we can't expend funds on private property, so for them to want that whole thing done they're going to have to piggyback with the town and pay their share. He noted it is very rough in front of there. Adam said we dealt with this in front of the public house, too, and the pizza house Martha added. Martha will get back to Casey.

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8. Town Manager Report:

Jay said line striping will be starting right off – restriping on Shepard Hill, Clarry Hill, Middle, North Union, and Sennebec Roads. He noted today's paint doesn't last as long, and it wears off quicker on chip seal than on regular blacktop.

Adam noted new lines in front of the town office, which Jay said our crew does. He added we have our own machine, and we do all the parking lots here and at Ayer Park. Adam said it looks perfect.

Jay said he had an employee meeting this morning and went over safety stuff. OSHA is now concentrating on heat issues. At a conference last Wednesday, he was reminded that we need a policy on heat issues, which comes into effect over 80 degrees – frequent breaks, water, etc. They also talked about other safety issues. Everybody gets a chart for their department and checks off any deficiencies that might be on that list, which is from Maine Municipal. Jay added that he challenged everybody to come up with one thing in their department that they would like to see changed that would improve their workspace and improve their lives and jobs.

Jay said he notified them and is now notifying the board of his intent to retire this fall. He has prepared packages for all board members. He said there are two major recruiting firms, one run by MMA and the other by the law firm Don Gerrish. MMA's person is fairly new. Don Gerrish is down south. He knows both fairly well.

He said they can cost money but strongly suggested the board use a recruiting firm. They do everything pretty much for you. They will meet with you, get your criteria, involve the public if desired, and do extensive background checks. He said we are seeing a lot of issues (across the state) if not using one of these firms. They are not cheap -- \$6,000 to \$8,000 – plus advertising costs which is mostly electronic now, and we can do it ourselves in the newspapers.

In answer to Adam, Jay said he would like to be out by November but will stay available to answer any questions for a new person through the first of the year. This will help the town out financially, as he falls under the old personnel policy for accumulated sick time and vacation time. He suggested we pay some in this fiscal year and the rest next January, splitting it. He said it also helps him in the next tax year.

Jay suggested the board read through the material and let him know if they want to meet with the recruiters, probably via zoom. He added it's a confidential search, and the board needs to keep things amongst themselves until they make that decision.

He added confidentiality is important as some candidates may be working for other towns. His timeframe is very flexible. He outlined the recruiting process.

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Adam confirmed the board is comfortable taking the packets and will figure out which way it wants to go at the next meeting.

Steve asked if there is money appropriated in the budget to conduct this job search. Jay said there is not a separate line for it, but he'll make an assumption that after 16 years the new person will not be paid as much as he is, so that would probably come out of the town manager line. He added we do have an advertising line that we can take it out of. He reminded we are on a fiscal year and will have enough funds to do this, adding either recruiting firm understands these issues, are easy to work with, and do a very good job.

Linda asked about an executive session to discuss what they want out of a town manager. Jay said everything they're going to do will be executive session. Adam added it's a personnel issue. Jay reminded it's the board who has to work with the town manager, and the public who elects the board to do so.

Martha confirmed Jay is working on the CEO. Jay said probably by the next board meeting he will have appointed a new CEO. It's in the works. He added finding a qualified CEO who's going to stay is harder than finding a town manager.

Jay said on another note, it is Maine Municipal's goal in the future to be able to assist towns in hiring code officers, town clerks, treasurers, and all department heads. He added background checks are time consuming and not cheap.

Jay also said he has multiple job offers, part time, and anything he does will be remote in government.

Adam said we have been lucky to have his experience, and the depth of his experience on the state side of things which has been huge. He doesn't think we'll fill those shoes.

Wayne said it would be awesome to get somebody in sooner rather than later, so that they can actually work with Jay.

Jay said he will be around. His goal is to have a preliminary budget and preliminary warrant done, adding it is historical knowledge. The best thing he ever did was go through every file in three filing cabinets – there are now five. He also reached out to Andy multiple times and had been involved in the community. He will try to make the transition a smooth one. He described three groups of potential candidates.

Adam presented Matthew Speno with a plaque, "for his dedicated service to the Union School Board, 2017 to 2024." Adam shook his hand and thanked him, to applause. Matt thanked the board and said it was a pleasure to serve the district of RSU 40, before leaving for another meeting.

Jay said he will have a going away speech. Adam foresaw him being Critic #1 here.

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9. Public Comment:

Yvonne Pitzi said thank you for the opportunity to run for select board, which afforded her the opportunity to chat with some wonderful people in town and hear their concerns as well as make a few new friends. A couple of things troubled her.

She said the board is aware that a few signs were stolen in town, of hers and two other candidates, from one location. Two people took those signs with the excuses of ignorance to the law and confusion as to who owns the property. She said they (wronged parties) made a formal complaint with the sheriff's office. Sheriff's deputy Juan investigated, found out who took the signs, who the offenders were, and the signs were returned. These people broke the law. She asked of the select board and of Jay as town manager to get the paperwork given to candidates out to the community in the next election cycle, due to confusion in the community as to allowed placement of signs. She said she believes Juan made the same request.

She also brought up a Facebook page that purports itself as a community page. She said the administrators of this page have a responsibility whether they know it or not. The followers of this page equal 50% of the town's population. People rely on the page as a source of information re: the town, town businesses, and activities taking place in the area. She said the board knows as a candidate she was blocked. She is blocked personally as well as her business that she has built for nine years in this town. She asked a question and was shut down. Misinformation was spread about her that she was unable to clear up with the public because she did not have a voice because she was gagged by that page. She said she believes a great number of people in town are unaware of what is happening with this Facebook page, adding if you are not directly affected by the censoring then you won't know what is happening, and she believes it's very important for people to know that it's taking place. This is not about the election outcome, she added.

She said the page shares personal information, shuts down debate, and blocks those with alternative opinions to the administrators. She added if you talk to people outside Union, it has a horrible reputation, is off putting, and hurts the Town of Union, our reputation, and the people in this town. She noted a disclaimer that it is not an official page and knows the select board can do nothing. She wanted to bring it to light that this page is harmful to the citizens of Union.

Adam said he heard about the signs, the first time he has heard of this issue. He agreed probably a lot of people don't understand the laws re: political signs and acknowledged hot national politics. We need to educate better on political signage, he said.

Discussion ensued. Martha confirmed Yvonne is pressing charges.

Re: the Facebook page, Adam said right now we do not have an official Facebook page, which has been discussed in the past. The problem is who's going to run it. He compared the issue to recording meetings and updating the web page, noting the board has taken

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steps to get more in line with the public. This could be something to discuss further as we go forward and social media keeps growing. He added we effect positive change through people sharing as Yvonne just did. He thanked her.

Martha mentioned somebody who took Tim's signs was working at the polls in town. Jay said all poll workers for one day are employees when they're there, so they fall under employee guidelines. He has not seen a police report. He added that, historically, multiple people have not been invited back from both sides.

In answer to Martha, Jay said some poll worker appointments are for 12 months, and all the board is doing is confirming the clerk or the manager's appointment. It is between the clerk and the manager whether they work at the polls. He added one of the reasons we're in this situation is national political party BS at the local level, and we need to stay away from that. The program has worked for years, and no one ever hears about anybody they have stopped from working at the polls. It is handled internally. There is no way a poll worker, even a rookie, can tamper with any ballot.

Adam talked about voter fraud concerns, which told him they have no clue how it works, especially in a small town where people know 90% of the people coming through the door, and there are more than enough eyes on things. It has just not been an issue. But it is important when we get a bad actor that we call them out on it.

Jay talked about political partisanship making it harder to hire municipal employees, especially young people who do not want that atmosphere. He said the staff does not deal with politics; he handles 90% of it. He recommended unenrolling from any party, because it's killing us, and now down to the municipal level.

Adam said this board seems to perform best when we have both sides added. Yvonne said she appreciated the conversation, which will continue Adam said.

Ellen Harrison said the courts are active now it's summer. Re: new nets for the tennis courts, she hopes it will come to fruition soon. In answer to Adam, she said she thought Pat Hood had been made aware. Adam said he saw Catherine, who had already emailed him. Adam confirmed Ellen is on the Parks and Rec Committee.

Ellen said as part of the use of the courts, she would like to do as Tenants Harbor does and have a sign-in book at the courts – for pickleball or tennis – so the powers that be can have an idea of their usage, as well as the different areas that users come from. Adam confirmed she was talking about a clipboard. She said maybe in a wooden box.

Adam mentioned accountability. Ellen said she was thinking more along the line of grants, as evidence to show the courts are supported by the community and worth it to put money into. Adam said we should approach it through the Rec Committee and will shoot Pat an email. Jay said they will have a meeting at the start of the fiscal year.

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John Mountainland brought up noise complaints re: pickleball. Jay said he knew of them across the state but has not received any here. Adam reiterated it should go to the Rec Committee. John said pickleball is 70 decibels on the court, equivalent to a shop vac running. Adam referred to an article in The New York Times. Ellen said the trees are a great buffer. Steve said it really is not in proximity to residential. Yet, said John. Ellen noted the largest population that uses pickleball is over 50. Adam said this is a great example of why we have a Rec Committee. He will pass this along to Pat also.

Ellen said they need to get more tennis putty. Adam said it still has to go through Parks and Rec. He clarified this board does not have the power to disburse money. Parks and Rec is the mechanism it has to go through. Ellen wanted to make the board aware. Adam added Parks and Rec has flexibility on their meetings.

10. Committee Reports:

a. Broadband

John Gibbons said the fiber network expansion is proceeding smoothly and is still well ahead of schedule. They are working to put together a Broadband Committee page on the town website. It turns out there's some information the public would be interested in that is not easy to obtain from the Tidewater website. They plan to place that kind of information on the town website page, partly as a way of providing information to the citizens and partly as a way of getting feedback on citizens' perceptions and concerns that would be useful for the committee and for Tidewater.

They are posturing the committee to be ready to assist Tidewater in a similar role to the ombudsman. They have asked Tidewater for a list of requirements they expect customers to comply with before the installation crew shows up to make the connection. They are working on that. One issue they expect to come up is a lot of customers are going to prefer an underground cable to their house as opposed to an aerial mounted utility pole.

He said John Mountainland has come up with a couple of names of contractors who could put in underground conduit. They are in the process of making contact with those contractors to pull information together on that. The first question will be how much will it cost. The second will be what's my yard going to look like when they finish running that conduit. The committee is doing research before calling the contractors. He thanked John Mountainland for doing great work for the committee.

John also said one of their immediate priorities is to get started on the status meetings between the committee and Tidewater. The key guy has been unavailable but came back on Friday. The board thanked John.

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b. Sestercentennial

Argy Nestor said they continue to have great support. They have 619 Facebook followers and not one negative comment. The committee is now meeting weekly with 31 days to go.

She said the bandstand is done. The book has gone to print thanks to Tracy and will be ready in the next couple of weeks, about 54 pages long. Coins, t-shirts, and hats are on sale and will be at pop-ups at the Farmers Market this Friday, and a week from this Friday at the Common Market. Thanks to Martha, there is an online store for hats, t-shirts, and tote bags (which are only available online).

She said lots of people are signing up to volunteer thanks to Holly and the SignUpGenius website. She said you can use the QR code or put in the address.

She said they were in the Waldoboro Parade this past Saturday. The Moxie banner from the school play was a big hit. The 4th of July parade is next.

Argy also brought up select board tasks. The committee would love for the select board all to be at the opening ceremony, and for Adam to do a welcome. She said they are waiting for his short quote for the newspaper. The board's presence is also requested at the closing ceremony – putting the time capsule back in, rededication of the Civil War monument, etc. Someone from the select board needs to reaccept the monument.

Tracy Weed said the time capsule is being constructed and finished this week. It will be on display at Union Farm Equipment maybe next week, the beginning of July. Argy asked the board to give some thought as to what should go in there besides the town report.

Buddy Savage said he and Holly are putting together the Friday night concert, currently scheduled to be at the fairgrounds. But due to some issues that have come up with the fair, they would like to move it to the Common. It takes place Friday night at 7:00 p.m. They have permission from Butler, Maxcy, and Heath to go in front of their place. He said the road is terrible there. It would entail a street dance. Common Road would have to be shut off from right by the historical society to the intersection by the post office. He said trucks needing to turn around are probably the biggest issue and suggested a sign "local traffic only, no trucks." Jay mentioned paying a volunteer fireman to sit there and tell trucks.

Buddy said the stage could be set up off the street with some cones. They would probably start around 10:00 a.m. with the first public thing a sound check around 3:00 p.m. The band starts at 7:00 p.m. and ends at 9:00 p.m. It would be closed say 6:30 p.m. to 9:30 p.m. or 10:00 p.m. He said he and Jay had talked about whatever qualified people being able to stop traffic, and some barriers. He was

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very concerned about somebody barreling through from the other side and mentioned dropping Jersey barriers.

Jay said Common Road is a state road. He will handle that with the state as Union's road commissioner.

Argy went over a list of road closures. First was Burkett Road, from 3:00 p.m. Friday to 5:00 p.m. Sunday. She said that is where the porta potties and table/chairs storage will be. Re: 235, the short road to the right of the monument to the bandstand, is a state road Jay confirmed that has to stay open to traffic.

Tracy asked about using yellow posted chains to set up a walkway on both sides of those greens, which Jay okayed. He added people don't have to be certified to do people traffic. He is concerned at night during the band, when 235 is open, that we have somebody on the post office side to tell people not to dance in the middle of the road. We will probably have public works trucks there on Saturday and maybe Friday. In answer to Buddy, he said the town will provide those people. We will be paying them. He added they all know what to do, all have radios, and can all contact dispatch which the general public can't. Training responsible citizens for emergencies was mentioned by Argy for a long term impact.

Argy continued with road closures: Saturday the Burkett Road all day, the Common Road to the fairgrounds with the parade, wondering about Abbott Way, and in front of the bank (Masons chicken barbecue). Jay said we've always left the bank one open, the one coming up from Common Road. The little short one is usually closed. On Sunday, Argy mentioned the Burkett Road again.

Adam said he did not hear anything unexpected or any red flags, basically the little roads around the Common. Steve confirmed 235 will be open. Martha brought up people leaving after the pie social and concert on the Common. Argy said the shuttle bus will be running, picking up people at the post office and taking them to the fairgrounds, where we're charging for parking.

Jay said for the pie social, they will park at the post office, in front of the restaurant, and the bank like they always do. He noted we always have to keep through traffic open.

In answer to Steve, Argy said the shuttle will start on Friday around 3:00 p.m. and run until 9:30 p.m.

Motion to close the roads as mentioned by: Wayne Kirkpatrick
2nd by: Steve Migliorini
5-0

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Argy said the committee is down to the last 75 wooden nickels. The latest greatest schedule is out. People can sign up tonight to volunteer.

c. Thompson Working Group

Jay said they have not met. In answer to Adam, Jay said they have reached out to the study people, but they are waiting for the development contract which has some wording she might want to change. He confirmed once he hears back from Matt (Eddy, MCOG), they will schedule a meeting.

Wayne confirmed Steve being a board member doesn't change anything.

11. Select Board Report:

Steve brought up the damage done on the Clarry Hill Road chip seal, right at the corner of Elmer Hart. Jay said a contractor was there and is giving us an estimate. The guy (who damaged the road) has not been good about calling him back, so he handed it over to Maine Municipal insurance who will cover it then go after him. It's almost \$30,000. Steve confirmed it was the liquid asphalt material underneath the chip seal that is stuck onto the road.

Adam said it was really hot today, and he poached the pledge of allegiance. He thanked everybody who ran and congratulated the winners. He said we all benefit from a lot of choices and a good, healthy discussion and run. He hopes everybody keeps running.

Wayne mentioned Jay's bombshell, sad news. He said Jay has been a great asset to the Town of Union. He thanked everybody for running – a great race, and don't give up.

12. Adjourn:

Motion by: Martha Johnston-Nash
2nd by: Steve Migliorini
5-0

Meeting adjourned at 8:04 p.m.

Respectfully submitted,

Sherry Abaldo
Secretary