

SELECTMEN'S MEETING  
DRAFT MINUTES

March 1st, 2022

**CALL TO ORDER:** 6:00 PM

**ROLL CALL:** Geoff Johnson, Bill Rand, Nancy Hatch, Gerald Folster & Lee Bryant

Debbie Hodgins, Administrative Assistant

Nicole MacFarline, Town Clerk

**GUEST:**

Linda Graban-Linda asked why the meet and greet for the candidates was canceled. Geoff explained that a couple of the candidates did not wish to participate. Linda stated it wasn't fair. Geoff stated it wasn't fair to him when he ran and no meet and greet was offered. Linda asked why Debbie runs the meetings. Linda argued that it wasn't in our policy. Nancy read aloud a letter from Rudman and Winchell, the Town's Attorney explaining in detail the answer to her question. Linda went back and forth with Geoff about the town's policy, even after Nancy read the letter from the town's attorney, Linda continued arguing the matter. Geoff asked her if she was an attorney. Geoff also explained that he presides over the meeting. (See attached letter from attorney)

**EXECUTIVE SESSION:** None

**MINUTES:** Approve the February 1st, 2022 Select Board Minutes (*Lee/Nancy 4/1 Gerald was absent 2/1/22*)

**ADMINISTRATIVE ASSISTANT REPORT:**

1. Public Hearing date March 9<sup>th</sup>, 6PM (*Geoff/Lee 5/0*)
2. 2022 Penobscot County Tax Assessment- needs signatures (*Lee/Geoff 5/0*)
3. Penobscot County Hazard Mitigation Plan updates 2022 – need signatures (*Geoff/Lee 5/0*)
4. MRC letter-complete survey (*Geoff/Lee 5/0*)
5. Penobscot Cleaning-estimate of \$2600 to strip/clean floors in building, seek more estimates and table until next meeting (*Geoff/Lee 5/0*)

**TOWN CLERK:**

Appointments: motion to appoint and vote

David Noto - Planning Board/Comprehensive Committee (*Geoff/Bill 5/0*)

Katheryn Johnson - Ballot clerks (*Lee/Bill/ 4/1 Geoff abstained*)

Dennis Harvey - Ballot clerks (*Geoff/Lee 5/0*)

**ACO REPORT:** No report

**CEO REPORT:** Accepted

Rick Leavitt – Discussion regarding Marijuana Ordinance-Rick will talk with the State further regarding this matter. He suggested doing a straw poll question at some point. Rick was asked about the two mobile homes on Rt. 180. He explained the two cases are in the court’s hands at this time. He was told it could take up to a year half for those cases to be heard.

**EDDINGTON FIRE REPORT:** Accepted

**PLANNING BOARD:**

Bruce Jellison, Chair- Bruce asked permission to talk to the town attorney regarding splitting up the land use ordinance. (*Bill/Lee 5/0*)

Planning Board meeting minutes, February 2<sup>nd</sup>, 2022 - Accepted

**COMPREHENSIVE COMMITTEE:**

February 2<sup>nd</sup>, 2022 meeting minutes- Accepted

**TIF COMMITTEE:**

February meeting minutes – Accepted

Geoff asked Linda about the progress of the committee. Linda said she wants to do a survey of what people in the community would like to see. She also mentioned an application but did not elaborate. Geoff asked for timelines. Linda also brought up a recommendation for the vacancy on the TIF committee, Cindy Grant. Geoff explained to Linda why Cindy Grant couldn't. He told her that Cindy Grant was a member of the Maine Town City Manager’s Association and they have rules/bylaws as to why.

Sherry Murray expressed interest to join the TIF committee while in the office last week. We will contact her to see if she is still interested.

**OLD BUSINESS:**

Personnel Policy review with edits – approval of edits (*Geoff/Nancy 5/0*)

**NEW BUSINESS:**

Nancy read a statement she wrote to address the behavior of a group of people in town. (Statement attached to minutes) Nancy motioned to censor Linda Graban, Cynthia Grant, David Astbury and Frank Arisimeek. She motioned that they will not be allowed to make any allegations or accusations of any wrong doing by the Select Board or staff without proof and legal documentation to substantiate the facts. *(Nancy/Geoff 5/0)*

**PUBLIC COMMENT:**

Joel Butterfield asked about the painter that was hired to paint the interior of the town office building. He asked if Debbie's daughter works for the company. He explained it would benefit the people of the town when services are required by the town such as painting, cleaning etc. that the town put the job out to the community first to see if someone local is interested. Geoff said that he will have future matters regarding jobs for the town put in the weekly newsletter. Bruce Jellison suggested putting a list of local contractors together.

Joel also brought up hearing that he was being charged with harassment after last month's meeting. He was told that there were no such charges. Nicole addressed him regarding his comment at the last meeting and explained given the context of said meeting and Frank Arisimeek's comments of said meeting that she didn't know what to think. That she felt she and Debbie were being tracked. Debbie got emotional when trying to speak of the constant issues a certain group in town causes. David Astbury laughed at her. Debbie asked him why he would laugh. The group started to get louder and out of control. Geoff tried bringing the meeting to order by banging the gavel several times and asking David Astbury and Frank Arisimeek to leave the meeting. They did not. Nancy asked Nicole to call the Sheriff. As Nicole picked up her phone and started to call, David and Frank quieted.

Nancy motioned to adjourn the meeting.

Frank Arisimeek recorded tonight's meeting with video camera.

**ADJOURNMENT:**

Time:6:53

Motion: Nancy/Lee 5/0

February 2, 2022

VIA EMAIL ONLY: [townclifton@gmail.com](mailto:townclifton@gmail.com)

Town of Clifton Select Board  
135 Airline Road  
Clifton, ME 04428

**RE: Meeting Rules of Procedure**

Dear Chair Johnson and Members of the Select Board:

You asked whether the Chair of the Select Board violated the Meeting Rules of Procedure (November 1, 2021) by delegating to the Town Administrator the role of reading the prepared agenda, informing the Board of the next item for discussion, and taking a roll call vote.

In short, this is not a violation of the Meeting Rules of Procedure. While this perhaps is not a widespread practice to our knowledge, it is not unlawful, inappropriate, or inefficient.

In pertinent part, section 3 of the Meeting Rules of Procedure states that the “chair shall preside at all board meeting to maintain order and determine the course of the proceedings. In the event of an emergency requiring input from the chair or the vice chair and they are not available, the most tenured board member available will assume the role as chair or appoint another board to assume that role for the board until the chair or vice chair become available.” The authority to “maintain order and determine the course of proceedings” implicitly includes the authority to delegate the tasks of reading the agenda, identifying the next item for discussion, and taking a roll call vote. Further, these tasks are ministerial in nature and it does not appear this is a situation where the Chair has delegated any of his discretionary authority nor surrendered his ultimate authority to determine the course of proceedings. Any suggestion that such a delegation unlawfully usurps the power of the Vice Chair is without merit. The policy clearly provides that the Vice Chair shall act in the Chair’s absence; the act of delegating a ministerial task to a non-board member does not amount to an absence.

Finally, there is no applicable state law or rule of procedure that mandates the Chair assume these tasks or delegate them only to another Board member. To otherwise interpret these rules so strictly and literally as to require only the Chair or Vice Chair to perform these rules would put form over substance, a result contrary to the goal of any rule of procedure—the efficient conduct of business. And of course, the procedural determination of the Chair or Vice Chair, or their designee, always remains subject to challenge and revision by the majority of the Board. This ensures the preservation of the democratic form.

Please let me know if you have any questions about this opinion.

Sincerely,



Stephen Wagner  
SWW/leb  
57822/80482

My statement is addressing a select few and I am sure that they will know who they are.

I am speaking to you directly about the constant complaints, allegations and threats that the Town Office and Select Board have endured over the last several years and more so in the last three years from you

The office staff has been constantly attacked by you people to the point that we have called on for legal advice several times from Maine Municipal Association and our town attorney, spending thousands of tax dollars to be told on 99% of the complaints and allocations that you have brought to us are not valid and that we are doing things right and have given us advisement on a few subjects to improve on our service to the Town. As much as I don't particularly like social media it has given us tons of documentation from you that are extremely disturbing, but having the rebuttals from legal forces and our auditor as well, we are confident that we are doing fine. The allegations directly to the staff from you people constitute defamation of character and harassment and many of them are vindictive, creating a hostile workplace. This is certainly not something that anyone would expect from professional people who portray themselves as upstanding citizens of the town and community. Common courtesy is not in your vocabulary. You constantly search for anything that you can throw out there as a big problem hoping that you can convince people that the board and staff are incapable of doing their job. A recent email from one of you stated that people are not happy with the way the town Select Board and staff are running the Town.

I have made it a point to converse with a great deal of people in town about this situation and have found that almost everyone believes the Town is being well taken care of, the taxes are staying constant with a mill rate lower than any town around. The roads are getting much needed repairs and they are thankful for the TIF money to get it done. Not one person has complained to me about our staff and didn't hesitate to tell me that they get good service here by friendly and helpful people. I have, however gotten a lot of information from them of outrageous stories they have heard coming from your newsfeeds and The Store, the local town news crowd. People in this town don't like the unfounded things they hear and are tired of hearing them. This town is better off structurally and financially than it has ever been and the majority of them are grateful for it and happy to live here.

Due to the current circumstances and interruptions of our meetings on a constant basis, I make a motion that Linda Grabon, Frank Arisimeek, Cynthia Grant and David Astbury be censored at our Select Board Meetings and that they not be allowed to make and allegations or accusations of any wrong doings by us or our staff without proof and legal documentation to substantiate the facts.

Nancy Hatch