

Manager's Message Page - The Rest of the Story- Chapter 1

Welcome to the Manager's Page where rumors are dispelled, misinformation is corrected and you are kept informed with the facts by hearing "The Rest of the Story". I believe that great discussions of Town Matters must be based on facts. If you hear rumors or read comments on social media pages, please check the accuracy of the information before passing that information on. Please feel free to contact me any time. You can send me an email at townmanager@fryeburgmaine.org or call or stop in the office to talk about anything you are hearing or reading about.

Below are questions, comments and statements that have been made in various settings that need to be corrected.

- *The Town illegally purchased the new backhoe?*
 - *We did purchase a new 2016 Caterpillar backhoe and it was a legal transaction. The backhoe was delivered Thursday September 22nd. With thousands of dollars in repairs and maintenance being spend every year to fix more problems on the 2002 John Deere backhoe, it was decided by the Selectmen, Public Works Director, Clyde Watson and Town Manager, Sharon Jackson to replace this machine now while there was still a trade-in value. The selectmen approved using \$20,000 from the approved Contingency Account and \$5,000 from the approved Credit Reserve Account to make the \$24,086.03 down-payment. The Selectmen approved a 5-year lease purchase with Caterpillar Finance with a 2% interest rate for 5-years. We solicited prices from other manufacturer's to purchase new, purchase used, trade or not trade. We also solicited financing options from 3 financing companies. The next 4 annual payments will be budgeted within the Debt Service account for fiscal year 2018 through 2021. The 2002 backhoe has been out of service more than in-service for the last year. The highway's 2005 Komatsu will now be used at the Transfer Station and the new Caterpillar will remain at the highway department. This was not an illegal transaction.*

- *The Town Manager can decide on issues if 2 selectmen are deadlocked with a tie vote.*
 - *This statement is not accurate. The Town Manager doesn't vote with the Selectmen and does not vote to break a tie. In the case of a tie vote, no action can be taken. The roles and responsibilities of the Selectmen and Manager are not the same. Both are identified by state statue and posted on the Town's home page. Title 30-A, Section 2635, "Board of Selectmen" is posted on the Town's main web site under the Selectmen. Title 30-A, Section 2636; The "Powers and Duties of the Town Manager" is posted under the Manager.*

- *A recent social media post stated "According to every Selectman and Town Manager I have spoken with, you have to have a majority approve treasurer's payroll. Eastman stated that it will be taken care of, should something happen to either one of them. My concern is how is the Town of Fryeburg different from other Towns? If they are willing to skirt the rules what else is happening".*
 - *The first thing I would like to assure you of is that the Town did not skirt the rules. A majority vote is needed unless the Town has adopted a policy under the state law "30-A, Section 5603 (2) (A) (1)". The Selectmen have adopted this policy every year since 2010 after a new selectman is elected in June. Only one of Fryeburg's selectmen need to sign the Treasurer's Disbursement Warrant for payroll and benefits so employees can be paid. Not all Selectmen and Town Manager's may be aware of this law, and if they are, they may not have adopted it or maybe they forgot about it. Apparently it was also missed when someone researched the Maine Law and Legislative Library and was sent numerous laws including case law. The policy adopted under this law gives the selectmen authority to adopt a written policy to permit the disbursement of employees' wages and benefits ("treasurer's payroll) when a disbursement warrant has been signed by one or more designated municipal officers. This statement was made without knowing if Fryeburg adopted this policy and is an example of how incorrect information is passed along. This policy is adopted at a Selectmen's Meeting and can be seen on Channel 3, reflected in the minutes and by attending the meeting. Although Selectman Eastman didn't reference this policy, this policy is how the Treasurer's Warrant will be taken care of.*

- *The Town didn't appropriate money for the Scales and they are taking money from other accounts to pay for them.*
 - *The Town appropriated \$60,000 at the June 2016 Town Meeting to purchase and install the scales.*
 - *Clyde Watson, PWD and Sharon Jackson, Town Manager spent several months researching having scales installed at the Transfer Station.*
 - *Two presentations were made at the Selectmen's Meetings by Maine Scale, LLC from Auburn, who recently installed scales in the towns of Harrison and Oxford.*
 - *Clyde and Sharon visited the Harrison Transfer Station and met with their Town Manager and Transfer Station operators to see how everything worked. We talked with them about the process and costs when they installed the scales in Harrison.*
 - *Based on Harrison's purchase and installation budget costs, we budgeted \$60,000.*
 - *We solicited bids to purchase the scales. The selectmen approved the only bid received from Maine Scale. The cost to purchase the scales was approved at \$36,745. The remaining appropriated amount will pay for the work needed for the installation.*

- *During discussions by some who said cancelling the September election was intentional, it was brought to my attention that the Town Manager and Robert Ricks are related.*
 - *That is a false statement. There is no direct or indirect family relationship between the Manager and one of the candidates on the ballot.*

- *Why was the September 13th election cancelled?*
 - *A warrant needed to be posted 7 days before having a Special Town Meeting. The warrant notifies the voters there will be a meeting and the action that will be taken at that meeting. Title 30-A, Section 2528 (4). All action taken would have been void because the warrant wasn't posted.*
 - *I called the Town attorney and MMA legal. The election meeting needed to be cancelled because a 7 day notice wasn't given by posting a warrant.*
 - *When a shortened nomination process is approved to have an election to fill the remaining term of a selectman who has resigned, notice of that process must be posted in the same locations that warrants are posted. This notice was completed and posted.*
 - *This was not done intentionally to prevent any of the candidates from being elected. This is not how any person in the town office conducts Town business. We are all human. We forget and we make mistakes. We are hardest on ourselves when something like this happens because we do strive to do our best and be the best because we serve the public.*
 - *It doesn't matter who is elected to this position. No individual selectman has any authority under Maine Law to act alone. No employee would have anything to gain by intentionally preventing this election from happening.*

- *Can you explain the \$50,000 tax abatement that was approved by the Selectmen?*
 - *The Assessors (who are also the Selectmen) approved a Supplemental Tax Assessment July 11, 2013, in the amount of \$18,852 for Map/Lot 017-026 and \$33,598.20 for Map/Lot 003-035. This Supplemental Tax was a penalty assessed to new owners of both properties to remove 42 acres and 261 acres of land from tree growth classification as a result of the Town not receiving the required documentation following acquisition of the properties.*
 - *The Assessor's Agent received an Abatement Request for the 2 properties asking to remove or reduce the Supplemental Tax Penalty. The Assessor's Agent reviewed this information with Maine Revenue Service who recommended only an allowable \$500 penalty for each property per Maine Law MRSA, Section 574 (B). The Assessors approved this abatement August 22, 2013.*
 - *This property has been taxed as a tree growth property with both former and current owners. It has not been taxed on its full assessed value. The supplement was issued because we hadn't received a new tree growth plan. It was abated when the plan was received.*
 - *This was not a \$50,000 tax mistake that resulted in a loss of revenue to the Town as it is being stated on social media.*

- *The revenue taken in at the Transfer Station should be put back into their budget and not in the general fund.*
 - *It is very important to understand that All Town Revenues, with the exception of Special Revenues, are used to reduce the mill rate when the taxes are committed and the mill rate is set.*
 - *We cannot budget what is needed after receiving revenues. The budget presented at Town Meeting is the gross budget needed to operate. We also cannot pay expenses from Revenues received. So you can see, if \$184,512 was approved at Town Meeting, we would not have been able to spend more than that amount.*

<i>Example: Fiscal Year 2016 Approved Budget</i>	<i>\$328,063</i>
<i>Fiscal Year 2016 Revenue Received</i>	<i>(\$143,551)</i>
<i>Actual cost to operate the Transfer Station in FY2016</i>	<i>\$184,512</i>
 - *It is also important to point out that if we estimate our revenues too high and that money doesn't come in by the end of that fiscal year, we could have a deficit in operating funds.*
 - *The Selectmen attend every Budget Committee meeting and review all the budgets jointly with the Budget Committee. The Town Manager and department heads present the budgets to the Selectmen and Budget Committee.*
 - *I would encourage any of the candidates running for the Selectmen's position to participate in the budget process by joining the Budget Committee for the Fiscal Year 2018 budget. This would be a good opportunity for them to learn how the budget process works.*

- *In a recent Letter to The Conway Daily Sun, the writer stated "We will be voting for two vacant slots in June regardless and if the interim selectman is re-elected he or she will have been trained and ready to go".*
 - *This statement is not accurate. We will not be voting for two vacant slots in June.*
 - *As we all know, Fryeburg has 3 Selectmen. Each year (1) 3-year term is vacant and voted on.*
 - *The 3-year term that is vacant in June 2017 is the same seat that was left vacant when Jeff Cox resigned in July 2016.*
 - *Therefore, there will be only (1) vacant seat to vote on in June 2017.*
 - *Maine Municipal Association offers training workshops for all elected and appointed municipal employees in all areas of municipal government. Training is an ongoing process for all positions and is always encouraged in order to learn and understand the responsibilities related to all positions as it pertains to current law.*