**Town of Blue Hill**

**Select Board Meeting**

**Monday, July 31, 2023**

**Minutes**

**Call the meeting to Order at 5:30 pm**

1. **Quorum and meeting attendance** – E. Best (Chair); J. Dow, S. Miller, B. Smythe, S. Dooley, M. Rockwell (Treasurer & Tax Collector).
2. **Approve Select Board Meeting Minutes of July 24th** – S. Miller moved to approve the minutes as written; J. Dow seconded. Vote 5/0 Approved.
3. **Public Comment** – Patrick Harris addressed the Select Board concerning his mother’s cremains buried in the town owned Seaside Cemetery and the Bangor Daily News article from July 27th titled “Family buried remains in wrong Blue Hill cemetery plot”.

Mr. Harris stated that the deed for the cemetery plot was described as lot 62 and has since been amended to lot 61. When the Harris family went to place a monument in June, they noticed something amiss. When he reached out to the town office, he was connected with Kelly (Deputy Clerk). He stated that Kelly took the situation very seriously and was working with the former Town Administrator to rectify the situation. He stated that she didn’t like the answers they were getting from the sexton, so she decided to take matters into her own hands. The Town is moving the cremains to lot 61 at the Town’s expense. He stated that R. Carter (our sexton) was the person who dug the hole for the cremains, and he did so prior to leaving for his Florida winter vacation.

Mr. Harris stated he was confused and very upset by the Bangor Daily article as it suggested that the family was at fault, and he wondered why the quotes were made. E. Best apologized to both families, stating she received bad information, and they were working to fix the situation. Again Mr. Harris expressed that Kelly handled the situation impeccably. He stated that the article was upsetting to the entire family and was a “nasty surprise” since they were nearing closure on the whole situation. He believes the Town should work with the paper to make it correct.

Sarah Billings was also at the meeting as her father is buried in the same plot as the Harris’ family member. He was buried in October of 2020 in a casket and vault. She stated that in December of 2021 they made a wreath to put on his grave and found that someone was buried on top and that’s how they found the problem. She stated that she had come to the town hall to look at the surveyed plots and find out who might be buried above her father. She stated the R. Carter also dug her father’s grave.

In June, when the Harris family was discovering things to be off, no one from the Town contacted her or her family about the issue. There was absolutely no notification, and she feels this was a complete lack of respect to her family. E. Best apologized again to Sarah and the entire Billings family.

Toni (the sister of the deceased Harris family member) purchased the plot and R. Carter prepared the plot for burial. She stated that two calls would have stopped everything, but instead it looked like the family had “stolen in the night” and buried their loved one wherever they chose. However, the July 17th Select Board Meeting Minutes state that the plot was double sold, in error by the town. She stated that when Sarah came to the Town, they should have done something then.

Dorothea (sister of the deceased Harris family member) addressed the Board and discussed the double selling of the plot. She stated that the Bangor Daily reporter should have been notified immediately and that she believes the Town was covering the situation up.

Jeb Billings (son of deceased Billings family) addressed the Board starting with he was disheartened and feels his family was “blown off”. He wanted to know why it took two years, and why it didn’t get the attention that it needed immediately? S. Miller advised that the Board wasn’t aware of it. He also stated that the Town was at fault and would do whatever it could to mitigate the situation. He stated that in the future if there are issues or frustrations that need to be addressed to contact the Board via email or show up on Monday night meetings. Sarah stated that the town was made aware two years ago and did nothing. S. Miller stated that none of those employees work at the town hall any longer and it seems the situation was not brought to the Board in error.

E. Best asked all concerned how they would like the Board and the Town to proceed. Mr. Harris stated that Kelly was communicating with him and his family concerning next steps.

Jeb Billings expressed his frustration, stating that he didn’t want to throw the town under the bus but that he felt the town needed to take a deep dive into internal processes and report back to the paper to ensure that this doesn’t happen again.

Sarah Billings would like to be kept in the loop and informed of any progress with the situation. She stated that removing the cremains is disturbing her father’s grave and she would like to be there. Sarah asked about R. Carter’s health as he had dug both graves and didn’t seem to remember. E. Best stated that he had a good knowledge of the Town’s cemeteries but that he had retired from the caring and maintenance of the cemeteries and retains the position of sexton.

Sarah Billings and Patrick Harris are both the best contacts for each respective family.

P. Harris stated that for both families to get some closure, they needed a public apology from the town – especially in the Bangor Daily News and he would like the town to make it right! He wants both families named, stating that both families have reached out to the reporter (Bill Trotter) but he has not returned their calls. J. Dow will draft something up and review it with the Board.

**Business**

1. **Backhoe/Loader lease agreement** – S. Miller discussed the lease agreement for the backhoe. Ben Adams spoke with the salesman and was advised that there is a clause for us to be able to walk away if the town votes it down. S. Miller also stated that he found more math on how the public works department is being paid for and he feels confident that they can make good on the promise to the town to cover expenses for the public works department by spending less in other areas. The Board will need to decide concerning warranty option before the end of the year. B. Smythe moved to authorize the signing of the 5-year lease with a change of address to correct the town’s address; S. Dooley seconded. Vote: 5/0.
2. **Extreme Heat Resolution review** – Allen Kratz addressed the Board concerning NOAA funding opportunity. He stated that Penobscot, Brooksville and Brooklin have all agreed to apply for this funding through the state. He believes Surry will vote to agree with the same tomorrow night (8/1). He said that the scope of work is a suggestion and not a commitment and that it would be appropriate to send this through Judy East. S. Miller moved to adopt the resolution; B. Smythe seconded. Vote: 5/0. Further discussion after the vote concerning the Town’s climate vulnerability. Mr. Kratz stated that he is trying to negotiate a contract for funding classroom instruction. The cost of $15,000 was too much to fit into the current funding. They did find funding and the town of Brooksville held $10,000 in reserve during a town meeting for such purposes. They have agreed to contribute to this cause. John Gray is also eager and willing to add to the initiative.
3. **Tree Warden report by Phil Norris** - Phil advised the Board that there is currently an outbreak of Dutch Elm Disease (DED) in the town. DED is a fungus that is carried by a beetle. It travels down the limbs of the tree, so de-limbing an infected tree is the course of action to mitigate the issue. If the disease spreads down to the trunk the tree will die. He stated that there are currently 10 town trees infected and he has four crews out cutting on them. The price for this kind of work has skyrocketed since COVID and the cost is about $2,000 for 8 hours of work.

There are 90 full sized elms left from about 500. There is one on GSA property that is over 190 years old. Phil suggested replacing aging trees with young ones.

The Board asked what the policy has been, and Phil explained that the Town bares most of the cost for the elms. They do a fifty, fifty split on the costs with GSA owned property and stated that the town ‘can’ help if the elm is on private property, but only in cases of financial hardship. The last tree cost was about $6,000 to take it down and at this rate the budget would be overspent in triplicate.

The Board discussed the need for a policy concerning private property trees and felt that the right of way (or treescape) trees was indeed the town’s responsibility. They would like to be kept abreast of the situation and will watch the budget line. Phil stated that the work would be conducted through September but once the cold hit, the DED would recede until the warmer weather came back.

Phil mentioned that there is a threat to the ash trees due to the emerald ash borer and that he had just completed training on that. He will be doing an inventory of the ash trees in town.

1. **Fall Soccer Program** – J. Dow and Josh Astbury met with the YMCA director to discuss a cooperative enterprise. Josh is willing to watch over the budget and work with the YMCA. S. Miller has done a bit of research and found that Ellsworth is not involved with the youth programs, the YMCA has taken the lead. The Board discussed the possibility of shutting down the Rec program or just splitting/sharing responsibilities with the YMCA.
2. **Town Park/Wharf Portable Toilets** – B. Smythe advised that Steve has already received two porta-potties for the festival. There was discussion about cutting back on some of the Monday night events at the park as this is causing a burden to the town and a source of trouble for the vendor of the portable toilets. The Board discussed the possibility of public works inspecting these on a regular basis and making sure that they are in good, clean working order. Having a daily eye on these may allow some discussion with the users.
3. **Community Wildfire Protection Plan update (Collins earmark)** – On July 27th, the Senate approved $250,000 and the bill now goes to the full senate and the house for approval. Senator Susan Collins expects it will get Senate approval. Allen Kratz said this was step one of five.
4. **Town Administrator search status** – The Board has received five or six applications and discussed a meeting to review them. They agreed to meet at 9am on Saturday, August 5th.
5. **Additional signatory on Town bank accounts** – Currently M. Rockwell (Treasurer and Tax Collector) is the only authorized signatory for the Town and Transfer Station bank accounts. The Board agrees that there should be another, especially since M. Rockwell will be going out on medical leave next month. The Board decided to table this discussion for a later date.
6. **Coordination amongst Select Board members** – The Board has assigned areas of focus for each select board member and believes it best for each to stay within their own respective lanes. They all agreed that when a request or question comes in, that they each want to know who’s on it; is it complete; is there anything that the entire board should be aware of. B. Smythe will send the schedule out for all.

**Department Status Reports (Sound Bites)**

 J. Dow mentioned that the doors to the bathrooms at the AA Field were both open and flopping around in the wind. They would like to know who has the keys or who is responsible for these buildings.

 J. Dow mentioned that a basketball court near the AA Field was paved and that all materials and labor have been donated.

 E. Best discussed resending the engagement letter to attorney Zach. The Board had previously agreed. J. Dow moved to authorize Ellen Best to sign; B. Smythe seconded. Vote: 5/0.

 S. Miller moved to authorize executing a letter of support for Hancock County Planning Commission – Service provider grant application in substantially the form presented earlier in the week. E. Best seconded. Vote: 5/0. Approved.

 J. Dow drafted a Select Board report going over the last half year with their own narrative of what’s been happening in town. He will send it around to the rest of the select board for review.

**Other Business**

Bar Harbor Catering Company request for application for a catering license for the antique show tomorrow (8/1) in the GSA cafeteria. S. Miller moved to approve the application; B. Smythe seconded. Vote: 5/0. Approved.

Will from the Weekly Packet asked questions of the Board concerning public versus executive session. E. Best explained that decisions could only be made in public. There would be no decision making out of the public view. She discussed how they have worked really hard to make sure to keep things legal in the absence of a town administrator.

**Meeting Updates/Reminders**

1. Select Board Meeting – Monday, August 7 @ 5:30pm
2. Solid Waste Committee Meeting – Tuesday, August 22 @ 4pm

**Executive Session**

* Pursuant to 1 M.R.S. §405(6)(A) – Personnel Matter
* Pursuant to 1 M.R.S. §405(6)(C) – Real Estate Matter

S. Miller moved to go into executive session; B. Smythe seconded. Vote: 5/0 Approved. Executive session began at 7:42pm.