TOWN OF SHIRLEY, MAINE

SELECT BOARD MEETING MINUTES

Wednesday, December 10, 2025 – 6:00 PM Shirley Town Office

1. Call to Order

Chairman Bill Nye called the meeting to order at 6:00 PM.

2. Attendance

- Bill Nye, Chair
- Nick Hanson
- Barry Bateman
- Secretary: Carolyn Nye

3. Approval of Minutes

Motion: Barry Bateman moved to accept November 12, 2025, minutes as written. **Second:** Bill Nye **Vote:** 3–0, motion passed unanimously.

4. Town Warrant

The Select Board signed the town warrant.

5. Correspondence

No correspondence was reported.

6. Old Business

The Board discussed the request from the snowmobile club to park the groomer on Town Office property. The Board agreed that allowing the groomer to be parked on the property is **not advisable at this time**.

7. New Business

7.1 Mail Retrieval Procedure

The Board discussed the handling of town mail and who is responsible for retrieving it from the post office. It was agreed that **the Town Clerk has historically been the designated person to collect and distribute town mail**.

Motion: Nick Hanson moved to contact Vera to retrieve the post office key so that the Town Clerk is the sole person responsible for collecting and distributing town mail. **Second:** Barry Bateman **Vote:** 3–0, motion carried.

8. Other Business

8.1 Town-Owned Computer – Clarification of Process

A discussion occurred with Norman Beckwith regarding the computer used by the former Tax Collector. Norman stated he believed a previous Select Board had voted to allow her to keep the computer. The Town Clerk reviewed the Select Board minutes and confirmed that **no formal vote or recorded action** exists authorizing the computer to be given away or treated as personal property.

Because the computer was purchased using **town funds**, it is legally classified as **municipal property**, and the Select Board is required to follow formal procedures for the handling, transfer, or disposal of town-owned equipment.

To ensure transparency and accuracy, the Select Board documented the following sequence of events:

Numbered Clarification of Actions Taken

1. **Initial Letter Sent:** A written request was sent asking for the computer to be returned. No response was received.
2. **Second Certified Letter Sent:** A second letter was sent by certified mail offering two options:
    - Return the computer, **or**
    - Sign an agreement allowing continued use for cemetery committee work, acknowledging that the computer was **town property** and must be returned when her service ends. The former Tax Collector responded that the letter "did not pertain to her."
3. **Consultation with MMA Legal Services:** The Select Board contacted MMA Legal Services for guidance. MMA advised the Board to consult the Town Attorney.
4. **Attorney's Direction:** The Town Attorney advised the Select Board to issue a **certified letter served by the Sheriff's Office** formally requesting the return of the computer. The Board followed this legal guidance.
5. **Tax Collector's Proposal:** The former Tax Collector contacted the Town Attorney and offered to purchase the computer for $100. The attorney advised the Select Board that accepting this offer was reasonably given:
    - The age and value of the computer

    - The Town would avoid future maintenance costs
    - The Town would have no further obligation regarding the device
6. **Board Decision:** The Select Board agreed to accept the offer **with the requirement of a signed agreement** stating that:
    - The computer was **town-owned property**, and
    - The Town was formally relinquishing all rights to it upon sale.
7. **Final Resolution:** The former Tax Collector, Geneva, **signed the agreement** and **submitted a check to the Town of Shirley for $100.00**, completing the transaction. The Town now has no further ownership or responsibility for the computer.

Additional Clarification Regarding Length of Service and Town Property

Several individuals, including Norman, expressed the belief that because the former Tax Collector worked for the Town for approximately 30 years, she should have been allowed to keep the computer. The Select Board clarified that while the Town sincerely appreciates her long service, **municipal property cannot be given away based on years of service**, as equipment purchased with town funds is legally classified as **town-owned property** under Maine law. Length of employment does not change the legal status of municipal equipment or the procedures required for its handling or disposal.

The Select Board emphasized that their actions in this matter were based on legal guidance and proper municipal procedure, not personal feelings toward any individual. The Town has shown appreciation for her service in appropriate ways, including presenting a plaque for her desk and including a written acknowledgment of her service in the Town Report.

8.2 Roadway Obstruction Complaint (Town Way)

Floyd Harford raised concerns about a phone call made to the Code Enforcement Officer regarding vehicles parked on his property, including one with a tailgate down that was reported as obstructing the town way.

Clarification for the Record: Obstruction of a **town way** is a municipal enforcement matter. When a vehicle or object blocks the traveled portion of a town road, the proper procedure is:

1. **The Code Enforcement Officer (CEO)** is notified first to document and address the violation.
2. If the obstruction creates a safety hazard or prevents road maintenance, the CEO or Select Board may request assistance from **law enforcement** or the **Road Commissioner**.
3. Select Board members do not directly enforce violations and should not confront residents before the CEO has investigated.

The Board confirmed that neither the Town Clerk nor the Select Board initiated the call to the CEO.

8.3 Public Easement and Neighbor Dispute

Floyd Harford and Norman Beckwith also raised concerns about a neighbor placing objects near a shared access area and questions about whether the Town should intervene.

Clarification for the Record: A *public easement* is privately owned land over which the public has a legal right of passage. It is **not town-owned property**. The Town's authority is limited to ensuring that the public's right of access is not obstructed.

- Boundary disputes, fencing, and conflicts between neighbors on private land are **civil matters**, not municipal matters.
- The Town cannot order a private landowner to move objects located on their own property unless the public's right of passage is blocked.
- The Town reviewed the deed language and confirmed that the area in question is a **public easement**, not a town way.

The Board reiterated that any further conflict between neighbors must be resolved between the parties or through law enforcement or civil channels.

9. Adjournment

Motion: Bill Nye moved to adjourn the meeting at 6:35 PM. **Second:** Barry Bateman **Vote:** Motion passed unanimously.

Respectfully submitted, Carolyn Nye Town Clerk / Secretary to the Select Board