

BOARD OF SELECTPEOPLE - TOWN OF MACHIAS

JANUARY 9, 2019

A meeting of the Machias Board of Selectpeople was called to order at 6:00 PM by Chairman Josh Rolfe. In attendance were Board members Paula Johnson-Rolfe, Bill Kitchen, and James Whalen; Town Manager Christina Therrien; Secretary Cathy Lord; Ed Pellon, David Clark, Mary Angarola, Dallas Ward, Bruce Smith, Sarah Craighead Dedmon, David Bell, James Jackson.

1. MINUTES - REVIEW AND ACTION

On a motion by James Whalen, seconded by Bill Kitchen, the Board voted to approve the minutes of the December 12, 2018 Board meeting.

On a motion by James Whalen, seconded by Bill Kitchen, the Board voted to approve the minutes of the December 19, 2018 Board meeting.

On a motion by James Whalen, seconded by Bill Kitchen, the Board voted to approve the minutes of the January 2, 2019 Board meeting.

2. WARRANTS - REVIEW AND ACTION

On a motion by James Whalen, seconded by Paula Johnson-Rolfe, the Board
VOTED:

To approve municipal warrant #49 in the amount of \$13,762.49; to approve municipal warrant #50 in the amount of \$636,704.35; to approve municipal warrant #51 in the amount of \$16,349.63; to approve municipal warrant #52 in the amount of \$42,161.33; to approve municipal warrant #53 in the amount of \$14,464.81; to approve municipal warrant #54 in the amount of \$21,201.13; to approve municipal warrant #55 in the amount of \$11,844.16; and, to approve municipal warrant #56 in the amount of \$1,803,056.99 .

On a motion by James Whalen, seconded by Paula Johnson-Rolfe, the Board
VOTED:

To approve school warrant #25 in the amount of \$204,491.35 and to approve school warrant #27 in the amount of \$216,736.76 .

3. AMBULANCE SERVICE - REQUEST TO ADD PERSONNEL

Mr. Rolfe noted that there is a request from the Machias Ambulance Service to add Jordan Curtis to the ambulance service roster.

On a motion by James Whalen, seconded by Paula Johnson-Rolfe, the Board
VOTED:

As recommended by the Ambulance Captain, to add Jordan Curtis to the ambulance

service roster with the stipulation that the appointee provide evidence of a fit-for-duty physical within six months.

Mr. Pellon commented on the danger being caused by a member of one of the public safety departments who is using a flashing red light and speeding excessively when responding to a call. Ms. Therrien explained that she has previously directed a memo of concern to safety departments regarding this issue and that she will re-address the issue with departments. Mr. Rolfe pointed out that a red light does not authorize the use of excessive speed when responding to a call.

4. DISCUSSION OF BUDGET SCHEDULE FOR 2019

The Town Manager and the Board discussed a tentative schedule for this year's budget meetings. Ms. Therrien suggested beginning the meetings in February and scheduling meetings for every other Wednesday. Mr. Rolfe recommended that budget meetings not be held on the same night as regularly scheduled board meetings due to the length these meetings are lasting. After discussion, it was agreed to hold meetings on the first and third Wednesdays of the month at 6:00 PM. Ms. Therrien reminded the Board that the Machias Planning Board meets on the first Wednesday of the month at 7:00 PM and uses the meeting room. The Board discussed taking a break to allow the Planning Board to use the room since the room should only be needed for a brief amount of time.

5. MAINE WILD BLUEBERRY - TELEBUSINESS CENTER PURCHASE AND SALE

Ms. Therrien advised the Board that she has provided them with research on the sewer violation incurred by Maine Wild Blueberry in 1999, a copy of a real estate purchase and sale agreement, and a copy of a letter from the town's attorney commenting on the real estate purchase and sale agreement being proposed by Cherryfield Foods/Maine Wild Blueberry.

As to the 1999 sewer assessment, Mr. Whalen suggested that the Board decline to re-address this issue. The other members of the Board concurred with the suggestion. Mr. Whalen asked if the citizens of the town need to vote to sell the property? Mr. Rolfe commented that the Board of Selectpersons is authorized by formal vote at annual town meeting to liquidate property as they see fit. Both Mr. Kitchen and Ms. Johnson-Rolfe agreed that the Board has the authorization to sell the property. Ms. Johnson-Rolfe commented that she remains opposed to selling the property because the present town office building is inadequate for the town's needs. She added that she understands that there is no recourse on the sewer assessment and she understands that selling the property is best for the town.

Mr. Whalen asked if the Board would be allowing repeated extensions on the sale of the property; he pointed out that this was a concern of the town's attorney in his letter to the Board. Mr. David Bell, spokesperson for Cherryfield Foods/Maine Wild Blueberry responded that it is the company's intention to move the sale along as expediently as possible. Mr. Whalen asked if Maine Wild was willing to honor leases with current occupants of the building? Mr. Rolfe responded that this stipulation is outlined in the purchase and sale agreement. Mr. Bell noted that the company will honor the terms of these leases.

Mr. Whalen questioned if the State has agreed to release restrictions on the deed? Ms. Therrien noted that an e-mail from the State assured her that the State would waive the deed stipulations. Mr. Whalen questioned if there should be a signature space for each member of the Board on the signature page of the purchase and sale agreement since it is the executive function of the entire board to sign the document. Mr. Rolfe noted that five lines can be added to the signature page; he pointed out that the Board can also authorize the Town Manager to sign the sale agreement.

Mr. Rolfe suggested that the next step should be to closely examine the items of concern that the town's attorney has noted in his letter. Ms. Therrien said that she would revise the purchase and sale agreement and bring it back to the Board for their review. Mr. Bell told the Board that it is the company's objective to move as fast as possible in the purchase to allow occupancy by the 2019 harvest season.

On a different matter, Mr. Bell announced that sadly there was a fatality at the Maine Wild facility tonight; he commended the expedient manner in which first responders answered the call for help to the facility. He noted that the first responders were a first-rate professional group of people. Members of the Board expressed their condolences.

6. OTHER BUSINESS

A. Ms. Therrien asked if the Board would sign the TIF application which needs to be filed by the Town Clerk. Mr. Whalen said that he needs time to read/review the document and that he would come to the Town Office the following morning to fully review the application. The other members of the Board reviewed the document and signed it.

B. The Board signed the cover sheets of recently approved sewer abatements.

C. Mr. Whalen explained that he has heard rumors that the redemption center on Main Street will be closing. Ms. Therrien said that she has heard nothing about a purchase of this property.

D. Mr. Whalen noted that more than three people have asked him why the Board has not moved forward with an election to fill the empty seat on the Board. Mr. Whalen said that it was his personal opinion that he would be in favor of filling the seat on the Board. Mr. Kitchen pointed out that the person elected would only serve until this year's annual election in June. Ms. Therrien explained that due to time stipulations on the submission of nomination papers, costs to hire ballot clerks, and having to set up the formal process for a special election the Board had previously made the decision to wait until the annual general election to fill the empty seat. She pointed out that if an election were held now the person elected would only serve for two months and there would be the additional costs of a special election to be factored in. Ms. Therrien advised the Board that there are also guidelines for a shortened nomination process which could be utilized. Mr. Rolfe commented that the Board had felt that it was not fair to hold an election for a seat which would be occupied for such a short time.

The members of the Board discussed the pros and cons of holding an election for the seat. Mr. Rolfe commented that the Board can hold an election being aware of the time and

expense to hold the election, knowing that the elected board member would only serve for two months, and then the whole process would start again to fill the seat. Mr. Whalen commented that a fifth Board member could break a tie in a vote and he added that the approved legislative body is a five member board. Mr. Rolfe wondered if an elected member could serve the remainder of the term and then stay on the board to serve the next three year term. Mr. Rolfe suggested asking MMA if it was possible that the elected person serve the additional term of three years and also utilize a shortened nomination process. Mr. Kitchen noted his concern regarding voter turnout for a special election; he also said that he was not in favor of a shortened nomination process. Mr. Ward asked what the cost would be for a special election; Ms. Therrien estimated that the cost would be \$1200. to \$1500.

On a motion by James Whalen, seconded by Paula Johnson-Rolfe, the Board
VOTED:

To hold a special election for a fifth select person prior to the established June election.

Ms. Therrien explained that the fifth person would join the Board sometime in April based on the nomination and election process. She told the Board that she would contact MMA about the Board's questions.

E. Mr. Whalen noted that the town policies book does not contain a description of the duties and responsibilities of the select-people and the town manager. Ms. Therrien pointed out that the duties and responsibilities of a town manager are established by state statute. Mr. Whalen questioned the need for locally developed descriptions of duties. Mr. Rolfe pointed out that these responsibilities are covered in state statutes. He suggested that the Board can discuss this issue at their next meeting after Board members do some research.

F. Mr. Rolfe said that he would like to purchase a router to allow WiFi service in the town office since it is important for people to be able to access the Internet. It was the consensus of the Board this was appropriate.

G. Mr. Rolfe questioned how the Board wants to proceed with the evaluation of the town manager. He pointed out that when the Board previously completed an evaluation the Chairman of the Board had collected the data and compiled the scores. The Board discussed the evaluation process. Mr. Rolfe noted that it would be left to the Town Manager if she wants to discuss the results of her evaluation either in open session or in executive session. Ms. Therrien said that she would like to have the review and discussion in open session. The Board discussed the evaluation format. It was suggested that the Board use the evaluation forms last used during the process. The consensus of the Board was to use the previously used forms. Ms. Therrien said that she could provide the Board with these forms.

On a motion by Paula Johnson-Rolfe, seconded by James Whalen, the Board voted to adjourn the meeting at 7:37 PM.