

BOARD OF SELECTMEN - TOWN OF MACHIAS

APRIL 27, 2016

A regularly scheduled meeting of the Machias Board of Selectmen was called to order at 6:00 PM by Chairman Aubrey Carter. In attendance were Board members Warren Gay, James Whalen, Leslie Haynes, and Josh Rolfe; Town Manager Christina Therrien; Secretary Cathy Lord; Code Enforcement Officer Betsy Fitzgerald; Bob Berta, Wade Walker, Matt Smith, Bill Sternburg, Johanna Billings.

1. MINUTES - REVIEW AND ACTION

On a motion by Warren Gay, seconded by Josh Rolfe, the Board voted to approve the minutes of the April 13, 2016 Board meeting with the following corrections:

Page 3, Item #12 should be corrected to read:

“Ms. Therrien advised the Board that Fire Chief Joey Dennison is recommending that three new members be appointed to the volunteer fire department - Stephen Simmons, Bill Kitchen, and Dylan Case. She also noted that the town's insurance carrier has encouraged the Town to establish fill for duty standards for members of the fire department. Ms. Therrien asked the Board what they thought about invoking a fit for duty physical requirement for members of the fire department. The members of the Board agreed with establishing such a requirement. Mr. Rolfe pointed out that many members of the fire department already meet the standards of a fit for duty requirement. Ms. Therrien also informed the Board of on-going work on a firefighter job description.”

2. WARRANTS - REVIEW AND ACTION

On a motion by Warren Gay, seconded by Leslie Haynes, the Board
VOTED:

To approve municipal warrant #85 in the amount of \$11,242.12; to approve municipal warrant #86 in the amount of \$12,850.29; to approve municipal warrant #87 in the amount of \$20,752.52; and, to approve municipal warrant #88 in the amount of \$62,556.74 .

On a motion by Warren Gay, seconded by Josh Rolfe, the Board
VOTED:

To approve school warrant #44 in the amount of \$183,539.92 .

3. POLICE CRUISER - REPAIR BIDS/PUSH BAR PURCHASE

Ms. Therrien noted that the Board has a copy of the April 15th accident report involving the Machias Police Department vehicle for their review. She pointed out that the Board has two repair bids to review - one bid was from Timmy's Auto in the amount

of \$3,140.71 and one bid from Huntley Auto Body in the amount of \$3,975.56 . Ms. Therrien pointed out that the Town's insurance carrier appraised the damage to the vehicle at \$3,803.04 . The Town Manager noted that there is a five hundred dollar deductible on the insurance. Ms. Therrien also pointed out that the police department wants to have a push bar installed on this vehicle. She noted that a push bar installed on a previous vehicle cost \$1400. to add this piece of equipment.

On a motion by Warren Gay, seconded by Josh Rolfe, the Board

VOTED:

To award the bid for repair of the 2013 police vehicle to Timmy's Auto in the amount of \$3140.71 .

Mr. Rolfe suggested that Timmy's Auto also provide a specification for the purchase and installation of a push bar for the vehicle. Mr. Carter pointed out that the push bar will be a separate purchase.

4. LETTERS OF RESIGNATION

Mr. Carter noted that the Town has received letters of resignation from Paul Hoyt and Julian Richardson who are resigning from the Machias Cemetery Association effective April 13, 2016.

On a motion by Josh Rolfe, seconded by Warren Gay, the Board

VOTED:

To accept letters of resignation from Paul Hoyt and Julian Richardson from the Machias Cemetery Association effective April 13, 2016.

5. BLACKFLY BALL - REQUEST FOR USE OF BAD LITTLE FALLS PARK

Mr. Matt Smith, representing the Beehive Collective, asked the Board for permission to use Bad Little Falls Park again this year for the Blackfly Ball scheduled for August 20, 2016 from 6:00 to 11:30 PM. Mr. Carter commented that at last year's event a vehicle was parked in the area of the town gazebo; he explained that no vehicles are allowed in this area except for emergency vehicles. Mr. Smith noted that he would make sure there were no vehicles parked in that location during this year's event. He asked about allowing vehicles to park on the area on the other side of the bridge; Mr. Carter explained that this grassy area is state property and not controlled by the Town. Mr. Gay cautioned that the footbridge over Bad Little Falls should not be overloaded with pedestrian traffic. Mr. Smith responded that foot traffic over the bridge will be monitored with only a small number of people allowed to cross the structure at one time.

On a motion by Warren Gay, seconded by Josh Rolfe, the Board

VOTED:

To allow the use of Bad Little Falls Park for the Blackfly Ball to be held on August 20, 2016 from 6:00 to 11:30 PM.

6. SALE OF CEMETERY LOTS

Ms. Therrien explained to the Board that the Town seems to have no standard price list for selling cemetery lots in town cemeteries. She advised the Board that she had a recent discussion regarding the purchase of a cemetery lot with a citizen wanting to purchase a lot. The Board discussed the functions of the Machias Cemetery Association and this entity's responsibilities. Ms. Therrien noted that even though there appears to be no members on this committee at the present time this entity still exists. Mr. Rolfe said that the cemetery association should set the prices for cemetery lots. As to the funds sitting in accounts at Machias Savings Bank, Ms. Therrien explained that it is the cemetery association which controls these funds for the benefit of the cemeteries. The Board then discussed the appointment of members to this committee. Mr. Carter suggested that the Board meet with citizens willing to serve on the committee, such as Mr. McClure and others who have expressed interest, at the Board's next meeting. Ms. Therrien noted that Mr. McClure indicated that he knew of three or four people who were interested in serving on the committee.

On a motion by Warren Gay, seconded by Leslie Haynes, the Board
VOTED:

To table the sale of cemetery lots until the Board's next scheduled meeting.

7. AMBULANCE SERVICE - REQUEST TO HIRE

Ms. Therrien explained that Ambulance Captain Lois Libby is recommending that Kirsti Wright be appointed as a volunteer on-call EMT to the Machias Ambulance Service. Mr. Whalen asked if there was a background check performed on this applicant. Ms. Therrien explained that Ms. Wright's application was reviewed by Ms. Libby and herself. Mr. Whalen asked if Ms. Wright's name had been "googled" to see if any information exists on-line for this applicant. Ms. Therrien said that she had not checked by "googling" Ms. Wright's name. Mr. Whalen stated his concern that no background check was performed even though individuals appointed to the ambulance service have access to narcotics. Mr. Rolfe noted that individuals working for ambulance services have already passed a background check when they are licensed by the State and therefore have been through a stringent review of their record. He noted that Ms. Wright is a licensed EMT and would have had a background check conducted by the State before she was granted a license.

On a motion by Josh Rolfe, seconded by Josh Rolfe, the Board
VOTED:

To appoint Kirsti Wright as an on-call EMT to the Machias Ambulance Service.

8. LICENSING OF VENDORS - DISCUSSION

Mr. Carter called the Board's attention to the problem of vendors competing against services offered by property taxpayers within the Town; he questioned if there is a need to institute a formal licensing protocol for these types of vendors. Officer Wade Walker of the Machias Police Department commented that there is a legal issue as to being able to enforce licensing if vendors are located on the dike because this is state property. He noted that any type of legal enforcement such as restricting people from parking overnight on the dike has proved to be an issue. Mr. Carter pointed out that it was only a few years ago when the State asked Machias if it wanted to take over the dike area; he explained that Machias selectmen could see that the Town would then become responsible for maintaining the area year-round as well as plowing the area in the winter. Ms. Therrien said that she could research some sample vendor ordinances for the Board to look at. Mr. Carter pointed out that the Board will have to take some time to research this topic and to educate themselves before there is a recommendation on a vendor ordinance.

9. CODE ENFORCEMENT OFFICER - UPDATE ON ISSUES

Mr. Whalen noted that the Code Enforcement Officer has been in possession of a list of properties that present safety concerns and he wanted an update on progress with these problems. Mr. Whalen pointed out that there are some larger issues such as two uninhabitable houses that are a concern as dangerous buildings. Ms. Fitzgerald pointed out that the Town would have to be willing to go to court on some issues if owners are unwilling to comply with the law. Ms. Fitzgerald explained that she would have to send a notice of noncompliance to the property owners, a hearing would be held to discuss the issue, and if the property owner is unwilling to address issues it would mean proceeding to superior court where the Town would ask for an order for demolition. Ms. Fitzgerald noted that she has spoken to some of the property owners about problems and that she hopes that people will proceed with what they have promised to do to take care of problems. Ms. Fitzgerald was provided a copy of the list Mr. Whalen was referring to. Mr. Carter suggested that the Board allow the Code Enforcement Officer and the Town Manager to work together on resolving the issues on the list.

10. POLICE OFFICER'S POSITION

Ms. Therrien informed the Board that she has recommended that the candidate for the position of patrol officer who was recently introduced to the Board at the April 13th meeting not be offered the position. She requested that the position remain open and that the Town continue to search for candidates for the position. Ms. Therrien said she would continue to advertise the position until a suitable candidate is hired.

Ms. Therrien advised the Board that she is concerned about the amount of overtime the full-time police officers with the Machias Police Department are currently working. She noted that the full-time officers are pulling an additional forty to fifty hours of over-time. Ms. Therrien expressed concern for the health and welfare of the officers as well as taking into consideration funding in the police budget for over-time as well as making

sure that the taxpayers are assured that police officers are fully rested and alert during their shifts. Ms. Therrien informed the Board that she discussed this problem with the Washington County Sheriff's Department and was advised that the sheriff's department is willing to offer its part-time officers to fill shifts in the Machias Police Department.

Mr. Carter pointed out that the Town needs to follow the requirements agreed to in the union contract; he noted the requirement in the contract that all overtime must be offered to full-time employees. Officer Walker explained to the Board that there are times when unexpected things happen which necessitate some flexibility in the schedule. He asked that the Board take this into consideration and allow some leeway in adapting the police schedule. Mr. Rolfe commented that no one wants to burn out police officers or present situations that could endanger anyone. Mr. Carter agreed that the Board is aware that there can be unexpected circumstances which require adjustments to the schedule; he asked that the Town Manager be made aware of needs that arise which necessitate changing the schedule. Ms. Therrien said that she fully understood that circumstances occur which need to be addressed and that the Town can't allow the over-time to get to such an extreme.

11. TOWN MANAGER'S REPORT

A. Ms. Therrien informed the Board that complaints were received about the recent fire training activity on Dublin Street. She noted a complaint from a near-by homeowner, Marilyn Braley, who expressed concern that the burning of the building was in such close proximity to other homes there should have been more information and notification to property owners in the immediate area. Ms. Therrien suggested that the Fire Department take these comments into consideration and plan ahead as to providing more communication when scheduling this type of training activity in the future.

B. Ms. Therrien advised the Board of thanks from Chief Dwelley for his flowers and from Ellen Farnsworth for the consideration the Board gave to allowing alternate parking during the blueberry festival.

C. Ms. Therrien noted that the members of the Board have the following for their review: an FAA notice of a wind turbine aeronautical study in Cherryfield, a monthly operations report on the Machias pollution control facility, an invitation to a May 20th Chamber of Commerce dinner, an invitation to a May 17th Washington County Extension Association dinner/meeting, and a data sheet from MMA on the 2015 property and casualty pool.

D. Ms. Therrien advised the Board that she has provided them with an outline of proposed use of TIF revenues that are allowable under that program. She noted that one of the areas where the funds can be utilized is funding of membership in the Washington County Council of Governments. Mr. Carter noted that the membership costs were included in the 2016-2017 budget; he pointed out that the Board can recommend that the funding source be changed and explain this at town meeting. Ms. Therrien said that she would recheck this information with the State.

E. Ms. Therrien explained that Mr. Joe Thompson is a homeowner in Machias who contacted her about using the Bay Area Transfer Station since part of his land is in Machias with the other portion in Roque Bluffs. The Board said that they saw no problem with allowing Mr. Thompson use of the transfer station since a portion of his property is located in Machias.

F. The Board discussed a request for the fire auxiliary to make a donation in memory of a member's relative.

On a motion by Warren Gay, seconded by Josh Rolfe, the Board

VOTED:

To make a donation from the fire auxiliary in the same amount as that done for Lois Libby's relative due to bereavement.

Ms. Therrien suggested looking at establishing a condolence policy. Mr. Carter commented that the members of the Board would be willing to review a recommendation on such a town policy.

12. EXECUTIVE SESSION

Ms. Therrien requested that the Board adjourn into executive session in order to discuss a personnel issue.

On a motion by Warren Gay, seconded by Josh Rolfe, the Board

VOTED:

To adjourn to executive session at 7:17 PM in order to discuss a personnel matter as outlined under 1 MRSA Subsection 405(4).

On a motion by Warren Gay, seconded by Leslie Haynes, the Board

VOTED:

To adjourn the executive session at 7:54 and reconvene into open session.

On a motion by Warren Gay, seconded by Leslie Haynes, the Board voted to adjourn the meeting at 7:55 PM.