

BOARD OF SELECTMEN - TOWN OF MACHIAS

MAY 11, 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; Bob Berta, Jonathan McClure, Bill Kitchen, Robert Seeley, 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 27, 2016 Board meeting with the following corrections:

Page 1, Item #1 the correction to the April 13th minutes should 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 fit 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.”

Page 2, the motion under #7 should read:

“On a motion by Josh Rolfe, seconded by Warren Gay, the Board
VOTED:
To appoint Kirsti Wright as an on-call EMT to the Machias Ambulance
Service.”

Page 3, Item #9 should read:

“Mr. Whalen explained that he has a listing of existing problems that present safety concerns on certain properties. Ms. Fitzgerald said that she did not have a copy of the new list that Mr. Whalen was referring to. Mr. Whalen noted that the Code Enforcement Officer had been addressing issues with some other properties 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 presented at this meeting. 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.”

Page 3, Item #10, Paragraph #2 should read:

“Ms. Therrien advised the Board that she is concerned about the amount of over-time 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 plus 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 help cover empty shifts in the Machias Police Department schedule.”

Page 4, Item #11E should read:

“Ms. Therrien explained that Mr. Joe Thompson is a homeowner in Machias who contacted her about using the Bay Area Transfer Station since a portion of his property where his home is located and that he occupies is located 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.”

2. WARRANTS - REVIEW AND ACTION

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

VOTED:

To approve municipal warrant #89 in the amount of \$11,199.22; to approve municipal warrant #90 in the amount of \$144,708.22; to approve municipal warrant #91 in the amount of \$14,714.17; and, to approve municipal warrant #92 in the amount of \$116,971.18 .

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

VOTED:

To approve school warrant #46 in the amount of \$218,678.12 .

3. APPOINTMENTS/APPOINTMENT PAPERS

The Board reviewed appointments papers for a member of the Machias Airport Committee and a member of the Machias Ambulance Service.

On a motion by James Whalen, seconded by Josh Rolfe, the Board

VOTED:

To appoint Andy Pratt to the Machias Airport Committee.

On a motion by Josh Rolfe, seconded by Leslie Haynes, the Board

VOTED:

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

The Board signed appointment papers for the two positions.

4. LIQUOR LICENSE RENEWAL- AMERICAN LEGION POST #9

The Board reviewed a liquor license renewal application submitted by the American Legion Post #9.

On a motion by James Whalen, seconded by Josh Rolfe, the Board

VOTED:

To approve a liquor license renewal for the American Legion Post #9.

5. ANNUAL TOWN MEETING WARRANT

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

VOTED:

To sign the 2016 annual town meeting warrant.

Mr. Berta asked if the Board had included funding of the town's membership to the Washington County Council of Governments; Mr. Carter confirmed that membership to the organization had been funded in the budget.

6. SCHOOL BUDGET WARRANT

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

VOTED:

To approve the 2016 school budget warrant.

7. POLICE DEPARTMENT REQUESTS

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

VOTED:

To table the requests from the Machias Police Department at the present time.

8. TAX ACQUIRED PROPERTY - BID OPENING

Ms. Therrien advised the members of the Board that no bids were received on the advertised sale of the property located at 24 Gardner Avenue (minimum bid of \$5300.). Mr. Rolfe commented that his immediate reaction was to readvertise the property with no minimum bid to see what the Town could get for the property. Mr. Whalen agreed. Mr. Carter questioned if the Board would accept a one dollar bid for the property. Mr. Rolfe pointed out that the Board of Selectmen does have the right to refuse any bid. Ms. Therrien advised the Board that she received no calls from anyone indicating interest in the property. Mr. Whalen commented that the property is "a blight on the neighborhood" and "something needs to be done". Mr. Carter suggested that the property could be cleaned up and the building could be removed leaving a buildable lot which the Town could then sell. Ms. Therrien added that there is some thought to burning the building as a fire training exercise and then removing the debris/cleaning the lot. Mr. Carter asked that someone go into the building to ascertain what exists in the structure. Ms. Therrien explained since there are no keys to the building she will have Public Works assist in accessing the building.

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

VOTED:

To table action on the tax-acquired property located at 24 Gardner Avenue until further notice.

9. SEWER ABATEMENT REQUEST

The Board reviewed a sewer abatement request and supporting documents received from Carlene Holmes on property located at 63 Center Street.

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

VOTED:

To adjust the sewer bill for 63 Center Street to the average of the prior three quarters.

10. RESIGNATION OF HEALTH OFFICER

The Board reviewed a letter of resignation submitted by Dr. James Whalen as Town Health Officer effective immediately. Mr. Whalen explained in his letter that "it has become more and more difficult to handle the activities of my medical practice and to function effectively as the Town Health Officer".

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

VOTED:

To accept Dr. Whalen's resignation as Health Officer effective immediately.

Ms. Therrien informed the Board that training is mandatory for a municipal health officer and that every three years this person would need to be recertified.

11. RESIGNATION OF CODE ENFORCEMENT OFFICER

The Board discussed a letter of resignation received from Code Enforcement Officer Betsy Fitzgerald. Mr. Carter explained that the Town Manager has discussed the letter of resignation with Ms. Fitzgerald. Ms. Therrien explained that Ms. Fitzgerald told her that she had felt bombarded at the April 27th Board meeting and that Ms. Fitzgerald said she was aware of some of the problems on the list but other problems had been newly added to the list. Mr. Carter explained that he sat in on a meeting with the Town Manager and the CEO during which the resignation and communication was discussed. Mr. Carter noted that Ms. Fitzgerald would be willing to stay on as Code Enforcement Officer if things could be handled differently. Mr. Carter suggested that issues be addressed through the Town Manager who will then funnel information to the Board of Selectmen. Mr. Whalen commented that it is within town policy that issues be funneled through the Town Manager. The other members of the Board agreed.

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

VOTED:

Not to accept Betsy Fitzgerald's resignation as Code Enforcement Officer.

12. REQUEST TO USE MUNICIPAL TENNIS COURTS

The Board reviewed a request from Sandy Copel-Parsons for the use of the town tennis courts by the 4-H SPIN Club on Wednesdays 5:30 to 7:00 PM on the dates of 6/22, 6/29, 7/13, 7/20, and 7/27.

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

VOTED:

To allow the 4-H SPIN Club the use of the tennis courts on the dates requested.

13. REVIEW OF MUNICIPAL PURCHASING POLICY

Ms. Therrien noted that the members of the Board had previously discussed revamping the town's purchasing policy. The Board discussed finalizing changes to the policy. Mr. Carter suggested that the Town Manager make the changes discussed and bring the revised policy back to the Board for review and approval.

14. ACCEPTANCE OF TOWN AUDIT FOR YEAR ENDING JUNE 30, 2015

On a motion by James Whalen, seconded by Josh Rolfe, the Board

VOTED:

To accept the town audit for the year ending June 30, 2015 as presented.

15. CEMETERY ASSOCIATION UPDATE/PRICE OF CEMETERY LOTS

Mr. Jonathan McClure advised the Board that he has talked with personnel at the prison and with other community groups which are willing to provide mowing and maintenance at the town cemeteries. Mr. McClure said that the groups will begin mowing the cemeteries next week. The Board discussed appointments to the cemetery association. Ms. Therrien said that she would be willing to serve on the Machias Cemetery Association; she noted that she can follow-up with the bank regarding the cemetery's accounts. Mr. Carter suggested that a meeting of the cemetery association be scheduled so that the members can be updated regarding mowing/maintenance efforts and the group can begin addressing questions as to the price of cemetery lots.

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

VOTED:

To appoint Daniel Scott, Gail Sprague, Mike Gooch, Jonathan McClure, Alfred Andrews, Cat Cannon, and Christina Therrien to the Machias Cemetery Association.

16. REVIEW OF SAMPLE VENDOR ORDINANCES

Mr. Carter noted that he has received many questions regarding the licensing of vendors since the Board's last meeting. The Board discussed which vendors to license; after some discussion it was decided by the Board to license only the food vendors. It was noted that some questions have been asked about licensing vendors at scheduled events such as the annual blueberry festival and the weekly farmer's market. Ms. Therrien suggested that during scheduled town events food vendors be exempted from the policy; she also suggested that the farmer's market be exempted. Members of the Board noted that they would like to see a draft policy addressing the licensing of food vendors. Ms. Therrien said that she would develop a draft for the Board to review.

17. DISCUSSION OF COMMUNITY PRIDE CLEAN-UP DAY

Ms. Therrien explained that when the concept of community pride clean-up day was initially discussed it was suggested that the only participants would be Machias citizens. She added that since then there has been some thought to including transfer station contracted towns in the activity. She asked the Board to consider allowing the

Towns of Marshfield and Whitneyville to use the transfer station at no cost on that day as an act of good will. Mr. Rolfe pointed out that the citizens of Machias would be shouldering the burden of the costs at the transfer station for the clean-up day. Mr. Rolfe commented that he was becoming concerned about the amount of refuse which will be brought in on that weekend; he said that he wished that there was a way to keep track of exactly how much refuse will be deposited at the facility on that weekend.

On a motion by James Whalen, seconded by Warren Gay, the Board

VOTED:

To open the transfer station to residents of Marshfield and Whitneyville as contract members of the Bay Area Transfer Station on community pride clean-up day.

Ms. Therrien commented that there can be better planning for next year's clean-up day now that the Town has been through the event this year.

18. TOWN MANAGER'S REPORT

A. Animal Control Officer Robert Seeley updated the Board on his activities.

B. Ms. Therrien reported that the property owner of 131 Court Street has talked with the CEO. She explained that a camera will be used to look in the pipe to find the problem in an effort to repair it.

C. Ms. Therrien noted that pedestrian signs will be placed on Court Street; she advised the Board that the MDOT will purchase the signs with Machias Public Works erecting the signs.

D. Ms. Therrien reported that she received a telephone call regarding the presence of wild turkeys at the airport along with an offer to dispose of the birds. Mr. Rolfe pointed out that a person can shoot only one wild turkey per year. Ms. Therrien explained that she would contact the property authorities and have the turkeys relocated.

E. Ms. Therrien noted that the Board has copies of:

- a letter from the Beehive Design Collective outlining the terms of the use of Bad Little Falls for the Blackfly Ball in August as discussed at the Board's last meeting
 - recent transfer station billing
 - an e-mail from MMA Risk Management Services regarding recommendations made by the Loss Control Supervisor.
 - a letter from the Porter Memorial Library Director thanking the Board for including the library's third party request for funding in the annual municipal budget
 - the equipment proposal purchase of a push bar from Whitten's 2-Way and a quote from Timmy's Auto for the installation of the push bar on a police vehicle
 - an example of a traffic calming policy outlining the use of speed bumps for streets.
- The Board discussed the use of speed bumps in problem areas of Machias

On a motion by James Whalen, seconded by Warren Gay, the Board

VOTED:

To request that the Town Manager carefully reword the sample traffic calming policy in order to

present it to the Board of Selectmen for their consideration no later than two meetings from tonight's meeting.

F. Ms. Therrien advised the Board that the Machias Police Department wants to purchase two MiFi hotspots for each police cruiser. The Board reviewed a written request from Officer William Sternbergh. Ms. Therrien explained that this equipment/service allows officers to work from their cruisers when completing reports and receiving communications. The cost is \$959.76 per year for both devices with no contract. The Board approved the purchase as long as there are sufficient funds existing in the police budget

19. OTHER BUSINESS

Mr. Whalen suggested looking into the use of cameras around problem areas in Machias to stem drug activity. It was noted that Machias should look into the availability of grants to fund the purchase of cameras. Mr. Whalen commented that he would like to ask citizens what they think of this idea to increase public safety.

20. EXECUTIVE SESSION

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

VOTED:

To adjourn to executive session at 7:25 PM in order to discuss a personnel matter concerning the evaluation of the Town Manager in accordance with M.R.S.A. Title 1 ss405 Personnel.

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

VOTED:

To adjourn the executive session at 7:51 PM and reconvene into open session.

On a motion by Warren Gay, seconded by Leslie Haynes, the Board voted to adjourn the meeting at 7:52 PM.