

**BOARD OF SELECTPEOPLE - TOWN OF MACHIAS
AUGUST 12, 2020**

A meeting of the Machias Board of Selectpeople was called to order via the Zoom platform at 6:00 PM by Chairman Josh Rolfe. In attendance were Board members Bill Kitchen, Paula Johnson-Rolfe, James Whalen, and James Jackson; Town Manager Christina Therrien; Secretary Cathy Lord; Town Clerk Sandra Clifton; Jarod Guillette (Zoom host), Mary Angarola, Daniel Qualls, Bruce Smith, Kurt Penney, Bill McDonald, Cara Cushing, Bob Berta, Joey Dennison, Ed Pellon.

1. MINUTES - REVIEW AND ACTION

On a motion by Paula Johnson-Rolfe, seconded by Bill Kitchen, the Board voted to approve the minutes of the July 22, 2020 Board meeting.

2. WARRANTS - REVIEW AND ACTION

On a motion by Paula Johnson-Rolfe, seconded by Bill Kitchen, the Board
VOTED:

To approve municipal warrant #6 in the amount of \$11,748.94; to approve municipal warrant #7 in the amount of \$72,663.59; to approve municipal warrant #8 in the amount of \$21,386.14; to approve municipal warrant #9 in the amount of \$149,447.94; to approve municipal warrant #10 in the amount of \$10,083.13; and, to approve municipal warrant #11 in the amount of \$56,425.95.

On a motion by Paula Johnson-Rolfe, seconded by Bill Kitchen, the Board
VOTED:

To approve school warrant #5 in the amount of \$241,680.47 .

3. LIQUOR LICENSE RENEWAL - SODEXO AT UNIVERSITY OF MAINE AT MACHIAS

On a motion by Paula Johnson Rolfe, seconded by Bill Kitchen, the Board
VOTED:

To approve a liquor license renewal for Sodexo to provide liquor services at the University of Maine at Machias.

Ms. Therrien asked that members of the Board stop in at the town office to sign the renewal paperwork.

4. UNIVERSITY OF MAINE AT MACHIAS - UPDATE FROM ACADEMIC AFFAIRS OFFICIAL

Mr. Dan Qualls, UMM Vice President of Academic Affairs/Head of Campus, gave a comprehensive powerpoint presentation providing information on campus operations for the coming academic year in view of safety precautions due to the Covid-19 pandemic. Mr. Qualls introduced Cara Cushing, UMM Director of Communications/Student Health Coordinator, who participated in the informational session. Mr. Qualls provided information on many aspects of protocols put in place for the upcoming academic year; he covered how classes will be conducted, dormitory living, food services, student and community safety, and Covid-19 test protocols.

After the presentation, Mr. Kitchen thanked Mr. Qualls and Ms. Cushing for the information session. He noted that the community has had many questions and concerns regarding activities at UMM for the upcoming academic year. Mr. Qualls provided some information on future plans to provide additional programs at UMM such as a four year nursing program. The members of the Board thanked Mr. Qualls and Ms. Cushing for their thorough presentation.

5. SOLAR PROPOSAL FOR MACHIAS LANDFILL - REVISION ENERGY

Mr. Rolfe noted that the Board has been considering entering into an index rate agreement on the location of a solar energy project at the Machias landfill with Revision Energy since Mr. Kurt Penney's presentation at the July 22nd Board meeting. Mr. Rolfe noted that the Board is concerned with committing the Town to such a long term project. Mr. Penney commented that the risk will be making a twenty year commitment to purchase a finite amount of electricity. He added that a concern would be that the Town would be responsible for any loss of revenue to the investor if the investor cannot find another entity to purchase the energy. Mr. Penney told the Board that he sees this scenario as a minimal risk to the Town. Mr. Rolfe noted that if the Town does become more efficient in its energy use that it would need to find a buyer for the excess energy. Mr. Penney explained that Revision Energy will develop a contract for a 15% index rate (\$15,000. savings the first year of the contract) based on the Town's usage data of 700,000 kilowatt hours. Mr. Penney noted that the entire project will cost 1.28 million to build after Revision Energy solicits investors for the project.

Mr. Rolfe asked Mr. Penney what the next step in the project would be? Mr. Jackson expressed his concerns in entering into this agreement; he asked if the Town could see some references from other municipalities involved with this kind of project. Mr. Penney said that he would reach out to other municipalities to get some input for the Board. Mr. Pellon questioned if the final decision to enter into such an agreement actually rests with citizens. Ms. Therrien explained that the Board has the ability to act on behalf of its citizens and make decisions on financial matters given to them yearly at the annual town meeting. Ms. Therrien advised the Board that she would continue to confer with Revision Energy on electricity usage and planning steps. Mr. Penney advised the members of the Board that Revision Energy will be asking the Town to sign a letter of intent (along with a list of Revision Energy obligations) with the company so that the company can proceed with planning and development steps.

6. SHELLFISH ORDINANCE

Mr. Rolfe noted that Ms. Therrien provided the Board with copies of sample shellfish ordinances for them to review for potential use in Machias (Ellsworth and Jonesboro). Mr. Rolfe commented that the Ellsworth ordinance is very in depth and may not be what Machias needs. Ms. Therrien suggested developing an ordinance such as that used by Jonesboro or Machiasport as being more compatible to the needs of Machias. Mr. Rolfe observed that there is no time constraint for the Board to continue to consider an ordinance. The other members of the Board concurred and agreed to continue to consider a shellfish ordinance for Machias.

7. AIRPORT UPDATE

Ms. Therrien advised the Board that she has requested that the airport consultant proceed with finalizing the report and forward the report to appropriate personnel. Mr. Whalen asked when the next meeting of the airport committee is scheduled? Ms. Therrien said that she would e-mail the Chairman of the committee for the next meeting date.

8. MAINTENANCE OF SCHOOL GROUNDS AND FACILITIES

Mr. Whalen said that he had thought that the Chairman would develop a plan on how to proceed with concerns regarding the maintenance of school grounds and facilities. Mr. Rolfe stated that this was not his understanding; he commented that there was a discussion at a budget meeting with the school board about these concerns. Mr. Whalen said that the athletic fields at Washington Academy are in much better condition and that there were capital campaigns to raise the money for WA's fields. Mr. Whalen said that he "hits a stone wall" when he asks questions about the Machias athletic fields. He added that the school has Town personnel mow the Southside Field instead of their own personnel. Mr. Whalen said that even though the school

department has a budget of 5.9 million there is nothing done for the upkeep of the fields. Ms. Clifton said that she disagreed with Mr. Whalen; she commented that WA's soccer field is unsatisfactory to play on and not properly maintained. Mr. Whalen said that he would go back to WA and look at the fields again. Mr. Whalen commented that the light poles have been standing at the Southside Field for thirty years with no electricity and he added that there has been no effort to maintain and improve the field.

Mr. Rolfe said that Dr. Whalen could go the school board to discuss his concerns. Ms. Johnson-Rolfe commented that she believes that the Board of Selectpeople are overstepping their authority; she suggested that Mr. Whalen could address his concerns to the school board. Mr. Whalen commented that since there have been no improvements there needs to be a plan to address the problems. Ms. Therrien suggested that a capital improvement plan is needed for facilities with a long term investment plan; she also suggested developing points of discussion to address with the school board. Ms. Therrien suggested that a letter be sent to the school board and school superintendent addressing these concerns.

9. OTHER BUSINESS

A. Ms. Therrien advised the Board that Public Works Director Mike Schoppee has found a front end loader at state surplus with 186 hours of use for which the State is asking \$118,910. Mr. Jackson commented that the pictures provided to the Board show a piece of equipment that looks very good. After a discussion, it was the consensus of the Board to schedule a special town meeting to ask for citizen approval for the purchase. Ms. Therrien advised the Board that state surplus will hold the piece of equipment for Machias.

B. Ms. Therrien told the Board that they have a copy of a clean water document.

C. Ms. Therrien advised that the Board of the annual caucus for the Washington County Advisory Committee.

D. Ms. Therrien advised the Board that she has a quote of \$1850. for replacement of stairs leading to the downtown parking lot (\$1500. plus \$350. for additional railing).

E. Ms. Therrien informed the Board that the Machias Town Office will be closed to customers on September 1st for elections and on September 16th for the processing of property tax bills.

F. Ms. Therrien suggested that the Board consider the purchase of a Zoom account for the town.

G. Mr. Whalen asked if there was an insurance claim for damage to an airplane hitting a tie-down at the airport. Ms. Therrien reported that no claim was made.

H. Ms. Therrien gave an update on the Machias Water Company's request for a rate increase.

I. Mr. Jackson asked about progress with the sidewalk project. Ms. Therrien advised that the contractor had to do the groundwork first and will pave the walkways with asphalt.

J. Ms. Therrien gave an update on the recreation site. Mr. Whalen gave a "shout-out" to Mr. Kitchen for his perseverance on this project. Mr. Kitchen thanked Ms. Therrien for all her hard work on developing the recreation area.

K. The Board discussed using the town's speed bumps in problem areas of town.

10. DISPATCH CENTER OPERATIONS

Ms. Therrien told the members of the Board that in the past the Board had talked about creating an administrative position for the dispatch center; she noted that such a change would need to be discussed under the stipulations of the union employee contract. Ms. Therrien suggested that the Board reconsider their past discussions and consider implementing changes. Mr. Rolfe noted that there is currently one grievance that has been submitted under the collective bargaining agreement and he noted the need to set up a meeting to be held in executive session with the Board, the Town Manager, the aggrieved employee, and the union representative to hear the complaint. Mr. Rolfe pointed out that it is the Board which makes a decision as to appropriate action in response to the grievance.

Mr. Whalen cautioned the other members of the Board about the costs of attorneys in litigation and he suggested placing a cap on the attorney fees to be incurred by the Town.

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

To not place a financial cap on costs at this point in time.

Vote on Motion: 4 to 1; Ms. Johnson-Rolfe, Mr. Kitchen, Mr. Jackson, & Mr. Rolfe voting in favor of the motion. Mr. Whalen voting against the motion

Motion passed

Ms. Johnson-Rolfe commented that the Board needs to hear the case, hear the arguments involved in the grievance action, and meet with the employee and the union agent. Ms. Johnson-Rolfe noted that the Board has only been given a brief description of the complaint and based on the evidence presented at the grievance meeting the Board would come to a resolution based on the facts. Mr. Kitchen said that the Board needs to know the steps in this process and the cost involved in order to meet with the business agent. Mr. Rolfe noted that the next step is to meet with the union and the employee to discuss the grievance; he added that doing anything else is premature. Mr. Whalen said that he would like to see a cap of \$10,000. on costs associated with this grievance. Mr. Rolfe said that it was out of order to discuss the specific situation of the grievance.

On a motion by James Whalen, the Board considered this motion:
To express no confidence in the Town Manager's process and procedure in the disciplinary action, I do not question the authority of the Town Manager.

Motion failed for lack of a second to the motion.

Mr. Kitchen noted that the only official document received was the Town Manager's written update and there is no response from the union. Ms. Therrien commented that the Board needs to keep an open mind to make a decision on the merits of the grievance and therefore she cannot provide any other documents to the Board; she added that a meeting between all concerned parties needs to be set up. Mr. Kitchen said that the Board needs more information on the situation since the Board does not know all the facts. Mr. Kitchen said that this situation is "frustrating" and "uncomfortable"; he added that "I am a firefighter" and that this situation "needs to be fixed and really fast". Ms. Johnson-Rolfe said that she was uncertain that some members of the Board may have already made up their minds about the grievance. She pointed out that all the members of the Board need "to make an impartial decision" about the grievance. Mr. Whalen said that he "will make up my own mind". The Board discussed setting up the meeting. Mr. Rolfe said that he would attempt to schedule the meeting for Tuesday, August 19th at 3:00 PM. Another point of discussion was that supervisors should be involved in the meeting. Ms. Therrien noted that only those people directly involved in the grievance action such as the Board, the employee, the Town Manager, and union representative should attend the meeting. Mr.

Jackson said that the Board should only focus on the personnel issue. Ms. Johnson-Rolfe added that there might be bigger issues but that would be a separate discussion. Mr. Whalen commented that there needs to be a fair, open, transparent hearing. Ms. Therrien noted that the Board may want to schedule a meeting with the firefighters to discuss operations and concerns. Mr. Kitchen said that such a meeting needs to be held as soon as possible.

On a motion by James Whalen, the Board considered this motion:
To schedule the grievance hearing on Thursday or Friday of this week.

Motion failed for lack of a second to the motion.

Mr. Rolfe said that he would facilitate scheduling the grievance meeting as soon as possible and that he will advise the Town Manager of the meeting date and time so she can advise the Board members. Ms. Johnson-Rolfe clarified that the meeting is to discuss the personnel grievance only. The Board directed that the Town Manager and the Fire Chief meet to discuss issues concerning the fire department. Ms. Therrien noted that she has not been contacted by the Fire Chief or firefighters.

11. PUBLIC COMMENT

Mr. Rolfe asked for public comments.

Mr. Bob Berta said that he had concerns that executive session decisions be made in open session, that he be allowed to have an electronic copy of the annual town report, and he told the Board that when contacting the State about the grant information on the recreation site that he was told that it was untrue that the State had issues with the land ownership. Mr. Rolfe pointed out that the Town does not own the property which was a major reason the grant application was turned down twice. Mr. Rolfe noted that the press is advised of meeting dates and that Mr. Berta should speak to personnel in the town office for the electronic copy. Mr. Kitchen asked Mr. Berta for the name of the specific contact person at the State who provided information to Mr. Berta on the grant. Mr. Kitchen asked several times for this information. Mr. Berta disengaged from the Zoom meeting without responding to Mr. Kitchen's request.

On a motion by Paula Johnson-Rolfe, seconded by James Jackson, the Board voted to adjourn the meeting at 8:54 PM.