

## BOARD OF SELECTPERSONS - TOWN OF MACHIAS

OCTOBER 24, 2018

A meeting of the Machias Board of Selectpersons 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, Sally Ward, Jason Prescott, Ryan Currier, Megan Prescott, James Jackson, Daniel Bowker, Melissa Beal, Sarah Craighead, Dedmon.

### 1. MINUTES - REVIEW AND ACTION

On a motion by Paula Johnson-Rolfe, seconded by James Whalen, the Board voted to approve the minutes of the October 10, 2018 Board meeting.

### 2. WARRANTS - REVIEW AND ACTION

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

To approve municipal warrant #31 in the amount of \$10,892.87; to approve municipal warrant #32 in the amount of \$217,829.83; to approve municipal warrant #33 in the amount of \$18,364.14; and, to approve municipal warrant #34 in the amount of \$320,271.89 .

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

To approve school warrant #17 in the amount of \$251,878.24 .

### 3. PUBLIC PARTICIPATION POLICY

On a motion by James Whalen, seconded by Bill Kitchen, the Board

VOTED:

To accept the Public Participation Policy as presented.

### 4. POLICY ON SALE OF TAX AND SEWER ACQUIRED PROPERTY

On a motion by James Whalen, seconded by Bill Kitchen, the Board

VOTED:

To accept the Sale of Tax and Sewer Acquired Property Policy as presented.

### 5. VEHICLE SPEEDS DATA GATHERED VIA TOWN-OWNED RADAR SIGN

Ms. Therrien reviewed data gathered from the vehicle speed monitoring apparatus set up on Water Street and Court Street in September and October with the members of the Board. She observed that the data on vehicle speeds on Water Street average slightly

above the posted speed limit but that the data recorded on Court Street are especially significant in light of the fact that there is a reduced speed zone in the vicinity of the school complex on Court Street. Ms. Therrien pointed out that two-thirds of the vehicles monitored on Court Street were exceeding the speed limit. Ms. Therrien recommended that the Machias Police Department be asked to step up the monitoring of vehicle speeds on Court Street in light of the data collected. Mr. Rolfe recommended that this data be shared with Police Chief Dwelley. It was noted that in the recent past there have been at least two citizens who have addressed the Board about their concerns regarding speeding occurring on Court Street.

Mr. Whalen requested that the Town Manager address a memo to the Police Chief requesting extra patrols of Court Street to monitor speeding concerns. Mr. Whalen noted that due to the Court Street locations of the school complex, a christian school, the hospital, and the veteran's home that speeding vehicles compose a significant safety concern, especially for children. Mr. Whalen commented that more monitoring of the area by police should impact the speeding issue. The other members of the Board supported the Town Manager's recommendation of increasing the police presence on Court Street.

Mr. Rolfe asked Ms. Therrien if there has been a response from the Department of Transportation about placement of crosswalks. Ms. Therrien noted that there has been no response from the MDOT after three attempts but that she would attempt contact again regarding placement of crosswalks on state roads.

#### 6. OFFER BY MAINE WILD BLUEBERRY FOR PURCHASE OF TELEBUSINESS CENTER

Ms. Therrien asked a representative of Maine Wild Blueberry Company to speak to the Board regarding the company's offer to purchase the tele-business center. Melissa Beal, representing Maine Wild Blueberry Company, explained that the company is making an offer to purchase the Machias Tele-business Center in the amount of \$250,000. She explained that the company would plan to use the building to house employees who work at the company's Machias facility. Ms. Therrien reviewed recent attempts to market and sell the building; she noted that until recently the Town had received no offers or interest to purchase the building. Ms. Therrien referred the Board to letters from Maine Wild Blueberry Company (10/11/18) and the Washington County Commissioners (10/15/18) on offers to purchase the building.

Mr. Whalen pointed out that the assessed value of the building is considerably higher than the purchase offer from Maine Wild; he explained that the Board of Selectmen is charged by the taxpayers to obtain a fair return on the sale of property. Mr. Whalen asked if the Town had spent the \$100,000. the taxpayers had approved for renovations to the tele-business center. Ms. Therrien noted that an air quality system had been installed; she explained that \$56,000. of the funds have been spent on the building leaving \$43,000. left in the loan fund. Mr. Whalen asked if there were any other outstanding bills owed on the

building; Ms. Therrien commented that there are only the general expenses of the building.

Ms. Therrien explained that estimates of the value of the building range from \$180,000. to \$299,000. and she thought a reasonable sale price would be \$250,000. Ms. Therrien commented that Maine Wild Blueberry had to start somewhere, hence the offer to purchase the building for \$250,000. Mr. Whalen asked if Maine Wild was willing to make a lump sum payment. Ms. Beal responded that the company intends to make one payment to complete the purchase. Ms. Therrien pointed out that if the Maine Wild sale does not go through, there is the other purchase offer from Washington County. Ms. Therrien advised the Board that she had e-mailed inquires regarding a potential sale to either Maine Wild or Washington County to Community Development Block Grant Director Deborah Johnson who advised that the sale to Maine Wild "results in a CDBG eligible use of the property so I would allow that change of use without payback. The net proceeds would be considered CDBG program income so you would need to use the funds for CDBG eligible activities. The second scenario (sale to Washington County) does not result in a CDBG eligible activity so I would require the repayment of net proceeds". Ms. Therrien clarified that the State would not lift the deed restriction if the sale does not meet CDBG eligible use of the property and that any sale must meet CDBG requirements with the funds realized from a sale used to fund community improvement activities. She pointed out that this money could be used to fund downtown lighting and sidewalk projects.

Mr. Whalen questioned selling the property for \$250,000. Ms. Therrien responded that Machias has earned money for a period of eighteen years from the building and now the building needs improvements that result in the Town having to put funds into the building. Ms. Johnson-Rolfe asked if the CDBG deed restrictions remain in place after the building is sold; Ms. Therrien said that she did not get feedback on this question. Mr. Danny Bowker, another spokesperson for Maine Wild Blueberry, pointed out that Maine Wild would be paying property taxes on the property and would be contributing to the town's tax base; he added that Maine Wild would be bringing people to live and work in Machias, and that these people who would be spending money within Machias. Mr. Whalen said that he was concerned about representing Machias citizens and making sure these citizens obtain a "fair market value for the property". Mr. Whalen asked if the \$100,000. bank loan for renovations would be paid back. Ms. Therrien responded that the State said that sale funds can be used to pay off the money due on the balance of the bank note. Mr. Whalen suggested that the Town should ask for a higher selling price on the building. Mr. Rolfe pointed out that the Town has been trying to sell the property for \$299,000. for the last four years with no offers to purchase. Ms. Johnson-Rolfe noted that the building has not been advertised recently and the Town has not been actively soliciting the sale of the property.

Mr. Whalen said that he would like to see a concrete proposal that would delineate how the funds from the sale would be spent. Ms. Therrien pointed out that she brought this offer to the Board for their review since the Town has been trying to sell the property for years. Mr. Kitchen commented that the Board should take into account the jobs to be

provided by Maine Wild, the newly employed people who will live and spend money in Machias, and the fact that Maine Wild is a proven key player in the community. Mr. Whalen asked to hear what the budget committee thinks. Mr. Rolfe noted that members of the budget committee do not have input into the selling of town property.

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

VOTED:

To schedule a town meeting on the sale of the tele-business center and be guided by the vote of the legislative body.

Vote On Motion: 1 vote in support of the motion (Mr. Whalen)

3 votes opposing the motion (Mr. Rolfe, Mr. Kitchen, Ms. Johnson-Rolfe)

Motion Failed by a vote of 1 to 3

Ms. Johnson-Rolfe commented that the present town office building does not have adequate room for the needs of the Town and she suggested that another option which should be considered is to move the administrative offices to the telebusiness center and rent out space as necessary at that facility. She added that the current town office building could then be put up for sale and since it is located in an area of town that is highly sought after the Town could benefit financially by the sale of the building. Ms. Johnson-Rolfe also pointed out that the sale of the Court Street property would have no restrictions attached to a sale.

Ms. Therrien pointed out that the Board should consider the offer for the building which is on the table. She added that there have been many discussions on relocating the town office which have led nowhere; she added that there would be many things to consider in such a move including the continued leasing of space to entities which currently hold leases in both buildings. Ms. Johnson-Rolfe commented that there might have to be more discussion. Mr. Whalen pointed out that the Maine Wild offer was made on 10/11/18 and there is time for further discussion. Mr. Kitchen asked the representatives of Maine Wild what their timetable looked like. Ms. Beal commented that Maine Wild would like to do something "sooner than later". Mr. Bowker explained that Maine Wild is preparing its budgets at this time and knowing that a sale is imminent would greatly assist with budget development. Ms. Therrien pointed out that Machias has lease agreements in place with entities at the telebusiness center and that Veteran's Affairs maintains an office in the town office building. She advised the members of the Board that Maine Wild has said the company would be willing to honor current lease agreements. Mr. Bowker commented that if the Town sells the building it would simultaneously remove the aggravation and headaches of managing the building.

On a motion by Bill Kitchen, seconded by Josh Rolfe, the Board

VOTED:

To accept the offer to purchase the Machias Tele-business Center by Maine Wild Blueberry Company.

Vote On Motion: 0 votes in support of the motion

4 votes opposing the motion (Mr. Rolfe, Mr. Kitchen, Ms. Johnson-Rolfe, Mr. Whalen)

Motion Failed by a vote of 0 to 4

Mr. Rolfe commented that it would seem that not everyone knows the building has been for sale. Ms. Therrien asked the representatives of Maine Wild if the company would be willing to wait a period of thirty days to allow any other interested parties to come forward with the information that there are deed stipulations on the building. Ms. Beal said that the company could wait the thirty days. Ms. Therrien suggested placement of an ad in local newspapers asking for offers to purchase the building from entities which meet the CDBG guidelines. Mr. Kitchen asked that Maine Wild be given first refusal on the building. The other members of the Board agreed.

On a motion by James Whalen, seconded by Bill Kitchen, the Board

VOTED:

To wait a period of thirty days to allow time for placement of a notice in local newspapers asking for interested parties which can meet the CDBG guidelines to come forward; Maine Wild Blueberry will have first refusal to meet any offer made on the sale of the tele-business center.

Ms. Johnson-Rolfe pointed out that the Board will re-discuss a sale of the building at the end of the thirty day period and make a decision.

## 7. TOWN MANAGER EVALUATION

Mr. Rolfe asked the members of the Board to fill out the evaluation forms. He noted that the Board will schedule a time to meet in executive session to discuss the evaluation. The date of November 14th was suggested as a logical time to discuss the evaluation.

## 8. TOWN OFFICE SIGN

Ms. Therrien advised the Board that she has arranged for a sign for the front of the town office building. She noted that it is a one-sided scrolling sign costing significantly less than \$5000.

## 9. MEDICAL MARIJUANA POLICY REVIEW/PUBLIC HEARING DATE

Mr. Rolfe reminded the Board that a date needs to be set for a work session on the medical marijuana policy. The Board agreed to schedule a work session on Wednesday, November 7th at 6:00 PM at the tele-business center.

## 10. PUBLIC HEARINGS/SPECIAL TOWN MEETING

The Board discussed scheduling public hearings and a special town meeting. These dates were agreed upon: Wednesday, November 28th at 6:00 PM at the Pellon Center - Public hearing to include the review of the proposed cell tower ordinance and a change to the municipal building ordinance. December 10th or 11th - Special town meeting (Note: Ms. Therrien explained that she will confirm the date with the Town Clerk as to her availability for the meeting)

Mr. Jason Prescott read aloud a prepared statement concerning the sale of marijuana; he noted that he would be bringing his attorney to the public hearing and suggested that the Town do this as well. Ms. Therrien commented that the Town does issue licenses as legally required by the State of Maine; she noted that it is the taxpayers' decision to opt-in or opt-out of the sale of recreational marijuana and she added that there has been a good faith effort by the Machias Board of Selectpersons to develop proposed ordinances to place before the citizens of the town. Ms. Therrien reiterated that the sale of marijuana is a taxpayer decision and she recommended that the Board continue the process of presenting a proposed ordinance to the citizens of the town. Mr. Rolfe explained that there will be two questions for citizens to decide - the citizens will vote to opt-in or to opt-out of an ordinance to regulate the sale of marijuana and the second question will be voted on only if citizens decide to opt-in. Responding to Mr. Prescott's question about existing businesses, Mr. Rolfe pointed out that the State will have to define the law as to the impact on current businesses.

## 11. OTHER BUSINESS

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

To approve a reduction of \$115.50 on Sewer Account #318 due to the fact that the property owner installed an outside water meter as requested by the Board.

B. Ms. Therrien informed the Board that the buyer of the 54 Water Street property has provided proof of insurance. Ms. Therrien explained that she has an indemnification agreement for the Board to sign. It was the consensus of the Board to sign the document as prepared by the Town Manager.

On a motion by Bill Kitchen, seconded by Paula Johnson-Rolfe, the Board voted to adjourn the meeting at 7:42 PM.