

BOARD OF SELECTPEOPLE - TOWN OF MACHIAS

NOVEMBER 14, 2018

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, Sally Ward, James Jackson.

1. MINUTES - REVIEW AND ACTION

On a motion by James Whalen, seconded by Paula Johnson-Rolfe, the Board voted to approve the minutes of the October 24, 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 #35 in the amount of \$10,855.11; to approve municipal warrant #36 in the amount of \$1,812,046.32; to approve municipal warrant #37 in the amount of \$13,678.94; and, to approve municipal warrant #38 in the amount of \$80,305.52 .

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

To approve school warrant #19 in the amount of \$250,107.81 .

3. COMMUNICATION TOWER FEE

Ms. Therrien advised the Board that the Planning Board has recommended a proposed fee of \$10.00 per foot of structure height for all communication towers to be located in Machias. The Town Manager suggested that the fee should not be included in the communication tower ordinance since having the fee separate from the ordinance would allow discretion in adjusting the fee if a fee increase is deemed necessary in the future. Mr. Pellon asked about shorter antennas that companies want to erect. Mr. Rolfe pointed out that the fee applies to ground-based towers. Mr. Rolfe commented that the shorter antennas are less conspicuous when erected on existing structures.

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

Based on the recommendation of the Machias Planning Board, to establish the communication tower permit fee at the rate of \$10.00 per foot of structure height.

4. THIRSTY MOOSE CATERING PERMIT

The members of the Board signed an off-site catering permit submitted by The Thirsty Moose Cafe for a wedding scheduled for December 1, 2018 at the Pellon Center from 4 PM to 10 PM.

5. REQUEST FOR SEWER ABATEMENT - ACCOUNT #554

Ms. Therrien reviewed a request dated 11/8/18 for a sewer abatement on Account #554 (Theresa Henderson). Ms. Therrien explained that Ms. Henderson is asking for the abatement due to excessive water usage resulting from a leak in a hot water tank which has since been repaired. The Board reviewed an invoice documenting installation of a new water heater by a local contractor. Mr. Rolfe noted that the Board should look at the average of usage on the account for the previous three quarters in order to make a determination.

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

To adjust sewer account #554 to \$175.60 based on the last three billings on the account.

6. REQUEST FOR SEWER ABATEMENT - ACCOUNT #333

Ms. Therrien reviewed a request dated 10/30/18 asking for a sewer abatement on Account #333 (Deborah Norman). Ms. Therrien explained that Ms. Norman is requesting an abatement because water was used to re-fill a swimming pool located at 209 Court Street and that she had failed to notify the Town. Mr. Rolfe suggested that a strongly worded letter be sent to the sewer user outlining that if this situation reoccurs that the user inform the Town before the event. Mr. Pellon suggested that the homeowner should install a water meter on their pool line which would provide information on exact usage.

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

To make a one-time adjustment to sewer account #333 because the user neglected to inform the Town of the increase in water usage and to make a reduction on the account using the average of the three prior billings on the account along with a reminder that the user needs to make the Town aware of future increased water usage due to the refilling a swimming pool.

7. REVIEW/APPROVE PROPOSED MEDICAL MARIJUANA ORDINANCE

The Board decided to table a review of the proposed medical marijuana ordinance at the present time.

8. FUTURE USE OF MACHIAS TELEBUSINESS CENTER

Mr. Whalen said that he wanted to hear what the other members of the Board thought

regarding the future use of the tele-business center. Mr. Rolfe commented that he was a bit upset that Mr. Whalen might be suggesting to taxpayers that they were being cheated out of \$200,000. in revenue. He noted that Mr. Whalen has sent a questionnaire out to people asking for comments. Mr. Whalen said that this is not his intent; he noted that the sum of \$200,000. is an assumption and needs to be verified. Mr. Whalen gave Mr. Rolfe a copy of the questionnaire. Ms. Therrien explained that she has provided the members of the Board with the State's response on the specifics of selling the property to different entities. Mr. Whalen advised that acting as a private citizen he had called and talked with Ms. Johnson at the State HUD office and he was told that select people should make a decision based on citizen input and that HUD would then make a decision as to the amount to be repaid based on this decision.

Mr. Rolfe noted that for appearance purposes a decision to sell the tele-business center to the County would mean a potential conflict for two members of the Board, himself and Ms. Johnson-Rolfe. He pointed out that he and Ms. Johnson-Rolfe would have to excuse themselves from such a decision and that if this were to happen there would not be a quorum of the Board since there would need to be a decision made by the legislative body of the town. Ms. Johnson-Rolfe noted that this would only apply to selling the property to the County. Mr. Rolfe commented that it would make no sense to sell the property to the County since Machias would then have to repay funds to the State. Mr. Rolfe said that the members of the Board were elected by citizens to make decisions in their best interests. Ms. Johnson-Rolfe said that the priority is the Town of Machias. Ms. Therrien commented that this is not the time nor place to discuss the needs of the County.

Ms. Therrien commented that the Board had made a decision not to let individual Board members conduct inquiries on their own, that questions should come from the entire Board since inquiries and responses can be slanted to one side or another, and that Board members were to follow proper channels when posing questions. Ms. Therrien said that she takes exception to Mr. Whalan acting as a private citizen in this instance versus acting as a member of a legislative board asking for information. Mr. Whalen responded that he sees this situation as a fourth amendment issue and that he would like to see objections written on paper so that he can present the objections to his personal counsel for an opinion.

Mr. Whalen noted that the Town has spent \$60,000. on renovations to the building. He read aloud a letter from Washington County Manager Betsy Fitzgerald regarding the County's interest in the tele-business center. Ms. Therrien pointed out that the County would be interested in the building only if negotiations fail with Maine Wild. Mr. Whalen noted that any funds from the sale of the building must be used for CDBG purposes. Mr. Rolfe pointed out that the Board has made efforts to sell the building in the past and had directed the Town Manager to work on marketing the building. Mr. Whalen noted that the HUD person he spoke to said that the Town could sell the building to an entity which might then be able to sell the building and make a profit; he noted that the HUD representative advised that the Town would need to place deed restrictions on the property to limit a resale of the property.

In a related issue, Ms. Johnson-Rolfe said that she was somewhat upset to read a Facebook posting regarding the Board wanting to hear citizen comments on this issue at an upcoming workshop. Ms. Johnson-Rolfe objected to this posting and noted that as a

member of the Board she did not authorize such a posting. Mr. Rolfe apologized for any miscommunication this has caused between the Board members. Mr. Whalen commented that there appear to be miscues and miscommunications involving this issue; he suggested the need for a charter delineating what the Board and the Town Manager do. Ms. Johnson-Rolfe said that she was offended by the contents of the posting and that she read it as only the Chairman making decisions and would appear to mean that it does not matter what individual members of the Board think. Ms. Johnson-Rolfe pointed out that gathering citizen comments on the issue of selling the tele-business center is not the intent of the workshop and that it is the intent of the Board to focus on the issues for this meeting. Ms. Therrien suggested that the posting be corrected. Mr. Rolfe said that it was never his intent to misrepresent the Board and Mr. Kitchen agreed that he knew this was not Mr. Rolfe's intent. Mr. Whalen commented that it appears that there is a fundamental flaw in communications and that he sometimes feels "frozen out". Ms. Johnson-Rolfe pointed out that when you control the information, you control the outcome on certain things.

Mr. Rolfe explained that the Board had previously agreed to let the Town Manager ask questions on their behalf. Mr. Whalen said that he had a right to make phone calls and ask questions. Mr. Rolfe said that no one is saying that Board members can't ask questions but that Board members should always be aware that they could be including their personal feelings when posing questions. Mr. Kitchen noted that it is dependent on everyone's best interest to keep all the other Board members in the loop. Mr. Rolfe commented that it is never his intent to keep anyone in the dark in any way and that it was not the intent to misrepresent anything in the Facebook posting.

Mr. Kitchen asked what the next step in this process should be. Ms. Therrien noted that the Board had given Maine Wild one month before a decision would be made on the sale. Ms. Johnson-Rolfe pointed out that the Board needs the specifics on the amount spent on the building. Mr. Rolfe added that the Board needs to be aware of the amount owed on the bank loan. Mr. Kitchen said that the Board needs to know what the Town gets to keep from a sale and what the money can be spent on. Mr. Rolfe pointed out that the Board needs to know the pros and cons on all possible sale scenarios and needs to be able to show what it would look like for each scenario. It was the consensus that the Board is not prepared to answer questions at any public hearing. Ms. Johnson-Rolfe said that the Board needs to do what is financially best for the town. Mr. Rolfe explained that the Town Manager will have the Facebook posting removed and he pointed out that the Board agreed to provide an answer to Maine Wild at the November 28th meeting.

9. DISCUSSION - TIF FOR MACHIAS SAVINGS BANK OFFICE BUILDING

Mr. Rolfe noted this item was placed on the Board's agenda as requested by Mr. Whalen. Mr. Whalen said that he has taken an informal poll of citizens regarding the question of giving Machias Savings Bank a TIF on their proposed office building on Main Street. He told the Board that the majority of citizens he talked to were not in favor of entering into a TIF agreement. Mr. Rolfe noted that Mr. Whalen gathered citizen opinions and that a TIF would have to be voted on by citizens at a town meeting and is not decided by the Board. Mr. Rolfe noted that no one has proposed a TIF; he encouraged people to learn the function and purpose of TIFs and how they relate to municipal valuations and school funding. Ms. Therrien noted that there has been no official request from anyone for a TIF.

10. OTHER BUSINESS

A. Mr. Whalen said that he looked into the state statutes for establishing a municipal Board of Appeals. Ms. Therrien explained that when the Town previously advertised for citizens interested in serving on a Board of Appeals there was absolutely no interest from anyone willing to serve. She explained that Machias went to the practice of using the county commissioners as a Board of Assessment Review.

B. Mr. Whalen said that he supports increasing the membership on the Machias Budget Committee to five members. Mr. Rolfe noted that the citizens would have to decide to go to a five member board and a warrant article would need to be included in the annual town meeting warrant to authorize increasing the size of this board. Ms. Therrien noted that the Board would need to establish the staggered terms and establish deadlines for nomination papers. Mr. Rolfe noted that there are also procedural questions which need to be answered. It was the consensus of the other members of the Board that they were not opposed to a five member budget committee. Ms. Therrien reminded the Board that in the past many citizens voted membership on this committee have decided not to accept their appointments.

On a motion by Paula Johnson-Rolfe, seconded by James Whalen, the Board voted to adjourn the meeting at 8:18 PM.