

BOARD OF SELECTMEN - TOWN OF MACHIAS

SEPTEMBER 27, 2017

PUBLIC HEARING

CONSIDERATION OF A VENDING LICENSE FOR TOWN OF MACHIAS

6:00 PM

Chairman of the Board of Selectmen Warren Gay opened a public hearing to listen to public comments on a proposed vending license for the Town of Machias. Mr. Gay explained that this is the second hearing on the proposed ordinance and that the reason for this second hearing is to allow citizens plenty of opportunity to make comments on the proposed license.

Mr. Eric Kidder told the Board that there are numerous yard sales people who sell on the Dike who purchase their goods from other yard sales, sell their items on the Dike, and pay sales tax on their purchases. He commented that food vendors should be licensed. Mr. Kidder said that he is the person who tries to get vendors to stay within the white lines of the spaces they are in on the Dike. He suggested that vendors be required to exhibit a sticker/permit on their vehicles to show they have paid for a license. Mr. Kidder added that some rules and regulations governing the vendors would help.

Mr. Pellon pointed out that Machias taxpayers are paying for the garbage expenses for vendors selling on the Dike. Mr. Gay explained that the purpose of a vendor ordinance is to know who is selling on the Dike and what they are selling.

Ms. Joanne Grignon told the Board that it is mainly yard sale items being sold on the Dike. She agreed that food vendors should be licensed and that all sellers should be registered. Ms. Grignon added that she dislikes "out-of-staters" who come to Machias with "upscale items" once or twice a year to sell on the Dike.

Town Manager Christina Therrien explained that an ordinance would establish a record of the vendors; she explained that the Town wants to register vendors, not regulate vendors. Ms. Therrien added that the Town is not seeking to regulate vendors on private property. Mr. Kidder questioned if the farmer's market has a legal right to set up on the Dike. Ms. Therrien explained that the farmer's market has a designated area on the Dike located adjacent to the Chamber of Commerce office. Ms. Therrien explained that there is no parking in the road, no blocking of traffic, and that it is illegal to dump garbage. An attendee suggested that there could be a sign on the Dike inviting people to visit other businesses located in Machias.

Mr. Gay noted that an ordinance that meets the needs of Machias will be developed keeping in mind the comments made at the two public hearings. Mr. Rolfe pointed out that it is not the intention of the Town to make money from the establishment of a vendor license, but to know who is selling and what they are selling.

Mr. Gay closed the public hearing at 6:17 PM.

PUBLIC HEARING

PROPOSED GENERAL ASSISTANCE ORDINANCE APPENDICES A-D

6:17 PM

Chairman of the Board of Selectmen Warren Gay opened a public hearing to consider the proposed General Assistance Ordinance Appendices A-D as suggested by the State of Maine. Mr. Gay noted that the purpose of the public hearing was to listen to any comments regarding the acceptance of the changes to general assistance as recommended by the State.

Town Manager Christina Therrien explained that these are new general assistance appendices developed by the State which outline updated allowances for applicants seeking general assistance. She noted that the Board of Selectmen usually adopts the updated allowances as suggested by the State.

The Board of Selectmen reviewed the new appendices. Mr. Gay asked for public comments on the updated appendices. Mr. Gay noted that there were no comments from the public. He closed the public hearing at 6:21 PM.

A regularly scheduled meeting of the Machias Board of Selectmen was called to order at 6:21 PM by Chairman Warren Gay. In attendance were Board members Josh Rolfe, Bill Kitchen, Leslie Haynes, and Paula Johnson-Rolfe; Town Manager Christina Therrien; Secretary Cathy Lord; Public Works Director Mike Schoppee; David Clark, Mary Angarola, Ed Pellon, Sylvia Pouliot, Bob Berta.

1. BOARD MINUTES - REVIEW AND ACTION

On a motion by Josh Rolfe, seconded by Leslie Haynes, the Board voted to approve the minutes of the September 13, 2017 Board meeting as presented.

2. MUNICIPAL AND SCHOOL WARRANTS - REVIEW AND ACTION

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

To approve municipal warrant #21 in the amount of \$18,877.98; to approve municipal warrant #22 in the amount of \$597,031.14; to approve municipal warrant #23 in the amount of \$14,389.59; to approve municipal warrant #24 in the amount of \$27,226.52; to approve municipal warrant #25 in the amount of \$800.02; and, to approve municipal warrant #26 in the amount of \$824.27 .

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

To approve school warrant #9 in the amount of \$204,863.20 .

3. GENERAL ASSISTANCE ORDINANCE APPENDICES A-D

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

To accept the General Assistance Ordinance Appendices A-D for 2017-2018 as recommended by the State of Maine.

4. TOWN MANAGER'S CONTRACT

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

To sign the Town Manager's contract with the Town of Machias.

5. SEWER RATES

Ms. Therrien explained to the Board that during last year's budget review, the Board of Selectmen and the Budget Committee had elected to distribute the \$90,000. shortfall in the sewer budget in the following manner: \$30,000. to be raised from all taxpayers on property tax bills, \$30,000. to be raised by increasing sewer rates to users, and \$30,000. to be addressed at a later time. Ms. Therrien explained that the true operating costs of the sewer system have never been fully reflected in sewer fees and there remains the shortfall of \$60,000. to address since the \$30,000. amount of the shortfall accessed to taxpayers was included in this year's property tax bills.

Mr. Gay noted that the Board and Budget Committee discussed this issue at great length during budget review. He pointed out that the problem is the result of not addressing the shortfall issue previously and that sewer rates were never raised to completely cover the costs of the sewer system over the years. Mr. Pellon argued that non-tax payers who are allowed to dump their sewage into the system should be charged higher rates. Mr. Gay pointed out that the Board had reviewed the number of non-taxpayers using the system and found that the number of these people is a very small number making very little impact on the system. Ms. Therrien reviewed a proposed increase to the current sewer rates which would cover the costs of the operation of the sewer system. The Board reviewed the rate increase and discussed how to proceed.

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

To approve new sewer rates as recommended by the Town Manager.

6. PERSONNEL POLICY REVIEW - PAGES 1 TO 4 & OVERTIME

Mr. Rolfe noted that a review of the municipal personnel policy would be more effective if the Town Manager makes some recommendations to the Board on revisions since she is the one person who works with the policy almost daily during her work day and

directly supervises town employees. Ms. Therrien said that she could develop recommendations for changes and improvements to the policy. She noted that the members of the Board have received some sample copies of personnel policies for their review.

7. MACHIAS TRAFFIC AND PARKING ORDINANCE REVIEW

Ms. Therrien pointed out that the Board had been provided with copies of the traffic ordinance and parking ordinance (stopping, standing, and parking). She advised the Board of concerns the Public Works Director has concerning the large trucks which are using the East Kennebec Road. Ms. Therrien suggested placement of "No Thru Trucks" signs on this road to address huge trucks using this road but she noted that this can only be done if there is an ordinance.

Public Works Director Mike Schoppee advised the Board that the East Kennebec Road is "taking a tremendous pounding" from trucks which should not be using the road. He explained that this road is not built structurally to address the heavy loads these trucks are hauling.

Ms. Therrien suggested that the Board could set penalties for truckers using the road after setting weight limits. Mr. Rolfe suggested that the Board hold a work session to discuss aspects of an ordinance to address the problem; he noted that the work session would allow the two new members of the Board to be involved in the discussion. It was suggested that the work session be held at 5:30 PM on October 11th immediately before the regularly scheduled Board meeting. The members of the Board agreed.

8. MACHIAS INDUSTRIAL PARK - LOT #13

Ms. Therrien informed the Board that Mr. Peter Soucy, the manager of Machias Realty Trust LLC, constructed a storage building on Lot #13 in the Machias Industrial Park that did not meet the twelve month construction stipulation included in the purchase agreement for the lot. Ms. Therrien noted that Mr. Soucy is asking the Board to sign the deed to consent to a waiver of the reversionary condition in the deed. Ms. Therrien noted that Mr. Soucy has satisfied the covenant on construction on the purchased lot and she recommended that the Board sign the corrective deed. The Board reviewed a letter from Attorney Deke Talbot explaining the request.

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

That the Board of Selectmen sign the release of reversionary right (corrective deed) for Lot #13 in the Machias Industrial Park.

9. OTHER BUSINESS

A. Ms. Johnson-Rolfe commended the plantings on the triangle at the juncture of Main Street and Court Street. Ms. Therrien explained that two local businesses, We Dig It and Dean McGuire, were responsible for the work.

B. Ms. Therrien explained that due to an unexpected software training that she and town office employees must attend, she is asking the Board for permission to close the Machias Town Office early on Monday, October 2nd at 3:00 PM. The members of the Board approved the early closing on October 2nd as requested.

C. Ms. Therrien called the Board's attention to a letter from Maine Municipal Association Risk Management Services informing the Town of a dividend payment of \$6500. from the Worker's Compensation Fund and Property & Casualty Pool.

D. The Board listened to a citizen concern regarding the condition of a property located on Water Street.

E. Mr. Bob Berta asked what the Town Manager's salary was set at in the new contract with the Town. Ms. Therrien noted that the salary is \$63,000. with annual cost-of-living increases thereafter.

F. Mr. Berta noted that he had sent an e-mail to the Machias Town Office in which he requested that since Mr. Kitchen works for a local newspaper that he, Mr. Berta, be provided with copies of all materials given to Mr. Kitchen. Ms. Therrien pointed out that Mr. Kitchen is provided copies of materials that are pertinent to him as an elected member of the Board of Selectmen. Mr. Berta said that it is a matter of fairness that he be provided with everything provided to Mr. Kitchen. Ms. Therrien pointed out to Mr. Berta that he can request copies of any information provided to the Board at any time. Members of the Board pointed out that they have given Mr. Berta their own copies of documents provided to them. Mr. Rolfe said that the Town would not provide a separate packet of documents and that Mr. Berta can request specifically whatever he needs. Ms. Johnson-Rolfe informed everyone that the Freedom of Information Act states that a request for documents must be specific as to what is being requested. Ms. Therrien pointed out that she as well as the Board of Selectmen have always provided copies of whatever is requested. Mr. Berta requested copies of the warrants. Ms. Therrien said that she would make copies for him.

On a motion by Paula Johnson-Rolfe, seconded by Bill Kitchen, the Board voted to adjourn the meeting at 7:25 PM.