

BOARD OF SELECTMEN - TOWN OF MACHIAS

JUNE 12, 2013

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, Danny Manchester, Cony Upton, and Glenn Davis; Town Manager Christopher Loughlin; Secretary Cathy Lord; Police Chief Grady Dwelley; Town Clerk Sandra Clifton; Finance Director Meghan Dennison; Budget Committee members Ed Pellon and Nancy Manchester; Public Works Supervisor Mike Gooch; Hillary Savage, Sharon Mack, Faye Mack, Sylvia Pouliot, Heather Graham, Wesley Graham.

1. MINUTES - REVIEW AND ACTION

On a motion by Danny Manchester, seconded by Cony Upton, the Board voted to approve the minutes of the May 22, 2013 Board meeting.

2. WARRANTS - REVIEW AND ACTION

On a motion by Danny Manchester, seconded by Warren Gay, the Board

VOTED:

To approve municipal warrant #103 in the amount of \$19,889.73; to approve municipal warrant #104 in the amount of \$46,818.91; to approve municipal warrant #105 in the amount of \$13,717.64; to approve municipal warrant #106 in the amount of \$23,047.19; to approve municipal warrant #107 in the amount of \$15,731.82.; and, to approve municipal warrant #108 in the amount of \$84,822.52 .

On a motion by Danny Manchester, seconded by Cony Upton, the Board

VOTED:

To approve school warrant #48 in the amount of \$182,043.44 and school warrant #50 in the amount of \$213,083.13 .

3. LIQUOR LICENSE APPLICATION - AMERICAN LEGION POST #9

Mr. Loughlin reviewed a liquor license renewal application submitted by the American Legion Post #9.

On a motion by Danny Manchester, seconded by Warren Gay, the Board

VOTED:

To grant a liquor license renewal to the American Legion Post #9.

4. CHANGE OF LIQUOR LICENSE NOTIFICATION FOR SKY WALKER BAR & GRILL

Mr. Loughlin informed the Board that Mr. John Parker has requested changes to the liquor license he had previously been granted under the name of Skywalker Bar & Grill: the name of the entity doing business under the auspices of the license has been changed to Skywalker Group Inc. and Daniel Matthews will be the manager. Mr. Loughlin told the Board that the State licensing bureau is okay with the changes to the license if the Machias Board of Selectmen agree to accept the changes. Mr. Carter pointed out that this is a completely different license and should be considered as a new application. The other members of the Board agreed and stipulated that Mr. Parker submit a new license application with the new information. Mr. Carter added that when a new application is submitted the Board can schedule a public hearing on the application.

5. 1941 MACHIAS FIRE TRUCK

Mr. Loughlin advised the Board that the Machias Fire Department was borrowing a 1941 fire truck and that the owner of the truck asked if the Town would take possession of the truck for the sum of one dollar. Mr. Manchester commented that he heard that another part of the arrangement involved painting a building. Mr. Loughlin explained that it was to paint the trim on a building. Mr. Loughlin told the members of the Board that the agreement is in the process of being drawn up. He pointed out that the vehicle will be included in the Machias birthday celebration parade. The members of the Board agreed to purchase the vehicle for the sum of one dollar and to sell the vehicle back to the owner for the same amount if the Town should ever decide to sell the vehicle.

6. CONSUMER FIREWORKS COMPLAINTS

Mr. Loughlin explained that concerns have been expressed by some citizens regarding the use of fireworks. Mr. Upton stated that he believed that the state law stipulates allowable use of fireworks from 9:00 AM to 10:00 PM; Mr. Loughlin noted that this is correct but he added that some citizens may claim that the use of fireworks creates a noise violation within town limits. Police Chief Grady Dwelley advised the Board that it is a violation of the law for anyone under the age of twenty-one to purchase fireworks and that he and his officers will issue disorderly conduct summons to anyone under the age of twenty-one in possession of fireworks. Mr. Upton asked if there is a problem with fireworks in any particular area of Machias and Chief Dwelley responded that he has complaints from many locations within town limits.

The Board listened to complaints from citizens who requested that the Board develop a fireworks ordinance. One of the citizens said that "fireworks are for festivities". He added that many citizens are concerned about fireworks being set off at all times of the day or night. Mr. Ed Pellon commented that he could see some definite problems and that the use of fireworks needs to be controlled. Mr. Upton said that he hated to see a "knee-jerk" reaction to concerns; he said that he would prefer trying to control the problem since there only seem to be a few people causing the actual problems. Mr. Gay observed that the newness of the use of fireworks "will wear off". Chief Dwelley noted that the police department needs cooperation from citizens who make the complaints by standing by their complaints when the police take action. Mr. Upton said that "this all comes down to using common sense".

Mr. Wesley Graham, owner of Black Bear Fireworks, explained that he gives every customer who comes into his business a brochure explaining the state law regarding use and purchase of fireworks along with safety tips on the use of fireworks. He added that he is careful when selling fireworks to people and asks for identification in many instances. Mr. Graham pointed out that the purchase of fireworks is a new novelty and that he is trying to be proactive about problems with fireworks. He told the Board he that wants to try to alleviate problems before they go further and that he wants to work with citizens. Mr. Graham said that the one thing no one can do is "fix stupid".

Ms. Sharon Mack commented that the issue is not the legality of fireworks but the issue is that fireworks are scaring people. She pointed out that citizens cannot do anything if they live only a few feet from another property owner who chooses to set off fireworks or if people are using other people's property to set off fireworks. Ms. Mack commented that an ordinance committee can look at how to solve the problem.

After a long discussion and listening to the concerns of citizens, Mr. Carter announced that the Board will take the complaints and comments heard at the meeting under advisement and will not be making a decision at this meeting. He thanked everyone for their comments and for addressing the Board with their concerns

7. REQUEST TO CLOSE WATER STREET - FALL HARVEST FESTIVAL

Ms. Sharon Mack advised the Board that the Chamber of Commerce is sponsoring a harvest festival in the fall and organizers are asking that Water Street be closed off to traffic on October 12th so that a tent can be set up at the end of the street for festival activities. After Ms. Mack explained that stakes will be driven into the street to hold the tent in place, the Board stipulated that it was not advisable to drive stakes into the street. Ms. Mack thanked the Board and said that another site would have to be found for the tent.

8. REQUEST FOR SEWER BILL REDUCTION - ML PROPERTIES

Mr. Loughlin advised the Board of a request from ML Properties for a reduction in a sewer bill due to an open water faucet at a property located on Cooper Street. The Board reviewed the request. Mr. Carter pointed out that the Board has reduced sewer bills when a property owner proved there was an existing broken line that created the problem.

On a motion by Danny Manchester, seconded by Cony Upton, the Board
VOTED:

To deny the request from ML Properties for a reduction to a sewer bill for a property located on Cooper Street.

9. MACHIAS AMBULANCE SERVICE TRAINING REQUESTS

Mr. Loughlin informed the Board that Ambulance Captain Lois Libby is asking that three members of the ambulance service be reimbursed in the amount of \$2400. for a portion of an ambulance class they will participate in; the class costs \$1700. per person. The Board discussed the request. Mrs. Dennison advised the Board that she would need proof that the participants (Tony Wood, Chris Van Ormer, Ben Verburgt) have paid for their course before she reimburses them.

On a motion by Danny Manchester, seconded by Warren Gay, the Board

VOTED:

To allow \$2400. towards ambulance training for three members of the Machias Ambulance Service.

10. BANGOR HYDRO TOWER LEASE AGREEMENT

Mr. Loughlin informed the Board that the emergency services antenna has been placed on the Bangor Hydro tower at no cost to Machias.

On a motion by Danny Manchester, seconded by Cony Upton, the Board

VOTED:

To sign a lease agreement with Bangor Hydro for placement of the emergency services antenna at no cost to Machias.

11. OTHER BUSINESS

A. Mr. Loughlin informed the Board of a Machias Water Company shareholder's meeting on June 21st at 10:30 AM at the Machias Water Company office in Machias.

B. Mr. Loughlin asked the Board if they would like to purchase winter salt under the state bid this year at a cost of \$66.70 per ton. After a short discussion, the Board agreed to purchase salt under the state salt bid again this year.

C. Mr. Loughlin advised the Board that the town clerk and the deputy town clerk need to attend a Maine Town & City Clerks workshop on September 18th; he asked that the town office be closed on this day. The members of the Board agreed to close the Machias Town Office on September 18th.

D. Mr. Loughlin said that he would ask the Machias Planning Board for input on the ordinances recently updated by the ordinance committee.

E. Mr. Pellon suggested repairs to some sidewalks before the end of the fiscal year. The Board discussed the repairs that should be made.

On a motion by Danny Manchester, seconded by Warren Gay, the Board

VOTED:

To allocate \$7000. from contingency for sidewalk repairs.

F. Mr. Upton suggested sending letters of thanks to the volunteers who worked on the Southside ball field improvements. It was also suggested that an ad be placed in local newspapers thanking these volunteers. Mr. Loughlin said that he would get the letters ready and place the ad thanking these volunteers.

12. WARRANT FOR TOWN MEETING

Mr. Loughlin advised the Board that an additional \$65,000. needs to be found in the budgets in order to keep property taxes at the same level as last year. He noted that \$42,000. is added to the budget to pay for the three percent early tax payment discount and he recommended reducing the discount to two percent; he suggested reducing the amount under paying to \$45,000.; and, he suggested removing \$22,000. from contingency. Mr. Manchester commented that he was reluctant to reduce funding for paving. He pointed out that the town had neglected its streets and roads for years and is just catching up to needed repairs and paving streets and roads. Mr. Loughlin said that two-thirds of the town's streets and roads have been repaired.

Mr. Carter asked for input from the two budget committee members present at the meeting. Mrs. Manchester commented that employees were told during budget development that salary increases would be back on the table if problems arose. Mr. Carter said that he would not support withholding salary increases from non-union employees. Mr. Gay commented that the town does have good employees and that they deserve salary increases. He added that the town should try to keep its good employees. Mr. Davis reminded everyone that state workers have received no salary increases in years. Mr. Pellon commented that employees should also remember that health insurance costs continue to increase. Mr. Carter pointed out that depending on what happens with the state's budget the Board may have to stand up at town meeting and make cuts.

On a motion by Warren Gay, seconded by Cony Upton, the Board

VOTED:

To sign the annual town meeting warrant articles for the town report.

On a motion by Danny Manchester, seconded by Glenn Davis, the Board voted to adjourn the meeting at 7:20 PM.