

BOARD OF SELECTMEN - TOWN OF MACHIAS

MAY 10, 2017

A regularly scheduled meeting of the Machias Board of Selectmen was called to order at 6:00 PM by Vice Chairman Warren Gay. In attendance were Board members James Whalen, Leslie Haynes, and Josh Rolfe; Town Manager Christina Therrien; Secretary Cathy Lord; Finance Lois Libby, Ed Pellon, Bill Kitchen, Mary Angarola, Paul Angarola.

1. MINUTES - REVIEW AND ACTION

On a motion by Josh Rolfe, seconded by James Whalen, the Board voted to approve the minutes of the April 26, 2017 Board meeting.

2. WARRANTS - REVIEW AND ACTION

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

VOTED:

To approve municipal warrant #92 in the amount of \$10,104.30; to approve municipal warrant #93 in the amount of \$49,467.19; to approve municipal warrant #94 in the amount of \$13,386.13; and, to approve municipal warrant #95 in the amount of \$452,589.04 .

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

VOTED:

To approve school warrant #46 in the amount of \$211,279.02 .

3. TOWN MEETING WARRANT

Ms. Therrien asked the Board if they wanted to place a warrant article in the annual town meeting warrant to address the purchase of a new police vehicle. Ms. Therrien noted that she has also looked into purchasing a used vehicle instead of a new vehicle. The Town Manager noted that the purchase of the vehicle could be financed with drug seizure money awarded to the town (not as yet received), with proceeds from the sale of the used police vehicle, and the remaining funds from the undesignated fund balance (approximately \$17,000. would be needed). Mr. Whalen commented that the Town is swimming in debt and he advocates asking for guidance on utilizing funds from the undesignated fund balance from the town's financial officer. Mr. Rolfe and Mr. Haynes said that they could support financing the purchase of a new vehicle as outlined by the Town Manager. The Board asked for comments from the members of the Machias Budget Committee. Mr. Pellon said that he was unsure as to the need for a new cruiser. The Board discussed at length putting the question of the purchase before the voters of the town. Mr. Rolfe asked if the budget committee would support a sum not to exceed \$30,000. for the purchase. Mr. Pellon and Mr. Kitchen said they could not support this amount, but could support \$25,000.

Mr. Rolfe questioned what would be a safe amount to allocate from the undesignated fund balance; Mr. Whalen pointed out that the Board really should discuss the status of the undesignated fund balance with the town's financial officer. Mr. Rolfe asked about the legal requirement for funds that a town is required to maintain in an undesignated fund balance. Ms. Therrien explained that towns are required to hold at minimum one month in reserve, but not more than three months in an undesignated fund. The members of the Board, Budget Committee, and Town Manager discussed utilizing funds from the undesignated fund balance to finance a part of the purchase. The members of the Board agreed that they would like to discuss these financial matters with Mrs. Dennison. It was agreed to hold a meeting on Thursday, May 11th at 3:00 PM in order to talk with the finance director about the town's financial matters.

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

VOTED:

To place an article in the annual town meeting warrant asking for permission to purchase a police vehicle in an amount not to exceed the sum of \$25,000. with funding to be allocated from drug seizure money (\$10,000.), from the sale of the old police vehicle, and the remaining funds to be allocated from the undesignated fund balance.

Vote On Motion: 3 votes in favor of motion (Mr. Gay, Mr. Rolfe, & Mr. Haynes)
1 vote opposing the motion (Mr. Whalen)

Motion Passed

Mr. Pellon suggested that the Town start utilizing the money voters approve at town meeting for sidewalks every year.

The Board reviewed the school budget validation warrant; Ms. Therrien noted that the school budget meeting is scheduled on May 30th. The Board discussed the status of the school budget; Mr. Pellon asked if the school budget was cut by the amount recommended. Ms. Therrien noted that this budget was cut by \$64,000. which means that the actual increase to the taxpayers would be approximately \$10,000.

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

VOTED:

To sign the school budget validation warrant as presented.

Vote On Motion: 3 votes in favor of motion (Mr. Gay, Mr. Rolfe, & Mr. Haynes)
(Note: Mr. Whalen did not vote in favor or in opposition to the motion; he explained that he needed to review the document and that his signature on the document after he reviewed it would signify his support of the warrant)

Motion Passed

4. 2013 POLICE CAR - BID OPENING

Members of the Board opened the bids received in response to the advertisement for the sale of the 2013 used police vehicle.

Bids: Daniel Thibideau - \$2,105.00
Yousef Dabbagh - \$2,868.00

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

VOTED:

To award the bid for the sale of the 2013 police vehicle to Yousef Dabbagh in the amount of \$2,868.00 with the purchase price to be paid to the Town within thirty days.

5. ZOLL MONITOR PURCHASE REQUEST - AMBULANCE DEPARTMENT

Ambulance Captain Lois Libby informed the Board that the ambulance service needs to purchase a new Zoll monitor for one of the ambulances; she explained that the current unit is seventeen years old and cannot be repaired. Ms. Libby noted that Zoll is the sole manufacture of this monitor which is interchangeable. She advised the Board that the purchase price is \$27,000. Ms. Therrien advised the Board that use of funds from an enterprise account can be approved by the Board of Selectmen.

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

VOTED:

To authorize the purchase of a Zoll monitor for the Machias Ambulance Service at a cost not to exceed \$30,000. with funding allocated from the ambulance enterprise account.

6. ESTABLISHMENT OF CONTACT POINT REGARDING MMA LEGAL QUESTIONS

Ms. Therrien asked that the Board discuss and agree on questions she would submit to Maine Municipal Association on behalf of the entire board. Mr. Whalen noted that there is a letter from MMA regarding standard operating policy and that the Board can develop a local policy; he added that this would be a curtailment of what he believes is the purpose of MMA. Mr. Pellon commented that any citizen has the right to call MMA. Mr. Gay explained that Board members should at least inform other Board members of the contact they have with MMA. Mr. Whalen said that this would be a curtailment of the freedom of speech. Ms. Therrien explained that the concern is only for questions asked of MMA's legal department. Mr. Whalen asked the other members of the Board how they felt about individual Board members contacting MMA about legal issues. Mr. Whalen stated that it appears that there is an attempt to control information. Mr. Gay commented that there needs to be a control for submission of repeated questions to MMA; he noted that many times the Town Manager has made inquires to MMA on behalf of the entire Board and that individual members making the

same inquires "puts a monkey wrench into the works". Mr. Gay suggested that the Board may want to look into adopting a board policy addressing this issue. Mr. Rolfe noted that he can see both sides of this question. Ms. Therrien responded that in most instances it is the entire Board which has input over inquires made to MMA through the town manager and the entire Board decides questions which need to be asked. She added that there are many variations as to how questions can be asked. Mr. Whalen commented that there is no such thing as one answer to a complex legal question. Mr. Rolfe pointed out that at issue are circumstances where the Board asks the Town Manager to call MMA for a legal opinion and she does this and provides this information to the Board, but if a Board member calls MMA and happens to talk with a different person at MMA, there could be a completely different answer/opinion provided to that Board member that contradicts what the Town Manager was told. He noted that this "muddies up the entire picture". Ms. Therrien pointed out that MMA is trying to cut down on these types of situations by establishing one point of contact when people call. Mr. Whalen said that he would be glad to tell the Town Manager when he is calling MMA but that he also has an agenda and wants to ask questions and obtain answers just like anyone else.

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

VOTED:

That all legal questions for MMA be funneled through the Town Manager or the Chairman/Acting Chairman of the Board of Selectmen or a Board member as designated by the Board of Selectmen.

Vote On Motion: 3 votes in favor of the motion (Mr. Gay, Mr. Rolfe, & Mr. Haynes)
1 vote opposing the motion (Mr. Whalen)

Motion Passed

Mr. Rolfe said that it is not his intent to limit someone's free speech but only to address how inquiries regarding legal questions are made to MMA on behalf of the Board of Selectmen as an entity. Mr. Whalen argued that any Board member should be allowed to speak to MMA.

7. REQUEST FOR A TOWN CLEAN-UP DAY

Ms. Therrien brought up the concept of scheduling a town clean-up day as had been done last year. She suggested scheduling two different days this year, one day for Machias residents and a separate day for residents of contract towns. It was noted that clean-up day last year resulted in an additional 50,000 pounds of refuse going through the transfer station. Ms. Therrien recommended contacting contract towns to advise them of these plans and obtaining some feedback from Mr. Farley on a clean-up day. Mr. Rolfe commented that such a clean-up would be beneficial to the town.

Mr. Haynes commended the person he observed cleaning litter on the Kennebec Road last weekend.

Mr. Pellon suggested that the clean-up day be scheduled prior to the weekend of the blueberry festival.

8. GARDNER AVENUE PROPERTIES

Ms. Therrien advised the Board that the fire department might be able to burn the old house on Gardner Avenue owned by the Town. The Board and the Town Manager discussed having the house cleaned as the next step in attempting to sell the building since a sale has been unsuccessful so far. Mr. Rolfe suggesting looking into requesting proposals to remove the trash from the building with proposals to include proof of insurance. Mr. Rolfe and Mr. Gay agreed to visit the property and inspect the interior of the building.

9. OTHER BUSINESS

A. The Board signed the animal control ordinance. Ms. Therrien noted that the floodplain ordinance will be posted with the annual town meeting warrant. Two citizens attending the meeting, Mary and Paul Angarola, inquired into imposing a policy of spaying and neutering "animals caught at large" by the Animal Control Officer.

B. Ms. Therrien noted that the Board members have copies of a letter from the town's attorney regarding the process of condemning a property due to public safety concerns. She noted that she would review the town's notification procedure on the High Street property.

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

VOTED:

To continue to proceed with legal steps to condemn the burned-out building located on High Street.

C. Ms. Therrien noted that the Board has a copy of the most recently held airport committee meeting for their review.

D. Mr. Whalen asked about the town's position on solid waste disposal. Ms. Therrien noted that the contract for waste disposal expires March 2018.

E. The Board had a short discussion on properties located across the dike hooked into the municipal sewer system and the method of billing for sewer usage for these properties.

On a motion by Josh Rolfe, seconded by Leslie Haynes, the Board voted to adjourn the meeting at 7:24 PM.