

BOARD OF SELECTMEN - TOWN OF MACHIAS

JULY 12, 2017

A regularly scheduled meeting of the Machias Board of Selectmen was called to order at 6:00 PM by Chairman Warren Gay. In attendance were Board members Josh Rolfe, Bill Kitchen, and Paula Johnson-Rolfe; Town Manager Christina Therrien; Secretary Cathy Lord; Code Enforcement Officer Betsy Fitzgerald; Ed Pellon, Bob Berta, Denice Hopkins, Deke Talbot.

1. PUBLIC HEARING - STATUS OF PROPERTY WITH CODE VIOLATIONS LOCATED AT 12 HIGH STREET

The Town Manager reviewed the history of procedural steps taken by the Town of Machias to contact the owners (James M. Muise & Celeste C. Moores) of a building located at 12 High Street regarding code violations (building is dangerous or a nuisance within the meaning of Title 17 M.R.S. Sub-section #2851) since the building was partially burned in a structure fire. Ms. Therrien noted that the Town has received numerous complaints from neighbors located across the street from the building, Anita and Arthur McCurdy. Ms. Therrien noted that Mrs. McCurdy runs a child daycare business and is concerned with the presence of rodents and/or other pests being attracted to the building. Ms. Therrien noted that Code Enforcement Officer Betsy Fitzgerald has attempted to contact the owners by issuing four notices to the owners asking for their cooperation in addressing concerns regarding the condition of the remaining structure. Ms. Therrien reviewed the steps taken by the CEO to contact the owners: (1) a notification letter sent in August 2016 which was a year after the fire, (2) a second notification letter sent to the building's owners, (3) a third letter sent in October 2016 {the CEO inspected the building at this time and found that no repairs had been made to the building; the CEO recommended that the Board of Selectmen initiate legal action due to non-compliance}, and (4) a letter sent in January 2017 notifying the owners of the need to address safety issues. The Board reviewed a July 10, 2017 letter from the CEO recommending that the Board of Selectmen consider taking legal action which would include establishing a deadline for either renovation or removal of the building due to the unsafe, unstable, and unsuitable condition of the building located at 12 High Street. Ms. Therrien advised the members of the Board that due to the seriousness of this situation, she has discussed the owner's reluctance to respond in any way to the CEO and the procedures the Town is being forced to take to rectify the problems with the remains of the building with the town's attorney, Deke Talbot, who is in attendance at this public hearing to advise the town of legal steps which need to be taken to address this problem. She also noted that the owners of the property were officially served notice on June 30, 2017 by a deputy with the Washington County Sheriff's Department advising them of tonight's public hearing.

Mr. Talbot described the procedural guidelines associated with the legalities of addressing unsafe buildings within Maine statutes. Mr. Talbot noted that these guidelines outline the town's ability to take legal action when the governing body finds a structure is unsuitable due to hazards to health and safety and is dangerous to life and property. Mr.

Talbot noted that the Board of Selectmen have found that the remains of the building located at 12 High Street constitute a dangerous building and he pointed out that the Town has served the owners of the building with several notices directing that the owners address the building's problems which has not been done and that the owners have provided no response to several efforts to contact them. Mr. Talbot pointed out that there are legal avenues the Town can take if the owner does not comply to making the needed improvements to the building. He noted that once the Town of Machias enters findings it can draft an order requiring the owners to conduct repairs of the building within a specified time to render the structure safe for occupancy or to demolish the building. The town's attorney cautioned that the property owners can file a "de novo" appeal for a full re-hearing in Superior Court; he added that if the owners make no appeal the Town may pursue its order.

Code Enforcement Officer Betsy Fitzgerald testified that she has inspected the building; she noted that the second floor of the building has the most damage where the fire was centered. Ms. Fitzgerald commented that the building is structurally unsafe, constitutes a fire hazard, is unsuitable for occupancy, and constitutes a safety hazard because of inadequate maintenance, dilapidation, and abandonment. She pointed out that the front door of the building is not secured in any manner and she noted that she would like to have the entry area barricaded to prevent people from accessing the building. Ms. Fitzgerald pointed out that she has received absolutely no response to her letters from the property owners.

Mr. Talbot advised the Board of Selectmen that he will draft the order for the Town. Ms. Therrien said that she and the CEO will outline the code violations and the steps that need to be taken to address the building's problems. Ms. Therrien asked if forty-five days would allow enough time for the owners to comply with the order. Ms. Johnson-Rolfe commented that forty-five days may not be enough time to contact a contractor and get the repairs completed. Mr. Talbot suggested that sixty days would be more appropriate and that this length of time would also allow the CEO time to inspect the property to determine if the owner has made repairs. Mr. Rolfe recommended stipulating that the owner has sixty days to enter into an agreement with a contractor with a total of one hundred twenty days to complete the repairs. Mr. Pellon commented that since the bottom floor of the building is salvageable that it would seem that the owner would need more than sixty days to rebuild.

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

To proceed with legal steps in addressing code violations for a building located at 12 High Street allowing the owners up to sixty days to procure a contractor and a total of one hundred twenty days to complete repairs to the building; the Code Enforcement Officer and the Town Manager will draft language outlining the violations to be addressed and the Town's attorney will draft the order to be signed by the Chairman of the Board of Selectmen as delegated by and under the authority of the Machias Board of Selectmen; in addition, the building is to be secured due to public safety concerns within thirty days.

2. BOARD MINUTES - REVIEW AND ACTION

On a motion by Josh Rolfe, seconded by Paula Johnson-Rolfe, the Board voted to approve the minutes of the June 28, 2017 Board meeting as presented.

3. 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 #1 in the amount of \$14,058.49; to approve municipal warrant #2 in the amount of \$51,848.23; to approve municipal warrant #3 in the amount of \$11,172.98; and, to approve municipal warrant #4 in the amount of \$90,347.76 .

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

To approve school warrant #1 in the amount of \$238,066.88 .

4. REQUEST TO ADD MEMBER TO ROSTER OF VOLUNTEER FIRE DEPARTMENT

The Town Manager advised the members of the Board that the Fire Chief is recommending that Kori Coro be added to the roster of the Machias Fire Department. The Board reviewed Mr. Coro's application. Members of the Board discussed where the applicant lives, noting that the applicant gives his address on his application as Jackman, Maine. Mr. Rolfe noted that the Board will make the appointment based on the Fire Chief's recommendation.

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

Based upon the recommendation of the Fire Chief, to add Kori Coro to the roster of the Machias Fire Department with the stipulation that Mr. Coro complete and provide documentation of a fit-for-duty physical within six months of his appointment.

5. DISCUSSION OF POLICE CHIEF'S RETIREMENT

Ms. Therrien advised the Board of Chief Dwelley's intent to retire from his position in 2018 and she noted a recent discussion she had with the Chief about his plans. Mr. Rolfe noted that he would like Chief Dwelley to meet with the Board to discuss his retirement plans and to enable the Board to discuss transition plans with him. The Board asked that the Chief attend their August 9th meeting to discuss his retirement plans and the how his retirement will impact the municipal police department. Ms. Therrien commented that she suggests starting the process of looking at long-range plans of eventually hiring a new police chief within the next ninety days.

6. STATUS OF STATE BUDGET ON MACHIAS BUDGET - IMPACT OF HOMESTEAD REDUCTION

Ms. Therrien advised the Board of changes that the State has made to the Homestead Exemption program in the recently enacted state budget. She noted that as of the April 1, 2017 property tax year, the value of the Homestead Exemption is increased to \$20,000. from \$15,000. with the State reimbursing municipalities for 50% of the lost property tax revenue. Ms. Therrien noted that the Homestead Exemption reimbursement rate for fiscal year 2018 and subsequent fiscal years increases to 62.5%. Ms. Therrien advised the Board that Machias should experience no impact on the municipal budget since the Tax Assessor set aside adequate funding for the Homestead Exemption.

7. PLANNING BOARD RECOMMENDATION - GRASS, WEED AND VEGETATION ORDINANCE

Ms. Therrien advised the Board that the Machias Planning Board has recommended that the Board of Selectmen not seek adoption of a Grass, Weeds and Other Vegetation Ordinance. Mr. Gay asked about the reasons that the members of the planning board gave for not recommending pursuing establishment of such an ordinance. Planning Board member Ed Pellon noted that the Planning Board thought it would be extremely difficult to enforce this ordinance and that input from many citizens criticized the Town for not maintaining its own property such as mowing roadside ditches and sweeping up winter sand off town roads. Mr. Gay pointed out that of all the proposed ordinances this is the ordinance that garnered the most negative feedback at a recent public hearing.

8. COMMUNITY CENTER PROJECT - ORGANIZATIONAL MEETING DATE

Ms. Therrien reviewed the public notice for an organizational meeting on the establishment of a committee to consider developing a community center. She noted that the organizational meeting for this committee will be held on Thursday, July 20th at 7:00 AM at the Bluebird Ranch Restaurant. Mr. Kitchen volunteered to serve as a member of this committee.

9. UPDATE ON POLICE VEHICLE PRICES

Ms. Therrien updated the members of the Board on prices for police vehicles in the Bangor area. She noted that there is a car (with no cage) available for \$25, 613. and an Interceptor package SUV available under the State contract price for \$27,901. Ms. Therrien commented that Chief Dwelley will be checking with Darling's to see if this dealership has any vehicles available for purchase. It was noted that the amount of \$25,000. was approved at annual town meeting for the purchase of a police vehicle. Mr. Rolfe questioned if the Chief could find an additional \$3000. in the police budget for the purchase. Mr. Pellon cautioned that citizens approved purchasing a vehicle not to exceed a price of \$25,000. Ms. Therrien reviewed the town meeting warrant and found that citizens approved the article for the purchase not to exceed \$25,000. Ms. Therrien suggested that Chief Dwelley provide the information he has garnered from Darling's and that the Board can then look at drafting an article to obtain permission to spend additional funds needed for the purchase of a vehicle at a special town meeting. Mr. Gay asked that the Town Manager provide the Board with an update when she has additional information.

10. TOWN MANAGER - PROPOSED CHANGES/ADDITIONS TO BOARD MEETING SCHEDULE

Ms. Therrien asked the Board to cancel their regularly scheduled meeting for July 26th due to the fact that she will be absent. She suggested that the Board schedule a public hearing to discuss the proposed food ordinance and to review a warrant for a special town meeting on August 2nd at 6:00 PM at the Machias Town Office. Ms. Therrien added that a special town meeting could then be scheduled on August 9th at 6:00 PM for adoption of the food ordinance.

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

Based on the recommendation of the Town Manager, to cancel the regularly scheduled Board meeting on July 26th, to schedule a public hearing on August 2nd at 6:00 PM, and to schedule a special town meeting on August 9th at 6:00 PM.

11. MOTIONS ON CORPORATE RESOLUTION & AUTHORIZED BANK SIGNERS

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

To authorize the Chairman of the Board of Selectmen (Warren Gay), the Town Manager (Christina Therrien), and the Finance Director (Meghan Dennison) to sign documents on behalf of the Town of Machias (the corporation); and,

- (1) That Bangor Savings Bank, Machias Savings Bank, and Bar Harbor Bank & Trust are designated as depositories for the funds of this corporation
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by these financial institutions
- (3) All transactions, if any, with respect to any deposits, withdrawals, rediscounts, and borrowings by or on behalf of this corporation with these financial institutions prior to the adoption of this resolution are hereby ratified, approved, and confirmed
- (4) Any of the persons named (Chairman of the Board of Selectmen - Warren Gay, the Town Manager - Christina Therrien, and the Finance Director - Meghan Dennison) so long as they act in a representative capacity as agents of this corporation, are authorized to make any and all other contracts, agreements, stipulations, and orders which they may deem advisable for the effective exercise of the powers indicated from time to time with these financial institutions, concerning funds deposited in these financial institutions, moneys borrowed from these financial institutions, or other business transacted by and between this corporation and these financial institutions subject to any restrictions stated
- (5) Any and all prior resolutions by the Board of Selectmen of this corporation and certified to these financial institutions as governing the operation of this corporation's

account(s), are in full force and effect, unless supplemented or modified by this authorization

(6) This corporation agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of this corporation, and authorizes the financial institutions named, at any time, to change this corporation for all checks, drafts, or other or dress for the payment of money, that are drawn on these financial institutions, regardless of by whom or what means the facsimile signature(s) may have been affixed so long as they resemble the facsimile signature specimens that this corporation files with these financial institutions from time to time and contain the retired number of signatures for this purpose.

Any person listed here: Chairman of the Board of Selectmen (Warren Gay), the Town Manager (Christina Therrien), and the Finance Director (Meghan Dennison) is authorized to:

- (1) Exercise all of the powers listed in #2 through #6.
- (2) Open all deposit or checking account(s) in the name of the corporation.
- (3) Endorse checks and orders for the payment of money and withdraws funds on deposit with these financial institutions.
- (4) Borrow money on behalf and in the name of this corporation, sign, exercise, and deliver promissory notes or other evidence of indebtedness.
- (5) Endorse, assign, transfer, mortgage, or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate, or other property now owned or acquired by this corporation as security for sums borrowed, and to discount the same, unconditionally guarantee of all bills received, negotiated, or discounted, and to waive demand, presentation, protest, notice of protest, and notice of non-payment.
- (6) Enter into written lease for the purpose of renting and maintaining a safe deposit box in these financial institutions.

12. TOWN OFFICE - REQUEST TO CHANGE CLOSURE DATE

Ms. Therrien requested that the Board designate that the Machias Town Office will remain open on the date of July 28th and instead would be closed on August 4th due to personnel limitations. She also asked the Board to allow closure of the Machias Town Office on August 9th to give personnel the opportunity to issue property tax bills.

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

To stipulate that the Machias Town Office will remain open to the public on July 28th and be closed on August 4th due to the absence of personnel and again on August 9th for the issuance of property tax bills.

13. WORDING OF FOOD ORDINANCE

Members of the Board suggested some additional wording revisions for the proposed food ordinance. Mr. Rolfe requested that copies of the proposed ordinance be available to

citizens for their review prior to the special town meeting.

On a motion by Josh Rolfe, seconded by Bill Kitchen, the Board voted to adjourn the meeting at 7:20 PM.