

BOARD OF SELECTMEN - TOWN OF MACHIAS

JULY 13, 2016

A regularly scheduled meeting of the Machias Board of Selectmen was called to order at 6:12 PM by Chairman Aubrey Carter. In attendance were Board members Warren Gay, James Whalen, Leslie Haynes, and Josh Rolfe; Town Manager Christina Therrien; Secretary Cathy Lord; Bill Kitchen, Bob Berta, Jonathan McClure.

1. MINUTES - REVIEW AND ACTION

On a motion by Warren Gay, seconded by Josh Rolfe, the Board voted to approve the minutes of the June 22, 2016 Board meeting.

On a motion by Warren Gay, seconded by Leslie Haynes, the Board voted to approve the minutes of the June 29, 2016 Board meeting.

2. WARRANTS - REVIEW AND ACTION

On a motion by Warren Gay, seconded by Josh Rolfe, the Board
VOTED:

To approve municipal warrant #105 in the amount of \$37,129.73; to approve municipal warrant #106 in the amount of \$9,678.75; to approve municipal warrant #1 in the amount of \$24,690.03; to approve municipal warrant #2 in the amount of \$12,925.56; to approve municipal warrant #3 in the amount of \$30,747.18; to approve municipal warrant #4 in the amount of \$12,691.97; and, to approve municipal warrant #5 in the amount of \$183,290.31 .

On a motion by Warren Gay, seconded by Josh Rolfe, the Board
VOTED:

To approve school warrant #2 in the amount of \$242,467.43 .

3. AMERICAN LEGION POST #9 - GAMES OF CHANCE

Ms. Therrien reviewed a request from the American Legion Post #9 asking for permission to operate a game of chance at their facility at 42 Court Street. The Board reviewed the application to be submitted to the State of Maine Department of Public Safety.

On a motion by Warren Gay, seconded by Leslie Haynes, the Board
VOTED:

To grant permission for the American Legion Post #9 to conduct a game of chance called "Mr. & Mrs. Pickle".

4. APPOINTMENT PAPERS FOR MACHIAS PLANNING BOARD MEMBERS

The Board signed appointment papers for Machias Planning Board members Ed Pellon and Arthur McCurdy.

5. SEWER DISCHARGE OF RESPONSIBILITY FOR DEBT COLLECTION

The Board signed a sewer discharge of responsibility on the mobile home owned by Carlene Holmes located at 63 Center Street (Account #586 in the amount of \$675.92). Ms. Therrien noted that the Board had previously addressed a problem with the sewer at this property as requested by the owner of the property and this discharge of responsibility will close the issue.

6. APPOINTMENTS TO THE LEGISLATIVE POLICY COMMITTEE

The Board reviewed a ballot for the Maine Municipal Association's Legislative Policy Committee for District 6. The Board completed the ballot, voting for Lewis Pinkham (Town Manager of Milbridge) and Elaine Abbott (City Manager of Eastport).

7. BALLOT FOR THE MAINE MUNICIPAL EXECUTIVE BOARD

The Board reviewed a ballot for the Maine Municipal Association's annual election for the office of Vice President and for members of the Executive Committee. The Board completed the ballot, voting for Linda Cohen (Councilor for the City of South Portland) as Vice President for a one year term and voting for James Gardner Jr. (Town Manager of Easton), Christine Landes (Town Manager of the Town of Bethel), and Mary Sabins (Town Manager of the Town of Vassalboro) for three year terms.

8. REQUEST TO USE NORMAN NELSON PARK FOR VENDORS

Ms. Therrien advised the Board of a request from Bill Burke asking for use of Norman Nelson Park to locate artists/vendors on the weekend of July 16th & 17th. Ms. Therrien noted that she is concerned that Mr. Burke is making this request at such a late date with no prior notice; she added that her concern would be that of liability for the Town. Ms. Therrien stated that she did not recommend use of the park due to these issues. The Board discussed the request. Mr. Rolfe suggested that the Board could allow use of the park to vendors who are able to provide proof of liability insurance.

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

To allow use of Norman Nelson Park on July 16th & 17th with the stipulation that vendors using the space provide proof of liability insurance to the Machias Town Manager before the date of the event.

Ms. Therrien told the Board that she will advise Mr. Burke of the Board's decision.

9. 2016 CLEAN WATER STATE REVOLVING LOAN FUND AGREEMENT

Ms. Therrien noted that the Town is seeking loan funds from the 2016 Clean Water State Revolving Loan program to fund a portion of the sewer project. She advised the Board that there is a 49.14% loan forgiveness rate on the loan of \$960,000. for the project which includes replacement of the siphon chamber and construction of a pump station (\$466,830. of the loan would be forgiven). Ms. Therrien reviewed the other funding sources of the \$3.2 million dollar sewer project (\$1.0 million from the CDBG program and the balance anticipated to be funded from the Rural Development Program). Mr. Rolfe asked if taking the clean water funds would commit the Town to completing the entire project if something unexpected happens with the other funding sources. Ms. Therrien assured the Board that the Town would not be committed to the total project; she added that if something unforeseen happens with the funding there would need to be a determination as to how to proceed and that the town's consultant, Olver Associates, would provide input.

On a motion by Josh Rolfe, seconded by Warren Gay, the Board

VOTED:

To proceed with signing the 2016 Clean Water State Revolving Loan Fund agreement .

Vote On Motion: 4 votes supporting the motion and 1 vote in opposition to the motion (Mr. Whalen)

On a motion by Josh Rolfe, seconded by Warren Gay, the Board

VOTED:

To authorize the Town Manager to sign the 2016 Clean Water State Revolving Loan Fund agreement.

Vote On Motion: 4 votes supporting the motion and 1 vote in abstention (Mr. Whalen)

REVIEW OF 2016-2017 PROPERTY TAX MIL RATE

The Board reviewed the data that assists the Town in determining the property tax mil rate. It was noted that last year's property tax mil rate was \$20.30 per thousand of evaluation.

On a motion by Warren Gay, seconded by Josh Rolfe, the Board

VOTED:

To set the 2016-2017 property tax mil rate at \$19.75 per thousand of evaluation.

11. REQUEST TO LEASE PROPERTY FOR A CREMATORIUM

Mr. Jonathan McClure advised the members of the Board that he is seeking a lease/purchase agreement for a one acre piece of land belonging to the Town of Machias; he noted that the land is a portion of the Longfellow Cemetery. Mr. McClure noted that

he would like to construct a 30X40 foot building on this site to house a crematorium. He advised the Board that he would like to arrange for the purchase of the one acre parcel over a ten year period paying \$1200. per year for the property. Mr. McClure noted that he wants to have restroom facilities and water going into the building. He asked for the Town's support in his plans to provide this service to the community. Mr. Rolfe asked if there would be anything that neighbors would be concerned about, such as emissions or smell? Mr. McClure explained that there should not be anything that would alarm neighbors. He added that he is currently looking into the purchase of a metal building (dark green or gray in color). Mr. McClure informed the Board that he estimates that the facility would conduct between seventy and eighty cremations per year.

Mr. Carter questioned where the authority to sell the land would come from since it is the Machias Cemetery Association which governs and handles issues pertaining to the town's cemeteries. Ms. Therrien said that she would like to review the cemetery deed at the time the land was given to the Town to look at the right-of-way stipulations in the deed; she said she could also look into questions regarding the authority to enter into an agreement to sell a piece of cemetery land.

Mr. Gay commented that he sees no problem with Mr. McClure's plans. Mr. Haynes noted that this service would provide a convenience and ease of mind to local families in a time of great emotional upheaval. Mr. Rolfe noted that Mr. McClure would be providing a service to the public. In answer to a question from Mr. Whalen as to providing a viewing room at the facility, Mr. McClure said that he would consider this suggestion. Mr. Carter asked that Mr. McClure discuss his plans with the members of the cemetery association and, in the meantime, the Town Manager will review the cemetery deed to see if the Board of Selection or the Machias Cemetery Association have the authority to enter into an agreement to sell the land.

Mr. Gay congratulated Mr. McClure on the job volunteer groups are doing maintaining the town's cemeteries.

12. TOWN MANAGER'S REPORT

A. Ms. Therrien informed the Board that one of the town's flags came loose and damaged the back window of a vehicle parked at a local store; she noted that the car's owner will be bringing in a bill for the damage. Mr. Rolfe commented that if this is a problem the Town may want to look into a more secure method to display the flags. After a short discussion of making arrangements to pay for the damage, Mr. Carter directed that the Town Manager use her discretion in paying the bill.

B. Ms. Therrien said that she had been notified that the Town of Northfield held their annual town meeting and passed an article to have the Town of Machias complete registrations. Ms. Therrien advised the Board that she and Ms. Clifton have met with a representative of the Town of Northfield to review the services; she noted that the Town of Northfield wants to move forward with having Machias provide this service to its citizens as soon as possible. Ms. Therrien noted that she will draft an inter-local agreement to be signed by both boards. The Board discussed providing compensation to Machias town office personnel for the additional work. Ms. Therrien advised the Board that there are also additional employee costs which would have to be allocated from the

additional income. Ms. Therrien noted that she estimates that three to five registrations per week will be completed for Northfield residents. Mr. Whalen asked if providing this service would create any liability to Machias and Ms. Therrien commented that there will be no liability issues. Mr. Carter pointed out that the Board had agreed to provide this service with the understanding that there will be a one year experimental period and at the end of the first year the Board of Selectmen will assess the first year and consider entering into an extended agreement to provide registration services to Northfield based on the year's trial period.

C. Ms. Therrien advised the Board that she has placed ads requesting bid proposals for replacement of the roof and the HVAC system at the Machias Tele-business Center.

D. Ms. Therrien noted that the members of the Board have been provided copies of the following for their review: an invitation to attend the ground breaking ceremony for the Downeast Community Hospital's emergency department expansion project on July 20th at 4:00 PM, a notice of proposed routine program changes to the Maine Coastal program, a letter from Maine Municipal Association on proposals to consider submitting to the Maine legislature in 2017/2016 issues survey, Machias School Committee agenda for their next meeting, and a notice of a special meeting of the shareholders of the Machias Water Company on August 3rd at 10:30 AM.

E. Ms. Therrien advised the Board that she reviewed the new flood plain maps with the members of the Machias Planning Board at their July meeting. Ms. Therrien noted that an ad was placed in local newspapers advising citizens of the new maps inviting anyone to come to the Machias Town Office to review the maps.

F. Ms. Therrien explained to the Board that Davis Estates (dba Dolley Enterprises) has requested that the Board of Selectmen approve an easement giving the Town the right to maintain the grading/sloping of Stackpole Road.

On motion by Josh Rolfe, seconded by Warren Gay, the Board

VOTED:

To accept an easement from Dolley Enterprises giving the Town of Machias the right to maintain the industrial park road.

G. Ms. Therrien noted that Davis Estates is asking for removal of a property deed covenant requiring on-site construction within a twelve month period after purchase. Ms. Therrien explained that HUD prefers not to have this covenant in the deed since the facility receives HUD funding. Mr. Carter commented that the Town would need a legal opinion from its attorney as to the legality of removing a deed covenant; it was noted that even though Davis Estates has met the twelve month construction stipulation that a legal opinion is still necessary to change the deed.

H. The Board reviewed a liquor license renewal submitted by the owner of Skywalker's Bar & Grill. Mr. Carter reviewed the amounts documented on the application for food and liquor (food=\$205,000./liquor=\$220,000.).

On a motion by Josh Rolfe, seconded by Warren Gay, the Board

VOTED:

To approve a liquor license renewal application submitted for Skywalker's Bar & Grill.

On a motion by Josh Rolfe, seconded by Warren Gay, the Board voted to adjourn the meeting at 7:37 PM.