

BOARD OF SELECTMEN - TOWN OF MACHIAS

NOVEMBER 9, 2016

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, James Whalen, Leslie Haynes, and Josh Rolfe; Town Manager Christina Therrien; Secretary Cathy Lord; Nate Pennell, Andrew Mulholland, Bob Berta, Cat Cannon.

1. MINUTES - REVIEW AND ACTION

On a motion by Josh Rolfe, seconded by Leslie Haynes, the Board voted to approve the minutes of the October 26, 2016 Board meeting

2. WARRANTS - REVIEW AND ACTION

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

VOTED:

To approve municipal warrant #38 in the amount of \$10,548.34; to approve municipal warrant #39 in the amount of \$324,302.21; to approve municipal warrant #40 in the amount of \$14,634.63; and, to approve municipal warrant #41 in the amount of \$230,006.29 .

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

VOTED:

To approve school warrant #20 in the amount of \$210,350.98 .

3. SEWER ABATEMENT/SOLID WASTE CONTRACT

Ms. Therrien informed the members of the Board that the Board had previously discussed abating sewer charges for Pro Tech Motors at 98 Dublin Street (Account #55). She noted that the abated charges are for 7/22/15, 4/14/15, 1/14/15, and 7/11/14 in the total amount of \$84.06 .

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

VOTED:

To abate the amount of \$84.06 in sewer charges on Account #55 (Pro Tech Motors located at 98 Dublin Street) for the dates 7/11/14, 1/14/15, 4/14/25, and 7/22/15.

Ms. Therrien advised the Board that Townships #24, #29, #30, and Day Block Township have returned their signed solid waste contracts for the Board's signatures. The Board of Selectmen signed the contracts.

4. BOUNDARY LINE DISCUSSION

Mr. Carter explained that by law Machias must establish its boundary line and pay half of the cost of determining the boundary line with Whitneyville. He commented that the amount quoted by a surveyor at the Board's October 12th meeting appeared to be excessive and he recommended that the Board go out to bid for proposals on the boundary line determination. Mr. Carter pointed out that the Town Manager can develop specifications for the project. Mr. Rolfe commented that Machias only has to establish two points of the boundary line and that property owners may have to have their own land surveyed. Mr. Andrew Mulholland commented that he was glad that the Board was putting this work out to bid; he noted that the scope of the project should be easily accomplished by flagging the line south of Route #1 to the Roque Bluffs town line which is approximately two miles. Mr. Mulholland noted that if the Board wants the line to be blazed the blazing could be bid separately for the most competitive estimate. The members of the Board addressed how to deal with the establishment of the boundary line. During the discussion, Mr. Carter noted that the project would be put out to bid as soon as possible after tonight's meeting. Mr. Whalen questioned how the woodcutter who cut wood on someone else's property was not responsible for knowing where the property lines were located; Mr. Mulholland pointed out that there is a seven year statute of limitations on timber trespass.

5. DOWNTOWN ANTIQUE LIGHTING REPLACEMENT

Ms. Therrien explained that last winter there was an issue with the antique lights in the downtown area since the lights were not up to code. She noted that she had Dave's Electric look at the lights and this contractor quoted \$5122.69 to do the necessary work to bring the lighting up to code. Ms. Therrien added that \$2015. of that amount will be rebated from the State for a total cost to the Town of \$3097.69 . Ms. Therrien reviewed a data sheet on the TIF with Machias Savings Bank and explained that funding for the Main Street lighting project can be allocated from this account. Mr. Whalen questioned why the town manager utilized this electrical contractor for the work; Ms. Therrien explained that this electrician had previously worked on the downtown lights and was familiar with them, he is a local electrician, and he assured her that the work on the lights would be completed before Christmas.

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

VOTED:

Based on the town manager's recommendation, to contract with Dave's Electric to update the antique lighting on Main Street in the amount of \$3097.69 with funding for the project to be allocated from TIF funds.

6. ELECTION BALLOT FOR MUNICIPAL REVIEW COMMITTEE

The Board reviewed the election ballot for the Municipal Review Committee with the Town Manager. Ms. Therrien reviewed the candidates and noted that two of the candidates had reached out by letter and e-mail to ask for support and she recommended that the Board vote for Tony Smith and Irene Belanger. Mr. Rolfe deferred to the Town Manager to complete the ballot.

On a motion by James Whalen, seconded by Warren Gay, the Board

VOTED:

To authorize the Town Manager to complete the election ballot for the Municipal Review Committee and return it after completion.

7. FLOOD MAP CHANGES - LAST CHANCE TO APPEAL

Ms. Therrien reminded the Board of the significant changes the federal government is making to the local flood plain maps; she noted that along with these designation changes will come increased flood insurance rates and the possibility that buildings may not be rebuilt in the designated flood zone. Ms. Therrien recommended that the Board of Selectmen may want to hire a consultant who could complete a preliminary objection to the proposed changes. She warned the Board that if an objection is not filed the Town and its property owners will have to abide by these changes. Ms. Therrien noted that the cost to file an objection would be approximately \$2500. The Town Manager noted that Judy East has tried to file an objection but had been advised that she is not a municipality and cannot appeal the flood map changes. Mr. Rolfe commented that local property owners do not grasp the seriousness of the impact of the flood map changes. Ms. Therrien warned that if the changes are allowed to stand that Machias will have to abide by the changes and have no right to appeal

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

VOTED:

To appeal the flood map changes with the funds for the appeal to be allocated from the contingency account.

Vote On Motion: 4 votes supporting the motion; 1 vote opposing the motion (Mr. Whalen)

8. FEDERAL WAGE CHANGE EFFECTIVE 12/1/16

Ms. Therrien advised the Board that the federal salary and wage division has made changes to overtime pay. She noted that the Town has one position affected by the new guidelines, that of the Public Works Director. Ms. Therrien recommended establishing a minimum salary for the position. Mr. Carter commented that the big question is where the funds to cover the increased salary would come from. He pointed out that the Board could continue to pay overtime for the remainder of this fiscal year and consider establishing a minimum salary during budget discussions in the spring. Ms. Therrien pointed out that either way the Town will have to pay the employee for the actual time he works. Mr. Gay added that the Board will have to find the money in the budget somewhere to continue to pay the overtime.

9. ESTABLISHING MAXIMUM PARKING IN MUNICIPAL LOTS

Ms. Therrien advised the Board that the Public Works Director has expressed concern with the number of vehicles being left in public parking areas which could impede the

plowing of snow this winter. Ms. Therrien recommended that the Board establish a maximum number of hours for parking in municipal parking lots and put up signs advising of these parking limits. Mr. Carter commented that the driving factor seems to clearing parking lots of snow in the winter. Mr. Gay suggested putting up signs warning citizens that vehicles need to be moved the day after a storm or vehicles will be towed. Mr. Berta said that the Town Manager could talk to him and to other people who park their vehicles in public parking areas asking them to remove the vehicles so snow plowing can be done. Mr. Carter suggested that the Board talk directly with the Public Works Director and ask him to attend the Board's next meeting for a discussion.

10. MORATORIUM ON MARIJUANA - DISCUSSION

The Board briefly discussed the concept of establishing a moratorium on marijuana sales. Members of the Board commented that there was no big hurry to initiate a moratorium but rather wait to see how the issue progresses statewide.

On a motion by Warren Gay, seconded by James Whalen, the Board

VOTED:

To table a moratorium on marijuana sales at the present time.

Vote On Motion: 4 votes supporting the motion; 1 vote opposing the motion (Mr. Rolfe)

11. LETTER ON CODE VIOLATION - 18 CHARLES STREET

Ms. Therrien advised the Board that the Code Enforcement Officer has sent a letter advising of a code violation to the owner of property located at 18 Charles Street (11/3/16 letter). The members of the Board reviewed the letter.

12. TOWN-ACQUIRED PROPERTIES - NON-PAYMENT OF SEWER CHARGES

Ms. Therrien reviewed the status of town-acquired properties due to non-payment of sewer charges. She informed the Board that as of 11/1/16 charges for 12 Cooper Street have not been paid by a mortgage company as was promised; that outstanding charges for 24 Broadway were paid in full by 11/1/16 as promised (the Town is issuing a quit claim deed on the property); and, that there is an on-going payment agreement for 7 School Street. She informed the Board that there are four other properties remaining: 38 Water Street, 7 Free Street, 105 Dublin Street, and 22 Gardner Avenue. Ms. Therrien recommended that the Board wait until 12/1/16 to take action on the 22 Gardner Avenue property until the owner has relocated and removed their personal property from the house. She noted that the houses at 38 Water Street and 12 Cooper Street are unoccupied but that the houses at 7 Free Street and 105 Dublin Street will be sold with renters occupying the houses.

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

VOTED:

To advertise properties located at 38 Water Street, 12 Cooper Street, 7 Free Street, and 105 Dublin Street for sale to the highest bidder with minimum bids on each of the properties covering the outstanding taxes, fees, interest, plus costs owed on each said property.

13. DEP INSPECTION OF WASTEWATER TREATMENT PLANT

Ms. Therrien informed the Board that she met with the DEP, Department of Marine Resources, and Olver Associates regarding a recent inspection of the wastewater treatment plant. She noted that no violations were reported and that there is no corrective action order or recommendation.

Ms. Therrien advised the Board that the Town should get CDBG funding this year (one of only four municipalities to received funding) for the sewer project. She noted that the pump station and siphon chamber was left out of the project but that the piping project will be completed on the other side of town.

Ms. Therrien advised the Board that the DEP is looking at lowering the consent decree imposed on the Town since the Town is showing progress on addressing sewer issues. The Board approved proceeding on the sewer line work.

14. TOWN MANAGER'S REPORT

A. Ms. Therrien noted the following projects which are on-going at the airport: the beacon/wind sock project, bush hogging, cutting trees, work on the airport building, the topping of trees.

B. Ms. Therrien noted that the roofing project at the telebusiness center is proceeding.

C. Ms. Therrien notified the Board that the paving project for town roads and streets is almost finished. She noted that there were forty-four extra tons needed to complete a portion of Davis Road, portions of the walkway at the telebusiness center, and Elliot Street (required eight ton to complete).

D. Ms. Therrien noted the donation of a vacuum cleaner from Steve Davis for the airport building.

E. Ms. Therrien advised the Board that she will provide them with a copy of the MDOT paving projects for the upcoming year.

F. Ms. Therrien told the Board that two new computers are needed in the town office (Finance Director and Tax Assessor) which were budgeted in this year's municipal budget. She also advised the Board that a new photocopier is needed for the Town Office and she noted that she will develop specifications to go out for bid for a new copier.

G. Ms. Therrien discussed the purchase of a new backhoe for the Public Works Department. Mr. Gay commented that the current backhoe is very old and is costing the Town money for repairs. Mr. Rolfe pointed out that the backhoe is a 2002 and is

fourteen years old. Ms. Therrien advised that the Public Works Director has checked on prices for a new backhoe - a new backhoe will cost \$74,000. (\$16,500. per year on a lease/purchase agreement for five years) with the trade-in of \$20,000. for the old backhoe and \$11,000. for the skidsteer.

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

VOTED:

To go out to bid for a new backhoe on a lease/purchase agreement with the trade-in of the old backhoe and the skid steer.

H. Mr. Gay reported on culverts located on Drisco Street.

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

VOTED:

To donate \$50.00 to Arise Ministries in memory of Mr. Gay's daughter.

J. Ms. Therrien gave a brief update on the new fire department building which will house the ladder truck.

On a motion by Warren Gay, seconded by Leslie Haynes, the Board voted to adjourn the meeting at 7:22 PM.