

BOARD OF SELECTPEOPLE - TOWN OF MACHIAS

APRIL 24, 2019

A meeting of the Machias Board of Selectpeople was called to order at 6:00 PM by Chairman Josh Rolfe. In attendance were Board members Paula Johnson-Rolfe, Bill Kitchen, and James Whalen; Town Manager Christina Therrien; Secretary Cathy Lord; David Clark, Mary Angarola, Bruce Smith, Peter Jackson, Sarah Dedmon, Ed Pellon, Dale Lambert, Gillian Gaddis, David Finley, Alex Finley.

1. MINUTES - REVIEW AND ACTION

On a motion by Paula Johnson-Rolfe, seconded by Bill Kitchen, the Board voted to approve the minutes of the April 10, 2019 Board meeting with the following additional information under Item #11A: (note that the underlined portion is the additional information)

“Mr. Whalen asked about the attorney billing for legal work on a court case. Ms. Therrien noted that the judge awarded the decision to the Town and she read aloud the letter from the Town’s attorney advising of the decision. Mr. Whalen observed that the legal proceeding took two years and cost the Town \$10,000. in legal costs. Mr. Whalen recommended that if there is an appeal of the judge’s decision that any further action by the Town needs to be discussed by the Board of Selectmen. Mr. Whalen asked that the Board contemplate what steps need to be taken if there is an appeal of the judgement.”

2. WARRANTS - REVIEW AND ACTION

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

To approve municipal warrant #84 in the amount of \$11,305.53; to approve municipal warrant #85 in the amount of \$94,845.70; to approve municipal warrant #86 in the amount of \$18,804.92; and, to approve municipal warrant #87 in the amount of \$476,020.27 .

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

To approve school warrant #43 in the amount of \$227,470.81 .

3. SPEEDING ON ELM STREET - LETTER FROM CITIZEN

Mr. Dale Lambert discussed concerns with the Board he has regarding vehicles speeding on Elm Street. Mr. Lambert told the Board that he reported problems with speeding on Elm Street five years ago; he explained that the speeding problem continues to exist and he requested that the Board of Selectmen discuss with the police department efforts to enforce the speed limits and write speeding tickets for violators. Mr. Lambert said that

the speed limit is not being enforced; he noted that this speeding is creating major safety concerns. He commented that the real issue is safety and that residents are greatly concerned. Mr. Lambert suggested placement of speed monitoring equipment to show drivers what their actual speed is; he noted that he is fearful of public safety. Mr. Rolfe said that the Board can ask the Town Manager to direct the Police Chief to monitor the situation on Elm Street. Mr. Kitchen pointed out that there is another comparable speeding problem area currently being addressed by the police department in answer to citizen concerns. Mr. Rolfe suggested that the Town can utilize placement of the speed monitoring trailer. Ms. Therrien added that the trailer could be set up to collect initial data and compare data to results after increased monitoring by the police department. Ms. Therrien advised the Board that she has previously requested that the MDOT place speed bumps on Elm Street but noted that the DOT is unwilling to do this. Mr. Rolfe asked the Town Manager to notify the Police Chief of the legitimate complaints brought to the Board and request that the police department step up vehicle speed monitoring efforts on Elm Street. Mr. Kitchen added that the Board is requesting that the speed monitoring trailer be set up to allow collection of speed data. Ms. Johnson-Rolfe said that she recommends placement of the monitoring equipment to collect needed data and she supported requesting that the Town Manager discuss citizen concerns with the Police Chief.

4. REQUEST FOR SEWER ABATEMENT - DUBLIN STREET TRAILER PARK

Ms. Therrien advised the members of the Board that the new owner of the Dublin Street trailer park has been addressing issues of compliance that were on-going with the previous owner; she noted that the new owner has installed new piping to address problems. Ms. Therrien explained that the Board has a letter from the owner of the trailer park, Manford Durkee, explaining a problem with a broken water pipe under one of the mobile homes sitting in the park and asking for an abatement of sewer fees for the current quarter since the problem has now been addressed. Ms. Therrien noted that an elderly resident of the mobile home did not notice the problem and that the Public Works Director had verified the problem of water leaking under the trailer. Ms. Therrien advised the Board that she looked at the previous sewer billing history/consumption rates of the trailer park and averaged the use (\$738.50 for 7 mobile homes per quarter = average of \$105.50 per mobile home per billing quarter). Mr. Rolfe observed that the Board sees this problem reoccurring over and over at this site and the Board has had to deal with several requests for abatement of sewer bills. Ms. Therrien said that she has discussed these issues with the new property owner and notified him of the need for him to be vigilant of possible problems and correction of problems as soon as possible.

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

To approve the sewer abatement for one mobile home located in the Dublin Street trailer park as recommended by the Town Manager.

5. REQUEST FOR SPEED SIGNS AND POLICE PATROLS ON HARWOOD & GROVE STREETS

Ms. Therrien called the Board's attention to a letter received from Jennifer Garguilo who resides at 18 Harwood Street in which Ms. Garguilo expresses concern regarding speeding vehicles on both Harwood Street and Grove Street, the need for road signage on Harwood Street, and the littering problem on Dublin Street. The Board reviewed the letter. Mr. Kitchen commented that since he is a resident of this area of town he definitely sees the concerns that Ms. Garguilo describes in her letter to the Board, especially in light of the increasing use of the recreation area at this time of year. Ms. Therrien suggested placement of temporary moveable speed bumps to slow traffic in this area and she suggested that the Town purchase two speed bumps to use where needed in Town. The Board discussed the need to slow traffic down in the vicinity of the recreation area on Grove Street and problems caused by people parking in the area across from the recreation courts on Grove Street; Mr. Kitchen suggested placement of a sign "No Parking After Dark" in the parking area. Ms. Therrien noted that even though the parking area is owned by the State there is an agreement that the area is maintained by the Town. The Board discussed addressing the problems and discussed funding to purchase the speed bumps and signs. Ms. Therrien noted that the speed bumps are \$250-\$300. apiece and the signs are \$35-\$40 each.

On a motion by James Whalen, seconded by Bill Kitchen, the Board
VOTED:

To authorize the Town Manager to purchase two moveable speed bumps, a No Parking sign, and a handicapped sign with funding from the contingency account in an amount not to exceed \$1000. 00 along with the police department stepping up patrols in the areas of Harwood and Grove Streets.

Mr. Rolfe brought up the idea of a "community free day" at the transfer station. Ms. Therrien shared some concerns she has on a "free day". Mr. Rolfe asked that this item be placed on the Board's next agenda for discussion. He also asked that the Town Manager share Ms. Garguilo's concerns with the Police Chief in a letter/memo.

6. MEDICAL MARIJUANA RETAIL LICENSE - LAKE SMOKE FARMS LLC

Mr. Rolfe advised the Board that the Planning Board has performed their review of the medical marijuana retail license submitted by Lake Shore Farms LLC and forwarded the application to the Board of Selectmen for action. He noted that the application is complete. Ms. Therrien asked if Lake Smoke Farms is selling food products and Ms. Gillian Gaddis representing Lake Smoke Farms confirmed this was true. Ms. Therrien questioned if a medical marijuana business is also manufacturing products if another type of business license is also needed. Ms. Therrien reviewed the town's ordinance for guidance and then she looked at the state's definition of edibles/manufacturing. Mr. Rolfe noted that the Town probably needs to establish its own definition. Ms. Johnson-Rolfe noted the need to clearly identify what manufacturing entails in the town's ordinance. Mr.

Kitchen added that in the interim an applicant does not require a manufacturing license until the Town defines what manufacturing entails under the Town's ordinance. Mr. Rolfe noted that it is the Board's opinion that the manufacturing portion of the Town's ordinance needs to be clarified. It was the consensus of the Board to hold a workshop on Monday May 13th at 6:00 PM at the telecommunications center to discuss modifications to the municipal medical marijuana ordinance and to also discuss an marijuana adult use ordinance.

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

To approve a medical marijuana retail business license for Lake Smoke Farms LLC.

7. MEDICAL MARIJUANA RETAIL LICENSE - INDIAN TRAIL FARMS LLC

Mr. Rolfe advised the Board that the Planning Board has completed their review of a medical marijuana business license application submitted by Indian Trail Farms LLC and has forwarded the application to the Board of Selectmen for review and action. Ms. Therrien noted that this application was backdated to April as the Board had previously agreed to do since the business had inadvertently missed the submission deadline.

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

To approve a medical marijuana retail business license for Indian Trail Farms LLC.

Mr. Kitchen welcomed the two businesses to Machias noting that the businesses are providing jobs and participating in the community.

8. LETTER FROM MACHIAS SAVINGS BANK - AIRPORT DONATION

Ms. Therrien called the Board's attention to a letter from Machias Savings Bank outlining the bank's donation of \$10,000. towards Machias Valley Airport improvements (five year pledge of \$50,000.). Ms. Therrien noted that contributions will offset the town's airport loan. She noted that she had the opportunity to discuss the request with a representative of Machias Savings Bank when she had the opportunity and she added that she will be speaking to representatives of other businesses in Machias. Mr. Kitchen commented that this is the first of a continuing effort to solicit contributions to support improvements at the airport. Mr. Rolfe suggested some type of public notification of this donation and some type of recognition program for all donations. The Town Manager and the members of the Board discussed ways to recognize donors.

9. ANNUAL TOWN REPORT LETTER FROM THE BOARD OF SELECTMEN

Ms. Therrien reminded the members of the Board that they usually include a letter in the annual town report. Mr. Rolfe and Mr. Kitchen said that they would work on a draft to review with the other Board members.

10. GOALS, OBJECTIVES, AND TOWN MANAGER REVIEW

Mr. Rolfe noted that this item continues to be tabled since it is an on-going process.

11. VIOLATION OF MUNICIPAL MEDICAL MARIJUANA ORDINANCE

The Board discussed a violation of the municipal medical marijuana ordinance by a storefront located on Main Street that is selling medical marijuana without a business license as required under the ordinance. Ms. Therrien reported to the Board that she has notified the municipal code enforcement officer of the violation. It was the consensus of the Board of Selectmen that the Town take whatever action is necessary to stop the violation even as far as obtaining a court order demanding that the business cease and desist from operation without a business license.

12. OTHER BUSINESS

A. Ms. Therrien called the Board's attention to a letter received from Cherryfield Foods terminating the agreement to purchase the telebusiness center. Ms. Therrien summarized that the company found that the costs to comply with regulatory compliance for residential use of the building would exceed the anticipated budget for the project and therefore decided to terminate the agreement and request that the \$1000. deposit be returned. The members of the Board discussed the termination of the contract; members of the Board requested that other previously interested parties should be advised of the availability of the building. Mr. Rolfe pointed out that costs to maintain the building will need to be added back into next year's municipal budget. Mr. Whalen commented that continuing to own the building requires more effort at managing the property than the Town realizes in profit from rental leases. Ms. Therrien added that she has reached out to the State on the availability of the building.

B. The Board reviewed the Certificate of Commitment of Sewer User Rates for Board action.

On a motion by Paula Johnson-Rolfe, seconded by James Whalan, the Board

VOTED:

To approve the Certifications of Commitment of Sewer User Rates in the amount of \$1,780.40 and in the amount of \$126,510.30 for the period beginning 1/1/19 and ending 3/31/19.

C. Ms. Therrien noted that she had looked into the use of the boxcar as requested by Mr. Pellon and found that future plans are to eventually use the boxcar as a railroad museum. The Board thanked the Town Manager for looking into this.

D. Ms. Therrien updated the Board on progress with the recreation area grant. Ms. Therrien reported that the application was not submitted to the national parks bureau because the State found property line discrepancies on the property survey completed in the 1970s and she also advised the Board that new criteria was discussed to establish that

the property would be kept in perpetuity as a recreation area by the Town. Ms. Therrien explained that the State representative advised her that they would look at the application again in two years and that the funding for the project would still be available. Ms. Therrien commented that the application phase has been very frustrating; she noted that the Town has done everything asked of it during the application phase. Ms. Therrien told the Board that she is still pursuing award of the grant funds and hoping for an answer on an appeal on the award of the funds within the next two weeks. She told the Board that the Town could use the funding it has put aside and complete as much of the work to the site as possible. Mr. Whalen commented that it appears that even though Machias has followed the application process that the State is reluctant to disperse the project funds. The Board discussed how to proceed and decided to hold off on the project in anticipation of a response from the State on the project funds.

E. Ms. Therrien advised the Board of a request from Machias Savings Bank asking that the Town locate two crosswalks with flashing lights with push buttons in front of its proposed new office building on Main Street. Ms. Therrien and members of the Board reviewed a site plan showing the placement area. Ms. Therrien explained that the MDOT approves of the plans due to safety concerns for pedestrians walking from the parking area across to the office building. The Board and the audience discussed the request. Mr. Kitchen questioned who would be paying for the lights. Mr. Rolfe noted that the Board would like to see what the lights would look like. Mr. Whalen recommended looking at the entire Main Street for crosswalk needs. Mr. Kitchen said that he prefers to see what the entire area would look like with the lights. Ms. Johnson-Rolfe commented that she sees why there are safety concerns for pedestrians and addressing these concerns is worth discussing since everyone is trying to avoid the possibility of future problems. After considerable discussion by the members of the Board, Mr. Rolfe observed that the members of the Board have numerous questions and concerns over the placement of the crosswalks, appearance of the lights, maintenance costs, and other questions. Ms. Therrien said that she would contact the MDOT and ask that a representative of Machias Savings Bank meet with the Board at their next scheduled meeting to discuss the request.

On a motion by Paula Johnson-Rolfe, seconded by James Whalen, the Board voted to adjourn the meeting at 7:50 PM.