

BOARD OF SELECTMEN - TOWN OF MACHIAS

SEPTEMBER 13, 2017

PUBLIC HEARING 6:00 PM

CONSIDERATION OF A VENDING LICENSE FOR TOWN OF MACHIAS

Chairman of the Board of Selectmen Warren Gay explained that the purpose of this public hearing is to listen to public comment regarding the adoption of a vending license for the Town of Machias. Mr. Gay opened up the floor for comments and questions. Mr. John LeClair offered his impressions of the vending license. His comments included that it is not a good idea to make people pay to use the Dike area to sell items, the vendors who sell on the Dike bring people into town, he has directed people to other places of business in Machias. and he does not agree with the need for a license. Mr. LeClair also questioned the number of spots allowed for vendors on the Dike.

Ms. Carole Harmon introduced herself and explained that she sells jewelry on the Dike. She said that she can't afford to own her own shop and the Dike provides a place to sell her jewelry, out-of-state people love to shop on the Dike, there are some problems such as people fighting on the Dike, and if a vendor's license is required it would be nice to have portable toilets for use. Ms. Harmon expressed concern that there are some vendors who leave behind a large amount of trash for the Town to deal with.

Mr. Gay explained that the main concerns are the garbage pick-up on the Dike, the Town has to keep the Dike clean which costs money, and there is no policing of what is sold on the Dike.

There was an extensive discussion of the pros and cons of a vending license from attendees. Ms. Therrien explained that the Town would charge a minimal fee, there is no plan to keep people from using the Dike, in-town business owners are concerned that sellers on the Dike pay no taxes in Machias and are not contributing to the tax base, and business owners must pay for their own garbage removal. She noted that there is a need for a healthy balance without penalizing people using the Dike.

Mr. Rolfe noted that this public hearing was set up to hear resident's comments. He explained that Machias is not thinking about instituting a vending license simply to make money but to alleviate a problem. Mr. Rolfe pointed out that vendors argue about the spots on the Dike and might not like needing permission to set up in Machias. Ms. Therrien suggested that creating a reasonable rate for vendors would be a consideration. The group discussed regulating vendors on public versus private property. Ms. Johnson-Rolfe commented that she thought this ordinance should be limited to governing public property. Mr. Rolfe pointed out that the Dike is state property and therefore is considered public property and could be regulated under the ordinance. There was a question of vendors needing a license who sell in the local farmer's market. Ms. Therrien explained that the farmer's market governs itself and is made up of agricultural businesses.

Ms. Virginia Brown commented that business owners in Machias agree with the need to license the vendors; she suggested that vendors could consider developing a flea market

at the fairgrounds; and, she expressed concern about pedestrians traversing the Dike area creating problems between pedestrians and traffic. Mr. Rolfe noted that a vendor's license will not fix a traffic problem.

Mr. Gay pointed out that the Town does not know what is being sold on the Dike and there is a concern regarding what things are being sold on the Dike. He noted that sales tax is not being charged by most of the vendors.

The group discussed development of some sort of system of vending spots on the Dike. Ms. Therrien cautioned that something would have to be done about monitoring these spots. Mr. Rolfe commented that enforcement of licenses and spots is a "whole other thing to consider". Ms. Therrien said that the police would have to ask to see a vendor's permit and the Board of Selectmen would need to develop a fine system for violators. Ms. Johnson-Rolfe pointed out that property owners should be able to use their own property for yard sales at any time; she pointed out that a vendor's permit would be targeting vendors on the Dike. Ms. Johnson-Rolfe added that the Town should not be over-regulating businesses on private property. Mr. Rolfe agreed that in no way should the Town regulate private property but that the Dike is a "completely different matter". He noted that it was this private property versus public property argument that de-railed discussion of this concept the last time the subject was debated.

Mr. Kitchen commented that he sees benefits to vendors needing to have a permit to sell in Machias and to know "who is doing what". He said that he sees that the Town simply wants to know what people are selling. Ms. Therrien added that the amount of the permit fee is important since the fee should cover the costs of regulating and garage costs.

Ms. Therrien suggested holding a second public hearing to re-evaluate all the comments and to review how best to proceed. The Board agreed to hold a second public hearing at the Board's next regularly scheduled meeting at 6:00 PM. Mr. Rolfe noted that this second hearing would allow any additional comments to be heard.

The public hearing was closed at 6:45 PM.

A regularly scheduled meeting of the Machias Board of Selectmen was called to order at 6:45 PM by Chairman Warren Gay. In attendance were Board members Josh Rolfe, Bill Kitchen, Leslie Haynes, and Paula Johnson-Rolfe; Town Manager Christina Therrien; Secretary Cathy Lord; Town Clerk Sandra Clifton; Fire Chief Joey Dennison; Bob Whitman, Donald Cole, Sharon Mack, Danny Bowker, Virginia Brown, David Clark, Mary Angarola.

1. BOARD MINUTES - REVIEW AND ACTION

On a motion by Josh Rolfe, seconded by Leslie Haynes, the Board voted to approve the minutes of the August 23, 2017 Board meeting as presented.

2. MUNICIPAL AND SCHOOL WARRANTS - REVIEW AND ACTION

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

VOTED:

To approve municipal warrant #17 in the amount of \$18,404.46; to approve municipal warrant #18 in the amount of \$167,758.47; to approve municipal warrant #19 in the amount of \$14,389.59; and, to approve municipal warrant #20 in the amount of \$25,317.29 .

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

VOTED:

To approve school warrant #8 in the amount of \$187,912.52 .

3. SOLID WASTE AGREEMENT FOR UNORGANIZED TERRITORIES

Ms. Therrien noted that a signed solid waste agreement with the Washington County unorganized territories (Township 24, 29, 30, and Day Block Township) has been returned for the Board's signatures. The members of the Board signed the agreement.

4. CHAMBER OF COMMERCE WINE TASTING EVENT

Bay Area Chamber of Commerce Director Sharon Mack explained that the Chamber wants to hold a special wine tasting event on September 23rd with the Board's permission.

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

VOTED:

To grant permission for the Bay Area Chamber of Commerce to hold a wine tasting event on September 23, 2017.

5. CHAMBER OF COMMERCE - DISCUSSION OF DONATION OF SKATING RINK

Ms. Mack advised the Board that the Chamber would like to donate the ice skating rink and benches to the Town. She suggested that the rink could be set up at the tennis court area during the winter. Ms. Therrien explained that this would not be a good site to locate a rink; she added that the Town does not have the ability to either maintain or set-up a skating rink and that the Town does not have the personnel to assign to monitor the use or maintenance of a skating rink. Ms. Mack said that the Chamber does not care where the rink is set up. Mr. Rolfe suggested that users should help to maintain the rink. Ms. Therrien noted that the Public Works Director suggests that Ms. Mack talk with personnel from Maine Wild Blueberry for permission to set up the rink on property they own. Ms. Mack noted that the Town can insure the rink at no additional cost on its liability insurance. Members of the Board agreed to add the rink to the Town's insurance at the appropriate time. Ms. Mack said that she would search for volunteers and come back to the Board with a plan based on recommendations and the results of tonight's discussion.

6. FUEL OIL BID OPENING

Members of the Board opened the bids received in response to the request for bids for winter fuel oil.

Bids:

R.H. Foster \$1.80/gallon rack price \$0.025/gallon differential \$2.05/gallon delivered
Fraser Energy Solutions \$1.7213/gallon rack price \$0.03/gallon differential
\$1.7513/gallon delivered Dead River \$1.8037/gallon rack price \$0.0950/gallon
differential \$1.8987/gallon delivered

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

VOTED: To award the bid for winter fuel oil to Fraser Energy Solutions at the delivered price of \$1.7513 per gallon delivered.

7. TOWN OF MARSHFIELD - DISCUSSION OF FIRE DEPARTMENT COLLABORATION

Marshfield Fire Chief Danny Bowker and Marshfield Selectman Bobby Whitman discussed with the Board the idea of forming a combined collaborative fire department. Mr. Bowker stated that it makes sense to join the two departments together since both organizations share most of the same members. He noted that Marshfield wants to explore options of consolidation between the two departments and examine what is best for both departments. Mr. Bowker stated that the Marshfield Fire Department has a lot to offer Machias and he said that the two departments would be better off operating as a combined unit. He pointed out that both Marshfield and Machias are paying worker's compensation costs twice on members of each department.

Mr. Whitman explained that Marshfield is looking at the option of Machias taking on Marshfield as a contract town for fire prevention services and looking at the option of consolidating the use of equipment. Machias Fire Chief Joey Dennison advised the Board that Machias would need the Marshfield fire equipment in order to provide fire coverage to Marshfield. Mr. Whitman told the Board that Marshfield currently budgets \$21,000. in its municipal budget for fire protection. Mr. Bowker said that he could see an approximate \$5000. increase to the Machias Fire Department budget due to this change. Ms. Therrien pointed out that maintenance of equipment would be a significant cost. Mr. Bowker noted that Marshfield has new Scott air packs; he added that the combined Machias/Marshfield departments would see a net gain of five members with the remainder of the membership being dual members of both current departments. Mr. Bowker explained that Marshfield would maintain its ISO fire insurance rating with Machias providing fire coverage.

Mr. Bowker and Mr. Dennison discussed shifting around fire equipment to meet the needs of both departments. Mr. Bowker commented that the two departments would be working together, would be able to have better training opportunities, and would become better departments by becoming more efficient. Both Mr. Dennison and Mr. Bowker said that they supported a collaborative effort between the two towns for fire services. Mr. Bowker noted that the first step was to discuss this concept with Machias selectmen and

then to take further "baby steps" by talking about the changes and adjustments that would need to be made to improve the working relationship of both departments.

The Board of Selectmen discussed forming a sub-committee to meet and discuss this concept. Mr. Kitchen and Mr. Haynes, as well as the Town Manager, will comprise the Machias group. Ms. Therrien said that she would develop some dates for the group to meet and confer with everyone involved as to the most suitable dates to meet.

Ms. Therrien suggested exploring the concept of a junior firefighter unit. She noted several towns which have developed such units; she advised that she will check with MMA as to how to proceed in establishing a junior firefighter unit.

8. PERSONNEL POLICY REVIEW

Ms. Therrien suggested that the members of the Board review the personnel policy up to Overtime on Page 5 in order to have a discussion at their next scheduled meeting. Ms. Therrien said that she would obtain additional examples of personnel policies for the Board to look at.

9. WINDOW REPLACEMENT BID - TOWN OFFICE

Ms. Therrien advised the Board that the winning bidder on the window replacement for the town office told her that he could not perform the work for the amount of his submitted and accepted bid (awarded at 8/23/17 Board meeting). Ms. Therrien suggested rebidding the project with the recommendation that the Board look at doing half the work this year. The members of the Board agreed to rebid the project for half of the work. Ms. Therrien also recommended revising the bid to say that the bids will include all structural repairs needed to complete the installation. The Board agreed.

10. SIGN ORDINANCE - RECOMMENDATION FROM PLANING BOARD

Ms. Therrien advised the Board that the Machias Planning Board reviewed the sign ordinance at their last meeting and their decision was not to recommend pursuing this type of ordinance. She noted that the Planning Board members suggested leaving the State to regulate signs on state roads and that the Town does not need to institute a separate ordinance dealing with signage. Ms. Therrien advised that the Planning Board does not recommend a more restrictive ordinance than State MDOT regulations. The Board of Selectmen accepted the recommendation of the Machias Planning Board.

11. OTHER BUSINESS

A. Ms. Therrien advised the Board that they have copies of the school meeting agenda scheduled for Wednesday, September 20th at 4:30 PM.

B. Ms. Therrien noted that the Board has the latest transfer station billing for their review.

C. Ms. Therrien advised the Board of a thank-you card from Bold Coast Festival organizers.

D. Ms. Therrien advised the Board that she plans to attend more meetings in Augusta on coastal resiliency, the flood protection system, and the adverse impact of weather on coastal areas.

E. Virginia Brown commented on two issues: allowing non-resident membership on town committees and the cutting of trees in the airport flight path.

12. EXECUTIVE SESSION

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

To adjourn into executive session at 8:00 PM in order to discuss a personnel matter in accordance with MRSA Title 1, Chapter 13, subsection 405, paragraph 6(A).

On a motion by Bill Kitchen, seconded by Josh Rolfe, the Board voted to adjourn the executive session at 8:23 PM and reconvened into open session.

Ms. Therrien advised the members of the Board that she will make the proposed changes to the document and will provide the Board with a copy for the Board's next meeting.

On a motion by Paula Johnson-Rolfe, seconded by Josh Rolfe, the Board voted to adjourn the meeting at 8:25 PM.