

Town of Machiasport
Selectmen's Meeting Minutes
January 26, 2024 5:00 PM

Selectmen: Jeffrey Davis, Ryan Sprague, Ryan Maker

Support: Stephen Wagner – Town Attorney, Marcia Hayward - Clerk

Audience: Paul Sylvain, Danna DeFalco, Ron Smith, Jim Clark, Robert Arseneau, Roseanne Arseneau, Karl Kurz, Kevin Woodward, Bob Mercer, Claude Brown, Jamie Pierce John Sawyer, Pam Sawyer, Lisa Fochesato, David Wood, Charles Ingalls, Heather Graham, Wesley Graham.

1. Call to Order / Pledge of Allegiance: Jeff Davis called meeting to order and led audience in Pledge of Allegiance.
2. Review Minutes of Previous Meeting: Jeff Davis seconded motion of Ryan Sprague to approve minutes as presented. All in favor, motion carried.
3. Adjustments to Agenda: NONE – Stephen Wagner delivered opening remarks regarding Beach Road. (Port Road). Mr. Wagner stated this is not a public hearing but one of the motions is to call for a public hearing if the Selectmen vote to approve it. Selectmen have been presented with reports and designs for review. A meeting was held December 18, 2023 and concerns have been raised due to the meeting not being posted on the Town's Facebook page. Due to these concerns, and because the Select Board desires to be as transparent as possible, the December 18 meeting is being repeated tonight.
4. Old Business:
 - A. Beach Road – Vote to authorize attorneys to make offer (2 Parcels) Attorney Wagner asked if the Selectmen had opportunity to review the document noted as Clerk's Certificate. Selectmen all responded in the affirmative. Attorney Wagner read from the Clerk's Certificate stating the motion is to authorize the Town Attorney of again extend a formal offer to the owners of record of 1759 Port Road, Machiasport also known as Tax Map 14, Lot 1, to acquire an easement over said property for the purpose of establishing a town way for public use for the sale price of \$44,000, subject to substantially the same terms and conditions stated in the draft offer letter reviewed by the Select Board today and as deemed advisable by the Town Attorney, in consultation with the Town Clerk. Said authorization is based upon the finding that, having reviewed the engineering and appraisal reports concerning the said acquisition, the proposed easement is necessary to ensure proper maintenance and public use of Port Road and the sale price proposed is reasonable and fair compensations. Attorney Wagner asked if there was a motion. Ryan Maker seconded the motion of Jeff Davis to approve the motion as read, all in favor, motion carried. 3-0

Attorney Wagner continued in that the second motion is to authorize the Town Attorney to again extend a formal offer to the owners of record of 1755 Port Road, Machiasport, also known as Tax Map 14., Lot 2, to acquire an easement over said property for the purpose of establishing a town way for public use for the sale price of \$53,000, subject to substantially the same terms and conditions stated in the draft offer letter reviewed by the Select Board today and as deemed advisable by the Town Attorney, in consultation with the Town Clerk. Said authorization is based upon the finding that, having reviewed the engineering and appraisal reports concerning said acquisition, the proposed easement is necessary to ensure proper maintenance and public use of Port Road and the sale price is reasonable and fair compensation. Ryan Sprague seconded the motion of Jeff Davis to approve the motion as read. All in favor, motion carried. 3-0.

Attorney Wagner stated that the third motion refers back to 1759 Port Road, Machiasport, also known as Tax Map 14, Lot 1, and states that in the event said offer to the owners of record of 1759 Port Road, Machiasport is not accepted within a reasonable time, the Select Board will hold a public hearing on February 5, 2024 at 6:00 PM, at the Fort O'Brien School gymnasium, located at 492 Port Road, Machiasport, Maine 04655, to consider an order of eminent domain condemnation, which shall be sent to the owners and made available to the public in advance of said hearing. Further, the Select Board shall consider and vote on said condemnation order following the public hearing. The Town Clerk shall ensure that written notice of the Select Board's intentions to hold a public hearing to consider the condemnation order, which shall include a copy of said condemnation order and shall serve also as 23 M.R.S. § 3022 notice of the Select Board's intention to lay out a Town Way, shall be posted at least 7 days in advance of February 5, 2024, in at least 2 public places in the municipality and also in the vicinity of the proposed town way. Ryan Sprague seconded the motion of Jeff Davis to approve the motion as read. All in favor, motion carried. 3-0

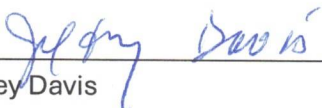
B. Beach Road – Vote to schedule public hearing

Attorney Wagner continued with the fourth motion. In the event the offer to the owners of record of 1755 Port Road, Machiasport, also known as Tax Map 14, lot 2, is not accepted within a reasonable time, the Select Board will hold a public hearing on February 5, 2024 at 6:00 PM, at the Fort O'Brien gymnasium, located at 492 Port Road, Machiasport, Maine 04655, to consider an order of eminent domain condemnation, which shall be sent to the owners and made available to the public in advance of said hearing. Further, the Select Board shall consider and vote on said condemnation order following the public hearing. The Town Clerk shall ensure that written notice of Select Board's intentions to hold Aa public hearing to consider the condemnation order, which shall include a copy Of said condemnation order and shall serve also as 23 M.R.S.§ 3022 notice of the Select Boards intention to lay out a Town Way, shall be posted at least 7 days

in advance of February 5, 2024, in at least 2 public places in the municipality and also in the vicinity of the proposed town way. Ryan Sprague seconded the Motion of Jeff Davis to approve the motion as read. All in favor, motion carried. 3-0

Attorney Wager read the final motion to ratify the motions made at this Board's December 18, 2023, meeting, and the actions taken by the Town Attorney and Town Clerk pursuant thereto. Ryan Sprague seconded the motion of Jeff Davis to approve the motion as read. All in favor, motion carried. 3-0 Attorney Wagner the Town Clerk certify the record following your review as a true and accurate copy of the motions.

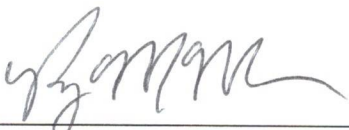
5. New Business: NONE
6. Selectmen's' Report - Ryan S. reported no response of his call about the boat. Jeff asked if situation has been referred to attorneys. Clerk advised that it has.
7. Clerk / Treasurer's Report – in binder
8. Tax Collector's Report – in binder
9. Executive Session: Pursuant to 1 M.R.S.A. §405(6)(E) – Consultations between the municipality and its attorney in regard to ongoing litigation of Port Road. Ryan Sprague seconded the motion of Jeff Davis to enter executive session at 5:14 PM. Ryan Sprague seconded the motion of Jeff Davis to exit executive session, all in favor. Ryan Maker seconded the motion of Jeff Davis to add a discussion of Facebook to the Next meeting agenda. All in favor, motion carried.
10. Adjourn: Ryan Maker seconded the motion of Jeff Davis to adjourn. All in favor, motion carried.



Jeffrey Davis



Ryan Sprague



Ryan Maker



Marcia L. Hayward / Clerk