MINUTES

BOOTHBAY HARBOR

SELECTMEN’S MEETING

JUNE 8, 2015

ATTENDING: Denise Griffin, Chairman

William Hamblen, Vice Chairman

Russ Hoffman

Tricia Warren

Wendy Wolf

Thomas Woodin, Town Manager

Julia Latter, Finance Officer

**Chairman Griffin called the Board of Selectmen’s meeting to order at 7:00 pm.**

Pledge of Allegiance: The Board of Selectmen and members of the audience.

TOWN MANAGER’S ANNOUNCEMENTS:

1. Manager Woodin stated that he had emailed the Board the proposed fee schedule for next year so they might discuss it at the next meeting.

2. Manager Woodin stated the fireworks schedule would be different this year since the Windjammer Festival was going to be a weeklong event so the fireworks for the Windjammer Festival would be on Wednesday, June 24th, with a rain date on Thursday, June 25th (or whatever day turns out to be clear), instead of being automatically moved to the Fourth of July.

3. Manager Woodin stated the request for proposal for the piling repair at the Fish Pier went out a second time since there had only been one bid submitted and because they had slightly changed the parameters of the original request, specifically for repair of the six crucial pilings under Atlantic Edge as a priority with the other repair at a later date when scheduling allowed (due back by June 19th).

4. Manager Woodin stated he would bring the list of municipal appointments to the next meeting for their approval and reminded the viewing public there was still an opening on the Planning Board for an alternate member, openings on the Budget Committee for one regular and two alternate members, an opening on the Board of Appeals for a regular member and two openings for alternate members on the Port Committee.

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5. Manager Woodin stated he’d broached the idea of holding only one meeting during the months of July and August awhile back and had heard favorably from several of the members but wondered how the rest of the Board felt about it.

Vice Chairman Hamblen responded that he’d prefer to keep the meetings scheduled as usual in case something comes up they might need to address before the next month with the possibility of cancellation a few days before if nothing comes up.

6. Manager Woodin stated the Deputy Harbor Master sign comes down on Friday, June 12th.

7. Manager Woodin stated that he hadn’t heard from the town of Boothbay on the Economic Development Agreement but would nudge them so they could get going on it.

Chairman Griffin noted that Mary Ellen Barnes from the Lincoln County Planners office would like to attend their first joint meeting.

8. Vice Chairman Hamblen stated if the Windjammer committee was planning to close the By-way for the “Artist Alley” they should vote on it, and **motioned** to allow them to do so. Selectman Hoffman **seconded**. **Unanimous approval**.

9. Manager Woodin stated he was still waiting for Tony to get back to him with other mapping options that cover both towns and not just BBH.

FINANCIALS:

Officer Latter reviewed the financial totals with the Board.

CONSENT AGENDA:

Chairman Griffin stated they would take the items in the Consent Agenda separately and asked for a motion to approve the minutes of the May 26th Selectmen’s meeting. Vice Chairman Hamblen **motioned** to approve the minutes with the suggested revisions incorporated. Selectman Hoffman **seconded**. **Motion passed 4 – 1 Abstention**.

Chairman Griffin stated that they would take the **new** Victualers license applications from Wannawaf, Inc. – Class D and T. Philbrick Enterprise, LLC (formerly The Boothbay Lobster Wharf) – Class H together. Selectman Wolf **motioned** to approve the applications. Selectman Hoffman **seconded**. [Vice Chairman Hamblen, as a point of clarification, confirmed that the T. Philbrick Enterprise, LLC was a **new** license replacing the **renewed** license because the business had changed hands.] **Unanimous approval**.

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Chairman Griffin stated that they would next take the two applications for Liquor licenses **renewals** from the Boothbay Harbor Yacht Club and The Lobster Dock and the **new** Liquor license application from T. Philbrick Enterprises, LLC together. Selectman Wolf **motioned** to approve the applications. Vice Chairman Hamblen **seconded**. **Unanimous approval**.

Chairman Griffin stated that they would take the application for a Special Amusement licenses separately and begin with the application **renewal** from Mama D’s Café. Vice Chairman Hamblen **motioned** to approve the application. Selectman Wolf **seconded** but commented on the application request to have a representative present when it comes to Special Amusement licenses, since typically representatives weren’t there.

Manager Woodin responded it was put on the application to certify they were familiar with the ordinance codes but could have them attend going forward so they could answer questions for the Board.

**The motion passed unanimously**.

Chairman Griffin stated the next application was for a new Special Amusement license from T. Philbrick Enterprises, LLC for Class A, **non-amplified** music. Selectman Hoffman **motioned** to approve the application. Selectman Wolf **seconded**.

Donna Piggott expressed concern for the **amplified** music that was played by the previous owner when the business was the Lobster Wharf, which interfered with the use of her porch and which she said could even be heard inside her B&B with the windows closed.

**The motion passed unanimously**.

ONGOING BUSINESS:

1. Chairman Griffin stated the first item under Ongoing Business was the issue of the Rocktide Inn Special Amusement application from the previous meeting, which had been approved with the same terms as the Cod’s Head application.

Tim Perkins, an abutter to the Rocktide Inn, spoke first about the volume of the music played at the Inn, saying that it was a serious impediment to conversation on his deck because it was amplified.

John Sullivan, Manager of the Rocktide Inn, wondered why the Rocktide Inn’s Special Amusement license had to have the same terms as the Cod’s Head because

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that was not what they had asked for but rather what the ordinance codes allowed as far as sound goes and nothing to do with the number of musicians in the band. John stated they ceased amplified music at 7:00 p.m. and when the music was measured by a police officer the readings for the first few times was below that allowed except for one that turns out to be the music from the bands monitors that was bouncing off of the building behind them. John stated, knowing this, they would change the placement and level of sound from the monitors so it would not affect Mr. Perkin’s as much. John ended by pointing out the Cod’s Head deck was only five feet deep and theirs was much deeper (approximately 40’) so appropriate for amplified music.

Chairman Griffin asked for clarification of the Rocktide’s outdoor music schedule to ensure they were operating according to code. [During this discussion it was pointed out to John that the decibel level was supposed to be dropped at 6:00 p.m.]

Tim Perkins expressed concern about a new band with steel drums scheduled to play on Wednesday afternoons.

Chairman Griffin explained there had been extensive discussion at the previous meeting to address this issue the thing to do was to try to work together…residents and businesses…to come up with a resolution between themselves.

When asked if he had anything to add, Chief Hasch stated he was comfortable with everything that had been said. Chief Hasch added that the officers were doing a good job reporting what they were seeing and hearing by taking decibel readings and that the businesses were anxious to fall within the law.

Mitch Weiss reported boaters often tied up at his dock [at the Lobster Dock] to listen to the music for which he charged a fee rather than to make them leave.

Chairman Griffin stated she thought the proposed changes (at the Rocktide Inn) sound good.

Manager Woodin asked if the Board was changing the restrictions on the Rocktide Inn Special Amusement license.

John Sullivan stated it was the sound and not the number of people on the stage that they had to conform to.

Selectman Wolf agreed with John, that she did not believe it was the Board’s role to dictate how many musicians should perform.

Selectman Wolf **motioned** to approve the updated Special Amusement application before them, for Class A, B, C and D as specified in the application for the Rocktide Inn.

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Vice Chairman Hamblen **seconded. Motion passed 3 – 2.**

2. Chairman Griffin stated the second item under Ongoing Business was the proposed plan for the former tennis courts and asked Danielle Betts from the Knickerbocker Group to present her ideas and designs.

Danielle Betts passed out two possible options with a diagram and explanation about each.

Danielle stated the first option showed two basketball courts, a one-way trolley drop off leaving 22 parking spaces with improved street tree plantings; that the two memorials would not be touched (in either option).

Danielle stated the second option showed one basketball court and left the parking area much the same only moved back from the street (utilizing the wasted space in the middle) in order to do the improved street tree plantings. Danielle pointed out by having just one basketball court would eliminate having to extend the former raised tennis court area.

Selectman Wolf wondered about the previous drainage issue for the deteriorating tennis courts.

Manager Woodin stated the former tennis courts had to be torn down for a number of reasons besides the drainage issue.

Vice Chairman Hamblen stated he personally liked the idea of the single basketball court pushed away from the road for safety as well as separation from the memorial; that as sort of the gateway to the town, it should look as nice as possible.

[Chairman Griffin and Selectman Wolf both agreed with Vice Chairman Hamblen about building only one basketball court.]

Manager Woodin pointed out they would lose six parking spaces if a trolley lane was created and presently there is no trolley running that would use it, while the school needs the spaces for football games, special events and senior parking; that it would also be a problem for Public Works to maintain the island that would be created by it.

Selectman Warren wondered if there might be room to build a playground between the proposed basketball court and the football field because the town did not have a playground anywhere else and would please the younger children in the community.

Selectman Hoffman responded he had thought that would have been a good option back in the original discussions but there were more votes for a basketball court.

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Manager Woodin stated he thought it could be part of a “second phase” so they could get this part in the works with the money that had been allotted for it ($15,000).

Vice Chairman Hamblen agreed but suggested setting aside a designated area for a playground so they could move ahead and **motioned** they build one basketball court…location to be determined.

Vice Chairman Hamblen **revised** his **motion** to say that they locate one basketball court in this general area with space provisions for a future playground (with the parking area as a separate motion). Selectman Hoffman repeated his **second**.

Selectman Wolf stated she believed what they were asking for was for Danielle Betts to proceed with drafting a revised plan based on these recommendations.

Danielle Betts stated she would draft a more detailed plan, including elevations (since the former tennis court foundation was elevated from the rest of the area), showing what they had recommended.

Vice Chairman Hamblen **motioned** what Danielle just said. Selectman Hoffman **seconded** again.

Selectman Wolf asked Danielle Betts if she could make the parking area more green in her revision since she’d prefer to spend money on landscaping than altering the drop-off.

Vice Chairman Hamblen **withdrew** his motion.

3. Chairman Griffin stated they would table the Special Amusement Rules and Procedures until the next meeting.

NEW BUSINESS:

Chairman Griffin asked if there were any items under New Business.

Patrick Parson, Director of Operations at Lincoln County Healthcare stated he was there with the Director of St. Andrews Village, Wendy Roberts, because of complaints that had been received by Code Enforcement Officer, Geoff Smith, about the construction vehicles moving in and out at St. Andrews Village where they were building a twelve-bed, skilled nursing facility, a standalone building but connected to an existing St. Andrews building, which began about three weeks ago. Patrick stated they’d been using an emergency access entrance as the means to get to the job site but because of the size and noise they are making the residents in that area are requesting we use Emery Lane.

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Chairman Griffin stated she thought they needed to go before the Planning Board on this issue.

Patrick Parson responded that CEO, Geoff Smith had advised them to come before the Selectmen that evening to make sure they were aware of the issue as it was going to be about a nine month construction project with completion expected sometime around the end of February or beginning of March and that they would do whatever the Board of Selectman asked them to do about these vehicles.

Selectman Wolf stated it might be helpful if they’d submit a press release informing the general public what the construction is all about so there would be a better understanding so the community would know what they are getting for the inconvenience.

Vice Chairman Hamblen explained the issue was a condition for the use of the emergency access road being for emergency vehicles only along with some specific vehicles in connection with St. Andrews Village but was not permitted for construction vehicles.

PUBLIC FORUM:

1. Margaret Perritt stated she felt the Board was doing well.

EXECUTIVE SESSION:

Selectman Hoffman **motioned** to go into Executive Session , MRSA Section 405 (6) (A) – Personnel Matters at 8:21 p.m.Vice Chairman Hamblen **seconded**. **Unanimous approval**.

The Board came out of Executive Session at 8:40 p.m.

Chairman Griffin stated no decisions had been made or votes taken during Executive Session.

WARRANTS:

Selectman Hoffman **motioned** that the warrants be approved upon careful review. Selectman Wolf **seconded**. **Unanimous approval.**

MOVE TO ADJOURN:

Selectman Wolf **motioned** to adjourn. Vice Chairman Hamblen **seconded**. **Unanimous approval**. **Meeting was adjourned at 8:41 p.m.**