MINUTES

BOOTHBAY HARBOR

SELECTMEN’S MEETING

 NOVEMBER 13, 2017

In addition to these typed minutes, video recordings of all Selectmen’s meetings are available to be viewed at BRCTV and audio recordings are available to be listened to at the Boothbay Harbor Town Office.

ATTENDING: Denise Griffin, Vice Chair

 Russ Hoffman

 Mike Tomko

Trisha Warren

Wendy Wolf, Chair

 Tom Woodin, Town Manager

**Chair Wolf 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. On Wednesday, November 15th the Planning Board will hold a workshop at 7:00 p.m. to discuss some proposed land use code changes on the east side of the harbor.

2. On Monday, November 20th Baker Design Consultants will hold a meeting at 6:00 p.m. to discuss future footbridge improvements along with consideration of the recent flood study to get input from the general public.

3. Manager Woodin thanked the police and fire departments plus public works for their efforts to recover from the storm that hit Lincoln County especially hard, leaving many downed trees and loss of power.

4. Manager Woodin thanked Nick Upham, Michelle Farnham and the ballot clerks for their efforts to conduct last week's election which saw a turn-out of over 700 voters resulting in late hours for hand counted ballots.

[Cory Tibbetts had a question about the marijuana questions on the ballot, claiming they were misleading. Chair Wolf asked if he could refrain until they reached the section of the agenda for his comments on this.]

FINANCIALS:

Finance Officer Latter reviewed the financial totals with the Board.

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Vice Chair Griffin **motioned** to approve the minutes of the October 23rd meeting. Selectman Tomko **seconded**. **Unanimous approval.**

SELECTMEN REPORTS:

(None)

LICENSES:

Vice Chair Griffin **motioned** to approve the three Liquor license **renewals** from Mama D's Cafe, Red Cup Coffeehouse and Thistle Inn together. Selectman Hoffman **seconded**. **Unanimous approval**.

ONGOING BUSINESS:

1. Chair Wolf stated they were pleased with the turn-out of voters to the polls for the election on an off-year. They had heard comments about the wording of the local initiate on marijuana which Chair Wolf explained was the way it was suggested by their town attorney. Chair Wolf stated the Maine statute required them to say, "yes to prohibit" and though a bit clumsy, was a legal action. Chair Wolf felt confident the voters were able to understand what they were voting on.

Selectman Hoffman stated this type of wording had been seen before.

Cory Tibbetts expressed frustration about the way the vote went possibly due to the way the questions were worded.

Laura Perkins suggested it might have been helpful to publish the ballot in the Boothbay Register. [Manager Woodin responded that it had been.]

Jean McKay stated people can look at the ballot beforehand at town hall.

NEW BUSINESS:

Chair Wolf stated there were two Wharves and Weirs hearings on the agenda.

The first is an application from T Philbrick Enterprises, LLC, d/b/a Boothbay Lobster Wharf, Inc., Map #18, Lot #19, 97 Atlantic Avenue, is proposing to construct two 28' x 5' finger floats extending north off of the main float, a 55' x 6' float extending west, a 76.5' x 6' float and two 5' x 20' finger floats along with 9 new pilings and 6 replacement pilings in the waters of Boothbay Harbor.

Chair Wolf, Vice Chair Griffin and Selectmen Tomko with CEO, Geoff Smith and Nick Upham had conducted an on-site review at 2:30 p.m. that afternoon.

Lauren Stockwell, representing the applicant, gave an account of the plan.

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* Tom Philbrick's business is a commercial lobster enterprise and does not charge the lobstermen for docking to sell him their catch.
* The existing floats had been put in by the previous owner.
* The new floats would primarily be utilized by the lobster boats as part of the working waterfront.
* When space is available, pleasure boats are allowed to dock to eat at the restaurant (which increases his submerged lands lease fee).
* The riparian rights lines conform to the side yard setbacks.
* The abutters were notified and satisfied with the final plan.
* They would forfeit one mooring to accommodate the new floats.

Chair Wolf stated the details had been carefully gone over at the site visit and the only issue they had was with the edge of the proposed pier that was furthest out.

Lauren responded that Nick Upham was in attendance that evening with an aerial photo showing that float is actually at an angle so the edge in question does not come anywhere near the channel.

Jean McKay asked for confirmation that all the Board members had reviewed the plan.

Tom Philbrick stated with only 27 miles of working waterfront left on the coast of Maine, he feels this is preservation of a business that has been in existence for a long time.

Vice Chair Griffin **motioned** to approve the application. Selectmen Tomko **seconded**. **Unanimous approval**.

Chair Wolf stated they would move on to the next Wharves and Weirs application from PGC8 LLC d/b/a Oceanside Golf Resort, Map #16, Lots #30, #32, #35/37/41 Atlantic Avenue, is proposing to extend their south float from 82' to 112' in length in the waters of Boothbay Harbor.

Chair Wolf, Vice Chair Griffin and Selectmen Tomko with CEO, Geoff Smith and Nick Upham had conducted an on-site review at 3:30 p.m. that afternoon.

Lauren Stockwell, representing the applicant of this application, stated Melissa Neel was also there to answer any questions they had after she explained the details of their request.

* They were asking for a 30' extension on their 82' float to the south.
* They had received approval from Submerged Lands if things could be worked things out with the abutter.
* They had approval from DEP.

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Chair Wolf stated, due to a recent email, abutter Vice Admiral James Perkins still appears to have objections to expansion of the float, even though it was found to not impede the use of his docking area.

Lauren responded after the person from Submerged Lands came out to evaluate the situation, their conclusion was "as such the Bureau finds the project will not unreasonable interfere with public access ways to submerged lands" and approved the extension.

Vice Chair Griffin expressed concern for the safety of small craft users in this narrow area of the channel. [Vice Admiral Perkins had recorded boat sizes and numbers in this area during the months of July and August to support the volume of activity.]

Lauren stated there were days when the Oceanside had turned boats away and as the business grows would attract more boats but deferred response of this to Melissa.

Melissa Neel stated she couldn't understand how something like this (Vice Admiral Perkins') objection could be used instead of an unbiased opinion in the application process.

Chair Wolf reminded Melissa they had approved the 82' float in the spring with the condition that they would see how it worked out.

Melissa stated if they turned away one boat or 20 boats the fact that they had to turn away "a boat" was a valid point.

Chair Wolf responded they were just trying to get a sense whether an extesion was needed at this point in time.

Vice Chair Griffin asked if they intended to change the dockage space at the Lobster Dock and Cap'n Fish properties because it would be helpful to see the whole plan.

Melissa stated she did not see the pertinence of this question to this discussion nor did they have plans for the other properties yet to present.

Lauren confirmed the float would be 75' from the edge of the channel.

Nick Upham clarified how moorings tend to shift from their exact locations and assured there would be no displaced moorings if this float was extended.

Lauren confirmed with CEO, Geoff Smith that applications have to be made property by property if not contiguous.

A number of people in attendance expressed concerns.

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* Bob McKay stated if there is an open space required on one side of the float, boats would still tie up there.
* Dave Racicot felt longer boats trying to turn to fit onto the float would create a safety hazard.
* Peggy Racicot thanked the Selectmen for doing what is best for Boothbay Harbor.
* Tom Perkins felt they should wait to see the whole plan.
* Jean McKay suggested, with six moorings, the resort should use a shuttle system.
* Laura Perkins stated she thought with no sense of urgency they should wait.
* Cory Tibbetts stated they should research other marinas.
* Andy Marvin wondered if there was enough water in this area to maneuver a large boat. [He was told that there is.]

Nick Upham stated if the moorings were in the right place there would be no safety hazard.

Lauren added that winter is the time to add pylons.

Selectman Tomko asked Lauren if the application meets all criteria and was told that it did.

Tom Perkins stated since there appears to be zero need, the Board should defer a decision.

Selectman Hoffman **motioned** to approve the application. Selectman Tomko **seconded**. **Motion failed 4 -1**.

CEO, Geoff Smith recommended if the Board wanted to deny the application that they make a motion to do so and vote on it.

Lauren asked if they had the option of tabling the application rather than having it denied.

Chair Wolf stated she would be open to a **motion to table** the application in order for the applicant to gather the data necessary.

Vice Chairman Griffin **motioned** to table the application until more data has been gathered to demonstrate need with a plan for the other properties on the east side. Selectman Warren **seconded**.

Melissa Neel asked if she could withdraw the application.

Chair Wolf responded that she could.

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Lauren got confirmation this would allow them to apply at a later time.

PUBLIC FORUM:

1. Fred Beauchemin stated, "well done."

2. Jean McKay suggested channel markers in the harbor would be helpful for "out-of-towners."

3. Cory Tibbetts felt for once the Board of Selectmen were on the side of the locals.

4. Vice Chairman Griffin thought they should create098 an ordinance for setting off private fireworks.

WARRANTS:

Selectman Tomko **motioned** to approve the warrants upon careful review. Selectman Hoffman **seconded**. **Unanimous approval.**

EXECUTIVE SESSION:

The Board went into Executive Session under MRSA Title 1, Chapter 13, Subchapter 1 - 405, (6) (D) - Labor Contracts at 8:44 p.m.

The Board came out of Executive Session at 9:02 p.m.

No decisions were made.

MOVE TO ADJOURN:

The meeting was **adjourned** at 9:02 p.m.

KB