MINUTES

BOOTHBAY HARBOR

SELECTMEN’S MEETING

AUGUST 13, 2018

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

Julia Latter, Finance Officer

**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:

Chair Wolf had a couple of items to mention in Manager Woodin's place since he was out.

1. Chair Wolf pointed out that if anyone had questions or concerns they should contact CEO, Geoff Smith if they were related to the Planning Board or Manager Woodin for the Select Board rather than individual Board members in order to have more efficient communication.

2. Chair Wolf stated there was a letter to the Editor that said that taxes would be increasing. This letter was inflammatory and not accurate. In 2008 the town mil rate was 12.2 compared to 11.6 in 2018. The town exercises due diligence to keep the taxes as low as they possibly can and do not fold major expenditures into one year, but rather amortize major capital expenditures.

3. Finance Officer Latter also stated Manager Woodin wanted her to mention the New York Yacht Club had arrived today and will be leaving on Wednesday.

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 July 23rd meeting. Selectman Tomko **seconded**. **Unanimous approval**.

SELECTMEN REPORTS:

**JEDC**: Chair Wolf reported that the Boothbay Harbor and Boothbay Select Boards had looked over the action plan set forth by Camoin Associates, picking top priorities. Both towns chose housing diversity and availability, especially year-round. Downtown development and waterfront management were also priorities for Boothbay Harbor since it falls in the town's domain. Boothbay, as well as Boothbay Harbor, is concerned with broadband and infrastucture. These priorities will be discussed at the next JEDC meetings as well as another joint meeting between the Boothbay and Boothbay Harbor Select Boards to figure out the next steps going forward.

LICENSES:

Selectman Tomko **motioned** to approve an application for an "Extension of Premises" Liquor license from the Thistle Inn. Selectman Hoffman **seconded**. **Unanimous approval**.

NEW BUSINESS:

Chair Wolf stated they would move on to a discussion of the Planning Board zoning proposals. (A number of people in the audience acknowledged they had regularly been attending the Planning Board meetings.)

Chair Wolf explained the Select Board had not yet received the final recommendations from the Planning Board. But over the last few weeks, questions about the alignment of the proposed ordinance changes with the comprehensive plan had come to light.

Chair Wolf stated the town's attorney had reviewed the proposed ordinance changes to the east side and determined if they were to be adopted, they would not be in alignment with the Marine Water dependent district since the comprehensive plan speaks to maintain it.

The town's attorney strongly suggested that the municipality amend the comprehensive plan at the same time as the Shoreland east side zoning ordinance are updated. In addition, the DEP in their correspondence that this inconsistency with the town's comprehensive plan would mean having two documents that are stating two different things which could lead to someone challenging it in court.

Chair Wolf stated, amending the comprehensive plan appears to be a prerequisite to a zoning change for the marine water dependent district. There are three options for what they could do.

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1. The Select Board could review the final recommendations from the Planning Board and draft up a warrant article to present to the voters. If approved the town could face a legal challenge that these are in conflict with the comprehensive plan which would essentially stop the implementation of zoning changes until the court could resolve the issue. This would cost the town time and money.
2. The Select Board could determine the final recommendations from the Planning Board are inconsistent with the comprehensive plan. They could vote to defer any action on the proposed changes and not issue a warrant for a vote. The proposed zoning ordinance changes would therefore essentially die.
3. The final thing that could happen is to consider how the town can go through the process of amending the comprehensive plan. It would take some time and incur some expense. In this case it would be appropriate to turn to the voters of Boothbay Harbor to see if they want to consider starting the process of amending the comprehensive plan, suggesting a referendum question be included on the November 6th warrant.

Chair Wolf stated consideration of the first two of these options was waiting until they receive the final recommendations from the Planning Board.

Vice Chair Griffin reported seeing a notice in the Bangor Daily News about residents in Belfast who were not keen on a project, filing a lawsuit again the town due to not following the proper process.

Selectman Hoffman reminded everyone that the comprehensive plan is a legally binding document.

Selectman Warren expressed apprehension about changing the comprehensive plan unless it was what the voters wanted.

Selectman Tomko, who was a former Planning Board member, also felt if there are changes that need to be made the question of amending the comprehensive plan should be decided with input from the community as well as research done by experts.

Chair Wolf stated that Mary Ellen Barnes of the Lincoln County Regional Planning Commission provided a very detailed process of provisions to amend a comprehensive plan because the state and others recognize that sometimes circumstances change. Chair Wolf stated she personally would like to make sure the voters wanted the Select Board to pursue this action before proceeding.

Selectman Hoffman stated he felt the answer was that they should look at the comp plan but feeling that it was a little premature wondered if they could hear what the timeline is.

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Chair Wolf responded in order to meet the November 6th voting deadlines (making an official call for the referendum vote 60 days prior to the election and holding a public hearing 10 days prior to that) they would have to vote this evening whether or not to consider including a referendum question for the voters to decide if they should pursue the process of amending the comprehensive plan at the November 6th general election. [The part of the comprehensive plan that would be amended is in regard to the Marine Water Dependent issues and the proposed zoning changes.]

Vice Chair Griffin pointed out they are required to review their comprehensive plan every few years regardless of what is decided.

Chair Wolf opened the floor for public comment.

1. Tom Minerich stated so much work had already been done on the proposed zoning changes he did not see why it could not be put to a vote in tandem with the vote to amend the comprehensive plan. [Chair Wolf responded that the town's attorney would disagree with that and the DEP as well.]

2. Laura Perkins wondered how often the comprehensive plan is rewritten. [Vice Chair Griffin responded that generally it is reviewed every five years and updated/resubmitted every ten years.]

3. Mike McBride could not understand why the conflict with the comprehensive plan had not come up sooner. However, no matter what happens he felt they should do something quickly to bring in prosperity before it is too late. [Chair Wolf reminded everyone that there were two professional town planners on the advisory committee and was disappointed as well that this issue hadn't come up before.]

4. Lynne Seitzer asked if they would be educating residents before or after the vote was held. [Selectman Hoffman responded like with the issue of legalized marijuana, they would hold several workshops to explain what it means to keep the plan the same or to amend the plan.]

5. Bob McKay stated when the public votes in November they will probably already know what the ordinance changes are going to be. [Chair Wolf agreed they might be aware of this information but the vote is whether they are in favor of amending the comprehensive plan or not.]

6. Bill Logan asked if the response from the DEP was sent to the Selectmen or the Planning Board. [Chair Wolf responded it was sent to the Planning Board.] Bill also asked if the Select Board could vote that evening to amend the comprehensive plan or wait and let the voters decide at the election in November. [Chair Wolf responded the Select Board could probably vote that evening but her preference was to let the voters decide, if they go that route.]

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7. Darrell Gudroe confirmed the proposed ordinance changes would not end up on the November ballot because it cannot be paired with a vote on amending the comprehensive plan.

8. Dorothy Ferrell hoped whatever happens is best for the town due to the overall national election atmosphere in the country.

9. Elin Haugen stated the comprehensive plan had helped to prevent contract zoning from occurring.

10. Patty Minerich stated she believed the Select Board could vote this evening on whether the comprehensive plan could be amended.

11. Judy Stone stated there she understood had been a lot of research driving the comprehensive plan so would there be new research conducted. [Chair Wolf responded as it relates to the questions concerning the marine water dependent zone.]

12. John Seitzer wondered if it may be premature to vote in November on amending the comprehensive plan since it took two years to write it. [Chair Wolf responded they were trying to do their due diligence to align what the Planning Board is talking about with the comprehensive plan if that is what the voters want to do. She could not predict how long it would take.]

13. Tom Shannon wondered why no one saw this non-alignment between the proposed zoning changes on the east side and the comprehensive plan. Plans change all the time but planning is indispensible...the words of Dwight Eisenhower who led this country to victory in World War II.

Selectman Warren stated she felt the decision to amend the comprehensive plan should be in the hands of the voters and agreed she didn't want the issue to drag on forever. Therefore, she **moved** that the question of whether the comprehensive plan should be amended to be consistent with the zoning plan (for the east side) come before the voters as a referendum question at the November 6th election. Vice Chair **seconded** the motion.

Selectman Tomko felt there should be stated goals of education such as a series of workshops, providing information that speaks subsequently to what those changes mean. Selectman Tomko stated making this a component of the motion was up to the rest of the Board. Chair Wolf agreed, noting that there would also be a public hearing in addition to the education.

Selectman Hoffman asked Selectman Warren if she would consider amending her motion to include stipulation for educating the public.

Selectman Warren stated that she was willing to **amend** her motion to that effect.

Vice Chair Griffin, who seconded the original motion, **accepted** the amended motion.

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The motion passed **unanimously**.

[The public hearing will be held on Monday, August 27th when the town attorney will be present.]

ONGOING BUSINESS:

1. Selectman Tomko commented on the work that was beginning on the new basketball and pickle ball courts on the site of the former tennis ball courts on Townsend Avenue.

PUBLIC FORUM:

(None)

WARRANTS:

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

EXECUTIVE SESSION:

The Board went into Executive Session at 8:40 p.m. under MRSA Title 1, 405, 6 (A) - Personnel Matters.

The Board came out of executive session at 8:54.

No decisions were made.

MOVE TO ADJOURN:

The meeting was **adjourned** at 8:55 p.m.

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