

MINUTES
BOOTHBAY HARBOR
SELECTMEN'S MEETING
MAY 11, 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 Danielle Betts will be able to attend a June meeting (to discuss the former tennis court area with them).
2. Manager Woodin stated there was a Public Works job posted until Friday, 5/15 to fill the final position there.
3. Manager Woodin stated the RFP for the piling repair at the Fish Pier is out until the following Friday, 5/22.
4. Manager Woodin stated the County bill was going up \$27,100.
5. Chairman Griffin stated the final draft for the Economic Development Agreement had been distributed so barring any typos, etc., they were very close to signing it.
6. Vice Chairman Hamblen stated, based on the new bylaws passed at the town meeting they were not approving a new patrolman, but thought Manager Woodin might update the general public as to what was happening. Manager Woodin stated that on May 4th Chief Hasch proposed they move part-time officer, Julian Hauser into one of the full-time positions that was opening up at the end of the month when Fred Hutchins retires. [The consensus of the Board was in favor of this.]

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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 April 27th Selectmen's meeting. Selectman Wolf **motioned** to approve the minutes. Selectman Hoffman **seconded**. **Unanimous approval.**

Chairman Griffin stated they had a request for Victualers license **renewals** from Rose's Kitchen (class A), Circle K #7028, Eventide Specialties, Gimbel & Sons Country Store, Hannaford Supermarket 8143 and Harbor Mart (Class B), Coastal Maine Popcorn, Curtis House, Downeast Ice Cream Factory, Finn McCool's, Hometown Convenience, Orne's Candy Store and Sarah's Scoops (Class C), Crust, Dunton's Doghouse and Shannon's Unshelled (Class D), The Opera House (Class E), Admiral's Quarters Inn, Atlantic Ark Inn, Bayberry House B & B, Blue Heron Seaside Inn, Boat House Bistro, Bridge Street Café', Captain Sawyers Place, Greenleaf Inn at Boothbay Harbor, Harbor House B & B, Harborage Inn, Howard House, Nana's Place B & B and Topside Inn (Class F), Baker's Way, Dockside Grille and St. Andrew's Village (Class G), Andrews Harborside, Inc., Blue Moon Café', Boothbay Harbor House of Pizza, Boothbay Harbor Inn, Boothbay Harbor Yacht Club, Boothbay Lobster Wharf, Brown Brothers, Inc., Carousel Music Theatre, China By The Sea, Chowder House, Inc., Fisherman's Wharf Inn, Gallery Gatherings and Events, Herringbones Pub & Grill, Kaler's Crab & Lobster House, Linekin Bay Resort, Lobster Dock, Mama D's Mercantile, McSeagull's Restaurant, Mine Oyster, LLC, Pier One Pizza, Ports of Italy, Red Cup Coffeehouse, Spruce Point Inn Resort & Spa, Thistle Inn, Tugboat Inn, Whale's Tale and Wok & Grill (Class H) and Harbor Theatre (Class I). Selectman Wolf **motioned** to take them together as a group. Selectman Hoffman **seconded**. Vice Chairman Hamblen **motioned** to approve the applications. Selectman Wolf **seconded**. **Unanimous approval.**

Chairman Griffin stated they had two applications for **new** Victualer(s) licenses from Waves Restaurant and Cod's Head Fish House & BBQ. Selectman Wolf **motioned** to approve the application from Wave's Restaurant. Vice Chairman Hamblen **seconded**. **Unanimous approval.**

Selectman Wolf questioned approving Cod's Head Fish House & BBQ since the box for approval from the Code Enforcement Officer had not been checked or initialed. Manager Woodin suggested approval subject to the CEO's signature.

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Selectman Wolf also wondered if this was the location where there was a sewerage problem. Manager Woodin responded that it had been resolved. Selectman Wolf stated she'd like to see documentation of that to confirm the problem had been completely rectified before she could approve the application. Vice Chairman Hamblen stated his understanding was that the problem had been resolved and **motioned** to approve the application subject to the Code Enforcement Officer's inspection and signature. Selectman Hoffman **seconded**.

Chairman Griffin noted at the bottom of the form it said the food licensing was expected to take place on or around May 15th and that the establishment will not operate until it is received and a copy given to the town.

Selectman Warren asked to recuse herself due to conflict of interest because she is employed by Ralph Smith at the Boat House Bistro.

The motion passed 4 – 1 Abstention.

Chairman Griffin stated they had a request for four Liquor license **renewals** from Herringbones Pub & Grill, Boat House Bistro, Boothbay Lobster Wharf and Ports of Italy. Selectman Wolf **motioned** to approve the applications. Selectman Hoffman **seconded. Unanimous approval.**

Chairman Griffin stated they had a request for two **new** Liquor licenses from Cod's Head Fish House & BBQ, Waves Restaurant and Port of Italy but would take them separately beginning with Waves Restaurant.

Vice Chairman Hamblen **motioned** to approve the application. Selectman Warren **seconded. Unanimous approval.**

Selectman Wolf **motioned** to approve the application from Cod's Head Fish House & BBQ. Selectman Hoffman **seconded.**

Donna Piggott asked if the former business at the Cod's Head Fish House & BBQ location had had a liquor license and was told they had not, but people were allowed to bring their own. Donna expressed concern because one side of the street, where her B & B was located, was general residential and so it was different from downtown where both sides of the street were commercial; that a more sophisticated group of people ate at the existing restaurants in her neighborhood that closed early. Donna reminded the audience that only until fairly recently had the breakfast room started to serve lunch and dinner.

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Ralph Smith stated he would gladly close at 10:00 p.m. instead of 11:00 p.m. if that would make a difference and suggested the Board make the change in the application for him.

Donna Piggott also wondered about the law when it came to the distance to the nearby church.

Manager Woodin responded it was up to the state to decide whether or not to grant the liquor license. The Town was merely making a recommendation.

Norm Pierce expressed concern for the safety of the one to three vessels he keeps at that dock which would affect his business.

Chairman Griffin stated that she was empathetic with his concerns but they also hoped that businesses would be encouraged to develop if they could work things out in a neighborly fashion.

Ralph Smith confirmed that he wanted to change the time of closing to 10:00 p.m., preferring to have the younger crowd on the other side of the harbor after that.

Selectman Wolf **amended** her **motion** on the listed times in the Victualer(s) license to reflect the new time of closing subject to the change of time on the Liquor license. Selectman Hoffman stated he'd **amend** his **second** on that motion. The amended motion **passed 4 – 1 Abstention**.

Vice Chairman Hamblen **motioned** to amend the Victualer(s) license to reflect the condition of closing at 10:00 p.m. Selectman Wolf **seconded** the motion. **Motion passed 4 – 1 Abstention**.

Chairman Griffin stated they had a request for three Special Amusement license renewals from Carousel Music Theatre LLC, Boothbay Lobster Wharf and Red Cup Coffeehouse and one request from Cod's Head Fish House & BBQ for a new Special Amusement license.

Selectman Wolf pointed out only the Carousel Music Theatre, LLC had an applicant signature which indicates they understand the Special Amusement restrictions and felt that is a very important part of the application.

Manager Woodin stated he'd take responsibility of monitoring this part of the application process going forward.

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Selectman Wolf **motioned** to approve the application from the Carousel Music Theatre, LLC

Selectman Hoffman asked for clarification concerning the details of the application before **seconding** the motion. **Unanimous approval.**

Vice Chairman Hamblen **motioned** to approve the applications of the Boothbay Lobster Wharf and the Red Cup Coffeehouse conditional upon the applicant's signatures. Selectman Hoffman **seconded**. **Unanimous approval.**

Kim Reed Upham expressed concern about outdoors music that becomes amplified over the water.

Vice Chairman Hamblen responded that the codes are the same for both sides of the harbor; that amplified outdoor entertainment is allowed between the hours of 9:00 a.m. and 9:00 p.m., unamplified outdoor entertainment between the hours of 9:00 a.m. and 10:00 p.m., all amplified music after 9:00 p.m. has to be indoors with the windows shut and all entertainment must cease by 1:00 a.m.

Richard Shea stated the music at the Chowder House has been so loud that when he called to report it, they told him to turn his music down.

Dawn Weiss stated she had done research and found a noise meter that she believed would work for the police department at a cost of \$555.00 (plus shipping and handling), if they would like the information about it.

Helen Farnham corrected the number to use for non-emergency calls to be 633-2451 instead of 911.

There were similar expressions of frustration over noise from Homer Reed and Jan Newell who were told to close their windows.

Katrina Clark, reporter for the Boothbay Register, wondered if there was a record of complaint calls.

Manager Woodin responded the Chief could pull up a report.

Selectman Wolf apologized for the Board and stated they needed to provide some mechanism or tools so the police can make some judgments to be more responsive

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and asked Manager Woodin to be in touch with Chief Hasch to create a process and establish a policy.

Selectman Wolf **motioned** to table the Boothbay Lobster Wharf application until they receive the information from the Chief. Selectman Hoffman **seconded**.
Unanimous approval.

Selectman Wolf **motioned** to approve the Red Cup Coffeehouse application. Selectman Hoffman **seconded**. **Unanimous approval.**

Vice Chairman Hamblen **motioned** to approve the application from the Cod's Head Fish House & BBQ.

Selectman Wolf stated she'd like to **amend** pending the applicant's signature attesting they understand the regulations and restrictions for the approval.

Selectman Hoffman **seconded** the amended motion. **Unanimous approval.**

Chairman Griffin asked Ralph Smith for a brief explanation of what the proposed special amusement would be like at the Cod's Head Fish House & BBQ.

Ralph responded it would be like a Jimmy Buffet sunset scene with margaritas and one or two musicians playing on the dock...unamplified. Ralph stated at this point he needed to see how it would work out and he intended to be a "good neighbor."

Vice Chairman Hamblen asked if he'd limit the number of musicians to two which Ralph agreed to do.

Vice Chairman Hamblen **amended** his **motion** to approve the application from the Cod's Head Fish House & BBQ with no more than two musicians.

In response to a question about why more applications were being approved now, Frank Fassett explained that during the last five to seven years there has been an increased focus on economic development which has changed ordinances.

Tom Perkins, on behalf of his brother Jim, wondered what recourse he would have if it needed to be changed and how quickly.

Chairman Griffin encouraged people to be good neighbors and try to work things out between themselves.

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Selectman Wolf stated she felt there should be some sort of citation and fine.

Manager Woodin responded they would need to call the police and if it continues then would go to the Selectman.

Kathy Fish stated people were excited about Ralph's new restaurant on the east side of the harbor and had been asking her about it.

The motion passed 4 – 1 Abstention.

ONGOING BUSINESS:

Chairman Griffin stated the item under Ongoing Business is discussion of the Investment Policy.

Manager Woodin stated when they first put the investment fund together they'd just talked about using reserve funds. Manager Woodin explained the undesignated funds are 8% of the general funds and that the rest of the general funds are the operating funds, so there is no distinction except for the fact that you don't want to use the undesignated funds.

Selectman Wolf suggested that the policy read "the investment funds may include but are not limited to."

Chairman Griffin agreed and stated she did not see why they could not use the reserve money as long as they could get it out when it was needed.

Manager Woodin stated he would not recommend that.

Selectman Wolf stated rather than "sufficiently liquid" it should be specified as **twenty-four hour access liquidity** so you can draw it down every day if needed and **motioned** to approve the policy **as amended**. Vice Chairman Hamblen **seconded**. **Unanimous approval.**

NEW BUSINESS:

1. Chairman Griffin stated that the Board needed to elect the Chairman and Vice Chairman for the next fiscal year.

Vice Chairman Hamblen **nominated** Denise Griffin for Chairman. Selectman Wolf **seconded**. Selectman Hoffman asked if they could just nominate the present

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Chairman and Vice Chairman. The **motion** and **second** were **amended** to this affect. **Unanimous approval.**

2. Chairman Griffin stated the next item under New Business was the need for a special town meeting on May 26th at 6:00 p.m. explaining the Selectmen met with the Boothbay Region Ambulance Service to discuss the sum \$22,842 which had been appropriated in the last fiscal year but due to an administrative oversight had not billed the town for that amount. Chairman Griffin stated this had not come to light in time to be on the warrant or on the agenda at town meeting so a special town meeting has been suggested so that money could be recouped.

Chairman Griffin stated that in the meantime the town had had a boat donated to them from a resident which could be used as the Harbor Master's boat, meaning the existing Harbor Master boat would not have to be replaced (that had been budgeted for).

Vice Chairman Hamblen stated he was not sure if they should include the release of the funding for the harbor master boat if it can wait until next year.

Selectman Wolf stated she was not in favor of this warrant after spending the first full year on the budget where the ambulance service had consumed the greatest amount of their time because they need to have better business management and this is an item from the **previous** fiscal year only to come up after the budget deliberations were finished. Selectman Wolf stated she was worried this would set a precedent and that the ambulance service has had ample opportunity to present it along with the rest of their budget.

Manager Woodin stated it had actually been brought up and approved in their 2013 budget but they did not bill us for that full amount. Vice Chairman Hamblen agreed with all of this, but the bottom line is that the town did vote to appropriate this money to the ambulance service so thought it was worth completing that action.

Selectman Hoffman stated he would also support having another town meeting to act on this. [Selectman Hoffman clarified that with four ambulances, one comes up for replacement every eighteen months to maintain the seven year schedule.]

Helen Farnham stated the ambulance service is very important to everyone and major to the town so needs their support.

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Mary Neal stated she'd been on the budget committee for seven years and wondered when there had been a special town meeting before.

Manager Woodin responded there had been one eight years ago in 2007.

Mary Neal gave a number of reasons why there should not be a special town meeting for the ambulance service that would not only set a precedent but show lack of respect for the amount of time that the budget committee had spent on working out the budget with the information that had been submitted.

Helen Farnham stated the ambulance service gives as much time as anyone else and that she did not believe the ambulance service should be "put down" because they had made an error in their billing.

Mary Neal responded that she was not putting the ambulance service down; that she was saying they should be expected to meet the same things that other people have to meet, who also have financial problems including the tax payers.

Manager Woodin reminded everyone that the other two towns had already paid their share and would send a wrong message if the town of Boothbay Harbor did not pay theirs.

Selectman Warren stated she believed they should keep both articles on the warrant of the special town meeting to give it a more positive spin.

Vice Chairman Hamblen **motioned** to have a special town meeting to at least address the ambulance issue. Selectman Hoffman **seconded**. **Motion passed 4 – 1.**

Vice Chairman Hamblen stated he believed it would be better to have a little more time for the community to think about it and **motioned** holding the meeting on June 8th at 6:00 p.m. Selectman Hoffman **seconded** the motion.

Selectman Warren **motioned** to have Article 3 on the agenda...to see if the town will vote to authorize the municipal officers to reallocate the Harbor Master boat reserve funds account. Selectman Hoffman **seconded**. **Motion passed 3 – 1 – 1 Abstention.**

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PUBLIC FORUM:

1. Mary Neal respectfully resigned from the Budget Committee, offering to help someone to take her place.

EXECUTIVE SESSION:

(None)

WARRANTS:

Selectman Wolf **motioned** that the warrants be approved upon review. Vice Chairman Hamblen **seconded**. **Unanimous approval.**

MOVE TO ADJOURN:

Selectman Wolf **motioned** to adjourn. Selectman Hoffman **seconded**. **Unanimous approval. Meeting was adjourned at 9:02 p.m.**