MINUTES

BOOTHBAY HARBOR

SELECTMEN’S MEETING

FEBRUARY 23, 2015

ATTENDING: Denise Griffin, Chairman

William Hamblen

Russ Hoffman

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 reminded the Board that there would be a school budget committee meeting at the Elementary School on Wednesday, February 26th at 6:00 p.m.

2. Manager Woodin reminded the Board that on Thursday, February 27th, there would be a public meeting for the Comprehensive Plan at 6:00 p.m., at the Boothbay Harbor town hall.

3. Manager Woodin read a letter from the Boothbay Region Land Trust as follows:

Dear Selectmen:

Please accept the enclosed check in the amount of $420. This check is Boothbay Region Land Trust’s (BRlT’s) 2014 voluntary payment to the Town of Boothbay Harbor. Every year, we make this voluntary contribution based roughly on the State of Maine’s Open Space Land Use Program.

2015 marks BRLT’s 35th year! Over the last 35 years, BRLT has developed and maintained over 30 miles of public hiking trails, preserved a number of scenic vistas and maintained public access to the shore (including two working waterfront sites).

This is such a beautiful area we all live in! Having public access to the forests, fields and sea is part of the character that makes the Boothbay region so special. BRLT is entirely supported by private donation and grants and thanks to the tax benefits of our 501( c ) 3 non-profit status, we are able to take on the financial burden of public access trail maintenance and working waterfront management.

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The included contribution is a token of our appreciation to the Town of Boothbay Harbor for the role you play in supporting the preservation of this region’s natural beauty and character.

We look forward to continuing to work with the Town of Boothbay Harbor to provide these important services to the community.

Best wishes,

Nicholas Ullo

Manager Woodin asked the Board if they would vote to accept this gift. Selectman Hamblen **moved** to accept the gift, with gratitude. Selectman Wolf **seconded**, with gratitude. **Unanimous approval**.

4. Manager Woodin stated they had received two bids for printing the town book… one from Lincoln County Publishing for $4,580 and one from Xpress Copy for $4,414.51. Manager Woodin explained even though the bid from Xpress Copy was less it did not match the parameters asked for and that Lincoln County Publishing had done the book for many years, so would ask the Board to approve the bid from them Selectman Wolf **motioned** to approve the bid from Lincoln County Publishing. Selectman Hamblen **seconded**. [Selectman Hamblen stated it was worth pointing out that the Xpress Copy bid would end of being more costly than the Lincoln County Publishing bid, once they produced what had been requested.]

**Unanimous approval**.

5. Manager Woodin stated there was a need to make an emergency purchase of a bobcat for Public Works, to clear sidewalks in particular, and he’d received three bids for a **Bobcat Toolcat 5600 G-Series with bucket, 77” snow blower and truck loading chute** from Jordan Equipment for $69,591.74, from Bobcat of New Hampshire for $73,186.00 and from Champlain Valley Equipment for $73,458.00. Manager Woodin asked the Board to approve use of undesignated funds to purchase the Bobcat from Jordan Equipment (with a purchase order for $69,591.74).

Chairman Griffin read the code for emergency expenditures as follows:

*At any time, the Board of Selectmen may make emergency expenditures from the undesignated fund balance to meet an essential need for expenditures to protect the public health, safety, or welfare. Such emergencies consist of a natural disaster, a sudden unanticipated event, or a severe economic decline, which requires a response by the municipal officers in less time than ordinarily necessary to notify the general public. An appropriation request by the Board of Selectmen for an emergency expenditure shall contain the amount of funds requested, the precise use, and purpose of the funds, and a plan to restore the funds.*

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Chairman Griffin stated she had a suggestion for the motion to read as follows:

…to allocate funds out of the Undesignated Fund Balance to purchase a new **Bobcat Toolcat 5600 G-Series with bucket, 77” snow blower and truck loading chute** from Jordan Equipment for $69,591.74 to assist the public works department in maintaining public safety due to a natural disaster, i.e. an unusual large snow accumulation. The Budget Committee will **effect**\* a plan to recover the funds within the next three years at their regularly scheduled budget committee meeting on Wednesday, February 25, 2015 at 4:30 p.m.

Selectman Hamblen made this **motion**. Selectman Wolf **seconded**.

Bruce Engert expressed concern about the need for this piece of equipment when the winter was almost over, suggesting to rent equipment instead. [Selectman Hamblen responded that they had done a cost benefit analysis and determined this would be the most economical way to go about it.]

(\*The word suggested by Mike Tomko instead of the word “develop” - accepted by Selectman Hamblen who made the motion and Selectman Wolf who seconded the motion.)

**Unanimous approval.**

Selectman Wolf **motioned** to authorize Manager Woodin to sign the purchase order for the bobcat. Selectman Hoffman **seconded**. **Unanimous approval**.

FINANCIALS:

Finance Officer Latter reviewed the financial totals with the Board, stating they were at 96.6% of their snow removal budget. [Selectman Hamblen expressed pleasure to finally have this year’s figures coalesce with last year’s.]

CONSENT AGENDA:

Chairman Griffin stated they had approval of the minutes of the January 26th meeting and the renewal of the liquor licenses for Tugboat Inn, Cap’n Fish’s Cruises, Andrews Harborside and Kaler’s Crab & Lobster House on the consent agenda. Selectman Hamblen **motioned** to approve the consent agenda. Selectman Hoffman **seconded**. **Unanimous approval**.

ONGOING BUSINESS:

1. Chairman Griffin stated they would take the Planning Board/Parking agenda item first and invited Mike Tomko to present his report.

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Mike Tomko stated the Planning Board had been charged by the Board of Selectmen to look at two lots in residential zones that were going to be turned into

parking lots raising issues such as noise, security and property values. Mike continued to explain that they had stepped back to look at all parking lots in the downtown area with input from CEO, Geoff Smith, Manager Woodin and even Lincoln County Planner, Bob Faunce, stating in the end they decided it would be best to just clean up the already existing definitions and ordinances. Mike concluded that the Planning Board had a list of suggested definition amendments, new definitions and ordinance amendments.

Selectman Hamblen clarified that parking areas and parking facilities have distinctly separate definitions and that one is allowed in residential areas and one is not.

2. Chairman Griffin stated they would take an agenda item from New Business next, while CEO, Geoff Smith was present, which was the Wharfs and Weirs hearing for Lauriat, held on site at 3:00 p.m. on February 9th at 88 Lobster Cove Road, who were proposing to construct/repair/rebuild a 6’ by 148’ rip rap/shoreline stabilization system, repair/rebuild an existing 12.5’ by 9’ fish house, construct a pressure treated wood or aluminum 4’ by 30’ pier and a 3’ by 36’ ramp, a pressure treated wood 10’ by 20’ float and an 8’ by 40’ timber frame float haulout in the waters of Boothbay Harbor.

Chairman Griffin stated she and Selectman Hamblen had conducted the site visit and that the abutters had no issues.

Selectman Hamblen reiterated what Chairman Griffin had said and stated it was more than the required distance from any other structures, **motioning** to approve the application. Chairman Griffin **seconded**.

Selectman Wolf added that the abutters not only had no issues but were all for it.

**Unanimous approval**.

3. Chairman Griffin stated they would now hear from Doug Carter, concerning his tax acquired property.

Doug Carter stated he’d understood that the Board would find out the legalities of reimbursing him for the land that was missing from the 1.3 acre parcel he purchased from the town but had determined through his own investigation, that they would not be able to do anything for him.

Doug stated he was using a tax assessor’s report, not tax maps to make his case.

When prompted by Chairman Griffin, Doug stated what he really would like to see happen is for his request to be put on the warrant at the next town meeting, asking

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for reimbursement of the amount Joan Riddle will accept for the piece of land that was being negotiated with her by a lawyer he’d hired.

Selectman Hamblen warned there was a caveat involved which was that it would have to be submitted before the dead line to get items on the warrant.

Manager Woodin stated they had about five weeks to get everything ready to go to the printer for the town report, roughly a month before the town meeting. Manager Woodin stated because there were only two more Selectmen’s meetings so there would have to be a public hearing sometime mid-march to have the Selectmen go through all the proposed changes, warrant articles, etc., and finalize it with clear and specific wording.

Selectman Wolf stated she agreed with Selectman Hamblen, that after reading the legal opinions and looking over the codes, that the Selectmen do not have the authority to make restitution on corrections in retrospect, however, thought the option of putting it on the warrant and letting the town’s people decide might be the only possible way for him to have a chance to gain restitution for the difference in the property as long as he gets it in, in time for the warrants.

Selectman Hoffman had reservations about such a measure but would work with the rest of the Board.

Chairman Griffin thanked Mr. Carter for his presentation and advised him to consult with Manager Woodin to prepare a draft of the language for his warrant item in time for the next Selectmen’s meeting on March 9th.

NEW BUSINESS:

1. Chairman Griffin stated the Board needed to elect a new Vice Chairman. Selectman Wolf **motioned** to elect Selectman Hamblen as Vice Chairman. Selectman Hoffman **seconded**. **Motion passed.**

2. Chairman Griffin stated they had a candidate to appoint to the Board of Appeals, named Scott See, giving a brief account of his background. Selectman Hamblen **motioned** to appoint Scott See to the Board of Appeals. Selectman Wolf **seconded**. **Unanimous approval**.

3. Chairman Griffin mentioned that a nominee for the Spirit of America award was needed and they could think about it for their next meeting. Selectman Hamblen urged the general public to make suggestions as well.

# Bruce Engert suggested putting Jerry Closson on the list.

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PUBLIC FORUM:

1. Mike Tomko announced there was going to be a free lecture entitled, “Live Better, Longer,” to be presented by Nick Buettner at the Damariscotta Baptist Church on Friday, February 27th at 7:00 p.m. for those interested.

Mike also announced there was a gathering planned to thank Jim Chaousis for his accomplishments during his time as Manager of the town of Boothbay also on Friday, February 27th from 5:00 p.m. to 7:00 p.m.

EXECUTIVE SESSION:

Selectman Hoffman **motioned** to go into Executive Session under MRSA Title 1, Chaptr13, Subchapter 1, 405 (6) (A) – Personnel Matters at 8:01 p.m. Selectman Hamblen **seconded.** **Unanimous approval**.

The Board came out of Executive Session at 9:26 p.m.

No decisions were made during Executive Session.

WARRANTS:

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

MOVE TO ADJOURN:

Selectman Wolf **motioned** to adjourn. Selectman Hoffman **seconded**. **Unanimous approval**. **Meeting was adjourned at 9:27 p.m.**