MINUTES

BOOTHBAY HARBOR

SELECTMEN’S MEETING

MARCH 12, 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, Financial 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:

(None - Manager Woodin was out due to illness.)

FINANCIALS:

Finance Officer Latter reviewed the financial totals with the Board and stated that to date 96% of the taxes had been collected.

MINUTES:

Approval of the February 26th minutes will be differed until the next Select Board meeting when the Recording Secretary has returned from vacation.

SELECTMEN REPORTS:

1. **JEDC**: Chair Wolf stated at the last Joint Economic Development Committee meeting on Tuesday, March 6th there was discussion of what sort of entity or administrative structure would take the Economic Action Plan, that was developed with consultants Camoin Associates for the Boothbay Region, and basically implement the plan with some degree of staff expertise. The JEDC is looking at models in other towns in Maine and how they have done that with both funding and resources to make sure it is successful.

3/12/18

2. **Advisory Group Workshop**: Selectman Tomko stated their next meeting is scheduled for Wednesday, March 21st at 7:00 p.m. To date, the goal of the Advisory Group is to keep the east side of the harbor as a mixed use area with motels, restaurants, residential homes (single family or condominiums) and maritime water dependent structures as well as ease of access for pedestrians and public access to the waterfront. This will be classified as a mixed use/marine water dependent zone. The setbacks from the high water mark will be 25 feet for all new construction and condominiums will be permitted.

A several items are up for discussion.

* View Corridors
* Impact Fees

Selectman Tomko explained impact fees could be set at 5% based on the construction costs and asked the rest of the Select Board for opinions or ideas on this.

Chair Wolf wondered who would oversee and manage these fees.

Selectman Tomko responded that the thought was it would be designated by the Select Board with a set of criteria for making determinations. Some things are already defined in the land use code.

Bill Hamblen, Chairman of the Advisory Work Group, pointed out they had come up with this concept from earlier discussions for a way to preserve the view corridors. In terms of administration, Bill felt it would be pretty straight forward.

Bill Hamblen clarified that many of the structures on the east side would still probably be non-conforming but with **uses** that are conforming. Bill was hoping for a **general** consensus from the Select Board at this time so they can remain on the same path.

Selectman Warren expressed concern about an impact fee discouraging smaller businesses from being able to locate on the east side.

Bill Hamblen responded it would only apply to larger scale developments. Also, the amount of 5% does not have to be a fixed fee. (It is just a figure used as an example in their first discussion and not designed for any particular developer.)

Selectman Hoffman stated he'd assumed the impact fee would go to infrastructure maintenance and upkeep such as sewer, public water, police and fire department coverage not to the Fish Pier or the Footbridge.

Vice Chair Griffin stated they would have to define what size development would have to pay impact fees but was all for them particularly since the town would get the money up front in case the development does not get completed.

3/12/18

Attorney Bill Logan stated he hoped impact fees would be applied throughout the whole town and not just the east side and to be very clear what is and is not exempt from it. Otherwise, he felt it was a great idea.

Tom Myette asked if measuring water quality would be included.

Bill Hamblen responded that it would be because they would continue to apply all of the other controls in their zoning ordinances such as water quality, storm water run-off, set-backs, green space, non-pervious area, etc.

Chair Wolf thanked Selectman Tomko and Bill Hamblen for seeking feedback from the Select Board.

LICENSES:

1. Vice Chair Griffin **motioned** to approve both applications from The Opera House and the Boothbay Harbor Inn to **renew** their Liquor licenses. Selectman Tomko **seconded**. **Unanimous approval**.

NEW BUSINESS:

a. Chair Wolf asked Financial Officer Latter to report on the bid for publishing the town report.

Financial Officer Latter stated that the lowest bid for $5,740 was from Lincoln County Publishing in Damariscotta, who has printed the town report before. (There was $6,500 in the budget for printing the town report.)

Vice Chairman Griffin **motioned** to accept the bid. Selectman Hoffman **seconded**. **Unanimous approval**.

b. Chair Wolf invited Gary Stone of First Investors to provide an update on the town's investment plan.

Gary Stone recapped the strategy they had used for municipalities to experience a return of any consequence on investments that were exclusively based on a fixed income. For this reason First Investors had proposed a 25/75 portfolio. Twenty-five percent equity and seventy-five percent fixed income which combined hopefully would far exceed what the money could have gotten if left in a money market or short-term CDs. Gary proudly announced that the town's investment was over 7% last year (which had been 5% the year before).

Gary stated they were using index funds with remarkably low rates and no "headline risks" which helped their performance and that they advocate remaining where they are.

3/12/18

Both Selectmen Tomko and Hoffman wondered if the town should increase the amount in the account.

Chair Wolf suggested they discuss this possibility with Financial Officer Latter and Manager Woodin when he is back.

Financial Officer Latter stated to do so would mean changing their policy.

Tom Myette wondered if the town had ever considered compliance funds such as tobacco.

Gary Stone stated it was something he could look at but was not sure if it would be compatible with the town's sensibilities.

Chair Wolf agreed with Gary that their job representing the town should be to invest at low risk.

ONGOING BUSINESS:

1. Chair Wolf stated they would continue the animal control issue discussed at the previous meeting. They have had a chance to review ordinances in other towns. Chair Wolf pointed out that their own animal control ordinance was succinct, reading "It shall be unlawful for any dog to run at large except when used for hunting. The owner or keeper of any dog found running at large shall be subject to the following penalties: for a first offense, said owner must pay $25 cost reimbursement for the return of his or her dog. For the second offense, said owner must pay $25 cost reimbursement for the return of his or her dog.

However, Chair Wolf thought they might want to address the same amount of penalty for a second offense. Also, based on the comparisons collected, some other towns spell out a little more stringent animal control such as the owners having their dog restrained on a leash or under the control of that person meaning the dog heels at the side of and obedient to that person's command.

The opinions expressed by the public at the last meeting was that the pet was not under the control of the owner when it attacked another dog.

Selectman Hoffman stated he would be in favor of an ordinance of a dog being under control by a leash, a run or a fenced area. Whether it would include portions of the town or the whole town is another question.

Selectman Tomko agreed some tightening up would be helpful.

Selectman Warren suggested using the word "and" instead of "or" when stating a dog should be leashed and/or under the control of the owner as they had done in Camden. Also, that the leash should be no more than eight feet long.

3/12/18

Selectman Warren was most concerned about how enforcement would be handled especially in regard to who should be called and how a visitor would know.

Vice Chair Griffin suggested the Board ask Manager Woodin to work with CEO Geoff Smith as well as the town's attorney to see what options they have to modify the ordinance.

Chair Wolf stated she felt when there is an option between leash or voice control, voice control is not adequate and with any ordinance, enforcement is the issue. Chair Wolf suggested asking Chief Hasch for his in-put on how the police department can respond to help David Pratt with animal control.

Selectman Warren was also concerned about control at Barrett's Park.

[The pit bull attack on a golden retriever a while back was mentioned as an example.]

Selectmen Tomko added that hygiene at Barrett's Park should also be considered.

Chair Wolf opened up the discussion for the general public.

Long time dog trainer, Jean Cote, spoke in favor of having a full-time animal control officer who could enforce the ordinance.

Chair Wolf responded it had been difficult to even find a part-time animal control officer.

Financial Officer Latter mentioned that Dabney Lewis had been both CEO and animal control officer in the past.

Susan Craig stated she had never seen a police dog off leash unless they were searching or even a service dog off leash.

Jean Cote confirmed in a public spaces every dog should be on a leash for unexpected situations. Jean was also adamant about picking up dog poop.

Tom Myette felt they should consider seasonal restrictions so residents could walk their dogs off leash. (Susan Craig reminded Tom that her dog had been attacked in December.)

Valerie Snow Vincent felt that $25 for was not enough for a first offence and should be much more for a second. Valerie suggested putting the number(s) that people should call for help with a dog problem on the dog poop stations around town.

Chair Wolf thanked those who had voiced their opinions and shared ordinances obtained from other towns.

3/12/18

PUBLIC FORUM:

1. Mike Tomko thanked Public Works for the incredible job they did cleaning up after the recent blizzard.

WARRANTS:

Vice Chair Griffin **motioned** to approve the warrants upon careful review. Selectman Hoffman **seconded**. **Unanimous approval.**

EXECUTIVE SESSION:

(None)

MOVE TO ADJOURN:

The meeting was **adjourned** at 8:19 p.m.

KB