MINUTES

BOOTHBAY HARBOR

SELECTMEN’S MEETING

APRIL 9, 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

Tom Woodin, Town Manager

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:

1. Manager Woodin has updated the application form for those who would like to serve on Town Boards or Committees for the Select Board to approve after they have had a chance to review it.

2. Reminder that town meeting is scheduled for May 4th and 5th. The elections on the ballot will be held at town hall on Friday and town meeting at the Elementary School at 9:00 a.m. on Saturday.

3. Attorney Mary Costigan held a Maine Municipal refresher course for the Planning Board and Board of Appeals on their roles and responsibilities at town hall on April 5th.

4. Quarterly report on Public Works and the Police Department as follows:

**Public Works**:

* Opening the public restrooms prior to Memorial Day. (Winterizing the public restroom in the Whale Park so it can remain open for the Festival of Lights.)
* Cleaning up the winter sand and sweeping.
* Putting out the trash cans and picnic tables.
* Cleaning up the parks.
* Repairing any plow and equipment damage.
* Painting cross walks and parking spaces.

4/9/18

* Repairing damaged signage from the winter.
* Posting parking and informational signs.
* Cleaning out catch basins.
* Patching some roads. (Finishing up the paving on Middle Road.)
* Building and repairing floats and ramps and boards in the Foot Bridge.

**Police Department**:

* Discussions with Lincoln County Communications on the upcoming transfer of the communication system from analog to digital.
* A complete security review of the local schools including clocking police response time for school issues.
* Working with Outreach Coordinator, Holly Stover.
* Opening a 'Peer to Peer' center in the Boothbay Region thanks to a large grant from Amistad in Portland, run by Brian Townsend, to help people in recovery from substance abuse.
* Routine surveillance of criminal offenses.
* Planning for summer traffic and safety issues.
* Officer Braley will attend the Police Academy in August.
* Sgt. Higgins, Officer Brown and Chief Hasch participated in the annual Penguin Plunge to raise money for second grade swimming lessons at the YMCA.
* Office Brown and Chief Hasch participated in the Dr. Seuss school reading day at the Elementary School.
* Chief Hasch assists High School baseball coach, Ed Crocker with the team this spring.

[Manager Wooden confirmed that Reed Road, William Street and Lakeview Road would be paved in the fall (in addition to Middle Road) and Union Street this spring.]

Julie Roberts wondered when the public restrooms would be open. [Manager Woodin responded it would be in a couple of weeks.]

Chair Wolf announced on Friday, April 6th they had the pleasure of presenting Lucille Machon, who is 101 years old, with the Boston Post Cane in honor of being the town's eldest resident.

FINANCIALS:

Finance Officer Latter reviewed the financial totals with the Board pointing out that their tax collection was up over last year.

MINUTES:

Chair Wolf stated they had two sets of the minutes from March 26th to approve, those from the public hearing to approve the town warrant and the minutes of the Selectmen's meeting.

4/9/18

Vice Chairman Griffin **motioned** to approve the March 26th minutes of the public hearing to approve the town warrant. Selectman Tomko **seconded**. **Motion passed 4 - 1** **Abstention**. (Selectmen Hoffman did not attend the meeting.)

Vice Chairman Griffin **motioned** to approve the March 26th minutes with an amendment to page two (in two locations) to include **"the owner of"** Mine Oyster (to specify who Selectman Warren was employed by). Selectman Hoffman **seconded**. **Unanimous approval**.

SELECTMEN REPORTS:

1. **Advisory Group Workshop**: Selectman Tomko stated they had held their seventh and what they felt was their final meeting on April 4th. The Advisory Group had worked up a series of recommendations to present to the Planning Board who would then pass on these recommendations with any revisions to the Select Board.

There were several major highlights.

* The east side is being redefined as a mixed-use district, continuing with all current maritime uses but adding hotels and restaurants.
* The high water setback will be 25 feet.
* Common wall residences will be permitted at the current town-wide density of six units per acre, setting a minimum lot size per common wall construction at 2,500 square feet per commercial use (consistent with the rest of the town).
* Further investigation of "impact fees" for new construction (re: significant development).
* Setting a 35 foot or 2.5 story building height limit for both the mixed use district as well as the downtown business area.

LICENSES:

1. Vice Chair Griffin **motioned** to approve the applications from Kaler's Crab & Lobster House, Waves Restaurant, The Whale's Tale, the Harborside Tavern and the Blue Moon Cafe' to **renew** their Liquor licenses as a group. Selectman Hoffman **seconded**. **Unanimous approval**.

2. Vice Chair Griffin **motioned** to approve the applications from the Harborside Tavern, Spruce Point Inn, The Whale's Tale, Brown's Wharf and the Chowder House for Special Amusement license **renewals** as a group. Selectman Tomko **seconded**. **Unanimous approval**.

3. Vice Chair Griffin **motioned** to approve the application from the Boothbay Harbor Yacht Club for a Special Amusement license **renewal**. Selectman Tomko **seconded**. **Motion passed 3 - 2 Abstentions**. (Chair Wolf and Selectman Hoffman are members of the BBH Yacht Club.)

4/9/18

NEW BUSINESS:

a. Chair Wolf stated at 3:00 p.m. that afternoon she, Selectman Tomko, Harbor Master Nick Upham and Joe LeBlanc, of LeBlanc Associates, Inc., had held a public hearing onsite at the Boothbay Harbor Yacht Club, Map #14, Lots #17 and #19, 156 Western Avenue. The BBH Yacht Club is proposing to expand the existing pressure treated wood pier, currently 190' from 4' wide to 8' wide add a 10' x 15' turn around section at the end of the pier, expand the existing 56' long aluminum ramp from 3' wide to 6' wide. Relocate the existing 10' x 20', 16' x 24' and 12' x 16' kayak related floats, add a pressure treated wood 10' x 10' dinghy access float plus a 14' x 24' dinghy launch float, and relocate the two existing 16' x 24' opti floats in the waters of Boothbay Harbor.

Joe LeBlanc described the proposal.

All abutters had been notified by certified mail and heard nothing back.

Nick Upham saw no obstruction to navigation.

Selectman Tomko went through the *Findings of Facts* process.

1. Does the proposed application interfere with or cause an obstruction to navigation? Vice Chair Griffin **motioned** that it does not. Selectman Warren **seconded**. **Motion passed 3 - 2 Abstentions**. (Chair Wolf and Selectman Hoffman are members of the Boothbay Harbor Yacht Club).
2. Does the proposed application cause injury to the rights of others? Vice Chair Griffin motioned that it does not. Selectman Warren **seconded**. **Motion**

**passed 3 - 2 Abstentions**. (Chair Wolf and Selectman Hoffman are members of the Boothbay Harbor Yacht Club).

1. Has the applicant included all necessary approvals from other agencies, such as the Maine State Department of Environmental Protection, the Army Corp of Engineers, and the State of Maine Bureau of Parks and Lands? Vice Chair Griffin motioned that it has. Selectman Warren **seconded**. **Motion passed 3 - 2 Abstentions**. (Chair Wolf and Selectman Hoffman are members of the Boothbay Harbor Yacht Club).

DECISION:

Based on the facts above and discussion by the Board with relation to the review criteria above, on April 9, 2018, the Boothbay Harbor Board of Selectmen voted to APPROVE/DENY the placement of the proposed (above) in the waters of Boothbay Harbor.

Chair Griffin **motioned** to approve the application. Selectman Tomko **seconded**. **Motion passed 3 - 2 Abstentions.** (Chair Wolf and Selectman Hoffman are members of the Boothbay Harbor Yacht Club.)

4/9/18

Charles Barclay, General Manager of the Boothbay Harbor Yacht Club, gave a brief account of the junior programs planned at the Yacht Club for the coming season. A number of major regattas are included. Scholarships are available by contacting Charles

at the Yacht Club.

b. Chair Wolf stated two members of the West Harbor Watershed Association would like to provide an update on the work done over the past year as well as plans going forward.

Lesley Volpe began by saying the Association was going to do a watershed survey of West Harbor Pond so they can apply for a 319 grant that is funded by the EPA and administered by the DEP to help with the cost of the siphon repair. The grant is a 40% local match.

On June 6th members of the West Harbor Watershed Association will walk the properties encompassing West Harbor Pond looking for places where storm water run-off goes directly into the pond causing additional pollution. The Water District is very supportive of the West Harbor Pond Watershed Association's efforts to keep West Harbor Pond healthy. The Association hopes to have a member of the Select Board on their Steering Committee.

Selectman Tomko volunteered to be on the West Harbor Watershed Steering Committee which will be meeting at 10:00 a.m. on Friday, April 13th.

Merrit Blakeslee took the floor and stated he'd like to give an update on the progress of fixing the siphon in West Harbor Pond. A year ago the West Harbor Watershed Association had submitted an application for a Coastal Communities grant to fund the pre-construction phase of whatever they were going to do with the site. The grant had three objectives.

1. To look at the three options they were considering and decide which solution would be the most efficient and cost effective.
2. To have an engineering company prepare plans for the selected option.
3. To fund submitting permit applications.

They had contracted with Dirago Corporation to handle these three tasks. Chuck Fuller, of Fuller Marine, examined the old siphon and determined it would cost too much to refurbish. They spoke with Daryl Wipperhauser at the Department of Marine Resources in Augusta, who helped them come up with the best way to handle the situation. The solution was to create a siphon that would go down to the deepest level of the pond then under the fish ladder and come out into the harbor as far as possible from the end of the fish ladder. Dirago will prepare the permit applications to submit to the Select Board for their signature. Then they will be ready for the construction phase which hopefully can be done locally. They need to figure out exactly what it will cost considering the grant covers only 60%. If the costs come in favorably there is a possibility they might be able to do the project without waiting a year to see if they can get the grant.

Selectman Tomko wondered about the urgency of the project.

4/9/18

Merrit explained this past summer, unlike during the past two years, they began testing at one foot increments between the 10 and 20 foot level, the critical level where oxygenated and de-oxygenated water sets up (approximately a two foot span). Instead of believing this level was moving progressively upwards they now have data that shows it is more constant with movement governed by the seasons.

ONGOING BUSINESS:

Chair Wolf stated there was just one item under Ongoing Business concerning dog control.

After consulting with Chief Hasch and Animal Control Officer, David Pratt, it appears the predominant issue is about dogs left in cars on hot days in the summer. The majority complaint is called the "dog at large" when a dog has escaped the control of its owner by escaping from a house or yard or during a walk. There were two dog bites that were minor offensives without skin breaks, one believed to be by a dog that on a leash. Our town attorney is reviewing the town ordinance to see if it can be strengthened.

Linc Sample questioned the value of exerting time and money to examine a problem that is not really there.

PUBLIC FORUM:

1. Darrell Gudroe reported on his challenging efforts to secure funding for the town's three annual fireworks displays.

WARRANTS:

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

EXECUTIVE SESSION:

(None)

MOVE TO ADJOURN:

The meeting was **adjourned** at 8:17 p.m.

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