



Board of Selectmen

Charles R. Cunningham, Chairman
Steven C. Lewis, Vice Chairman
Dale C. Harmon
Kristina Ford
Michael Tomacelli

Town Manager

Daniel Bryer

Town of Boothbay
Board of Selectmen Meeting
Wednesday October 10th, 2018
7:00 PM
Agenda

1. **Pledge of Allegiance**
2. **Public Hearing-** 1. Vote to adopt and sign the new MMA Model Ordinance General Assistance Appendices A-D for the period of October 1, 2018- September 30 , 2019in compliance with M.R.S.A.& 4305 (4)
3. **Public Comment**
4. **Approve Minutes-** March 28th 2018 , September 12th 2018
5. **Reports-** Town Office Reports

BOS Action Items

1. The landscaping around rte. 27
2. The Clifford Park equipment
3. The Umaine Aqua Ventus project
4. MDOT Park and Ride Facility
5. Land and Water Grant

Pending BOS Action Items

1. Broadband
2. The housing group is continuing to discuss availability of land or subdivisions near municipal water and sewer for the analysis of affordable, workforce, and elder housing options.
3. BOS Meeting with Board Trustees
4. Banner Pole Policy



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6. **Old Business-** 1. Broadband Grant
 2. Banner Policy
 3. Discussion re: BOS and School Trustee/ Board meeting on October 10th
7. **New Business-** 1. Potential grant for electric vehicle charging station
8. **Public Comment**
9. **Review Warrants**
10. **Adjourn Meeting**

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Town Manager

Daniel Bryer Jr.



**Town of Boothbay
Board of Selectmen Meeting
Wednesday, March 28, 2018
7:00 PM
MINUTES**

Present: Steven Lewis, Dale Harmon, Michael Tomacelli, Chuck Cunningham, Kristina Ford, Town Attorney Sally Daggett, Town Manager Dan Bryer

Pledge of Allegiance:

Public Hearing: Dan Bryer presented the Selectmen with a list of Republican and Democratic volunteers to work during the upcoming election. Steve Lewis made a motion to approve the list of volunteers as presented and Mike Tomacelli seconded the motion. Vote: 5-2 in favor.

Decks LLC dba Lobsterman's Wharf, Map U16-001, located at 224 Ocean Point Road, Boothbay, ME for renewal of a Restaurant/Lounge Liquor (class I, II, III, IV) license, and for a Special Amusement Permit. Dan Bryer said this is a renewal with no problems and everything is in order. Dale Harmon made a motion to approve this application as presented and Kristina Ford seconded the motion. Vote: 5-0 in favor.

Public Comment: Bill Pearson asked who is Decks LLC and was told this was Ocean Point Marina, owned by Mr. & Mrs. Miller.

Approve Minutes: Mike Tomacelli made a motion to approve the minutes of 02/28/2018 and 3/14/2018 as presented and Dale Harmon seconded the motion. Vote: 5-0 in favor.

Reports: Dan Bryer reported that the Landscape Committee has held two meetings, there were only five people in attendance but they were good meetings with a lot of good conversation.

The Business Office is busy putting together the Town Report Andy and Lynn are taking the lead on this project.

The Code Enforcement Office is busy with a number of various permits.

The Public Works is working on float repair and would like to start pulling and repairing some of the plow equipment.

Old Business: None scheduled.

New Business:

A proposed resolution to three court cases brought against the Town of Boothbay

**Coastal Maine Botanical Gardens (CMBG) vs. Town of Boothbay in US District Court,
Docket # 211-CV-493**

**Coastal Maine Botanical Gardens vs. Town of Boothbay in Lincoln County Superior Court,
Docket # WISSC-AP-2018=1**

**Vaughn Anthony, et al's. Vs. The Town of Boothbay in Lincoln County Superior Court,
Docket # WISSC-AP-2048=2**

Steve Lewis started by saying that he wanted it on the record that his wife works at CMBG but he does not feel it is a conflict.

Sally Daggett asked Mr. Lewis if he felt he could be fair. Mr. Lewis said he felt he could make a fair and unbiased decision if allowed to participate in this decision. Dale Harmon said he believes Steve Lewis can be impartial and he has no concerns. Kristina Ford said she did not see a problem, Mike Tomacelli and Chuck Cunningham agreed with Kristina Ford and Dale Harmon's statements. Kristina Ford made a motion that there was no conflict and that Steve Lewis should be allowed to participate in this decision and Dale Harmon seconded the motion. Vote: 4-0 in favor. Steve Lewis abstained from the vote.

Sally Daggett said she would give an overview of what has happened so far to get to this point, an overview of the proposed Consent Decree. Ms. Daggett said that next a consultant, Ken Wood would talk about the project, specifically the Storm Water Management Plan, then there would be time for public comments and input after which the Board would deliberate and vote on whether or not to accept the Consent Decree.

What has happened so far - CMBG filed a development application in 2016, which the Planning Board approved in December 2016

An appeal was filed and CMBG submitted a new plan which relocated the septic system outside of the Watershed Overlay Zone.

The Planning Board approved the amended application in April 2017 with a long list of conditions imposed.

The Anthony Family filed an Administrative appeal with the Board of Appeals.

The Board of Appeals reviewed the Planning Board approval De Novo in November 2017 and overturned the Planning Board's decision and granted the Anthony's appeal.

Three different lawsuits were filed against the Town of Boothbay in December 2017

**Coastal Maine Botanical Gardens (CMBG) vs. Town of Boothbay in US District Court,
Docket # 211-CV-493** this case stated due process violations and challenged the Board of Appeals decision and asked for Attorney fees.

**Coastal Maine Botanical Gardens vs. Town of Boothbay in Lincoln County Superior Court,
Docket # WISSC-AP-2018=1** this case also stated due process violations and challenged the Board of Appeals decision and asked for Attorney fees.

**Vaughn Anthony, et al's. Vs. The Town of Boothbay in Lincoln County Superior Court,
Docket # WISSC-AP-2048=2** this case also challenged the Board of Appeals decision but for different reasons.

There was a meeting on how to handle the cases and it was suggested that all parties go to mediation to look and see if there was a way to resolve the issues.

At the end of February 2018 the involved parties went to a meeting with Jerry Crowder at a Law Firm in Portland to work on a way to resolve the issues. The Town of Boothbay was interested in talking with CMBG on how to resolve the issues but the Anthony's did not agree with the Town.

A tentative agreement was worked out between the Town of Boothbay and CMBG on how to resolve this issue.

The Town of Boothbay Administrative Code allows for the Board of Selectmen to settle matters such as this, on behalf of the Town, but they have to settle it and vote in a Public Meeting. The Board of

Selectmen can meet in a private Executive Session with their attorney to discuss the issue but the vote must take place in Public.

A proposed Consent Decree was agreed upon that the Selectmen need to vote on. A Consent Decree is a fancy term for a settlement agreement that gets approved by the Court. (The terms of this proposed decree are available as handouts and have been made public).

If the Selectmen agree with the proposed Consent Decree then the next step would be for the Town of Boothbay and CMBG to file a motion in court, a motion for a Consent Decree hearing.

The court will want to hear from CMBG, The Town of Boothbay and the Anthony's. The Court will hear any objections and review the Decree. The Court does its own review to make sure it is appropriate and that it doesn't violate any State or Federal law.

Sally Dagget next reviewed the proposed Consent Decree paragraph by paragraph and explained some of the details.

Current construction would be allowed to proceed under the terms of the plan approved by the Planning Board in April 2016 vacating the Board of Appeals decision.

Any further development beyond what was approved by the Planning Board on Dec. 15, 2016 will need to comply with the existing law. This means that if Boothbay Zoning ordinances change in the future then CMBG will need to comply with what the law is when they come back for anything that has not already been approved.

Parking lots located in the Watershed Overlay will be monitored pursuant to the stormwater monitoring plan. These parking lots will be allowed to remain but will be under a more rigorous monitoring plan

The Board of Appeals use designation will be undone. The Town of Boothbay agrees that CMBG is going to be treated as an Educational Facility going forward which is allowed with Planning Board approval.

CMBG agrees to limit what they do in the future. CMBG agrees that no additional construction will happen east of the 2016 Watershed line except as shown on exhibit A. This allows CMBG to construct pedestrian trails or walkways east of the Watershed line subject to any limitations imposed by a Conservation Easement.

All parties agree that all structures depicted on exhibit A and east of the 2016 Watershed line have been approved by DEP permits, which takes in all phosphorus calculations and additional structures even those not yet approve by the Planning Board.

CMBG has agreed to place about 75 acres located in the Watershed Overlay Zone (exhibit B) in a Conservation Easement to permanently preserve them from development. CMBG plans to ask the Boothbay Region Land Trust to hold the easement. The Selectmen have tentatively negotiated third party enforcement rights for this Conservation Easement. This would mean that if the Land Trust (or whoever holds the easement) doesn't follow through with the terms then the Town of Boothbay would be able to step into their shoes and make sure the terms are enforced. This agreement would need to be approved at Town meeting.

CMBG will implement and comply with a Storm Water Monitoring program (exhibit C). This Storm Water Monitoring Plan will become part of the Court Order and CMBG will have to comply with it or risk being taken to court by the Town for contempt of court.

The Code Enforcement Office will rescind the Stop Work Order that was issued in November 2017 and amended in December 2017. CMBG will be allowed to proceed according to the Planning Board approved plan issued in April 2017.

All claims against the Town of Boothbay, including attorney fees will be dismissed with prejudice, which means they cannot be brought again. The Town of Boothbay will not be paying anyone including attorney fees. CMBG will drop all lawsuits.

The Anthony family still has a lawsuit out there and may want to pursue it. The Anthony family did not participate in the proposed Consent Decree. The Town of Boothbay is going to allow CMBG to defend and indemnify all claims. The Town of Boothbay is done with litigating matters and CMG will have to step into the Town's shoes to resolve and pay for matters not resolved. CMBG cannot agree to anything that would require the Town of Boothbay to do anything further or to pay for anything further.

If either party, The Town of Boothbay or CMBG breaks the terms of this Consent Decree the other party can seek attorney fees.

The Town of Boothbay and CMBG have both read this entire agreement and agree to its terms although it still needs to be voted on by the Selectmen.

Sally Daggett next gave an overview of why the Town of Boothbay should sign this Consent Decree.

Ms. Daggett said that no one at the front table, the Board of Selectmen, Town Manager nor herself would be able to answer specific questions or give specific reasons as anything they say could be used in court if this matter does not get settled.

Ms. Daggett said that court outcomes are inherently uncertain and this settlement provides certainty of the results.

With this agreement Boothbay knows what will happen and they will not be subject to three more years of litigation. Court outcomes can add wrinkles, they can be expensive and time consuming.

The parties involved have a better sense of how to resolve the issues, the court cannot stand in the shoes of either party.

If the Town lost the lawsuits then they could have to pay for CMBG's attorney fees.

This consent places additional restrictions on top of the ones already imposed by the Planning Board.

Dan Bryer wanted on the record correspondence he recently received and shared with the board:

Letter from Paula Arsenault 3/27/2018

Email from Dan and Margaret Skles 03/27/2018

Email from Sue Mellow 03/27/2018

Email from Nancy Limberg 03/27/2018

Letter from Paula Arsenault 3/28/2018

Email from Jason Anthony 3/28/2018

Letter from Bruce Bowler 03/28/2018

Email from Bruce Bowler 03/28/2018

Ken Wood, consultant from Penwood Company next spoke about the Storm Water Monitoring Plan.

Mr. Wood said CMBG has a permit from DEP for this project, they have met the standards, specifically the phosphorus standard. He talked about how the calculations are done from the Maine Storm Water design manual. Mr. Wood said he drafted the first Storm water manual in 1992 and he has worked in this field for 30 years. Mr. Wood said it is important to protect the water and that it is best to be proactive.

Mr. Wood talked about chapter 500 from the State's manual and how the lakes are at risk. He talked about keeping nutrients including phosphorus out of the water as too much increases the algae growth and this is not good for the water.

Mr. Wood reviewed the Storm water monitoring plan done by Wright Pierce and said it was a very good plan.

Mr. Wood went into details about how the state values are calculated and what the acceptable values are and what based on those calculations CMBG can export per year to Knickerbocker Lake.

Mr. Wood talked about best management practices and how to remove phosphorus and sediment particles that transport the phosphorus to the lake. Mr. Wood talked about the several treatments that will be in place. It is required to treat 95% of impervious surfaces and 80% of developed are by known approved practices before it is discharged to the lake. There will be a third party inspector/engineer on site to monitor this.

The storm water monitoring plan developed by CMBG goes over and above the usual process for such plans, they have a plan, a permit, a third party inspector and are subject to a five year review.

CMBG has a plan that ensures the system as designed is doing what it is supposed to do and protecting the lake. If at any time the quality is not up to standard then CMBG has to figure out how to fix it and fix it.

Mr. Wood said he has visited the site as well as reviewed the plan. Mr. Wood feels the Storm water management plan is a good plan and will ensure water quality of the lake will not be impaired by phosphorus and that if an issue arises CMBG will alert the Town of Boothbay and the DEP and they will both do a review.

Public Comments:

Jason Anthony, a resident of Bristol but part of the Anthony family said his parents have been taxpayers in Boothbay for fifty years and they are now being driven off their property by a company who does not pay any taxes. Mr. Anthony said this all could have been prevented if CMBG had just removed four parking lots. Mr. Anthony said he has watched CMBG push the town, the Planning Board, the Board of Appeals around and now it is clear that the Selectmen will be the next victims of CMBG and their attorney's bullying tactics. It is obvious the Town is willing to settle because it is being bullied. CMBG is winning because of money. In Mr. Anthony's opinion CMBG is being awarded the right to contaminate the drinking water. Mr. Anthony feels time is required to study this decree and urged that a vote be delayed, he feels agreeing with the consent means that you do not care about the process and the time that board members have put in on this do not matter. Mr. Anthony said agreeing that CMBG is not a Museum is not legal and referenced several sources defining Botanical Gardens as museums. Mr. Anthony said CMBG never referred to itself as an educational facility until it had to for this purpose. Mr. Anthony said the DEP permit is not finalized yet and he does not agree with updating to the 2016 Watershed line. Mr. Anthony feels the Conservation Easement is not a concession, the land could not be developed anyway as it is in the Watershed zone and pedestrian paths should be allowed in certain areas. Mr. Anthony said he still has concerns with the Storm Water monitoring plan. He feels that testing must be consistent and long term, what happens if it fails needs to be looked into. Mr. Anthony said this Decree does not take into account the health of his parents or their well and there is not a plan of action for once the well is ruined. Mr. Anthony also said this plan does not protect Knickerbocker Lake.

Ken Wood responded to Jason Anthony's questions about the Storm water monitoring plan. Mr. Wood said it is a 15 year plan and he felt a plan for 15 years was acceptable. Mr. Wood said the plan has checks and balances and has to be recertified every 5 years according to the chapter 500 Storm Water Management Plan. Mr. Wood said there is also an inspection and maintenance plan.

Vaughn Anthony said he has lived on Gaecklein Road for 50 years and his well is close to the aquifer. Mr. Vaughn Anthony had questions for Mr. Wood to clarify concerning the calculations and how they are done. Mr. Anthony also had questions for Mr. Wood on phosphorus and the amount allowed.

Kevin Anthony a resident of Boothbay said the Anthony family was not at the meetings on the Consent Decree because they were not told about it. Mr. Anthony talked about the Septic System and an alternate

site. Mr. Anthony said the storm water monitoring system will need more monitoring in the future not less, the problem will get worse over time and annually is not enough monitoring. Mr. Anthony asked if the Consent Decree approves what is drawn on the plans, the structures that have not yet been built and if so why the Town is entering into an agreement that breaks their own ordinances. Mr. Anthony said CMBG is clearly a museum and entering it not being so in this agreement declares something that is not true. Mr. Anthony said this decree does not protect Knickerbocker Lake, he talked about the phosphorus and the problems he saw with the calculations. Mr. Anthony referred to CMBG as a bully and said they could be beat in court. Mr. Anthony feels it would cost less to fight this in court than it will to fix the water supply after the fact. He feels this agreement allows multiple zoning ordinances to be broken. Mr. Anthony urged the Board of Selectmen to spend more time researching before making and decision. He said signing this Consent Decree would be an unwise act.

Jean Reese Gibson, a resident of East Boothbay said there are vague references in the document that need to be fixed. Ms. Gibson said there is no way to monitor and comply with the agreement, there are areas that need to be more specific. Ms. Gibson talked about the toxic elements from cars in the parking lots and said this has not been specifically addressed. She feels there needs to be a time frame from start of project to finish. She feels the data collection needs to be more specific, the time of year could be significant. Ms. Gibson said the document has too many vague terms and it needs more details. If something is not in the document then it doesn't exist and the document has to be self-explanatory and she feels this document has serious issues.

Paula Arsenault a Boothbay resident said she has been attending these meeting for the past two years and she wanted to thank the board members for all of the work they have put in on this. Speaking for the Knickerbocker Lake Association she asks that the board reject this decree. She feels this gives special privileges to the few with financial means. Ms. Arsenault said approving this decree sets a negative precedent by vacating the Board of Appeals decision. She feels the Board of Appeals made the right decision and believes this plan threatens the quality of the public water. According to Ms. Arsenault signing this agreement will put the priority of financial gain over the safety of the people.

Mary Ann, a resident of Barters Island said the Planning Board approved the application because it had met all the conditions and the Board of Appeals felt it met all the conditions except for the Museum designation.

Tom Tiller of West Boothbay Harbor talked about all the people that CMBG brings to this area especially in the off season. Mr. Tiller acknowledges the Anthony's are unhappy but feels this is really a case of "not in my back yard".

Claire Hunt a resident of Boothbay and one of the founders of CMBG said she could not speak for all the founders, but only for herself. Over the past 25 years she has worked with people who have donated their time, efforts and financial support to CMBG. Not all of the people were wealthy and it has not been an easy ride, many of them have worked real hard. Ms. Hunt said it is past time for the Town of Boothbay to support the gardens.

Mary Neal a resident of West Boothbay Harbor said she drinks the Town Water and has worked for CMBG. She feels the plans have been scrutinized by the Planning Board, the Board of Appeals, the Selectmen, various engineers etc. and this plan could be a model to use for other plans. CMBG is all about conservation and quality water is important. She suggested looking at other small non-compliant properties around the lake as well. She believes that CMBG is a Stewart of water quality and conservation and encouraged the board to vote for this decree.

Rhoda Weyr a resident of Boothbay said she was stunned at the last few talks in support of this decree. Ms. Weyr said the gardens were founded by people who risked their own homes to make them possible and that this past year she heard someone say how beautiful the gardens aglow was and that this was an incredible miracle for the area but she feels that it is ruining itself and the town.

Joyce Sirois, a resident of Back River said she was involved in Knickerbocker Lake Association when it was first founded to protect the essential water supply for the whole area. She said the water needs to be carefully monitored and she is worried about what is happening with CMBG. Ms. Sirois feels the gardens are getting more dangerous to resources as they grow.

Joe, a resident of East Boothbay said he has lived in East Boothbay for 30 years. He said the Planning Board approved this plan as it met the conditions and the Board of Appeals said it met most of the conditions. It is never easy to make these types of decisions, you have to look at the facts, what CMBG has tried to do to resolve the issues. Have the standards been met? What has CMBG done to be good neighbors? It is time to move on, the Town does want to go to court. It is time to look at facts and not emotions and move on.

Leigh Sherrill a resident of Southport said she volunteers at CMBG in the children's garden and the children just love it. She said it is wonderful to see the smiles and delights, it is a wonderful thing her and let's keep it going.

Julie Roberts lives in East Boothbay and owns a business in Boothbay Harbor and said she is a supporter of CMBG. She said her child loves it and it has done a lot for the town. It has helped to spread out the seasons which means a lot to businesses in the area. She said she cannot stand the negativity and the personal assaults that are happening.

Gary Arnold who lives at West Harbor Pond said he stood here two years ago with the Planning Board and talked about water problems and problems with West Harbor Pond and the water quality. He said he agrees with people on both sides. He agreed the original founders of CMBG would not do this to the Anthony's. Mr. Arnold talked about the 4 parking lots, he said if the gardens had stopped and not put in those parking lots then we would not be here. He said you cannot compare the gardens to other owners around Knickerbocker Lake. Mr. Arnold talked about the fluids and chemicals that would result from so many cars in the parking lots. Mr. Arnold thinks the calculations are not correct and there will be problems with the impervious surfaces, the parking lots need to be gotten rid of. Mr. Arnold feels the Anthony's well is toast and he feels the Town should be responsible for the well if they go ahead with this agreement. He talked about there not being enough water since CMBG did not tie into the town water system and what will happen when there is a fire and how this will make the phosphorus worse. He feels CMBG is good at gardening but not at handling sewer plans.

Kim Horstman said she is a Boothbay Tax payer and grew up in this area. She loves the gardens but feels they are very different than when they started. She feels there is enough to still be discussed that maybe there should be more public meetings before any decisions are made. She said we are talking about the water quality for future generations.

BREAK – a five minute break was taken

Sally Daggett answered a question that had been asked earlier about structures east of the 2016 Watershed line. Ms. Daggett said no structures have been approved by the Planning Board east of the 2016 Watershed line and this decree was not permitting them, only allowing CMBG at a future date to bring an application before the Planning Board.

Public Hearing closed.

Board Deliberations:

Kristina Ford said this was almost like talking about two different project, one in and one out of the Watershed. Ms. Ford talked about the conservation easement and if the Water System would be interested in holding the easement if the Land Trust did not want to. Ms. Ford also had questions on the monitoring program and asked if the language can be changed so it doesn't sound like the gardens are doing their own monitoring.

Sally Daggett said this is decree is the one CMBG has agreed to and if the language was changed CMBG would have to agree to that changed decree. Ms. Daggett said the holder of the Easement has to be a qualified person on entity and she does not know if the Water System is qualified to do so but that according to the decree CMBG would have to have a qualified holder and the Town would still have the third party rights. Ms. Dagget said per the consent decree CMBG would have to notify the town before sampling, at least four hours in advance and when possible twenty-four hours, allowing the town the opportunity to observe the sampling.

Dale Harmon said he did not want to prolong things but did all the questions get answered as promised.

Sally Daggett said she thought they had answered all questions.

Dale Harmon said this was not an easy decision. He has heard a lot of information, a lot of emotions and is not sure the correct thing to do. No matter how the board votes, it is not an easy decision.

Kristina Ford said she understood the reasons of why to settle but because of the questions brought up tonight is there a way to keep abreast of things troubling to people.

Steve Lewis said he doesn't think the board should have been involved with what the Planning Board or the Board of Appeals decided, it might have just clouded his judgement. Mr. Lewis said no matter what this is not an easy decision but the board has to make the decision they think is best for the residents of the Town of Boothbay.

Steve Lewis made a motion to approve the proposed Consent Decree that will authorize the resolution of the pending litigation and to authorize the Town's attorney to take the necessary action to make this happen. Mike Tomacelli seconded the motion. Vote: 4-1 in favor. Kristina Ford cast the one negative vote.

Public Comment: Bill Pearson said if the Anthony's bought their house in 1966 and then had a tourist attraction move in next door, how does this decree protect their rights as property owners? The board said they were unsure how to answer this question.

Bill Pearson next asked if the Anthony's well is destroyed, who is responsible and Sally Daggett said no one was going to answer that question and suggested an end to this line of questions.

Dale Harmon said this was the toughest decision he has had to make sitting as a Selectmen and it was not an easy decision but he felt it was the right thing for Boothbay.

Review Warrants and sign: Dale Harmon made a motion to review the warrants and sign them and Kristina Ford seconded the motion. Vote: 5-0 in favor.

Adjourn meeting: Kristina Ford made a motion to adjourn the meeting and Dale Harmon seconded the motion. Vote: 5-0 in favor.

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**Town of Boothbay
Board of Selectmen Meeting
Wednesday, September 12, 2018
7:00 PM
MINUTES**

Present: Steven Lewis, Dale Harmon, Kristina Ford, Town Manager Dan Bryer and Secretary Sherry Tibbetts

Pledge of Allegiance:

Public Hearing: None scheduled

Public Comment: None

New Business: Fred Brewer with the Annual Town Audit – Although New Business is listed further down the agenda, the board agreed to ask Mr. Brewer to speak now, so that he did not have to sit through the whole meeting.

The Selectmen were all given a hard copy of the audit. Mr. Brewer gave a brief overview of the audit and reviewed the most important sections with the board and then answered questions. The town is in good shape overall, collections are high, the capital reserves and undesignated funds are in a good place.

Old Business: Backhoe bids – The board also agreed to bring this item forward on the agenda so the gentleman from Nortrax would not have to sit through the whole meeting.

The board had before them two bids for a new backhoe, 1 for a John Deere at \$108,000 and one for a Case at \$97,300 plus an extended warranty at a cost of \$1,400.

Steve Lewis talked about the cost vs the benefits that come with each machine. He said he prefers John Deere and one reason is the JD link that comes with it, he feels it saves a lot of time and money by having this feature. Mr. Lewis said that even though you initially pay more for the John Deere over time the cost evens out.

Steve Lewis made a motion to purchase the John Deere backhoe from Nortrax for a cost of \$108,000 and Kristina Ford seconded the motion. Vote: 3-0 in favor.

Approve Minutes: Kristina Ford made a motion to approve the minutes of August 22nd 2018 with two corrections. (1) page 2 second paragraph from the bottom last line the word "process" be changed to "progress" (2) page 3, 4th paragraph from the bottom last line the word "treasures" be changed to "treasurer's" and Dale Harmon seconded the motion. Vote: 3-0 in favor.

Reports:

Town Office Reports – Dan Bryer reported that the Public Works has been busy and putting in long hours on storm clean up. He talked about how all the various entities worked together, the various districts, towns, etc. just all pitched in to work together to get the job done.

Dan Bryer reported that the Code Enforcement Office is busy. This is the time of year where there usually is a jump in number permits as people want to get projects in order before they leave for the winter. There are a variety of permits pending. People were urged if they have trees down in the Shoreland district because of the storm, they should come in and see the CEO and get a permit to take care of the damaged trees. There is no cost for this and this way if there is a question of someone cutting trees in the Shoreland Zone, there is documentation to back up actions taken.

BOS Action Items –

The landscaping around Rt. 27 – nothing new to report

The Clifford Park equipment – nothing new to report

The Umaine Aqua Ventus project – nothing new to report

MDOT Park and Ride facility – Dan Bryer said he attended a pre-construction meeting this week. The MDOT will take care of paving the park and ride part of the lot, signage and any needed lighting. The Town will have the rest of the lot paved, most likely by Crooker as they are cheaper than the paver being used by MDOT. Dan Bryer said he has a meeting scheduled with DECD on the 20th of this month to see what the TIF money can be spent on.

Land and Water grant – This is slowly moving forward, there is a lot of back end work to be done.

BOS Pending action items –

Broadband – this will be discussed later on the agenda

The housing group is continuing to discuss availability of land or subdivisions near municipal water and sewer for the analysis of affordable, workforce, and elder housing options.

BOS meeting with Board Trustees – The board of Selectmen from Boothbay and Boothbay Harbor will meet with the School Board and trustees on September 16th at 6:00PM at the BRES.

Banner Pole Policy – This policy is now in the hands of the Town Attorney. Dan Bryer said one thing that the town needs to be aware of and keep in mind is a 1st amendment issue – but this should be OK since use is to be restricted to Non-profits or something that will benefit the community.

Old Business: Kristina Ford asked if the town was still planning to put handrails out in front of the Town Office and was told this was still in the plans.

Dan Bryer announced that on September 24th from 9PM until 5AM a section of the Wiscasset Bridge will be closed. Announcements are being posted along with details and detours.

New Business: Broadband – There was a follow-up discussion from a recent joint board meeting on this topic. The Selectmen had a draft application for committee members drafted by Wendy Wolfe. Kristina Ford said she thinks this is premature, first the group needs to set what it is they want to accomplish, what they want to do with it. She feels you need to get the money first, set some goals and then put together a committee or you will just be wasting people's time. Kristina Ford would like to write a proposal for a grant to start the funding with before they move forward with a committee.

Public Comment: none

Review Warrants and sign: Dale Harmon made a motion to review the warrants and sign them and Kristina Ford seconded the motion. Vote: 3-0 in favor.

Adjourn meeting: At 8:10PM Dale Harmon made a motion to adjourn the meeting and Steve Lewis seconded the motion. Vote: 3-0 in favor.

What appears below is on the cover sheet, which names the Boothbay Board of Selectmen as the applicant. This description is limited to 100 words.

Read this, and edit as you like....Dan will help me with the factual information required on this cover sheet.

Mission:

Boothbay's Board of Selectmen is composed of elected officers who manage Boothbay's finances and adopt policies to protect the welfare of the Town's year-round and summer residents. The Board's primary mission is overcoming problems caused by Boothbay's seasonal tourism-based economy: some residents move away, seeking year-round work; many residents remain in the winter whose only income is unemployment checks. To address these problems, Boothbay and Boothbay Harbor sponsored an Economic Development Plan, and adopted it in 2018. The Plan specifically recommends expanded Broadband capacity, and Boothbay would use MCD funds to determine *how* both Towns can increase capacity most usefully. (100 words!)

DRAFT: Community Broadband Application to MCF

I. Project Description (5 sections, 200 words for each of the first 4)

1. Project Overview and Goals

Briefly describe your proposed work. Include in your description any short and long-term goals you've identified.

We are applying for the MCF grant to increase the number of citizens and businessmen in the Boothbay Region who have access to high-speed internet service and who have the skills, opportunities and knowledge to use Broadband technology effectively. In the short term (i.e., during the initial grant period) we would identify the purposes we expect Broadband to serve in Boothbay; we would identify the various Broadband technologies that are available to us and map where each type of Broadband exists. And finally, we'll develop a strategy for filling in the gaps of service. Based on this initial effort, we'll apply to ConnectME for longer-term grants that help us invest in enhanced Broadband infrastructure in our communities.

We've also identified three accompanying objectives as we work to extend Broadband infrastructure. First, increase our citizenry's computer and internet knowledge and skills. Second, we will remove barriers and create equitable opportunities for access to technology for all citizens. And finally, because the Joint Economic Development Plan was written for Boothbay and Boothbay Harbor, but also for Edgecomb and Southport, neighbors on our peninsula, we will strengthen regional cooperation among all four towns as we work to improve the economy. (197 words)

2. Community and Partners

Describe your community for the purposes of this project. What geographic area are you focusing on? Who are the key partners and what are their roles?

Help me here: This is only 200 words, and surely we can extract some relevant verbiage from Camoin?

For this section, I think the key partners are Boothbay Harbor BOS OR JEDC. What do you think?

3. Need

Describe the need for high speed internet access in this community. What is your existing service. What do you know about who has access?

In the last 2 years, Boothbay and Boothbay Harbor jointly financed an Economic Development Plan to help solve the problems of our seasonal, tourism-based economy as well as our continuing loss of 25-45 year-old citizens. The latter factor has resulted in both Towns having an unusual concentration of elderly residents, many of whom are isolated during the winter months. Adopted in April, 2018, the Economic Development Plan's foremost recommendation was that the community's Broadband infrastructure be expanded. Both Boards of Selectmen towns agreed, and with this application are taking the first step toward implementing that goal.

We know that Broadband technology can attract and retain businesses and citizens, and can improve the quality of life throughout the year. The following list offers a few specific examples of the potential benefits Broadband can provide for the very diverse needs of our citizenry:

- a. Offer a variety of educational opportunities (on-line tutoring for students, or distance-learning programs for a Master's degree, etc.)
- b. Offer book-keeping software for home-based entrepreneurs
- c. Provide financial services that might entice seasonal residents to stay in Boothbay longer than Labor Day
- d. Provide telehealth services (186 words)

4. Digital literacy, equity and inclusion

How are you/will you improve digital literacy in the community? What steps are you taking/will you take to ensure digital equity and inclusion?

Because we're only at the stage of figuring out how to enhance our Broadband infrastructure, we haven't yet taken any steps except, as stated elsewhere in the proposal, we take as an on-going object that we educate any interested person in how to use Broadband, and that we specifically identify – and then overcome – any barriers that would exclude an interested citizen. And we are dedicated even as we start this effort, to ensure digital equity. Any resident of Boothbay must have the opportunity to use this technology, and that over-arching goal will drive our choice of what entities we choose as our favored providers. (104 words)

5. Underserved population.

Select all the groups that will be directly served by your project

This section isn't a narrative. It asks us to indicate which of the following groups we plan to serve. The list is: I'd say all of the first 7 groups, and ask you all to identify any "Other" group!

Older Adults – 60+ years old

People living in remote rural areas

People living {in} poverty

Racial minority groups

Immigrants and Refugees

Students (early childhood to adults)

Entrepreneurs, small businesses

Other (please specify)

No specific population.

II. Additional Project Details (3 sections, 200 words for each)

1. Community Support

What indicators of community support can you share? This could include financial commitments, attendance at meetings, numbers and diversity of partners involved, affirmative votes by community members or elected officials, etc.

Dan or Wendy – Can you put in here how many people came to the JEDC meetings to develop the plan? I just don't have that information, and it is the best.

Elected officials – both Boards of Selectmen voted to concentrate on Broadband expansion, and it is the first effort to implement the community-supported JEDC Economic Development Plan that was adopted in April 2018.

2. Replicability

Describe any ways that this work could provide a model for or be replicated by other communities in Maine or beyond.

The work we are undertaking is specifically intended to be the model for how Edgecomb will expand its Broadband infrastructure. We've included Edgecomb in the background information used to write the Economic Development Plan, and the Town continues to attend meetings devoted to Broadband. The strategy of regional cooperation is already working, since our other neighboring town (Southport) has already moved forward with their Broadband expansion, and have shared their experience as we convened meetings to discuss how to get started.

Thus, our work will provide a model for how different towns can join their efforts together, even when they haven't started out together! (104 words)

3. Timing

Describe how this grant support could advance your work at this specific moment in time. Is there anything timely about this opportunity?

This grant is extremely timely, from our point of view. We are right at the point of beginning to implement the Economic Development Plan adopted by Boothbay and Boothbay Harbor in 2018. Both towns agree that expanding our Broadband

infrastructure is a vital first step. With these funds, we will create a wise, equitable and inclusionary strategy for choosing the particular Broadband technology to use in different parts of our communities. Simultaneously, we'll be focusing on how to give our citizens adequate computer and internet knowledge that they will be able to use the infrastructure as soon as it's provided.

We are excited at this prospect, in part because it's so unusual to complete a plan (as we have) and so quickly set about implementing it. Being awarded the MCF Broadband Grant will sustain the momentum created by the Joint Economic Development Committee – which has made the Towns' elected officials and their constituents feel assured that we *can* improve our economic circumstances. (162 words)

III. Project Budget

There are two sheets which give budget expenses and revenues. I've attached them to the memo that explains this whole package of material. But there are three *narratives* that must accompany the budget, listed below:

1. Budget Narrative

In 200 words or less, describe how you plan to use the grant funds if you receive them.

In the months before we know whether we'll be awarded the MCF grant, we'll name a Broadband Committee (described above), and use the grant to hire a facilitator to help the Committee determine, as a first order of business, what the two Towns are trying to achieve with an extended Broadband capacity. This conversation isn't useful if what the Towns want to have is determined only by what existing providers want to install. This community is diverse, and we need to be sure we're including all potential beneficiaries of, for example, ready access to the internet. In this way, the purposes we define determine the technology we invest in because we believe it's to our benefit. This is a better route to use than putting the task of defining what's to our benefit into the hands of existing providers who have reasons of their own to select a particular technology. Those reasons may or may not be consistent with what the reasons Towns have for choosing what to invest in. (170 words)

2. Key Project Personnel (200 words or less)

List the specific roles, responsibilities, and qualifications of key personnel for this project.

a. Selectmen from Boothbay and Boothbay Harbor

- Form a Broadband Committee of citizens whose diverse voices ensure that all potential benefits of Broadband will be identified for different segments of the community.
- Develop and send out an RFP for a knowledgeable Facilitator to assist the Broadband Committee's discussions. This is necessary because "Broadband" is a term that describes a range of technologies ranging from powerful, sophisticated and expensive Fiber-optic technology to relatively simple, relatively inexpensive devices that connect a user to the internet. The facilitator will ensure that people with technological knowledge don't dominate the Committee's deliberations about the purposes of Broadband.

b. Broadband Committee

- Create a comprehensive list of purposes that Broadband can serve
- Identify the types of Broadband technology that can serve each of the listed purposes
- Determine where Broadband service already exists and where gaps need to be filled
- Draft a "Request for Information" that Selectmen can use to find entities that can fill the gaps in existing service.
- Report to Selectmen the steps necessary to "pre-qualify" the Towns for grants available from ConnectME. (177 words)

3. Partnerships and Collaboration

List any organizations that you will partner with to make this project successful. Include a brief description of what each partner organization will do in this project.

HELP ME with this! The organizations and their functions. JEDC, BOS of each town, Lincoln Country Planning Board...



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BANNER PERMIT APPLICATION

Purpose/Event: _____ Date(s) of Event: _____

Applicant: _____

Contact: _____ Phone: _____ Cell Phone: _____

Fax: _____ E-mail: _____

Address: _____

If the applicant is a non-governmental entity, please attach a copy of the organization's Bylaws and Articles of Incorporation/Organization.

Please provide a brief description of the number, type and location of banners requested: _____

Please attach a depiction of the requested banner design for approval, including any and all images and text.

Requested Installation Date: _____ Dismantle Date: _____

Location Requested [Dan: what are the options here?]: _____

I hereby make application for a banner permit in accordance with the Town of Boothbay Banner Policy. My signature below indicates that I have read and fully understand the Town of Boothbay Banner Policy and agree to the installation of the banner in full accordance with the rules set forth in the Town of Boothbay Banner Policy.

Date

Applicant

Town of Boothbay Banner Policy

The purpose of the Town of Boothbay Banner Policy is to allow the placement of banners on select street poles owned by the Town of Boothbay (the "Town"). The purpose of the banner program is to add vibrancy and color to the Town's streetscape while promoting special events, community identity, and other cultural or recreational activities of benefit to the Town. Banners are not to be used for commercial advertising, display of personal messages, promotion of a commercial or profit enterprise, or to advertise or promote political candidates, parties or issues, as the Town does not wish to create a public forum for the expression of ideas or opinions. The Town reserves the right to determine whether a banner is eligible for placement on a Town street pole under this Policy.

Eligible Participants

The Town will accept applications for a permit to display street banners only from non-profit organizations, community organizations, municipal and county government, the State of Maine, or from other governmental entities. Banners may be obtained only for: (1) special events, cultural activities, or recreational activities for which a permit is required and has been obtained from the Town Manager; (2) special events, cultural activities or recreational activities sponsored by a governmental entity; or (3) to identify cultural or recreational attractions located on public property. The Town may pre-empt use of the poles for a Town banner at any time.

Banners are not to be used for commercial advertising, display of personal messages, promotion of a commercial or profit enterprise, or to advertise or promote political candidates, parties or issues. Advertising of a specific product shall not be placed on banners. However, the name or logo of a business or corporation sponsoring the event may be included on a banner provided that such name or logo is no larger than $\frac{1}{4}$ of the total banner size and provided that the term "Presented by" or "Sponsored by" is included with the sponsor name or logo. No phone numbers will be allowed on any banner. Website addresses providing information about a special event may be allowed if such website address is no larger than $\frac{1}{4}$ of the total banner size. No e-mail addresses shall be allowed. All banner designs should be artistic in nature, graphically or symbolically representing the subject/purpose of the event. Banners can include text for dates, activities, logos, and/or title of the event.

Application and Approval Process

The application for a banner permit must be submitted to the **Code Enforcement Officer** at least thirty (30) days prior to the proposed date for installation of the banner(s). A \$ non-refundable application processing fee is due at the time of the application. The required fees must be paid before the banner(s) will be installed.

by the Town.

As part of the application, the applicant shall provide information about the banner(s) proposed to be placed on Town property, including the type of event or activity to be promoted, size, location, total number of street poles proposed to be used, graphic design, and sponsor identification.

Before installation, the Code Enforcement Officer shall review and approve banner text, design, materials and colors. Following a preliminary review of the application, the Code Enforcement Officer shall notify the applicant if there are any required revisions to the banner design, or scheduling or location conflicts. The banner request information will then be distributed to relevant departments for review and comment. A banner permit will be issued once the banner design and its placement has been approved by the Code Enforcement Officer.

An application shall not be accepted more than one year in advance. Reservations begin at the start of the calendar year on a first-come, first-served basis.

Installation and Removal

Street banners must be installed and removed by the Town. An installation and removal fee of \$ [REDACTED] per crewmember per hour is required to be paid in advance and prior to issuance of any permit.

Street Banner and Hardware Standards

Street banners must be constructed of a material that can withstand the normal and reasonably expected forces of nature for the period of time they are displayed. Street banners must meet the dimensional standards necessary to fit any existing banner brackets located on street poles. For street poles not containing existing brackets, banners must not exceed an overall length of ninety-six inches (96") and a width of thirty inches (30"). Any hardware installed on street poles to hold banners must be approved in advance by the Public Works Director or his/her designee. All street banners and hardware shall be installed such that the top of the street banner is at least eighteen feet (18') above the ground. If a street banner hangs over the traffic way, the top of the banner must be at least twenty-two feet (22') above the ground.

Duration of Display

Street banners may be permitted to remain in place for the following time periods:

- Street banners promoting a special event or other cultural or recreational activities: Permitted to be in place for a period of at least seven (7) days but not

more than thirty (30) days.

- Street banners identifying cultural or recreational attractions located on public property: Permitted to be in place for a period of up to six (6) months, or for the term of any applicable lease to use the public property where the attraction is located. The Town may require that such street banners be removed if torn, damaged, faded or otherwise not maintained in compliance with this Policy.

The Town may consider extensions of the time periods set forth above if no other eligible applicants have requested the use of the street poles.

Insurance

The applicant shall maintain occurrence version commercial general insurance with companies acceptable to the Town for injuries to persons or damages to property which may arise from or in connection with the use of Town property with a limit of not less than \$1,000,000.00 each occurrence for bodily injury, personal injury, and property damage.

The applicant shall show proof of and maintain general liability insurance provided by an insurance company or companies licensed or approved to do business in the State of Maine by the Maine Bureau of Insurance to cover any loss or damage to public facilities or Town equipment in an amount not less than \$1 million, and naming the Town as an additional insured on the applicant's insurance policy. This insurance shall contain or be endorsed to contain a provision that includes the Town, its agents, officers, and employees as insured with respect to the use of Town property. The coverage shall contain no special limitations on the scope of its protection afforded to the above listed insured. For any claims related to the use of Town property by the applicant, the organization's insurance coverage shall be primary insurance as respects the Town, its agents, officers, and employees. Any insurance or self-insurance programs covering the Town, its officials, officers, and employees shall be in excess of the organization's insurance and shall not contribute with it. Prior to the event, evidence of the above insurance shall be provided to the Town on a certificate of insurance, providing not less than 10 days' notice of cancellation or material alteration.

Banner Specifications and Procedures

- All banners must be two-sided, with text and/or graphics appearing on both sides.
- Unauthorized banners will be removed immediately upon notice by the Code Enforcement Officer, and the costs of removal shall be charged to the banner owner, or other party installing or causing the installation of such unauthorized

banner(s).

- The organization is responsible for picking up its banner(s) at the Public Works Department no later than one week after it is removed. In no event shall the Town be responsible for storage or maintenance of the banner(s).
- Applicant will be charged for any and all damage incurred as a result of making attachments to Town property. The Town will not be responsible for any damage to applicant's attachments or banners as a result of maintenance operations or for damage resulting from any other cause.
- Banners that are torn, damaged, or faded shall be removed immediately following the notification to the applicant by the Town of such a condition. The owners of the banners will be notified as soon as practical following any removal by the Town.
- The Town will not be responsible for any damages sustained to the banner(s) due to acts of nature or any other cause.

DRAFT

