

Board of Selectmen

Charles R. Cunningham, Chair
Steven Lewis, Vice Chair
Douglas Burnham
Stephen W. Ham
Dale Harmon

Town Manager

James D. Chaousis II



Town of Boothbay
Board of Selectmen Meeting
Monday, February 25, 2013
7:00 PM
MINUTES

- 1. Call Meeting to order:** Chairman Chuck Cunningham called the meeting to order at 7:00PM. **Present:** Charles Cunningham, Steven Lewis, Douglas Burnham, Stephen Ham, Dale Harmon and Town Manager, James Chaousis II
- 2. Pledge of Allegiance**
- 3. Approve minutes:** Chuck Cunningham made a motion to approve the minutes of 2/25/2013 meeting as presented and Douglas Burnham seconded the motion. **Vote: 4-0 in favor.**
- 4. Stacy Miller, representing Lincoln County Healthcare:** Stacey Miller was present to discuss the contribution of Lincoln County Healthcare of \$102,000 to help offset the ambulance service increases. She mentioned the gift they are speaking of has no restrictions and is a one-time gift. It should be ready by the next BOS meeting.
- 5. Michael Pander** was present to represent the Planning Board in their efforts to request access to the town's attorney, pertaining to the Board of Appeals decision of January 24th. He stated that October 17, 2012 the Planning Board pre-application was non-binding, and was not a decision. He referred to the ordinance for a description of a pre-application and said that the Planning Board suggested the applicant go to the BOA for a variance. Mr. Pander said that it switched from being a variance meeting to an appeals hearing, having an appeal requires representation, and it fell outside of the 30 day appeal window. He stated that the Planning Board is not anxious to conduct pre applications anymore because of this precedent, and they want to formally ask the Board of Selectmen to present this case to Sally Daggett. Jim Chaousis mentioned that everything that was passed was wanted by everyone and he reminded the Board that the 45 day appeal window was still open and everything said can be used for that process. There was discussion regarding Bo Brewer's previous Use application and the fact that it was a formal application. Steve Lewis said that the only step the BOS could take was to take the BOA to court, which did not make sense. He said that the Planning Board minutes indicate a negative decision and Mike Pander said the heading indicated otherwise. Jim Chaousis suggested that the Planning Board and the Board of Appeals officer get together to fix the issue. Mr. Pander did not agree and thought that getting legal advice was the procedure to use and that using the town attorney would make everything right and that the whole board felt this way. Chuck Cunningham stated that he believes these are procedural issues and that Maine Municipal Assn. should be used instead of the attorney. Mr. Chaousis said he had already spoken with Mr. Stoltz at MMA

Legal; MMA would feel uncomfortable since MMA ultimately represents the BOS. He said that if there was a 45 day wait than it can be publicly discussed how best to correct this process. Mr. Cunningham stated that it doesn't seem as though grandfathering was right but the procedures were wrong. Fran McBrearty said that someone in a like situation could use a pre application and appeal without proper procedure. Mr. Cunningham said that both boards have ownership in the outcome, that the Planning Board minutes say they couldn't offer approval, and that they should not use wording that indicates approval or disapproval if they didn't want a decision to be indicated in the application. Mr. Pander mentioned again that he would like legal advice. Dale Harmon said that everyone was happy with the decision, so why question it. Douglas Burnham stated that the BOS is declined the Planning Board's request at this time.

6. Reports:

- a. **St. Andrews Hospital:** Jim Chaousis met with the Attorney General's office to discuss her bill for the Hospital board. The minutes are available if the hospital takes public funds. It was seconded by Rep. MacDonald. Michael Pander could research grants, subsidies, medicare/Medicaid. Will ask Jim to clarify St. Andrews items.
- b. **2009 CDBG Grant:** Biovation has been great to work with. Jim Chaousis has looked into employees hired by Biovation – six people needed to be hired with 3 or 4 to be low to moderate income. Found 2 had qualified, but still need one more to be off the hook for the \$100,000 grant.
- c. **Dept. Head Meeting:** Safety inspections happened. Public works is plowing and three floats are in. Murray Hill floats are being repaired. Assessing – discussing roles and responsibilities. Mapping project is in Jim's office; would like Mike or John to present. Code Enforcement – Erosion Control class rescheduled for the third time. Stimson was before the Planning Board. Jim Chaousis wrote letter to Planning Board to inform them how well they have done. Workshops still being conducted.
- d. **Office:** March 8th is the office shut down for new office integration probably happening. Feb. 26 at 11:00AM contractor coming in to look into rewiring sound & video for town office.
- e. **Nominations:** Nomination papers taken out. Sue Norton and Kevin Anthony haven't taken out their papers.

7. Old Business:

- a. **Standing Board Vacancies:** Jim Chaousis has been to all planning board meetings and recommends Mike Tomacelli; thinks Martin & Alex would be good, David Steinmetz recommended for Board of Appeals.
 - a. Dale Harmon made a motion to appoint Martin to Planning Board and Steven Lewis seconded it.
 - b. Dale Harmon rescinds his motion and Steven Lewis rescinds his.
 - c. Steven Lewis makes a motion for Mike Tomacelli and Planning Board and Martin Page and David Steinmetz to Board of Appeals. Dale Harmon seconds it.
- b. **Planning Board Workshop:** Jim Chaousis mentioned at the last Planning Board meeting they discussed signs, etc. The PB felt they might not have enough time for a quality annual meeting for ordinance review, i.e. 3 months longer if possible. Mr. Cunningham said that it would be better to get a good product. Art Dunlaps review was helpful.
- c. **2014 Budget Process:** Homestead reimbursements to fall short by \$740,009. If the town did tax commitment now we would be short \$150,000. Jim Chaousis mentioned four possibilities of what could happen and we could be looking at a tax increase.

8. New Business:

- a. **Board of Selectmen Meeting Dates:** Chuck Cunningham would like to keep Mondays and switch to 1st and 3rd Mondays instead of 2nd and 4th. Steven Lewis likes Tuesday nights. Dale Harmon would like to move to Tuesday to accommodate all parties. Douglas Burnham mentioned giving it three months for other parties to adjust, he would rather have Tuesdays. Stephen Ham would like Tuesday as well. Mr. Lewis stated they would put out a public notice June 1st that the BOS meets 1st and 3rd or 2nd and 4th Tuesdays.

9. Public Comment: Robbie Hamm said he was interested in the ambulance service adding the next door property to the Town's property next to Leighton's office.

10. Review Warrants and sign: Charles Cunningham made a motion to review the warrants and sign them and Steven Lewis seconded the motion. **Vote: 5-0 in favor.**

11. Adjourn: Chuck Cunningham made a motion to adjourn the meeting at 8:47PM and Steve Lewis seconded the motion. **Vote: 5-0 in favor.**