

Board of Selectmen

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

Town Manager

James D. Chaousis II



**Town of Boothbay
Board of Selectmen Meeting
Wednesday June 12, 2013
7:00 PM**

MINUTES

Present: Steven Lewis, Dale Harmon, Douglas Burnham and James Chaousis II, Town Manager

Absent: Charles Cunningham, Stephen Ham

1. Steve Lewis made a motion that the Board enter into executive session pursuant to Title 1 M.R.S.A. § 405(6)(C) and (E) for consultation with the Town Attorney concerning the legal rights and duties of the Board regarding tax increment financing as well as discussion of an economic development proposal. Dale Harmon seconded the motion. **Vote: 3-0 in favor.**
2. **Call Meeting to order:** Steve Lewis called the meeting to order after Executive Session.
3. **Pledge of Allegiance:**
4. **Public Hearings:**
 - a. **Boothbay Craft Brewery, Edwin Mitchell, Map R4, Lot 165, renewal of liquor license, Class I, II, III, IV, malt, spirituous, & vinous.**
Mr. Chaousis said this is a renewal and the application is complete, there are no problems with it. Dale Harmon made a motion to approve the application as presented and Doug Burnham seconded the motion. **Vote: 3-0 in favor.**
 - b. **Boothbay Resort, (The Vintage House), Lori & Edwin Mitchell, Map R4 lot 165 renewal of their Innkeepers license.**
Mr. Chaousis said this is a renewal and the application is complete and there are no problems seen with it. Dale Harmon made a motion to approve the application as presented and Doug Burnham seconded the motion. **Vote: 3-0 in favor.**
 - c. **Cabbage Island Clambakes, D.W. Moore LTD, Map R9 lot 15 located on Cabbage Island, renewal of liquor license Class I, II, III, IV, and renewal of Special Amusement Permit Class C.**
Mr. Chaousis said this is a renewal application, it is complete and no problems are seen with it. Dale Harmon made a motion to approve the **application** as presented and Doug Burnham seconded the motion. **Vote: 3-0 in favor.**

- d. **Ocean Point Inn, Michael Houston**, Map U3 lot 23, located at 191 Shore Road renewal of liquor license Class 1-A, and renewal of Innkeepers license.

Mr. Chaousis reminded the Selectmen that last month, they had recommended extending this liquor license for thirty days and the State had no problems with that recommendation. Everything is in order with this license renewal. Dale Harmon made a motion to approve the application as presented and Doug Burnham seconded the motion. **Vote: 3-0 in favor.**

5. Bob Tarlow, Resident, regarding Fireworks:

Mr. Tarlow was in to discuss regulating fireworks. He said he had spoken with Mr. Chaousis and understood that there had been 5 or 6 complaints this past year about fireworks in Boothbay. Mr. Tarlow said that there are 57 towns in Maine including Boothbay Harbor who have some restrictions on the use of fireworks. He talked about the fact that some people live close to each other in Boothbay and the problems that fireworks can cause, such as noise, A-fib, problems with children and domestic animals. He feels everyone has the right to quiet and to be able to enjoy their own property. He would like to put the restriction on fireworks back into the code. He said that while being able to have fireworks might attract some tourists, it might also turn some away. Steve Lewis said he himself has not heard any complaints about this and knowing this topic was coming up he asked the fire chief if he had gotten any complaints and the fire chief said he had only gotten one complaint. Dale Harmon said that while he is certainly sympatric to Mr. Tarlow's complaints and understands them, he has to be on the side of Boothbay as a whole. At this time there haven't been enough complaints from the whole town for them (the Selectmen) to want to do something. The Selectmen can't do anything anyway. The people of the town voted fireworks in and they would have to vote them out. Estelle Appel asked if there aren't some basic restrictions on fireworks already. Steve Lewis said yes, the State set rules as to days, times, etc. There are basic guidelines built into the law to begin with although they are hard for the Sheriffs Office to enforce.

6. "Towers Only Where Necessary Committee" – regarding cell towers:

Jean Gibson from the Committee spoke for the committee; she explained to the Selectmen that the Committee would like a moratorium on Cell Tower applications for six months while an ordinance on towers is being created. She explained that the ordinance should be in great detail. She said that if a company puts in an application and you deny it, they will appeal it and if you deny it, they will take it to court and win. If there is a moratorium it would stop any applications from coming in until the town can decide where they want the towers to go. Steve Lewis said the current ordinance already addressed cell towers and there is no need for a moratorium. The Selectmen have gotten a legal opinion from MMA on this. Our current ordinance does not discriminate and does not allow this in a Residential area.

Mr. Chaousis said MMA legal counsel thinks we are safer without a moratorium because now we do allow cell towers in some parts of the town. Lou Scala explained the use of small cubes verses cell towers. Fran McBrearty said at this point there is only a small group asking for a moratorium, if one were to happen it should be community wide. Estelle Appel said she was on the Planning Board when the last Cell Tower was erected in Boothbay and was involved with the negotiations; these are details the Planning Board can negotiate.

Steve Lewis said he just doesn't feel the need the group does. Dale Harmon said he doesn't feel the need for a moratorium and a review is currently being done of the ordinances by the Planning Board. Any changes in the ordinance can be made without a moratorium and all zoning changes have to go through the Planning Board.

Fran McBrearty explained briefly what would happen now if an application were to come before the Planning Board for a cell tower. Frank Fasset asked if a town meeting was the right place to ask the moratorium question and Mr. Chaousis said yes it would be the right place. Ms. Gibson was upset with the Selectmen and Steve Lewis told her they would just have to agree to disagree.

7. Public Comment:

- 8. Approve minutes of previous meeting:** Dale Harmon made a motion to approve the minutes of the 05/13/2013 meeting and Doug Burnham seconded the motion. **Vote: 3-0 in favor.**

9. Reports:

- a. **St. Andrews Task Force – The Regional Health and Wellness Foundation** send a nice thank you letter for the donation of the start up money.
- b. **Comprehensive Planning Committee** – They are working on the final draft of their vision. There will be a Public meeting on July 15th.
- c. **Review Appointments** – Next meeting it will be time to make the annual appointments, so look over the lists.
- d. **BCA Donation** – The BCA donated a \$1000 to fix the gazebo
- e. **MMA Executive Committee** – Mr. Chaousis is on the ballot
- f. **Legislative Update** – Budget revisions still going on, not sure of anything yet
- g. **Department Head Report** – cancelled the meeting, but PWD is working on the gazebo, getting it ready, the front office is busy sending out the mooring notices which is a month earlier than usual. Assessing is on track for tax bills to be in the mail the first of July.

10. Old Business:

- a. **Tax Sale Bid** –

The property owner of 229 Back Narrows Road has committed to a payment plan and the property has to be brought up to code. Steve Lewis suggested that in the contract the owner be given 90 days to bring the property up to code and 1 year to make the payments and if the Town is not satisfied at the end of the year they do not have to sign the deed back to the property owner. Dale Harmon made a motion to give authority to Jim Chaousis to sign a repurchase agreement on behalf of the town with the previous owners of 229 Back Narrows with a 90 day clean up contingency for the property and Doug Burnham seconded the motion. **Vote: 3-0 in favor.**

High ledge Lane – most of this property is in Boothbay Harbor. Mr. Chaousis asked if Boothbay Harbor could sell the property if Boothbay would give Boothbay Harbor a Quit Claim deed. The Selectmen were in agreement with this.

682 Ocean Point Road is the only piece of Tax Sale Property that is still for sale that has not been paid off. Steve Lewis opened all of the bids. The bids for this piece of property were:

Lisa Burnham	\$15,000
Matt Carter	\$31,250
Bob Johnson	\$28,000
Jason Dobson	\$16,800
Christine Simms	\$30,000
Gertrude Lukas	\$12,500
Robert Scribner	\$20,113

Dale Harmon made a motion to grant the bid to the highest bidder Matt Carter at \$31,500 and Doug Burnham seconded the motion. **Vote: 3-0 in favor.**

b. Cross River Property –

Mr. Chaousis has drafted an RFP for this property and has suggested October as a deadline, that way if there were any proposals that the Selectmen wanted to have on a ballot, they could possibly have them on a ballot for a Special Town Meeting in November. Steve Lewis said that lease agreement and public/private agreement needed to be added to the RFP.

Doris Cunningham asked the Selectmen how they could even consider selling this property if it was voted at Town Meeting to retain it. She also asked how they could take this away from the clambers. Dawn Gilbert said that the town needs this property for the Clammers; she is looking into possible grants to build roads. Estelle Appel said that district is very restrictive and not a lot of things are allowed in that district, plus there are 2 streams with setbacks and a swamp with resource protection.

There was a discussion about when the town voted to retain this property; they thought that there were plans to put trails and a road on it that has never

happened. Some people have complained to the Selectmen that the property is underutilized.

Bob Cunningham said this is a good place for kayaking and people are always looking for a place to do that. Joan Rittal said the property is not going anywhere, just leave it alone. The Cunningham's are very strongly against selling the property or doing anything except maybe putting trails on it.

Doug Burnham said the town should not be in the Real Estate business. The Selectmen made it plain, they can not sell the property, only the town's people can sell the property; they just want to explore the possibilities of what can be done with the property. They want to explore ideas to bring to the town's people. Steve Lewis and Dale Harmon both said they are not against keeping the property if something were being done with it; they just want to see it being used.

c. Solar Power Project – tabled for now

11. New Business:

a. Quit-Claim Deeds – There has been a re-purchase agreement for 238 West Side Road stretched out over the last two years. There is some interest that has accumulated that should be written off before a deed can be written. Dale Harmon made a motion to write off the balance of the interest remaining on this property and Doug Burnham seconded the motion. **Vote: 3-0 in favor.**

b. Woodchucks Fuel Depot usage –

As a non-profit the Woodchucks would like to participate in using the fuel depot. Their money would go a lot further. Some other non-profits are allowed to use the depot. Only one person would have a key. The Selectmen have no problem with allowing this usage.

c. CMP Pole Permit –

No need for this, it is a Boothbay Harbor request.

12. Public Comment –

Fran McBrearty said he thinks the Board is doing a good job.

13. Review Warrants and sign –

Dale Harmon made a motion to review the warrants and sign them and Doug Burnham seconded the motion, **Vote: 3-0 in favor.**

14. Executive Session –

At 9:40PM Dale Harmon made a motion to go into Executive Session pursuant to 1 MRSA § 405(6) (A) Personnel Matters and not to return to regular session and Doug Burnham seconded the motion. **Vote: 3-0 in favor.**

15. Adjourn meeting