

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 August 28, 2013
7:00 PM
MINUTES**

1. **Call Meeting to order:** Chairman, Steve Lewis called the meeting to order at 7:00 PM.
Present: Steven Lewis, Dale Harmon, Charles Cunningham, Douglas Burnham, Town Manager James Chaousis II (Steve Ham, joined the meeting after the Public Hearings)
2. **Pledge of Allegiance to the Flag:**
3. **Public Hearings:**
 - a. **Coastal Maine Botanical Gardens** – located at 132 Botanical Gardens Drive, Boothbay, Map R4 lot 109 to construct a pier system with an 8'x36' angled access boardwalk, a 90' fixed pier, 8' in width for the first 78' and 12' wide for the last 12' to a seasonal 40'x4' runway to two 12'x20' floats supported by dolphins. The project includes an osprey platform. Located on the Back River.

Lauren Stockwell was in attendance to present this application. The Planning Board has already approved this application pending approval by the Selectmen. The Harbor Master has no objections, he sees to navigational issues and it will not cause any injuries to others. Chuck Cunningham made a motion to approve this application as presented and Dale Harmon seconded the motion. **Vote: 4-0 in favor.**

- b. **Michael D. and Jennifer K. Gagnon** – Map U-4 Lots 19 and 29 located at 3 Salter Lane and Wall Street, Boothbay, ME to construct a pier system consisting of a 6'x4' flat section, a 38'x4' sloped section and a 30' x 4' flat section with a 40'x3' runway and a 10'x20' float. In addition, stairs to the fixed pier will consist of a 4'x4' landing, a set of 42' wide stairs to a 7'x4' interim landing, and another 42' wide stairs to the fixed pier, located on Linekin Bay.

The Harbor Master held a site visit, Doug Burnham was present at that visit. No navigational issues were seen and there were no objections to the project.

Chuck Cunningham asked if in the future the Harbor Master could put in writing in his report that there would be no harm done to others instead of just saying there were no objections, as that is the criteria the Selectmen are required to make their decision on.

Doug Burnham made a motion to approve this application as presented and to allow Jim Chaousis to sign the application on behalf of the board and Dale Harmon seconded the motion. **Vote: 4-0 in favor.**

- c. **Gregory and Cynthia Holton** – Map R2 lot 10-1 located at 830 Back River Road Boothbay, ME to construct a pier system consisting of a PT wood 4'x20' and 4'x20' access stairs, PT wood 6'x10' pier, 3'x40'PT wood or aluminum ramp and a PT wood 10' x 20' float with a 1' x 4' hinged step and a PT wood or aluminum 3' x 3' attached boat stabilizing frame. Located on Back River.

This project has not been before the Planning Board yet. There will be an additional project to the plan, a haul out ramp, this is a recommendation of the DEP.

Dale Harmon made a motion to approve this application as amended to include the haul out and to allow Jim Chaousis to sign the application of behalf of the board and Doug Burnham seconded the motion. **Vote: 4-0 in favor.**

4. **Laura Francis, Coastal Maine Botanical Gardens, Liquor license premise extension request** – Ms. Francis was in to explain that the Gardens are planning an event in a location at the Gardens that is not covered under their liquor license. She has been in touch with the State who suggested she write them a letter explaining the situation and also have the Selectmen send them a letter giving their approval for this one day one time event extension of their current license.

Chuck Cunningham made a motion for the Selectmen to send a letter to the State in favor of this one day one time event and Dale Harmon seconded the motion. **Vote: 5-0 in favor.**

5. **Bob Faunce – Lincoln County Planner, Sea Level Rise Project:** Mr. Faunce did a Power Point presentation for the board on the Sea Level Rise Project. The Sea level has risen 7.3' over the past 100 years. They have mapped several scenarios out over google maps to show what could happen if large storms hit the area and the sea levels rise anywhere between 1 and 6 feet. This program shows where roads would be hardest hit and where the trouble spots would be and where rescue vehicles would have the most trouble.

6. **Approve minutes:** Chuck Cunningham made a motion to approve the minutes of the July 24, 2013 meeting and Steve Ham seconded the motion. **Vote: 5-0 in favor.**

7. **Reports:**

- a. **Goals & Objectives** – Mr. Chaousis gave the Selectmen some sample forms to fill out that will help in setting these and they set a workshop date of 09/11/2013 at 6PM
- b. **Getting Together** – The group has gathered about \$17,000 so far. The Boothbay Harbor Selectmen voted not to donate to this project, but a private citizen gave them the money to donate to it.
- c. **Comp Plan** - They are refining their vision, finishing inventories. Their next meeting in 09/03/2013
- d. **Standing committee vacancies** – There are still vacancies on some of the standing committees, 5 applicants have been received for the Planning Board, one of them said they would also consider the Appeals Board, The Assessment Review Board also has vacancies on it. This led to a discussion on how candidates are usually interviewed and chosen. They are appointed by the Selectmen, but it would be good to have input in the selection by the Planning Board. It was decided to have a group made up of Chuck Cunningham, Doug Burnham, Fran McBrearty and Alan Bellows do the interviews for Planning Board members.
- e. **Coverage Dividend** – because of the loss history with town coverage, the Town received a check back from the MMA RMS this year of \$3,266.
- f. **Department Head Report – PWD** –The PWD has been busy doing road repair on Barter’s Island. **Front Office** – The Front office has been busy with tax collections 50.6% of RE taxes have been collected. **Assessing** – the glitches and minor errors are less this year than the year before. **CEO** – the office has been busy, most changes wanted for the special town meeting have been done, and there were six applications on the last Planning Board meeting. **Jim Chaousis** was elected to the Maine Municipal Executive Board.

8. **Old Business:**

- a. **Knickercane Boat Launch abandoned vessel** – The Sarah C is not tied anymore and is now sunk. It is not impacting navigable waters but has become an eyesore and potential to become more of a problem in the future.

Steve Lewis asked if the Town was liable. Jim C stated there is no apparent liability. Mr. Lewis said he would be worried if there were any chemicals left in the boat that could potentially be dangerous to the waters.

Chuck Cunningham said the owner still claims it.

Doug Burnham stated that the owner has stripped the boat. What about riparian rights if someone buys the land. Mr. Chaousis stated that is a real problem but not the town's responsibility.

Dale Harmon said that although the boat is not a problem now it will eventually become a hazard and a problem. Does the town address it now or when it becomes a problem? Is there a right answer? He has talked with a lot of people about it and most don't care one way or another, but they do think that it will eventually become a problem.

Jim Chaousis said the Harbor Master talked with Rideout Marine. At this point he thinks he could haul it out for about \$2,500. This may be cheaper now rather than later.

Chuck Cunningham said the boat is not abandoned and the town cannot touch it.

Dough Burnham said the town can declare it abandoned.

Jim Chaousis and Pete Ripley will talk with Mr. McClellan and see if something can be worked out.

9. New Business:

- a. Planning Board Resignation-** Jeanne Fuller has resigned from the Planning Board. Chuck Cunningham made a motion to accept Jeanne Fuller's resignation with regret and to thank her for her service and Dale Harmon seconded the motion. **Vote: 5-0 in favor.**
- b. Ulmer Fund Scholarship –** Lucas Leighton has asked for Scholarship funds. Chuck Cunningham made a motion to grant Lucas Leighton \$1,200 from the Ulmer Scholarship Fund and Dale Harmon seconded the motion. **Vote: 5-0 in favor.**
- c. Boothbay Common Use –** The Masons have asked to open the Bean Hole on the Common and re-instate Bean Hole suppers and Mr. Chaousis just wanted to double check with the Selectmen that this was Ok and it is fine.
- d. Mr. Chaousis receives award –** The Maine Town and City County Association presented Mr. Chaousis with a Leadership Award on 08/14/2013. He was nominated for the award by the Health & Wellness Foundation. A lot of members of the Foundation as well as some of the Selectmen were present for the presentation.

- e. **Special Town Meeting** – The Selectmen said they would prefer the questions to be on a ballot. Fran McBrearty said the Planning Board has approximately 32 changes to have on the warrant, 9 to 10 major changes. The Warrant will need to be signed by 09/20/2013.
- f. **Employee Waivers** – Chuck Cunningham questioned the legality of employees signing waivers if they work through their 30 minute lunch break instead of taking it. This is a new form that was recently instituted after Mr. Chaousis attended a workshop of Fair Labor Standards law. Mr. Cunningham made a motion that it be run through the town's regular attorneys and there was no second to the motion.

10. Public Comment: Frank Fasset asked if there was a charge for the use of the Common. There is a marginal fee of \$100 and you need to show proof of Insurance. You have to fill out an application.

Davis Stimson said he would like to feel he could support the Planning Board but they don't need to put forth a competing article. They could let his article go forth and put controls in the use tables. Steve Lewis and Dale Harmon both said they could not support David Stimson's petition as it is written.

Fran McBrearty said what the Planning Board is trying to do is to allow small time business and to keep large business out of the residential areas.

Dale Harmon and Steve Lewis both said they would need to rely on the Planning Board, they are the ones who know the ordinances.

Jim Chaousis said that he originally thought changing the use table would be undermining David's petition, this plan does same thing but in a different fashion.

Fran McBrearty explained the definitions and the reasons behind them.

11. Review Warrants and sign: Chuck Cunningham made a motion to review the warrants and sign them and Dale Harmon seconded the motion. **Vote: 5-0 in favor.**

12. Executive Session: Steve Lewis made a motion to go into Executive Session at 9:30 PM pursuant to 1MRSA 4056(C) Economic Development and not to return to Public Session. Steve Ham seconded the motion. **Vote: 5-0 in favor.**