

**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, October 8, 2012  
7:00 PM  
MINUTES**

1. **Call the Meeting to order:** Chairman, Chuck Cunningham called the meeting to order at 7:00PM.
2. **Present:** Chuck Cunningham, Steven Lewis, Douglas Burnham, Stephen Ham, Dale Harmon and Town Manager, Jim Chaousis II
3. **Pledge of Allegiance**
4. **Approve minutes:** Steve Lewis made a motion to approve the minutes of the 09/24/2012 meeting with a typing error corrected and Dale Harmon seconded the motion. **Vote: 3-0 in favor.** Chuck Cunningham and Steve Ham abstained, as they were not present at that meeting.
5. **David Stimson:** Mr. Stimson was present to ask the Selectmen if they could intercede on his behalf. It has been approximately 6 weeks since he received a Notice of Violation (NOV) and had to stop work. This is creating a real financial hardship for him. He was asking if there was some way he could get back to work while things are being worked out. He reviewed the process so far from his view. He feels he has done nothing wrong and should not be punished while this is being worked out. He does have an appeal with the Appeals Board pending.

There were approximately 30 people in attendance to support Mr. Stimson. Many of whom spoke out in his favor. There were one or two who spoke against his business being where it is.

Steve Lewis said there is nothing the Selectmen can do at this point. Chuck Cunningham said the NOV came from the Code Enforcement office and has to go through the process the Selectmen can not step into the process at this point, they do not have the authority to overturn a NOV. This has to go to the Appeals Board next. Mr. Cunningham asked Mr. Stimson if he should be here discussing this without his attorney present.

Alex Rioux asked if the consent agreement that has been offered was still on the table. Mr. Chaousis said that it has been taken off the table for now. Mr. Rioux said he would like to see the consent agreement put back on the table. He knows

you have to follow the rules even if you don't like them. He also said he would like to see the rules a little easier to understand. He feels many people don't know they are not complying with the rules.

George Goodwin asked if this was the best Boothbay could do? He said he thought it was horrible and it seems as if everyone was passing the buck.

Paul Baines said he felt the Selectmen did have the right to intercede and allow Mr. Stimson to go back to work while this was being resolved. Mr. Baines talked about state law and conflict within the town ordinance and conflict with different CEO's interpretation of the ordinance. Martin Page asked about the permit for the building and was told it was for the building only and not for the business.

Bruce MacDonald said the consent agreement offered Mr. Stimson would have let him finish this boat but would not have let him build any more boats and would not have had a resolution. Mr. MacDonald asked if the board has the power to let Mr. Stimson work until the Appeals Board meets and if they do, he urged them to do so.

The Appeals Board meeting for this has been set for November 1, 2012.

Martin Page asked what the violation is. Mr. Cunningham explained that in the General Residential area manufacturing is not allowed and Boat building is considered manufacturing. There was talk about this business not being grandfathered because there was a period longer than 12 months were no boats were built, which raised the question – is 12 months a long enough period. This question has come up in regard to other properties and businesses in Boothbay recently.

Mr. Stimson feels he has been very pro-active in this whole process and the Code Enforcement office feels he might have been better off signing a consent agreement which would have allowed him to work until this matter was resolved. Mr. Cunningham said he would like to see Mr. Stimson and Mr. Chaousis work out a consent agreement and Mr. Stimson go back to work.

Mike Tomacelli said he has lived on Burnham Cove Road for about 2 ½ years and did not see any boat building being done during that time. He would not have bought a house there if he knew there was boat building there. Mr. Tomacelli said he met with Mr. Stimson last week and suggested he move his business to the Industrial Park and go back to work.

Mike McConnell said Mr. Stimson built a boat for him in 1986 and that Mr. Stimson has been involved in boat building all these years. Bob Foster said he is a boat builder and even having this discussion in a community where the emblem has a boat in it is ridiculous when a boat can't be built in a man's own yard.

Bruce MacDonald commended the board for letting this discussion go on. Rep. MacDonald asked if the board would suggest a change in the zoning ordinance for the next town meeting or a special town meeting.

Chuck Cunningham said that a consent agreement would get Mr. Stimson back to work while waiting for the Appeals Board and he suggested that Mr. Stimson and Mr. Chaousis work out a consent agreement. Mr. Cunningham mentioned to Mr. Stimson again, that he may want to consult with his attorney. Mr. Cunningham went on to say that the Board of Selectmen can not get between the Code Enforcement and a Notice of Violation and overturn it. As for changing the zoning ordinance it would take at least from now until the next town meeting to make any changes, it is a lengthy process. Dale Harmon said the Selectmen really are sympathetic to Mr. Stimson but their hands are tied.

Mr. Chaousis and Mr. Stimson agreed to meet the next day to work on an agreement.

6. **Public Comment:** Martin Page thanked the Selectmen for including the Pledge of Allegiance at the start of their meeting.

7. **Reports:**

- a. **November 6<sup>th</sup> Election** – absentee ballots are now available
- b. **Audit Status** – The auditors are being audited the week in November they were coming to see the Selectmen so they will be at the December 10<sup>th</sup> meeting instead.
- c. **Board of Appeals Openings** – There is one full time and one alternate position open on the Board of Appeals. Estelle Appel should be asked if she would like to be a full member before any ads go out in the paper.
- d. **St. Andrews Community Committee** – Lincoln County Health Care sent a letter to the Towns asking for input going forward. A copy was given to the Selectmen.
- e. **St. Andrews Task Force** – The task force has now raised a little over \$21,000
- f. **Comprehensive Planning Committee** – sub committees have now been formed and are working on various topics
- g. **Department Head Reports** – Mr. Chaousis met with a Power Purchase Agent today to talk about Solar Panels possibly being placed on public buildings. CMP is looking at creating a solar grid in this area. Budget prep will begin in November.
- h. **Town Manager Performance Review** – Mr. Chaousis gave the Selectmen a blank form they can use to start doing his annual performance review which will be conducted during an Executive Session at the end of the next Selectmen's meeting.

8. **Old Business:**

9. **New Business:**

- a. **Comprehensive Planning Consulting RFP** – Steve Lewis made a motion to advertise the Comprehensive Planning Consulting RFP as presented with the typing error on page 4 corrected and Dale Harmon seconded the motion. **Vote: 5-0 in favor.**

**b. BRAS Budget Committee Appointment** – Chuck Cunningham made a motion to nominate Dale Harmon as the Selectmen’s representative to the BRAS budget committee and Doug Burnham seconded the motion. **Vote: 3-0 in favor.** Steve Lewis and Steve Ham both abstained as they both have a conflict of interest.

**c. St. Andrews Task Force Donation** – Chuck Cunningham suggested that the Town of Boothbay donate \$500 to the fund. The towns of Edgecomb and Southport have each already donated \$500 to the fund. Dale Harmon made a motion to take \$500 from the contingency fund and donate it to the St. Andrews Task Force and Steve Ham seconded the motion. Steve Lewis asked if it was really necessary. Did they really need the money? Chuck said yes they did and since the Boothbay selectmen started this, it would also show good leadership. Before the vote, Chuck also asked the other Selectmen if they felt it would be a conflict for him to vote as he was chairman of the task force. The Selectmen felt it was not a conflict for him to vote on this. **Vote: 5-0 in favor.**

**10. Public Comment:** Mike Tomacelli asked if there was a time line for the St. Andrews task force. Chuck Cunningham said since April 1 was the date for the Emergency room to close then April 1 was the deadline for the task force, unless something unforeseen happens.

Mike Tomacelli said if the town were to consider making ordinance changes because of one person they should really consider the long term effects. They should look at the process and what is best for everyone.

Frank Fasset asked if Boothbay Harbor has donated to the task force. They have not yet.

**11. Review Warrants and sign:** Steve Lewis made a motion to approve upon review the warrants and sign, Dale Harmon seconded the motion. **Vote: 5-0 in favor.**

**12. Adjourn Meeting:** At 9:38 Steve Ham made a motion to adjourn the meeting and Doug Burnham seconded the motion. **Vote: 5-0 in favor.**