

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, October 9, 2013
7:00 PM
MINUTES**

Present: Steven Lewis, Dale Harmon, Charles Cunningham, Stephen Ham, James Chaousis II

Absent: Douglas Burnham

Also present for the public hearings were: Dan Bryer Jr. CEO, Steve Landry (MDOT), Ron Epstein (TIF Attorney) and John Adams (Malone & McBroom)

1. Pledge of Allegiance:

2. Public Hearing:

- a. Municipal Development and Tax Increment District #3 and the adoption of a Development Program the District, pursuant to the provisions of Chapter 206 of the Title 30-A of the Maine Revised Statutes, as amended.
- b. Warrant Articles 2, 3, 4 and 5 that are scheduled for referendum vote on November 5, 2013.
 - **Warrant Article 2:** Proposed Municipal Development and Tax Increment Financing District #3 (Boothbay Village and Industrial Park)
 - **Warrant Article 3:** Proposed Bond Issue to finance Road Improvements to a Portion of Route 27 and Common Drive
 - **Warrant Article 4:** Miscellaneous Zoning Ordinance Amendments recommended by the Planning Board
 - **Warrant Article 5:** Citizen Initiated Zoning Ordinance Amendment regarding the definition of "Commercial Fishing Activities" and "Maritime Activities"

Mr. Chaousis started the public hearing by giving a power point presentation to explain the TIF proposal and the Bond issue and explaining that they were separate questions on the ballot.

Louise Cowan had a question about the amount of money.

Robert Conklin said he thought this was in too much of a hurry. If the town waited, how much would the lost revenue be? Mr. Chaousis said the loss would

be \$40,000 per year in lost revenue or 4.8 million in lost value. Steve Lewis said one reason for the hurry was because of the State bond question in November. The town is hoping to get matching funds from the state if the State bond question passes. Chuck Cunningham pointed out that the \$40,000 would not be a loss but would be funds that would not be gained.

Chuck Cunningham said the more he looks at this he thinks it has holes and has a lot in it he does not like and he is beginning to wish he had voted against it.

Fred Kaplan said he thought the Selectmen deciding to forgo public input and do this in Executive Session was insensitive similar to the St. Andrews decision and that they were a long way down the road towards making a decision without any public input. Mr. Kaplan said it was difficult to get his head around all the numbers, he thinks they are magical numbers. He said he wondered if any other businesses other than Mr. Coloumbe were consulted and said that the Power Point presentation was misleading. Mr. Kaplan said TIF #1 and #2 were created after the businesses were already here and running and they were businesses that are related to the heart of the area and what Boothbay is all about. Mr. Kaplan said that Mr. Chaousis's arthritic claims this will be entirely paid for by the improvements at the Country Club property, he asked if there was an iron clad written agreement with Mr. Coloumbe that he will promise to commit to finish all the projects there, if not then this should be considered. Mr. Kaplan said he did not feel other business would be willing to come into this area.

Paul Coloumbe said he has made sizeable investments in this area and he is going ahead with his plans. Mr. Coloumbe said that traffic flow is a problem in the area, it is dangerous, not just because of the increased traffic the County Club may bring, he pointed out the extra traffic the Botanical Gardens brings into the area. Mr. Coloumbe said the town came to him. Mr. Coloumbe said he has given his word, so it will happen, his heirs will make it happen if something happens to him, it is happening now, he is spending 25 million there, it is already in the process of happening. Mr. Coloumbe said he will guarantee the bond loan, he will put in writing that he will pay the 2.5 million if the town cannot pay it. He also added that he is adding jobs to the community. Mr. Coloumbe pointed out that the traffic problem is a community problem and it will hurt the whole community if they do not fix it now.

Steve Lewis and Jim Chaousis both talked about Rynel and that they would have stayed in the Industrial Park and be expanding in Boothbay and creating new jobs there instead of other areas if there had been sewer and water there.

Fred Kaplan asked if no other alternative had been explored to deal with the traffic. He said this was not all about traffic. It was a radical change.

Dale Harmon said it was a radical change and a radical improvement. It would include a sidewalk and safe parking around the common.

Fran McBrearty said they should limit the time of each person's comments. Mr. McBrearty talked about the future growth of businesses. He said he was on the Industrial Park Committee and they had recently met with businesses who might be interested in being in the Industrial Park. He talked about the loss of jobs because of no sewer and water in the Industrial Park.

Steve Rubicam talked about assumptions without basis and numbers. He said he would like to see the results of numbers without TIF #1 and #2 and with so he could compare.

Frank Fasset said he would like to reply to a comment made by Mr. Kaplan by saying that a lot of business should chose to come to Boothbay because it is a great community, there are lots of reasons a business would come here. Mr. Fasset said without economic development we will lose our school, etc. That a business friendly community translates to a family friendly community.

Mr. Kaplan said that areas such as Brunswick are open for business twelve months a year Boothbay is only open four to five months- no one will want to do business here.

Chuck Cunningham said that TIF's can work credit enhancements can work. He thinks Mr. Coloumbe is doing a good job. Mr. Cunningham said what he doesn't like with this proposal is that the selectmen can give credit enhancements without coming back to the voters for the next 30 years and that is not good, they are putting too much trust in future board members.

Rhoda Weyr made a comment about what type of businesses; people might not want certain types of business. She also doesn't like the idea that the Selectmen can move boundaries at their whim.

Ron Epstein said the Selectmen cannot change the boundaries or give credit enhancements without a public hearing. Mr. Epstein also said that they were very conservative in the numbers they used.

Christine Rubicam talked about esthetics and the fact that things do change, she pointed out a lot of the changes that have taken place around the common in the last thirty years or so years.

Mike Pander said that the Baptist Church was shown in the TIF district map. Mr. Chaousis said it should not be and that he will draw an accurate map. This one was just drawn over Google earth and not drawn along property map lines.

Robert Conklin asked if they vote for this and the State bond question does not pass what happens. Steve Lewis said if things don't line up, they will not go ahead. He would not vote for this to progress without matching funds. Ron

Epstein gave a brief description of what would happen to the funds if this were to happen. The funds could not be moved into the general fund.

Bob Kidd asked if the TIF district includes the road from the common to the Industrial Park does this change the zoning from the common to the Industrial park and the answer was no.

Claudia Long asked to have clarified what the issues were they were being asked to vote on. After the four warrant questions were explained she asked if there were zoning changes, specifically to the Industrial Park. Frank McBrearty explained there were 3 changes being proposed in relation to the Industrial Park, (1) change the name to Industrial Park on the zoning map (2) the change the amount of time a business would have to tie into public sewer if it is ever offered in the park (3) to allow mineral exploration and extraction. Ms. Long asked if the Town would be buying properties to allow for a rotary to happen.

John Adams from Malone & McBroom who drew the current version of the proposed road plan talked about the "stake holder process" and how it works. He said they get a group of people together who use the road on a regular basis; they talk about what the issues are, what they want addressed, they analyze the problems, and they look at several plans. The state has already identified speed problems and no sidewalks. He said since it is a state road the state makes the final decision but will listen to what the people want. Safety is the main concern.

Rhoda Weyr asked why not just put in a stop light at the end of County Club Road. Steve Landry from MDOT said in order to put up a stop light a certain volume of traffic has to be met and a safe place to set it has to be met and he didn't think that would meet the needs.

Martin Page said he had worked on the Fire Department and Ambulance and he would like to see the data on accidents and deaths in that area. If there were accidents do to other problems such as alcohol they should not be considered as they could happen anywhere. He is not in favor of a rotary, he feels they are difficult for elderly people to understand and it would not be good for all the tractor trailers that come into the region.

Mike Pander said when the Knickerbocker Bridge was built the State was good to work with. TIF can create new jobs. Mr. Pander talked about what jobs and how to create them and using credit enhancements.

Mr. Kaplan questioned the proposed change in height restrictions. Dan Bryer explained this is already allowed in two zones, the Maritime and Industrial Park Zone. It is now being proposed in another commercial zone. The restricted height in the past was because of fire protection. With the use of sprinklers now and bigger fire trucks with longer ladders this is no longer a concern. Mr. Bryer has cleared this with both the Boothbay Fire Chief and the State Fire Marshall.

Martin Page said that firefighting today has come a long way.

Mike Pander said that warrant article #4 talks about the small town character of Boothbay and then asks to increase the size of the signs and allow internally lit signs. He would encourage everyone to vote no on this. Fran McBrearty responded to this by explaining why this change was created and why all the zoning changes were put into one warrant article, this was at the suggestion of the town's attorney.

Mr. McBrearty explained that if warrant article #4 does not pass and article #5 does then boat building will be allowed in any area in town with no permit needed. He explained that even the person who started the petition to put #5 on the warrant is in support of the Planning Board's changes included in article #4.

Nan Pander said the accumulative effect of many signs is a problem. She said that the businesses do not need lighted or bigger signs. This is a quality of life issue. The beauty of Boothbay is not going to be maintained.

Steve Lewis said T&D is a great example of why the sign ordinance should be changed; they could not have their pumps open all night without lights, no one would know they were open.

Frank Fasset said people need to come out more to workshops when these changes are being discussed not now. It is great to see people at these public hearings but it would be even better to see people at the workshops when these things are discussed before they are put in writing and he encouraged everyone to get involved.

Fran McBrearty said that most of the changes being proposed by the Planning Board happened over the last year and most of the work was done by the old Planning Board and not the new members.

3. **Public Comment:** Frank Fasset said it was terrific that warrant article #2 was going to be guaranteed 200%. Good job.
4. **Approve Minutes:** Chuck Cunningham made a motion to approve the minutes of the 09/25/2013 meeting and Dale Harmon seconded the motion. **Vote: 3-0 in favor.** Chuck Cunningham abstained as he was not at that meeting
5. **Reports:**
 - a. Harbor Fest Report – There were a few neighbors complaining about parking but nothing too serious, Christy Anderson reports they raised \$1,700

- b. Boothbay Community Workshop, *Building a Peninsula Vision and Brand* – An invitation has been received to attend this workshop, Mr. Chaousis will attend
- c. Special Town Meeting Status – The information is getting on the website and the public hearings are happening, Mr. Chaousis would like to get Mr. Adams to start the “stake holders meetings”
- d. Comprehensive Planning Committee – they are now getting into the nuts and bolts, they are discussing protecting the ground water vs. promoting businesses , they are discussing what is the impact and working on a plan of the impact
- e. Department Head Report – getting ready for the 3rd quarter inspection, this will be the PWD doing one on the Business Office. The PWD is ditching. Winter sand will be gotten from Crocker but trucked through Reny for the same price as last year. Steve Lewis questioned if this should go out to bid or not. It should at least go through the Selectmen to protect the Town Manger. The town sign has come down and gone to John Marsh for repair. The backhoe has broken down. The Code Enforcement Office is busy, the St. Andrews campus would like the hospital signs changed to urgent care signs. The Planning board new members are getting oriented and have their manuals; the assessing office will be working with Leighton for tax mapping. Mr. Chaousis talked about the CSD taking out a loan for the tennis court, without letting the selectmen know within 8 days as they are supposed to do. At the request of one of the selectmen he requested information from the trustees and had it reviewed by Sally Daggett and the process was not followed the way it should have been. The Selectmen would like to invite the CSD trustees to come to a meeting to explain why they didn't follow the procedures.

6. Old Business:

7. New Business:

- a. Ulmer Fund applications – Two brothers, Bradley and Daniel Drummond have both applied for funds for a German trip. Chuck Cunningham made a motion to grant \$1,200 each to Bradley and Daniel Drummond and Dale Harmon seconded the motion. **Vote: 4-0 in favor.** Steve Lewis said there should be some sort of checks and balance put in place. Some way to make sure the money goes where it is supposed to go – maybe checks should be made out to the programs.
- b. Coastal Communities Grant – They would like the Town to pay \$3,800 for a study. They selectmen said no.

8. Public Comment:

9. **Review Warrants and sign:** Dale Harmon made a motion to review the warrants and sign them and Chuck Cunningham seconded the motion. **Vote: 4-0 in favor.**

10. **Adjourn Meeting:** At 10:20PM Chuck Cunningham made a motion to adjourn the meeting and Dale Harmon seconded the motion. **Vote: 4-0 in favor.**