

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 23, 2013
7:00 PM
MINUTES**

1. **Call Meeting to order:** Chairman Steve Lewis called the meeting to order at 7:00PM. **Present:** Steve Lewis, Dale Harmon, Charles Cunningham, Douglas Burnham, Stephen Ham and Town Manager James Chaousis II
2. **Pledge of Allegiance:**
3. **Public Hearing:**
 - a. **General Assistance Ordinance –** Replace Appendix A – I with MMA recommended revisions.

There are a lot of changes this year, some of which include the household max, the utilities, misconduct, mileage rate change and fuel. Many more changes than are usually included and some unusual changes. The board would like more time to study these before accepting them. MMA sets these standards but Towns can set their own if they want. The Selectmen asked to see last year's standards so they can compare the two. Chuck Cunningham made a motion to table this until the next meeting and Dale Harmon seconded the motion. **Vote: 5-0 in favor.**

- b. **Municipal Development and Tax Increment District #3** and the adoption of a Development Program the District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

Mr. Chaousis gave a brief power point presentation to explain the TIF district and try and answer some of the questions that have been raised about it.

Steve Lewis said the town has received a letter from Mr. Coloumbe saying that he will make the principal and interest payments on the bond if his project fails to go through and is not completed. Mr. Chaousis said the town's attorney has reviewed the letter and said it is legally binding.

Steve Lewis also addressed the issue of the rotary saying that the current plan that has been seen is not a binding plan. That plan was just shown because a plan had to be created. A group of people will create a plan that will be used and it will be voted on, he himself is not in favor of a rotary.

Fran Brazen asked why do anything with the road. He stated that if Mr. Coloumbe does not put the entrance to the County Club where he plans on putting it, the town would not have to do anything.

Mr. Chaousis explained briefly that in his experience dealing with MDOT public hearings, no matter how much the public objected, MDOT might not listen and their objections might not carry much weight.

Steve Lewis said he has spoken to another business that is interested in joining in the TIF district if it is created but he cannot mention their name at this point.

Fred Kaplan asked why not mention their name. He said there are no guarantees, everything is all estimates. Mr. Kaplan asked if he could see a copy of Mr. Coloumbe's letter and asked if it would be made public. Mr. Chaousis said he had already given a copy of it to the reporter for the Register and he would try and get it on the website as soon as he could. Yes, he would make it public.

Frank Fasset said the entrance to the Country Club will happen regardless of what happens here. By doing this the town has some control. Mr. Coloumbe is only bound by the Town ordinance.

Jeff Brown said if MDOT sees the area as a problem, they will not allow one more access from RT 27 unless the problem is fixed. He feels the town is doing this for Mr. Coloumbe.

Steve Lewis said, no, the town went to Mr. Coloumbe and said why don't we collaborate on this. Mr. Coloumbe did not come to the town.

Kathleen Marty said she did not see anywhere on the plan that it said it was a preliminary plan – it looks like it is a completed plan and she thinks that is misleading. Mr. Chaousis pointed out where it does say on the plan that it is a preliminary plan.

A lady that did not give her name asked if this goes through is it a two or three lane rotary in the drawing? She couldn't tell. Mr. Chaousis explained the one drawn on the plan is a one lane round-about. She next asked how you can ask people to vote on a plan that is not a permanent plan. She also asked how much is being taken out of the common. Steve Lewis said they just plan on paving where people already park.

Rhoda Weyr asked how it is possible that Mr. Coloumbe can put the entrance to the Country Club anywhere he wants to put it.

Steve Lewis said because he is putting it on his own land, land that he already owns and he is keeping within the zoning ordinances.

Rhoda Weyr next asked how much has already been spent on the TIF. Mr. Chaousis said the town has spent approximately \$2,000 on attorney fees that is all. The plan was an existing plan.

Jeff Brown asked about the side walk project and if that was still in the plan and if the town was financing that. Mr. Chaousis said the sidewalk was incorporated into this plan and maybe expanded upon. The sidewalk is to be financed some by grants and jointly by Boothbay, Boothbay Harbor and the YMCA.

Jim Colman said he has lived in Boothbay Harbor for many years and is now a seasonal resident there. He fully supports this plan and he encourages everyone to vote yes on both questions. He thinks it sends a positive message. He mentioned that both CMBG and the Country Club were assets to the area and good for the economic growth. If the plan wasn't perfect, it could be changed later but this was an important thing to vote on.

Steve Lewis agreed that any jobs that can be created would be good. He said he would like his children to be able to grow up and get jobs in this area and stay here and not have to move away.

Mike Pander said the TIF can be 2% of the town and it is not at 1.97% so it is real close and asked how that leaves room to allow anyone else in. Mr. Pander also mentioned that the Selectmen will be driving the bus and asked if there will be an advisory committee and if so they will have any power.

Steve Ham said that boundaries can be moved by a town meeting vote. One parcel can be taken out and another can be put in.

Rhoda Weyr said the Country Club is perfect for this area, but what type of businesses could come into the Industrial Park to offer jobs and if only offer 7 or so jobs, that's not enough to make it worth it.

Fred Kaplan said development of Boothbay is wrong, we should work with the resources we have here instead, and development will change the character and vision. We need to stay a small town and utilize the resources we have. He doesn't think that we will ever have good year round jobs here.

Jim Colman said if 5 jobs are created here and 5 jobs there, they all add up. There are opportunities. We are not talking about bringing in an auto plant.

Dale Harmon said the Board of Selectmen are just humble guys trying to get jobs in the area. They may get some jobs, they may not get any, but they are trying. None of them like the rotary idea or all of the plans. They want to see everyone involved. He feels they are doing something positive even if it isn't perfect.

Alex Rioux said he is tired of hearing nay, nay. This is for the business district. He grew up here, left to get an education, realized this was where he would be happy and came home, wants to make a living here, raise his kids, and watch them grow up here and hopefully stay here. He thinks we can be a mixed community old and young together. He fully supports this project and everyone who shows up to meetings.

Mike Tomacelli said he is an owner in the Industrial Park, he was there when Rynel was there and wanted to expand in the late 90's but couldn't because they needed public water and there wasn't any there. They went to Wiscasset, expanded again, if things were right they would have stayed in Boothbay, this was a great disappointment, and they should have been able to stay here. Wiscasset created a TIF district for them.

Rhoda Weyr said she is against the plan, not against people finding work here. This plan is about finding businesses that don't fit here.

Mr. Chaousis that economic development is part of his job and that perhaps the Industrial Park is wrongly named, maybe it should say Business Park. Some of the businesses already in the area that would be able to take advantage of the TIF if they wanted were businesses such as Mr. Tomacelli's, Bett's Fish Fry, Cottage Connection, The Brewery, etc. We are not talking big industrial type businesses.

Steve Lewis pointed out the only cost to create the TIF district is the legal cost.

Fred Kaplan said that unless you offer credit enhancements to a new business what benefit is there to them to? Steve Lewis said none, but you can't even do that without at TIF.

Mr. Kaplin said then the only hope for new businesses is if you offer then a tax enhancement agreement.

Mr. Chaousis said that was not the only reason and went on to explain other incentives such as putting in water for Rynel. That is something that would be allowed in a TIF district.

Fred Brazen had questions on the matching funds.

Steve Lewis said the Selectmen were asking for the maximum amount they thought they might need, they might not need all of it, depending on the amount of grants they might be able to get and the amount of the cost of the project. Mr. Lewis said if they could not get any matching funds they will not do the project. If the State's bond project does not pass, they will not go ahead with the project. DECD has already given preliminary approval on the project so the town can be ready with their application for those funds.

Nell Tharpe asked for a timeline for a plan. Mr. Chaousis said the stakeholder process to put together a final plan would take approximately three months.

Steve Lewis said since Mr. Cunningham raised the issue at the last meeting about the Selectmen being able to enter into credit enhancement agreements without voter input he has thought about it and agrees it should be addressed. Rather than hold up the whole process, he suggests a resolution that would put a moratorium on credit enhancement agreements if the TIF is voted in on Nov. 5, 2013 until a change is made to the agreement at town meeting in May 2014. (Resolution attached to these minutes) The town's attorney said this resolution would not be legally binding but it would be politically binding. Dale Harmon made a motion to adopt the resolution and Steve Ham seconded the motion. **Vote: 5-0 in favor.**

4. Public Comment:

5. **Approve minutes:** Chuck Cunningham made a motion to approve the minutes of the 10/09/2013 meeting and Steve Ham seconded the motion. **Vote: 4-0 in favor.** Doug Burnham abstained as he was not present at that meeting.

6. Reports:

- a. **CSD Trustees Meetings** – Mr. Chaousis asked, but the trustees could not make this meeting and asked if the Selectmen would like to come to their meeting on 11/06/2013. Steve Lewis asked Channel 7 if they go to those meetings or if they would go to that one. Mr. Lewis also said he misspoke at the last meeting it was \$1000 per year that the YMCA charged the

school to use the tennis courts. Steve Lewis also suggested inviting the Boothbay Harbor Selectmen to the meeting.

- b. **Board of Appeals Variance Request** – Mariner Tower is requesting a variance to place a cell tower in a non-allowable area and there will be a Board of Appeals procedural meeting with Sally Daggett on 10/29/2013 at 7PM. Mr. Chaousis said he asked the attorney what if the Selectman had placed a moratorium on Cell tower applications and she said it would not have made a difference, they would just have gone to federal court instead of the board of appeals. The Federal Communication Act is pre-empting.

Jean Gibson asked if Mr. Farrin had discussed this with the Selectmen. She said in an article in the Register it said he was doing this in part to help communications with emergency responders, municipal officials and fisherman. The board said they have not been contacted about this.

- c. **Special Town Meeting Status** – Al Roberts will be the moderator for the meeting, absentee ballots are now ready. Steve Lewis pointed out that it is slightly mislead as it is all referendum questions and no real meeting to it.
- d. **Comprehensive Planning Committee** – Mr. Chaousis gave the Selectmen a section the committee has prepared on goals and objectives, it talks about populations and graphics, housing and how to address this. It will be close but the committee still thinks they can have a draft ready in January and are hoping to have something ready by the May town meeting.
- e. **Department Head Report** – **PWD** is working on breaking ledge and drainage in EBB and a drainage problem in Ocean Point. They have done more chipping and brushing on Dover Road. They have had a request from Hodgdon Yachts to plow Shipbuilders Park when the roads are plowed and not wait until later. Prices on sand have been checked and it is still cheaper to get it through Reny. Since Boothbay Harbor does not have covered sand shed at the end of the year they bring their salted sand to Boothbay and Boothbay sends an equal amount of sand to Boothbay Harbor. It is a good arrangement that works well for both towns.
Assessing Mike has an arrangement with Terry Leighton and has begun working on survey/maps. His days in the office are slightly different than usual. **CEO** Still busy but starting to slow down some. MUBEC testing is almost done.

7. **Old Business:**

8. **New Business:**

- a. **Ice Bear Agreement** – Mr. Chaousis explained about this agreement. It is an agreement between the Ice Bear Company and the town to try this machine. There will be no cost to the town and no impact to the buildings and it is for the lifetime of the unit. This is a unit that makes ice at night

and uses it to cool. It is energy efficient and one of the ways to improve the energy grid in the region. If it does not work, they will uninstall and put the air conditioners back in at no cost. Chuck Cunningham made a motion to approve the contract and Steve Lewis seconded the motion. **Vote: 5-0 in favor.**

- b. **Account 100128 Balance** – This is the property that the town allowed Boothbay Harbor to sell that only a small part of was in Boothbay. The new owner will be paying taxes to Boothbay in the future. Steve Ham made a motion to write off the balance of \$415.14 and Doug Burnham seconded the motion. **Vote: 5-0 in favor.**
9. **Public Comment:** Mike Tomacelli talked about Art #4 on the warrant – it contains 32 proposed changes to the zoning ordinance. He talked about how the Selectmen charged the Planning Board two years ago to look into the sign ordinance. Mr. Tomacelli said he spent hours looking into this, he talked with representatives from MDOT, Bigelow wanted a sign that could be seen, most of the signs along RT 27 were not allowed in the present ordinance, looked at were internally lit signs such as the ones at D&T and the Clipper Mart. Mr. Tomacelli said that Chip Kelly from the State said that all the changes being put forward were in line with what the state allowed and were OK with them. Mr. Tomacelli also mentioned the changes being proposed to the C3 district and removing driveways as structures. He mentioned that ordinances are works in progress. Mr. Tomacelli said it may not be perfect but he recommends a yes vote on #4.

Dale Harmon commended Mike and the rest of the Planning Board for the work they have done.

10. **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.**
11. **Adjourn Meeting:** Chuck Cunningham made a motion to adjourn the meeting at 9:30PM and Dale Harmon seconded the motion. **Vote: 5-0 in favor.**