

**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 November 12, 2014  
7:00 PM  
MINUTES**

1. **Call Meeting to order:** Chairman, Steve Lewis called the meeting to order at 7:00PM. **Present:** Steven Lewis, Dale Harmon, Douglas Burnham, Charles Cunningham, Stephen Ham, James Chaousis Town Manager (for the Mariner Tower II section of the meeting Sally Daggett was present)
2. **Pledge of Allegiance:**
3. **Audit:** Don Talbot, Municipal Auditor, Berry, Talbot and Royer was present to talk about the FY 2014 audit. Mr. Talbot gave a Power Point Presentation explaining the audit and their findings (details can be found on the Town's website). Some of the highlights were that no weakness was found in the internal control. The Town has a 97.7% tax collection rate, which is excellent. The Revenues were higher than budgeted and the Expenses were lower than budgeted. He said the town staff did a good job. The amount of money in the undesignated funds has increased.
4. **New Business:**
  - a. Consider resolution of pending litigation, *Mariner Tower II, LLC vs. Town of Boothbay, pursuant to the terms of a proposed consent order.*

Scott Adams said the lease is for 50 years to be renewed every five years. He thinks the company should have to justify that it is still needed every five years before the lease is renewed. He also said there are more tower applications coming and setting conditions for them now is critical.

Sally Daggett said the town is at the 11<sup>th</sup> hour. Mariner Tower II has said basically take the current consent agreement that has been worked out or go to court. Mariner Tower has made all the concessions it is going to make. They have already agreed to more restrictions than the current tower in Boothbay had placed on it. The Conditions placed on the Tower are good ones for the Town.

Steve Lewis said he can't see paying taxpayer money to fight this. He doesn't like that the Telecommunications act trumps town ordinances but

he can't see paying the extra money, taking a chance on losing and ending up with a tower with no conditions.

Pete Brown asked why this could be allowed to happen after the town said no twice. Steve Lewis explained about the Telecommunications act and the position the town was in.

Chuck Cunningham expressed his concern that if the town goes to court and loses which the Town's attorney said is highly likely, then there would be a tower with no restrictions or conditions.

Frank Fassett asked if Mariner Tower had agreed to the conditions and Sally Daggett explained that yes, it was a mutual consent agreement that had been negotiated.

Dick Perkins said the Board of Appeals did not feel the applications met the criteria for a variance and it was not an allowed use that is why they denied the application. He urged the Town to change the language in the ordinance, to allow the towers in all areas of town with Planning Board approval.

Fran McBrearty said the Board of Appeals had no choice but to make the decisions they did. He feels there are good conditions in the consent agreement. He agreed with Mr. Perkins that this issue needs to be addressed and Towers allowed with conditions.

Jean Reese Gibson said in June 2013, she along with a committee of concerned citizens brought information to the board and asked them to act before this happened and the Board would not act, if they had all of this could have been avoided. Mr. Chaousis responded to this by saying it was not the whole picture. The Planning Board was being asked to do a lot of changes in a short time and Cell Towers were no the first priority.

Bob Faunce said he would be happy to work with the Planning Board on making changes regarding towers.

Chuck Cunningham made a motion that the Board settle the pending litigation, *Mariner Tower II, LLC v. Town of Boothbay*, pursuant to the terms of the proposed consent order and authorize and direct the Town Attorney to take any and all action necessary on behalf of the Town to finalize such settlement. Dale Harmon seconded the motion. Vote: 5-0 in favor.

- b. Selectmen's meeting schedule – Chuck and Doug will not be able to make the 11/26 meeting. There will be a workshop on 12/03 at 5PM and the only Selectmen's meeting in December will be 12/10/2014.

- c. Boothbay-Boothbay Harbor Economic Development MOA – Dale Harmon made a motion to give authority to the Chairman to sign the agreement and make appropriate adjustments and Chuck Cunningham seconded the motion. Vote: 5-0 in favor. Chuck Cunningham said he felt both Town Managers should be ex-officio members of the committee and not voting members. The Board briefly discussed members, the budget and consultants.
  - d. Clifford Park Redevelopment Plan – Presented was a concept plan for the park done by Knickerbocker group. The plan includes: dedicated little league fields, a dog park, playground, walking trails and more multipurpose fields. Hopefully this could be paid for with TIF funds. The cost is being looked into now and a Building Committee could be appointed to work on the details. Fran McBrearty said he would like to be on that committee, Mr. Chaousis said that Tom Nickerson would also like to be on the committee. Steve Lewis stressed that this would be a Community Park, not a YMCA or School park although they would be welcome to use it. Dale Harmon commented that there was not a lot of parking in the plan. Hopefully this can be put on the warrant for the Town Meeting in May. The town would use local contractors for the work.
  - e. Giving Tuesday Proclamation – Chuck Cunningham mad a motion to sign a proclamation declaring the Tuesday after Thanksgiving as Giving Tuesday and Steve Ham seconded the motion. Vote: 5-0 in favor.
- 5. Minutes:** Dale Harmon made a motion to accept the minutes of the 10/22/2014 meeting as presented and Chuck Cunningham seconded the motion. Vote: 4-0 in favor. Doug Burnham abstained as he was not at that meeting.
- 6. Reports:** The Town Manager said his report was on the website and he had nothing to add to it.
- 7. Public Comment:** There were no public comments.
- 8. Review the Warrants:** Chuck Cunningham made a motion to review the warrants and sign them and Dale Harmon seconded the motion. Vote: 5-0 in favor.
- 9. Executive Session:** At 8:45PM Chuck Cunningham made a motion to go into Executive Session pursuant 1 MRSA §405(6) (A) Personnel Performance and not to return to regular session and Dale Harmon seconded the motion. Vote: 5-0 in favor.