



**Town of Boothbay
Board of Selectmen Meeting
Wednesday, April 27th, 2022
6:00 PM
Agenda**

Board of Selectmen

Dale C. Harmon, Chairman
Chuck Cunningham, Vice Chairman
Michael Tomacelli
Desiree Scordia
Steven C. Lewis

Town Manager

Daniel Bryer

1. **Pledge of Allegiance**
 1. Discussion about use of municipal property
2. **Public Hearing-** 1. PGC2, LLC, dba Boothbay Harbor Country Club, Map R07, Lot 002-B, located at 50 Sugar Maple Lane, Boothbay, Maine for a special Amusement Permit (Class A, B, C, and D).
 2. PGC2, LLC, dba Boothbay Harbor Country Club Wellness Center, Map R07, Lot 002-B, located at 40 Birch Lane, Boothbay, Maine for a special Amusement Permit (Class A, B, C, and D).
3. **Public Comment**
4. **Approve Minutes-** March 9, 2022
- April 13, 2022
5. **Reports**
6. **Old Business-**
7. **New Business-** 1. Wharf and Weir- 22 Linekin Landing Road, East Boothbay, owner Linda Jay Burly
8. **Public Comment**
9. **Review Warrants**
10. **Executive Session-** Move to enter into executive session pursuant to 1 M.R.S.A. Section 405(6) (A)
11. **Adjourn Meeting**

APPLICATION FOR USE OF TOWN OF BOOTHBAY COMMON

(Approved by Board of Selectmen? /? 2022)

- All Events requesting more than three days require Selectmen approval all others may be approved by the Town Manager
- Clifford Park and Shipbuilders Park are the only Town properties that may request admission fees

Phone: _____ Cell: _____

Email: _____

Date: _____

Applicant: _____

Responsible Person:

Name: _____

Address: _____

Phone: _____

Town Property being requested: _____

Proposed Use of Property (describe in detail, music, etc) The applicant may need to provide a sketch if requested:

Date or dates and hours of operation of Use: _____

Expected Attendance: _____ Upon event completion responsible person will have _____ days to return the property to its former state

Acceptance of terms and conditions of use:

I, the Responsible Person named above, agree that if this Application is approved, the Applicant will use the Common only for the Proposed Use and no other purpose, and will not use the Commons except on the Date or Dates of use stated in this Application.

I also agree that the Applicant will comply fully with the Policy for Use of Boothbay Common which is included below in this Application.

I understand that any approval of this Application will not be effective until the Applicant has provided the Town of Boothbay with the deposit and with the Certificate of Insurance required in Sections 18 and 20 of the Policy for Use of Boothbay Common, and other municipal properties.

I am authorized by the Applicant to agree on behalf of Applicant to all the provisions of this Application.

Signature: _____
Responsible Person (print signature below line)

Application Approved, subject to receipt of deposit (if required) and Certificate of Insurance.

_____ Date: _____
Town Manager/ Selectmen
Deposit required (check one): yes _____; Amount: \$100.00

POLICY FOR USE OF BOOTHBAY COMMON
Adopted by Board of Selectmen Effective ?/ ?, 2022

The purpose of this policy is to regulate the use of and to set forth the conditions applicable to the types of use and the signs that are allowed on the Boothbay Common. It is understood that any permission granted to the Applicant to use the Common is subject to revocation in the event of emergency or in the event that the Board of Selectmen shall find that a supervening public interest requires that such permission be revoked or suspended. Subject to the foregoing, any permission granted to the Applicant shall be further subject to the following **Conditions and Requirements**:

(A) Use Conditions and Requirements

- (1) **No** camping is allowed on the Common at any time;
- (2) **No** vehicles shall be allowed on the Common; provided that permission may be granted in writing by the Town Manager for a vehicle (no larger than a van) that will provide a specific service for an event.
- (3) **No** beer, wine, or alcoholic beverages of any nature shall be allowed on or consumed on the Common, without proper event protocols and permits.
- (4) Use of the Common is permitted from 9AM to sunset, except where other hours are permitted in writing.
- (5) The Applicant shall maintain sanitary, animal-proof trash facilities. A dumpster is recommended. All trash shall be removed within 24 hours after the event.
- (6) The Applicant shall provide parking attendants and qualified traffic control personnel at all times during the event. This includes but is not limited to crossing guards, flow control and overflow areas. Signage for overflow parking will be required (overflow lot is the Back River Playground). No parking will be permitted in the Town Offices parking area except as may be authorized in writing by the Town Manager.
- (7) The Applicant shall repair and be responsible for any and all damage to the Common or to other Town property that results from the event, including damage caused by those attending the event.

(B) Sign Conditions and Requirements

- (8) Signs are not allowed on the Common without the completion of the attached application and approval of the Town Manager. (See Town Ordinance)
- (9) Any person, group, or organization living or operating within the Boothbay region may use the sign mounts on the Common, providing that the activity or function being advertised is for a non-profit or charitable purpose.
- (10) Sign mounts are available on a first-come, first serve basis, except that the Town shall have priority at any time over all other uses.
- (11) Sign displays must be appropriate for the event and properly sized and mounted on the post. The Town Manager shall be the sole judge in determining the appropriateness of any sign. (See Town Ordinance)
- (12) The Applicant is responsible for the placement, maintenance and removal of any sign, and shall take whatever precaution may be necessary to prevent damage to the sign mounts.
- (13) Signs shall not be displayed for more than 7 days days prior to the scheduled event and shall be removed within 24 hours after the event.
- (14) Signs must be removed within 24 hours of the closing of the event.
- (15) The Town will not assume any liability resulting from bodily injury, death, and property damage

caused by the placement, use or removal of a sign.

(16) Signs may only be posted on the granite posts, except as may otherwise be authorized in writing by the Town Manager.

(C) Other Conditions and Requirement

(17) The Town reserves the right to refuse use of the Common to any or all persons, groups, or organizations without reason or cause.

(18) The Applicant shall within seven days of receiving an invoice reimburse the Town of Boothbay for any costs and expenses incurred by the Town arising out of or related to (a) the use of the Common by Applicant or any person participating in or attending the event, including without limitation water, electricity, and the providing of sanitary facilities, and (b) the failure of the Applicant to comply with any of these Conditions and Requirements, including without limitation, costs and expenses incurred for traffic control, parking enforcement, cleanup of the Common, and repair of any damage to the Common.

(19) The Applicant shall pay to the Town of Boothbay a deposit of \$100.00 for each day during which the event is to take place. The deposit shall be applied towards reimbursing the Town for any costs and expenses referred to in Section 18 above. Any amount of the deposit not required for such reimbursement shall be returned to the Applicant. The Board of Selectmen shall have the right to waive the requirement for a deposit for any or all, if the Applicant represents that the proposed use of the Common will not include any of the following: (a) erection of temporary structures, (b) presence of motor vehicles on the Common, and (c) consumption of food or beverage products on the Common. Nothing in this Section 19 shall relieve Applicant of its obligations under Section 18, above.

(20) The Applicant shall accept the Common in its as-is condition, and the Town shall have no responsibility to correct any conditions that could cause injury, death or damage to any party on the Common in connection with Applicant's use of the Common, or that might cause the Common to be unsuitable for use by Applicant. The Applicant shall indemnify, defend, and hold harmless the Town of Boothbay and all employees and all municipal officers and municipal officials of the Town of Boothbay from and against any and all claims, losses, damages, demands, liabilities, and judgments arising out of or related to (a) the use of the Common by any party including without limitation, Applicant or its agents or subcontractors and any party attending the event, and (b) traveling to and from the event by any party in connection with such use of the Common.

(21) The Applicant shall maintain general commercial liability insurance and motor vehicle insurance policies on an occurrence basis with policy limits of not less than \$1,000,000 per occurrence/aggregate, which policies shall name the Town of Boothbay and its employees, municipal officers, and municipal officials as additional insureds as necessary to secure Applicant's obligations to indemnify, defend, and hold harmless under Section 20 above. Such insurance shall include without limitation coverage for products liability and liability related to the sale of any food and beverage products whether or not for consumption on the Common. This insurance shall be primary without right of contribution from the additional insureds or from any insurance maintained by the additional insureds. The Applicant shall furnish the Town of Boothbay with a Certificate of Insurance issued by Applicant's insurance carrier showing that the requirements of this Section 21 shall be satisfied at all times.

(22) The Applicant hereby waives any rights to make any claim against The Town of Boothbay or its employees or municipal officers or municipal officials arising out of any inability to use the Common due to the condition of the Common or of any other property of the Town of Boothbay.

**TOWN OF BOOTHBAY
PUBLIC HEARING NOTICE**

The Boothbay Board of Selectmen will hold public hearings at their regular Board of Selectmen's meeting on April 27, 2022 at 6:00 p.m. at the Boothbay town offices located at 7 Corey Lane, Boothbay, Maine for the following:

PGC2, LLC, dba Boothbay Harbor Country Club, Map R07, Lot 002-B, located at 50 Sugar Maple Lane, Boothbay, Maine for a Special Amusement Permit (Class A,B,C,D).

PGC2, LLC, dba Boothbay Harbor Country Club Wellness Center, Map R07, Lot 002-B, located at 40 White Birch Lane, Boothbay, Maine for a Special Amusement Permit (Class A,B,C,D).

Sent to Register: April 08, 2022

Run: April 14, 2022

TOWN OF BOOTHBAY

SPECIAL AMUSEMENT PERMIT APPLICATION

Corporation or Business Names: Boothbay Harbor Country Club Wellness Center

Address of establishment: 40 White Birch Lane, Boothbay, Maine

Mailing address: P.O. Box 757, Boothbay, Maine 04537

Name of Application/Owner: Paul G. Coulombe

Other owners of Business: _____

Is Application: New: **Renewal:** Telephone #: 207-633-3673

CLASS OF LICENSE APPLIED FOR:

- Class A - Unamplified vocal or instrumental music
- Class B - Entertainment other than music
- Class C - Amplified vocal or instrumental music
- Class D - Dancing

Will admission fee be charged: Yes _____ No

Specifically described area to be used for entertainment purposes: _____

Pool deck area

Schedule of Planned Entertainment: (days of the week, hours): none planned

I certify that I am familiar with the **SPECIAL AMUSEMENT ORDINANCE** of the Town of Boothbay as adopted on August 29, 1979, and I agree to abide with all of the conditions and regulations contained therein.

Date of application
3/15/2022

Receipt _____

Applicant's signature
Austin M. Gulas
Conditions or Restrictions:

Board of Selectmen - Licensing Board

Date of Hearing: _____

Expires 5/31/22

TOWN OF BOOTHBAY

SPECIAL AMUSEMENT PERMIT APPLICATION

Corporation or Business Names: Boothbay Harbor Country Club

Address of establishment: 50 Sugar Maple Lane, Boothbay Maine

Mailing address: P.O. Box 757, Boothbay Maine 04537

Name of Application/Owner: Paul G. Coulombe

Other owners of Business: _____

Is Application: New: Renewal: Telephone #: 207-633-3673

CLASS OF LICENSE APPLIED FOR:

- Class A - Unamplified vocal or instrumental music
- Class B - Entertainment other than music
- Class C - Amplified vocal or instrumental music
- Class D - Dancing

Will admission fee be charged: Yes _____ No

Specifically described area to be used for entertainment purposes: _____

Over the Hedge

Schedule of Planned Entertainment: (days of the week, hours): none planned

I certify that I am familiar with the SPECIAL AMUSEMENT ORDINANCE of the Town of Boothbay as adopted on August 29, 1979, and I agree to abide with all of the conditions and regulations contained therein.

Date of application
3/15/2022

Receipt _____

Applicant's signature
Jason M. Santos
Conditions or Restrictions: _____

Board of Selectmen - Licensing Board

Date of Hearing: _____



**Town of Boothbay
Board of Selectmen Meeting
Wednesday, March 9, 2022
6:00 PM (special start time)**

MINUTES

Board of Selectmen

Dale Harmon- Chairman
Chuck Cunningham - Vice Chairman
Michael Tomacelli
Steven Lewis
Desiree Scorgia

Town Manager

Daniel Bryer Jr.

Present: Dale Harmon, Steve Lewis, Chuck Cunningham, Mike Tomacelli, Desiree Scorgia and Town Manager, Dan Bryer Jr.

Pledge of Allegiance

Chuck Cunningham would like to acknowledge Arthur Reed who recently passed away. Arthur served on The Board for years and was a big help to Chuck when he first joined the board. Chuck would like to extend his condolences to Arthur's family on behalf of himself and the Town. There is a moment of silence in recognition of Arthur and his service.

Desiree Scorgia recuses herself from the discussion regarding the Common due to a conflict of interest.

6:00 Early Start Time to Continue Discussion on the Use of the Common:

It is decided that the new application will include the following locations: Boothbay Common, Clifford Park, Shipbuilders Park and Knickerbocker.

Mike Tomacelli refers to the Brunswick application – it asks for anticipated visitors per day, parking needs, traffic control and indicates the number of days to clean up after the event. Should the Boothbay application limit visitors per day? Boothbay needs to know about music, noise levels and times of operation. A sketch of the event should be required including, but not limited to, portable toilets, tents temporary structures and food truck locations. We need to have proof of liability set at a specific amount of coverage. We need to decide on deposit fees including how much and the amount that is refundable.

Dale Harmon thinks the duration of the event should be the whole time the Common is occupied including set up and take down.

Steve Lewis would like wording in the new contract that allows for the Selectman to charge a fee for utilities used. Steve also likes the idea of having the town run the Winter Festival. Then any complaints would be directed at the Selectman and not an individual. He doesn't think any individual should have to take the direct complaints like what happened winter 2021. The idea would be to hire someone to run it for the town with specific instructions on the makeup and activities of the event.

Dale doesn't like the idea of the town running the event. He feels it would add undue work and stress for town employees during off hours.

Dan Bryer has a suggestion that the application include the specific activities and operations of the event, if the event veers from what they applied for they will be required to seek reapproval or have the event shut down.

Desiree Scorgia, as a member of the public, stands voicing concerns that Lester Spear has taken the brunt of the startup cost and pains. If the town hires or allows someone else to do the event, then Lester will be prohibited to benefit from his hard work. She doesn't feel that is fair.

Other members of the public stand and voice suggestions for the application, including reviewing the Comprehensive plan ensuring the activities allowed follow the Towns Comprehensive vision and liability to the town.

Dale wants to ensure this application will be able to cover all events. One document with all criteria, restrictions and guidelines for the Towns vision of its properties. If you can meet the criteria of the

application, then you are able to use the property. If you don't meet the criteria, then you are not able to use the property.

Desiree Scorcia rejoins the board at this time.

Public Hearings: None

Public Comment: None

Approve Minutes: None

Reports: Dan Bryer

There will be an Appeals Board meeting for a Department of Environmental Protection appeal of a Planning Board decision from January 19, 2022 regarding Map/Lot R05/67-3.

If the gas tax is dropped we will have to watch what we do for road repairs because the funding we get from the state Local Road Assistance Program (LRAP) will be reduced because they are not gathering funds.

An executive session has been scheduled for March 16, 2022 at 6:30 with the town lawyer. Three Board members say this date and time will not work for them. Dan will reschedule the meeting.

Old Business: None

New Business: Discussion – November Fluoride Warrant Article:

Christina Rogers from Boothbay Harbor and the Fluoride Opposition Coalition (FOC) formally requests that the question of town water fluoridation be put on the November ballot.

Steve Lewis makes a motion that the fluoridation of Town Water be put on the November 2022 ballot. Chuck Cunningham seconded the motion. Vote: 5-0 in favor.

Town Property Use Application Development: March 23, 2022 meeting will start at 6:00 to further discuss the application for the use of town property.

Public Comment:

Bill Pearson Boothbay Register: How is the discussion going with Spectrum regarding broadband service? When does the board plan on making a decision?

Dan Bryer: The discussion is ongoing. We have received the proposed contract but there is more information and review required for the board to make a decision.

Review Warrants and Sign:

Chuck Cunningham made a motion to review and sign warrants. Mike Tomacelli seconded the motion. Vote: 5-0 in favor

Adjourn Meeting:

Chuck Cunningham made a motion at 6:34 PM to adjourn the meeting. Mike Tomacelli seconded the motion. Vote: 5-0 in favor.



**Town of Boothbay
Board of Selectmen Meeting
Wednesday, April 13, 2022
6:00 PM (special start time)**

MINUTES

Board of Selectmen

Dale Harmon- Chairman
Chuck Cunningham - Vice Chairman
Michael Tomacelli
Steven Lewis
Desiree Scordia

Town Manager

Daniel Bryer Jr.

Present: Dale Harmon, Steve Lewis, Chuck Cunningham, Mike Tomacelli, Desiree Scordia and Town Manager, Dan Bryer Jr.

Pledge of Allegiance

Annual Municipal Audit:

Dale asked if anyone had any objections to moving the Audit to the first on the agenda as Fred Brewer (Town accountant/auditor) has a distance to travel. Hearing no objections Fred took the podium to talk about the municipal audit.

Fred goes over the numbers and feels the town is in a good spot. The indicated Capital Reserve is misleading because of the delay in the new firetruck the town has purchased.

Steve – I believe I have heard that having 3 months' worth of bills in reserve is best practices. Roughly what is the town's monthly bills?

Dan – roughly \$2.3- 2.4 million.

Steve – I hope there won't be much if any increase in taxes to the residents.

Dan doesn't see that there will be much if any increase in property taxes. Ethically the town should start to use some of the capital reserve to make repairs to town roads or other town items that need repairs or upgrades.

Steve – "This is a good indication that the Board made the right decision when they hired Dan. Since I have been in this seat the town has never looked so good".

6:00 Early Start Time to Continue Discussion on the Use of the Common:

Dan has supplied a draft application for the use of Town property (The Common, Knickerbocker, Clifford Park, Knickerbocker Access).

The Board members love to see the Common used and they all want to get this application finalized so more people can use the Common. Currently the Common is open to the historical uses such as, the farmer's market, the weekend craft fairs and the BCA 4th of July celebration.

Mike – feels the application Dan has written up is quite complete but has a few updates to recommend. Such as adding cell phone and email contacts of applicant and responsible parties. Opening up the cleanup days so it can be addressed on a case-by-case basis.

Steve – doesn't want to make things such as alcohol a definite no. He would like to have those things come before the board for discussion and possible approval.

Desiree – Standards need to be set for the Board when reviewing any of these exceptions.

Steve – Maybe the application should have a list of what the Town Manager can approve and what needs to go before the Board.

Lester Spear, Public Comment – Feels the historic uses are important to the Common. He asks about the possibility of adding Hemp to the possible list for Board review. Lester would really like to see a mission statement so he and everyone else understands the idea and vision of the uses for the Common.

The 4/27/22 meeting will start at 6:00 to discuss the amended application.

Public Hearings: None

Public Comment:

John Ziegler, Boothbay Region Water District (BRWD) – John would like to thank the Town of Boothbay for the great working relationship they have with the water district. The paving of Gaecklin Road was a joint effort and went well. It is a great improvement in helping protect the Knickerbocker Lake water shed.

The Water District has an upcoming project currently in design to run year-round water up Route 96. This is a \$4.2M project. They are hoping to break ground next year. The project will be an upgrade for both Boothbay and Boothbay Harbor residents, as well as improved fire flow for both fire departments.

They are also working on improving the Adam's Pond treatment plant filter wastewater recycling. They hope to reduce the amount of wastewater sent to the Boothbay Harbor Sewer District (BHSD) by 10%, allowing for the BHSD to expand service due to the reduced waste from the BRWD.

The process of turning on seasonal water is well under way.

Approve Minutes: February 23, 2022; Steve Lewis abstained from voting as he was not present at that meeting. Chuck Cunningham made a motion to approve the February 23, 2022 meeting minutes. Mike Tomacelli seconded the motion. Vote: 4-0 in favor

Reports: Dan Bryer

The Town Report has been finalized; we are waiting for the proof. Andrea Lowery has put a lot of time and effort into the Report, which looks great. Dan would like to recognize her for her efforts in putting it together.

Bid documents are being put together for the Clifford Park project. We already have the federal funding, we are just waiting on the engineering and architectural work.

On 4/14/22 Dan has a meeting with a representative from Consolidated for an updated presentation.

Old Business: None

New Business:

School Charter Discussion: Denise Griffin and Mike Tomko, representing the Boothbay Harbor Select Board, ask the Boothbay Select Board if they would go to workshops with them regarding the Boothbay Region School Charter.

Steve asks if they should invite the new Superintendent to the workshop.

They can invite anyone. The new Superintendent may have interesting input since he has worked for other school districts.

Both Steve and Dale think the two towns should meet annually anyway.

Troy Lewis, Boothbay Region School Trustee – Troy thinks this is a great time to discuss the charter as it was 1950 when the charter was done, and all other community schools in the state use the state laws and do not have a charter. Boothbay Region is the only school left with a charter. Troy would like to have a representative or two from the school trustees and the school board so they can lay out the struggles they are facing.

Steve doesn't want to make it tough to make any progress with too many people in one place.

A date and time for the workshop will be scheduled between the two town managers.

Municipal Election Worker Appointments: Steve Lewis made a motion to approve the election worker appointments. Mike Tomacelli seconded the motion. Vote: 5-0 in favor.

Wharf & Weir – Chuck Cunningham made a motion to approve the wharf & weir application of Russell Jeppeson: 617 Ocean Point Rd, East Boothbay. Mike Tomacelli seconded the motion. Vote: 5-0 in favor.

Town Manager evaluation next meeting requested by Steve Lewis.

Public Comment: None

Review Warrants and Sign:

Chuck Cunningham made a motion to review and sign warrants. Mike Tomacelli seconded the motion. Vote: 5-0 in favor

Adjourn Meeting:

Steve Lewis made a motion at 7:07 PM to adjourn the meeting. Mike Tomacelli seconded the motion. Vote: 5-0 in favor.



April 19, 2022

Dear; CEO, Board of Selectmen & Planning Board;

I have reviewed the following Wharves and Weirs Application for Modifications of an Existing Dock & Pier: The Applicant is Linda Jay Burley. The project is located at 22 Linekin Landing Road in East Boothbay.

The project is located on Linekin Bay. The onsite hearing was held as advertised on Wednesday April 13th at 3:30 PM. Owner Linda Jay Burley represented herself and explained the projects. The project includes widening the pier 1' to allow for winter storage of the ramp and raising the pier up 2.5' due to rising sea levels.

There does not seem to be any effect of diminished or restricted ingress or egress by riparian owners. There is no evidence that this project will cause injury to others that use this area of Linekin Bay.

This project will not interfere with navigation in Linekin Bay. I have received no objections, written or orally to this project.

I see no problems with this project as submitted by Linda Jay Burley.

Respectfully submitted,

Peter B. Ripley
Harbormaster-Boothbay

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harbormaster@townofboothbay.org • www.townofboothbay.com

