



**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, June 8<sup>th</sup>, 2022  
6:00 PM  
Agenda**

**Board of Selectmen**  
Chuck Cunningham, Chairman  
Michael Tomacelli, Vice Chairman  
Dale C. Harmon  
Russell Pinkham  
Steven C. Lewis

**Town Manager**  
Daniel Bryer

1. **Pledge of Allegiance**
  
2. **Public Hearing-** 1. D.W. Moore, dba Cabbage Island Clambake, Map R-09, Lot 15, located at Cabbage Island, Boothbay, Me for renewal of a seasonal Amusement Permit.
  
3. **Public Comment**
  
4. **Approve Minutes-** May 11, 2022  
May 25, 2022
  
5. **Reports**
  
6. **Old Business-**
  
7. **New Business-**
  
8. **Public Comment**
  
9. **Review Warrants**
  
10. **Adjourn Meeting**

# TOWN OF BOOTHBAY

## PUBLIC HEARING NOTICE

The Boothbay Board of Selectmen will hold a public hearing at their regular Board of Selectmen's meeting on June 08, 2022 at 7:00 p.m. at the Boothbay Town Office located at 7 Corey Lane, Boothbay, Maine for the following:

D. W. Moore, dba Cabbage Island Clambake, Map R-09, Lot 15, located at Cabbage Island, Boothbay, ME for renewal of a seasonal Special Amusement Permit.

To Register: 5/16/22

Run: 05/19/22

TOWN OF BOOTHBAY

SPECIAL AMUSEMENT PERMIT APPLICATION

CASBAGB ISLAND CLUBHOUSE

Corporation or Business Names: D. W MOORE LTD Telephone #: 207 633 7200

Address of establishment: CASBAGB ISLAND Map \_\_\_\_\_ Lot \_\_\_\_\_

Mailing address: P.O. BOX 21, E. BOOTHBAY ME 04544

Name of Application/Owner (s): D. WAYNE MOORE

Email: DWMOORE@GWI.NET

Is Application? New:  \_\_\_\_\_ Renewal:  \_\_\_\_\_

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:

MAIN LAWN & DECK

Specifically planned entertainment (days of the week, hours):

N/A

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.

Applicant's signature: DW Moore

Date of Application: 5/12/22

Date of Hearing: 6/8/2022

Board of Selectmen-Licensing Board:

Conditions or Restrictions:

\_\_\_\_\_  
\_\_\_\_\_  
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**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, May 11, 2022  
5:00 PM (special start time)**

**MINUTES**

**Board of Selectmen**

Dale Harmon- Chairman  
Chuck Cunningham - Vice Chairman  
Michael Tomacelli  
Steven Lewis  
Russell Pinkham

**Town Manager**

Daniel Bryer Jr.

**Present:** Dale Harmon, Steve Lewis, Chuck Cunningham, Russell Pinkham and Town Manager, Dan Bryer Jr.

**5:00 Early start for joint meeting with the Boothbay Harbor Select Board regarding the Boothbay Region School Charter.**

**Present from BH Select Board:** Denise Griffin, Michael Tomko, Tricia Warren, Kenneth Rayle, Alyssa Allen.

Discussion: There isn't a lot of time to put changes on the November ballot. The following basic timeline will have to be met:

The changes will have to be decided by July 1<sup>st</sup>, then it will have to go to an attorney for the wording of the referendum question. The final wording will have to be ready for ballot printing by September 1<sup>st</sup>.

With such a short timeframe, the concentration should be on the "low hanging fruit" for this voting cycle. The discussion should continue for the 2023 referendum to get into the nitty gritty of the charter.

There are a number of things that need to be changed due to the charter being simply out of date.

Top priorities at this time:

Changing the voting criteria for the school budget and school bonds to a town meeting referendum vote in hopes to give more of the taxpayers the opportunity to weigh in on the school budget and spending.

Change payment structure for towns to the school district.

The next meeting on the matter will be May 18, 2022 @ 5:00 PM.

The Board took a break from 5:30-6:00 PM.

**Dale called Board of Selectmen's meeting to order at 6:00**

**Pledge of Allegiance**

**Maine Lobsterman's Association (MLA) & Lobster 207 (Maine Lobsterman's Union) funding request:**

Mark Jones and Troy Plummer representing the MLA are here to talk about the ongoing battle with the federal government regarding the unjust Right Whale regulations being mandated for Maine Fisherman. The MLA sent letters to all historic coastal lobstering communities looking for financial support for the rising legal cost of this ongoing battle. They are hoping to raise 10 million dollars over a 10 year period. If the MLA is successful in their legal fight, it will benefit all fisherman not just members of the MLA. The MLA has set up a specific fund for the legal fees.

Mark Brewer, representing Lobster 207, is also asking for financial support for Lobster 207's efforts in fighting the Federal Government and the closure of prime federal water fishing grounds.

Steve Lewis asked why they weren't working together. Mark replied that they are each coming at it from a different angle.

The board wants both organizations to know that they fully support the local fishing industry and would like to donate something. Once June comes around they will have a better idea of what they may have available to contribute. The board urges both organizations to come before them as many non-profit entities do for funding and the request can be put on the ballot at a town meeting for voters to weigh in. This way they may be able to get a larger amount of money.

**Municipal property use:**

Chuck Cunningham made a motion to approve the municipal property use application. Steve Lewis seconded the motion. Vote: 4-0 in favor.

Steve Lewis made a motion to lift the moratorium on the use of town property. Chuck Cunningham seconded the motion. Vote: 4-0 in favor.

**Welcome to new selectman:**

Dale welcomed Russel Pinkham the newly elected board member. "We all look forward to working with you."

**Public Hearings:**

1. 727 Ocean Point LLC, DBA Smuggler's Cove Inn, Map U6 lot 11, located at 727 Ocean Point Rd, East Boothbay, Maine. Renewal of Liquor License (Class 1-A), Innkeepers License and Special Amusement License (Class A, B, C, & D).  
Steve Lewis made a motion to approve the Smuggler's Cove Inn application. Chuck Cunningham seconded the motion. Vote: 4-0 in favor.
2. Boothbay Craft Brewery, Inc., applicants Edwin Mitchel Jr. & Lori Mitchell. Map R6 Lot 9 located at 301 Adams Pond Rd, Boothbay, Maine. Renewal of Restaurant Liquor License (Class I, II, III & IV).  
Chuck Cunningham made a motion to approve the Boothbay Craft Brewery, Inc application. Steve Lewis seconded the motion. Vote: 4-0 in favor.
3. Coastal Maine Botanical Gardens, Map R4 Lot 109, located at 132 Botanical Gardens Drive, Boothbay, Maine. Renewal of a seasonal Special Amusement Permit (Class C).  
Chuck Cunningham made a motion to approve the Coastal Maine Botanical Gardens application. Steve Lewis seconded the motion. Vote: 4-0 in favor.

**Public Comment:**

**Dan Sortwell, Boothbay Farmer's Market** – The market is starting Thursday May 19, 2022 and they are looking forward to a great and busy season.

**Approve Minutes:**

**April 27, 2022;** Chuck Cunningham made a motion to approve the April 27, 2022 meeting minutes as written. Steve Lewis seconded the motion. Vote: 3-0 in favor (Russell Pinkham is unable to vote as he was not a member at the time).

**Reports: Dan Bryer**

Clifford Park project has been awarded to Farley & Sons. They will be starting next week. Farley also does the gardens around The Common and round about so it's a good fit. There is no planned finish date. There should be recognition for Paul Coulombe's major financial contribution to the project.

**Old Business: None****New Business:**

1. Code Officer appointment for Andrea Hodgdon.  
Steve Lewis made a motion to approve the appointment of Andrea Hodgdon to Code Officer. Chuck Cunningham seconded the motion. Vote: 4-0 in favor.
2. Municipal Pole Permit - Giles Rd.  
Steve Lewis made a motion to approve the Municipal Pole Permit. Chuck Cunningham seconded the motion. Vote: 4-0 in favor.
3. Annual appointment of select board chair and vice chair.  
Steve Lewis made a motion to make Chuck Cunningham Chair of the select board. Russ Pinkham seconded the motion. Vote 3-0 in favor.  
Steve Lewis made a motion to make Mike Tomacelli Vice Chair of the select board. Chuck Cunningham seconded the motion. Vote 4-0 in favor.

**Public Comment: None**

**Review Warrants and Sign:**

Chuck Cunningham made a motion to review and sign warrants. Steve Lewis seconded the motion. Vote: 4-0 in favor

**Adjourn Meeting:**

Steve Lewis made a motion at 6:45 PM to adjourn the meeting. Chuck Cunningham seconded the motion. Vote: 4-0 in favor.

DRAFT



**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, May 25, 2022  
7:00 PM  
MINUTES**

**Board of Selectmen**

Chuck Cunningham - Chairman  
Michael Tomacelli - Vice Chairman  
Dale Harmon  
Steven Lewis  
Russell Pinkham

**Town Manager**

Daniel Bryer Jr.

**Present:** Chuck Cunningham, Mike Tomacelli, Russell Pinkham and Town Manager, Dan Bryer Jr.

**Chuck called the meeting to order at 6:00**

**Pledge of Allegiance**

**Public Hearings:**

1. Steve & Susan Plausteiner, dba Five Gables Inn. Map R-15, Lot 30, located at 107 Murray Hill Rd., East Boothbay, Maine for renewal of an Innkeeper's License.  
Mike Tomacelli made a motion to approve the Five Gables Inn application. Russell Pinkham seconded the motion. Vote: 3-0 in favor.
2. Ocean Point Inn, owner Robert Blood and Rich Cooper, dba Bluebird Ocean Point. Map U3 Lot 23, located at 191 Shore Rd., East Boothbay, Maine for renewal of Innkeeper's License, Special Amusement Permit (Class C) and a Liquor License (Class V).

**Discussion:**

The Board had some questions on the application. Brandon Moser, attorney from Perkins Thompson, is in attendance to answer questions.

Cunningham questions the ownership, management and decision making control of the Inn. The ownership percentage is confusing that Rich and Rob each have 5% ownership yet are decision making authority over the Inn.

Mosser explains that they are the two individuals who have control. The other ownership are two entities and do not have decision making control.

Cunningham would like an OK from the state that this type of ownership is acceptable. An email would be fine. Cunningham then questions the Liquor License class. The application is asking for a Class V Bed and Breakfast class. The town would not consider this a bed and breakfast. It would be an Inn and should be a Class I (A) liquor license.

Mosser agreed that was a clerical error and would be amended and the additional fee paid to the State.

Mike Tomacelli made a motion to conditionally approve the Ocean Point Inn's Innkeeper's License, Special Amusement Permit (Class C) and a Liquor License (Class I (A)) with the condition the state provides an email that they are OK with the ownership hierarchy. Russell Pinkham seconded the motion. Vote: 3-0 in favor.

3. Tubman Wharf & Weir, located at 365 Barter Island Road, Boothbay, Maine. Owners are Erica Tubman and Hugh Reece.  
Mike Tomacelli made a motion to approve the wharf and weir. Russell Pinkham seconded the motion. Vote: 3-0 in favor.

**Public Comment: None**

**Approve Minutes: None  
Reports:**

Dan Bryer

Clifford Park project: Dan did a site visit with Farley & Sons. They will be cordoning off the area for safety reasons. We will be getting posterboard with the conceptual drawings for people to see the project. We have a small copy of the plans at the town office and Dan will be happy to answer any questions that he can.

Dan would like to commend the Boothbay Fire Department along with all the other departments who responded to the large fire in Boothbay Harbor last week. All departments worked as a team and saved many other properties by containing the fire to the one structure.

Chuck Cunningham

Boothbay and Boothbay Harbor select board met again regarding the charter. They are sending it off to Sally Daggett, attorney for her to review the general wording and bring it up to today's standards, with the main goal of amending the voting to referendum at the town meeting and changing the payment terms.

There is another meeting scheduled for May 31, 2022 at 5:00 at the Boothbay Town office conference room.

**Old Business: None**

**New Business:**

1. Release Deeds – The town had 2 legacy properties with large amounts of back taxes. These properties were almost impossible to figure who owned them therefore the town could not notice someone that we were going to take the properties over. In the past 2 weeks both properties have gone to probate and both determined clear ownership. Both property owners have cleaned up the back taxes. Dan and attorney Daggett are asking the Board to authorize Dan to sign off on the liens for each property on behalf of the Board, releasing each property to the owners.

Mike Tomacelli made a motion to allow Dan Bryer to release the deeds for properties located at tax map/lot # U11-12 and R7-54. Russell Pinkham seconded the motion. Vote: 3-0 in favor.

**Public Comment: None**

**Review Warrants and Sign:**

Mike Tomacelli made a motion to review and sign warrants. Russell Pinkham seconded the motion. Vote: 3-0 in favor

**Adjourn Meeting:**

Mike Tomacelli made a motion at 7:25 PM to adjourn the meeting. Russell Pinkham seconded the motion. Vote: 3-0 in favor.