



**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, June 14, 2017  
7:00 PM  
MINUTES**

**Board of Selectmen**

Charles R. Cunningham - Chairman  
Steven Lewis – Vice Chairman  
Dale Harmon  
Kristina Ford  
Michael Tomacelli

**Town Manager**

Daniel Bryer Jr.

**Present:** Chuck Cunningham, Steve Lewis, Dale Harmon, Kristina Ford, Town Manager Dan Bryer and Secretary Sherry Tibbetts

**Pledge of Allegiance:**

**Public Hearing: AM Firpo Enterprises, LLC dba Smuggler's Cove Inn/1820 House,** Map U06/lot11 located at 727 Ocean Point Road, East Boothbay, for renewal of a Restaurant Liquor (class I, II, III, IV) license, an Innkeepers License and a Special Amusement permit.

Dan Brayer reported that there were no obstructions to this application, no outstanding issues and all taxes were paid up to date. Steve Lewis made a motion to approve this application as presented and Kristina Ford seconded the motion. Vote: 4-0 in favor.

**Public Hearing: Carriage House Restaurant,** Owner Kelly Farrin, applicant for a renewal of liquor license (Class I, II, III, IV) map U12/lot 14 located at 388 Ocean Point Road, Boothbay, ME.

Dan Bryer reported that everything is up to date, all taxes paid and that there are no issues with this application. At the last Selectmen's meeting this applicant had been given a one week extension. Steve Lewis made a motion to approve this application as presented and Dale Harmon seconded the motion. Vote: 4-0 in favor.

**Public Comment:** John Ziegler representing the Boothbay Region Water District reported that the District has a \$40,000 unbudgeted project that could not wait. The District approved the project as it had to be done and could not wait. The project was started on 06/13/2017 and should be completed in 2 – 3 weeks. Mr. Ziegler wanted to thank Mike Alley from Boothbay Public Works for his help and support. Mr. Ziegler also thanked Dan Bryer, he stated that Dan is concerned with the needs of every citizen in Boothbay and is very helpful in fostering a culture of collaboration between Boothbay and other organizations such as the BRWD. He said Dan was a good person and good for the Town of Boothbay.

Next John Ziegler spoke as a private citizen and not as a rep. of the BRWD. Mr. Ziegler spoke about the new marijuana laws and how he had advocated for legalization of this. He feels it can be a good revenue stream, a good opportunity and urged the Selectmen to take advantage of every opportunity.

**Minutes:** Steve Lewis made a motion to approve the minutes of the May 24<sup>th</sup>, 2017 meeting as presented and Dale Harmon seconded the motion. Vote: 3-0 in favor. Kristina Ford abstained as she was not at that meeting.

**Reports:** Dan Bryer reported that the Code Enforcement Office is busy, they have 4 building permits, 2 sub-surface waste water, 2 internal plumbing permits pending and the possibility of 2 Shoreland permits coming in soon. The Public Works is busy with their summer jobs, ditching, mowing and culvert work. The

Business Office is busy with lots of foot traffic. Dale and Dan met with the Boothbay Harbor Selectmen on Monday about the JEDC.

Hopefully the road work on Rt. 27 will be complete by the end of the week. There will be work on Common Drive and Corey Lane during the summer and then back on Rt. 27 after 9/9/2017. There was a discussion about the schedule, updating it on the webpage, etc.

Steve Lewis asked if it would be possible to make the base of the monument look better for the summer.

**Potential Revaluation contract proposal with O'Donnell's:** Dan Bryer reported that he checked with the auditor, Fred Brewer and Town Attorney, Sally Dagget and both were in agreement that the Selectmen can spend the money in the Capital Improvement Fund for this project without having to go back to the voters. Dan has a copy of the contract but has not sent it on to Sally Dagget for approval yet. They board members are in favor of going forward with this project and told Dan to forward the contract to the attorney. Kristina Ford and Steve Lewis both expressed opinions that the revaluation was in the best interest of the town and should go forward.

**Joan Atkinson, new Tobacco Prevention Coordinator for Lincoln County:** was not present

**Release Deed:** Dan Bryer reported that there was a need from 1961 that contained incorrect verbiage and needed to be corrected. Steve Lewis made a motion to sign a release deed for 153 Back Narrows Road to correct the verbiage and Dale Harmon seconded the motion. Vote: 4-0 in favor.

**Joint Economic Development Committee (JEDC):** Wendy Wolf, Mary Ellen Barnes and Mike Tomco were present from the JEDC for this discussion. Ms. Wolf gave a brief history of the group, what they have been doing and what they would like to do. She discussed the festival of lights, last year the group hired Green Tree Events to coordinate the event and would like to renew the contract with them for \$25,000 (\$12,500 from each BBY and BBH). The JEDC would also like to contract with Thalobblue to work with Green Tree to develop collateral print materials publicizing the Festival of Lights for summer and fall distribution, the cost of this would be \$2,400 (\$1,200 each BBY & BBH). Steve Lewis made a motion to approve the JEDC to contract with Green Tree for \$25,000 and with Thalobblue for \$2,400 and Kristina Ford seconded the motion. Vote: 4-0 in favor.

MS. Wolf next talked about the development of a Boothbay Region Master Plan, the JEDC has identified 4 key focus areas for research and action: \*Infrastructure, \*Downtown development, \*Affordable workforce housing, and \* Potential TIF zoning.

There was a lengthy discussion about the JEDC work groups, what they feel is needed next, the needs of a consultant and the cost. Mary Ellen Barnes talked about the timing and that with everything else that is going on, now is the time to do this. The JEDC would like to contract with Camoin Associates for up to \$40,000.

Chuck Cunningham voiced his opinion that if this plan is for the whole region, if the whole region is going to be studied, that the whole region needs to share equally in the cost. He feels it is unfair for Boothbay and Boothbay Harbor to pay the cost of this alone, he feels Edgecomb and Southport need to pay their share if they are going to be included in the plan.

Dale Harmon expressed his opinion that this needs to move ahead now. He feels that looking at Edgecomb will benefit Boothbay and Boothbay Harbor.

Kristina Ford said this cannot wait until Edgecomb and Southport are willing to put in money, it needs to happen now.

Steve Lewis made a motion authorizing the JEDC to spend up to \$40,000 (\$20,000 each BBY & BBH) to contract with Camoin Associates and Dale Harmon seconded the motion. Vote: 4-0 in favor. Chuck Cunningham said he hoped that Edgecomb and Southport will step up in the future.

**Town Manager Appointment:** The Town Manager appointment runs May to May according to the Town Clerk. Steve Lewis made a motion to appoint Dan Bryer Jr. as Town Manager and all the duties according to the Administrative Code that go with the position and Dale Harmon seconded the motion. Vote: 4-0 in favor.

**Mike Leighton to talk about Fireworks ordinances:** Mr. Leighton said he has a neighbor who shoots fireworks a lot (3-5) times per week, he does them within 50' of the Leighton house, debris is coming onto his land and house. He has safety concerns. He said he has contacted the Sheriff's department and they have to have written permission from the town to enforce the noise ordinance. Mr. Leighton said the Fire Chief, Dick Spofford has come to his house and taken pictures of the debris.

Mr. Leighton said he has reviewed the Town Ordinance (which is the same as the state), he has reviewed the State Ordinance and the ordinances of about 30 other towns. Mr. Leighton said he is not against the fireworks, he just wants them to be safe. Other neighbors are having similar complaints. As well as reviewing the ordinances Mr. Leighton has talked with the Sheriff's Office and the Fire Marshall's office.

Mr. Leighton suggested that the Selectmen write a letter to the Sheriff's Office authorizing them to enforce the Town Laws, this most likely just slipped through the cracks. It was also suggested to have a Town Constable who could check into these situations and contact the proper people to deal with them.

Mr. Leighton also gave each of the Selectmen a copy of the Town of Edgecomb's Fireworks Ordinance as he felt it has some good points such as: needing a permit from the town, being 150' away from any combustible structure, being 100' from an abutters property without written permission from the abutter, spectators would need to stay a specified number of feet from the fireworks, have to clean up all debris, do not operate them while under the influence of alcohol and penalties imposed for violations. It was also suggested that there should be a time line such as 5-10PM except for 12/31 and 07/04 when they could be 10 AM to 12:30PM.

There was a discussion about the noise ordinance and that what is a nuisance to one person may not be to another. Town Ordinance however is pretty specific on this topic. It was mentioned by the board that an ordinance change takes time, the earliest one could be done would be next May.

Steve Lewis made a motion authoring Dan Bryer to write a letter to the Sheriff's Department requesting they enforce the Boothbay Town Ordinances and Dale Harmon seconded the motion. Vote: 4-0 in favor.

**Town Constable appointment:** Steve Lewis made a motion to appoint David Pratt Town Constable and Dale Harmon seconded the motion. Vote: 4-0 in favor. Dan Bryer reported that he has spoken with Dave Pratt and that Mr. Pratt was willing to accept the appointment.

**Next Selectmen's meeting:** Chuck Cunningham said the next regularly scheduled Selectmen's meeting was on June 28<sup>th</sup> which is Windjammer day. The Selectmen decided to cancel that meeting. If something arises that needs their attention then a meeting will be schedule on an alternate date.

**Public Comment:** Tom Nickerson said he has concerns with a few things around the common. First he talked about the stop on the road being worn off at the 4 way intersection and he feels it needs to be painted back on. Dan Bryer said he has already called DOT about this.

Next Mr. Nickerson asked about the crosswalks by the common not being on the road this summer. Dan Bryer said it looks like the BBY Public Works will need to paint those on and they will do so.

Mr. Nickerson had questions about GPS and how the changes in the road will affect them. Dan Bryer said he thinks that once the changes are made that MDOT will put out the changes.

Mr. Nickerson said there is a 40 MPH speed sign by the community field with graffiti on it and he feels the sign should be changed. The Board said they were not aware of this, had not noticed. Dan Bryer said he will take care of it.

Wendy Wolf said Boothbay Harbor Selectmen are discussing having a referendum vote in November and asking the citizens to vote on each item in the state Marijuana law separately. Ms. Wolf said the Selectmen do not want Social Clubs and urged against them.

Mike Tomco, a Boothbay Harbor Selectmen said the Southport voted to give some money to the JEDC 1 year after having a representative attend the meetings and he feels like Edgecomb will do so eventually.

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

**Adjourn meeting:** At 9:10PM Dale Harmon made a motion to adjourn the meeting and Steve Lewis seconded the motion. Vote: 4-0 in favor.