

**BOOTHBAY HARBOR
SELECTMEN'S MEETING MINUTES
March 28, 2022**

In addition to these typed minutes, video recordings of all Selectmen's meetings are available to be viewed at BRCTV and audio recordings are available to be listened to at the Boothbay Harbor Town Office.

ATTENDING: Michael Tomko - Chair
 Tricia Warren – Vice Chair
 Alyssa Allen
 Denise Griffin
 Kenneth Rayle

 Julia Latter, Town Manager

Chairman Tomko called the Public Hearing to order at 6:30 p.m.

Chairman Tomko presented the proposed ordinance changes to be voted upon at the Boothbay Harbor Annual Town Meeting. (See attached).

PUBLIC COMMENT: Chairman Tomko solicited public comment. No comments were presented to the select board.

MOVE TO ADJOURN: The meeting was adjourned at 6:57 p.m. after unanimous approval.
Approved 5-0.

Town of Boothbay Harbor
Town Warrant

To Robert Hasch, Constable of the Town of Boothbay Harbor, in the County of Lincoln, State of Maine,

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Boothbay Harbor in said county and state, qualified by law to vote in town affairs, to meet at the Boothbay Harbor Municipal Fire Station in said town on Friday, the 6th day of May, 2022, then and there to act upon Articles 1 and 2. The polls for voting on Articles 1 and 2 shall open at 8:00 AM and will close at 6:00 PM. The remaining business to be transacted under the TOWN WARRANT will be taken up on Saturday, the 7th day of May, 2022 at 9:00 AM in the Boothbay Region Elementary School Gymnasium.

Article 1 To choose a moderator to preside at said meeting.

Article 2 To choose by secret ballot, the following public officials for a three-year term:

- 2 Selectmen and Overseers of the Poor
- 1 School Committee Member of the Boothbay-Boothbay Harbor CSD
- 1 Trustee of the Boothbay-Boothbay Harbor CSD
- 1 Trustee of the Boothbay-Boothbay Harbor Cemetery District
- 1 Trustee of the Boothbay Region Water District

Article 3 To see if the town shall accept the alewife fishing rights pursuant to DMR rules on West Harbor Pond for the year 2023 and that said pond shall remain closed for conservation.

Article 4 To see if the town will vote to authorize the tax collector or treasurer to accept prepayments of taxes not yet committed pursuant to 36 M.R.S.A. Section 506.

Article 5 To see if the town will vote to establish a date when taxes are due and payable, and to fix a rate of interest on delinquent taxes.

Selectmen's Recommendation: Taxes are due upon receipt of tax bills. The first installment is due September 20, 2022. Interest for the overdue amount begins September 21, 2022, at a rate of 4%. The second installment is due March 20, 2023. Interest for the overdue amount begins March 21, 2023, at a rate of 4%.

Article 6 To see if the town will vote to set the interest rate to be paid by the town on abated taxes pursuant to 36 M.R.S.A. Section 505(4-A).

Selectmen's Recommendation: 4%

Article 7 To see if the town will vote to appropriate the overlay to pay tax abatements and applicable interest granted during the fiscal year.

Article 8 To see if the town will vote to authorize the municipal officers, on behalf of the town, to sell and convey any real estate acquired by the town for non-payment of

taxes, under such terms and conditions as they deem advisable, and to execute a quitclaim deed for such property.

- Article 9 To see if the town will vote to authorize the municipal officers to make final determinations regarding the closing or opening of roads to winter maintenance pursuant to 23 M.R.S.A. Section 2953.
- Article 10 To see if the town will vote to authorize the municipal officers to dispose of any town-owned personal property under such terms and conditions, they deem advisable.
- Article 11 To see if the town will vote to authorize the municipal officers to carry forward any unexpended account balance, they deem advisable, provided that the account carried forward is used for the same purpose, and to fund any expenditure exceeding budget from the undesignated fund balance.
- Article 12 To see if the town will vote to authorize the municipal officers to accept any state funds received by the town and to appropriate any funds received for a particular purpose to that purpose. Funds received but not dedicated to a particular purpose are appropriated for such uses, terms, and conditions as the municipal officers deem advisable.
- Article 13 To see if the town will vote to authorize the municipal officers to apply for, accept and administer any state, federal, or private grant they deem advisable.
- Article 14 To see if the town will vote to authorize the municipal officers, on behalf of the town, to accept gifts and donations, and to appropriate those gifts and donations to the purposes for which they were received, under such terms and conditions they deem advisable.
- Article 15 To see if the town will vote to use and appropriate ESTIMATED REVENUES of \$1,312,631 to reduce the property tax commitment.

(Selectmen and Budget Committee recommend \$1,312,631)
- Article 16 To see if the town will vote to raise and appropriate \$3,200,709 for the remaining town of Boothbay Harbor Municipal accounts.

(Selectmen and Budget Committee recommend \$3,200,709)

\$241,500	for the CAPITAL account
\$85,460	for the DEBT SERVICE account
\$207,506	for the ADMINISTRATION account
\$26,217	for the ASSESSING account
\$126,728	for the CONTRACT SERVICES account
\$2,800	for the SUPPLEMENTAL account
\$97,883	for the FINANCE account
\$91,000	for the INSURANCE account
\$14,847	for the MEETINGS & ELECTIONS account
\$96,598	for the MUNICIPAL BUILDINGS & VEHICLES account

\$13,322	for the SELECTMEN account
\$95,135	for the TOWN CLERK account
\$147,387	for the TOWN MANAGER account
\$209,634	for the PAVING & CONSTRUCTION account
\$417,756	for the PUBLIC WORKS account
\$28,339	for the PUBLIC RESTROOMS account
\$101,575	for the WINTER OPERATIONS account
\$7,208	for the ANIMAL CONTROL account
\$8,010	for the EMERGENCY MANAGEMENT account
\$92,094	for the CODE ENFORCEMENT account
\$89,213	for the FIRE DEPARTMENT account
\$37,407	for the HARBOR MANAGEMENT account
\$15,352	for the PUMP OUT account
\$904,345	for the POLICE account
\$39,643	for the PARKING account
\$3,750	for the WELFARE account

Article 17 To see if the town will vote to raise and appropriate \$1,341,190 for STREET LIGHTING, HYDRANT SERVICE, BOOTHBAY REGION REFUSE DISPOSAL DISTRICT, BAYVILLE/ISLE OF SPRINGS, and FIREWORKS accounts.

(Selectmen and Budget Committee recommend \$1,341,190)

\$53,150	for the STREET LIGHTING AND LIGHTS account
\$610,626	for the HYDRANT SERVICE account
\$550,230	for the BOOTHBAY REGION REFUSE DISPOSAL DISTRICT account
\$112,184	for the BAYVILLE/ISLE OF SPRINGS account
\$15,000	for the FIREWORKS account

Article 18 To see if the town will vote to raise and appropriate \$608,011 for the SUPPORT ORGANIZATIONS accounts.

(Selectmen and Budget Committee recommend \$608,011)

\$15,885	for the BB/BBH CEMETERY DISTRICT account
\$8,000	for the BOOTHBAY REGION COMMUNITY RESOURCE COUNCIL account
\$5,100	for the BOOTHBAY REGION HEALTH & WELLNESS FOUNDATION (Community Center) account
\$36,973	for the COMMUNITY CABLE CHANNEL account
\$3,750	for the HARBOR LIGHTS FESTIVAL account
\$2,000	for the HISTORICAL SOCIETY account
\$500	for the MEMORIAL DAY/AMERICAN LEGION account
\$65,000	for the MEMORIAL LIBRARY account
\$1,155	for the NEW HOPE FOR WOMEN account
\$24,850	for the BOOTHBAY REGION DISTRICT NURSE ASSOCIATION account
\$2,750	for the BOOTHBAY REGION HEALTH CARE, INC. account
\$442,048	for the AMBULANCE SERVICE account

Article 19 To see if the town will vote to appropriate \$220,631.78 from Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan Act or ARPA funds) received by the Town from the federal government for infrastructure upgrades to municipal buildings.

Article 20 To see if the town will vote to amend the current Code of the town of Boothbay Harbor as follows:

Section 73-6, Amusement Devices, Coin-Operated- License required; fee; is amended to read as follows:

§ 73-6 License required, fee.

It shall be unlawful for any person, firm, corporation or association to keep for public patronage or to permit or allow the operation of any coin-operated amusement device in or on any public premises or location under his or her or its charge, control or custody without having first obtained a license therefor from the Clerk of the Town of Boothbay Harbor. Said license shall be issued by the Clerk upon the payment to the Town Treasurer of the annual fee as established by the Boothbay Harbor Board of Selectmen, for each machine located at said premises, and said license shall expire on June 30 of each year.

[The intent is to provide for establishment of the fee by the Board of Selectmen.]

Article 21 To see if the town will vote to amend the current Code of the Town of Boothbay Harbor as follows:

Section 74-5, Amusements, Fee, is amended to read as follows:

The fee for a special amusement permit shall be as established by the Boothbay Harbor Board of Selectmen.

[The intent is to provide for establishment of the fee by the Board of Selectmen.]

Article 22 To see if the town will vote to amend the current Land Use Code as follows:

Section 170-109 Appeals procedure, subsection A(6), is amended to read as follows:

§ 170-109 Appeals procedure.

A. Filing of Appeal.

(6) All variances and administrative appeals by an aggrieved party shall be accompanied by a fee payable to the Town of Boothbay Harbor as established by the Boothbay Harbor Board of Selectmen, including also costs necessary to advertise the hearing twice in the local newspaper and to notify abutters via certified mail.

[The intent is to clarify the fees for processing appeals.]

Article 23 To see if the town will vote to amend the current Land Use Code as follows:

Section 170-20 Enforcement, subsections A and C, are amended to read as follows:

§ 170-20 Enforcement.

A. Notice of violations. If the Code Enforcement Officer shall find that any of the provisions of this Land Use Code are being violated, s/he shall notify the person responsible for such violation, indicating the nature of the violation and the state/local regulations regarding fines, and order the action necessary to correct it. S/he may order discontinuance of illegal use of land, buildings, structures, additions, alterations or structural changes thereto or discontinuance of any illegal activity.

C. Fines. Any person being the owner or occupant of or having control or use of any building, structure or premises, including any business, corporation, organization or contractor, who violates a provision of this Land Use Code, may be punished by a fine of not more than \$2,500 and not less than \$100 for each offense (Title 30-A, § 4452). Each day that such violation continues after notification shall constitute a separate offense. In the event that the Code Enforcement Officer gives a violator a specific period of time in which to correct such offense, the number of offenses shall be calculated from the date of original notification.

[The intent is to allow for discretion in enforcement actions.]

Article 24 To see if the town will vote to amend the current Code of the Town of Boothbay Harbor as follows:

Section 2-5, Board of Selectmen, subsection A, is amended to read as follows:

§ 2-5 Board of Selectmen.

A. The administration of all fiscal and municipal affairs of Boothbay Harbor, except as otherwise herein provided, with particular reference to the town manager plan, shall be vested in the Board of Selectmen, consisting of five members. The Board of Selectmen shall exercise its powers in the manner herein provided and shall also serve as the Overseers of the Poor. The members of the Board of Selectmen shall constitute the municipal officers of the Town of Boothbay Harbor for all purposes required by law and, except as otherwise herein provided, shall have all the powers and authority given to the Board and perform all duties required of municipal officers of towns under the laws of this state. Members of the Board of Selectmen shall be elected at large by the qualified voters of the Town of Boothbay Harbor for terms of three years. At the first meeting following the Annual Town Meeting, the Board of Selectmen shall elect a Chairman and Vice Chairman among its members to serve one-year terms. A majority of the members of the Board of Selectmen shall constitute a quorum required for the transaction of any business of the Board. Any action of the Board of Selectmen shall require the affirmative vote of at least a majority of the full Board of Selectmen, without regard to the number of members present and voting, excepting only, that when the Board of Selectmen is acting as the municipal officers pursuant to the Maine Wharves and Fish Weirs Act (as the same may be amended, recodified, or replaced from time to

time), then in that case the affirmative vote of a majority of those members of the Board present and voting shall be sufficient.

[The intent is to clarify the voting requirements of the Board of Selectmen.]

Article 25 To see if the town will vote to amend the current Land Use Code as follows:

Section 170-108 Board of Appeals, subsection D(2)(a), is amended to read as follows:

§ 170-108 Board of Appeals.

D. Power and duties.

(2) The Board of Appeals shall have the following powers and duties:

(a) Administrative appeals shall be an appellate hearing. If new facts or evidence are available, the matter shall be referred back to the Planning Board or Code Enforcement Officer for a new decision based on the additional information. Administrative appeals: to hear and decide where it is alleged there is an error on any order, requirement, decision or determination made by the Code Enforcement Officer or by the Planning Board. Any order, requirement, decision, or determination made, or failure to act, in the enforcement of this Code is not appealable to the Board of Appeals.

[The intent is to clarify the procedures for administrative appeals.]

Article 26 To see if the town will vote to amend the current Land Use Code as follows:

Section 170-66 Site plan review application, subsections A(3) and A(9), are amended to read as follows:

§ 170-66 Site plan review application.

A. Procedure.

(3) The Code Enforcement Officer shall initially review the application and determine whether additional information is required before forwarding the application to the Planning Board. Upon the applicant's submission of such additional information, the Code Enforcement Officer shall forward the application and supporting documents to the members of the Planning Board and place the project on the agenda of the next regular Board meeting, occurring not less than 14 days after the application was determined to be complete.

(9) Site plan review approval shall expire after a period of three years after the date of approval if substantial development, as determined by the Code Enforcement Officer, has not begun or after a period of five years after the date of approval if development is not complete. A statement to this effect must appear on all approved plans.

[The intent is to clarify procedures for site plan review.]

Article 27 To see if the town will vote to amend the current Land Use Code as follows:

Section 170-28, Schedule of Dimensional Requirements, is amended by deleting therefrom the second label reading "Minimum Land Area per Dwelling Unit or Use (square feet)" that appears in the tenth row of the schedule. The first appearance of that label, in the second row of the schedule, shall remain.

[The intent is to remove a confusingly duplicated label within the Schedule of Dimensional Requirements.]

Article 28 To see if the town will vote to amend the current Land Use Code as follows:

Section 170-27, subsection E, Schedule of Uses, Footnote 19, is amended as follows:

¹⁹ A mobile food vendor is defined as a seller of food, beverages or other items intended for immediate human consumption from a mobile van, truck, cart, or other conveyance. Each such mobile van, truck, cart, or other conveyance requires approval as a separate use.

[The intent is to clarify the approval of "mobile food vendors" within the Schedule of Uses.]

Article 29 To see if the town will vote to amend the current Land Use Code as follows:

Section 170-15 Revocation of Permits, subsection A, is amended to read as follows:

§ 170-15 Revocation of permits.

A. Stop-work order. Should the Code Enforcement Officer find that information supplied to obtain a building permit is in error or the work permitted has been exceeded, the Code Enforcement Officer may issue a stop-work notice revoking the permit. This action shall be accomplished by means of a verbal notification to the applicant or working crew or by posting of a stop-work notice at the entrance to the site or attaching the notice to the structure itself. This action shall be followed up by a written notice of violation as required herein.

[The intent is to allow for discretion in the issuing of stop work orders.]

Article 30 To see if the town will vote to amend the current Land Use Code as follows:

I. Section 170-113 Words and terms defined, subsection B, is amended to include the following items, inserted alphabetically into the list of defined terms:

B. As used in this Land Use Code, the following terms shall have the meanings indicated:

ART GALLERY, MUSEUM, OR LIBRARY

The phrase “art gallery, museum, or library” means a facility intended for public access to view, read, listen to, and or watch audio-visual materials (which may include related presentations, such as meetings, forums, and lectures). However, a facility intended primarily for the viewing of plays and/or movies or similar material, such as a theater, shall not be considered an art gallery, museum, or library. Art galleries, museums, and libraries are examples, but all other such facilities are included within this definition. Such a facility may make sales of materials related to its function, either for profit or on a nonprofit basis.

LIBRARY

See “Art Gallery, Museum, or Library”

MUSEUM

See “Art Gallery, Museum, or Library”

II. Section 170-27, subsection E, Schedule of Uses, is amended to include the following line, inserted alphabetically into the section of the table labeled “Institutional and Public Uses:

	GR	SR	DB	LC/M	WW	GB	RP
Institutional and Public Uses							
Art gallery, museum, or library	P		P	P		P	

[The intent is to identify “art gallery, museum, or library” within the Schedule of Uses.]

Article 31 To see if the town will vote to amend the current Land Use Code as follows:

Section 170-104 Subdivision applications, subsection A, is amended to read as follows:

§ 170-104 Subdivision applications.

A. Preapplication.

(1) Procedure.

(a) The subdivider shall submit for informal discussion a sketch plan and other data relative to the proposed subdivision which may be of assistance to the Planning Board in making its determination.

(b) The sketch plan shall be submitted to the Board at least 21 days prior to a regular Board meeting during which the subdivider wishes to be heard. Ten copies of the sketch plan shall be submitted.

(c) The Code Enforcement Officer shall determine whether the sketch plan is complete and shall not schedule the application for

Planning Board review until it is found complete and any applicable fees and taxes are paid.

- (2) Submissions.
- (a) The sketch plan shall show, in simple sketch form, neatly done and to scale the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan shall include the information listed below.
- [1] Boundary lines of the property to be developed.
 - [2] Proposed name of the subdivision, north arrow, scale, and name of the owner/subdivider.
 - [3] General topography, streams, drainage ways, and wetlands.
 - [4] Proposed streets, number of lots, and general layout.
 - [5] Names of all abutters.
 - [6] Proposed utilities.
- (b) The application shall contain any additional information necessary to provide a clear understanding of what is proposed and what is possible, including, but not limited to, such information as may be requested by the Planning Board.
- (c) After reviewing the sketch plan, the Planning Board may:
- [1] Ask for additional information;
 - [2] Vote to conduct a site visit, and/or
 - [3] Vote to accept the sketch plan; however, such a vote to accept will in no way imply subsequent approval of the preliminary or final subdivision plans.

[The intent is to simplify the pre-application procedures for subdivisions.]

A person who is not registered as a voter may not vote in any election. You are directed to serve this publication and to post it at the Boothbay Harbor Post Office, West Boothbay Harbor Post Office, and the Town Office at least seven (7) days before the time of said meeting.

Hereof, fail not and have this Warrant with your doings, thereon at the time and place stated. Given under our hands this 28th day of March, 2022.

DocuSigned by:
Michael J Tomko
613430C008E2C8B
Michael Tomko, Chair

DocuSigned by:
Tricia Warren
62F31A149056419
Tricia Warren, Vice-Chair

DocuSigned by:
Denise Griffin
E65D394C31E8453
Denise Griffin

DocuSigned by:
Kenneth Rayle
66546800C01904D
Kenneth Rayle

DocuSigned by:
Alyssa Allen
B0667E095F11605
Alyssa Allen