MINUTES

BOOTHBAY HARBOR

SELECTMEN’S MEETING

MAY 29, 2018

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: Denise Griffin, Vice Chair

Russ Hoffman

Mike Tomko

Trisha Warren

Tom Woodin, Town Manager

Julia Latter, Finance Officer

**Vice Chair Griffin called the Board of Selectmen’s meeting to order at 7:00 pm.**

Pledge of Allegiance: The Board of Selectmen and members of the audience.

TOWN MANAGER’S ANNOUNCEMENTS:

1. EMA Assistant Regional Director, Larry Omland, will be stepping down from his position at the end of June to a lesser capacity.

2. The town website upgrade is going to be more user friendly than in the past and there should be prototypes to look at soon.

FINANCIALS:

Finance Officer Latter reviewed the financial totals with the Board confirming that the audit would begin on July 6th.

[Vice Chair Griffin reminded those listening that there were still several volunteer openings to fill on their boards.]

MINUTES:

Selectman Warren **motioned** to approve the May 14th minutes. Selectman Tomko **seconded**. **Unanimous approval**.

[Vice Chair Griffin mentioned a number of people had questioned the comment Chair Wolf had made at the last meeting about eminent domain. Vice Chair Griffin stated to the best of her knowledge, the Select Board had never talked about this or is something the town has ever gotten involved in.

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The Department of Transportation and the Water District (as well as possibly the Sewer District) do have experience in eminent domain or easement on the Peninsula.

SELECTMEN REPORTS:

1. **JEDC**: Selectman Tomko stated the Joint Economic Development Committee had a meeting with the Board of Selectmen from both the towns of Boothbay Harbor and Boothbay prior to the last Selectmen's meeting to discuss the continuation of working together for economic development on the peninsula. [Vice Chair Griffin suggested meeting on a day when they have more time in the future.]

LICENSES:

1. Selectman Warren **motioned** to approve an application for a **new** Victualer license from Oak Street Cafe' (Class H). Selectman Hoffman **seconded**. **Unanimous approval**.

2. Selectman Hoffman **motioned** to approve the application from the Carousel Music Theater for Special Amusement license **renewal**. Selectman Tomko **seconded**. **Unanimous approval**.

3. Selectman Hoffman **motioned** to approve the application for a Liquor license **renewal** from Boat House Bistro & Tapas Bar. Selectman Tomko **seconded**. **Motion passed 3 - 1 Abstention**. [Selectman Warren is employed by the Boat House Bistro & Tapas Bar.]

4. Selectman Warren **motioned** to approve the application for a Liquor license **renewal** from the Carousel Music. Selectman Hoffman **seconded**. **Unanimous approval**.

5. Selectman Hoffman **motioned** to approve the application for a Liquor license **renewal/expansion** from the Boothbay Lobster Wharf, Inc. Selectman Tomko **seconded**. (Tom Philbrick explained the "expansion" covers consumption of alcohol upstairs with a bar there as well as downstairs for supervision reasons.) **Unanimous approval**.

NEW BUSINESS:

Vice Chair Griffin stated there had been a Wharves and Weirs on-site hearing that afternoon at 4:00 p.m. The application is from MacMahan Investments LC, represented by LeBlanc Associates, Inc at 61 Linekin Road, owned by James and Jennifer Franke. The application is to construct a 4' x 10' access platform, a 4' x 30' access ramp, a 6' x 35' pier, a 3' x 50' aluminum ramp, a 10' x 20' float and a 10' x 40' float haulout in the waters of Boothbay Harbor.

The Board of Selectmen used the following review criteria to base their judgment upon, along with discoveries made during the on-site hearing and testimony from abutters and/or affected parties:

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1. Does the proposed application interfere with or cause an obstruction to navigation?

**The consensus of the Board (and Harbor Master, Nick Upham) was that it did not.**

2. Does the proposed application cause injury to the rights of others?

**The consensus of the Board was that it did not.**

3. Has the applicant included all necessary approvals from other agencies such as the Maine State Department of Environmental Protection, the Army Corp of Engineers and the State of Maine Bureau of Parks and Lands?

**The consensus of the Board was that it has.**

**The application was approved with no conditions.**

PUBLIC FORUM:

1. Karen Grindall questioned the integrity of the Select Board, saying they must have known the Cap'n Fish property had been sold to Paul Coloumbe as printed in the Boothbay Register online the next day following the last Selectmen's meeting.

Vice Chair Griffin responded at the last meeting she had talked about the lost opportunities. Vice Chair Griffin stated it is difficult to learn when properties are sold due to the privacy of legal deals.

2. Cory Tibbetts responded to Karen's accusation by saying from an unbiased observation, the deal between Paul Coloumbe and Cap'n Fish had already been in the works and when he found out someone else was interested in it he had the money to purchased it right away.

Selectman Hoffman stated he did not know the Cap'n Fish property had been sold until he got an email about it a couple of days after the Selectmen's meeting. Selectman Hoffman added that the energy generated at the meeting was not about a particular property but to position themselves to be able to move on something in the future.

Selectman Tomko stated he shared Karen's passion and frustration but, like Selectman Hoffman, was also not aware the property had been purchased. Selectman Tomko express a desire to seek properties for green space in the town before opportunities were lost.

3. Jean McKay stated they had two people in their community willing to purchase the property and gift it to the town but couldn't move forward without the support of the town. Jean also expressed concern that the rezoning of the east side could lead to the loss of the working waterfront.

Selectman Warren stated she did not know about the sale of the Cap'n Fish property either even though her boss operates Cod's Head on the Cap'n Fish property so it came as a real surprise.

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4. Ken Fitch agreed with Cory Tibbetts that whoever has the money has the advantage when it comes to purchasing a property, so the town needs to be smarter by spotting opportunity in advance.

5. Ron Richardson stated the town dock is far from adequate and the acquisition of the Cap'n Fish could have remedied that. Ron suggested requiring any property on the waterfront to obtain approval from the Select Board as part of the condition of sale.

6. Darrell Gudroe asked Vice Chair Griffin about Chair Wolf's decision to not allow community TV to live stream the Joint Economic Development Committee meeting on May 15th.

Vice Chair Griffin stated it had been a hasty decision that needs to be taken as a learning experience. The Maine State statute says that public meetings must have full access to the public as long as there are no disruptions. Selectman Tomko admitted there were times in the past he wishes he'd done things differently and is resolved to try to do things better going forward.

7. Norm Pierce stated it was a good thing they are still putting erasers on pencils.

8. Cory Tibbetts apologized to the Board, Karen Grindall and Susan Craig if he had offended them during his passionate display. Cory stated he was sorry they had missed an opportunity but "money talks."

9. Jean McKay wondered how the Select Board would feel if it was the Marriott Corporation that was buying property on the east side.

WARRANTS:

Selectman Warren **motioned** to approve the warrants upon careful review. Selectman Hoffman **seconded**. **Unanimous approval.**

EXECUTIVE SESSION:

The Board went into Executive Session at 7:47 p.m. under MRSA Title 1, 405, 6 (C) - Dispensation of publicly held property.

The Board came out of Executive Session at 8:50 p.m. No decisions were made.

MOVE TO ADJOURN:

The meeting was **adjourned** at 8:50 p.m.

KB