

Annual Town Meeting Minutes  
May 6 & 7, 2022

Meeting was called to order by Michelle Farnham, Town Clerk, at 8:00 a.m. on May 6th and the following action was taken:

Article 1 Nicholas Upham was elected moderator by written ballots and sworn into office by the Town Clerk, Michelle Farnham.

Article 2 The following were elected by secret ballot for a three-year term:

- 1 Selectmen and Overseer of the Poor
  - Alyssa D. Allen 138
  - Michael J. Tomko 119
- 1 Trustee of the Boothbay-Boothbay Harbor CSD
  - Ronnie R. Campbell 156
- 1 School Committee Member of the Boothbay-Boothbay Harbor CSD
  - Margaret Lembo-Splaine 137
- 1 Trustee of the Boothbay Region Water District
  - Merritt R. Blakeslee 147
- 1 Trustee of the Boothbay-Boothbay Harbor Cemetery District
  - Patricia M. Minerich 123

Polls closed at 6:00 p.m. by Moderator, Nicholas Upham.

On May 7, 2022 Moderator, Nicholas Upham opened the meeting at 9:05 a.m.

Reverend Todd Weir gave the Invocation.

Article 3 Voted to 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 Voted 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 Voted to establish the date 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 Voted to set the interest rate at four percent (4%) to be paid by the Town on abated taxes pursuant to 36 M.R.S.A. Section 505(4-A).

Article 7 Voted to appropriate the overlay to pay tax abatements and applicable interest granted during the fiscal year.

- Article 8 Voted 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 Voted 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 Voted to authorize the municipal officers to dispose of any town owned personal property under such terms and conditions, they deem advisable.
- Article 11 Voted 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 Voted 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 Voted to authorize the municipal officers to apply for, accept and administer any state, federal, or private grant they deem advisable.
- Article 14 Voted 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 Voted to use and appropriate ESTIMATED REVENUES of \$1,312,631 to reduce the property tax commitment.
- Article 16 Voted to raise and appropriate \$3,200,709 for the remaining Town of Boothbay Harbor Municipal accounts.

|           |  |
|-----------|--|
| \$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 PAYING & 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 Voted to raise and appropriate \$1,341,190 for STREET LIGHTING, HYDRANT SERVICE, BOOTHBAY REGION REFUSE DISPOSAL DISTRICT, BAYVILLE/ISLE OF SPRINGS, and FIREWORKS accounts.

\$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 Voted to raise and appropriate \$608,011 for the SUPPORT ORGANIZATIONS accounts.

\$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 Voted 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 Voted 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 Voted 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 Voted 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 Voted to amend the current Land Use Code with additional amendment as stated below:

**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 by **certified mail and any other means possible**, 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 Voted to amend the current Code of the Town of Boothbay Harbor with additional amendment as stated below:

**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 Chair~~man~~ and Vice Chair~~man~~ 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 Voted to dismiss the amendment of 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 Voted to amend the current Land Use Code as follows:

**Section 170-66 Site plan review application, subsections A(3) and A(9), are amended 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 Voted 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 Voted to amend the current Land Use Code as follows:

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

<sup>19</sup> 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 Voted 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 Voted 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

Voted 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.]

The meeting was adjourned at 10:32 a.m.

A True Copy Attest:   
Michelle Farnham/Town Clerk

