

**MINUTES
BOOTHBAY HARBOR
SELECTMEN'S MEETING
DECEMBER 8, 2014**

ATTENDING: Denise Griffin, Chairman
William Hamblen
Russ Hoffman
Jay D. Warren, Vice Chairman
Wendy Wolf

Thomas Woodin, Town Manager
Julia Latter, Finance Officer

Chairman Griffin called the Board of Selectmen's meeting to order at 7:00 pm, stating the Board would go immediately into an Executive Session, under MRSA section 405 (6) (E) – Consultations with Legal Council regarding Personnel Matters.

Chairman Griffin stated the Board had come out of Executive Session at 7:45 pm and that no decisions had been made.

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

ONGOING BUSINESS:

1. Chairman Griffin suggested taking things out of order and starting with the Chimes Dock Proposal since there were so many concerned individuals in the audience, recusing herself as she had done before, due to a conflict of interest due to her husband's legal involvement with the Chimes Association.

Vice Chairman Warren took over the meeting and invited Joe Leblanc, on behalf of the Chimes Association, to review the information he'd presented at the previous Selectmen's meeting when there had not been representation by the Ebb Tyed group.

Selectman Hamblen stated he'd read all of the materials, including today's letter from the law firm of Hopkinson & Abbondanza (representing the Ebb Tyed group) and the town lawyer's response to this letter. The H&A letter challenged the Chimes Association's right, title and interest to expand the dock. The town attorney's letter reaffirmed his position that there was sufficient right, title and interest for the selectmen to act on the application. Selectman Hamblen stated he felt the two key issues in front of the selectboard were, first, the right, title and interest of the Chimes Association to expand the dock, and, second, the suitability of the proposed expansion of the dock under our bylaws. While noting this was a public **meeting** and not a public **hearing**, Selectman Hamblen asked if any of the audience had any **new** information to present. None was presented.

Selectman Hamblen stated his personal feeling was that, consistent with the town lawyer's recommendation, there was sufficient right, title and interest for the Board to act on this

application. Also consistent with the town lawyer's recommendation, he felt a condition should be placed on any decision in the event there is a change in the right, title and interest.

Selectman Hamblen then addressed the suitability of the configuration of the floats themselves and read from the town's bylaws...“that the facility shall be no larger in dimension than is necessary to carry on the activities and be consistent with the surrounding character and uses of the area”.

Selectman Hamblen stated he could see both parties points of view as to the expansion of the dock and at this time felt the Board should approve the application with two conditions: 1.) That there be only one additional 10 by 30-foot float added to the existing dock (not two as proposed) and, 2.) That if, at a later date, the courts find that the Chimes Association does not have sufficient right, title and interest to alter the dock, **THE BOS** decision would become null and void

Selectman Hamblen thanked the two parties for attempting to come to an agreement between them even though no agreement was reached.

Selectmen Hamblen **motioned** that the Board find there is sufficient right, title and interest to act on the application and that the Board approve the application with the condition there will be only one 10 by 30-foot float constructed at right angles to the existing float. Selectman Warren **seconded**.

Selectman Wolf, for point of clarification, confirmed within the code there are steps to appeal this decision to the Superior Court within ten days.

Selectman Hoffman expressed concern about setting a precedent, re: approval of floats.

The motion passed **unanimously**.

TOWN MANAGER'S ANNOUNCEMENTS:

1. Manager Woodin stated they had had an application from Jon Dunsford to become a member of the Appeals Board (and read his many qualifications). Selectman Hamblen **motioned** to appoint Jon Dunsford to the Board of Appeals. Selectman Wolf **seconded**. **Unanimous approval.**

2. Manager Woodin stated they had had two bids for their 2007 Crown Vic from George Rice for \$258 and James Powers for \$2,121. Selectman Hamblen **motioned** to accept the bid from James Powers for \$2,121. Selectman Warren **seconded**. **Unanimous approval.**

FINANCIALS:

Finance Officer Latter reviewed the financial totals with the Board, stating they were 55% on target.

CONSENT AGENDA:

Chairman Griffin stated they had approval of the minutes of the November 24th meeting on the consent agenda. Selectman Hoffman **motioned** to approve the consent agenda with a correction to

the spelling of the word “Iyed” in the minutes. Selectman Hamblen **seconded**. **Motion passed Unanimously.**

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NEW BUSINESS:

1. Chairman Griffin stated the first item under New Business was the Budget Planning Process.

Selectman Wolf stated they were trying to build in some broader discussions, particularly with the Budget Committee, about planning things that address some longer term priorities for the town and thought it would be worthwhile to have some time set aside for that rather than to just go right into the budget process.

The consensus of the Board was in favor of having this discussion at the first meeting of the Budget Committee on Wednesday, January 7th at 4:30 p.m.

2. Chairman Griffin stated the second item under New Business was the need for a new town auditor and wondered if there were guidelines set up.

Manager Woodin responded there was an RFP (request for proposal) set up that they could put in the paper when they wanted to.

PUBLIC FORUM:

1. Bruce Engert wondered if there had been any decisions made during their Executive Session to which Chairman Griffin responded there had not been. Bruce stated they were facing a week of inclement weather and wondered about the level of delivery they could expect from Public Works without the Director who was on administrative leave, compared with previous storms. Bruce then expressed concern about the Public Works Director collecting compensation while he was on administrative leave. Bruce also expressed concern about the length of time the case was taking to resolve and about the cost of having a town attorney working on it. [Chairman Griffin responded she could not respond at this time but that the Board was being fiscally responsible with the town finances.]

Selectman Hamblen stated that he was also frustrated by how long it was taking but pointed out the time had been dictated by what is legally necessary to do.

2. Frank Fassett expressed similar concerns, in particular about how many lawyers were working on the issue.

Selectman Wolf stated that the town has a contractual arrangement with their attorney and there can be times when they might need expertise beyond that of the town attorney; that the people in the town had entrusted them to exercise good judgment to know when additional expertise was needed and under what circumstances that may occur, on behalf of the town.

3. Bruce Engert wondered if the Board could give them an idea of a time line. Chairman Griffin responded they wanted to get the issue resolved as soon as possible and were doing the best that they could to make it happen.

Selectman Hoffman added that the Board wanted to be fair to all parties involved.

4. Mike Tomko asked if they could establish a way to guarantee the taping of the selectmen's meetings. Chairman Griffin stated that Bill Harvey is a volunteer for the local cable television

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and sometimes has conflicting events to cover such as basketball games, etc. so they cannot expect them to always be there.

Selectman Wolf suggested they research the cost of getting an "in house" camera.

5. Chairman Griffin announced that the next Joint Economic Development meeting was scheduled for Wednesday, December 17th at 6:00 pm at the Boothbay Harbor Town Hall.

EXECUTIVE SESSION:

Chairman Griffin stated they were going back into Executive Session under MRSA section 405 (6) (A) – Personnel Matters at 8:24 pm.

The Board came out of Executive Session at 8:57 pm and Chairman Griffin stated no decisions had been made during the Executive Session.

WARRANTS:

Selectman Wolf **motioned** that the warrants be approved upon review. Selectman Hamblen **seconded. Unanimous approval.**

MOVE TO ADJOURN:

Selectman Wolf **motioned** to adjourn. Selectman Warren **seconded. Unanimous approval. Meeting was adjourned at 8:59 p.m.**