

**BOOTHBAY HARBOR  
SELECTMEN'S MEETING MINUTES  
VIA ZOOM  
May 26, 2020**

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

ATTENDING: Michael Tomko - Chair  
Tricia Warren – Vice Chair  
Ken F-Fitch  
Denise Griffin  
Wendy Wolf  
  
Julia Latter, Town Manager

Chairman Tomko called the Board of Selectmen's Meeting to order at 7:01 p.m.

Introductions of the Board of Selectmen.

**TOWN MANAGER'S ANNOUNCEMENTS:**

1. Town Manager Latter mentioned the town office plans on re-opening to the public as of Monday, June 1<sup>st</sup>, by appointment only. Certain guidelines will be in place for the safety of the public and the staff. Masks will be required for both staff and public, appointments will be made for one person at a time and everything will be disinfected between customers. Drop boxes and online services are still available. If anyone has any questions, or would like to make an appointment they can call 633-3671.
2. Town Manager Latter mentioned in person meetings will begin on June 1<sup>st</sup> remaining in compliance with CDC guidelines.
3. Town Manager Latter mentioned the public restrooms at both Barrett's Park and the Whalepark are open. Signs are posted stating one person at a time at each facility. The restrooms at the fish pier as well as Maddocks restrooms are scheduled to open on June 1<sup>st</sup>.
4. Town Manager Latter mentioned mooring renewal applications have gone out and are due back by June 30<sup>th</sup>. Speed buoys were placed yesterday and the pump out boat is in operation. The harbor master boat is at Blakes Boatyard waiting to be launched.
5. Town Manager Latter mentioned parking lots from June 1<sup>st</sup> to July 1<sup>st</sup> with no fee accessed. The town will still be using enforcement to make sure the code is being followed by for on-street two-hour parking.
6. Town Manager Latter informed the board that the open positions for EMA Director and Assistant EMA Director has been advertised. Applications, resume and cover letters are due to Latter by June 4<sup>th</sup> at 4:00 p.m. Descriptions of both positions can be found on the website at [www.boothbayharbor.org](http://www.boothbayharbor.org).
7. Town Manager Latter mentioned town reports are going to the printers on Thursday. Reports are due back in a couple of weeks. Latter plans on advertising the warrant in the register so it is more accessible to people due to the town not being able to deliver reports door to door.
8. Town Manager Latter mentioned the Annual Town Meeting is set for June 19<sup>th</sup> and 20<sup>th</sup>. Articles 1 and 2 will take place on Friday the 19<sup>th</sup>. (Copy of the articles are attached) Polls

will be open from 8:00 a.m. to 6:00 p.m. The remainder articles will be held on Saturday the 20<sup>th</sup> at 9:00 a.m. at the Boothbay Region High School gymnasium. For both the municipal and state elections we are encouraging absentee balloting You can contact town office to request ballots during regular business hours.

TOWN DEPARTMENT REPORTS: None

SELECTMEN REPORTS:

1. Chairman Tomko wanted to congratulate all of the business that have opened and he stated he appreciates all of the hard work in serving the residents and guests.
2. Vice Chair Warren commented on what she has seen in the first week of opening. She mentioned it has been challenging but as a whole people seem to be complying. Warren stated Memorial Day weekend was nothing like she had seen before.
3. Selectperson Wolf mentioned that she has heard from seasonal residents expressing their thanks for letters sent in late March. Wolf felt it was nice having the positive feedback and seeing residents following the guidelines such as the 14-day quarantine.

FINANCIALS: Overview of financials given by Manager, Julia Latter for Finance Officer, Kathleen Pearce.

MINUTES: Approval of the May 11, 2020, meeting minutes. Approved 5-0.

LICENSES:

1. Liquor License Renewals, Malt, Spirituous & Vinous for Linekin Bay Resort, 92 Wall Point Road; Pier One Pizza, 15 Wharf Street; Ports of Italy, 47 Commercial Street; Taka Mediterranean Bar & Grill, 16B Wharf Street; Boothbay Lobster Wharf, 97 Atlantic Avenue; Boothbay Harbor Oceanside Golf Resort, 35 Atlantic Avenue; Boathouse Bistro Tapas Bar/Restaurant, 12 the By Way and Cabbage Island Clambakes-Bennie Alice, Cabbage Island.
  - a. Motion made to take all the license applications together as read, with the exception of The Boat House Bistro Tapas Bar/Restaurant. (Vice Chair Warren has a conflict of interest, she is the manager of the establishment). Motion seconded and unanimously approved. Approved 5-0.
  - b. Motion made to approve the applications for Malt, Spirituous & Vinous liquor licenses as read, with the exception of The Boat House Bistro Tapas Bar/Restaurant. Motion seconded and approved 4-0.
  - c. Motion made to approve Malt, Spirituous & Vinous liquor licenses for The Boat House Bistro Tapas Bar/Restaurant Motion seconded and approved 4-0. (Vice Chair Warren abstained from vote due to conflict of interest, as stated above.)
2. Liquor license (Extension of Premises) Malt for Footbridge Brewery LLC.
  - a. Motion made to table the application for Footbridge Brewery LLC due to it being reviewed by the planning board on June 10<sup>th</sup>. Motion Seconded and unanimously approved. Approved 5-0.
3. Special Amusement licenses – Renewal licenses, Linekin Bay Resort, 92 Wall Point Road; Boothbay Harbor Oceanside Golf Resort, 35 Atlantic Avenue; Taka Mediterranean Bar & Grill, 16B Wharf Street; Boothbay Lobster Wharf, 97 Atlantic Avenue and Bistro Inc., 12 The By Way.
  - a. Motion made to take all the license applications together as read, with the exception of Bistro Inc. (Vice Chair Warren has a conflict of interest, she is the manager of the establishment). Motion seconded and unanimously approved. Approved 5-0.

- b. Motion made to approve the Special Amusement permits as read, with the exception of the Bistro, Inc.. Motion seconded and unanimously approved. Approved 5-0.
  - c. Motion made to approve the Special Amusement permit for the Bistro, Inc. Motion seconded and approved 4-0. (Vice Chair Warren abstained from vote due to conflict of interest, as stated above.)
4. Victualer licenses- New licenses, Farm 23, 102 Ocean Point Road, Class F; Boothbay Harbor Mart & Country Store, Class C; Maine Health, 145 Emery Lane, Class G and The Harborage Inn, 75 Townsend Avenue, Class F.
- a. Motion to take the permit applications together as read. Motion seconded and unanimously approved. Approved 5-0.
  - b. Motion to approve permit applications as together as read. Motion seconded and unanimously approved. Approved 5-0.

NEW BUSINESS: NONE

OLD BUSINESS: After some discussion regarding the 4<sup>th</sup> of July fireworks being held this year, the board decided to cancel at this time and possibly holding them at a later date. The decision was made due to social distance restrictions and public safety in mind.

WARRANTS: Motion was made to approve the warrants upon review. Motion seconded and unanimously approved. Approved 5-0.

PUBLIC FORUM: NONE

MOVE TO ADJOURN: The meeting was adjourned at 7:52 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 19<sup>th</sup> day of June, 2020, 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 20<sup>th</sup> day of June, 2020 at 9:00 AM in the Boothbay Region High 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 Region Water District
- 1 Trustee of the Boothbay-Boothbay Harbor Cemetery District
- 1 Trustee of the Boothbay-Boothbay Harbor Sewer 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 2021 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 8, 2020. Interest for the overdue amount begins September 9, 2020 at a rate of 9%. The second installment is due March 8, 2021. Interest for the overdue amount begins March 9, 2021 at a rate of 9%.

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: 9 %

- 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 \$1,189,335 to reduce the property tax commitment.  
  
(Selectmen and Budget Committee recommend \$1,189,335)
- Article 16 To see if the town will vote to raise and appropriate \$3,039,606 for the remaining Town of Boothbay Harbor Municipal accounts.  
  
(Selectmen and Budget Committee recommend \$3,039,606)

\$243,058	for the CAPITAL account
\$77,400	for the DEBT SERVICE account
\$177,161	for the ADMINISTRATION account
\$31,296	for the ASSESSING account
\$106,000	for the CONTRACT SERVICES account
\$2,800	for the SUPPLEMENTAL account
\$97,048	for the FINANCE account
\$94,180	for the INSURANCE account
\$14,115	for the MEETINGS & ELECTIONS account
\$81,957	for the MUNICIPAL BUILDINGS & VEHICLES account
\$13,322	for the SELECTMEN account
\$91,652	for the TOWN CLERK account
\$146,869	for the TOWN MANAGER account
\$234,770	for the PAVING & CONSTRUCTION account
\$382,862	for the PUBLIC WORKS account
\$27,045	for the PUBLIC RESTROOMS account
\$116,213	for the WINTER OPERATIONS account
\$7,208	for the ANIMAL CONTROL account
\$7,797	for the EMERGENCY MANAGEMENT account
\$86,976	for the CODE ENFORCEMENT account
\$82,063	for the FIRE DEPARTMENT account
\$36,354	for the HARBOR MANAGEMENT account
\$7,470	for the PUMP OUT account
\$829,086	for the POLICE account
\$39,904	for the PARKING account
\$5,000	for the WELFARE account

Article 17 To see if the town will vote to raise and appropriate \$1,314,570 for STREET LIGHTING, HYDRANT SERVICE, BOOTHBAY REGION REFUSE DISPOSAL DISTRICT, BAYVILLE/ISLE OF SPRINGS, REVALUATION and FIREWORKS accounts.

(Selectmen and Budget Committee recommend \$1,314,570)

\$52,733	for the STREET LIGHTING AND LIGHTS account
\$610,626	for the HYDRANT SERVICE account
\$490,269	for the BOOTHBAY REGION REFUSE DISPOSAL DISTRICT account
\$95,942	for the BAYVILLE/ISLE OF SPRINGS account
\$50,000	for the REVALUATION account
\$15,000	for the FIREWORKS account

Article 18 To see if the town will vote to raise and appropriate \$476,042 for the SUPPORT ORGANIZATIONS accounts.

(Selectmen and Budget Committee recommend \$476,042)

\$16,000	for the BB/BBH CEMETERY DISTRICT account
\$1,000	for the BOOTHBAY REGION ALUMNI COMMUNITY BAND account
\$5,000	for the BOOTHBAY REGION COMMUNITY RESOURCE COUNCIL account
\$4,000	for the BOOTHBAY REGION HEALTH & WELLNESS FOUNDATION (Community Center) account
\$33,831	for the COMMUNITY CABLE CHANNEL account
\$3,500	for the HARBOR LIGHTS FESTIVAL account
\$2,000	for the HISTORICAL SOCIETY account
\$500	for the MEMORIAL DAY/AMERICAN LEGION account
\$55,500	for the MEMORIAL LIBRARY account
\$1,155	for the NEW HOPE FOR WOMEN account
\$1,000	for the SENIOR CITIZENS account
\$1,200	for the SUMMER BAND CONCERTS account
\$25,818	for the DISTRICT NURSE account
\$325,538	for the AMBULANCE SERVICE account

Article 19 To see if the town will vote to amend the current Land Use Code as follows:

Section 170-106, General requirements and standards, Subsection A(3)(f), is amended to read: “Where the proposed subdivision is located on a lake, pond, river, saltwater body or stream, a portion of the waterfront area shall be included in land reserved under Subsection A(3)(a) above. The dimension along the - waterfront shall be a minimum of 200 feet, plus 10 additional feet for each unit/lot, or the entire extent of the waterfront, whichever is less. The dimension perpendicular to the waterfront shall be no less than 100 feet.”

(The intent is to clarify that the 200 feet of waterfront land that is required to be reserved as open space in certain subdivisions is measured along the waterfront.)

Article 20 To see if the town will vote to amend the current Land Use Code as follows:

Section 170-53, Retail/wholesale sales or services, is amended to read: “No retail/wholesale sales or services of food, beverages or other items intended for immediate human consumption shall be offered or solicited except on privately owned property use or operation of a drive-up or take-out window shall occur without a permit from the Planning Board, which permit shall be for the term of one year and may be renewed on an annual basis by the Code Enforcement Officer. Upon the application for such permit or renewal, the applicant shall submit an acceptable litter control plan, evidence that the applicant has the financial resources and technical ability to carry out the litter control plan, and evidence that the drive-up, walk-up, or take-out window will not interfere with the public’s use of any public way, all of which shall be satisfactory as determined by the Planning Board. The Planning Board shall take into account any complaints, citations, notices of violation, and orders to stop issued to or about the applicant or any previous operator of the same site, as reported by the Code Enforcement Officer. The Planning Board may condition any such permit upon compliance with the litter control plan and/or the lack of interference with the public’s use of any public way.

No use or operation that is not functionally water dependent shall occur from any structure over the water.

The Code Enforcement Officer may grant temporary permits under this section for civic, statewide, or regional events of nonprofit organizations.”

Section 170-27(E), Schedule of Uses, is amended by adding a new line and a new footnote, as follows:

“GR	SR	DB	WW	LC/M	GB	RP
		P <sup>19</sup>			P <sup>19</sup>	

<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.”

(The intent is make provision for the regulation of mobile food vendors.)

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

Section 2-4, Town finances, Subsection D, is amended to read: purchases of and contracts for supplies, contractual services and improvements estimated to cost in excess of \$10,000 (but excluding normal professional services) shall be purchased by formal written sealed bid from the lowest qualified bidder after due notice inviting proposals. All bid awards must be approved by the Board of Selectmen.”

(The intent is to increase the minimum amount requiring purchase by sealed bids.)

Article 22 To see if the town will vote to amend Chapter 133, Port Regulations, of the current Town Code as follows:

In Section 133-1, Definitions, the definition of “Mooring” is amended to read: “Any appliance used by a watercraft or float for anchoring purposes and not carried aboard such watercraft or float.

In Section 133-1, Definitions, a new definition of “Float” is enacted to read: “A floating platform affixed to a mooring or otherwise held in position for use by swimmers or other recreational users, by boats, or for the storage of equipment, gear, or supplies.”

Section 133-8, Prohibited acts, Subsection M (3) is amended to read: “All floats, wharves, piers, and docks will be maintained in a good and serviceable condition at all times. All floats, wharves, piers, and docks shall be used and operated only in compliance with all safety guidelines and rules established by the Board of Selectmen or otherwise set forth in this Chapter.

A new Section 133-11, “Safety guidelines and rules,” is enacted to read: “The Board of Selectmen shall establish and revise guidelines and rules for the safe use and operation of floats, wharves, piers, and docks, including, but not limited to, the use of slides, swings, diving boards, trampolines, and other recreational equipment.”

(The intent is to authorize safety rules for floats, wharves, piers, and docks.)



Article 23

To see if the town will vote to amend the current Town Code by enacting a new Chapter 77 as follows:

**“Chapter**

**77 Blasting**

77-1 Blasting Notification

- A. No blasting shall be done without first obtaining a permit to blast from the Code Enforcement Officer pursuant to this section.
- B. The application for a permit to blast shall include:
  - (1) A completed application for a permit to blast, using the form provided by the Code Enforcement Officer.
  - (2) A site plan showing where the blasting will take place.
  - (3) A signage plan sufficient to warn all vehicles, pedestrians, residents, and others within 500 feet of the proposed blasting site that blasting will be occurring. The signs must be placed at least three days prior to blasting and include the approximate dates and times the blasting will occur.
  - (4) A statement of the purposes and extent of the blasting, further indicating the approximate dates and times the blasting will occur.
  - (5) Identification by name, address, and a contact telephone number of the entity that will actually perform the blasting operation.
  - (6) Proof that the applicant or the blasting contractor is properly licensed by the State of Maine and in compliance with Title 25 M.R.S., Chapter 318, Subchapter 1: Explosives, and the State Fire Marshall Rules, Chapter 31, and any other applicable State statutes and regulations.
  - (7) Proof of Insurance. The applicant and/or blasting contractor shall present proof of liability insurance in a minimum amount of \$1,000,000 combined single limit per occurrence.
  - (8) Evidence that notice of the proposed blasting operation has been sent, at least seven (7) days prior to the proposed blasting date, by certified mail to all landowners within three hundred (300) feet of the subject property. Said notice shall indicate the location of the proposed blasting; approximate date and times that blasting will occur; and name, address, and telephone number of the entity that will actually perform the blasting operation.
- C. A blasting permit fee will be established in accordance with Chapter 2, Section 2.7(B) of this Ordinance.
- D. The Code Enforcement Officer shall act upon the application for a permit to blast within ten (10) days after the receipt of a completed application form, fee, and all supporting evidence as set forth above.

- E. If granted a permit, the applicant must adhere to all of the plans and requirements stated in the application for the permit. If not, the applicant will be in violation of this ordinance, and the Code Enforcement Officer may require all blasting related work to immediately cease.
- F. Definition of Blast/Blasting - Any activity entailing the use of explosives for the purpose of producing an explosion to demolish structures or portions of structures or to fragment rock or similar materials.”

(The intent is to provide notice of blasting activities.)

**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 19th day of May 2020.

\_\_\_\_\_  
Michael Tomko, Chair

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Tricia Warren, Vice Chair

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Kenneth F-Fitch

\_\_\_\_\_  
Wendy Wolf

\_\_\_\_\_  
Denise Griffin