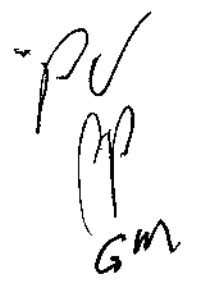


TOWN OF CASTINE  
SELECTBOARD, ASSESSORS & OVERSEERS OF THE POOR  
MEETING MINUTES



DATE: Monday, July 18, 2022  
TIME: 4PM (In-person; broadcast via ZOOM)  
PLACE: Emerson Hall

PRESENT: Peter Vogell, Chair; Gordon MacArthur & Colin Powell (ZOOM), Selectboard members; Shawn Blodgett and Susan Macomber, Town Clerk.

PUBLIC: Liz Parish, Helen Miller, Josh Adams, Brooke Tenney, Roberta Boczkiewicz, Kate Noel, Ruth Ann Vagt, Betsy Foote, Don Tenney, MMA President Jerry Paul, Matt Powell/George Trinovitch (new Pentagoet Inn owners), and Bernie Higgins.

ZOOM: Bruce Boczkiewicz.

Peter Vogell opened the meeting at 4:00PM. Quorum was confirmed with Peter Vogell stating his presence, Colin Powell stating his presence and Gordon MacArthur stating his presence. Peter asked if there were any additions or deletions to the Agenda: 1) 2021 Assessor's Certification correction and 2) Town Manager's Report

Warrants: Peter asked for a motion to approve the warrants, abatements, budget vs. actual and trial balance reports, bank reconciliations, excise tax collections.

General Fund Warrant in the amount of \$260,476.69; Gordon MacArthur made motion to approve the General Fund Warrant in the amount stated. Second by Peter Vogell. No discussion. Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. General Fund Warrant approved 3-0.

General Fund Warrant in the amount of \$678.90 (WEX bills); Gordon MacArthur made motion to approve the General Fund Warrant in the amount stated. Second by Peter Vogell. No discussion. Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. General Fund Warrant approved 3-0.

Water Dept Warrant in the amount of \$2,138.08; Gordon MacArthur made motion to approve the Water Dept Warrant in the amount stated. Second by Peter Vogell. No discussion.

Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. Water Dept Warrant approved 3-0.

Water Dept Warrant in the amount of \$151.11 (WEX bill); Gordon MacArthur made motion to approve the Water Dept Warrant in the amount stated. Second by Peter Vogell. No discussion.

Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. Water Dept Warrant approved 3-0.

Minutes: Gordon MacArthur made motion to approve the July 5, 2022, Selectboard Mtg minutes. Second by Colin Powell. No discussion. Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. July 5, 2022, Selectboard Mtg minutes approved 3-0.

Item 1. Peter Vogell introduced approving funds from last FY Contingency to pay legal expenses. Gordon MacArthur made motion to approve an additional \$1,500. Second by Colin Powell. No discussion. Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. \$1,500 from last FY Contingency for legal expenses approved 3-0.

Items 2. Peter Vogell introduced approving appointment to the Tree Committee. Member, Julie Van de Graaf, sold the Pentagoet Inn and moved from Castine. She helped to recruit a new member to replace her. Peter Vogell made motion to accept Julie Van de Graaf's resignation from the Tree Committee. Second by Gordon MacArthur. No discussion. Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. Resignation accepted 3-0. Gordon MacArthur made motion to appoint Andrea "Andi" Lloyd to the Tree Committee. Second by Colin Powell. Andi is the new minister at the Main Street Church and has an extensive background as a biologist who specialized in trees. Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. Appointment to the Tree Committee approved 3-0.

Item 3. Peter Vogell introduced approving NEW liquor & Amusement licenses – The Pentagoet Inn (under new ownership – PNT Hospitality, Inc.). Peter Vogell made motion to approve. Second by Gordon MacArthur. Matt Powell & George Trinovitch, new owners were present. Gordon asked if the Wine Bar will open on Sundays. Matt answered that they are closed Sundays and Mondays. Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. NEW liquor & Amusement licenses – The Pentagoet Inn approved 3-0.

Item 4. Peter Vogell introduced approving renewal liquor license – Danny Murphy's Pub. Peter Vogell made motion to approve. Second by Gordon MacArthur. Bernie Higgins, owner was present. No discussion. Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. Renewal liquor license – Danny Murphy's Pub approved 3-0.

Item 5. Peter Vogell introduced approving Amusement license – John & Charlotte Legg request. This is for hosting a friend's country music band in their backyard or at the Castine Yacht Club. Invite only on Friday, August 12<sup>th</sup>. Gordon asked what time. No one was present to answer questions. Gordon MacArthur made motion to table to the next mtg with hopes that someone would be present which is the Selectboard 's policy. Second by Peter Vogell. Peter asked for votes to table: Peter stated yes. Colin stated yes. Gordon stated yes. Amusement license request – John & Charlotte Legg tabled 3-0.

Item 6. Peter Vogell introduced approving Consent Agreement – 33 LaTour St; Regan Property. Shawn Blodgett, Town Manager, addressed. On 6/1/2021 a Notice of Violation was issued to Mr. Ted Regan for a litany of Zoning Ordinance violations:

1) setback violations

2) exceeding the parameters of a permit: a) exceeding the accessory dwelling standards of the Zoning Ordinance; b) unauthorized conversion of an accessory structure from its permitted use; c) unauthorized internal conversion of space into a bedroom.

Through three Zoning Board of Appeals hearings, multiple Planning Board meetings and the Town's attorney going back and forth with Mr. Regan's attorney, a consent agreement was presented. As the Selectboard is aware, this current agreement has been deemed the best the Town will be able to legally achieve at this juncture. This agreement stipulates the as-built 3<sup>rd</sup> floor of the garage/accessory apartment cannot be utilized as an additional bedroom and that "any long-term" lease relating to the accessory garage structure will expressly prohibit the rental of more than two bedrooms in that structure. As the Selectboard is aware, both the Town attorney and the Code Enforcement Officer begrudgingly recommend the Board sign this agreement.

Gordon MacArthur made motion to approve & sign. Second by Colin Powell. Discussion.

Gordon said he would prefer to have owner Ted Regan's signature on the document before the Selectboard signs. The other Selectboard members agreed.

Brooke Tenney asked how this will be enforced. Shawn said how anything else in Castine is enforced. Shawn said it is illegal for the Town to just show up. He said he typically does not visit a property or job site unless there is a complaint.

Gordon MacArthur made motion to table until document is signed by the owner first. Second by Peter Vogell. Peter asked for votes to table: Peter stated yes. Colin stated yes. Gordon stated yes. Consent Agreement – 33 LaTour St; Regan property tabled 3-0.

Item 7. Peter Vogell introduced approving Amusement license – Castine Golf Club.

Gordon MacArthur made motion to approve. Second by Peter Vogell.

It is the Club's 125<sup>th</sup> Anniversary and a celebration is being planned for July 31<sup>st</sup>.

Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. Amusement licenses – The Castine Golf Club approved 3-0.

Item 8. Peter Vogell introduced approving the 2021 Assessors Certification correction.

Gordon MacArthur made motion to approve the correction. Second by Peter Vogell.

Gordon said the net affect is in the amount of \$846.40 difference in overlay. Last year (2021) the Assessor's Agent used a ration declaration & reimbursement for Homestead Exemptions of 100%. During a State of Maine Property Tax Division review it was identified that the ratio should have been 94%. No discussion. Peter asked for votes: Peter stated yes to approve. Colin stated yes to approve. Gordon stated yes to approve. 2021 Assessors Certification correction approved 3-0.

Item 9. Town Manager's Report: Shawn Blodgett, Town Manager read his report (see attached).

#2. Resurgence of Dutch Elm Disease in Castine: Roberta Boczkiewicz asked how much it costs to treat a tree. Don Tenney, Chair of the Tree Committee & Tree Warden, said it depends on the size, dimension,

etc of the tree but a rough estimate would be \$900-\$1,300 per tree. Discussion.  
Donations will help the Town to deal with the resurgence and treating our Elms.  
Betsy Foote, Tree Committee member, thanked Shawn and the Selectboard for all their help and support with the care of the Town's trees. She also recognized and thanked MMA who supports and takes care of several trees on their property at their expense.

#6. Town/Gown: It was requested to schedule a T/G Mtg for Monday, 7/25 at 8AM for MMA to give updates on the National Security Multi-Mission Support Vessel (NSMSV) which is expected to arrive in 2024. Also, MMA will be open to the public for pool, pickle ball in the fieldhouse and sport activity amenities with a paid membership and swipe card process.

Item 10. Other Business as Required. NONE.

**Communications:** NONE.

**Peter acknowledged the public present for any requests, questions, or concerns:** -Don Tenney mentioned that during Bastille Day events, specifically the Lighthouse Tours, he was speaking with someone who had experienced vertigo and had to have assistance to get down. Don suggested the Town have medical personnel present at those types of events in case there is a severe case of something like vertigo or another issue/emergency.

**Past Actions:** NONE.

**Selectboard Comments:** None.

**Upcoming Mtgs:**

-Mon, 7/25 at 8AM – T/G Mtg.

-Mon, 8/1/22 at 4PM - Selectboard/Assessors & Overseers of the Poor Mtg.

-Mon, 8/15/22 at 4PM - Selectboard/Assessors & Overseers of the Poor Mtg.

-Wedn, 8/17/22 at 8AM – T/G Mtg.

Gordon MacArthur made motion to adjourn. Second by Peter Vogell.

Peter asked for votes: Peter stated yes to adjourn. Colin stated yes to adjourn. Gordon stated yes to adjourn. Approved 3-0. Meeting adjourned at 4:54PM.

Minutes by Susan M Macomber, Town Clerk.



## MEMORANDUM

To: Castine Selectboard  
From: Shawn Blodgett  
Date: July 18, 2022  
Re: Town Manager Report

1. Court Street Closure on July 26. Western Court Street in the vicinity of the Castine Fire Rescue Department building will be closed from 9:00 AM to 1:00 PM on 26 July so that the fire department can conduct their annual hose inspections.

2. Resurgence of Dutch Elm Disease in Castine. Castine is seeing a resurgence of Dutch Elm Disease (DED) and is currently impacting around 17 of the town's elms and 4 of the trees on the MMA campus. The Tree Committee has been in touch with Aaron Bergdahl, the State of Maine's Forest Pathologist to ascertain the reason why the entire state is seeing this resurgence. Mr. Bergdahl was careful to pass that he is speculating, but his thoughts were that the following are the most likely reasons for the resurgence.

- 1) The beetles are emerging at different times now.
- 2) There are more virulent strains of the DED pathogen now.
- 3) Droughts in recent years have stressed the trees making them more susceptible to the DED pathogen.

What this means for Castine and for the Selectboard's awareness is that the Tree Committee and our contracted arborist are stepping up their efforts to inoculate trees and cull those trees that have been found to be positive for DED. Each of these activities are expensive and may outpace the funds that the Tree Committee has on hand. Also, elm tree replacement is not keeping up



with this resurgence. Look for articles in the local papers or contact town hall if anyone would like to help.

3. Island Name Change Committee Update. This does not require a decision from the Selectboard at this time, but I am only providing an update so that the Selectboard can think about this until the INCC provides the Board with the committee's final recommendation. Marcia Mason, the Chair of the Island Name Change Committee expects to deliver the Committee's final report and recommendations to the Selectboard by August 15<sup>th</sup>. I expect there to be a couple of different options that will be presented to the Selectboard at that time and different ways for the community to express their preferred recommendation back to the U.S. Board of Geographic names. To be clear, the island names will be changed as both federal policy and State Law both stipulate this eventuality. However, the town's role is in recommending what the names will be changed to. If the Selectboard prefers a Warrant Article, with a single choice of names, (single choice means up to three names. 1 for Upper Negro Island, 1 of lower Negro Island and one collective name) this warrant article will need to be written in a "yes" or "no" fashion with only one choice in accordance with 30-A MRS subsection 2528. However, through correspondence with MMA legal, Karen found out that instead of making it a warrant article, we could conduct a "non-binding" survey question in conjunction with the November vote. This could provide the community with a multiple-choice option of several name options and provide the voters with more opportunities and a better chance of community concurrence. My recommendation to the Selectboard would be to go with the multiple choice option but go into the survey with the position to accept the outcome as the town's recommendation and make that recommendation to the US Board of Geographic Names. Again, no decision required at this point, but I did want to start the conversation so that the Board understood the legal issues for an eventual decision.



4. Historic British Canal Sign. The Sign has been repaired and is back in place.

5. Consent Agreement on 33 Latour. On June 11, 2021, I issued a Notice of Violation to Mr. Ted Regan, 33 Latour Street for a litany of Zoning Ordinance violations. A partial synopsis of the violations are below:

- 1) Setback violations.
- 2) Exceeding the parameters of a permit.
  - a. Exceeding the accessory dwelling standards of the Castine Zoning Ordinance.
  - b. Unauthorized conversion of an accessory structure from its permitted use.
  - c. Unauthorized internal conversion of space into a bedroom.

Through three Zoning Board of Appeals hearings, multiple Planning Board meetings and the Town Attorney going back and forth with Mr. Regan's Attorney, we have culminated with the Consent Agreement before you today. This is the revised document which followed the Selectboard's meeting with the town attorney. As the Selectboard is aware, this agreement has been deemed the best that the town will be able to legally achieve at this juncture. This agreement stipulates that the as-built third floor of the garage/accessory apartment cannot be utilized as an additional bedroom and that "any long-term" lease relating to the Accessory Garage structure will expressly prohibit the rental of more than two bedrooms in the structure. As the Selectboard is aware, both the Town Attorney and I begrudgingly recommend that the Board sign this agreement.

6. Town and Gown. I have received a request for an out of cycle Town and Gown meeting with MMA so that President Paul can provide the Selectboard with an update on the incoming National Security Multi-Mission Support Vessel (NSMSV) ie. New Ship. They are requesting a meeting at 8:00 AM on the 25<sup>th</sup> of July. The location is TBD.



7. Perkins/Pleasant Drainage Project Update. Supply chain issues have continued to delay the re-start of this project. The culverts and pipe for the project have arrived, but we are still awaiting catch basins. We are now up against the Castine Historic Society Home and Garden Tour on the 22d, but if we receive the materials before then, the street will most likely be torn up disrupting this event. As long as material arrives as scheduled, this project should start back up on the 25<sup>th</sup>. Material in preparation for the re-start should arrive this week, which will necessitate the closure of a portion of Perkins Street just to the East of the Pleasant/Perkins intersection to allow for staging space. When this phase of the project does start back up on the 25<sup>th</sup>, residents should be aware that Water Street, downhill of the Pleasant/Perkins intersection could be closed for both vehicular and pedestrian traffic for up to THREE WEEKS. We implore all residents, particularly pedestrians to adhere to safety signs and stay away from the construction zone.

8. Golf Carts. The use of Golf Carts as an alternative means of transportation around town are illegal, unless, like Scarlett, they are licensed by the State as a low-speed vehicle. Most of the carts seen around town utilize the subterfuge of placing clubs in the back as if they are headed to play a round. Some dispense with even that bare minimum. As most know, Castine does not have the ability to enforce this State law, but the Sheriff is aware and will be looking when they are in town. The Golf Club has also been informed in case any of their rentals find their way down the hill.

9. Bastille Day. I would like to take the opportunity to publicly thank the Bastille Day Committee and all the supporting volunteers that made this year's Bastille Day such a success. Town Staff took "reservations" for 450 attendees to the Picnic En Blanc, with around 40-50 people calling the day of the event to get a seat. As there were only 450 chairs, we recommended that these folks bring a blanket and enjoy the music on the common. In addition, over a 100





people were able to enjoy the lighthouse tour. Without the efforts of all those that helped to put this event on, it would not have run so smoothly. Well done.