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

DATE: Monday, August 21, 2023

TIME: 4PM

PLACE: Emerson Hall

PRESENT: Colin Powell, Chair, Gordon MacArthur, Roberta Boczkiewicz, Selectboard members; Shawn Blodgett, Town Manager; Karen Motycka, Finance Officer and Susan Macomber, Town Clerk.

PUBLIC: Liz Parish, Brooke Tenney, Bob Friedlander, Brad Tenney, Marc Pelletier, Don Tenney, Gus Basile, Tom Comiciotto, Josh Adam, Mark Morgioni, Julie Bohan & Dan Leader, Mac & Peg Patterson, Anne Blodgett and David Avery of the Castine Patriot.

Zoom: Bruce Boczkiewicz and Mary Kneisel.

Colin Powell opened the meeting at 4PM. Colin Powell verified that there was a quorum. Colin asked if there were any additions or deletions to the Agenda: None.

Colin Powell asked for a motion to approve the warrants, abatements, budget vs. actual and trial balance reports, bank reconciliations and excise tax collections; Gordon MacArthur made motion to approve the General Fund Warrant in the amount of \$192,809.96. Second by Roberta Boczkiewicz. Roberta pointed out that this warrant covered 56 bills, the largest ones paid for Hancock County taxes, Town Dock bathrooms, no wake buoy and fuel for the Fire Dept. With no other discussion, Colin asked for votes: General Fund Warrant approved 3-0. Roberta Boczkiewicz made motion to approve the Water Warrant in the amount of \$389.64. Second by Gordon MacArthur. With no discussion, Colin asked for votes: Water Warrant approved 3-0.

Minutes: Roberta Boczkiewicz made motion to approve the August 7, 2023, Selectboard Mtg minutes. Second by Gordon MacArthur. With no discussion, Colin asked for votes:

8/7/23 Mtg minutes approved 3-0.

Gordon MacArthur made motion to approve the August 14, 2023, Selectboard Mtg minutes.

Second by Roberta Boczkiewicz. With no discussion, Colin asked for votes:

8/14/23 Mtg minutes approved 3-0.

Item 1. Colin Powell introduced updates from Board/Committee Chairs or Members present; 1) Tree Committee and 2) Cemetery Association.

1) Don Tenney, Chair of the Tree Committee and Tree Warden, gave updates (see attached).

Discussion: Castine has met the criteria and has been a Tree City USA Town for 14 years. Gordon MacArthur asked if tree leaf growth coming out of its trunk is okay? Don said yes, it is normal.

Colin Powell asked if the DED treatments to our trees has been effective? Don said yes, treatment has been 100% effective.

Marc Pelletier asked what the process/procedure is for streetscape trees? Discussion. Don said to start off with any questions, concerns or general information a person should either attend a Tree Committee mtg or contact Don as the Tree Warden or a Committee member. Then it will be reviewed with Bill Burnham, Castine's Arborist.

Tom Comiciotto asked why MMA was not treating their trees? Don said for a variety of reasons, mostly costs but he will talk to MMA. The treatment process is an every 3-year treatment plan, so we suspect cost has a lot to do with it.

2) Brad Tenney, President of the Cemetery Association, was present. Roberta read the Cemetery report (see attached).

Discussion: Shawn Blodgett, Town Manager, said to Brad that they should talk about off-neck cemeteries in the near future as the Town approved funds for maintenance to these cemeteries.

Liz Parish asked about the Cemetery road and if the potholes can be fixed. Shawn said that the Town is responsible for the road leading up to the Cemetery at the Court Street Cemetery entrance. Brad said he is reluctant to fix the road as it will allow cars & bikes to go way to fast. He said he would look into the potholes. Colin suggested maybe it be a gravel road. Brad said there are too many road problems with rain and weather if it were back to a gravel road.

Item 2. Colin Powell introduced discussion on Peninsula Tomorrow NOAA Resolution.

Shawn addressed. Peninsula Tomorrow is a local organization founded to look into climate change issues. The other 8 peninsula communities have signed the Resolution to make request to NOAA for funds. Roberta & Shawn explained that if a community doesn't sign the Resolution, they will not qualify for any of the funds disbursed by NOAA. NOAA intends to disburse \$575 million in grant money with no-matching funds to coastal regions.

The scope of work outlined in the Resolution has valid points, some Castine has already done and a few that we do not quite understand how it would be helpful. On the upside, assistance for heat pumps and home weatherization to low-income families/individuals is a benefit.

Discussion.

Ultimately, there is no harm in Castine signing the Resolution to hopefully do some good work in Castine.

Roberta Boczkiewicz made motion to sign the Peninsula Tomorrow Resolution Urging Funding

from NOAA to Mitigate the Effects of Extreme Heat. Second by Colin Powell.

With no other discussion, Colin asked for votes:

Peninsula Tomorrow Resolution approved 3-0.

Item 4. Colin Powell introduced the Town Manager's Report. Town Manager, Shawn Blodgett read his report (see attached):

**#1. BPL Submerged Lands Input Required:** Gordon MacArthur said he worries that the Harbor Committee's newest draft of the dock/float design may interfere with proper ingress & egress to MMA's project. Dan Leader said the Town should probably consider the worst-case scenario for funding options. Discussion.

Shawn said that revising the Town dock/float system has been on the Harbor Committee's radar for years. It is a driven project now due to the MMA project.

Many said the Town should have a "Plan B" in case of funding. MMA has said and agreed to do the best they can and help the Town with the difference of what is not covered by grants and/or federal funds for the Town Dock revision project.

Marc Pelletier encouraged the Selectboard to take the issue and proposed diagram to a Marine engineer like Prock Marine. We need to know what the cost for the whole project is going to be.

Colin Powell said the Town cannot stop the MMA project at this point. If MMA Submerged Land Lease application does not get approved MMA will not get their ship, however, the decision is up to the State Submerged Lands even if the Town gives negative or concerning input.

Shawn pointed out that the Planning Board approved the MMA project; and the Harbor Committee has had 6+ meetings on this topic and has given recommendations to the Selectboard.

Roberta reviewed the MMA timeline. Dan Leader suggested talking to MMA to get a concrete confirmation so that the Town does not get stuck later in this process.

Marc Pelletier said the Town may want to consider the option of just leaving the dock/floats as is even with the MMA project moving forward and try living without a Town dock/float revision project. Shawn said this option is a possible consideration.

Gordon MacArthur made motion to authorize the Town Manager to contact MMA and the State Submerged Lands Dept to get more details to help with the Town's input to Submerged Lands. Second by Colin Powell.

Once Shawn speaks with MMA and Submerged Lands the Selectboard will schedule a meeting later this week to discuss and give required input to Submerged Lands.

With no other discussion, Colin asked for votes:

Authorize the Town Manager to talk to MMA & Submerged Lands approved 3-0.

**#2 Town Dock Reports/#5 Backshore Beach Survey:** Shawn and Selectboard agreed to discuss at a further Work Session.

**#6 Food Trucks in Castine:** Shawn & Gordon said they thought the Town should at least consider allowing food trucks in Castine. This would mean amending the Zoning Ordinance. Dan Leader said in years past not allowing food trucks obviously made sense and was a good decision, but times have changed.

Currently the Zoning Ordinance prohibits food trucks at all, including on private property. Roberta agreed and said she also felt this issue should go to the Town voters.

Item 4. Other Business as Required = NONE.

**Communications:** a) Thank you letters from Tree of Life, Downeast Community Partners, Eastern Area Agency on Aging and Northern Light Health for the Town's contributions.

b) Utility Board abatement request for a running toilet. Colin said the Utility Board recommended to the Selectboard that it was a good time to remind the public you can apply for an abatement, but you have to be able to prove that water being used is not going into the sewer system in order to be eligible per the Policy for Water/Sewer Abatements.

Shawn said he would like to recognize and thank CARF for what they do to aid our community and community members in need. The responsiveness specifically by member Bobby Vagt should be applauded. Bobby Vagt and CARF recognize immediate need and react.

**Colin acknowledged the public present:** -Liz Parish asked for an update on the old Bakehouse property (26 Water St) situation. Colin said that the Bucksport CEO is working on an application submitted by the owners. The Blue Hill CEO, who is our alternate CEO, deferred to dealing with the sign matter since there was another CEO dealing with their application.

The situation is ongoing and being dealt with slowly.

Many present showed their frustration and said this situation and how the Town is handling it is setting a precedence. Mark Morgioni asked what the total cost was for having outside CEO's to deal with the situation. Mark said it leaves a bad taste for the Town to have to pay for additional employment to deal with this one property and for them not have to pay for it.

Many wanted to know about the sign violation. When will the owners be told to take it down? Colin said the Selectboard is operating on advice from the Town's attorney. They have to be sure to cross all T's and dot all I's. Many agreed with Mark Morgioni that the Town should be able to recoup the additional employment costs, legal fees, etc. Late fees can be implemented on the sign violation and other violations.

Bob Friedlander asked about freedom of information. He said you read in the paper about all the details of what this individual is accusing the Town and community members of but why is the Town so reluctant to talk about this matter.

Shawn said there are several different pieces to this puzzle. We do not have any costs associated with the Bucksport CEO, other than his rate is \$50/hour. He has not billed the Town yet. Limited information is shared as parts of this situation falls under a personnel matter, so the Town's hands are tied. Discussion.

Mark Morgioni asked if there was a procedure to remove someone from a board. Answer was yes. Mark also requested to have all accounting spent to date on this situation, property owners and individual.

Roberta Boczkiewicz said the Selectboard would take up the issues raised at a work session in the near future.

Liz said there is community interest to pass a petition to have action taken. She asked if this would do any good? Colin said likely not since several elements fall under a personnel matter which is confidential and has laws you must abide by. Hands are tied.

-Josh Adam asked if there was any scheduling update from meeting with Port City Architecture?

Shawn said no and there won't be until we receive the soil test results back. The tests were taken from the current Court Street location which should be a part of that meeting. Savee & Mahair from Bangor dug for the testing about 3-4 weeks ago, so we expect results anytime.

-David Avery said that one of the plastic picnic tables is missing from the Backshore Beach. Shawn and Sue said that public works removed it a few weeks ago as it was broken beyond repair.

-Gus Basile asked if there were any updates on MDOT doing a new culvert at Smelt Brook? There is concern for an ambulance being able to get passage to Blue Hill. Shawn said there are no updates. MDOT did some ditching to help with flooding issues, but he suspects that it would likely be years before MDOT takes on this project. There are others ahead on the priority list.

-Marc Pelletier asked about the MDOT Penobscot project and if it was really going to take until 8/28 to complete. Shawn said that MDOT is contractually obligated to complete the job by 8/28.

**PAST ACTIONS:** NONE.

**Selectboard Comments:** -Roberta Boczkiewicz encouraged everyone to sign up for Fidium fiber optics. It is available all over Castine right now. Fidium is running fiber optics infrastructure free of charge currently but that won't be forever. Sue Macomber, Town Clerk, said if Roberta sent her the Fidium verbiage, she would post it on the Town's website.

-Karen Motycka, Finance Officer, said MMA sent out Convocation (Monday, 8/28 at 2PM) invites a few weeks ago and they need to know who will attend and if a Selectboard member or

Town Manager would be a speaker as in past years. Colin said he would check his calendar and let us know.

-Colin Powell said that the independent investigation into complaints related to the conduct of Town employees and officials has concluded. The investigator was unable to substantiate the vast majority of the complaints. In the case of one valid complaint, the issue has been addressed with the employee and appropriate action has been taken.

Pursuant to Maine law (30-A MRSA §2702(B)(5)), the investigation is not a public document, but will become a part of the file for those employees against whom the complaint was filed.

Upcoming Mtgs:

Monday, 8/28/23 – Work Session at 9AM, if needed.

Tuesday, 9/5/23 (due to the Labor Day Holiday) - Selectboard/Assessors & Overseers of the Poor Mtg at 4PM.

Monday, 9/18/23 – Selectboard/Assessors & Overseers of the Poor Mtg at 4PM.

A meeting will be scheduled later this week to address the Submerged Lands requested input from the Town.

Gordon MacArthur made motion to adjourn. Second by Roberta Boczkiewicz.

With no discussion, Colin asked for votes: approved 3-0.

Mtg adjourned at 5:31PM.

Minutes by Susan Macomber, Town Clerk.



## MEMORANDUM

To: Castine Selectboard  
From: Shawn Blodgett  
Date: August 21, 2023  
Re: Town Manager's Report

1. BPL Submerged Lands Input required. On August 15, the Town received a follow up request for input to their deliberations on granting or denying the Submerged Lands Lease for MMA's pier reconstruction and expansion project.

**Read the email.** There are four criteria that BPL Submerged Lands uses to evaluate granting a Submerged Lands Lease. That the proposed project WILL NOT:

1. Unreasonably interfere with customary or traditional public access to fishing, fowling, recreation, or navigation.
2. Unreasonably interfere with fishing or other existing marine uses of the area.
3. Unreasonably diminish the availability of services and facilities necessary for commercial marine activities
4. Unreasonably interfere with ingress and egress of riparian owners.

As the Selectboard is aware, as of April 26, 2023 the Selectboard did not view the impacts from the MMA pier as unreasonable given the size, complexity and importance of the project.

As the question from BPL Submerged Lands is focused on whether the Town is satisfied with the level of MMA's financial commitment, we should take this opportunity to review what the current situation is and the commitments pertaining to that situation.



1. The Harbor Committee is currently working on a Town Dock expansion plan. This schematic is on the table for anyone's review should they never attend Harbor Committee meetings. This drawing is from August 7<sup>th</sup>.

2. We originally estimated that Castine's Harbor expansion would require roughly 360 thousand dollars. This plan is broader in scope and may require more funding.

3. MMA's Commitments:

a. Marine Maritime Academy's voluntary contribution to the town was \$153,000 in FY 2021-22 as seen in the 225<sup>th</sup> Town Report.

b. Maine Maritime Academy agreed that they "will apply maximum support...to procure funds through federal appropriations for modifications to the Town floating docks." There are two Congressionally Directed Spending requests that the town has with the federal government, and both have passed the Senate Appropriations Committee. One is for \$1.76 million for the Sea Street pump station for which MMA lobbied for inclusion. This project also has the support of Congressman Golden and is on his list of 15 projects. The second is for \$288 thousand dollars for the town dock expansion.

c. If the town receives the \$288 thousand for the dock expansion, MMA has agreed to pay "50% of the local match for federal funding of the pending appropriations request." This only applies to the dock expansion.

d. The fee for the permitting of the pier expansion project will be roughly \$52 thousand dollars.

So, assuming that the town's CDS request is successful, and the pier project is permitted, the town will be able to accomplish 360 thousand dollars' worth of upgrades to the floating dock system with no, to limited financial outlay. The entire question is centered around the success for failure of the 288-thousand-dollar CDS request.

2. Town Dock Reports. While we are talking about the dock, It has recently been reported to the Town Office and the Selectboard that some visiting boaters are abusing the time limits for stays on the Town Dock. In response to this, we





reviewed the Waterfront Ordinance, and the enforcement piece of this document is lacking. Fines may be levied as recommended by the Harbor Master or town staff with legal action being the only recourse that the Selectboard has in the case of unpaid fines. The dock hands, who are the first people to see an infraction are not mentioned at all. I would recommend that this be a topic at an upcoming work session with the Harbor Committee invited to brainstorm other ideas to streamline this ordinance.

3. Maine Lighthouse Days. As a reminder, Maine Lighthouse Days will take place on September 9<sup>th</sup> and the lighthouse will be open from 9 AM to 3 PM on this day. Public works just finished putting another coat of epoxy on the stairs so the facility will continue to be among, if not the, best maintained lighthouse in this state.

4. Signs and Public Works. When not doing grounds maintenance or other emergent tasks, public works have either re-set the poles or changed the signage out on 21 signs around town. There are still a few missing and they will get to those soon.

5. Backshore Beach Survey. As a reminder, there has been a survey up on the town web page since August 3 as for residents and visitors' desires for the Backshore Recreation Area. I would recommend to the Selectboard that we keep the survey up until August 31<sup>st</sup> and like the Waterfront Ordinance, make this item a work session and future agenda item for a regular meeting.

7. Food Trucks in Castine. It has come to my attention that a food truck has been operating in Castine. In the coming couple of days, I will be speaking with the proprietor of the truck. For whatever reason, the voters in the town explicitly ensured that this activity is not allowed in Castine in accordance with Article 5, Section 5.4, item 50 of the Land Use Table of the Castine Zoning Ordinance. Item 50 has already been sent to legal review once this summer



and there is no wiggle room currently. This is one of the proposed Zoning Ordinance changes that I would like to discuss with the Selectboard and the Town.