



**SELECT BOARD  
MEETING MINUTES  
JANUARY 4, 2011**

**5:45PM - EXECUTIVE SESSION**

Motion made by Graham Simonds and second by Phil Cavaretta to go into Executive Session at 5:45pm for an Interview (Pursuant to Title 1, Chapter 13, Subchapter 1, 405.6.A); approved 4-0.

Motion made by Graham Simonds and second by Phil Cavaretta to come out of Executive Session at 6:00pm; approved 4-0.

No action was taken during Executive Session.

**1.0 CALL TO ORDER – 6:00PM**

Meeting called to order at 6:05pm.

Members present: Donato Tramuto, Chairman  
Phil Cavaretta, Vice Chairman  
Jacqueline Bevins  
Graham Simonds

Others present: Town Manager, Thomas A. Fortier

**2.0 PLEDGE OF ALLEGIANCE**

Those in attendance recited the Pledge of Allegiance

**3.0 REQUEST TO APPROVE SELECT BOARD MINUTES**

3.1 **December 7, 2010** - Motion made by Phil Cavaretta and second by Graham Simonds to accept as written the minutes of the December 7, 2010 Select Board meeting; approved 3-0.

3.2 **December 13, 2010** - Motion made by Phil Cavaretta and second by Graham Simonds to accept as written the minutes of the December 7, 2010 Select Board meeting; approved 3-0

**4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS**

4.1 Harbormaster Shack Replica - *Thomas A. Fortier, Town Manager*  
Presentation by Rick Boccetti of a Harbormaster Shack Replica to the Town of Ogunquit

Mr. Boccetti was not present for the meeting.

- 4.2 Committee Resignation – *Ogunquit Parks & Recreation Committee*  
To accept a member resignation from the Ogunquit Parks & Recreation Committee

**010411-01** Motion made by Graham Simonds and second by Phil Cavaretta to accept, with regrets, the resignation of Deborah Driscoll as a member of the Ogunquit Parks & Recreation Committee; approved 4-0.

The Select Board directed the Town Manager to send a letter of appreciation to Deborah Driscoll for her service to the town.

- 4.3 Committee Resignation - *Wells-Ogunquit CSD Trustee*  
To acknowledge a trustee resignation from the Wells-Ogunquit CSD School Committee

The resignation was accepted by the Wells-Ogunquit CSD School Committee at their meeting on December 1, 2010.

The Select Board directed the Town Manager to send a letter of appreciation to Sue Pollard for her service to the town.

- 4.4 Committee Appointments – *Shellfish Wardens*  
To appoint a Shellfish Warden and Deputy Shellfish Warden for 2011

**010411-02** Motion made by Phil Cavaretta and second by Graham Simonds to accept the appointment of Norman West, Jr. as the Deputy Shellfish Warden and accept the appointment of Percy Stevens, Sr. as Shellfish Warden (terms ending December 31, 2011); approved 4-0.

- 4.5 Committee Application - *Wells-Ogunquit CSD*  
To review an application for the Wells-Ogunquit CSD School Committee Vacancy

Selectman Cavaretta had a question regarding the posting of the vacancy.

**010411-03** Motion made by Graham Simonds and second by Phil Cavaretta to appoint John Eliopoulos as a Trustee to the Wells-Ogunquit CSD School Committee, with the term of office ending June 30<sup>th</sup>, 2013; approved 4-0.

- 4.6 Maine Economic Growth Council Appointment - *Judy Shaw-Kagiliery, Town Clerk*  
Oath of Office to be given by Town Clerk Judy Shaw-Kagiliery to Donato Tramuto regarding his appointment to the Maine Economic Growth Council.

Judy Shaw-Kagiliery, Dedimus Justice, administered the oath of office to Donato J. Tramuto as a member of the Maine Economic Growth Council.

## **5.0 PUBLIC HEARINGS, PRESENTATION**

No public hearings or presentations were before the Select Board.

## **6.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS**

There was no Unfinished Business brought before the Select Board.

**7.0 ADMINISTRATIVE ITEMS – NEW BUSINESS**

7.1 Special Town Meeting – Judy Shaw-Kagiliery, Town Clerk

To request that the Select Board call a Special Town Meeting to fill the Select Board Vacancy pursuant to Article 3, Section 309.3.1 of the Town of Ogunquit Charter

Town Clerk Judy Shaw-Kagiliery reviewed the procedure that would have to occur to fill the vacancy on the Select Board. She suggested that the Special Town Meeting be held on April 5<sup>th</sup>, 2011.

**010411-04** Motion made by Phil Cavaretta and second by Jacqueline Bevins to have a Special Town Meeting to fill the seat vacancy of Michael Score, pursuant to Article 3, Section 309.3.1 of the Town Charter, on April 5, 2011 with the hours to be set from 9:00am to 6:00pm; approved 4-0.

Nominations papers will be available Friday, January 07, 2011.

7.2 Run for the Fallen – John Mixon

Select Board approval to support the “*Run for the Fallen*” event on August 19, 20 & 21, 2011.

John Mixon was present to request support for the annual “*Run for the Fallen*” event. Mr. Mixon requested that the Select Board allow pictures and flags to be set out on Memorial Day weekend, decorate Veteran’s Park for 4<sup>th</sup> of July weekend as has been done in the past with banners and signage and to allow for free parking for participants in Obeds Lot on the 21<sup>st</sup> of August.

**010411-05** Motion made by Phil Cavaretta and second by Jacqueline Bevins second by to approve the support for the “*Run for the Fallen*” to honor our fallen soldiers to include free parking [for race participants] at Obeds Lot on August 21, 2011 and the use of Veteran’s Park for posting the annual display/advertisements on Memorial Day weekend (May 27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup>) and 4<sup>th</sup> of July weekend (2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup>); approved 4-0.

**8.0 MISCELLANEOUS BUSINESS – ORAL & WRITTEN COMMUNICATIONS – FOLLOW-UP**

8.1 Public

**Martin Crosby** – concerned about the condition of the dunes due to the recent storm and questioned what the plan of action is going to be to stop further destruction of the dunes/beach and to repair what has already occurred.

8.2 Select Board

**Selectman Simonds** – comments regarding regionalization.

**Selectman Bevins** – questioned Town Manager Fortier about the status of Charter issues; need to correct sections that are in question.

**Selectman Tramuto** – stated his commitment to the town to follow the Charter, questioned some of the provisions of the Charter. Selectman Tramuto stated that there are some sections that need absolute clarity; this is a responsibility that the Select Board has.

**Selectman Cavaretta** – feels that the entire section regarding the Board’s ability (procedure) to remove a Selectman needs to be reviewed.

**Selectman Simonds** – there are four or five hot spots in the Charter that is poisoning the whole well. A committee could narrow down the areas for an attorney to review.

**Selectman Tramuto** – summarized the comments by the other members of the board: the right of a board to remove a fellow board member; the definition of what is meant by citizen; what “interference” represents. Need to get a summary report from the attorney as to where they believe the constitutionality of the areas in question.

**010411-06** Motion made by Phil Cavaretta and second by Jacqueline Bevins to re-engage the town’s attorney to review the areas of concern as presented by Chairman Tramuto; around the constitutionality/process of the Board’s ability to remove a fellow selectman; around the “interference” in terms of what that means and the constitutionally around “interference” as wells as the definition and intent to what “citizen” means and come up with a summary of recommended changes to the Town’s Charter to make it as iron-clad as feasible; approved 4-0.

8.3 Town Manager

**Dog Park** – the Dog Park is scheduled to have a Grand Opening ceremony on Saturday, January 15, 2011 at noon. Hours of operation: 7:00am to dusk.

**Harbormaster Grant** – Town Manager Fortier informed the Select Board that Harbormaster Fred Mayo was successful in obtaining a grant from the Maine Shoreland and Planning Department for \$15,000. These funds will be used to inspect the chains and moorings in Perkins Cove.

**Route 1/Maine Street Drainage Issue** – Mr. Fortier and Selectman Cavaretta met with the Maine Department of Transportation on site, the MDOT committed to encumbering \$200,000 to fix the drainage problem due to inadequate and broken culverts/pipes.

**Route 1 Survey** – Town Manager Fortier stated that the surveyors were in town surveying Route 1 for the Sidewalk Project.

**2011-2012 Budget** – Mr. Fortier stated that the budget season is upon us and encouraged all residents to stay involved. The focus this year will be on Capital and Infrastructure.

**Slide Show** - presentation on Beach Erosion and Oarweed Embankment Project (before/after).

Discussion was held on the condition of the town’s restroom facilities.

The next meeting of the Select Board will be on February 1, 2011.

8.4 Boards & Committees – *Ogunquit Performing Arts*

Stuart Nudelman, Chair of the Ogunquit Performing Arts Committee, was in attendance to explain the issues financial issues facing the committee. Mr. Nudelman started by giving a

history of the committee and the funding provided in the beginning from S. Judson Dunaway. Mr. Nudelman also explained that due to the renovations of the Kennebunk Savings Bank, they will be losing their office space. He was in attendance to get some feedback and assistance from the Select Board.

Chairman Tramuto questioned Mr. Nudelman about fundraising activities by the committee, who chairs the fundraising and what they are doing to expand the endowment.

Mr. Nudelman explained that, given the current funding situation, they will only be able to commit to functions through June 30, 2011. He stated that the committee could function with funding from the town of \$15,000 a year.

Chairman Tramuto suggested that the committee, along with his assistance, organize to find a way to get donations from the private sector. Relying on the Town cannot be the only avenue of funding. Need to determine a long term strategy.

Selectman Cavaretta will look into space at the Chamber of Commerce for the committee. Chairman Tramuto suggested that Mr. Nudelman compose a letter to the Town Manager for a funding request through the town budget process.

**9.0 ADJOURNMENT**

Motion made by Jacqueline Bevins and second by Graham Simonds to adjourn the meeting at 7:51pm; unanimous vote to adjourn.

Respectfully submitted,

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Cheryl L. Emery, Administrative Assistant to the Town Manager