



**SELECT BOARD  
FEBRUARY 22, 2011  
MEETING MINUTES**

**5:15PM CALL TO ORDER**

Meeting called to order at 5:15pm; workshop conducted to interview candidates for committee positions.

**EXECUTIVE SESSION**

Motion made at 5:28pm to go into Executive Session for Personnel (Pursuant to Title 1, Chapter 13, Subchapter 1, 405.6.A); unanimous vote.

Motion made and seconded to come out of Executive Session at 5:58pm; unanimous vote.

No decision was made during the Executive Session.

**1.0 CALL REGULAR MEETING TO ORDER – 6:00PM**

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

Members absent: Graham Simonds

Motion made by Phil Cavaretta and second by Jacqueline Bevins to excuse the absence of Graham Simonds from the Select Board meeting; approved 3-0.

Others present: Thomas A. Fortier, Town Manager

**2.0 PLEDGE OF ALLEGIANCE**

Those in attendance recited the Pledge of Allegiance.

**3.0 REQUEST TO APPROVE SELECT BOARD MINUTES**

No minutes were presented for approval.

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

**4.1 Application for Appointment – Parks & Recreation Committee**

**022211-01** Motion made by Phil Cavaretta and second by to appoint Sarah Tavares as a Full Member of the Parks & Recreation Committee, term to expire June 30, 2013; approved 3-0, Simonds absent.

4.2 Application for Appointment – *Ogunquit Performing Arts*

**022211-02** Motion made by Jacqueline Bevins and second by Phil Cavaretta to appoint Barbara Dailey as a Full Member of the Performing Arts Committee, term to expire June 30, 2011; approved 3-0, Simonds absent.

Motion made by Phil Cavaretta and second by Jacqueline Bevins to open the public hearing at 6:06pm; approved 3-0, Simonds absent.

**5.0 PUBLIC HEARINGS, PRESENTATION**

5.1 Barnacle Billy's - *Malt, Spirituous and Vinous License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**022211-03** Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Malt, Spirituous and Vinous License Renewal for Barnacle Billy's; approved 3-0, Simonds absent.

5.2 Barnacle Billy's, Etc. - *Malt, Spirituous and Vinous License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**022211-04** Motion made by Jacqueline Bevins and second by Phil Cavaretta to approve the Malt, Spirituous and Vinous License Renewal for Barnacle Billy's, Etc; approved 3-0, Simonds absent.

5.3 Gypsy Sweethearts - *Malt, Spirituous and Vinous License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**022211-05** Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Malt, Spirituous and Vinous License Renewal for Gypsy Sweethearts; approved 3-0, Simonds absent.

5.4 Oarweed Restaurant - *Malt, Spirituous and Vinous License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**022211-06** Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Malt, Spirituous and Vinous License Renewal for Oarweed Restaurant; approved 3-0, Simonds absent.

5.5 Ogunquit Lobster Pound - *Malt, Spirituous and Vinous License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**022211-07** Motion made by Jacqueline Bevins and second by Phil Cavaretta to approve the Malt, Spirituous and Vinous License Renewal for the Ogunquit Lobster Pound; approved 3-0, Simonds absent.

5.6 Barnacle Billy's, Etc. – *Amusement License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**022211-08** Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Amusement License Renewal for Barnacle Billy's, Etc.; approved 3-0, Simonds absent.

5.7 Gypsy Sweethearts - *Amusement License New Application*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer. Lesley Mathews stated that the owners were out of town.

The Select Board had a question regarding the form of entertainment, since the applicant was not present; this agenda item was tabled until the next regular meeting of the Select Board.

5.8 Leavitt Theater- *Amusement License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**022211-09** Motion made by Jacqueline Bevins and second by Phil Cavaretta to approval the Amusement License Renewal for the Leavitt Theater; approved 3-0, Simonds absent.

Motion made by Phil Cavaretta and second by Jacqueline Bevins to close the public hearing at 6:17pm; approved 3-0, Simonds absent.

**6.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS**

6.1 Town Manager Contract Renewal – *Donato Tramuto, Chairman*  
Final Approval of the Town Manager Contract Renewal

Chairman Tramuto reviewed the changes in the contract. He stated that one of the changes that he would like to put in the contract, that is not there currently, is a town vehicle. He presented it to the Select Board so that the final contract has all the changes that have been discussed [the salary adjustment, bonus for 2010, bonus for 2011 based on goals].

Chairman Tramuto listed the defined goals:

1. Complete the sidewalk project per the milestones that have been established and bring the project in on budget.

2. Present to the Select Board opportunities for departmental consolidation as measured by a plan to the Board by July 1<sup>st</sup>.
3. Represent the Select Board at the Wells-Ogunquit CSD School Committee meetings by attending the budget meeting, where appropriate, as a means to drive better oversight on expenditures, zero in on opportunities for cost savings in the school budget as measured by your attendance and [your own] recommendations and by informing the Board of Selectmen what those recommendations are.
4. Infrastructure: work with the Building Needs Committee to reprioritize the master plan for building needs within the town to have a decent infrastructure in place. Report to the Select Board the priority list of those buildings that require the greatest need.
5. Develop a comprehensive plan approved by the Select Board that would “Save Our Beach for the Future”.
6. Find new sources of revenue.

**022211-10** Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the vehicle [for the Town Manager] with the lease payment not to exceed \$525.00 per month; approved 3-0, Simonds absent.

Chairman Tramuto requested that the Town Manager insert the additional items in the contract for approval at the next Select Board meeting on March 1, 2011.

**7.0 ADMINISTRATIVE ITEMS – NEW BUSINESS**

7.1 Warrant for the April 5, 2011 Special Town Meeting  
Approval of the April 5, 2011 Special Town Meeting Warrant

**Article 2:** To elect a **Selectman** to fill a vacancy for an unexpired term ending at the conclusion of the 2012 Annual Town Meeting.

**Article 3:** Shall the Town vote to appropriate the sum of **\$300,000 [Three Hundred Thousand Dollars]** from Surplus Fund balance for Berwick Road paving, sidewalk, and drainage improvements? (**Note:** If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends:	Yes	-	4-0
Budget Review Committee recommends:	Yes	-	2-1

**Article 4:** Shall the Town vote to appropriate the sum of **\$65,000 [Sixty-Five Thousand Dollars]** from Surplus Fund Balance for unanticipated legal expenses? (**Note:** If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends:	Yes	-	4-0
Budget Review Committee recommends:	Yes	-	3-0

**Article 5:** Shall the Town vote to appropriate the sum of **\$12,000 [Twelve Thousand Dollars]** from Surplus Fund Balance for unanticipated unemployment benefit expenses? (**Note:** If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends:	Yes	-	4-0
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Budget Review Committee recommends:      Yes      -      3-0

Since neither the Select Board nor the Budget Review Committee has voted on each article individually, this agenda item was tabled until the March 1, 2011 Select Board meeting.

A discussion was held regarding the ability of the Select Board to have a quorum to approve the April 5, 2011 Special Town Meeting Warrant.

A meeting was called for 9:00am on Saturday, February 26, 2011 to approve the April 5, 2011 Special Town Meeting Warrant.

7.2      FY 2011-2012 CIP Requests - Thomas A. Fortier, Town Manager  
Review of FY 2011-2012 Department Capital Improvements Requests by the Select Board

Chairman Tramuto asked that Mr. Fortier review the requests and define what is essential to the needs of the town.

General Government

Signs - \$10,000: Mr. Fortier explained that this money is for a sign at Main Beach to provide a beautiful gateway to the beach that represents the quality of the town.

Parks & Recreation

Playground Equipment & Tennis Courts – Mr. Fortier stated that he had eliminated the playground equipment, but is requesting the resurfacing of the tennis courts.

Police Department

Cruiser & Digital Radio System – Mr. Fortier explained that he had eliminated the Digital Radio System and pushed that out to 2012-2013. He requested funding of the Police Cruiser.

Fire Department

The Fire Department requested \$450,000 of Capital Equipment, Mr. Fortier reduced that down to \$85,000; he asks that the town fund a new ambulance this year.

Public Works Department

The Public Works Department had asked for \$647,000 for capital improvement items. Mr. Fortier requested that the board support the Sidewalk Snow Blower for \$50,000, Front End Loader for \$100,000 and a One-ton Dump Truck w/plow for \$60,000. The rest of the requested equipment is deferred to future years.

Paving Capital – it was requested that the town do North Village Road, Obeds Lane and Stearns Road at a cost of over \$300,000; Mr. Fortier asked that the board fund North Village Road at a cost of \$165,000. He stated that pushed Stearns Road to next year and Obeds Lane to 2014 (if unable to do in-house with this year's budget).

Transfer Station

Backhoe - \$185,000: Mr. Fortier stated that he was reducing this amount to \$40,000, which would allow the Transfer Station to purchase a good, used backhoe. This may be a purchase this year, based on monies available in the Public Works Department.

Harbormaster

The Harbormaster requested Bumper Pilings and Boat Launch at Footbridge, Mr. Fortier stated that he eliminated both of those; but he did add \$20,000 for mooring chains.

Conservation Commission

The Conservation Commission requested \$25,000 for the Land Conservation Fund. Town Manager Fortier recommended zero funding for this request.

Ogunquit Village School

The Building Needs Committee requested \$250,000 for the Ogunquit Village School remediation. Town Manager Fortier recommended zero funding for this request.

Chairman Tramuto commented on the status of the town's buildings. He questioned if the town is postponing the inevitable and whether the town at some point is going to have to "face the devil" with regards to upgrading equipment and buildings at a tremendous cost.

Town Manager Fortier explained that over the past couple of years the focus has been on cost savings through cutting of staff. The future focus is going to be on infrastructure; buildings, equipment and roads all need attention.

Selectman Cavaretta stated that the building needs should be re-prioritized and the Public Works should take first priority, with the Ogunquit Village School at the lowest priority.

Chairman Tramuto stated that the Board should move forward with an article on the ballot for the June Town Meeting. Chairman Tramuto asked, as a follow-up, that the Town Manager meet with the Building Needs Committee to look at all the priorities, come back and present in phases how this will done so that the board can incorporate in this years warrant.

Town Manager Fortier stated that his priorities are sidewalks; and of the buildings it would be the Public Works Facilities.

Cliff Marchant, Maintenance Director, explained measures that he has taken to over the past six months to cut costs, save money and correct issues. He stated that there are serious issues with all town buildings.

Loring DeAgazio, Building Needs Committee Chair reviewed the objectives of the committee and answered questions from the Select Board. He spoke about the cost of a proposed Public Works Facility. Chairman Tramuto asked that the committee map out the building projects and come back with the results at the March 29, 2011 Select Board meeting with the results. It is the commitment of this Select Board to get something done.

Chairman Tramuto stated that, after review of proposed requests, that there are multiple areas where monies can be cut to reduce the anticipated increase in the tax rate.

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

**8.1 Public**

**Michael Horn** – commented on public land that could be available for sale for a considerable sum. He also spoke about the Town Manager’s goal of “Save the Beach” and conservation of land for the town. He asked that the Board give the people the chance to vote on the request.

**Lesley Mathews, Ogunquit Recycling Committee** – was present to explain the “Logo” contest that they are conducting to get a logo for the Recycling Committee. The winner will be announced on Earth Day, April 22, 2011.

**John Daly, Woodcrest Lane** – spoke about the surplus reserve, small fund accounts and support of requests. He commented on voter decisions based on Select Board and Budget Review Committee recommendations on the ballot.

**Loring DeAgazio** – spoke on the cost of the school budget to the town for the next fiscal year, anticipates that it will be in the town’s favor based on the state valuation of the town.

**8.2 Select Board**

No comments from the Select Board members present.

**8.3 Town Manager**

**Perkins Cove Seawall Project** - Mr. Fortier stated that the seawall project is scheduled to start this week; materials have been delivered to the site. Atlantic Mechanical is the contractor with a bid of \$134,000. It should take 2-3 weeks to complete the project. Additional catch basins have been added to handle surface water run-off.

**Berwick Road Paving** – Mr. Fortier explained that the request on the Special Town Meeting for \$300,000 will include sidewalks and drainage.

**Grasshopper Lane** – Mr. Fortier stated that Grasshopper Lane is scheduled for completion this spring; easements are being obtained from property owners. An RFP will go out shortly, project is budgeted for \$45,000.

**Vending Companies** – Mr. Fortier explained that several vending companies have been interviewed for the placement of vending machines (soda, water, etc.) at Moody Beach and the Town Office.

**Central Maine Power Installation of Smart Meters** – Mr. Fortier explained that there have been concerns regarding the installation of Smart Meters. They have been scheduled for spring installation in Ogunquit. Bernstein Shur, Attorneys, have been retained by CMP for public relations, they are willing to come to Ogunquit to do an informational forum.

**Maine Turnpike Authority** – Mr. Fortier stated that the MTA is interested in providing an on/off ramp from I-95 from Captain Thomas Road to alleviate traffic issues.

**Marginal Way** – Mr. Fortier indicated that he hopes to fund some funds that are unencumbered, about \$25,000 in this year’s budget to redo the Marginal Way pavement.

**Public Works** – with the amount of snow this year, they have done a great job.

**Harbormaster/Harbor Committee** – have been working on the new ordinance which involves outdoors sales. This will be coming before the Planning Board. The ordinance allows the sale of lobsters by the fisherman from their designated area.

**Clam Flats** – Mr. Fortier stated that the clamming activity on the clam flats continues to be a success story, revenues are exceeding \$7,000.

**State Revenue Sharing** – Mr. Fortier explained that this continues to be an issue as revenues have been decreasing over the last three years.

**Kennebunk Savings Bank** – is undergoing changes, they have a temporary building set up now to handle the day to day business.

Chairman Tramuto stated that the next meeting of the board will be on Saturday morning [February 26<sup>th</sup>]; at that time they will decide on whether to hold a meeting on Tuesday, March 1<sup>st</sup>.

## **9.0 ADJOURNMENT**

Motion made by Phil Cavaretta and second by Jacqueline Bevins to adjourn the meeting at 8:20pm; unanimous vote to adjourn.

Respectfully submitted,

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Cheryl L. Emery, Administrative Assistant to the Town Manager