



**SELECT BOARD
MEETING MINUTES
JANUARY 5, 2010**

5:00PM – EXECUTIVE SESSION

Motion made by Michael Score and second by John Abbott to go into Executive Session at 5:00pm to discuss School Funding (Pursuant to Title 1, Chapter 13 § 405.6.E), Legal (Pursuant to Title 1, Chapter 13 § 405.6.E) and Personnel (Pursuant to Title 1, Chapter 13 § 405.6.A); approved 5-0.

Motion made by Michael Score and second by Phil Cavaretta to come out of Executive Session at 6:20pm, approved 5-0.

No action taken during Executive Session.

1.0 CALL TO ORDER – 6:00PM

Meeting called to order at 6:21pm.

Members present: Donato Tramuto, Chairman
Phil Cavaretta, Vice Chairman
John Abbott
Jacqueline Bevins
Michael Score

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

3.1 December 15, 2009 - Motion made by John Abbott and second by Michael Score to approve the minutes of the December 15, 2009 Select Board meeting as written; approved 5-0.

3.2 December 21, 2009 - Motion made by John Abbott and second by Phil Cavaretta to approve the minutes of the December 21, 2009 Select Board Special meeting as written: approved 3-0 [Donato Tramuto and Michael Score were not in attendance].

4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

4.1 Appointment of Clam Warden and Deputy Clam Warden - *Judy S. Kagiliery, Town Clerk*

010510-01 Motion made by Phil Cavaretta and second by Jacqueline Bevins to appoint Norman West, Jr. as Clam Warden and Percy Stevens, Sr. as Deputy Clam Warden through December 31, 2010; approved 5-0.

5.0 PUBLIC HEARINGS, PRESENTATION

Motion made by John Abbott and second by Jacqueline Bevins to call the Public Hearing to order at 6:25pm; approved 5-0.

Selectman Tramuto recused himself from the public hearing concerning Five-O Shore Road.

5.1 Five-O Shore Road - Malt, Spirituous and Vinous License

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.

010510-02 Motion made by John Abbott and second by Michael Score to approve the Malt, Spirituous and Vinous License renewal for Five-O Shore Road; approved 4-0 with Tramuto abstaining from the vote.

5.2 Five-O Shore Road – Amusement License

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.

010510-03 Motion made by John Abbott and second by Michael Score to approve the Amusement License renewal for Five-O Shore Road; approved 4-0 with Tramuto abstaining from the vote.

Selectman Tramuto rejoined the meeting.

5.3 Continuation of Public Hearing on Map 7, Lot 60, Hoyt’s Lane

Jayne Goding attended, along with her contractor, Jim Saulner, Barrington, NH. Ms. Goding presented an action plan to the Select Board. Several in attendance spoke during the public hearing session.

5.4 Proposed Warrant Articles – February 9, 2010 Special Town Meeting

Article 1: To elect a Moderator to preside at said Meeting. [**Note:** This question is not intended to be acted upon as part of the official secret ballot at the Annual Town Meeting.]

Article 2: Shall the Town vote to transfer and expend the sum of **\$100,000** from the **Debt Service** account for the purpose of repairing the Perkins Cove Pier and reconstruction of the Perkins Cove Sea Wall?

Article 3: Shall the Town vote to transfer and expend up to the sum of **\$45,000** from **Undesignated Surplus** for the purpose of repairing the Perkins Cove Pier and the reconstruction of the Perkins Cove Sea Wall?

Article 4: Shall the municipality approve the Charter amendment reprinted below? [**Note:** Proposed amendment is **underlined**. Language proposed to be removed is indicated by a **strikeout**.] All other portions of the ordinance are proposed to remain unchanged with the exception of renumbering. The symbol ********* indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.

ADD/NEW - Section 503 Budget Process

503.6 On those articles where the recommendations of the Select Board and the Budget Review Committee differ, the Warrant Article will show the Select Board and the Budget Review Committee recommendations but the voters shall choose either the Select Board recommendation or the previous year Budget only.

503.6.7 In the event a previously funded budget article is disapproved by majority vote, the appropriation for the last fiscal year shall constitute the appropriation for the current fiscal year.

Article 5: Shall the municipality approve the Charter amendment reprinted below? [**Note:** Proposed amendment is **underlined**. Language proposed to be removed is indicated by a **strikeout**.] All other portions of the ordinance are proposed to remain unchanged with the exception of any required renumbering. The symbol ********* indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.

Section 310 POWERS OF THE BOARD

310.16 The Select Board shall issue a written mid-year report each ~~October~~ January updating the citizens of the Town on the Articles passed at the Annual Town Meeting.

John Daley, Budget Review Committee Chair stated that the Budget Review Committee was in favor of the money articles (5-0). He also commented, as a citizen on Article 4. He stated that it was a step in the right direction but more work needs to be done. Mr. Daley suggested that the Select Board and Budget Review Committee hold a workshop to discuss.

A joint workshop meeting scheduled for Saturday, January 9, 2010 at 10:00am.

Motion made by Jacqueline Bevins and second by Phil Cavaretta to close the public hearing at 7:05pm; approved 5-0.

6.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

6.1 Perkins Cove Harbor Committee - Select Board
Proposed Mission Statement and Committee Bylaws

010510-04 Motion made by Phil Cavaretta and second by Michael Score to approve the Ogunquit Perkins Cove Harbor Committee Mission Statement and Bylaws as written; approved 5-0.

6.2 Dorothea Jacobs Grant Commons Park Use - Thomas A. Fortier, Town Manager
Acceptance of guide lines for use of Dorothea Jacobs Grant Commons

010510-05 Motion made by John Abbott and second by Phil Cavaretta to approve the Town of Ogunquit Short and Long Form application for the use of the Ogunquit Parks; approved 5-0.

6.3 Map 7, Lot 60, Hoyt's Lane

010510-06 Motion made by Phil Cavaretta and second by Jacqueline Bevins that if the applicant applies for a permit for demolition before April 15, 2010, the town will waive the permit fee for demolition and that the job be completed by April 15, 2010.

010510-07 Motion withdrawn by Phil Cavaretta, second by Jacqueline Bevins.

010510-08 Motion made by Phil Cavaretta and second by Jacqueline Bevins that the (permit) fee be waived provided that the demolition application is applied for and work completed prior to May 1, 2010; approved 5-0.

7.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

7.1 Skate Park – Parks & Recreation Committee

Bob Winn, Diana Allen and Gordon Lewis presented to the Select Board a slide show of the Skatepark (from start to finish).

7.2 Order for the February 9, 2010 Special Town Meeting - Judy S. Kagiliery, Town Clerk

010510-09 Motion made by John Abbott and second by Jacqueline Bevins to approve the Order for the February 9, 2010 Special Town Meeting as written; approved 5-0.

7.3 Warrant for the February 9, 2010 Special Town Meeting – Judy S.Kagiliery, Town Clerk

010510-10 Motion made by John Abbott and second by Jacqueline Bevins to approve the Warrant for the February 9, 2010 Special Town Meeting as written; approved 5-0.

7.4 Selectman Score proposed a new ordinance for approval by the Select Board as an additional warrant article for the Special Town Meeting.

Chapter 6 Traffic Control

By adding the following section:

603 Construction Traffic Control

603.1 Prior to the commencement of, or prior to the laying or relaying of sewers, electrical, telephone, gas lines, water, or any type of telecommunications equipment, cable TV, or any other type of underground utilities or the installation of above-ground utilities which would interfere with the normal and regular flow of traffic within the Town of Ogunquit, the primary contractor responsible for the conduct of the work performed upon the site, will be required to employ uniformed policemen to control traffic provided any of the following conditions exist:

603.1.a Construction, re-construction, excavation, paving or any other type of work, on or upon any roadway or the construction of new streets which will extend or become Town roadways.

603.1.b All such construction which will significantly affect the flow of traffic.

603.1.c In addition to the conditions enumerated above, the Public Works Director and/or the Chief of Police may, in their discretion, require the primary contractor to employ uniformed police officers when the construction is such as to unreasonably interfere with the normal and ordinary flow of traffic or presents conditions, which adversely affect public safety and convenience.

603.2 Penalty for Non-Compliance

In the event that any provision of Section 603 is violated, the Public Works Director and/or the Chief of Police is empowered to issue a work stoppage order against the contractor or his employees; such work stoppage order shall remain in effect until there is strict compliance with this ordinance. In addition, a fine in an amount not to exceed Five Hundred Dollars (\$500.00) per day may be assessed for each day that a violation occurs.

After discussion, the consensus of the Select Board was to table this item to a future date.

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

8.1 Public

John Mixon

- Attended troop return at Pease Air Base on Christmas Eve
- Invited public to attend return of troops on January 7th at Pease Air Base
- Showing movie of the troop greeters at Bangor International on January 14th at the Dunaway Community Center at 7:00pm in the Recreation Room

8.2 Select Board

Selectman Score

- Suggested that since the Transfer Station is now closed two days in a row, that the Town Manager temporarily suspend the one bag per day limit until Memorial Day

Selectman Cavaretta

- Gave an update regarding the Marginal Way Committee/Marginal Way Preservation Fund non-profit status

Selectman Abbott

- Thank you to John Cacciato regarding the job he has done on Channel 3

Selectman Tramuto

- Stated that there is a huge challenge ahead with the school system and the revenue issues, suggested that the Board have Les LaFond in periodically to keep the Board apprised
- Liquor License workshop – January 12, 2010

Selectman Bevins

- Annual review of Town Manager in February

8.3 Town Manager

- Thank you to Public Works for the great job of plowing during last storm
- Reminder – applications for Perkins Cove Harbor Committee are due by January 15, 2010
- Reviewed the state of the budget with the Board, at 50% of budget year

8.4 Boards & Committees - Ogunquit River Conference Update – *Nancy Fording*

Nancy Fording attended to provide to the Select Board items of discussion during the Ogunquit River Conference.

EXECUTIVE SESSION

Motion made by John Abbott and second by Phil Cavaretta to go into Executive Session at 7:15pm; approved 5-0.

Motion made by John Abbott and second by Phil Cavaretta to come out of Executive Session at 7:29pm; approved 5-0.

9.0 ADJOURNMENT

Motion made and seconded to adjourn the meeting at 7:30pm; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager