



**SELECT BOARD
MEETING MINUTES
JANUARY 24, 2012**

5:00PM – COMMUNICATIONS WORKSHOP

5:50PM – INTERVIEW – PLANNING BOARD VACANCY

The Select Board interviewed an applicant who was requesting an appointment to the Planning Board.

1.0 CALL TO ORDER – 6:00PM

Meeting was called to order at 6:05pm.

Members present: Donato Tramuto, Chairman
Christopher Jarochym, Vice Chairman
David Barton
Barbara Dailey
Robert Winn, Jr.

Others present: Thomas A. Fortier, Town Manager

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by those present, led by Vice Chair Jarochym.

3.0 REQUEST TO APPROVE SELECT BOARD MINUTES

3.1 January 3, 2012 – The minutes of the January 3, 2012 Select Board meeting were approved as written.

4.0 TOWN MANAGER'S REPORT

Special Town Meeting results: 153 voted Yes, 51 voted No. The use and sale of Fireworks is not allowed in the Town of Ogunquit. The town will work on new signage to bring awareness to the visiting public.

The **Ogunquit Dog Park** celebrated its first anniversary; it is now one year old. The dog park is an asset to our community and deserves the recognition as such. Congratulations to all for making this a better community with the addition of the dog park.

The **Sewer District** has updated their bylaws and Charter. A copy is available at the OSD office if you are interested. Other than language changes, the changes are minimal.

The **Time Warner Cable Franchise** agreement has expired. I am working with Wells Town Manager Jon Carter to negotiate with Time Warner. We hope to have more bargaining power with the two towns negotiating together. We will be sharing the cost of attorney for this negotiation.

Central Maine Smart meters installation is now at 84%, 2,204 of 2,637 Ogunquit customers have received their smart meters.

Public Works/Maintenance:

We have consolidated Maintenance with the Public Works Department; Cliff Marchant, Maintenance Director, will now be overseeing Public Works. This eliminates the Public Works Director position permanently.

Footbridge: There is significant erosion at the Footbridge boat ramp. Public Works has stabilized it for time being.

River Road: There is significant erosion on the River Road embankment. This has been looming for many years and is at a point where it will need to be budgeted in Capital Projects.

A waterless urinal has been installed in downstairs men's bathroom at the Dunaway Community Center. We will monitor the functioning and maintenance to decide if it would be beneficial to install in our Main Beach public bathrooms.

MDOT meeting was held here at Dunaway Center on January 10th; fifteen (15) officials from CMP, Unitel, MDOT, Water and Sewer districts, Time Warner et al attended and began to map out utilities for MDOT Route 1 sidewalk project. We also addressed the possibility of having gas installed along the Route 1 corridor. Selectman Jarochym attended.

Harbor Master:

The Chains and Moorings will be secured starting on Monday (1/30/12). A diver is scheduled to begin inspection and install new chains and moorings for this long overdue project.

The engineering of the Perkins Cove Bridge is also scheduled to begin next week. The bridge is experiencing rot in its main structural beams.

Clam Flats: Excellent revenues continue to be generated as well as excellent clams being harvested.

Transfer Station:

Currently we have issued an RFP on hauling of our trash. The current contract expires this spring.

The *ECOMaine* Assessment has been reduced by \$13 thousand. This is good news for the upcoming budget.

Percy Stevens has had open heart surgery and is recovering nicely.

Finance:

Treasurer, Judy Yates, is working with the Maine Bond Bank to refinance current bonds to a more favorable interest rate. Judy has also been meeting with Budget Committee and Selectmen (Barton/Daily) on insight of the town budget.

The York County budget appears to be coming in flat (or close to).

FEMA: This past week we received the following amounts from FEMA Police: \$1,314 Fire: \$4,170 PWD: \$788. These were reimbursements from Hurricane Irene which took place August 27th 2011.

The Fire Department is over budget but we are aggressively managing that department. All other departments are in line. Revenues are on course and we will meet projections.

Police Department:

A significant amount of break-ins have occurred on Captain Thomas and Abenaki Road.

There has been an increase in OUP's on weekends, and a sexual assault of a minor is under investigation.

A big **Thank You** goes out to the Police Department for their efforts to bring a community 60' x 80' Skating Rink to the Cottage Street Parking Lot.

The Police Chief and I continue to negotiate Dispatch services with York, South Berwick and Wells.

Chief Arnaudin met with the Budget Committee this past week.

Parks and Recreation:

Ice Rink at Cottage Street lot is scheduled to open on January 21, 2012.

5.0 PUBLIC INPUT

6.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

6.1 Committee Resignation – *Ogunquit Planning Board*

012412-01 Motion made by Robert Winn and second by Chris Jarochym to accept the resignation of Tim Pinkham from the Ogunquit Planning Board; approved 5-0.

Town Manager Fortier was directed to send a letter of appreciation to Mr. Pinkham.

6.2 Committee Appointments

012412-02 Motion made by David Barton and second by Barbara Dailey to appoint Jacqueline Bevins as a full member of the Ogunquit Planning Board, term to expire June 30, 2012; approved 5-0.

7.0 **PUBLIC HEARINGS, PRESENTATION**

Motion made by Robert Winn and second by Barbara Dailey to open the Public Hearing at 6:14pm; approved 5-0.

7.1 Perkins Cove Lobster Shack – Malt & Vinous License Application

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

012412-03 Motion made by Robert Winn and second by Chris Jarochym to approve the Malt and Vinous License Renewal for the Perkins Cove Lobster Shack; approved 5-0.

7.2 “State of Ogunquit” Semi-Annual Report – Donato J. Tramuto, Select Board Chair

Chairman Tramuto opened the floor to any who wished to comment on the Semi-Annual Report.

There were no comments or questions from the public.

Chairman Tramuto requested that this item be placed on the February 7th agenda.

Motion made by Robert Winn and second by Barbara Dailey to close the public hearing at 6:19pm; approved 5-0.

8.0 **ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS**

There was no unfinished business before the Select Board.

Update from Selectman Dailey regarding the review of the Special Event Ordinance by Selectman Jarochym and herself.

Update from Vice-Chair Jarochym regarding the January 5th meeting with Wells Board of Selectmen and the Wells-Ogunquit Community School District Administration and the Board of Trustees.

Chairman Tramuto, noted for the minutes, that he is in receipt of a letter dated November 17th, 2011 from Adam Brock, from NORTRAX, this was the opening bid for the wheel loader, the letter has been reviewed and all the Board Members received this letter. He

would like the minutes to note that the Board did review the letter; and do not believe that it changes what the Board felt was a due process for the bidding.

9.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

- 9.1 Special Event Applications – *Karen Arel, Executive Director, Chamber of Commerce*
To request Select Board approval for the Patriots Day, OgunquitFest and Christmas by the Sea Special Events

Karen Arel, Executive Director, presented the Chamber of Commerce Events for 2012:

Patriots Day – 22nd Annual: April 13-15, 2012

As in previous years, we would like to request:

- Permission to locate the craft show at the Main Beach Parking Lot using tents
- Permission to have *Taste of the Town* at the Dunaway Center
- Permission to use banners to advertise the event in advance
- Permission to use sign boards to advertise and for directions during the event
- Delivery and use of town trash barrels, barricades, and pedestrian signs
- We ask that the town not charge for parking at Main Beach or Obeds Lot during this weekend, as traditionally the parking lots are no-fee during this time of year

OgunquitFest - 9th Annual: October 19-21, 2012

As in previous years, we would like to request:

- Permission to locate the craft show at the Main Beach Parking Lot, using tents
- Permission to use the Dunaway Center for children's events
- Permission to use the Ogunquit Village School for the Ogunquit Catacombs. Permission to use banners to advertise the event in advance
- Permission to use sign boards to advertise and for directions during the event
- Delivery and use of town trash barrels and pedestrian signs
- Permission to use Beach Street for the Bed Race, and Perkins Cove for the High Heel Drag Race. We will work directly with the Police Department to make arrangements for the races
- We ask that the town not charge for parking during this weekend, as traditionally the parking lots are no-fee during this time of year

Christmas by the Sea - 26th Annual: December 1-2, 9-11, 2012 (the first two weekends of December)

As in previous years, we would like to request:

- Permission to use banners to advertise the event in advance
- Permission to use sign boards to advertise and for directions during the event
- Permission for Beach Street and Shore Road to be used for the Village Spirit Committee parade. The continued and much appreciated help of the Public Works Department in decorating for Christmas and removing decorations after Christmas.

- Requests for signage and zoning ordinance waivers: Signs: (Chapter 2, Article 3) Permitted uses in the district standards: (Title X, Chapter 1, Articles 7-18)

After discussion of the events; the Select Board felt that the Sidewalk Art Festival and the Labor Day Sidewalk Sale fell under the definition of a Special Event.

Sidewalk Art Show: 39th Annual: Thursday, August 23, 2012 (rain date: August 24)

- We request that as in previous years, the parking at Obeds Lot and Lower Lot be discounted to \$5 for vendors with a coupon, and Jacobs Lot be completely closed to parking and barricaded the night before. We would like to set up in the lot during the day as we did last year, leaving open parking spaces near the Post Office for public convenience.
- We also request permission to use signboards to advertise the event in advance and for directions during the event.
- This year the event will be juried to ensure that no jewelry or clothing will be included. Artists use a variety of media, e.g. photography, oils, watercolor, charcoal, pastels, etching, paper-cutting, stained glass and mixed media.

Labor Day Weekend Sidewalk Sale: 4th Annual: September 1, 2012

- The Labor Day Weekend Sidewalk Sale was first proposed by the Select Board in 2009 to increase business opportunities in Ogunquit. It was approved by the Select Board again in 2010 & 2011. This is not an official Chamber event.
- We would like to continue this tradition allowing Ogunquit businesses to sell outside their shops on the Saturday of Labor Day weekend. Only Ogunquit businesses with valid Ogunquit business licenses are eligible to participate.

The following events do not fall under the definition of a Special Event:

Mardi gras: 5th Annual: February 17-19, 2012

- We would like to request: permission to use signboards to advertise the event in advance and for directions during the event.

**Frannie Peabody Center's Southern Maine AIDS Walk Weekend – May 12, 2012
(This is not a Chamber event, but a Frannie Peabody Center event. However, we assist with its coordination.)**

We would like to request:

- Permission to use signboards to advertise the event in advance and for directions during the event
- Permission for Frannie Peabody Center to use Ogunquit Beach for their foot race and walk
- The Ogunquit Police Department has been and will continue to be consulted in determining the exact race route. Route suggestions include Main Beach to Moody Beach and back or Main Beach parking lot to Main Street to Ocean Street to Footbridge Beach to Main Beach
- Permission for Frannie Peabody Center to use the Main Beach Parking Lot for their post-race cookout and festivities, with free parking

- Delivery and use of town trash barrels, barricades, and pedestrian sign
- Future dates are dependent upon other area AIDS events, and may be subject to change to the following weekend.

Celebrations by the Sea Wedding Expo 4th Annual: November 11, 2012

We would like to request:

- Permission to use the Dunaway Center
- Permission to use signboards to advertise the event in advance and for directions during the event

Additional discussion is needed between the Town and the Chamber of Commerce regarding this event:

**Independence Day Fireworks Display
On July 4th, each year (rain dates TBD)**

- We would like to confirm that fireworks will take place on the Main Beach parking lot on July 4th each year. The Chamber of Commerce has worked with town officials in raising non-tax dollars to support this event, and proposes that this partnership continue.

012412-04 Motion made by Barbara Dailey and second by David Barton to accept the application for the five events just mentioned (Patriots Day, Sidewalk Art Sale, Labor Day Weekend Sidewalk Sale, OctoberFest and Christmas by the Sea) to be approved for 2012 as outlined the Chair with completed forms submitted on the two additional events ; approved 5-0.

Chairman Tramuto recused himself from action on the Frannie Peabody event.

Vice Chair Jarochym conducted the meeting at this point.

012412-05 Motion made by Robert Winn and second by David Barton to approve the Frannie Peabody Center's Southern Maine AIDS Walk Weekend event, May 12, 2012, as requested (with no outside sales); approved 4-0, Tramuto abstained.

Chairman Tramuto rejoined the Select Board.

012412-06 Motion made by David Barton and second by Chris Jarochym to grant permission to use sign boards, advertise the event in advance and for directions during the event February 17-19, 2012, as stated in the request from the Chamber of Commerce; approved 5-0.

Comment by Selectman Dailey – we are undertaking this recognizing that it is a bit of straddle based on the fact that our current definition has two major thrusts to it, its business orientation and an outside sales orientation that we have put, as the chair as described, the outside sales as the primary in order to make a decision and move forward. But that we are committed to clarifying definitions so that we don't come into this situation in the future;

that we can clearly articulate it as something else. Just would like to acknowledge that we understand that.

012412-07 Motion made by David Barton and second by Robert Winn to grant the applicants request to give permission to use the Dunaway Center and permission to use the signboards to advertise the event in advance and for direction during the event on November 11, 2012 (Celebrations by the Sea); approved 5-0.

9.2 Budget Review Committee Proposed By-Laws – John Daley, Budget Review Committee Chair
To request Select Board approval for By-Law updates as submitted by the Budget Review Committee

John Daley, Committee Chair, was in attendance to present the by-laws. Mr. Daley stated that they had used the Planning Board by-laws as a model to formulate theirs.

After review by the Select Board and the Town Manager, there were several items that needed further review by the Budget Review Committee before the proposed by-laws could be accepted by the Select Board.

9.3 RFP Bid Award- *Thomas A. Fortier, Town Manager*
To request Select Board bid award approval for the Vulcan Commercial Gas Range with Hood Unit

One bid was received.

012412-08 Motion made by Robert Winn and second by Barbara Dailey to accept the bid for the Vulcan Commercial Gas Range with Hood Unit for the bid price of \$700.00 from Philip J. Heron; approved 5-0.

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

10.1 Public

Mitch Picard and Habib Rahman – regarding 80K Litigation with the Town of Ogunquit.

10.2 Select Board

Selectman Dailey – no comments

Selectman Winn – spent time with a couple of new committees today, both committees are very important...enjoyed what was happening. One was the Bike-Ped Committee, the idea of bringing other venues to the town, working on the roads and sidewalks to widen them; town being green. This is a great idea, need to get more of this type of thing happening.

Selectman Jarochem – stated that he and Selectman Winn were able to attend the joint workshop with the Planning Board and Zoning Board of Appeals. It was a productive

session, people brought up a lot of good issues. He encourages the public to participate, also noted that there are still openings on the board.

Selectman Barton - no comments

Chairman Tramuto - commented on the *Welcome Home* event for Nicholas Luminello. Thanked Nicholas for his service to our country.

11.0 EXECUTIVE SESSION

11.1 Legal (Pursuant to Title 1, Chapter 13, Subchapter 1 §405.6.E)

Motion made by Robert Winn and second by Chris Jarochoym to go into Executive Session at 7:45pm to discuss Legal (405.6.E) and Personnel (405.6.A); approved 5-0.

Motion made by David Barton and second by Robert Winn to come out of Executive Session at 9:08pm.

No decisions were made during Executive Session.

12.0 ADJOURNMENT

Motion made by Robert Winn and second by Barbara Dailey to adjourn the meeting at 9:10pm; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager