



**SELECT BOARD
MEETING MINUTES
APRIL 17, 2012**

BUDGET WORKSHOP – 6:00PM

Workshop called to order at 6:00pm.

Budget Review Committee met with the Select Board to review their final Recommendations.

The Budget Review Committee made a few changes:

Performing Arts voted 4-1 for \$5000

Perkins Cove Bridge voted 5-0 \$0

Tennis Court; change from Tennis Courts to Agamenticus Rec Facilities, voted 4-1 \$10,000

Barbara Dailey commented on the change of the Wells-Ogunquit CSD funding, noted a reduction from last meeting.

Judy Yates, Treasurer, explained the spreadsheet that was handed out and the bond process.

Recessed the workshop meeting at 6:22pm

1.0 CALL TO ORDER –7:00PM

Meeting called to order at 7:01pm

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

Budget Review Committee: John Daley, Chairman
Everett Leach
Gordon Lewis
Anthony Maurno
Ken Walsh

Others present: Thomas A. Fortier, Town Manager

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Selectwoman Dailey.

3.0 REQUEST TO APPROVE SELECT BOARD MINUTES

- 3.1 April 10, 2012 – the minutes of the April 10, 2012 Select Board meeting were approved as amended.

4.0 TOWN MANAGER'S REPORT

Patriot's Day Weekend - Beautiful weather, busy weekend, lots of people in town and lots of activities. The Parks & Recreation group raised over \$2,000 at the Main Beach; would like to recognize Tom Haight, the Village Food Market, the Trellis House, Pat Houlihan, Ruby's, Tina Fortin, Sarah Tavares, Dunkin Donuts and a huge thank you to Gary & Erin Latulippe. Erin is the chair of the Parks & Recreation Committee; she worked 24/7 for three days in a row. Kate & John Sevigney, Harbormaster Fred Mayo, our Police Department, our Fire Department, Gordon Lewis, John Mixon, Transfer Station Manager John Fusco, Cliff Marchant, Gene Cyr, Selectman Winn, Selectman Jarochym and Tony Murno. One of the things about this weekend brought to realization on how busy it is. A couple things were happening all at once. The Main Beach bathrooms were overflowing raw sewage due broken pipe at the same time was getting calls about charging at Obeds Lot while the "Taste of Maine" function was being held at the Dunaway Center; yard sale signs all over the place in town, some with permits, some without.

Weekend Staffing – Due to the issues that occur, staff is now working weekends. The Harbormaster works every weekend through the summer, and of course Police and Fire are here on weekends. The Code Enforcement Officer has agreed to drive through on busy weekends. As a host, we really need to be ready to have large groups of people here on the weekends and staff accordingly.

MDOT Meeting - a public meeting will be held on Thursday, May 10th at the Dunaway Community Center regarding the Route 1 Sidewalk Project from 6-8pm. Preliminary plans for the project will be unveiled at that time. The projected timeline for the start of this project is about a year away.

Marginal Way - the Marginal Way is currently under construction, the entire length of the Marginal Way is to be repaved. Town has received some angry letters from people who have seen the initial phase of the project in preparation for pavement. This is not a permanent condition.

Chowders - Chairman Tramuto asked the Town Manager if he had any follow-up regarding the "Chowders" liquor license application.

5.0 PUBLIC INPUT

Ken Holmes spoke about issues with the Liquor License application for Chowder's,

Paul Lempicki, Code Enforcement Officer explained the Liquor License inspection process and compliance issues.

Chairman Tramuto stated the need to get "arms around" this issue and get the answers to the questions.

It was suggested that the Select Board bring the applicant back next week, have the Code Enforcement Officer look into the background of the issue and provide information at the next meeting.

Ken Holmes suggested that abutters be notified when a new liquor license application is submitted to the Town.

Jason Corbin suggested that the town be responsible for contacting the state when new liquor license applications are submitted to the town.

Bill Woods had questions about the location of the proposed Public Works Department building, would like to see the voters have the choice on the location.

Martin Kriensky asked the Select Board to expand on the location of the Public Works Department building; he felt that it should be on Captain Thomas Road at the Salt Shed site. If located on Berwick Road it would create an increase of traffic, he noted that there was a legal issue with the town regarding a developer because of increased traffic. This is a non complying intersection.

6.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

There were no appointments, resignations, proclamations or resolutions brought before the Select Board.

7.0 PUBLIC HEARINGS, PRESENTATION

Motion made by Robert Winn and second by Chris Jarochem to open the public hearing at 7:39pm, approved 5-0.

- 7.1 Blue Water Inn, 111 Beach Street – *Malt, Spirituous & Vinous License Renewal*
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no questions from the public.

041712-01 Motion made by David Barton and second by Robert Winn to approve the Malt, Spirituous and Vinous License Renewal for the Blue Water Inn; approved 5-0.

- 7.2 Tapas on the Square, 185 Main Street - Malt, Spirituous & Vinous License Renewal
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no questions from the public.

041712-02 Motion made by Chris Jarochoym and second by Robert Winn to approve the Malt, Spirituous and Vinous License Renewal for Tapas on the Square; approved 5-0.

- 7.3 Beach House Grill, 355 Main Street - NEW Malt, Spirituous & Vinous License
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no questions from the public.

041712-03 Motion made by Chris Jarochoym and second by Barbara Dailey to approve the New Malt, Spirituous and Vinous License for the Beach House Grill; approved 5-0

- 7.4 Cornerstone, 228 Main Street - NEW Malt, Spirituous & Vinous License

This application was tabled until the next meeting of the Select Board.

- 7.5 Blue Water Inn, 111 Beach Street - Amusement License Renewal
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no questions from the public.

041712-04 Motion made by David Barton and second by Robert Winn to approve the Amusement License renewal for the Blue Water Inn; approved 5-0.

- 7.6 Cornerstone, 228 Main Street - NEW Amusement License

This application was tabled until the next meeting of the Select Board.

- 7.7 Proposed Amendments to the Ogunquit Zoning Ordinance - Donald Simpson, Planning Board Chair and Jay Smith, Zoning Board of Appeals Chair

Don Simpson, Planning Board Chair, was present to review the proposed amendments and the new additions (which does not change the intent of the ordinance). No new ordinances were being recommended, merely clarification of existing ones. The changes are listed on the town website.

No public comments regarding this agenda item.

- 7.8 ADHOC Recreational Fire Committee - Donald Simpson
To review the findings and recommendations of the ADHOC Recreational Fire Committee

Don Simpson, member of the ADHOC Recreational Fire Committee, presented a slide show regarding the major findings and recommendations to the Select Board from the committee's studies and deliberations.

Mary Ross expressed her sincere appreciation for this committee's work, Mary's daughter, Candace, also spoke.

Chairman Tramuto expressed his concern that there are "teeth" to support the desired outcome.

Thomas Fortier, Chairman of the Committee, thanked all that were involved; he stated that the committee was looking for recommendations and endorsement from the Select Board at this meeting.

Motion made by Robert Winn and second by Chris Jarochoym to close the Public Hearing at 8:25pm; approved 5-0.

8.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

8.1 Title X, Table 702.1 – Sales of Lobsters in Perkins Cove – *Selectman Robert Winn & Selectman Chris Jarochoym*

Update presented by Robert Winn and Chris Jarochoym, regarding concerns about lobster sales in Perkins Cove. They stated that additional wording is being requested as an addition to Footnote #10.

As an exception, within the Shoreland General Development 2 Perkins Cove-SG2 District, live lobsters landed in Perkins Cove may be sold from vehicles or boats, owned or operated by holders of Commercial Lobstering Licenses. However, any such sales from vehicles shall only be allowed from those vehicles parked within the Bait Wharf II Parking Area, directly adjacent to the Harbor Master's Office. No signs, advertising any such outdoor live lobster sales shall be permitted. And Lobster Sales are Limited to Live Lobsters Only, and any form of Additional Solicitation, Or Promotion of Other **GOODS, PRODUCTS, SERVICES**, Are Prohibited, (regardless of any other Ordinance).

Chairman Tramuto read the proposed ordinance change.

There were no comments from the Public in attendance.

Chairman Tramuto stated that this would be tabled for now; need to form meetings to get language designed correctly for the November ballot.

Selectwoman Dailey stated that this does not preclude a citizen's petition.

LOCATION OF PUBLIC WORKS BUILDING

Options:

1. Location does not need to go to the voters, the Select Board can determine the location; or
2. A warrant article with a defined location to be voted on by the voters.

041712-05 Motion made by David Barton and second by Robert Winn to have a non-binding referendum article on the next town warrant that would locate the Public Works Department Building at Transfer Station site on Berwick road; approved 5-0.

8.2 FY 2012-2013 Budget - Donato Tramuto, Select Board Chair

Select Board vote on Final Budget Recommendations for Fiscal Year 2012-2013

GENERAL GOVERNMENT	\$ 711,196	5y-0n	\$ 711,196	5y-0n
RECREATION DEPARTMENT	\$ 38,000	5y-0n	\$ 38,000	4y-1n
PERFORMING ARTS	\$ 15,000	5y-0n	\$ 5,000	4y-1n
LAND USE	\$ 306,418	5y-0n	\$ 306,418	4y-1n
POLICE DEPARTMENT	\$ 1,450,000	5y-0n	\$ 1,450,000	4y-1n
FIRE & RESCUE DEPARTMENT	\$ 1,156,490	5y-0n	\$ 1,156,490	4y-0n-1a
UTILITIES	\$ 185,750	5y-0n	\$ 185,750	5y-0n
PUBLIC WORKS DEPARTMENT	\$ 810,322	5y-0n	\$ 810,322	5y-0n
TRANSFER STATION	\$ 386,387	5y-0n	\$ 386,387	5y-0n
HARBORMASTER	\$ 101,583	5y-0n	\$ 101,583	5y-0n
WELFARE	\$ 3,000	5y-0n	\$ 3,000	5y-0n
INSURANCES	\$ 119,177	5y-0n	\$ 119,177	5y-0n
ADMINISTRATIVE SERVICES	\$ 342,608	5y-0n	\$ 342,608	5y-0n
CONSERVATION	\$ 15,473	5y-0n	\$ 15,473	5y-0n
INFORMATION SERVICES	\$ 50,377	5y-0n	\$ 50,377	5y-0n
HUMAN SERVICES	\$ 7,300	5y-0n	\$ 7,300	4y-1n
DEBT MANAGEMENT	\$ 683,005	5y-0n	\$ 683,005	5y-0n
OTHER EXPENSES	\$ 60,000	4y-1n	\$ 60,000	5y-0n
CAPITAL IMPROVEMENTS	\$ 1,380,000	(see below)	\$ 1,351,000	(see below)
Parks & Recreations - Agamenticus CIP	\$10,000	5y-0n	\$10,000	4y-1n
Police CIP/Equipment	\$10,000	5y-0n	\$10,000	4y-1n
Police CIP/Vehicle	\$30,000	5y-0n	\$30,000	5y-0n
Fire CIP/Equipment	\$13,000	5y-0n	\$13,000	5y-0n
PWD CIP/New Town Garage	\$790,000	5y-0n	\$790,000	5y-0n
PWD CIP/Infrastructure/Rip-rap @ Main Beach	\$50,000	5y-0n	\$50,000	5y-0n
PWD CIP/Paving Capital Reserve	\$229,000	5y-0n	\$200,000	5y-0n
PWD CIP/One-ton Dump Truck w/plow & sander	\$65,000	5y-0n	\$65,000	4y-1n

Admin Serv/CIP/Digital Phone System	\$16,000	5y-0n	\$16,000	5y-0n
Admin Serv/CIP/DCC/Electrical/plumbing/vent	\$30,000	5y-0n	\$30,000	5y-0n
Admin Serv/CIP/4WD Pickup	\$25,000	5y-0n	\$25,000	3y-2n
Admin Serv/CIP/Winn House Roof	\$12,000	5y-0n	\$12,000	4y-1n
Admin Serv/CIP/Replace Comfort Station/P. Cove	\$100,000	5y-0n	\$100,000	4y-1n

041712-06 Motion made by Chris Jarochoym and second by Barbara Dailey to approve the Select Board’s Final Budget recommendations, as listed by the Select Board Chair, for the FY 2012-2013; approved 5-0.

It was noted that Friday April 27, 2012 is the deadline for filing papers with the Town Clerk.

Chairman Tramuto left the meeting at 9:13pm.

Vice-Chair Jarochoym chaired the remainder of the meeting.

8.3 Proposed Amendments to the Ogunquit Zoning Ordinance
 Select Board vote on Proposed Amendments to Title X – Ogunquit Zoning Ordinance

041712-07 Motion made by Robert Winn and second by Barbara Dailey to accept the Amendments to the Ogunquit Zoning Ordinance from the Planning Board and the Ogunquit Zoning Board of Appeals.

041712-08 Motion made by Robert Winn and second by Barbara Dailey to amend the motion to include that the Amendment shall be on the June 12, 2012 Annual Town Meeting Ballot; approved 4-0, Tramuto absent.

9.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

~~9.1 Protecting Ogunquit’s Watershed – Madeline Mooney-Brown, Conservation Commission
 Select Board review and approval of the brochure for mailing to Ogunquit Residents~~

This agenda item was tabled until May 1, 2012.

9.2 York County Hazard Mitigation Plan – Resolution of Adoption – Fire Chief Ed Smith
 Select Board review and adoption of the York County Hazard Mitigation Plan for FEMA Region One Compliance

041712-09 Motion made by Robert Winn and second by David Barton to adopt the 2011 York County Mitigation Plan as written, approved 4-0, Tramuto absent.

9.3 Certification of Official Text “An Ordinance to Amend Title X with a Variety of Housekeeping Changes” – Judy Shaw-Kagiliery, Town Clerk

To certify the amendment "*An Ordinance to Amend Title X with a Variety of Housekeeping Changes*" to be placed on the Annual Town Meeting Warrant.

041712-10 Motion made by David Barton and second by Barbara Dailey to approve the Certification of Official Text "An Ordinance to Amend Title X with a Variety of Housekeeping Changes"; approved 4-0, Tramuto absent.

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

10.1 Public

Kirsten Ross had questions regarding the non-binding question for the salt shed location.

Lesley Mathews asked if there could there be A or B on the non-binding referendum.

Everett Leach stated that this is a set up for confusion, need yes or no on the appropriation, and then at a future date allow the voters to vote on location.

10.2 Select Board

Selectwoman Dailey – no comments.

Selectman Winn – as far the budget process goes, it was very impressive this year. Mr. Winn was very impressed with the Patriot's Day weekend events. Thank you to Don Simpson and Paul Lempicki for attending the meeting tonight

Selectman Barton – no comments.

Selectman Jarochym – had a good time, family enjoyed Patriot's Day weekend, thought it was a display of the town residents, town employees and the Chamber of Commerce pulling together for the common good of the town. Very productive meeting tonight, appreciate the public comment.

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 David Barton to go into Executive Session at 9:32pm to discuss a legal issue; approved 4-0, Tramuto absent.

Motion made by Robert Winn and second by David Barton to come out Executive Session; approved 4-0, Tramuto absent.

No decision was made during the Executive Session.

12.0 ADJOURNMENT

Motion made and seconded to adjourn the meeting; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager