



**SELECT BOARD
MEETING MINUTES
MAY 1, 2012**

1.0 CALL TO ORDER – 6:00PM

Members present: David Barton
Barbara Dailey
Robert Winn, Jr.

Members absent: Donato Tramuto, Chairman
Christopher Jarochoym, Vice Chairman

Pursuant to 307.3 of the Ogunquit Charter: In the temporary absence or disability of the Chairperson and Vice Chairperson, the Select Board may elect, from among its members, a Chairperson pro tempore, who shall exercise all powers of the Chairperson during the temporary absence or disability of the Chairperson and Vice-Chairperson.

David Barton nominated Barbara Dailey as Chairperson pro tempore, second by Robert Winn; approved 3-0.

Motion made by Robert Winn and second by David Barton to excuse the absence of Donato Tramuto and Chris Jarochoym; 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 available for approval.

4.0 TOWN MANAGER'S REPORT

Police Department "Meet and Greet" at the Ogunquit Village Market from 7:30am to 8:30am on May 2, 2012.

Berwick Road has been rescheduled to be paved the third week of May. The cold and wet weather has delayed this project.

MDOT Shore Road Paving is scheduled for June 2012.

MDOT Route One Public Meeting is scheduled for May 10, 2012 at the Dunaway Center from 6:00pm to 8:00pm. The MDOT will be rolling out the initial plans for the Route 1 Project.

Tennis Courts at the Agamenticus Field are scheduled to be resurfaced on June 24th. In the meantime, Public Works will be filling the cracks. At this time the courts are locked up due to the dangerous surfaces.

Skate Board Park has been removed temporarily due to safety issues. An effort to rebuild is underway.

Bank of America parking lot – jersey barriers have been put in place to prevent violations of an unmanaged lot and to address the concerns of the Code Enforcement Office and Police Department. By keeping people out of there, the bank is managing their asset.

Marginal Way will be paved, from start to finish, by Thursday or Friday of this week.

Ogunquit Village School Playground has been revitalized by getting rid of the asphalt and putting in playground wood chips to create a “green area”.

Taxes (second half) are due May 3rd.

Business Registrations are due May 31st, after May 31st the fee for this will increase from \$25 to \$50.

Town Budgets are in line, the Fire Department is still 4% over; revenues are fantastic, town will meet all revenue projections.

Mil Rate should be pretty close to flat when it is set in September.

5.0 PUBLIC INPUT

Motion made by Robert Winn and second by David Barton to move into Public Input; approved 3-0, Jarochym and Tramuto absent.

There were no comments or questions from the public in attendance.

Motion made by Robert Winn and second by David Barton to close Public Input; approved 3-0, Jarochym and Tramuto absent.

6.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

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

7.0 PUBLIC HEARINGS, PRESENTATION

Motion made by Robert Winn and second by David Barton to open the Public Hearing at 6:11pm; approved 3-0, Jarochoym and Tramuto absent.

- 7.1 Huckleberry's-Splash – *Malt, Spirituous & Vinous License Application - Renewal*
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments from the public regarding this application.

No questions/comments from the Select Board.

050112-01 Motion made by Robert Winn and second by David Barton to approve the Malt, Spirituous & Vinous License Application Renewal for Huckleberry's/Splash; approved 3-0, Jarochoym and Tramuto absent.

- 7.2 Pizza Napoli – *Malt & Vinous License Application - Renewal*
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments from the public regarding this application.

No questions/comments from the Select Board.

050112-02 Motion made by David Barton and second by Robert Winn to approve the Malt, Spirituous & Vinous License Application Renewal for Pizza Napoli; approved 3-0, Jarochoym and Tramuto absent.

- 7.3 Vine Café & Wine Bar – *Malt & Vinous License Application - Renewal*
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments from the public regarding this application.

No questions/comments from the Select Board.

050112-03 Motion made by Robert Winn and second by David Barton to approve the Malt, Spirituous & Vinous License Application Renewal for Vine Café & Wine Bar; approved 3-0, Jarochoym and Tramuto absent.

- 7.4 Cornerstone – *NEW Application for Malt, Spirituous & Vinous License*
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Jerry DeHart spoke on behalf of the applicants regarding questions raised at the last Select Board meeting. Mr. DeHart and Michael Cavaretta explained the history of the site/business.

CEO, Paul Lempicki, presented the Code Office/Planning side of the story.

John Cavaretta, property owner, also spoke regarding the issue.

John Mixon, 26 Vinton Road, expressed his opinion regarding the issue.

Lesley Mathews, resident, made comments regarding the past and present business at that location.

John Shumadine, Attorney with Murray, Plumb, Murray, representing the applicants commented on the application and the ruling by the CEO.

David Hutchins, resident, commented on the application.

Don Wunder, resident, commented on the Planning Board approval of the business.

Kathleen Cammorata, resident, commented on the motion process and the application.

Donald Simpson, Planning Board Chair, question regarding documents and decision made by Planning Board in the past for this location.

Town Manager Fortier suggested that the applicant take the issue of outside serving to the Zoning Board of Appeals.

John Mixon, resident, spoke about the decisions made by the Code Enforcement Officer.

Jackie Bevins, resident, question what the Code Officer was unclear about.

Selectman Winn spoke about the application and the fair process that should be followed.

Selectman Barton stated that this is the process that the board has to follow.

Selectwoman Dailey stated that the applicants have put together some compelling information. The Board is here to approve the liquor license and the amusement license not to determine the code violations; that is the job of the Code Enforcement Officer.

050112-04 Motion made by Motion made by David Barton and second by Robert Winn to approve the New Malt, Spirituous & Vinous License Application for Cornerstone as submitted; approved 3-0, Jarochym and Tramuto absent.

7.5 Cornerstone – *NEW Application for an Amusement License*

Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments from the public regarding this application.

050112-05 Motion made by David Barton and second by Robert Winn to approve the New Amusement License Application for Cornerstone as submitted; approved 3-0, Jarochym and Tramuto absent.

7.6 June 12, 2012 Annual Town Meeting Warrant Referendum Articles
To allow public comment and question on proposed Referendum & Budget Warrant Articles for the June 12, 2012 Annual Town Meeting

John Mixon, Vinton Road comments regarding Article 49, location of the Public Works Building on Berwick Road and the traffic issue.

Jay Audet, Rebecca Road comments regarding petitioned article.

Motion made by David Barton and second by Robert Winn to close the Public Hearing at 7:15pm; approved 3-0, Jarochym and Tramuto absent.

8.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

There was no unfinished business before the Select Board.

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

Madeline Mooney-Brown and Bob Joyner were in attendance to explain the POW (Protect Ogunquit's Watershed) program. Below is an excerpt from the brochure that will be mailed out to Ogunquit residents/property owners.

Every home in Ogunquit is like waterfront property because what you do on your land eventually ends up in our waters. Individuals' use of fertilizers, pesticides, and other chemicals, and failing septic systems impact the entire community.

Testing has shown that we have a pollution problem in Ogunquit and need to take corrective steps now to protect our water quality. Continual poor water quality may endanger Ogunquit Beach, effecting swimming, boating, fishing, clamming, and the source of our prosperity.

Limit the general use of pesticides and other chemicals on your property. You or your lawn care company should comply with the "Best Turf Management Practices" published by the Maine Dept. of Agriculture. These guidelines do not require 100% organic care, but rather precaution and limiting chemicals to treat specific

problems. A recent survey shows 61% of Mainers refrain from using pesticides and non-organic fertilizers. Why not join them? It's easier and costs less than you might think.

Contain biological matter. Assure your septic system is in proper working order per Ogunquit's ordinance or there are no sewerage discharges. Put pet poop in the trash.

9.2 Transfer Station Hauling, Disposal & Return Roll-off Containers Bids – *Thomas A. Fortier, Town Manager*

Review of RFP and Select Board action to enter Contract for Hauling & Disposal of Materials at the Transfer Station

Several vendors responded with bids:

BBI, Inc., Old Orchard Beach, Maine
Oceanside Rubbish, Wells, Maine
Pine Tree Waste Services, Scarborough, Maine
Shipyard Waste, LLC, Eliot, Maine
Trioano Waste Services, Portland, Maine
Waste Management of NH, Inc, Rochester, NH

The Transfer Station Manager, John Fusco, recommended Shipyard Waste Solutions, LLC as the low bidder.

050112-06 Motion made by Robert Winn and second by David Barton to approve the Town Manager's recommendation for Shipyard Waste Solutions, LLC for a three –year contract; approved 3-0, Jaroachim and Tramuto absent.

9.3 Application for a License to Operate Beano/Games of Chance – *Thomas A. Fortier, Town Manager*

Annual Application for Beano and Games of Chance at the Ogunquit Fire Station on Tuesdays and Saturdays at the Fire Station through the summer months

050112-07 Motion made by Robert Winn and second by David Barton to grant the license for the Fire Company to operate Beano and Games of Chance for 2012; approved 3-0, Jaroachim and Tramuto absent.

9.4 Fireball Run – *Thomas A. Fortier, Town Manager*

Select Board Review and Action on Hosting "Fireball Run" for Missing and Exploited Children on September 28, 2012

Town Manager Fortier explained that this is a national live event and film series, headquartered at Universal Studios. It is an 8-day, 14 city, 2,200 mile interactive road rally competition and entertainment property that support the "Race to

Recovery of America's Missing and Exploited Children". The race ends in Bangor and they needed a stop between Waterbury, CT and Bangor, ME. Ogunquit, ME was chosen as that stop. The stop here will be on September 29, 2012. This will bring a lot of attention to Ogunquit. Mr. Fortier stated that there will be a car show on Main Beach on Saturday.

050112-08 Motion made by David Barton and second by Robert Winn that the Town supports the Fireball Run on September 28-29, 2012 for the Race to Recover America's Missing Children; approved 3-0, Jarochym and Tramuto absent.

9.5 June 12, 2012 Annual Town Meeting Warrant Referendum Articles - *Thomas A. Fortier, Town Manager*
Select Board approval and signing of the June 12, 2012 Annual Town Meeting Warrant

050112-09 Motion made by Robert Winn and second by David Barton to the Warrant Articles for the 2012 Annual Town Meeting; approved 3-0, Jarochym and Tramuto absent.

9.6 Annual Town Meeting Information Packet- *Thomas A. Fortier, Town Manager*
Select Board review and action regarding the June 12, 2012 Annual Town Meeting Voter Informational Packet

050112-10 Motion made by David Barton and second by Robert Winn to approve the Annual Town Meeting Information Packet as presented; approved 3-0, Jarochym and Tramuto absent.

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

10.1 Public

Don Simpson, resident, thanks to Town Manager Tom Fortier for his superb job managing this town. Robert Winn reiterated Mr. Simpson's thanks.

10.2 Select Board

Selectman Winn - no comments

Selectman Barton - commented the liquor license process, number of licenses that are on file with the town in comparison to the size the town itself. Queried as to whether the town should have a "cap" on the number.

Selectwoman Dailey, Chairman pro tempore - the next meeting of the Board is May 15th, this meeting will begin at 5:30pm.

Selectwoman Dailey shared her disappointment in the lack of interest and participation in the vacant positions for the Annual Town Meeting.

11.0 ADJOURNMENT

Motion made by Robert Winn and second by David Barton to adjourn the meeting at 7:55pm, unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager