



**SELECT BOARD
MEETING MINUTES
TUESDAY, JUNE 5, 2012**

1.0 CALL TO ORDER – 6:00PM

Meeting called to order at 6:00pm.

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

Members absent: Donato Tramuto, Chairman

Motion made by Barbara Dailey and second by David Barton to excuse the absence of Donato Tramuto; approved 4-0.

A Moment of Silence was observed as a tribute to Former Selectman and Town Manager Philip Clark.

Others present: Thomas A. Fortier, Town Manager

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Selectman Barton.

3.0 REQUEST TO APPROVE SELECT BOARD MINUTES

3.1 **April 17, 2012** – The minutes of the April 17, 2012 Select Board meeting were approved as written.

3.2 **April 24, 2012** – The minutes of the April 24, 2012 Select Board meeting were approved as amended.

3.3 **May 15, 2012** – The minutes of the May 15, 2012 Select Board meeting were approved as written.

4.0 TOWN MANAGER'S REPORT

Official start of tourist season! Rain has hampered some activity in town.

Looking forward to paving of **Shore Road**, this will start in the next week or two.

Berwick Road – due to heavy rains, this project has not yet started.

Due to heavy rains this past weekend, **Wharf Lane Bridge** moved off its pilings. Local contractor, Percy Stevens, rehabbed the damage.

Damage at **Main Beach** bathhouse, the leaking roof caused the women's restroom ceiling to cave in.

Significant erosion on the beach, all the **Piping Plover** nests were destroyed (2).

Town Budget doing very well. The Fire Department is at 2% over budget, still working on it through a spending freeze. **Revenue** projections have been met.

Land Use Office is moving forward in readiness for its move to the Dunaway Community Center.

Code Enforcement Officer Paul Lempicki has been in town on weekends. He has found numerous code violations.

Land Use Office is in the process of converting 37 file cabinets to digital documents through a scanning process.

Sue Hludik EMS Director in Wells passed away, a Color Guard from the Ogunquit Fire Department was in attendance at the funeral.

Town Clerk's Office will issue **absentee ballots** until 5pm on Thursday, June 7, 2012.

Annual Town Meeting and Elections – June 12, 2012.

Perkins Cove Bridge Span project was completed by Atlantic Mechanical.

Fred Mayo, Harbormaster, will be working weekends for summer with Wednesday and Thursday as his days off.

Obeds Lane – a stone dust sidewalk will be installed soon.

Moody Beach - footbaths and showers will be open soon.

Curtains, canvas art, new chairs and trim work are in the works to fix up Dunaway Community Center **Auditorium**

Police have found cases of overnight camping on the Marginal Way; this is not an allowable use.

Dogs – a reminder that they are not allowed on beaches during the summer; have had some issues at Agamenticus Park with dog waste.

2011 Annual Town Report is fresh off the press and available at the Town Office.

5.0 PUBLIC INPUT

Anthony Mauro – would like to comment about OMAA. He was told that there would be ample availability to do so under public hearing.

6.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

6.1 Appointment – Board of Assessment Review

060512-01 Motion made by Robert Winn and second by David Barton to approve the appointment of John Miller as a Full Member of the Board of Assessment Review, term to expire June 30, 2015; approved 4-0, Tramuto absent.

6.2 Appointment – District #1 Representative to MMA LPC

060512-02 Motion made by Robert Winn and second by David Barton to appoint John Miller as District 1 Representative to the Maine Municipal Legislative Policy Committee, term to expire June 30, 2013; approved 4-0, Tramuto absent.

6.3 Appointment – ECOMaine Board Representative – Thomas A. Fortier

060512-03 Motion made by Robert Winn and second by David Barton to approve the appointment of Thomas A. Fortier as Ogunquit's ECOMaine Board Representative from June 1, 2012 to June 1, 2013, approved 4-0, Tramuto absent

7.0 PUBLIC HEARINGS, PRESENTATION

Motion made by David Barton and second by Barbara Dailey open the Public Hearing at 6:21pm, approved 4-0, Tramuto absent.

7.1 John Miller – Years of Service

Recognition of Resident John Miller and his Service to the Community

Town Manager Fortier reviewed Mr. Miller's service record to Ogunquit and presented him with a gift certificate.

A letter of recognition and appreciation will be sent to Mr. Miller by the Town Manager.

7.2 INICIO – Malt, Spirituous & Vinous License Application (New)

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

060512-04 Motion made by David Barton and second by Barbara Dailey to approve the New Malt, Spirituous & Vinous License Application for INICIO; approved 4-0, Tramuto absent.

7.3 Beachmere Inn – Amusement License Renewal

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

060512-05 Motion made by Robert Winn and second by Barbara Dailey to approve the Amusement License Renewal for the Beachmere Inn; approved 4-0, Tramuto absent.

7.4 Ogunquit Museum of American Art – Amusement License Application (New)

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

Ron Cruzan, Director of the OMAA explained that this is to be an alternative source of income, a low impact way to raise funds, there will be very strict self-imposed guidelines, events start after the 5pm close and only last until 9pm. Mr. Cruzan stated that the OMAA will be meeting with neighbors of the museum on Sunday, June 9, 2012 to review their plans.

Public Comments by:

Tony Maurno, 529 Shore Road, abutter to the OMAA

Amy Kelley, 79 Main Street

Noreen Maurno, 529 Shore Road

Charles Dahill, 17 Marginal Avenue

Chris Woodbury, abutting property owner

060512-06 Motion made by Robert Winn and second by David Barton to table the Amusement License Application to the June 19th meeting of the Select Board; approved 4-0, Tramuto absent.

Motion made by Barbara Dailey and second by David Barton to close the Public Hearing at 6:58pm; approved 4-0, Tramuto absent.

8.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

8.1 Wells-Ogunquit Dispatch Agreement Contract Amendments

Discussion and approval of Amendments to the Wells-Ogunquit Dispatch Agreement Contract

Town Manager Fortier stated that based on recommendation by Select Board he had paragraph #3 and paragraph #12, reviewed by the town attorney to strengthen the town's position.

Paragraph 3

".....or (3) by either party upon a party's breach (as defined in paragraph 10 hereof) in which event the party claiming breach may give written notice of such breach and of its election to terminate the Agreement effective on a specific date not less than 60 date following the date of mailing such notice to the other party by Certified Mail, Return Receipt Requested; provided, however, that the Agreement shall not terminate if the breach is cured during the notice term."

Paragraph 12 (in its entirety)

"Each party shall insure its own emergency personnel and operations for not less than the limits of liability specified in the Maine Tort Claims Act and shall name the other party as an additional insured."

Each party shall be liable for the negligent, willful and intentional acts or omissions of its officer, agents, and employees (including public safety personnel), and shall indemnify, defend and hold the other harmless therefrom."

060512-07 Motion made by Barbara Dailey and second by Robert Winn to accept the adjustments to paragraph 3 and 12 of the Wells-Ogunquit Dispatch Agreement; approved 4-0, Tramuto absent

9.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

There was no new business before the board.

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

10.1 Public

Bob Glidden – High Ridge Lane, asked if an investigation had been done to see if there would be a change in insurance rates if the town added another layer of response?

10.2 Select Board

Selectwoman Dailey shared her disappointment that Chairman Tramuto was not present at tonight's meeting. It would be appropriate to recognize him at the next meeting of the Board on June 19th.

Selectman Winn – Concurred with Selectwoman Dailey.

Selectman Barton – commented on the repaving of the Marginal Way, they are re-doing drainage and widening where possible. This comes at no expense to the town; the Marginal Way Beautification and Marginal Way Preservation have covered costs.

Selectman Jarochym – commented on the Memorial Day parade, thank you to town staff and volunteers who organized the day's events. Soldiers Mark Page and Nick Luminello were recognized at the Veteran's Park ceremony.

Don't forget to get out to vote!

11.0 EXECUTIVE SESSION

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

Motion by Barbara Dailey and second by Robert Winn to go into Executive Session at 6:42pm to discuss a Legal issue pursuant to Title 1, Subchapter 13§ 405.6.E; approved 4-0, Tramuto absent.

Motion by Barbara Dailey and second by Robert Winn to come out of Executive Session; approved 4-0, Tramuto absent.

No action taken during 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