



**SELECT BOARD
MEETING MINUTES
JANUARY 22, 2013**

1.0 6:00PM – CALL BUSINESS MEETING TO ORDER

Meeting called to order at 6:01pm

Members present: Barbara Dailey, Chair
David Barton, Vice Chair
John Daley
Christopher Jarochym
Robert Winn, Jr.

Others present: Town Manager, Thomas A. Fortier

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Selectman Winn

3.0 REQUEST TO APPROVE SELECT BOARD MINUTES

3.1 January 8, 2013 – Minutes of the January 8, 2013 Select Board were approved as presented.

4.0 TOWN MANAGER'S REPORT

The following is the Town Manager's Report as posted on the Town of Ogunquit website:

ICE RINK:

The Town staff hopes to set up the Ice Rink this week. The cold January temperatures and old man winter are forecasted to stick around this coming week.

ROUTE 1 PROJECT ALERT:

The Town of Ogunquit has been informed by the Maine Department of Transportation that the Route 1 Project has received priority funding of more than 7 million dollars for FY 2013-2014. The project also includes funding for the Josias River and Ogunquit River Bridge repairs. This is great news! The Town of Ogunquit will be leveraging our \$2.2 million for a total project cost of \$10 million dollars. The project calls for sidewalks, Route 1 drainage improvements and paving. It will include new street lights, bicycle/pedestrian friendly traffic patterns, landscaping and other amenities

such as benches, bicycle racks, and trash cans. There will have another public meeting soon.

PUBLIC WORKS/MAINTENANCE:

The side-by-side analysis for a location of the new DPW Building has been completed. The DPW Building Committee will review and finalize before presenting to the Select Board at the February 5th SB meeting. Post Road Surveying will be completing their work today at Captain Thomas location.

Sand and Salt for residents located at Obeds parking lot. Residential use only, no commercial use please.

A reminder, there is a WINTER SNOW BAN in effect from midnight to 6:00am. All vehicles need to be off the public rights of way. This will allow our crews to effectively clean up before, during, and after snow storms.

TOWN CLERK:

Clam Licenses are available at the Town Office.

Dog Licenses are due.

Mooring Fees are due.

The annual Town Meeting this year will be on Tuesday, June 11, 2013

POLICE:

The Police Department is still willing to assist residents with obtaining and distributing salt sand. Please contact the Police Department if you need help with making your walkways safe.

The staff continues to look at the use of credit cards in all departments but specifically, Visitor Services. We expect to provide a report to the Select Board soon on efficient and secured use of credit cards in beach parking lots.

FIRE:

The Fire Department has been and will continue to utilize 413 Shore Road for mandated training purposes.

The Fire Department will also be in front of the Select Board (1/22/13) requesting permission for "Live Fire" training at same location.

LAND USE:

We have brought on Code Enforcement Officer Tim Nelson to temporarily fill the position while current the CEO is out on sick leave. Tim is currently an RN at Goodall Hospital (Trauma Unit) and was the CEO of many different municipalities, most recently being Biddeford and Arundel. Tim serves as the Planning Board Chair in his hometown, Waterboro. We interviewed 5 candidates as well as inquired from the Town of Wells for a potential shared service. Tim proved to be the best option at the moment.

The staff will be performing GIS training all this week. We have been creating and strengthening a fantastic "Global Information System" over the past several years. This program is available for the public and is located on our web site.

A special thank you to Maryann and Barbara who have been working extra hard these past several weeks with the absence of our Code Enforcement Officer.

A special shout out to Planning Board Chairperson Don Simpson too! Don has spent several hours in the office.

HARBORMASTER:

Harbor Master Mayo will be busy breaking ice in the Cove this week. Keeping the Cove navigable for the fisherman is a vital service for the viability of our working water front.

FINANCE:

Clam Licensing brought in over \$600 in revenue this past week. We had budgeted \$7,000 in revenues this fiscal year. This is significant because past years had no incoming revenue.

The Town of Ogunquit's 2006 Debt service payments have been reduced by \$46,195 secondary to recent refinancing strategies. In the current fiscal environment, we are particularly proud of this accomplishment and continue to strive toward such initiatives.

There are no surprises in the current operating budget. We have just passed the halfway point in our fiscal year. All departments are in line and revenues are on track.

Governor LePage has proposed a budget that will have a direct negative impact on the amount of money the state sends to both municipal services and school operations. As you have read, the Governor already has imposed a "curtailment" order as required by law which has left the schools short by more than \$200,000 in the current budget year. Among the reasons, are that tax revenues are off and the Governor failed in his bid to bring Maine's Medicaid system in line with other states in the nation in terms of eligibility.

This is a persistent and continual "raid" on the local budget because we are the lowest on the totem pole. The County Budget and State Budget alike, get their needs met and balance their budgets, at the expense of the local communities. (BTW...per capita OGT is #1 in sales tax sent to Augusta)

Revenue sharing according to our own State Charter mandates a 54% reimbursement to Towns and Cities. When in reality it has been funded well below that level for many years. Municipalities are left to do more with less and less funds, in fact, State MANDATED to provide welfare, education etc. without the State funds.

For example, School funding....keeps going down...and the local Town budget has needed to pick up the slack (or not). Excise tax, homestead exemptions, revenue sharing have all decreased to the town while taxes paid to the state continue to rise.

WOGT:

We are continuing our efforts to improve broadcasting of WOGT and the facilities in general. We are looking to replace outdated cameras, audio, and equipment. We are looking for a \$10,000 grant from our Time Warner Cable franchise agreement.

ADMINISTRATION:

I will be attending a meeting with the Joint Standing Committee as well as other Legislators on Friday, February 8th. The purpose of this meet and greet is to familiarize Legislators with current issues relating to the Town of Ogunquit.

Dates to remember:

- 1/22/13 5:00pm Select Board Meeting
- 1/28/13 4:30pm Planning Board Workshop
- 1/28/13 6:00pm Planning Board
- 1/31/13 7:00pm Zoning Board of Appeals
- 02/05/13 5:00pm Operating and CIP Budget presented to Select Board and Budget Committee
- 02/05/13 7:00pm Select Board meeting
- 02/09/13 (Saturday) 9:00am Budget Workshop
- 02/19/13 5:00pm Budget Committee

5.0 PUBLIC INPUT

Martin Crosby – re: Controlled Burn

Laura Jaquays – abutter to 413 Shore Road, re: Controlled Burn

Tom Bonneville – property owner of 413 Shore Road, re: Controlled Burn

Mary Ross – re: Controlled Burn Smoke effects on health and environmental impact.

6.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

7.0 PUBLIC HEARINGS, PRESENTATION

Motion made by Robert Winn and second by Chris Jarochem to open the public hearing at 6:39pm; approved 5-0.

7.1 Barnacle Billy's – Malt, Spirituous & Vinous License Renewal

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

012213-01 Motion made by Robert Winn and second by David Barton to approve the Renewal of the Malt, Spirituous & Vinous License for Barnacle Billy's; approved 5-0.

7.2 Barnacle Billy's, Etc. - Malt, Spirituous & Vinous License Renewal
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Office; there were no questions from the public or the Select Board.

012213-02 Motion made by Robert Winn and second by David Barton to approve the Renewal of the Malt, Spirituous & Vinous License for Barnacle Billy's, Etc.; approved 5-0.

7.3 Barnacle Billy's, Etc. - Amusement License Renewal
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Office; there were no questions from the public or the Select Board.

012213-02 Motion made by Robert Winn and second by David Barton to approve the Renewal of the Amusement License for Barnacle Billy's, Etc.; approved 5-0.

Motion made by Robert Winn and second by David Barton to close the public hearing at 6:44pm; approved 5-0.

8.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

8.1 Update of New DPW Building – Selectman Jarochym & Town Manager Fortier
Review of project to date and project time lines

Mr. Fortier stated that he had received, today, from John Powers Architects the design of the public works building. Design plan is in the Town Manager's office for public review.

Secured Woodard & Curran for the side-by-side comparison, it should be available this week.

The committee will review the report and fine tune it before it is brought to the Select Board.

Thanks to Stillman Bradish for all his assistance.

8.2 York County Budget Changes – Thomas A. Fortier, Town Manager
Consideration of the York County Budget Year Changes, from Calendar to Fiscal Year, and the Fiscal Effect on the Town of Ogunquit

Ogunquit Budget Review Committee took this matter into consideration, a poll was taken and they were in favor 4-1, to go with the 5-year payment plan.

Selectman Daley reviewed information that he had gathered regarding the York County Budget change.

Selectman Barton, as a member of the York County Budget Committee, reviewed the process. Selectman Barton explained the County structure.

Town Manager Fortier suggested that the Select Board table this item and request someone from the York County Commissioners attend the February 5, 2013 Select Board meeting to explain the change and process.

This agenda item was tabled until the February 5th meeting of the Select Board.

8.3 Controlled Burn Request – Fire Chief Mark O'Brien

Review of a Request for a Controlled Burn for Property Located at 413 Shore Road; Burn to be used by the Fire Department for Live Fire Training

Fire Chief Mark O'Brien was in attendance to present information on his request for a "Controlled Training Burn" for property located at 413 Shore Road owned by Thomas Bonneville. Chief O'Brien followed the *Controlled Burn Policy* as required prior to the approval by the Select Board.

Chief O'Brien updated the Select Board - the abutter notices were sent out, Chief O'Brien has spoken with three of the immediate abutters who support the burn, reviewed the different lists that are required as part of the burn policy, the release of liability from the owner. A check has been received per the policy. The silt barrier will be in place. The firefighters need the training. The permit has been processed by the Code Enforcement Office and the check list for the burn (hazards, etc.) has been completed. Chief O'Brien has reviewed the NFPA 1403 check list (before, during and after the burn); he stated that he is aware of the environmental impact.

Selectman Winn commented on the silt fence and hay bales that are used to prevent run-off, asked Chief O'Brien to explain this to the public.

Motion made by Robert Winn and second by John Daley to open the public session at 7:39pm to allow comments on the proposed Controlled Burn, approved 5-0.

Comments by:

Laura Jaquays
Michael Horn

Motion made by Robert Winn and second by David Barton to come out of public session at 7:50pm; approved 5-0.

Motion made by Robert Winn and second by John Daley to open the public session again at 7:52pm to allow comments on the proposed Controlled Burn, approved 5-0.

Comments by:

Jeff Porter

Motion made by Robert Winn and second by David Barton to come out of public session at 7:56pm; approved 5-0.

012213-03 Motion made by Chris Jarochoym and second by David Barton to approve the application for the Controlled Burn for the property located at 413 Shore Road; approved 4-1, Barbara Dailey in opposition.

9.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

9.1 Chamber of Commerce – Special Event Applications 2013 – *Karen Arel, Executive Director*

Special Events Applications submitted to the Ogunquit Select Board for review and approval:

- a. Patriot’s Day
- b. Sidewalk Art Show
- c. Labor Day Weekend Sidewalk Sale
- d. OgunquitFest
- e. Christmas by the Sea
- f. Requests for signage and Zoning Ordinance Waivers:
 - i. Mardi Gras
 - ii. Frannie Peabody Center – Southern Maine AIDS Walk
 - iii. Independence Day Fireworks
 - iv. Celebrations by the Sea Wedding Expo

Karen Arel, Executive Director, Chamber of Commerce, was in attendance to respond to any comments or questions from the Select Board.

012213-04 Motion made David Barton and second by John Daley that the Special Event Applications submitted to the Select Board for approval [by the Chamber of Commerce] Patriot’s Day, Sidewalk Art Show, Labor Day Weekend Sidewalk Sale, OgunquitFest, Christmas by the Sea and requests for signage and Zoning Ordinance Waivers for Mardi Gras, Frannie Peabody Center Southern Maine AIDS Walk, Independence Day Fireworks and Celebrations by the Sea Wedding Expo be approved; approved 5-0.

9.2 Resident Beach Passes – *Thomas A. Fortier, Town Manager*
Review of Beach Pass Rates – No Changes

012213-05 Motion made by Robert Winn and second by John Daley to approve the rates for the Resident Beach Passes to be at the same rate as the 2012 passes (\$25 first pass, \$35 for second pass); approved 5-0.

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

10.1 Public

Mary Ross – re: Controlled Burn and smoke issues.

10.2 Select Board

Selectman Jarochym

- Thanked Chief O’Brien and the public for all their dialogue on the Controlled Burn.
- Budget season is upon us, so if the public has comments, questions or things that they would like to see or not see in the budget, please contact a member of the Select Board or the Town Manager.

Selectman Winn

- Appreciates that the Chamber works very hard to produce quality events for the town and those who come to visit the town.

Selectman Daley

- Commented on the Chamber events, stated that he attends most of them, they are tastefully done. Appreciates the hard work the Chamber does.

Selectman Barton

- Comments on the discussion regarding the Controlled Burn presented by Chief O’Brien.

Chairwoman Dailey

- Comments regarding the investigation of missing money and the results of the investigation by the Attorney General’s Office. Due to insufficient evidence, the case was closed. Actions have been taken to prevent future occurrences.

11.0 ADJOURNMENT

Motion made by Robert Winn and second by David Barton to adjourn the meeting at 8:43pm; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager