



**SELECT BOARD
MEETING MINUTES
SEPTEMBER 3, 2013**

1.0 CALL BUSINESS MEETING TO ORDER – 6:00PM

Meeting called to order at 6:00pm by Chairwoman Dailey.

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

Members absent: John Daley (excused)

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 August 13, 2013 - *Select Board Meeting Minutes*

The minutes of the August 13, 2013 Select Board meeting were approved as amended.

4.0 TOWN MANAGER'S REPORT

End of a busy summer season marked by Labor Day, very busy for town employees whether it was trash, bathrooms, Police; Fire...all kinds of events.

Tonight's agenda will have some warrant articles for a Special Town Meeting in November.

It was a challenging year with new Code Enforcement Officer, lot of businesses pushing the limits.

Marginal Way – have received numerous e-mails over the last couple of weeks regarding "cairns".

There was a fire on Shore Road, thank you to the Fire Department for all their good work in knocking down the fire.

Mr. Fortier sent condolences to the family of Bobby McIntire, a local fisherman who went missing at sea.

Thank you from the Fire & Police Departments to Pizza Napoli, Jackie Too's, Bessie's, Fresh, Angelina's Ristorante, Village Food Market, the Admiral Inn and Cumberland Farms; these are some of the local businesses who helped feed the Coast Guard, Maine State Police, Marine Patrol, Police and Fire Department who were searching for the lost fisherman.

Conservation Commission Beach Clean-up Day was held last weekend (8/31/2013). Mike Horn, Conservation Commission Chair, gave an update on the results of the clean-up.

Capriccio starts this week; this is a celebration of arts in Ogunquit for the next two weeks. This is the 23rd annual event.

Thanked the staff for a very busy summer season.

5.0 PUBLIC INPUT

Steve Einstein, a Performing Arts Member, comments regarding the September 7th performance at the Dunaway Community Center.

6.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

No appointments, resignations, proclamations or resolutions were 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 6:10pm; approved 4-0, Daley absent.

- 7.1 Jackie's Too – *Malt, Spirituous & Vinous License Renewal*
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public in attendance.

Jacqueline Bevins was present for the public hearing.

- 090313-01** Motion made by Chris Jarochoym and second by Robert Winn to approve the Malt, Spirituous & Vinous License Renewal for Jackie Too's; approved 4-0, Daley absent.

- 7.2 Maxwell’s Pub – Malt, Spirituous & Vinous License Renewal
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public in attendance.

William Hludik was present for the public hearing.

090313-02 Motion made by Chris Jarochoym and second by David Barton to approve the Malt, Spirituous & Vinous License Renewal for Maxwell’s Pub; approved 4-0, Daley absent.

- 7.3 Maxwell’s Pub – Amusement License Renewal
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public in attendance.

090313-02 Motion made by Chris Jarochoym and second by David Barton to approve the Amusement License Renewal for Maxwell’s Pub; approved 4-0, Daley absent.

- 7.4 Authority Empowering the Code Officer to Enforce Town Ordinances and Planning Board Decisions – Scott Heyland, Code Enforcement Officer

Scott Heyland was present to review items discussed at the Planning Board workshop last week regarding violations and citations. The Planning Board is working with Mr. Heyland to develop an ordinance change.

Comments from:

- Lesley Mathews
- Robert Winn, Selectman
- Chris Jarochoym, Selectman
- Town Manager Fortier
- Barbara Dailey, Chair

- 7.5 Title V Ordinance Amendment, Commercial Buses & Vans – Thomas A. Fortier, Town Manager

1206 Types of Vehicles

1206.2 Commercial Buses & Vans

1206.2.1 The operator of any passenger laden bus, ~~commercially operated van~~ or motor vehicle having the capacity of more than fifteen (15) or a commercially operated van having the capacity of fifteen (15) or less ~~or more persons~~ may drop-off passengers in designated areas within municipal parking lots or as otherwise directed by a Parking Lot Attendant or Police Officer, and ~~may~~ shall be subject to the beach impact fee set forth in Appendix A. (Also see Section 1203.3.)

Town Manger Fortier explained the amendment to the current ordinance.

Comments from:

Bob Glidden

7.6 Title V Ordinance Amendment, Taxicab Operators and Taxicab Companies –
Selectman David Barton

Selectman Barton explained why he has brought this issue forward for Select Board review and action.

Comments from:

Robert Winn, Selectman

Chris Jarochym, Selectman

7.7 November 5, 2013 Special Town Meeting

- *Article 2: Proposed Charter Amendment, Article III, Section 310.16, Powers of the Board, Mid-Year Report*
- *Article 3: Proposed Charter Amendment, Article III, Section 310.19, Powers of the Board, Select Board Members on Committees*
- *Article 4: Proposed Charter Amendment, Article V, Section 504, Revenues and Expenditures, Transfers*
- *Article 5: Proposed Charter Amendment, Article V, Section 506, Independent Annual Audit, Annual Report*
- *Article 6, Proposed Amendment to the Ogunquit Municipal Code, Title XII, Article 2 – Applicable Codes*

Chair Dailey explained the amendments in **Article 2** that will be presented to the voters.

There were no comments or questions from the public.

Selectman Barton explained the amendments in **Article 3** that will be presented to the voters.

There were no comments or questions from the public.

Comments from:

Robert Winn, Selectman

Chris Jarochym, Selectman

Chair Dailey explained the amendments in **Article 4** that will be presented to the voters.

There were no comments or questions from the public.

Comments from:

Chris Jarochoym, Selectman
Town Manager Fortier

Chair Dailey explained the amendments in **Article 5** that will be presented to the voters.

Code Enforcement Officer Scott Heyland explained the amendment in **Article 6** that will be presented to the voters.

Comments from:

Steve Einstein
David Barton, Selectman
Chris Jarochoym, Selectman

Motion made by Robert Winn and second by Chris Jarochoym to close the public hearing at 7:22pm; approved 4-0, Daley absent.

8.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

8.1 13th Annual Ogunquit Beach Lobster Dash – Charlie Farrington

Select Board action on a request for free use of the Main Beach Parking Lot for the September 21, 2013 event

Charlie Farrington was present to request complimentary parking on September 21st for the event. He stated that in the past this event has raised money for the Ogunquit Playhouse Scholarship Fund and the Ogunquit Parks & Recreation Department.

Town Manager Fortier recommended that the request be granted.

090313-03 Motion made by Robert Winn and second by David Barton to approve the request for free parking during the event on September 21, 2013; approved 4-0, Daley absent.

9.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

9.1 Fire Chief and Code Enforcement Officer – Enforcement Authority

Select Board authorization to allow the Fire Chief and Code Enforcement Officer to bring Civil Action in the name of the Town of Ogunquit [Pursuant to MRSA Title 25, Chapter 13§2361]

Code Enforcement Officer Scott Heyland explained the need for this enforcement authority. This allows the town to follow the Maine State codes instead of updating the town codes every year or two. This will streamline the process.

CEO Heyland addressed comments and questions from Selectman Barton, Selectman Winn, Selectman Jarochym and Chair Dailey.

090313-04 Motion made by Robert Winn and second by David Barton to authorize the Town of Ogunquit Fire Chief (or their designees) and the Town of Ogunquit Code Enforcement Officer the authority to bring civil action in the name of the Town of Ogunquit to enforce any of the State laws, duly adopted State rules or local ordinances enacted [pursuant to Title 25 – Internal Security & Public Safety, Chapter 313 – Municipal Inspection of Buildings§2361- Proceedings by Municipality, 1.A – Municipal Enforcement; and Title 10, Chapter 1103]; approved 4-0, Daley absent.

10.0 MISCELLANEOUS BUSINESS – ORAL & WRITTEN COMMUNICATION FOLLOW-UP

10.1 Public

Bob Glidden

- Comment on the Police coverage for the town, they do a very good job with what they have; they do not have enough Police presence in this town for the amount of people that are here. The coverage is totally inadequate.
- The fire coverage is also not “up to snuff”. Staffing is not adequate for a large incident. Need to readdress the staffing of the safety personnel in this town.
- What does fiscal restraint do to our insurance rates.

10.2 Select Board

Selectman Winn

- Comments regarding the police coverage, beach incidences.
- Comments regarding what he has seen in town this summer, things that no one wants to speak about. Seems that the town is getting “out of control”.

Selectman Jarochym

- Agreed with statements made by Selectman Winn.
- Comments on the fire on Shore Road and mutual aid.
- Hopefully stay on top of the issues in town.

Selectman Barton

- Spoke about opportunities for the placement of cameras in the square.
- Fire and Code have pushed for sprinklers in town buildings, which will aid in fire incidences.
- Commented on the make-up of crowds in town at night and impact fees that would maintain needed policing levels.

Chairwoman Dailey

- Considering the influx of people, commented on the excellent job that the town's personnel do managing the influx.
- Funds received earmarked for projects that need the most attention.

11.0 ADJOURNMENT

Motion made by Robert Winn and second by David Barton to adjourn the meeting at 7:52pm; approved 4-0, Daley absent.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager