



**SELECT BOARD  
MEETING MINUTES  
OCTOBER 7, 2014**

**1.0 COMMITTEE INTERVIEW - 5:45PM**

**1.1 Historic Preservation Commission**

Sumner Nystedt met with the Select Board regarding his interest in becoming a member of the Historic Preservation Commission.

**2.0 CALL TO ORDER - 6:00PM**

The meeting was called to order at 6:05pm.

Members present:     Barbara Dailey, Chair  
                              John Daley, Vice Chair  
                              David Barton  
                              Gary Latulippe

Members absent:     Robert Winn, Jr.

Motion made by John Daley and second by Gary Latulippe to excuse the absence of Robert Winn from the Select Board meeting; approved 4-0.

Others present:       Thomas A. Fortier, Town Manager

**3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Selectman Barton.

**4.0 REQUEST TO APPROVE SELECT BOARD MINUTES**

**4.1 September 16, 2014** - the minutes of the September 16, 2014 Select Board meeting were approved as amended.

**5.0 TOWN MANAGER'S REPORT**

The Route 1 Project is scheduled to go to bid December 24, 2014 with bids due back and awarded by March 2015; and start this spring beginning at the Wells town line. This project is now an \$18M project.

Veteran's Park site walk on was held on October 2, 2014 with bids due back on October 15<sup>th</sup>. Mr. Fortier stated that he has been working with Ron Cruzan from the Ogunquit Museum of American Art regarding the Von Schlegell sculpture in the park. Gorrill-Palmer, Traffic Engineers, met with staff at the Main Beach lot to review traffic circle at the beach and how it functions. The goal is to look at ingress and egress to see if there could be a better flow of traffic.

Staff will be working in the Main Beach bathroom this winter, painting, ceilings, locks, and general maintenance.

Perkins Cove bathroom is scheduled within the next 30 days for demolition of the old and new one built. Staff has been working closely with a couple owners of the fuel tanks that have been there for many years. These tanks will have to be moved. A future policy decision will need to be made by the Select Board for future tanks.

Shore Road and Route 1 Improvements – Mr. Fortier stated that he had found plans and engineering analysis from 2004 that addressed this issue.

All the permits have been obtained from DEP for the Devil's Kitchen project. Bid packages went out and have been received back; Shaw Bros Construction is the low bid. The proposed timeline is November –December.

Thank you to Kennebunk Savings Bank for the \$600 donation to Ogunquit Performing Arts. Thank you to all the members of Kennebunk Savings Bank who voted to give the contribution to OPA.

At an event in August sponsored by the Marginal Way Preservation Fund, \$30,000 was raised. Thanks to Paul Breen and Catherine Palmer.

Transfer Station will be closed on Columbus Day, Monday, October 13<sup>th</sup>.

The 2015 tax bills were mailed and according to the new Select Board policy, timeshare bills were mailed to condominium associations. This eliminated the mailing of 1000 tax bills. Town Treasurer John Quartararo purchased hand held scanners, this will streamline the process by scanning bar codes on the tax bill directly into the computer program.

January 2015 will see the Motor Vehicle Registration being done in house, residents will be able to get plates and complete the process without having to go to Kennebunk Motor Vehicle. This will also allow resident to go online and re-register through the "Rapid Renewal" program.

Resident Percy Stevens, Jr. would like to bring ice skating and sliding back into our community. He has offered to build the skate rink and sliding area in the Lower lot.

Bob Joyner and crew is working on a grant to rejuvenate the tennis courts at Agamenticus Park; town staff will be turning the basketball court into a “pickle ball court” at Agamenticus Park.

The town is always looking for more efficiency (i.e. dispatch with town of Wells, which is going really well); another thought that town staff is looking into outsourcing plowing and winter maintenance (sanding), bid out for fuel with other towns...this increases efficiencies.

Chair Dailey recognized Rick Dolliver’s Fundraiser for the \$50,000 + that was raised for the Barbara Bush Children’s Cancer Program. Congratulations to Rick for this great achievement.

**6.0 PUBLIC INPUT**

Chair Dailey asked that the Select Board, if in agreement would like to move the presentation by Paul Breen to the beginning of the agenda (under Public Hearings); approved by consensus.

There were no comments or questions from the public at this time.

**7.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS**

**7.1 Comprehensive Plan Committee Appointments – *Thomas A. Fortier, Town Manager***

Town Manager Fortier stated that he hasn’t had much response or interest in the Comprehensive Plan Committee. He named three-four that have showed interest and would charge them with the job of getting additional members to the committee.

Town Manager Fortier recommended:

- Paul Breen
- Chris Jarochym
- Tony Maurno
- Ken Walsh
- Gary Latulippe, Select Board Liaison

**100714-01** Motion made by David Barton and second by John Daley to populate the Comprehensive Plan Committee with the appointments of Paul Breen, Chris Jarochym, Tony Maurno, Ken Walsh and Gary Latulippe as Select Board Liaison with the early mission to recruit members; approved 4-0, Winn absent.

7.2 Historic Preservation Commission

**100714-02** Motion made by David Barton and second by John Daley to appoint Sumner Nystedt to the Historic Preservation Commission as a Full Member, term to expire June 30, 2017; approved 4-0, Winn absent.

8.0 **PUBLIC HEARINGS, PRESENTATION**

Motion made by John Daley and second by David Barton to open the public hearing at 6:24pm; approved 4-0, Winn absent.

8.1 Angelina's Ristorante - 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.

David Giarusso was in attendance to represent Angelina's Ristorante.

**100714-03** Motion made by David Barton and second by John Daley to approve the Malt, Spirituous & Vinous License Renewal for Angelina's Ristorante; approved 4-0, Winn absent.

8.1a Beach Erosion Committee Informational Campaign - Paul Breen, Chair, Beach Erosion Committee

Paul Breen was in attendance to give a presentation from the Beach Erosion Committee for educational signage for the warrant article to be posted on A-frames prior to the Special Town Meeting on November 4, 2014. He stated that the committee feels that it would be appropriate to add an additional sign (4<sup>th</sup>) at the beach because this article is about the beach. Current ordinance allows for three signs.

The Beach Erosion Committee is in the process of putting together a mail-able flyer to send out to the voters in town and is soliciting private funds for this purpose. They will use the voter list to address the flyers.

8.2 ARTS Ogunquit - Thomas A. Fortier, Town Manager

Town Manager Fortier explained ARTS Ogunquit initiative and the use of the old Land Use Building as headquarters for this purpose. Mr. Fortier presented a draft of a lease agreement for the Select Board to review and approve.

Chair Dailey indicated that one of the questions raised was about insurance levels, this question was raised by Selectman Barton. Selectman Barton indicated that he was satisfied with the insurance coverage in the lease.

Peter Lewis, Ogunquit Playhouse, stated that is very excited about this, have been working very diligently with the Town Manager and members of the committee. At this point the lease is favorable to both sides; the lease renews annually. Mr. Lewis is very

excited about having a presence on Route One and having the non-profit art organizations represented.

Diana Joyner, Riverbank Road, spoke and indicated that she is very excited about this partnership and having a presence on Main Street. The committee would like to thank Peter Lewis and the Playhouse for taking the leadership role. This would not have happened without the leadership from the Playhouse.

8.3 Veteran’s Park Revitalization – *Thomas A. Fortier, Town Manager*

John Mixon, Vinton Road – Mr. Mixon stated that the American Legion Post voted unanimously in favor of this revitalization project that Mr. Fortier has put forth.

8.4 Fire Department Request for Fire Training Controlled Burn – *Mark O’Brien, Fire Chief*

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

8.5 Shellfish Conservation Commission – *Arthur Damren, Shellfish Conservation Commission*

Everett Leach, Shellfish Conservation Commission member, was in attendance to answer questions.

Town Manager Fortier expressed his concern about the number of resident senior licenses, advocated that he would like to see the number of licenses increased.

8.6 Conservation Land Presentation – *Doug Mayer, Conservation Commission Member*

Doug Mayer gave a power point presentation on the land that the voters are being asked to vote on at the November 4, 2014 Special Town Meeting.

Chair Dailey stated that it is stipulated that this will be conservation land in perpetuity and that it will not be clear cut. It is a wish of the seller that at some point there would be a bike/walking path through the property.

Comments by:

- John Mixon
- Doug Mayer
- David Barton
- John Daley
- Stillman Bradish

8.7 November 4, 2014 Special Town Meeting Public Hearing

To receive public comments and questions regarding Warrant Articles for the Special Town Meeting on November 4, 2014

- *Article 2: Proposed Ordinance Amendments to Title II, Health, Safety & Welfare, Chapter 11, Pesticide/Herbicide Usage – no comments*
- *Article 3: Proposed Ordinance Amendment to Title III, Public Service, Chapter 3, Sewer, Section 304, Restoration to Excavated Areas – no comments*
- *Article 4: Proposed Ordinance Amendment to Title IX, Business Ordinance, Chapter 3, Section 302.1.1, Amusement Ordinance, to Extend the Filing Requirements from one (1) to fifteen (15) days – no comments*
- *Article 5: Proposed Ordinance Amendments to Title IX, Business Ordinance, Chapter 9, Business Registration, Business Registration Requirements & Inspections – no comments*
- *Article 6: Proposed Ordinance Adoption, Title XVI, Streets, Sidewalks and Other Public Places, Road Opening Requirements - no comments*
- *Article 7: Request to Appropriate \$50,000 from Undesignated Fund Balance for Engineering Study to Define Degree of Erosion at Main Beach*

Comments by:

- Margie Katz
- *Article 8: Request to Appropriate \$300,000 from the Land Conservation Fund (\$200,000) and Undesignated Fund Balance (\$100,000) to purchase 39.7 Acres of conservation land – no comments*

The public hearing was closed at 7:30pm.

**9.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS**

**9.1 Fire Department Request for Fire Training Controlled Burn – *Mark O’Brien, Fire Chief*  
Select Board Action on a Request to Conduct a Practice Burn at 15 Atlantic Lane**

Chief O’Brien was present to follow-up with the request. All paperwork is in order, stated that he had received responses from the public for/against. There was one abutter with major concerns (Rockmere Lodge). The building has been certified by firm that there is no asbestos. This is an older building, 1920’s era, and is safe to burn since it is an older building (old wood and plaster); vinyl siding will be removed prior to the burn. The training will be with Mutual Aid from neighboring towns.

**100714-04** Motion made by Gary Latulippe and second by Barbara Dailey to accept the Fire Department request for a fire training controlled burn at 15 Atlantic Lane; 2 in favor (Dailey and Latulippe, 2 in opposition (Daley and Barton); tie vote, motion fails.

**9.2 ARTS Ogunquit – *Thomas A. Fortier, Town Manager*  
Select Board Review and Action on a Proposed Lease Agreement with the Ogunquit Playhouse for the old “Land Use Building” on Route One in Ogunquit**

**100714-05** Motion made by John Daley and second by Gary Latulippe to accept the lease with the Ogunquit Playhouse for the old land use building as presented; approved 4-0, Winn absent.

9.3 Veteran’s Park Revitalization – *Thomas A. Fortier, Town Manager*  
Select Board Review of Finalized Plans for Veteran’s Park Revitalization

Town Manager Fortier reviewed the changes to the plan, the town will be moving the Von Schlegell sculpture and keeping and utilizing the existing benches and monuments that are currently in the park.

**100714-06** Motion made by John Daley and second Gary Latulippe by to accept the Veteran’s Park Revitalization as presented; approved 4-0, Winn absent.

Ron Cruzan, Director and Curator of the Ogunquit Museum of American Art – commented on the Von Schlegell, stated that the park is the appropriate place for the sculpture (with the proper signage).

**10.0 ADMINISTRATIVE ITEMS - NEW BUSINESS**

10.1 Shellfish Conservation Commission – *Thomas A. Fortier, Town Manager*  
Select Board Action to Set the Opening of the Ogunquit Clam Flats; and to Set Fees for the Sale of Clam Licenses

It was the recommendation to change the number of Resident/Seniors Comp licenses from 10 to 15, which in turn would increase the Non-Resident/Senior Comp licenses to 2.

**100714-07** Motion made by David Barton and second Gary Latulippe that the Select Board action to set the opening of the Clam Flats to November 1, 2014 and the fees for licenses as follows:

70	Resident/Property Tax Payer/Town Employees	\$35.00
15	Resident/Seniors	\$COMP
7	Non-Resident	\$70.00
2	Non-Resident/Seniors	\$COMP
5	One-day Dig Permits (per day)	\$20.00

Approved 4-0; Winn absent

10.2 Pesticide/Herbicide Warrant Article Informational Campaign – *Thomas A. Fortier, Town Manager*

Select Board Review and Action on a Request from the Conservation Commission for Support of an Informational Mailing on the Pesticide/Herbicide Warrant Article

Town Manager Fortier stated that this informational mailing would be using non-town money.

No vote required on this agenda item.

10.3 Beach Erosion Committee Informational Campaign – *Paul Breen, Chair, Beach Erosion Committee*

Select Board Review and Action on a Request from the Beach Erosion Committee to Place Signage in Town regarding the Warrant Article on the November 4, 2014 Special Town Meeting Ballot

Town Manager Fortier reviewed the request for signage, he indicated that the committee could use money from the \$11,000 that the Board voted for use by the committee to support this informational signage.

Chairman Paul Breen, Beach Erosion Committee, withdrew the request that the Town pay for the signage.

It was the consensus that no town money is spent and the 4th sign be allowed; the Town Manager will work on the issue of the 4<sup>th</sup> sign and whether it can be allowed.

10.4 Bid Award – Ogunquit Beach Lot & Roadway RFP – *Thomas A. Fortier, Town Manager*  
Select Board Review and Action on the Bid Award for the Ogunquit Beach Lot & Roadway Paving Project

Town Manager – traffic engineering,

The bid for the Beach Lot & Roadway came in high (\$62,513-63,590); the town funded \$45,000 for the project. It is the recommendation of the Town Manager to table this agenda item.

10.5 Bid Award – Woodbury Lane RFP – *Thomas A. Fortier, Town Manager*  
Select Board Review and Action on the Bid Award for the Woodbury Lane Paving Project

The bid for this project came in at \$31,494; the town funded \$16,000 for the project. It is the recommendation of the Town Manager to table this agenda item.

10.6 Post Issuance Compliance Policy – *Thomas A. Fortier, Town Manager*  
Select Board Review and Action on a Policy to Approve the Terms and Structures of Bonds Issued by the Town and to Name the Treasurer as the Compliance Officer.

**100714-08** Motion made by David Barton and second John Daley to approve the terms and structures of the bonds issued by the Town and to appoint John Quartararo as the Compliance Officer; approved 4-0, Winn absent.

10.7 Shore Road Sidewalk Project – *Thomas A. Fortier, Town Manager*  
Select Board Review of the Route One and Shore Road Connector Rehabilitation

Town Manager Fortier reviewed the proposed project, stated that he would like to get the pulse of the Select Board and would like to encumber funds to proceed if possible.

The consensus of the Select Board is that they would like to see the project done, but suggested confirmation with the Kennebunk, Kennebunkport and Wells Water District and the Ogunquit Sewer District regarding location of the pipes. This would prevent the project being done then having the road torn up with upgrades to the water and sewer infrastructure.

- 10.8 Issuance of Municipal Quit Claim Deeds for Foreclosed Tax Lien – *Thomas A. Fortier, Town Manager*  
Select Board Action to Authorize the Town Manager to Issue a Municipal Quit Claim Deed to Cecilia Medieros, Map 24, Block 015-001

**100714-08** Motion made by Gary Latulippe and second by John Daley to authorize the Town Manager to issue a Municipal Quit Claim Deed to Cecilia Medieros, Map 24, Block 015-001; approved 4-0, Winn absent.

**11.0 MISCELLANEOUS BUSINESS – ORAL & WRITTEN COMMUNICATIONS – FOLLOW-UP**

11.1 Public

**Ben Hershenson** – comments regarding the Devil’s Kitchen repair work.

11.2 Select Board

**Selectman Latulippe** – thanked Ogunquit Museum of American Art for the Family Fun Day this past weekend.

**Selectman Barton** – stated that he was happy to see the Land Use Office have a productive use.

**Chairwoman Dailey** – commented on the first time effort to have a concert with Ogunquit Performing Arts located at the Ogunquit Museum of American Art with Jason Anick, Jazz Violinist performing.

**12.0 EXECUTIVE SESSION**

12.1 Personnel [Pursuant to Title 1, Chapter 13, Subchapter 1§405.6.A]

Motion made by John Daley and second by Gary Latulippe to go into Executive Session at 8:46pm to discuss Personnel, pursuant to Title 1, Chapter 13, Subchapter 1§405.6.A; approved 4-0, Winn absent.

**13.0 ADJOURNMENT**

Motion made and seconded to adjourn the meeting at 9:30pm; unanimous vote to adjourn.

Respectfully submitted,

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Cheryl L. Emery, Administrative Assistant to the Town Manager