



**SELECT BOARD  
MEETING MINUTES  
APRIL 12, 2011**

**COMMITTEE INTERVIEW – 5:45PM**

The Select Board met to interview a potential candidate for the Conservation Commission.

**BUDGET WORKSHOP – 6:00PM**

All members of the Select Board were present for the Budget Workshop. The Select Board and Budget Committee met to review the Fiscal Year 2011-2012 Budget. The budget was reviewed line by line to allow comment, question or revision. Chairman Tramuto allowed public input during the workshop session.

**1.0 CALL TO ORDER**

Meeting was called to order at 7:06pm.

Members present:        Donato Tramuto, Chairman  
                                 Phil Cavaretta, Vice Chairman  
                                 Jacqueline Bevins  
                                 Robert Winn

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**

- 3.1 **December 3, 2010** - Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Select Board meeting minutes as written; approved 3-0.
- 3.2 **January 4, 2011** - Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Select Board meeting minutes as written; approved 3-0.
- 3.3 **February 1, 2011** - Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Select Board meeting minutes as written; approved 3-0.
- 3.4 **February 22, 2011** - Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Select Board meeting minutes as amended; approved 3-0.
- 3.5 **March 1, 2011** - Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Select Board meeting minutes as written; approved 3-0.

**4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS**

4.1 Swearing in of New Select Board Member - Judy Shaw-Kagiliery, Town Clerk

Judy Shaw-Kagiliery, Town Clerk, performed the swearing-in of the newly elected Select Board Member, Robert Winn.

4.2 Application for Conservation Commission

To review application presented for membership on the Conservation Commission

**041211-01** Motion made by Phil Cavaretta and second Jacqueline Bevins to accept the application from Milt Vargelis for the unexpired term on the Conservation Commission through June 30, 2013; approved 4-0.

**5.0 PUBLIC HEARINGS, PRESENTATION**

Motion made by Phil Cavaretta and second by Jacqueline Bevins to open the public hearing at 7:16pm; approved 4-0.

5.1 Caffe' Prego - Malt, Spirituous and Vinous License Renewal

Donato Tramuto recused himself from action on the Liquor and Amusement License applications for Caffe' Prego.

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**041211-02** Motion made by Jacqueline Bevins and second by Robert Winn to approve the Malt, Spirituous and Vinous License renewal for Caffe' Prego; approved 3-0, Tramuto abstained.

5.2 O<sup>2</sup> Café & Lounge - Malt, Spirituous and Vinous License Renewal

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**041211-03** Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Malt, Spirituous and Vinous License renewal for O<sup>2</sup> Café & Lounge; approved 4-0.

5.3 Prime - Malt, Spirituous and Vinous License Renewal

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**041211-04** Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Malt, Spirituous and Vinous License renewal for Prime; approved 4-0.

5.4 The Blue Elephant - Malt, Spirituous and Vinous License Renewal

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**041211-05** Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the Malt, Spirituous and Vinous License renewal for The Blue Elephant; approved 4-0.

5.5 The Front Porch - *Malt, Spirituous and Vinous License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**041211-06** Motion made by Jacqueline Bevins and second by Phil Cavaretta to approve the Malt, Spirituous and Vinous License renewal for The Front Porch; approved 4-0.

5.6 Vinny's Family Restaurant - *Malt, Spirituous and Vinous License Renewal*

Due to the absence of the owner/representative, this Malt, Spirituous and Vinous License Application was tabled until the next meeting of the Board.

5.7 Caffe' Prego - *Amusement License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**041211-07** Motion made by Jacqueline Bevins and second by Robert Winn to approve the Amusement License renewal for Caffe' Prego; approved 3-0, Tramuto abstained.

5.8 O<sup>2</sup> Café & Lounge - *Amusement License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**041211-08** Motion made by Jacqueline Bevins and second by Robert Winn to approve the Amusement License renewal for O<sup>2</sup> Café & Lounge; approved 4-0.

5.9 Prime - *Amusement License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**041211-09** Motion made by Jacqueline Bevins and second by Robert Winn to approve the Amusement License renewal for Prime; approved 4-0.

5.10 Roberto's - *Amusement License Renewal*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**041211-10** Motion made by Jacqueline Bevins and second by Robert Winn to approve the Amusement License renewal for Roberto's; approved 4-0.

5.11 The Front Porch - Amusement License Renewal

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

**041211-11** Motion made by Jacqueline Bevins and second by Phil Cavaretta to approve the Amusement License renewal for The Front Porch; approved 4-0.

5.12 Public Forum - Informational Meeting on Proposed FY 2011-2012 Budget

**Milt Vargelis** – re: need for a Police Officer on the beach.

5.13 Title V, Chapter 12, Municipal Parking Lot Regulations, Appendix A – Fee Schedule - Thomas A. Fortier, Town Manager

To review proposed Parking Fees for the 2011 Summer Season

Town Manager Fortier explained the changes that were being presented.

Comments and questions were presented to the Select Board by:

- Muriel Freedman
- Jacqueline Bevins
- Phil Cavaretta
- Karen Arel
- John Mixon
- David Barton
- Amy Forbes
- Milt Vargelis

Motion made and seconded to close the public hearing at 7:52pm; approved 3-0.

**6.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS**

6.1 Revised Charter Language - Thomas A. Fortier, Town Manager

To review proposed Charter Revision Language from Attorney Glenn Israel for Sections 309, 311 and 804 of the Ogunquit Town Charter

Chairman Tramuto reviewed the issues of the past few months and how the charter played a role and the issues with some of the language in the charter during the period. Chairman Tramuto stated that there was ambiguity of words in the charter, the attorney provided clarity but there is still some ambiguity. The board needs to gather public input before it is presented to the voters. Chairman Tramuto stated that the board needs to have a public session and to have the attorney present at that session.

6.2 Building Needs Committee - Thomas A. Fortier, Town Manager

To review the Municipal Campus Master Plan and Public Works Facility Condition

David Barton, Building Needs Committee Member, was in attendance to present an overview of the infrastructure needs of the town as developed by the committee. Their list of priorities includes; 1) to stabilize the Ogunquit Village School, 2) develop Municipal Campus/Police Department and 3) Public Works Facility.

After discussion, it was the consensus of the Select Board to hold a public hearing at the next meeting of the Select Board to allow the public to weigh in on the infrastructure needs of the town.

**Motion made by Phil Cavaretta and second by Robert Winn to excuse Jacqueline Bevins from the meeting at 8:03pm; approved 3-0.**

- 6.3 “Christian’s Lifeguard Dash”- Thomas A. Fortier, Town Manager  
To revisit the request for permission to hold 5K Memorial Running Race on Ogunquit Beach on June 18<sup>th</sup>, 2011.

**041211-12** Motion made by Phil Cavaretta and second by Robert Winn to approve the 5K Memorial Race for Christian Lumenello, that the board approve the parking and signage for June 18<sup>th</sup>, 2011 at 9:00am; with parking until 11:00am or so, additional signage no more than 30 days in advance of the event [May 18-June 18]; approved 3-0, Bevins absent.

- 6.4 Charitable Events – Chairman Donato Tramuto  
Select Board discussion on the use of Public Property for Charitable Events

The issue of event accountability was discussed at a prior Select Board meeting. Due to the lack of protocol, there were some issues brought to light during the discussion. It was determined that the Select Board should have a form for event requests.

Selectman Cavaretta presented a simple event application to the board for review.

- 041211-13** Motion made by Phil Cavaretta and second by Robert Winn to adopt the application that Kennebunk is using for their parks and open spaces; and to ask for charity [accountability] but not the amount; approved 3-0, Bevins absent.
- 6.5 Title V, Chapter 12, Municipal Parking Lot Regulations, Appendix A – Fee Schedule - Thomas A. Fortier, Town Manager

**041211-14** Motion made by Phil Cavaretta and second by Robert Winn to adopt the Visitor Services Parking Fees for 2010 for the 2011 season; approved 3-0, Bevins absent.

**7.0 ADMINISTRATIVE ITEMS – NEW BUSINESS**

- 7.1 Berwick Road Surveying RFP - Thomas A. Fortier, Town Manager  
To review and award the bid for the Surveying of Berwick Road

Four bid packets were sent out; two bids were received:

Easterly Surveying	\$9,700.00
Corner Post Land Surveying	\$12,000.00

**041211-15** Motion made by Phil Cavaretta and second by Robert Winn to accept the bid from Easterly Surveying for the cost of \$9,700; approved 3-0, Bevins absent.

- 7.2 Proposed Ordinances and Charter Amendments - Judy Shaw-Kagiliery, Town Clerk  
Select Board review of Proposed Title II – Pesticide/Herbicide Usage on Town-owned Lands Ordinance; Title VIII Harbor and Watercraft Ordinance; Title X – Zoning Ordinance [Article 7, Table 702.1]; Title XIII – Conservation Commission Ordinance; Title IV – Property Assessed

Clean Energy (PACE) Ordinance; Proposed Charter Amendments: Article III – Select Board; Article VI – School Committee; Article VIII – Boards, Committees and Commissions.

**041211-16** Motion made by Phil Cavaretta and second by Robert Winn to include the Proposed Title II Amendment [Pesticide/Herbicide Usage on Town-owned Lands] on the ballot for June 14<sup>th</sup> Annual Town Meeting; approved 3-0, Bevins absent.

The remaining proposed ordinances and charter amendments will be reviewed at the next meeting of the Select Board.

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

**8.1 Public**

- **Milt Vargelis** – question about Main Beach restrooms being closed on Patriot’s Day Weekend.
- **Milt Vargelis** – comments about parking fees being charged during shoulder season.

**8.2 Select Board**

- **Selectman Winn** – comments on parking
- **Selectman Tramuto** – comments regarding last weeks issue of the newspaper, re: Executive Sessions.

**8.3 Town Manager**

- Will save for next Tuesday...

**9.0 ADJOURNMENT**

Motion made by Phil Cavaretta and second by Robert Winn to adjourn the meeting at 10:02pm, unanimous vote to adjourn.

Respectfully submitted,

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Cheryl L. Emery, Administrative Assistant to the Town Manager