



**SELECT BOARD
MEETING MINUTES
SEPTEMBER 2, 2014**

1.0 COMMITTEE INTERVIEW – 5:45PM

1.1 Beach Erosion Committee

2.0 CALL TO ORDER – 6:00PM

The meeting was called to order at 6:00PM.

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

Others present: Thomas A. Fortier, Town Manager

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Selectman Winn.

4.0 REQUEST TO APPROVE SELECT BOARD MINUTES

4.1 August 19, 2014 – the minutes of the August 19, 2014 Select Board meeting were accepted as presented.

5.0 TOWN MANAGER’S REPORT

- Very significant weekend during this past Labor Day weekend.
- A missing child was reported on Friday, August 29th, he was eventually found. This was a wonderful effort by the Police, Fire, Lifeguard and Visitor Services to find the child.
- A pedestrian was hit by a vehicle in Jacobs Lot.
- An inebriated pedestrian was hit by vehicle driven by an inebriated driver near the Ogunquit Playhouse.
- There was a significant accident on Route 1; the “jaws of life” was used to extricate the person, which took 1.5 hours; Lifeflight landed at Ogunquit Playhouse.
- There were 37 citations issued for drinking in public this past weekend.

- There are significant issues at North Beach just after closing at 4:00pm, people come to the beach and leave trash and bottles.
- Visitor Services staff reports this has been the summer of the most rude visitors and residents that have ever seen.
- Lifeguards are on a skeleton crew, most of the staff as gone back to school. Received a complaint about lack of lifeguards on duty and the cost of parking.
- A toilet bowl was broken in half at the Jacobs Lot restroom.
- Broken locks on stall doors at Main Beach restrooms.
- Visited new Short Sands Beach restroom in York, cost of \$750,000 to build.
- Plans to move the footbath at Main Beach are underway, should reduce the amount of sand that is tracked into the restrooms.
- Plans are to redesign the circle/trolley stop at Main Beach.
- The Labor Day Sidewalk Sale was very successful.
- Sidewalk Art sale was held in August, plan to review the event before next year.
- Black Swallow-wort Pod picking day was held on August 23rd; collected 1,000 pounds of pods with the assistance of 48 volunteers. Thank you to Joan Griswold, Peter Griswold and Helen Horn.
- Capriccio (September 1 – September 14):
Occidental Gypsies, Kite Festival, Antiques Show and other events.
- Rumor Mill:
Rumors have been circulating regarding the Lights Grant basically stating poor management of the project. Also rumors out there regarding mismanagement of new Public Works building (i.e. floor drains, wired wrong for phone system, exhaust system, etc.)
- Thank you to the Police Department over this past summer. There were three (3) arrests just this past weekend, during the time of the Route One accident. Numerous lives saved this past summer, suicides to deal with, gas explosion and a myriad of other responses.
- Thank you also to our Fire Department, Public Works Department and Maintenance crews. Thank you to the Dunaway Office Staff and the Harbormaster. The Harbormaster had a huge success story this summer with the hiring of a summer intern, Ryan Shackford.
- The Harbormaster received a \$100,000 grant for docks and floats in Perkins Cove (50-50 match).
- Thank you to the Transfer Station, they do a great job.
- Thank you to Visitor Services for the revenues that they bring in
- Thank you to the Land Use Office for the changes over the past year.
- Stated that he would like to keep moving on Veteran's Park project, though it is not on the agenda for this meeting, will be on the September 16th agenda.
- Stated that he would like to keep moving forward on the ARTS Ogunquit project, though it is not on the agenda for this meeting, will be on the September 16th agenda.

6.0 PUBLIC INPUT (AGENDA ITEMS)

John Mixon – Vinton Road, Ogunquit

- Comments, as the American Legion Post Commander, regarding Veteran's Park and the existing art that is in the park.
- Mr. Mixon stated that their American Legion Post took a vote and approved, unanimously, the design of the park and monument.
- Ray McFarland, Vice Commander, commented on flag design on the monument. He stated that this is a very common design that represents the spirit of fallen veterans, those who have served and those currently serving.
- Mr. Mixon commented on proposed purchase of conservation land.

Steve Einstein – South Berwick

- Commented on the original design of the park, he was involved in the project in the 1980's.
- Comments on the Von Schlegell art that is in the park.

Martin Crosby – Ogunquit Resident

- Comments regarding the use of the Ogunquit Village School as an Arts Facility.

Mike Horn, Conservation Commission Chair

- Rebutted comments made by John Mixon regarding the proposed purchase of conservation land.

7.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

7.1 Beach Erosion Committee

090214-01 Motion David Barton and second by Robert Winn to appoint Darrel Griffin as a Member of the Beach Erosion Committee, term to expire July 31, 2015; approved 5-0.

The original motion was amended to appoint Darrel Griffin as an ADHOC Member of the Beach Erosion Committee as an Alternate; approved 5-0.

8.0 PUBLIC HEARINGS, PRESENTATION

Motion made by Robert Winn and second by David Barton to open the public hearing at 6:48pm; approved 5-0.

8.1 Maxwell's Pub – Malt, Spirituous & Vinous License Application 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 in attendance to represent Maxwell's Pub.

090214-02 Motion made by Robert Winn and second by David Barton to approve the Malt, Spirituous & Vinous License Renewal application for Maxwell's Pub, approved 5-0.

8.2 Maxwell's Pub – Amusement License Application Renewal

090214-02 Motion made by Robert Winn and second by David Barton to approve the Amusement License Renewal application for Maxwell's Pub, approved 5-0.

8.3 General Assistance Ordinance - Adoption of Appendices A, 2014-2015 Maximums
Public Comments and Questions regarding the Proposed Amendment to Title II of the Ogunquit Municipal Code, General Assistance Ordinance [pursuant to Title 22 MRSA§4305(3-B)]

No comments from the public in attendance.

8.4 Special Town Meeting Informational Public Hearing:

- Proposed Amendments to the Ogunquit Municipal Code, Title II, Health, Safety & Welfare; Chapter 11 – Pesticide/Herbicide Usages.
- Proposed Amendments to Title III of the Ogunquit Municipal Code, Public Service, Chapter 3 – Sewer, Section 304 – Restoration of Excavated Areas.
- Proposed Amendments to Title IX of the Ogunquit Municipal Code, Business Ordinance, Chapter 3, Section 302.1.1 – Amusement Ordinance – To Extend the Filing Requirements from One (1) day to Fifteen (15) days.
- Proposed Amendments to Title IX of the Ogunquit Municipal Code, Business Ordinance, Chapter 9 – Business Registration – Business Registration Requirements & Inspections.
- Proposed New Title XVI of the Ogunquit Municipal Code; Streets, Sidewalks and Other Public Places – Road Opening Requirements.
- The appropriation of Fifty-Thousand Dollars **(\$50,000)** from Undesignated Fund Balance to fund an engineering study to define the degree of erosion at the Main Beach and the alternative solutions and related cost for corrective action.
- Amendment to the Building Maintenance Reserve Account, Article 48, which was approved by the voters at the June 10, 2014 Annual Town Meeting, to remove the word “Reserve”.

Selectman Latulippe

- Question about the Building Maintenance Account and its use.

Motion made by Robert Winn and second by David Barton to close the public hearing at 7:00pm, approved 5-0.

9.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

There was no Unfinished Business before the Select Board.

10.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

10.1 Request for an Emergency Waiver from the Marginal Way Committee – Joan D. Griswold, Member, Marginal Way Committee

Select Board Review and Action on the request for an Emergency Waiver pertaining to Chapter 11, Section 1105 of the Ogunquit Pesticide/Herbicide Ordinance

Joan Griswold, Marginal Way Committee member, was in attendance to explain the need for the waiver request.

090214-03 Motion made by David Barton and second by John Daley to affirmatively agree to the request from the Marginal Way Committee for an Emergency Waiver pertaining to Chapter 11, Section 1105 of the Ogunquit Pesticide/Herbicide Ordinance of 2009; approved 5-0.

10.2 2014-2015 Tax Commitment – Thomas A. Fortier, Town Manager

Select Board Action to set the Property Tax Rate for FY 2014-2015.

090214-04 Motion made by Robert Winn and second by David Barton to set the Property Tax Rate at \$7.76 per thousand with an overlay of \$15,081.21; approved 5-0.

10.3 Citizen’s Petition - Lesley Mathews, Petitioner

A Citizen’s Petition submitted to the Select Board for Review and Consideration regarding a “Proposed Addition to Ogunquit Municipal Code, Title VII, Dogs in Outdoor Restaurants”

Lesley Mathews was in attendance as the petitioner.

Town Manager Fortier stated that the town had gotten a legal opinion from Maine Municipal Association’s Legal Department that stated:

“...checked the records available to us and with our State and Federal Relations Department, and it appears that L.D. 1398 of the 123rd Maine State Legislature, “An Act to Enable Restaurants to Allow Dogs in Outdoor Portions of Those Establishments” did not pass. (The changes that were proposed in that bill would have allowed a municipality to enact an ordinance to permit an eating establishment to allow a patron to bring a dog into a designated outdoor area of the establishment.) Since the bill did not pass, 22 MRSA Section 2502 was not amended, and the criminal prohibitions of 17 Section 3966 remain in place, as follows:

§3966. Animals in food stores

It is unlawful for any person to bring an animal into a store where food is sold for human consumption or into a restaurant where food is prepared and served on the premises. This section does not apply to a person requiring the services of a service animal. [2013, c. 264, §1 (AMD).

For the purposes of this section, "service animal" has the same meaning as set forth in Title 5, section 4553, subsection 9-E. [2013, c. 264, §1 (AMD).]"

Therefore, the petition has no legal standing and cannot be brought forth before the voters.

10.4 Conservation Land Purchase Article for the November 4, Special Town Meeting – Thomas A. Fortier, Town Manager

Select Board Action on the Proposed Article for the November 4, 2014 Special Town Meeting Regarding the Purchase of Conservation Land

Motion made by David Barton and second by Robert Winn to open the meeting to public session at 7:33pm; 4-1, Daley opposed.

Mike Horn, Conservation Commission Chair, commented on the value of the land and comments that were made earlier in the meeting.

Motion made by Robert Winn and second by David Barton to close the public session at 7:35pm; approved 5-0.

Town Manager Fortier reviewed the process that has been completed to get to the end product.

Selectman Latulippe – questioned why moving forward so quickly, why the rush, need look at comparable parcels. He stated that he has questions about locale to Interstate 95, feels it needs to be vetted, does not support for November.

Selectman Barton – asked if the Budget Committee has weighed in on the purchase.

Selectman Daley – stated that he was glad that the town did an independent appraisal.

Selectman Winn –stated that he is in favor of the purchase; look at the acreage...it is the back side of Ogunquit.

Chairwoman Dailey – stated that Selectman Latulippe’s points are well taken. The last discussion about the land purchase was in April. Doug Mayer has been working tirelessly this whole time (since April) on the land purchase.

090214-05 Motion made by John Daley and second by Robert Winn to put on the Special Town Meeting, November 4, 2104 a warrant article for the purchase of conservation land on Vinton Road funded by \$200,000 from the Land Conservation Fund and \$100,000 from Undesignated Fund Balance; approved 4-1, Latulippe opposed.

10.5 Municipal Officers’ Certification of Official Text of a Proposed Ordinance – Title II
Select Board Action to Certify Official Text of “Proposed Amendments to the Ogunquit Municipal Code, Title II, Health, Safety & Welfare; Chapter 11 – Pesticide/Herbicide Usages”

090214-06 Motion made by David Barton and second by Robert Winn to instruct the Town Clerk that the documents that the Select Board have affixed to the Certificate are a true copy of the official text of “Proposed Amendments to

the Ogunquit Municipal Code, Title II, Health, Safety & Welfare; Chapter 11 – Pesticide/Herbicide Usages”; approved 5-0.

- 10.6 Municipal Officers’ Certification of Official Text of a Proposed Ordinance – Title III
Select Board Action to Certify Official Text of “Proposed Amendments to Title III of the Ogunquit Municipal Code, Public Service, Chapter 3 – Sewer, Section 304 – Restoration of Excavated Areas”

090214-07 Motion made by David Barton and second by Robert Winn to instruct the Town Clerk that the documents that the Select Board have affixed to the Certificate are a true copy of the official text of “Proposed Amendments to Title III of the Ogunquit Municipal Code, Public Service, Chapter 3 – Sewer, Section 304 – Restoration of Excavated Areas”; approved 5-0.

- 10.7 Municipal Officers’ Certification of Official Text of a Proposed Ordinance – Title IX
Select Board Action to Certify Official Text of “Proposed Amendments to Title IX of the Ogunquit Municipal Code, Business Ordinance, Chapter 3, Section 302.1.1 – Amusement Ordinance – To Extend the Filing Requirements from One (1) day to Fifteen (15) days”

090214-08 Motion made by David Barton and second by Robert Winn to instruct the Town Clerk that the documents that the Select Board have affixed to the Certificate are a true copy of the official text of “Proposed Amendments to Title IX of the Ogunquit Municipal Code, Business Ordinance, Chapter 3, Section 302.1.1 – Amusement Ordinance – To Extend the Filing Requirements from One (1) day to Fifteen (15) days”; approved 5-0.

- 10.8 Municipal Officers’ Certification of Official Text of a Proposed Ordinance – Title IX
Select Board Action to Certify Official Text of “Proposed Amendments to Title IX of the Ogunquit Municipal Code, Business Ordinance, Chapter 9 – Business Registration – Business Registration Requirements & Inspections”

090214-09 Motion made by David Barton and second by Robert Winn to instruct the Town Clerk that the documents that the Select Board have affixed to the Certificate are a true copy of the official text of approved of “Proposed Amendments to Title IX of the Ogunquit Municipal Code, Business Ordinance, Chapter 9 – Business Registration – Business Registration Requirements & Inspections” 5-0.

- 10.9 Municipal Officers’ Certification of Official Text of a Proposed Ordinance – Title XVI
Select Board Action to Certify Official Text of “Proposed New Title XVI of the Ogunquit Municipal Code; Streets, Sidewalks and Other Public Places – Road Opening Requirements”

090214-10 Motion made by David Barton and second by Robert Winn to instruct the Town Clerk that the documents that the Select Board have affixed to the Certificate are a true copy of the official text of “Proposed New Title XVI of the Ogunquit Municipal Code; Streets, Sidewalks and Other Public Places – Road Opening Requirements”; approved 5-0.

10.10 **Draft Order for the November 4, 2014 Special Town Meeting** – *Thomas A. Fortier, Town Manager*

Select Board Review of the Preliminary Draft of the Order for the November 4, 2014 Special Town Meeting

No action needed on this agenda item, the finalized order will be presented to the Select Board at the next meeting on September 16, 2014.

10.11 **General Assistance Adoption of Appendices A** – *Thomas A. Fortier, Town Manager*

Select Board Action on the Adoption of Appendices A, Overall Levels of Assistance Maximums, as an Amendment to Title II of the Ogunquit Municipal Code

090214-11 Motion made by John Daley and second by Robert Winn to accept the State of Maine adoption of Appendices A, Overall Levels of Assistance Maximums, as an Amendment to Title II of the Ogunquit Municipal Code; approved 5-0

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

11.1 **Public**

Ben Hershenson, 3 Myrtle Circle

- Thank you to the town, tax rate is great
- Suggested that the Select Board have rules of engagement under Public Comment. Should establish who is allowed to speak at meetings, coordinate and organize public input.

Muriel Freedman

- Questioned if the Beach Erosion article had been voted on by the Select Board.

Steve Einstein

The Select Board agreed to let Mr. Einstein, who is not an Ogunquit resident, speak.

- Comments regarding the Beach Erosion issue, engineering study.

Paul Breen, 33 Young's Crossing

- Educational rebuttal to prior comments.

11.2 **Select Board**

Selectman Barton

- Comments regarding the Beach Erosion Committee.

Selectman Daley

- Commented on his recent travels to towns that are heavily visited.
- Suggested that the dog owners not get discouraged with the inability to put forth the petition.

Selectman Winn

- Stated that there were more uniformed Police Officers in the past.
- Commented on his recent visit to Camden, that town is experiencing the same issues as Ogunquit.

Selectman Latulippe

- Comments on the dog ordinance.

Chairwoman Dailey

- Comments regarding professional guidance during Select Board meetings.

12.0 ADJOURNMENT

Motion made by Robert Winn and second by David Barton to adjourn the meeting at 8:41pm; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager