



**SELECT BOARD
MEETING MINUTES
JUNE 16, 2015**

1.0 WORKSHOP: 5:00PM-6:00PM

1.1 Select Board Review of Ogunquit Representatives to the Wells-Ogunquit CSD

2.0 CALL TO ORDER: 6:00PM - 8:00PM

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

Others present: Thomas A. Fortier, Town Manager
 Christine L. Murphy, Town Clerk

2.1 Pledge of Allegiance

The Pledge of Allegiance was led by Selectman Daley.

Town Clerk Christine L. Murphy swore in newly elected Selectmen John Daley and Robert Winn, Jr.

The Town Clerk then opened the nominations for Select Board Chair and Vice Chair.

2.2 Election of Select Board Chair

Motion made by Robert Winn and second by David Barton to nominate David Barton as Select Board Chair.

Motion made by John Daley and second by Gary Latulippe to nominate Barbara Dailey as Select Board Chair.

Ballots were cast; Town Clerk Christine Murphy declared that Barbara Dailey was elected Select Board Chair.

2.3 Election of Select Board Vice-Chair

Motion made by Robert Winn and second by David Barton to nominate David Barton as Select Board Vice- Chair.

Motion made by Barbara Dailey and second by Gary Latulippe to nominate John Daley as Select Board Vice-Chair.

Ballots were cast; Town Clerk Christine Murphy declared that John Daley was elected Select Board Vice-Chair.

2.4 May 19, 2015 Select Board Meeting Minutes - The minutes of the May 19th Select Board meeting were accepted as presented.

2.5 June 2, 2015 Select Board Meeting Minutes - The minutes of the June 2nd Select Board meeting were accepted as corrected.

3.0 **TOWN MANAGER’S REPORT**

The following Town Manager’s Report is posted on the Town of Ogunquit web page, www.townofogunquit.org.

Route 1 MDOT

Construction will end on June 20th and Phase 1 will be in the books. Thank you for your patience and understanding and a beautiful Ogunquit is about to emerge. For more information visit www.mainedot.gov or www.townofogunquit.org.

Devils Kitchen Sea Wall and Landscape Project

The seawall project has been completed and upgrades such as new fencing and an improved walkway have been added. To complement this project, a landscaping project is underway. The landscaping plan places emphasis on the elimination of invasives and erosion control. The new landscape will feature native plants. The plan was approved by the Select Board and the Marginal Way Committee and can be seen at Town Hall.

The bench work and monument upgrade in the vicinity of Devil’s Kitchen is also underway. Four (4) new benches and stone native to Maine will replace the current stonework around the monument and benches.

Veterans Park

Veterans Park has been completed and was re-dedicated this past Memorial Day in front of approximately 200 who gathered to watch the ceremony. The Wells High School Band played the *National Anthem* during the town's Memorial Day ceremony, and 99 year-old Veteran Dr. Ruth Endicott rose from her wheelchair and stood tall with her fellow veterans. The refurbished Veterans Memorial Park is a tribute to the town of Ogunquit and all those who made it possible.

The Woods Hole Group out of Falmouth Mass. will be the engineering firm performing the beach erosion study. Paul Breen and I met with the firm recently and are looking forward to getting the study underway. The research and recommendations derived from this study will help Ogunquit understand the causes of erosion and develop a comprehensive plan to restore the Main Beach.

Visitor Services

The Heritage Museum held an open house on June 6th. Ogunquit's heritage is show cased at the Winn House, on Obeds Lane. Please consider stopping by for a visit soon.

Finance/Budget

We are at the 94% mark of the fiscal year and we are proud to announce that the departmental expenses in the municipal budget are in line and projected revenues are being met.

The 2015-2016 operating budget is projected to be an increase of 2.7%. Congratulations to the staff, the Budget Committee and the Select Board for a productive budget process.

Town Clerk

Thank you to all that have voted on June 9th. Thank you to Town Clerk Chris Murphy for all the time and effort leading up to the Election Day.

Remember, on-line vehicle registration is now available! Also, you can register your dog as well as make tax payments!

Land Use Office

Staff Barbara Kinsman attended the annual meeting of the Maine Assessors Association last week in Poland Springs.

It has been a busy election season as the Code Enforcement Officer has had to regulate many political signs that were placed in areas not deemed appropriate by Maine Election Laws.

Many Articles on the Town Warrant also reference current zoning ordinances and the Land Use staff has been busy crafting the new language as well as answering questions about shoreland zoning maps, driveway ordinances past and present etc., etc.

Police Department

Chief Arnaudin and staff had a very successful recruiting effort this past winter and have 8 new Reserve Officer's coming on-board this summer!

Ogunquit Police Officers participated in the Law Enforcement Torch Run to benefit Maine Special Olympics on June 3rd, 2015.

Each year nearly 700 members of Maine Law Enforcement run approximately 900 miles carrying the Flame of Hope. The state is divided into fifteen sections, or "legs". Each leg covers a portion of the state and the run concludes on Friday evening of the Special Olympics Summer State Games at Opening Ceremonies.

Bicycle Night Light Program - the Ogunquit Police continue to and have offered the "*Night Light Bike Program*" since the summer of 2009. This program is aimed at addressing the issue of bicycles traveling our roads at night without the required lighting. This is both a safety and a legal issue that the department is addressing through education, rather than with a traffic ticket.

Beach Manager - the Police Department is excited to announce the creation of a new initiative for the coming season, Community Service Officer (CSO). The purpose of the CSO is to monitor and control traffic flow in addition to parking and insure that town ordinances relating to the beach such as smoking, drinking and trespassing on the dunes are enforced. Additionally the CSO will act as a liaison between the police and the public. The CSO will provide essential services in a friendly and positive manner to the public. They will provide a vital link to the Police Department in instances such as missing children, medical issues and criminal activity that occur in our beach areas. (This is a civilian position which does not have arrest powers).

Greg Testa, who many of you already know from his 13 years of service to the town as a Reserve Police Officer, will be spearheading a group of CSO's assigned to the beach. CSO Testa will help to oversee all things related to beach safety and security. We look forward to this new expanded role for our department and feel that it will further enhance Ogunquit Beach as a premier family destination.

Fire Department

The Town's new fire truck has arrived and was displayed at the Memorial Day parade!

The Fire Department has been busy with fires at Blue Water Inn, Huckleberry's and most recently, a fatal residential fire on Bessbill Street. A few weeks earlier, it was the fire department personnel that located the missing woman on the Wells/Ogunquit River. Please remember to recognize the day-to-day operations and duties that our staff incurs as part of their public service to all of us.

Recently Firefighter's Shannon Bridges, Brandon Walker and Bob Bernard traveled to the National Fire Academy in Emmetsburg, Maryland for the 2015 Maine State Weekend training seminar. The State of Florida joined them and added a great dynamic of strategies and tactics to the learning experience. Networking between the states was a positive experience. All 3 firefighters that attended had positive remarks about their courses and the information they received.

Administrative Services/Public Works

Beach Cleaning - we have leased, with option to buy, a 5100 John Deere cab tractor to rake and clean our beach. The Public Works crew will rake as needed while paying very close attention to all the policies we have generated in the best interest of maintaining a healthy beach and dune environment.

The staff has also begun the construction of new and improved footbath/showers for Main Beach. We continue to learn what is best for our environment and need to adjust our services as needed. Recently we learned that the water from the footbaths and showers needed to be directed to the sewer system and not the storm drain. We hope to have this cherished amenity in place by mid-June.

Private roads and the town plow/maintenance of private roads - our staff is looking into the legality and liability of the issue. We are also researching our ability and responsibility (or not) of continuing to plow private roads. Staff will present their findings to the Select Board. In the meantime, we will continue to keep the public up to date on our findings and will continue to plow those roads that we have serviced. There will not be an abrupt end to the services.

Public Works staff recently painted the crosswalks on Shore Road. In the past this was done by a contractor. Well done! Crosswalks on Route 1 will be freshly painted soon.

Harbor Master/Conservation

South Portland has asked Ogunquit if we can come up and give a short testimony about our ordinance on pesticide and herbicides, as the South Portland City considers an ordinance on June 8th. The Conservation Committee will be

sending a representative.

Fred Mayo and Cheryl Emery have secured a \$20,000 SHIP grant for the engineering of the Footbridge. Congrats and thank you!

Bowdoin College in Brunswick is currently working on a project investigating the underlying genetic architecture of stress response to a more acidic and warmer ocean environment in blue mussels in the Gulf of Maine. They have used Ogunquit's Marginal Way as a test site and sampled about 50-60 blue mussels (2-3 inches in size). The sampling technique takes care to avoid damaging rock or other marine organisms and they hold a current and valid DMR permit for general collection of these blue mussels in Maine.

Michael Horn has retired as the Chair of the Conservation Committee. We hope to recognize his long list of accomplishments and many, many years of service to our community, in an upcoming Select Board meeting.

Mantra: *"It's not what's best for you or me...It's what's best for OGUNQUIT!"*

4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

5.0 PUBLIC HEARING - LICENSE RENEWALS

5.1 Anchorage by the Sea - Amusement License Renewal

No representation was in attendance, this item was tabled until the next meeting of the Board.

6.0 PUBLIC INPUT (Any Topic)

Motion made by Robert Winn and second by David Barton to move into Public Input at 6:29pm; approved 5-0.

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

7.0 PUBLIC HEARINGS, PRESENTATION

7.1 Celebration of Michael Horn's Contributions to the Community - Thomas A. Fortier, Town Manager

Town Manager Fortier reviewed Michael Horn's accomplishments over the years that he served Ogunquit.

Mr. Horn will say that he did not complete the following by himself, that he had help from the commission and town officials.

In 2003 he led the Comprehensive Plan Update Committee to create the new Conservation Commission. Mr. Horn served as Chairman of the Conservation Commission for 12 years. He helped develop the charter and mission statement for the commission.

He was instrumental in creating the annual \$25,000 referendum question for conservation land. The town recently purchased conservation land with those funds.

He has acted as the Ogunquit Beach Environmental Steward along with other commission members.

He adopted the Conservation Commission internet website page.

Mr. Horn acted as the town and commission coordinator with the Maine Department of Geological Survey and Maine DEP as to beach environmental conditions, dune stability and growth.

He created and installed "No Trespassing on the Dunes" signage and fencing.

Mr. Horn served as Ogunquit's Associate Member to the Southern Maine Planning Commission.

He coordinated the yearly dune fence installation restoration project. He managed the "Healthy Beaches" water testing program.

Mr. Horn was awarded a \$10,000 State Grant to develop a new town-wide GIS map with stormwater containment systems.

In coordination with the Maine DEP and the Department of Inland Fisheries & Wildlife, he established a natural beach area.

Mr. Horn supervised the year round Beach Profile Program in cooperation with the Wells Reserve.

He was a committee member of the bi-yearly Maine Beaches Conference.

He coordinated trash on the beach with the Public Works Department and initiated the "carry in, carry out" policy.

Mr. Horn created the annual beach, river & dune clean-up day.

With the Town Maintenance Department and the Ogunquit Sewer District, he undertook an underground video investigation, smoke test and DNA sampling to locate sources of contamination affecting beach waters.

Mr. Horn oversaw the homeowners “Greening of Ogunquit” program, introducing the ban of pesticides in Ogunquit. He developed and guided resident approval of the ordinance banning the use of pesticides on town and private property, the first town in Maine and one of the only towns in the United States.

Mr. Horn created a town ordinance establishing five new streams conforming to DEP 75’ setback requirements.

He appointed FB Environmental group and initiated the development and consequent award of \$100,000 DEP Grant for the Ogunquit River Watershed Restoration Project.

Mr. Horn initiated the yearly “sniffer dog” program to detect sources of contamination in beach and river waters.

With FB Environmental, currently developing two new grant applications totaling \$52,000 for the Clean Beaches Program; and with ongoing support from town officials, residents and commission members, *Downeast Magazine* recognized Ogunquit as Maine’s number one environmental town this past year.

Mr. Horn was instrumental in the requirement that septic systems in town be emptied once a year.

Mr. Horn was invited to the podium where he was presented a “lifesaver” from Mr. Fortier and the Select Board as he has truly been a lifesaver for the Town of Ogunquit.

Mr. Horn stated that the Conservation Commissions actions and achievements over the past years would not have been possible without the enthusiastic involvement, hard work and dedication of his fellow commission members. Mr. Horn introduced Bill Baker as the new Chair of the Conservation Commission.

Motion made by Robert Winn and second by David Barton to close the public session at 6:39pm; approved 5-0.

8.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

There was no Unfinished Business before the Select Board.

9.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

9.1 James Hartwell v. Town of Ogunquit - *Thomas A. Fortier, Town Manager* Review of Hartwell Request for Reimbursement of Legal Fees Related to Hartwell v. Town of Ogunquit

Town Manager Fortier stated that this is a request from a resident who was involved in a law suit against the Town of Ogunquit to bring the request to the Select Board. Jim and Trisha Hartwell are requesting that the Selectmen deliberate over the reimbursement of taxpayers' money, in their opinion representing the town on a Town of Ogunquit lawsuit which was "Hartwell v. Town of Ogunquit v. Wayne Perkins".

Selectman Barton stated that this is about accountability. Two residents, Hartwell and Perkins, spent money to correct a mistake made by the Planning Board. The residents deserve a fair shake on these legal fees; they undid something that we (town) did. A recent warrant article corrected the issue.

Selectman Latulippe stated that different parties had different views on an issue, the courts settled it, does not see any gross negligence on the part of the town that should be entering into some kind of reimbursement, leery of setting a precedent.

Selectman Daley...are we setting a bad precedent, sue us and we will pay your legal fees. Surprised over the last three years setting on the Select Board how many times that the town got sued. Unless there is negligence, does not see it, the process was followed so there should be no reimbursement from the town. The resident made the choice to sue.

Selectman Winn stated that being in a situation the past year or so, he agrees with Selectman Latulippe and Selectman Daley that when the process is followed and the outcome is the outcome, does not believe the town should have to pay for the legal fees.

Mr. Fortier stated that, from a staff perspective, while there may have been some procedural errors found by the court, the Planning Board tried to correct them as they were identified, including the reconsideration of the initial waiver decision. Some of the procedures had been used by the town for many years without challenge; the Planning Board had no way to know the outcome/issue.

Chair Dailey stated that it is important to recognize that the Planning Board positions are some of the most difficult positions that the town has, relying on volunteers. It is an extraordinarily time consuming activity, our ordinances are

very detailed. It is incumbent upon us to support the Planning Board, support with legal support when necessary. Agree with comments made by colleagues that this is a “slippery slope” that sets a precedent, would not be in favor of the Town paying \$83,000 that parties legal fees.

Selectman Latulippe stated that in defense of the Planning Board, they are volunteers. On complicated matters like this they draw advice from legal parties and Southern Maine Regional Planning. They rely on those people in complex matters to help them render their decision. Does not want it to come off that the Planning Board didn’t do their job, it was complex, it was open to interpretation, given information to act on.

9.2 Repairs to Seawall at Perkins Cove - Scott Heyland, Code Enforcement Officer
 Select Board Review of Draft Memorandum of Understanding for Perkins Cove Seawall

Code Enforcement Officer was in attendance to explain the Memorandum of Understanding. This is an agreement between a private property owner that owns 7 Oarweed Lane and the Town of Ogunquit. The property owner is proposing to do some repairs to the land that is just behind the seawall in that area which is owned by the town. This agreement releases any liabilities and holds harmless the Town if there are any injuries to the property or anybody on that property.

The repairs are to an area behind the revetment, sink holes and erosion. They plan to excavate and put proper materials back in place. Everything will be done within the guidelines of the Natural Resources Protection Act Permit, which they have for that project.

The Memorandum of Understanding has been reviewed by the Town’s attorney.

061615-01 Motion made by David Barton and second by Robert Winn to allow the Town Manager to enter into an agreement entitled a “Memorandum of Understanding” for the project at 7 Oarweed Lane to stabilize the bulkhead; approved 5-0.

9.3 Fire Department/Lifeguard ATV Bid Award - Fire Chief Mark O’Brien
 Select Board Action on the Bid Award for the Fire Department/Lifeguard ATV

Chief O’Brien stated that he had obtained three bids for the purchase of a new ATV for the Fire-Lifeguard Department:

Robertson’s Power Sports	\$14,443.00
Abbot’s Power Equipment	\$15,540.06
Rochester Motor Sports	\$16,000.00

The Fire Chief recommended that the bid be awarded to Rochester Motor Sports.

061615-02 Motion made by Robert Winn and second by to accept the bid from Rochester Motor Sports for the sum of \$15,493.00 for a 2015 Polaris 900; approved 5-0.

9.4 Business Registrations – *Gary Latulippe, Select Board*
Review of Business Registration Policies & Procedures

This agenda item was tabled.

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

10.2 Select Board

Selectman Winn

- Shout out to the public; really appreciate the votes that put him back into this position.

Selectman Daley

- Appreciates the votes of support.

Selectman Barton

- Appreciates the number of people who turned out to vote. Need to get more information to people on the various warrant articles.

Chair Dailey

- Clear that many do not pay attention to what is going on, on television, streaming on the internet; with the Town Manager’s updates being posted online on the Town website. There is information available, public does not need to rely on second-hand information.

The Select Board took a five minute break prior to the Executive Session.

11.0 EXECUTIVE SESSION

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

Motion made by Robert Winn and second by David Barton to go into Executive Session to discuss Personnel pursuant to Title 1, Chapter 13, Subchapter 1§405.6.A at 7:12pm; approved 5-0.

Motion made by Robert Winn and second by David Barton to come out of Executive Session; approved 5-0.

No decision was made during the Executive Session.

12.0 ADJOURNMENT

Motion made by Robert Winn and second by David Barton to adjourn the meeting at 7:20PM; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager