



**SELECT BOARD  
MEETING MINUTES  
MARCH 1, 2016**

**1.0 COMMITTEE INTERVIEW - 4:45PM**

**1.1 Wells-Ogunquit School Committee Interview**

The Select Board met with an applicant for the Wells-Ogunquit Community School District Board.

**2.0 FY 2016-2017 BUDGET - 5:00PM**

**2.1 Workshop with Budget Review Committee to Finalize FY 2016-2017CIP**

The budget workshop was called to order at 5:00pm. Members of the Budget Review Committee in attendance were: Bill Sawyer, Chair, Carole Aaron, Everett Leach, Lindsey Perry, Mike Lynch and Mark MacLeod. Jackie Bevins was absent.

Select Board members present were Barbara Dailey, Chair, John Daley, Vice Chair, David Barton and Robert Winn, Jr. Gary Latulippe was absent.

Town Manager Fortier made opening statements regarding the Capital Improvements Requests for FY 2016-2017.

The Budget Review Committee and the Select Board approved the following CIP requests:

Revaluation	\$225,000	BRC	5-0
		Select Board	4-0
Planning/Main Beach	\$40,000	BRC	4-1 Leach
Beach Street		Select Board	4-0
Police Cruiser & Set-up	\$43,650	BRC	4-1 Lynch
		Select Board	4-0
Replacement Air Packs (Final Payment)	\$82,000	BRC	5-0
		Select Board	4-0

Fire Station - Remotes for Overhead Doors	\$12,000	BRC Select Board	2-3 Fails 4-0
Re-Surface Fire Station Floors	\$30,000	BRC Select Board	4-1 Leach 3-1 Dailey
Pick-up Truck w/Plow & Sander (F-350)	\$65,000	BRC Select Board	5-0 4-0
Tag-along Equipment Trailer	\$8,000	BRC Select Board	5-0 4-0
Beach Cleaning Surf Rake	\$55,000	BRC Select Board	4-1 Lynch 4-0
Overhead Bay Heaters PWD	\$15,000	BRC Select Board	withdrawn
{ Highland Avenue (Shim & Overlay) & South Street	\$45,000	BRC Select Board	
{ Cottage Street, Obeds & Dunaway Center (Reclaim & Pave)	\$100,000	BRC Select Board	
<p>It was the consensus of the Budget Review Committee and the Select Board to combine the paving projects for Highland Avenue, South Street, Cottage Street, Obeds Lane and Dunaway Center for \$145,000. This will be the warrant article for town meeting.</p>			
	\$145,000	BRC Select Board	5-0 4-0
Sewer Plant Road Paving	\$12,000	BRC Select Board	1-4 Fails 0-4 Fails
Repair & Sealcoat Transfer Station Blacktop	\$12,000	BRC Select Board	withdrawn
{ Covered Entrance - DCC	\$23,000	BRC Select Board	
{ Covered Entrance - Police	\$30,000	BRC Select Board	
{ Replace Steel Stairwell	\$15,000	BRC Select Board	

It was the consensus of the Budget Review Committee and the Select Board to combine the three Administrative Services projects into one article for \$68,000.

	\$68,000	BRC	5-0
		Select Board	4-0
Dunaway Heating System Upgrade (Phase 1 of 2)	\$13,000	BRC	5-0
		Select Board	4-0
Bathhouse Upgrades (Jacob's Lot)	\$150,000	BRC	2-3 Fails
		Select Board	3-1 Winn

**3.0 CALL TO ORDER - 6:00-8:00PM**

The meeting was called to order at 6:16pm.

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

Members absent: Gary Latulippe

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

Others present: Thomas A. Fortier, Town Manager

**3.1 Pledge of Allegiance**

The Pledge of Allegiance was recited by those in attendance.

**3.2 Select Board Minutes - February 16, 2016**

The minutes of the February 16, 2016 Select Board meeting were accepted as presented.

**3.3 Select Board Minutes - February 17, 2016**

The minutes of the February 17, 2016 Special Select Board meeting were accepted as presented.

#### 4.0 TOWN MANAGER'S REPORT

Town Manager Fortier, per Charter, updated the Select Board regarding the budgetary status of the town. Mr. Fortier stated that expenses are at 65% for the fiscal year, and the revenues are at 98%. The expenses are well within the range to be expected at this time of year.

The Republican Caucus will be held in Biddeford on Saturday, March 5<sup>th</sup> from 12:00pm to 1:00pm.

The Democratic Caucus will be held in Ogunquit on Sunday, March 6<sup>th</sup> from 5:00pm to 6:00pm here at the Dunaway Community Center.

Woods Hole Group, the firm that was contracted to do the Beach Erosion study, is expected to present their findings next week. The results of the study are a fifty (50) page document.

The Footbridge Bridge is in the engineering stage; the project is scheduled for the fall of 2016.

Route One project is continuing, going really well. Thanked everyone for their patience.

An assessor from MRI is going around town updating tax cards; he is responsible for updating 25% of the town this year. The town will be going out for a revaluation this year which may affect property values/taxes for the next fiscal year.

The town has put out an ad for a full time Public Works Director, as well as Parking Lot Attendants. WOGT is looking for a camera operator. Cindy Douglass, who worked for WOGT, is moving and will not be around. Thank you to Cindy for all her good work and dedication. Cindy was also our Piping Plover Coordinator for the past couple of years.

The Transfer Station submitted their annual report to the State of Maine. The State requires that municipalities have a recycling rate of 50%, the Town of Ogunquit's rate is at 64%. Kudos and thank you to the residents!

Arthur Villator, local resident and Channel 8 Cameraman, has volunteered to work with the Transfer Station to create an educational video, such as recycling. Mr. Villator is an award winning cameraman.

Harbormaster Fred Mayo will be attending Harbormaster School next week and also will be attending a meeting in Augusta this week regarding the dredging of Perkins Cove. Senator King's office will be assisting in this process.

**5.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS**

**5.1 Wells-Ogunquit School Committee**

**030116-01** Motion made by David Barton and second by to approve the appointment of Boriana Dolliver for the vacancy on the Wells-Ogunquit School Committee for the term that expires June 30, 2016; approved 4-0, Latulippe absent.

**6.0 PUBLIC INPUT (CURRENT AGENDA ONLY)**

**7.0 PUBLIC HEARING - LICENSE APPLICATIONS**

Public Hearing was opened at 6:30pm.

**7.1 La Orilla - Malt, Spirituous & Vinous License Renewal Application**

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

Alex Haight was in attendance to represent La Orilla.

**030116-02** Motion made by Robert Winn and second by David Barton to approve the Malt, Spirituous & Vinous License Renewal Application for La Orilla; approved 4-0, Latulippe absent.

**8.0 PUBLIC HEARINGS & PRESENTATIONS**

**8.1 Public Hearing on Amendments to Title V - Thomas A. Fortier, Town Manager**

- Chapter 12, Municipal Parking Lot Regulations, 1201 General Information
- Chapter 12, Municipal Parking Lot Regulations, 1204 Parking Permits

**Chapter 12 Municipal Parking Lot Regulations - Proposed Amendment Number 1**

1201 GENERAL INFORMATION

1201.7 Fees

1201.7.2 The Town Manager shall oversee the collection of all applicable fees as set forth herein during the period mid-April through mid-October annually and at such other periods outside this time period as the Town Manager deems to be in the best interests of the Town , provided, however, that he/she is hereby authorized to (1) establish daily parking lot fee collection times and ((2) reduce or waive the applicable fees being charged due to weather conditions, staff availability, equipment, budgeted funds, or extraordinary circumstances.

Chapter 12 Municipal Parking Lot Regulations - Proposed Amendment Number 2

1204 PARKING PERMITS

1204.4 Eligibility Categories

1204.4.1.3 Non-Resident Business Owners (Commercial Property) - Parking permits will be valid at the Obeds Lot or the Village Lower Parking Lot for persons who are able to document ownership in a commercial property for use by business owner and their employees.

Chapter 12 Municipal Parking Lot Regulations - Proposed Amendment Number 3

1204 PARKING PERMITS

1204.3 Permit Limits

1204.3.2 Notwithstanding eligibility requirements as otherwise set forth herein, there shall be no limits on the purchase of non-residential business or commercial parking permits for access to Obeds Lot or the Village Lower Parking Lot, or hotel/motel overnight parking permits for access to the Main Beach Lot.

Town Manager Fortier explained the premise behind the changes.

**Jane Tavares, 23 Brewster Lane**

- Asked about the issue in Perkins Cove Lot and how it pertained to the proposed changes.

**Bill Hammond, Cedar Lane**

- Comments regarding the use of the Lower Lot for employee business parking.

8.2 Seasonal Rentals in Ogunquit - Thomas A. Fortier, Town Manager  
Follow-up Discussion on Rental Properties and Zoning Requirements

Town Manager Fortier reviewed the Seasonal Rental property issue.

**Sumner Nystedt, 42 Perkins Cove Road**

- Comments regarding the rental issue, also read letter that he had written.

**Newell Perkins, 20 Fieldstone Lane**

- Comments regarding the rental issue and how it is regulated by the Ogunquit Zoning Ordinance, Article 2, Definitions.
- Stated that the Select Board should be enforcing the ordinance.
- Mr. Perkins also stated that fines should be in place for violations of the ordinance.

**Peter Kahn, 3 Tern Street**

- Three questions:
  1. How long has the 7 day minimum requirement been in effect?
  2. If an ordinance changes, does it affect every property owner in town from the viewpoint of taking away rights of renting even if don't rent currently?
  3. What in the process between now and June (Annual Town Meeting), what is going to happen between now and then; and what is going to happen in the following fiscal year?

**Jane Tavares, 23 Brewster Lane**

- Asked about whether the Select Board was looking to get rid of weekly rentals.
- Chair Dailey responded that residents are concerned, but there is no action underway to address the ordinance; the Select Board is looking at the business registration process for seasonal rentals.

**Scott Scherschel, 240 Shore Road**

- Commented that he felt the general intent of rental properties is not to commit fraud, but rather ignorance of the ordinance.
- Hopes that future discussion will be in public.

**Bill Woods, Chestnut Road**

- Would have to agree with the last three speakers.
- Feels that most people are not familiar with the zoning and ordinance.
- Need to look forward to what the town will look like in the future; do we want people living here or people just staying here?

- Questioned why the Select Board would not be putting an article on the Town Meeting Warrant in June. He suggested a generic question as to whether the residents do or do not want seasonal rentals, what do they want the town to look like.

**Muriel Freedman, Grasshopper Lane**

- Stated that the town sends out tax bills twice a year, suggested that information be sent with the tax bills.

**Ken Labadini, 44 School Street**

- Good idea to take a thoughtful approach, what do we want to solve?
- Need to plan for the future.
- Change could make a huge impact.

**Alex Haight, 62 Cherry Lane**

- Suggested ways of notification to property owners regarding the ordinance requirements on rental properties.

Motion made by Robert Winn and second by David Barton to close the public session at 7:23pm; approved 4-0, Latulippe absent.

## 9.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

### 9.1 Employee Business Passes - Thomas A. Fortier, Town Manager

Select Board Review and Action on Changes to the Employee Business Pass Program

Rich Burgess and Ray Hamlin were in attendance to review the changes that they recommend to the Employee Business Pass program.

This will be brought forward at the April meeting for a fee change.

## 10.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

### 10.1 Amendments to Title V - Thomas A. Fortier, Town Manager

Select Board Review and Action on proposed Amendments to Title V, Municipal Parking Lot Regulations:

- Chapter 12, Municipal Parking Lot Regulations, 1201 General Information
- Chapter 12, Municipal Parking Lot Regulations, 1204 Parking Permit

**030116-03** Motion made by Robert Winn and second by David Barton to make the proposed amendment to General Information, 1201.7.2, and also

amend Parking Permits, 1204.4.1.3; and also amend Permit Limits, 1204.3.2 (as presented); approved 4-0, Latulippe absent.

10.2 Final Approval of the Settlement of a Former Employee's Personnel Claim - Barbara Dailey, Select Board Chair

Select Board Review and Action on Final Approval of the Settlement of a Former Employee's Personnel Claim

Chair Dailey explained the background of the case, the judgment and settlement. Superior Court found in favor of Mr. Webber last spring. The Select Board has been working on this claim with legal counsel since spring 2015. Ms. Dailey stated that the settlement for this claim is \$775,000; of which the insurance company will be responsible for \$575,000 and the town for \$200,000.

Peter Lowe, Legal Counsel, Brann & Isaacson was in attendance to answer questions relative to the judgment, mediation and settlement. Attorney Lowe gave a detailed explanation of the claim and settlement. He explained that the \$200,000 would have to be appropriated at the Annual Town Meeting in June and payable July 1<sup>st</sup>.

**030116-04** Motion made by Robert Winn and second by David Barton to accept final approval of the settlement of a former employee's personnel claim; approved 4-0, Latulippe absent.

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

11.1 Public Input

No comments or questions from the public in attendance.

11.2 Select Board Comments

**Selectman Barton**

- Comments regarding public comments he had received about seasonal rentals in Ogunquit.

**Selectman Daley**

- We have a problem that needs to be managed (i.e. seasonal rentals).
- Need to continue discussion regarding this issue.

**Chair Dailey**

- (Select Board) Relieved to have this legal case behind them.

**12.0 ADJOURNMENT**

Motion made by Robert Winn and second by David Barton to adjourn the meeting at 8:10pm; unanimous vote to approve.

Respectfully submitted,

---

*Cheryl L. Emery, Administrative Assistant to the Town Manager*