



**SELECT BOARD
MEETING MINUTES
JULY 19, 2016**

1.0 COMMITTEE INTERVIEWS - 6:00PM

- Parks & Recreation

Several applicants were interviewed by the Select Board for positions on the Parks & Recreation Committee.

2.0 CALL TO ORDER-6:30PM

Meeting called to order at 6:30pm.

Members present: Barbara Dailey, Chair
Richard Dolliver
Gary Latulippe
Robert Winn, Jr.

Members absent: John Daley, Vice Chair

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

Others present: Thomas A. Fortier, Town Manager

2.1 Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

2.2 Select Board Minutes - June 21, 2016

The minutes of the June 21, 2016 Select Board meeting were accepted as presented.

3.0 TOWN MANAGER'S REPORT

Thank you to all staff, in the midst of a productive summer. Very busy!

Town Manager's report as submitted to the web page:

Ogunquit Beach is home to over 20 newly hatched **piping plover** chicks! Piping plover volunteer and resident Kirstin Ross stated "it is truly great, and stewardship of these creatures is a privilege to celebrate." Thank you to all of our volunteers that focus on protecting this endangered species.

Congratulations to **Wells High School** which has been named by *US News and World Report* as the fifth ranking high school in the State for 2016.

The **Ogunquit Performing Arts** committee is enjoying new found energy and increased attendance at their performances. Recently over 175 people attended a performance at Dunaway Center.

The Ogunquit Heritage Museum, located at 86 Obeds Lane, has entered its 15th year. Please consider visiting this wonderful museum and the following exhibits:

- "Finest Kind" 60 years of operation in Perkins Cove
- "Along the Ogunquit River" History of the Schooners era ...and an exhibit with relics from the Abenaki Indians.

Town Clerk:

Town Clerk Christine Murphy has been busy with the archival of town records. All warrants and warrant returns have been scanned and uploaded to the Town website. The Town Warrants available are from 1964 thru 2016. They are in a PDF format which will allow you to search documents by key words.

There are no longer folders in the town storage compartment, rather archival books, preserved, in five year spans. Now it will be more efficient to search for policies, procedures, proclamations, resolutions, by-laws and agreements.

The Town Clerk has also merged the entire ordinance and included a Table of Contents (Table of Contents were not part of the original ordinance). These documents have been uploaded to the website. You now can search each of these ordinances and they will now match the Table of Contents.

Christine reports "I hope this helps the general public to locate items of interest within a specific ordinance. It is my hope to continue on to merge the remaining ordinances this summer." Great work Town Clerk Murphy!

Awards/Accolades:

The Town of Ogunquit recently received the Environmental Merit Award from DEP for its outstanding efforts in preserving the New England environment.

The Town continues to garner awards including:

2016 USA Today ~ *Best Small Coastal Town*

2016 Trip Advisor ~ *Best Beach*

2015 Google ~ *E-city Award*

2015 Downeast Magazine ~ *Town of the Year*

These awards are not solicited; rather they are accolades for the policy decisions and good work performed by Ogunquit residents, boards and committees, businesses, and staff. Good work everyone!

Route 1 Project Update:

The construction on Route 1 has ceased for the summer months. It has been replaced with bumper to bumper traffic.

I want to thank everyone for their patience and understanding. This is and was a complex project, and it has progressed quite well. The project is scheduled to pick up again in September and be completed this fall. We will have a final public meeting with the MDOT in late August/early September to close out the communications, concerns and observations.

County Jail Funding

LD 1614 provides \$2.47 million to supplement the state's financial contribution toward the operations of the county jails. It was recognized well over a year ago that the appropriate state annual contribution for jail operations should be \$14.6 million, but at the very end of the 2015 legislative session, that level of appropriation was arbitrarily reduced by \$2.47 million. This bill recognizes that the reduction in the appropriation level of state funding for the county jails will directly and unfairly result in increased property taxes. The people residing in the county jails broke state laws, not municipal laws, and the judicial and correction

systems ultimately governed by the Legislature are directly linked to county jail incarceration rates and pre-trial detention rates, which drive up the cost of jail operations.

The Final Report for the **Central York County Connections Study** is now available for viewing or downloading at:

<http://www.maine.gov/mdot/planning/centrallyorkcountyconnections/>.

This study looks at solutions to enhance, expand, and preserve highway connections between the Maine Turnpike and communities in Western Cumberland and York counties. The Final Report includes all comments that were received and our responses to them. The report is also available at the Dunaway Center.

Here is a link to the Maine Turnpike's 5-Year Plan:

<http://www.maineturnpike.com/getattachment/Projects-Planning/Planning-Projects/Draft-4-Year-Plan/DRAFT-4-Year-Capital-Investment-Plan06-23-16-public-comment.pdf.aspx?lang=en-US>

Conservation:

Please take a moment to recognize all of the good work we are doing for our local environment. These accomplishments are often not recognized by the general public, but serve a very important role in the outcome of our clean beaches, rivers and streams.

Since it began 12 years ago, the Ogunquit Conservation Commission has worked on projects that protect and restore the town's most important natural places. The Commission strives to conserve lands, protect waters and serve town residents and visitors through a greener and healthier community. Since its formation, the town's Conservation Commission has carried out a variety of projects, earning it recognition by **Down East Magazine** as the Town of the Year in Maine. Among its accomplishments, the Commission created the annual \$25,000 Town referendum question for the Conservation Land Trust and functions as the Ogunquit Beach environmental steward. The Commission served collaboratively with the State Department of Geological Survey and the Maine DEP as to beach environmental conditions, dune stability and growth, fencing placement, created and installed "no trespassing" dune signage. The dune fence installation and restoration project is a never ending task that is meant to reduce pedestrian traffic for preservation of Ogunquit Beach dunes and Ogunquit River estuary. Our staff manages and

coordinates with the Healthy Beaches water testing program and volunteers perform monthly sampling and reporting of 12 beach and river locations. The Town was awarded a \$10,000 State Grant to produce new town-wide GIS map of the Stormwater Containment System.

The town solicited the services of FB Environmental group and secured an award of \$100,000 (DEP 319 Grant) for the three-year Ogunquit River Watershed Restoration Project.

The town was awarded two new grants:

2015 Coastal Communities Grant Program and Ogunquit River Sampling Program totaling \$52,050 to augment our program to reduce water-born beach contamination.

Maine Healthy Beaches - takes samples within the wadeable surf zone of your beaches every year for Enterococci. They use these results to recommend any beach advisories or closures for swimmers.

Department of Marine Resources - takes samples near the beach, but mostly a bit farther out from shore every year for fecal coliform to assess shellfish conditions.

FBE/Town - takes samples for Enterococci throughout the Ogunquit River watershed and near the outlet/beach area to track and monitor bacteria sources/levels. We started this in 2012 as an investigation. By 2014, we received a Phase I Grant from DEP, which required water quality monitoring at established locations for two seasons (2014, 2015), which we completed.

Last year the town coordinated with the Ogunquit Sewer District, undertook underground video investigation, smoke tests and DNA sampling to locate sources of contamination affecting beach waters. Ogunquit became the first town in Maine and second in the nation to pass an ordinance banning the use of pesticides and chemical fertilizers. Wow! That's progressive! A special thank you goes to residents Michael Horn and Bill Baker for their time and efforts on all these projects.

Finance:

We closed the fiscal year on June 30th and I am pleased to inform you that we have achieved another balanced budget. In fact our expenditures were \$230,000

less and our revenues were exceeded by \$300,000, which will allow us to drop monies to the undesignated fund.

Parks and Rec:

A new gazebo was installed at the Dunaway Center playground. The structure provides shade and a place to sit.

The Pickle Ball Courts at Agamenticus Park have been well received by the public. The 16th Annual Ogunquit Beach Lobster Dash will be held on Saturday, September 24th at 10:00 AM.

Congratulations and thank you to the newest Park & Recreation Committee members Jason Corbin, Tim Pasterczyk and Boriana Dolliver. Together with Erin Latulippe and Jerry DeHart, this committee will do great things for our community.

Fire Department:

Laura Rose donated \$7,100 to the Lifeguards and a new jet-ski was purchased. Monies were generated from the proceeds from *Christians Run* in memory of Laura's son.

Firefighter/Paramedic Captain Bob Bernard is leading an initiative to inspect buildings other than those that are routinely inspected (liquor license applications); with an ultimate goal of educating owners on operating safe facilities. This is a huge undertaking and the Fire Department's commitment to the life safety codes is appreciated.

Transfer Station:

Residents are eligible to throw away one free 33 gallon bag per day... that's a fair and generous policy. Most, if not all communities, have a pay per bag system. Ogunquit is one of the last town's in the State that has not gone to a user fee charge.

Please do your part and recycle as much as possible and reduce your trash. Please do your part and pay for any extra trash you may have generated secondary to a lack of recycling effort.

Marginal Way:

The newly established *Seaside Meadow* on Marginal Way has really come together, and in hindsight a wonderful policy decision. I would encourage you to view the *Seaside Garden* NOW if you can. It is at the peak of lushness! And it's ONLY its second year! The Butterfly Weed is a sea of orange punctuated by tall stalks of lavender Echinacea all surrounded by the various grasses moving in the wind...truly impressive...as were the throngs of people taking pictures!

The Marginal Way Committee, along with our sponsor partners, sponsored a very special event on June 27 at the Ogunquit Playhouse. Professor Doug Tallamy, an award winning author of *Bringing Nature Home*, spoke to the audience about the critical ecological role of plants in our yards.

The Marginal Way Committee has installed a People Counter on Marginal Way. The first ten-day data set extracted from the recently installed People Counter revealed the pedestrian traffic over the 4th of July weekend was that over 10,000 pedestrians were detected on the Marginal Way.

Jim Oliver identified the People Counter product and handled the technical details associated with the installation and extracting the recorded information from the counter. Helen and Joan selected the location for the installation and the DPW provided the support to dig the hole for the counter installation.

This information will help the town make policy decisions and provide real data on the usage of one of the Town's main assets, the Marginal Way.

Harbor Master - Footbridge

On July 25th, the Planning Board will hear and review the application for rehabilitation/stabilization of the Footbridge. The Town retained Baker Design Consultants in October 2015 for design, permitting and bid support for the project. Under this contract BDC is supported by R.W. Gillespie for geotechnical investigation/design. Funding for this phase of work is being provided by a Maine Coastal Program Shore and Harbor Planning Grant and a local match.

The Footbridge project has progressed as follows:

- Completed site survey.
- Completed geotechnical investigation.

- Preliminary design prepared and presented to Select Board in February 2016.
- State and Federal Permit applications filed and received.
- Substantial progress toward final design has been completed.
- Local permit applications obtained. Planning Board hearing scheduled for July 25th.
- Permits required for the project and status of approval is outlined below:
 - USCG Bridge Permit - Advance Approval received 2/17/16.
 - Maine DEP NRPA Permit - Received 6/30/16.
 - As a condition of approval, on site activities are limited September 1- March 31 or require coordination with DIFW and wildlife monitoring due to the adjacent piping plover habitat.
 - Town of Ogunquit - Site Plan/Design Review, Flood Hazard Development Permit

Schedule

We anticipate having a final PS&E set ready by the end of August. This should allow the project to be advertised in September and awarded in fall 2016. We understand from our conversation that Maine DOT funds may not be available for the project until 2017, however it would be highly beneficial for this project to be advertised this fall as opposed to after the new year so that the work can be completed within the DIFW recommended onsite work window, as well as the off-season when the structure is not in use.

Land Use Department:

Barbara Kinsman has completed an updated 2016 street map guide for all departments, especially Police, Fire and Dispatch. Prior to this, the most up-to-date street map is from 2001!

There has been a vast amount of time in the creation of a brand new street name list for those departments. We have also begun a compilation and creating a new universal street name list. This assures that there is no duplicate street names and eliminates the possibility that emergency service personnel get dispatched to the wrong location. This will be particularly invaluable when adding new streets, not only for Ogunquit, but our abutting towns with whom we share dispatch services.

We have a new Geographic Information Site (GIS), and it is powerful! The new system can assist you and can help facilitate any question you might have in regards to our Town. For example, how long is the beach? Just where exactly is the property line for Cumberland Farms? Is there a Right-Of-Way across Beach Plum

Farm? What district is my property in? Are the trees in front of my house on the Marginal Way, can I cut them down? Who performed the survey for the end of Perkins Cove & Harbor Lane?

Please touch base with the staff in the Land Use office for more details.

Department Public Works:

This summer we have completed paving on Ledge Road, Rebecca, Stearns Road and Woodbury Lane.

In the past few years we completed Obeds Lane, Highland Avenue, Berwick Road, North Village Road, Jacobs Lot and Perkins Cove.

The Pump Station upgrades at Footbridge parking lot are finally complete. A special thank you to the Ogunquit Sewer District in collaboration with Town DPW staff, removed old sewer pipes from the rocky shore line in the vicinity of the Marginal Way Lighthouse. These cast iron pipes had been nestled in the rocks for many, many years.

4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

4.1 Planning Board Resolution

This agenda item was tabled.

4.2 Board of Assessment Review

071916-01 Motion made by Gary Latulippe to appoint Paul Breen as 1st Alternate to the Board of Assessment Review, term to expire June 30, 2017; approved 4-0, Daley absent.

4.3 Budget Review Committee

071916-02 Motion made by Gary Latulippe and second by Robert Winn to appoint Mark MacLeod as 1st Alternate to the Budget Review Committee, term to expire June 30, 2017; approved 4-0, Daley absent.

4.4 Comprehensive Plan Committee

071916-03 Motion made by Gary Latulippe and second by Robert Winn to appoint Benjamin Hershenson as a Member of the Comprehensive Plan Committee; approved 4-0, Daley absent.

071916-04 Motion made by Robert Winn and second by Gary Latulippe to accept the resignation of Boriana Dolliver from the Comprehensive Plan Committee; approved 4-0, Daley absent.

4.5 Heritage Museum Committee

This agenda item was tabled.

4.6 Historic Preservation Commission

This agenda item was tabled.

4.7 Marginal Way Committee

This agenda item was tabled.

4.8 Parks & Recreation Committee

071916-05 Motion made by Gary Latulippe and second by Robert Winn to appoint Jason Corbin as a Full Member of the Parks & Recreation Committee, term to expire June 30, 2017; approved 4-0, Daley absent.

071916-06 Motion made by Gary Latulippe and second by Robert Winn to appoint Boriana Dolliver as a Full Member of the Parks & Recreation Committee, term to expire June 30, 2017; approved 4-0, Daley absent.

071916-07 Motion made by Gary Latulippe and second by Robert Winn to appoint Timothy Pasterczyk as a Full Member of the Parks & Recreation Committee, term to expire June 30, 2018; approved 4-0, Daley absent.

4.9 Zoning Board of Appeals

071916-08 Motion made by Robert Winn and second by Richard Dolliver to appoint Jerry DeHart as 1st Alternate of the Zoning Board of Appeals, term to expire June 30, 2017

4.10 Confirmation of Town Manager's Appointments

071916-08 Motion made Robert Winn and second by Richard Dolliver to approve reappointment of all Department Heads for the year 2016-2017:

Christine Murphy, Town Clerk
John Quartararo, Treasurer
Scott Heyland, Code Enforcement Officer
Scott Heyland, Licensed Plumbing Inspector
Patricia Arnaudin, Police Chief
Mark O'Brien, Fire/Rescue Chief
John Fusco, Transfer Station Manager
Fred Mayo III, Harbormaster
Clifford Marchant, Administrative Services Director

Approved 4-0, Daley absent

5.0 PUBLIC INPUT (CURRENT AGENDA ONLY)

There were no comments or questions from the public on the agenda items.

6.0 PUBLIC HEARING - LICENSE APPLICATIONS

Public Hearing called to order at 6:34pm.

6.1 Bandito's Mexican Grill - Malt, Spirituous & Vinous Liquor License Renewal Application

Application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Selectman Latulippe asked, due to a business and personal conflict with this applicant, that he be recused from this application.

Judy Denis was in attendance to represent Bandito's Mexican Grill.

David Latulippe, Sea Chambers Motel & Inn (62 & 67 Shore Road)

- Comments regarding issues (outside bar and fire pit after 10:00pm) last year regarding Police Department calls to the establishment.
- Stated that the issue has continued this year and it has impacted his business. Applicant shows disregard of ordinances and the laws.

Kim Carpenter, 54 Shore Road

- Supported statements made by David Latulippe.
- Received copy of Police Report, stated that there were 21 disturbance calls in 2015.
- Shows lack of respect for neighbors and law enforcement.

The applicant, Judy Denis, commented on the statements made by the concerned citizens.

Scott Heyland, Code Enforcement Officer

- Mr. Heyland was asked what options were open to the Select Board to remedy the issues at hand.
- Mr. Heyland stated that under Title IX of the Ogunquit Municipal Ordinance, the Select Board has the ability to impose restrictions upon the establishment.
- CEO Heyland stated that he had sent out a notice of violation of the Planning Board restrictions. This was based on a complaint to Police Department.

Kevin Denis, Bandito's Mexican Grill

- Mr. Denis explained that he is Judy's son and also bartends.
- He commented on the neighbor's complaint to the Police Department.

071916-09 Motion made by Robert Winn and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Application for Bandito's Mexican Grill with the following condition that all outside activity cease at 10:00pm; approved 3-0, Daley absent and Latulippe recused.

6.2 Jackie's Too - Malt, Spirituous & Vinous Liquor License Renewal Application Application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Jackie Bevins was in attendance to represent Jackie's Too.

Roger Brown, 8 Seagrass Lane

- Stated that he supported the renewal of Jackie's.
- Also asked that the agenda item 9.0 be moved to be heard after 6.0.

071916-10 Motion made by Robert Winn and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Application for Jackie's Too; approved 4-0, Daley absent.

6.3 Hartwell House One, LLC - *New Malt, Spirituous & Vinous Liquor License Application* Application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions regarding the application.

Representation was in attendance for Hartwell House One, LLC.

071916-11 Motion made by Robert Winn and second by Richard Dolliver to approve the New Malt, Spirituous & Vinous Liquor License Application for Hartwell House One, LLC; approved 4-0, Daley absent.

6.4 The Trellis House - *Malt, Spirituous & Vinous Liquor License Renewal Application* Application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions regarding the application.

Representation was in attendance for The Trellis House.

071916-12 Motion made by Robert Winn and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Application for The Trellis House, approved 4-0, Daley absent.

The Ogunquit Residents Alliance was taken out of order and was held immediately after the public hearings.

The public hearing was closed at 10:35pm and a brief recess was called.

Motion made by Gary Latulippe and second by Robert Winn to call the meeting to order at 10:40pm; approved 4-0, Daley absent.

7.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

7.1 Transfer Station Waste Hauling RFP - *John Fusco, Transfer Station Manager*

Select Board Review and Action on the Award of the Bid for Waste Hauling Services for the Town of Ogunquit

John Fusco, Transfer Station Manager, was in attendance with his bid award recommendation. Mr. Fusco stated that he would recommend Oceanside Rubbish with the low bid and the service they have provided over the past three years.

071916-13 Motion made by Robert Winn and second by Richard Dolliver that the Board accept and give the award of the bid for Waste Hauling Services to the Town of Ogunquit to Oceanside; approved 4-0, Daley absent.

8.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

8.1 Revaluation RFP - Thomas A. Fortier, Town Manager

Select Board Review and Action on the Award of the bid for a Town-wide Revaluation

071916-14 Motion made by Robert Winn and second by Richard Dolliver to award the Revaluation Bid to Vision Government Solutions for \$184,800; approved 3-0, Daley absent. Selectman Latulippe was excused for a moment which is why the vote was 3-0.

8.2 State of Maine, Department of Environmental Protection - Grant Agreement for Nonpoint Source Water Pollution Control Project; Ogunquit River Watershed Restoration - Phase II - Thomas A. Fortier, Town Manager

Select Board Review and Action on the Acceptance of a Grant from the State of Maine DEP in the Amount of \$69,340

071916-15 Motion made by Robert Winn and second by Richard Dolliver to accept the grant from the State of Maine Department of Environmental Protection in the amount of \$69,340; approved 4-0, Daley absent.

8.3 Monetary Gift for the Purchase of a Jet Ski for Fire Department- Lifeguard Services - Thomas A. Fortier, Town Manager

Select Board Acceptance of a Gift of \$7,100 from Laura Rose to Purchase a Jet Ski for the Fire Department- Lifeguard Services

071916-16 Motion made by Robert Winn and second by Richard Dolliver to accept the gift of \$7,100 from Laura Rose to purchase a Jet-ski for

the Fire Department - Lifeguard Services; approved 4-0, Daley absent.

8.4 Town of Ogunquit Municipal Ordinance - Title V: Loading Zones -Thomas A. Fortier, Town Manager

Identification of Loading Zones for Enforcement under Title V, Section 1002.18 - Designated Loading Zones



Loading Zones

1. Beach Street (new)
2. Jacobs Lot (new)
3. Shore Road (in front of Mims on Whim)
4. Cottage Street (already defined)

071916-17 Motion made by Richard Dolliver and second by Robert Winn to approve the three new loading zones; one on Beach Street (right lane), one headed towards Jacobs Lot and one on Shore Road in front of Mims on Whim; approved 4-0, Daley absent.

9.0 PUBLIC HEARINGS & PRESENTATIONS

9.1 Ogunquit Residents Alliance Priorities - Roger Brown
 Overview and Mission Statement of Newly Formed Resident Group

Madeline Brown, Vice Chair of the Ogunquit Residents Alliance was in attendance to give an overview of the group.

"Advocating for the residents' needs and quality of life in Ogunquit"

The Ogunquit Residents Alliance had as list of seven priorities for 2016-2017 which they presented in a slide show:

1. Ease Congestion by getting more people walking and more cars off the road.
2. Retain our character & charm by regulating and elevating the quality of new builds in areas of town with historic buildings.
3. Maintain quality of life in Ogunquit neighborhoods by enforcing current regulations & new communications programs.
4. Ogunquit is in the tourist business and should understand the associated finances to better manage the costs and revenue streams to support the tourist business.
5. Increase revenues significantly by discontinuing the "Employee Business Pass" program and using these spaces for paying customers.
6. Create a living environment for seniors to age in place in Ogunquit.
7. Enhance trust between town leaders and residents with improvements in transparency, accountability, governance and communications.

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

10.1 Public Input

Rebecca Fox, 21 Marginal Avenue

- Requested that the Select Board put Helicopter Landings on their agenda this summer.
- The Select Board agreed to put this on their next agenda.

10.2 Select Board

Selectman Winn

- Great meeting, lot of stuff taken care of, people talking and discussing issues.

Selectman Dolliver

- Wished everyone that was here earlier in the meeting had stayed for the rest of the meeting.

Selectman Latulippe

- Commented on the exodus of people from the meeting.

The Select Board planned a workshop for August 9th at 6:00pm with the Ogunquit Residents Alliance.

11.0 ADJOURNMENT

Motion made by Robert Winn and second by Richard Dolliver to adjourn the meeting at 11:03pm; unanimous vote to approve.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to Town Manager