



**SELECT BOARD
MEETING MINUTES
SEPTEMBER 6, 2016**

1.0 CALL TO ORDER-6:00PM

Meeting called to order at 6:05pm.

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

Others present: Mark O'Brien, Acting Town Manager

1.1 Pledge of Allegiance

The Pledge of Allegiance was led by Selectman Winn.

1.2 Select Board Minutes - August 2, 2016

The minutes of the August 2, 2016 Select Board meeting were tabled pending further information.

1.3 Select Board Minutes - August 16, 2016

The minutes of the August 16, 2016 Select Board meeting were accepted as amended.

1.4 Select Board Minutes - August 30, 2016

The minutes of the August 30, 2016 Select Board meeting were accepted as presented.

2.0 TOWN MANAGER'S REPORT

Mr. O'Brien reported that Miles Freeman passed away July 4, 2016, he was 95. He also shared that Mr. Freeman's widow, Dr. Ruth Endicott, recently turned 100.

Mr. O'Brien stated that anyone that lives on a private road and has not been finalized for the warrant article, they should contact Clifford Marchant at the Ogunquit Town Office.

The dumpster at the Main Beach is in use and has been for the past two week. Mr. O'Brien stated that he has gotten some good feedback from it. The capacity of the dumpster was upgraded and a larger one was installed.

Flashing pedestrian lights are up at Ocean Street and by the Egg & I. These lights have a motion sensor so that all a person has to do is swipe their hand across and the lights will come on. Mr. O'Brien stated that he has gotten some good feedback. There is one more set that still has to be installed at the Obeds Lane/Route One/Agamenticus Road location.

The Marginal Way Committee had their "Annual Pod Picking Day" event; they had 35 volunteers in attendance and picked a record 800 pounds of invasive pods.

Last week a MDOT hearing was held on August 30th in preparation of work resuming after Labor Day. Some minor work has been done. Notices will be sent out by Kirk Lavoie, on behalf of the Chamber of Commerce, to advise people of the schedule. Work will be done day and night for the next four weeks.

Reminded all that school opened today...be mindful of the busses and children.

New Wells High School was opened.

Dogs are now allowed on the beach starting September 9, 2016-March 31, 2016. The Marginal Way restrictions have not changed. Mr. O'Brien noted that fines for violations have gone up.

The *Kite Festival* will be held on Saturday, September 10, 2016 as part of *Capriccio*. The Ogunquit Heritage Museum will be hosting a *Native American Exhibition* on Saturday, September 10th from 1:00pm-5:00pm.

Mr. O'Brien gave an update on the Footbridge at Footbridge Beach. The project has gone through Planning Board review and was approved. Fred Mayo, Harbormaster, applied for and received a matching grant of \$250,000 to build a new bridge. The Town is responsible for \$300,000, of which \$25,000 will be in kind

work. The voters approved \$275,000 in June for the revitalization of the Footbridge area. The rough estimate that has come in on the bridge is about \$550,000, the project has not gone out to bid as of yet. Mr. O'Brien explained that the article in June raised monies for the Footbridge and the Bathrooms. He also explained that at this time the project cannot go out to bid as the state monies are being raised through bonds that are to be voted upon in November. The bonds will have to pass before the bridge can go out to bid. At this point, the town will wait for the bond issue to pass and then go out to bid. Hopefully, the bids will come in low enough for the town to do both projects (bridge and bathrooms). If not, then will have to go back to the voters in June (2017) to ask for funding for the bathrooms. The estimated cost for the bathrooms is approximately \$135,000.

Chair Dailey noted that the town's legal expenses are higher than planned due to the current circumstances in town government.

3.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

3.1 Resignation - Parks & Recreation Committee

The Select Board accepted the resignation of Jerry DeHart as a member of the Parks and Recreation Committee.

3.2 Resignation - Parks & Recreation Committee

The Select Board accepted the resignation of Erin Latulippe as a member of the Parks and Recreation Committee.

4.0 PUBLIC INPUT (CURRENT AGENDA ONLY)

Michael Lynch, 48 School Street

- Commented on the Business Employee Parking. He stated that ORA (Ogunquit Residents Alliance) have accepted the analysis from Visitor Services. The findings of Visitor Services show significantly smaller revenue than ORA's original hypothetical estimates. He stated that this program is unique to Ogunquit. It should be a revenue neutral program and parking limited to Obeds if the program is to continue.

Madeline Brown, 8 Seagrass Lane

- Representing the Ogunquit Residents Alliance.
- Commented on the Ethics Policy, pleased that the Select Board has chosen to address the issue.

Karen Arel, President of the Ogunquit Chamber of Commerce

- Question regarding the Employee Parking issue and whether or not comments could be heard during the Select Board review.

Kirsten Ross, Highland Avenue

- Comments regarding the Code of Ethics and Select Board action on the proposal.
- Commented on the possibility of two Selectman recusing their selves on the petition article; "appearance of conflict of interest".

Joan Sulis-Kramer, 77 Israel Head Road

- In support of the petition article for the Ogunquit Village School Intergenerational Center.

Steve Weiner, Pulpit Rock Lane

- Spoke on behalf of the Ogunquit Village School Intergenerational Center, it's a great concept.

Colleen Osselar (sp?) on behalf of Eugenie Sotiropoulos-Foss, owner of Harbor Candy

- Comments regarding the employee parking issue (on behalf of Eugenie).

Kate Weiner, Pulpit Rock Lane

- Stated that she had been asked by Boriana (Dolliver) to be on the Parks & Recreation Committee, but have not been interviewed by the Select Board. Would like to be appointed and sworn in.

Ben Hershenson, Myrtle Circle

- Commented on the process that led to the Code of Ethics being submitted to the Select Board.
- Ben stated that he did this on his own, not by direction of the Select Board.

5.0 PUBLIC HEARING - LICENSE APPLICATIONS

Public hearing opened at 6:43pm.

- 5.1 Maxwell's Pub - Malt, Spirituous & Vinous Liquor License Renewal Application
Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the public in attendance.

William Hludik was in attendance to represent Maxwell's Pub.

090616-01 Motion made by Gary Latulippe and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for Maxwell's Pub; approved 5-0.

5.2 Maxwell's Pub - Amusement License Renewal Application
Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the public in attendance.

090616-01 Motion made by Gary Latulippe and second by Richard Dolliver to approve the Amusement License Renewal Application for Maxwell's Pub; approved 5-0.

6.0 PUBLIC HEARINGS & PRESENTATIONS

6.1 Amendments to Title V, Motor Vehicle Traffic & Parking Ordinance - 1103.16 Residential Parking - Mark O'Brien, Acting Town Manager

There were no comments from the public in attendance.

6.2 New Title XVII, Private Use Helicopters - Scott Heyland, Code Enforcement Officer

Chair Dailey stated that the Select Board had received a letter in their package regarding the helicopter ordinance.

Scott Heyland, CEO, stated that the ordinance is basically the same as the last document that was presented except that the fine structure was changed to \$2,500 per occurrence. Another suggested change is that the beach and river estuary be specified to not allow landings in those areas.

Ben Hershenson, Myrtle Circle

- Commented on the problem that this ordinance is addressing.

Chair Dailey read a letter into record that was submitted by Ralph W. Austin, Woodman Evans, Danylik Austin Smith & Jacques P. A., Attorney for Wayne Griffin; the letter was regarding the proposed "Private Use Helicopters" ordinance.

6.3 Presentation - Proposed Warrant Articles to Create Reserve Accounts for the Marginal Way and Main Beach - Paul Breen, Resident

Mr. Breen was in attendance to present information on "Reserve Funds" that have been discussed a number of times. Mr. Breen presented a slide show to the Select Board outlining the request and changes he has made (see below).

Proposed Revisions Warrant Article Beach Reserve Fund (1)

- *Beach Reserve Fund Applies to all Ogunquit Beaches*
- *\$50,000 Annual Contribution Beach Reserve Fund*
- *Beach Reserve Fund Capped at \$200,000*
- *Beach Reserve Fund Replenished to Cap Limit as Project Funds Withdrawn*
- *Two Sources of Revenue-Select One (Total Annual Revenue Beach Parking Lots or Undesignated Funds)*

Proposed Revisions Warrant Article Beach Reserve Fund (2)

- *Separate Version for each Warrant Article*
- *Recommend Draw from Parking Lot Account*
- *Defer Action Pending Review of Beach Erosion Report*

Proposed Revisions Warrant Article Marginal Way Reserve Fund (1)

- *\$25,000 Annual Marginal Way Reserve Contribution*
- *Balance in the Marginal Way Reserve Fund capped at \$100,000*
- *Marginal Way Reserve Fund Replenished to Cap Limit as Project Funds Withdrawn Two Sources of the Funds Defined (Select One Total Annual Revenue from Parking lot Revenue or Draw from Undesignated Fund Account)*

Proposed Revisions Warrant Article Marginal Way Reserve Fund (2)

- *Separate Version Defined for each Proposed Warrant Article*
- *Recommend Draw from Parking Lot Account*
- *Select Board Select One Version for Warrant Article go to Voters Irrespective of Actions by either the Select Board and/or the Budget Review Committee.*

Beach Reserve Fund Draft Warrant Article (1)

- *A Beach Reserve Fund shall be established to provide funds for the support of the maintenance and upgrade all Ogunquit Beaches. The Beach Reserve fund shall be allocated \$50,000 from the annual parking lot revenue . The transfer of funds will be included as a function of the year-end closing of the Town's financial records. The approval of expenses and any proposed projects related to the Beach shall be placed before the Town's voters through the budget approval process at either the Annual Town Meeting or a Special Town Meeting. Before the matter is presented to the voters, at least one public hearing will be held to explain the project and the expense authority being sought. A warrant article authorizing the funding of this*

reserve account will be placed before the voters whether or not the Select Board and/or the Budget Review Committee agree to the requested appropriation.

Beach Reserve Fund Draft Warrant Article (2)

- *A Beach Reserve Fund shall be established to provide funds for the support of the maintenance and upgrade all Ogunquit Beaches. The Beach Reserve fund shall be allocated \$50,000 from the undesignated account. The transfer of funds will be included as a function of the year-end closing of the Town's financial records. The approval of expenses and any proposed projects related to the Beach shall be placed before the Town's voters through the budget approval process at either the Annual Town Meeting or a Special Town Meeting. Before the matter is presented to the voters, at least one public hearing will be held to explain the project and the expense authority being sought. A warrant article authorizing the funding of this reserve account will be placed before the voters whether or not the Select Board and/or the Budget Review Committee agree to the requested appropriation.*

Marginal Way Reserve Fund Draft Warrant Article (1)

- *A Marginal Way Reserve Fund shall be established to provide funds for the support of maintenance and upgrade of the Marginal Way. The Marginal Way Reserve Fund shall be allocated \$25,000 of the annual revenue from the parking lots. The transfer of funds will be included as a function of the year-end closing of the Town's financial records. The approval of expenses and any proposed projects for the Marginal Way shall be placed before the Town's voters through the budget approval process at either the Annual Town Meeting at a Special Town Meeting. Before the matter is presented to the voters, at least one public hearing will be held to explain the project and expense authority being sought. A warrant article authorizing the funding of this reserve account will be placed before the voters whether or not the Select Board and/or the Budget Review Committee agree to the requested appropriation.*

Marginal Way Reserve Fund Draft Warrant Article (2)

- *A Marginal Way Reserve Fund shall be established to provide funds for the support of maintenance and upgrade of the Marginal Way. The Marginal Way Reserve Fund shall be allocated \$25,000 from the undesignated Account. The transfer of funds will be included as a function of the year-end closing of the Town's financial records. The approval of expenses and any proposed projects for the Marginal Way shall be placed before the Town's voters through the budget approval process at either the Annual Town Meeting at a*

Special Town Meeting. Before the matter is presented to the voters, at least one public hearing will be held to explain the project and expense authority being sought. A warrant article authorizing the funding of this reserve account will be placed before the voters whether or not the Select Board and/or the Budget Review Committee agree to the requested appropriation.

Request to the Board

- *Defer Beach Reserve Fund Article*
- *Consider After Review Completed for Beach Erosion Report*
- *Consider Revised Proposal for Marginal Way Reserve Fund*
- *Approve or Suggest Revisions*
- *Goal -Place Marginal Way Reserve Fund Article on November Warrant*

Thanked Bill Baker and the Select Board for their input.

Pamela Sawyer, 58 Grasshopper Lane

- Stated that she is against tying any sort of reserve fund to revenue raised by the town.

Mark MacLeod, 57 Bayview Avenue

- Agreed with Pamela Sawyer that reserve funds should not be tied to revenues.

Paul Breen

- Explained why he tied revenue sources to the reserve funds, stability in planning.

Ben Hershenson

- Asked whether town documents for the Marginal Way designate that the town is responsible for repairs/maintenance of the Marginal Way.

6.4 Informational Public Hearing - November 8, 2016 Special Town Meeting Warrant Articles- Select Board Chair Barbara Dailey

An extremely rough draft was in the Select Board packet. This particular warrant is expected to have about 30 items for review.

Motion made by Rick Dolliver and second by Gary Latulippe to move into the business session of the meeting; approved 5-0.

7.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

7.1 Amendments to Title V, Motor Vehicle Traffic & Parking Ordinance - 1103.16 Residential Parking- Mark O'Brien, Acting Town Manager

Select Board Action on the change in parking between the Town Office and Fire Department to residential parking during evenings and weekends.

090616-02 Motion made by Robert Winn and second by Rick Dolliver to accept the amendments, deletions and additions, to Title V, Motor Vehicle Traffic & Parking Ordinance, 1103.16; approved 5-0.

7.2 New Title XVII, Private Use Helicopters - Scott Heyland, Code Enforcement Officer

Select Board Review and Action on the New Title XVII, Private Use Helicopter Ordinance

Discussion was held regarding emergency helicopter landings for life safety events.

Discussion was held regarding the creation of an ordinance based on one individual.

The Select Board held a discussion on the proposed ordinance with CEO Scott Heyland.

Motion made by Robert Winn and second by Gary Latulippe (for discussion) to accept the ordinance as written, Title XVII- Private Use Helicopters in the Ogunquit Municipal Code.

The second was withdrawn by Selectman Latulippe, motion fails.

Motion made by Gary Latulippe and second by Rick Dolliver (for discussion) change Chapter 12, paragraph 4(Title XVII- Private Use Helicopter) - "helicopter landings are prohibited on any land west of Route One with the exception of those activities found in Chapter 13".

The second by withdrawn by Selectman Dolliver, motion fails.

The Select Board requested that the Acting Town Manager look into a moratorium on helicopter landings. This item was tabled until the next meeting of the Select Board on September 20, 2016.

7.3 Proposed Warrant Articles to Create Reserve Accounts for the Marginal Way and Main Beach - Paul Breen, Resident

Select Board Review and Action on Proposed Warrant Articles for the November 8, 2016 Special Town Meeting

Paul Breen removed the request for an article for a Main Beach Reserve Fund, therefore there was only one article up for Select Board discussion and action.

Selectman Dolliver recused himself from action on this agenda item as he is a member of the Marginal Way Preservation Board.

No action at this time on the agenda item.

7.4 Code of Ethics Policy - *Selectman Gary Latulippe*
Discussion and Possible Select Board Action

Selectman Latulippe stated that it would be good, as the Select Board, to adopt their own code of ethics; then have the other committees weigh in on the policy. It could take some time with all the committees to review the proposed policy. He did not want to force a policy on committees without them having proper vetting time.

The new version applies strictly to the Select Board at this time. Selectman Latulippe stated that under item #2 "Compliance with the Law", should verbiage be added referring to the Town Charter, proper wording inserted.

Mr. Latulippe also, commented on "determination of a conflict" and the verbiage regarding this section.

Michelle Tourangeau, 433 Main Street and member of the Charter Commission, spoke about this issue from a Charter member perspective.

Selectman Daley commented on the lack of enforcement in the policy if there is a violation of the policy.

Ben Hershenson spoke about the violation section of the policy. Mr. Hershenson spoke about having a workshop session to review the policy.

Selectman Winn commented on the sections on "Communication" and "Compliance and Enforcement".

7.5 Employee Business Parking - *Selectman Richard Dolliver*
Select Board Discussion on Employee Business Parking in Municipal Parking Lots

Selectman Dolliver stated that he met with Visitor Services at the request from the Ogunquit Residents Alliance (ORA) and went over the numbers regarding Employee Business Parking Passes. He stated that ORA have accepted the

numbers that were prepared by Ray Hamlin from Visitor Services. Mr. Hamlin came up with a net loss of \$24,480 from employee passes in 2016.

Ray Hamlin explained the methodology he used to come up with the numbers that were presented.

Selectman Latulippe commented on the ability to have transferrable employee passes.

8.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

8.1 FY 2016-2017 Tax Rate - John Quartararo, Treasurer

Select Board Action to Set the Tax Mil Rate and Overlay for the 2016-2017 Fiscal Year

Due to data input discrepancies, this agenda item was tabled. Chair Dailey stated that the Select Board will have to meet next week to set the mil rate.

8.2 Submission of Citizen's Petition - Boriana Dolliver, Resident

Select Board Review and Action on a Citizen's Petition for the Use of the Ogunquit Village School as a Intergenerational Learning Center as Submitted for Inclusion on the November 8, 2016 Special Town Meeting Warrant

Town Clerk Christine Murphy has signed the certification validating the signatures on the petition.

090616-03 Motion made by John Daley and second by Gary Latulippe to accept the Citizen's Position to turn the Ogunquit Village School into an Intergenerational Learning Center and a Parks & Recreation Information Center; approved 5-0.

8.3 Award of Bid - Police Cruiser - Mark O'Brien, Acting Town Manager

Select Board Action on the Award of the Bid for the Purchase of a New Cruiser for the Ogunquit Police Department

090616-04 Motion made by Robert Winn and second by Richard Dolliver to accept the bid for the new cruiser from Quirk, Hallowell, Maine for the sum of \$26,831.00; approved 5-0.

8.4 Award of Bid - Public Works Department Truck – *Mark O'Brien, Acting Town Manager*

Select Board Action on the Award of the Bid for the Purchase of a New Pickup Truck for the Ogunquit Public Works Department

090616-05 Motion made by Robert Winn and second by Richard Dolliver to accept the bid from Starkey Ford for the pickup truck for the DPW for the sum of \$56,525.00; approved 5-0.

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

9.1 Public Input

Boriana Dolliver, Shore Road

- Presented information regarding the budget for the Ogunquit Village School Intergenerational Learning Center.

Kirsten Ross, Highland Avenue

- Stated that she would like to speak to the Code of Ethics workshop that is being proposed, doesn't sound like the public is being included. Hopes that there is an avenue to give feedback.

Mike Cavaretta, one of the owners of Cornerstone at 228 Main Street

- Comments on Employee Parking and his discussion with his employees in regards to parking in the lots.

Karen Arel, President, Chamber of Commerce

- Comments regarding parking lots both town and non-town owned.
- Commented on transferrable parking passes and the cost of passes.

Kenneth Baker, 21 Marginal Avenue

- Thanked Acting Town Manager Mark O'Brien for his quick action regarding the recycling barrels. Mr. Baker is a volunteer for the Wells-Ogunquit Senior Center and collects the recyclables for the center.

Ben Hershenson, Myrtle Circle

- Comments regarding public input on the Code of Ethics.

Deborah LaPointe, owner of Salon Loka, 16 Shore Road

- Comments on the Employee Parking Pass issue and the effects on businesses.
- Informed the board that a bench in front of her business is broken and wanted to report it.

9.2 Select Board

Selectman Daley

- Commented on the issue of public input on the Code of Ethics.

10.0 EXECUTIVE SESSION

10.1 Personnel [Pursuant to Title 1, Chapter 13 §405 (6)(A)]

Motion made by Gary Latulippe and second by Richard Dolliver to go into Executive Session (after a short break) at 9:21pm to discuss Personnel Pursuant to Title 1, Chapter 13 §405 (6)(A); approved 5-0.

Motion made by Gary Latulippe and second by Richard Dolliver to come out of Executive Session at 9:59pm; approved 5-0.

No action taken during Executive Session

11.0 ADJOURNMENT

Motion made by Gary Latulippe and second by Richard Dolliver to adjourn the meeting at 9:59pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager