



**SELECT BOARD
MEETING MINUTES
SEPTEMBER 20, 2016**

**1.0 INFORMATIONAL WORKSHOP WITH THE OGUNQUIT SEWER DISTRICT
AND KENNEBUNK, KENNEBUNKPORT & WELLS WATER DISTRICT
REGARDING SHORE ROAD SEWER LINE UPGRADE/REPLACEMENT AND
WATER MAIN REPLACEMENT PROJECT - 5:00PM**

Representatives from the Ogunquit Sewer District and the KK&W Water District were in attendance for review of the Shore Road Project. This project will be starting after Columbus Day and run through the spring of 2017.

2.0 COMMITTEE INTERVIEWS - 6:00PM

The Select Board met with applicants for the Heritage Museum Committee and the Parks & Recreation Committee.

3.0 CALL TO ORDER-6:30PM

The meeting was called to order at 6:30pm.

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

Others present: Mark O'Brien, Acting Town Manager

3.1 Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

3.2 Select Board Minutes - September 6, 2016

The minutes of the September 6, 2016 Select Board meeting were accepted as presented.

3.3 Select Board Minutes - September 12, 2016

The minutes of the September 12, 2016 Select Board meeting were accepted as presented.

4.0 TOWN MANAGER'S REPORT

Workshop with Kennebunk, Kennebunkport & Wells Water District and Ogunquit Sewer District was held prior to the regular meeting of the Select Board to review the Shore Road Project. The expected start date is after Columbus Day. The project starts in the square on Shore Road and extends to Israel Head Road.

Route 1 Project is in full swing; they hope to be done by November 5th of this year. I have asked they keep in mind of when businesses may be open and be courteous to their needs. I have visited the site during day and some evenings to address ongoing issues and complaints and will continue to do so until the project is done. Mr. O'Brien attends the weekly project meeting on Wednesdays at the lower lot construction headquarters.

The **flashing pedestrian lights** at Agamenticus/Obeds should be done this week as the last set we have to be installed. People need to remember to swipe your hand in front of the sensor to activate them.

The **new Police Cruiser** has arrived but still needs to be lettered and lights & sirens installed.

The town hall was flooded down stairs from Sunday night's rain storm. Water was in the Police Department, hall and other offices. Serv-Pro was called in to clean up with fans and dehumidifiers. They have been removing some baseboard and wallboard. Please be careful during these operations; they hope to be done by Friday.

I have signed the agreement with **Gronin** to install the pipe in the lower lot. They hope to do it at the end of October in time for us to get the base pavement down for the winter. Some rain gardens will be installed during construction to comply with the ongoing watershed project.

Perkins Cove Footbridge has an issue with a cracked beam. This is from regular use. The bridge is 15 years old; the cracked appeared this late summer. The engineers have looked at it and feel it is not a threat of failing but needs to be fixed prior to next busy season.

Tax bills will be going out tomorrow, September 21, 2016, with an informational letter of the revaluation enclosed with the tax bill. October 7th **Absentee Ballots** will be available at town hall.

Reminded all that school is open now, watch out for the children and busses.

5.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

5.1 Bicycle-Pedestrian Committee - Applicant was not able to attend meeting, no action taken on this agenda item.

5.2 Heritage Museum Committee

092016-01 Motion by Robert Winn and second by Richard Dolliver to appoint Marc Saulnier as 2nd Alternate to the Heritage Museum Committee, term to expire June 30, 2017; approved 5-0.

5.3 Parks & Recreation Committee

092016-02 Motion by Robert Winn and second by Richard Dolliver to appoint Kathryn Weiner as a Full Member of the Parks & Recreation Committee, term to expire June 30, 2017; approved 5-0.

6.0 PUBLIC INPUT (CURRENT AGENDA ONLY)

Roger Brown, 8 Seagrass Lane

- The 2016-2017 Priorities adopted by Ogunquit Residents Alliance (ORA) asks that the Select Board adopt an Ethics Policy.
- Commented on Section 7 - Communications, contradictory to the Charter.

Bob Glidden, 13 High Ridge Lane

- Stated confusion regarding Article 4 (Helicopter).

Jordan Freedman, 81 Grasshopper Lane

- Commented on the item under New Business regarding Maxwell Acres.

Michael Horn, Juniper Lane

- Speaking for the Juniper Lane Residents Association regarding a plowing easement for Juniper Lane.

7.0 PUBLIC HEARING - LICENSE APPLICATIONS

Public hearing opened at 6:49pm.

- 7.1 Angelina's Ristorante - Malt, Spirituous & Vinous Liquor 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. David Giarusso was in attendance to represent Angelina's Ristorante.

092016-03 Motion by Robert Winn and second by Gary Latulippe to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for Angelina's Ristorante; approved 5-0.

8.0 PUBLIC HEARINGS & PRESENTATIONS

- 8.1 Shellfish Harvester Licenses 2016-2017- Shellfish Conservation Commission Public Hearing to consider the recommendations of the Shellfish Conservation Commission relative to the anticipated opening of the clam flats for the 2016-2017 season and to set the fees for sale of clam licenses

Craig Thiede was in attendance to review the recommendations of the Shellfish Conservation Commission and to answer questions from the public and Select Board.

The commission would like to open 2 areas for clamming this year (A & B) starting the 5th of November through the 28th of March. The commission will be allowing one day dig permits, 12 per day, this year which will be sold at the flats.

Marsha Northrop, 2 Fieldstone Lane

- Question about the affect of the rat poison on the clam flats. Acting Town Manager O'Brien stated he spoke with the DEP who stated that the rat poison is non-water soluble. There was no poison placed out on the riverside, the DEP felt that the clam flats would not be affected by this.

Kirsten Ross, Highland Avenue

- Stated that she had found more rat poison this morning on the beach.

Mr. Thiede stated that the commission is actively recruiting new members if anyone is interested.

- 8.2 Informational Public Hearing on the Warrant Articles for the November 8, 2016 Special Town Meeting - Select Board Chair Barbara Dailey

Article 2. Addition of Fluoride to Public Water Supply

Richard Littlefield, KK&WWD Trustee from Ogunquit

- Introduced Jan Hanson, who spoke about fluoride and the effects of fluoride. Jan stated that she was present to represent Norm Labbe, KK&WWD Superintendent. She read a letter from Mr. Labbe regarding the fluoride referendum. This letter stated that the water district is against fluoridation of the water supply.

Eunice Sargent, Kennebunkport

- Stated that she worked on the committee to get the question on the ballot.
- Commented on the state mandated wording of the article.

Ben Hershenson

- Based on the average age in Ogunquit, just vote no (on fluoride in the water).

Article 3. Intergenerational Learning Center & Parks & Recreation Information Center at OVS (petition article)

Boriana Dolliver, 331 Shore Road

- Highlighted the benefits and the financial aspects of the project.

Wendy Lavigne, Obeds Lane

- Sounds like an amazing idea, had questions about funds to get the building up to code to be used for the purpose outlined by the petition. Also asked if a survey had been done about the number of children in Ogunquit who would utilize the facility.
- Asked whether the town funds the Wells-Ogunquit Senior Center.

Kirsten Ross, Highland Avenue

- Brought up the vote in 2009, which passed 495-218, regarding the concept of using the OVS as a municipal campus. Questioned why the town did not move forward with the conceptional will of the voters.

Article 4. An Ordinance to Restrict the Use of Private Helicopters to Approved Heliports West of #95 only (petition article)

Rebecca Fox, 21 Marginal Avenue

- Clarifications between this article and Article 24 which is the Select Board article.
- Asked what would happen if both passed.
- If Article 24 fails, assumed that fire/police safety training would carry on. It was explained that it could not if the ordinance under Article 4 passes.

Bob Glidden, Highland Avenue

- Commented on the Route One and the Interstate 95 difference.

Jerry DeHart, 100 Cherry Lane

- Stated that he is completing a house on west of Interstate 95 and how it would affect him.
- Stated that should have had more review before it went to the voters, i.e. Planning Board.

Wendy Lavigne, Obeds Lane

- Stated that she agrees with statements made by Mr. DeHart.
- Asked if the Select Board could remove their article.
- Gave a history of the events leading up to the creation of the ordinances.

Peter Kahn, 3 Tern Street

- Asked for an explanation from the Select Board as to why the Select Board chose to set the line at Route One, instead of Interstate 95.

Madeline Brown, 8 Seagrass Lane

- Asked about west of Route One or west of #95, why one acre?
- If both fail, could someone put in a helipad before June?

Kirsten Ross, Highland Avenue

- If one or the other passes could this be brought forth in June for amendments.
- Stated that she does not want to see helicopters in Ogunquit.

Article 5. Charter Amendment to Article I - Grant of Powers to the Town, Section 102 - Powers of the Town, §102.11

Paul Breen was in attendance to review the changes and answer questions from the public and the Select Board.

No public comments or questions.

Article 6. Charter Amendment to Article II - Town Meetings, Section 203 - Town Elections, §203.1

Boriana Dolliver, 331 Shore Road

- Asked about the reasoning behind the term limits.

Ben Hershenson, Myrtle Circle

- Term limits should be good for all elected boards, not just specific boards. This town does not need term limits.

Article 7. Charter amendment to Article II - Town Meetings, Section 206 - Warrant Article(s) by Petition of Voter

No public comments or questions.

Article 8. Charter amendment to Article III - Select Board, Section 308 - Meetings and Voting, §308.2

No public comments or questions.

Article 9. Charter amendment to Article III - Select Board, Section 310 - Powers of the Select Board, §310.2

No public comments or questions.

Article 10. Charter amendment to Article III - Select Board, Section 310 - Powers of the Select Board, §310.12

No public comments or questions.

Article 11. Charter amendment to Article III - Select Board, Section 310 - Powers of the Select Board, §310.16

No public comments or questions.

Article 12. Charter amendment to Article V - Financial Procedures, Section 504 - Revenue and Expenditures

No public comments or questions.

Article 13. Charter amendment to Article V - Financial Procedures, Section 505 - Borrowed Funds

No public comments or questions.

Article 14. Charter amendment to Article V - Financial Procedures, Section 506 - Independent Annual Audit

No public comments or questions.

Article 15. Charter amendment to Article VIII- Boards, Committees and Commissions, Section 801 - Town Boards, committees and Commissions

No public comments or questions.

Article 16. Charter amendment to Article VIII- Boards, Committees and Commissions, Section 801 - Town Boards, Committees and Commissions § 801.1

No public comments or questions.

Article 17. Charter amendment to Article VIII- Boards, Committees and Commissions, Section 803 - Forfeiture of Office

No public comments or questions.

Article 18. Charter amendment to Article IX- General Provisions, Section 909 - Conflict of Interest

No public comments or questions.

Article 19. Charter amendment to Article IX- General Provisions, Section 910 - Appearance of Conflict of Interest

No public comments or questions.

Article 20. Approve the charter modifications, not otherwise specified in Warrant Articles 5 through 19

No public comments or questions.

Article 21. An Ordinance to Amend Title III of the Ogunquit Municipal Code, Public Service Ordinance

No public comments or questions.

Article 22. An Ordinance to Amend Title X of the Ogunquit Municipal Code, Article 7 - District Regulations, Land Uses Permitted in Zoning Districts, Table 702.1, Fences

Code Enforcement Officer Scott Heyland was in attendance to address questions or comments.

No public comments or questions.

- Article 23. An Ordinance to Amend Title X of the Ogunquit Municipal Code, Article 8 - General Standards Applicable to All Land Uses, Section 8.6.C - Fences

No public comments or questions.

- Article 24. New Title XVII of the Ogunquit Municipal Code, Private Use Helicopters Ordinance

- Article 25. Amend the Building Maintenance Reserve Account, change of wording

No public comments or questions.

- Article 26. Replacement of Mooring Chains at Perkins Cove - \$120,000

Acting Town Manager Mark O'Brien presented an updated article for the Select Board to review. Since the last review of this article, it has come to light that there is a problem with the Perkins Cove Footbridge. It was suggested that the article be reworded to allow for expenditures on the bridge with any non-expended chain monies.

Mr. O'Brien stated that he spoke with the Chair of the Budget Review Committee regarding the change in the language of the article; Mr. Sawyer was in favor of the change.

- 092016-04** Motion made by Gary Latulippe and second by Richard Dolliver to amend Article 26 with the following verbiage "*Shall the Town vote to approve a Capital Improvement Project entitled Perkins Cove Improvements consisting of the Replacement of Mooring Chains and/or Repairs to the Footbridge at Perkins Cove and to appropriate the sum of One Hundred and Twenty Thousand Dollars (\$120,000) from Undesignated Fund Balance*"; approved 5-0.

- Article 27. Replenish the Natural Disaster Account - \$9,439

No public comments or questions.

Article 28. Acceptance of Plowing Easement on Certain Private Roads

Mr. O'Brien explained that since the last meeting, there have been requests for two additional roads to be added to the warrant article, one is Maxwell Acres and the other is Juniper Lane.

Clifford Marchant was present to address the two roads and reviewed his facts and findings regarding the roads with the Select Board. He stated that after discussion with the Ogunquit Sewer District, plowing of the road is not a public necessity because of the pumping station.

Michael Horn, Juniper Lane

- Mr. Horn stated that there is no contest/disagreement that the road itself does not meet the standards that were established for plowing.
- Mr. Horn reviewed the objective that there is a public necessity for the 14 winter homes on the road served by the pumping station. Feels that the town should contribute to the overall protection of the residents by plowing it.
- Mr. Horn is asking the Select Board to allow this to go to the voters.

Mr. Marchant spoke about Maxwell Acres and their request to be included on the Special Town Meeting warrant.

Jordan Freedman, 81 Grasshopper Lane

Mr. Freedman explained his request to be included on the Special Town Meeting Warrant for November 8, 2016.

Muriel Freedman, Grasshopper Lane and corner of Maxwell Acres

- Comments about Kingfield Road and how it compares to Maxwell Acres.

Article 29. Acceptance of Woodland Hills as a Town-owned Road

Mr. Marchant stated that there are five street lights on Woodland Hills. The road is in excellent condition.

Kirsten Ross, Highland Avenue

- Asked about comment at last meeting regarding the opening up of Woodland Hills through to Route One.

Motion made by Richard Dolliver and second by Gary Latulippe to move into the business meeting at 9:48pm; approved 5-0.

9.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

9.1 Code of Ethics Policy - Gary Latulippe, Selectman

Discussion and Possible Select Board Action

Chair Dailey commented that there was no intent to put forth the final version of the Code of Ethics at this point. Commented on public comments during the workshops, stated that they are only receiving public input through the e-mail address at this time.

Selectman Winn commented on the process for the Code of Ethics policy and his feelings regarding the policy.

Selectman Dolliver commented on the meeting with Attorney Lowe and the Freedom of Access, Code of Ethics and public comment about the policy.

Selectman Daley commented on the purpose of the workshop held with Attorney Lowe.

Selectman Latulippe stated that he understands Ben Hershenson's role in this is as a facilitator.

092016-05 Motion made by Robert Winn to table the Code of Ethics until we can get ourselves straightened so can have enough information to handle it.

No second, motion fails.

092016-06 Motion made by John Daley and second by Richard Dolliver to continue working on the very important Code of Ethics and keep vetting it out, and that they include Ben Hershenson as the facilitator; approved 4-1, Winn in opposition.

10.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

10.1 Shellfish Harvester Licenses 2016-2017 - Mark O'Brien, Acting Town Manager
Select Board Action to Set the Opening of the Ogunquit Clam Flats; and to Set Fees for the Sale of Clam Licenses

092016-07 Motion made by Gary Latulippe and second by Richard Dolliver to approve the opening date of the Ogunquit Clam Flats as November 5, 2016 through the closing date of March 19, 2017 for Areas A & B, with Area C being closed to clamming; and to set the following fees:

Resident Town Employees	80 available	\$35.00
Non-resident	8 available	\$70.00
Resident (65 and older)	15 available	Free
Non-resident (65 and older)	2 available	Free
One Day Permits (Each Day)	12 available	\$15.00

Approved 5-0

10.2 Public Easement Road Petition for Maxwell Acres - Cliff Marchant, Administrative Services Director
Resident Request to Include Maxwell Acres on the November 8, 2016 Special Town Meeting Warrant under Article 28 - Plowing and Sanding of Private Roads

No action taken.

10.3 Municipal Officers Certification of Official Text of Secret Ballot Referendum Question - Title X, Article 7, District Regulations, Land Uses Permitted in Zoning Districts, Table 702.1, Fences- Mark O'Brien, Acting Town Manager
Select Board Action on the Certification of the Planning Board Article for the November 8, 2016 Special Town Meeting Warrant

092016-08 Motion made by John Daley and second by Richard Dolliver to approve the Municipal Officers Certification of the Official Text of Secret Ballot Referendum Question - "Title X, Article 7, District Regulations, Land Uses Permitted in Zoning Districts, Table 702.1, Fences" as submitted for inclusion on the November 8, 2016 Special Town Meeting Warrant; approved 5-0.

10.4 Municipal Officers Certification of Official Text of Secret Ballot Referendum Question - Title X, Article 8 - General Standards Applicable to All Land Uses, Section 8.6.C - Fences- Mark O'Brien, Acting Town Manager
Select Board Action on the Certification of the Planning Board Article for the November 8, 2016 Special Town Meeting Warrant

092016-09 Motion made by John Daley and second by Gary Latulippe to approve the Municipal Officers Certification of the Official Text of Secret Ballot Referendum Question - "Title X, Article 8 - General Standards

Applicable to All Land Uses, Section 8.6.C - Fences" as submitted for inclusion on the November 8, 2016 Special Town Meeting Warrant; approved 5-0.

- 10.5 Submission of Citizen's Petition - Rebecca Fox, Resident
 Select Board Review and Action on a Citizen's Petition for An Ordinance to Restrict the Use of Private Helicopters to Approved Heliports West of #95 only which was Submitted for Inclusion on the November 8, 2016 Special Town Meeting Warrant

092016-10 Motion made by John Daley and second by Richard Dolliver to accept the Citizen's Petition for "An Ordinance to Restrict the Use of Private Helicopters to Approved Heliports West of #95" as submitted for inclusion on the November 8, 2016 Special Town Meeting Warrant; approved 5-0.

- 10.6 Warrant for the November 8, 2016 Special Town Meeting- Mark O'Brien, Acting Town Manager
 Select Board Approval of the Warrant for the November 8, 2016 Special Town Meeting

092016-11 Motion made by Gary Latulippe and second by Richard Dolliver to approve the Warrant for the November 8, 2016 Special Town Meeting as amended; approved 5-0.

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

11.1 Public Input

Kirstein Ross, Highland Avenue

- Commented on e-mails that she sent regarding the Code of Ethics process. Ms. Ross stated that she is committed to the issue and has put in a lot of time.
- Wanted to know if this is the most efficient way to get public input on the Code of Ethics.

Rebecca Fox, 21 Marginal Avenue

- Commented on the issue of transparency, how something came about.
- Suggested in the future to bring it to the public to see anyone else would be interested in working on a particular topic.
- Does not just belong to the five members, should be a much larger audience.

Madeline Brown, Seagrass Lane

- Commented on the Code of Ethics; the biggest problem is that the public does not know what is going on. Asked that the board lay it out, never know when the residents are going to be involved. It is the perception, not clear.
- Commented on the outburst that occurred at the meeting.

Jackie Connerty, Woodland Hills

- Commented on the treatment of citizens by the Select Board.
- Commented on the lack of civility among board members.

John Paul Argenti, Head Lifeguard for Town of Ogunquit

- Commented on Christian's Lifeguard Dash, Laura Rose and her family, and how much they mean to the lifeguard service and how much the service has meant to Laura and her family.
- Asked that the Select Board come and see where they are stationed and what room they have for the 20+ lifeguards.

Ben Hershenson, Myrtle Circle

- Commented on behavior at the meeting.

11.2 Select Board

Selectman Daley

- Commented on the Code of Ethics process.
- Commented on Term Limits.
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12.0 **ADJOURNMENT**

Motion made by Richard Dolliver and second by Gary Latulippe to adjourn the meeting at 10:44pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager