



**SELECT BOARD
MEETING MINUTES
OCTOBER 18, 2016**

1.0 CALL TO ORDER-6:00PM

Meeting called to order at 6:03pm.

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 Chair Dailey.

1.2 Meeting Minutes - September 20, 2016

The minutes of the September 20, 2016 Select Board meeting were accepted as amended.

1.3 Meeting Minutes - October 4, 2016

The minutes of the October 4, 2016 Select Board meeting were accepted as presented.

2.0 TOWN MANAGER'S REPORT

Acting Town Manager O'Brien gave an update on the Shore Road project; the water district has started the new water main which will run from Obeds Lane to the square. Shore Road south bound has been ground so is gravel; the water district will be maintaining the gravel areas. The sewer district will be starting their project next Monday, October 24th, starting at Obeds Lane and go south to Israel

Head Road. The sewer district will be blocking the road; it will be local traffic only. The project will be from manhole to manhole as far as the digging.

Grondin has started the Lower Lot culvert replacement this week; the lot will be closed all week with the hopes of opening it back up by noon on Friday. This work is in preparation of the grinding, paving and installation of rain gardens as part of the Ogunquit River Watershed Improvements Grant. The lot will be base paved this fall, final coat in the spring and lines painted.

The Route One final paving is to occur this week, from top of Scotch Hill to Glen Avenue North. The brick sidewalks are just about done. Mr. O'Brien stated that he has received comments that the bricks are wobbly, they will be applying a top coat of sand (which will work into the bricks and stabilize them). The company was waiting for a majority of the sidewalks to be done before putting the sand down.

The striping on Route One has quite a few flaws in it, MDOT has written up Grondin for the errors which are all supposed to be corrected before the project is finished.

There is a tree at the start of Israel Head Road on the left side on town property; the center of the tree has rotted. The town had an arborist evaluate it; he flagged it to come down. This tree will be taken down in a week or so.

Acting Town Manager stated that is has been overwhelming regarding the requests to our town staff for information on the upcoming elections and beyond those elections. We realize that as employees, we work for the taxpayers of Ogunquit, but the requests or so many that it has taken hours out of our employees days and days out of their regular work schedules. Mr. O'Brien stated that if there is a request that may take a lot of time for employees to gather that the requester do a Freedom of Access Act (FOAA) request. This allows the town five days to respond. The requests have inundated the Treasurer, Secretary and Town Clerk, to the point where they are not able to get the day to day work accomplished. This is a very busy time with the elections coming up.

Thank you to the public for all their support in helping him through these trying times.

Chair Dailey updated the public regarding the hiring of an independent attorney in August to conduct an employment inquiry into the allegations about parking charges that were made against Town Manager Thomas Fortier. Chair Dailey reiterated that previously had told the public that when information was available it would be provided. The independent attorney has been working consistently through this

time on this inquiry which includes reviewing records and interviewing witnesses. Currently it is the attorney's expectation that the inquiry will wrap up within the next two weeks. The town will review the results of that inquiry and decide what action, if any, should be taken. This inquiry, which is an employment inquiry, is separate from any criminal investigations and proceedings which would be in the hands of the district attorney. At this time the report should be complete within the next couple of weeks.

3.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

3.1 Comprehensive Plan Committee

Selectman Dolliver recused himself from action on this agenda item.

101816-01 Motion made by Gary Latulippe and second by John Daley to approve the appointment of Boriana Dolliver as a member of the Comprehensive Plan Committee; approved 4-0, Dolliver recused.

4.0 PUBLIC INPUT (CURRENT AGENDA ONLY)

Sandra Guay, Attorney with Woodman Edmands

- Present on behalf of Cumberland Farms to answer questions regarding the easement deeds.

Rick Speciale, 15 Cardinal Crescent

- Comments regarding his concerns about the bathhouse at the Main Beach area. The facility needs to be expanded in size, not for the men but for the women. Also spoke about automatic flush, in the best interest of the community, in all bathrooms.
- Suggested built in power washers to clean the bathrooms.
- Comments regarding his concerns about the dumpster at the Main Beach which visually does not look good.

5.0 PUBLIC HEARING - LICENSE APPLICATIONS

Public Hearing opened at 6:30pm.

5.1 Five-O Shore Road - 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.

Gary Pucciarelli was in attendance to represent Five-O Shore Road.

101816-02 Motion made by Gary Latulippe and second by Richard Dolliver to approve the Malt, Spirituous & Vinous License Renewal Application for Five-O Shore Road; approved 5-0.

6.0 PUBLIC HEARINGS & PRESENTATIONS

6.1 Christian's Run Presentation- John Paul Argenti, Lifeguard Services

John Paul Argenti, Captain of the Lifeguard Service, was in attendance to give an update to the Select Board regarding donations the service had received.

In July of this year, Laura Rose donated \$7,100 towards the purchase of a new Jet-ski for the lifeguard service. In addition, she donated \$1,399 towards the purchase of a new 11 foot soft top rescue board for the Marginal Way Lifeguard Station, 20 lifeguard certification fees for Red Cross, 8 pairs of swimming fins, a few thermometers and a new life jacket for the Jet-ski. Monies were generated from the proceeds of the Christians Lifeguard Dash in memory of Laura's son, Christian Lumenello who was a lifeguard for Ogunquit in 2010.

JP stated that it is worth reiterating how beneficial Christian's Lifeguard Dash, Laura Rose and her family have been to Ogunquit Ocean Rescue. Since 2011, the service has received 2 Jet-skis, 2 Rescue Boards, 30-40 lifeguard re-certifications, 30+ wetsuits, beach hats embroidered with the logo, over 100 rash guards- some embroidered with team logo, 8 pair of swim fins, lifejacket for the Jet-ski and many other items.

In addition to essential rescue equipment, this list includes items that make lifeguarding more attractive and affordable for the members (wetsuits, safari beach hats and rash guards). The family has been very generous over the years, in addition to the lifeguard equipment; they have hosted several lifeguard functions.

JP stated, that on behalf of the Lifeguard Service, extended Laura Rose a public thank you.

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

Peter Kahn, 3 Tern Street

- Stated that ORA (Ogunquit Residents Alliance) have put together a packet with information on each warrant article. Mr. Kahn gave a copy to all members of the Select Board.

Article 2. Addition of Fluoride to Public Water Supply

Janice Hanson, Chair of the Campaign to Reconsider Fluoride

- Came back to answer the question Selectman Daley had at the last meeting she attended. Ms. Hanson passed out handouts which she reviewed for the Select Board.

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

No comments or questions from the public in attendance.

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

Wendy Lavigne, Obeds Lane

- Comments regarding the information packet, she indicated that she had some trouble with it.
- Commented on the history of helicopter landings in Ogunquit.
- Commented on the two warrant articles on the ballot.

Peter Kahn, 3 Tern Street

- Question regarding "private" helicopters and how it pertains to training exercise.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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 comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

Article 28. Acceptance of Plowing Easement on Certain Private Roads

No comments or questions from the public in attendance.

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

No comments or questions from the public in attendance.

Motion made by Richard Dolliver and second by Gary Latulippe to close the public hearing at 7:00pm; approved 5-0.

7.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

7.1 Quit Claim Deed/Easement Deed to Cumberland Farms from the Town of Ogunquit - Mark O'Brien, Acting Town Manager

Select Board Review and Action to grant an Easement to Cumberland Farms for Designated Parking Spaces on Town Property

Susan Guay, Attorney for Cumberland Farms, explained that the ingress and egress plans were from MDOT as part of the Route One project.

101816-03 Motion made by Gary Latulippe and second by Richard Dolliver to Grant an Easement to Cumberland Farms for Designated Parking Spaces on Town Property; approved 5-0.

7.2 Quit Claim Deed/Easement Deed to Town of Ogunquit from Cumberland Farms- Mark O'Brien, Acting Town Manager

Select Board Review and Action to Accept an Easement from Cumberland Farms for Vehicle Egress across Cumberland Farms Property

101816-04 Motion made by Gary Latulippe and second by Richard Dolliver to accept an Easement from Cumberland Farms for Vehicle Egress across Cumberland Farms Property; approved 5-0.

7.3 Code of Ethics - Barbara Dailey, Select Board Chair
Discussion and Possible Select Board Action

Current draft (10/17/2016) was available for the public. The Select Board has received input from the public. The Select Board will have an informational public meeting to allow for input on Tuesday, October 25, 2016 at 6:00pm. The draft of the Code of Ethics will be available online.

Selectman Latulippe asked if the proposed Code of Ethics had been reviewed by legal counsel. It has not been at this time, but will be reviewed prior to approval and acceptance by the Select Board.

The policy will be on the agenda for a public hearing at the November 1, 2016 meeting and for approval under Old Business.

8.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

- 8.1 Woodbury Lane Drainage Easement - *Mark O'Brien, Acting Town Manager*
Select Board Review and Action on a Perpetual Drainage Easement for Pipe and Catch Basin to Permit Surface Water Drainage at the Terminus of Woodbury Lane

The purpose of this easement is to allow for a town pipe and catch basin to be located on private property.

101816-05 Motion made by Gary Latulippe and second by Richard Dolliver to approve a Perpetual Drainage Easement for Pipe and Catch Basin to Permit Surface Water Drainage at the Terminus of Woodbury Lane; approved 5-0.

- 8.2 Fire Department Floor Bid Award -*Mark O'Brien, Acting Town Manager*
Select Board Review and Action on the Award of the Bid for the Installation of Epoxy Flooring for the Apparatus Floor Area at the Ogunquit Fire Station

Mr. O'Brien explained that at the June vote, the residents approved \$30,000 to redo the floors at the fire station. The recommendation by the Fire Department is to go with Boston Garage for the project.

101816-06 Motion made by Gary Latulippe and second by Richard Dolliver to award the bid to Boston Garage for the installation of epoxy flooring for the apparatus area of the Ogunquit Fire Station in the amount of \$27,999.50; approved 5-0.

- 8.3 Engineering Study to Re-configure Beach Street/Main Beach, Parking, Restrooms & Trash - *Gary Latulippe, Selectman*

Selectman Latulippe had asked that this item be put on the agenda for discussion. In June the voters approved \$40,000 for an engineering study for Beach Street and Main Beach which includes the parking area, the turnaround, the restrooms and trash.

Selectman Latulippe asked that this become a priority. The reason is that the funds were passed this past June to get this process done so that the re-configuration project would go to the voters in June 2017. The way the budget cycle works, if the project does not get started, then it would be the following

June before it could be presented to the voters. Mr. Latulippe asked that the Acting Town Manager work towards this project. Mr. O'Brien stated that he would put together an RFP for engineering services.

Selectman Dolliver stated that Beach Street is one of the areas that need attention. Mr. Dolliver asked about the water flow in the Beach Street area in the event the fire department needed water for fires.

Mr. O'Brien stated that the lighting on Beach Street is pretty bad, pretty dark at night. An upgrade to the lighting during this study would be helpful and beautify.

Chair Dailey suggested that, when we get into this process, that a public forum be held to get suggestions, ideas, etc. that would be helpful to the entire project.

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

9.1 Public Input

Muriel Freedman, Grasshopper Lane

- Requested that the two benches that used to be in front of the Dunaway Center be returned. Both benches were dedicated benches.

Ben Hershenson, Myrtle Circle

- Commented on the Code of Ethics process.
- Thanked the Select Board members for their very conscientious effort as they approached the process.

Deborah Wood, 5 Josias Lane

- Concern about speed limit sign just before the Playhouse that used to be 25MPH, the new sign is 35MPH since the completion of the Route One project. Asked that someone take a look at this.

9.2 Select Board

Selectman Dolliver

- Commented on the interest rate and borrowed money for the town.
- Encouraged everyone to take a look at Kennebunk and Kennebunkport, see how beautiful their towns are. Ogunquit has declined over the last 20 years; need to put some money back into the town.

Chair Dailey

- Commented on the annual update from the Wells-Ogunquit CSD pursuant to Charter.
- Commented on the upcoming state vote on marijuana and what the town should be doing as a result of the vote.
- Code of Ethics informational public meeting on Tuesday, October 25th at 6:00pm.

10.0 EXECUTIVE SESSION

10.1 Personnel [Pursuant to Title 1, Chapter 13S405.6.A]

Motion made by John Daley and second by Richard Dolliver to go into Executive Session, after a five minutes break, at 7:43pm to discuss personnel pursuant to Title 1, Chapter 13S405.6.A; approved 5-0.

Motion made by Gary Latulippe and second by Richard Dolliver to come out of Executive Session at 8:46pm, approved 5-0.

No action was taken during Executive Session.

11.0 ADJOURNMENT

Motion made by Gary Latulippe and second by Richard Dolliver to adjourn the meeting at 8:49pm; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager