



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

1.0 CALL TO ORDER: 6:00

Meeting called to order at 6:02PM.

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 - October 18, 2016

The minutes of the October 18, 2016 Select Board meeting were accepted as amended.

2.0 TOWN MANAGER'S REPORT

Acting Town Manager, Mark O'Brien, recognized one of the town's firefighters, Bob Bernard. Mr. Bernard received his Fire Administration Degree last week at Southern Columbia University. Mr. Bernard graduated Magna Cum Laude with a GPA of 3.9. Captain Bernard has been with the Town of Ogunquit for 15 years.

Shore Road Update - both the sewer district and the water district have been working on their infrastructure upgrades. The project has been moving along fairly well.

Route One Update - light poles are being installed, hopefully by the end of the week they should all be installed. The final paving of Route One is done, they still have to pave some entrances and top coat a few small sections of sidewalk. It is expected that all of the paving will be done by the middle of next week.

Mr. O'Brien read a thank you letter to from Frances Reed at the Chamber of Commerce regarding the help from town staff during OgunquitFest.

Lower Lot Update - the lower lot will be closed on Thursday so that grinding of the pavement can be done, the culvert has been installed.

Obeds Lot - the lot is getting pretty full with stockpiles of materials from the Shore Road Project. The Upper Lot and Cottage Street Lot are available for parking.

Mr. O'Brien stated that he had called the Federal Fish & Wildlife to get the status on the bird that was being tested for rat poison. He is happy to report that the bird did not die from rat poison, but from pneumonia.

3.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

There were no appointments, resignations, proclamations or resolutions for action by the Select Board.

4.0 PUBLIC INPUT (CURRENT AGENDA ONLY)

There were no comments or questions from the public in attendance.

5.0 PUBLIC HEARING - LICENSE APPLICATIONS

Public hearing for Liquor License Applications opened at 6:12PM.

- 5.1 Jonathan's- 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.

Representation was in attendance for Jonathan's.

- 110116-01** Motion made by Robert Winn and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for Jonathan's; approved 5-0.

- 5.2 Jonathan's- Amusement 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.

110116-02 Motion made by Robert Winn and second by Richard Dolliver to approve the Amusement License Renewal Application for Jonathan's; approved 5-0.

- 5.3 The Old Village Inn- 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.

Representation was in attendance for The Old Village Inn.

110116-03 Motion made by Robert Winn and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for The Old Village Inn; approved 5-0.

- 5.4 The Old Village Inn- Amusement 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.

110116-03 Motion made by Robert Winn and second by Richard Dolliver to approve the Amusement License Renewal Application for The Old Village Inn; approved 5-0.

6.0 PUBLIC HEARINGS & PRESENTATIONS

Public hearing opened at 6:16PM.

- 6.1 Ogunquit Beach Lobster Dash Donation - Charlie Farrington
Presentation of a Donation from the 2016 Lobster Dash to Ogunquit Parks & Recreation

Charlie Farrington, Race Director for the Ogunquit Beach Lobster Dash, was in attendance. Mr. Farrington thanked the town for their continued support. This year was the 16th Annual Ogunquit Beach Lobster Dash. Mr. Farrington gave a history of the Lobster Dash.

Mr. Farrington stated that they presented a check in the amount \$1,000 to the Gumbinner Memorial Scholarship Fund, which is a fund that supports scholarships to local graduating high school seniors going on to college who have participated in

cross-country and track. They also gave a check in the amount of \$500 to the Ogunquit Playhouse Foundation which supports scholarships to their children's summer theatre program.

A donation of \$500 was presented to the Wells High School Cross Country Team for new workout uniforms.

Mr. Farrington presented a check to the Town of Ogunquit Parks & Recreation for \$1,000.

6.2 Proposed Code of Ethics Policy- Barbara Dailey, Select Board Chair
Public Comments and Question on the Proposed Code of Ethics Policy for the Ogunquit Select Board

Chair Dailey stated that the board had held four meetings to review the proposed Code of Ethics Policy. The board has also received input via e-mail during this time period. Three workshops were held with just the Select Board and one meeting last week for public input.

The intent is to have the policy reviewed by counsel, which is in the process of being done.

There were no public comments or questions regarding the Proposed Code of Ethics Policy.

6.3 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

Janice Hanson, Kennebunk

- Gave two handouts to the Select Board and presented additional information regarding artificial water fluoridation.
- The book "Poison Spring" is now at the Ogunquit Memorial Library.

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

There were no comments or questions regarding this article.

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

Chair Dailey

- Commented on the status of helicopters (i.e. "private).
- If both articles pass, the more restrictive ordinance will be enforced.

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

There were no comments or questions regarding this article.

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

Selectman Daley

- Commented on Term Limits.

Wendy Lavigne, Obeds Lane

- Asked for clarification about emergency landings.

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

There were no comments or questions regarding this article.

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

Chair Dailey

- Addressed the issue of conflict of interest.
- Stated that the town has rechecked with the town's attorney who has confirmed that what the Charter Commission is putting forward in the three articles is the law.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

Article 28. Acceptance of Plowing Easement on Certain Private Roads

There were no comments or questions regarding this article.

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

There were no comments or questions regarding this article.

Motion made by Richard Dolliver and second by Gary Latulippe to close the public hearing at 6:36PM; approved 5-0.

7.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

- 7.1 Proposed Code of Ethics Policy - Barbara Dailey, Select Board Chair
Select Board Review and Action on the Proposed Code of Ethics Policy for the Ogunquit Select Board

Chair Dailey stated that input that the Board felt was appropriate has been incorporated into the document, no further input was received today. The Select Board could approve this policy pending legal review. Or the Board can wait until legal review has been completed and then approve.

110116-04 Motion made by Richard Dolliver and second by John Daley that we adopt the Town of Ogunquit Code of Ethics drafted 10/17/2016 for members of the Select Board pending legal review and approval; approved 5-0.

Once legal review is complete, the red-lined draft will be uploaded to the website; the Select Board will hold a public hearing on the updated version.

8.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

- 8.1 Lower Lot Paving RFP - Award of Bid- Mark O'Brien, Acting Town Manager
Select Board Review and Action on Bids Submitted for the Reclaim and Paving of the Lower Lot Parking Lot

Selectman Latulippe stepped away from the meeting at 6:40PM and back at 6:44PM.

Two bids were received:

Libby-Scott, Inc.	\$105,916.00
Pike Industries	\$130,916.25

The lot will be base coated this fall and then top coated in the spring.

110116-05 Motion made by Robert Winn and second by Richard Dolliver to award the bid for the Lower Lot Paving to Libby-Scott, Inc. in the amount of \$105,916.00; approved 5-0.

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

9.1 Public Input

Pam Lynch, 48 School Street

- Commented on why Public Works is using the OVS as a work facility.
- Acting Town Manager O'Brien responded to the comment, explained that OVS is used by the town facility maintenance department.

Kirsten Ross, Highland Avenue

- Commented on the use of OVS. Concerns regarding lead and asbestos in the building and people working in the building.
- Commented on the open house at the OVS and the quality of the air in the building.
- Commented on the conditions that the Police Department is working out of.

Boriana Dolliver

- Commented on the asbestos in the building and the quality of air in OVS.

Jack Connerty, 46 Woodland Hills

- Commented on the conflict of interest articles and the affects it would have on other members of the board during a recusal of a member.

Discussion was held regarding the conflict of interest and first amendment rights.

- Commented on the upcoming elections and the Ogunquit Village School article. Also, commented on language, libel and ethics.
- Commented on Parks & Recreation web page.
- Commented on Senator George Mitchell speech and setting examples.

Chair Dailey read comments from Ben Hershenson

- Comments regarding the Ogunquit Residents Alliance meeting and mailing.

9.2 Select Board

Selectman Latulippe

- Get out and vote and be informed.

Selectman Daley

- Thanked the Chamber of Commerce for the job they did putting on OgunquitFest; noted the High Heel Race event.

Selectman Winn

- Shout out to Charlie Farrington, all the years and all the money raised and donated, thanked him for the donation to his program (Cross Country).

Selectman Dolliver

- Don't forget to vote a week from today!
- Heard local artist Norman West is getting better, he has been very sick. Cheers to Norman.
- Commented on the seagull, no one is talking about it. Spoke about jumping to conclusions, get facts straight.
- Commented on the misinformation from ORA.
- Commented on reinvesting in business to get the best returns, i.e. restrooms. Need to do this to make Ogunquit beautiful.

Chair Dailey

- Approved Code of Ethics that covers a lot of important topics.
- Spoke about the board's commitment to the items in the Code of Ethics.
- Commented on expanding this document to all town board and committees.

10.0 ADJOURNMENT

Motion made by Richard Dolliver and second by Gary Latulippe to adjourn the meeting at 7:16PM; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager