



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

1.0 COMMITTEE INTERVIEW - 5:30PM

1.1 Parks & Recreation Committee

The Select Board met with an applicant for the Parks & Recreation Committee.

2.0 CALL TO ORDER - 6:00PM

The meeting was 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

2.1 Pledge of Allegiance

The Pledge of Allegiance was led by Selectman Latulippe.

2.2 Select Board Minutes - November 15, 2016 Regular Meeting

The minutes of the November 15, 2016 Select Board meeting were accepted as presented.

2.3 Select Board Minutes - November 29, 2016 Special Meeting

The minutes of the November 29, 2016 Select Board meeting were accepted as amended.

3.0 TOWN MANAGER'S REPORT

Acting Town Manager O'Brien reported on the Shore Road Project. The KK&W Water District has completed the new main work from Obeds Lane to the square, they will be tying in the services across Shore Road from the old main to the new main. The Water District expects to complete this by the end of next week. The Ogunquit Sewer District, who has Grondin as their contractor, completed their work from the square down to Cottage Street. As of tomorrow everything from Cottage Street to the square will be paved. Construction will continue for a couple more weeks with the Sewer District digging from Cottage Street to Obeds Lane; in addition they will be working on Shore to Ledge Road.

The Lower Lot has base pavement has been done. The rain gardens, as part of the Ogunquit Watershed Grant, will be installed next week. Once this is completed, the project will be done for the winter. The top coat of pavement will be put down in the spring.

Route One is complete! Except for a small punch list of items to be done in the spring time, the project is done. Mr. O'Brien thanked all the people who have been involved in and dealt with the hassles of this project for the past two years. We should all be proud of the finished product.

Mr. O'Brien reported that there have been questions about the Police Department and what they are up to (i.e. patrolling, etc.). Mr. O'Brien read some stats that the Police Department had furnished to him. This year to date the Police Department has responded to 10,388 Calls for Service. From September 1st until today there have been 2,253 calls and of these calls 1,354 have been priority one calls (which means the call necessitated immediate response). From September 1st through today they are averaging 24 calls per day for service and have done 1403 vacant homes and business checks. The average patrol officer travels 30 miles per shift. Vehicle mileage is monitored, so it is not just a guessing game.

There has been some concerned voiced due to the Police vehicles sitting in the parking lot. At this time of the year, Police Officers do online required annual training. Instead of paying for an officer to go to a class, which incurs overtime, a lot of the mandated training is done while on shift to save on overtime.

Mr. O'Brien stated that he would like to publicly recognize a gentleman from the Ogunquit Sewer District. Phil Pickering has been with the Ogunquit Sewer District for over 30 years. Phil has brought the Sewer District into the 21st century as well as our town. He has done a lot of great work, he has a technical background and has

a great personality to work well with contractors and the people in Ogunquit. Mr. O'Brien commended Mr. Pickering for his dedication.

The Footbridge RFP will be going out within the next week, funding for this project was approved. A pre-construction meeting was held last week at which time MDOT approves the final project. Bids are expected back the first week in January, so hopefully this project will get underway soon to get done before April when the Piping Plovers arrive.

In the December 2, 2016 *Weekly Sentinel* there was an article where Ogunquit was recognized as among one of the most romantic small towns for the holidays. Kudos to the Town of Ogunquit.

4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

4.1 Committee Resignation - Parks & Recreation Committee

120616-01 Motion made by Robert Winn, Jr. and second by Richard Dolliver to accept the resignation of Kathryn Weiner as a member of the Parks & Recreation Committee; approved 5-0.

4.2 Committee Appointment- Parks & Recreation Committee

120616-02 Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint Michelle Low as a Full Member of the Parks & Recreation Committee, term to expire June 30, 2017; approved 5-0.

5.0 PUBLIC INPUT (CURRENT AGENDA ONLY)

Wendy Lavigne, Obeds Lane

- Stated that she is present to represent the Helicopter Ordinance people.
- She stated that the goal of the group is to ban helicopters completely in Ogunquit and that they are prepared to do a citizens petition for June if the Select Board is not in agreement with their goal.

Madeline Mooney Brown, Seagrass Lane

- Ms. Brown was in attendance to share a survey that they distributed to their members regarding a moratorium on helicopter pads in Ogunquit. She noted that there were 78 responses; 89% said yes, 8% no and 3% no response.

Cindy Douglass, Cherry Lane

- Commented on the Code of Ethics for the Select Board. Stated that it should be called the Code of Conduct, not Code of Ethics...
- Also had several other comments regarding the document.

Jerry DeHart, Ogunquit resident

- Encouraged the Select Board to have the Code Enforcement Officer weigh in on the helicopter ordinance instead of going to a citizen's initiative.

6.0 PUBLIC HEARING - LICENSE APPLICATIONS

Public hearing called to order at 6:26pm.

- 6.1 Westmeadow Pub - *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 Westmeadow Pub.

120616-03 Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for the Westmeadow Pub; approved 5-0.

- 6.2 Westmeadow Pub - *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.

120616-04 Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the Amusement License Renewal Application for the Westmeadow Pub; approved 5-0.

7.0 PUBLIC HEARINGS & PRESENTATIONS

- 7.1 Senior Community Committee - *Jacqui Grant*
Presentation regarding Affordable Housing for Senior Citizens in Ogunquit

Jacqui Grant explained the purpose of her presence at the Select Board meeting. She stated that they would like to put together a committee with the approval of the Select Board to carry out their mission statement.

SENIOR COMMUNITY MISSION STATEMENT

The Senior Community aims to promote independence and enrich the lives of our 62 and older senior population.

We will do this by exploring housing options that allow seniors to reside in Ogunquit. Our mandate is to insure that our seniors feel empowered, have choices and a sense of security and peace of mind.

Ultimately, we are accountable to the resident of Ogunquit. We welcome participation and input.

Chair Dailey asked that Ms. Grant come back to the next meeting of the Select Board with her consultant.

7.2 Marginal Way Erosion Project Update - Paul Breen, President, Marginal Way Preservation Fund

Progress update on the Marginal Way Trail Grant Project

Purpose of Presentation

- Inform the Select Board of Progress on Trail Grant Project
- Describe Design, Postulate Construction Schedule, Detail Conditions and Agreements with Cooperating Groups
- No Action Required by Select Board

Background-Trail Grant Project

- Marginal Way Embankment Significantly Eroded at Lighthouse
- No Revetment Present to Protect Embankment
- Trail Grant Project Extent 200' Between Benches #10 & #12
- Project -Build New Revetment and Redefine Width of Oceanside Embankment on Marginal Way with DEP Rules
- Trail Grant Award to Marginal Way Preservation Fund October 2015- \$43,670- 80% Reimbursable + In Kind Labor Credit
- Contractor Solicitation Conducted - May 2016
- \$71,987 Contract Signed with Shaw Bros -June 2016
- Quote Exceeded Trail Grant Award by \$28,317
- Town ,Town Committee and Marginal Way Preservation Fund Shared Overage Cost -\$9,439 each

DEP Permit Activities

- DEP Permit Required for Project
- Permit by Rule (PBR) Preferred
- Geoff Avela ,Civil Consultants, Berwick, Hired to Prepare and Submit Permit By Rule Application

- DEP Rule -New Revetment cannot Cross the 25' High Tide Line
- Civil Consultant's Survey and Analysis shows that Portions of a Conventional 3:1 Slope Revetment will Cross the 25' High Tide Line

Approved Revetment Design

- Permit by Rule Approach Approved by DEP on 11/21/16
- Hybrid Revetment Design Employed using a 2:1 slope where a 3:1 Slope Impinges on the 25' High Tide Line
- Project Partitioned into Four Contiguous Sections Moving North to South
- 3:1 Slope for First , Third and Fourth Sections
- 2:1 Slope for Second Section
- Ocean Interface of Revetment will Follow Contour of 25' High Tide Line
- No Disturbance beyond 25' High Tide Line
- In Some Sections Existing Stones will be used as Supplement
- Embankment will be 5'4" wide for Rosa Rugosas

DEP Permit Conditions

- Approval of the PBR application for the Trail Grant Project is Based on Constructing the Revetment and Embankment as described :
- 1) Starting at the North End and moving south for 40' ,the Revetment will have a slope of 3:1 and extend 25'.
- 2) For the next 40' , the Revetment will have a slope of 2:1 and extend 13'
- 3) For the next 55' ,the Revetment will have a slope of 3:1 and extend 25'
- 4) For the last 65' , the Revetment will have a slope of 3:1 and extend 39'
- 5) The Differences in the Extent of the Revetment is due to Varied Elevations on the Path, the Slope of the Revetment and DEP Conditions
- 6) A 5'4" wide space between the Oceanside Edge of the Path and the Revetment will be allocated for Replanting of the Rosa Rugosas
- 7) No new stones will be placed beyond the 25' High Tide Line

Construction Topics

- CEO will Monitor Construction
- Construction will Commence Following Receipt of DEP Approval of PBR
- Shaw Bros Recommends that Construction be Scheduled following Hard Freeze so as to Minimize Damage to Marginal Way
- Civil Consultants will define the footprint for the construction of the New Revetment and the Embankment
- Construction will be Completed within a Nominal Two Week Period
- Trail Grant Section of Marginal Way Must Be Closed during Construction
- Project Leader, Paul Breen, will be on site during Construction
- Temporary Erosion Control Installed Prior to Construction
- Truck Access (Between Lighthouse and Edge of Path) Requires:
 - Temporary Removal of one Section of Rail Fence & Marginal Way Sign at Lighthouse
 - Placing Steel Plates over Path in Access Area

- Temporary Storage of Revetment Stones at Base of Stearns Rd.

Miscellaneous Details

- Marginal Way Committee - Agreed to Provide Funds for Purchasing and the Replanting of Rosa Rugosas Plants Following Completion of Construction
- CEO Informed of Relevant Activities
- CEO Requested Pictures and Sketch of Existing Plantings at Project Site- Complied
- Abutters Notified of Project in 2016 by Letter

7.3 Marginal Way Invasive Plant Update – Joan Griswold, Co-Chair, Marginal Way Committee

Progress update on Control of Invasive Plants on the Marginal Way

Joan Griswold was in attendance to give a presentation by power point on the invasive plants on the Marginal Way and the progress the committee is making in the eradication of the invasive plants through their management strategy.

Ms. Griswold also spoke about the presentation by Doug Tallamy that the committee held in June.

Acting Town Manager expressed the concerns that he has heard from the public regarding the use of pesticides on the Marginal Way. It was explained that the herbicides used for the Marginal Way break down fast and are non-toxic.

8.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

8.1 Code of Ethics - Barbara Dailey, Chair

Select Board Action on 12/6/2016 Update of the Code of Ethics for the Members of the Select Board

Chair Dailey explained that the Town Attorney had reviewed the previously accepted document and had suggested several changes.

120616-05 Motion made by Gary Latulippe and second by Richard Dolliver to accept the Code of Ethics as presented in the Select Board packet dated 12-6-2016 with edits from Town Counsel; approved 5-0.

8.2 Helicopter Ordinance - Scott Heyland, Code Enforcement Officer

Select Board Discussion and Possible Action Regarding the Request for a Moratorium on the Helicopter Ordinance Approved at the November 8, 2016 Special Town Meeting

CEO Scott Heyland was in attendance to provide information regarding the process for a moratorium on the helicopter ordinance. Since this is a town meeting style of government in Ogunquit, a moratorium would have to be voted upon by the voters at a town meeting.

Amendments to the existing ordinance could be done in June at the Annual Town Meeting.

9.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

9.1 Timeline for FY 2017-2018 Budget Process

Select Board Review and Approval of the Timeline for the Fiscal Year 2017-2018 Budget Process

The proposed schedule was tentatively approved by the Select Board; there was discussion about breaking it up and moving it to evening meetings. The Budget Review Committee will be contacted to get their input.

9.2 Discussion of Police Building - John Daley, Vice Chair

Discussion Regarding the Need for a New Police Building

Mr. Daley explained that over the last decade there have been several building needs groups to address the issue. The current location, in the basement, is a disgrace. They should have the tools they need to do the job. Would like to see what the Board would like to do.

Selectman Winn gave an overview of what had occurred in the past as far as the police station as he was a member of the Building Needs Committee at that time.*

(*Clarification - Mr. Winn was a member of the Infrastructure Committee, not a member of the Building Needs Committee)

Chair Dailey stated that the Comprehensive Plan survey that will be going out should address what the residents want to do in the future.

Selectman Latulippe commented on the expense of a new police station and what the town currently has for debt and what any future projects will cost the town.

It was the consensus of the Select Board to move forward with researching a new police station.

9.3 Discussion of Possible Informal Q & A Session with the Select Board - Barbara Dailey, Chair

This item was tabled until the next meeting of the Select Board.

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

10.1 Public Input

Cindy Douglass, Main Street

- Comments regarding the budget; noted the legal budget increase since 2011.
- Suggested that the town think about a Human Resources position, someone trained and educated in the field.
- Comments about recent media.

Boriana Dolliver, 331 Shore Road

- Comments about the Select Board priorities, noted that the school was not spoke about.
- Also noted that the plan in the past was for the police to expand in the downstairs in the Dunaway.
- Commented on the lack of facilities for the year round residents of the town.

Mark MacLeod, 57 Bayview Avenue

- Comments regarding the reason why the police station was cut from budget last year.
- Comments regarding Code of Ethics.
- Commented on the bathrooms being left open during Christmas by the Sea.
- Commented on the presentation from Representative Patty Hymanson regarding local option sales tax.
- Spoke about the Spirit of Giving function that was held on December 3, 2016.

Peter Kahn, 3 Tern Street

- Comments on the conflict of interest section of the Charter which was passed on November 8, 2016. Asked about the ability to have a conference with counsel to discuss.

Madeline Brown, Seagrass Lane

- Comments regarding Local Option Sales Tax.
- Commented on the reason for two articles on the helicopter ordinance.
- Commented on the Town Manager and the other situations that are happening in the town; that the Marginal Way presentation was a

Kirsten Ross, Highland Avenue

- Comments on the Police Station and the need for priority.
- Comments on the beach bathrooms.

10.2 Select Board

Selectman Dolliver

- Richard York passed away this past week.
- Walter Bartlett passed away a few days ago.
- Commented about bringing the sewer into the 21st century, should be bringing the bathrooms, police station, etc. into the same century.

Selectman Winn

- Appreciated that Jacqui Grant came in to speak about Senior Housing.
- Also respected that someone spoke about the Code of Ethics.
- Appreciates that more people are getting involved.

Selectman Daley

- Commented on the Spirit of Giving event.
- Commented on legal fees.

Selectman Latulippe

- Thanked the Griswold's for all their hard work on the Marginal Way.
- Commented on the Local Sales Option Tax.

Chair Dailey

- Stated that she would not make the call to Representative Hymanson without the consensus of the rest of the board.
- Selectman Winn stated that he would be in favor of her making the call.
- Selectman Dolliver stated that he would not be in favor of the sales tax.
- Topics for Q & A sessions down the road:
 - Legal Expenses.
 - HR Director may or may not have had an impact on legal fees.
 - Communication regarding legal/personnel issues.

11.0 ADJOURNMENT

Motion made and seconded to adjourn the meeting at 8:58pm.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager