



**SELECT BOARD  
MEETING MINUTES  
FEBRUARY 7, 2017**

**1.0 EXECUTIVE SESSION - 4:30PM**

Selectman Winn absent/recused from the meeting.

**1.1 Legal Rights and Duties Pursuant to Title 1, Chapter 13§405.6.E]**

Motion made by Gary Latulippe and second by Richard Dolliver to go into Executive Session at 4:38pm to discuss Legal Rights and Duties pursuant to Title 1, Chapter 13§405.6.E; approved 4-0, Winn absent/recused.

Motion made by Richard Dolliver and second by Gary Latulippe to come out of Executive Session at 5:50pm; approved 4-0, Winn absent/recused.

**1.2 Personnel Matter [Pursuant to Title 1, Chapter 13§405.6.A]**

There was no Executive Session held on the Personnel Matter.

**2.0 CALL TO ORDER - 6:00PM**

Meeting called to order at 6:01pm.

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 - January 24, 2017

The minutes of the January 24, 2017 Select Board meeting were accepted as amended.

Motion made by John Daley and second by Richard Dolliver to move 10.0 Other Business and 9.0 New Business up on the agenda, after the minutes and before the Town Manager's Report; approved 5-0.

### 10.0 OTHER BUSINESS

Chair Daley stated that the Other Business is a follow up from the Executive Session earlier tonight. This business is related to the Fortier matter.

Selectman Winn is recused from this matter.

**020717-01** Motion made by John Daley and second by Richard Dolliver to accept the resignation of Town Manager, Thomas Fortier, in accordance with the Release and Voluntary Resignation Agreement executed by Mr. Fortier; approved 4-0, Winn abstained.

Chair Dailey read a statement regarding the resignation of Town Manager Thomas Fortier. Chair Dailey summarized the key terms of the agreement:

- Mr. Fortier's resignation will take effect on either the day he is convicted of a crime or if he is not convicted of any crime, on June 30, 2017.
- Mr. Fortier will not be returning to work and he will be on paid administrative leave until his resignation date.
- A warrant article will appear on the ballot at town meeting, in June, to determine if Mr. Fortier will receive an additional five weeks of salary to cover the period of June 30, 2017 to August 4, 2017.
- The agreement includes a full release of all claims which Mr. Fortier could have brought against the town or persons associated with the town.
- The Select Board accepted Mr. Fortier's resignation because it brings finality to this matter and allows us to recruit and hire a new Town Manager.
- The agreement will also avoid the uncertainty and financial expense of a protracted legal proceeding and attorney's fees.

- In addition, we supported the resignation because we have obtained full release from any potential liability for litigation. We made this decision because we believe this resolution is in the best interest of the town. Throughout this challenging process we have been committed to being fair, thorough and acting in compliance with the law. This inevitably means that we are not able to share all the information available to us with the public. We remain committed to these same principles to assure that we act fairly and legally.

## 9.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

### 9.1 Acceptance of Fiscal Year 2015-2016 Town Audit - John Quartararo, *Treasurer*

Select Board Review and Acceptance of the Audit of the Financial Statements of the Town of Ogunquit for Fiscal Year ended June 30, 2016

John Quartararo was present to review the 2016 Financial Audit. In addition, Peter Hall from the town's auditing firm, Smith & Associates, was also in attendance.

**020717-02** Motion made by John Daley and second by Gary Latulippe to accept the Fiscal Year 2015-2016 Town Audit; approved 5-0.

## 3.0 TOWN MANAGER'S REPORT

The town has lost another great citizen this past week. Leona (Lee) LaPierre passed away at her home here in Ogunquit. She was 91 years old. My thoughts go out to Roger LaPierre and his family. They are the owners of the Blue Water Inn on Beach Street.

Beach Street RFP's were reviewed and the low bidder was CES, Inc. out of Brewer Maine at \$48,000, next lowest bidder was CLD out of York at \$65,330. We have set up an interview with them to go over the project and get the contract awarded by the Select Board.

Jacob's Lot Bathroom RFP has gone out this week and is due February 24 at 2:00pm. See the town's web site for more information.

The chains for the Perkins Cove are three-quarters installed. They hope to finish them this week. Thank you to Todd Hubbard and the Harbor master Fred Mayo for getting this work done in a timely manner which saves money.

Please check the web page for updated information including financials, information on Charter update and other recent facts. Also the Select Board packets are now online prior to the meetings. The audit report that was approved at this meeting will be posted on the web page tomorrow.

If you have not received information to conduct the COMPREHENSIVE PLAN SURVEY, see Maryann at the Land Use department or call her at 646-9326. She will assist in any way she can to get it to you. This is important for the future of the town.

The next budget work shop will be February 8th at 5:00pm here at the Dunaway Community Center and will include the Select Board.

A test pylon was pounded in today at the Footbridge on Ocean Street as part of the bridge replacement. This is to test and confirm that the engineering design meets the specs as drawn. The full construction should begin by the end of February.

The bridge will be closed for about 3 months while the new one is constructed. There will be no access to the beach from the Footbridge Parking Lot during construction.

#### **4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS**

##### **4.1 Appointment - Wells-Ogunquit Community School District Trustee**

**020717-03** Motion made by Gary Latulippe and second by Richard Dolliver to approve the appointment of Leslie LaFond to serve out the rest of the term for the Wells-Ogunquit Community School District, term to expire June 30, 2017; approved 5-0.

#### **5.0 PUBLIC INPUT (AGENDA ITEMS)**

##### **Madeline Mooney-Brown, Representing Ogunquit Residents Alliance**

- Question is, do we have a mid-year report? Since the ordinance requires a report, suggested postponing this agenda item as there is nothing to provide feedback on.

#### **6.0 PUBLIC HEARING - LICENSE APPLICATIONS**

Public hearing opened at 6:30pm.

- 6.1 Barnacle Billy's - Malt, Vinous & Spirituous 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 Barnacle Billy's.

**020717-02** Motion made by Gary Latulippe and second by Robert Winn to approve the Malt, Vinous & Spirituous Liquor License Renewal Application for Barnacle Billy's; approved 5-0.

- 6.2 Barnacle Billy's, Etc. - Malt, Vinous & Spirituous 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 Barnacle Billy's, Etc.

**020717-03** Motion made by Gary Latulippe and second by Richard Dolliver to approve the Malt, Vinous & Spirituous Liquor License Renewal Application for Barnacle Billy's, Etc.; approved 5-0.

- 6.3 Barnacle Billy's, Etc. - 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.

Representation was in attendance for Barnacle Billy's, Etc.

**020717-03** Motion made by Gary Latulippe and second by Richard Dolliver to approve the Amusement License Renewal Application for Barnacle Billy's, Etc.; approved 5-0.

- 6.4 Perkins Cove Lobster Shack - Malt & 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 Perkins Cove Lobster Shack.

**020717-04** Motion made by Gary Latulippe and second by Robert Winn to approve the Malt & Vinous Liquor License Renewal Application for Perkins Cove Lobster Shack; approved 5-0.

## 7.0 PUBLIC HEARINGS & PRESENTATIONS

### 7.1 Senior Community Housing - Barbara Ferraro (postponed) Presentation on Senior Community Housing in Ogunquit

Due to inclement weather this agenda item was postponed until the next meeting of the Select Board on February 21, 2017.

### 7.2 Select Board Mid-Year Report - Barbara Dailey, Chair Public Questions & Comments regarding the Select Board Mid-Year Report

Chair Dailey stated that there is not a Mid-Year report on the web page, this is an accurate statement pointed out by Madeline Brown; but there is on the web site the warrant articles from this past June 2016 Town Meeting, November 2016 Special Town Meeting and Select Board Meeting Agendas and Minutes.

Chair Dailey stated that she had researched the need for this item. She stated she had reviewed the original Charter that included this requirement. Prior Mid-Year reports included items cut and pasted from warrant articles into a word document year to year.

Chair Dailey stated that, in her opinion, they have met the requirement of the Charter.

#### **Madeline Mooney-Brown, Ogunquit Residents Alliance**

- Ms. Mooney read the requirements as outlined in the Charter.
- Comments regarding the proposed Q & A sessions with the Select Board.

#### **Roger Brown, 8 Seagrass Lane**

- Stated that all the residents are asking is that the Select Board follow the Town Charter.

Public hearing closed at 6:43pm.

## 8.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

### 8.1 Senior Community Housing Committee - Barbara Ferraro (postponed) Request to Create a Senior Community Housing Committee

Due to inclement weather this agenda item was postponed until the next meeting of the Select Board on February 21, 2017.

8.2 Perkins Cove Bridge Engineering Services - Fred Mayo, Harbormaster  
Select Board Review and Action on the Proposal for Engineering Services for the Perkins Cove Bridge Design Repairs

Acting Town Manager explained that since the last meeting he had gotten another bid for the engineering service from Baker Design, who is the engineering firm for the Footbridge Bridge Project. Baker Design came in with a bid for time and materials not to exceed \$9,700. Mr. O'Brien stated that it is his recommendation to approve the proposal from Baker Design. This firm will provide the engineering report in a timely manner. They will also provide a report on the entire bridge and not just for the fix and provide recommendations.

Acting Town Manager O'Brien stated that funding for this project was part of the article which provided funding for the Mooring Chains/Perkins Cove Bridge which was approved at the November Special Town Meeting.

**020717-05** Motion made by John Daley and second by Robert Winn to accept the bid from Baker Design, Proposal for Engineering Services for Perkins Cove Bridge Repair; approved 5-0.

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

11.1 Public Input

**Ben Hershenson, Myrtle Circle**

- Commented on the comments by residents at the January 24<sup>th</sup> meeting about the Town Manager and the Chair of the Select Board.

**Roger Brown, 8 Seagrass Lane**

- Thanked the Board for putting the Fortier issue to bed.
- Thanked Mark O'Brien for the manner in which he arose to the occasion.
- Asked if the Select Board will commence the search in accordance with the Town Charter.
- Respectfully requested that the Ogunquit Residents Committee be considered for three seats on the Search Committee.

**John Mixon, Vinton Road**

- Mr. Mixon submitted a letter that he requested be read at the Select Board meeting.

## 11.2 Select Board

### **Selectman Daley**

- Commented on the petition that was discussed/presented with 66 signatures at the last meeting by a resident. Also commented on a letter that was written.

### **Selectman Latulippe**

- Stated that this process has been hard on a lot of people, the board has done their best to put their best foot forward, a lot of time and effort.

### **Selectman Dolliver**

- Echoed comments made by Selectman Daley and Selectman Latulippe.
- Commented on the letter with accusations against him and Chair Dailey.

### **Selectman Winn**

- Commented on comments and accusations made about him.

### **Chair Dailey**

- Commented about the interesting activities at the last meeting, which occurred at a meeting that she was absent from.

## 12.0 ADJOURNMENT

Motion made by Richard Dolliver and second by Gary Latulippe to adjourn the meeting at 7:20pm; approved 5-0.

Respectfully submitted,

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Cheryl L. Emery, Administrative Assistant to the Town Manager