



**SELECT BOARD
MEETING MINUTES
JUNE 6, 2017**

1.0 EXECUTIVE SESSION - 5:30PM

1.1 Labor Contract [Pursuant to Title 1, Chapter 13§405.6.D]

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

Motion made and seconded to go into Executive Session to discuss Labor Contract, pursuant to Title 1, Chapter 13§405.6.D and Personnel Issues pursuant to Chapter 13§405.6.A; approved 5-0.

No action was taken during Executive Session.

2.0 CALL TO ORDER: 6:00PM

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

Others present: Donald Gerrish, Interim Town Manager

2.1 Pledge of Allegiance

The Pledge of Allegiance was led by Selectman Latulippe.

2.2 Select Board Minutes - May 16, 2017

The minutes of the May 16, 2017 Select Board meeting were approved as amended.

3.0 TOWN MANAGER'S REPORT

Mr. Gerrish spoke about the recognition of elected officials fulfilling their duties as Selectmen for the community. Spoke about the need to have a policy to recognize those who have served.

Mark O'Brien, Fire-Rescue Chief and Acting Town Manager for 8 months, gave parting words and presented gifts to Barbara Dailey and Gary Latulippe.

Thursday, June 8th by 4:00pm is the last day to be able to pick up absentee ballots for the election.

Tomorrow night, June 7th, is the Wells-Ogunquit CSD Budget vote at 6:30pm.

Ocean Street Footbridge - The Footbridge is complete, the grand opening was held on June 2nd. The project came in a little under budget.

Perkins Cove Bridge Repair - The repairs to the Perkins Cove Bridge were completed about 1 $\frac{1}{2}$ weeks ago. The information received from this is that the town needs to start the process of the replacement of this bridge.

Thank you to Key Bank, five of their employees came to the Fireman's Park last Saturday and work for 8 hours mowing, cleaning and painting to fix the park up.

Good news! The Jacobs Lot Bathrooms are complete. Some final inspections need to be done and the portable toilets will be removed.

Chief O'Brien mentioned at the Department Head meeting the ordinance that requires houses to be numbered (E911 Ordinance). If the houses aren't visible from the road, they need to have numbers at the street location. Without these, emergency responders may get delayed if numbers are not visible.

Jacob's Lot - after restriping, there will be two additional parking spaces.

Lower Lot - the lot was repaved and restriped according to standards, after that is completed the lot could lose up to 20-25 spaces.

All lifeguards have been hired for the summer and will begin work on the 17th. Some are looking for places to stay that is closer to Ogunquit, so if anyone in the public knows of any place for them to stay they should contact the town.

The Code Office has received the 2017 FEMA Flood Plain Maps. These have not changed from the 2013 Flood Plain Maps.

The Ogunquit Sewer District will be holding a meeting tomorrow night at 6:00pm here at the Dunaway Community Center regarding their plans for the future.

Mr. Gerrish stated that he had received a number of calls regarding a flyer that was sent out by the Parks & Recreation Committee. He wanted everyone to know that he authorized it, he looked at it, looked at the law...it is allowable. The decision was his and he wanted everyone to know. The town has no rules or regulations to prohibit this; it is something that the board may want to look into in the future.

The Town Manager Search Committee has done an excellent job. They did interviews today of candidates and they are prepared to meet with the Select Board to present their recommendations.

4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

4.1 Heritage Museum Committee

060617-01 Motion made by Richard Dolliver and second by Gary Latulippe to appoint L. F. "Sonny" Perkins as Full Member to the Heritage Museum Committee, term to expire June 30, 2019; approved 5-0.

5.0 PUBLIC INPUT (CURRENT AGENDA ONLY)

Ken Holmes, 115 Perkins Cove Road

- Question regarding procedures for Liquor License applications.
- Stated that Chapter 28 on Liquor License applications does not exist.

6.0 PUBLIC HEARING - LICENSE APPLICATIONS

Liquor License Public Hearing opened at 6:37pm.

6.1 Black Sushi House - 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.

Bruce Roy was in attendance to represent Black Sushi House.

060617-02 Motion made by Gary Latulippe and second by Robert Winn, Jr. to approve the Malt & Vinous Liquor License Renewal application for Black Sushi House, approved 5-0.

6.2 Fresh Ogunquit - 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. Jim Oliver was in attendance to represent Fresh Ogunquit.

060617-03 Motion made by Gary Latulippe and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Renewal application for Fresh Ogunquit, approved 5-0.

6.3 The OGT - 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 attendance for The OGT.

060617-04 Motion made by Gary Latulippe and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Renewal application for The OGT; approved 5-0.

6.4 The Trap - New Malt & Vinous Liquor License 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.

Jason Evans was in attendance to represent The Trap.

Ken Holmes

- Commented on whether this was a Type 1 or Type 2 Restaurant.
- Asked that the request be denied until the applicant meets the requirements and setbacks for a Type 1 Restaurant.

Discussion was held on the responsibility of the Select Board versus the Code Enforcement Officer regarding the question of whether it is a Type 1 or Type 2 Restaurant and the enforcement of the ordinance.

060617-05 Motion made by Gary Latulippe and second by Richard Dolliver to approve the New Malt & Vinous Liquor License for The Tarp; approved 5-0.

7.0 PUBLIC HEARINGS & PRESENTATIONS

Public Hearing opened at 6:49pm.

7.2 June 13, 2017 Annual Town Meeting Proposed Referendum and Budget Articles Public Comments and Questions on the Proposed Budget and Referendum Articles for the June 13, 2017 Annual Town Meeting

Madeline Mooney, 8 Seagrass Lane

- Comments on Article 51, the use of the Ogunquit Village School as a Community Center.

Everett Leach, Resident

- Comments on Article 57 on the ballot, Replacement of the Main Beach Ramp Decking.
- Stated that this project does not exist anymore, it has been done and paid for. Commented on the new charter and the ability to move CIP monies for other purposes.

Ken Baker, 21 Marginal Avenue

- Would like to offer a clarification in support of Article 13 on the helicopter landings.

Rebecca Fox, 21 Marginal Avenue

- Addressed the topic of the Ogunquit Village School and the request for funds to develop a Community Center.
- Reviewed the proceedings in York for a community center.

Boriana Dolliver, 331 Shore Road

- Responded to comments regarding Article 51.

Jack Connerty, 46 Woodland Hills

- Commented on the Comprehensive Plan and the list of priorities that were received from the survey.
- Commented on the OVS Article and the financial aspect for the town.

Marsha Northrop, 2 Fieldstone Lane

- Comments on the Parks & Recreation mailing on Article 51.

Judy Baker, Ontio Way

- Commented on the flyer for Article 51 and the return address on the document.

Wendy Levine, 85 Obeds Lane

- Expressed her appreciation for the years of service by Barbara Dailey and Gary Latulippe.
- Comments regarding the issue of Article 51, asked the Select Board to address.
- Commented on the needs of the town.

Mark McLeod, Budget Review Committee

- Thanked Barbara and Gary for their service to the community.
- Commented on the "Space Needs Committee" and "Building Needs Committee" and the work done by those committees.
- Commented on the Comprehensive Plan Survey.
- In favor of Article 51.

Marjorie Katz, 7 Lilywood Lane

- Thanked Don Gerrish for admitting guilt regarding the mailer (Parks & Rec)
- Commented on the amount of taxes paid by non-resident and the inability to vote on warrant articles.
- Mailers should be sent to all property owners, not just the voters.

Peter Kahn, 3 Tern Street

- Chairman of the Ogunquit Residents Alliance and will be speaking in that capacity. Mr. Kahn gave a background of the group.
- Clarified the ORA's position regarding Article 51 - OVS/Community Center.
- Recommended \$0 for Article 51.
- Commented on the ORA survey on Town Meeting Articles.

8.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS**8.1 Administrative Consent Agreement with State of Maine Board of Pesticides Control
- Donald Gerrish, Interim Town Manager**

Select Board Action on an Agreement between the Town of Ogunquit and the State of Maine Board of Pesticides Control

Mr. Gerrish stated that this item deals with the issue of putting rat poison on the beach in July 2016. An investigation was done by the Board of Pesticides Control and the outcome of that was that the town was in violation. The end result is a Consent Agreement and a fine of \$3,500. Mr. Gerrish recommended that this agreement be signed and the fine paid, the town has learned as lesson from this event.

060617-07 Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Agreement between the Town of Ogunquit and the State of Maine Board of Pesticides Control; approved 5-0.

8.2 Status Update on Marijuana - Scott Heyland, Code Enforcement Officer

CEO Scott Heyland was in attendance to give an update on the progress the Planning Board has made during two workshops (May 8th and May 22nd). He stated that there was very little turnout for these meetings. The Planning Board has directed Mr. Heyland to develop ordinance language to essentially create a "dry" town setting for any commercialization of the Marijuana Legalization Act.

Mr. Heyland stated that he agreed with the decision of the Planning Board. He will be developing some language in preparation of the November Special Town Meeting Warrant.

9.0 **ADMINISTRATIVE ITEMS - NEW BUSINESS**

9.1 Review of Select Board Meeting Schedule for July 2017- Donald Gerrish, Interim Town Manager

Select Board Review of the July Select Board Meeting Schedule

The first scheduled meeting in July is on the 4th. Mr. Gerrish asked the Select Board what their preferences would be for the month, should they meet once or would they prefer two meetings.

It was the consensus of the Board members that will be on the board in July to hold the meetings on the 11th and 25th; and then the normal dates in August.

9.2 Ogunquit Professional Firefighters IAFF Contract

Select Board Action on the Ratification of the Contract for the Ogunquit Professional Firefighters Association, International Association of Firefighters (IAFF), Local 3771

This agenda item was taken out of order (acted upon prior to Old Business).

Chair Dailey and Chief O'Brien gave an overview of the new contract.

Scott Bourque, President of the Local 3771 Ogunquit Professional Firefighters Union, thanked everyone who worked tirelessly over the past 16-18 months to get this contract completed.

Jerry Gay, First District Vice President of the IAFF of Maine was in attendance. Mr. Gay wished Barbara and Gary well in their future endeavors. He stated that it had been an honor and privilege working with Chair Dailey. Ogunquit should be proud of the firefighters that provide a service to the community, they do a great job.

Michael Crouse, Union Representative for IAFF, asked for a favorable vote on this contract.

060617-06 Motion made by Gary Latulippe and second by Robert Winn, Jr. to approve a three (3) year contract between the Town of Ogunquit and the Ogunquit Professional Firefighters Local 3771 from July 1, 2016 to June 30, 2019; approved 5-0.

Mr. Crouse, Union Activist for IAFF and the Professional Firefighters of Maine, stated that over the last seven years that he has had the honor and privilege and responsibility to represent the interest of Ogunquit's Professional Firefighters. During this time he has dealt with several of the town's representatives (Fire Chief, Town Manager, Select Board, etc.). Stated that he was pleased that members of the council became part of the negotiation team, and the leadership of Chair Dailey is duly noted and greatly appreciated.

9.3 Dunelawn Condominium Association Survey - Donald Gerrish, Interim Town Manager
Select Board Discussion Regarding a Revocable License Agreement with Dunelawn Condominium Association

CEO Heyland was in attendance to review the request from the Dunelawn Condominium Association. Mr. Heyland stated that he was approached a few months back by the Dunelawn Condo Association President and their Engineer with concern over a wall that is failing. Mr. Heyland provided a survey of the affected area. The current wall sits on town property, for them to rebuild this wall the town would have to enter into an agreement with Dunelawn Condo Association.

Mr. Heyland suggested that the town work with the engineer to push the wall back as the area is very difficult for Public Works to currently plow the road where the existing wall sits.

The plan for this meeting is to have a discussion, and if the Board wished to move forward with this, then Mr. Heyland would have the Town Attorney develop an agreement for the Board to vote on at a later date.

Selectman Dolliver asked if there was a prior agreement on file for the existing wall. Mr. Heyland stated that he had not found one in town records.

Selectman Winn asked about the distance from the road to the building and whether there are any drainage issues. Mr. Heyland responded to the location of the building and that there is drainage issues in the area.

Selectman Latulippe asked if the cost of the construction would be borne by the association, Mr. Heyland replied in the affirmative, the agreement should also spell out maintenance, etc.

Mr. Gerrish stated that the agreement will protect the town's interest.

It was the consensus of the Select Board to have Mr. Heyland move forward with the request.

10.0 OTHER BUSINESS

Selectman Latulippe - Commented on the Beach Street Engineering Project presentation that was conducted last week. Stated that plans did not include any improvements on the Main Beach bathrooms, which was his primary concern. Hopefully by next year at this time we will be looking at a CIP on the Main Beach Bathrooms.

Chair Daily also commented in the bathrooms and the use of them during the summer. Agreed with Selectman Latulippe that the bathrooms are high priority! It will be an expense venture to update the bathrooms and the town needs someone there full time in the bathrooms, especially the women's bathroom. Its management, money and equipment!

Selectman Dolliver - Commented on the loading zone on Beach Street and the traffic problem there. This item still needs to be addressed with the MDOT.

Chair Dailey - Commented on the issue that was brought forward by the Roger Brown last year, which is the cost of tourism. Chair Dailey spoke about a financial analysis that was prepared by Fred Lynk, ORA, on the cost of tourism.

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

11.1 Public Input

Kirk Lavoie, Glen Avenue

- Commented on the Route One project and the wrap up of the project.
- Stated that the project has been submitted to a committee for a National award, the National Transportation Association, who will be selecting the winner in July.
- He stated that the Ogunquit project is one of the finalists.
- MDOT is also using the form of communication that was developed for Ogunquit as a model for other projects in the State.
- Thank you to Barbara and Gary for all their hard work and best wishes in the future.

Marjorie Katz, 7 Lilywood Lane

- Commented on the sidewalk in front of Cornerstone and the traffic issue.
- Asked about the cleaning of the bathrooms for this season.
- Comments regarding trash pickup, wanted know how it will be addressed.
- Commented on social media comments on Facebook® pages regarding Article 51.

Neil DeLuca, 288 Berwick Road

- Comments regarding the state of the bathrooms, embarrassing.
- Asked that the Charter change be used to transfer money to fix the bathrooms.
- Spoke about flushless toilets, more powerful hand dryers and installation of changing tables in the men's room.

John Paul Argenti, 15 Riverbank Road

- Comments regarding the parking meter article on the town warrant; changes the face of the town with no human interaction.
- Suggested taking time to install meters to see how it is received.

Steve Wilkos, Main Street

- As Planning Board Chair, thanked Barbara and Gary for their support of the Planning Board.
- As Chair of the Comprehensive Plan Committee, thanked Barbara for her time and effort in the developing the Comprehensive plan.

11.2 Select Board**Selectman Dolliver**

- Comments regarding employee housing.
- Comments regarding staffing for cleaning of the bathrooms.
- Comments on the Ogunquit Sewer District plan for future building.

- Comments on the loading zone on Beach Street.
- Commented on "Music in the Park" which was held in the auditorium last night. Next concert will be on July 3rd.
- Thank you to Barbara and Gary for their time on the Select Board.

Selectman Daley

- Stated that he enjoyed the first four years on the Select Board, the last year he did not. Thought about resigning but will fulfill his obligation.
- Community needs to change the way they communicate, new board members and new manager are not enough to change the discourse of the town. The community needs to change. Need to learn to respect peoples' differences of opinion.

Selectman Latulippe

- Stated that "Music in the Park" was great last night, his children loved it.
- Comments on Article 51 and OVS; does support it.
- Disheartened by comments on social media.
- Thank you to Don Gerrish, Mark O'Brien for stepping in(to)it.
- Read a prepared statement.

Chair Dailey

- Comments regarding social media.
- Comments regarding the accusations that the Select Board are not doing their jobs.
- Stated that the Charter defines the role of the Select Board.
- Stated that Executive Session is defined by State Statutes.
- Thanked Gary for his role as a Select Board member, he has been an excellent Selectman.
- Thanked the community for their support over the last six years.
- It has been a privilege to serve the community and a pleasure.
- Wished the next board the very, very best.

12.0 ADJOURNMENT

Motion made by Gary Latulippe and second by Richard Dolliver to adjourn the meeting at 8:39pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager