



**SELECT BOARD
MEETING MINUTES
JULY 11, 2017**

1.0 CALL TO ORDER: 6:00

Meeting called to order at 6:00PM.

Members present: Charles L. Waite, III, Chair
Robert N. Winn, Jr., Vice Chair
John M. Daley
Richard A. Dolliver
Madeline S. Mooney

Others present: Donald Gerrish, Interim Town Manager

1.1 Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

1.2 Select Board Minutes - June 6, 2017

The minutes of the June 6, 2017 Select Board Meeting were accepted as presented, motion by John Daley and second by Robert Winn, Jr.; approved 3-0.

1.3 Select Board Minutes - June 27, 2017

The minutes of the June 27, 2017 Select Board Meeting were accepted as amended, motion made Richard Dolliver and second by Robert Winn, Jr.; approved 5-0.

2.0 TOWN MANAGER'S REPORT

Town Manager Search

Mr. Gerrish read an announcement from the Select Board regarding the finalists for the Town Manager Position. The Ogunquit Select Board is pleased to announce that it has narrowed it down to two finalists. The two finalists are Patricia Finnigan of Saco, Maine, most recently the Town Manager in Camden, Maine; and Kris

Tucker of Virginia Beach, Virginia, most recently the Director of Economic and Community Development for North Hampton County, Virginia. Both candidates will be in Ogunquit on Tuesday and Wednesday, July 25 & 26, to participate in the third part of the interview process.

The first part was interviews by the Town Manager Selection Committee as required by Charter. And the second part was interviews by the current Select Board.

On July 25th the public is invited to an informal gathering from 4:30pm to 5:30pm and the Dunaway Community Center to meet both candidates. On July 26th each candidate will be interviewed by the Town's Department Heads in the afternoon and in the evening the Select Board will have a second interview with each candidate. The Select Board anticipates announcing the new manager and their starting date the following week. The Board did interviews with the candidates this morning and decided on two finalists and are especially pleased to announce that.

This information will be put up on the town's website and invite the public to come and meet the two finalists on the 25th.

Revaluation

Reminder to everyone that the revaluation of the town is coming to the point where notices will be sent out the last two weeks of July to all homeowners/residents to give them information about new values for their property. After that there will be opportunities for citizens to set up appointments to talk to the firm that has done the revaluation to discuss concerns.

Fiscal Year End June 30, 2017

Fiscal year ended June 30, 2017, have some preliminary numbers. Accounts are in good shape, but the administration account which paid for Mr. Gerrish and legal costs will be over budget. At this time it looks like it will be over the \$25,000 limit to transfer from one account that is dictated by Charter. Overall total expenditures will be under budget. On the revenue side have collected about \$300,000 more than budgeted, all in all the year has ended in good shape.

Parking Meters

The new meters should be installed and ready to go by the first of August, maybe sooner. The foundations are being installed in Lower Lot and Perkins Cove. Notices will be posted when the meters are up and running.

Drones

Mr. Gerrish stated that the town will be putting on the website the laws for using drones in the community, drones at the beach. He stated that the town has an agreement with the federal government about drones over where the Piping Plovers are nesting. There are also federal requirements for drones over public gatherings.

Police Department Vehicle

Mr. Gerrish reported that there is a car issue in the Police Department, the 2008 vehicle used by the Lieutenant is old; they have been trying to keep it going but are unable to do so. Will be looking at a possible solution and coming back to the board with the solution.

Change in Parking

Mr. Gerrish stated that Selectperson Mooney had reminded him that the Board passed a change in the parking ordinance about allowing residents and non-residents that have a Transfer Station Permit to park in the spaces between the Fire Station and Dunaway Community Center from 5:00pm - 1:00am Monday through Friday and between the hours of 6:00am -1:00apm Saturday, Sunday and Legal Holidays. Visitor Services staff will be checking to make sure it is being used by the appropriate vehicle.

10 Beach Plum Lane v. Town of Ogunquit

Mr. Gerrish stated that the Town has received notice regarding the Planning Board decision to deny the installation of a pier and have responded to the suit through the Town Attorney.

Chamber of Commerce

Mr. Gerrish read a letter from the Chamber of Commerce thanking the town and all employees of the town for their assistance in the 4th of July Fireworks Celebration.

Mr. Gerrish expressed his thanks to all the staff involved in the celebration.

3.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

3.1 Board & Committee Appointments

Motion made by Robert Winn, Jr. to review and appoint each applicant separately. There were several new applicants; these will be reviewed at the next meeting of the Select Board.

Bike-Pedestrian Committee

071117-01 Motion made by Madeline Mooney and second by Robert Winn, Jr. to appoint Priscilla Botsford as a Full Member to the Bike Pedestrian Committee, term to expire June 30, 2020; approved 5-0.

Board of Assessment Review

071117-02 Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint Paul Breen as a Full Member to the Board of Assessment Review, term to expire June 30, 2020; approved 5-0.

071117-02 Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint Weston Elliott as a Full Member to the Board of Assessment Review, term to expire June 30, 2020; approved 5-0.

071117-02 Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint Donald Simpson as a Full Member to the Board of Assessment Review, term to expire June 30, 2020; approved 5-0.

Conservation Commission

071117-03 Motion made by John Daley and second by Madeline Mooney to appoint William Baker as a Full Member to the Conservation Commission, term to expire June 30, 2020; approved 5-0.

071117-03 Motion made by John Daley and second by Madeline Mooney to appoint J. Douglas Mayer as a Full Member to the Conservation Commission, term to expire June 30, 2020; approved 5-0.

071117-03 Motion made by John Daley and second by Madeline Mooney to appoint Pamela Sawyer as a Full Member to the Conservation Commission, term to expire June 30, 2020; approved 5-0.

Harbor Committee

071117-04 Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint Percy Stevens, Jr. as a Full Member to the Harbor Committee, term to expire June 30, 2020; approved 5-0.

071117-04 Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint Jay Smith as a Full Member to the Harbor Committee, term to expire June 30, 2018; approved 5-0.

Heritage Museum Committee

- 071117-05** Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint Gary Littlefield as a Full Member to the Heritage Museum Committee, term to expire June 30, 2020; approved 5-0.
- 071117-05** Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint Eva Nudelman as a Full Member to the Heritage Museum Committee, term to expire June 30, 2020; approved 5-0.
- 071117-05** Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint Patricia Weare as a Full Member to the Heritage Museum Committee, term to expire June 30, 2020; approved 5-0.
- 071117-05** Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint Peter Woodbury as a Full Member to the Heritage Museum Committee, term to expire June 30, 2020; approved 5-0.
- 071117-05** Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint John Ross as 1st Alternate to the Heritage Museum Committee, term to expire June 30, 2018; approved 5-0.
- 071117-05** Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint Marc Saulnier as 2nd Alternate to the Heritage Museum Committee, term to expire June 30, 2018; approved 5-0.

Historic Preservation Commission

- 071117-06** Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint D. Sumner Nystedt as a Full Member to the Historic Preservation Commission, term to expire June 30, 2020; approved 5-0.

Marginal Way Committee

- 071117-07** Motion made by Madeline Mooney and second by John Daley to appoint Paul Breen as a Full Member to the Marginal Way Committee, term to expire June 30, 2019; approved 5-0.
- 071117-07** Motion made by Madeline Mooney and second by John Daley to appoint Louesa Gillespie as a Full Member to the Marginal Way Committee, term to expire June 30, 2020; approved 5-0.

071117-07 Motion made by Madeline Mooney and second by John Daley to appoint Joan Griswold as a Full Member to the Marginal Way Committee, term to expire June 30, 2020; approved 5-0.

071117-07 Motion made by Madeline Mooney and second by John Daley to appoint Jim Oliver as a Full Member to the Marginal Way Committee, term to expire June 30, 2020; approved 5-0.

Parks & Recreation Committee

071117-08 Motion made by Madeline Mooney and second by Robert Winn, Jr. to table the appointment of Boriana Dolliver until (we) have an opportunity to look into a matter. There are irregularities, alleged, in the mailing of a town approved flyer promoting Article 51 that was brought to the attention of the Town Manager, Town Clerk and members of the Select Board. The mailing was directed to go to all November 2016 voters and it appears at this time that only a selective mailing of our voting list was done. So once we have resolved this matter to our satisfaction we can put the appointment back on the agenda; approved 3-2 (Daley & Dolliver).

Mr. Gerrish reviewed the process that was done to send the flyers out and his discussion with Boriana Dolliver. Mr. Gerrish also explained that he had looked into the issue whether it was legal to use town funds, he had told (everyone) that it was legal and that he had authorized the mailing. The question that was raised is not everyone got them, he stated that he did not do any type of investigation on this, he did ask Boriana, they had a conversation and she told him what she did.

Interim Town Manager Gerrish will investigate this issue and bring the information back to the Select Board.

Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint Michelle Low as a Full Member of the Parks & Recreation Committee; term to expire June 30, 2020; approved 5-0.

Performing Arts Committee

071117-09 Motion made by Robert Winn, Jr. and second by John Daley to appoint Mikie Ann Boyd as a Full Member of the Performing Arts Committee; term to expire June 30, 2020; approved 5-0.

071117-09 Motion made by Robert Winn, Jr. and second by John Daley to appoint Patricia Mason as a Full Member of the Performing Arts Committee; term to expire June 30, 2020; approved 5-0.

071117-09 Motion made by Robert Winn, Jr. and second by John Daley to appoint Eva Nudelman as a Full Member of the Shellfish Conservation Commission; term to expire June 30, 2020; approved 5-0.

Shellfish Conservation Commission

071117-10 Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint Everett Leach as a Full Member of the Performing Arts Committee; term to expire June 30, 2020; approved 5-0.

Zoning Board of Appeals

071117-11 Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint Jay Smith as a Full Member of the Zoning Board of Appeals; term to expire June 30, 2020; approved 5-0.

071117-11 Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint Jerry DeHart as a 1st Alternate Member of the Zoning Board of Appeals; term to expire June 30, 2018; approved 5-0.

Comments by John Daley regarding "rubber stamping" appointments, don't receive any feedback regarding the members and their actions on the committees.

3.2 Appointment of Assessor

071117-12 Motion made by John Daley and second by Robert Winn, Jr. to appoint Craig Skelton, from Municipal Resources Inc., as Contract Assessor for the Town of Ogunquit, term to expire June 30, 2018; approved

4.0 PUBLIC INPUT (CURRENT AGENDA ONLY)

Rusty Hayes, 75 Cedar Lane

- Comments on political mailings.

John Mixon, Vinton Road

- Comments regarding the mailing done by the Parks & Rec Committee.

Boriana Dolliver, 331 Shore Road

- Comments regarding the investigation and ORA bias.

5.0 PUBLIC HEARING - LICENSE APPLICATIONS

Public Hearing opened at 6:45pm.

5.1 Bandito's Mexican Grill (continued from June 20 27, 2017 meeting) - Malt, Spirituous & Vinous Liquor License Renewal Application

This application was recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Interim Town Manager Gerrish reviewed the information that was presented to the Select Board in their packets regarding Bandito's.

Kim Carpenter, 54 Shore Road

- Would like to understand what is exactly on the table regarding restrictions on the liquor license.

Keith Carpenter, 54 Shore Road

- Comments regarding noise issues from Bandito's in the past, asked that current be kept on the liquor license application.

David Latulippe, owner of Sea Chambers, Shore Road

- Concern is not outside dining, the concern is the outside bar.
- The outside bar impacts their business; the restrictions put on by the Select Board did make a difference.
- Asking the Select Board to keep those same restrictions on the license.

Kevin Denis, Bandito's

- Looking to get restrictions lifted that were imposed by the Select Board last year.

Closed to public comment.

Selectman Dolliver

- Reminded the board that the property was in the LBD for 36 years; through a citizen's petition it was changed to GB1.
- Commented on infractions in 2012 and the 2013 Planning Board application.
- In 2016 came before the Planning Board to lift restrictions, which was denied.
- Reviewed the information that was presented to the Select Board in 2016.

Interim Town Manager Gerrish

- Explained that the Board could:
 - Deny the application;
 - Approve with the restrictions that were imposed by the Select Board last year;
 - Or approve as submitted (with Planning Board restrictions).

071117-13 Motion made by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License for Bandito's Mexican Grill as presented with restrictions in addition to the Planning Board decision in 2013 with no alcoholic beverages allowed outside the building past 10:00pm, this restriction includes customers that may purchase an alcoholic beverage inside and go outside to sit either before or after 10:00pm. This restriction includes customers that may be seated outside prior to 10:00pm with an alcoholic beverage. This restriction applies to all days including weekdays, weekends, holidays and/or special occasions.

There was no second to the motion.

071117-14 Motion made by Madeline Mooney and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Renewal for Bandito's Mexican Grill as presented with restrictions from the Planning Board decision of July 29, 2013; approved 4-1 (Dolliver).

Public Hearing closed at 7:10pm.

6.0 PUBLIC HEARINGS & PRESENTATIONS

There were no public hearings before the Select Board.

7.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS**7.1 Discussion of Date for Select Board Workshop - Donald Gerrish, Interim Town Manager**

Mr. Gerrish stated at the last meeting he had suggested that the Select Board hold a workshop to discuss: Board Rules, Agenda set up and setting goals.

He stated that he will prepare items for review by the Select Board. He asked the Select Board to look at their calendars for a date for this workshop.

It was the consensus of the Board to hold the workshop on August 7th at 5:00pm.

8.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

8.1 Discussion of Select Board Liaisons to Town Boards & Committees - Donald Gerrish, Interim Town Manager

Mr. Gerrish reviewed the memo that he had sent out regarding liaisons to town committees/boards. He stated that the last time liaisons were appointed were in 2011. He also stated that there are no policies in place as to how a liaison functions with the committees/boards.

Mr. Gerrish stated that the Board should discuss whether they want to continue this practice, how they want to do it and understand what the policy is and go forward.

Chair Waite commented on whether a committee/board needs a liaison or not. He stated that he would take the liaison position for the Performing Arts Committee if it was alright with the other Board members. He suggested that the committees/board contact the town if they would like a liaison or not.

Selectman Daley expressed the need to have a liaison to ADHOC committees as they often need guidance through their task.

Selectman Winn stated that at one point the liaison would update the Board members as to the progress of the committee/board.

Mr. Gerrish stated that there needs to be a policy in place for guidance and direction. He suggested that a memo be sent to all committees/board that if they would like a liaison and to get a list of all ADHOC committees and get a list to the Select Board at their next meeting. ADHOC committees should have direction from the Select Board; lay out what they are going to do.

It was the consensus to check with all committees to see if they would like a liaison and to set up a policy regarding liaisons.

8.2 Discussion of Code of Ethics for all Town Boards & Committees - Donald Gerrish, Interim Town Manager

Mr. Gerrish explained that the Select Board approved a Code of Ethics for their board on December 6, 2016; at the same time discussion was held to establish a Code of Ethics for all town boards and committees. A draft was presented to the Select Board, which was produced by the former Chair of the Select Board, who had worked on it. She took what the Select Board had for a document and transferred it into a document for Boards & Committees.

There was one section under communications that Mr. Gerrish felt that he should talk about with the Select Board. It is the same as is in the Code of Ethics for the Select Board "members may exchange e-mails and other electronic communications obtained, share background information about an issue but these communications shall not constitute a deliberation of public business or any decision making, such deliberation and decision making shall occur at a properly noticed public meeting". Mr. Gerrish stated that the note in this draft stated that this did not apply to Planning Board members because any electronic exchange involving three or more Planning Board members constitute a meeting. He explained that Planning Board members and Zoning Board of Appeals members are quasi-judicial and anything that they deal with has to be given and discussed at a board meeting. They are a separate type of board, he stated that he had spoken with attorney about this and she agreed so this section has to be amended a little bit to make sure it is clear for quasi-judicial boards.

He stated that the proposal is pretty straight forward; he asked that the Board review it to see if they like it and what they want. Mr. Gerrish stated that he could bring it back at the next meeting and they could adopt it.

Selectperson Mooney stated that she had heard the document had been sent to the Planning Board and another board for their feedback. She stated that it should be generalized for all boards and committees. Steve Wilkos, Planning Board Chair, stated that the former Select Board Chair had sent it to him for review.

Selectman Daley stated he had a concern with the last section (18), if you take it out it takes "teeth" out of the code; would like the ability to reconsider a decision.

Mr. Gerrish stated that this is a whole separate document from the Select Board Code of Ethics. He will bring this back to the Select Board at the next meeting for action.

8.3 York County Budget Committee - Resolution Regarding the Economic Impacts of the Combined Courthouse in York County - Donald Gerrish, Interim Town Manager

Mr. Gerrish explained that the Select Board all received a copy of a letter from the Chairman of the York County Budget Committee. The committee is asking for the Select Boards support to send a resolution to the Chief Justice to bring together the court system and the county to discuss the issue of the new courthouse. Mr. Gerrish stated that he had talked to the County Administrator to understand the issue.

There is a proposal to build a new courthouse in Biddeford. This would be a combined courthouse for Superior and District Court and the process is going

forward to do so. Unfortunately, initially, there was not planning to allow the District Attorney to have space in that District/Superior courthouse. The County raised the issue to see about how to go about having the District Attorney's offices be in the same building as the courts. There has been discussion about leasing some space through the County; the County is concerned about the cost and the size of the space. The purpose of this resolution is to encourage the Chief Justice to get together with the County and talk about the issue.

071117-15 Motion made by John Daley and second by Robert Winn, Jr. to approve the Resolution as written; approved 5-0.

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

9.1 Public Input

Wendy Levine, Obeds Lane

- Would love to serve on more committees, but does disappear for January and February, not sure if that is an issue. Asked the board to think about it.
- Commented on the idea that ORA is "anti" anything. Invited all to attend the meetings.
- Question regarding appropriateness of the spouse to act on item regarding spouse.

Boriana Dolliver, 331 Shore Road

- Comments regarding ORA.
- Comments regarding illegal parking.

Rusty Hayes, 75 Cedar Lane

- Concern regarding Trolleys and his observations of loading and unloading in crosswalks.

9.2 Select Board

Selectman Dolliver

- Informed all that Richard Colbath, Wells, Maine, passed away yesterday.
- Concert in the Park was great yesterday, smaller crowd than last performance.
- Comments regarding the comments made at last board meeting regarding number of Town Managers on the payroll.
- Comments regarding ORA.

Selectman Daley

- Thanked the Town Manager Search Committee for the great job they did.

Selectman Winn

- Thanked the Superintendent at Wells-Ogunquit CSD for allowing the town to use their facility for interviewing Town Manager candidates.

Selectperson Mooney

- Stated that Concerts in the Park was great, hopefully a new tradition. Run very well.

Chair Waite

- The 4th of July Fireworks went off without a hitch. Everyone did a great job. Beautiful show. Thank you to all that worked to make this event go well.

10.0 ADJOURNMENT

Motion made by Robert Winn, Jr. and second by John Daley to adjourn the meeting at 7:46pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager