



**SELECT BOARD
MEETING MINUTES
SEPTEMBER 5, 2017**

1.0 COMMITTEE INTERVIEW - 5:45PM

1.1 Comprehensive Plan

The Select Board held interviews with two candidates that applied for the Comprehensive Plan Committee.

2.0 CALL TO ORDER: 6:00PM

The meeting was called to order at 6:00pm.

2.1 Roll Call of Members

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

Others present: Patricia Finnigan, Town Manager

2.2 Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

2.3 Select Board Minutes - August 15, 2017

The minutes of the August 15, 2017 Select Board meeting were tabled.

3.0 REPORTS

3.1 Town Manager

Diaper Drive

- Town Manager Finnigan informed the public about the Diaper Drive, the collection of the diapers is here at the town office until September 15th.

End of Summer

- Sandcastle Contest was held at the beach last Saturday; stated that she participated as judge for the contest.
- A full fall season of arts will be kicking off with Capriccio starting on Friday, September 8th.

Department Highlights - Police Department

Lieutenant Matt Buttrick was in attendance to review the past summer season with the Select Board.

- Commented on the burglary on Agamenticus Road.
- Commented on assaults in Ogunquit and the relation to alcohol consumption.
- Commented on alcohol/non-compliance during arrest procedures.
- Commented on seasonal burglaries.
- Spoke about the vacant house/business check program the Police perform during the time when the resident is not around. Signup sheets are available on the Facebook page.
- Spoke about the Community Services Officer program that was new this summer.
- Stated that they will be ramping up "Coffee Talk" this fall and the newsletter.
- Commented on the Police Department Facebook page.

Special Town Meeting

Town Manager Finnigan spoke about items for the November 7, 2017 Special Town Meeting.

090517-01 Motion made by Richard Dolliver and second by Madeline Mooney to refer the following to the Budget Review Committee for review for potential article at the November 2017 Special Town Meeting.

Use of the Ambulance Reserve Fund if bids for the new ambulance exceed approved funding.

Motion rescinded by Richard Dolliver.

Motion made by Madeline Mooney and second by Richard Dolliver to amend the original motion to use the Ambulance Reserve Fund if bids for the new ambulance exceed approved funding no more than \$22,000; approved 5-0.

- 090517-02** Motion made by Robert Winn, Jr. and second by Richard Dolliver to refer the following to the Budget Review Committee for review for potential article at the November 2017 Special Town Meeting; approved 5-0.

Transfer of \$150,000 from the Undesignated Fund Balance for structural engineering and design services for the Perkins Cove Footbridge Replacement project.

- 090517-03** Motion made by Robert Winn, Jr. and second by Richard Dolliver to refer the following to the Budget Review Committee for review for potential article at the November 2017 Special Town Meeting

Transfer of \$55,000 from the Undesignated Fund Balance to fund the engineering and design of bathrooms at Main Beach. to include rehabilitation of the existing bathroom building and construction of new bathrooms.

Motion rescinded by Robert Winn, Jr.

Motion made by Madeline Mooney and second by Robert Winn, Jr. to refer the following to the Budget Review Committee for review for potential article at the November 2017 Special Town Meeting; approved 4-1, Dolliver in opposition.

Transfer of \$55,000 from the Undesignated Fund Balance to fund the engineering and design of bathrooms at Main Beach.

- 090517-04** Motion made by Richard Dolliver and second by John Daley to refer the following to the Budget Review Committee for review for potential article at the November 2017 Special Town Meeting; approved 3-2, Mooney and Winn in opposition.

Transfer of up to \$500,000 from the Undesignated Fund Balance to fund the construction of bathrooms at the Main Beach to include rehabilitation of the existing bathroom building and construction of new bathrooms.

Town Manager Finnigan stated that she is playing catch up, but plans to have a CIP plan in place in the future.

4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS, PRESENTATIONS

4.1 Budget Review Committee - Reappointment

090517-05 Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the appointment of Lindsey Perry as 1st Alternate of the Budget Review Committee, term to expire June 30, 2018.

4.2 Comprehensive Plan - New Appointment

090517-06 Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint Sarah Potter as a Full Member of the Comprehensive Plan Committee, expiration when work is completed; approved 5-0.

090517-07 Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint Peter Kahn as a Full Member of the Comprehensive Plan Committee, expiration when work is completed; approved 5-0.

4.3 Parking Meters Test Project - Gene McSweeney and Ray Hamlin (Visitor Services)

Ray Hamlin and Gene McSweeney were in attendance to give a progress update on the installation of the meters and the functionality of the meters during a demonstration.

Mr. McSweeney explained the changes that will occur once the meters go live. They also explained the functions of the meters, which will be "park and pay".

The purpose of this meeting is to request amendments to Title V to allow all day (current) and hourly parking (new) in the Lower Lot.

090517-08 Motion made by Robert Winn, Jr. and second by Richard Dolliver to hold a public hearing on September 12 to consider Amendments to Title V, Motor Vehicle & Traffic Ordinance, Section 1201, General Information, 1201.7 - Fees; approved 5-0.

5.0 CITIZEN COMMENTS (For town topics not on the agenda)

The Select Board welcomes public comments and questions about Town-related issues that are not on the agenda. We ask that people keep comments on point and within 3 minutes.

Paul Breen, Co-chair, Marginal Way Committee

- Comments about the number of people who walk the Marginal Way. Last year at this time (with the people counter) it was recorded that 178,000+ walked the Marginal Way. Today the current count was 225,859, which is a 30% increase over last year.
- Mr. Breen stated that he found out at the committee meeting this afternoon, that there would no longer be staff to take care of the Marginal Way as of Friday. Feels that this is a mistake, need to have two people per day during the week to take care of the way through the end of the season.

Fred Lynk, 8 Fieldstone Lane

- Comments regarding Beach Street Study and bathrooms.
- Commented on the June 2016 Annual Town Meeting Warrant and CES, Inc.

Kristen Arnold, 18 Highland Avenue

- Comments regarding the way cars were parked in Obeds Lot due to lack of lines.
- Concerned over the new assessments in town, thought her assessments were low.

Peter Kahn, 3 Tern Street

- Asked about the budget meeting that is scheduled to be held on Friday.
- Asked the Select Board to send out notices when they have special meetings.

Kirsten Ross

- Comments regarding Beach Street Engineering project and the process on how CES, Inc. was chosen.
- Praised the bathroom cleaning staff and what they go through.

Ben Hershenson, Myrtle Circle

- Comments and concerns regarding ORA (Ogunquit Residents Alliance).

Muriel Freedman, Grasshopper Lane

- Thank you to the Parks & Recreation Committee for "Music in the Park".
- Thank you to the Police Department, Community Services Officers.

6.0 PUBLIC HEARINGS

Public hearing called to order at 7:28pm.

- 6.1 Maxwell's 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.

090517-09 Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for Maxwell's Pub; approved 5-0.

- 6.2 Maxwell's 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.

090517-10 Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the Amusement License Renewal Application for Maxwell's Pub; approved 5-0.

- 6.3 An Ordinance to Amend Ogunquit Zoning Ordinance, Title X, Article 7; Section 7.2.G - Land Use Controls: Retail Marijuana Prohibition

Scott Heyland, Code Enforcement Officer was in attendance to answer any questions or comments regarding this ordinance amendment.

Jennifer Walker, Berwick Road

- Comments regarding the sales tax that the State will pay on retail sales.

- 6.4 Amendments to the Ogunquit Zoning Ordinance, Title X, - Shoreland Zoning Standards (Section 9.15)(available at www.townofogunquit.org Special Town Meeting Documents)

Scott Heyland, Code Enforcement Officer was in attendance to answer any questions or comments regarding this ordinance amendment.

Mr. Heyland stated that this is just an updated version of State Standards, but did receive a call this afternoon that there was an issue and changes will need to be made.

- 6.5 Amendments to Title VI -Bicycle and Other Wheeled Goods and Pedestrian Ordinance

Scott Heyland, Code Enforcement Officer was in attendance to answer any questions or comments regarding this ordinance amendment

Jamel Torres, SMPDC Transportation and Land Use Planner

- Presented a handout to the Select Board regarding the updating of the Bicycle Ordinance and the Complete Streets Policy.
- Mr. Torres reviewed the updates to the Bicycle Ordinance.

Public hearing closed at 7:40pm.

090517-11 Motion made by Robert Winn, Jr. and second by Madeline Mooney to move 8.3, 8.4 and 8.5 forward on the agenda for action; approved 5-0.

7.0 UNFINISHED BUSINESS

7.1 Select Board Rules - Pat Finnigan, Town Manager Select Board Discussion and Action on the "Select Board Rules"

Town Manager Finnigan presented an updated version of the Select Board Rules to the Select Board.

Selectperson Mooney noted a couple of changes that needed to be made to the document.

Rebecca Fox, 21 Marginal Avenue

- Questions regarding the opportunity to for the public to comment on the Town Manager's Report.
- Discussion by the Select Board regarding this topic.
- Question about the location of the Select Board report on the agenda.

Discussion regarding correspondence section of the Rules of the Board.

090517-18 Motion made by Robert Winn, Jr. and second by Richard Dolliver to table the Rules of the Select Board until the September 19, 2017 meeting of the Select Board; approved 5-0.

8.0 NEW BUSINESS

8.1 Consideration and Award of Bid for Codification of the Town Ordinances - Pat Finnigan, Town Manager Select Board Review and Action on the Award of the Bid for Codification Services for the Town of Ogunquit

Town Manager Finnigan explained what codification is and the bids that were received. Once a vendor is chosen, a workshop will be held with the Select Board to explain the process.

090517-19 Motion made by Robert Winn, Jr. and second by Madeline Mooney to award the bid for Codification Services of Town of Ogunquit Ordinances to General Code in the amount of \$13,435; approved 5-0.

8.2 Consideration of Revocable License Agreement with Dunelawn Condominium Association - Scott Heyland, Code Enforcement Officer
Select Board Consideration of Entering into a Revocable License Agreement with Dunelawn Condominium Association

Scott Heyland, Code Enforcement Officer was in attendance to explain the proposal from the Dunelawn and the agreement required for this project to go forward.

090517-20 Motion made by Robert Winn, Jr. and second by Richard Dolliver to enter into a Revocable License Agreement with Dunelawn Condominium Association.

Selectman Winn rescinded his motion.

Motion made by Richard Dolliver and second by Robert Winn, Jr. to enter into a Revocable License Agreement with Dunelawn Condominium Association including a Performance Bond for the entire amount of the project; approved 5-0.

8.3 Proposed Amendments to the Ogunquit Zoning Ordinance - Scott Heyland, Code Enforcement Officer
Select Board Review and Action on the Request from the Planning Board for the Placement of Proposed Amendments on the Warrant for the November 7, 2017 Special Town Meeting

090517-12 Motion made by Robert Winn, Jr. and second by Madeline Mooney to place the following ordinance amendment on the November 7, 2017 Special Town Meeting Warrant:

A. An Ordinance to Amend Ogunquit Zoning Ordinance, Title X, Article 7; Section 7.2.G - Land Use Controls: Retail Marijuana Prohibition

Approved 3-2, Daley and Dolliver in opposition.

Selectperson Mooney asked about the ordinance document, why is it totally underlined and what the changes were as this affects many in town.

CEO Heyland stated that this complete document is underlined since it is a new ordinance. This ordinance was based on the state standards and the town's current ordinance regarding Shoreland Zoning.

Discussion was held regarding the State Standards and the Town Standards, the Town ordinance can be more stringent than the State, not less.

090517-13 Motion made by Robert Winn, Jr. and second by Richard Dolliver to table this agenda item to the September 19, 2017 Select Board meeting; approved 5-0.

B. Amendments to the Ogunquit Zoning Ordinance, Title X, - Shoreland Zoning Standards (Section 9.15) (available at www.townofogunquit.org Special Town Meeting Documents)

8.4 Proposed Amendments to Title VI -Bicycle and Other Wheeled Goods and Pedestrian Ordinance

Select Board Review and Action on the Request from the Bicycle Pedestrian Committee for the Placement of the Proposed Amendments on the Warrant for the November 7, 2107 Special Town Meeting

Selectman Daley commented on the center of town and safety issues for pedestrians and bicycles.

090517-14 Motion made by Robert Winn, Jr. and second by Richard Dolliver to place the proposed ordinance amendments, as requested by the Bicycle-Pedestrian Committee, on the Warrant for the November 7, 2017 Special Town Meeting; approved 5-0.

8.5 Municipal Officers Certification of Official Text of Secret Ballot Referendum Questions - Pat Finnigan, Town Manager

Select Board Review and Action on the Certification of Official Text for the November 7, 2017 Special Town Meeting

090517-15 Motion made by Madeline Mooney and second by Robert Winn, Jr. to approve the Municipal Officers Certification of the Official Text of "An Ordinance to Amend Ogunquit Zoning Ordinance, Title X, Article

7; Section 7.2.G - Land Use Controls: Retail Marijuana Prohibition" as presented; approved 3-2, Daley and Dolliver in opposition.

090517-16 Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the Municipal Officers Certification of the Official Text of "Amendments to Title VI -Bicycle and Other Wheeled Goods and Pedestrian Ordinance" as presented; approved 5-0.

090517-17 Motion made by Robert Winn, Jr. and second by Richard Dolliver to table "Amendments to the Ogunquit Zoning Ordinance, Title X, - Shoreland Zoning Standards (Section 9.15)" to the September 19, 2017 Select Board meeting; approved 5-0.

8.6 Consideration of Issuing a Request for Proposals for Legal Services - Pat Finnigan, Town Manager

Select Board Review and Action on the RFP for Legal Services

Town Manager Finnigan would like the Select Board to hire one legal firm that would represent the town; she is requesting that the town seeks proposals.

090517-21 Motion made by Richard Dolliver and second by John Daley to issue a Request for Proposal for Legal Services for the Town of Ogunquit; approved 5-0.

8.7 Consideration of Issuing a Request for Proposals for Engineering Services - Pat Finnigan, Town Manager

Select Board Review and Action on the RFP for Engineering Services

Town Manager Finnigan would like the Select Board to hire one engineering firm that would represent the town; she is requesting that the town seeks proposals.

090517-22 Motion made by Robert Winn, Jr. and second by Richard Dolliver to issue a Request for Proposal for Engineering Services for the Town of Ogunquit; approved 5-0.

8.8 Set September 12, 2017 for a Select Board Special Meeting to discuss the Tax Overlay and to set the 2017-2018 Tax Rate - Pat Finnigan, Town Manager

090517-23 Motion made by Robert Winn, Jr. and second by Richard Dolliver to hold a Special Meeting of the Select Board on September 12, 2017 to discuss the Tax Overlay and to the set the mil rate for 2017-2018 taxes; approved 5-0.

Kristen Arnold, 18 Highland Avenue

- Comments regarding house and land values.

Peter Kahn, 3 Tern Street

- Asked if there was a legal requirement to hold the meeting on September 12, 2017.

9.0 OTHER BUSINESS

There was no other business before the Select Board.

9.1 Select Board Reports and Announcements**Selectperson Mooney**

- Shout out to lifeguards regarding saves of people in trouble.
- Commented on the work that committees in this town do.
- Shout out to Pat Finnigan; saw her all around town on Labor Day Weekend.

Selectman Winn

- Stated that he agreed with Paul Breen, should have someone on the Marginal Way taking care of it daily.

Selectman Daley

- Commented on the cleanliness of the streets, the Footbridge looks fantastic, town looks great.

Selectman Dolliver

- Commented on the sidewalk downtown in regards to bicycle safety.
- Commented on the hurricane in Texas and residents that live there, and that another one is on its way (Irma).
- The Marginal Way is the town's responsibility, agrees with Selectman Winn that we have to maintain and take care of it.
- Stated that he will fight for new bathrooms, people want clean bathrooms. Would like new Main Beach bathrooms for next season.

Chairman Waite

- Commented on how lucky we are (re: hurricanes)
- Commented on the diaper drive.

10.0 ADJOURNMENT

Motion made by Robert Winn, Jr. and second by Richard Dolliver to adjourn the meeting at 9:19pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager