



**SELECT BOARD
MEETING MINUTES
NOVEMBER 8, 2017**

COMMITTEE WORKSHOP

- 5:00PM Marginal Way Committee

Members of the Marginal Way Committee present: Joan Griswold (Co-chair), Paul Breen (Co-chair), Jim Oliver, Louesa Gillespie, Kristin Arnold (via Face Time) and Helen Horn, Member Emeritus.

- 5:30PM Parks & Recreation Committee

Members of the Parks & Recreation Committee present: Michelle Low (Chair), Michelle Tourangeau and Lauren Fogarty; absent were Jason Corbin and Tim Pasterczyk.

1.0 CALL TO ORDER

Meeting called to order at 6:11pm.

1.1 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

1.2 Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

1.3 Select Board Minutes - October 17, 2017

Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the minutes of the October 17, 2017 Select Board meeting as presented; approved 4-0 (Mooney absent from the meeting).

2.0 TOWN MANAGER'S REPORT

Town Manager Finnigan:

Commended all for keeping up their good spirits during the recent power loss; and the town employees and public safety for all the work and aid they supplied during this time. Commented on the need, during the budget season, to review the necessity for generators to keep operations up and running.

Special Town Meeting held yesterday, November 7th, here at the Dunaway Center. Ogunquit had a 50% voter turnout. All warrant articles put before the voters passed.

In the midst of taxes due season, are currently on track. Had a very successful summer season, parking fees are on track (maybe a little bit better) that projected.

This Saturday is a holiday where we recognize all our Veterans, the town office closes on Friday in recognition of that holiday.

Also she informed the Select Board of the passing of Cheryl Emery's father-in-law, who was a beloved member of the Town of Buxton.

3.0 COMMITTEE APPOINTMENTS & RESIGNATIONS

There were no committee appointments or resignations for Select Board action.

4.0 PRESENTATIONS, PROCLAMATIONS & RESOLUTIONS

4.1 Ogunquit Beach Lobster Dash Donation - Charlie Farrington

Presentation of a donation from the 16th Annual Ogunquit Beach Lobster Dash which was held on September 23, 2017.

Mr. Farrington was in attendance inform the Select Board a check for \$1,000 is being present to the Gumbinner Memorial Scholarship Fund, which is a fund that

supports scholarships to local graduating high school seniors going on to college who have participated in indoor and outdoor cross-country and track for four years. This past June the scholarship fund donated a total of \$16,000, which included a \$2000 scholarship to Brian McMahon who recently graduated from Wells High School.

In addition, they also gave a check in the amount of \$1000 to the Ogunquit Playhouse Foundation which supports scholarships to their children's summer theatre program.

A donation check of \$1000 was presented to Ogunquit Parks & Recreation.

Thanked the town and the Select Board for their continued support of this event.

4.2 Biological Control for the Invasive Black Swallow-wort Vine on the Marginal Way
- Joan Griswold, Marginal Way Co-Chair

Joan Griswold was present on behalf of the Marginal Way Committee to explain the details of the project. She is asking the Select Board to approve the use of a biological control for the invasive vine Black swallow-wort that is spreading along the Marginal Way.

Your approval is the first step in a process that will also include permits from the Maine Department of Inland Fisheries & Wildlife and the US Dept. of Agriculture (USDA).

The following documents are attached as part of the presentation:

1. The University of Rhode Island *Abstract* - the description of the research project for this bio-control that was conducted at URI.
2. The two page conclusion from the USDA Environmental Assessment Report, August 21, 2017, granting approval for the release this insect bio-control for Swallow-wort in the United States.

110817-01 Motion made by Robert Winn, Jr. and second by Richard Dolliver (for discussion) to allow the use of biological control to manage the invasive Black Swallow-wort vine; approved 5-0.

5.0 PUBLIC HEARINGS

Public hearing opened at 6:52pm.

5.1 Jonathan's - Malt, Spirituous & Vinous Liquor License Application Renewal
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Office, there were no comments or questions from the public in attendance.

5.2 Jonathan's - Amusement License Application Renewal
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Office, there were no comments or questions from the public in attendance.

Public hearing closed at 6:54pm.

110817-02 Motion made by Richard Dolliver and second by Robert Winn, Jr. to move approval of the licenses until representation is available and to take out of order at that time; approved 5-0.

Public hearing opened at 8:32pm.

Representation was in attendance for Jonathan's Restaurant.

Public hearing closed at 8:32pm.

110817-10 Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for Jonathan's; approved 5-0.

110817-11 Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the Amusement License Renewal Application for Jonathan's; approved 5-0.

6.0 UNFINISHED BUSINESS

There was no Unfinished Business for Select Board action.

7.0 NEW BUSINESS

7.1 Application for Pole Locations - Northern New England Telephone Operations LLC and Central Maine Power; Placement of New Pole on Captain Thomas Road

110817-03 Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Pole Location Permit for Northern New England

Telephone Operations LLC and Central Maine Power to Place a New Pole on Captain Thomas Road; approved 5-0.

7.2 Issue an RFP to Obtain Professional Services to Provide a Design, Building Cost Estimate and Other Associated Costs to Re-purpose the Ogunquit Village School as Approved at the 2017 Annual Town Meeting

Authorize the Town Manager to proceed with securing professional services regarding the re-purposing of the Ogunquit Village School as approved by the voters in June 2017.

Selectperson Mooney sponsored the agenda item and provided the following memo for discussion:

Goal: *Issue a Request for Proposal (RFP) for a reputable engineering firm to evaluate the structure of the Old Village School (OVS) and quantify the cost of bringing it up to code, without a specific use in mind. Having this information as soon as possible will allow the community to make a determination on potential uses of the OVS as it establishes a Capital Improvement Plan.*

Background: *In June 2018, voters narrowly passed a warrant article "to appropriate a sum not to exceed \$120,000 from the Undesignated Fund Balance to Fund Professional Services to Provide a Design, Building Cost Estimate and Other Associated Costs to Re-purpose the Ogunquit Village School ". At the same time, voters defeated an article 2-1 to repurpose the OVS as a Community Center at a cost of \$1.8 million (\$2.574 million bond issue). In November 2017, voters defeated an article to repurpose the OVS as a Multi-Generational Center (including a pre-school) by a 2-1 margin.*

Overview: *Issue an RFP for a reputable engineering firm to evaluate the structure of the OVS. Also, is there mold, rot, etc.? Is it structurally sound? If so, what would it cost to bring it up to code? Include a review of all systems including HVAC, electrical and plumbing. The design element of the work cannot be completed until there is a purpose defined for the building.*

Additional Discussion: *Timeline and Responsibilities.*

A thorough discussion was held regarding the purpose of the funding that was passed at town meeting and status of the building. It was the consensus of the board that outside assistance is needed to help them define the process.

110817-04 Motion made by Charles Waite, III and second by Richard Dolliver to table this agenda item until December 5th so that the Town Manager can provide further information (to the Select Board); motion fails, 2 in favor (Waite/Dolliver) - 3 opposed (Mooney/Winn/Daley).

110817-05 Motion made by Madeline Mooney and second by Robert Winn, Jr. to authorize the Town Manager to proceed with securing engineering services to determine the baseline cost of repurposing the Ogunquit Village School; motion fails, 2 in favor (Mooney/Winn) - 3 opposed (Waite/Daley/Dolliver).

110817-06 Motion made by John Daley and second by Richard Dolliver to table this agenda item until the December 5, 2017 meeting of the Select Board; approved, 3 in favor (Waite/Daley/Dolliver) - 2 opposed (Mooney/Winn).

7.3 Town Attorney Selection Process

Discussion of selection criteria and process to select the Town Attorney/law firm.

Town Manager Finnigan stated that's the Town received responses from six firms. In reviewing the proposals, the Select Board needs to focus on the qualifications and ability of each firm to serve the needs of the Town. The Town does not want to spend more on legal services than is necessary, but calling upon an attorney for timely and consistent legal advice that can save the Town money. How a law firm and the attorneys work with the Town is important. Some firms and attorneys see their work as a business transaction, while others work in partnership to anticipate issues and use their time as cost effectively as possible.

Town Manager Finnigan developed a rating sheet with some suggested criteria for the Select Board to consider as they review the proposals/qualifications:

- *Background and recognition in their field/area of law*
- *Experience, depth of knowledge, ability*
- *Municipal law specialties (land use, labor, finance, etc)*
- *Availability and responsiveness*
- *Fees & Costs/cost effectiveness*

Staff Recommendation for the Selection Process:

- *The Select Board should agree on which firms to interview;*
- *The Select Board should designate 2 or 3 Select Board Members to serve on the interview team with the Town Manager;*
- *The interview team will meet with the firms and make a recommendation to the full Board regarding which firm should be appointed as the Town's attorney/law firm.*
- *The timeline to approve the contract: December 5 Select Board meeting.*

The Select Board took a consensus of who they would like to interview (in alphabetical order):

| | |
|------------------|-----|
| Bernstein Shur | 4-1 |
| Brann & Isaacson | 1-4 |
| Drummond Woodsum | 4-1 |
| Jensen Baird | 3-2 |
| Preti Flaherty | 1-4 |
| Trafton-Matzen | 1-4 |

Town Manager stated that these are all very reputable law firms. The three firms that were picked will meet the needs of the town. It was the consensus of the Select Board that all five members of the board should participate in the interview process. Town Manager will set up the interviews for the Select Board prior to the December 5th meeting.

7.4 Capital Improvement Plan Policy

Discussion of a Capital Improvement Policy regarding the annual capital project budget and a 5-year Capital Improvement Plan

The following is a proposed Capital Improvement Plan Policy to be discussed and voted upon by the Select Board:

Town of Ogunquit - Capital Improvement Planning Policy

Introduction

Infrastructure, buildings, facilities, technology and major equipment are the physical foundation for providing services to the community. The procurement, design, construction, maintenance, and preservation of capital assets require careful planning.

A comprehensive, fiscally sustainable, and multi-year capital plan assists the Town with the effective management of capital assets by identifying and prioritizing projects, establishing project scope and costs, estimating amounts of funding from various sources, and projecting future operating and maintenance costs.

It is the policy of the Town of Ogunquit to have a multi-year capital improvement plan to address the current and long-term needs of the community.

What is a Capital Improvement Plan

A Capital Improvement Plan (CIP) is a planning and fiscal management tool used to coordinate the timing and financing of capital improvements over a multi-year period. It is an important component of managing the Town's capital assets and maintaining the Town's fiscal and functional well-being. The CIP provides a basis for prioritizing, funding, and implementing the short and long-term investments in the Town's capital assets, and to plan

the financing, construction, maintenance, replacement, and acquisition of public buildings, equipment, facilities, and natural assets and infrastructure.

A CIP has two parts: A capital budget and a capital program. The capital budget is the upcoming year's spending plan for capital items. The capital program is a 5-year plan for capital project expenditures. A 5-year CIP is a necessary planning tool to provide guidance and some predictability for future years' budgeting.

The CIP should be viewed as a financial blueprint that helps prioritize needs and achieves the Town's priorities. A sound multi-year capital plan identifies the capital needs, funding options, and operating budget impacts which will help the Town address the current and long-term needs of the community.

Benefits of a 5-Year Capital Improvement Plan

A 5-Year CIP allows the Town to proactively manage capital and operating budgets and provide a level of budgetary predictability and stability. The CIP process allows elected officials to systematically evaluate competing demands for resources based on prioritizing the Town's long-term goals and objectives.

An effective capital improvement programming process will:

- 1. Allow the Town to plan for and address capital project needs within the community's fiscal capacity.*
- 2. Provide an opportunity for long-range financial planning and management.*
- 3. Help stabilize tax rates through planned and balanced fiscal and debt management.*
- 4. Allow for sound management of the community's capital assets.*
- 5. Improve the likelihood of completing identified priority projects.*
- 6. Evaluate projects in the context of meeting community goals and objectives.*
- 7. Better scheduled public improvements that require more than one year to construct.*
- 8. Establish a process for thorough, technical evaluation, of the justification of each proposed capital improvement project.*
- 9. Offer a framework for the public to be aware of long-term capital projects and obligations.*

Fiscal Policies

Careful fiscal analysis and sound financial management policies provide the foundation of an effective CIP. Financial analysis and long-range budget forecasts are integral to determining the ability of the Town to plan for and fund capital projects. At a minimum the analysis should cover current economic conditions, projected or potential changes that may affect the Town's tax base and ability to generate sufficient revenues to fund the operating budget, the capital improvement budgets and future capital projects; prudent debt levels; the annual amount of debt service that the operating budget can absorb; amount of Fund Balance to maintain; the ability of the Town to diversify revenues; and the acceptable level of property taxation.

The Features of a Capital Improvement Plan

The CIP should contain the following information:

1. The list of the capital projects, equipment, facilities, buildings.
2. Project justification, classification, and explanation of its purpose, the problem it addresses, how it advances a department's or the Town's overall responsibilities.
3. Project ranking (priorities) based on adopted criteria.
4. Financing plan including identifying the source of funding.
5. Timetable for the construction or completion of the project.

Establishing Priorities

Capital projects should be prioritized and ranked based on specific selection criteria that link the project to accomplishing agreed upon community priorities, approved master plans, and Select Board goals.

Proposed projects should be evaluated with regard to their effectiveness in achieving community goals and consider factors such as:

1. Does it address a legal obligation or government mandate?
2. Will it encourage private investment in the town, improve the tax base, improve job opportunities, or have revenue generation potential?
3. Will it be cost-effective in terms of improving operating costs?
4. The number of people it will impact, or overall impact on the community.
5. Does it eliminate conditions detrimental to health, safety, and general welfare of the community?
6. Does it meet a community obligation to serve specific needs unique to the community?
7. Does it offer opportunities for improving the quality of life for citizens in terms of personal enrichment or living conditions?
8. Does it improve or sustain the environmental quality of the community?
9. Does it create opportunities to cost-share with other public or private organizations?
10. Does it leverage private, state, or federal resources?
11. Does it accomplish strategies contained in the Comprehensive Plan?

Priority Ranking

To determine the priority of a proposed project, the following will be used as a guideline.

1. Urgent - The project cannot be reasonably postponed

A project rated in this category would typically be necessary to address a danger or high risk to public safety, health, or welfare. This rating would also apply to a project or equipment where failure of the Town to fund it would prevent the Town from performing an essential function.

2. Necessary - Asset Preservation

A project rated in this category would address capital assets that require replacement based on capital asset life cycle. These projects would address deficiencies in existing infrastructure or facilities, or replace equipment that is no longer cost-effective to maintain. These types of projects should be funded and completed within 1 to 2 years of when it is first identified on the plan.

3. Desirable

A project rated in this category should be funded within 2 to 3 years of when it is first identified on the plan. These types of projects typically would fund projects which improve operational cost-effectiveness or efficiencies, or infrastructure improvements needed to support government's policies, plans, and studies

4. Deferrable

A project rated in this category should be funded within 3 to 5 years of when it is first identified on the plan. These projects are needed but not essential to perform core function. These projects are not time-sensitive to meet an identified need.

5. Future

Projects rated in this category are intended to inform the elected officials and citizens of projects or issues that they need to be aware of to ensure the necessary planning is underway, the needed resources are identified, and the community will be prepared.

Summary

Capital Improvement Planning is important to the Town's long-term fiscal health. The purpose of the Capital Improvement Plan is to provide a planning and fiscal management tool to manage the timing and financing of Capital Improvement Projects over a multi-year period. The CIP is a working document that should be reviewed and updated regularly to reflect changing community needs, priorities, and funding conditions.

The Town's CIP is intended to provide a blueprint to manage the Town's investment in its infrastructure, facilities, technology, buildings, equipment, and natural assets in a way that protects the Town's capital assets, provides fiscal stability, and prepares the Town to address and meet future community needs.

110817-07 Motion made by John Daley and second by Richard Dolliver to adopt the proposed Capital Improvement Policy, to establish a Five-Year Improvement Plan and Annual Capital Improvement Budget; approved 5-0.

7.5 Appointment of Select Board Liaisons to Town Committees

Chair Waite stated that the volunteer work of town committees is critical to the functions of the town. The Select Board would like to work together to support the needs and efforts of the committees; and to get an idea of what's going to give them the resources that they need. One of the ways is to provide a liaison, a person the committee would go to with questions or if they need assistance. The Select Board wants to have a strong working relationship with the people who volunteer their time to work on town committees.

110817-08 Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint the following as Select Board Liaisons:

- A. Conservation Commission: Madeline Mooney
- B. Historic Preservation Commission: Madeline Mooney
- C. Parks & Recreation Committee: Charles Waite
- D. Performing Arts Committee: Charles Waite
- E. Housing Committee: Robert Winn, Jr.
- F. Budget Review Committee: John Daley

Approved 5-0

7.6 Set dates for Select Board Meetings and Workshops calendar

The Select Board reviewed the following dates for board meetings.

November 14 - Workshop with Committees

December 5 - Select Board Meeting (required monthly meeting)

January 2 - Select Board Meeting (required monthly meeting)

110817-09 Motion made by Robert Winn, Jr. and second by Richard Dolliver to set the meeting dates as November 14th, December 5th and January 2nd at 5:00pm; approved 5-0.

8.0 **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.

Muriel Freedman, Grasshopper Lane

- The Transfer Station will be open on Friday, but closed on Veteran's Day.

Lesley Mathews, High Ridge Lane

- Unofficial representative of Jonathan's Restaurant...the entertainment is "Comedians and singing".

9.0 OTHER BUSINESS

9.1 Select Board Reports and Announcements

Selectman Dolliver

- Comments regarding trolley contract approval, is the Select Board going to review and approve? Summer will be here before you know it.
- Asset protection - comments regarding the windows and the Dunaway Center auditorium and taking care of our assets.
- Political signs - still a bunch out there, need to be picked up.
- Comments regarding people giving the facts...not spreading false rumors.

Selectman Daley

- Comments regarding voter turnout and passage of warrant articles.
- Commented on Plymouth, MA and comparing it to Ogunquit.

Selectperson Mooney

- Comments on sand accretion.
- Comments on the local vote.
- Comments on the new CIP process that was approved.

10.0 ADJOURNMENT

Motion made by Robert Winn, Jr. and second by Richard Dolliver to adjourn the meeting at 8:33pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager