



**SELECT BOARD
MEETING MINUTES
JANUARY 2, 2018**

5:00PM - COMMITTEE WORKSHOP

1. Bicycle-Pedestrian Committee - 5:00pm

The Select Board met in a workshop with the Bike-Ped Committee regarding their plans and goals.

Members of the committee present: Charley LaFlamme, Chair, Jennifer Walker, John Cavaretta, Priscilla Botsford, Bob McBreen and Bruce Byorkman.

1.0 CALL TO ORDER: 6:00PM

Meeting called to order at 6:07pm.

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 A. Finnigan, Town Manager

1.2 Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

1.3 Select Board Minutes - December 5, 2017

Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the minutes of the December 5, 2017 Select Board meeting as amended; approved 5-0.

2.0 TOWN MANAGER'S REPORT

Happy New Year!

Thanked everyone who made the town such a lively place during the holidays. Christmas by the Sea celebration was held during December, received snow the day of the parade. Congratulations to the Public Works crew for making the parade possible.

Received snow storm Christmas day. The Public Works crew, which is a small group, did a good job cleaning up. Thanked the residents for their patience.

Due to the extreme cold, the "Crusher" has been very busy in the cove breaking ice. Thank you to Harbormaster Fred Mayo for keeping the waterways open. The "Crusher" celebrates its 50th birthday this year.

Expecting a 'nor'easter on Thursday (1/4); public safety departments have been getting together and have been in contact with York County EMA to have things in place.

Town Manager Finnigan commented on the year past and the goals for the upcoming year, heading into a busy time of year.

3.0 COMMITTEE APPOINTMENTS & RESIGNATIONS

There were no appointments or resignations for Select Board action.

4.0 PRESENTATIONS, PROCLAMATIONS & RESOLUTIONS

4.1 Marginal Way Revetment Project - Paul Breen

**Required Select Board Decisions
Trail Grant Project**

Paul Breen
Trail Grant Project Leader
January 2, 2018

Prior Events

- Complete 3 year review of Trail Grant Project presented at December 5th Select Board Meeting
 - Revetment Design in accordance with DEP rules and oversight accomplished by Registered Professional Engineers.
 - Complaints issued re the size of the rocks in the existing revetment (existing rocks mix of 1' to 2')
 - Select Board requested proposal from Shaw Bros to increase rock size in the Revetment Upgrade
 - Select Board asked that Project Leader meet with Town Manager to resolve impasse.
 - Latest Proposals sent to Town Manager
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- #1 -2' Rocks no increase in price (beyond the proposed \$50,000)
 - #2-2.5' Rocks- + \$9,267.50
 - #3- 3' Rocks(1 cubic yard/rock)-+\$18,535
 - 3' rocks are largest which can be accommodated
 - 2 Options Require New Funding
 - Select Board Decision Required

Project Leader Views

- The Erosion problem on the project site was resolved with the installation of the revetment in December 2016.
- The site exhibited splashover before the construction of the revetment
- Minor movement of rocks in the revetment due to wave action is to be expected
- Consultant recommends the use of 2' rocks

Funding Sources

- Marginal Way Preservation Fund – No additional Funds
 - Marginal Way Committee – No additional Funds
 - Donor – Was not asked for additional Funds
 - Select Board must make option selection
 - If Option #2 or #3 is chosen by Select Board
 - Select Board must provide additional funds
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- Awaiting Select Board Direction

Mr. Breen reviewed the project. Geoff Aliva, VP Civil Consultants, engineer for the project, gave the Select Board an overview.

Helen Horn, Juniper Lane

- Comments regarding the coloring of the new rocks.

Decisions needed:

1. Determine the size of the rocks to be used for the revetment project
 - A. 1-2 ft mix: No change in price (Current available \$50,000 donation covers the cost)
 - B. 2 -3 ft mix: This will cost an additional \$9,267.50 (total:\$59,267.50)
 - C. 3 ft: This size will cost an additional \$18,535 (total: \$68,535)

If the Select Board chooses option B or C the cost of the project exceeds the donated funds available. The Board will need to authorize the use of Town funds or find other funds to pay for the increased cost.

010218-01 Motion made by Madeline Moony and second by Richard Dolliver to approve the installation of gray shaded rocks similar to Devil's Kitchen in the revetment area at a size averaging 2feet with non-round properties and thank the donor tremendously for enabling this project; approved 5-0.

Paul Breen explained that with the cold and working with the contractor, this project should start in about a month.

Chair Waite requested that the Town Manager send a note to the anonymous donor.

4.2 Progress Report for Marginal Way Remediation, Year 3 - Joan Griswold

Joan Griswold was in attendance, she provided a power point show of the Restoration Project, Year 3.

In 2014 the committee submitted the "Green Book" which is a management strategy plan regarding invasives on the Marginal Way.

- Protect the natural community of native plants along the Marginal Way.
- Reduce invasive plant populations and reestablish native vegetation.
- In Maine there is a high risk for losing 90% of rocky coastline species.
- Reports recommendations:
 1. Save threatened native species,
 2. Control invasive species,
 3. Use common native species.
- Projects by year on the Marginal Way:

2015 - Cleared & replanted Cedar Grove.

2016 - Cleared Bittersweet out of trees & from specific areas/shrubs.

2017 - Cleared 2 new sites and began planting there.
- Questions before starting a project:
 1. Where is it headed if we do nothing?
 2. Which plants should or can be saved?
 3. What can we do to achieve our goal?
- 6th Annual Pod Picking Day was held to rid the Marginal Way of Black Swallow-wort.
- Over 700 pounds were removed.
- Winkler "Bird Sanctuary" is another project that they are working on to rid the property of Knotweed.
- Cost for the projects: clearing land, herbicide if necessary, plants, mulch, irrigation and labor:

Cedar Grove (2015-2017)	\$7,900.00
Bench 5 (2017)	\$4,300.00
Winkler Property	\$3,600.00

- Volunteer Hours:

2015	680 hours	\$15,640.00
2016	703 hours	\$16,169.00
	(With Tallamy talk + 412 hours)	\$26,808.00)
<u>2017</u>	<u>831 hours</u>	<u>\$19,578.00</u>
	Total Value	\$51,837.00

- **Monthly People count:**

	2016	2017
July	66,259	60,176 (missed 4 th of July)
August	96,539	142,314
September	67,380	154,693
October	41,982	55,145
<u>November</u>	<u>15,346</u>	<u>?</u>
Total	287,507	412,228

5.0 PUBLIC HEARINGS

There were no public hearings before the Select Board.

6.0 UNFINISHED BUSINESS

There was no Unfinished Business before the Select Board.

7.0 NEW BUSINESS

7.1 Authorize the Town Manager to enter into an Agreement with Bernstein Shur for Legal Services

Town Manager Finnigan explained the fixed service contract that Bernstein Shur has presented to the Select Board.

010218-02 Motion made by Robert Winn, Jr. and second by Madeline Mooney to authorize the Town Manager to enter into an Agreement with Bernstein Shur for legal services in an amount not to exceed \$70,000 (annually); approved 5-0.

7.2 Appointment of the Town Manager to the Executive Committee of the Southern Maine Planning and Development Commission (SMPDC)

This organization represents all of Southern Maine with respect to planning, land use issues and transportation issues. The Town contracts with SMPDC for planning services, Lee Jay Feldman, who works with the Code Officer and the Planning Board. This organization is also instrumental in economic development and getting grants for communities. Town Manager Finnigan stated that it would be more beneficial to the town to work closely with them.

010218-03 Motion made by Robert Winn, Jr. and second by Richard Dolliver to appoint the Town Manager (Patricia A. Finnigan) to the Executive Committee of the Southern Maine Planning and Development Commission; approved 5-0.

7.3 Consideration of a Policy Regarding Select Board Review of Liquor Licenses and Amusement Licenses

This is a draft for discussion purposes. The Select Board can adopt it, amend it, table it for further discussion, or table it indefinitely if they prefer to keep the current process of requiring all applicants to be present when their licenses are considered.

Draft for Select Board review – January 2, 2018

Select Board Policy
Liquor License and Amusement Permit Application Review Process

1.0 Introduction. *The authority of the Town to oversee and regulate certain activities related to serving alcohol and operating places of entertainment are found generally in state law (Title 30) in which the State of Maine authorizes municipalities to enact ordinances that promote public health, safety, and welfare. Title 28 of the state statutes authorizes municipalities to review liquor license and to issue special amusement licenses.*

2.0 Purpose. *The purpose of having local review of liquor licenses and amusement permits is to protect and promote public health, safety, and welfare through regulation of these business activities. The Town Ordinance requirements are in Title IX Business Ordinance (Chapter 2 Alcohol Licensing Review and Chapter 3 Amusement Ordinance).*

The purpose of this policy is to supplement the ordinance regarding the Select Board's review process.

3.0 First-time Applications. *Applicants submitting license and permit requests for the first time are required to attend the Select Board meeting when the application is being considered. If an establishment is under new ownership, the applicant is required to attend the Select Board meeting. The purpose of attending the Select Board meeting is to give*

the Select Board the opportunity to ask new applicants or new owners any questions they may have about business operations.

First time applicants, or applications for establishments under new ownership, will be notified when their application is being considered. If they do not attend the Select Board meeting, the Select Board will table its consideration until the next meeting when eth applicant in present.

4.0 License and Permit Application Renewals. *Applicants submitting license and permit renewals are not required to attend Select Board meetings if they are keeping their business operations as previously approved and are not making any substantive changes in their operations. However, applicants are required to attend the Select Board meeting when their license or permit renewal is being considered if:*

- A. The applicant has a record of police complaints;*
- B. The applicant has any outstanding life safety or other code violations;*
- C. The Select Board notifies the applicant that they have questions for the applicant and notifies the applicant to attend the meeting when the application is being considered.*

010218-04 Motion made by Richard Dolliver and second by Robert Winn, Jr. to leave the liquor license application process exactly the same requiring a representative, but on the agenda be placed directly before the Town Manager's Report; approved 4-1, Daley in opposition.

Muriel Freedman

- Comment regarding issues of representative being associated with the business.

7.4 Consideration of a Select Board Public Relations Policy

This was prepared by Select Board Member Mooney.

This is a draft for discussion purposes. If the Select Board wishes to make changes it can be amended at this meeting, or tabled in order to review it further before voting.

Town of Ogunquit Public Relations Policy

Draft for Select Board review - January 2, 2018

1.0 *The purpose of this public relations policy is to ensure consistent messages and accurate external distribution of information, and to develop good relations and mutual trust with the media. The media includes external types of mass communication such as newspapers, television, radio, and web sites.*

- 2.0 *This policy applies to press releases, letters to editors, responding to requests from the media and participating in other press activities.*
- 3.0 *The Town Manager is responsible for approving all Town press releases and statements after getting the review of legal counsel, except those noted in 6.0.*
- 3.1 *Press releases and other media activities can emanate from Town departments, commissions, committees, and boards including the Select Board. These press releases or activities need the approval of the Town Manager.*
- 4.0 *The Town Manager is the Public Information Officer/spokesperson for the Town.*
- 4.1 *When the press contacts any Town employee or volunteer or Board member for information or quotes, the recipient must direct that reporter to the Town Manager and advise the Town Manager of the contact.*
- 4.2 *The Town Manager may authorize/refer the press to speak with others at his/her discretion on a case by case basis.*
- 4.3 *A spokesperson for a board or committee, usually the Chair, must speak for the majority of the group.*
- 5.0 *The Town Manager shall share all press releases with the Select Board, 24 hours before they are released, to solicit any feedback. If the Town Manager needs immediate feedback, phone calls should be made to the Select Board members.*
- 6.0 *The Select Board may issue a Town press release if it is a matter concerning the Town Manager, or in the case of an unforeseen policy matter or emergency. In any case, it shall be approved by a majority of the Board.*

After discussion, the consensus was for Select Board Member Mooney makes the suggested changes. Once this is done, send to the Town's attorney for legal review.

010218-04 Motion made by Richard Dolliver and second by Robert Winn, Jr. to table Select Person Mooney's Public Relations Policy; approved 4-1, Daley in opposition.

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.

Peter Griswold, 20 Briar Bank Road

- Spoke about a major recall of fire extinguishers by Kidde. www.kidde.com or 855-271-0773 to contact Kidde to see if your fire extinguisher is on the recall list.

9.0 OTHER BUSINESS**9.1 Select Board Reports and Announcements****Selectman Dolliver**

- Comments regarding budget season, bathrooms and CIP.

Selectman Daley

- Comments regarding the budget season and his upcoming absences.

Selectman Winn

- Appreciate presentations that were made
- Appreciate good conversations/discussion on agenda items.

Selectperson Mooney

- Happy New Year!

Chair Waite

- Agrees with Selectman Winn regarding the presentations.
- Busy year ahead, a lot to accomplish.
- Select Board will be appointing a committee to work with the Town Manger regarding OVS/Municipal Campus.
- Chair Waite stated that he and the Town Manager had met with Loring DeAgazio; he was very informative regarding OVS.
- Wished everyone a Happy New Year.
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10.0 ADJOURNMENT

Motion made by Robert Winn, Jr. and second by Richard Dolliver to adjourn the meeting at 8:13pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager