



**SELECT BOARD
MEETING MINUTES
MARCH 20, 2018**

5:30PM - COMMITTEE WORKSHOP

1. Conservation Commission

The Select Board met with the Conservation Commission to review their purpose/mission and summarize the board's goals & priorities.

Members present: Bill Baker, Doug Mayer and Doug Mayer. Absent were Bill Lee and Pam Sawyer.

1.0 CALL TO ORDER: 6:00PM

Meeting called to order at 6:16pm.

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

Members absent: Madeline S. Mooney

Motion made by Robert Winn, Jr. and second by Richard Dolliver to excuse the absence of Madeline Mooney from the March 20, 2018 Select Board meeting; approved 4-0.

Others present: Patricia A. Finnigan, Town Manager

1.2 Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

2.0 LIQUOR AND AMUSEMENT LICENSE PUBLIC HEARINGS

032018-01 Motion made by Robert Winn, Jr. and second by Richard Dolliver to table the Liquor License Application for The Trap; approved 4-0, Mooney absent.

Public Hearing opened at 6:20pm.

Leanne Cusimano was in attendance, she stated that the grand opening would be April 6, 2018.

Chair Waite asked Ms. Bevins, Angelo's Cucina Pizzeria, if she would be complying with the outside sales ordinance, she indicated that she would.

Public Hearing closed at 6:22pm.

- 2.1 Amore Breakfast - *NEW Malt, Spirituous & 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.

Leanne Cusimano was in attendance to represent Amore Breakfast.

032018-02 Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the New Malt, Spirituous & Vinous Liquor License Application for Amore Breakfast; approved 4-0, Mooney absent.

- 2.2 Angelo's Cucina Pizzeria - *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.

Jackie Bevins was in attendance to represent Angelo's Cucina Pizzeria.

032018-03 Motion made by Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Application for Angelo's Cucina Pizzeria; approved 4-0, Mooney absent.

- 2.3 Roberto's Restaurant - *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 Roberto's Restaurant.

032018-04 Motion made by Motion made by Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Application for Roberto's Restaurant; approved 4-0, Mooney absent

- 2.4 Roost Café & Bistro - 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 in attendance for the Roost Café & Bistro.

032018-05 Motion made by Motion made by Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Application for Roost Café & Bistro; approved 4-0, Mooney absent

- 2.5 Roost Café & Bistro - 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.

032018-06 Motion made by Motion made by Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Amusement License Application for Roost Café & Bistro; approved 4-0, Mooney absent

- 2.6 The Trap - Malt & Vinous Liquor License Renewal Application

This agenda item was tabled.

3.0 COMMITTEE APPOINTMENTS & RESIGNATIONS

- 3.1 Resignation - Donald Simpson, Board of Assessment Review

032018-07 Motion made by Robert Winn, Jr. and second by Richard Dolliver to accept, with regrets, the resignation of Donald Simpson as a member of the Board of Assessment Review and to send a letter of appreciation for his service; approved 4-0, Mooney absent.

4.0 TOWN MANAGER'S REPORT

Town Manager Finnigan reported on the following:

- Happy Spring!
- It is annual town meeting time, staff working on documents to move forward with this.
- Comments on the letter for the "Age Friendly Community".
- Harbormaster Fred Mayo attended Harbormaster school.
- Boatway project underway, Harbormaster very pleased with the work so far.
- Police Department held "Coffee Talk" recently, informed public during this about "Scams". Thank you to Police Department.
- Town Clerk busy with election preparation and business registrations.
- Town Clerk attended recent Caucus for both parties.
- Transfer Station slow during storm, but pace has picked up. Also time to submit annual report to the state, the town's recycling rate is at 65.6%.
- Planning Board recently held workshop with town attorney Mary Costigan.
- Employment attorneys from Bernstein Shur held a meeting with town staff (Department Heads) regarding annual workplace training.
- Working on the FY 2018-2019 budget.

Selectman Dolliver asked about numbers on bathrooms.

Selectman Daley asked about the Army Corp of Engineers/Perkins Cove and what work they can provide.

5.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

5.1 Town Clerk Christine Murphy - becoming a Certified Municipal Clerk

032018-08 Motion made by Robert Winn, Jr. and second by Richard Dolliver to thank Town Clerk Christine Murphy for her hard work to become a Certified Maine Municipal Clerk and to extend the Select Board's congratulations on this achievement; approved 4-0, Mooney absent.

5.2 Marginal Way Storm Damage Presentation - Joan Griswold & Paul Breen

Joan Griswold and Paul Breen were present to review the damage the recent Nor'easters have done to the Marginal Way.

**Addressing the Marginal Way's
Damage Assessment**

Paul Breen
March 21,2018

- Expected Costs**
- The Damage to the Marginal Way from the First Nor'easter this Month is Significant
 - The Erosion Damage from the two Successive Storms is not yet known
 - Expectations are that the Total Repair Costs will lie in the Multiple Hundred Thousand Dollar range
 - Repairs will likely be spread out over multiple Budget Years

- Storm Effects**
- Flora Viability-Overwash has scooped out soil from around plants, trees and shrubs exposing root structure
 - If not Addressed Expect some Flora Losses
 - Safety-The storm's fury created conditions which will require roping off some areas to prevent pedestrian access
 - Some Areas will require Immediate Repair by Contractors
 - Total Repair Task-Humongous Repair Operation faces the Town

- Organization of Repair Operations**
- Spread Sheet has been developed listing Item #, Location, Priority ,Repair Estimate ,Repair Contractor and Status
 - As estimates are received , this chart will be updated and submitted to the Town Manager & the Select Board with action recommendations
 - Developing Solutions posed by the Repairs is a large set of significant tasks
 - The Town should consider engaging a Qualified Civil Engineering Consulting Firm to oversee the repair operations
 - Priorities for Repair Actions will be developed by the Consulting Firm Approved by Town Manager with Council from the Marginal Way Committee

- Suggestion**
- A Reserve Fund for Marginal Way Repairs Should be Established
 - The Erosion on the Marginal Way will continue and it is Reasonable to expect Future Storm Damage
 - An Annual Contribution of \$25,000 should be allocated to this Fund
 - Normal Town Approval Procedures would Apply
 - Benefit is that Burden on Taxpayers would be Normalized over multiple years

**Summary of Damage to Marginal Way
Nor'easter March 3-5, 2018**

The nor'easter in early March 2018 that coincided with astronomical high tides, 50 MPH onshore winds seemed at first glance to have little effect on the Marginal Way. There was debris - gravel, stones, soil scattered everywhere across the path from Little Beach to the Cove, but the asphalt paving seemed intact for the most part. Some larger rocks were tossed across the path at the new Lighthouse revetment site.

However, closer inspection revealed multiple areas where earth embankments were washed out and rocks supporting this soil had been ripped away. These sites are now exposed to future serious erosion that will eventually threaten the stability of the path.

Twenty-six points along the path are noted below that need minor to major remediation. A large number of these sites are, as one would expect, clustered at the headland between Bench 29 (Plaque and Geology sign island) and the Foot Bridge.

The first preliminary assessment of conditions was collected on Tuesday March 6, after walking the MW with Darren Dixon and stonemason Kevin Garfield. Kevin has worked on multiple projects on the MW, building retaining walls such as the one south of Bench 31. He is very aware of the aesthetics needed for work on the MW - type and color of stone that is brought in, where and how to connect into existing rock, as well as the structural strength that is needed in this challenging environment. All of his walls held up perfectly during this storm.

Areas along MARGINAL WAY needing attention

1. **PRIORITY** - Lower section of railings to Little Beach. Find out from fence Company if lower sections can be constructed so they can be removed each winter.
2. **PRIORITY** - Lower sections of railings to staircase broken away at Mother's Beach. These railings are particularly vulnerable and have been broken apart almost yearly since installation. Devise different fastening system and remove them for the winter? Liability? People still go down onto the beach year round, no matter what.
3. South of Bench 8, reinforcement needed behind bushes where soil eroded. Extension of rocks that should be added to protect path at site #4 (next page).
4. **HIGH PRIORITY** - At base of Israel Head Rd. and Stearns Rd., erosion on ocean side of paving. Large rocks were dislodged, and soil was washed out under paving 6" to 18". Large 4-5' rocks should be set in after voids are filled in under paving (with cement - NOT stone dust) - that will just wash out again.
5. Along Lighthouse revetment, need to free up and raise the landscape cloth that is meant to hold the soil from leaching out into the rocks. The storm shifted many revetment rocks onto the cloth and buried the cloth in places so that it is well below soil level.
6. Bench 12 - needs more stones in front of bench platform extending south from the revetment. Despite the huge natural outcrop next to the bench, this site experienced significant wave action that shifted and moved rocks away from the platform.
7. Bench 22 - Erosion of soil at base of platform as well as the area to the north of bench. Future work - low retaining wall should be built that would be pinned to existing solid rock.
8. Benches 23 & 24 - **LOW** priority now. The rock surrounding the bench platform has, as our geology consultant Arthur Hussey said, a very weak crumbly quality that will continue to break apart, leaving the platform vulnerable. Here again a low retaining wall should be considered to stabilize the ground around the platform.
9. Bench 25 - Six feet in front of the bench platform, serious undercutting of soil needs to be stabilized with low wall. Otherwise, there will eventually be a sharp drop off from the bench apron that will be dangerous for people. And the bench itself will be jeopardized. Should be marked/roped off as a dangerous edge in front of bench so that we do not lose more ground.
10. 'Winterberry meadow' - Oceanside, south of Bench 25. This small area is one of only two spots on the path that is continually moist. Because of this moisture, we find the sole Marsh fern on the path, as well as an impressive old stand of native Winterberry that should be preserved. The solution here may either be very large rocks carefully placed (not just dumping rocks) to hold the ground, or a wall. Any walls that are constructed will need sufficient weep holes to deal with existing water conditions as well as storm runoff.
11. Bench 29 - **HIGH PRIORITY** - Soil and rocks washed away at base of bench apron. Severe erosion to the south of the bench, coming very close to edge of paving. Wall should be built out

- beyond apron and be pinned to existing native rock. Then backfilled with gravel, soil on top and few plants.
12. Bench 30 - small but careful repair of missing stones in apron. Note: From Bench 29 around the headland (that runs in front of the Plaque/Geology Sign island) extending to the Foot Bridge, there are multiple spots where some type of reinforcement will be needed to secure the path. On this Northeast exposure of the Marginal Way, waves came on shore well past the plaque stones and washed out soil high up behind the bridge. Wave action bare-rooted shrubs and ripped some large bushes out of the ground completely. Where there are existing retaining walls (both very old and recently built), new walls could link them together, creating protection for some time to come. There are no guarantees if storms like this recent nor'easter become the norm. Without any repairs, the path is endangered within the near future.
 13. Between Benches 30 & 31 - insert large 3' rocks in the gully that is north (left side) of the clump of bushes.
 14. Bench 31 - to the north of the bench, a steep drop off of earth. Place large 3-4' rocks here to protect the bench apron and hold the rest of edge.
 15. In front of Plaque site - construct a new wall connecting the segment of old wall to north end of "Rose" wall (rose bushes planted behind wall). The rose wall was built by Kevin Garfield about 5 or 6 years ago.
 16. Additional soil must be backfilled into the area behind the Rose wall where several inches of dirt were washed out.
 17. Construct a new wall connecting the south end of the Rose wall to the "Curvy" wall just north of Bench 33. HIGH PRIORITY - Extending the new wall around earth bluff with Sumac and backfilling will stabilize and reinforce the pavement where it has been under cut.
 18. Continue new wall from Curvy wall almost to Bench 33 to prevent further erosion.
 19. In front of Bench 34, Oceanside (at north end of existing short wall), set large stones to hold edge of asphalt, perhaps using cement filling in under the edge of the pavement so the edge does not break off.
 20. Site with three apple trees - most of the soil has been washed out at the base of the trees, leaving roots exposed. There is no purpose in adding more soil since there is not way it will stay in place. Install a low 2' wall going in front of trees, stopping at old bayberry to the south, then fill in more soil around trees.
 21. Then link from old bayberry, where there is old wall fragment, going through broken bushes to connect to an existing wall approximately 35' north of the Bridge. Fill in soil where there is a deep washout behind the existing wall, 35' north of the Bridge.
 22. Note: just south of the Bridge, behind a small Cedar, the bank is undercut. Can best be seen from the north side of the Bridge. Nothing can be done here - dangerous work site.
 23. South of the Cedar Grove, in front of the Fletcher home (north of Bench 37) - there are two old walls. One is broken up from the storm. Kevin suggests putting new wall, continuing across the front of both old walls, and ending just under the huge Cedar Oceanside.
 24. South of Bench 37 (just past the huge Cedar) - fill in gully on Oceanside just along asphalt edge.
 25. Further south from Bench 37, on the curve, there is a 1' drop off on Oceanside of asphalt. Set a large, carefully chosen rock in this spot to protect the edge of sidewalk from breaking off. Be sure it is stable and flat, since people walk out to edge of rocks at this point for photographs.

6.0 PUBLIC HEARINGS

There were no public hearings scheduled for the Select Board.

7.0 UNFINISHED BUSINESS

There was no Unfinished Business before the Select Board.

8.0 NEW BUSINESS

8.1 Bid Award - *Cabinets for the Fire Department Kitchen*

032018-09 Motion made by Robert Winn, Jr. and second by Richard Dolliver to award the bid for cabinets in the Fire Station Kitchen to Atlantic Design Center in the amount of \$17,014; approved 4-0, Mooney absent.

9.0 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.

Rick Speciale, Cardinal Crescent

- Comments regarding the condition of Shore Road.
- Would like to see a letter written, if it is not the Town's responsibility, to get repair work done on Shore Road (from the Barn Gallery into Perkins Cove).

Jennifer Walker, Berwick Road

- Comments regarding the lack of recycling by some residents and a pay for bag policy.

Lesley Mathews, Highland Avenue

- Commented that she used to be on the Recycling Committee.
- Comments regarding recycling.

10.0 OTHER BUSINESS

10.1 Select Board Reports and Announcements

Selectman Daley

- Comments regarding recycling in Ogunquit, good job Ogunquit.

Selectman Winn

- Comments regarding a cave on Marginal Way that he used to play in as a child which has completely disappeared.

- Comments regarding storms on their affect on the Marginal Way and what needs to be done to repair it and preventative measures.

Chair Waite

- Comments regarding damage to Marginal Way and the town's responsibility.
- Stated that he had attended a workshop yesterday called "Verbal Judo".
- Training is the key to making what we do successful.
- Spoke with Eva Nudelman - concerns regarding the Dorothea Jacobs Grant Common.

11.0 BUDGET WORKSHOP

11.1 Continue Discussion of the FY 2018-2019 Budget

The Select Board had an extension workshop last week regarding the budget; this is just a follow up to see if anyone had any questions.

Town Manager Finnigan stated that in addition to the spreadsheet on the website, she will be putting up some additional information that will have some narrative explanations about the thought process for each department.

Next week (March 27th) could schedule a budget workshop, if not it would be April 3rd. The Budget Review Committee will be meeting April 2nd.

Selectman Winn asked about the School Resource Officer and maintenance of town properties.

12.0 EXECUTIVE SESSION

12.1 Executive Session to Discuss Personnel and Collective Bargaining Agreements [pursuant to Title 1, Chapter 13, §405 (6), (A) and (D)].

Motion made by Robert Winn, Jr. and second by Richard Dolliver to go into Executive Session at 8:00pm to discuss of upcoming Labor Negotiations and other Personnel Issues in accordance with Title 1, Chapter 13, §405 (6), (A) and (D); approved 4-0, Mooney absent.

Motion made by Robert Winn, Jr. and second by Richard Dolliver to come out of Executive Session at 9:03pm; approved 4-0, Mooney absent.

No action was taken during Executive Session.

13.0 ADJOURNMENT

Motion made and seconded to adjourn the meeting at 9:03pm; approved 4-0,
Mooney absent.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager