



**SELECT BOARD
MEETING MINUTES
MAY 15, 2018**

Workshop - 5:15pm

- Code of Ethics for Committee Members

The Select Board met to review and discuss the proposed Code of Ethics for Boards and Committees.

1.0 CALL TO ORDER: 6:00PM

Meeting called to order at 6:00PM.

1.1 Roll Call of Members

Members present: Charles L. Waite, III, Chair
John M. Daley
Richard A. Dolliver
Madeline S. Mooney

Members absent: Robert N. Winn, Jr., Vice Chair

Motion made by Charles Waite, III and second by Madeline Mooney to excuse the absence of Robert Winn, Jr. from the May 15, 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.

1.3 Select Board Minutes - April 17, 2018

051518-01 Motion made by Richard Dolliver and second by Madeline Mooney to accept the minutes of the April 17, 2018 Select Board meeting as presented; approved 4-0, Winn absent.

2.0 LIQUOR AND AMUSEMENT LICENSE PUBLIC HEARINGS

Public Hearing opened at 6:05PM.

Public Hearing closed at 6:06PM.

2.1 La Orilla - Malt, Vinous & Spirituous Liquor License Renewal

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 (Alex Haight) was in attendance for La Orilla.

051518-02 Motion made by Richard Dolliver and second by Madeline Mooney to approve the Malt, Vinous & Spirituous Liquor License Renewal for La Orilla; approved 4-0, Winn absent.

2.2 Leavitt Theatre - Malt, Vinous & Spirituous Liquor License Renewal

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 (Max Clayton) was in attendance for Leavitt Theatre.

051518-02 Motion made by Richard Dolliver and second by Madeline Mooney to approve the Malt, Vinous & Spirituous Liquor License Renewal for the Leavitt Theatre; approved 4-0, Winn absent.

2.3 Leavitt Theatre - Amusement License Renewal

Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer; there were no comments or questions from the public in attendance.

051518-03 Motion made by Richard Dolliver and second by John Daley to approve the Amusement License Renewal for the Leavitt Theatre; approved 4-0, Winn absent.

2.4 Rose Cove Ogunquit - Malt, Vinous & Spirituous Liquor License Renewal

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 (Louis) was in attendance for Rose Cove Ogunquit.

051518-02 Motion made by Richard Dolliver and second by Madeline Mooney to approve the Malt, Vinous & Spirituous Liquor License Renewal for Rose Cove Ogunquit; approved 4-0, Winn absent.

2.5 Rose Cove Ogunquit - Amusement License Renewal

Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer; there were no comments or questions from the public in attendance.

051518-03 Motion made by Richard Dolliver and second by John Daley to approve the Amusement License Renewal for Rose Cove Ogunquit; approved 4-0, Winn absent.

2.6 The Beachmere Inn - Malt, Vinous & Spirituous Liquor License Renewal

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 (Sarah Diment) was in attendance for The Beachmere Inn.

051518-02 Motion made by Richard Dolliver and second by Madeline Mooney to approve the Malt, Vinous & Spirituous Liquor License Renewal for The Beachmere Inn; approved 4-0, Winn absent.

2.7 The Beachmere Inn - Amusement License Renewal

Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer; there were no comments or questions from the public in attendance.

051518-03 Motion made by Richard Dolliver and second by John Daley to approve the Amusement License Renewal for The Beachmere Inn; approved 4-0, Winn absent.

Public Hearing reopened at 6:07PM.

Public Hearing closed at 6:08PM.

2.8 The Greenery Café - Malt, Vinous & Spirituous Liquor License Renewal

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 (Amy Hale) was in attendance for The Greenery Café.

051518-04 Motion made by Richard Dolliver and second by Madeline Mooney to approve the Malt, Vinous & Spirituous Liquor License Renewal for The Greenery Café; approved 4-0, Winn absent.

Louis, from Rose Cove Ogunquit, asked how long the temporary license was good for.

Alex, from La Orilla, asked to have the license signed by the Select Board tonight as she has to drive to Augusta early with it.

3.0 PUBLIC HEARINGS

Public Hearing opened at 6:15PM.

3.1 Public Hearing on the Referendum and Budget Warrant Articles for the 2018-2019 Fiscal Year

Public Comments and Questions on the Proposed Budget and Referendum Articles for the June 12, 2018 Annual Town Meeting:

- Article 6: Shall an ordinance entitled "2018 Amendments to the Zoning Ordinance Regarding Shoreland Zoning Updates" be enacted?
- Article 7: Shall an ordinance entitled "2018 Amendments to the Zoning Ordinance Regarding A-frame Signs" be enacted?
- Article 8: Shall "An Ordinance to Amend the Ogunquit Zoning Ordinance, Article 2 - Definitions, Page 43, Amended with Changes Effective June 12, 2018" be enacted? *(Inserted by Petition)*

Prior Year Reconciliations

- Article 9: Purchase of Ambulance - Supplemental Appropriation
- Article 10: Insurances - Supplemental Appropriation
- Article 11: Debt Management - Supplemental Appropriation
- Article 12: Fire Department Union Wages - Transfer Funds
- Article 13: Marginal Way Committee - Carry Forward Funds
- Article 14: Bathhouse Repairs - Transfer Funds

FY 2018-2019 Budget Articles

Article 15:	General Government	\$848,066
Article 16:	Ogunquit Heritage Museum	\$26,397
Article 17:	Bicycle-Pedestrian Committee	\$1,500
Article 18:	Parks & Recreation	\$17,300

Article 19:	Ogunquit Performing Arts	\$6,500
Article 20:	Land Use Department	\$360,973
Article 21:	Visitor Services Department	\$302,269
Article 22:	Police Department	\$1,650,842
Article 23:	School Resource Officer	\$104,955
Article 24:	Fire/Rescue Department	\$1,397,133
Article 25:	Lifeguard Services	\$200,100
Article 26:	Utilities	\$179,900
Article 27:	Public Works	\$904,767
Article 28:	Transfer Station	\$351,915
Article 29:	Harbormaster	\$145,306
Article 30:	General Assistance	\$2,000
Article 31:	Insurance	\$178,600
Article 32:	Facilities & Parks	\$684,926
Article 33:	Conservation	\$19,335
Article 34:	Information Services	\$84,252
Article 35:	Shellfish Conservation	\$6,750
Article 36:	Marginal Way Committee	\$22,150
Article 37:	Wildlife Management (Piping Plovers)	\$5,583
Article 38:	American Legion	\$500
Article 39:	Cemeteries	\$500
Article 40:	Wells-Ogunquit Historical Society	\$8,000
Article 41:	Debt Management	\$875,227
Article 42:	Unemployment Account	\$3,000
Article 43:	Building Improvements Account	\$15,000
Article 44:	Contract & Salary Adjustment Account	\$30,000
Article 45:	Accrued Liability Account	\$40,000
Article 46:	Contingency Account	\$10,000
Article 47:	Parks, Beaches & Public Spaces Reserve (New)	\$0/\$10,000
Article 48:	Sidewalk Reserve Account (New)	\$0/\$15,000
Article 49:	Road Improvement Reserve Account (New)	\$0/\$20,000
Article 50:	Winter Operations Reserve Account (New)	\$0/\$10,000
Article 51:	Vehicle & Equipment Account (New)	\$0/\$10,000
Article 52:	Harbor Account (New)	\$0/\$10,000
Article 53:	Technology Account (New)	\$0/\$10,000
Article 54:	Transportation Account (New)	\$0/\$10,000
Article 55:	Land Conservation Reserve Account	\$25,000
Article 56:	ecomaine Reserve for Facilities Closeout	\$20,000
Article 57:	Marginal Way Repair Project - CIP	\$100,000/\$0
Article 58:	Natural Disaster Repair Work - CIP	\$350,000/\$0
Article 59:	Police Cruiser and Cruiser Set-up - CIP	\$42,500
Article 60:	Jaws of Life - Fire-Rescue - CIP	\$13,000

Article 61:	Fire Dept Office Rehabilitation - CIP	\$30,000
Article 62:	Replacement of Lifeguard (ATV) - CIP	\$17,800
Article 63:	Seabob Rescue Equipment Lifeguards - CIP	\$16,600
Article 64:	Agamenticus Road Reconstruction - CIP	\$200,000
Article 65:	Dune Ramp Replacement - CIP	\$57,500
Article 66:	Public Works Truck Replacement - CIP)	\$75,000
Article 67:	Captain Thomas Road Culvert Replacement - CIP	\$17,000
Article 68:	Tennis Court Reconstruction - CIP	\$100,000/\$0
Article 69:	Shore Road Light Head Replacement - CIP	\$70,000
Article 70:	Wharf Lane Footbridge Repairs - CIP	\$30,000
Article 71:	Harbor Master Work/Safety Boat - CIP	\$50,000
Article 72:	Dunaway Center Furnace Phase II - CIP	\$16,000
Article 73:	Remodel Pickup Truck to Utility Truck - CIP	\$15,000
Article 74:	Purchase of Trash Receptacles - CIP	\$25,000
Article 75:	Reconstruction of Bathhouses at Main, Moody & Footbridge Beaches - CIP	\$900,000
Article 76:	Appropriate Parking Lot Revenues	
Article 77:	Appropriate Town & State Revenues	
Article 78:	Accept State funds as provided by the Maine Legislature	
Article 79:	Property Tax Levy Limits (LD 1)	
Article 80:	Accept gifts, grants, donations, etc.	
Article 81:	Annual due date for Business Personal Property Taxes Beginning Fiscal Year 2019-2020	
Article 82:	Due dates for Property Taxes & Set Interest on Taxes at 8%	
Article 83:	Interest on excess taxes or abatements 4%	
Article 84:	Disposition of Tax Lien Acquired Property	
Article 85:	Authorize Waiver of Tax Lien Foreclosure by Select Board Action	
Article 86:	Dispose of Town-owned Surplus Property	

Absentee ballots are available from the Town Clerk's Office.

The Information Packet has been mailed out to the voters.

Scott Heyland, CEO, was in attendance to answer any questions the public may have.

Lesley Mathews

- Question about Article 7, A-frames.

Chris Prudente

- Question about the A-frame that the AIDS Quilt puts out for their event.
- Question and comments about Article 68, \$100,000 for the Tennis Courts.

Public Hearing closed at 6:20PM.

4.0 COMMITTEE APPOINTMENTS & RESIGNATIONS

4.1 Committee Resignation- Parks & Recreation Committee

051518-05 Motion made by Richard Dolliver and second by Madeline Mooney to accept, with regrets, the resignation of Michele Tourangeau from the Parks & Recreation Committee and to send a letter of thanks; approved 4-0, Winn absent.

5.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

There were no presentations, proclamations, resolutions or communications.

6.0 UNFINISHED BUSINESS

6.1 Consideration of and Action on Code of Ethics for Boards & Committees

The Select Board, in their workshop, went over the proposed Code of Ethics.

051518-06 Motion made by Madeline Mooney and second by Richard Dolliver to accept the Code of Ethics for Town Boards and Committees, draft 7, with the two amendments. One is to paragraph 3, add a sentence at the end which states "*this conduct applies to all town affiliated matters in both on and offline media*" and in paragraph 7.c include the phrase that has been crossed at the end of that paragraph; approved 4-0, Winn absent.

7.0 NEW BUSINESS - PUBLIC HEARINGS

Chair Waite stated that Molly Corporation has submitted a license application to operate a trolley service in Ogunquit. The Select Board voted to let the contract with Ogunquit Trolley Company expire last year. It had been an exclusive contract; however, the ordinance allows multiple trolley services to operate. Ogunquit has had only one Trolley Company which has served us well and has been operating here for many years. This year we have two companies interested in providing trolley services; Ogunquit Trolley, which has served the community for over a decade, and Molly Trolley which was the original trolley service. We hope that the two companies will complement each other. Ogunquit Trolley will travel the same route as it has in the past; Molly Corporation's route will be round trip from the Molly Depot on Route 1 to the Main Beach. The Trolley can stop only at the approved trolley stops. The Police Chief will work with the two trolley companies on logistics to assure that the two trolley services run smoothly and safely.

Muriel Freedman

- Question about confusion with people taking the wrong trolley.

7.1 License Application by Molly Corporation to Operate a Trolley Service (Article IX, Chapter 10, Public Transportation Ordinance)

Jamie Bradish was in attendance to represent Molly Trolley.

051518-07 Motion made by Richard Dolliver and second by Madeline Mooney to issue a Trolley License to Molly Corporation; approved 4-0, Winn absent.

7.1.A License Application by Ogunquit Trolley to Operate a Trolley Service (Article IX, Chapter 10, Public Transportation Ordinance)

David Chaves was in attendance to represent Ogunquit Trolley.

051518-08 Motion made by Madeline Mooney and second by John Daley to issue a Trolley License to Ogunquit Trolley; approved 4-0, Winn absent.

7.2 Public Hearing to Consider Amendments to Title V (Traffic & Parking Ordinance) Increase the Fine for Overtime Parking Fines in Town Parking Lots from \$25 to \$40

The overtime parking fine amount was discussed in March when the Select Board discussed changing the hourly parking at the parking lots at Perkins Cove and the Lower Lot. The Select Board thought that it was important to give people the incentive to pay for parking by having a fine that was more expensive than the cost to park. The Select Board discussed increasing the overtime parking fine from \$25 to \$50, but this failed. The fine for overtime parking elsewhere in town is \$40.

Public Hearing opened at 6:40PM.

Lesley Mathews

- Comments regarding the Upper Lot. The Upper Lot is free, but if someone overstays, then they get charged \$40.00?
- Comments about charging in the Lower Lot for people who go to the movie theater and dining out.

Public Hearing closed at 6:48PM.

051518-09 Motion made by Richard Dolliver and second by John Daley to amend Title V to increase the fine for Overtime Parking in Town Parking Lots from \$25.00 to \$40.00; approved 4-0, Winn absent.

7.3 Public Hearing to Consider Amendments to Title V (Traffic & Parking Ordinance) To Make the Hourly Fees Consistent in all Town Parking Lots (\$3/hour Shoulder Season; \$4/hour In Season)

To make the hourly fees consistent in all town parking lots; \$3/hr Shoulder Season and \$4/hr during the season. Now that the Town has parking machines and more flexibility in how we charge for parking, the Select Board discussed making the Lower Lot and Obeds Lot hourly lots like the Perkins Cove Lot. The purpose of this proposal is to charge the same hourly fee in all of the lots and have a discounted rate in the "shoulder" season.

Public Hearing opened at 6:49PM.

No comments from the public.

Public Hearing closed at 6:49PM.

Public Hearing reopened at 6:53PM.

Wendy Levine

- Comments regarding all day parking options.

Public Hearing closed at 6:54PM.

051518-10 Motion made by Richard Dolliver and second by John Daley to amend Title V to make hourly fees consistent in all Town Parking Lots by charging \$3.00 per hour during the "Shoulder Season" and \$4.00 per hour at other times; approved 4-0, Winn absent.

7.4 Public Hearing to Consider the Use of up to \$35,000 from the Natural Disaster Emergency Repair Funds to Repair and Rebuild Wharf Lane Bridge
To consider the transfer of up to \$35,000 from the "Natural Disaster Emergency Repair Fund" to repair and rebuild the section of the Wharf Lane Bridge that was damaged in the storm of March 2018 due to flooding and wave action (pursuant to Referendum #7 of the July 26, 2005 Special Town Meeting).

The Wharf Lane Footbridge had significant damage due to the brutal winter storms. The bridge was undermined and the Town had to close it for safety

reasons. This bridge is an important pedestrian bridge and a very popular connector from Shore Road and Beach Street and the Main Beach. Although it is cordoned off, people have still been using it and it is dangerous. Half of the Wharf Lane Bridge was replaced in 2013, it is important to note that that section of the bridge held up during the storm. We had planned to replace the other half of the bridge this year, unfortunately Mother Nature moved up the timeline for this work. Due to the need to replace this bridge before July, staff is recommending the Select Board authorize the use of the Natural Disaster Emergency Repair Fund to do the emergency repairs and rebuild the bridge as soon as possible.

Public Hearing opened at 6:55PM.

Kirsten Ross, Highland Avenue

- Asked about the parking lot and repairs to them utilizing the Natural Disaster Emergency Repair Fund. Someone needs to look at this. Also the fuel tanks at Perkins Cove, there are some sink areas around it.

Public Hearing closed at 6:57PM.

051518-11 Motion made by Richard Dolliver and second by John Daley to make a finding of a natural disaster emergency and to use up to \$35,000 in the Natural Disaster Emergency Repair Fund to repair and rebuild the damaged portion of the Wharf Lane Bridge; approved 4-0, Winn absent.

051518-12 Motion made by Richard Dolliver and second by Madeline Mooney to make these findings:

Findings: The Select Board finds that there were severe storms this winter and spring, and these storms did significant damage to many Town facilities including the Wharf Lane Bridge;

The Governor declared that this region sustained a natural disaster;

By Town Meeting vote, the Town established the Natural Disaster Emergency Repair Fund to fund repairs to Town facilities which are damaged and create hazardous and unsafe conditions when no other funds are available in the current budget;

Therefore the Select Board approves the use of up to \$35,000 from the Natural Disaster Emergency Repair Fund to repair and rebuild the damaged portion of the Wharf Lane Bridge.

Motion by Richard Dolliver and second by Madeline Mooney; approved 4-0, Winn absent.

7.5 Award of Contract - Wharf Lane Bridge

Authorize the Town Manger to Enter into a Contract with Maritime Engineering and Construction, LLC in accordance with the submitted to reconstruct the Wharf Lane Bridge

The Town replaced half of the bridge in 2013, the contractor who did that work was Maritime Engineering and Construction of Cape Neddick. The rebuilt portion of the bridge did not fail through the recent storms. Staff recommends that the Town award the contract to rebuild and repair the other half of the bridge to Maritime Engineering and Construction since they built the other half of the bridge. The Town's purchasing policy allows the Select Board to award the bid in these types of circumstances without a competitive bid process provided the Select Board has done their due diligence.

051518-13 Motion made by Richard Dolliver and second by Madeline Mooney to authorize the Town Manager to enter into a contract with Maritime Engineering and Construction for an amount not to exceed \$35,000 in accordance with the proposal to repair and rebuild Wharf Lane Bridge; approved 4-0, Winn absent.

7.6 Warrant and Notice of Election Calling Wells-Ogunquit Community School District #18 Budget Validation Referendum

Select Board Review and Action on the Wells-Ogunquit CSD Referendum Warrant

The Superintendent, Jim Daly, presented the proposed budget at a Public Hearing on March 29th and also made a presentation to the Select Board on April 3rd. The next step in the process is the public budget meeting which will be held on June 6th. The Select Board needs to vote for the warrant calling for the Secret Ballot Budget Validation Referendum to be presented to the voters at the June 12, 2018 Annual Town Meeting.

051518-14 Motion made by and second by to accept the Warrant Notice of Election calling for the Budget Validation Referendum for Wells-Ogunquit Community School District #18; approved 4-0, Winn absent.

New item:

7.7 Aids Quilt Project

051518-15 Motion made by Charles Waite, III and second by Richard Dolliver to give the Aids Quilt Project permission to put up an A-Frame sign at School Street for the Memorial Day Weekend; approved 4-0, Winn absent.

8.0 TOWN MANAGER'S REPORT

Financial Update:

- So far the Town is on track with expenditures and revenues.
 - At 94% of taxes collected for real estate taxes.
 - At 90% of taxes collected for personal property taxes.
- Flags at half staff for National Peacekeepers Day.
 - Police Department very busy; enrolled two people in Project Lifesaver (to track people with dementia).
 - Frannie Peabody AIDS Walk was held recently, appreciate staff involvement in this.
 - Getting ready as we head towards Memorial Day.
 - First year the Town has taken over maintenance of the cemeteries.
 - Liquor Licenses - do about 53 every year, peak time is April and May.

Upcoming meetings:

May 16	Candidates Forum at the Dunaway Community Center - 5:00pm
June 5	Select Board Meeting
June 6	School Board Meeting at Junior High School - 6:30pm
June 12	Annual Town Meeting - 8:00am to 8:00pm
June 19	Select Board Meeting

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.

Peter Kahn, Tern Street and Chairperson of ORA

- Invited everyone to attend Candidates Night, May 16th at the Dunaway Community Center.
- Comments regarding Ethics Code and enforcement of the rules.

Barbara Ferraro

- Comments regarding her critique of the Planning Board.
- Comments about honesty and truthfulness.

Corolla Mait

- Comments regarding the Marginal Way and the revetment project.
- Commented on the lack of plants over the last 18 months, feels that this leads toward erosion. Asked about plan to put in erosion control plants back in place.
- Comments about the Marginal Way Preservation Fund.

Muriel Freedman

- Comments regarding streaming of meetings and chapters.

Chris Prudente

- Reminder - The AIDS Memorial Quilts 24th year in Ogunquit during Memorial Day weekend.

Alex Haight

- Suggested a Clynk Fund for the Town using recycled bottles and cans.

Boriana Dolliver

- Asked if anything has been done with the OVS project, \$120,000 was voted a year ago.
- Suggested delegating some of the responsibility from the Town Manager as she has a lot on her plate.

10.0 OTHER BUSINESS

There was no other business before the Select Board.

10.1 Select Board Reports and Announcements**Selectman Dolliver**

- Stated that he had received a message from Jimmy Lucibello (read the message regarding the Southern Maine AIDS Walk).
- Comments regarding the Code of Ethics for Town Committees.
- Comments regarding procedures and processes that has to be followed.
- Asked that people shut their phones off during the meeting.
- Comments on the town ordinance for political signs.

Selectwoman Mooney

- Cheers to Winnie and Paul Mason who celebrated their 74th Anniversary.

Chair Waite

- Thank you to everyone for their patience this evening; had a lot of public hearings.
- Comments regarding the AIDS Quilt and the opening ceremony.
- Reminded all of the Dragonfly/Nymph Release Program.

11.0 ADJOURNMENT

Motion made by Richard Dolliver and second by Madeline Mooney to adjourn the meeting at 7:44PM; approved 4-0, Winn absent.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager