



**SELECT BOARD
MEETING MINUTES
SEPTEMBER 4, 2018**

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, Vice Chair
Richard A. Dolliver
Madeline S. Mooney
Robert N. Winn, Jr.

Others present: Patricia A. Finnigan, Town Manager

1.2 Pledge of Allegiance

The Pledge of Allegiance was recited by some in attendance.

1.3 Select Board Minutes - August 21, 2018

Selectwoman Mooney stated that under Presentation of a Citizens' Petition to Approve the Comprehensive Plan, in the first full paragraph, comments by Newell Perkins "discontent by Elected Officials" - she said this should be as a quote minimally.

Chair Waite stated he would like his statement to be amended to read "the Chair once again requests a letter addressing those questions asked at the joint public hearing and should be sent to the OSD to answer".

Selectman Dolliver stated that he had something, but couldn't point it out at this time.

Motion made by Madeline Mooney and second by Selectman Dolliver to approve the minutes with the two edits stated and before finalization hold for Selectman

Dolliver's input; approved 4-0 (Winn not in attendance at the August 21, 2018 meeting)

2.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

2.1 Recognition of Arnie Ginsburg

Chair Waite stated that (we) have a very special guest this evening.

Mr. Waite stated that the Select Board has been honoring a few of our folks in Ogunquit. Ogunquit is indeed a beautiful place by the sea but what makes the town very truly unique is the people who have chosen to make Ogunquit their home. As we lead up to Ogunquit's 40th Anniversary as a town in 2020, it's important to us to look at where we have been, where we need and want to go as a community, and to recognize people that have helped shape us and have contributed to making Ogunquit...Ogunquit. We want to take a moment at certain Select Board meetings to feature these special people, let them know we are glad they are part of our community, thank them for being here and most importantly recognize them.

We have notable celebrities such as Richard Perkins, whom we recognized in August by naming him "Ogunquit's Poet Laureate".

At this meeting we will have someone very dear to us who is being truly recognized in an exhibit in his honor at the Ogunquit Heritage Museum this season. This individual has long life ties to Ogunquit and we also want to thank him for his support of the Ogunquit Artists heritage. This is his 90th summer in Ogunquit. Tonight we are recognizing a very unique individual who was a trailblazer in the broadcasting industry. When his name is said it will bring a smile to everyone's face and for many it will bring out fond memories...we are talking about Arnie "Woo Woo" Ginsburg.

Several people in attendance spoke about Mr. Ginsburg:

Sonny Perkins
Marcia Brazer

Chair Waite stated that in recognition of Mr. Ginsburg's achievements in the music and broadcasting industry, and to thank you for bringing such joy to generations of people in Ogunquit, New England and beyond and for being an original and one of the people who makes Ogunquit a very special place; he would like to present an award to Mr. Ginsburg this evening.

Mr. Ginsburg read the award:

"Arnie "Woo Woo" Ginsburg in recognition of your achievements in the music and broadcasting industry for bringing such joy to generations of people in Ogunquit, in New England and beyond for being an original and one of the people who makes Ogunquit a special place"

3.0 TOWN MANAGER'S REPORT

We are across the home stretch, it is now September. We had a very successful Labor Day Weekend; the Sand Castle Contest had a really great turnout, thanks to the Parks & Recreation Committee for hosting it again this year. Another thing that the Parks & Recreation Committee did to make a special weekend was to host the Platters at the Leavitt Theatre (2 shows). They also hosted their last summer concert of the season Sunday at the Dorothea Jacobs Grant Common.

School is back in session and our first every School Resource Officer, Scott Long, reported to the Elementary School.

Some of the warmest water temperatures have been reported this late in the season which feeds into the work that was done with Maine Healthy Beaches. Testing was done consistently thanks to the Lifeguards. All of the beaches tested fine most of the time, Little Beach did have a report that exceeded the limits for bacteria and the river beach also had a couple tests that exceeded the limits.

There are more events coming up - this coming weekend is Capriccio. Ogunquit Performing Arts will be sponsoring music shows at the Dunaway and Barn Gallery.

There was an article in the Portland Press Herald today that showcased that the Piping Plovers in Ogunquit had their most successful year ever. Kudos goes out to Bobby Morse, the Plover Spotter, the volunteers, the staff that worked really hard and the citizens' that walked on the beach and their respect for the birds. Thank you to everyone for making this a very successful season.

Town Manager Finnigan and staff will be holding a summer debrief later to review the summer season.

4.0 UNFINISHED BUSINESS

There were no items under Unfinished Business for Select Board action.

5.0 NEW BUSINESS

5.1 Ruck for the Fallen - Dean Barron, President & Founder of Maine Fallen Heroes Foundation

Select Board Action on a Request to hold a Military Grade Ruck Event at Ogunquit Beach on October 20, 2018

Mr. Barron is President and founder of the Maine Fallen Heroes Foundation was present to review his request with the Select Board. Mr. Barron is also a member of the Gold Star Family.

The first event this group held was "Run for the Fallen" ten years ago in Ogunquit. This year they are proposing a different type of event for the same important purpose.

Mr. Barron reviewed ten (10) points that would have to do with the event:

1. Requested two (2) UTV's or ATV's to be able to pick people up on the beach.
2. Would like to see if the Town would allow the use of the entire Footbridge Beach Parking Lot.
3. Would like to set up two (2) or three (3) chin up bars on the beach.
4. Would like Town participation (Fire Department, Police Department, etc.).
5. Would like to have an ambulance stationed down at the Footbridge Beach Parking Lot from 1:00pm until all the competitors have left the area.
6. Would hope that the Town could form a team to participate.
7. Set up some water stops (3) on the beach for the participants.
8. Asked if there was a list of businesses in the town that the Town could share so that they could do a mailing. Have been working with the Chamber of Commerce, who has been very helpful.
9. Asked if could get permission to use a small drone to film the event.
10. Asked if the Fire Department could hang an American Flag off the end of the Ladder Truck at the Beach Street/Norseman Lane area.
11. And the last request is to have the use of a generator on the beach to run the timing and sound equipment.

Selectman Daley had a couple of questions; one was if they had joined the Chamber of Commerce for the Special Event as was noted in the correspondence and the other about the "Run for the Fallen" and if that event was also occurring.

Mr. Barron stated that he has teamed up with the Chamber of Commerce so that he will be included in their Special Event Permit Application (OgunquitFest).

Mr. Barron stated that the last "Run for the Fallen" was held in 2011. They have decided to change things up with this event.

Selectwoman Mooney asked where the participants were drawn from and (directed at the Town Manager) if the Police and Fire were on board with this event.

Mr. Barron stated that participants come from all over the state.

Town Manager Finnigan stated that the Police Department is fully onboard and the Fire Department has given preliminary approval.

A Certificate of Liability Insurance naming the Town as an Additional Insured will be required for the event.

090418-01 Motion made by Robert Winn, Jr. and second by Richard Dolliver to grant permission for the Maine Fallen Heroes Foundation to hold a "Ruck for the Fallen" on Ogunquit Beach on October 20, 2018; approved 5-0.

5.2 FY 2018-2019 Tax Rate

Select Board Action to Set the Tax Mil Rate and Overlay for the 2018-2019 Fiscal Year

The Town Assessor, Karen Fortier, has finalized the assessed values of all the properties in town and is ready to commit the taxes. The Town's assessed value has increased about .1%. The tax commitment is in the amount of property taxes that need to be raised to fund the budget. The property tax rate is calculated by dividing the amount of money needed to fund the budget by the total assessed value.

Paul McKenney and Karen Fortier was in attendance from Municipal Resources, Inc., the contracted assessing firm, to give an overview of the tax process and to answer questions from the Select Board. He stated that they are recommending a mil rate of \$7.91 with the overlay at \$132,837.

	<u>Tax Rate</u>	<u>Overlay Amount</u>
<i>Current</i>	7.58	126,924
	7.87	74,214
	7.89	103,526
<i>Recommended</i>	7.91	132,837
	7.93	162,149
	7.95	191,461

Deena Mullen, 86 Ledge Road

- Wanted to know at what point in the year is the assessment done.

090418-02 Motion made by Richard Dolliver and second by Madeline Mooney to set the tax mil rate at \$7.91 per thousand with an overlay of \$132,837; approved 3-2 (Daley and Mooney in opposition).

5.3 Acceptance of Forfeited Funds to be transferred from the State of Maine
Select Board Action on the acceptance of funds from the State of Maine in the amount of \$1,350

When a local Police Department assists the Maine Drug Enforcement Agency in a case that leads to an arrest the money or property that is seized belongs to the State; they split the funds with the Police Department that assisted in the case. Before the Town can receive these funds the Select Board must vote to accept the funds. In the case of the State of Maine versus Charles Hayes, Jr. the total amount involved in this case was \$2,700. The Town's share could be \$1,350.

090418-03 Motion made by Madeline Mooney and second by to Richard Dolliver to accept \$1,350 in Drug Forfeiture Funds or such other amount from the State of Maine; approved 5-0.

5.4 Public Hearing on the Proposed Warrant Articles for the November 6, 2018 Special Town Meeting
Public Comments and Questions on the Warrant Articles for the November 6, 2018 Special Town Meeting

The Town will hold a Special Town Meeting on November 6, 2018; the notice has been posted for a public hearing on the proposed Warrant Articles to be voted on.

The public hearing opened at 6:55pm.

Chair Waite read each warrant article for the public to comment or question.

Article 2 No comments from the public.

Article 3 No comments from the public.

Article 4 **Jim Hartwell**

If you apply in current year to renew your business registration and all the inspection is incurred by the applicant, and three months later you put in for a liquor license where all of the same parties have to sign off again, could you clarify how that process would work, looks like it could be a piggy back double inspection situation.

Article 5 No comments from the public.
Article 6 No comments from the public.
Article 7 No comments from the public.
Article 8 No comments from the public.
Article 9 No comments from the public.
Article 10 No comments from the public.

Public Hearing closed at 7:02pm.

- 5.5 Request for the Town to Plow and Sand Mariner Overlook pursuant to the Ogunquit Public Easement Road Policy- Joseph Colozzo, Property Owner
Select Board Action on a Request for an Article to be placed on the November 6, 2018 Special Town Meeting Warrant for Winter Maintenance of Mariner Overlook

Mr. Colozzo was not present at the meeting.

Mr. Joseph Colozzo is the owner of the subdivision located on Mariner Overlook and has asked the town to accept the private road as a public street. Subdivision is located next to the Mariner Motel almost at the Wells Town Line. When the subdivision was approved by the Planning Board in 2005 the owners were instructed that if they ever wanted the road to become a public street it would have to be constructed to the town standards. The Town Meeting must vote to accept a new town road or to do winter maintenance. Mr. Colozzo was not present to discuss his request to have the town accept it as a public street or to consider allowing Public Works to plow it in the winter. If the Select Board is willing to have the Mariner Overlook plowed this winter it will need to be voted on at the November Special Town Meeting. This has been included on the draft warrant; it will need to be removed if the Board does not want this request to go forward at this time.

There were no comments or questions from the public.

090418-04 Motion made by Madeline Mooney and second by Richard Dolliver to accept the Mariner Overlook as Public Easement and include it on the November 6, 2018 Special Town Meeting Warrant; 5-0 in opposition. Motion fails.

090418-05 Motion made by Robert Winn, Jr. and second by Richard Dolliver to take 5.7 out of order (before 5.6); approved 5-0.

- 5.7 Special Town Meeting Warrant for November 6, 2018
Select Board Action on the November 6, 2018 Special Town Meeting Warrant

Now that the Select Board has heard from the public it is time for the Select Board to comment on the proposed warrant articles. If there are proposed changes in the articles, the Select Board will need to make motions and vote on the changes. The Select Board should consider each item separately if there are no changes.

Article 2 Shall the municipality approve and adopt the Ogunquit Comprehensive Plan revision, dated August 10th, 2018, superseding the 2004 Comprehensive plan. A copy of said plan is available in the Town Clerk's Office for inspection, use and examination by the Public. This Warrant Article is by Petition of Voters.

No comments from the Select Board.

Article 3 Shall an ordinance entitled "Amendments to Title IV, Public Resources and Conservation Ordinance, Chapter 4 - Beaches as it relates to fines and penalties for trespassing in the dunes and dogs on the Beach and in the Estuary" be enacted?

No comments from the Select Board.

Article 4 Shall an ordinance entitled "Amendments to Title IX, Business Ordinance, Chapter 9 - Business Registrations" be enacted?

Selectwoman Mooney - question about the impetus for the changes and question about the class of businesses and why it was removed.

CEO Scott Heyland was in attendance to answer the questions.

Article 5 Shall an ordinance entitled "Amendment to the Ogunquit Zoning Ordinance Article 2, Definitions - Expansion of a Structure" be enacted?

No comments from the Select Board.

Article 6: Shall an ordinance entitled "Amendment to the Ogunquit Zoning Ordinance, Article 6, Section 6.6.E.4 - Establishing a time frame within which a denied application may return to the Planning Board" be enacted?

No comments from the Select Board.

Article 7: Shall an ordinance entitled "Amendment to the Ogunquit Zoning Ordinance Article 6, Section 6.6.E.5 to establish a time frame by which an active application may remain in tabled status" be enacted?

No comments from the Select Board.

Article 8: Shall an ordinance entitled "Amendment to the Ogunquit Zoning Ordinance Article 9.15.P.6 - Shoreland Zoning Standards" be enacted?

No comments from the Select Board.

Article 9: Whereas Article 70 of the June 13, 2018 Annual Town Meeting authorized a Capital Improvement Project for repair of the Wharf Lane Footbridge in an amount of \$30,000.00; and,

Whereas on May 15, 2018 the Select Board approved the use of up to \$35,000.00 from the Natural Disaster Emergency Repair Fund for the immediate Repair of the Wharf Lane Footbridge; and

Whereas, the repair work was completed for a cost of \$28,550.00,

Now, therefore, the Capital Improvement Project approved in Article 70 of the June 13 Annual Town Meeting is hereby abandoned and \$28,550.00 of the authorized \$30,000.00 shall be transferred to the Natural Disaster Emergency Fund to make it whole for the funds authorized and expended; and \$1,450.00, the balance of the authorized amount, shall be returned to the General Fund.

090418-06 Motion made by Richard Dolliver and second by Madeline Mooney to accept the Warrant for the November 6, 2018 Special Town Meeting as presented and to certify the text of the secret ballot referendum articles; approved 5-0.

5.6 Order to the Town Clerk for Placement of Secret Ballot Referendum Questions on the Ballot for the November 6, 2018 Special Town Meeting
Select Board Action on the November 6, 2018 Special Town Meeting Order

Based on the public hearing discussion of the proposed warrant articles the Select Board will need to order the Town Clerk to hold a Special Town Meeting on November 6, 2018 and certify the text of the Secret Ballot Referendum questions.

090418-07 Motion made by Richard Dolliver and second by Madeline Mooney to approve the Order to hold a Special Town Meeting on November 6, 2018; approved 5-0.

6.0 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.

Maureen Clayton, Leavitt Theatre

- Stated that she and her husband Peter have owned the Leavitt Theatre for 42 years, before Ogunquit became a town. Now their son has upgraded and taken over the business.
- Thank you to Parks & Rec for co-producing the Platters event.
- Commented that they have played the finest and first run films over the years. Parking in Ogunquit has always been a challenge. They and other businesses have always relied on public parking in the evening. She stated that she is disappointed that the hours for parking in the Lower Lot across the street from the theatre went from 6:00pm to 8:00pm. The theatre opens its doors at 6:00pm; this year they have had continuing complaints, especially from seniors. This has become a hardship and another "nail in the coffin" for the theatre. Would like the town to change the parking back.

Deena Mullen, 86 Ledge Road

- Asked where the vote was in the minutes changing the Lower Lot rates and times as she has been looking at them.

Rick Dellabernarda, 257 Berwick Road

- Has been a resident for 22 years.
- Over the past six months he has written comments or questions on the website, wanted to know the process for getting a response. He is not getting a response...should he resubmit them?

Jim Hartwell, Shore Road

- Is the Board aware that on September 11th that there is a hearing in Portland with the Town of Ogunquit versus a property owner? Comments about the attorney handling the case.

Steve Wilkos, Planning Board Chair

- Commented on the attorney in question (Mr. Hartwell).

7.0 OTHER BUSINESS

7.1 Select Board Goals

The Select Board discussed their goals at the July 31st Select Board workshop meeting. They discussed grouping them in categories and having Select Board members "adopt a goal". Thank you to Vice Chair John Daley for organizing the goals into categories for discussion.

Ogunquit Select Board Goals

September 4, 2018 - revised, but not accepted by Board

A. Infrastructure

- a. OVS
- b. Police Station, Municipal Campus
- c. Beach bathrooms
- d. Beach Street from rotary to rte. 1
 - i. Sidewalk(s)
 - ii. Access to beach via Norseman
 - iii. Traffic & pedestrian flow
- e. Use of Town land
 - i. What do we own
 - ii. Effective utilization/best use

B. Capital Improvement Projects

- a. Five year plan, ongoing
- b. Parking
 - i. Satellite sites, garage
 - ii. What is right capacity for OGT?

C. Finance

- a. Review RFP process
- b. System in place to track current projects through completion

D. Organization

- a. Combine Public Works and Administrative Services
- b. Public Works Director & Project Manager
- c. Planner

E. Training

- a. Annual standardized training for Select Board
- b. Codification of Ordinances
 - i. Make sure they are clear and understood by SB/staff/committees

F. Communication

- a. *Communicate to abutters and/or entire community about projects/changes that will affect them*
- b. *Comprehensive Plan*
 - i. *Keep Town focused on Plan, regular updates, committee*

Tasks (not goals)?

- a. *Enforcement*
- b. *Regular updates from the Sewer District*

Prepared by John Daley 8-30-18

Selectwoman Mooney stated that this is great; they can work off this document and take ownership of different things. She suggested that parking should be pulled out as a "stand alone" and combine CIP and Finance. She also commented on communication to the community (newsletter).

Town Manager Finnigan stated that she has Department Heads doing weekly updates to her; this information could be used to populate a newsletter.

Selectman Daley stated that he would update the changes as discussed.

Selectman Winn stated that he would be interested in working on the Infrastructure piece.

Selectwoman Mooney stated that she would be interested in working on the Parking Policy.

Selectman Daley stated that he would also be interested in the Infrastructure, also Finance and Parking Policy.

Selectman Winn suggested Conservation should be added (environmental issues).

090418-08 Motion made by Charles Waite, III and second by Robert Winn, Jr. to move this forward at this point and to wait until (we) hear back from the Town Manager before the Select Board makes any official vote on this; approved 5-0.

7.2 Select Board Reports and Announcements

Selectwoman Mooney

- Shout out to Fire Department, Police Department and EMT's for the response time, knowledge and humanity shown for a friend that needed their assistance at her house.

- Commented on Bill Baker's celebration of life, it was very moving.

Selectman Daley

- Commented on an article in *Downeast Magazine* on the Leavitt Theatre.
- Comments on Rental Properties/Business Registrations - these properties need to be inspected.

Selectman Dolliver

- Revisit the parking on the Lower Lot, would look to Town Manager for procedure.
- Commented on the RFP for the Bathrooms, still has not seen it after requested.
- Asked if actively looking for a full time DPW Director, can get an update on the process from the Interim DPW Director.

Chair Waite

- Asked that when items come before the Select Board, such as the Mariner Overlook request, that get someone that has some expertise on the subject to speak to the Select Board about it.
- Reminder - Dinner and a Chance at Jonathan's on September 16th as a fundraiser for the Ogunquit Heritage Museum.
- Thank you to Jay Smith on his thoughts on the Comprehensive Plan, they were very, very good.
- Reminder - the Select Board will be holding public hearings on the warrant articles at each of their meetings up until the November 6, 2018 election.
- Thanked everyone who participated in everything this past summer, got through another milestone, Labor Day has come and gone...

8.0 ADJOURNMENT

Motion made by Robert Winn, Jr. and second by Richard Dolliver to adjourn the meeting at 7:45pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager