



**SELECT BOARD  
MEETING MINUTES  
SEPTEMBER 18, 2018**

**1.0 CALL TO ORDER: 5:00PM**

Meeting called to order at 5:00pm.

Chair Waite explained that the Select Board was starting the meeting earlier than usual because of Yom Kippur, which is one of the holiest holidays of the Jewish year. Since the holiday starts at sundown, the Select Board will act on essential items and close the meeting before sundown, no later than 6:45pm.

**1.1 Roll Call of Members**

Members present: Charles L. Waite, III, Chair  
Richard A. Dolliver  
Madeline S. Mooney  
Robert N. Winn, Jr.

Members absent: John M. Daley, Vice Chair

Motion made by Richard Dolliver and second by Robert Winn, Jr. to excuse the absence of John Daley from the September 18, 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 some in attendance.

**1.3 Select Board Minutes - August 21, 2018**

Motion made by Richard Dolliver and second by Madeline Brown to approve the minutes of the August 21, 2018 Select Board meeting as amended; approved 4-0, Daley absent.

1.4 Select Board Minutes - September 4, 2018

Motion made by Richard Dolliver and second by Madeline Brown to approve the minutes of the September 4, 2018 Select Board meeting as written; approved 4-0, Daley absent.

**2.0 LIQUOR AND AMUSEMENT LICENSE PUBLIC HEARINGS**

Public Hearing opened at 5:05pm.

There were no public comments regarding this application.

Public Hearing closed at 5:06pm.

2.1 Angelina's Ristorante - Malt, Spirituous & Vinous License Renewal

Application recommended for approval by the Police Chief, Code Enforcement Officer and the Fire Department.

Representation was in attendance for Angelina's Ristorante.

**091818-01** Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Renewal for Angelina's Ristorante; approved 4-0, Daley absent.

**3.0 TOWN MANAGER'S REPORT**

The season has begun for dogs to be allowed on the beach, which has been met by a mix of emotions. Town Manager Finnigan reviewed the complaints that have been received. The dunes are being monitored as well as the estuary; signage is needed to be clear and concise.

Town Manager Finnigan reviewed the complaints about seaweed on the beach and what the town is allowed to do with the seaweed.

The Police Department was successful in solving a burglary in one of the downtown businesses.

Public Works Department is busy getting ready for fall/winter; they are trimming trees and branches to accommodate for safe plowing.

Interim Public Works Director will be scheduled for a presentation at the next meeting of the Select Board, the intent was to have her here tonight but due to the abbreviated meeting this was not able to occur.

Town Manger Finnigan spoke about the need for an on call engineering firm; proposals have been received and are being reviewed. Street Scan Program was approved in the budget; this technology will allow the streets to be assessed and prioritized.

On the forefront are the bathrooms at the Main Beach, Footbridge Beach and North Beach. Funding was approved by the voters in June. The project has gone out for Request for Proposal to get a good engineering design and construction team in place. Town Manager Finnigan stated that construction management seems to be the best approach for these projects.

Town Manager Finnigan reviewed the Ogunquit Village School project. The community has voted this several times. The future of the building is still in process, this will be a signature project for the community.

The town is working to make sure that all the Capital Projects that were approved are completed/or largely completed or well under way before the next budget cycle.

Town Manager Finnigan stated that one of her goals is to, rather than verbally communicate at Select Board meetings; she would like to have a newsletter than for everyone to read. She has heard from people that they would like to get information this way. She stated that she has a prototype in the works.

Communication is the only way to make progress. Commented on the number of e-mails that she receives; reviewed the process that will need to be done internally to assure residents get responses.

## **4.0 UNFINISHED BUSINESS**

### **4.1 FY 2018-2019 Tax Rate**

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

At the September 4<sup>th</sup> meeting the Select Board did approve a tax rate of \$7.91 which would generate an Overlay amount of \$132,857. As the final numbers were being prepared our staff discovered an error in the total amount. As a result, based on the approved rate of the \$7.91, the overlay amount would be reduced

from the approved amount of \$132,857 to \$45,945. Since the amount of Overlay will be different from what the Select Board voted on, the Select Board needs to vote on a new Overlay amount.

Karen Fortier, Town Assessor, was in attendance to make a presentation and also answer questions regarding this issue.

**091818-02** Motion made by Madeline Mooney and second by Robert Winn, Jr. to approve the Overlay amount of \$45,945; approved 4-0, Daley absent.

**5.0 NEW BUSINESS**

**5.1 Public Hearing to consider the recommendations of the Shellfish Conservation Commission relative to the anticipated opening of the clam flats for the 2018-2019 season and to set the fees for the sale of clam licenses**

Arthur Damren and Craig Thiede were present to explain the recommendations and answer questions from the Select Board and public. They would like to request a Youth day on Veteran’s Day, November 12<sup>th</sup>, where children 12 and under accompanied by a licensed adult could dig one peck.

Public Hearing opened at 5:40pm.

Public Hearing closed at 5:41pm.

The Shellfish Commission is recommending the following:

**Shellfish Harvester Licenses**

Clam licenses for the 2018 -2019 Season will go on sale on Thursday, November 1, 2018, at 8:00 AM in the Recreation Room of the Dunaway Community Center for:

80	Resident/Property Tax Payer/Town Employees	\$ 35.00
8	Non-Resident*	\$ 70.00
15	Resident/Seniors	\$COMP
2	Non-Resident/Senior*	\$COMP
25	One-Day Dig Permits**	\$15.00

**2018-2019 clamming schedule (low tide)**

<b>Date</b>	<b>Time</b>
3-Nov	2:15 PM
4-Nov	2:17 PM
12-Nov Veteran's Day	7:57 AM

17-Nov	12:25 PM
18-Nov	1:18 PM
22-Nov Thanksgiving Day	4:18 PM
1-Dec	12:00 PM
2-Dec	1:04 PM
15-Dec	10:37 AM
16-Dec	11:33 AM
25-Dec Christmas Day	6:30 AM
29-Dec	10:32 AM
30-Dec	11:40 AM
1-Jan New Year's Day	1:50 PM
12-Jan	9:03 AM
13-Jan	9:51 AM
21-Jan Birthday of MLK, Jr.	5:14 PM
26-Jan	9:09 AM
27-Jan	10:12 AM
9-Feb	7:47 AM
10-Feb	8:28 AM
18-Feb President's Day	4:04 PM
23-Feb	7:51 AM
24-Feb	8:47 AM
9-Mar	6:43 AM
10-Mar	8:20 AM
23-Mar	7:39 AM
24-Mar	8:30 AM

**091818-03** Motion made by Robert Winn, Jr. and second by Richard Dolliver to accept the Shellfish Commission's recommendation for the 2018-2019 Season for Clam License Fees and changing to 15 Non-Resident Licenses; approved 4-0, Daley absent.

5.2 Public Hearing on the Proposed Warrant Articles for the November 6, 2018 Special Town Meeting

Public Hearing opened at 5:45pm.

Article 2: Shall the municipality approve and adopt the Ogunquit Comprehensive Plan revision, dated August 10<sup>th</sup>, 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.

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?

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

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

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?

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?

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

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.

**Barbara Ferraro, Ocean Heights**

- Comments regarding the Comprehensive Plan process; regarding the Chair of the Comprehensive Plan being the Chair of the Planning Board.
- Comments regarding State Certification.
- Town monies used to draft a petition.
- Where is the written legal opinion on this Comprehensive Plan?
- Asked the Select Board members to state their position on this Comprehensive Plan.

**Jim Hartwell, Shore Road**

- Question regarding the Comprehensive Plan and the Comprehensive Plan Committee. Asked if the Facebook page is still active.

**Boriana Dolliver, 331 Shore Road**

- No tax dollars were spent on drafting the petition.
- Commented on the Powers and Duties of the Planning Board in regards the Comprehensive Plan.

**Rusty Hayes, Cedar Lane**

- Comments regarding the legality of the Chair of the Planning Board to be Chair of the Comprehensive Plan.
- Stated that Mr. Wilkos had received permission from Select Board Chair Barbara Dailey to chair the Comprehensive Plan Committee.

Public Hearing closed at 5:53pm.

Select Board members commented on the proposed Comprehensive Plan. Select Board Chair Waite, Selectman Winn and Selectwoman Mooney spoke against the proposed plan; Selectman Dolliver did not give an opinion.

**5.3 Select Board Action on the Police Department Cruiser Bid Award**

The Town Meeting approved the purchase of a new cruiser for Police Department; the low bidder withdrew the bid at the last minute. The Police Chief is reviewing the other bid options.

**091818-04** Motion made by Richard Dolliver and second by Robert Winn, Jr. to table this agenda item until the next meeting; approved 4-0, Daley absent.

5.4 Select Board Action on a One-year Collective Bargaining Agreement with the Ogunquit Public Works Department, Teamsters Local 340

Town Manager Finnigan explained that they have successfully completed negotiations for the Public Works Unit and the Clerical Unit for a one year contract. The Town has four unions; Police, Fire, Public Works and Clerical. Police, Public Works and Clerical are part of the Teamsters Local 340; the Fire Department falls under IAFF (International Association of Fire Fighters).

**091818-05** Motion made Robert Winn, Jr. and second by Madeline Mooney to approve the One-year Collective Bargaining Agreement with the Ogunquit Public Works Department employees, Teamsters Local 340; approved 3-1, Dolliver in opposition; Daley absent.

5.5 Select Board Action on a One-year Collective Bargaining Agreement with the Ogunquit Clerical Unit, Teamsters Local 340

**091818-06** Motion made by Madeline Mooney and second by Robert Winn, Jr. to approve the One-year Collective Bargaining Agreement with the Ogunquit Clerical Unit employees, Teamsters Local 340; approved 3-1, Dolliver in opposition; Daley absent.

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.*

**Michelle Tourangeau, 433 Main Street**

- Shared feedback that she had gotten on the Trolley service from her guests.
- Comments regarding the Trolley website.
- Appreciated Town Manager Finnigan's comments regarding the Ogunquit Village School.

**Boriana Dolliver, 331 Shore Road**

- Commented on the Ogunquit Village School progress.
- Asked if the Special Projects Manager position was advertised, as the town has hired someone in that position. Wanted to know what projects this person is working on, how did find the person and if the person is qualified.
- Comments regarding the Comprehensive Plan and the need to update.

**Jim Hartwell, Shore Road**

- Wanted to follow up on a couple of items that he brought up at the last meeting; a court case *Pierce v. Town of Ogunquit* and legal representation.

**Rebecca Fox, 21 Marginal Avenue**

- Wanted to let everyone know about the open house for the Ogunquit Residents Alliance that will be held on Friday, September 21, 2018 at 5:00pm and the Dunaway Community Center.

**Barbara Ferraro, Ocean Heights**

- Thanked Rusty for clarifying that Steve Wilkos had permission from Barbara Dailey to chair the Comprehensive Plan, but that brings up the subject of Charter violations.

**Rusty Hayes, Planning Board Vice Chair**

- Spoke as Vice Chair of the Planning Board. Commented on the issue of Select Board members making comments on active applications.
- Would like to have a meeting with the Town Manager, Select Board Chair and Vice Chair at the end of November, feels that it is very important.

**7.0 OTHER BUSINESS****7.2 Select Board Reports and Announcements****Selectwoman Mooney**

- Comments regarding trash, this is the first year that has had no problems at the beach.
- Shellfish Commission does a great job, they are all volunteers'.
- Attended the Heritage Museum Committee Dinner on Sunday night.

**Selectman Dolliver**

- Gibbs gas station is closing on the 28<sup>th</sup> of September. Gas stations not allowed in Ogunquit, this one was grandfathered.
- Lot of dead seals, town is responsible to remove so contact information is crucial for the removal.
- Payroll warrants that the Select Board signs, will discuss at next meeting.
- RFP for the Bathrooms went out August 2<sup>nd</sup>.
- Please look at the budget that was passed.

**Chair Waite**

- Thank you to all the Boards and Committees for all their hard work.

- Reminded the Boards and Committees that they need to submit their committee minutes so that they can be posted.
- The "Common" is very beautiful; John Stand, Darren and staff have done a great job this summer in Ogunquit.
- The Chair spoke to Select Board Vice Chair regarding statements from the Vice Chair earlier in the evening.

## 8.0 ADJOURNMENT

Motion made by Richard Dolliver and second by Madeline Mooney to adjourn the meeting at 6:45pm; approved 4-0, Daley absent.

Respectfully submitted,

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Cheryl L. Emery, Administrative Assistant to the Town Manager