



**SELECT BOARD
MEETING MINUTES
OCTOBER 16, 2018**

1.0 CALL TO ORDER: 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.

2.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

2.1 Ogunquit Rotary - Presentation of a Beach Wheel Chair to be donated to the Town by Rotary President Bob Cruickshank and Rotarian Ed Smith. The Rotary Club is a community organization that does many great things for Ogunquit.

Ed Smith explained that this is the 6th chair that has been purchased by Rotary. Mr. Smith also stated that the people that use these chairs at the beach are very grateful for them.

Bob Cruickshank, president of Rotary for the last couple of years, stated that he was very proud to present the beach wheelchair to the community. This wheelchair will be located at the Footbridge Beach area. Mr. Cruickshank thanked the Lifeguard Services for their work; they are responsible for maintaining the chairs and the storage of the chairs.

J.P. Argenti was in attendance and spoke about the use of the chairs at the beach; thanked the Rotary for the donation of the wheelchair.

101618-01 Motion made by Robert Winn, Jr. and second by Richard Dolliver to accept the donation of a Beach Wheelchair from Ogunquit Rotary; approved 5-0.

3.0 TOWN MANAGER'S REPORT

Fall is a very, very busy time for Ogunquit; the town has been decked out for OgunquitFest.

Staff has been very busy getting ready for the snow, which will come any day. Thank you to the Public Works Department and Facilities & Parks Department for working together to make sure that the town is in good shape for the season.

This weekend is OgunquitFest, which people look forward to every year. The town is very lucky that the Chamber of Commerce leads that event under the leadership of Sarah Potter.

"Ruck for the Fallen" will also take place this weekend at the Moody Beach. This is a first-time event for the Town of Ogunquit.

School has been back in session for a while, our School Resource Officer, Scott Long, has been doing a wonderful job. Appreciate the work that he is doing with the students and teachers.

There are a lot of projects underway, making sure that the budget is on track; will be discussing the Special Projects (hold overs from prior years and new budget projects). Town Manager Finnigan stated that David Riccio has been helping her with these projects. A great deal of his time has been spent primarily working on finding sources of funding so that the town can do some other projects. He has been working on grant opportunities, FEMA has been very active in the community. Mr. Riccio has been working on FEMA with Cheryl Emery to make sure that we are identifying all the projects that would be eligible for reimbursement. Another project that he has been working on is the budget item for the Shore Road Lighting Fixtures, to get them updated and energy efficient.

This is election time; the Town Clerk's office has been working with people as they apply for their absentee ballots. It has been a very brisk, but it is still early and anticipate many more people to come in for their absentee ballots.

The Information Packets (for the Special Town Meeting) started to go out in the mail this week. Copies are available at the Town Clerk's Office as well.

The Town has been through a difficult period these past few weeks and anticipate it will continue to have some rough spots. Town Manager Finnigan stated that the Town is very, very fortunate to have an excellent Fire Department in Ogunquit. It is a small department, but they are very professional and know their job and perform it very, very well. This past summer was our busiest season; the professional firefighters with the assist of the Call Firefighters were able to have a season that ran very, very smoothly; in fact, was flawless in terms of the ability to get the job done. Thanked them and the Police Department for the work done during the past season.

During this interim period, we are very fortunate to have Ed Smith as our Interim Fire Chief. Chief Smith gave an update of the past few days since his appointment as Interim Fire Chief.

Town Manager Finnigan stated that when you start a job people wish you the very best, but over time she will have to make decisions that people are not always going to agree with, will have to do things that people may not always see the full picture on; every decision made, every recommendation made to the Select Board is always done for the love of the community and the people of the community to have the best organization we can have, to make sure we all are working together, moving forward to have a town that we are all proud of and that all are working towards the same goals. Getting to the same goals is still going to be a discussion because every day things can change how people feel about this community. But as long as we all know that we come from a place of good, we come for wanting the best for our community, that we will find our way to have a community that is one that we are all proud of, we all feel good about, being part of, working in, living in, playing in and coming to visit. She stated that her emphasis is on building a strong organization in the town itself, the town government and the town employees, as we can possibly have to serve the people of Ogunquit as best as possible. She stated that she understands that people will have differences of opinions and respects every one of them. Hopes that people will continue to conduct themselves with civility and understand that if are not talking about things then that is a problem; talking about things ... can find way through.

4.0 APPOINTMENTS

4.1 Bicycle-Pedestrian Committee

The Select Board has expanded the members of the Bicycle-Pedestrian Committee and as a result two of the alternate members can be elevated to full membership and one of the alternates can be elevated to 1st Alternate.

- a. Bob McBreen, Full Member - 2021

101618-02 Motion made by Richard Dolliver and second by Madeline Mooney to appoint Bob McBreen as a Full Member of the Bicycle-Pedestrian Committee, term to expire June 30, 2021; approved 5-0.

b. Bruce Byorkman, Full Member - 2020

101618-03 Motion made by Richard Dolliver and second by Madeline Mooney to appoint Bruce Byorkman as a Full Member of the Bicycle-Pedestrian Committee, term to expire June 30, 2020; approved 5-0.

c. Greg Testa, 1st Alternate - 2019

101618-04 Motion made by Richard Dolliver and second by Madeline Mooney to appoint Greg Testa as 1st Alternate of the Bicycle-Pedestrian Committee, term to expire June 30, 2019; approved 5-0.

Selectman Daley stated that the Vice Chair of the Planning Board approached him a month ago stating that the Planning Board is getting a little discouraged as they have asked for a meeting with the Town Manager, Select Board Chair and himself about nine months ago. Let's have a meeting with the Planning Board, all the work that was done to encourage and support them has been ruined as they have been asking to meet for nine months to discuss some issues and concerns that they have. Selectman Daley offered to schedule the meeting as it is important to have this meeting. Town Manager Finnigan will coordinate the attendees for a meeting.

5.0 UNFINISHED BUSINESS

5.1 Authorize the Town Manager to enter into a Contract with CMA Engineers and Dubois & King, Inc. for On-Call Civil Engineering Services

One of the reasons that the town has not always had realistic budget estimates for infrastructure projects and thus have not received bids within the approved budget amounts is because the town did not have a preliminary estimate based on engineered designs nor have an engineer assist with the preparation of documents for projects. The staff is recommending this evening that the town have an on-call engineering firm who can help by doing preliminary designs and costs estimates which will help the town have a more accurate budget figures and get more responsive bids.

101618-05 Motion made by Robert Winn and second by Richard Dolliver to authorize the Town Manager to enter into a contract with CMA

Engineers and Dubois & King, Inc. for On-Call Civil Engineering Services;

Selectman Dolliver stated that at the last meeting this item was tabled as there was no paperwork in the packet, and this time there are 80+ pages. What is the advantage, is there a financial gain, advantage or disadvantage to having an on-call engineering firm?

Town Manager Finnigan stated that there is, if we have someone already working for the town would not have to go out to bid for engineer services for each project, they get to know the town better, so are able to save money and time by not having to learn more about what is needed to be done. We are not getting a preferential hourly rate compared to what they offer to other people, they are charging the going rate.

Selectman Dolliver asked about the need for two firms, why couldn't this be narrowed down to one.

Town Manager Finnigan stated that the Select Board could do that, but the reason that are recommending two is because of workload and availability. One of the firms has more expertise in bridges and structural engineering and since we are in need to have work done on a bridge, it was important to have them focusing on that one project as well as doing other general civil engineering.

Selectwoman Mooney stated that this seems like a good step to get more professional planning and maintenance with our assets and infrastructure.

Selectman Daley stated he does not see the need, he stated that he thought that we would want to go out to bid for each separate project. Stated that his concern that not every engineering firm is great at everything, they all have specialties and expertise. Depending on the project would rather go with a company that has expertise on a specific project.

Town Manager Finnigan stated that when it is time for the town to do a project, it is possible to do that. She stated that she is looking at this as more of the preliminary part of a project to get cost estimates and putting a budget together before the town even has a project. She stated that the town has not done a great job of budgeting in the past, would like to go the Select Board and the Budget Review Committee with estimates that feel confident with (gave the Agamenticus Road Engineering Project as an example of incorrect budgeting). She stated that people must know what they are bidding on, scope of work (gave the Perkins Cove Bridge as an example). An on-call engineer would be able to put that package together.

Selectman Daley asked if it was necessary to sign a contract, couldn't just hire the firm to do a project scope and then put it out to bid? Town Manager Finnigan stated that would still have to sign a contract even if it was for just one project. She also stated that the contract that she will have them sign if hired as on-call would be just for the remainder of the current fiscal year.

Selectman Dolliver asked, if under contract neither firm has the time or knowledge for a project, is the town allowed to seek another firm? Town Manager Finnigan stated that this is not an exclusive contract and the town would be able to seek services from other firms. The reason that are recommending these two firms is that CMA is a very well-rounded civil engineering firm that can meet most if not all the town's needs for the next six months.

Chair Waite stated that it appears to be very specialized, did have a presentation this evening and it was tailored to the needs of Ogunquit. It was very thorough and complete, specifically it familiarizes an engineering firm with the town's entire infrastructure and not just one piece of what is needed to be done. That is the whole point, continuity of information.

101618-06 Motion made by Robert Winn to rescind his motion and second by Madeline Mooney.

Public session opened.

Ivaylo Petrov, 108 Agamenticus Road

- Stated that he is a General Contractor. Town Manager Finnigan has a point, you do need specs for the project before you start. But having two companies that will create the specs and the price, maybe they should be excluded from bidding on projects.
- Town Manager Finnigan stated that these companies preparing the specifications for a project would not be able to bid on the project.

Sarah Diment, Beachmere Inn

- It was stated that could have two firms and could chose whichever one want for project, but doesn't is cost money to enter into a contract? If you don't use them, do you still have to pay?
- Town Manager Finnigan stated that would only pay the hourly rate for time spent on a project.

Jerry DeHart, 3 Alivia Lane

- Wanted to know who is calling the engineering company? Who is the qualified person asking the question to the engineer? Are you qualified to ask a question to an engineer? Are you qualified as to how write a spec? Are you

qualified as to the basis of the spec? We are talking about hourly rates, taxpayer dollars for absolutely not how it works. Who on your staff has the ability to ask those questions?

- Town Manager Finnigan stated that if you are in a small community that does not have an engineer on staff, this is common best practice in a municipality to be able to consider projects and be able to bring recommendations to the elected officials to be able to make a decision about how much money should be spent on a project, whether or not the project is worthy to be built. Every Town Manager who does not have an engineer on staff is calling an engineer and saying we need "x", bring us a proposal.

Mark McLeod, 57 Bayview

- What is the cost for the current fiscal year. As a member of the Budget Review Committee this was not discussed. Is this budgeted and if not, where is the money coming from and what is the cost going to be for the taxpayers going forward?
- Town Manager Finnigan stated that she was very clear about bringing this project forward. Stated in her conversation with Budget Review Committee Chair Bill Sawyer he stated "of course" and that the Ogunquit Sewer District has an on-call engineer that works with them throughout the year to make sure that they are doing their master planning and making sure their facilities are well planned out from an engineering standpoint. The budget contained an amount of money specifically for professional services that would allow for the use of an engineer. There are also projects in the budget that will need to have engineering work, that have been specifically budget for that engineering work.

Phil Cavaretta, 74 Main Street

- We have done lots of projects in this town with an engineer, hired an engineer for a specific project; sounds like we are having a contract for a contract which wouldn't want to see. One of the ways that have controlled budget in town is to hire an engineer for a specific project. Does not want to see the town wasting money just because we have a town engineer. We have and a town engineer for years, firm in Eliot, that has done work for the town. Why would we work differently than we have in the past?
- Town Manager Finnigan stated that she agreed with using tax dollars wisely, which is the whole genesis of this. Many projects have been done in this town and have been done well but have a lot of other projects that need to be done. This is a contract so that can get reliable specifications so that when do budget estimates can have something that can bring forward with some credibility.

Nancy DiCarlo, 35 Main Street

- Confused about 5.2. Doesn't 5.1 overlap with 5.2?
- Town Manager Finnigan stated that this is good question, 5.1 is for general overall engineering services for preliminary cost estimates; 5.2 is about a project that we actually want to have designed.

Rick Barber, 22 Berwick Road

- If it is not an exclusive contract and it is for a specific item, what is the value for us to have a contract?
- Town Manager Finnigan stated that could use anybody else but the point of this is that would develop a relationship with an engineering firm that gets to know the community so don't reinvent the wheel every time you call someone to come in to work on a project.

Rob Pinkham, 7 Scotch Hill Trail

- Question and comments about the differentiation of an engineer creating the scope of work and them also providing the cost.

101618-07 Motion made by Madeline Mooney and second by Robert Winn, Jr. to authorize the Town Manager to enter into a contract with CMA Engineers and Dubois & King, Inc. for On-Call Civil Engineering Services; approved 3-2, Daley and Dolliver opposed.

5.2 Authorize the Town Manager to enter into a Contract with DeStefano Associates for Construction Management Services for engineering, design and construction of Beach Bathhouses

The bathhouses at the North Beach, Footbridge and the Main Beach all need to be renovated or constructed to be fully functional and serviceable for both the residents and visitors. The voters have approved funding for this project. There are various approaches to do the building and construction projects. Due to the type of project that this is, the Town Manager has recommended that the town do this project as a construction management, design build project. The town issued the Request for Proposal to nine (9) firms which do construction management and General Contractor work. The town received one (1) proposal which is being recommended for approval. All it takes is one responsive proposal to do a great project. The proposal was from DeStefano Associates.

Town Manager Finnigan stated that she did a direct mail to nine (9) companies in Maine and New Hampshire who do construction management as well as general contractor work, the RFP was also listed with the Associated General Contractors of Maine.

She stated that there was a very thorough Request for Proposal process and that it got out to companies that were qualified to do the work.

At the start of the summer when it was apparent that were not going to get the bathrooms done for the summer, Mr. DeStefano worked to fix the air quality issues at the Main Beach bathroom by getting a stronger ventilation system in place. The Select Board authorized the project, it went very well and was on budget and on time.

Mr. John DeStefano attended the Select Board meeting. He was present to inform and educate; and to also take comments and questions from the public. Mr. DeStefano gave a brief background on himself and his company.

Mr. DeStefano gave a review of construction management and the five delivery methods:

1. Design Build (Construction Manager)
2. CM with Guaranteed Maximum Price (GMP) which is Architect, Engineer and Construction Manager working together.
3. CM as an agent, which is when the Construction Manager is working as an advisor to the owner.
4. CM with Cost Plus, with no fixed budget.
5. General Construction (GC)

The recommended delivery method for the bathroom projects is Design Build. The CM is an advocate for the owner.

The Architect is CWS out of Portland, the Structural Engineer is Becker out of Portland, the NEP Engineer is Bennett out of Falmouth, the Civil Engineer is Ransom out of the Portland Office.

Stages of the Project:

1. Concept Phase.
2. Design Development Phase.
3. Guaranteed Maximum Price step.
4. Construction.

Addressed comments that were made at the last meeting of the Select Board.

Jerry DeHart, 3 Alivia Lane

- Comments regarding Mr. DeStefano presentation as a sales pitch. Asked Mr. DeStefano if his experience was greater than anyone's in Ogunquit.
- Asked Mr. DeStefano how he found out about the bid.

- Comments regarding the amount of money that will be paid to the Site Manager.
- Asked when he hires subcontractors, are any from Ogunquit. Do you think it is important for people to put money back into the community?
- Stated that he wrote a letter to the Select Board stating that he would not bid on this project, this is a terrible project for the town. Paying a huge amount of money to have a Construction Manager oversee this project. This was approved by the voters to go out to bid to have an architect design it, not for a Construction Manager to come in and build it.
- How many times will this be presented to the public for review?

Wes Elliott, Cedar Lane

- Question for the Town Manager, on the RFP, the process. He recalls that at two meetings Selectman Dolliver asked her about it and she stated that it went out last week. He also commented that Selectman Dolliver sent the Town Manager e-mails regarding this, there seems to be a disconnect between the Town Manager and the Select Board. The question on the process, why it wasn't posted and why at two meetings it was stated that it was.

Ivaylo Petrov, 108 Agamenticus Road

- He stated that he was the subcontract that Mr. DeStefano worked with.
- Agreed with the Town Manager that do need specifications for projects.
- Responded to Mr. DeStefano comments. Stated that he has no interest is bidding on the job. He commented on Mr. DeStefano's character.

Mr. DeStefano responded to Mr. Petrov, this isn't the forum to address these comments.

Boriana Dolliver, 331 Shore Road

- Stated that she is signed up to receive the online updates, was waiting for the RFP on the bathrooms, but it never came through. Stated that she has spoken with people who were looking for the RFP but were told that there isn't one.
- The Town Manager is the boss of all the staff, but there are five people who are responsible to have that information. If they do not have that information, how are they supposed to make the decisions. At one of the meetings it was stated that it would be reposted, but never saw it. Stated that she has trouble with the process, why didn't do our best to put it out there.

Frank Dunbar, Myrtle Circle

- When is this project going to start? When is it going to end? Will it be all three buildings done at the same time? Are we going to concentrate first of all on the Main Beach? Is there anything in the contract that would be a penalty if the project was not completed on time? What are we going to do for temporary bathroom facilities for the people at the beach?
- Town Manager Finnigan stated that it would be her preference to get under way as soon as possible. It is a tight time frame; want to make sure that good inclusive community process which will take time. The proposal asks for the project to be completed by May 19th, which is the week before Memorial Day. During the concept phase, if can come to a consensus fairly quickly then can get underway to the design development phase and cost. Until the design is approved, there have been no negotiations regarding penalties for not completing the project on time. With Construction Management go into the project having it fully outlined with terms of what needs to be done and when. When the bathrooms are under construction there will be portable toilets. The goals are to have this open next season.
- Mr. DeStefano spoke about phasing, in his proposal the first number is \$14,000. We may not go beyond that, may find out that this project is not feasible for whatever budget Ogunquit has. Will it meet the schedule...not at this point, a couple of months ago it may have? Can they do two of the bathrooms...possibly. Will the town be without bathrooms...no, because they will define a schedule when get into the design development and guaranteed maximum price stage. Have to start somewhere to get the project off the ground and the first phase is to determine that information.

Ben Hershenson, Myrtle Circle

- Heard that nine RFP's were sent out and only one came back, when were they sent out. Can we get that information, can that be posted online as a lot of people are asking that question?

Doug Gaines, 416 Littlefield Road, Wells

- Stated that he is a builder. Where it was stated that it won't be done in time, would the Select Board consider putting it back out to an RFP for other people to bid on it? Post it online for everyone to see it.

Phil Cavaretta, 74 Main Street

- Why wasn't a design done at the end of the season, since we know we have a short window to build? At this point it doesn't seem like it can happen for next year, realistically. Get it designed, put it out to bid and be fair with it as a town.

Barbara Ferraro, Ocean Heights

- Thanked John DeStefano for his professionalism.
- Thanked Town Manager Finnigan for her professionalism.
- Comments regarding this as a set up on a fake ORA page to get people to come out and speak against it.
- Are we interested in getting rid of Select Board members and the Town Manager, people are working against them to come up and question...this is a setup and a disgrace.

Selectman Dolliver

- To Mr. Cavaretta's point - read Article 11 from the November 7, 2017 and read Article 75 from June 2018 Annual Town Meeting.
- Mr. Dolliver reviewed the projected costs that were submitted by Mr. DeStefano, he is not comfortable with these.
- Mr. Dolliver stated that his number one thing that he has been pushing since his election in 2016 has been the bathrooms.

Selectwoman Mooney

- Stated that feels it's important that the town can have 1 point person and company that answers to the Select Board and is responsible for the entire project.
- She stated that she too is frustrated that it has taken so long to get these done but is proud that got the articles on the warrant and are moving forward with the project.

Selectman Daley

- Stated that he had recommended John, he has done a great job. He has worked with him on three projects over the last 10 years, all on budget, all on time. Stonewall has worked with him for the last 20 years.
- Stated that he feels torn, being set up to inadvertently fail the voters. If John gets the job, he will do a great job and it will get done, no doubt about it. Now we will be paying a lot of money for someone to manage the project, is that what the voters voted for when they approved the money. Maybe it is time to change things, feels torn...different way of spending taxpayer's money without the taxpayers getting to weigh in on it.

Chair Waite

- There has been a lot of discussion about the bathrooms the last two years. Gave Madeline and Rick credit as they have been advocates to get this job moving and get it done. Seems obstacles keep getting in the way, and not getting the job done. Mr. DeStefano has brought forward a solid plan, better than what he has heard in the last few years. Mr. DeStefano did a

great presentation. Mr. Waite feels that action is necessary now. What he has heard is that people want the bathrooms done.

Selectman Dolliver

- Stated that he had one more thing for the record, he stated that he has a sincere problem if nine things went out and we got one bid, and with all due respect, from your own mouth when you called them, they said bathrooms aren't our thing. We didn't do our due diligence and looking for, if this is the route you want to take, we should be looking for construction managers where bathrooms are their thing and maybe we would have had seven bids here tonight and we would have several different views. But to put all your eggs in one basket when you have sent out nine and you only got one that is not the way to do business.

Town Manager Finnigan

- Construction Management is one way to do a project. She stated that she personally likes it as it is more of a team approach that involves everybody at the front end, you know exactly what you are getting. Ogunquit is a very participatory community and want to make sure that people are heard as that will determine the success of the project. With the Guaranteed Maximum Price there are no change orders unless the town decides that they want them, the issues are worked out ahead of time. First and foremost, people care about a couple of things, one is that we spend taxpayer dollars as wisely as possible and that they know where their money is going. This process is totally transparent, open book, nothing is done behind the scenes, that is why there are four separate phases. The other is that care about our people and our businesses, a construction manager knows that if you are doing work in a community, who know that the best people to work on a project are local contractors who have the expertise in their area. Everyone would have a chance to bid on it, just as they would if had done a traditional bid project. The difference is that there would be someone to manage it who actually knows what they are doing. Most important is that the project gets done well, that if fulfills what people talked about, the construction management process involves design based on the process the citizens talked about as part of the building committee. Our purchasing policy, that everyone up here agrees needs to be changed (dated 2003), references construction management design build. This is not a new concept, but whether it has been used or not is the question. Town Manager Finnigan strongly recommends that the Select Board support this project moving forward. The fact that there was one bid is a concern on some level because it is always good to have more, but at the same time it is a responsive bid and we have confidence in the construction manager to deliver the product.

101618-08 Motion made by Madeline Mooney and second by Robert Winn, Jr. to authorize the Town Manager to enter into a contract with DeStefano Associates for Construction Management Services for the three (3) Beach Bathhouse Projects; approved 3-2, Daley and Dolliver in opposition.

The Select Board took a five-minute recess.

6.0 NEW BUSINESS

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

It is the Select Board's practice to hold a public hearing on the town meeting warrants at each Select Board meeting before the town meeting. This is intended to make people aware of what is on the warrant and to give people an opportunity to ask questions or make comments.

Public hearing opened at 8:12pm.

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.

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.

Newell Perkins, 20 Fieldstone Lane

- Stated that he would like to address Article 2, there is a misconception. It has been said that the Comprehensive Plan rewrite is weak in the conservation encouragement and is not forceful enough. Mr. Perkins reviewed Section 7 - Conservation & Recreation Goals, Policies and Strategies. Asking everyone to vote yes on Article 2.

Mark McLeod, 57 Bayview Avenue

- Mr. McLeod read a prepared statement regarding the Comprehensive Plan Committee and the new proposed plan. His recommendation is to move forward with a yes vote on Article 2.

Pat Hussey, Ocean Heights Lane

- Ms. Hussey read a prepared statement on behalf of Peter Kahn who could not be in town tonight regarding the Comprehensive Plan. Mr. Kahn is not in favor of the new proposed Comp Plan.

Ivaylo Petrov, 108 Agamenticus Road

- Commented on the division in the Select Board vote, 3-2 all the time.

Frank Dunbar, Myrtle Circle

- Stated that he understood that Peter Kahn was on the Comp Plan Committee, was wondering if he brought up all these issues at the Comp Plan Committee meetings or is he bringing them up after this was done.

Louesa Gillespie, 19 Israel Head Road

- Would like to speak for the Comp Plan Committee, stated that she was on it from the beginning in April 2016 and attended most of the meetings. She spoke in favor of the new plan.
- Rusty Hayes gave his three minutes to Louesa so that she could finish.

Wendy Lavine, Obeds Lane

- Stated that she is truly hating the division in this room, she even hates it when addressing the Comprehensive Plan.
- Comments regarding the new proposed Comprehensive Plan versus the old plan, creating a deficient plan. Stated that she was voting against the new plan.

Boriana Dolliver, 331 Shore Road

- Comments regarding the old Comp Plan, it is not our safeguard, our Ordinances are.
- Stated that the new proposed plan is a great plan.
- Stated that they did the petition because they felt the Select Board would not support it.

Steve Wilkos, 622 Main Street

- There seems to be some confusion on certifying the Comprehensive Plan, the term used today would be "consistent".
- Comments regarding the August 2017 presentation made by Lee Jay Feldman.
- Asked the voters of Ogunquit to approve the new proposed Comprehensive Plan.

Kirsten Ross, Highland Avenue

- Comments on "consist Comprehensive Plan" regarding Ogunquit.
- Comments regarding the old Comp Plan, sorry to see the town getting rid of the current Comp Plan.

Ben Hershenson, 3 Myrtle Circle

- Couple of thoughts regarding a number of things that came up with the Comprehensive Plan. Urged every voter to vote for this new proposed Comp Plan.

Public hearing closed.

Selectwoman Mooney

- Appreciate a lot of the remarks from members of the Comprehensive Plan.
- The old plan has some really good things in it.
- Comments regarding the meetings being open to the public and the public hearings.
- The decision was made, by the committee, to get the new proposed plan on the November ballot. There was a rush to get it done.
- There is time to make changes to the plan, to make it better and to correct errors by having it on the June ballot.

Selectman Winn

- Comments regarding cluster housing in the Comprehensive Plan, density of the lot is the problem, cluster housing is not.

Selectman Daley

- Comments about certification/non-certification of the Comprehensive Plan and the ability to get grants based on the status.
- Stated he supports the plan as is.

Selectman Dolliver

- Stated that he heard that we could come up that would make everybody happy...that will never happen.
- The word "consider" is very big, heard Louesa Gillespie state this over and over.
- Comments regarding "seasonal rentals" and its review by the Comp Plan Committee.
- Current plan is not consistent, it is outdated. Either plan needs to be amended, changed. In support of the new plan.

Chairman Waite

- If something changed regarding the Comp Plan, then it should have come to the Select Board.
- Clearly, we all have different views on this.

6.2 Award of Bid for a 6-Month Certificate of Deposit

Treasurer John Quartararo was in attendance to request that the Select Board award a 6-Month Certificate of Deposit in the amount of \$456,599 to TD Bank at a rate of 2.17%. The deposit will be fully secured with an irrevocable letter of credit from the Federal Home Loan Bank. And further, ask that the Select Board approve a Government Entity Certificate of Resolution that names himself and Christine Murphy, Town Clerk, as authorized signers.

Mr. Quartararo circulated an e-mail to eight banks that had shown interest in doing business with the Town. One bank declined, which was Bangor Savings Bank. Two banks did not respond, which were Kennebunk Savings Bank and Key Bank. Five banks did submit rates, the lowest was Machias Savings Bank at 1.10% and the highest rate was Santander Bank at 2.25%. He stated that he is not recommending Santander Bank as they were requested to provide him information on the type of collateral and securitization that is acceptable; they provided information that was not acceptable and would not protect the town.

101618-09 Motion made by Richard Dolliver and second by Madeline Mooney to accept the Treasurer's recommendation to authorize the award of a 6-Month Certificate of Deposit of \$456,599 to TD Bank at a rate of 2.17%, the deposit will be fully secured with an Irrevocable Letter of Credit from the Federal Home Loan Bank and further the Board approves a Governmental Entity Certificate of Resolution that names John Quartararo, Town Treasurer and Christine Murphy, Town Clerk as authorized signers; approved 5-0.

6.3 Set Select Board Meeting Dates

The next regular meeting is scheduled for November 6th; however, the Special Town Meeting and Elections are being held that day, so the Board will be unable to meet.

101618-10 Motion made by John Daley and second by Robert Winn, Jr. to hold the first meeting scheduled for November on October 30, 2018; approved 5-0.

Town Manager Finnigan will look into availability for a meeting on November 7, 2018.

7.0 **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.

Corolla Mait, 124 Stearns Road

- Stated that she was here for three issues. Each of these issues goes to how we treat our public areas, how we present our town to the public, how we maintain our town, how people are held accountable in this town and who makes decisions on how to spend money to fix things.
- Her first issue is regarding the missing stair rails to Little Beach.
- Her second issue are dead seals on Little Beach and Main Beach.
- Her third issue is the removal of roses on the Marginal Way two years ago, which have not been replaced.

Cindy Douglass, Main Street

- Stated that she worked on the beach this summer a lot. It was a real great learning experience, in addition to the Police Department, Fire Department and Visitor Services, she was really able to see how the beach management has improved since have support of this Select Board and the new Town Manager. Gave kudos to the Facilities & Parks Department.

Wes Elliott, Cedar Lane

- Stated how disappointed in this Select Board with how they handled Fire Chief O'Brien's case. It was a sham, a joke.
- Stated that he had sent e-mails to all Board members about a Code of Ethics violation by Selectman Winn, would like to know if they got it as he has not heard anything.

Valerie Kaufman, Whip-poor-will Road

- Comments about area adjacent to Robie's Pond being surveyed for a new sewer extension and the future of our wastewater systems.

Brian Aromando, Shore Road

- Don't touch and dead seal or allow your dog to touch it; the die off of seals has been attributed to Avian Flu.
- Stated that he had submitted a request to be seated on the vacant spot on the Planning Board awhile back, have not heard anything. Is there a process regarding timing, has he been rejected and if not, could he be seated as 2nd Alternate on the Planning Board? Town Manager Finnigan stated that are in possession of it, just a matter of timing for an interview with the Select Board.

Kirk Lavoie, 17 Glen Avenue

- Question regarding the MDOT work plan for 2019, see that they plan to pave Shore Road from the York Town Line to Main Street. Has the town been in touch with MDOT for planning, timing, traffic mitigation or anything about the impact and how it will hit us in 2019? Town Manager Finnigan has been in touch with MDOT.

Paul Brennan, resident of Wells

- Retired, works in Ogunquit, has done some consulting work with businesses in town. Supports small businesses.
- Stated that he had attended the appeal hearing for Mark O'Brien. Stated that he was shocked at how this matter escalated to the termination of a town employee. Commented on the process.

Frank Dunbar, Myrtle Circle

- Comments regarding the number of days the Fire Chief was given paid leave (82 days). Does not understand why the town had to pay him for those 82 days, in those 82 days there could have been meetings with the Town Manager to try to resolve the problems. Does not like the process.

Boriana Dolliver, 331 Shore Road

- Stated that one of the (Board's) biggest problems is that questions are not answered.
- In the Charter it states that the Town Manager is supposed to give a financial report once a month, stated that she has not heard a financial report.
- Stated that she thought Mark O'Brien was a wonderful Fire Chief. In the Comp Plan Survey, out of the 20 services, the Fire Department had the highest ratings.

Lauren Fogarty, 24 School Street

- Feels like get fewer questions answered than ever.
- Regarding the seals, the DPW Director was here two weeks ago and answered questions. Were told that there would be a protocol and the seals were going to be take care of. Here we have a dead seal that is still on the beach.

8.0 OTHER BUSINESS**8.1 Select Board Reports and Announcements****Selectman Dolliver**

- As the Select Board Liaison to the Comprehensive Plan, he stated that he never gave Chair Waite the one that he is reading from February 2018. On the website, August 10, 2018 is the correct proposed Comprehensive Plan.
- Comments regarding legal counsel and the Mark O'Brien case, was not told and unaware of how to respond to case.
- Commented on the seals being covered with lime, the DPW Director stated that there are procedures for composting the dead seals under specific guidelines.
- Would like to discuss at some point the one-way on Stearns Lane, residents have reached out to him about this.
- We don't have a gas station, is heartbroken about it. Should encourage a Planning Board workshop to get/allow a gas station in this town.

Selectman Daley

- Stated that he supports the bathrooms but does not support the process.
- Need to start challenging each other and ourselves differently...food for thought.
- Was approached at work last week, "what is wrong in Ogunquit".

Chair Waite

- Appreciates everyone's patience this evening, it was not an easy meeting.

- Need to start changing (our) decorum, starts at the top and goes down.

9.0 ADJOURNMENT

Motion made by Robert Winn, Jr. and second by Madeline Mooney to adjourn the meeting at 9:54pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager