



**SELECT BOARD  
MEETING MINUTES  
MARCH 5, 2019  
(As amended)**

**1.0 CALL TO ORDER**

Meeting called to order at 6:00pm

**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 Robert Winn, Jr. and second by Madeline Mooney to excuse the absence of John Daly due to illness from the Select Board meeting.

Others present: Patricia A. Finnigan, Town Manager

**1.2 Pledge of Allegiance**

The Pledge of Allegiance was recited by some in attendance.

Chair Waite stated that it has been a rough week and a very sad week; one of our retired Police Officers and Volunteer Firefighters, Jim O'Connell, passed away at the age of 79 on February 25<sup>th</sup>. He was a lifetime member of the Ogunquit Fire Company, a former Ogunquit Police Officer and Select Board Member.

Berwick Fire Captain Joel Barnes died in the line of duty last Saturday, asked that everyone to join the Select Board in a moment of silence.

## 2.0 PUBLIC HEARINGS: LIQUOR AND AMUSEMENT LICENSES

Public Hearing called to order at 6:04pm.

There were no comments or questions from the public in attendance.

Public Hearing closed at 6:04pm.

- 2.1 Amore Breakfast - Malt, Spirituous & Vinous Liquor License Renewal  
License application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Dina Tufts was in attendance to represent Amore Breakfast.

**030519-01** Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Renewal for Amore Breakfast; approved 4-0, Daley absent.

- 2.2 Anchorage by the Sea - Malt, Spirituous & Vinous Liquor License Renewal  
License application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Russel Whitney was in attendance to represent Anchorage by the Sea.

**030519-01** Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Renewal for Anchorage by the Sea; approved 4-0, Daley absent.

- 2.3 Anchorage by the Sea - Amusement License Renewal  
License application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

**030519-03** Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Amusement License Renewal for Anchorage by the Sea; approved 4-0, Daley absent.

2.4 Angelo's - Malt, Spirituous & Vinous Liquor License Renewal

License application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Ron Emma was present to represent Angelo's.

**030519-01** Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Renewal for Angelo's; approved 4-0, Daley absent.

2.5 Food for Thought - NEW Malt, Spirituous & Vinous Liquor License

License application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Jay Gray was in attendance to represent Food for Thought.

**030519-02** Motion made by Richard Dolliver and second by Madeline Mooney to approve the New Malt, Spirituous & Vinous Liquor License for Food for Thought; approved 4-0, Daley absent.

2.6 Oarweed Cove Restaurant - Malt, Spirituous & Vinous Liquor License Renewal

License application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Steve Cousins was in attendance to represent Oarweed Cove Restaurant.

**030519-01** Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Renewal for Oarweed Cove Restaurant; approved 4-0, Daley absent.

2.7 Ogunquit Lobster Pound - Malt, Spirituous & Vinous Liquor License Renewal

License application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Bill Hancock was in attendance to represent the Ogunquit Lobster Pound.

**030519-01** Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Renewal for Ogunquit Lobster Pound; approved 4-0, Daley absent.

- 2.8 Roost Café & Bistro - Malt, Spirituous & Vinous Liquor License Renewal  
License application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Aldo Vallecillo was in attendance to represent the Roost Café

**030519-01** Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Malt, Spirituous & Vinous Liquor License Renewal for Roost Café & Bistro; approved 4-0, Daley absent.

- 2.9 Roost Café & Bistro - Amusement License Renewal  
License application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

**030519-03** Motion made by Richard Dolliver and second by Robert Winn, Jr. to approve the Amusement License Renewal for Roost Café & Bistro; approved 4-0, Daley absent.

### 3.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

- 3.1 North Beach and Footbridge Beach Bathhouse Project Update - Town Manager and John DeStefano

Town Manager Finnigan stated that this is a great evening for the Town in terms of projects. Ms. Finnigan spoke about the firms involved with this project, this was a team approach so in addition to the Construction Manager (DeStefano Associates) there was CWS Architects of Portland, Ransom Engineering (civil) of Portland, Becker Engineering (structural) of Portland and Bennett Engineering (plumbing and HVAC) of Falmouth.

Town Manager Finnigan spoke about the diverse work group that has assisted on this project: Priscilla Botsford, Cindy Douglass, Margie Katz,

Gary Latulippe, Fred Lynk, Lesley Mathews, Bob Winn, Darren Dixon, Scott Heyland and Town Manager Finnigan. Started in November and have had six meetings so far, the group is very task oriented and want to get the job done.

John DeStefano, President of DeStefano & Associates, was present to explain the process.

North Beach and Footbridge:

- All that will be standing are the masonry walls.
  - What goes in is all new: plumbing fixtures, toilet partitions, exterior shingles, roof, mechanical ventilation, lights, power, automatic flush valve fixtures, sinks, heated hand dryers, hot water tank and improvements for the lifeguard storage.
1. Held a public meeting in January.
  2. Finished plan documents in February.
  3. Bid packages were sent out for advertisement in February.
  4. Site walk held on February 21<sup>st</sup>.
  5. Addendum issued on February 25<sup>th</sup>.
  6. Bids due on March 1<sup>st</sup> by 1:00pm.
  7. Reviewed the apparent low bids and put together a budget.
  8. The budget comes in at around \$340,000 for both bathhouses, which is a guaranteed maximum price.
  9. There were 13 categories of trades that were bid.
  10. Received one bid in every category, some categories received more than one bid.
  11. Projected start date is March 18<sup>th</sup>.
  12. Completion date is the 1<sup>st</sup> of May for both bathhouses.

**Selectman Dolliver** - comments regarding floor mounted toilets in the plan, floor drains, light fixtures, posting of plan documents and bids.

Mr. DeStefano, the Project Manager, stated that "you will get the wall mounts (toilets) at the same price".

**030519-04** Motion made by Charles Waite, III and second by Robert Winn, Jr. to move forward with the Bathhouse Project as described (at tonight's presentation) at a price not to exceed \$340,000 to

include wall mounted toilets; approved 3-1 (Dolliver), Daley absent.

Town Manager Finnigan stated that the work group has been working on a parallel track on the Main Beach Bathhouse.

Mr. DeStefano stated that at the Main Beach the Town is allowed to expand in only one direction, which is to the south. This complex can be expanded by 50%. It is currently around 1,800 square feet, so can expand up to 2,700 square feet. No additional permits are required from DEP if this is expanded. The group has put together a floorplan that effectively utilizes that area and rearranges the existing Main Beach Bathhouse to be more efficient. The group agreed yesterday that the plan is acceptable as is; plan to move into the construction document phase for that building. There will be a meeting in about four (4) weeks to review the documents. The same process as North Beach and Footbridge Beach will be used to look forward to a fall start on construction. They will be putting together numbers for the upcoming town vote (in June).

3.2 Communication from the Planning Board - re: Proposed Amendments to the Ogunquit Zoning Ordinance Amendment to Ogunquit Zoning Ordinance Restaurant Definitions and Table 702.1

The Select Board is in receipt of two communications from the Planning Board and will discuss them separately.

The Planning Board has reviewed the many classifications of restaurants that Ogunquit has. The proposed amendments to the ordinance are intended to streamline them. These require voter approval at Town Meeting. This is on the Select Board agenda as communication to make people aware of the proposed changes before the Select Board schedules a public hearing. This is informational; this is not a public hearing.

*On February 25, 2019 the Ogunquit Planning Board held a Public Hearing and subsequently voted to submit the enclosed proposed Zoning Ordinance Amendments to you along with a request that said amendments be presented to the voters at the June 2019 Special Town Meeting.*

## **Article 2 Definition of Restaurant Types**

*The Planning Board hereby respectfully requests that the proposed, enclosed amendments to the Ogunquit Zoning Ordinance be included on the warrant for the June 2019 Town Meeting and that the Select Board hold a Public Hearing for this proposal.*

Steve Wilkos, Planning Board Chair, was in attendance to review the process with the Planning Board's review of this proposed amendment.

The major change to the restaurant definitions is to permit take-out windows in Perkins Cove.

There were no comments or questions from the public in attendance.

### 3.3 Communication from the Planning Board - re: Proposed Amendments to the Ogunquit Zoning Ordinance to Create a Zoning District which will replace SLC/RP with a new "Route One Southern Corridor General Development District III"

The Ogunquit Playhouse Foundation has presented the proposed Zoning Amendments to the Planning Board. The Planning Board has reviewed them and brought them forward. The proposed changes require voter approval at Town Meeting. This is on the Select Board agenda this evening as a communication to make people aware of the proposed changes before the Select Board does schedule any public hearing. This is for information and is not a public hearing.

*On February 25, 2019 the Ogunquit Planning Board held a Public Hearing and subsequently voted to submit the enclosed proposed Zoning Ordinance Amendments to you along with a request that said amendments be presented to the voters at the June 2019 Special Town Meeting.*

***Ogunquit Playhouse Foundation/Proposed Amendment to the Ogunquit Zoning Ordinance to Create a Zoning District which will replace SLC/RP with a new "Route One Southern Corridor General Development District III"***

*The Planning Board hereby respectfully requests that the proposed, enclosed amendments to the Ogunquit Zoning Ordinance be included on the warrant for the June 2019 Town Meeting and that the Select Board hold a Public Hearing for this proposal.*

Steve Wilkos, Planning Board Chair, was in attendance to review the process with the Planning Board's review of this proposed amendment.

Comments received from:

**Doug Mayer**, Conservation Commission  
**Elaine Cooper**, Spring Street

Steve Wilkos requested that the Select Board set a date for a public hearing. Mr. Wilkos stated that he could have a presentation for the next Select Board meeting. Chair Waite asked that the Town Manager schedule this on the agenda for the next meeting and then have the public hearing at the meeting after that (April).

#### 4.0 APPOINTMENTS & RESIGNATIONS

The former Treasurer/Tax Collector for the Town last day was on March 1, 2019. At the last meeting the Select Board temporarily appointed Town Manager Finnigan to those positions to ensure there was no gap in performing those functions. The Select Board appoints the Tax Collector. The Town needs to fill this position permanently and will be conducting a search and interview process. This is an interim appointment. As many of you know, before becoming the Town Clerk, Christine was the Deputy Tax Collector, Deputy Treasurer and has continued to do many of those functions over the past several years. She was also the Town Clerk.

##### 4.1 Appointment of Christine Murphy as Tax Collector

**030519-04** Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint Christine L. Murphy as Interim Tax Collector for the Town of Ogunquit; approved 4-0, Daley absent.

##### 4.2 Appointment of Christine Murphy as Treasurer

The Town Manager appoints the Treasurer subject to confirmation by the Select Board. The Town Manager is recommending that the Select Board confirm the temporary appointment of Christine Murphy as Treasurer.

**030519-05** Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint Christine L. Murphy as Interim Treasurer for the Town of Ogunquit; approved 4-0, Daley absent.

## 5.0 UNFINISHED BUSINESS - *None*

## 6.0 NEW BUSINESS

### 6.1 Public Hearing: Proposed Amendments to Title XII, Building Code Regulations - Article 1.10 Schedule of Fees - *Scott Heyland, Code Enforcement Officer*

This is a Public Hearing on fees charged by the Land Use Office for permits. The Select Board can approve these fees after a public hearing. The Planning Board recently reviewed the fee and is recommending a new fee that pertains to charging a fee if someone has made a change to a project without getting prior approval from the Planning Board. The Planning Board has other actions it can take but this is an additional incentive for those people to abide by the Land Use Ordinance.

Public Hearing opened at 7:35pm.

Scott Heyland, Land Use Director, explained the fee changes.

There were no comments or questions from the public in attendance.

Public Hearing closed at 7:38pm.

***Title XII, Building Code Regulations, Article 1, Administration, 1.10 - Schedule of Fees of the Ogunquit Municipal Code.***

***(1.10 - Schedule of Fees - The Ogunquit Select Board is hereby authorized to establish a schedule of fees for permits and inspections covered under these Building Code Regulations, which shall thereafter be***

attached hereto as Appendix I, in accordance with the provisions of Title 30-A M.R.S.A. Section 4355. These fees may be amended from time-to-time as deemed necessary by the Selectmen upon a majority vote at any duly posted, public meeting).

As these changes do not require Town Meeting approval, they can be adopted by the Municipal Officers at the conclusion of the Public Hearing. (Additions are **bold and underlined**, deletions are ~~struck out~~)

<b>LAND USE OFFICE</b>	<b>FEES:</b>
Blasting Permit	\$150
Building/Use Permit - Residential	\$14/\$1000 of value (\$35 Minimum)
Building/Use Permit - Commercial	\$18/\$1000 of value (\$35 Minimum)
Flood Development Permit	\$50 Minor (less than 50% of structure's value)
	\$100 Major (50% of structure's value)
Condo Doc Review Fee	\$500
Electric Permit	(\$35 Minimum)
Excavator License	\$100
Fence Permit	\$100
Home Occupation Permit	\$50
Plumbing Permit	\$10/Fixture (\$40 Minimum)
Septic	\$250
Impact Fee	\$15 DEP Environmental
Road Opening Permit	Based on type of road cut
Sign Permit	\$100
Well Permit	\$70
Yard Sale Permit	\$10

REMINDER - No permit is valid until it has been paid for and is in the possession of the Applicant. Any work commenced without a valid permit in hand will be considered to be work done without a permit and fines may be assessed as such.

**PLANNING BOARD FEES:**

Site Plan Review \$500  
After the Fact = Double Fee \$1000

Design Review \$500 (projects with estimated cost of over \$2000)  
After the Fact = Double Fee \$1000  
 \$250 (projects with estimated cost less than \$2000)

After the Fact = Double Fee \$500

Subdivision \$600 or \$150 per lot or dwelling unit,  
 whichever is greater.  
 \$1,500 deposit for Escrow Account.

Other Projects or review (Not SPR or DR) \$300  
 Special Exceptions \$500

Application to Amend a Planning Board's \$250  
Previous Approval

After the Fact Amendment Applications \$1000

*In the event the Planning Board should require additional consulting services beyond those covered by the original fee noted above, the Applicant will be responsible for all expenses incurred by the Town beyond the original fee.*

**ZONING BOARD OF APPEALS: \$160**

*Decisions, Findings of Fact, Design Review Certificates, Variance Certificates and / or Certificates of Occupancy will not be issued until all outstanding invoices have been paid in full.*

**030519-06** Motion made by Robert Winn, Jr. and second by Madeline Mooney to approve the fee schedule as presented; approved 4-0, Daley absent.

6.2 Naming New Private Road: Roby's Pond Lane (off Captain Thomas Road) - Scott Heyland, Code Enforcement Officer

There is a development which is taking place off from Captain Thomas Road a short distance up from Route 1. The Town needs to name all the roads in Ogunquit so that emergency personnel can find and locate any location that they are called to service to. Staff has recommended that this road be named "Roby's Pond Lane".

**030519-07** Motion made by Robert Winn, Jr. and second by Richard Dolliver to call the road to this development off from Captain Thomas Road "Roby's Pond Lane"; approved 4-0, Daley absent.

### 6.3 New Corporate Resolution with Camden National Bank

With the change in the Treasurer the banks that we do business with need the Select Board to approve what are known as "Corporate Resolutions" which designate the people authorized to sign documents and checks. These resolutions authorize the Town Manager and Town Treasurer as such.

**030519-08** Motion made by Robert Winn, Jr. and second by Madeline Mooney to approve the new Corporate Resolution with Camden National Bank; approved 4-0, Daley absent.

### 6.4 New Corporate Resolution with Kennebunk Savings Bank

**030519-09** Motion made by Robert Winn, Jr. and second by Madeline Mooney to approve the new Corporate Resolution with Kennebunk Savings Bank; approved 4-0, Daley absent.

### 6.5 New Corporate Resolution with TD Bank

**030519-10** Motion made by Robert Winn, Jr. and second by Richard Dolliver to approve the new Corporate Resolution with TD Bank; approved 4-0, Daley absent.

## 7.0 TOWN MANAGER'S REPORT

Town Manager Finnigan stated that we are in Budget Season as well as Town Meeting time. Town Clerk Chris Murphy has posted that nomination papers are available.

The Budget Review Committee has been very understanding and is meeting weekly so that can power through the budget this year, making good headway with that.

Stated that will be doing the Treasurer search and the Public Works Director search, these are her two priorities to get out the door this week.

Town Manager Finnigan stated that she has a couple of significant Freedom of Access requests that have not been fulfilled. She stated that she will be doing something out of the ordinary by getting an outside person to help her with that. It is helpful to have someone not connected with the information that is being requested to do the search.

Stated that one thing that was weighing on her mind was the bathhouse project. She is pleased that they were able to make headway with the bathhouses, does want to commend the work group who has been working very diligently on this.

The other thing weighing on her mind is the Ogunquit Village School, had hoped for a very robust process this winter. The most important thing about OVS is that we have a project we will have consensus on, that people will feel proud about and that they know that is was a very involved process; everybody has a say so in what the future of that building will be. The Town has had a couple of false starts with warrant articles. Before it goes back to the ballot wants to make sure that we have done a full-bodied process where we are talking to each other, listening to each other and sharing ideas. That kind of dialogue is needed and also timing is everything to be able to have those kinds of discussions. The emotions on OVS are very different from the bathrooms. Town Manager Finnigan stated that this project is very important to her; it's not just a building but says it something about this community.

Finally, commented on the deaths that occurred this past week, Jim O'Connell and Captain Joel Barnes; expressed condolences to their families.

## 8.0 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.*

### **Phil Cavaretta, 74 Main Street**

- Question on the bathhouses, are we paying \$2,850 per week for the Project Manager to oversee the project? We are also paying 6% to the Design Builder on top of that and now the project is expected to be at \$1.2M. Wanted to know where the shortfall is coming from. Will we get to vote on it?

### **Mark MacLeod**

- Reminder on why have chosen to recall three Select Board members.
- First, the Comprehensive Plan last year.
- Second, the Budget Review last year.
- Tonight, undermining the Planning Board with the Ogunquit Playhouse zoning proposal.

### **Michelle Tourangeau, 433 Main Street**

- Comments regarding the Town Manager's comments about discussion as a community and read a positive Facebook<sup>®</sup> post by Heath Ouellette.

### **Michael Peterson, Captain Thomas Road**

- Stated that he and his wife have recently moved to town.
- He was present to complain the potholes on Captain Thomas Road.

### **Rob Pinkham, Scotch Hill Trail**

- Comments about before in public as a local business person feels a little intimidating and that are prone to retribution.
- Wanted to talk about the three Select Board meetings: January 29<sup>th</sup>, January 30<sup>th</sup> and February 5<sup>th</sup>. These were all done without proper proceedings, without proper notification (1/29 and 1/30) which violated Maine Law. The Chairperson was not present at the meetings, participated remotely which is a violation of Maine Law. Commented on proper notification of public sessions.

**Pat Hussey, Ogunquit Voter**

- Commented on statements that were made on the last Select Board meeting by Planning Board member and Take Back Ogunquit leader, Mark MacLeod.
- Offered examples of recall legal issues.

**Peter Kahn, Tern Street**

- Comments regarding social media.
- Comments on the about that has been expended in legal fees - \$102,000 spent YTD.

**9.0 OTHER BUSINESS****9.1 Select Board Reports and Announcements****Selectman Dolliver**

- Stated that he does not have Facebook® or social media.
- Was on vacation and watched the last meeting; and the comments on the letter by Selectman Daley.
- Commented on his request to table the interview of Peter Kahn until he was present.
- Comments regarding the discussion on constitutional rights.
- Marie Ciampa passed on February 5<sup>th</sup>.
- Comments on the loss of Jim O'Connell and Captain Joel Barnes.
- Comments regarding the Interim Public Works Director, Interim Fire Chief and now and Interim Treasurer. Feels that this is an issue.

**Selectman Dolliver reported at the April 2<sup>nd</sup> Select Board meeting, at the request of the Chair, on the texts/e-mails that he had received during the March 5<sup>th</sup> meeting that were to be included in these minutes. The minutes had been tabled and were presented to the Select Board at the May 7<sup>th</sup> meeting.**

- Mr. DeStefano's presentation started at 6:20pm and it ended at 6:50pm.
- At 6:26pm - lifted phone to add up the bid that he had received 20 minutes before the Board voted on \$340,000 for two bathrooms. Stated that his calculator added up the bids to \$128,000.

- At 6:35pm - received a text from a local restaurant owner asking if a three-bay sink was needed behind the bar if they had a dishwasher.
- At 6:36pm - received a text from a resident/business owner asking him what he was doing.
- At 6:42pm - got a text from Proxybid alerting him that he was out bid on a "Charles Woodbury oil on canvas".
- At 6:47pm - got a text from Gordon Lewis asking him how his trip to Costa Rica was.
- At 6:43pm - got an e-mail (which would give the same vibration as a text) from a gentleman from Canada, his name was Raymond (would rather not say the last name) who was e-mailing him about a rental for the summer.
- At 6:49pm - got an e-mail from the Wells-Ogunquit Little League for Kyle's Little League Registration.
- At 6:45pm - used his calculator again at the end of Mr. DeStefano's presentation and again asked about the \$128,000 versus the \$340,000, asked where the \$212,000 was; he said that the Town Manager had the full-blown detailed report that this board never saw.
- Received 6 or 7 junk e-mails, am sure if any of you get junk e-mails you probably don't want to know what they were and don't even know how they figure all this stuff out about (my) body and personal preferences. Those are junk e-mails, which may have vibrated.
- That was up to the 6:50pm point, got many after that concerning the meeting if anybody wants to see them will gladly print them up for you.

### **Selectman Winn**

- On another sad note, long time resident Bob Perkins, has recently passed away. Condolences to his family.
- Comments regarding constitutional rights.

### **Selectwoman Mooney**

- Wanted to reply to a couple of things that have come up.
- One is the Town Attorney situation, Bernstein Shur is still our Town Attorney of record. Hired special counsel for the recall litigation.
- Commented on the positions that are open and the Interim people who are in place. Have saved money by having Interim DPW Director. Concerned about longevity issues when people look at this town.

## 10.0 ADJOURNMENT

Motion made by Robert Winn, Jr. and second by Madeline Mooney to adjourn the meeting at 8:19PM; approved 4-0, Daley absent.

Respectfully submitted,

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Cheryl L. Emery, Administrative Assistant to the Town Manager