



**SELECT BOARD
MEETING MINUTES
SEPTEMBER 3, 2019**

WORKSHOP - 5:15pm

- Interview applicants for Town Committees

The Select Board met with Gail Brother, Heath Ouellette, Martin Crosby, Patience Sundaresan and George Cundiff regarding their applications for committee appointments.

1.0 CALL TO ORDER

Meeting called to order at 6:00pm.

1.1 ROLL CALL

Members present: Charles L. Waite, III, Chair
Madeline S. Mooney, Vice Chair
Lindsey M. Perry
Robert N. Winn, Jr.

Members absent: John M. Daley

Motion made by Robert Winn, Jr. and second by Madeline Mooney to excuse the absence of John Daley from the September 3, 2019 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.

2.0 MEETING MINUTES

2.1 August 20, 2019

Motion made by Madeline Mooney and second by Robert Winn, Jr. to table the August 20, 2019 Select Board meeting minutes; approved 4-0, Daley absent.

2.2 August 22, 2019

Motion made by Madeline Mooney and second by Lindsey Perry to approve the August 22, 2019 Select Board meeting minutes; approved 4-0, Daley absent.

3.0 **PUBLIC HEARINGS - LIQUOR & AMUSEMENT** - None

4.0 **PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS**
- None

5.0 **APPOINTMENTS & RESIGNATIONS**

5.1 Confirmation of the Town Manager's Appointment of Thomas J. Torno as Public Works Director

It has been many years since the Town has had a full time Public Works Director. Chair Waite thanked the Public Works employees for their efforts to work together to maintain the town's roads and the other work that the Public Works Department is called upon to do. Thanked Interim Public Works Director Carol Murray for her assistance this past year. Wish her the best as she moves forward with her position as Public Works Director for the Town of Wells. Thanked Facilities Manager Darren Dixon for lending his assistance, Darren is a man of many talents and has been very, very helpful this past summer as well as his entire tenure here in Ogunquit. Would especially like to thank the Public Works employees who have stepped up to maintain the infrastructure that we all enjoy, they work mostly behind the scenes. Would like to mention them by name and seniority; Jason Coombs has been here less than a year, but was a former Community Services Officer with the Police Department; Ritchie Hall has been with the Public Works Department for one year; Jason Hall for five years; Brian Mire for seven years, Kyle Reed for 8 years; Chuck Norcross for seventeen years and Stephen Shepard for eighteen years. This is collectively more than 50 years... Thanked them for a job well done this summer.

Town Manger Finnigan introduced Tom Torno as the new Public Works Director.

Mr. Torno was present at the meeting to introduce himself to the Select Board and public.

090319-01 Motion made by Robert Winn, Jr. and second by Madeline Mooney to confirm Thomas J. Torno as Public Works Director for the Town of Ogunquit; approved 4-0, Daley absent.

5.2 Committee Resignations

The Select Board makes appointments to committees, but also has to accept resignations from committees.

090319-02 Motion made by Robert Winn, Jr. and second by Madeline Mooney to accept, with regrets, the resignation of Cindy Douglass as a member of the Conservation Commission (06/30/2021); approved 4-0, Daley absent.

Received a letter from Bill Wood, he will not be reapplying for his position on the Conservation Commission.

090319-03 Motion made by Robert Winn, Jr. and second by Madeline Mooney to accept the resignation of Bill Woods as a member of the Conservation Commission; approved 4-0, Daley absent.

090319-04 Motion made by Lindsey Perry and second by Madeline Mooney to accept the resignation of Elaine Cooper as an Alternate Member of the Board of Assessment Review; approved 4-0, Daley absent.

5.3 Committee Appointments

a) Conservation Commission

090319-05 Motion made by Robert Winn, Jr. and second by Lindsey Perry to appoint George Cundiff as a Full Member of the Conservation Commission, term to expire June 30, 2022; approved 4-0, Daley absent.

090319-06 Motion made by Lindsey Perry and second by Robert Winn, Jr. to appoint Patience Sundaresan as Full Member to the Conservation Commission, term to expire June 30, 2021; approved 4-0, Daley absent.

b) Harbor Committee

090319-07 Motion made by Robert Winn, Jr. and second by Madeline Mooney to appoint Josh Audet as 2nd Alternate to the Harbor Committee, term to expire June 30, 2020; approved 4-0, Daley absent.

c) Heritage Museum Committee

090319-08 Motion made by Robert Winn, Jr. and second by Lindsey Perry to appoint Marc Saulnier as a Full Member of the Heritage Museum Committee, term to expire June 30, 2022; approved 4-0, Daley absent.

d) Historic Preservation Commission

090319-09 Motion made by and second by to appoint Kerry Ellen Enright as a Full Member of the Historic Preservation Commission, term to expire June 30, 2022; approved 4-0, Daley absent.

e) Marginal Way Committee

090319-10 Motion made by Robert Winn, Jr. and second by Lindsey Perry to appoint Gail Brother as a Full Member for the Marginal Way Committee, term to expire June 30, 2022; approved 4-0, Daley absent.

f) Shellfish Conservation Commission

Chair Waite informed the Select Board that Chris Perry would not be seeking reappoint as 1st Alternate to the Shellfish Conservation Commission.

090319-11 Motion made by Robert Winn, Jr. and second by Lindsey Perry to appoint George Cundiff as a Full Member to the Shellfish Conservation Commission, term to expire June 30, 2022; approved 4-0, Daley absent.

090319-12 Motion made by Lindsey Perry and second by Robert Winn, Jr. to appoint Leonard Wyman as a Full Member to the Shellfish Conservation Commission, term to expire June 30, 2022; approved 4-0, Daley absent.

6.0 UNFINISHED BUSINESS

6.1 Consideration of a Proposed Charter Amendment to Article VIII Section 804 "Recall of Elected Officials" to be on the November Special Town Meeting Warrant

The Select Board held two public hearings on August 6, 2019; one was to ask voters if they would like to establish a Charter Commission, no one from the public spoke on that. The Select Board voted to put that question on the November 5th Special Town Meeting Warrant. The other public hearing held was whether the town wanted to amend Section 804 of the Charter regarding the "Recall of Elected Officials". Two members of the Select Board spoke to that issue. The Select Board discussed that the purpose of amending the Recall provision now would to have it as a placeholder until the Charter Commission could work the Charter in a more thorough manner. The Select Board considered an amendment that would insert the wording from the State Statute into our Charter. Some members of the Select Board felt that the State Statute law was too restrictive since someone could only get recalled if the official was convicted of a crime against the municipality, and the municipality was the victim. The Town's Attorney was asked to send the Select Board what other towns' Charters have for provisions.

At this meeting the Select Board would like the public to weigh in on the draft amendment.

Peter Kahn, Tern Street

- Strongly recommended that the Select Board bring the Recall provision in line with the State Statute.

Mark Macleod, 57 Bayview

- Came to speak against it, does not understand why it can't wait until a Charter Commission is established and reviewed then.

Ben Hershenson, Myrtle Circle

- Stated that he opposed the wording change, give it to the Charter Commission to review.

Tom Sellers, 58 Bourne Lane

- Stated that there is going to be an election in November no matter what as there are other issues to be voted on besides the Recall provision amendment.

Selectwoman Perry

- Commented that there are other ways in place to remove a Select Board member, not just the Recall provision.
- This is something to protect the town for years to come; this is not about the people sitting here.

Selectman Winn

- Comments about moving on; put this issue to bed and move on.

Selectwoman Mooney

- Comments about the political flag being raised, this is the best option to move on.

Chair Waite

- Comments about moving on, we are better than this. This was a very difficult time in our history.

Selectwoman Mooney read the amended article:

Article VIII Section 804 Recall of Elected Officials**Section 804 Recall of Elected Officials**

"Any elected official may be recalled and removed from office by the registered voters of the Town as provided herein, if the official has been convicted of a crime, the conduct of which occurred during the official's term of office."

Note: The proposed amendment is based on the criteria found in the Maine Statute in Title 30-A §2505.9

7.0 TOWN MANAGER'S REPORT

Town Manager commented on the official end of summer, but there are many weeks left. Thank you to all the employees that made this summer work so well, Community Services Officers, Visitor Services, Lifeguard Service; and the two new bathhouses. Thank you to the citizens that bring issues forward, they are the eyes and ears for the staff.

Ms. Finnigan commented on the addition of the new Public Works Director.

Town Manager Finnigan stated that this was the first day of the new Treasurer, Mandy Grenier, and look forward to having her on board.

*For the full content of the meeting go to www.townofogunquit.org
"Watch Town Meetings Live"*

Town Manger Finnigan stated that a huge thank you goes out to Chris Murphy for being the Interim Treasurer as well as being the full time Town Clerk during these last few months.

Comments regarding the bathhouses and refining the cost estimates for an article on the November 5th Special Town Meeting Warrant.

Town Manager Finnigan stated that she is looking on departmental work plans as move towards the budget season that will be coming up soon.

Ms. Finnigan stated that Polly Baston is celebrating her 88th birthday today; our records show that she has been working for the Town for 22 years.

Received court decision last week regarding the former Fire Chief, personnel issues are the most difficult things a manager has to deal with. The court ruled for the Town on all counts.

8.0 NEW BUSINESS

Chair Waite asked for a motion to add to the agenda the New Corporate Resolution with Kennebunk Savings.

090319-13 Motion made Robert Winn, Jr. and second by Madeline Mooney to add to the agenda, under New Business, the New Corporate Resolution with Kennebunk Savings Bank; approved 4-0, Daley absent.

090319-14 Motion made by Charles Waite, III and second by Robert Winn, Jr. to approve a New Corporate Resolution with Kennebunk Savings Bank to name Mandy Grenier as a signatory on bank documents for the Town of Ogunquit; approved 4-0, Daley absent.

8.1 Award of a 2-year heating fuel contract to Eastern Propane Gas, Inc.

090319-15 Motion made by Lindsey Perry and second by Robert Winn, Jr. to enter into a 2-year contract with Eastern Propane Gas, Inc. for heating fuel; approved 4-0, Daley absent.

8.2 Set the date for the second meeting in September

Due to scheduling conflicts, need to change the regular meeting dates. Staff has suggested meeting on September 11th or 12th due to time sensitivity issues such as

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public hearings for the Special Town Meeting Warrant and to discuss the tax commitment and to set the tax rate for Fiscal Year 2019-2020. The 24th of September is the "drop dead" date for the Special Town Meeting Warrant and Order.

090319-16 Motion made by Robert Winn, Jr. and second by Madeline Mooney to set the second meeting in September for the 11th.

Motion made by Robert Winn, Jr. and second by Lindsey Perry to rescind the original motion; approved 4-0, Daley absent.

090319-17 Motion made by Robert Winn, Jr. and second by Madeline Mooney to set the second meeting in September for the 11th or 12th; approved 4-0, Daley absent

8.3 Review of Draft Town Meeting Warrant

There will be a Special Town Meeting on November 5th, 2019; in addition to the local questions the legislature just met in a Special Session and approved \$105M Transportation Bond Issue that will be voted on.

There will be a public hearing on the Special Town Meeting Warrant on September 11th or 12th as well as the Select Board meetings in October.

At this time there is no draft warrant, but Town Manager Finnigan stated that it will be a fairly short one. There will be the election for the Budget Review Committee seat, the Select Board seat, establishing a Charter Commission, Recall Charter Amendment, financing for the Main Beach Bathhouse and year end budget transfers.

Once the Warrant is approved, it will be on the website.

9.0 Citizens 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.

Nancy DiCarlo, Seafarer Condominium, 35 Main Street

- Comments regarding her request for a lighted pedestrian crossing sign at the crosswalk on Route One in front of the Seafarer Condominium.

Neal DeLuca, Berwick Road

- Couple items regarding the beach, visited the Footbridge Bathrooms, stated that he was extremely disappointed.
- The plastic bins outside the bathrooms at the Main Beach are appalling and disgusting, we need to do better.

Pamela Sawyer, 58 Grasshopper Lane

- Over the past year the Select Board has spoken about civility, transparency, decorum, openness and honesty.
- Commented on the August 20th meeting of the Select Board and what was spoken at that meeting.

Ben Hershenson, Myrtle Circle

- Commended Pam Sawyer on what she said.
- Suggested that the Select Board draw up a simple statement about the use of vulgarity or any comments that are out of place.

Selectwoman Mooney

- Stated that she is a broken record about following the Select Board rules, if everybody did that we would all be better.
- Suggested that the section of the meeting being referenced be erased from the replay.

Chair Waite

- Suggested that research be done to see what other towns do in these situations.

Heath Ouellette

- Stated that tonight before the Select Board meeting he interviewed for the Budget Review Committee.
- Comments on why the Select Board did not appoint him to the committee.

Selectwoman Mooney

- Stated that it was not personal, too many moving parts...need to see what shakes out in November.

Michael Sgambati, Israel Head Road

- Asked for updates on his suggestion at the last meeting on having a workshop on civil discourse and working to bring the Town together and finding ways to prevent adult bullying and social media harassment.

Kevin Wheeler, 106 Main Street

- Review of comments that were made previously by Select Board Chair.
- Comments on the language that was used at the last meeting.

Patricia Hussey, Ocean Heights Lane

- Comments on the language and bullying.
- Comments regarding the voter issue during the last election, non-town resident.
- Thank you to Town Manager for her professionalism during the past year.

10.0 OTHER BUSINESS**10.1 Select Board Reports and Announcements****Selectwoman Mooney**

- Really proud that we have a Public Works Director after nine years without a permanent person.
- Should be appreciative of the work Carol Murray did for the Town.
- Comments regarding government role in community building, to move the Town forward.

Selectwoman Perry

- Thank you to everyone that participated in the Sand Castle Contest, it was a lot of fun and really amazing sandcastles.
- Stated that she visited the Lifeguard Station while at the Sand Castle Contest, JP has been inviting Select Board members to tour the facilities.
- Stated that her heart is breaking for the Bahamas right now due to Hurricane Dorian. Commented on climate change impact.

Chair Waite

- Special thanks to all of the Visitors Services folks, staff, the Lifeguard Service, Public Works, Facilities & Parks, Fire and Police; the entire staff that has given the Town another safe and successful season in Ogunquit. It is Labor Day and still has some summer left, ready to turn the page to another season.
- Capriccio begins this Saturday (9/7), with a Kite Flying contest at Ogunquit Beach (it is free); there will also be a singer and a fiddler (Andy Happel); also on Friday night (9/6) there will be a jazz pianist (Paul Sullivan) and guitarist (Con Fullam) at the Dunaway Community Center. On Friday, September 13th, Andy Happel and the Los Galactacos String Band will be at the Dunaway Community Center.

11.0 ADJOURNMENT

Motion made by Lindsey Perry and second by Madeline Mooney to adjourn the meeting at 7:47pm; approved 4-0, Daley absent.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager