



**SELECT BOARD
MEETING MINUTES
FEBRUARY 4, 2020**

6:00 p.m. Meeting

1.0 Call to Order

Meeting called to order at 6:01pm.

1.1 Roll Call

Members present: Madeline S. Mooney, Chair
Robert N. Winn, Jr., Vice Chair
John M. Daley
Heath Ouellette
Lindsey M. Perry

Others present: Town Manager Patricia A. Finnigan

1.2 Pledge of Allegiance

The Pledge of Allegiance was led by Chair Mooney.

2.0 Meeting Minutes

2.1 Minutes of January 28 - Special Meeting

Motion made by Robert Winn, Jr. and second by Lindsey Perry to approve the minutes of the January 28, 2020 Special Meeting of the Select Board; approved 4-0, Daley was not present at the meeting.

3.0 Public Hearings - Liquor & Amusement

Public Hearing called to order at 6:04pm.

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

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Public Hearing closed at 6:05pm.

Select Board comments/questions:

- Selectman Daley

3.1 Barnacle Billy's - Malt, Spirituous & Vinous Liquor License Renewal Application

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

Cathy Koppstein was in attendance to represent Barnacle Billy's.

020420-01 Motion made by Robert Winn, Jr. and second by Lindsey Perry to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for Barnacle Billy's; approved 5-0.

3.2 Barnacle Billy's Etc. - Malt, Spirituous & Vinous Liquor License Renewal Application

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

Cathy Koppstein was in attendance to represent Barnacle Billy's, Etc.

020420-02 Motion made by Robert Winn, Jr. and second by Heath Ouellette to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for Barnacle Billy's, Etc.; approved 5-0.

3.3 Barnacle Billy's Etc. - Amusement License Renewal Application

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

020420-03 Motion made by Robert Winn, Jr. and second by Lindsey Perry to approve the Amusement License Renewal Application for Barnacle Billy's, Etc.; approved

3.4 Food For Thought - Malt, Spirituous & Vinous Liquor License Renewal Application

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

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Jay Grey was in attendance to represent Food for Thought.

020420-04 Motion made by Robert Winn, Jr. and second by Heath Ouellette to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for Food for Thought; approved 5-0.

3.5 The Front Porch - Malt, Spirituous & Vinous Liquor License Renewal Application

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

John Buteri (sp?) was in attendance to represent The Front Porch.

020420-05 Motion made by Robert Winn, Jr. and second by Heath Ouellette to approve the Malt, Spirituous & Vinous Liquor License Renewal Application for The Front Porch; approved 5-0.

3.6 The Molly Trolley Depot - New Amusement License

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

Abigail Moulton was in attendance to represent The Molly Trolley Depot.

020420-06 Motion made by Robert Winn, Jr. and second by Heath Ouellette to approve the New Amusement License Application for The Molly Trolley Depot; approved 5-0.

4.0 Presentations, Proclamations, Resolutions & Communications

4.1 Main Beach Bathhouse & Lifeguard Station Update

Town Finnigan presented a report from the Site Manager to the Select Board regarding the project. Highlights for the project presented by Robert Winn, Jr. and John Daley:

- Water line installed and insulated.
- Foundation drain installed and backfilled.
- Install has begun for load-bearing CME walls.
- Trusses have been delivered and will be installed soon.
- Underground plumbing will begin in the next coming weeks.

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- Still on schedule to finish in May.
- Consideration taken regarding the Lifeguard Station requests.

4.2 Communication to the Planning Board: Re: Food Trucks

Memo to the Planning Board from Chair Mooney and Select Board Members:

At a recent Select Board workshop while discussing the beach parking lots and amenities the Town offers, it was noted that while Main Beach has several options for people to get food and beverages, neither Footbridge nor North Beach have food vendors or ways to get food and refreshments without people having to leave the area - and risk losing their parking space when they return.

The question of Food Trucks is raised from time to time, and it was at that workshop. There are many things that need to be considered regarding food trucks which need to be carefully thought through. The Select Board would like the Planning Board take up the issue of Food Truck, get input from the public, and give the Select Board any recommendations you may have pertaining to Food Trucks in Ogunquit.

Thank you for your attention to this. Please know that the Select Board is not expecting a particular outcome and we do not have a position on this matter. The topics of Food Trucks is discussed often enough that we thought it would be important for the Planning Board to review the issue and possibly provide recommendations based on your review and the public's comments. If you have any questions or if you would like to meet with the Select Board to discuss this, please let us know.

This would require an ordinance amendment change to the Zoning Ordinance that would have to be voted on by the voters.

Comments/questions:

- Bobbie Treen
- Selectwoman Perry
- Selectman Winn

020420-07 Motion made by Lindsey Perry and second by Robert Winn, Jr. to ask the Planning Board to employ their process including public hearings on an ordinance that would spell out the use of seasonal food trucks at North and Footbridge Beach parking lots and submit it to the

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Select Board in time to consider it for the June 2020 Annual Town Meeting; approved 5-0.

5.0 **Appointments & Resignations** - None

6.0 **Unfinished Business** - None

7.0 **Town Manager's Report**

Town Manager Finnigan reported on the following:

- Financial Update - year to date balances on expenditures and revenues.
- Fire Chief's presentation at last meeting - chest compressor.
- Extractor Washing Machine.
- Select Board Mid-Year Report.
- Auditors - will be in town next week to start the auditing process.
- Presidential Primary Election - March 3, 2020; absentee ballots available.
- March 2, 2020 - Nomination papers are available for June 2020 Annual Election.
- New Public Works Plow Truck and Snow Plow arrived this past week.
- Police Department held its annual meeting with Police Chief.
- Fire Department will be holding its annual training this Saturday, February 8, 2020.
- Website - Beach Pass.

8.0 **New Business**

8.1 **Consideration of a Complete Streets Policy**

A presentation was made by the Bicycle-Pedestrian Committee last year to the Select Board, this is the final version of the document that they would like adopted by the Select Board.

Charley LaFlamme, Chair of the Bicycle-Pedestrian Committee, was present along with members of the committee (Bob McBreen, Paul Jean and Jennifer Walker) to review the policy. Also present were Angela King, Bicycle Coalition of Maine, and Patrick Adams from MDOT, Transportation Planner.

Comments/questions:

- Angela King
- Selectman Winn

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- Selectman Daley
- Patrick Adams
- Selectman Ouellette
- Selectwoman Perry
- No comments or questions from the public.

020420-08 Motion made by Heath Ouellette and second by Robert Winn, Jr. to approve the Town of Ogunquit Complete Streets Policy as presented at this meeting; approved 5-0.

8.2 Bicycle-Pedestrian Committee: Request to hold the "Walk for Wildlife" (a celebration of Ogunquit's 40th Birthday event)

Jennifer Walker, Bicycle-Pedestrian Committee Member, was in attendance to explain the event to the Select Board.

On June 6, 2020 from 9:00am to noon, the Bicycle/Pedestrian Committee will host a 4-mile walk around Ogunquit, starting at Footbridge Beach, walking over the bridge and along the beach to the Main Beach, then up Beach Street to Bridge Street, across the Wharf Lane bridge, then up to Shore Road to Marginal Way, then down to Perkin's Cove, then across the Perkin's Cove bridge to Shore Road, then back up Shore Road, all the way back to Main Street, and finishing back at the Footbridge Beach parking lot.

This walk will raise awareness and money for local non-profits in 4 different categories:

- Misfits Rehab - represent the Big Brown Bat.
- Saco River Wildlife - represent the Opossums.
- Marine Mammals of Maine - represent the Hooded Seals.
- Audubon Society, York Count Chapter - represent Piping Plovers.

Comments/questions:

- No comments or questions from the Public.
- Selectwoman Perry.

020420-09 Motion made by Robert Winn, Jr. and second by Heath Ouellette to approve the June 6, 2020 "Walk for Wildlife" (a celebration of Ogunquit's 40th Birthday) sponsored by the Bicycle-Pedestrian Committee; approved 5-0.

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8.3 Perkins Cove Boardwalk Replacement Project - Bid Award

Town Manager Finnigan reviewed the project.

The Harbormaster does an amazing job repairing the boardwalk and railings as well as building and restoring the floats, docks, and deck. However, the boardwalk and railings have been repaired as much as they can be and they need to be replaced.

At the June 2019 Town Meeting, the voters approved \$40,000 to replace the Perkins Cove boardwalk and railings. The vote was 381 to 107.

We issued bids last fall. The bid notice was posted on the Town website, on the Maine Municipal Association website, and we mailed the request for bids directly to 12 local contractors.

The Town received one (1) bid. The bid received was from RAM Built Inc. for \$35,800. This bid is within budget, from an experienced contractor, who does quality work, and who will complete this project before the end of May.

Staff recommends that the Select Board award the bid for the Perkins Cove Boardwalk and Railing Project to Ram Built, Inc. in the amount of \$35,800.

Comments/questions:

- No comments or questions from the public.
- Selectwoman Perry.
- Selectman Ouellette.
- Chairman Mooney.

020420-10 Motion made by Robert Winn, Jr. and second by Heath Ouellette to award the Perkins Cove Boardwalk and Railing project to RAM Built, Inc. in the amount of \$35,800; approved 5-0.

8.4 Acceptance of State StreamSmart Grant: \$95,000 for the Captain Thomas Road Project

Dave Riccio, Special Projects Manager, was in attendance to review the grant process for this project.

In November of 2019, The Town of Ogunquit submitted an application to the Maine Department of Environmental Protection under the **Grants for**

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Stream Crossing Public Infrastructure Improvements Program (RFP #201903060). The purpose of this grant program is to afford communities the opportunity to upgrade and improve vital public infrastructure in order to improve public safety, flooding, water quality, and improve aquatic habitat connectivity. On January 17th the Town received notification that the Town of Ogunquit had been selected to receive the maximum allowable grant under the program of \$95,000.00.

Funding from this grant award will assist in the replacement and upgrade of the Captain Thomas Culvert. This culvert location is significantly undersized and has been identified as a severe physical barrier to aquatic and semi-aquatic species. Flooding on an annual basis in the area has caused the road surface and shoulder to degrade to the point that a failure of the culvert cannot be ruled out. Along with the engineering consultant DuBois & King, town staff has been evaluating drainage and road surface conditions present on Captain Thomas Road since the spring of 2019. This evaluation has produced a plan which resulted in a surface coat of asphalt being applied to the road in order to enhance public safety, while drainage issues could be studied, and the appropriate solution developed (including culvert replacement). Funding for this aspect of the project was allocated from an existing Public Works Department paving account. Lastly, the road surface will be reconstructed providing a long-term solution to public safety. It is currently anticipated that the culvert repair will commence in September of this year.

Comments/questions:

- There were no comments or questions from the public.

020420-10 Motion made by Robert Winn, Jr. and second by Heath Ouellette to accept the State StreamSmart Grant in the amount of \$95,000 for the Captain Thomas Road Project; approved 5-0.

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.

- Barbara Ferraro

10.0 Other Business

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10.1 Select Board Reports and Announcements

- Selectwoman Perry
- Selectman Ouellette
- Selectman Daley

11.0 Adjournment of Regular Business Meeting

Motion made by Robert Winn, Jr. and second by Lindsey Perry to adjourn the Regular Select Board Business Meeting at 7:37pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager

A brief break was taken then the Select Board met with the Town Attorney, Mary Costigan.

Workshop and Executive Session**1. Workshop with Town Attorney Mary Costigan**

- A. Purchasing Policies and Laws.
- B. Freedom of Access/Right to Know Law.
- C. Rules governing the conduct of Select Board Meetings (Charter, Robert's Rules of Order).

2. Executive Session

- A. Pursuant to Title 1 M.R.S. Section 405(6)(E) to discuss the Select Board's legal rights and duties.

A motion was made by Select Board Member Winn, and seconded by Select Board Member Perry to go into Executive Session pursuant to Title 1, MRSA Section 405(6)(E) to discuss the Select Boards legal rights and duties, consideration of potential litigation, poverty abatement and Section (6)(A), roles and responsibilities of the Select Board. The motion passed 4-0, with Selectman Ouellette voting against at 8:52pm.

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The Executive Session adjourned at 9:47pm, and the regular meeting adjourned at 9:48pm.

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