



**SELECT BOARD
MEETING MINUTES
SEPTEMBER 1, 2020**

This meeting was conducted remotely via Zoom.

4:30 pm. Committee Interviews

John Daley was not present at the start of the meeting.

The Select Board met with applicants for the following committees:

- Age Friendly Community Committee
Cheryl Cruickshank
- Sustainability Committee
David Nosnik
Chair Ouellette noted that the committee had two resignations, Jake Roche, and Paul Jean.
A brief break was taken prior to the start of the workshop with Parks & Recreation Committee.

5:00 p.m. Select Board Workshop with the Parks & Recreation Committee

John Daley arrived at the meeting.

The following members of the Parks & Recreation Committee were in attendance:

Larry Carlson
Jason Corbin
Amy Forbes
Ian Kaiser
Jennifer Lewer
Michelle Low
Kay Moore

- Discussion of Work Plans and Priorities

Jason Corbin reviewed the activities that the Parks & Recreation has held this season.

- Ogunquit's 40th Anniversary Celebration

Michelle Low reviewed the plans that had been put in place for the town's 40th anniversary, but due to COVID these had to be cancelled. The plan is to follow through with these plans for 2021.

- Communications
- Discuss adding Alternate Members to the Committee

It was suggested that the committee review the By-laws, make changes and present the updated By-laws to the Select Board for approval.

A 5-minute break was taken prior to the start of the regular meeting.

6:00 p.m. Select Board Meeting

1.0 Welcome and Call to Order

Meeting called to order at 6:08pm.

Member present: Heath Ouellette, Chair
John M. Daley, Vice Chair
Richard Dolliver
Lindsey M. Perry
Robert N. Winn, Jr.

Others present: Town Manager Patricia Finnigan
Mary Costigan, Attorney, Bernstein Shur

A moment of silence was taken for those impacted by COVID-19, not only in the United States but those worldwide.

2.0 Finance Report - Town Manager

As we complete nearly 2 months of the fiscal year and with Labor Day weekend a week away, our financial results are consistent with prior fiscal years. What is remarkable is that these

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results are despite being more than 5 months into the COVID-19 pandemic which has completely changed our lives and how we do business.

Monthly of August Finance Report: Our budget norm is a front-loaded budget which is geared to summer activities, tourism, and hospitality. That is what we have seen to date. The departments which normally have the most activity this time of year: The Police Department with the addition of Community Service Officers, Visitor Services, the Lifeguards, Facilities (restrooms, bathhouses, sanitation and waste collection), the Transfer Station, and Fire/EMS have not only been active and fully operational they have been more busy due to the special circumstances we are working under and the added responsibilities we have to keep our residents and visitors safe.

The seasonal staffing model we use is geared to allow us to staff-up when necessary and to pare back if the demand is not there. Due to the extra precautions we have had to employ and the numbers of people visiting, not only have we not been able to cut back, we could have used more people. The summer season is not over, and we hope the good weather holds at least until November! I want to commend the Ogunquit Town employees throughout the organization for their outstanding work. It would have been notable in a normal year, but it is remarkable in the time of this pandemic.

Expenses: On the expense side, the budget is on track. If expenditures were spent in the same amount every month, each department would be at about 16%. You will see the outliers the departments which have their heavy season in the summer, exceeding that. You will also note that with few exceptions, most departments are under that.

It needs to be understood that we have incurred expenses in excess of the budget which are related to health and safety precautions which we have had to implement due to COVID-19. Fortunately, both the federal and State government have made some funding available to assist us. Those funds are available only if we apply for them and are willing to commit to properly manage and account for them. My thanks to Special Projects Manager Dave Riccio for working with all the departments to identify and account for their expenditures and develop the grant applications which make it possible for the Town to receive funding reimbursement for COVID-19 related expenses. This Select Board agenda includes notification of the Town receiving the second round of funding to supplement the first round of the "Keep ME Healthy" grant.

Revenues: While managing our expenditures was and continues to be our on-going priority, the greater unknown as we developed the budget in May was what we could expect in revenues particularly the Parking Lot revenues. Although we hoped people would act responsibly to keep themselves and others safe from the virus and would visit Ogunquit, we did not know if they would.

Thanks to a number of factors including that people love Ogunquit, the glorious beach weather since July, and Maine's commitment to keep people safe which has given us a reputation as a healthy destination, the parking lot revenues have been exceptionally strong. I hope to have an updated report from Visitor Services for the Select Board meeting, but the preliminary results

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(shown on the monthly report) are that parking revenues have exceeded the total amount budgeted for the year. Keep in mind, we budgeted the parking revenues very conservatively due to the many unknowns we were facing and continue to face. We do not know what the fall or next spring will hold for us regarding COVID-19 and other economic factors; we are not out of the woods.

My sincere thanks to all our Visitor Services employees led by Ray Hamlin and Gene McSweeney for stepping up and out front this season. Taking on the task of being the face of Ogunquit - even though their faces are masked, hasn't been easy. Yet our amazing Ogunquit Ambassadors are hospitable and take great care to keep our visitors and themselves healthy. Some of our long-time Visitor Services employees reluctantly had to sit out this season due to their own or family members' vulnerabilities. We have missed them and wish them well.

Special thanks to the employee of our Facilities staff. They have always had an important job keeping the bathrooms clean and sanitized, and keeping the Town trash-free. That took on a whole new dimension this year with the heightened awareness and additional directives from the CDC regarding cleaning, sanitation, and handwashing. The Facilities employees led by Facilities Manager Daren Dixon have been trained in new health protocols, and safety standards, and had to learn and implement new cleaning and hygiene regimens. Trash collection and cleaning bathroom facilities is an essential but often thankless job. My thanks to this dedicated group of employees who are playing a key role in keeping our community healthy and are economy strong.

This year I have had more people contact me to express thanks for our Facilities employees. This recent e-mail is an example:

"We just returned from spending our annual two-week summer vacation in Maine. Our family, the ten of us, rented a house in Perkins Cove. Although we come from a state that is considered to be doing well regarding the Covid-19 virus, we were, all, extremely impressed with how Ogunquit is handling all the guidelines regarding Covid-19. We felt very safe throughout our stay due to all the measures that have been implemented. From the wearing of masks, to most stores requiring you use the provided hand sanitizer before entering, to restaurants taking a phone number (for contact tracing), we were really amazed. In addition, I had not used a public restroom since March. But spending 6-7 hours a day at the Ogunquit Beach, I found the need on various days to give in and use the restrooms. Wow! In the best of times, I don't believe I have ever seen public restrooms so clean. As much as we have always loved our time in your beautiful Ogunquit, we, especially, loved this year's vacation. Thank you for providing us such a very much needed enjoyable vacation. You all deserve a great big pat on the back for all your efforts to make your area run so well."

You will see a new look to the Finance Reports. They are organized in a way that is easier to follow and will make it easier to track expenditures and revenues. This is the result of converting our finance software system. This was a tremendous organizational effort which involved establishing a new chart of accounts, transferring all the data, and training the

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staff in the Town Clerk and Treasurer's Office to conduct our business transactions using this new system, and training the Department Directors so they can properly manage and account for their department financial operations. This transition has helped us streamline many of our operations - and it will save the Town \$40,000 annually. My thanks and congratulations to Treasurer Mandy Cummings for taking on this complex task and successfully completing it. Mandy has made many improvements in our operations - and she's done it in less than one year. Her first anniversary with us is Sept. 3.

Year-end FY2020: The preliminary, unaudited results for the fiscal year that ended June 30, 2020 show that we ended the year in the black with expenditures under the budget and revenues exceeding budget. My thanks to the Department Directors who are all conscientious about managing their departments and strive to stay within budget and find cost savings throughout the year when possible. As you will recall, when COVID-19 hit us in March and started to create adverse economic conditions here, I put a spending freeze into effect on non-essential expenses. The combination of that, our sound budget management throughout the year, the efforts of our management team allowed us to have this successful fiscal outcome.

On the revenue side, most of the year was before the pandemic hit. Property tax collections were within normal collection rates. We are acutely aware this could change during this fiscal year.

Looking ahead: We know that the remainder of FY21 will be challenging and remains uncertain due to a number of factors. We will continue to monitor and manage our expenditures, look for cost savings, and try to maximize opportunities for non-property tax revenues. Although property tax collections were strong through July, our taxpayers both residential and business are each experiencing the negative impacts of the current economy and the uncertain future. Although we have not been as hard hit as some areas, we are not immune to the adverse effects of an economic downturn. Just as we cannot let our guard down in adhering to health and safety protocols, we cannot take our prosperity for granted. We need to continue to invest in our infrastructure, essential services, and the unique aspects of Ogunquit that make us the Beautiful place by the Sea where people can live and visit safely.

Comments/questions:

- Selectman Winn
- Selectman Dolliver

3.0 Select Board Update

Attorney Mary Costigan was in attendance discuss the training scheduled for September 23, 2020 and other topics on the agenda.

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A. Training for Town Committee, Commissions, and Board Members - Wednesday, September 23, 6:00-8:00 pm via Zoom

- 1) Roles and Responsibilities
- 2) Freedom of Access Act
- 3) Code of Ethics

Comments/questions:

- Selectman Daley
- Selectman Dolliver
- Selectwoman Perry

B. Attorney Opinions

1) Committee Member Terms and "De Facto" Members

In the absence of any explicit language to the contrary, it is generally accepted practice that members of municipal board continue to serve until reappointment, or a replacement is appointed. To have a hard stop at the end of the term could result in delays in the Board's duties.

MMA has the following guidance on the issue:

"If the term of office of a board member expires and neither the person holding the office nor another person has been appointed or elected to fill the position, it is arguable that the person who was serving in that position (i.e., the incumbent) may continue to hold office under the previous term until he or she has been reelected or reappointed or until another person has been chosen and sworn in. An incumbent board member who continues to serve under those circumstances would be what is called a "de facto" member of the board. McQuillan, Municipal Corporations (3rd ed. rev.), §§ 12.102, 12.105, 12.106. However, the legal basis for this "holdover" theory is stronger where an elected board is involved. To be safe, it is advisable to have an ordinance or charter provision clearly authorizing a board member to continue to serve."

2) Compatibility of Offices for Committee Members

a) Planning Board and Ogunquit Historic Preservation Committee

Because decisions of the Historic Commission can be appealed to the Planning Board, the town should not have anyone serving on both boards.

b) Board of Assessment Review and Zoning Board of Appeals

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Municipalities are not required by law to have a Board of Assessment Review (in the absence of a Board of Assessment Review, appeals are brought to the county). Although the charter requires it, it is optional under state law. Appointment to the Board of Assessment Review and the Zoning Board of Appeals is not considered a conflict.

C. Answers to Other Public Questions

- Public Comments
- Bullying/Social Media Stalking
- Town Manager/Contract
- Committee/Board Appointments
- Pledge of Allegiance
- Code of Ethics
- Zoning Board of Appeals/Board of Assessment Review
- Committee/Commission/Boards - Difference
- Vision - moving forward

D. Discussion of Civility in a Time of Change

- 1) Further Thoughts from Select Board Members
- 2) Next Steps

It was the consensus of the Select Board to review the document prepared by Steve Wessler and the Wessler group to see if they would present it as a guide for the public.

Chair Ouellette asked Selectman Winn if he would contact the group to see if they would move this item forward to the Select Board.

Comments/questions:

- Selectman Dolliver
- Selectman Daley
- Selectwoman Perry
- Selectman Winn

4.0 Public Comments

The Select Board welcomes public comments and questions about agenda items and Town-related matters, and we ask that people keep comments brief and to the point (3 minutes). We also ask that if you have a complaint or concern, it would be most helpful if you also offer a solution or solutions. Please begin your comments

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by stating your name and your affiliation with Ogunquit (i.e. resident, taxpayer, voter, business owner, etc.) or state the Town you are from.

Comments/questions:

- Tom Sellers
- Peter Kahn
- Rick Della Bernarda
- Rebecca Fox
- Patricia Hussey
- Kirsten Ross
- Pam Sawyer
- Jim Hartwell
-

5.0 Consider Using a Consent Agenda as Allowed in Robert's Rules of Order

Background: A Consent Agenda, as outlined in Robert's Rules of Order, can help the Select Board streamline meetings, and accomplish its business.

Suggested Action: The Select Board approves the following addition to our rules: "A consent agenda may be presented by the Chair at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. At the discretion of the Select Board, removed items from the consent agenda may be taken up either immediately after the consent agenda, placed later the agenda, or taken up at a future meeting."

090120-01 Motion made by Richard Dolliver and second by John Daley to add the following to the Select Board Rules "A consent agenda may be presented by the Chair at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. At the discretion of the Select Board, removed items from the consent agenda may be taken up either immediately after the consent agenda, placed later the agenda, or taken up at a future meeting."; approved 5-0.

6.0 Consent Agenda

6.1 Minutes - August 11, 2020

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- 6.2 Minutes - August 18, 2020
- 6.3 Minutes - August 25, 2020
- 6.4 Appointment to the Ogunquit Heritage Museum Committee
Sarah Lefferts (current Alternate) - Member
Term to expire in 2023
- 6.5 Acceptance of the Phase II "Keep ME Healthy" Grant Funds

090120-02 Motion made by Richard Dolliver and second by John Daley to approve the Consent Agenda under 6.0 of the agenda; approved 5-0.

7.0 **Liquor and Amusement Licenses**

There were no Liquor or Amusement Licenses for action by the Select Board.

8.0 **Presentations, Proclamations, Resolutions & Communications**

8.1 Rotary: 2-Cent Sale

There was no one present from the Rotary.

8.2 Chamber of Commerce: Annual Labor Day Weekend Sidewalk Sale and OgunquitFest

Alice Pearce, Executive Director, Chamber of Commerce, was in attendance to give an update on the Labor Day Sidewalk Sale. The request before the Select Board was to allow the outside sales through the entire weekend (4 days).

Alice stated that the attempt was to hold OgunquitFest as normal, but due to COVID the Craft Show has been cancelled and the Car Show also. The Chamber is attempting to re-imagine OgunquitFest, there is still a lot of activity they can do and bring people to town (scavenger hunt, etc.).

They hope to re-imagine "Christmas by the Sea" also.

8.3 Charter Commission: Public Hearing September 2 at 6:00 p.m. via Zoom

Bill Sawyer, Chair, Charter Review Commission was present to give an update. An organizational meeting was held on August 4th. There will be an official statutory meeting tomorrow, September 2, 2020 at 6:00pm, in accordance with the Charter. They will be taking public comment and questions.

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They will be doing a summary of municipalities in Maine that do/do not have a charter. Only about 25% of municipalities do have a charter.

The town's website allows people to contact the Charter Review Commission by email; the plan is to address each and every question at the next meeting of the commission. The next meeting after tomorrow night will be September 15th at 9:00am, and then will meet the 1st and 3rd Tuesday of each month at 9:00am on Zoom until such time they develop a draft.

Comments/questions:

- Selectman Dolliver
- Selectwoman Perry
-

8.4 COVID-19 Community Task Force

Robert Whitelaw, Chair of the COVID-19 Community Task Force, was in attendance to give an update.

It was the consensus of the Select Board to keep the COVID-19 Community Task Force in place to assist the Select Board in the months to come.

9.0 Old Business

There was no Old Business before the Select Board.

10.0 New Business

10.1 Discussion with the Town Attorney and Decisions Regarding the Process to Conduct the Voter Eligibility Appeal Hearing

Town Attorney Mary Costigan was in attendance to review the process to conduct a Voter Eligibility Appeal Hearing. The determination by the Town Clerk is being appealed to the Select Board (Chapter 21-A, Section 163).

090120-06 Motion made by Richard Dolliver and second by Robert Winn, Jr. to hold the Voter Eligibility Appeal Hearing on September 29, 2020 at 5:00pm; approved 5-0.

090120-07 Motion made by Robert Winn, Jr. and second by Richard Dolliver that Town Attorney Mary Costigan send the notice to the applicant and

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that the notice would include the list of documents and/or things that could be used to verify residency for voting; approved 5-0.

090120-08 Motion made by Richard Dolliver and second by Lindsey Perry to not allow the general public to provide comment during the hearing, only the voter can bring in parties that they wish to testify; approved 3-2 (Ouellette and Winn in opposition).

090120-09 Motion made by Lindsey Perry and second by Robert Winn, Jr. that the entire hearing be held on Zoom; approved 3-2 (Daley and Dolliver in opposition).

Comment/questions:

- Selectman Winn
- Selectman Dolliver
- Selectwoman Perry
- Peter Kahn
- Rebecca Fox
- Jim Hartwell
- Marc Clermont
- Barbara Ferraro

10.2 Appointments to Town Committees

A. Appointment of Members to the Age Friendly Community Committee and Set Terms
The Committee has positions for 7 Members as follows:

3 Members with terms to expire June 30, 2023

3 Members with terms to expire June 30, 2022

1 Member with a term to expire June 30, 2021

Applicants (alphabetical):

Marc Clermont (new applicant)

Cheryl Cruickshank (new applicant)

Charley LaFlamme (new applicant)

Louesa Gillespie (new applicant)

Patience Sundaresan (new applicant)

090120-03 Motion made by Richard Dolliver and second by Lindsey Perry to appoint Cheryl Cruickshank, Charley LaFlamme and Louesa Gillespie as

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Members to the Age Friendly Community Committee, terms to expire June 30, 2023; approved 5-0.

- 090120-04** Motion made by Richard Dolliver and second by Robert Winn to appoint Marc Clermont and Patience Sundaresan to the Age Friendly Community Committee, terms to expire June 30, 2022.

There is no motion on the table as Robert Winn, Jr. and Richard Dolliver withdrew their motions.

- 090120-05** Motion made by Heath Ouellette and second by Robert Winn, Jr. to appoint Patience Sundaresan as a Member of the Age Friendly Community Committee, term to expire June 30, 2022; approved 5-0.

- B. Appointment of 1 Member and 2 Alternates to the Harbor Committee
1 Member with a term to expire in 2023

2 Alternates with a term to expire in 2021

Applicants (alphabetical):

Carole Aaron (new applicant)
Josh Audet (current alternate)
Jay Smith (current alternate)
Percy Stevens (current member)

- 090120-10** Motion made by John Daley and second by Lindsey Perry to appoint Percy Stevens, Jr. as a Member of the Harbor Committee, term to expire June 30, 2023; approved 5-0.
- 090120-11** Motion made by Robert Winn, Jr. and second by Lindsey Perry to appoint Jay Smith as an Alternate Member of the Harbor Committee, term to expire June 30, 2021; approved 5-0.
- 090120-12** Motion made by Richard Dolliver and second by Robert Winn, Jr. to appoint Josh Audet as an Alternate Member of the Harbor Committee, term to expire June 30, 2021.

10.3 Discussion of November 3, 2020 Special Town Meeting Warrant Articles

- A. Capital Improvement Projects

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Fire/EMS Department: \$78,000 for EMS Equipment

Please note: The Town will be submitting requests for federal grant funding. In the event we do not receive the grants, we need to make the Select Board aware of the need for this EMS equipment.

- EMS Chest Compressor: \$18,000 (1 unit). The Town purchased a chest compressor 2 years ago. We have 2 ambulances and this equipment should be on each ambulance, so they are fully equipped, and the Paramedics have the necessary lifesaving equipment when they respond to cardiac medical calls.
- Cardiac Monitors: \$58,000 (2 units). These monitors are part of our essential lifesaving equipment used in the Town's Emergency Medical Services. The request is to replace (trade in and upgrade) the equipment. The equipment is nearing the period when it will not be able to be serviced.

Police Department: \$20,00 Police Chief Vehicle (used)

- The Police Chief's 2011 Chevrolet Tahoe has been taken off the road and has been out of service since May when it failed to pass State inspection. It is beyond repair (see photos attached). It is thoroughly rusted and not road worthy. The request is to purchase a used 2015 Chevrolet Tahoe.

Public Works: \$193,000 LED Lighting Conversion

- Streetlight Conversion to LED: \$175,000. The Town has started to convert its lighting to LED fixtures (the Shore Rd project). Converting the 313 streetlights (the "cobra lights" on CMP poles) is the next step in the Town's ability to improve lighting, save costs, and have control over this public safety infrastructure. The annual estimated cost savings of \$55,000 annually will cover the financing costs within the first 3 to 5 years depending on how we structure the project resulting in a reasonable payback period and positive return on investment.
- Public Works Garage LED lighting: \$18,000. The lighting at the Public Works garage is inadequate for the employees to see what they are doing and to perform their work safely. This request is to retrofit the lighting to improve productivity, safety, and energy efficiency. This project is eligible for a rebate (estimated \$4,000) from Efficiency Maine.

Transfer Station: \$17,500 2 Roll-Off Containers (replacements)

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- The Transfer Station has maintained and repaired the roll-off containers, but they have reached the point where they need to be replaced. The recommendation is to replace 2 roll off containers at \$7,000 each. These were put into service in 2007 when the Transfer Station opened. The expected life is 10 years with regular maintenance.

Wells-Ogunquit Historical Society

- The Historical Society of Wells and Ogunquit is asking for an additional amount of \$8,000 this year to insulate the ceilings, floors, and duct work of the 1862 Meetinghouse/Historic First Church of Wells.

B. Conservation Commission:

1) Capital Project funding

Conservation Land Acquisition: \$300,000

- This request was presented last spring to be on the June 2020 Warrant. This request is for funding to be used toward the \$1.19 million cost to purchase the 157-acre parcel off North Village Road (see attached map). The land would be preserved for public access for passive recreational uses. The Town would not be responsible for its maintenance. Great Works Regional Land Trust would be responsible for the stewardship and management of the land. There is \$75,000 in the Town's Land Conservation Fund that would go toward this funding request making the net \$225,000.

2) Ordinance Amendment

These issues are presented to the Select Board in contemplation of their preparation of the November warrant knowing that deadline is approaching. Item One is the Conservation Commission's statement of request related to a CIP item that is meant to be an annually occurring request placed before the voters. Item Two is a request that a proposed language change in the Ogunquit Ordinance be placed before the voters.

Item One - The Conservation Commission voted unanimously (6-0) to recommend and ask that the Select Board place the following on the November warrant:

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Request from the voters of the Town of Ogunquit to approve and fund \$25,000. for the "Land Conservation Fund"

Item Two - The Conservation Commission voted unanimously (6-0) to request that the Select Board place a request for change of language on the November warrant in Title XIII, Ogunquit Municipal Code, Conservation Commission.

C. Zoning Ordinance Amendments

Scott Heyland was in attendance to explain the ordinance amendments to the Select Board. The Planning Board is requesting that the Select Board put these ordinance amendments on the November 3, 2020 Special Town Meeting Warrant.

11.0 Town Manager Report

11.1 Agamenticus Road Project Next Steps:

- Public Meeting will be held on September 10, 2020 at 6:00pm via Zoom.

11.2 Report on the Implementation of the Select Board's Temporary Waiver of Certain Ordinances Regarding Outside Sales, Expansion and Uses of Business Property, Outdoor Amusements and Other Activities during the COVID-19 State of Civil Emergency.

- Town Manager Finnigan gave an update on how the business community fared during the summer months regarding the ability to operate under the Temporary Waiver.

Comments/questions:

- Selectman Dolliver
- Chair Ouellette
- Selectman Winn

11.3 Other Updates

- Update from Town Clerk Christine Murphy regarding Election process, purchase of voting booths and Absentee balloting.

12.0 Public Comments - The Select Board welcomes public comments and questions about agenda items and Town-related matters, and we ask that people keep

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comments brief and to the point (3 minutes). We also ask that if you have a complaint or concern, it would be most helpful if you also offer a solution or solutions. Please begin your comments by stating your name and your affiliation with Ogunquit (i.e. resident, taxpayer, voter, business owner, etc.) or state the Town you are from.

Comments/questions:

- Ben Hershenson
- Jim Hartwell
- Wendy Levine

13.0 Select Board Comments

Comments/questions:

- Selectman Winn
- Selectwoman Perry
- Selectman Dolliver
- Selectman Daley
- Chair Ouellette

14.0 Adjourn

Motion made by Lindsey Perry and second by Robert Winn, Jr. to adjourn the meeting at 10:58Pm; approved 5-0.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager

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