

Charles L. Waite, III, Chair
Robert N. Winn, Jr., Vice Chair
John M. Daley
Richard A. Dolliver
Madeline S. Mooney



AGENDA
MEETING OF THE OGUNQUIT SELECT BOARD
TUESDAY, JULY 11, 2017

- 1.0 **CALL TO ORDER: 6:00**
 - 1.1 Pledge of Allegiance
 - 1.2 Select Board Minutes - June 6, 2017
 - 1.3 Select Board Minutes - June 20, 2017

- 2.0 **TOWN MANAGER'S REPORT**

- 3.0 **APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS**
 - 3.1 Board & Committee Appointments
 - 3.2 Appointment of Assessor

- 4.0 **PUBLIC INPUT (CURRENT AGENDA ONLY)**

- 5.0 **PUBLIC HEARING - LICENSE APPLICATIONS**
 - 5.1 Bandito's Mexican Grill (continued from June 20, 2017 meeting) - *Malt, Spirituous & Vinous Liquor License Renewal Application*

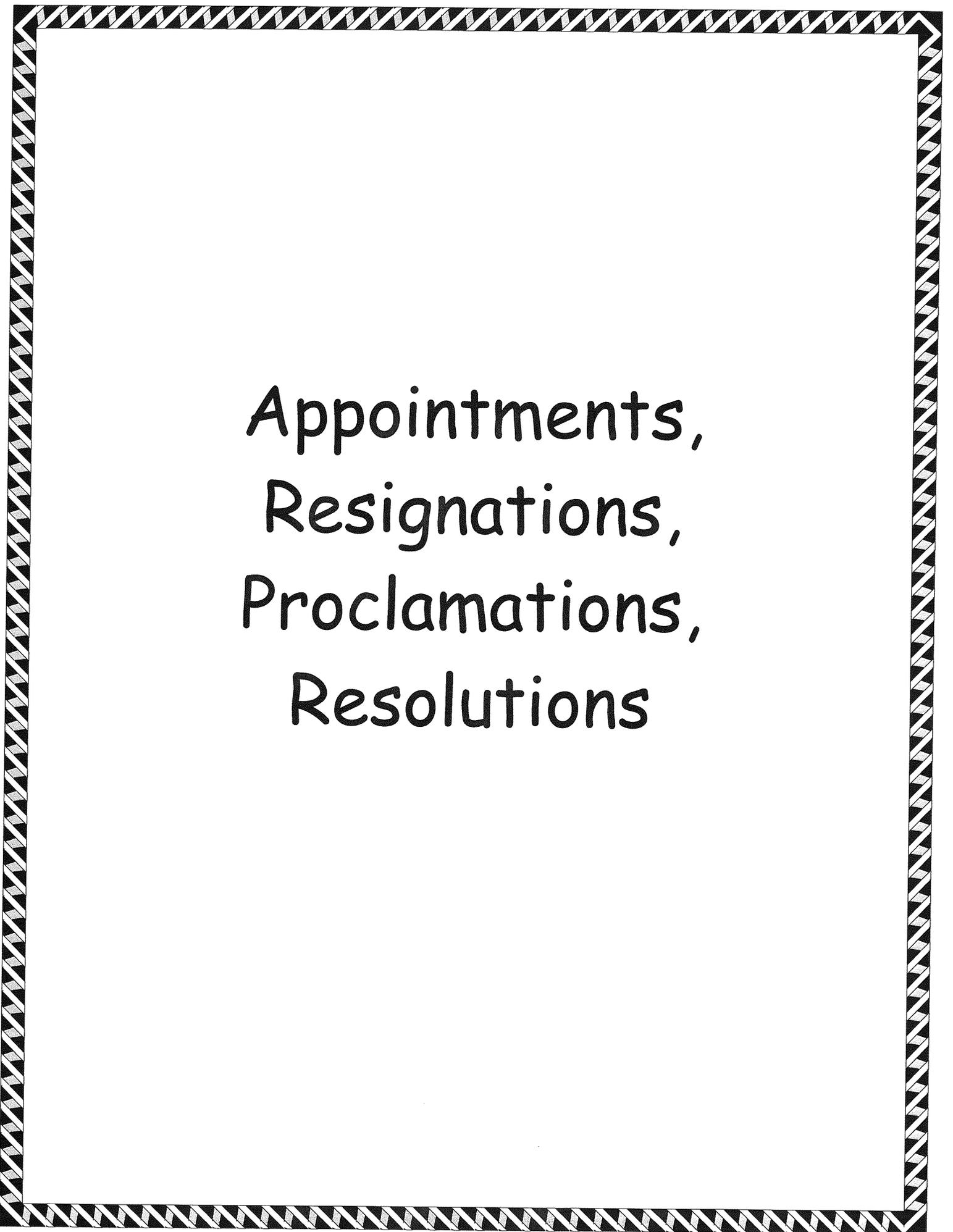
- 6.0 **PUBLIC HEARINGS & PRESENTATIONS**

- 7.0 **ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS**
 - 7.1 Discussion of Date for Select Board Workshop - *Donald Gerrish, Interim Town Manager*

- 8.0 **ADMINISTRATIVE ITEMS - NEW BUSINESS**
 - 8.1 Discussion of Select Board Liaisons to Town Boards & Committees - *Donald Gerrish, Interim Town Manager*
 - 8.2 Discussion of Code of Ethics for all Town Boards & Committees - *Donald Gerrish, Interim Town Manager*
 - 8.3 York County Budget Committee - Resolution Regarding the Economic Impacts of the Combined Courthouse in York County - *Donald Gerrish, Interim Town Manager*

- 9.0 **MISCELLANEOUS BUSINESS - ORAL & WRITTEN COMMUNICATIONS - FOLLOW-UP**
 - 9.1 Public Input
 - 9.2 Select Board

- 10.0 **ADJOURNMENT**



Appointments,
Resignations,
Proclamations,
Resolutions

| <u>BOARD/COMMITTEE VACANCY LIST</u> | <u>TERM</u> | <u>STATUS</u> | <u>APPLICATION</u> |
|---|-------------|---------------|--------------------|
| BIKE-PEDESTRIAN COMMITTEE (5 Members/2 Alternates/Liasons) | | | |
| Priscilla Botsford | 2020 | Member | YES |
| Vacant | 2018 | 1st Alternate | |
| Vacant | 2018 | 2nd Alternate | |
| BOARD OF ASSESSMENT REVIEW (5 Members/2 Alternates) | | | |
| Paul Breen | 2020 | Member | YES |
| Weston S. Elliott | 2020 | Member | YES |
| Donald Simpson | 2020 | Member | YES |
| Vacant | 2018 | 1st Alternate | |
| Vacant | 2018 | 2nd Alternate | |
| BUDGET REVIEW COMMITTEE (5 Members (elected)/2 Alternates (appointed)) | | | |
| Vacant | 2018 | 1st Alternate | |
| Vacant | 2018 | 2nd Alternate | |
| CABLE TV REGULATORY COMMITTEE | | | |
| Vacant | 2019 | Member | |
| Vacant | 2020 | Member | |
| CONSERVATION COMMISSION (7 Members/2 Alternates) | | | |
| Vacant | 2019 | Member | |
| William Baker | 2020 | Member | YES |
| J. Douglas Mayer | 2020 | Member | YES |
| Pamela P. Sawyer | 2020 | Member | YES |
| Vacant | 2018 | 1st Alternte | |
| Vacant | 2018 | 2nd Alternate | |
| HARBOR COMMITTEE (5 Members/2 Alternates) | | | |
| Percy Stevens, Jr. | 2020 | Member | YES |
| Jay Smith | 2018 | 1st Alternate | YES |
| Vacant | 2018 | 2nd Alternate | |
| HERITAGE MUSEUM COMMITTEE (9 Members/2 Alternates) | | | |
| Gary Littlefield | 2020 | Member | YES |
| Eva Nudelman | 2020 | Member | YES |
| Jay Smith | 2018 | Member | NEW APPLICANT |
| Patricia Weare | 2020 | Member | YES |
| Peter Woodbury | 2020 | Member | YES |
| John Ross | 2018 | 1st Alternate | YES |
| Marc Saulnier | 2018 | 2nd Alternate | YES |
| HISTORIC PRESERVATION COMMISSION (5 Members/2 Alternates) | | | |
| David Barton | 2018 | Member | NEW APPLICANT |
| D. Sumner Nystedt | 2020 | Member | YES |
| Vacant | 2020 | Member | |
| Vacant | 2018 | 1st Alternate | |
| Vacant | 2018 | 2nd Alternate | |

| MARGINAL WAY COMMITTEE | | (7 Members/2 Alternates) | |
|-------------------------------|--------------------|---------------------------------|----------------------|
| Paul Breen | 2019 Member | | NEW APPLICANT |
| Vacant | 2019 Member | | |
| Louesa Gillespie | 2020 Member | | YES |
| Joan Griswold | 2020 Member | | YES |
| Jim Oliver | 2020 Member | | Yes |
| Vacant | 2018 1st Alternate | | |
| Vacant | 2018 2nd Alternate | | |

| PARKS & RECREATION COMMITTEE | | (7 Members/1 Select Board Liason) | |
|---|-------------|--|-----|
| Vacant | 2019 Member | | |
| Vacant | 2020 Member | | |
| Boriana Dolliver | 2020 Member | | YES |
| Michelle Low | 2020 Member | | YES |

| PERFORMING ARTS COMMITTEE | | (10 Members/2 Alternates) | |
|----------------------------------|--------------------|----------------------------------|-----|
| Vacant | 2019 Member | | |
| Vacant | 2019 Member | | |
| Vacant | 2020 Member | | |
| Mikie Ann Boyd | 2020 Member | | YES |
| Patricia Mason | 2020 Member | | YES |
| Eva Nudelman | 2020 Member | | YES |
| Vacant | 2018 1st Alternate | | |
| Vacant | 2018 2nd Alternate | | |
| Select Board Member Needed | Liaison | | |

| PLANNING BOARD | | (5 Members/2 Alternates) | |
|-----------------------|--------------------|---------------------------------|--|
| Vacant | 2018 2nd Alternate | | |

| RECYCLING COMMITTEE | | (5 Members/2 Alternates) | |
|----------------------------|---------------|---------------------------------|----------------------|
| John Ross | 2019 Member | | NEW APPLICANT |
| Vacant | 2020 Member | | |
| Vacant | 2020 Member | | |
| Vacant | 2018 1st Alt. | | |
| Vacant | 2018 2nd Alt. | | |

| SHELLFISH CONSERVATION COM. | | (5 Members/2 Alternates) | |
|------------------------------------|--------------------|---------------------------------|-----|
| Everett Leach | 2020 Member | | YES |
| Vacant | 2018 1st Alternate | | |
| Vacant | 2018 2nd Alternate | | |

| SMRPC | | | |
|-----------------------|----------------------|--|--|
| Charles L. Waite, III | Select Board Chair | | |
| | Planning Board Chair | | |

| ZONING BOARD OF APPEALS | | (5 Members/2 Alternates) | |
|--------------------------------|--------------------|---------------------------------|-----|
| Vacant | 2020 Member | | |
| Jay Smith | 2020 Member | | YES |
| Jerry DeHart | 2018 1st Alternate | | YES |
| Vacant | 2018 2nd Alternate | | |

OGUNQUIT

Beautiful Place by the Sea

MEMORANDUM

To: Ogunquit Select Board

From: Donald Gerrish, Interim Town Manager



Date: July 7, 2017

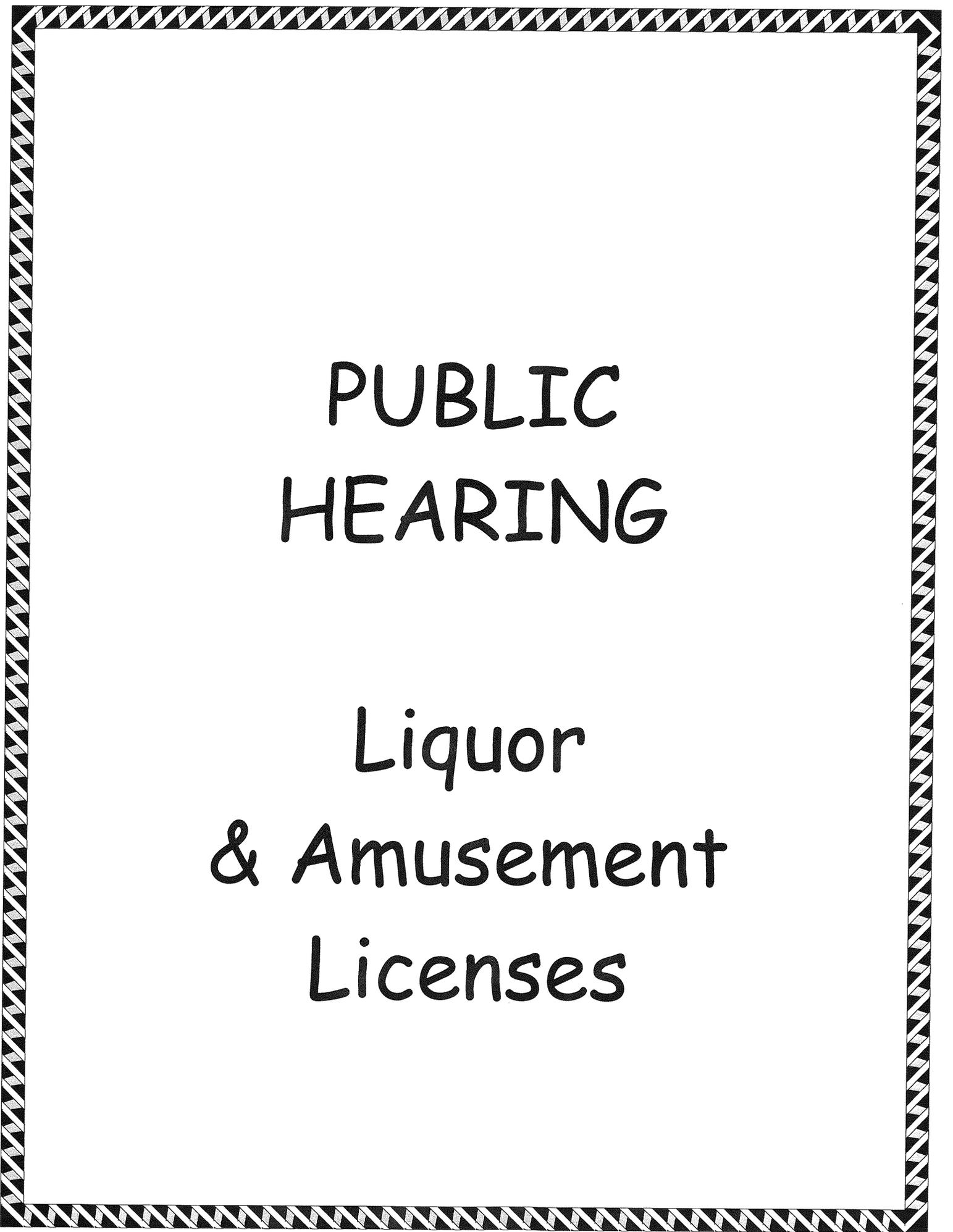
Re: Assessor for the Town of Ogunquit

The Town has a three (3) year agreement (from 8/14/15 to 6/30/18) with Municipal Resources Inc. (MRI) of New Hampshire to provide Ogunquit with consulting services for support of the Town's assessing operations.

Part of that agreement with MRI is to provide Ogunquit with a Maine Certified Assessor. Peter Pawlowski, who was assigned to Ogunquit and who was appointed Assessor by the Select Board, unfortunately passed away recently.

MRI is recommending that the Select Board appoint Craig Skelton, who is a Certified Maine Assessor and who lives in Maine, as the new Town Assessor. Mr. Skelton is the Assessor for South Berwick and North Berwick.

I would recommend his one (1) year appointment.



PUBLIC HEARING

Liquor
& Amusement
Licenses

5/22/2017
e
1:00 pm

OGUNQUIT

Beautiful Place by the Sea

OGUNQUIT LIQUOR LICENSE APPLICATION

| | | |
|--|---|---------------------------|
| NEW <input type="checkbox"/> | RENEWAL <input checked="" type="checkbox"/> | FOR THE YEAR: <u>2017</u> |
| CURRENT LICENSE EXPIRATION DATE: _____ | | <u>7/17/17</u> |

BUSINESS NAME: Bandito's Mexican Grill
 APPLICANT: Judy Dennis
 EMAIL: Kevin.Dennis83@yahoo.com
 BUSINESS REG #: 2017-180 ISSUE DATE: 5/3/17 MAP: 006 LOT: 069
 OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 47

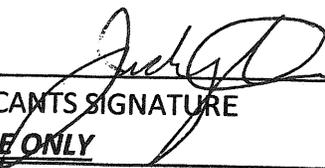
NOTE - SPECIAL ATTENTION

Applicants must procure the signatures of the following Town Officials, submit an original drawing at a scale of one inch (1") equals ten feet (10') of all areas on the premises which are open to the public and return said drawing with this completed application to the Town Clerk before a public hearing can be scheduled by the Select Board. APPLICATIONS MUST BE SUBMITTED NINETY (90) DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE.

| TITLE | SIGNATURE | APPROVAL | | REPORT ATTACHED | | DATE |
|--------------|-----------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|------------|
| | | YES | NO | YES | NO | |
| Police Chief | <i>Patricia L. Saunders</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 06-13-2017 |
| Fire Chief | <i>Mark Stein</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6-12-2017 |
| Code Officer | <i>J.M.</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6-13-2017 |

ATTENDANCE AT PUBLIC HEARING IS REQUIRED
PLEASE READ THE FOLLOWING CAREFULLY BEFORE SIGNING

I, the undersigned applicant, acknowledge there has been no change to the business noted above by way of ownership, partnership, location, nature of business or structural change(s) to the building(s) housing the business. Knowingly supplying false information on this application is a Class D offense under the Criminal Code and is punishable by confinement of up to one (1) year or by a monetary fine of up to \$500 or both.


 APPLICANTS SIGNATURE
FOR OFFICE USE ONLY

| | | | |
|---|---|---|----------------------|
| Application Fee: <u>\$200</u> | Date Paid: <u>5/8/17</u> | Check/Cash | Check #: <u>1615</u> |
| Background Check Fee: \$ <u>42</u> | (\$21.00 per person listed on application) | | |
| Business Reg. Fee: <u>\$150.00</u> | Paid prior to Liquor Application? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | |
| TOTAL PAID WITH APPLICATION: \$ <u>292.00</u> | | Received by: <u>EM</u> (Town Clerk's Office) | |
| DATE POSTED: <u>6/20/17</u> | DATE HEARD: <u>6/20/17</u> | APPROVED: | DENIED: |



MUNICIPAL OFFICES

23 SCHOOL STREET • P.O. BOX 875
OGUNQUIT, MAINE 03907-0875

(207) 646-5139 General Offices
(207) 646-9326 Land Use
(207) 646-9546 Town Clerk

E-mail: townofogt@maine.rr.com

Thomas A. Fortier
Town Manager

TOWN OF OGUNQUIT PLANNING BOARD FINDINGS OF FACT, CONCLUSIONS, AND DECISION

August 12, 2013

Judy Dennis
Bandito's Mexican Grill
Post Office Box 1233
York Beach Maine 03910

re: Original Application submitted on June 17, 2013:

Judith Dennis / Bandito's Mexican Grill – 68 Shore Road – Map 6 Block 69 – Site Plan Review for a post 1930 structure. Application to landscape and flatten 7'x20' front yard area for outside dining with three (3) tables and nine (9) seats, for a Type 3 Restaurant.

Revised Application as of July 9, 2013:

Judith Dennis / Bandito's Mexican Grill – 68 Shore Road – Map 6 Block 69 – Site Plan Review for a post 1930 structure. Revised Application - Request to maintain existing seating of twenty-five (25) indoor seats and twenty-four (24) outside seats per plans submitted on July 9, 2013. Request for approval for outside dining from 11:30 a.m. to 10:00 p.m. for a Type 3 Restaurant in the General Business District 1 (GBD1).

Dear Ms. Dennis.

This is to inform you that on July 29, 2013 the Ogunquit Planning Board acted on your Site Plan Review Application. Board Members present at that meeting were: Don Simpson (Chair), Rich Yurko (Vice Chair), Jackie Bevins, and Mark Renaud.

The Findings of Fact, Conclusions, and Decision are contained herein.

FINDINGS OF FACT

1. The Applicant/property owner is Judith Dennis whose mailing address is Post Office Box 1233, York Beach Maine 03910.
2. The property contains a multi use building on .13 acres located at 68 Shore Road in the General Business District 1 (GBD1) It is identified on Ogunquit Tax Map 6 as Block 69.
3. The Applicant has demonstrated a legal interest in the property by providing a copy of a Quit Claim Deed dated June 19 1987 and filed at the York County Maine Registry of Deeds on August 5, 1987 in Book 4405 on Page 323.
4. The Applicant currently operates a Type 3 restaurant on the property and seeks to offer outside dining.
5. Prior to June 2013 the subject property was included in the Ogunquit Limited Business District (LBD) which does not allow for outside dining as defined in the Ogunquit Zoning Ordinance. As a result of a citizen's petition* and an affirmative vote at the 2013 June Town Meeting, the boundary line between the LBD and the General Business District One (GBD1) was moved from its location at School Street, south to the northern boundary line of the Fireman's Park. As a result the Applicant's parcel's zoning designation was changed from LBD to GBD1. Among other changes this allowed the Applicant to submit a Site Plan Review request for permission to offer outside dining / wait service.
6. On June 17, 2013 the Applicant submitted a Site Plan Review Application with supporting documentation. At that time the Applicant requested permission to: "landscape and flatten 7'x20' front yard area for outside dining with three (3) tables and nine (9) seats, for a Type 3 Restaurant".
7. It was noted that the Applicant already had several outside tables which were used for customer consumption of food which was ordered, paid for, and picked up by patrons inside the restaurant. A portion of the application was the request to utilize these existing tables for outside dining/wait service.
8. The Application was scheduled to be heard by the Planning Board on July 8, 2013. Abutters were notified of this meeting by U.S. Mail on June 28, 2013, and Notice was posted on June 28, 2013 at: Ogunquit Town Hall, Land Use Office, Ogunquit Post Office, local cable access channel WOGT, and the Town of Ogunquit's website (standard posting locations).
9. Copies of the application were submitted for review to the: Ogunquit: Fire Department, Police Department, Conservation Commission, Department of Public Works, Historic Preservation Commission, and Town Planner. In a memo dated July 8, 2013 the Town Planner recommended submittal of a specific plan indicating the exact number of proposed tables and seats. The Fire Chief agreed with the Town Planner's recommendations and also suggested the use of a propane outdoor fireplace vs. wood burning.

10. When the Board met to determine application completeness on July 8, 2013 it was determined that the application was lacking specific seating plans. It was also determined that the existing seating exceeded previous Planning Board approval and as a result the Applicant was already in violation. Based upon the above discrepancies, the Board indicated that it would not be able to find the application complete. Due to seasonal time constraints the Board agreed to schedule a special meeting to be held on July 12, 2013. This would afford the Applicant the opportunity to revise her application and submit additional documentation and still have a Public Hearing at the next regularly scheduled Planning Board Meeting.
11. On July 9, 2013 the Applicant submitted a revised plan wherein she asked to “maintain existing seating of twenty-five (25) indoor seats and twenty-four (24) outside seats per plans submitted on July 9, 2013. Request for approval for outside dining from 11:30 a.m. to 10:00 p.m. for a Type 3 Restaurant in the General Business District 1 (GBD1)”.
12. On July 9, 2013 Abutters were notified of the July 12, 2013 Special Meeting and Notice was posted at the Standard Posting Locations.
13. At the July 12, 2013 Special Meeting the Planning Board found the Application to be complete and scheduled a Public Hearing for July 29, 2013. Abutters were notified by U.S. Mail on July 15, 2013 and Notice was posted at the standard posting locations.
14. At the July 29th Public Hearing one abutter expressed concerns regarding late night noise coming from the outside dining area which abuts his guest house.
15. The Applicant agreed to post clear and sufficient signage indicating that that alcoholic beverages were not to be taken beyond the designated dining area, and that the establishment is approved for outside dining for a maximum twenty-four (24) seats.
16. After the Public Hearing on July 29, 2013, the Planning Board held deliberations on the above-noted Application. At that time the Board reached the following conclusions.

CONCLUSIONS

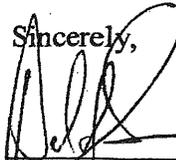
1. The Board found that the proposal satisfies all applicable standards of the Ogunquit Zoning Ordinance.

DECISION

Based on the above Facts and Conclusions, on July 29, 2013 the Ogunquit Planning Board voted to approve this application. The text of the motion from the July 29, 2013 Planning Board Minutes appears below:

Mr. Yurko Moved to Approve the Application for Judith Dennis / Bandito’s Mexican Grill – 68 Shore Road – Map 6 Block 69 with a 10:00 p.m. cut off time for outside service of food and/or beverages and a 10:00 p.m. cut off time for music of any type, also all patrons must have vacated

the outside tables by 11:00 p.m. In addition, Adirondack chairs in front of the building are not considered to be part of this application and are not to be used for service of food or beverages. YURKO/BEVINS 3:1 (Ms. Bevins Dissenting)

Sincerely,

8.13.13
Don Simpson
Planning Board Chair

*

“Petitioned Article

Article 10: Shall the Town vote to extend the Ogunquit business district from its current location at School Street south down Shore Road to the Fireman’s Park (a total of 40 yards) and from Shore Road west along the side of Fireman’s park to the Residential District at the fire station (33 yards)?

YES 214 NO 144”

4.9 Zoning Board of Appeals

071916-08 Motion made by Robert Winn and second by Richard Dolliver to appoint Jerry DeHart as 1st Alternate of the Zoning Board of Appeals, term to expire June 30, 2017

4.10 Confirmation of Town Manager's Appointments

071916-08 Motion made Robert Winn and second by Richard Dolliver to approve reappointment of all Department Heads for the year 2016-2017:

Christine Murphy, Town Clerk
John Quartararo, Treasurer
Scott Heyland, Code Enforcement Officer
Scott Heyland, Licensed Plumbing Inspector
Patricia Arnaudin, Police Chief
Mark O'Brien, Fire/Rescue Chief
John Fusco, Transfer Station Manager
Fred Mayo III, Harbormaster
Clifford Marchant, Administrative Services Director

Approved 4-0, Daley absent

5.0 PUBLIC INPUT (CURRENT AGENDA ONLY)

There were no comments or questions from the public on the agenda items.

6.0 PUBLIC HEARING - LICENSE APPLICATIONS

Public Hearing called to order at 6:34pm.

6.1 Bandito's Mexican Grill - Malt, Spirituous & Vinous Liquor License Renewal Application

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

Selectman Latulippe asked, due to a business and personal conflict with this applicant, that he be recused from this application.

Judy Denis was in attendance to represent Bandito's Mexican Grill.

David Latulippe, Sea Chambers Motel & Inn (62 & 67 Shore Road)

- Comments regarding issues (outside bar and fire pit after 10:00pm) last year regarding Police Department calls to the establishment.
- Stated that the issue has continued this year and it has impacted his business. Applicant shows disregard of ordinances and the laws.

Kim Carpenter, 54 Shore Road

- Supported statements made by David Latulippe.
- Received copy of Police Report, stated that there were 21 disturbance calls in 2015.
- Shows lack of respect for neighbors and law enforcement.

The applicant, Judy Denis, commented on the statements made by the concerned citizens.

Scott Heyland, Code Enforcement Officer

- Mr. Heyland was asked what options were open to the Select Board to remedy the issues at hand.
- Mr. Heyland stated that under Title IX of the Ogunquit Municipal Ordinance, the Select Board has the ability to impose restrictions upon the establishment.
- CEO Heyland stated that he had sent out a notice of violation of the Planning Board restrictions. This was based on a complaint to Police Department.

Kevin Denis, Bandito's Mexican Grill

- Mr. Denis explained that he is Judy's son and also bartends.
- He commented on the neighbor's complaint to the Police Department.

071916-09 Motion made by Robert Winn and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Application for Bandito's Mexican Grill with the following condition that all outside activity cease at 10:00pm; approved 3-0, Daley absent and Latulippe recused.

- 6.2 Jackie's Too - Malt, Spirituous & Vinous Liquor License Renewal Application Application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

Jackie Bevins was in attendance to represent Jackie's Too.

Roger Brown, 8 Seagrass Lane

- Stated that he supported the renewal of Jackie's.
- Also asked that the agenda item 9.0 be moved to be heard after 6.0.

071916-10 Motion made by Robert Winn and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Application for Jackie's Too; approved 4-0, Daley absent.

- 6.3 Hartwell House One, LLC - *New Malt, Spirituous & Vinous Liquor License Application* Application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions regarding the application.

Representation was in attendance for Hartwell House One, LLC.

071916-11 Motion made by Robert Winn and second by Richard Dolliver to approve the New Malt, Spirituous & Vinous Liquor License Application for Hartwell House One, LLC; approved 4-0, Daley absent.

- 6.4 The Trellis House - *Malt, Spirituous & Vinous Liquor License Renewal Application* Application recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions regarding the application.

Representation was in attendance for The Trellis House.

071916-12 Motion made by Robert Winn and second by Richard Dolliver to approve the Malt, Spirituous & Vinous Liquor License Application for The Trellis House, approved 4-0, Daley absent.

The Ogunquit Residents Alliance was taken out of order and was held immediately after the public hearings.

The public hearing was closed at 10:35pm and a brief recess was called.

Motion made by Gary Latulippe and second by Robert Winn to call the meeting to order at 10:40pm; approved 4-0, Daley absent.

7.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

- 7.1 Transfer Station Waste Hauling RFP - *John Fusco, Transfer Station Manager*



New Business

OGUNQUIT

Beautiful Place by the Sea

MEMORANDUM

To: Ogunquit Select Board

From: Donald Gerrish, Interim Town Manager 

Date: July 7, 2017

Re: Select Board Liaisons

The Select Board in the past has had liaisons from the Board to certain Town Boards & Committees.

The last time we could find in the minutes the Select Board taking official action concerning liaisons was July 14, 2011. A copy of those minutes is attached.

The Board needs to decide if you want to continue to have liaisons, and if you do which Boards or Committees to have them with.

071411-04 Motion made by Robert Winn and second by Barbara Dailey to approve the appointment of Everett Leach as a 1st Alternate to the Budget Review Committee, term to expire June 30, 2012; approved 5-0.

4.2 Appointment of Select Board Members as Liaisons to Town Committees
To appoint Select Board Liaisons to town committees

After discussion, Select Board members indicated their committee preference to act as a liaison to:

Selectman Barton
Building Needs Committee
Historic Preservation Commission
Marginal Way Committee

Selectman Dailey
Ogunquit Performing Arts

Selectman Winn
Building Needs Committee
Conservation Commission
Parks & Recreation Committee

Selectman Jarochym
Building Needs Committee
Central York County Connections Study Steering Committee
Parks & Recreation Committee

Chairman Tramuto requested that over the next six months town committees give a presentation at the Select Board meetings, which would mean two committees per month.

5.0 PUBLIC HEARINGS, PRESENTATION

Motion made by Robert Winn and second by Chris Jarochym to open the public hearing at 6:07pm; approved 5-0.

5.1 Beach House Grill - Malt, Spirituous and Vinous License Renewal

071411-05 Motion made by Robert Winn and second by Barbara Dailey to approve the Malt, Spirituous and Vinous License Renewal for the Beach House Grill; approved 5-0.

5.2 Beach House Grill – Amusement License Renewal

071411-06 Motion made by Robert Winn and second by Barbara Dailey to approve the Amusement License Renewal for the Beach House Grill; approved 5-0.

5.3 Booth Theater – Amusement License Renewal

Due to absence of the applicant, this renewal request was tabled until the next meeting of the Select Board.

OGUNQUIT

Beautiful Place by the Sea

MEMORANDUM

To: Ogunquit Select Board

From: Donald Gerrish, Interim Town Manager



Date: July 7, 2017

Re: Board, Committee & Commission Code of Ethics

The Select Board adopted a Code of Ethics for the Select Board on 12/6/2016. They discussed having roughly the same Code of Ethics for all Town Boards, Committees and Commissions.

Attached is a revised draft of the Code of Ethics that would apply to Boards, Committees and Commissions.

The Board will need to decide if it wants to have a Code of Ethics for Boards, Committees and Commissions and if the attached draft is sufficient.



TOWN OF OGUNQUIT CODE OF ETHICS

This Code of Ethics applies to members of all Town boards, committees, and commissions (hereinafter referred to as "Members").

PREAMBLE

To ensure that the Citizens and businesses of Ogunquit have fair, impartial, ethical, and accountable local government that is responsive to the needs of the people and each other and that has the Citizens' full confidence in the integrity of the Town's government, the Select Board has adopted this Code of Ethics. In keeping with a commitment to excellence, the effective functioning of democratic Town of Ogunquit government requires that:

- ~~Elected public officials~~ Members comply with both the letter and spirit of laws and policies affecting the Town Government;
- ~~Elected public officials~~ Members be independent, impartial, and fair in judgment and action;
- ~~Elected public officials~~ Members work for the public good and not personal gain;
- Public deliberations and processes be conducted openly, unless legally confidential and;
- All discussions and debate be conducted in an atmosphere of respect and civility.

1. **Actions in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern; Members will work for the common good of the Citizens of Ogunquit and not for any private interest or personal gain. Members shall

provide fair and equal treatment of all persons, claims, and transactions that come before ~~the Select Board~~ their respective bodies.

2. Compliance with the Law

Members shall comply with the Laws of the United States, the State of Maine, and the Town of Ogunquit in the performance of their public duties. These Laws include, but are not limited to, the United States and Maine State constitutions and statutes; the Town of Ogunquit's Bylaws, Ordinances and Policies; Ogunquit Town Charter and laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government.

3. Conduct of Members

The professional and personal conduct of Members must be above reproach and must avoid any appearance of impropriety. Members shall refrain from abusive conduct, from making personal charges or disparaging remarks, or from verbal attacks upon the character or motives of Members of Town boards, committees, or commissions, of Town Staff or the Citizens.

4. Respect for the Process

Members shall perform their duties in accordance with the processes and rules of order established by the Select Board. Each member shall be committed to respect the democratic process that encourages meaningful involvement of the public and that governs the deliberation of public policy issues in the Town of Ogunquit. ~~Members must abide by any lawful decision made by a majority of the Select Board.~~ Members should strive to thoughtfully consider the opinions and recommendations of other Members, Citizens, and Town staff appearing before ~~the Select Board~~ their respective body and shall remain respectful in all interactions with these individuals. ~~Members shall have no legal authority outside of the Select Board unless this authority has been specifically delegated to the Member through an adopted policy or majority vote of the board.~~

5. Conduct of Public Meetings

Members shall prepare themselves for open discussion of public issues, shall listen courteously and attentively to all public discussions before the body, and shall focus on the business at hand. Members shall refrain from

unnecessarily interrupting other speakers, from making personal comments not germane to the business of the body, and from otherwise interfering with the orderly conduct of meetings. The Chair shall use his or her best efforts to ensure that the public who attend such meetings adhere to these same standards of conduct for the conduct of public meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand. No member shall make promises in advance as to how they will vote on a matter, which shall properly come before the board as a whole.

7. Communication

Members are encouraged to publicly share information that is relevant to any non-confidential matter under consideration by the Board, both during and outside of duly noticed meetings. However, at no time shall such information-sharing lead to promises being made as to how that Member intends to vote on that issue until it has been discussed and deliberated upon at a duly noticed meeting. Non-confidential documents including reports, studies, etc. from committees, boards, commissions, individuals, etc., presented to ~~the Board~~ their respective body are public records and as such shall be made available to the public upon request.

NOTE: This section does not apply to the Planning Board because any electronic exchange involving three or more Planning Board Members constitutes a meeting:

Members may exchange email (and other electronic communication) to obtain or share background information about an issue, but these communications should not constitute the deliberation of public business or any decision-making; such deliberation and decision-making shall only occur at a properly noticed public meeting.

All Members' concerns about the conduct or behavior of Town employees shall be communicated to the Town Manager and never directly with an employee. Criticism of a town employee shall never be done publicly.

8. Conflict of Interest

Members shall avoid any situation that may give rise to an actual or perceived conflict of interest. Where circumstances give rise to an actual or perceived conflict of interest, the Member shall not participate in the deliberation of that matter unless the Member has appropriately disclosed the situation and there has been a determination by the ~~Select Board~~ the respective body chair, or for the Planning Board a vote by Planning Board Members, that the Member's participation is appropriate. Additionally, any Member who believes that any fellow Member has an actual or appearance of a conflict with any agenda item before their collective body, shall disclose that interest.

Once disclosure has been made as provided above or the issue of conflict has been raised relative to a Member, the ~~Select Board~~ respective body shall review the facts and shall vote on whether or not such Member has a Financial Interest* or a Special Interest** with respect to the agenda item concerned. All conflict-of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each Member shall be entitled to vote on all actual or perceived conflict-of-interest questions except those questions pertaining to that Member's alleged conflict of interest.

Once any Member is determined to have a conflict of interest with respect to any agenda item, the Member shall move to the area of the room occupied by the general public. The Planning Board prefers that the Member move to the foyer. The Member shall not return to his or her regular seat as a member of the body until deliberation and action on the item has been completed.

* **Financial Interest**- financial interest shall mean any direct or indirect interest having monetary or pecuniary value, including but not limited to the ownership or shares of stock.

** **Special Interest**- a conflict between the person's private interests and those in the public interest.

9. **Gifts and Favors**

Members shall not take advantage of services or opportunities for personal gain, by virtue of their ~~public offices~~ involvement in Town matters that are not available to the public in general. Members shall refrain from accepting or presenting gifts, favors, or promises of future benefits that might

compromise independence of judgment or action, or that might give the appearance of such compromise.

10. Confidential Information

No Member shall discuss or disclose confidential information concerning the property, personnel, government or affairs of the Town, nor shall any member use such information to advance the private or financial interests of himself or herself or members of his or her family. Members shall not discuss the privileged knowledge, executive sessions, or confidential business of the Board, committee, or commission with any third parties, either orally or in writing. For purposes of this subsection, "confidential information" shall mean any information, oral or written, which comes to the attention of or is available to such Member due to his or her position with the Town and is not a matter of public record. Information received and discussed during any executive session shall be considered within the scope of this section and shall not be disclosed to any party unless permitted by affirmative vote of a majority of such board.

11. Use of Public Resources

Members shall not use public resources not available to the general public for private gain or for personal purposes such as Town staff time, equipment, supplies or facilities.

12. Representation of Third Party Interests

As stewards of the public interest, Members of the Select Board shall not represent the interests of third parties before any Town board, committee, or commission, nor shall they appear before any of these bodies on behalf of the interests of third parties on matters related to the areas of service of these bodies. Nothing herein shall be construed to prohibit any Member from representing his or her own personal interest, or the interest of immediate family, by appearing before any Board on any item.

13. Advocacy

Members shall represent the official policies and positions of the ~~Select Board~~ Town of Ogunquit when designated as delegates for this purpose to the best of their ability. When presenting personal opinions and positions Members shall explicitly state that these opinions and positions do not represent their body or the Town of Ogunquit, and they shall not allow any inference that they do.

14. Policy Role of Members

Members shall respect and adhere to the Town Manager Structure of Town government. The Select Board shall determine the policies of the Town, with advice, information, and analysis provided by Town staff, by the Town's boards, committees, and commissions, and by the Citizens.

Members shall therefore not interfere with the administrative or operational functions of the Town or with the professional duties of Town staff, nor shall they impair the ability of Town staff to implement the policy decisions of the Select Board.

15. Independence of Boards, Committees, and Commissions

Members shall refrain from using their positions to unduly influence the deliberations or outcomes of any board, committee, or commission proceeding. Members should also refrain from bringing matters under discussion and review within their respective body up for discussion before any other board, committee, or commission.

16. Positive Workplace Environment

Members shall support a positive and constructive workplace environment for Town employees and for citizens and businesses dealing with the Town. Members shall recognize their special role when dealing with Town employees and shall in no way create the perception of inappropriate direction of staff.

17. Implementation

This expression of the standards of conduct expected of Members ~~of the Select Board~~ is intended to be self-enforcing. It is most effective when Members are thoroughly familiar with it and embrace its provisions.

For this reason, this Code of Ethics shall be included in the orientation of newly elected ~~Select Board~~ board, committee, and commission members. Members entering office one of these bodies shall sign a statement acknowledging they have received read and understand the Town of Ogunquit's Code of Ethics. This Code of Ethics shall be reviewed regularly by the Select Board, which shall consider updates to the Code of Ethics as necessary.

18. Compliance and Enforcement

The Town of Ogunquit Code of Ethics expresses standards of conduct expected of Members of the Town's ~~Select Board~~ boards, committees, and commissions. Members themselves have the primary responsibility for ensuring that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The Chair and Vice-Chair of the Select Board have the responsibility for intervening when actions of Members appear to be in violation of this Code of Ethics. ~~In instances where the Chair or Vice-Chair appears to be in violation of the Code of Ethics any remaining Select Board member may intervene.~~

In addition to any other penalties or remedies as may be provided by law, the Select Board may intervene and counsel Members whose conduct does not comply with the Town's ethical standards.

When a member violates the Code of Ethics, the actions taken may range from a letter of reprimand by the Select Board, to a censure, to a request for resignation from the elected position. All penalties shall require a majority vote of the Select Board before being imposed upon the Member determined to be in violation.

~~A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Select Board decision but may be used as a basis for the Board to reconsider its decision.~~

19. Separability

Town of Ogunquit
Code of Ethics
12/6/2016

If any section, subsection, sentence clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such validity or unconstitutionality shall not affect the validity of the remaining portions of this Code of Ethics.

~~This policy, adopted by the Select Board of the Town of Ogunquit on this 6th day of December, 2016~~

I have read and accept the above Code of Ethics as witnessed by my signature below.

Signature

Date

This code of conduct was developed based on similar codes used by other elected boards and committees in other communities.

June 21, 2017

Municipal Officials
York County, ME

Dear Municipal Officials:

The York County Budget Committee is in the process of wrapping up the review of the FY'18 County Budget. We spent considerable time in our review process discussing the impacts that the new courthouse location will have on the County budget.

We are accepting of the fact that the new courthouse is being built in Biddeford. We are not accepting however; of the impacts that this will have on the County budget, and therefore, each and every one of the municipalities.

We also had an opportunity to discuss this issue with the District Attorney. We are convinced that not having the District Attorney in the courthouse will not only be detrimental to our citizens but, detrimental to every town and city that has a Police Department as you will find yourselves driving between Biddeford and Alfred on a consistent basis.

The County Budget Committee, representing the twenty nine (29) municipalities and the public, asks for your support. We request that you review the attached letters and consider approving of the attached Resolution.

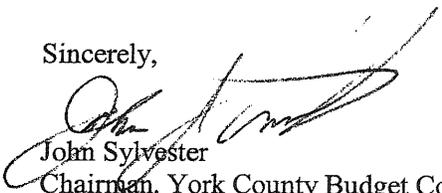
If your town/city Board approve of this Resolution, we ask that you sign and mail it to Chief Justice Leigh Saufley and return a copy to my attention in the self addressed, stamped, enclosed envelope.

Chief Justice Saufley's mailing address is:
Maine Supreme Judicial Court
205 Newbury Street, Room 139
Portland, ME 04101-4125

We hope a concerted effort on behalf of each town will encourage the Judiciary to come to the table.

You may contact me with any questions.

Sincerely,



John Sylvester
Chairman, York County Budget Committee
Cc: Enclosures

June 21, 2017

Maine Supreme Judicial Court
Honorable Chief Justice Leah Saufley
205 Newbury Street, Room 139
Portland, ME 04101-4125

Dear Chief Justice Saufley:

As you know, at its workshop on Wednesday, May 24, 2017, the Joint Standing Committee on the Judiciary voted unanimously to “kill” LD1264, Resolve Regarding the Combined Courthouse in York County.

However, most members of this legislative committee did spend about ten minutes in discussion about this Bill. The common theme so clearly conveyed by those discussing LD 1264 was both simple and direct “We hope both parties can sit together, find common ground and resolve their differences.” Taking that legislative theme as a starting point, we believe that suggestion has much merit.

We are writing to you today to request your consideration of our request that you and Representatives of the State of Maine Judicial Branch of State Government meet with those within County Government and with one or two representatives of the public in York County to clearly define, discuss and resolve the financial issues associated with the decision to locate the York County Combined Courthouse in Biddeford. The financial issues to which we refer are about \$402,000.00 in added costs to County Government that include added staff, travel costs, etc. to and from County facilities in Alfred to Biddeford and the terms and conditions of a possible lease of adequate space for the forty six (46) person District Attorney’s office in the proposed courthouse.

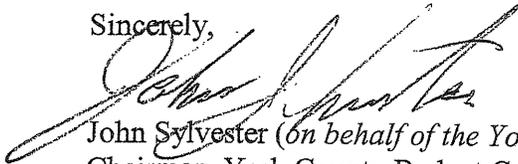
Early considerations between the County Manager and the Court Administrator have begun with the lease by the State to the County of 10,000 square feet of space at \$10.00 per square foot or \$100,000.00 per year for a five (5) year term. Since \$.84 of each dollar raised by the County comes from local property taxes, that then means that \$421,680.00 of the projected added burden to County Government to serve the combined court in Biddeford falls on property owners each of the first five years of court operation (\$402,000.00 in salaries, travel, etc. plus \$100,000.00 for the lease equals \$502,000.00).

The Commissioners of the County of York will review a similar request from them to you at their next meeting on June 7, 2017. We are hopeful that a stakeholder working group can be quickly assembled to review this matter and move forward together with a resolution acceptable to both parties within the next six to eight weeks.

Letter to Chief Justice Saufley
June 21, 2017
Page 2

Thank you very much for your consideration of our request. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "John Sylvester", written over a horizontal line.

John Sylvester (*on behalf of the York County Budget Committee*)
Chairman, York County Budget Committee

cc: York County Commissioners, York County Manager, Members Joint Standing Committee of the Judiciary, York County District Attorney, York County Sheriff, Maine State Senators and Representatives to twenty-nine York County cities and towns

*Note: The York County Budget Committee is by statute, composed of ten (10) elected, municipal officials and five (5) members from the public elected at an annual caucus by elected, municipal officials.



*Sallie V. Chandler, Chair
District 1*

*Richard R. Dutremble
District 2*

*Marston D. Lovell
District 3*

*Michael J. Cote
District 4*

*Richard Clark
District 5*

COUNTY OF YORK

45 Kennebunk Road

Alfred, Maine 04002

(207) 459-2313

Fax (207) 324-9494

www.yorkcountymaine.gov

*Gregory T. Zinser
County Manager*

*Kathryn A. Dumont
Assistant to the Manager*

*Victoria C. Ridlon
Finance Director*

*Linda M. Corliss
Human Resource Director*

*Frank P. Wood
Treasurer*

*Rose M. Leeman
Deputy Treasurer*

June 14, 2017

Maine Supreme Judicial Court
Honorable Chief Justice Leigh Saufley
205 Newbury Street, Room 139
Portland, ME 04101-4125

Dear Chief Justice Saufley,

I write this letter on behalf of the York County Commissioners.

As you are most likely aware, Senator Woodsome, on behalf of York County, submitted legislation regarding court facilities in York County. While the legislation ultimately failed, the myriad problems created by the new courthouse being located in Biddeford, have not gone away.

York County does not contest the location of the Courthouse. We are contesting the unintended consequences of such a move that will affect both of us-the County economically and the Judiciary in terms of efficiency. The County estimates an impact of \$500,000.00 annually.

The County finds it unacceptable that the decision of one level of government will have such a drastic economic effect on York County. The legislation advanced by York County sought up to 20,000 square feet of space for the District Attorney and additional compensation for increased levels of staffing that will be required because of the new courthouse. The notion that the Judiciary is stepping up to the plate by offering us up to 10,000 square feet at a cost of \$10 per square foot is without merit and represents nothing more than a mandate on the County and

Letter to Chief Justice Saufley
June 14, 2017
Page 2

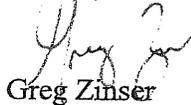
conveys the message of “now, that we the Judiciary have moved, you, the County, can simply come along, move in and pay us.”

Just like the space for the District Attorney, the costs associated with inmate transports and security were not discussed as part of the site selection process. As with the District Attorney, we find the economic impact to the County associated with this move to also be a mandate upon the County.

Individually and collectively, these issues will severely hamper the efficiency of the Unified Docket as well as general operations of the Court System in York County.

While we both agree that a new courthouse is needed, we can also both agree that severe problems will materialize when the new courthouse goes online in 2020 or 2021. We hope this letter prompts the judiciary to reconsider their position recognizing the unique set of circumstances we now share.

I wish you kind regards,



Greg Zinser
York County Manager

GZ/kad

cc: York County Commissioners
York County Budget Committee

RESOLUTION REGARDING THE ECONOMIC IMPACTS OF THE COMBINED COURTHOUSE IN YORK COUNTY

WHEREAS, the Judicial Branch of the Government of the State of Maine determined that it is advantageous to have a combined courthouse in York County; and

WHEREAS, the Maine State Legislature agreed and introduced a \$90 million bond with \$65 million designated for a combined courthouse in York County and the Governor signed that legislation into law; and

WHEREAS, the Legislature also introduced legislation that was signed into law by the Governor that created the Site Selection Commission to decide the location of a new combined courthouse; and

WHEREAS, the Site Selection Commission selected the City of Biddeford as the location for the proposed, combined courthouse; and

WHEREAS, the Site Selection Commission did not discuss any possible, financial impacts on the County; and

WHEREAS, the Site Selection Commission devoted little thought or discussion to the absolutely vital need to locate the York County Government office of the York County District Attorney in the new, combined courthouse; and

WHEREAS, the County of York estimates that the added, minimum, estimated costs to the County will surpass \$500,000.00 annually; and

WHEREAS, these costs will be borne completely by property tax payers in the 29 municipalities in York County; and

WHEREAS, not having the District Attorney of York County located within the combined courthouse will be a very significant disservice to the 200,000 citizens of the County and create the very large inefficiencies the \$65 million combined courthouse is supposed to erase; and

WHEREAS, the absence of the District Attorney in the combined courthouse will have a very significant negative impact and effect on the operations and efficiencies of the Maine State Police, the York County Sheriff and the 15 municipal police departments in York County; and

WHEREAS, our Ogunquit Selectboard finds it totally unacceptable that the decision of one level of Government, the State Judicial Branch, will have a negative impact on two other levels of Government, the County of York and the 29 cities and towns of the County; and

WHEREAS, we have carefully reviewed letters to Chief Justice Leigh Saufley from the York County Commissioners and the York County Budget Committee, who are our elected representatives, and agree with their concerns.

THEREFORE, BE IT RESOLVED, by the Selectboard of Ogunquit that we formally request the Chief Justice of the Maine Supreme Judicial Court, the Honorable Leigh Saufley and her colleagues seek meaningful dialogue with the County and associated stakeholders, identifying and discussing, jointly, and agreeing on reasonable action to mitigate these impacts to York County by default to Ogunquit. We further believe that the active participation by the Chief Justice in these negotiations is critical to successful resolution of any and all known impacts.

Signed this ____ of June by:

Name Title

Name Title

Name Title

Name Title

Name Title