

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, AUGUST 1, 2017

- 1.0 COMMITTEE INTERVIEWS - 5:30PM**
 - 1.1 Historic Preservation Commission
 - 1.2 Zoning Board of Appeals

- 2.0 CALL TO ORDER: 6:00**
 - 2.1 Pledge of Allegiance
 - 2.2 Select Board Minutes - July 25, 2017

- 3.0 TOWN MANAGER'S REPORT**

- 4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS**
 - 4.1 Historic Preservation Commission - Appointment
 - 4.2 Zoning Board of Appeals - Appointment
 - 4.3 Animal Control Officer - Reappointment
 - 4.4 Emergency Management Director - Reappointment
 - 4.5 Local Health Officer - Reappointment
 - 4.6 Registrar of Voters - Reappointment

- 5.0 PUBLIC INPUT (CURRENT AGENDA ONLY)**

- 6.0 PUBLIC HEARING - LICENSE APPLICATIONS**

- 7.0 PUBLIC HEARINGS & PRESENTATIONS**
 - 7.1 Ogunquit Rotary - Beach Wheelchair Presentation to Town
Presentation of a new Beach Wheelchair to the Town of Ogunquit by Ogunquit Rotary
 - 7.1 Comprehensive Plan Committee Update - Steve Wilkos, Chair, Comprehensive Plan Committee

- 8.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS**
 - 8.1 Roby's Pond Association
Select Board Review of the Request from Roby's Pond Association
 - 8.2 Update on Code of Ethics for Boards & Committees - Don Gerrish, Interim Town Manager

- 9.0 ADMINISTRATIVE ITEMS - NEW BUSINESS**

Ogunquit Select Board

August 1, 2017

Page 2

9.1 Great Works Regional Land Trust - *Donald Gerrish, Interim Town Manager*
Request to periodically use A-frame type signage for events

**10.0 MISCELLANEOUS BUSINESS - ORAL & WRITTEN COMMUNICATIONS -
FOLLOW-UP**

10.1 Public Input

10.2 Select Board

11.0 ADJOURNMENT



COMMITTEE
INTERVIEWS

TOWN OF OGUNQUIT, MAINE
TOWN OF OGUNQUIT, MAINE

TOWN CLERK'S OFFICE

23 School Street, PO Box 2122, Ogunquit Maine 03907
Telephone: (207) 646-9546 Fax: (207) 646-5920

TOWN OF OGUNQUIT, MAINE
Rec'd in the
Town Clerk's Office
on July 6, 2017
09:07 am

Rec. by JM

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

- New Re-Appointment Appointment from Alternate to Full Member

PLEASE ANSWER ALL QUESTIONS ON THE FORM

NAME: David F Barton

RESIDENCE

MAILING (if different) P O Box 1570

E-MAIL ADDRESS

PHONE: (Home) 401 (Work)

Please check your choices and list in order of priority by marking 1, 2, 3, etc

- | | |
|---|--|
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Parks & Recreation Committee |
| <input type="checkbox"/> Cable TV Regulatory Commission | <input type="checkbox"/> Performing Arts Committee |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Harbor Committee | <input type="checkbox"/> Recycling Committee |
| <input type="checkbox"/> Heritage Museum Committee | <input type="checkbox"/> Shellfish Conservation Commission |
| <input checked="" type="checkbox"/> Historic Preservation Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Marginal Way Committee | <input type="checkbox"/> Other |

RELATED EXPERIENCE (Including other Boards/Commissions)

#1. 5 Years Ogunquit Select Board, #2. 2.5 years Building Needs Comm, #3. 4 years Marginal Way Comm, #4. 5 years Historic Preservation Comm, #5. 4 years in Alfred on York County Budget Comm and Caucus Chair, #6. 2 years in Augusta at MMA Legislative Policy Comm, Lobbying State Legislature.

I am a: (check those that apply)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Year-round Resident | <input type="checkbox"/> Summer Resident |
| <input checked="" type="checkbox"/> Ogunquit Property Owner | <input checked="" type="checkbox"/> Registered to Vote in Ogunquit |

SPECIFY REASON FOR APPLICATION TO THIS BOARD:

I established personal residency in Ogunquit in 2004 and was appointed to my first committee the OHPC immediately after I sold my last business interest in Boston Ornament Co an up scale ornamental plaster restoration and manufacturing business.

I have decades of experience in the field of Historic architectural research and restoration.

I have have not attended at least two (2) meetings of the Board for which application is being made. I agree to attend all meetings, except in the case of sickness or emergency, and will advise the Chairperson when I am unable to attend, if appointed


Signature of Applicant

7/6/2017
Date

TOWN OF OGUNQUIT, MAINE

TOWN OF OGUNQUIT, MAINE

Received in the
Town Clerk's Office

TOWN CLERK'S OFFICE

23 School Street, PO Box 2122, Ogunquit Maine 03907

Telephone: (207) 646-9546 Fax: (207) 646-5920

on 07/18/17
at 8:00am

Rec. by CM

Town Clerk

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

- New
 Re-Appointment
 Appointment from Alternate to Full Member

PLEASE ANSWER ALL QUESTIONS ON THE FORM

NAME: Carole Aaron

RESIDENCE

MAILING (if different)

E-MAIL ADDRESS

PHONE: (Home)

(Work)

Please check your choices and list in order of priority by marking 1, 2, 3, etc

- | | |
|--|---|
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Parks & Recreation Committee |
| <input type="checkbox"/> Cable TV Regulatory Commission | <input type="checkbox"/> Performing Arts Committee |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Harbor Committee | <input type="checkbox"/> Recycling Committee |
| <input type="checkbox"/> Heritage Museum Committee | <input type="checkbox"/> Shellfish Conservation Commission |
| <input type="checkbox"/> Historic Preservation Committee | <input checked="" type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Marginal Way Committee | <input type="checkbox"/> Other |

RELATED EXPERIENCE (Including other Boards/Commissions)

Budget Review Committee, Comprehensive Plan Committee, Cable TV Regulatory

I am a: (check those that apply)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Year-round Resident | <input type="checkbox"/> Summer Resident |
| <input type="checkbox"/> Ogunquit Property Owner | <input type="checkbox"/> Registered to Vote in Ogunquit |

SPECIFY REASON FOR APPLICATION TO THIS BOARD:

would like a clearer understanding of the Zoning rules and regulations

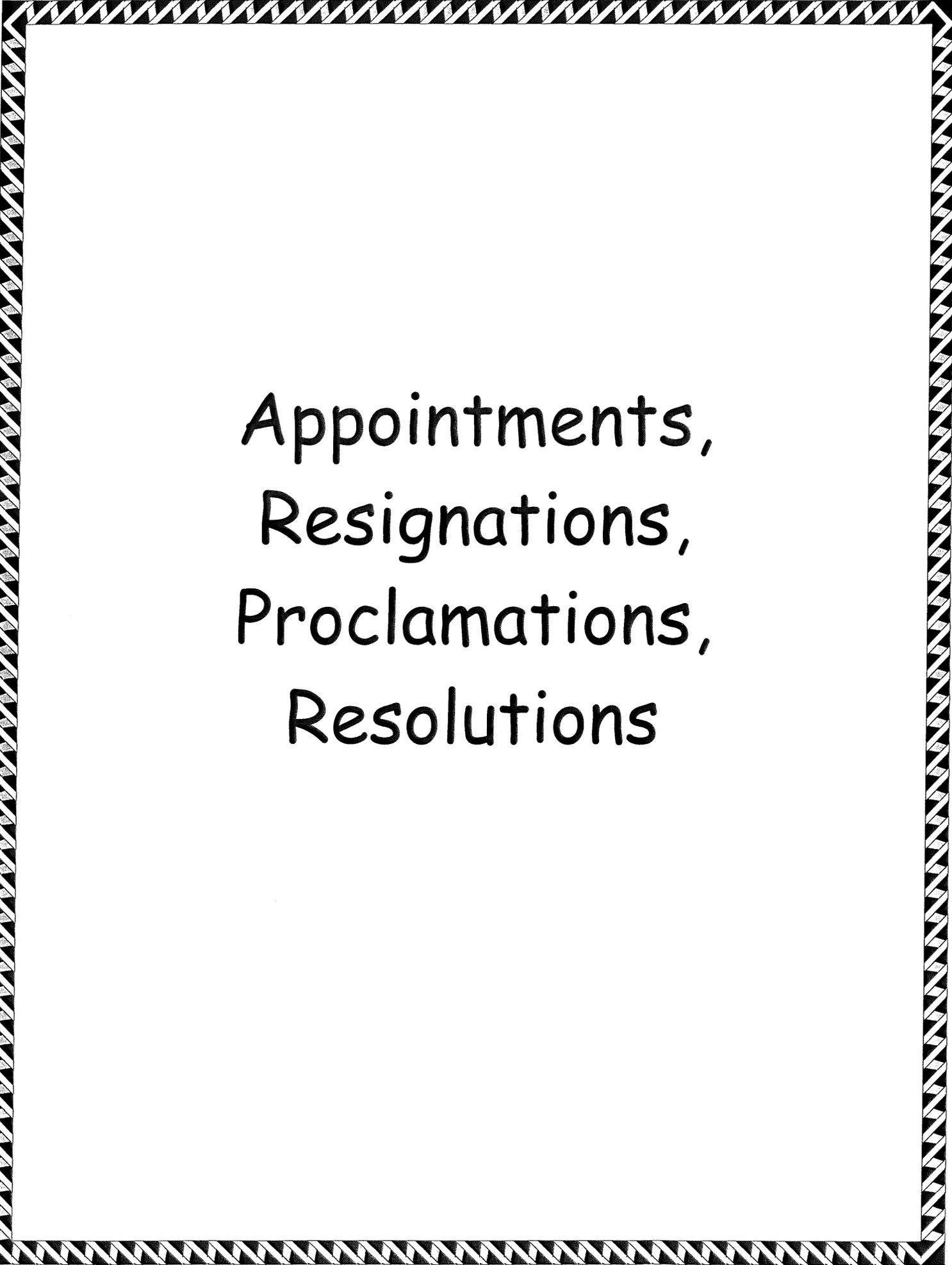
I have have not attended at least two (2) meetings of the Board for which application is being made. I agree to attend all meeting, except in the case of sickness or emergency, and will advise the Chairperson when I am unable to attend, if appointed

Carole J. Aaron

Signature of Applicant

Date

7/19/17



Appointments,
Resignations,
Proclamations,
Resolutions

updated: 07/27/2017

BOARDS/COMMITTEES
OPEN SEATS

<u>BOARD/COMMITTEE VACANCY LIST</u>	<u>TERM</u>	<u>STATUS</u>	<u>APPLICATION</u>
BIKE-PEDESTRIAN COMMITTEE (5 Members/2 Alternates/Liasons)			
Vacant	2018	1st Alternate	
Vacant	2018	2nd Alternate	
BOARD OF ASSESSMENT REVIEW (5 Members/2 Alternates)			
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	2020	Member	
CONSERVATION COMMISSION (7 Members/2 Alternates)			
Vacant	2019	Member	
Vacant	2018	1st Alternte	
Vacant	2018	2nd Alternate	
HARBOR COMMITTEE (5 Members/2 Alternates)			
Vacant	2018	2nd Alternate	
HERITAGE MUSEUM COMMITTEE (9 Members/2 Alternates)			
Vacant	2018	1st Alternate	
HISTORIC PRESERVATION COMMISSION (5 Members/2 Alternates)			
Vacant	2020	Member	
Vacant	2018	1st Alternate	
Vacant	2018	2nd Alternate	
MARGINAL WAY COMMITTEE (7 Members/2 Alternates)			
Vacant	2018	Member	
Vacant	2019	Member	
Vacant	2018	1st Alternate	
Vacant	2018	2nd Alternate	
PARKS & RECREATION COMMITTEE (7 Members/1 Select Board Liason)			
Vacant	2019	Member	
Vacant	2020	Member	
PERFORMING ARTS COMMITTEE (10 Members/2 Alternates)			
Vacant	2019	Member	
Vacant	2020	Member	
Vacant	2018	1st Alternate	
Vacant	2018	2nd Alternate	
Select Board Member Needed		Liaison	
PLANNING BOARD (5 Members/2 Alternates)			
Vacant	2018	2nd Alternate	

updated: 07/27/2017

BOARDS/COMMITTEES
OPEN SEATS

RECYCLING COMMITTEE (5 Members/2 Alternates)

Vacant	2019 Member
Vacant	2020 Member
Vacant	2020 Member
Vacant	2018 1st Alt.
Vacant	2018 2nd Alt.

SHELLFISH CONSERVATION COM. (5 Members/2 Alternates)

Vacant	2018 1st Alternate
Vacant	2018 2nd Alternate

SMRPC

Select Board Chair
Planning Board Chair

ZONING BOARD OF APPEALS (5 Members/2 Alternates)

Vacant	2018 2nd Alternate
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MUNICIPAL OFFICES

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

Website: www.townofogunquit.org

E-mail: info@townofogunquit.org

(207) 646-5139	General Offices
(207) 646-9326	Land Use
(207) 646-9546	Town Clerk
(207) 646-5920	Fax

Certificate of Appointment

In accordance with Article III, Section 310.2 of the Charter of the Town of Ogunquit, the undersigned municipal officers of the Town of Ogunquit do hereby vote to appoint and confirm:

David Barton as a Historic Preservation Commission

Dated: August 1, 2017

Term Expiration: June 30, 2020

OGUNQUIT SELECT BOARD

John M. Daley

Richard A. Dolliver

Madeline S. Mooney

Charles L. Waite, III - Chair

Robert N. Winn, Jr. – Vice Chair

State of Maine
County of York, ss

_____, 2017

Personally appeared the above named David Barton, who has been duly appointed and confirmed as a Historic Preservation Commission in said municipality and took the oath necessary to qualify for office and perform the duties thereof for the above-stated term according to law.

Before me,

Christine L. Murphy, Town Clerk
Jo Anne Lepley, Deputy Town Clerk



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 (207) 646-9546 Town Clerk
 (207) 646-5920 Fax

Certificate of Appointment

In accordance with Article III, Section 310.2 of the Charter of the Town of Ogunquit, the undersigned municipal officers of the Town of Ogunquit do hereby vote to appoint and confirm:
Carole Aaron as a Zoning Board of Appeals-2nd Alternate

Dated: August 1, 2017
 Term Expiration: June 30, 2018

OGUNQUIT SELECT BOARD

 John M. Daley

 Richard A. Dolliver

 Madeline S. Mooney

 Charles L. Waite, III - Chair

 Robert N. Winn, Jr. – Vice Chair

State of Maine
 County of York, ss _____, 2017

Personally appeared the above named Carole Aaron, who has been duly appointed and confirmed as a Zoning Board of Appeals-2nd Alternate in said municipality and took the oath necessary to qualify for office and perform the duties thereof for the above-stated term according to law.

Before me,

 Christine L. Murphy, Town Clerk
 Jo Anne Lepley, Deputy Town Clerk



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 (207) 646-9546 Town Clerk
 (207) 646-5920 Fax

Certificate of Appointment

In accordance with Article III, Section 310.2 of the Charter of the Town of Ogunquit, the undersigned municipal officers of the Town of Ogunquit do hereby vote to appoint and confirm:

Mark O'Brien as a Emergency Management Director

Dated: August 1, 2017
 Term Expiration: June 30, 2018

OGUNQUIT SELECT BOARD

John M. Daley

Richard A. Dolliver

Madeline S. Mooney

Charles L. Waite, III - Chair

Robert N. Winn, Jr. – Vice Chair

State of Maine
 County of York, ss _____, 2017

Personally appeared the above named Mark O'Brien, who has been duly appointed and confirmed as a Emergency Management Director in said municipality and took the oath necessary to qualify for office and perform the duties thereof for the above-stated term according to law.

Before me,

Christine L. Murphy, Town Clerk
Jo Anne Lepley, Deputy Town Clerk



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Certificate of Appointment

In accordance with Article III, Section 310.2 of the Charter of the Town of Ogunquit, the undersigned municipal officers of the Town of Ogunquit do hereby vote to appoint and confirm:

Scott Heyland as a Local Health Officer

Dated: August 1, 2017

Term Expiration: June 30, 2020

OGUNQUIT SELECT BOARD

John M. Daley

Richard A. Dolliver

Madeline S. Mooney

Charles L. Waite, III - Chair

Robert N. Winn, Jr. – Vice Chair

State of Maine
County of York, ss

_____, 2017

Personally appeared the above named Scott Heyland, who has been duly appointed and confirmed as a Local Health Officer in said municipality and took the oath necessary to qualify for office and perform the duties thereof for the above-stated term according to law.

Before me,

Christine L. Murphy, Town Clerk
Jo Anne Lepley, Deputy Town Clerk



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(207) 646-9546	Town Clerk
(207) 646-5920	Fax

Certificate of Appointment

In accordance with Article III, Section 310.2 of the Charter of the Town of Ogunquit, the undersigned municipal officers of the Town of Ogunquit do hereby vote to appoint and confirm:

Christine Murphy as a Registrar of Voters

Dated: August 1, 2017

Term Expiration: June 30, 2018

OGUNQUIT SELECT BOARD

John M. Daley

Richard A. Dolliver

Madeline S. Mooney

Charles L. Waite, III - Chair

Robert N. Winn, Jr. – Vice Chair

State of Maine
County of York, ss

_____, 2017

Personally appeared the above named Christine Murphy, who has been duly appointed and confirmed as a Registrar of Voters in said municipality and took the oath necessary to qualify for office and perform the duties thereof for the above-stated term according to law.

Before me,

Christine L. Murphy, Town Clerk

Jo Anne Lepley, Deputy Town Clerk



Unfinished Business

June 27, 2017

To the new Select Board of Ogunquit, Maine:

We of the Roby's Pond Association, a group of more than 40 homeowners and taxpayers on and near Roby's Pond, wish to make sure this new board is aware of what almost happened last month regarding the Ogunquit Sewer District and our neighborhood. The District almost purchased a totally inappropriate ten acre parcel of land in the middle of our old established neighborhood for a future plant relocation.

The Roby's Pond Association requests that the Select Board and town leadership take a more active role in the decision making process for the Town of Ogunquit's waste water management planning. This should include spearheading a comprehensive plan which prioritizes the needs of our town, not the sewer department's nor that of engineering consultants who answer to a quasi-corporate entity. This acquisition or any future acquisition, after all, would be financed by the residences and businesses who are current ratepayers. We request the establishment of a Special Commission to address all options for both sewer and septic long term planning. We all need a Sewer District with a transparent and fiscally responsible operating plan before the next unfortunate neighborhood is targeted.

Respectfully submitted,

The Roby's Pond Association

Memo

7/28/17

To: Select Board

From: Don Gerrish, Interim Town Manager

Re: Revised Code of Ethics for Boards, Committees and Commissions

The Select Board reviewed a draft of the Code of Ethics for Boards, Committees and Commissions at your meeting on July 11th. There was some discussion about the draft concerning Planning Board members and their responsibilities and other quasi-judicial committees like the Zoning Board of Appeals.

I decided to have the draft reviewed by an Attorney at Jensen Baird Gardiner and Henry that I know specializes in these issues. Attached are her recommended revisions.

Her recommendations go into more detail especially concerning members activities outside of meetings and the use of email.

I believe the revisions will help every board and committee member clearly understand their responsibility and protects each member and the Town.

If you give preliminary approve to this draft I will send it to all Committee Board Chairs for their memebers input and then bring it back for Board approval.



TOWN OF OGUNQUIT
CODE OF ETHICS FOR BOARDS AND COMMITTEES

This Code of Ethics applies to members of all elected and appointed Town boards, committees, and commissions (hereinafter referred to as "Members") other than the Select Board, which has its own separate Code of Ethics.

PREAMBLE

To ensure that the ~~C~~itizens 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 ~~C~~itizens' full confidence in the integrity of the Town's government, the Select Board has adopted this Code of Ethics for its local boards, committees and commissions (hereinafter collectively "board" or "boards"). 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 ~~g~~overnment;
- ~~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 boardbodies.

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; and the Town of Ogunquit's Charter, 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;~~ or of Town Staff; or of the Citizens. Members shall not use their official positons to secure unwarranted privileges or advantages for themselves or others.

4. Respect for the Process

Members shall perform their duties in accordance with the processes and rules of order established by the respective board~~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 business 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 board 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

A. Communications Outside of Board Meetings

- (i) To preserve public confidence in the fairness of board deliberations and decisions, the board should ensure that the public and interested parties have the opportunity to know, and respond to, all information the board considers in making its decisions. The board should also ensure that each Member has the opportunity to know and consider the information available to other Members.
- (ii) When considering items or issues in the public process, the board deals with parties who are directly affected by the board's decision (such as the applicant and neighbors of a proposed project). Each of these interested parties need the assurance that other interested parties will not have unfair advantage in presenting their version of the relevant facts or concerns to the board. In such cases, therefore, Members shall avoid communicating with applicants or other interested parties about the proposal outside of board meetings at which the proposal is being considered. Communications with applicants or other interested parties about the proposal

- outside of board meetings at which the proposal is being considered or information provided to a Member outside of an official board meeting ("ex parte communications") can occur in person, via telephone, fax, e-mail, or other method of communication, and should be avoided.
- (iii) A Member who is approached with an ex parte communication should actively discourage the person from doing so and encourage the person to submit the information to the board in writing or through oral testimony at a board meeting. The Member should explain that, by providing information outside the public meeting, the person may be causing constitutional due process problems with the board's process and that the board may not legally be able to consider the information the person is trying to present.
- (iv) If a Member receives unsolicited communications about an item or issue, outside of a board meeting, the Member has the duty to reveal the communications during the board's consideration of the proposal. This ensures that the communicated information will become part of the record and that other Members and interested parties will have an opportunity to consider and refute the information.
- (v) Comprehensive Plan, Zoning Ordinance, or Subdivision Regulation amendments are legislative determinations to be made by the Town Meeting, and when considering such matters the Planning Board's role is advisory. When the Planning Board considers such issues it often finds access to a broad range of public input helpful in making a decision on the issue. In such cases, therefore, Planning Board members may communicate with interested persons outside of the meetings at which the issue is being considered, but each Planning Board member has the duty to reveal the general nature and scope of relevant information and opinions gleaned from such communications during the Planning Board's consideration of the issue. To ensure that each Planning Board member's decision is based on the full range of information and public opinion available to the Planning Board, Members should avoid committing themselves to a position on the issue during any outside communications.
- (vi) Under no circumstances should Members meet with someone representing just one side of an item or issue outside a public meeting setting. Further, Members should not discuss a pending application with a Code Enforcement Officer, Town

Planner, Town Engineer, or other Town Staff outside a public board meeting in order to avoid due process problems.

- (vii) Town Staff shall ensure that any communications between Members and themselves that constitute an ex parte communication are revealed to the entire board at the next available public meeting for which that item is discussed.

B. Use of E-mail to Communicate

- (i) Members shall avoid the use of e-mail for deliberation, discussion, or for voting on matters properly confined to public meetings; e-mail should be used for non-substantive matters such as scheduling meetings, dissemination of information and reports, and developing agendas for future meetings.
- (ii) In the event this provision on use of e-mail is not followed, or if there is a question whether substantive matters properly confined to public meetings were discussed or deliberated on via e-mail by three or more members of any Town board, those e-mails in question should be printed and disclosed to the public at the next public meeting of the board.
- (iii) Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.

~~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.~~

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~~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.~~

C. Communications About Town Staff

All Members' concerns about the conduct or behavior of Town employees shall be communicated to the Town Manager in a respectful and discrete manner. ~~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,~~ remaining Members of the board 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 alleged interest.

Once disclosure has been made as provided above or if the issue of conflict has been raised relative to a Member, the ~~Select Board~~ respective board 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. If excused from participation in a matter, a Member may not sit with the board during its consideration of the matter, and may not vote on the matter, but shall take a seat in the audience and may participate as a member of the public.~~ 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 of the business or its shares of stock.~~ (See 30-A M.R.S.A. § 2605, as may be amended.)

~~** Special Interest- a conflict between the person's private interests and those in the public interest~~
** **Special Interest**- A direct or indirect personal involvement that might reasonably be expected to impair his/her objectivity or independence of judgment, including a situation where, by reason of the Member's interest, the Member is placed in a situation of temptation to serve his/her own personal interests to the prejudice of the interests of the Town.

9. Gifts and Favors

Members shall not take advantage of services or opportunities for personal gain; by virtue of their ~~public offices~~ service on a Town board ~~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 otherwise publicly available 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 those of their board or the Town of Ogunquit, and they shall not allow any inference that they do.

14. Policy Role of Select Board Members

Members shall respect and adhere to the Town Manager form 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, executive 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 currently under discussion and review ~~by~~within their respective ~~board~~body up for discussion before any other board, committee, or commission unless expressly authorized to do so by affirmative vote of a majority of the Member's board.

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 and appointed ~~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 ~~this~~ 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.

~~Initially, t~~The Chair and Vice-Chair of the ~~Select B~~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 ~~m~~Member violates the Code of Ethics, the actions taken may range from a letter of reprimand by the ~~Select~~ respective bBoard, to a censure by the respective board, to a request for resignation from the ~~elected~~ position. All such action ~~penalties~~ shall require a majority vote of the ~~Select~~ respective Bboard before being imposed upon the Member determined to be in violation.

If that board intervention fails or is ineffective, the Select Board may intervene and counsel Members whose conduct does not comply with the Town's ethical standards or take such other action at it deems appropriate under the circumstances.

~~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

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.

Town of Ogunquit

Code of Ethics

DRAFT 7-2/126/20167

~~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.



New Business

Memo

July 19, 2017

To: Select Board

From: Don Gerrish, Interim Town Manager



Re: Request from Great Works Regional Land Trust (GWRT)

I have received a request from GWRT to periodically use A-Frame type signage. A copy of their email to me is attached.

Also attached is the section from the Town's Zoning Ordinance that deals with this type of sign and the process to get approval. As you can see approval is needed by the Select Board for them to have a sign.

If approved, the sign will not exceed the Town wide limit of 8 signs.

I would like to get on the agenda for an upcoming BOS meeting. With support from Doug Mayer, I would like to request the ability for Great Works to be able to occasionally use an A-frame type of sign.
In looking at the sign ordinance, it appears that with BOS approval (and within certain other limitations) that would be possible.

I'm assuming the agenda for the next meeting is already full. I understand the BOS meets every two weeks, so if possible I'd like to be on the agenda for the meeting after that.
Thanks very much.

Darrell DeTour
Stewardship Director, Great Works Regional Land Trust

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SPAMfighter has removed 5702 of my spam emails to date.

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Don Gerrish

From: Scott Heyland [ceooigt@townofogunquit.org]
Sent: Monday, July 17, 2017 2:36 PM
To: 'Don Gerrish'
Subject: FW: !RE: A-Frame Signs

From: Darrell DeTour [mailto:][mailto:]
Sent: Monday, July 10, 2017 12:28 PM
To: 'Scott Heyland'
Cc: Doug Mayer; pmitchem@gwrit.org
Subject: !RE: A-Frame Signs

Scott, from what I see online, the ordinance (amended June 2017) Article 8.12.A.3.q reads as follows:

The Ogunquit Playhouse, Ogunquit Performing Arts, Leavitt Theater, Ogunquit Museum of American Art, and the Ogunquit Chamber of Commerce may erect portable, "A- frame" type on premises or off premises signs, collectively not to exceed eight in number within the town limits of Ogunquit, and each not displaying more than 12 square feet of sign area. Such signs shall be placed to avoid hazards to pedestrian traffic. The content and placement of such signs, as well as the allocation of signs among the groups, shall be approved annually by the Town Manager, as authorized by the Select Board. The Select Board may allow additional organizations with similar purposes, in addition to those listed above, to erect "A-frame" type signs in accordance with these standards, as long as the collective number does not exceed the above- stated town-wide limit.

Unless I'm looking at the wrong version of the Article, I don't see anything in it that says placement of A-frame signs can only be in the 3 *general areas* that you mention below. Is there another paragraph somewhere that specifically mentions Perkins Cove, The Camera Shop and the Center of Town? Rather, the Article appears to name 5 specific businesses, and goes on to say that the BOS can allow additional organizations with similar purposes to use A-frame signs.

The second option you mention does not really work for us.

Darrell

From: Scott Heyland [mailto:ceooigt@townofogunquit.org]
Sent: Friday, July 07, 2017 3:15 PM
To: 'Darrell DeTour'
Cc: 'Don Gerrish'
Subject: RE: A-Frame Signs

Darrell, Article 8.12.A.3.q allows exemptions for the placement of A-Frame signs. The placement of these signs are allowed only in 3 locations in Town. (*Perkins Cove, The Camera Shop and the Center of Town*). The language that allows the Select board to include additional Organizations would only allow you to possibly utilize the existing three locations. The other option would be to apply to the

Select Board for a special Event permit which could then allow the temporary use of A-Frame signs at the locations you identified.
Let me know if you have any further questions.

Scott Heyland

From: Darrell DeTour [mailto:darrell@townofogunquit.org]
Sent: Friday, July 07, 2017 10:52 AM
To: 'Scott Heyland'
Cc: pmitchem@gwrlt.org; rhyan.romaine@gwrlt.org; Doug Mayer
Subject: RE: A-Frame Signs

Hi Scott, thanks for getting back to me.

We anticipate that we would have only one A-frame sign set out at any given time. It would say either GWRLT EVENT, or EVENT PARKING, or the like. It would only be up for the duration of an event, which would typically be 2 to 4 hours. The possible events would be a hike, a volunteer appreciation gathering, or a Farm-to-Chef sort of event.

The A-frame sign would be placed either at the entrance to our main parking area at our Beach Plum Farm offices, at the entrance to rear parking (near the former Distant Sands), or perhaps at a parking area at the end of Meadow Lane Extension where we would access our Payeur Preserve.

If you have additional questions, please let me know. Thanks. Darrell

From: Scott Heyland [mailto:ceoozt@townofogunquit.org]
Sent: Friday, July 07, 2017 10:28 AM
To: darrell@townofogunquit.org
Cc: 'Don Gerrish'
Subject: A-Frame Signs

Hi Darrell, I have been forwarded your request to be placed on an upcoming Select Board Agenda. I understand you will be requesting permission to place an A-Frame sign per the Ogunquit Zoning Ordinance Article 8.12. The Ordinance does allow the Select Board to consider additional organizations with similar purposes to place A-Frames. Where are you proposing the placement of the sign and for how long would it remain?
Thank you

Scott Heyland
CEO/ Town Planner
Town of Ogunquit

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- q. The Ogunquit Playhouse, Ogunquit Performing Arts, Leavitt Theater, Ogunquit Museum of American Art, and the Ogunquit Chamber of Commerce may erect portable, "A- frame" type on premises or off premises signs, collectively not to exceed eight in number within the town limits of Ogunquit, and each not displaying more than 12 square feet of sign area. Such signs shall be placed to avoid hazards to pedestrian traffic. The content and placement of such signs, as well as the allocation of signs among the groups, shall be approved annually by the Town Manager, as authorized by the Select Board. The Select Board may allow additional organizations with similar purposes, in addition to those listed above, to erect "A-frame" type signs in accordance with these standards, as long as the collective number does not exceed the above- stated town-wide limit.
- r. A business may erect, for no more than thirty (30) days, one temporary sign, which is made of materials and is illuminated in compliance with section 8.12.A.1 of this Ordinance, and that is no greater than three (3) sq. ft. in area, and indicating "Grand Opening" or "Opening Soon" or the like, and may include the impending date of the opening.
- s. A business may erect a sign at its main entrance indicating that the business is "Closed" or "Open," which is no greater than three (3) square feet, and which is made of materials and is illuminated in compliance with section 8.12.A.1 of this Ordinance.
- t. Signs bearing political messages relating to an election, primary or referendum shall be entirely exempted from this section, and shall be governed by Title 23 M.R.S.A. sec. 1913-A, Maine Department of Transportation regulations, and section 208 of Title IV, Chapter 2 of the Ogunquit Town Code.
- u. No more than two (2) yard sale signs shall be displayed on the property where the yard sale is being held, and no more than two (2) signs on the street where the yard sale is being held (a maximum of four (4) signs), None of the individual signs is to be greater than six (6) square feet in size, and no sign shall be displayed either prior to, or after, the yard sale dates as indicated on the Yard Sale Permit. (Effective 6/11/14)

B. Awnings

Awnings in the business districts (DB, GB1, GB2, LB, SG1 and SG2 and any Shoreland Zone as applicable) may be erected, altered or relocated with issuance of a permit from the Code Enforcement Officer. All awnings accessory to commercial uses shall be rated as fire resistant per Building and Life Safety Codes. Before issuing a permit, the Code Enforcement Officer may submit the application to the Planning Board for review, interpretation and possible approval. The Code Enforcement Officer shall enforce Article 8.12.B and all permits issued thereto. (Amended 6/12/12, 6/9/15 ATM)

No permit is required to erect, alter or relocate an awning within residential districts (OFR, R, RR1, RR2, and F) so long as the free passage of pedestrians, bicyclists and