

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, JANUARY 2, 2018

5:00PM - COMMITTEE WORKSHOP

1. Bicycle-Pedestrian Committee - 5:00pm

1.0 CALL TO ORDER: 6:00PM

- 1.1 Roll Call of Members
- 1.2 Pledge of Allegiance
- 1.3 Select Board Minutes - December 5, 2017

2.0 TOWN MANAGER'S REPORT

3.0 COMMITTEE APPOINTMENTS & RESIGNATIONS

4.0 PRESENTATIONS, PROCLAMATIONS & RESOLUTIONS

- 4.1 Marginal Way Revetment Project - Paul Breen
- 4.2 Progress Report for Marginal Way Remediation, Year 3 - Joan Griswold

5.0 PUBLIC HEARINGS

6.0 UNFINISHED BUSINESS

7.0 NEW BUSINESS

- 7.1 Authorize the Town Manager to enter into an Agreement with Bernstein Shur for Legal Services
- 7.2 Appointment of the Town Manager to the Executive Committee of the Southern Maine Planning and Development Commission (SMPDC)
- 7.3 Consideration of a Policy Regarding Select Board Review of Liquor Licenses and Amusement Licenses
- 7.4 Consideration of a Select Board Public Relations Policy

8.0 CITIZEN COMMENTS (For town topics not on the agenda)

The Select Board welcomes public comments and questions about Town-related issues that are not on the agenda. We ask that people keep comments on point and within 3 minutes.

9.0 OTHER BUSINESS

- 9.1 Select Board Reports and Announcements

10.0 ADJOURNMENT



WORKSHOP

Ogunquit Select Board
Tuesday, January 2, 2018
5:00-6:00pm
Workshop Agenda

5:00 p.m. Meet with the Bicycle Pedestrian Committee - Charley LaFlamme, Chair

1. Committee introductions
2. Topics of Discussion
 - a) The Committee's purpose/mission, program/projects, goals, and priorities.
 - b) Committee composition:
 - Is the number of committee members appropriate? Alternates?
 - Are membership eligibility requirements appropriate? (Residents only; allow residents of neighboring communities; etc).
 - Are there certain skills sets that you'd like considered to round out the committee as new members are appointed
 - Do you have ideas to attract and retain members?
 - c) Issues/ideas
 - Are there any issues/ concerns, or obstacles that the committee is facing that hinder its ability to accomplish its work?
 - Do you have ideas/suggestions that could improve the committee's ability to do its work?
 - Are there resources you need: funding, staffing, other?
 - d) Discussion of a Complete Streets Policy.

Adjourn

Regular Select Board Meeting at 6:00 p.m.

BIKE-PEDESTRIAN COMMITTEE

Charles LaFlamme	2018	Member-Chair
Gregory Testa	2018	Member
Jennifer Walker	2019	Member
John Cavaretta	2019	Member
Priscilla Botsford	2020	Member
Vacant	2018	1st Alternate
Vacant	2018	2nd Alternate
Chamber of Commerce		Liaison
Patricia Arnaudin, Police Chief		Liaison
Town Manager		Liaison
Robert Winn, Select Board Member		Liaison

Bike – Pedestrian Committee



Select Board Workshop – Purpose Document

The purpose of the Bike - Pedestrian Committee is to make Ogunquit a safer place for pedestrians and bicyclists. Our goal is to:

- Work with town, state, federal and non-governmental (e.g. League of American Bicyclists) agencies to create a town where people are able to walk or bike for recreation, commuting, or work; with ease and freedom.
- Be a place where people are considered not for their means of transportation, but for their desire to exercise, commune with nature, and be in the company of other healthy individuals.
- Work with the Police Department to provide helmets, lights, and reflectors for people who walk or bike in town.
- Encourage residents and visitors to walk and bicycle while in our "Beautiful Place by the Sea" and experience the fun and enjoyment of arriving at their destination under their own power.

Our current projects include:

- Work with Maine DOT, Ogunquit Police, and Ogunquit Public Works for completion of bike - pedestrian signage for safety around town.
- Passage and public education of the Bike - Pedestrian Ordinance, codifying the rules of expected behavior. Our committee collaborated with the Town Manager, Select Board, Code Enforcement Officer, Public Works, Police, Department, Fire Department, SMPDC, and the Bicycle Coalition of Maine to pass our new Complete Streets Policy. We are one of only a dozen forward thinking communities with such a policy in Maine. Many more communities who are dedicated to people powered propulsion of mostly waling and cycling will likely follow suit.
- Work towards expanding certification as a Bicycle Friendly Community by the League of American Bicyclists (LAB). Ogunquit received an Honorable Mention several years ago.
- Work towards becoming an Age Friendly Community as designated by the AARP.
- Work towards creating on and off-street bicycle and hiking paths around town and connecting to Mount Agamenticus.
- Expanding bike rental and bike racks in town, exploring possibility of a dockless bike sharing system.

Our committee is comprised of a great group of people dedicated to creating a safer community for those who walk and bicycle.

**Town of Ogunquit
Bike-Pedestrian Committee
BY-LAWS**

I. GENERAL PROVISIONS

The business of the Committee shall be conducted in accordance with Maine Statutes, Town Ordinances, Town Charter and Robert's Rules of Order.

II. MEMBERSHIP

- a) The Bike-Pedestrian Committee shall consist of five (5) members for a three year term along with two (2) alternates appointed by the Select Board.
- b) Any Member of the Committee may be removed, for cause, by the Municipal Officers before expiration of his/her term. The term "for cause" shall include failure to attend three (3) consecutive Committee Meetings or hearings without sufficient justification and excused by a majority vote of the Committee. At the request of the Member in question, the Select Board shall discuss the matter in executive session.
- c) When there is a permanent vacancy, the Chairperson shall immediately notify the Select Board. The Select Board shall fill the vacancy per guidelines as dictated in the Town Charter.

III. OFFICERS & DUTIES

The officers of the Committee shall consist of a Chairperson, Vice Chairperson and Secretary who shall be elected annually by a majority of the Committee. The officers shall be full Members of the Committee. The election of officers shall take place at the first Meeting following annual Town elections. A member receiving a majority vote of the full members of the committee shall be elected and shall serve for one (1) full year.

- a) CHAIRPERSON - The Chairperson shall perform all duties required by law and these By-Laws and preside at all Meetings of the Committee. The Chairperson shall rule on issues, order and procedure and shall take such other actions as are necessary for the efficient and orderly conduct of meetings, unless directed otherwise by a majority of the Committee. The Chairperson's signature shall be the official signature of the Committee and shall appear on all decisions as directed by the Committee.

The 1ST alternate shall serve in place of any absent full member. The 2ND alternate shall serve in place of a second absence of a full member or if the 1ST alternate is not present, the 2ND alternate takes on the role as the 1ST alternate.

The Chairman reports to the Select Board on all official transactions that have not otherwise come to the attention of the Board. The Chairman also prepares or delegates the preparation of any reports concerning the affairs of the Committee and required or requested by the Municipal Officers.

- b) VICE CHAIRPERSON - The Vice Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.
- c) SECRETARY - The Secretary shall keep a record of all minutes, correspondences and attendance and shall send all Agenda's, Meeting Minutes and correspondence to the Town Clerk for recording for public record. All records are public and may be inspected at reasonable times. The Secretary, shall record all Minutes of all Committee meetings, showing the vote of each Member upon every question or, if absent or failing to vote, indicating such fact. The Secretary shall arrange proper and legal notice of all Committee meetings. The Minutes of Meetings shall be sent to all Members and Alternate Members within a reasonable time frame.
- d) All officers can, with cause, be removed and/or replaced by a majority vote of the Committee. The election of new officers shall take place immediately after any such removal or replacement.
- e) ALL MEMBERS - All Members of the Committee shall be responsible for:
 - 1. Being knowledgeable of the laws, Town of Ogunquit Ordinances, Charter, Robert's Rules and any other that pertain to judgments they make;
 - 2. Members shall also be familiar with the Comprehensive Plan and State Statutes relating to their activities.
 - 3. Regular attendance at Meetings and hearings.

IV. CONFLICT OF INTEREST & BIAS

- a) Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a Member from voting hereon, shall be decided by a majority vote of the Members, except the Member whose potential conflict is under consideration.

V. MEETINGS

- a) The regular Meeting of the Committee shall be held on the ____ of the month, or as deemed necessary by the Chairperson. The standard meeting place shall be at the Dunaway Center.
- b) The Chairperson shall call a Meeting within ten (10) days of receipt of a written request from the majority of the Committee or from the Municipal Officers, which

request shall specify the matters to be considered at such special Meeting. At least seventy-two (72) hours written notice of time, place and business of the Meeting shall be given each Member of the Committee, the Municipal Officers and Town residents.

c) The order of business at regular Meetings of the Committee shall be as follows:

1. Roll call;
2. Approval of the Minutes of preceding meeting(s);
3. Unfinished Business;
4. New Business;
5. Other Business; and
6. Adjournment.

d) All meetings of the Committee shall be open to the public. No votes may be taken by the Committee except in public Meeting.

e) A quorum shall consist of three (3) Members of the Committee. If a Member has a conflict of interest, said Member shall not be counted by the Committee in establishing the quorum for such matter.

f) No Meeting of the Committee shall be held, nor any action taken, in the absence of a quorum, however, shall those Members present be entitled to request the Chairperson call a Meeting at a subsequent date.

g) All matters shall be decided by a roll call vote. Decisions before the Committee shall require the affirmative vote of three (3) Members. Decisions on interpretative matters before the Committee shall be by simple majority.

d) If an alternate is serving in place of an absent full member at the start of a meeting and the full member arrives late to the meeting, the alternate shall continue to be a voting member of the Committee for the duration of the current meeting.

e) In no case can a motion carry without at least a three (3) members voting in its favor. Members must vote on all issues unless excused for cause by the Committee.

f) The Committee may waive any of the above rules upon good cause shown.

VI. AMENDMENTS

a) These By-Laws may be amended by a majority vote of the Committee.

b) The invalidity of any section or provision of these By-Laws shall not be held to invalidate any other section or provision of these By-Laws.

ADOPTED BY VOTE OF THE OGUNQUIT BIKE-PEDESTRIAN COMMITTEE ON:

Town of Ogunquit
Complete Streets Policy

Recommended by the Town of Ogunquit Bicycle-Pedestrian Committee

Adopted:

1. Vision and Purpose

The vision of the Town of Ogunquit (Town) is of a community in which all residents and visitors, regardless of their age, ability, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel. Promoting pedestrian, bicycle, and public transportation travel reduces negative environmental impacts, promotes healthy living, advances the well-being of travelers, supports the goal of compact development, and meets the needs of the diverse populations that comprise our communities.

2. All Users & All Modes

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The Town of Ogunquit Bicycle-Pedestrian Committee (Bicycle-Pedestrian Committee) shall be briefed on potential future projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process.

3. Project Considerations

Early consideration of all modes for all users will be important to the success of this Policy. Those planning and designing projects that affect public streets will give due consideration to all roadway users from the very start of planning and design work. This will apply to all roadway projects, including those involving new construction, reconstruction, repaving/rehabilitation or roadway retrofit. Roadway retrofits may include changes in the allocation of the right-of-way and pavement space on an existing roadway, such as changes to the number and use of lanes, changes in lane widths, and/or reconfiguration of on-street parking. When applying for and reviewing projects for funding purposes regardless of funding source, Complete Street practices and principles will be included, as appropriate, for all projects that affect the public right-of-way. When a new roadway is proposed within a new or current development, the Bicycle-Pedestrian Committee shall advise the Planning Board if a Complete Streets design should be considered.

4. Exceptions

Facilities for all users will be considered in the construction, reconstruction, retrofit, repaving, and rehabilitation of Town streets, except under one or more of the following conditions:

- a. A project involves only ordinary maintenance activities designed to keep assets in serviceable condition, such as mowing, cleaning, sweeping, spot repair, concrete joint repair, or pothole filling, overlay parking projects, or when interim measures are implemented on temporary detour routes.
- b. The Town Staff (or Project Manager) determines there is insufficient space to safely accommodate new facilities and a parallel or nearby facility provides a reasonable level of similar accessibility to destinations.
- c. The Town Staff (or Project Manager) determines there are relatively high safety risks.
- d. The Town Staff (or Project Manager) or Town Select Board exempts a project due to the excessive and disproportionate cost of establishing a bikeway, walkway, or transit enhancement as part of a project in relation to the anticipated number of users.
- e. As part of its Development Review process the Planning Board may waive sidewalk requirements based upon its former, structured waiver provisions.
- f. The Town Staff (or Project Manager) determines that the construction is not practically feasible or cost-effective because of significant or adverse environmental impacts to historic resources, streams, flood plains, remnants of native vegetation, wetlands, steep slopes, or other critical areas, or due to impacts on neighboring land uses, including impact from right-of-way acquisition.
- g. The project involves a roadway that bicyclists and / or pedestrians are prohibited by law or the roadway falls outside an established existing bus transit route or where it is reasonably determined a future bus transit route will not occur.

Documentation shall be publicly available and exceptions for Town projects shall be reviewed and recommended by the Bicycle-Pedestrian Committee prior to being granted by [accountable person or committee, e.g. Town Manager, Director of Public Works, Bicycle-Pedestrian Committee]. For private projects, the owner shall document the exception and approval shall be considered and recommended by the Bicycle-Pedestrian Committee prior to being granted by [accountable person or committee, e.g. Select Board, Planning Board].

5. Network

Complete Streets are planned, designed, maintained, and operated to enable safe, convenient, appealing, and continuous travel networks for all users. The goal is to formalize the planning, design, operating, and maintenance of streets so that pedestrians, bicyclists, motorists, and bus riders of all ages and abilities are able to safely move from destination to destination along and across the street network. Complete Streets can be achieved through network level improvements, through integration into single location projects, or incrementally, through a series of small improvements or maintenance activities.

Transportation improvements will include facilities and amenities, as appropriate, that are recognized as contributing to Complete Streets, which may include pavement markings and signs; street and sidewalk lighting; sidewalks and pedestrian safety improvements such as medians / pedestrian refuges, curb extensions, and crosswalk improvements; improvements that provide Americans with Disabilities Act (ADA) compliant and full accessibility such as curb ramps and accessible pedestrian signals; transit accommodations including bus shelters and improved pedestrian access to transit stops and centers; bicycle detection at intersections and bicycle accommodations including, shared use lanes, paved shoulders, wide travel lanes or bike lanes as appropriate; bicycle parking; and street trees, landscaping, street furniture, and adequate drainage facilities, including opportunities for “green” stormwater management facilities and practices.

6. All Agencies and All Roads

The design of new, rehabilitated, or reconstructed facilities should anticipate likely future demand for bicycling, walking, transit, and motorist use and should not preclude the provision of future improvements.

The Town will coordinate and collaborate with other transportation agencies, including MaineDOT and the Southern Maine Planning & Development Commission, and other users of the public right-of-way, such as utilities and public transportation providers, to ensure that the principles and practices of Complete Streets are embedded within their planning, design, construction, and maintenance activities.

7. Design Standards and Guidelines

The Bicycle-Pedestrian Committee and the Planning & Codes Office in the Town shall adapt, develop and adopt policies, design guidelines, zoning and performance standards and other guidelines based upon resources identifying best practices in street design, construction, operation and maintenance. These resources include but are not limited to the AASHTO Green Book; AASHTO Policy on Geometric Design of Highways and Streets; AASHTO Guide for Planning, Designing and Operating Pedestrian Facilities; AASHTO Guide for the Development of Bicycle Facilities; ITE Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; NACTO Urban Bikeway Design Guide; Manual on Uniform Traffic Control Devices; Highway Capacity Manual and

Highway Safety Manual; and US Access Board Public Right-of-Way Accessibility Guidelines. While fulfilling this Complete Streets policy, the town will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

The picture below is a good example of how a Complete Street in the Town of Ogunquit could be designed.



Source: East Carolina University, 2016

The photograph below is taken on Route 1 in South Portland, ME. It is a good example of a Complete Street design here in southern Maine.



Source: SMPDC, 2016

8. Community Context

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood.

9. Performance Measures

The Town will define performance measures to track the progress of implementation of this Policy and supporting documents, such as the Comprehensive Plan. Such measures shall include, but not be limited to: improvements in safety for all roadway users; increased capacity and connectivity for all modes of transportation; usage (such as mode share) of biking, walking and transit; miles of bicycle and pedestrian facilities; and attainment of ADA compliance. Such measures shall be incorporated into relevant plans, manuals, policies, processes and programs. The Planning & Codes Office shall work with other departments and agencies to track such performance measures, as appropriate.

10. Implementation

The implementation of Complete Streets will begin with a series of broad changes to local policies governing streets, and then as physical, measurable changes to those streets. The implementation process can be summarized in four main phases, some of which may overlap in time.

- a. Form Committee; Identify Responsible Parties & Develop Implementation Plan:
The first step shall be to identify responsible parties and stakeholders, and develop an implementation plan with clearly defined steps, measurable performance indicators, data reporting procedures, and a process by which projects are prioritized for execution and funding. This work shall be done by or at the direction of the Bicycle-Pedestrian Committee or their respective designees. The Committee shall meet monthly and as the need arises to review, and evaluate for compliance with this Policy, any:
 - Major developments;
 - Roadway projects;
 - Capital improvement projects;
 - Regulatory issues, and/or;
 - Recommendations for policies, construction improvements, public services and programs, budgets and other measures to advance the Complete Streets goals and design principles.
- b. Review and Revise Existing Regulating Documents:
The second step shall be to review all existing codes, ordinances, standards, etc. to determine whether they require updating in order to further the Complete Streets goals, and to be sure there are no rules or guidelines that would hinder the development and redevelopment of Complete Streets. Any needed amendments or modifications should be drafted and submitted for adoption as soon as possible.

The Bicycle-Pedestrian Committee shall review all future land use and transportation plans to be sure that the Complete Streets goals for connectivity and safe, efficient multi-modal transportation are incorporated - if not, plan amendments and updates should be drafted and recommended.

c. Provide Training:

The third step shall be to provide (or continue to) provide education to staff and public officials on the principles and practices of Complete Streets.

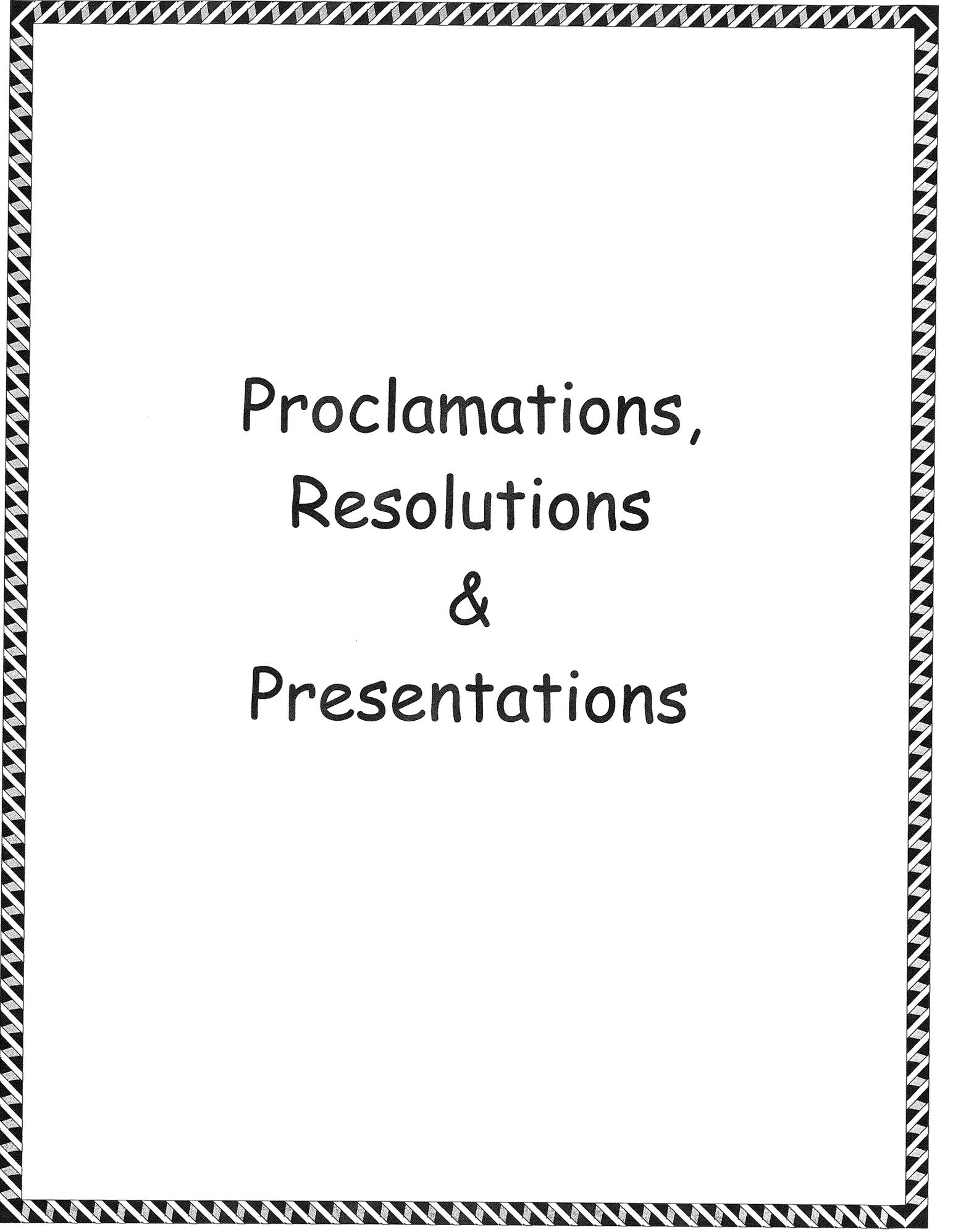
d. Review Funding and Capital Improvement Procedures:

The fourth step will be to review the procedures for obtaining funding for street projects and any existing or proposed capital improvement plans, to be sure projects will advance the Complete Streets policies and ensure Complete Streets are prioritized and able to receive funding. The [IMPLEMENTATION COMMITTEE] shall identify current and potential future sources of funding for street improvements (including possible public/private partnerships).

e. Measure Performance and Report Findings:

In order to monitor the implementation and success of the Complete Streets policy, the Planning & Codes Office and Bicycle-Pedestrian Committee shall regularly monitor the performance measures previously aforementioned.

The Bicycle-Pedestrian Committee shall determine measurement criteria and parties responsible for regular measurements and/or surveys for each item based on clearly identified short- and long-term goals. An annual report of all measured performance indicators shall be provided to the Select Board and any other groups deemed necessary or advisable by the Bicycle-Pedestrian Committee.



Proclamations,
Resolutions
&
Presentations

Required Select Board Decisions Trail Grant Project

Paul Breen

Trail Grant Project Leader

January 2, 2018

Prior Events

- Complete 3 year review of Trail Grant Project presented at December 5th Select Board Meeting
- Revetment Design in accordance with DEP rules and oversight accomplished by Registered Professional Engineers.
- Complaints issued re the size of the rocks in the existing revetment (existing rocks mix of 1' to 2')
- Select Board requested proposal from Shaw Bros to increase rock size in the Revetment Upgrade
- Select Board asked that Project Leader meet with Town Manager to resolve impasse.
- Latest Proposals sent to Town Manager

Shaw Bros Proposal-3 Options

- #1 -2' Rocks no increase in price (beyond the proposed \$50,000)
- #2-2.5' Rocks- + \$9,267.50
- #3- 3' Rocks(1 cubic yard/rock)-+\$18,535
- 3' rocks are largest which can be accommodated
- 2 Options Require New Funding
- Select Board Decision Required

Project Leader Views

- The Erosion problem on the project site was resolved with the installation of the revetment in December 2016.
- The site exhibited splashover before the construction of the revetment
- Minor movement of rocks in the revetment due to wave action is to be expected
- Consultant recommends the use of 2' rocks

Funding Sources

- Marginal Way Preservation Fund – No additional Funds
- Marginal Way Committee – No additional Funds
- Donor – Was not asked for additional Funds
- Select Board must make option selection
- If Option #2 or #3 is chosen by Select Board
- Select Board must provide additional funds

Action

- Awaiting Select Board Direction



New Business

Office of the Town Manager

To: Select Board
From: Pat Finnigan
Date: January 2, 2018

RE: Selection of Town Attorney

At the December 5 Select Board meeting, you selected the law firm of Bernstein Shur of Portland as the Town's General Counsel and authorized me to work with the law firm to bring forward an agreement for your review. Lead Attorney Mary Costigan and I have discussed the scope of services and fees which I am presenting for your approval.

As you will recall, Bernstein Shur was selected due to their Depth of experience in municipal law and knowledge of issues facing municipalities, their specific expertise in land use/codes, labor relations/personnel, financial and economic development, and governance; and their commitment to work with us to develop practical approaches to prevent potential legal problems, through facing issues proactively and providing training for the Select Board, Town committees, and staff.

The other factor selecting Bernstein Shur was the fixed fee structure which is customized to meet the needs of the Town and help provide some predictability and cost containment. The Town has opted to base the agreement on an annual fixed fee. This allows the Town and the firm to decide on the scope of work and agree to a fixed annual contract cost. In this model, the fee is not hourly and the clock doesn't start each time we pick up the phone.

Because this is a new type of payment arrangement, and we do not have specific experience working with Bernstein Shur to know what our true use of legal services will be, the contract is based on an annual fee of \$70,000 (the FY18 approved budget was \$80,000) using our past legal costs as a guide. Working with the law firm, we will track our usage and review this quarterly. At the end of the first 6 months, we will discuss our costs and usage. If the Town is using far fewer hours and is overpaying for legal services, the fee will be adjusted downward for the next 6 months. On the converse, we are far exceeding the agreed upon fee, it would be adjusted.

Staff recommendation: Authorize the Town Manager to enter into an Agreement with Bernstein Shur for Legal Services in accordance with the fixed fee payment arrangement.



**Bernstein, Shur,
Sawyer & Nelson, P.A.**
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

T (207) 774 - 1200
F (207) 774 - 1127

Mary E. Costigan
(207) 228-7147 direct
mcostigan@bernsteinshur.com

January 1, 2018

Patricia Finnigan
Town Manager
Town of Ogunquit
PO Box 875
Ogunquit, ME 03907

RE: Engagement Letter for Legal Services for the Town of Ogunquit

Dear Pat:

Thank you for hiring our firm to serve as legal counsel for the Town of Ogunquit. The purpose of this letter is to confirm our terms of engagement. The terms stated in this letter and the enclosed Standard Terms of Engagement together form a binding agreement between us. Please sign and return this letter in the enclosed envelope or via email to provide us with a written acknowledgement of your agreement to these terms. Please ask me any questions you have about this agreement or the work that we plan to do for you.

Parties Represented

We are being hired to represent the Town of Ogunquit. We sometimes refer to the person or business entity that we represent in this letter as "you." To avoid any misunderstandings, we delineate who we represent in this letter. By agreeing to represent you, we do not agree to represent any other person associated with you, unless we agree to do so in writing. Our representation of you does not constitute our representation of any affiliate, subsidiary or parent entity or any individual officer, director, shareholder, member, partner or employee. Please feel free to ask about the limitations stated in this paragraph or elsewhere in this letter.

I understand that the Town Manager should receive our statements for professional fees and expenses at the address shown above. If this is not accurate, please advise me where our statements may be sent and to whose attention.

Scope of Services

You have hired us to provide legal representation to you with respect to general counsel legal services for the Town of Ogunquit through December 31, 2018. Set forth below is a fixed fee that you have agreed to pay for legal services. The services included within the fixed fee Scope of Services are advising the Select Board and the Town's boards and departments, drafting ordinances, attending meetings, labor and employment advice, enforcement actions (prior to filing court action), contract review, policy review, and answering correspondence. This work shall be defined as the "Scope of Services." Not included in the Scope of Services are any appeals of municipal board decisions to any adjudicatory boards, agencies or courts; litigation; tax increment financing; representation before the Maine Human Rights Commission, the Maine Worker's Compensation Board, the Maine Labor Relations Board, and the Maine Board of Arbitration and Conciliation; labor negotiations which require our presence at the bargaining table; and bond issues.

In regard to the bond counsel services, we provide a set of fixed fee options for individual bond issues depending on the type of transaction (e.g. Maine Municipal Bond Bank general resolution issues, public sales, direct purchase bank transactions). This way, before the matter is underway, you will know the legal cost and can determine whether to pay the bond counsel fee from bond proceeds or from another source.

This engagement letter provides a description of our expected representation. If our assignment is revised, this will affect our fee quotation. We are pleased to discuss any proposed revisions with you and any required changes in our fee quotation. We will confirm revisions to our scope of work and fees, typically via email.

Fees and Expenses

We generally bill for our services on an hourly basis, but in this instance, you have retained us on a fixed fee basis for the Scope of Services. We agree that our fees will be \$5,833.33 per month. We agree that we will revisit the monthly fee on a quarterly basis and make any equitable adjustments for the following quarter, as agreed upon by both parties. In the event the Town decides to continue to engage our services for the following year, we will discuss the proposed legal services fixed fee budget for the successive year prior to November 15, 2018.

Any work performed outside of the Scope of Services for the first year will be billed at \$185 per hour for associates and \$260 per hour for municipal practice group shareholders, with the exception of labor matters which will be billed at \$275 per hour. As discussed above, any municipal bond counsel services will be negotiated on a fixed-fee basis. In addition, we may be assisted by one of our other attorneys or paralegals who will be billed at their prevailing rates. Professional rates for the firm are generally adjusted annually on January 1 of each year.

Our quotation of a fixed fee is based upon two critical factors. First, you have made known to us the material facts upon which we have based our fee quotation. Second, you have defined the scope of work for which you have engaged us as indicated above. As is the case with any client relationship, in order for it to work, there must be communication about how the relationship is progressing.

Our general overhead is not a client expense. However, expenses directly related to your representation may be incurred and you agree to reimburse us for them. These expenses may include retention of accountants, appraisers, or other non-lawyer professionals in a non-litigated matter or witness fees, investigative costs, or deposition costs in a litigated matter. These are only examples and this list is not exclusive. These expenses are your responsibility whether or not we decide to advance these expenses on your behalf. We may forward the bills for expenses to you for direct payment to the service provider or vendor. Unless the circumstances dictate otherwise, we will ordinarily consult with you before incurring an expense anticipated to exceed \$500.00.

We will bill you \$5,833.33 per month, or as amended per quarterly check-ins. We will also provide the Town with a summary of our work for each month. Any work which falls outside the Scope of Services shall be billed separately. Payment is due within 30 days of your receipt of our billing statement. We reserve the right to charge a late fee of 1½% per month for all fees and expenses that are not paid from an advance retainer or remitted within 30 days.

Termination of this Engagement

This agreement may be terminated with or without cause at any time upon reasonable notice and consistent with applicable legal rules of ethics. If we are representing you in a litigated matter, we may be required to seek the permission of a judge or administrative body to discontinue our representation. If you terminate our representation or fail to pay our fees after reasonable notice, which we consider a form of termination, you agree to expeditiously locate replacement counsel. We will ordinarily consider our agreement to provide representation to have ended if we have not been asked to provide any services to you for a 12 month period. Our professional relationship with you will recommence if we are asked to do so and we agree based upon the circumstances that may exist at the time you contact us.

Arbitration

Any party to this agreement may request to engage in binding arbitration. Binding arbitration is a confidential alternative to a court trial. A more complete description of what arbitration entails is contained in the enclosed Standard Terms and Conditions. You should seek independent counsel to advise you about this provision for resolving disputes through binding arbitration if you are unfamiliar with arbitration proceedings.

January 1, 2018

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We very much appreciate the opportunity to be of assistance to you and we look forward to working with you. Thank you for selecting our law firm.

Sincerely,

s/ Mary E. Costigan

Mary E. Costigan

THE SELECT BOARD AGREES TO THE TERMS OF THIS LETTER AND THE STANDARD TERMS OF ENGAGEMENT THAT HAVE ALSO BEEN PROVIDED TO THE TOWN, INCLUDING THE PROVISIONS REGARDING BINDING ARBITRATION.

TOWN OF OGUNQUIT
By: Patricia Finnigan, its Town Manager

Date: _____

Select Board Policy Liquor License and Amusement Permit Application Review Process

1.0 Introduction. The authority of the Town to oversee and regulate certain activities related to serving alcohol and operating places of entertainment are found generally in state law (Title 30) in which the State of Maine authorizes municipalities to enact ordinances that promote public health, safety, and welfare. Title 28 of the state statutes authorizes municipalities to review liquor license and to issue special amusement licenses.

2.0 Purpose. The purpose of having local review of liquor licenses and amusement permits is to protect and promote public health, safety, and welfare through regulation of these business activities. The Town Ordinance requirements are in Title IX Business Ordinance (Chapter 2 Alcohol Licensing Review and Chapter 3 Amusement Ordinance).

The purpose of this policy is to supplement the ordinance regarding the Select Board's review process.

3.0 First-time Applications. Applicants submitting license and permit requests for the first time are required to attend the Select Board meeting when the application is being considered. If an establishment is under new ownership, the applicant is required to attend the Select Board meeting. The purpose of attending the Select Board meeting is to give the Select Board the opportunity to ask new applicants or new owners any questions they may have about business operations.

First time applicants, or applications for establishments under new ownership, will be notified when their application is being considered. If they do not attend the Select Board meeting, the Select Board will table its consideration until the next meeting when the applicant is present.

4.0 License and Permit Application Renewals. Applicants submitting license and permit renewals are not required to attend Select Board meetings if they are keeping their business operations as previously approved and are not making any substantive changes in their operations. However, applicants are required to attend the Select Board meeting when their license or permit renewal is being considered if:

- A. The applicant has a record of police complaints;
- B. The applicant has any outstanding life safety or other code violations;
- C. The Select Board notifies the applicant that they have questions for the applicant and notifies the applicant to attend the meeting when the application is being considered.

Town of Ogunquit Public Relations Policy

Draft for Select Board review – January 2, 2018

1.0 The **purpose** of this public relations policy is to ensure consistent messages and accurate external distribution of information, and to develop good relations and mutual trust with the media. The media includes external types of mass communication such as newspapers, television, radio, and web sites.

2.0 This **policy** applies to press releases, letters to editors, responding to requests from the media and participating in other press activities.

3.0 The Town Manager is responsible for **approving** all Town press releases and statements after getting the review of legal counsel, except those noted in 6.0.

3.1 Press releases and other media activities can emanate from Town departments, commissions, committees, and boards including the Select Board. These press releases or activities need the approval of the Town Manager.

4.0 The Town Manager is the Public Information Officer/**spokesperson** for the Town.

4.1 When the press contacts any Town employee or volunteer or Board member for information or quotes, the recipient must direct that reporter to the Town Manager and advise the Town Manager of the contact.

4.2 The Town Manager may authorize/refer the press to speak with others at his/her discretion on a case by case basis.

4.3 A spokesperson for a board or committee, usually the Chair, must speak for the majority of the group.

5.0 The Town Manager shall **share all press releases with the Select Board**, 24 hours before they are released, to solicit any feedback. If the Town Manager needs immediate feedback, phone calls should be made to the Select Board members.

6.0 The **Select Board** may issue a Town press release if it is a matter concerning the Town Manager, or in the case of an unforeseen policy matter or emergency. In any case, it shall be approved by a majority of the Board.

Adopted by the Ogunquit Select Board on _____ 2018