

Charles L. Waite, III, Chair
Madeline S. Mooney, Vice Chair
John M. Daley
Lindsey M. Perry
Robert N. Winn, Jr.



**Ogunquit Select Board
Tuesday, September 17, 2019
Dunaway Community Center
23 School Street**

AGENDA

6:00 p.m. Meeting

- 1.0 Call to Order
- 1.1 Roll Call
- 1.2 Pledge of Allegiance

2.0 Meeting Minutes

- 2.1 August 20, 2019
- 2.2 September 3, 2019
- 2.3 September 10, 2019

3.0 Public Hearings – Liquor & Amusement – None

- 3.1 Angelina's Ristorante – *Malt, Spirituous & Vinous Liquor License Renewal Application*
- 3.2 Beachfire - *Malt, Spirituous & Vinous Liquor License Renewal Application*

4.0 Presentations, Proclamations, Resolutions & Communications

- 4.1 Parks & Recreation Committee Update - Michelle Low and Jason Corbin
- 4.2 Community Conflict Resolution - Steve Wessler

5.0 Appointments & Resignations

- 5.1 Committee Appointments
 - A. Bicycle Pedestrian Committee
 - B. Budget Review Committee
 - C. Historic Preservation Committee

6.0 Unfinished Business – None

7.0 Town Manager's Report

8.0 New Business

- 8.1 **Municipal Officers Certification of Official Text of Proposed Charter Amendment to be voted on at the November 5, 2019 Special Town Meeting**
Article VIII Section 804.1 Recall of Elected Officials

8.2 Order to the Town Clerk for Placement of Secret Ballot Referendum Questions on the Ballot for the November 5, 2019 Special Town Meeting

Select Board Action on the Order for the November 5, 2019 Annual Town Meeting

8.3 Special Town Meeting Warrant, November 5, 2019

Select Board Action on the November 5, 2019 Annual Town Meeting Warrant

9.0 Citizens Comments (for Town topics not on the Agenda)

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

10.0 Other Business

10.1 Select Board Reports and Announcements

11.0 Adjournment



LIQUOR
&
AMUSEMENT
LICENSE
PUBLIC
HEARING

OGUNQUIT

Beautiful Place by the Sea

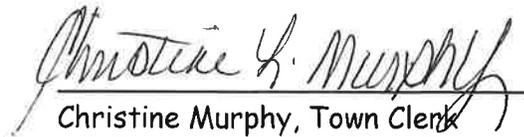
PUBLIC HEARING NOTICE

The Ogunquit Board of Selectmen will hold a Public Hearing on Tuesday, September 17, 2019 at 6:00 PM in the Auditorium of the Dunaway Community Center on School Street, Ogunquit, Maine for the following application(s):

MALT, SPIRITUOUS & VINOUS LICENSE (RENEWAL)

Angelina's Ristorante
Beachfire

655 Main Street
658 Main Street


Christine Murphy, Town Clerk

Posted by:


Patricia L. Arnaudin, Police Chief

Posted: September 10, 2019
Dunaway Community Center
Ogunquit Post Office
Ogunquit Transfer Station
WOGT

OGUNQUIT

Beautiful Place by the Sea

OGUNQUIT LIQUOR LICENSE APPLICATION

NEW RENEWAL FOR THE YEAR: 2019-2020

BUSINESS NAME: Danzelino's Tisleria - Inc EXPIRATION DATE: 9-27-2019
(Of present Liquor License)

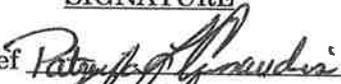
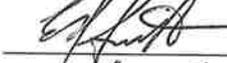
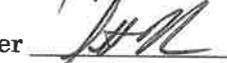
APPLICANT: Don P Ginfaro Jr

BUSINESS REG # 2019-258 ISSUE DATE: 08/29/19 MAP 13 LOT 9
(Business Registration)

OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 150

NOTE - SPECIAL ATTENTION

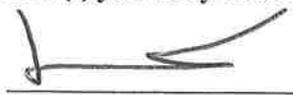
Applicants must procure the signatures of the following Town Officials, submit an original drawing at a scale of one inch (1") equals ten feet (10') of all areas on the premises which are open to the public and return said drawing with this completed application to the Town Clerk before a public hearing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

TITLE	SIGNATURE	APPROVAL		REPORT ATTACHED		DATE
		Yes	No	Yes	No	
Police Chief		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>09-12-2019</u>
Fire Chief		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>9-9-19</u>
Code Officer		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>9-6-2019</u>

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.



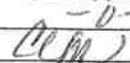
 APPLICANT'S SIGNATURE

FOR OFFICE USE ONLY

Application Fee \$ 200.00 Date Paid 08/29/19 Check/Cash 12480

Background Check Fee \$ 21.00 Check No. _____

Business Reg. Fee \$ -0-

Received by: 
(Town Clerk's Office)

Date posted: 9/10/2019 Date Heard: 9/17/2019 Approved: _____ Denied: _____

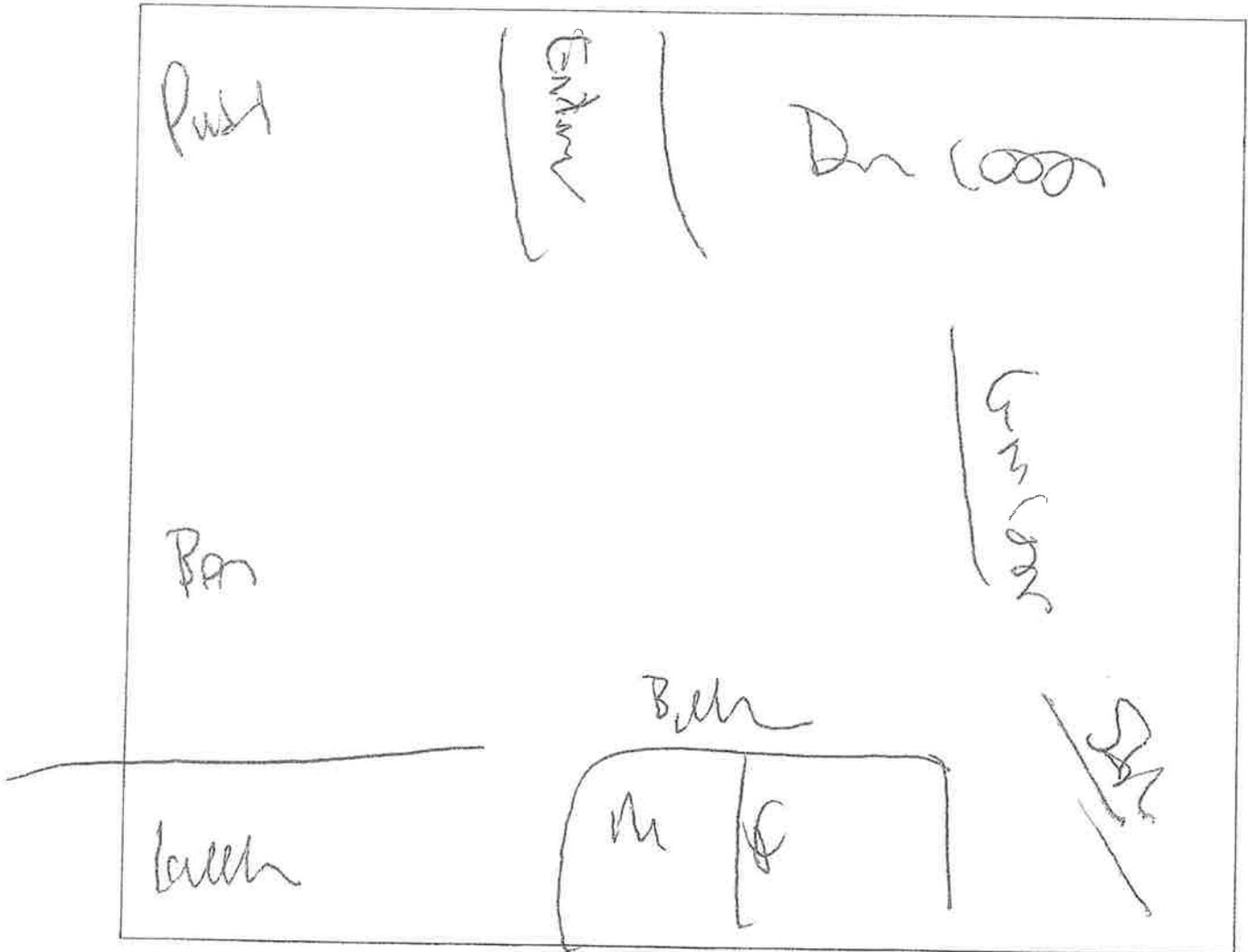
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



9/5/2019
© 9:DDam

OGUNQUIT

Beautiful Place by the Sea

OGUNQUIT LIQUOR LICENSE APPLICATION

NEW RENEWAL FOR THE YEAR: 2019/20
 CURRENT LICENSE EXPIRATION DATE: 10/29/19

BUSINESS NAME: Laflin Enterprises DBA Beachfire
 APPLICANT: Jared Laflin
 EMAIL: jared.beachfire@gmail.com
 BUSINESS REG # 02-21001042 ISSUE DATE: _____ MAP: 9 LOT: 49
 OCCUPANCY LOAD ESTABLISHED BY THE OGUNQUIT FIRE CHIEF: 150

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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	09-05-2019
Fire Chief		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9-5-19
Code Officer		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9-5-19

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: \$200
 Background Check Fee: \$ _____
 Business Reg. Fee: \$150.00
 Date Paid: 9/3/19 Cash Check #: 1567
 (\$21.00 per person listed on application)
 Paid prior to Liquor Application? YES NO
 TOTAL PAID WITH APPLICATION: \$ 221 Received by:
 (Town Clerk's Office)
 DATE POSTED: 9/5/19 DATE HEARD: 9/12/19 APPROVED: _____ DENIED: _____

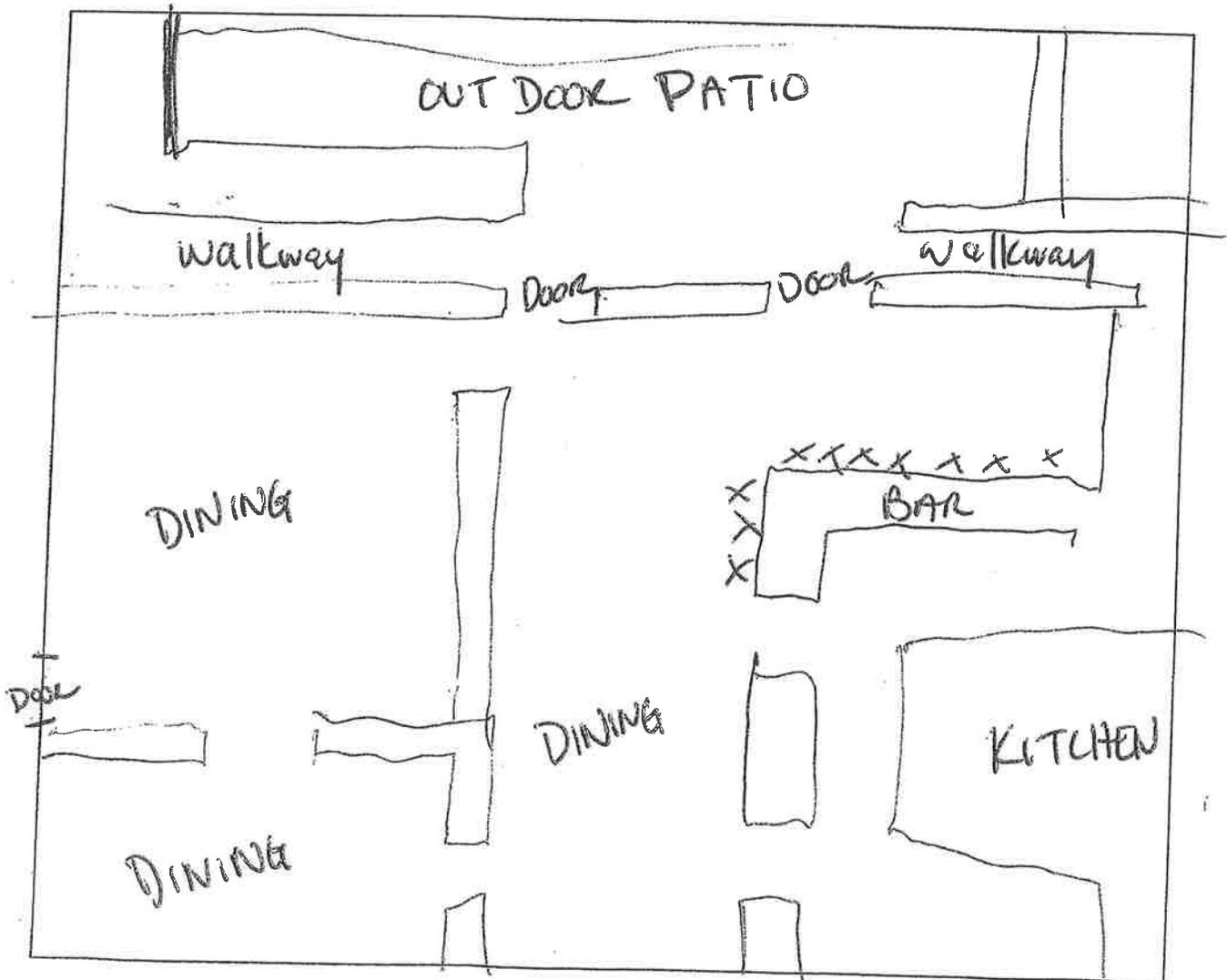
Bureau of Alcoholic Beverages and Lottery Operations
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8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

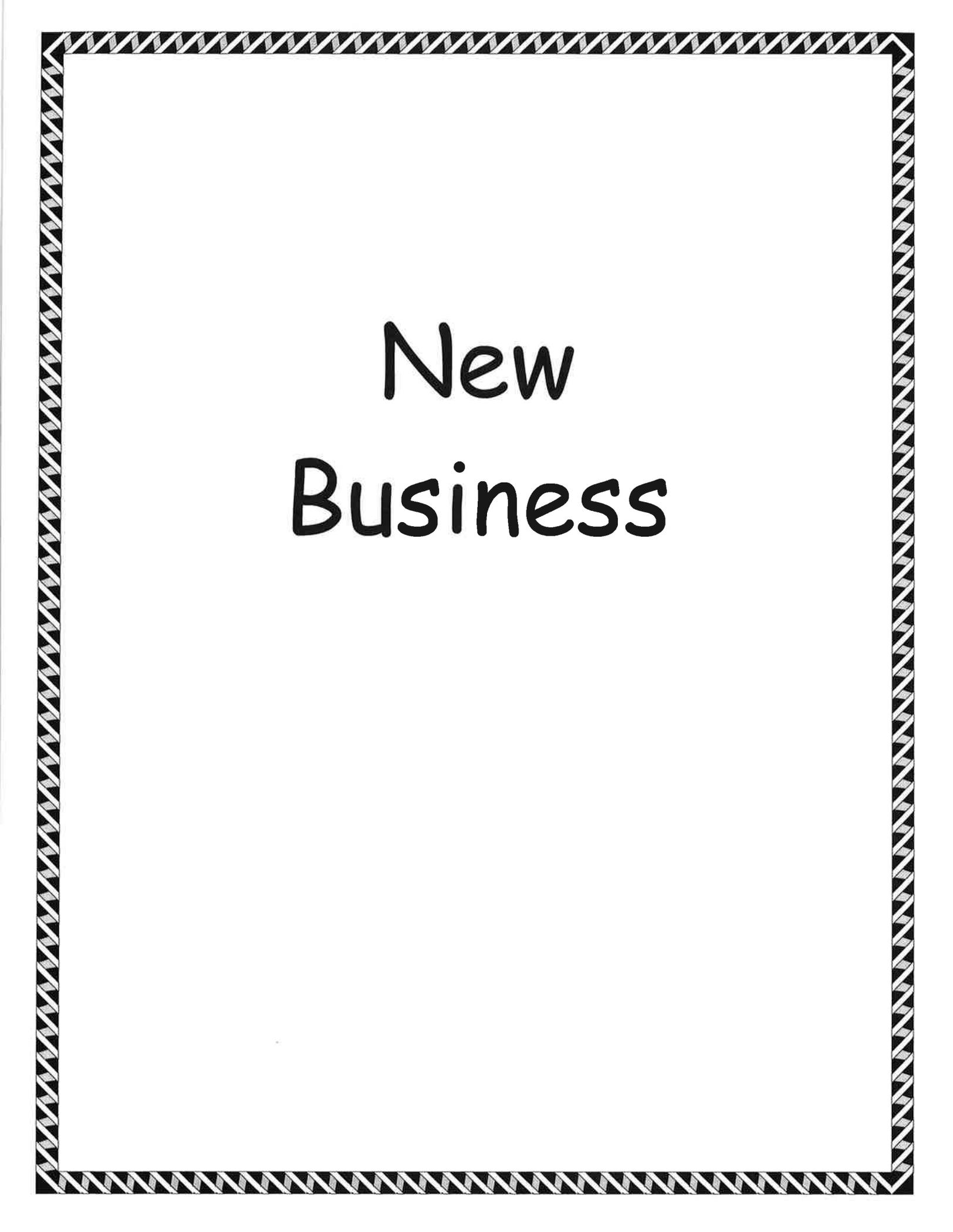
DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

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New Business

Proposed Charter Amendment to Article VIII Section 804: Recall of Elected Officials

Article VIII Section 804 Recall of Elected Officials

Section 804. Recall of Elected Officials

"Any elected official may be recalled and removed from office by the registered voters of the Town as provided herein, if the official has been convicted of a crime, the conduct of which occurred during the official's term of office."

Note: The proposed amendment is based on the criteria found in the Maine Statute in Title 30-A §2505.9

Current Ogunquit Charter

Section 804 Recall of Elected Officials

Any elected official may be recalled and removed from office by the registered voters of the Town as herein provided.

Current Maine Statute

Title 30-A §2505. Recall of municipal officials

Except as otherwise provided by the municipality's ordinances or charter, an elected official of a municipality may be recalled from office pursuant to this section. For purposes of this section, "official" has the same meaning as section 2604, subsection 2.

1. Petition for recall. On the written petition pursuant to subsection 5 of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election, an election must be held to determine the recall of an elected official of that municipality

2. Notice of intention. In order to initiate a recall election under subsection 1, the initiator of the petition shall file a notice of intention of recall with the municipal clerk of the municipality. A notice of intention of recall under this subsection must include the name, address and contact information of the person filing the notice and the name and position of the official subject to recall under this section. Only a person registered to vote in the municipality may file a notice of intention of recall under this subsection.

3. Petition forms. Within 3 business days of receipt of a notice of intention of recall under subsection 2, the municipal clerk shall prepare petition forms for the collection of signatures under subsection 4 and send notice to the initiator of the petition under subsection 2 that the petition forms are available. The municipality may charge the initiator of the petition a reasonable fee for preparing and providing the petition forms under this subsection. A petition form under this subsection must include:

A. At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition and the date by which the signatures must be submitted to the municipal clerk under subsection 4;

B. Spaces for each voter's signature, actual street address and printed name; and

C. Space at the bottom of the form for the name, address and signature of the person circulating the petition form.

4. Collection and submission of signatures. A petition form under subsection 3 may be circulated or signed only by a registered voter of the municipality. A circulator of a petition form shall fill in the information required under subsection 3, paragraph C and sign the form prior to submission of the form to the municipal clerk. The initiator of the petition under subsection 2 shall collect the petition forms from all circulators and submit the signed petition forms to the municipal clerk within 14 days of receipt of notice from the clerk that the petition forms are available under subsection 3. A municipal clerk may not accept a petition form submitted more than 14 days after sending notice of availability to the initiator under subsection 3, and any voter signatures on that form are invalid.[2011, c. 324, §1 (NEW).]

5. Petition certification and notification. Within 7 business days of receiving petition forms under subsection 4, the municipal clerk shall determine whether the petition forms meet the criteria under subsection 4 and certify the validity of any signatures on the petition forms. If the municipal clerk finds that the number of valid signatures submitted under subsection 4 meets or exceeds the requirements under subsection 1, the clerk shall certify the petition and immediately send notification of the certification to the municipal officers, the initiator of the petition and the official subject to the recall. If the municipal clerk finds the number of valid signatures submitted under subsection 4 does not meet the requirements for a petition under subsection 1, the municipal clerk shall file the petition and the petition forms in the clerk's office and notify the initiator of the petition.

6. Scheduling recall election. Within 10 business days of certification of the petition under subsection 5, the municipal officers shall schedule a recall election to determine whether the official subject to the recall petition should be recalled. The election must be held no less than 45 days nor more than 75 days after certification of the petition under subsection 5 unless a regular municipal election is scheduled to be held within 90 days of the certification of the petition under subsection 5, in which case the recall election must be held on the date of the regular municipal election. If the municipal officers fail to schedule a recall election within 10 days of certification of the recall petition under subsection 5, the municipal clerk shall schedule the recall election pursuant to the date requirements of this subsection.

7. Ballots for recall election. If the official subject to the recall does not resign from office within 10 business days of certification of the recall petition under subsection 5, the ballots for the recall election under subsection 6 must be printed. A ballot for a recall election under this section must read:

"Do you authorize the recall of (name of official) from the position of (name of office)?

() Yes () No"

8. Results of recall election. Within 2 business days of a recall election under subsection 6, the municipal clerk shall certify and record the election results and notify the municipal officers of those results. If a majority of voters vote to remove the official, the recall takes effect on the date the election results are recorded pursuant to this subsection.

9. Limitation of recall. An elected official may be the subject of a recall petition under this section only if the official is convicted of a crime, the conduct of which occurred during the official's term of office and the victim of which is the municipality.

**ORDER FOR THE SPECIAL TOWN MEETING
&
Municipal Officers Certification of Official Text of Secret Ballot Referendum Questions**

TO: Christine L. Murphy, Town Clerk

We, the undersigned municipal officers, hereby order that the following articles be placed on the ballot as questions to be presented to the voters at the Special Town Meeting to be held on **Tuesday, November 5, 2019**, A.D.; whereby said questions shall be presented to the voters for their consideration by secret ballot; to wit:

- Article 1:** To elect a Moderator to preside at said Meeting. [*Note: This question is not intended to be acted upon as part of the official secret ballot at the Special Town Meeting.*]
- Article 2:** To elect **one (1) Select Board Member** to fill a vacancy for an unexpired term ending at the conclusion of 2020 Annual Town Meeting.
- Article 3:** To elect **one (1) Budget Review Committee Member** to fill a vacancy for an unexpired term ending at the conclusion of the 2021 Annual Town Meeting.
- Article 4:** Shall a **Charter Commission** be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?
- Article 5:** Shall the Municipality approve the **Amendment to the Town Charter, Article VIII, Boards, Committees and Commissions, Section 804, Recall of Elected Officials**” as follows: [*Note: the proposed amendment is **bold** and underlined*]
- Any elected official may be recalled and removed from office by the registered voters of the Town as herein provided, **if the official has been convicted of a crime, the conduct of which occurred during the official's term of office.**
- Article 6:** Shall the Town approve the Transfer of **\$75,909.64** from the Undesignated Fund Balance to the **2019 General Government** budget to fund the over-expenditure in that budget due to **Legal Services** costs?
- Article 7:** Shall the Town authorize up to **\$10,919** of unexpended or unencumbered funds in the **Marginal Way Committee** budget at June 30, 2019 to be carried forward for the **Erosion Control Project**?
- Article 8:** Shall the Town (1) vote to approve the **Reconstruction and Expansion of the Main Beach Bathhouse and Lifeguard Station** (the “Project”); (2) appropriate a

sum not to exceed **\$700,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairperson of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$700,000**; and (4) delegate to the Treasurer and the Chairperson of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

Given under our hands this _____ **day of September, 2019**, A.D. in Ogunquit, Maine, by the Select Board, acting in their capacity as the Municipal Officers:

OGUNQUIT SELECT BOARD

Charles L. Waite, III, Chair

Madeline S. Mooney, Vice Chair

John M. Daley, Member

Lindsey M. Perry, Member

Robert N. Winn, Jr., Member

State of Maine
County of York, ss

A True Copy,
Attest:

Christine L. Murphy, Town Clerk
Town of Ogunquit, Maine

Dated: _____

DRAFT

WARRANT
FOR THE
NOVEMBER 5, 2019
SPECIAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT

TO: PATRICIA L. ARNAUDIN, Chief of Police of the Town of Ogunquit, in the County of York, State of Maine:

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Ogunquit in said county and state, qualified by law to vote in town affairs, to meet at the Dunaway Community Center, 23 School Street in said Town of Ogunquit on **Tuesday, the fifth (5) day of November 2019**, A.D. at eight o'clock in the morning (8:00 a.m.) until eight o'clock in the evening (8:00 p.m.) to vote by secret ballot on the following warrant articles; to wit:

Article 1: To elect a Moderator to preside at said Meeting. [*Note: This question is not intended to be acted upon as part of the official secret ballot at the Special Town Meeting.*]

Article 2: To elect **one (1) Select Board Member** to fill a vacancy for an unexpired term ending at the conclusion of 2020 Annual Town Meeting.

Article 3: To elect **one (1) Budget Review Committee Member** to fill a vacancy for an unexpired term ending at the conclusion of the 2021 Annual Town Meeting.

Article 4: Shall a **Charter Commission** be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?

Article 5: Shall the Municipality approve the **Amendment to the Town Charter, Article VIII, Boards, Committees and Commissions, Section 804, Recall of Elected Officials**” as follows: [*Note: the proposed amendment is **bold and underlined***]

Any elected official may be recalled and removed from office by the registered voters of the Town as herein provided, **if the official has been convicted of a crime, the conduct of which occurred during the official's term of office.**

Article 6: Shall the Town approve the Transfer of **\$75,909.64** from the Undesignated Fund Balance to the **2019 General Government** budget to fund the over-expenditure in that budget due to Legal Services costs?

Select Board Recommends:
Budget Committee Recommends:

Article 7: Shall the Town authorize up to **\$10,919** of unexpended or unencumbered funds in the **Marginal Way Committee** budget at June 30, 2019 to be carried forward for the **Erosion Control Project**?

Select Board Recommends:
Budget Committee Recommends:

Article 8: Shall the Town (1) vote to approve the **Reconstruction and Expansion of the Main Beach Bathhouse and Lifeguard Station** (the "Project"); (2) appropriate a sum not to exceed **\$700,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairperson of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$700,000**; and (4) delegate to the Treasurer and the Chairperson of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$ 6,374,489
 - b. Bonds authorized and unissued: \$ 559,100
 - c. Bonds to be issued if this Article is approved \$ 700,000

2. Costs
 - a. At an estimated interest rate of 2.9% for a ten (10) year maturity, the estimated costs of this bond issue will be:

Principal:	<u>\$ 700,000</u>
Interest	<u>\$ 114,100</u>
Total Debt Service:	<u>\$ 814,100</u>

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/ _____
Mandy Grenier,
Town Treasurer

Select Board recommends:
Budget Review Committee recommends:

Given under our hands this **day of September 2019,** A.D. in Ogunquit, Maine, by the
Ogunquit Select Board, acting in their capacity as the Municipal Officers:

OGUNQUIT SELECT BOARD

Charles L. Waite, III, Chair

Madeline S. Mooney, Vice Chair

John M. Daley, Member

Lindsey M. Perry, Member

Robert N. Winn, Jr., Member

State of Maine
County of York, ss

A True Copy,
Attest:

Town of Ogunquit, Maine

Dated: _____

VOTER INFORMATION: The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments. A person who is not registered to vote may not vote in any election.

RETURN OF WARRANT CERTIFICATION

In the Town of Ogunquit, County of York, State of Maine, ss.

Pursuant to the foregoing Warrant to me as directed, I notified and warned the Inhabitants of the Town of Ogunquit herein named to meet at the time and place for purpose herein stated by posting upon the _____ day of _____, 2019, A.D. a copy of said Warrant at the Dunaway Community Center, Ogunquit Post Office, Ogunquit Transfer Station and WOGT, those being four (4) conspicuous and public places in said Town.

Patricia L. Arnaudin, Chief of Police
Town of Ogunquit

UNDER SEAL OF THE TOWN,

A True Copy: ATTEST:

Office of the Town Clerk