



**SELECT BOARD
MEETING MINUTES
FEBRUARY 23, 2010**

5:00PM – EXECUTIVE SESSION

Motion made and seconded to go into Executive Session at 5:00pm for Interviews (Pursuant to M.R.S.A. Title 1, Chapter 13 § 405.6.A) and Union Contracts (Pursuant to M.R.S.A. Title 1, Chapter 13 § 405.6.D), unanimous vote.

Motion made and seconded to come out of Executive Session; unanimous vote.

No action taken during Executive Session.

1.0 CALL TO ORDER – 6:05PM

Members present: Donato Tramuto, Chairman
Phil Cavaretta, Vice Chairman
John Abbott
Jacqueline Bevins
Michael Score

Others present: Thomas A. Fortier, Town Manager
Judy Shaw-Kagiliery, Town Clerk

2.0 PLEDGE OF ALLEGIANCE

Those in attendance recited the pledge of allegiance.

3.0 REQUEST TO APPROVE SELECT BOARD MINUTES

3.1 January 19, 2010 - Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve the minutes of the January 19, 2010 Select Board meeting as amended; approved 4-0, Abbott was not present at the meeting.

3.2 February 2, 2010 – Motion made by John Abbott and second by Phil Cavaretta to approve the minutes of the February 2, 2010 Select Board meeting as written; approved 5-0.

4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

4.1 Appointments to Harbor Committee

To appoint seven (7) members to the Harbor Committee

022310-01 Motion made by Phil Cavaretta and second by Jacqueline Bevins to appoint the following:

| | |
|-------------------|------------------|
| Tim Virgin | Full Member |
| Steve Perkins | Full Member |
| Jack Gordon | Full Member |
| William Tower | Full Member |
| Robert McIntire | Full Member |
| Wayne Perkins | Alternate Member |
| Michael Parenteau | Alternate Member |

Approved 5-0

4.2 Appointment to Conservation Commission
To appoint an Alternate to the Conservation Commission

022310-02 Motion made by Michael Score and second by Phil Cavaretta to appoint Nancy Fording as a 2nd Alternate for the Conservation Commission; approved 5-0.

5.0 PUBLIC HEARINGS, PRESENTATION

Motion made by Jacqueline Bevins and second by Phil Cavaretta to open the public hearing at 6:13pm, approved 5-0.

5.1 Kathryn Davis - Recruiting Assistant for the U.S. Census Bureau
Employment opportunities for the residents of Ogunquit

Town Manager Fortier stated that Kathryn Davis was not present. He explained that Ms. Davis is a representative to the Census Bureau who was to speak to the Select Board about the Census and employment opportunities for the residents of Ogunquit during March and April.

5.2 Barnacle Billy's - Malt, Spirituous and Vinous License Renewal Application

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

022310-03 Motion made by John Abbott and second by Phil Cavaretta to approve the Malt, Spirituous and Vinous License application for Barnacle Billy's; approved 5-0.

5.3 Barnacle Billy's, Etc. - Malt, Spirituous and Vinous License Renewal Application

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

022310-03 Motion made by John Abbott and second by Phil Cavaretta to approve the Malt, Spirituous and Vinous License application for Barnacle Billy's, Etc.; approved 5-0.

5.4 Bessie's - Malt, Spirituous and Vinous License Renewal Application

Ms. Bevins recused herself from action on this agenda item.

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

022310-05 Motion made by Michael Score and second by Phil Cavaretta to approve the Malt, Spirituous and Vinous License application for Bessie's; approved 4-0, Bevins abstained.

5.5 Oarweed Cove Restaurant - *Malt, Spirituous and Vinous License Renewal Application*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

022310-03 Motion made by John Abbott and second by Phil Cavaretta to approve the Malt, Spirituous and Vinous License application for Oarweed Cove Restaurant; approved 5-0.

5.6 Ogunquit Lobster Pound - *Malt, Spirituous and Vinous License Renewal Application*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

022310-03 Motion made by John Abbott and second by Phil Cavaretta to approve the Malt, Spirituous and Vinous License application for Ogunquit Lobster Pound; approved 5-0.

5.7 Perkins Cove Lobster Shack - *Malt, Spirituous and Vinous License Renewal Application*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

022310-03 Motion made by John Abbott and second by Phil Cavaretta to approve the Malt, Spirituous and Vinous License application for Perkins Cove Lobster Shack; approved 5-0.

5.8 Barnacle Billy's, Etc. - *Amusement License Renewal Application*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

022310-04 Motion made by Phil Cavaretta and second by Michael Score to approve the Amusement License Renewal application for Barnacle Billy's, Etc.; approved 5-0.

5.9 Leavitt Theatre - *Amusement License Renewal Application*

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

022310-04 Motion made by Phil Cavaretta and second by Michael Score to approve the Amusement License Renewal application for the Leavitt Theatre; approved 5-0.

5.10 Perkins Cove Lobster Shack – Amusement License Renewal Application

Recommended for approval by the Police Chief, Fire Chief and the Code Enforcement Officer, there were no comments or questions from the Select Board or the public in attendance.

022310-04 Motion made by Phil Cavaretta and second by Michael Score to approve the Amusement License Renewal application for Perkins Cove Lobster Shack; approved 5-0.

Motion made by Jacqueline Bevins and second by Phil Cavaretta to close the public hearing at 6:19pm; approved 5-0.

6.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

6.1 Ratify Union Contracts - Thomas A. Fortier, Town Manager
Select Board Ratification of Union Contracts

022310-06 Motion made by John Abbott and second by Jacqueline Bevins that the Select Board approve and ratify the Union Contracts for Police, Fire, Clerical and Public Works; approved 5-0.

7.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

7.1 July 4, 2010 Fireworks - Thomas A. Fortier, Town Manager
To review proposed fireworks event for July 4, 2010

Mr. Fortier stated this agenda item was put before the Select Board for an official endorsement for the July 4th Fireworks. He stated that there would be a committee to work on the fireworks. This will be approximately a \$20,000 show with funds being raised through donations. Staffing to deal with the event will be paid through this funding. The goal is to raise \$30,000 to cover all event costs. The Chamber of Commerce is taking a large role in the event.

Discussion was held as to whether or not the town would fund part of the event (i.e. staffing and entertainment).

022310-07 Motion made by Michael Score and second by Phil Cavaretta to approve fireworks for Sunday, July 4, 2010 and that there is no financial commitment on the part of the town; approved 5-0.

7.2 Perkins Cove Sheet Pile RFP Results - Thomas A. Fortier, Town Manager
To review proposals regarding sheet pile installation in Perkins Cove

Three bids were received:

| | |
|--|--------------|
| Atlantic Mechanical, Inc. | \$139,987.00 |
| Wyman and Simpson, Inc. | \$159,900.00 |
| Maritime Construction & Engineering, LLC | \$181,499.00 |

No action will be taken on these bids as funding was not approved at the February 9, 2010 Special Town Meeting.

7.3 Warrant Articles for April 6, 2010 Special Town Meeting - Select Board
To approve order for April 6, 2010 Special Town Meeting

Article 2: Shall the municipality approve the Charter amendment reprinted below?
[**Note:** Proposed amendment is **underlined**. Language proposed to be removed is indicated by a **strikeout**.]

Section 503 Budget Process

503.6 On those articles where the recommendations of the Select Board and the Budget Review Committee are in agreement, the Warrant Article shall include their common recommendation and the previous fiscal year's budget as the two (2) voter choices. In the event a previously funded budget article is ~~disapproved~~ not approved by majority vote, the appropriation for the ~~last previous~~ fiscal year shall ~~constitute~~ be construed as the appropriation for the current fiscal year.

NEW 503.6a On those articles where the recommendations of the Select Board and the Budget Review Committee differ; the Warrant Article shall include the Select Board's recommendation and the Budget Review Committee's recommendation as the two (2) voter choices. In the event of a tie vote and a previously funded budget article is not approved by majority vote, the Select Board's appropriation will prevail

503.7 In the event a budget item appearing on the ballot for the first time or a petitioned article is ~~disapproved~~ not approved by majority vote, the item shall receive no funding.

022310-08 Motion made by Michael Score and second by John Abbott to approve the order for the April 6, 2010 Special Town Meeting; approved 5-0.

7.4 Acceptance of Proposed Amendments to the Ogunquit Zoning Ordinance –Ogunquit Planning Board.
To accept proposed amendments for inclusion on the June 8, 2010 Annual Town Meeting Warrant.

After discussion, this agenda item was tabled until the March 2, 2010 Select Board meeting.

7.5 Certification of Proposed Amendments to the Ogunquit Zoning Ordinance – Ogunquit Planning Board.
To certify that the proposed amendments are a true copy of the official text. As the prior agenda item was tabled, this item was also be tabled.

After discussion, this agenda item was tabled until the March 2, 2010 Select Board meeting.

8.0 MISCELLANEOUS BUSINESS – ORAL & WRITTEN COMMUNICATIONS – FOLLOW-UP8.1 Public

Herbert Hoffman - re: Warfare Resolution Warrant Article

Chairman Tramuto requested from the other board members to let him know if any of the members would sponsor the article; if so it will be on the agenda for review at the next Board meeting on March 2nd.

8.2 Select Board

Selectman Tramuto – read a letter from the Ogunquit Chamber of Commerce Board of Trustees regarding OgunquitFest 2009 fundraiser.

He also read a letter from a resident who praised Jon Webber and the assistance that they received from him regarding the placement of “doggie bag” receptacle near the Oarweed end of Marginal Way.

Selectman Abbott – comments regarding the visit to Augusta pertaining to the school funding issue.

Selectman Cavaretta – echoed Selectman Abbott’s comments; good showing from the Town of Ogunquit.

Selectman Score – thanked everyone for their efforts in Augusta, it was a real team effort. Mr. Score summarized what had occurred on Thursday then reviewed the process; where do we go from here...

Next meeting: March 2, 2011 (Mr. Tramuto stated that he would not be present for that meeting); March 16, 2011; and March 23, 2011 (Budget meeting).

Workshop on Liquor License Moratorium – Mr. Tramuto questioned Mr. Fortier on the status of the workshop. Mr. Fortier stated that this has been delayed due to the budget season. Mr. Score requested that “Noise Ordinance” be addressed at the same workshop.

8.3 Town Manager

Budget – Mr. Fortier updated the Board on the status of the Town’s budget. He reported that the town has come out quite well. Expect to drop \$400,000 to the bottom line (surplus) in this budget.

Harbor Committee – Mr. Fortier congratulated all those who were appointed to the committee.

8.4 Executive Session

Motion made by Phil Cavaretta and second by John Abbott to go into Executive Session at 8:13pm for a Personnel Issue (Pursuant to M.R.S.A. Title 1, Chapter 13 § 405.6.A); approved 5-0.

Motion made and seconded to come out of Executive Session; approved 5-0.

No decision was made during the Executive Session.

9.0 ADJOURNMENT

Motion made and seconded to adjourn the meeting; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager