



**SELECT BOARD
MEETING MINUTES
AUGUST 3, 2010**

1.0 CALL TO ORDER – 6:00PM

Meeting called to order at 6:00PM.

Members present: Donato Tramuto, Chairman
Jacqueline Bevins
Phil Cavaretta
Graham Simonds

Members absent: Michael Score, Vice Chairman

Motion made by Jacqueline Bevins and second by Phil Cavaretta to excuse the absence of Michael Score from the Select Board meeting; approved 4-0.

Others present: Thomas A. Fortier, Town Manager

2.0 PLEDGE OF ALLEGIANCE

Those in attendance recited the Pledge of Allegiance

3.0 REQUEST TO APPROVE SELECT BOARD MINUTES

3.1 **July 6, 2010** – These minutes were tabled until the August 17, 2010 meeting.

4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

4.1 Harbor Committee Terms

To assign member terms pursuant to Harbor Committee By-laws

080310-01 Motion made by Phil Cavaretta and second by Jacqueline Bevins to appoint William Tower to a Full Member 3-year term [Expires June 30, 2013]; Steven Perkins to a Full Member 3-year term [Expires June 30, 2013]; John “Jack” Gordon to a Full Member 2-year term [Expires June 30, 2012]; Robert McIntire to a Full Member 2-year term [Expires June 30, 2012]; Timothy Virgin to a Full Member 1-year term [Expires June 30, 2011]; Wayne Perkins as 1st Alternate [Expires June 30, 2011] and Michael

Parenteau as 2nd Alternate Expires June 30, 2011]; approved 4-0, Score absent.

4.2 Conservation Commission
Resignation acceptance

080310-02 Motion made by Graham Simonds and second by Jacqueline Bevins to accept, with regrets, the resignation of Brian Aromando as a member of the Conservation Commission; approved 4-0, Score absent. The Town Manager will send a letter of appreciation to Mr. Aromando.

4.3 Town Manager's Appointments - Thomas A. Fortier, Town Manager
Annual Appointment of Police Chief, Fire Chief, Emergency Management Director, Code Enforcement Officer, Harbormaster, Town Clerk and Treasurer

080310-03 Motion made by Phil Cavaretta and second by Graham Simonds to confirm the Town Managers appointment of Patricia Arnaudin as Police Chief, Edward Smith as Fire Chief, Edward Smith as Emergency Management Director, Paul Lempicki as Code Enforcement Officer, Paul Lempicki as 80K Representative for the Town of Ogunquit, Paul Lempicki as Licensed Plumbing Inspector, Fred Mayo III as Harbormaster, Judy Shaw-Kagiliery as Town Clerk and Judith A. Yates as Treasurer for the 2010-2011 Fiscal Year; approved 4-0, Score absent.

5.0 PUBLIC HEARINGS, PRESENTATION

Motion made by Phil Cavaretta and second by Graham Simonds to open the Public Hearing at 6:09pm; approved 4-0, Score absent.

5.1 Jackie's Too - Malt, Spirituous and Vinous License Renewal

Jacqueline Bevins recused herself from participation 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.

080310-04 Motion made by Graham Simonds and second by Phil Cavaretta to approve the Malt, Spirituous and Vinous License renewal application for Jackie's Too; approved 4-0, Score absent.

5.2 Post Road Tavern - Malt, Spirituous and Vinous License Renewal

080310-05 Motion made by Graham Simonds and second by Jacqueline Bevins to approve the Malt, Spirituous and Vinous License renewal application for the Post Road Tavern; approved 4-0, Score absent.

5.3 Proposed Articles to be Voted On at the August 31, 2010 Special Town Meeting

Comments and questions were voiced by those present.

Gary Latulippe, resident and business owner, stated he is supportive of this project.

Graham Simonds, resident and Select Board Member requested that use of pervious surfaces be utilized in this project.

Donato Tramuto, resident and Select Board Member stated that bicycle use is on the increase and that bicycle paths should be considered as part of the project.

Phil Cavaretta, resident and Select Board Member concurred with Mr. Tramuto, should tie in the bicycle paths with project. Grant funding is available for bicycle paths. He also suggested that drainage issues be addressed in the scope of the project.

Nancy DiCarlo, resident and General Manager of the Seafarer, stated the need for sidewalks near her business.

Phil Cavaretta noted that there may be limitations regarding installation of sidewalks on the bridge over the Josias River.

Ben Hershenson, 3 Myrtle Circle, stated that he supports this project 100%. The Select Board needs to really “sell” this project to the voters over the next couple of weeks.

Motion made by Phil Cavaretta and second by Jacqueline Bevins to close the Public Hearing at 6:37pm; approved 4-0, Score absent.

6.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

There was no Unfinished Business before the Select Board.

7.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

7.1 Friends of the Ogunquit Heritage Museum – *Susan Meffert and Allyson Cavaretta*
Annual Antiques & Arts Show Parking Fees - request for reduced parking rates at Obeds parking lot.

Phil Cavaretta recused himself from participation on this agenda item.

Allyson Cavaretta was present to request reduced parking rates for Antiques Show and Sale at the Dunaway Community Center on September 18, 2010.

080310-06 Motion made by Graham Simonds and second by Jacqueline Bevins to approve the request for reduced parking rates for the September 18, 2010 Antiques Show and Sale and that the details be determined by the Town Manager; approved 3-0, Cavaretta abstained and Score absent.

7.2 Labor Day Weekend Sidewalk Sale - *Thomas A. Fortier, Town Manager*
To allow the sale of merchandise and food by Property/Business Owners on the sidewalks of Ogunquit on Saturday, September 4, 2010.

Chairman Tramuto opened this agenda item to Public Input.

Helen Mulligan and Stuart Thompson spoke in favor of the event.

080310-07 Motion made by Graham Simonds and second by Phil Cavaretta to approve the September 4, 2010 Sidewalk Sale, parameters of the event to be presented by the Town Manager and the next meeting of the Select Board on August 17, 2010; approved 4-0, Score absent.

7.3 Special Town Meeting Warrant – August 31, 2010

To approve and sign Warrant for the August 31, 2010 Special Town Meeting

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 in said Town on **Tuesday, the thirty-first (31st) day of August 2010, A.D.**, at nine o'clock in the morning (9:00 a.m.) until six o'clock in the evening (6:00 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 Annual Town Meeting.]

Article 2: Shall the Town (1) approve a Capital Improvement Project consisting of the design, construction and equipping of sidewalk and streetscape improvements in the vicinity of Main Street in Ogunquit Village (the "Project") as generally described in the Ogunquit Village Sidewalk and Streetscape Assessment prepared for the Town by Wright-Pierce; (2) appropriate a sum not to exceed **\$2,227,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Board of Selectmen 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 **\$2,227,000**; and (4) delegate to the Treasurer and the Chairman of the Board of Selectmen the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, 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?

EXPLANATION AND RECOMMENDATION:

FINANCIAL STATEMENT

1.	<u>Total Indebtedness</u>	
a.	Bonds outstanding and unpaid:	\$5,505,704.00
b.	Bonds authorized and unissued:	\$ -0
c.	Bonds to be issued if this Article is approved	<u>\$2,227,000.00</u>
2.	<u>Costs</u>	
a.	At an estimated interest rate of <u>4.83%</u> for a <u>twenty (20)</u> years' maturity, the estimated costs of this bond issue will be:	
	Principal:	<u>\$2,227,000.00</u>
	Interest:	<u>\$1,173,600.00</u>
	Total Debt Service:	<u>\$3,400,600.00</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/s Judith A. Yates
Town Treasurer

Select Board Recommends: Yes – 4/0
Budget Review Committee Recommends: Yes – 5/0

080310-08 Motion made by Phil Cavaretta and second by Jacqueline Bevins to approve for signature the Special Town Meeting Warrant for August 31, 2010; approved 4-0, Score absent.

7.4 Smoking Ban - *Thomas A. Fortier, Town Manager*

Town Manager Fortier explained that he brought this item forward for discussion purposes. He stated that he has had numerous complaints this summer from people at the beach, not only with the issue of second-hand smoke, but also the butts on the beach.

Selectman Simonds stated that the people should vote on it.

Selectman Cavaretta suggested that there be designated smoking areas off the beach. He had concerns about enforcement.

Selectman Bevins like the idea of a ban but is also concerned about enforcement.

8.0 MISCELLANEOUS BUSINESS – ORAL & WRITTEN COMMUNICATIONS – FOLLOW-UP

8.1 Public

Nancy DiCarlo, resident, voiced her concerns regarding a smoking ban on the beach.

Armand Valliere, resident, voiced his concerns about people smoking on the beach.

Dick Bishop, resident of Wells and Ogunquit beachgoer, voiced his concerns about people smoking on the beach.

Mike Horn, resident and Chair of the Conservation Commission, commended the Town Manager and the Public Works Department regarding the removal of trash barrels from the beach. He stated that the beach is the cleanest he has seen it in recent years. He also commented on the fencing on the beach and the need to continue it further along the dunes.

Helen Mulligan, resident and owner of “Strolling By” read a statement regarding Selectman Score.

8.2 Select Board

Selectman Tramuto

- Stated the need for an Executive Session at the end of the meeting.
- Stated that the Select Board needs to set annual priorities in September and that the residents of the town should be involved.

8.3 Town Manager

- All departments came in under budget June 30th.
- Should have in excess of \$700,000 to put back in to Undesignated Fund Balance.
- Parking revenues are up, at 53% of collection at end of July. Over \$200,000 ahead of last year at this time.
- Reminded all that the Special Town Meeting on August 31, 2010 needs to have 197 votes cast to be valid. Absentee ballots are available.
- Held Parks & Recreation Director interviews last Friday and Monday, great application were submitted.
- Received bids on the Assessing Contract, range from \$20,000 to \$50,000 per year.

9.0 EXECUTIVE SESSION

Motion made by Phil Cavaretta and second by Jacqueline Bevins to go into Executive Session at 7:22pm to discuss Personnel [Pursuant to Title 1, Chapter 13 § 405.6.A; approved 4-0, Score absent.

*Michael Score arrived at 7:23pm.

Motion made by Jacqueline Bevins and second by Phil Cavaretta to come out of Executive Session at 7:49pm; approved 5-0.

No decision was made during the Executive Session.

****Note** - Jacqueline Bevins requested that minutes be amended to say, that she distinctly remembers when they (the Select Board) went into Executive Session, she said that they couldn't do this unless Michael Score was here and as she said that he walked through the door.

10.0 ADJOURNMENT

Motion made Phil Cavaretta and second by Jacqueline Bevins to adjourn the meeting at 7:55pm, unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager

Meeting minutes approved as written by the Select Board at their meeting on 08-17-10.