

**OGUNQUIT CONSERVATION COMMISSION**  
**MEETING MINUTES**  
**April 21, 2011**

**GUEST SPEAKER: Jodi Castallo - Mt. A to the Sea.**

Mr. Horn noted that some of the Mt. Agamenticus land is located within the Town of Ogunquit. He confirmed that the focus of the Mt. A to the Sea project dovetails with that of the Commission, particularly in the areas of acquiring open space land, and protecting the watershed.

Mr. Sterl asked how many acres are involved.

Ms. Castallo responded that there are 48,000 acres in the entire focus area.

Mr. Sterl asked how many towns are included in the Mt. A to the Sea project.

Ms. Castallo responded that there are six.

Ms. Castallo, Coordinator for Mt. A to the Sea, gave a brief presentation outlining the Mt. A to the Sea goals and accomplishments. She noted that approximately 13,000 acres of land have already been preserved including the Kittery and York water district lands. Mt. A to the Sea has conserved 3,000 acres itself.

During the first fund raising campaign Mt. A to the Sea raised almost 15 million dollars. They are currently considering another fundraising project.

She noted that they have created a "focus area" a great deal of which is in Ogunquit (*maps indicating the "focus areas" were provided to the Commission*). The estimated cost, to reach their goal, is 50 million dollars over the next twenty-five years.

Mr. Horn asked if they have targeted specific parcels of interest.

Ms. Castallo responded that they have, and that the next push will be to preserve active farmland.

Mr. Horn asked what approach they take when contacting land owners.

Ms. Castallo responded that Mt. A to the Sea is a coalition of partners and is not an entity in itself. She is employed by Great Works Regional Land Trust. Great Works, York Land Trust, and Kittery Land Trust each does its own work but they collaborate together, particularly with fund raising and grant applications.

Mr. Mayer suggested a regional concept be developed based on the Ogunquit River Watershed.

Mr. Horn suggested Mr. Vargelis might be interested in accepting the position of Chair of the Watershed Committee. He agreed that it is a huge job and he asked Mr. Vargelis to consider it.

Mr. Mayer pointed out that 2/3 of the Ogunquit River watershed is in Wells.

The Commission agreed that it is important for the Watershed Committee Chair to have connections to the Town of Wells.

Mr. Horn reminded everyone that no member of the Conservation Commission has the authority to speak for the Commission. No Commission member should ever: write to a newspaper or grant interviews, approach a Town official, or draft correspondence without the consent of the other Commission members.

**A. ROLL CALL - Welcome to new member - Milt Vargelis**

Mr. Horn called the Roll with the following results:

Members Present:     Mike Horn, Chairperson  
                              Brad Sterl, Vice Chairperson  
                              Madeline Brown, Secretary  
                              Doug Mayer  
                              Everett Leach  
                              Milt Vargelis

Members Excused:    Bob Joyner

**B. MINUTES - March 24, 2011**

**Mr. Sterl Moved to Accept the Minutes of the March 24, 2011 Meeting as Amended.  
STERL/BROWN 5/0 UNANIMOUS**

**C. UNFINISHED BUSINESS**

**1. Greening Program - New Activities**

Ms. Brown informed the Commission that the Greening Committee's most recent meeting was in April. She reiterated the three primary focus points are: energy, recycling, education regarding the watershed.

There is a program (PACE) from Efficiency Maine which provides low interest loans for homeowners to upgrade their homes. This program requires a Town ordinance in order to qualify citizens to receive these loans. This proposed ordinance went before the Select Board at their last meeting but Ms. Brown was unable to determine whether or not it passed.

Mr. Horn responded that the budget discussions took so long that the Select Board tabled several topics to the next meeting, but this should not prevent the matter from being placed on the June Ballot. He suggested Ms. Brown speak with Ms. Emery at Town Hall, and that Ms. Brown should attend the Select Board meeting to respond to questions from the Board.

Ms. Brown also noted that there is another program, Seacoast Energy Initiative (SEI), which is for low income loans for weatherization.

The Greening Committee is also pushing for an energy audit of all municipal buildings, particularly the Dunaway Center. However there has been some resistance to this idea. The cost for the audit is \$1,800, however a completed audit qualifies the town for a 1% loan from Efficiency Maine to be used for upgrading the structure. She and Mr. Joyner have already met with the Building Needs Committee, and will schedule a meeting with the Town Manager to discuss the possibility of an energy audit.

Mr. Mayer asked if failing septic systems could be repaired under the PACE Program.

Ms. Brown responded that she did not know, however there is a list of approved upgrades and repairs on the program's website. The Greening Committee plans a mailing in June regarding the watershed, and they may broaden the scope to include these energy programs as well.

Ms. Brown reviewed the proposed mailing regarding the watershed. It is their intent to ask residents to agree to participate, and to confirm this agreement to the Commission.

The Recycling Committee has applied for a grant for solar powered trash receptacles that compact the contents.

Mr. Vargelis suggested that if the trash is compacted it will be picked up less frequently and will begin to smell.

Ms. Brown responded that this is a proven technology and there must be some solution to that problem.

## **2. Filtration System - Grasshopper Lane - Mayer, Horn,**

Mr. Horn and Mr. Mayer spoke with the Town Manager, who has the Snout ready to be installed. Mr. Mayer requested a copy of the contractor's storm water system plans, and he and Mr. Horn took the plans and visited the Grasshopper Lane site.

Mr. Mayer gave a brief overview of the Snout System and the Grasshopper Lane project. It was originally thought that the water discharging from the Snout would dump directly into the estuary, however this is not the case. Water from the Snout will discharge back onto the surface and become part of the watershed coming down from Windward Estates and the Beachgrill and traveling under the surface through catch basins which are 25 feet deep. The conclusion is that Grasshopper Lane may not be the most practical location for the one free Snout System. As an alternative Mr. Mayer suggested testing the Snout at the Main Beach Parking Lot at the bridge catch basin.

Mr. Horn responded that there are hardly any biological contaminants coming from the beach parking area. There may be chemical contaminants, but there are minimal biological contaminants and this may make that location ineffectual testing site.

Mr. Mayer noted that the system has two components: the snout which captures solid material and the bio-skirt which filters out chemical and biological contaminants. They need to find a drainage system with a catch basin, which already has measurable contamination. This will provide pre and post Snout installation test results which they can use to determine whether or not the system is effective. Mr. Mayer was unable to think of a location which matched this description.

Mr. Horn reminded everyone that when the Windward Project was developed the developers agreed to install catch basins which they would maintain, and the water in them would be tested. Water test results have consistently come back as unacceptably high.

Mr. Mayer asked if these are Town catch basins or if they belong to Windward. He agreed this may be a viable site, particularly since previous testing provides documented baseline data.

Mr. Horn suggested Mr. Mayer do more exploration on this matter and come back with additional proposals.

Mr. Horn agreed to contact Don Simpson at Windward and schedule a meeting to determine the location of the testing site and to see whether or not there is a catch basin at that location. He suggested they include the Code Enforcement Officer in their discussions and visit.

Mr. Vargelis asked if the Windward roads were accepted by the Town.

Mr. Horn confirmed that they were.

### **3. Ogunquit Beach Dune Fence Installation Progress**

Mr. Horn informed the Commission that he and Mr. Mayer have been working to get the fence installed before the protected birds arrive. The plan was to run the old fence up to the first crossover, which was done. Last week the fence came down. The Town purchased 2000 feet of new fencing which would be installed from the first crossover to the footbridge. There would be a break after the footbridge then continued fencing up to Moody.

Mr. Horn suggested that they are only throwing away money on this project. It has been suggested they put back the fencing which fell down (from the Norseman to the first crossover), then stake and twine the rest of the dunes and put up “no trespassing” signs. The Commission needs to decide whether to do nothing, or install the twine and signs.

Ms. Brown suggested the fence money might be better spent to hire someone to patrol the dunes.

Mr. Horn responded that the police budget now has funding for an officer at the Main Beach.

It was agreed that the Commission would recommend putting the existing fencing, which blew down, back up from the Norseman to the first crossover. The new fencing should be put up as far as it will go, and the remaining dune area should be twined, and “No Trespassing on the Dune” signage should be put up the length of the beach.

Mr. Leach suggested that given that the plovers have already begun to nest on the beach and vehicles are now prohibited from driving there, the fence posts could be installed by hand without the use of vehicles on the beach.

Mr. Horn reminded everyone that without the use of vehicles on the beach they would have to hand carry all the posts, fencing, and tools all the way down the beach.

**Mr. Mayer Moved to recommend that the Town restore the existing fence and install the newly purchased fence at the Town's earliest convenience, and that the unfenced portion of the dunes be stake and twined and that signage be posted.**

**MAYER/VARGELIS 6/0 UNANIMOUS**

Mr. Mayer noted that the Town is responsible for the stakes and fencing and the signage, and that the Commission could be responsible for putting up the twine.

Mr. Vargelis asked if the dunes are part of a Federal Revitalization Project, and he asked where fines originate. He suggested higher fines might get people's attention, and that signs and enforcement are vital.

Mr. Horn added that the fines are part of the Town Code.

Mr. Sterl added that State Laws put a limit on the amount of fines a Town can impose.

Mr. Leach asked who he should contact to get a copy of the Town's contract regarding the Piping Plover protection. He would like to see the exact language which restricts motorized vehicles on the beach where the plovers are nesting, so that the Commission can determine the best way to get the dune fencing installed.

Mr. Horn suggested Mr. Leach meet with the Town Manager and report back to the Commission. He also suggested Mr. Leach meet with Cindy Douglas who took over the Plover Project in Ogunquit and who probably has a copy of the contract.

#### **4. Conservation Land - Berwick Road Plan to Town Manager - Mayer, Horn**

Mr. Horn reminded everyone that the Conservation Commission had a list of lands to be proposed for conservation. This was held up when it was discovered that the Conservation Commission was never officially registered or included as part of the Town Charter. Thus they were not legally entitled to act. This problem will be corrected at the June Town Meeting when the Commission Appointment will be put before the voters.

Mr. Mayer added that the language will be included which provides a vehicle for the Commission to designate certain parts of Town land as "conservation land". This will establish the Commission as it has always been and allow certain lands to be designated "conservation lands".

Mr. Horn clarified that the Conservation Commission's appointment was voted on by the Select Board but was never presented to the voters for approval.

#### **5. June Town Meeting- Re-vote Pesticide Ord, ConCom Establishment Ord.**

See discussion under Item 4 above.

Mr. Horn pointed out that the Pesticide Ordinance regarding use of pesticides on Town owned land, which was passed by the voters last year, should have been approved by the DEP prior to inclusion on the ballot. As a result the ordinance has been recalled, has been approved by the DEP, and will now be presented to the voters for re-approval at the June Town Meeting.

It was noted that there is no pesticide ordinance regarding private property.

#### **D. NEW BUSINESS**

##### **1. Waterfree Urinals Program – Horn**

Mr. Horn noted that the Commission would pay the \$1,500 cost for the waterless urinals. The urinals will be installed in May at the: Dunaway Center, Footbridge Beach parking lot, the Main Beach parking lot, and the Jacobs Lot parking area.

The owners of the Ogunquit Lobster Pound removed their waterless urinals because of the smell and the time it took to maintain them. David Giarusso at Napoli Pizza disagreed. Mr. Giarusso said he saved a lot of money using the water free urinals, but he agreed that they do require much more effort to keep them clean and odor free.

##### **2. Ogunquit River Watershed Committee**

Mr. Horn volunteered to update Mr. Vargelis about the watershed committee's objectives. He suggested Mr. Vargelis would be a good fit for the Chair position.

Mr. Vargelis responded that until September he will not have much free time.

Mr. Leach asked for the name of the woman in Wells who is interested in the Watershed Committee. He expressed interest in serving on the Watershed Committee himself.

Mr. Mayer responded that Mr. Leach should contact Michelle Stivelletta Noble.

##### **3. Pervious Paving Rt 1 Sidewalk Plans**

Mr. Horn noted that this item would be tabled pending submission of further information from the contractors and the Town Manager.

##### **4. 2012 Budget-Operating Expenses & Capital Improvement Plan (CIP)**

Mr. Horn informed the Commission that their budget includes both short term expenses and long term projects. They have asked for approximately \$3,000 to cover smaller expenses such as: mailings, advertising, etc. This does not include the Greening Committee and/or the Recycling Committee.

Regarding the requested \$25,000 for acquiring conservation lands. The goal has been to acquire \$25,000 every year for ten years. When \$250,000 has been accumulated they can then go to the State and other private enterprises and request matching funds. There has been some resistance from some of the Select Board members who take issue with the \$25,000 amount. Recently the Select Board agreed to put the question of \$25,000 or \$10,000 on the ballot and allow the voters to decide. The Town Manager has indicated that the wording proposed by the Select Board may not be legal. They may only be allowed to request one amount. Mr. Mayer will be speaking to the Town Manger and will report back to the Commission on the exact nature of the problem.

Mr. Horn Moved to request the amount of \$25,000 on the June Ballot.

HORN/STERL

Mr. Mayer noted that the Budget Review Committee did not even want the question put to the voters. Three out of the four Select Board members disagreed, and voted to include the question on the June ballot, with only the Select Board Chair dissenting.

Mr. Mayer expressed his understanding that if the Commission asks for \$25,000 and the voters vote it down, then the amount reverts to the previous year's \$10,000 which is automatically granted.

Mr. Horn disagreed. It was his understanding that if the voters vote down the requested \$25,000 then the Commission gets nothing. He asked Mr. Mayer to speak to the Town Manger and get a clear answer.

Mr. Mayer stressed that if the Commission is going to ask the voters for \$25,000 then they will have to engage in an educational campaign to inform the citizens of the purpose of the request and how the money will be used to benefit the town.

Mr. Horn responded that they have plenty of money in the budget for a mailing to residents.

Mr. Vargelis suggested they might put a notice on the website and WOGT. It was agreed that this was a good idea.

Ms. Brown suggested including language on the warrant to explain the purpose of the request.

Mr. Horn agreed to speak to the Town Clerk and ask her to draft some explanatory language for inclusion with the ballots.

Mr. Leach asked if the Select Board and Budget Review Committee's recommendations would be included on the ballot.

It was confirmed that they would.

Mr. Horn's motion was restated:

**Mr. Horn Moved to request the amount of \$25,000 be used on the June Ballot.**

**HORN/STERL 6/0 UNANIMOUS**

It was confirmed that Mr. Mayer would schedule an appointment to meet with the Town Manager to obtain clarification regarding the language on the ballot, and whether or not, if the asked for amount is denied, the monies revert to last year's amount.

## **E    REPORTS -**

### **HEALTHY BEACHES (HB)**

Mr. Mayer informed the Commission that there are enough volunteers. Healthy Beaches (HB) will be conducting the mandatory training and orientation sometime in late May. Healthy Beaches will also be presenting their report to the Select Board in the near future.

Mr. Vargelis asked for an explanation of "Healthy Beaches".

Mr. Horn and Mr. Mayer explained who Healthy Beaches is, what they do, and how Ogunquit works with, and benefits from, their work.

Ms. Brown asked if the Commission is going to ask the Select Board to take any action after the HB presentation. What is the next step?

Mr. Horn responded that the next step is to get the DEP to look at one hotspot.

Mr. Mayer added that Ogunquit has to take it upon itself to identify what sub-watersheds test bad enough to make them a focus of investigation.

Mr. Horn suggested that Healthy Beaches has begun to stagnate the Town's efforts.

Mr. Mayer disagreed. He has been informed by Healthy Beaches that because they are now a part of DEP, their goal is to help towns identify sources of contamination. Volunteers can only take the problem up into the sub-watershed, the problem then has to fall under the jurisdiction of the local Code Enforcement Office who has to work with the DEP to identify the contaminant sources. He noted that there are new testing procedures to identify human specific contamination and that Healthy Beaches may be willing to spend the additional funding to locate such sources. Healthy Beaches' interest has gone beyond just testing the beaches and advising the public, and they now seek to help towns to solve their water quality problems.

Mr. Horn responded that Healthy Beaches' help is important for the Town to continue to test upriver as well as on the beach.

Ms. Brown agreed that a new approach is needed. She pointed out that the hot spot has been on the agenda for three years with no solution in sight. She suggested it may be important to ask the Select Board to take action.

Mr. Mayer agreed and noted that at the last HB meeting the question was raised: after years of testing and advising, how do they get the Towns to get Code Enforcement involved enough to identify sources of contamination and force corrective measures to take place. Unfortunately Ogunquit's Beach Manager was not present at that meeting, so Ogunquit was not able to fully participate in that discussion.

Mr. Horn suggested Mr. Vargelis meet with Mr. Mayer and Mr. Leach and let them education him on the workings of Healthy Beaches.

## **F. OTHER -**

### **NEW SUBCOMMITTEE - CONSERVATION LAND COMMITTEE**

Mr. Mayer asked for the Commission's approval to form a new subcommittee, "The Conservation Land Committee". This committee will work in partnership with the local land trust on future land acquisitions.

Ms. Brown asked: who is the "local land trust"?

Mr. Mayer responded it is Great Works Regional Land Trust.

Mr. Horn asked who might be on this new subcommittee.

Mr. Mayer asked for Mr. Sterl and Mr. Leach. It might also include individuals who are not on the Conservation Commission. It might be similar to the Greening Committee setup.

**Mr. Horn Moved to create The Conservation Land Sub-Committee to work in partnership with local land trusts.**

**HORN/STERL 6/0 UNANIMOUS**

**G. ADJOURNMENT -**

The meeting was adjourned at 9:15 p.m.

Respectfully Submitted

Maryann Stacy  
Recording Secretary

*Approved on May 19, 2011*