



**SELECT BOARD
MEETING MINUTES
AUGUST 17, 2010**

EXECUTIVE SESSION – 5:45PM

Motion made by Phil Cavaretta and second by Michael Score to go into Executive Session at 5:45pm for an Interview pursuant to Title 1, Chapter 13 § 405.6.A; approved 5-0.

Motion made by Michael Score and second by Phil Cavaretta to come out of Executive Session at 6:00pm, approved 5-0.

No decision was made during the Executive Session.

1.0 CALL TO ORDER – 6:00PM

Meeting called to order at 6:02pm.

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

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** - Motion made by Phil Cavaretta and second by Graham Simonds to approve the minutes of the July 6, 2010 Select Board meeting as written; approved 3-0, Bevins and Tramuto absent.

3.2.1 **August 3, 2010** – Motion made by Graham Simonds and second by Phil Cavaretta to approve the minutes of the August 3, 2010 Select Board meeting as amended; approved 4-0, Score absent.

****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.

4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

4.1 School Board Committee Trustee

081710-01 Motion made by Jacqueline Bevins and second by Phil Cavaretta to appoint Diana Allen as a Wells-Ogunquit CSD School Committee Trustee, term ending June 30, 2011; approved 5-0.

5.0 PUBLIC HEARINGS, PRESENTATION

Motion made by Jacqueline Bevins and second by Phil Cavaretta to open the Public Hearing at 6:12pm; approved 5-0.

5.1 Visitors Services – Main Beach Parking Lot

Update from Visitors Services personnel on this season's change at Main Beach from an hourly lot to a daily lot.

David Petelle, Visitor Services Supervisor and Richard Burgess Assistant Visitor Services Supervisor were in attendance to review the change of fee procedure for the beach parking lots.

The Select Board recognized Visitor Services personnel for the outstanding work they have done this year.

Town Manager Thomas A. Fortier presented long-time parking lot attendant Polly Baston with a bouquet of flowers, a "Miss Maine Beach" sash, a crown and a certificate of appreciation for her dedication to the Town of Ogunquit.

Motion made by Jacqueline Bevins and second by Phil Cavaretta to close the Public Hearing at 6:24pm; approved 5-0.

6.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

6.1 Municipal Property Tax Deferral for Eligible Senior Citizens - Budget Review Committee
Budget Review Committee recommendation on Property Tax Deferral for qualified Senior Citizens.

John Daley, Chairman of the Budget Review Committee, presented the committees' findings regarding the Property Tax Deferral program.

The concerns of the committee:

Although this program may seem appealing, it is not. If the legislature had gone further and also funded this program via State reimbursement, instead of leaving it to the Towns to fund, it would be more appealing. The program would also impose new and unfamiliar administrative and legal obligations on the Town. Failure to comply with all the requirements could jeopardize the Town's ability to collect any deferred taxes. Legal challenges would most likely occur if the Town implemented this program.

The recommendation of the committee:

The Budget Review Committee voted 4-0 to recommend that the Town investigate establishing an alternative plan to provide property tax safety nets.

It was the consensus of the Select Board that the Budget Review Committee comes back to the Select Board with alternate program that would provide clarity on the issue. It was also the consensus of the Select Board that any program that is developed should be put before the voters of the town.

- 6.2 September 4, 2010 Sidewalk Sale Parameters - *Thomas A. Fortier, Town Manager*
To review and accept parameters of the September 4, 2010 Sidewalk Sale as outlined by the Town Manager.

Town Manager Fortier presented the following parameters for the Sidewalk Sale:

To allow the owners of BUSINESSES in Ogunquit to sell in front of their Property their merchandise and food on the sidewalks of Ogunquit from 8:00am to 8:00pm on Saturday, September 4, 2010 [rain date of Sunday, September 5, 2010] with the stipulation that the sidewalk is to remain passable at all times for pedestrian travel.

No merchandise from other vendors will be allowed except that of the actual town business.

The Town of Ogunquit Business Registration must be paid to participate in the event.

- 081710-02** Motion made by Michael Score and second by Jacqueline Bevins to approve the parameters of the September 4, 2010 Sidewalk Sale as presented by the Town Manager; approved 5-0.

- 6.3 Smoking Ban on the Beach – *Mary Cook, District Tobacco Coordinator*
Continued discussion regarding a Smoking Ban on Ogunquit Beach. Review of resources available and current policies in neighboring towns.

It was the consensus of the Select Board that they hold a workshop to discuss a “Tobacco Free” resolution/ordinance; and that the results of that workshop are presented to the voters of the town at a future town meeting.

7.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

- 7.1 2010 Seasonal Parking Lot Fees-North Beach- *Thomas A. Fortier, Town Manager*
Request for Select Board action to adjust Obeds, Lower, Footbridge and North Beach lot Fees.

- 081710-03** Motion made by Phil Cavaretta and second by Graham Simonds to amend Title V, Motor Vehicle Traffic and Parking Ordinance, Appendix A, Fee Schedule to reflect an increase from \$15.00 to \$20.00 in Obeds, Lower, Footbridge and North Beach lots during the season; approved 5-0.

- 7.2 Contract Assessor Proposals - *Thomas A. Fortier, Town Manager*
To review and accept a proposal for Contracted Assessing Services for Real Estate and Personal Property assessments in the Town of Ogunquit.

This item was tabled until the next meeting of the Select Board on September 14, 2010.

- 7.3 Central Maine Power Pole Application Permit – *Thomas A. Fortier, Town Manager*
To approve a permit for the installation of one (1) pole on Norseman Lane [off Beach Street].

081710-04 Motion made by Michael Score and second by Jacqueline Bevins to approve the permit for the installation of one (1) pole on Norseman Lane [off Beach Street]; approved 5-0.

- 7.4 Requests for “No Parking” Signs in Windward - *Thomas A. Fortier, Town Manager*
To review a request for “No Parking” signs in Windward neighborhood.

This agenda item was tabled.

- 7.5 Request for “No Parking” Signs in Myrtle Circle – *Thomas A. Fortier, Town Manager*
To review a request for “No Parking” signs on Myrtle Circle. Select Board action per Title V required.

This agenda item was tabled.

- 7.6 Expired Rights of Map 15, Lot 31-13-2 - *Thomas A. Fortier, Town Manager*
Select Board action required to terminate the 172 Highland Avenue #06 tax card.

Chairman Tramuto requested that the records show that this item was discussed with the Board Members, it was understood, outside counsel was sought and records indicate that the Town Manager needs to correct the issue.

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

- 8.1 Public

There was no public input.

- 8.2 Boards and Committees - *Marginal Way Preservation Fund-Paul Breen*

Paul Breen and David Barton were in attendance to present to the Select Board information regarding the status of the Marginal Way Preservation Fund.

- 8.3 Select Board

Selectman Simonds – stated that he was at the beach early Sunday morning and was stopped by a worker at the Norseman who complimented the Town on the cleanliness of the beach.

Selectman Cavaretta – discussed the Grasshopper Lane Drainage issue and the need for additional funding to complete the project. It was requested that the Town Manager report to the Select Board at the next meeting of the board on what action he would like to take regarding this project.

Selectman Tramuto – stated he was contacted after the August 3rd meeting of the Select Board by Casey Sullivan of the York Coast Star. Mr. Sullivan stated that the Board had not

given a reason for going into Executive Session that evening; upon further review of the tape, a reason was given. Mr. Sullivan did apologize for his error.

Mr. Sullivan contacted him later stating that the Board should not have gone into Executive Session at all. Selectman Tramuto asked the Town Manager to follow up on the issue.

Town Manager Fortier stated that he had contacted the town's attorney who saw it as a technical violation. The worse case scenario was, if indeed it was illegal, then any decision that was made during the illegal meeting would be undone. In this case there was no decision made.

If an Executive Session is about anyone in particular [personnel], that person has the right to be present.

Chair Tramuto stated that the town should look at the town's policies regarding wheel chair access. He feels that is a large problem, many buildings in this town do not have the ability to provide wheelchair access. At some point the Board should hold a public session and make the issue a priority of what standards are created in the town and set a date to make corrections.

8.4 Town Manager

- Town Manager Fortier thanked the Budget Review Committee for the thorough work done on the Property Tax Deferral for qualified Senior Citizens memo.
- Current Events
 - A visitor fell this past weekend from the second story of the Yellow Monkey; an ambulance responded and transported the person. Mr. Lempicki was at the property on Monday morning and found many code violations.
 - Police have been very busy with heavy traffic, car accidents, OUI's and disorderly conducts.
 - The rescue/fire department has been responding to visitors falling on rocks (child fell on the rocks Saturday), twisted ankles and medical related calls.
 - Rotary Park has a new water fountain.
 - Main Beach will have new water fountain, foot baths and showers installed this week. Beach-goers should be pleased about this!
 - Land Use Office has seen over \$2.5M value in permits issued in the month of July.
 - The town has prevailed in a lawsuit against a resident on Limestone Road who built a rock wall in the right-of-way. The town will recoup related expenses for defending the suit.
 - Recently a contractor came in town to dig a well, the Code Enforcement Officer found out by a resident complaint that the residual water was finding its way into the river, which is a serious concern; this was followed up and a fine was issued and paid by the contractor.
 - The dangerous building on Hoyt's Lane has been demolished; a permit has been taken out to build a new building on the site.
 - WOGT is has gone digital; John Cacciato is working on updating the equipment through grants.
 - A new Parks and Rec Director will be starting September 1st. Jennifer Ewing, who was an Ogunquit Village School graduate, a Kennebunk resident and has been for the last seven years the Recreation Director at Babson College. He husband is the head

coach of the University of New England Women's Basketball team. She will focus on the entire range of residents here in town; the elderly, the youth program and families.

- The *Run for the Fallen* event, to honor those in the military with Maine ties that have lost their lives, is this Sunday; start time is 7:30am from Veterans Park. It is expected to have a lot of publicity and press coverage.
- The Town staff and town buildings have been going through extensive training and updating on OSHA standards. We have serious violations and faced an \$8,000 fine after the State of Maine Bureau of Labor showed up this summer. We are well on our way to compliance. Staff has been trained for emergency evacuations, blood borne pathogens, the proper use of all equipment such as fire extinguishers, chain saws at the Transfer Station, etc. Our buildings are being brought up to code. The Dunaway Community Center has recently replaced outdated electrical circuits that have been here since 1973. A sink has been installed in the employees break room.
- Public Works building on Captain Thomas Road is in very, very bad condition. We have replaced plumbing, electrical and heating system.
- The entire infrastructure of town owned buildings/facilities has been neglected over the years. Main Beach, Jacobs Lot and Footbridge bathrooms need to be updated. Public Works, Ogunquit Village School and Dunaway Community Center all need attention.
- Parking revenues are up over \$200,000 as compared to last year at this time.
- The sprinkler system at Ogunquit Village School has been turned back on, the heating system has been installed and the wall has been stabilized. The next project is to rehabilitate the roof. The building will then be in a condition to be used for meetings, etc.
- The Public Works crew has been short staffed this summer, working to get them up to a full staff.
- The lights on Main Street have been out, working to get them back on.
- The Public Works crew completed a drainage project on Route 1.
- The Public Works Director position remains unfilled.
- Working with the Soil and Water Conservation to repair the sand dunes.
- The Land Use Department will be surveying the town in the next couple of weeks to identify buildings that need to be numbered.

9.0 EXECUTIVE SESSION

Motion made by Michael Score and second by Jacqueline Bevins to go into Executive Session at 7:55pm for Personnel, pursuant to Title 1, Chapter 13, § 405.6.A; approved 5-0.

Motion made by Phil Cavaretta and second by Jacqueline Bevins to come out of Executive Session at 8:10pm, approved 4-0.

Chairman Tramuto announced that the Select Board meeting for September 7, 2010 has been changed to September 14, 2010, at that time at 5:30pm there will be a public hearing at the request of Attorney Susan Driscoll in the matter of an appeal of Jonathan Webber who was terminated by the Town Manager in June. There has been a request for a public hearing pursuant to Section 8.11 of the town ordinance [Personnel Policy] for wrongful discharge. The Select Board meeting will start at 7:00pm.

10.0 ADJOURNMENT

Motion made by Phil Cavaretta and second by Jacqueline Bevins to adjourn the meeting at 8:11pm; 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 September 14, 2010 .