



**SELECT BOARD
SPECIAL MEETING
TUESDAY, APRIL 24, 2012**

1.0 CALL TO ORDER

Meeting called to order at 5:00pm.

Members Present: Donato Tramuto, Chairman
Christopher Jarochym, Vice Chairman
David Barton
Barbara Dailey
Robert Winn, Jr

Others Present: Thomas A. Fortier, Town Manager

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Selectman Winn.

3.0 REQUEST TO APPROVE SELECT BOARD MINUTES

No minutes were available.

4.0 TOWN MANAGER'S REPORT

MDOT Route One – Mr. Fortier reminded everyone of the MDOT meeting regarding the sidewalk project will be held on May 10th at 6:00pm at the Dunaway Community Center.

Nomination Papers – Mr. Fortier reminded everyone that nomination papers for town elected positions are due on Friday, April 27th by 4:00pm at the Town Clerk's Office.

5.0 PUBLIC INPUT

There was no input from the Public in attendance.

6.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

There were no appointments, resignations, proclamation or resolutions before the Board.

7.0 PUBLIC HEARINGS, PRESENTATION

Motion made by Robert Winn and second by Chris Jarochoym to open the Public Hearing at 5:02pm; approved 5-0.

Chairman Tramuto recused himself from these agenda items, meeting was led by Vice Chair Jarochoym.

7.1 Cornerstone – *NEW Application for Malt, Spirituous & Vinous License* Tabled at the April 17th Select Board Meeting

This agenda item was tabled until the May 1, 2012 Select Board Meeting.

7.2 Cornerstone – *NEW Application for an Amusement License* Tabled at the April 17th Select Board Meeting

This agenda item was tabled until the May 1, 2012 Select Board Meeting.

Chairman Tramuto rejoined the meeting at this point.

Motion made by Robert Winn and second by Chris Jarochoym to close the Public Hearing at 5:13pm; approved 5-0.

8.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

8.1 Review of Chowders Liquor License Application – *Thomas A. Fortier, Town Manager* Follow-up of citizens' concerns regarding the approval of Malt & Vinous License for Chowders at the April 10, 2012 Select Board Meeting

Town Manager Fortier stated that he had looked into the issues regarding this agenda item. He will continue to work with applicant and complainant to resolve the issues. No action is need by the Select Board.

9.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

9.1 Citizen's Initiative Petition – Title X, Article 7, Table 702.1 – Lobster Sales/Perkins Cove – *David Desmarais*

042712-01 Motion made by Chris Jarochoym and second by Robert Winn to accept, for placement on the Annual Town Meeting Warrant, the Citizens Initiative Petition; approved 5-0.

9.2 Order for the June 12, 2012 Annual Town Meeting – *Judy Shaw-Kagiliery, Town Clerk*

Select Board approval of the Order for Articles to be included on the Warrant for the June 12, 2012 Annual Town Meeting

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 Annual Town Meeting to be held on **Tuesday, June 12, 2012**, 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 Annual Town Meeting.]
- Article 2:** To elect **two (2) Select Board Members** for a three (3) year term to commence at the conclusion of the 2012 Annual Town Meeting; term ending ATM 2015.
- Article 3:** To elect **two (2) Budget Review Committee Members** for a three (3) year term to commence at the conclusion of the 2012 Annual Town Meeting; term ending ATM 2015.
- Article 4:** To elect **one (1) Wells-Ogunquit Community School District Trustee** for a three (3) year term to commence on July 1, 2012; term ending June 30, 2015; To elect **one (1) Wells-Ogunquit Community School District Trustee** for a One (1) year term to commence on July 1, 2012; term ending June 30, 2013.
- Article 5:** To elect **one (1) Kennebunk, Kennebunkport & Wells Water District Trustee** for a three (3) year term to commence on July 1, 2012; term ending June 30, 2015.
- Article 6:** To elect **three (3) registered voters to the Independent Election Committee** for a one (1) year term ending June 30, 2013. [**Note:** 1 Democrat, 1 Republican, 1 Unenrolled].
- Article 7:** Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?
- Article 8:** To elect **six (6) registered voters to the newly established Charter Commission**; term ending upon completion of charge.
- Article 9:** Shall the Town vote to designate those portions of Tax Map Lot 18-15-B, located outside of the Transfer Station limits and the Ogunquit Dog Park, as Conservation Land and Wildlife Commons?
- Article 10:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 1 – General, Section 1.9**” and dated March 26, 2012, be adopted?

- Article 11:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 2 – Definitions**” and dated March 26, 2012, be adopted?
- Article 12:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 3 – Non-Conformance**” and dated March 26, 2012, be adopted?
- Article 13:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 4 – Administration**” and dated March 26, 2012, be adopted?
- Article 14:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 5 – Appeals**” and dated March 26, 2012, be adopted?
- Article 15:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 6 – Planning Board**” and dated March 26, 2012, be adopted?
- Article 16:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 7 – District Regulations – Table 702.1 – Land Uses Permitted in Zoning District**” and dated March 26, 2012, be adopted?
- Article 17:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 7 – District Regulations – Table 703.1 – Dimensional Requirements of Each Zoning District**” and dated March 26, 2012, be adopted?
- Article 18:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 8 – General Standards Applicable to All Land Uses**” and dated March 26, 2012, be adopted?
- Article 19:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 9 – Standards for Specific Land Uses**” and dated March 26, 2012, be adopted?
- Article 20:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 11 – Design Review**” and dated March 26, 2012, be adopted?
- Article 21:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 14 – Condominium Conservation Ordinance**” and dated March 26, 2012, be adopted?

Article 22: If voters approve the bonding of **\$790,000** for the construction of a new **Public Works Department Facility**, do you favor the recommendation of the Infrastructure Committee to locate said facility at the Transfer Station complex located on Berwick Road?
[Note: **Non-binding referendum** – Refer to **Budget Article #49**]

Article 23: Shall an ordinance entitled, “An Ordinance to amend Title X of the Ogunquit Municipal Code, in Article 7, Table 702.1, Footnote 10 as shown below be enacted? Note: Language to be inserted is underlined.

As an exception, within the Shoreland General Development 2 Perkins Cove-SG2 District, live lobsters landed in Perkins Cove may be sold from vehicles or boats, owned or operated by holders of Commercial Lobstering Licenses. However, any such sales from vehicles shall only be allowed from those vehicles parked within the Bait Wharf II Parking Area, directly adjacent to the Harbor Master’s Office. No signs, advertising any such outdoor live lobster sales shall be permitted. And Lobster Sales are Limited to Live Lobsters Only, and any form of Additional Solicitation, Or Promotion of Other **GOODS, PRODUCTS, SERVICES, Are Prohibited,** (regardless of any other Ordinance). **Petitioned Article**

BUDGET ARTICLES 24 – 67

Article 24: Shall the Town vote to raise and appropriate the sum of **\$711,196** for **General Government** expenditures?

Article 25: Shall the Town vote to raise and appropriate the sum of **\$38,000** for the **Recreation Department** expenditures?

Article 26: Shall the Town vote to raise and appropriate the sum of **\$15,000** for the **Ogunquit Performing Arts**?

Article 27: Shall the Town vote to raise and appropriate the sum of **\$306,418** for **Land Use Department** expenditures?

Article 28: Shall the Town vote to raise and appropriate the sum of **\$1,450,000** for **Police Department** expenditures?

Article 29: Shall the Town vote to raise and appropriate the sum of **\$1,156,492** for **Fire-Rescue Department** expenditures?

Article 30: Shall the Town vote to raise and appropriate the sum of **\$185,750** to provide for **Utilities** (Street Lights, Sewer Fees and Water Hydrants)?

Article 31: Shall the Town vote to raise and appropriate the sum of **\$810,322** for **Public Works Department** expenditures?

- Article 32:** Shall the Town vote to raise and appropriate the sum of **\$386,385** for **Transfer Station** expenditures?
- Article 33:** Shall the Town vote to raise and appropriate the sum of **\$101,582** for **Harbormaster** expenditures?
- Article 34:** Shall the Town vote to raise and appropriate the sum of **\$3,000** for **General Assistance** expenditures?
- Article 35:** Shall the Town vote to raise and appropriate the sum of **\$119,177** for **Insurance** expenditures?
- Article 36:** Shall the Town vote to raise and appropriate the sum of **\$342,609** for **Administrative Services Department** expenditures?
- Article 37:** Shall the Town vote to raise and appropriate the sum of **\$15,472** for **Conservation** expenditures?
- Article 38:** Shall the Town vote to raise and appropriate the sum of **\$50,377** for **Information Services** expenditures?
- Article 39:** Shall the Town vote to raise and appropriate the sum of **\$500** to the **American Legion**?
- Article 40:** Shall the Town vote to raise and appropriate the sum of **\$1,800** for the care and maintenance of area **Cemeteries**?
- Article 41:** Shall the Town vote to raise and appropriate the sum of **\$5,000** for the **Wells-Ogunquit Historical Society**?
- Article 42:** Shall the Town vote to raise and appropriate the sum of **\$683,005** for **Debt Management** expenditures?
- Article 43:** Shall the Town vote to raise and appropriate the sum of **\$15,000** for the **Unemployment Reserve Account**?
- Article 44:** Shall the Town vote to raise and appropriate the sum of **\$40,000** for **Accrued Liabilities**?
- Article 45:** Shall the Town vote to raise and appropriate the sum of **\$5,000** for **Union Contracts and Salary Adjustments**, as needed?
- Article 46:** Shall the Town vote to raise and appropriate the sum of **\$10,000** for the **Police Department** for the purchase of **security cameras for the Department complex**?
- Article 47:** Shall the Town vote to raise and appropriate the sum of **\$30,000** for the **Police Department** for the purchase of a new **Police Cruiser**?

- Article 48:** Shall the Town vote to raise and appropriate the sum of **\$13,000** for the **Fire Department** for the federally mandated **upgrade of the Department's narrow band radios?**
- Article 49:** Shall the Town vote to bond **\$790,000** for a Capital Improvement Project consisting of the design, construction and equipping of a **new Public Works Department Facility?**
- Article 50:** Shall the Town vote to bond **\$229,000** for the **Public Works Department** for the **Paving Capital Reserve Account?**
- Article 51:** Shall the Town vote to bond **\$65,000** for the **Public Works Department** for the **purchase of a new One-Ton Dump Truck with Plow/Sander?**
- Article 52:** Shall the Town vote to bond **\$50,000** for **Rip Rap Repair at the Main Beach?**
- Article 53:** Shall the Town vote to bond **\$100,000** for **Restroom Improvements at Main Beach, Perkins Cove, North Beach and Footbridge Lots?**
- Article 54:** Shall the Town vote to raise and appropriate the sum of **\$30,000** for **Electrical and Ventilation Work for the Dunaway Community Center?**
- Article 55:** Shall the Town vote to raise and appropriate the sum of **\$16,000** for the **Installation of a new Digital Phone System in the Dunaway Community Center?**
- Article 56:** Shall the town vote to raise and appropriate the sum of **\$12,000** for a **new Roof for the Winn House?**
- Article 57:** Shall the Town vote to bond **\$25,000** for the purchase of a **Truck for the Administrative Services Department?**
- Article 58:** Shall the Town vote to raise and appropriate the sum of **\$10,000** for **improvements to the Agamenticus Recreation Facility?**
- Article 59:** Shall the Town vote to appropriate **\$1,350,000** from anticipated parking lot revenues to fund the 2012-2013 fiscal year budgets?
- Article 60:** Shall the Town vote to increase the property tax levy limit established for Ogunquit by State law in the event that the municipal budget approved for fiscal year 2012/2013 will result in a tax commitment that is greater than the property tax levy limit?
- Article 61:** Shall the Town vote to allow the Highway Department to plow and sand private roads on which the Town holds a recorded public easement during the upcoming winter season as otherwise allowed by Title 23 M.R.S.A.

§3105 and previously authorized by a vote on Article 3 of a Special Town Meeting held on November 5, 2002, provided that any necessary expenses pertaining thereto must fall within existing appropriations?

Article 62: Shall the Town authorize the Select Board to apply for and accept grant funds, donations and gifts; and authorize the Selectmen to spend such funds for the purposes intended as allowed by law?

Article 63: Shall the Town vote to accept the categories of funds, listed herein, as provided by the Maine Legislature:

<u>ITEM</u>	<u>AMOUNT</u>
Homestead Reimbursement	\$Unknown
State Aid Road Grant	\$Unknown
Municipal Revenue Sharing	\$Unknown
State Education Tax Relief	\$Unknown
Emergency Management Funds	\$Unknown
General Assistance Rebate	\$Unknown
Snowmobile Registration	\$Unknown
Tree Growth Reimbursement	\$Unknown
Veteran’s Exemption Rebate	\$Unknown
Public Library Aid	\$Unknown
Specialized State Grants/Funds	\$Unknown

Article 64: Shall the Town vote to fix the date when property taxes shall be due and payable as follows:

- One-half (1/2) of the tax commitment shall be due 45 days after the commitment; on or about October 31
- The other one-half 1(1/2) of the tax commitment shall be due on or about April 30; and further
- Interest at the rate of seven-percent (7%) per annum shall be charged for taxes not paid within 45 days following each due date.

Article 65: Shall the Town vote to pay no more than four-percent (4%) per annum to taxpayers who pay taxes in excess of the amounts finally assessed, and to authorize such interest paid or abatements granted to be charged against the Town’s annual overlay, or if necessary, against the Town’s undesignated surplus fund balance?

Article 66: Shall the Town vote to authorize the Select Board to sell and convey tax acquired property as they shall deem to be necessary and/or in the best interests of the Town; provided, however, that a delinquent taxpayer shall be given a thirty (30) day grace period after approval of this warrant article in which to redeem his/her property upon payment of all taxes, liens, interest and other applicable costs; and furthermore, shall the Town vote to authorize the Select Board to execute and deliver quit claim deeds,

without covenant, for the conveyance of such property and/or the removal of tax liens from public records as justice may require?

Article 67: Shall the Town vote to authorize the Select Board to dispose of town-owned surplus property upon such terms and conditions as the Select Board may deem to be in the best interests of the Town as otherwise allowed by law?

042712-02 Motion made by David Barton and second by Barbara Dailey to approve the Order for the June 12, 2012 Annual Town Meeting, Articles 1-67 (as read); approved 5-0.

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

10.1 Public

Lesley Mathews – asked that a notice be sent out to inform people that skateboards are not allowed on the sidewalks on in the street. Town Manager Fortier will follow up on this request.

10.2 Select Board

Selectwoman Dailey – Last weekend represented the 6th Annual Keyboard/Piano Festival that commenced with the donation of a beautiful Steinway C Grand Piano to the Town. It was a world class event; it was amazing to see the level of talent that the committee is able to bring into our small town. There were in excess of 60 people at each of the three performances. On Sunday afternoon there were 11 student participants for the student recital which was also well attended. It was a very talented group of people who represented Wells, Kennebunk, Arundel, Thornton Academy and Portland Conservatory of Music.

In May the Performing Arts Committee is bringing *Shakespeare* for the first time to Ogunquit; this is a result of a grant that was obtained with matching funds. Most of this program will be free, tailored to the children and student population. In June, the Chamber Ensemble will here; and for the first time will include a student chamber recital as well.

Selectman Winn - couple of comments: 1.) wanted to let the public know that the Infrastructure Committee that worked very diligently on the Public Works Building and the site where the building should be placed, the recommendation would be on the Berwick Road site; 2.) thanked all the people that have worked on the committees the past year, these are the people that make the town work; appreciates that the Town Manager works with and heads up a couple of committees. Also appreciates colleagues and how hard they work, very, very impressed at some of the work they do. Thank you.

Selectman Jarochym – commented that there are openings for Select Board Members, Budget Review Committee members and Charter Review Committee members, if interested please take out papers.

Selectman Barton - “ditto” to Selectman Jarochym’s comments.

Chairman Tramuto – No comments.

11.0 EXECUTIVE SESSION

11.1 Personnel (Pursuant to Title 1, Chapter 13, Subchapter §405.6.A)

Motion made by Chris Jarochym and second by Barbara Dailey to go into Executive Session at 6:15pm; approved 5-0.

Motion made by Chris Jarochym and second by Barbara Dailey to come out of Executive Session; approved 5-0.

No decisions were made during Executive Session.

12.0 ADJOURNMENT

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

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager