



**SELECT BOARD  
MEETING MINUTES  
AUGUST 7, 2012**

**COMMITTEE INTERVIEWS - 5:30PM**

*Helene Rutledge - Performing Arts Committee  
Marilyn Eimon - Marginal Way Committee  
Elaine Feldman - Marginal Way Committee  
Philip Feldman - Marginal Way Committee*

The Select Board in attendance met with the applicants interested in a committee appointment.

**1.0 CALL TO ORDER - 6:00PM**

Meeting was called to order at 6:04pm

Members present: Barbara Dailey, Chair  
David Barton, Vice Chair  
Robert Winn, Jr.

Members absent: John Daley  
Chris Jarochym

Motion made by David Barton and second by Robert Winn to excuse, prior notice, agree to the absence; approved 3-0.

**2.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Selectman Winn.

**3.0 REQUEST TO APPROVE SELECT BOARD MINUTES**

3.1 July 17, 2012 - The minutes of the July 17, 2012 Select Board Meeting were approved as amended.

#### **4.0 TOWN MANAGER'S REPORT**

**Busy summer season**, staff has been doing a great job. Record numbers visiting in town this past weekend.

**Marginal Way** fundraising and park issue. The plan is to get a moderator to meet with stakeholders and try to work out a plausible solution as recommended by Ben Hershensom. Hope to have this occur within the next couple of weeks.

**Town of Ogunquit Website** – encouraged people to visit the website. It is a very good website, have been told by others that it is the best around as far as municipalities go. The GIS mapping on the website is one of the first towns around to incorporate on the website. Plan to have, at a future meeting, a demonstration of the GIS mapping.

#### **Projects:**

**North Village Road RFP** has been sent out, hope to have the road paved by this fall.

**Back Lot at Perkins Cove**; hope to have the lot paved by this fall.

**Footbridge**, Public Works in the past couple of weeks, has been working on some erosion issues.

**Ledge Park**, there have been some tree plantings.

**Meadow Lane**, off Berwick Road, Public Works has done some work on catch-basins and landscaping of the cul-de-sac.

**Woodbury Lane** – hope to get out there to deal with some long term drainage issues in the fall.

**Perkins Cove** – looking at the ingress and egress where Shore Road breaks off and goes into Perkins Cove. Would like to make the intersection more accessible.

**Transfer Station** – ditches were dug for the security camera installation, bags of sand and silt fence in place to contain erosion.

**New security cameras** have been installed at the Dunaway Community Center, the Police are able to observe and monitor.

**Wells Dispatch** – it was a smooth transition with Police and Fire, it is going really well. Upgrades to radio and in-car laptop computers have been completed. The change has saved the town \$125,000 annually.

**Life Saving Event** – Friday night a young woman, who was on a paddleboard, was pinned against Main Beach bridge pillar due to extra high tide. The Fire Department Lifeguards and Police Department responded and actually saved her life.

**Police Department** – a number of OUI's are occurring on weekends. This takes the Officers off the streets, it is very time consuming. The night life is bustling; there has been an increase in domestic violence. It has been a busy summer, record number of people coming here which creates a lot of after hour activity. The Police Department will be doing spot inspections of establishments.

There was a Portland Press Herald story about a Dog that sniffs to find human bacteria. They are coming to Ogunquit on Friday to check out high bacteria levels at the beach and river and to try to find the source of contamination. Thanks to Doug Mayer, Michael Horn and others that help to maintain our beaches.

**Paddle to the Point** went off flawlessly, over \$10,000 was raised; \$5,000 goes to Ogunquit Recreation. It was a great event.

**Recreation Director Position** is open; receipt of applications was closed Friday August 3<sup>rd</sup>. Will be reviewing applications over the next week.

## **5.0 PUBLIC INPUT**

Lesley Mathews spoke about agenda item 9.2 and the problem with skateboards in town, illegal actions.

## **6.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS**

6.1 Robert Gingras of Parker Appraisal – Assessing Agent for the Town of Ogunquit  
Select Board review and appointment of the Assessing Agent for the Town of Ogunquit

**080712-01** Motion made by Robert Winn and second by David Barton to accept the appointment of Robert Gingras of Parker Appraisal as Assessing Agent for the Town of Ogunquit for one year [6-30-2013]; approved 3-0, Daley and Jarochym absent.

6.2 Town Manager Appointments – Thomas A. Fortier, Town Manager  
Select Board confirmation of a Town Manager Appointment

**080712-02** Motion made by David Barton and second by Robert Winn to approve the appointment of Jordan Freedman for the position of Information Services Director for a term expiring June 30, 2013; approved 3-0, Daley and Jarochym absent.

6.3 Committee Appointments

Select Board review and appointment of applicants for various Ogunquit Boards & Committees

This item was moved to the end of the agenda under New Business; should address changes to Performing Arts Bylaws before a vote on this item.

**7.0 PUBLIC HEARINGS, PRESENTATION**

Motion made by Robert Winn and second by David Barton to move into public hearing session at 6:27pm; approved 3-0, Daley and Jarochym absent.

7.1 Jackie's Too – Malt, Spirituous & Vinous License Renewal

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

**080712-03** Motion made by Robert Winn and second by David Barton to approve the Malt, Spirituous and Vinous License Renewal for Jackie's Too; approved 3-0, Daley and Jarochym absent.

7.2 Beach House Grill – Amusement License (New Application)

Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer.

There was no representation present from the Beach House Grill.

Town Manager Fortier recommended that this should be tabled, the license from past has expired.

**080712-04** Motion made by David Barton and second by Robert Winn to table this agenda item until the next meeting of the Select Board; approved 3-0, Daley and Jarochym absent.

Motion made by David Barton and second by Robert Winn to revisit 7.2, Beach House Grill Amusement License (representative in attendance); approved 3-0, Daley and Jarochym absent.

Motion made by Robert Winn and second by David Barton to open public session at 8:04pm; approved 3-0, Daley and Jarochym absent.

Public Comment:

Muriel Freedman – 81 Grasshopper Lane

- Stated that the business does not have an amusement license, but has been having amusement in the building (Guitar player – 7:30pm to 10:00pm)

The applicant was present to address issues and concerns from the Select Board.

Motion made by Robert Winn and second by David Barton to move out of public session at 8:07pm; approved 3-0, Daley and Jarochym absent.

Town Manager Fortier stated that the new applicant does not have past issues to compare to.

After discussion, the vote to table this agenda item still stands.

- 7.3 Amendments to Title V, Motor Vehicle Traffic & Parking Ordinance  
Proposed changes to Glen Avenue from a Seasonal One-way Street to a Two-way Street (amend sections 602.1.5 and 702.8)

Town Manager Fortier– gave a brief update regarding history of the street. There was no public comment on this agenda item.

Motion made by David Barton and second by Robert Winn to close public hearing at 6:33pm; approved 3-0, Daley and Jarochym absent.

**8.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS**

**9.0 ADMINISTRATIVE ITEMS – NEW BUSINESS**

- 9.1 Maine Turnpike Authority Letter of Support – Chairwoman Dailey  
Letter of support for the new emergency access point at the Captain Thomas Road and Maine Turnpike

Town Manager Fortier explained that for many years the Maine Turnpike Authority (MTA) has been requesting an emergency access point south from Captain Thomas Road overpass. MTA is looking for support from the town for the establishment of this new emergency access point. MTA is working with the property owner to work towards access this access point. The Ogunquit Fire Chief and Police Chief have been active participants on the Traffic Incident Management Committee are in support of this new access point.

**080712-05** Motion made by Robert Winn and second by David Barton to grant approval to the Maine Turnpike Authority to establish an Emergency Access Point at the Captain Thomas Road Overpass; approved 3-0.

A letter of support will be sent to the Maine Turnpike Authority.

- 9.2 Proposed 90-Day Emergency Ordinance – Title VI, Chapter 2 – Bicycle and Other Wheeled Goods Ordinance – Ogunquit Police Department

Select Board action requiring Skateboarders to have proper lighting during night riding

Sgt. Fahy was in attendance to explain why the Police Department is requesting the emergency ordinance; he noted a change that needed to be made to **204.3** which would be to remove “under 16 years of age”.

Town Manager Fortier explained that this would be a temporary emergency ordinance; there would have to be a warrant article on the November ballot for the voters to vote on to make this a permanent amendment to the ordinance.

**080712-06** Motion made by David Barton and second by Robert Winn to approve the proposed 90-day Emergency Ordinance to Title VI, Chapter 2 as presented (with edits); approved 3-0, Daley and Jaroachim absent.

- 9.3 Proposed 90-Day Emergency Ordinance – Title VII, Chapter 2 – Animal Control Ordinance – Ogunquit Police Department  
Proposed ordinance to define and limit the amount of time a pet can be left unattended in vehicles

Sgt. Fahy was also in attendance to answer questions regarding this proposed emergency ordinance. This would allow the Police Department to deal with an ongoing problem. Sgt. Fahy stated that the department has seen an increase in number of animals left in cars this year.

**080712-07** Motion made by David Barton and second by Robert Winn to accept the proposed 90-day Emergency Ordinance to Title VII, Chapter 2; approved 3-0, Daley and Jaroachim absent.

- 9.4 Ogunquit Performing Arts Bylaws – Chairwoman Dailey  
Review of Ogunquit Performing Arts Bylaws and the requirements of residency for membership eligibility

Pat Mason, Performing Arts Committee, was in attendance to assist the Select Board with information regarding the changes.

The changes would allow for 2 alternates and changes to the residency requirements. It would allow for five residents and five non-residents; the current bylaws allow for seven residents and 3 non-residents.

**080712-08** Motion made by Robert Winn and second by David Barton to accept the changes to the Ogunquit Performing Arts Bylaws as presented; approved 3-0, Daley and Jaroachim absent.

- 9.5 Amendments to Title V, Motor Vehicle Traffic & Parking Ordinance  
Select Board review and approval to change Glen Avenue from a Seasonal One-way Street to a Two-way Street (amend sections 602.1.5 and 702.8)

**080712-09** Motion made by David Barton and second by Robert Winn to accept the amendments to Motor Vehicle Traffic and Parking Ordinance, Title V, Sections 602.1.5 and 702.8 as presented; approved 3-0, Daley and Jarochym absent.

- 9.6 Open House Signs – *Thomas A. Fortier, Town Manager*  
Review of resident request to allow for the use *Open House* signs

Town Manager Fortier reviewed the proposed request with the Select Board. He stated that CEO Lempicki disagrees with the resident, that it is a zoning ordinance issue. JT Lockman, Southern Maine Regional Planning Commission, informed Mr. Fortier that this is the third go-around regarding this issue (2005, 2007 and now in 2012). Don Simpson, Planning Board Chair has agreed to workshop this item at the next meeting of the board.

No action taken by the Select Board, will table decision on this item until next meeting.

- 9.7 Proposed Use of Vacant Land Use Building & Property – *Selectman Jarochym*

This agenda item was tabled to the next meeting of the Select Board.

- 9.8 Committee Appointments

**080712-10** Motion made by David Barton and second by Robert Winn to appoint Marilyn Eimon as 1<sup>st</sup> Alternate to the Marginal Way Committee, term to expire June 30, 2013; approved 3-0, Daley and Jarochym absent.

**080712-11** Motion made by David Barton and second by Robert Winn to appoint Helene Rutledge as a Full Member of the Performing Arts Committee, term to expire June 30, 2015; approved 3-0, Daley and Jarochym absent.

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

- 10.1 Public

**Newell Perkins, resident** – re: Open House Sign

- Stated that he is more than happy to wait until the next meeting.

**Sandy Broomfield, resident** – re: location of the DPW building

- Would like it moved from Transfer Station to Salt Shed property
- Was invited to Infrastructure Committee meeting by Chris Jarochym to express her opinion
- If public input is desired, then should have when a majority of taxpayers are in town
- Stated that she was happy that article passed for the new building as the town does need a new building
- Traffic issue/changes to area since 2005, will this add to traffic problems?

**Tom Orser - Post Road Tavern, re: liquor license**

- Question as to when he would be on the Select Board agenda

**Marjorie Katz - Lily Wood Lane, re: trash at the beach**

- Stated that the entrance looks trashy; containers old, broken, doesn't look like Ogunquit.
- Asked the Select Board if they had considered solar powered trash compactors instead of regular style trash containers.
- Stated that the Emergency 90-Day Ordinance for dogs is overly broad, needs more detail and information.

**Lesley Mathews, resident**

- Comments regarding solar powered trash compactors.

Town Manager Fortier stated that regarding the public works building, during the process the committee will determine whether the building should be placed at Transfer Station or Salt Shed land.

10.2 Select Board

**Selectman Winn**

- Stated that he was happy to see number of people present at the meeting
- Stated that he had observed on Peaks Island the solar powered trash compactor, used of these would reduce man hours.

**Selectman Barton**

- Stated that he had visited the restroom on the beach after complaint came in, couldn't believe the number of people utilizing the facility...it maybe too small for the usage. Change the design or add on to building?

**Selectman Winn**

- Agreed with Selectman Barton, the town has years and years of compiled infrastructure problems.

**Chairwoman Dailey**

- The next meeting of the Select Board will be on August 21, 2012.

- Regarding the Emergency 90-Day Animal Ordinance comments – the difficulty is in the group editing of an ordinance, balance. The Police Department should use discretion and common sense during this 90-day period. This is a great time for the public to react to the ordinance and refine for the vote in November.
- Observed and was quoted in last week's newspaper about an event that has not come up for public discussion. There was a front page article about a loss and investigation. Authorities have determined that confidentiality is paramount to the case. Any matter of the like will be taken very, very seriously by the Select Board, who is extraordinarily committed to transparency. Asked that the public refrain from putting people in awkward positions with questions.

## **12.0 ADJOURNMENT**

Motion made by David Barton and second by Robert Winn to adjourn the meeting at 8:21pm, unanimous vote to adjourn.

Respectfully submitted,

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Cheryl L. Emery, Administrative Assistant to the Town Manager