



**SELECT BOARD  
MEETING MINUTES  
MAY6, 2014**

**1.0 EXECUTIVE SESSION - 5:00PM**

1.1 Legal Issue [Pursuant to Title 1, Chapter 13]

**2.0 SELECT BOARD WORKSHOP**

2.1 Liquor License Fee Structure proposals were discussed by the members of the Select Board.

**3.0 CALL TO ORDER**

Meeting called to order at 7:08pm

Members present: Barbara Dailey, Chair  
Christopher Jarochym, Vice Chair  
David Barton  
John Daley  
Robert Winn, Jr.

Others present: Thomas A. Fortier, Town Manager

**4.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Selectman Barton.

**5.0 REQUEST TO APPROVE SELECT BOARD MINUTES**

5.1 April 15, 2014 - the minutes of the April 15, 2014 Select Board meeting were approved as presented.

**6.0 TOWN MANAGER'S REPORT**

## 7.0 PUBLIC INPUT

Motion made by Robert Winn and second by Chris Jarochoym to open the public input session; approved 5-0.

Comments by:

- **Phil Cavaretta** – Liquor License Impact Fee Structure and Business Fees.
- **Rick Dolliver** - Liquor License Impact Fee Structure and Business Fees.
- **Steve Einstein**- clarification on the county...
- **Karen Arel**, Chamber of Commerce - Liquor License Impact Fee Structure and Business Fees.
- **Rick Barber** – Rental Homes is also an issue, need to be registered.
- **Michael Cavaretta** – responded to call for service letter read by Chairwoman and support of current and new businesses.
- **Selectman Daley** – comments on the revenues from parking lots and mil rate.
- **Selectman Winn** – comments on revenues and infrastructure; town has maintenance and overhead also.
- **Chairwoman Dailey** – comments regarding the “straw men” samples. Preserve what is important and attractive about Ogunquit.
- **Selectman Jarochoym** – work with the businesses in town.

## 8.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

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

## 9.0 PUBLIC HEARINGS, PRESENTATION

Public hearing called to order at 7:53pm.

### 9.1 Backyard – *Malt & Vinous License Renewal Application*

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

Amy Thibeault was in attendance to represent the Backyard.

**050614-01** Motion made by Robert Winn and second by Chris Jarochoym to approve the Malt & Vinous License Renewal Application for Backyard; approved 5-0.

### 9.2 Black Sushi House – *Malt & Vinous License Renewal Application*

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

Bruce Roy was in attendance to represent Black Sushi House.

**050614-02** Motion made by Robert Winn and second by Chris Jarochoym to approve the Malt & Vinous License Renewal Application for Black Sushi; approved 5-0.

- 9.3 Cornerstone - Malt, Spirituous & Vinous License Renewal Application  
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public.

Michael Cavaretta was in attendance to represent Cornerstone.

There was a question about occupancy load, 120 versus 125.

Due to the occupancy load question, this item was tabled until the next meeting of the Select Board.

- 9.4 Cornerstone - Amusement License Renewal Application  
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public.

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

- 9.5 Leavitt Theatre - Malt & Vinous License Renewal Application  
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public.

Peter Clayton was in attendance to represent the Leavitt Theatre.

**050614-03** Motion made by Robert Winn and second by Chris Jarochoym to approve the Malt & Vinous License Renewal Application for Leavitt Theatre; approved 5-0.

- 9.6 Leavitt Theatre - Amusement License Renewal Application  
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public.

**050614-03** Motion made by Robert Winn and second by Chris Jarochoym to approve the Amusement License Renewal Application for Leavitt Theatre; approved 5-0.

- 9.7 Pizza Napoli- Malt, Spirituous & Vinous License Renewal Application  
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public.

David Giarusso was in attendance to represent Pizza Napoli.

**050614-04** Motion made by Robert Winn and second by Chris Jarochoym to approve the Malt, Spirituous & Vinous License Renewal Application for Pizza Napoli; approved 5-0.

9.8 Roost Café & Bistro- Malt, Spirituous & Vinous License Renewal Application  
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public.

Representation was in attendance for the Roost Café & Bistro.

**050614-05** Motion made by Robert Winn and second by Chris Jarochoym to approve the Malt, Spirituous & Vinous License Renewal Application for Roost Café & Bistro; approved 5-0.

9.9 Roost Café & Bistro- Amusement License Renewal Application  
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public.

**050614-05** Motion made by Robert Winn and second by Chris Jarochoym to approve the Amusement License Renewal Application for Roost Café & Bistro; approved 5-0.

9.10 So Zap - Malt, Spirituous & Vinous License *NEW* Application  
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public.

Prasit Intharakunha was in attendance to represent So Zap.

**050614-06** Motion made by Robert Winn and second by Chris Jarochoym to approve the New Malt, Spirituous & Vinous License Application for Roost Café & Bistro; approved 5-0.

9.11 Transfer of Funds from the “Natural Disaster Emergency Repair Fund” for the Devil’s Kitchen on Marginal Way  
Public comment and questions on the Use of Funds from the “Natural Disaster Emergency Repair Fund”

Comments by:

- Paul Breen, 33 Young’s Crossing and President of the Marginal Way Preservation Fund.

Woodard & Curran did a site survey on May 2<sup>nd</sup>. They will have recommendations and an RFP within the week.

- Ben Hershenson – written comments were read by the Chairwoman.

9.12 Informational Public Hearing for Proposed 2014-2015 Budget and Referendum Articles

Public comment and questions on the proposed 2014-2015 Budget and Referendum Articles which will be before the Voters at the June 10, 2014 Annual Town Meeting

Comments by:

- **Town Manager Fortier**
- **Muriel Freedman** – would like to understand more about the pesticide article and had several questions.
- **Doug Mayer**, who was in the audience and a member of the Conservation Commission, took the podium to answer questions.

Motion made by Robert Winn and second by Chris Jaroachim to close the public hearing at 8:22pm

**10.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS**

10.1 Liquor License Fee Structure – *Thomas A. Fortier, Town Manager*

Select Board Review of the Registration Fee Structure for Liquor Licenses

Focus needs to be on the solution and not the problem; this item will be moved to the next agenda for further discussion.

10.2 Beach Erosion Committee – *Selectman Robert Winn*

Progress Report and Update from the Beach Erosion Committee

Selectman Winn turned the progress report over to Paul Breen, Committee Chair.

Mr. Breen explained that the intention is to submit an RFP to get a competent marine engineering firm to answer the Select Board questions of “is there erosion” and if so “what can be done about it”.

Mr. Breen discussed the need for a budget for the Beach Erosion Committee.

Reviewed the pilot project at the dunes to restore beach grass (Sue Schaller).

**11.0 ADMINISTRATIVE ITEMS – NEW BUSINESS**

11.1 Cable TV Franchise Agreement between the Town of Ogunquit, Maine and Time Warner Cable Northeast LLC – *Thomas A. Fortier, Town Manager*

Select Board Action on the Cable TV Franchise Agreement, effective date - May 1, 2014 to April 30, 2024.

**050614-07** Motion made by Robert Winn and second by Chris Jarochem to approve the Cable TV Franchise Agreement between the Town of Ogunquit, Maine and Time Warner Cable Northeast, LLC, effective date of May 1, 2014 to April 30, 2024; approved 5-0.

11.2 Transfer of Funds from the “Natural Disaster Emergency Repair Fund” for the Devil’s Kitchen on Marginal Way – Thomas A. Fortier, Town Manager  
Select Board Action on the Transfer of Funds from the “Natural Disaster Emergency Repair Fund” for the Devil’s Kitchen on Marginal Way.

**050614-08** Motion made by Robert Winn and second by David Barton to approve the Transfer of \$50,000 from the “Natural Disaster Emergency Repair Fund” for the Devil’s Kitchen on Marginal Way; approved 5-0.

11.3 Propane Fuel RFP – Thomas A. Fortier, Town Manager  
Select Board Action on Bids Submitted for Propane Fuel for the Town of Ogunquit.

Four bids were received:

Eastern Propane and Oil	\$1.86/gallon
Champagne’s Energy, Inc.	\$1.899/gallon
Estes Oil Burner Service, Inc.	\$1.90/gallon
Suburban Propane	\$1.945/gallon

**050614-09** Motion made by Robert Winn and second by Chris Jarochem to award the Propane Fuel for July 1, 2014 – June, 30 2015 to Eastern Propane and Oil for the bid price of \$1.86 per gallon; approved 5-0.

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

12.1 Public

No comments from the public in attendance.

12.2 Select Board

**Selectman Winn**

- Wished all businesses a good season.

**Selectman Daley**

- Note that single family home that rent out during the summer are required to pay.

**Selectman Barton**

- Stated that he yearns for the days of the open town meeting...were actual dialogues took place.
- Comments regarding the State Lodging Tax.

**Selectman Jarochym**

- Questions about the paving of potholes on Route 1.

**Chairwoman Dailey**

- Stated that there are many avenues to get answers from Select Board about town meeting.

**13.0 ADJOURNMENT**

Motion made by Chris Jarochym and second by David Barton to adjourn the meeting at 9:00pm; unanimous vote to adjourn.

Respectfully submitted,

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Cheryl L. Emery, Administrative Assistant to the Town Manager