



**SELECT BOARD
MEETING MINUTES
APRIL 7, 2015**

1.0 JOINT BUDGET WORKSHOP MEETING WITH SELECTMAN AND BUDGET REVIEW COMMITTEE - 5:00-7:00PM

1.1 Finalize CIP Requests

Town Manager Fortier stated that he had gotten estimates regarding the Footbridge, upwards of \$250,000. Mr. Fortier recommended that this be removed from the budget, but create a reserve fund and obtain grants to fund.

Mr. Fortier stated that there were two choices on the trash truck 1) New truck for \$90,000 or 2) Replace the chassis for \$52,000.

John Miller was present to comment about the condition of Ledge Road. Also in attendance was Jerry Bazata to comment about Ledge Road.

Clifford Marchant stated that definitely need the truck, can work with the current packer which needs pistons repacked. The truck was down four weeks last summer.

Trash Truck

Budget Review Committee: motion made by Bill Sawyer and second by Mike Lynch to approve \$90,000 from Undesignated Fund Balance to purchase the Trash Truck; approved 5-0.

Select Board: motion made by Robert Winn and second by David Barton to approve \$90,000 from Undesignated Fund Balance to purchase the Trash Truck; approved 5-0.

Diagnostic Software (Town Vehicles)

Budget Review Committee: motion made and seconded to approve \$5,000 for Diagnostic Software; approved 5-0.

Select Board: motion made by Robert Winn and second by David Barton to approve \$5,000 for Diagnostic Software; approved 5-0.

Rebecca Road/Stearns Road/Ledge Road

Budget Review Committee: motion made and seconded to approve \$140,000 in aggregate paving for Rebecca Road, Stearns Road and Ledge Road; approved 5-0.

Select Board: motion made by Robert Winn and second by David Barton to approve \$140,000 in aggregate paving for Rebecca Road, Stearns Road and Ledge Road; approved 5-0.

Lower Lot Paving Project

Budget Review Committee: motion made and seconded to approve \$97,180 from Undesignated Fund Balance for the Lower Lot Paving Project; approved 5-0.

Select Board: motion made by Robert Winn and second by David Barton to approve \$97,180 from the Undesignated Fund Balance for the Lower Lot Paving Project; approved 5-0.

Footbridge Restrooms and Bridge (Footbridge Beach Revitalization Project)

Budget Review Committee: motion made by Phil Cavaretta and second by Jackie Bevins to Bond \$275,000 for the Footbridge Restrooms and Bridge Projects; approved 5-0.

Select Board: motion made by Gary Latulippe and second by David Barton to Bond \$275,000 for the Footbridge Restrooms and Bridge Projects; approved 5-0.

Lifeguard ATV

JP Argenti, Lifeguard Captain, was in attendance to present information to encourage the purchase of the ATV.

Budget Review Committee: motion made and seconded to approve \$16,000 to purchase an ATV for the Lifeguard Services; approved 4-1.

Budget Review Committee: motion made and seconded to approve \$16,000 to purchase an ATV for the Police Department; approved 3-2.

Select Board: motion made by Robert Winn and second by Gary Latulippe to approve \$16000 for the purchase of an ATV for Lifeguard Services; approved 5-0.

2.0 CALL TO ORDER: 7:00PM – 8:00PM

The meeting was called to order at 7:18pm.

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

Others present: Thomas A. Fortier, Town Manager

2.1 Pledge of Allegiance

The Pledge of Allegiance was led by

2.2 Minutes for Approval – March 17, 2015 Regular Meeting

The minutes of the March 17, 2015 Select Board meeting were approved as corrected.

3.0 **TOWN MANAGER’S REPORT**

The Devils Kitchen-Marginal Way Sea Wall project will start up again in just a few weeks. Curbing, fencing and the replacement of the path will complete the project.

The Beach Erosion Study RFP approved by the voters (\$50,000) has gone out and bids are due back May 5th.

The Maine Turnpike will be repairing the Clay Hill Road Bridge. The project is scheduled to be completed by Memorial Day. A detour will redirect traffic to Logging Road to Mountain Road and to Greenleaf Parsons Road (a detour of 5.5 miles). Visit www.maineturnpike.com for more information

The Route 1 project is underway! Grondin Construction is in charge and the project has been condensed into 18- months with a completion date of December 2016. The construction will stop from June-August, a very big concession by the MDOT and Grondin. This will be a \$14 million dollar investment for our community. We deserve it! For more information visit www.mainedot.gov or www.townofogunquit.org

Visitor Services

It is finally that time of year, parking lots open this weekend! The fees and schedule can be seen on the Town web page.

The Resident Beach Pass drive-by program will be May 2, 2015 from 8:00am-2:00pm.

The Perkins Cove Public restrooms are scheduled to open in 2-3 weeks. The siding and wrapping of trim has been completed. The insulation and installation of the backer board for tiling the walls is underway.

The plan is to have the Main Beach bathrooms open for the Patriots Day weekend events.

Finance/Budget

Year -to-date we are at the 75% mark of the town fiscal budget. As you may have guessed, the harsh winter has taken a toll on the Public Works Department budget which stands at 80%.

All other Departments are in line and revenues are stable/better than anticipated.

The proposed budget for FY 2015-2016 is posted on the town web site for your perusal.

Town Clerk

There are several Committee openings: the W-OCSD is looking for a candidate to represent Ogunquit; the Planning Board, Select Board and Budget Committee are also in need of members to serve. Nomination papers are available in the Town Clerk's Office and due back by April 27th.

Land Use Office

The Ogunquit Sewer District will be extending a sewer line to provide service to the lot at the corner of Frazier Pasture and Cherry Lane. The owner of the property at 67 Cherry Lane is paying for this upgrade. We believe their intention is to divide this parcel, which will require Planning Board approval. There are trees marked with ribbons for removal.

Police Department

Reminder: per the TOWN ORDINANCE "DOGS ARE NOT PERMITTED" within the Ogunquit Beach Area and Marginal Way between April 1st to September 30th, 2015.

Reminder: Household trash does not belong in public trash cans. We have experienced an increase in household trash being improperly disposed of in public trash cans. Please refrain from this inappropriate action and do your part in our community. The fine for illegally disposing your trash carries a \$50 fine.

Fire Department

The Ogunquit Fire-Rescue Department has an immediate opening for one full time, self-motivated, public service oriented Firefighter/ A-EMT.

Public Works

Two ramps on the ocean side of Main Beach sustained significant damage from the harsh winter. We have taped off the entrances with caution tape and will repair the ramps as soon as the weather conditions allow us.

The Town streets look very nice considering all of the construction. The Public Works staff has been busy sweeping and cleaning up for spring. We have called the MDOT about patching holes and we are patching our town roads.

The staff will be erecting beach fencing this month. This has been designated as a priority. Please do your part and stay off the dunes.

The old Public Works building has been cleaned inside and out. The facility is being used for storage. The Harbormaster is using the two first bays for his boat repairs and storage.

Harbormaster

The very labor intensive task of installing (12) floats in Perkins Cove is underway. Harbormaster Mayo and the Public Works crew are performing the task.

The Maine Municipal Association magazine "*Maine Townsman*" features an article on the "Ogunquit Exchange Program is Recruiting Future Local Leaders." Harbormaster Mayo and Wells student Ryan Shackford were invited to Augusta to have lunch with the Maine Legislature. This magazine feature article can be seen on our home web page at www.townofogunquit.org

Transfer Station

The popular "*Drug Take Back*" Day is scheduled for April 25th from 10:00am-2:00pm at the Transfer Station. This is your opportunity to safely discard any unused prescription medication that you no longer need.

4.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

4.1 Resignation- *Rebecca L. Linney, Marginal Way Committee*

040715-01 Motion made by Robert Winn and second by David Barton to accept, with regrets, the resignation of Rebecca L. Linney as a member of the Marginal Way Committee; approved 5-0.

5.0 PUBLIC HEARING - LICENSE RENEWALS

Motion made by Robert Winn and second by David Barton to open the Public Hearing at 7:23pm.

5.1 Anchorage by the Sea - *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 in attendance.

Mitch Ramsey was in attendance to represent the Anchorage by the Sea.

040715-02 Motion made by Robert Winn and second by David Barton to approve the Malt, Spirituous & Vinous License Renewal Application for Anchorage by the Sea; approved 5-0.

- 5.2 Caffe' Prego – *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 in attendance.

Jeff Porter was in attendance to represent Caffe' Prego.

040715-03 Motion made by Robert Winn and second by David Barton to approve the Malt, Spirituous & Vinous License Renewal Application for Caffe' Prego; approved 5-0.

- 5.3 Caffe' Prego – *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 in attendance.

040715-03 Motion made by Robert Winn and second by David Barton to approve the Amusement License Renewal Application for Caffe' Prego; approved 5-0.

- 5.4 La Orilla – *New Application for a Malt & Vinous License*
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public in attendance.

Alexandra and Matthew Haight were in attendance to represent La Orilla.

040715-04 Motion made by Robert Winn and second by David Barton to approve the New Malt & Vinous License Application for La Orilla; approved 5-0.

- 5.5 La Orilla – *New Application for Amusement License*
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public in attendance.

040715-04 Motion made by Robert Winn and second by David Barton to approve the New Amusement License Application for La Orilla; approved 5-0.

- 5.6 La Playa de Ogunquit- *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 in attendance.

Joshuah Arellano was in attendance to represent La Playa de Ogunquit.

040715-05 Motion made by Robert Winn and second by David Barton to approve the Malt, Spirituous & Vinous License Renewal Application for La Playa de Ogunquit; approved 5-0.

- 5.7 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 in attendance.

Peter and Maureen Clayton were in attendance to represent Leavitt Theatre.

040715-06 Motion made by Robert Winn and second by David Barton to approve the Malt & Vinous License Renewal Application for the Leavitt Theatre; approved 5-0.

- 5.8 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 in attendance.

040715-06 Motion made by Robert Winn and second by David Barton to approve the Amusement License Renewal Application for the Leavitt Theatre; approved 5-0.

- 5.9 Maine Street – *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 in attendance.

Normand Paquin was in attendance to represent Maine Street.

040715-07 Motion made by Robert Winn and second by David Barton to approve the Malt, Spirituous & Vinous License Renewal Application for Maine Street; approved 5-0.

- 5.10 Maine Street – *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 in attendance.

040715-07 Motion made by Robert Winn and second by David Barton to approve the Amusement License Renewal Application for Maine Street; approved 5-0.

- 5.11 Ogunquit Playhouse – *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 in attendance.

Peter Lewis was in attendance to represent Ogunquit Playhouse.

040715-08 Motion made by Robert Winn and second by David Barton to approve the Malt, Spirituous & Vinous License Renewal Application for Ogunquit Playhouse; approved 5-0.

5.12 Ogunquit Playhouse - 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 in attendance.

040715-08 Motion made by Robert Winn and second by David Barton to approve the Amusement License Renewal Application for Ogunquit Playhouse; approved 5-0.

5.13 Rose Cove Café - New Application for Malt & Vinous License
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public in attendance.

Laura Rose was in attendance to represent Rose Cove Café.

040715-09 Motion made by Robert Winn and second by David Barton to approve the New Malt & Vinous License Application for Rose Cove Café; approved 5-0.

5.14 Rose Cove Café - New Application for Amusement License
Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public in attendance.

040715-09 Motion made by Robert Winn and second by David Barton to approve the New Amusement License Application for Rose Cove Café; approved 5-0.

6.0 PUBLIC INPUT (Any Topic)

Wells-Ogunquit Senior Center

Winnie Mason was in attendance representing the Wells-Ogunquit Senior Center. She stated the need for funds for the center and requested funding from the town. She also said that a representative to the Wells-Ogunquit Senior Center from the Town of Ogunquit is needed.

Bobbie Treen, resident

- Comments regarding the vote that will take place regarding the landscape issue on the Marginal Way, suggested a compromise.

Judy Baker, 41 Ontio Way

- Comments regarding the Marginal Way landscaping issue; Shoreland Zone ordinance and the cutting of trees.

Chris Woodbury, resident

- Deeply concerned about the implications of relinquishing control of the landscape project on the Marginal Way.

Martin Crosby, 90 Cherry Lane

- New shelter under construction for the Dog Park by the students at the Wells High School. Thank you to town employees for the winter maintenance of the park.

7.0 PUBLIC HEARINGS - PRESENTATIONS

Motion made by Robert Winn and second by David Barton to close the Public Hearing at 7:55pm; approved 5-0.

8.0 ADMINISTRATIVE ITEMS - UNFINISHED BUSINESS

9.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

9.1 Submission of Citizen's Petition - John Mixon, Resident

Select Board Review and Action on a Citizen's Petition for the June 9, 2015 Annual Town Meeting

040715-10 Motion made by Robert Winn and second by David Barton to accept the Citizen's Petition as presented and to include the petition on the June 9, 2015 Annual Town Meeting Warrant; approved 5-0.

9.2 Marginal Way Committee - Helen Horn, Marginal Way Committee Chair

Select Board Review of a Request to Accept a Gift of \$150,000 for Landscape of Devil's Kitchen on Marginal Way; presentation of design by Thomas Lynch Design, Inc

Helen Horn, Marginal Way Committee Chair, recommended that the Select Board accept this gift offer from the Wayne Griffin family. She stated that the Select Board would dictate the terms of this gift.

Thomas Lynch of Thomas Lynch Design, Inc. presented a power point of the landscape design project.

Town Manager Fortier stated that the Marginal Way would not be closed during the project. He stated that there were no trees cut during the Devil's Kitchen project. Mr. Fortier stated that the town did check with the DEP and the trees that are to be cut are not within the 75 ft high tide mark. DEP has reviewed and approved of the plan.

In regards to maintenance of the plantings, the town doesn't have the resources to maintain them and is not relinquishing control to the donor.

Selectman Barton stated that this is not a "dangerous precedent", without a deed the property owner doesn't own anything. All decisions pertaining to landscaping are

going to be made by Thomas Lynch Design and the Marginal Way Committee and not the property owner. It is the kind of thing we should do, the habitat is desirable.

Marginal Way Committee members Diana Joyner and Joan Griswold spoke in opposition to the project.

040715-11 Motion made by Robert Winn and second by Gary Latulippe to allow as many people who want to speak about this to speak about it; motion fails 2 (Winn & Latulippe) 3 (Barton, Daley and Dailey).

Chair Dailey stated that the parameters will be set by the Select Board, the “devil is in the details”. One of the most important things is that this party is willing to enter into an agreement with the town with any terms, limits or parameters that the town would like to put in place.

Selectman Latulippe stated the board could vote on approval of this plan and task the Town Manager and Selectman Barton (Marginal Way Liaison) to work out the details with the person who is giving the gift. The plan should come back to the full board for approval once the details are worked out.

040715-12 Motion made by David Barton and second by Gary Latulippe for the Board of Selectmen to accept the gift of the landscape design at Devil’s Kitchen on the Marginal Way as presented by Thomas Lynch Design, Inc., to be subject to a memorandum of intent or a letter agreement or whatever is acceptable to us (Select Board); the motion is contingent on that future event occurring (terms and conditions); approved 4-1, Winn in opposition.

9.3 Pole Permit Application – *Thomas A. Fortier, Town Manager*
Select Board Review and Action on a Request from Central Maine Power to Locate a Pole on the east side of Route 1 [Map 7, Block 28; 254 Main Street]

040715-13 Motion made by Robert Winn and second by David Barton to take action on the request from Central Maine Power to locate a pole on the east side of Route 1, Map 7, Block 28, 254 Main Street; approved 5-0.

9.4 Certification of Official Text of Proposed Ordinance Amendments – *Barbara Dailey, Chair*
Select Board Review and Action on the Certification of Proposed Amendments to Title X of the Ogunquit Municipal Code (Zoning Ordinance) as submitted by the Ogunquit Planning Board:

1. Acceptance of the revised Town of Ogunquit Official Zoning Map dated June 10, 2015 and resulting changes to the Ogunquit Zoning Ordinance.
2. A change to the Zoning Ordinance to allow for Type 2 Restaurants in the Limited Business District/Shore Road, with restrictive conditions.
3. A change to the Zoning Ordinance to allow for Type 3 Restaurants in the Limited Business District/Shore Road, with restrictive conditions.

- 4. Removal of language in Section 8.13.C of the Ogunquit Zoning Ordinance which refers to non-existent subsections.

Scott Heyland, Code Enforcement Officer, gave a brief overview of the changes and amendments.

040715-14 Motion made by Robert Winn and second by David Barton to accept the changes to the Ogunquit Municipal Code/ Zoning Ordinance Title X; the revised Town of Ogunquit Official Zoning Map dated June 10, 2015, Type 2 Restaurants in LBD-Shore Road, Type 3 Restaurants in LBD-Shore Road and the language in Section 8.13.C; approved 5-0.

- 9.5 Amendment to Title XVI - Streets, Sidewalks and Other Public Places - Thomas A. Fortier, Town Manager

Select Board Review of a Proposed Amendment to Title XVI to be included on the June 9, 2015 Annual Town Meeting Warrant

040715-15 Motion made by Robert Winn and second by David Barton to accept the proposed amendment to Title XVI - Streets, Sidewalks and Other Public Places to be included on the June 9, 2015 Annual Town Meeting Warrant; approved 5-0.

- 9.6 Draft of Order for the June 9, 2015 Annual Town Meeting

Select Board Initial Review of the Draft Order for the 2015 Annual Town Meeting

This draft of the Order for the June 9, 2015 Annual Town Meeting was for review only by the Select Board.

- 9.7 Reallocation of Funds for Beach Fencing - Thomas A. Fortier, Town Manager

Select Board Action on a Request to Transfer the Balance of Existing Funds from the Seawall Project in the amount of \$7,202.42 to Purchase Beach Fencing

040715-16 Motion made by Robert Winn and second by David Barton to reallocate and transfer the balance of the existing funds in the amount of \$7,202.42 to purchase beach fencing; approved 4-1, Daley in opposition.

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

- 10.1 Select Board

Next meeting of the Select Board will be April 14, 2015 at 5:00pm for budget review.

11.0 ADJOURNMENT

Motion made by Robert Winn and second by David Barton to adjourn the meeting at 9:21pm; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager