

Ogunquit Select Board
February 15, 2022
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Heath R. Ouellette, Chair
Robert M. Whitelaw, Vice Chair
Richard A. Dolliver
Scott A. Vogel
Carole. J. Aaron



Ogunquit Select Board
February 15, 2022
4:00pm – Executive Session
5:00pm – Workshop
6:00pm – Meeting
Dunaway Community Center
23 School Street, Ogunquit, Maine

This meeting is being held at the Dunaway Community Center. Members of the public may attend in person, watch on Town Hall Streams (https://townhallstreams.com/towns/ogunquit_maine), or participate remotely via Zoom using the link the below.

Connecting by computer or mobile device:

Register in advance or at the time of the meeting:

https://ogunquitpd-org.zoom.us/webinar/register/WN_KeqPns1IQkuTDU5fmy5auQ

After registering, you will receive a confirmation e-mail with information to join the meeting.

Connecting by land line/telephone:

If you want to call in to the meeting, dial: 1-312-626-6799 or 1-929-436-2866

Webinar ID: 816 0835 9304

Password: 641577

Minutes

4:00pm EXECUTIVE SESSION

The Select Board plans to go into Executive Session pursuant to Maine Law Title 1, M.R.S.A. 405.6(A) for the purpose of discussing the Town Manager’s Performance, Goals, and Objectives.

The Select Board will continue in Executive Session pursuant to Maine Law Title 1, M.R.S.A. 405.6(F) for the purpose of reviewing a comprehensive analysis of the Town of Ogunquit’s Information Technology including, but not limited to, security.

Meeting called to order at 4:07PM

Select Members Present: Heath R. Ouellette, Chair (via Zoom)
Robert M. Whitelaw, Vice Chair
Richard A. Dolliver
Scott A. Vogel (via Zoom)
Carole J. Aaron

Town Staff Members present: Matt Buttrick, Town Manager

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MOTION: Select Member Dolliver made a motion to go into Executive Session pursuant to Maine Law Title 1, M.R.S.A. 405.6(A) for the purpose of discussing the Town Manager's Performance, Goals, and Objectives. He would like to continue the motion to discuss section 405.6(F) for the purpose of reviewing a comprehensive analysis of the Town of Ogunquit's Information Technology including, but not limited to, security. Motion seconded by Robert Whitelaw.

Motion passed 5:0

Note: This portion of the meeting will not be accessible to the public. At the end of the Executive Session, a motion will be made to come out of Executive Session, and then the meeting will be accessible to the public again (see above for public access information). At that time, the Select Board plans to take a public vote to come out of Executive Session to complete our business in public.

MOTION: Mr. Dolliver made a motion to come out of Executive Session. Motion seconded by Mr. Vogel

Motion passed: 5:0

5:00pm **WORKSHOP**

*1.0

Context Architecture, Chris Logan
Discuss Feasibility Study for Campus Plan for the Town Hall, Dunaway Community Center, Ogunquit Village School, and the Police Department

Chris Logan and Jeff Shaw from Context Architecture explained they are about 50% through the space needs document and have interviewed about 90% of the departments and committee chairs. Next week they will provide a copy for committees to review and follow up with more interviews to make sure needs have been fully understood. The building insight has now been assessed and completed.

Next steps:

- Civil engineer will come to the site,
- Hazmat Survey for asbestos and lead in Dunaway and the Ogunquit Village School
- Updated documentation presented to Facilities Space Needs (FSN) Committee

Select Member Aaron asked when they were going to do more focus groups. Context said they aren't sure when it will happen, but there will be another meeting held nearer to the time of completion.

Select Member Whitelaw asked if the pace the project was moving forward at was normal; it felt slow to him. Jeff Shaw said the pace is appropriate. Select Member Whitelaw asked when the design will be completely finished. Context replied if everything goes according to plan, he would expect construction around June 2023.

Chair Ouellette said a proposed time line of what the phases are would be very helpful. Matt Buttrick said he would reach out to the Facilities and Space Needs Committee (FSN) for that.

Chair Ouellette said they would like further input from the community as this goes along and not a year from now and asked what they could be doing to make that happen. Jeff Shaw replied that

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the FSN Committee should see the first draft of the study as that will provide them with a complete study of what Context has discovered, spelling out square footage, adjacency, and acoustical needs and how much space will be needed outside of the Dunaway center to achieve all these wants and needs. Once we have done that, that would probably be the best time to present and hold another community session.

Board Members agreed that a conference/meeting room should be provided not just for themselves, but for the staff and other Board and Committee members. Chair Ouellette felt if there was something that Board Members felt strongly about in this study, it would be a good idea to discuss it now.

The Board generally agreed that they would like to keep the Ogunquit Village School if possible and that the Police Department was a priority.

6:00pm MEETING

1.0 WELCOME AND CALL TO ORDER

*1.1 Roll Call

Select Members Present: Heath R. Ouellette, Chair (via Zoom)
Robert M. Whitelaw, Vice Chair
Richard A. Dolliver
Scott A. Vogel (via Zoom)
Carole J. Aaron

Town Staff Members present: Matt Buttrick, Town Manager

*1.2 Pledge of Allegiance

*1.3 Duties of the Select Board according to the Ogunquit Town Charter – Article III

Vice Chair Whitelaw read the following duties of the Select Board:

The duty of the Select Board is to execute the will of the people, to manage Town affairs, to protect and maintain the assets of the Town and to provide leadership and oversight on issues of importance to the Town.

2.0 CONSENT AGENDA

*2.1 Approve Draft Minutes

a. February 1, 2022

*2.2 Approve Payroll Warrants

a. February 3, 2022

b. February 10, 2022

*2.3 Approve Accounts Payable Warrant

a. February 15, 2022

*2.4 Approve Remote Participation Policies

a. Board of Assessment Review-2022 Remote Participation Policy

*2.5 Approve By-Laws

a. Approve revised By-Laws for the Facilities and Space Needs Committee

- *2.6 Committee Appointment/Resignation
 - a. Acknowledge the Resignation of Katlyn Mitsch as Budget Review Committee Member
 - b. Appoint Michele Tourangeau currently 1st Alternate – Budget Review Committee Member – Full Member Budget Review Committee, term to expire June 14, 2022 (Annual Town Meeting)
 - c. Appoint Jane Greene – Marginal Way Committee – 1st Alternate Member, term to expire June 30, 2022
 - d. Appoint Joanne Resta – Marginal Way Committee – 2nd Alternate Member, term to expire June 30, 2022
 - e. Appoint Brenda Goodale - Ogunquit Performing Arts - Full Member, term to expire June 30, 2023
- *2.7 Committee Liaison
 - a. Assign Carole Aaron as the liaison to the Conservation Commission
 - b. Assign Carole Aaron as the liaison to the Marginal Way Committee
- *2.8 Approve Liquor Licenses – New
 - a. M.C. Perkins Cove – Malt, Spiritous & Vinous (new owner)
- *2.9 Approve Liquor Licenses – Renewal
 - a. Ogunquit Lobster Pound – Malt, Spiritous & Vinous
 - b. The Patio in Ogunquit, LLC – Malt, Spiritous & Vinous
- *2.10 Approve Amusement Licenses – Renewals
 - a. The Patio in Ogunquit, LLC

MOTION 2.0: Select Member Dolliver made a motion to approve the Consent Agenda items 2.1 through 2.10. Motion seconded by Select Member Aaron.

Motion passed 5:0

3.0 PUBLIC HEARING AND SELECT BOARD VOTE

- 3.1 Public Hearings
 - a. Public Works Equipment Reserve Account Expenditure – Proposed expenditure of \$3,200.00 to repair the transmission in the Harbormaster’s boat “Crusher”, Public Works employee(s) to complete the repairs (available balance - \$101,488)

Comments/Questions:

Peter Kahn

Select Member Dolliver asked the Town Manager why this needs to be paid from the reserve account in response to Mr. Kahn’s question. Mr. Buttrick explained that the public voted on the warrant to allow repairs or maintenance and they are committed to keeping these transactions public and transparent. After discussion with the Harbor Master and the Public Works Director, this was deemed the most appropriate fund to use for this necessary repair to keep the Harbor open.

MOTION 3.1: Select Member Dolliver made a motion to approve item 3.1. a. Motion seconded by Select Member Aaron.

Motion passed 5:0

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b. Chapter 91 (Harbor & Watercraft), Appendix II – Fee Schedule

Jack Gordon, Harbor Committee member explained the reasons they feel the docking fees should be increased.

Comments/Questions

Jim McCarthy, Kennebunk
Shelley Littlewood
Ryan Giggey
Alison Marshall, Kennebunk

Chair Ouellette brought the public hearing to an end at 6:36 pm.

After listening to public comments and much discussion, the Board agreed with the compromise offered by Select Member Dolliver to raise the docking fee to \$40 an hour for a maximum stay of 2 hours and not offer a seasonal pass.

MOTION 3.2: Select Member Whitelaw made a motion to raise the hourly docking fee to \$40 an hour for two hours and discontinue the discussion around a seasonal pass for \$2000. Motion seconded by Select Member Aaron.

Chair Ouellette made sure his understanding was correct that there would be no seasonal pass option available which was confirmed and clarified by Select Members Whitelaw and Dolliver. He checked that the Harbor Master felt that this was a fair solution. Mr. Gott felt it was a good compromise.

Motion passed 5:0

4.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

- 4.1 Special Event Permit Applications - 2022 – Chamber of Commerce – Alice Pearce
 - a. Ogunquit’s Splash into Spring (formerly Patriot’s Day)
 - b. Ogunquit’s Bonaire (formerly Day in the Park)
 - c. Ogunquit’s Fall into Ogunquit/OgunquitFest
 - d. Ogunquit’s Christmas by the Sea
- 4.2 Special Event Permit Application – 2022 – Town of Ogunquit, Parks & Recreation Committee
 - a. Ogunquit’s Perkins Cove Plein Aire Event (in conjunction with the Ogunquit Chamber of Commerce)

Alice Pearce, Chamber of Commerce talked the Board through the special events listed under 4.1. Chair Ouellette asked Select Member Vogel if he felt he could be unbiased as he is a member of the Chamber. Select Member Vogel said he could. Select Member Dolliver made the Chair aware that he is also a Chamber member, and that he too, could take an unbiased view.

The Town Manager attended the most recent Parks and Recreation Committee and spoke about the permit on the Committee’s behalf as listed under 4.2a.. This permit request is for September 9 – September 11, 2022, and will be substantially similar to last year’s event. Painting will be encouraged throughout Ogunquit and the awards ceremony will be held in Perkins Cove. The

hope is to expand the event and have more participants this year.

MOTION 4.0: Select Member Dolliver made a motion to approve items 4.1 through 4.2. Motion seconded by Chair Ouellette.

Motion passes 5:0

5.0 UNFINISHED BUSINESS

- 5.1 Trolley Operations – 2022 Season, Matt Buttrick, Town Manager
Discuss Trolley Operations for the upcoming 2022 Season.

The Town Manager explained that he had talked to the Town Attorney since the last meeting and she feels the best path forward is to work within the bounds of the Public Transportation Ordinance which gives the Select Board broad authority to make any changes they feel pertinent. Examples being hours of operation, dates and fares, and limiting the permit to one trolley operator. These changes can be achieved through the public hearing process.

Mr. Buttrick recommended that he reach out to trolley operators, and see what their interest is in the coming season and once the Board has decided what restrictions they would like to place on the permit, they can hold a public hearing to amend the Town ordinance provisions. A caveat to the Public Transportation Ordinance would need to be that only one trolley license will be added seasonally in the Town of Ogunquit.

Chair Ouellette proposed that the Board go forth at the next meeting to make any changes to the language and agreed with the Town Manager's recommendations.

- 5.2 Main Beach Bathhouse Update, Matthew Buttrick, Town Manager

Mr. Buttrick said he had met with the contractor Mr. DeStefano, who built the bathhouse originally, as well as Tom Torno, the Public Works Director to discuss the various issues the Town has had. This resulted in a punch list of 17 items which Mr. DeStefano agreed to fix at his own cost. So far 9 have been take care of. Mr. DeStefano has been very cooperative and said if other issues arise outside of the punch list, the Town Manager should contact him and he will try to take care of them. There will be a document forthcoming from the Town Attorney so the Town will have a written agreement in place with Mr. Destefano.

- 5.3 Employee Handbook, Matthew Buttrick, Town Manager
Approve Employee Handbook as presented at the Select Board Meeting – January 4, 2022

Mr. Buttrick said that all department heads were satisfied with all of the provisions in the hand book. He would like an implementation date of March 1, 2022 apart from the provisions for the increase in PTO for non-union staff which he would like implemented with effect July 1, 2022.

MOTION 5.0: Select Member Dolliver made a motion to approve the Employee Handbook, with a start date of March 1, 2022 with the only exception being a delayed start of July 1, 2022 of the PTO leave sections. Motion seconded by Select Member Aaron

Motion passes 5:0

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6.0 **NEW BUSINESS**

- 6.1 Annual Town Report, Matt Buttrick, Town Manager
Review and approve the draft of the 2020-2021 Annual Town Report

Chair Ouellette explained this was being tabled to the next meeting and would still meet the requirement of being available 90 days before the Town meeting.

MOTION 6.0: Select Member Aaron made a motion to table the annual Town report to the next agenda. Motion seconded by Select Member Dolliver.

Motion passed 5:0

- 6.2 Ogunquit Zoning Ordinance Fee Amendment, Steve Wilkos, Planning Board Chair
Planning Board recommendation to set a fee for Applications to the Planning Board

Mr. Wilkos, Planning Board Chair, explained that the Planning Board was recommending a fee of \$5,000 for applications from people wishing to change the zoning of their property when more than one zone runs through their property. He gave a breakdown of the time and costs involved for a zoning change.

Select Member Dolliver said he would feel more comfortable if it said actual costs “up to \$5,000” because it would be unfair if the costs would be \$3,800 and it is also unfair to the tax payer if it costs an individual \$8,000 and they only pay \$5,000. Mr. Wilkos said it could be established as a fee of \$5,000 plus additional costs where applicable or do it as an escrow so the applicant would pay \$5,000 and if the costs came to \$3,000 then the applicant would get the difference refunded.

Select Member Whitelaw said he learned from last night’s Planning board meeting that there are over 100 properties sitting in more than one zoning district. He asked how this happened. Mr. Wilkos said he wasn’t sure, but they looked at the zoning map and many of these properties wouldn’t meet the criteria for developing their property due to lot sizes or not enough frontage. About 23 properties seem to be affected. Chair Ouellette said he thinks it is partially based on how far away a property is from the river and cited one of his own properties as an example.

Select Member Whitelaw stated that it would have to go to voters and asked what happened if they voted it down. Mr. Wilkos confirmed that because it would be a change to the zoning map, it would have to be put to Town vote. Chair Ouellette asked the Town Manager if a fee change would have to go to the voters as well. Mr. Buttrick confirmed it would.

Chair Ouellette asked the Board if they should move this to the next agenda with a public hearing and ultimately vote to put it on the warrant. The Board Members agreed.

Select Member Whitelaw said there seemed to be some confusion at last night’s Planning Board meeting about what the Select Board was asking the Planning Board to do in reference to outdoor sales. Mr. Buttrick said there will be a letter in the next packet for the Select Board which seemed to be definitive.

7.0 **SELECT BOARD UPDATES**

*7.1 Prior Meeting Unanswered Questions

Select Board will address any unanswered questions from the prior Meeting.

Peter Kahn had some questions about the Freedom of Access Act (FFAA). He met with the Town Manager, who requested about a week to research the answer and get back to him. In the meantime, the Town has received an email from Mr. Kahn's attorney and at this time the conversation about that request is between Peter Kahn's attorney and the Town's attorney.

*7.2 Committee Liaison Updates

Select Board member	Committee	Report
Aaron	Parks & Recreation	The survey is closed and results are being analyzed. The Committee needs more members and they request the job description for a Director is considered carefully to help people understand the Town needs this position.
	Marginal Way	Joan Griswold did a review of 2021 and planning is underway for 2022. Thanks to John Patten for all his volunteer hours. Two alternates were approved tonight.
	Historic Preservation	Need more members to rebuild the Commission.
	Conservation	Meeting on March 17. The Committee will be adopting the remote meeting policy.
Dolliver	Charter Review	Last meeting will be on February 24.
Ouellette	Comprehensive Plan	Will meet for the second time next week to adopt the remote policy with all members present
Vogel	Planning Board	Letter concerning outdoor sales will be submitted to the Board for the next meeting. Planner is drafting language for a Tiny Homes ordinance.
Whitelaw	Sustainability	Presenting first draft of a plan to save the estuary to the Board at the next meeting
	OPA	March 12 there will be a performance by the Stillson School of Irish Dance. The film series in March will focus on Myrna Loy.

*7.3 Select Board Priorities

- a. Town Meeting related items
- b. Outside sales
- c. Trolley
- d. Estuary
- e. Improving Town operations/policies
- f. Bonaire event to celebrate Ogunquit's 40th year anniversary
- g. Marginal Way

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- h. Main Campus
- i. Improvements to Beach Street including sidewalks on both sides and beautification
- j. Perkins Cove
- k. Comprehensive Plan
- l. Review committees in Town and open seats
- m. Goal setting with Town Manager

Chair Ouellette remarked that 7.3 is a placeholder which he will return to periodically for discussion.

8.0 PUBLIC COMMENTS

The Select Board welcomes the public to comment and ask questions about Town related matters, and any items on the agenda including license renewals during public comment. Questions are not always answered immediately; the Select Board has agreed to answer questions by the next regularly scheduled meeting whenever possible. We ask that people keep comments brief and to the point (no more than three minutes and one time per meeting, except when public comment is solicited on specific agenda items), as well as that your comments be respectful of the community we aspire. We also ask that if you have a complaint or concern, it would be most helpful if you also offer a solution or solutions. Please begin your comments by stating your name and your affiliation with Ogunquit (i.e., resident, taxpayer, voter, business owner, etc.) or state the Town you are from.

Comments/Questions

Peter Kahn asked about whether he can still talk to the Town Manager about Freedom of Access requests

Pat Hussey voiced her concern about video footage taken at the Dunaway Center.

Barbara Ferraro wanted to know who requested the video

***9.0 SELECT BOARD COMMENTS**

Select Member Whitelaw said he listens to everybody and what they say and he really appreciated that headway is being made on issues truly affecting the people who live in the Town. He thanked Town staff who work tirelessly.

Select Member Dolliver said he understands that we are not all going to get along. He mentioned the video referred to by Pat Hussey. He continued that we don't have to agree all the time, but we can still get along together.

MOTION 9.0: Select Member Dolliver made a motion to adjourn the meeting. Motion seconded by Select Member Aaron.

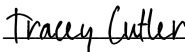
Motion passes 5:0.

***10.0 ADJOURN**

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***Agenda items with an asterisk (*) indicate when public comment is not planned for that specific item. CONSENT AGENDA – Note: Public comment on the Consent Agenda will be taken at the start of the Consent Agenda.**

Respectfully submitted,

_____

Tracey Cutler, Recording Secretary