

Ogunquit Select Board
March 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
March 15, 2022
5:00pm – Executive Session
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_KcqPns1IQkuTDU5fmy5auQ

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

5:00pm **EXECUTIVE SESSION**

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

Town Staff Members Present: Matt Buttrick, Town Manager

- *1.0 The Select Board plans to go into Executive Session pursuant to Maine Law Title 1, M.R.S.A. 405.6(E) to meet with the town attorney to discuss legal duties and responsibilities.
- *1.1 The Select Board plans to go into Executive Session pursuant to Maine Law Title 1, M.R.S.A. 405.6(A) to discuss a personnel matter.
- *1.2 The Select Board plans to go into 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.

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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(E) to meet with the Town attorney to discuss legal duties and responsibilities; and pursuant to Maine Law Title 1, M.R.S.A. 405.6(A) to discuss a personnel matter; and 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. Motion seconded by Select Member Vogel.

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

Motion passed: 5:0

6:00pm MEETING

1.0 WELCOME AND CALL TO ORDER

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

Town Staff Members Present: Matt Buttrick, Town Manager

*1.1 Roll Call

Chair Ouellette brought the meeting to order at 6:06 PM.

*1.2 Pledge of Allegiance

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

Select Member Whitelaw read the 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.

Chair Ouellette observed that the draft Charter had not been added to the agenda so he asked the Select Board members permission to add it to Unfinished Business. The Board agreed.

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2.0 FINANCE REPORT

Financial reporting is conducted during the first Select Board Meeting of the month.

3.0 CONSENT AGENDA

- *3.1 Approve Draft Minutes
 - a. February 15, 2022
 - b. March 1, 2022
- *3.2 Approve Payroll Warrants
 - a. March 3, 2022
 - b. March 10, 2022
- *3.3 Approve Accounts Payable Warrant
 - a. March 15, 2022
- *3.4 Approve Remote Participation Policies
 - a. Sustainability Community Committee – 2022 Remote Participation Policy
- *3.5 Committee Appointment/Resignation
 - a. Appoint Wendy Levine – Conservation Commission – Full Member, term to expire June 30, 2023
 - b. Appoint Terry Ann Lunt – Ogunquit Performing Arts Committee – Full Member, term to expire June 30, 2022
 - c. Appoint Paul Jean – Bicycle-Pedestrian Committee – Full Member, term to expire June 30, 2024
- *3.6 Cystic Fibrosis Foundation
 - a. Approve the CF Cycle for Life – Bicycle Tour – Saturday, July 16, 2022, through Ogunquit.
 - b. Approve marking the roads every ½ mile
- *3.7 York County Commissioners
 - a. Acknowledge receipt of correspondence from County Commissioners – County of York – Expenditures of American Rescue Plan Act Funds

MOTION: Select Member Aaron made a motion to approve the Consent Agenda items 3.1 through 3.7. Motion seconded by Select Member Dolliver.

Motion passed 5:0

4.0 PUBLIC HEARING AND SELECT BOARD VOTE

No scheduled Public Hearings for this meeting

5.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

- 5.1 Aids Walk, Katie Rutherford, Peabody Center
 - a. 2022 Aids Walk

Katie Rutherford said this year the walk will be an in-person event for the first time since 2019, with a hybrid option available. It is an important fund-raising event for the center which provides testing, prevention and outreach services especially as numbers have increased by 53 new clients during the last 2 years. Participants are asked to register via QR codes. She noted that there would be no red ribbon event this year. They hope to have as many sponsors as possible by April 1, 2022 and are very grateful for the support from the Town of Ogunquit. The event will take

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place on May 7 and more information is available on their website at: peabodycenter.org, email: info@peabodycenter.org or telephone: 207-774-6877.

5.2 COVID-19 Update, Erich Fogg, PA-C, York Hospital
a. Update on COVID-19 and York Hospital

Mr. Fogg said COVID-19 cases are declining and down to 5% prevalence. The York Walk-In Center on Route 1 now has a dedicated COVID-19 therapeutic center for moderate to high risk groups which offers 2 oral treatments from Merck and Pfizer, 2 monoclonal antibody infusions, and an antiviral infusion called Remdesivir. The goal of these treatments is to reduce hospitalizations.

Select Member Whitelaw asked if another booster had been discussed. Mr. Fogg replied he wouldn't be surprised if one is recommended eventually.

Select Member Dolliver read yesterday there was a new strain causing 4 cities in China to be locked down. Mr. Fogg said they are watching China Hong Kong and the data is pointing to a delayed Omicron due to their strict regulations. Europe is more interesting – Germany and UK are resurging since relaxing some of the rules. The UK is up 48%. Interestingly respiratory diseases are increasing since masks are coming off.

Weston Elliot, resident, asked for clarification about the therapeutic treatments. Mr. Fogg said they are for patients who have recently tested for COVID-19. It is best to give it within 5 days of symptoms and testing positive. There is a prophylactic medication for high risk people such as cancer patients.

5.3 Sustainability Community Committee
a. Report on the status of the water quality report of the estuary

Priscilla Botsford, Chair gave a presentation identifying areas of concern in Ogunquit's estuary water quality. Bacteria counts have spiked during the last 3 years and Riverside Beach is considered impaired. The goal is to reduce the bacteria count below 104 ppm. Since 2013, FB Environmental and Maine's Healthy Beaches have been sampling water in key areas in the estuary and it is clear that stormwater run-off is the overwhelming reason. 85% of the run off comes from residential and commercial use and 55% of that is human land use. Ms. Botsford said Ogunquit has about 40 outfalls, all without filters. Soil is the biggest pollutant in stormwater so the Committee would like to prioritize enforcement of existing laws. In a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades.

An elaborate system to install catch basins in the Main Beach parking lot was implemented using grant money. Two catch basins have been installed so far. The Committee would like a thorough audit of the catch basins because 2022 testing showed a spike in bacteria at these outfalls. The main goal of the Committee is to improve groundwater retention through more pervious pavement, vegetative buffers and swales.

Ms. Botsford shared how the money from the grant had been spent so far and the plans for the rest of the money going forward and finished the presentation by summarizing the recommendations.

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Marjorie Katz commented that she had spoken with John Buchi from UNH who suggested testing start during Winter, but she was informed that there is no money available until the new budget kicks in. For about \$10,000, there is a new instrument available which gives the test results of the water instantaneously. Chair Ouellette pointed out that it would have to be voted on by the residents which can't happen before June. Marjorie Katz asked about the American Rescue funds for disasters; she considered this a disaster. Mr. Buttrick explained that the American Rescue program doesn't consider this a disaster.

Mitch Tyson asked which aspects of the program address the Little Beach run-off in particular. Ms. Botsford replied they are looking for opportunities to install more catch basins in the future. Any time the water can be slowed down, there is less chance of it absorbing into the ground. Ms. Botsford said the Committee wants to rely on some engineering expertise and the focus will be on implementation.

Rebecca Fox asked about the \$600,000 CIP for the beach lot revetment and asked if it included catch basins. Ms. Botsford said they really want to look at the parking lot drainage scheme and find out from an expert how well it is working. Mr. Buttrick added that the CIP was there as an insurance policy for the FEMA project that has been bid out twice so far. The rest is for repaving of the parking lot which will be done using pervious pavement. This will be on the ballot at June's Town meeting.

Weston Elliot thanked the Committee for the work it has done and for the presentation.

Select Member Vogel asked about the cleaning of the catch basins. Ms. Botsford said Public Works has been helping with the cleaning and servicing of the basins. Maintenance and cleaning should happen annually.

Select Member Dolliver commented that it is obvious that run-off is the problem and the community should do its part helping with that. He would rather spend money on different things than testing.

Chair Ouellette generally agreed with Ms. Botsford and said Ogunquit should continue to share resources with other towns. He cited some examples from Massachusetts and Florida and how they deal with similar problems.

Select Member Whitelaw said he thinks the Main Beach issue is an engineering one. He doesn't think adding more filters there is the solution. He thinks strong filtration on the west side of the estuary which is at the bottom of the hill is the answer because the run-off flows down collecting everything on the way. He thinks construction sites need to manage their water and more education is needed. He hopes the voters vote for the Natural Resources Coordinator position.

6.0 TOWN MANAGER REPORT

Matt Buttrick, Town Manager clarified that postcards were sent out to residents reminding them that their next property tax payment was due on May 17. The language on the notice caused a lot of concern and so the office was inundated with phone calls. The language has been perfected for next time and he wholeheartedly apologized for any anxiety it caused.

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Mr. Buttrick, shared that the Town has been approved for \$2.85 million for the reconstruction of the Perkins Cove bridge and the Harbormaster building. An RFP is being put together to National Environmental Policy Act (NEPA) standards and will be sent out shortly to engineering firms.

7.0 UNEFINISHED BUSINESS

7.1 Vote for Draft Charter to be placed on Town Warrant as added by Chair Ouellette

MOTION: Select Member Dolliver made a motion to submit the draft Town Charter that was presented to the Board at the last meeting on the annual Town Meeting Warrant for June 14th, 2022. Motion seconded by Select Member Vogel.

Motion passed 5:0

8.0 NEW BUSINESS

8.1 Annual Town Meeting, June 14, 2022, Christine Murphy, Town Clerk

a. Update on upcoming Annual Town Meeting regarding vacancies, filing deadlines and other information

Chris Murphy ran through all the dates and deadlines to submit paperwork for the annual Town Meeting. Details are available on the Town’s website.

8.2 Ogunquit River Watershed, Matthew Buttrick, Town Manager

b. Award the bid for the Ogunquit River Watershed Restoration Project – Phase IV

The Town Manager said the recommended bid from the Sustainability Committee is for Acorn Engineering, a new firm and a fresh set of eyes. The funding for this is 100% from Maine’s Department of Environmental Protection’s (DEP) grant fund.

He added that they want to update the watershed plan in the future too.

MOTION: Select Member Aaron made a motion to approve the bid for the Ogunquit River Watershed Restoration Project – Phase IV to Acorn Engineering Inc. Motion seconded by Select Member Dolliver.

Motion passed 5:0

9.0 SELECT BOARD UPDATES

*9.1 Prior Meeting Unanswered Questions

There were no any unanswered questions from the prior Meeting.

*9.2 Committee Liaison Updates

Select Board member	Committee	Report

Aaron	Parks & Recreation	The Committee did a good review of landscape architects for Agamenticus Park. She stressed the importance of having a Parks and Recreation Director as people don't realize how much work goes into the various events and hopes people will vote to implement this new position
	Marginal Way	Marginal Way Committee (MWC) is talking about getting ready for Spring and working on a workshop with the Select Board and Marginal Way Foundation.
	Historic Preservation	Bylaws are finished and need Select Board approval. They are still working on a letter to send to property owners with Legal's input to help move the Register forward.
	Conservation	Meeting on March 17. The Committee will be adopting the remote meeting policy.
Ouellette	Facilities and Space Needs (FSN)	FSN met to give their recommendations and thoughts to Context Architecture and met this Monday again to discuss that with Context. Those videos of the meetings are on line for anybody wishing to learn more.
Vogel	Planning Board	A special meeting will be held March 17, to revisit the application for changing a bank to a restaurant.
Whitelaw	Sustainability	No update as Committee presented tonight
	OPA	Select Member Whitelaw reminded everyone of the Myrna Loy film series currently showing during March courtesy of the Ogunquit Performing Arts (OPA).

*9.3

Select Board Priorities

- a. Annual Town Meeting related items
- b. Trolley Services
- c. Estuary/Water Quality
- d. Improving Town operations/policies
- e. Bonaire event to celebrate Ogunquit's 40th year anniversary
- f. Marginal Way Improvements
- g. Main Campus Plan
- h. Improvements to Beach Street including sidewalks on both sides and beautification
- i. Perkins Cove – Bridge, dredging, lighting, and general improvements
- j. Comprehensive Plan
- k. Review committees in Town and open seats
- l. Goal setting with Town Manager
- m. Town branding

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Chair Ouellette ran through the priorities and what has been done so far. Select Member Vogel requested the goals be put in order of priority or a note added that they are not in any particular order.

Chair Ouellette said the next meeting will be on March 29, 2022 instead of April 5, 2022, but therefore, there will be only one meeting next month on April 19, 2022.

10.0 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 and Questions:

Peter Kahn talked about the Perkins Cove Footbridge, the Facilities and Space Needs website and the Town attorney's advice.

Marjorie Katz said she doesn't see the Beach listed on the Select Board priorities. Chair Ouellette said they would welcome a plan from the Sustainability Committee.

***11.0 SELECT BOARD COMMENTS**

Select Member Aaron thanked the Town Manager for the new clock in the Dunaway Center which came from the Ogunquit Village School. She confirmed that Ogunquit does not translate as "Beautiful Place by the Sea" and then talked about a book called "Wish You Were Here" written by Kenny Bassett. It will be available in the Heritage Museum and is a limited edition, but should appeal to anybody who is born and bred in Ogunquit or who has a love for this Town.

Select Member Dolliver commended the Town Manager and his team for bringing in \$6.25 million so far for the Town. He shared that he had seen some Facebook posts which cross the line of civility and community and the statements are untrue.

Select Member Vogel said he wants to give kudos to the Town because he keeps hearing how positive things are happening.

Chair Ouellette commented that the greatest mistake we can make is being afraid to make one.

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***12.0 ADJOURN**

MOTION: Select Member Dolliver made a motion to adjourn at 8:02PM. Motion seconded by Select Member Vogel.

Motion passed 5:0

***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

Tracey Cutler, Recording Secretary

