

Ogunquit Select Board  
March 29, 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 29, 2022  
6:00 pm – 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](https://townhallstreams.com/towns/ogunquit_maine)), or participate remotely via Zoom using the link 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](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 landline/telephone:**

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

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**Password: 641577**

## Minutes

**6:00 pm 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 (Zoom)

\*1.1 Roll Call

Chair Ouellette brought the meeting to order at 6:01 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.



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**2.0**      **FINANCE REPORT**

There was no finance report

**3.0**      **CONSENT AGENDA**

- \*3.1      Approve Draft Minutes
  - a.      March 15, 2022
- \*3.2      Approve Payroll Warrants
  - a.      March 17, 2022
  - b.      March 24, 2022
- \*3.3      Approve Accounts Payable Warrant
  - a.      March 29, 2022
- \*3.4      Approve By-Laws
  - a.      Comprehensive Plan Committee – By-Laws, adopted by Committee on March 9, 2022
- \*3.5      Committee Appointment/Resignation
  - a.      Acknowledge the Resignation of Mark Dufton as Comprehensive Plan Committee Member
  - b.      Acknowledge the Resignation of Mark Dufton as Planning Board Alternate Member
- \*3.6      Marginal Way Committee
  - a.      Approve the Marginal Way Committee Grant Application for a Sustainability Assessment for the Marginal Way
- \*3.7      Election/Ballot Clerks
  - a.      Approve Election and Ballot Clerks to serve at the polling location during the times the polls are open and as counters, and after the polls close for all upcoming elections. Two (2) Year Term.
- \*3.8      Approve Liquor Licenses – Renewal
  - a.      Food for Thought – Malt, Vinous, and Spiritous
- \*3.9      Approve Liquor Licenses – New
  - a.      The Napoli’s – Malt, Vinous and Spiritous

**MOTION:** Select Member Dolliver made a motion to approve the Consent Agenda items 3.2 through 3.8. Motion seconded by Select Member Vogel.

**Motion passed 5:0**

Select Member Dolliver addressed his request to remove 3.1 from the consent agenda. He believed the name mentioned in 5.2 and 5.3 should be Weston Elliot and he noted that the motion made in 8.2 has him listed as making both the motion and seconding it.

**MOTION:** Select Member Dolliver made a motion to table the minutes until the next meeting so the items can be clarified. Motion seconded by Select Member Vogel.

**Motion passed 5:0**

The new owner of Napoli’s restaurant introduced himself. Mr. Whitelaw said he requested 3.9 be pulled from the consent agenda because the application for a new liquor license was missing the occupancy load as needed by the Fire Chief. The Town Manager said he didn’t think it has any bearing on the approval and he knows the Fire Chief did sign off on it. Select Member Dolliver



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said he can see the Fire Chief did in the notes so he doesn't see why the Board can't approve it contingent on the Town Manager getting with the Fire Chief and making sure it's the number that the Fire Chief has approved. Select Member Vogel agreed.

**MOTION:** Select Member Whitelaw made a motion to approve Mr. Patel's license for Napoli's contingent upon the Fire Chief providing a number he is comfortable with in this application and then the application will be complete. He will have an approval to have a liquor license from the Select Board. Motion seconded by Select Member Dolliver.

**Motion passed 5:0**

4.1 **PUBLIC HEARING AND SELECT BOARD VOTE**

4.1 Ordinance Amendments

- a. An Ordinance to Amend the Ogunquit Municipal Code Chapter 225 Zoning Ordinance Violations – A Citation System

Tyler McOsker, Code Enforcement Officer explained this change would give the Town more ability to convince people to comply with the ordinances without going to court. The Board found parts of the document confusing. Select Chair Ouellette added that he would like something added clarifying further the explanation for taking someone to court and recommended that the Town's legal take a look at it.

**MOTION:** Select Member Dolliver made a motion to send this back to the Planning Board to clarify its intentions. Motion seconded by Select Member Aaron with a comment.

**Motion passed: 5:0**

- b. An Ordinance to Amend the Ogunquit Municipal Code Chapter 225 – Tiny Homes

Mr. McOsker explained that the State of Maine has already adopted something into law about tiny homes so something needs to be in the Town ordinances to enforce the State's law and define what the Town allows.

Priscilla Botsford, resident said she can't find anything that says the Town has to have an ordinance about this and she wants to know what the rush is.

Select Member Whitelaw observed this is just a one-page document even though it has the potential to change the character of the Town dramatically and while the State is into this, he prefers home rule. He is worried about setbacks and dimensional requirements and feels like it is being rushed through because of the State. Select Members Dolliver, Aaron and Vogel agreed.

Chair Ouellette said the Board's role is to put this on the ballot. The Chair confirmed with Mr. McOsker that if this didn't go on the ballot, that State law would apply. Mr. McOsker confirmed that this was true. Chair Ouellette suggested that this be tabled as well and send it back to the Planning Board and ask them to come back with any amendments and a presentation as to the importance of putting this on at this time. Select Member Dolliver confirmed they could still approve it at the next meeting on April 19<sup>th</sup>.



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**MOTION:** Select Member Aaron made a motion to table 4.1.b on the agenda and request the Planning Board come and make a presentation before the Board. Motion seconded by Select Member Vogel

**Motion passed 5:0**

- c. An Ordinance to Amend the Zoning Ordinance and Official Zoning Map  
Mr. McOsker explained that a resident's lot is in 2 zones and he would like it changed to one zone; the R zone that would allow them to build another house on the property because it would change the dimensional requirements.

Mr. and Mrs. Macklin, applicants, explained in more detail why they were requesting the zone change.

Bob Blackburn, resident, voiced his support whereas Ms. Priscilla Botsford felt the precedent should be addressed as other properties could be affected. She added that Berwick Road is suffering from unmanaged storm water and feels the Planning Board concentrates on density without taking stormwater treatment into consideration. The Town's Comprehensive Plan from 2003 says this.

Select Member Dolliver said a precedent is not being set as it's happened before.

Select Member Whitelaw has no issues with this and commented that the zoning maps are a mess and that there are other properties in the same situation as the applicant. He also agrees with a lot of things Ms. Botsford says about run-off in general and some things need to be done on the west side.

Chair Ouellette observed that Ms. Botsford was correct about the Comprehensive Plan. In essence he supports this application, but would feel more comfortable if all three abutters affected by this change had commented. Two abutters have, but the remaining abutter hasn't responded to the notifications. He would like to hear from the one neighbor before April 19<sup>th</sup> and once the 3 affected properties have agreed 100%, he would like to move forward.

**MOTION:** Select Member Dolliver made a motion to move this forward as presented for the June Ballot. Motion seconded by Select Member Vogel.

**Motion passed 4:1 (1 abstention)**

- 4.2 Annual Town Meeting Warrant
  - a. Draft Warrant for Annual Town Meeting – June 14, 2022 (Note: No vote will be taken this evening, final vote to approve the Warrant will be on April 19, 2022)

There were no public comments.

- 5.0 **PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS**
  - 5.1 Approve Mission Statements, Mark MacLeod, Chair Comprehensive Plan Committee





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- a. Comprehensive Plan Committee – Mission Statement, adopted by Committee on March 23, 2022.

Chair Ouellette said he was very pleased with the work that has been done so far.

**MOTION:** Select Member Dolliver made a motion to adopt the Comprehensive Plan Committee Mission Statement. Motion seconded by Select Member Vogel.

**Motion passed: 5:0.**

5.2 Facilities and Space Needs Committee

- a. Report/Update on current process

Mary Ann Rush, Chair began by informing everybody that all documentation about this project is on the website.

Ms. Rush and Mr. Chris Logan from Context Architecture, explained the 3 phases of the project, providing an overview of the time line and description of the different phases. The importance of looking 30 years into the future was emphasized as well as the importance of having these funds approved at Town Meeting so Phase 2 could go ahead.

Resident Jim Hartwell asked what the point was of having a Facilities and Space Needs committee before a Comprehensive Plan committee.

Chair Ouellette said there will need to be some changes to the time line because they can only ask for funds for construction (phase three) at a Town meeting so that will have to be put off until after June 2023.

Select Member Whitelaw thanked the committee for hopefully turning this into a reality. He thinks the current state of facilities is embarrassing and the police officers don't get enough support for protecting us.

The Board Members agreed the Committee is doing a great job, that public input is important as it's the tax payers' dollars and the Police Department and Town staff deserve great working conditions.

5.3 Maine Coast Half Marathon, Erik Boucher, Ventures Endurance Events

- a. Permission to use Town Property and the use of the Police Department Personnel for the marathon

Mr. Boucher said this will be the 2<sup>nd</sup> annual Maine marathon and 5k race. This year it is planned for May 7, 2022. He expects runners would probably pass through Ogunquit between 7:23 am and 8:28 am. Chief Arnaudin pledged her support last year and again for this year. Last year passed without any significant disruption and the only thing that could have some impact is the traffic pattern on Route One. The runners will have the northbound lane to themselves and vehicles will use the middle turning lane and southbound vehicles will still be in the southbound lane. It worked well that way last time. Flyers go out to residents and businesses notifying everybody.



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Chair Ouellette said this is the same date as the AIDS walk, but will definitely be over in time for them to start setting up.

Mr. Boucher said the intention going forward is to hold this every year on the Saturday before Mother's Day as that is the Town of Well's preferred date.

**MOTION:** Select Member Dolliver made a motion to give permission for the Maine Coast Half Marathon to use Town Property and the use of the Ogunquit Police Department Personnel as proposed in our packets. Motion seconded by Select Member Vogel.

**Motion carried 5:0.**

5.4 Parks & Recreation Committee, Jason Corbin, Chair Parks & Recreation Committee  
a. Agamenticus Park Survey Results

Mr. Larry Carlson said the Committee decided to send out a survey to see how residents would like to see Agamenticus Park used and got 364 responses. He thanked Ilene Kanoff for all her help with the survey and presentation of all the results. Michelle Low, committee member shared the history she had researched about the park. There are ways to turn this into a great space and there are grants available. She would like the Community to consider not just the dollar amount, but the value it would bring to the Community as a whole, and also the hiring of a Culture and Recreation Director.

Mr. Carlson thanked everybody who took part in the survey and said the results would be posted in the next few days. He highlighted some of the results for the Board.

Jason Corbin, Chair commended the Parks and Recreation Committee for all they had managed to achieve during the last 5 years. He said the short-term goal for Agamenticus Park is to get together with a Landscape Architect to give us a better vision of what that park could be. The Committee is trying to get the ball rolling so in a year or two the Town can take advantage of some of the grants available. Another goal is to work together with other relevant committees to try and make that park the best it can be. Mr. Corbin stressed the importance of a Director of Culture and Recreation to offset some of the responsibilities and gave examples of the work volunteers do already and examples of cost saving ideas to help improve the park.

Jim Hartwell thinks the Committee's ideas are great and asked if this had been presented to the Comprehensive Plan Committee. Mr. Corbin said not yet. He stressed again the importance of needing help to move forward with more events.

The Select Board members all agreed the Parks and Recreation Committee do a great job and also stressed the importance of a Director position to help. Select Member Dolliver asked the Town Manager to look into money that was granted for fixing the tennis courts and baseball field at Agamenticus Park. He noted that many of the respondents were residents over 60 and he thinks it is important that there is something for that part of the Community to do.



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Mr. Buttrick talked about the tennis courts and said in March 2019 the Town signed a contract for \$26,465 for a vendor to grind, power, sand, clean and remove the mildew and re-surface the courts. Within a year of it being done, there were cracks so the contract and warranty were sent to the Town Attorney for review. It came back that it wasn't worth the paper it was written on as none of these problems were listed. To remediate the issues, money will need to be allocated. He looked at the courts with Mr. Corbin, and they are definitely in need of some maintenance.

Select Member Aaron asked that everyone support the new position of a Culture and Recreation Director as that person will not just be helping Parks and Recreation, but will also be involved with culture like performing arts. It is a broad-based position that will be able to help all committees. She is amazed at how much the Parks and Recreation Committee has achieved just through volunteers. Mr. Carlson said they do need more volunteers and directed people to the website for details.

## 6.0 TOWN MANAGER REPORT

### 6.1 Town Manager Report, Matthew Buttrick, Town Manager

The Town Manager said the Fire Chief recently asked if the foam used at the Fire Training Facility at 30 Salt Shed Drive had an aqueous film. It has been found to have cancer causing PFAs. The Chief took two water samples to test for the presence of the PFAs; these were taken from the man-made pond and the well, used by the Public Works Department. The results showed no detectable levels in the well, but it did show some in the pond. This isn't used for drinking water, but the Town is working with the Department of Environmental Protection (DEP) to determine if there is any concern with PFAs in the pond. Updates will be provided for the public as we proceed. He said people should contact the DEP at [PFAS.dep@maine.gov](mailto:PFAS.dep@maine.gov) with any questions about PFAs. Certain types of fires need this foam to extinguish them and this is not a banned chemical.

The Board thanked the Town Manager and Chief Osgood and look forward to updates.

Next Mr. Buttrick updated the Board on trolleys. To date there is only one vendor interested which is Ogunquit Trolley who has been running the service for the last several years in Ogunquit. He is just working out the logistics such as hours, season etc. and the possibility for specific events such as Bonaire.

The RFPs for the Comp plan and Perkins Cove Bridge have been posted.

Agamenticus Road construction has resumed and should be finished soon.

After 41 years, the Police Chief, Pat Arnaudin will be formally retiring April 28, 2022. There will be a retirement party and we hope to have details soon. The Town Manager and Board thanked her for her service and congratulated her on her upcoming retirement.

## 7.0 UNFINISHED BUSINESS

There was no unfinished business.



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**8.0 NEW BUSINESS**

**8.1 State and Federal Funds Management Policy, Matthew Buttrick, Town Manager**

Mr. Buttrick explained this was a recommendation from the auditors. A policy was submitted to the Legal department who have approved it.

Select Member Dolliver thanked both Mr. Buttrick and Mandy Cummings, Treasurer for following the auditors' advice and putting this together.

**MOTION:** Select Member Dolliver made a motion to adopt the State and Federal Funds Management Policy. Motion seconded by Select Member Aaron.

**Motion passed 4:0.** Chair Ouellette explained that Select Member Vogel had to leave at 8:22 pm.

**9.0 SELECT BOARD UPDATES**

**\*9.1 Prior Meeting Unanswered Questions**

Select Board will address any unanswered questions from the prior meeting. There were no outstanding questions from the previous meeting.

**\*9.2 Committee Liaison Updates**

Select Board member	Committee	Report
Aaron	Historic Preservation	Bylaws are wrapping up. A letter to property owners for the National Register will come to the Select Board next month for review.
	Marginal Way	Will meet in April. A grant application for a sustainability assessment for the Marginal Way was approved tonight as part of the consent agenda.
	Parks & Recreation	The Committee presented tonight.
	Conservation	There will be a meeting in April.
Ouellette	Facilities and Space Needs (FSN)	The Committee presented tonight.
Whitelaw	Sustainability	The Committee Chair met with the Treasurer and Acorn Engineering to talk about catch basins.
	OPA	Select Member Whitelaw updated everybody about the movies being shown in April.

**\*9.3 Select Board Priorities (Items listed below are in no particular order of importance)**

- a. Town Meeting related items
- b. Main Beach Revetment
- c. Outside sales
- d. Trolley
- e. Estuary





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- f. Improving Town operations/policies
- g. Bonaire event to celebrate Ogunquit's 40<sup>th</sup> anniversary
- h. Marginal Way
- i. Main Campus
- j. Improvements to Beach Street including sidewalks on both sides and beautification
- k. Perkins Cove
- l. Comprehensive Plan
- m. Review committees in Town and open seats
- n. Goal setting with Town Manager

There were no comments at this time.

**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) and that your comments be respectful of the community we aspire to. 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:

Mr. Peter Kahn asked the Board's view on Outside sales as he noticed it is back on the priority list despite being removed at the last meeting.

Chair Ouellette said that was an error from a previous agenda.

Mr. Jim Hartwell commented on public input. He wished Chief Arnaudin all the success and the best for the future from all the residents; her service during the last 41 years is very much appreciated.

**\*11.0 SELECT BOARD COMMENTS**

Select Member Aaron commented on how lucky we are to live in Ogunquit with all the community participation.

Chair Ouellette said there will be an Easter Egg Hunt on Saturday, April 9 put on by the Police Department where there will also be an opportunity to get a photo with a special guest.

Select Member Dolliver mentioned he will be getting his hair cut and shaving his beard as a fund raiser in September 2022 for the Maine Children's Cancer specifically the Barbara Bush Pediatric Cancer Unit. He thanked the Chief for her service and wished her good luck



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in her future endeavors. He has been doing some research to find someone who can officially translate the meaning of Ogunquit.

**\*12.0    ADJOURN**

**MOTION:** Select Member Dolliver made a motion to adjourn. Motion seconded by Select Member Aaron.

**Motion passed 4:0.**

**\*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

