

Ogunquit Select Board
May 3, 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
May 3, 2022
5:00 pm – Workshop
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), 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_KeqPnsIIQkuTDU5fmy5auQ
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
Webinar ID: 816 0835 9304
Password: 641577

Minutes

5:00 pm WORKSHOP

- *1.1 Interviews for Comprehensive Plan Committee
 - a. Weston Elliott
 - b. (Jeremy) David Millward
 - c. Christopher Nobile

6:00 pm MEETING

1.0 WELCOME AND CALL TO ORDER

*1.1 Roll Call

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

Town Staff Members Present: Matt Buttrick, Town Manager
Mandy Cummings, Town Treasurer

*1.2 Pledge of Allegiance

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

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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.

2.0 **FINANCE REPORT**, Mandy Cummings, Treasurer

Treasurer to update the community and the Select Board on the revenues and expenditures for the Town.

The Treasurer said at this time of year non-seasonal departments would be expected to have spent 83%, and currently the Town as a whole spent 81%. The debt service payment has already been made so that helps to drive up that overall figure. Insurance is overspent due to Workers Compensation and while utilities is not yet overspent, she expects it will be, due mainly to the street lights which she talked about a couple of weeks ago. The Treasurer feels there won't be any overspending in any of the departments, but she will update the Board if that changes. One change could be when a new Police Chief is hired, but she will monitor that. The Treasurer talked about revenues coming in from property taxes, passes and building permits. At the end of the fiscal year, the Town's cash flow is looking good. She reminded everybody taxes were due on May 15, 2022.

Select Member Whitelaw asked about vehicle excise taxes as according to his calculation the Town will be about \$50,000 short at the end of the year. He asked if we see more in the warmer months. The Treasurer confirmed that was correct.

Select Member Aaron asked about the amount that Spectrum gives back to the Town because it doesn't look like it's trending well.

Chair Ouellette said that in Debt Service it shows the Route 1 project over by \$1200. Ms. Cummings responded it is a misplaced line item. Chair Ouellette asked if the budget could be shown as 12 months as that might be more helpful for the Board in the future.

3.0 **CONSENT AGENDA**

*3.1 Approve Draft Minutes
There were no minutes available

*3.2 Approve Payroll Warrants
a. April 21, 2022
b. April 28, 2022

*3.3 Approve Accounts Payable Warrant
a. May 3, 2022

*3.4 Committee Appointment/Resignation
a. Acknowledge the Resignation of Gary Latulippe as Comprehensive Plan Committee Member
b. Acknowledge the Resignation of Mark MacLeod as Comprehensive Plan Committee Member
c. Acknowledge the Resignation of Mark MacLeod as Planning Board Member
d. Acknowledge the Resignation of Leslie Olear as Conservation Commission Member

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- e. Elevate Leslie Olear – Planning Board Member – Full Member – Term to expire June 30, 2024
 - f. Appoint Weston Elliott – Comprehensive Plan Committee – Full Member – Term to expire at the completion of the Comprehensive Plan
 - g. Appoint (Jeremy) David Millward – Comprehensive Plan Committee – Full Member – Term to expire at the completion of the Comprehensive Plan
 - h. Appoint Christopher Nobile – Comprehensive Plan Committee – Full Member – Term to expire at the completion of the Comprehensive Plan
- *3.5 Approve Liquor Licenses – Renewal
- a. Admiral’s Inn – Malt, Wine & Spiritous
 - b. Roberto’s Restaurant – Malt, Wine & Spiritous
- *3.6 Approve Liquor Licenses – New
- a. Blue Shutters Inn and Studios – Malt, Wine & Spiritous
- *3.7 Approve Amusement Licenses – Renewal

Ms. Barbara Ferraro felt that not enough opportunity was given for others to apply for the positions on the Comprehensive Plan Committee.

Jim Hartwell said he applied along with others, but then a situation arose meaning he had to retract his applications. Times have changed so he wanted to know why he wasn’t notified of the vacancies.

Chair Ouellette said he does take issue with statements that suggest the Board is doing something that is not above board and read pertinent points from the Select Board approved policy for Select Board procedures.

Select Member Dolliver supported the Chair’s statements and isn’t sure why it is suddenly a problem when it didn’t happen with previous Boards despite them following the same procedures.

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

Motion passed 5:0.

4.0 PUBLIC HEARING AND SELECT BOARD VOTE

- 4.1 Annual Town Meeting – June 14, 2022
 - a. Warrant and Order for Annual Town Meeting – June 14, 2022

There were no comments

MOTION: No motion is required.

5.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

- 5.1 Wells-Ogunquit CSD – Jim Daly, Wells-Ogunquit School Superintendent
 - a. Update and overview of School District Year 2021/2022

Superintendent Daly thanked Ogunquit for its support. Two important dates; there is a school budget meeting on June 1 and on June 14 is a referendum vote.

He talked about the school budget and that he is proud it has never gone over 3%. This year's budget will cause property taxes to increase by \$10 a year only. Select Members Whitelaw and Dolliver complimented Superintendent Daly on his budget skills and stressed how important a strong education is to a community.

5.2 Facilities & Space Needs Committee

a. Report/update on current process

Mr. Tony Diluzio updated the Board on the final draft of Phase One. It includes the programming, building assessments for both buildings and the recommendations which the Committee has pared down. The biggest piece in this draft is the evaluation criteria. The final report is due to come out by the end of this week and will be uploaded to the Town's website for the public to access. The Committee hasn't chosen a singular option at this point in time. He said there is a large number being put before the voters for the annual Town meeting to allow the Committee to continue to the next phase. It doesn't lock anybody into anything, but it creates the ability for everybody to be further informed, further educated and provide the best information in which to make the best decision long term for the entire community. The goal of the next phase is to continue hearing all the constituents, evaluate the information and hopefully come up with a final design.

Mr. Diluzio said there will be a meeting next Thursday evening at 6:00pm for the public to come out and ask questions and share their concerns.

Select Member Dolliver said that he would like everybody to know that this is what Mr. Diluzio does for a living and he is also a tax payer so the costs affect him too. Select Member Whitelaw thanked the Committee for all their hard work. He encouraged people to vote for this and confirmed that \$875,000 is not a bonded amount, but what we need. Select Members Aaron and Vogel agreed. Select Member Aaron added that she is sure that the Interim Police Chief, Neal Pawlik, is willing to show anybody the current condition of the Police department. Chair Ouellette talked about how proactive the Committee has been in providing transparency and public input. If the Town votes yes on this, the opportunity for public input will continue.

Kirsten Ross asked for clarity as she heard the Treasurer say it would be a mid-dollar amount at the April 11 meeting, that would be put on the November ballot. She asked if the Town would be voting for another allocation in the future. The Treasurer said it is very early to know what the amount would be and is dependent on whether this gets passed in June and how the Committee's progress is looking.

Chair Ouellette requested that the next speaker, Mr. Jim Hartwell, address him in the correct manner as in the past he has not and the Chair finds it extremely offensive. He reminded Mr. Hartwell that as Chair, he has been elected by the people and as such when Mr. Hartwell calls him by derogatory names, he is disrespecting those people who elected him also.

Mr. Hartwell wanted to know how this integrates with the Comprehensive Plan which the Chairman indicated he would like completed in 2 years. It has been discussed and has been going on for 5 years. Select Member Dolliver said the December 2003 Comp Plan

talks about a new Police station. We talked about it, but the can was kicked down the road. Now that we have a group of people moving forward and it can all be done within and around the same time.

Chair Ouellette asked Chris Logan, Context Architecture, if he stood behind the amount that was being requested. Mr. Logan said he does support this number. Phase Two will be exciting because it's when they start designing the campus. So far, they have been focusing on a lot of data to prepare for the design phase. He commended the Committee for being efficient and providing great direction. They have had to digest a lot of information in the last 4 months and they have been very hard working.

6.0 TOWN MANAGER REPORT, Matthew Buttrick, Town Manager

- 6.1
 - a. Perkins Cove Bridge – RFPs are due May 16. There have been 2 interested parties
 - b. Comprehensive Plan RFP – sadly there were no bids, but the RFP will be re-submitted with a clearer explanation about budgetary limitations as that seemed to be the main factor for no applications.
 - c. Town Beautification – Public Works have been very busy preparing the Town
 - d. Police Chief Search Update – Neal Pawlik is currently the interim Chief of Police until a new Chief of Police is named and he has done a fantastic job working with the State of Maine Wildlife and Fisheries getting ready for the Piping Plover program.
 - e. Bonaire is on June 11, and is an all-day event including music and fireworks
 - f. Interviews start tomorrow for the new Police Chief and we hope to have a recommendation to the Board in June to interview and make a final decision.
 - g. The Peabody AIDS walk is taking place on May 7. There will also be a half marathon happening early Saturday morning, which is not related to the AIDS walk.
 - h. Agamenticus Road has been delayed slightly due to bad weather, but should be completed early May.
 - i. The Facilities and Space Needs Committee will have an info session on the campus project on May 12 at 6:00pm in the Dunaway Center. Free pizza and drinks will be available.
 - j. Mr. Buttrick asked Fire Chief Osgood to update the Board on the vaccine clinic held by the Fire Department. Chief Osgood said they did close to 200 vaccines at their recent booster clinic.

7.0 UNEFINISHED BUSINESS

8.0 NEW BUSINESS

- 8.1 Annual Town Meeting Information Packet
 - a. Review and Approval of the Information Packet for the June 14, 2022, Annual Town Meeting

Kirsten Ross, resident, commented that the Natural Resources Planner position wasn't in the Information Packet. The Town Manager said he would make sure that was included and would do the same for the new Recreation and Culture Director position.

Jason Corbin, Parks and Recreation Committee Chair talked about all the wonderful events the Committee has managed to organize for residents and tourists. He stressed the importance of the new Director of Recreation and Culture which will be on the Town meeting warrant. The position

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will also be there for other committees and he would like the public to understand that it is not just for Parks and Recreation.

MOTION: Select Member Dolliver made a motion to approve the Annual Town Meeting Information Packet as presented to us this evening with additions to specify the two additional positions and their respective articles; one is the Natural Resources and Planner position and the other is the Cultural and Recreation position. Motion seconded by Select Member Vogel.

Motion passed 5:0.

9.0 **SELECT BOARD UPDATES**

*9.1 Prior Meeting Unanswered Questions

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

Chair Ouellette explained that questions had been raised concerning the Board or anyone else who serves the Town, be it on a Board, Committee or Commission advocating for one position or another, particularly ones that are out for vote to the public. The Town contacted the Town Attorney on this matter. The Town Attorney said as it relates to elected officials and/or Committee members voicing their opinions; just because they are elected it doesn't mean officials have to forego their First Amendment rights. In fact, they are elected to voice their opinions on Town issues. Elected officials can not spend Town resources or tax payers' money advocating for one position or another.

*9.2 Committee Liaison Updates

Select Board member	Committee	Report
Whitelaw	Sustainability	On May 21 st there will be an annual native plant fair at Beach Plum Farm hosted by Healthy Rivers Ogunquit. Several tables will be hosted by Ogunquit's committees
	OPA	Movies have ended, but the Riverboat Stompers are performing on Saturday May 21 st at the Dunaway Center. Tickets cost \$15 in advance or \$20 at the door.
Dolliver	Charter Review Commission	Please take time to review the new and revised Town Charter before voting on it at the June 14 Annual Town meeting. It is available on the website under the Town Clerk's page.
Aaron	Historic Preservation	Both the MWC and OHPC found out that the Marginal Way should have been on the Ogunquit Historical Register in 2005. This will be rectified through the correct means.
	Marginal Way	The Marginal Way applied for a grant recently but didn't get it, however they reached out for feedback to learn from the process.

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	Conservation	Also want to advertise the native plant sale at Beach Plum Farm on Saturday, May 21.
Vogel	Budget Review Commission	Please remember to review the articles on the warrant and vote.
Ouellette	Facilities and Space Needs (FSN)	The Committee updated the Board this evening. He reminded everyone about the information session on May 12 at 6pm.
	Comprehensive Plan Committee	Next meeting is tomorrow evening. They are getting ready to send out a survey and the next step will be to create a Vision document.
	Heritage Museum	Official opening is on June 4 from 3-6pm. It will be held on the front lawn.

*9.3

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

- a. Town Meeting related items – absentee ballots will be available on May 14, 2022.
- b. Main Beach Revetment – waiting for the result of the warrant article which is asking for an amount should the FEMA portion go askew.
- c. Trolley – Ogunquit Trolleys will be applying for a business license and will start temporarily for Bonaire. Everything is on track to have trolley service this Summer
- d. Estuary – the Select Board would like a meeting in the near future with the Conservation Commission to discuss.
- e. Improving Town operations/policies – we have approved a fiscal policy around accepting federal and state dollars, and a new Employees Handbook
- f. Bonaire event to celebrate Ogunquit’s 40th anniversary – 2nd weekend in June
- g. Marginal Way waiting for final scope of work from FEMA and once received, a RFP will be sculpted around that. The Marginal Way Preservation Fund reached out to discuss better communication between the Town and their non-profit organization. One meeting has taken place so far.
- h. Main Campus – we were updated tonight. Select Member Dolliver stressed again how important it is for people to inform themselves about this before they vote.
- i. Improvements to Beach Street including sidewalks on both sides and beautification – there is a question on the ballot about accepting COVID-19 relief money from FEMA. The Town Manager suggests using some of that money for this project which would be matched.
- j. Perkins Cove – the RFP is out and bids will be reviewed
- k. Comprehensive Plan – it’s moving forward. They will be considering a Chair as Mr. McLeod had to resign.

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- l. Review committees in Town and open seats – the Chair suggested looking at this in June or July.
- m. Town Manager six-month review – will happen in an Executive Session
- n. Town Website – changing to a new vendor to make the website more user friendly for both users and administrators.

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.

Questions/Comments

Peter Kahn commented on several things; he commended Mr. DiLuzio on the job he has done, he talked about the lawsuit concerning the oath of office, and requested resignations from committees be made public so people know when a vacancy occurs.

Chair Ouellette said the Town Clerk has been above board concerning oaths. Select Member Whitelaw commented on the lawsuit.

Jim Hartwell apologized publicly for calling the Chair disrespectful names. He asked for clarification on the guidelines for choosing people to join a committee.

Chair Ouellette answered Mr. Hartwell's question pertaining to committee selection guidelines by reading from the Select Board Policies and Procedures.

***11.0 SELECT BOARD COMMENTS**

Select Member Vogel said he attended the opening of the Ogunquit Art Museum and said they are doing a tremendous job moving the museum forward. He commented that he was glad to see the Chair stick up for himself and people should not be disrespectful. Select Member Aaron agreed.

Select Member Dolliver said that the Town of York's Select Board approved \$10,000 to help fund the Maine Lobsterman Association. Ogunquit has working lobstermen and he would

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like the Town to support them too while they have to work under the restrictions imposed on them to save the right whale.

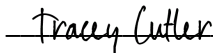
Mr. Dolliver said there had been a lot of FOAA requests so he gave the history behind FOAA and said he would like people to understand that these requests can take time and cost money.

***12.0 ADJOURN**

Select Member Vogel made a motion to adjourn. Motion seconded by Select Member Aaron.

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.

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