

Ogunquit Select Board
May 17, 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 17, 2022
5:00 pm – Executive Session
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 Executive Session

The Select Board plans to go into Executive Session pursuant to Maine Law Title 1 M.R.S.A. 405.6(E) to discuss legal duties and responsibilities.

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 Review.

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) for the purpose of discussing legal duties and responsibilities and section 405.6(A) for the purpose of discussing the Town Manager's Performance Review. Motion seconded by Select Member Aaron.

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.

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

Motion passed 5:0

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 (Zoom)
Carole J. Aaron

Town Staff Members Present: Matt Buttrick, Town Manager (Zoom)
Sgt Thomas Orlando

*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.

2.0 CONSENT AGENDA

*2.1 Approve Draft Minutes

- a. April 12, 2022
- b. April 19, 2022

*2.2 Approve Payroll Warrants

- a. May 5, 2022
- b. May 12, 2022

*2.3 Approve Accounts Payable Warrant

- a. May 17, 2022

*2.4 Approve Liquor Licenses – Renewal

- a. Hooks Chill & Grille – Malt, Wine, and Spirits

*2.5 Approve Liquor Licenses – New

- a. Brickyard Hollow Brewing Company – Malt, Wine, and Spirits

*2.6 Approve Amusement Licenses – Renewal

- a. Hooks Chill & Grille
- b. Nikanos, Inc.
- c. Ogunquit Playhouse Foundation
- d. Treehouse Taqueria

*2.7 Approve Amusement License – New

- a. Brickyard Hollow Brewing Company

*2.8 Establishing a name for a Right-of-Way

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- a. The access to the Right-of-Way is from Captain Thomas Road and runs approximately a half mile to parcel Map 19 Lot 4. Right-of-Way to be named Flynn Lane.

*2.9

Committee Openings

- a. Anticipated openings posted on the Town website – Town Clerk – Boards/Committees

Public Comments/Questions

Jim Hartwell, resident, asked for clarification for amusement licenses in relation to noise levels and asked if it covers indoor entertainment only or outdoor entertainment as well.

The Chair said there is an expectation that amusement licenses adhere to the Town’s Zoning Ordinance. Mr. Buttrick, Town Manager said all the licenses on the consent agenda have been signed off by the Police, Fire and Code departments which includes review for any complaints from the previous year. If there is a real time complaint the Code Enforcement Officer will address it. For the first time this year the Reserve Officers are being trained in monitoring noise levels.

The new owner of Brickyard Hollow Brewing Company introduced himself.

Mr. Peter Griswold, resident, asked how this new business met the criteria for a Type 6 restaurant.

The Town Manager explained that the Code Enforcement Officer (CEO) worked with the business which readily implemented his suggested changes to meet the Type 6 criteria.

Barbara Ferrero, resident thanked Mr. McOsker, CEO for trying to really address issues that are raised. She requested he looks at parking in the Town to enforce current Zoning Ordinance regulations.

MOTION: Select Member Dolliver made a motion to approve the Consent Agenda items 2.1 through 2.9. Motion seconded by Select Member Aaron.

Motion passed 4:0 (Select Member Vogel was unable to vote due to technical difficulties)

3.0 PUBLIC HEARING AND SELECT BOARD VOTE

- 3.1 Annual Town Meeting – June 14, 2022 (No vote required)

There were no comments

- 3.2 Warrant and Notice of Election
Calling the Wells-Ogunquit Community School District #18 Budget Validation Referendum

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MOTION: Select Member Dolliver made a motion to approve the Warrant and Notice of Election calling the Wells-Ogunquit Community School District #18 Budget Validation Referendum. Motion seconded by Select Member Aaron.

Motion passed 5:0

4.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

4.1 Facilities & Space Needs Committee, Mary Anne O’Connell Rush, Chair

a. Present Phase 1 Final Report of the Campus Feasibility Assessment Report

The Chair explained what the report contained and said it will be publicly available on the website for people to read. The Executive Summary is a “cliff notes” version. There are six options on the table including one from the public. They hope the financing for Phase Two will be approved by the voters so they can continue to move forward. The Committee unanimously supports moving to Phase Two.

Chair Ouellette said there was a good representation at the open house meeting held by the Committee last Thursday, May 12, 2022. He said they have been nothing but open and transparent throughout the entire process and he wants to thank all the committee members.

The Board praised the Committee for their dedication and hard work and they support Article 53. Select Member Whitelaw said there is HAZMAT material here and asked if we are at risk and should we be addressing it. Ms. Rush said she is not technical, but there is a mold issue downstairs which has been there for a very long time. There is lead paint down there too. Chris Logan, Context Architecture added that work done by the company who reviewed the building for HAZMAT wasn’t in depth so we don’t know the full extent.

Select Member Whitelaw asked if Mr. Logan would recommend nice trailers for everybody to move into because this process will take two or three years and it is not a good environment down there. He wondered if the Committee had a plan rather than allowing the employees to keep working in the current conditions for another couple of years.

Mr. Logan said this is the kind of thing covered by Phase Two. Another solution could be having a temporary active ventilation system, air purifiers or remediation. His company has had to temporarily rehouse employees in contemporary trailers for other projects.

MOTION: Select Member Aaron made a motion to accept the final report from Context Architecture. Motion seconded by Select Member Dolliver.

MOTION: Select Member Dolliver made a motion to accept the Executive Summary in conjunction with the Facilities and Space Needs Committee. Motion seconded by Select Member Aaron.

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Both Motions pass 4:0 (Select Member Vogel unable to vote due to technical difficulties)

The Chair asked the Board members if they were OK with Select Member Vogel signing off on the Executive Summary despite him being unable to vote on the motion. The Board members agreed.

4.2 LGBTQ+ Pride Month

- a. Proclamation Recognizing June as LGBTQ+ Pride Month 2022 in Ogunquit

Mr. Jim Hartwell asked about the number of flags that are allowed.

Select Member Dolliver asked if we could stick to the agenda.

Chair Ouellette asked the Town Manager if he could stand in for Select Member Vogel while Select Board members read out the Proclamation.

- b. Overview of LGBTQ+ Pride Month – Rick Barber, Chair Ogunquit Pride Committee

A committee has been formed and anybody interested should contact the Chamber. The Committee Chair, Rick Barber shared all the events that had been planned so far which will start with a flag raising ceremony on June 1, 5:30pm, at Veterans Park. They are hoping Speaker of the House, Ryan Fecteau will attend to raise the flag, read the proclamation and say a few words. A community barbecue will follow. He thanked the sponsors and said anybody else wishing to sponsor an event should contact the Chamber. Alice Pearce added that there is an on-line Pride shop on the Chamber's website called Zazzle.

4.3 Bonaire, Alice Pearce, Ogunquit Chamber of Commerce Executive Director
Overview of Bonaire activities and events

Alice Pearce gave an overview of Bonaire which celebrates the 40th anniversary of Ogunquit which should have taken place in 2020, but due to COVID the celebrations had to be delayed. It will celebrate the heritage of Ogunquit including the fishing, arts and LBGTQ communities and is an all-day event on Saturday, June 11, 2022. Ms. Pearce ran through all the events happening that day which include free live music, circus acts and a craft fair to name a few. All details are posted on the Chamber's website and in various places around Town. She thanked everybody involved including sponsors, and added that the event will need 30 – 40 volunteers to help visitors that day. Volunteers will be given a free t-shirt.

5.0 UNFINISHED BUSINESS

5.1 Ogunquit Historic Preservation Commission (OHPC)

- a. Review letter regarding an Ogunquit Registry of Historic Places

Sheldon Drucker, Chair of the OHPC explained that they have been working on compiling a list of properties that were built during the last 100 years and to have an updated list, they will need

the cooperation of property owners. Property owners are not under any legal obligation. The Commission has put together a letter which, with the approval of the Select Board, they would like to send out.

Fundamentally, Select Member Whitelaw thinks this is a good document, but he has a concern that further down the road, somebody could use this letter as evidence for a purpose. Select Member Dolliver said it should go out because the property owners have the right to see it and respond. Chair Ouellette said as a property owner in Ogunquit, he would appreciate something like this.

MOTION: Select Member Dolliver made a motion to approve the proposed letter as submitted by the Ogunquit Historic Preservation Commission today to be used at their capacity and to send out to the properties that they have deemed historic during their meetings and workings. Motion seconded by Select Member Whitelaw.

Motion passed 4:0.

6.0 NEW BUSINESS

- 6.1 Approve Liquor License - Renewal
 - a. Crew Ogt – Malt, Wine, and Spirits
- 6.2 Approve Amusement License – Renewal
 - a. Crew Ogt

Note: These license renewals are not on the Consent Agenda to allow Select Board Member Vogel to vote on the Consent Agenda and recuse himself from voting on the licenses in 6.1 and 6.2.

MOTION: Select Member Dolliver made a motion to approve the Liquor License Renewal and Amusement License Renewal for Crew Ogt. Motion seconded by Select Member Aaron.

Motion passes 4:0.

7.0 SELECT BOARD UPDATES

- *7.1 Prior Meeting Unanswered Questions
 Select Board will address any unanswered questions from the prior meeting.

There were no unanswered questions from the prior meeting.

- *7.2 Committee Liaison Updates

Select Board member	Committee	Report
Whitelaw	Ogunquit Performing Arts (OPA) & Sustainability	OPA host the Riverboat Stompers on May 21 st in the evening and in the morning, there will be an annual native plant fair at Beach Plum Farm.

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Aaron	Conservation	Please support the native plant fair on May 21. Many Ogunquit volunteers will be there manning tables.
	Parks and Recreation	This committee needs more members and volunteers. As well as working with the Chamber on Bonaire, they have organized many other events. She stressed her support again for the new position of a Recreation and Culture Director.
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.
Ouellette	Facilities and Space Needs.	Presented tonight
	Comprehensive Plan	Have sent out a survey. Next step is working on a vision document.

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

- a. Town Meeting related items
- b. Main Beach Revetment
- c. Trolley

Select Member Whitelaw requested an update on the trolley service.

The Town Manager said prices will be the same as last year so \$5 for adults and \$3 for children under 12. We are able to lease a trolley for Bonaire and then the regular trolley service will start at the end of June and will hopefully run through to Columbus Day. Like everyone else, they are having labor shortage issues.

Select Member Dolliver asked who would be driving for Bonaire if there are labor problems. Mr. Buttrick confirmed that the lease included a driver from the company.

Select Member Aaron thanked Mr. Buttrick for his hard work especially as other nearby towns aren't able to offer a trolley service this summer.

- d. Estuary
- e. Improving Town operations/policies
- f. Bonaire event to celebrate Ogunquit's 40th anniversary
- g. Marginal Way
- 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. Town Manager six (6) month review

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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) 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

Mr. Peter Kahn commented on the lawsuit about the administering of the oath for people volunteering to be a member of a committee, board or commission. Select Member Dolliver said he will respect Mr. Kahn's First Amendment rights, but the Board can not comment on a legal pending case.

Mr. Kahn then talked about resignations and said the public had a right to know who was resigning and he would like to know where those are published. He also wants to know whether or not Town forms and applications need to be filled out in their entirety. He asked about this some time ago. He would like to know the status of this request.

Mr. Kahn said he works with a remediation firm and there is at least half a dozen more he knows who will figure out what the mold issues are in the Town Hall. They do it quickly.

Ms. Barbara Ferraro said there are programs available such as scholarships, fuel, technology and food programs, but they are not publicly supported by the Board.

Mr. Rusty Hayes would like to know the dollar amount that tax payers have spent on defending lawsuits. He thinks it is laughable that those bringing these lawsuits against the Town are applying to be members of the Budget Committee.

Chair Ouellette commented on and answered the issues raised during public comment. Mr. Buttrick said the Town is still working to address Mr. Kahn's question about what fields on forms are mandatory. The Town is getting a new website which will automate forms and show which fields must be completed.

***9.0 SELECT BOARD COMMENTS**

Select Member Aaron talked about Article 20 which is for a Natural Resources Coordinator. This position will help identify critical environmental areas of concern in the community and look at the protections we can put in place while also working with relevant committees. Ms. Aaron requests support for Article 53 too, for the police department and would like the Town not to kick the can down the road anymore on this.

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Select Member Dolliver said he met with the Barbara Bush Maine Children's Cancer Care representatives and a date has been set for September 28, 2022 to shave off his beard and cut his hair. He hopes everybody will participate for this great cause. He talked about rising prices and the lack of labor and he hopes everybody tries to support and help each other.

Select Member Whitelaw shared that the Board was invited to attend the Wells High School graduation on June 3, 2022 at 6:00pm. He confirmed there will be a graduation parade which will pass through Ogunquit around 6:15 – 6:30pm on June 1.

Chair Ouellette talked about the Rotary and all the great work they do. Currently they are doing a food drive and food can be dropped off at the Chamber of Commerce for that. The Rotary is actually going to be 50 years old this week and that will be celebrated starting July 1, 2022. He is happy to share that the two cents sale will be back this year as an in-person event on July 21, 2022 at the Dunaway Center.

***10.0 ADJOURN**

MOTION: Select Member Dolliver made a motion to adjourn. Motion seconded by Chair Ouellette.

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.

Tracey Cutler
