

Ogunquit Select Board
July 19, 2022
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Robert M. Whitelaw, Chair
Carole J. Aaron, Vice Chair
Richard A. Dolliver
Heath R. Ouellette
Scott A. Vogel



**Ogunquit Select Board
July 19, 2022
4:30 pm – Committee Interview
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_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

Webinar ID: 816 0835 9304

Password: 641577

Minutes

4:30 pm COMMITTEE INTERVIEWS

- a. Parks & Recreation Committee – Linda Collins

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(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(A) for the purpose of discussing the Town Manager’s Performance Review. Motion seconded by Vice Chair 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.

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

Motion passed 5:0.

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6:00 pm MEETING

1.0 WELCOME AND CALL TO ORDER

*1.1 Roll Call

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

Staff Members Present: Matt Buttrick, Town Manager
Mandy Cummings, Treasurer/Assistant Town Manager
Chris Murphy, Town Clerk

*1.2 Pledge of Allegiance

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

Vice Chair Aaron read the duties of the Select Board as follows: The duty of the Select Board is to execute the will of the people, protect and maintain the assets of the Town and provide leadership and oversight on issues of importance to the Town. The Select Board will abide by and enforce all applicable codes, statutes, and procedural rules. As a policy-making board, the Select Board needs to be responsive to the citizens they serve, the staff they approve, and the Boards they appoint.

*1.4 Swearing in of new Police Chief, Chris Murphy, Town Clerk

a. Town Clerk to formally swear in Police Chief John Lizanecz

The Town Clerk swore in the new Police Chief. He thanked everybody and said he is truly honored to serve the Town of Ogunquit. The Chair publicly thanked Lieutenant Pawlik for being the interim Police Chief.

*1.5 Annual Town Meeting Recount – July 14, 2022, Chris Murphy, Town Clerk

a. Town Clerk to update the community and the Select Board on the Recount of the Budget Review Committee Candidate Election, July 14, 2022

The Town Clerk explained the process for the recount. After the recount there was one disputed ballot, but it didn't have an effect on the outcome. Both candidates, David Fazzino and Peter Griswold agreed with the outcome and the recount was closed.

2.0 FINANCE REPORT, Mandy Cummings, Treasurer

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

At this time of year, unpaid taxes need to be collected in accordance with the State of Maine's tax lien laws. 30-day demand letters will be sent out to property owners: Ms. Cummings stressed that recipients should contact her to see if the issue can be resolved to avoid a lien on their property.

The Treasurer gave a very preliminary end of year budget figure for the unassigned fund of approximately \$3.5 million. There is about \$1 million in the reserve fund which helps with unexpected expenses without having to wait for things to be put on a ballot and helps mitigate any tax increases.

***3.0** **CONSENT AGENDA**

- *3.1 Approve Draft Minutes
- *3.2 Approve Payroll Warrants
 - a. June 9, 2022 (carried forward from June 21, 2022, meeting)
 - b. June 16, 2022 (carried forward from June 21, 2022, meeting)
 - c. June 23, 2022
 - d. June 30, 2022
 - e. July 7, 2022
 - f. July 14, 2022
- *3.3 Approve Accounts Payable Warrant
 - a. June 30, 2022 (Fiscal 2022 Accounts Payable) (backup documents to follow)
 - b. July 19, 2022 (Fiscal 2023 Accounts Payable) (backup documents to follow)
- *3.4 Approve Liquor Licenses – Renewal
 - a. Anchorage By the Sea – Malt, Wine, & Spiritous
 - b. Brix + Brine – Malt, Wine, & Spiritous
 - c. Norseman Resort – Malt, Wine, & Spiritous
 - d. So Zap, Inc. – Malt, Wine, & Spiritous
 - e. Treehouse Taqueria – Malt, Wine, & Spiritous
- *3.5 Approve Liquor Licenses – New
 - a. Coastal Wine – Malt, & Wine
 - b. Ogunquit House of Pizza – Malt, & Wine
- *3.6 Approve Amusement Licenses – Renewal
 - a. Anchorage By the Sea
- *3.7 Committee Openings
 - a. Anticipated openings posted on the Town website – Town Clerk – Boards/Committees (*Updated June 22, 2022*)
- *3.8 Boards/Committees/Commissions Appointments
 - a. Appoint David Fazzina – Comprehensive Committee – Full Member – Term to expire at completion
 - b. Appoint Mikie Anne Boyd – Ogunquit Performing Arts – Full Member – Term to expire 2023
 - c. Appoint Steve Einstein – Ogunquit Performing Arts – Full Member – Term to expire 2024
 - d. Appoint Vincent D’Errico – Ogunquit Performing Arts – Full Member – Term to expire 2024
 - e. Appoint Janel Lundgren – Ogunquit Performing Arts – Full Member – Term to expire 2025
 - f. Appoint Terry Ann Lunt – Ogunquit Performing Arts – Full Member – Term to expire 2025

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- g. Appoint Robert Cruickshank – Parks & Recreation Committee – Full Member – Term to expire June 30, 2025
- h. Appoint Linda Collins – Parks & Recreation Committee – Full Member – Term to expire June 30, 2025
- *3.9 Marginal Way Committee
 - a. Approve the Application for Marginal Way Committee - Ogunquit Historic Preservation Commission – Designation of Historic Site – Marginal Way
- *3.10 Donations – Fiscal Year End June 30, 2022
 - a. Acceptance of small donations for Fiscal Year End June 30, 2022
- *3.11 Perkins Cove Footbridge Replacement Engineering Services
 - a. Award bid for Perkins Cove Footbridge Replacement Engineering Services

MOTION: Select Member Dolliver made a motion to approve the Consent Agenda items 3.1 through 3.11 excluding 3.5a. Motion seconded by Select Member Vogel.

Motion passed 5:0.

4.0 PUBLIC HEARING AND SELECT BOARD VOTE

- 4.1 American Rescue Plan Act (ARPA) Funds
 - a. UNH Water Quality Testing - \$25,740.00
 - b. State of Maine Village Partnership Initiative Grant - \$25,000.00
 - c. Information Technology Upgrades - \$47,490.08

The Town Manager explained the 3 items selected for the ARPA funds.

Peter Kahn, resident asked if the \$25,000 grant match was the same item requested by the Bike Ped committee which the Select Board and Budget Review Committee (BRC) decided to remove from the budget. Mr. Buttrick said it was the same initiative, but as this relates to ARPA funds, resident tax dollars are not being used.

Rebecca Fox, part-time resident, requested more information about the UNH water quality testing. Mr. Buttrick explained that they would work with Maine Healthy Beaches for the best testing site, the money covers a once a week real time reading.

Select Members Ouellette and Dolliver asked about the time frame for the water quality testing. The Town Manager explained it is for the swimming season until approximately the end of October and the first report was expected next week.

Vice Chair Aaron asked for more details about the Village Partnership Grant. The Town Manager said at the end of it, there will be a recommendation for increased safety in the downtown area and the beach access from Shore Road.

MOTION: Select Member Dolliver made a motion to approve ARPA Funds Projects in the amount of \$98,230.08. Motion seconded by Select Member Vogel.

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Motion passed 5:0.

5.0 PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS

- 5.1 Transfer Station Organic Recycling Program – Mark King, Organics Management Specialist, Maine Department of Environmental Protection, Division of Materials Management
- a. Review and adoption of the new Transfer Station Organic Recycling Program

Mr. King said his division has spent a tremendous amount of time trying to remove food scraps from the waste stream towards higher and better uses. He has been working with John Fusco, Transfer Station Manager to see what options are available at Ogunquit's facility. He complimented the Ogunquit Transfer Station on being the nicest transfer station in the state of Maine. They decided they should start with 50-100 resident volunteers and explained how the whole process works.

Select Member Dolliver commented that he thought it was a great idea.

Mr. King added that there will be an RFP for grant money too so if Ogunquit is interested they should apply as they could end up with some money to help towards the program.

Elaine Cooper, resident asked if this program would be for residents only or if it would include commercial restaurants too. Mr. King replied that the decision is up to the Town, but initially it is better to start with baby steps to make sure this will work. He mentioned another possibility would be to work with farmers who could provide an alternative site and make some money in the process. Mrs. Cooper asked about controlling products that are not wanted. Mr. King said he will make sure there are no major mistakes from the beginning.

MOTION: Select Member Ouellette made a motion to approve the Transfer Station Organic Recycling Program. Motion seconded by Select Member Dolliver.

Motion passed 5:0.

- 5.2 Rotary Club of Ogunquit, Tracy Smith – Heath Ouellette
- a. Ogunquit Rotary 2 Cent Sale – July 21, 2022, 6:30 pm, Dunaway Community Center

Select Member Ouellette removed himself from the table being the President of the Rotary Club. Both Mr. Ouellette and Tracey Smith talked about the upcoming 2 Cent sale and the role of the Rotary Club.

Mr. Ouellette rejoined the Board.

- 5.3 Comprehensive Plan Committee, Chris Nobile
- a. Comprehensive Plan Committee will be holding a *Vision Day – Ogunquit 2030* – July 27, 2022, 4:30 pm – 6:30 pm, Dunaway Community Center

Mr. Nobile said they want to hear what is important to residents and business owners in Town. It is also an opportunity to explain what a comprehensive plan is, what it covers and why it is so

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important. His personal request to the Board is that they have a Comprehensive Plan Implementation Committee that looks at decisions that feed into this plan.

There will be eight different stations to visit at the Vision Day; those categories are set by the State. The Committee has added an extra category titled “what else?”.

Vice Chair Aaron commented how important it was to have an implementation committee. Select Member Ouellette thanked the Committee for what they were doing.

6.0 UNFINISHED BUSINESS

There was no unfinished business.

7.0 NEW BUSINESS

7.1 Approve Liquor License - Renewal

- a. That Place in Ogunquit – Malt, Wine, and Spirits

Select Member Dolliver recused himself.

MOTION: Select Member Vogel made a motion to approve the liquor license renewal for That Place in Ogunquit. Motion seconded by Vice Chair Aaron.

Motion passed 4:0

7.2 Approve Amusement License – Renewal

- a. That Place in Ogunquit

MOTION: Select Member Vogel made a motion to approve the amusement license renewal for That Place in Ogunquit. Motion seconded by Vice Chair Aaron.

Motion passed 4:0

Select Member Dolliver rejoined the Board.

Select Member Vogel recused himself for 3.5a which was removed earlier from the consent agenda to approve a new liquor license for Coastal Wine – Wine & Malt.

MOTION: Vice Chair Aaron made a motion to approve a new liquor license renewal for Coastal Wine – Malt & Wine. Motion seconded by Select Member Dolliver.

Motion passed 4:0

Select Member Vogel rejoined the Board.

*7.3 Committee Appointments

- a. Appoint Planning Board Member – Full Member – Term to expire June 30, 2025

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Applicants: Elaine Cooper, Albert (Rusty) Hayes

MOTION: Select Member Dolliver made a motion to nominate Albert (Rusty) Hayes as a full member of the Planning Board – Term to expire June 30, 2025. Motion seconded by Select Member Vogel.

Motion passed 5:0

The Chair asked if there were any other nominations. There were none.

7.4 Budget Review Committee

a. Set organizational meeting date for Budget Review Committee

The Town Manager recommended August 11 at 6:00 pm. The BRC has 4 members currently elected and need to organize more members. Chris Murphy has put out a draft agenda which includes swearing in new members and some information about upcoming schedules, bylaws, Code of Ethics and Freedom of Access training.

MOTION: Select Member Dolliver made a motion to set the first meeting of the Budget Review Committee on August 11 at 6:00 pm. Motion seconded by Vice Chair Aaron.

Motion passed 5:0.

8.0 TOWN MANAGER REPORT, Matthew Buttrick, Town Manager

8.1 a. Police Department mold update

Firstly, the Town Manager updated the Board on the Transfer Station's latest statistics. Since this time last year, the Town is down 152.49 tons of solid waste, we received 25 times the amount of cardboard, and we are down 4,315 vehicles visiting the site. The stats so far back up that the new Pay As You Throw program introduced last year has worked and is a success, so kudos to John Fusco and his team at the Transfer Station.

The mold in the PD is currently being remediated by ServePro. The cost for them to do the remainder of the PD (excluding the Chief's office which was already done) is \$7,205.77. We are waiting for ServePro's quote to remediate the Performing Arts room but the radon remediation system for that room is approximately \$1500. That space will be ready by September.

b. Launch of new *Ogunquit.gov* Town Website

Our new website is live at *Ogunquit.gov*. I think it is an improvement over the former site, but we still have work to do. Boards and Committee members will be trained on how to use it in the near future. Any comments or suggestions can be emailed to Ben LaFlamme at WOGT@Ogunquit.gov.

c. Organizational Structure

I have made our Treasurer Mandy Cummings the Assistant Town Manager/Treasurer. Mandy has been instrumental in the new budget process and has also been the lead on FEMA and

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grants for the last year and I look forward to working with her in this enhanced role. We recently replaced an employee who retired from the assessing office with Linda Jarochym. Linda comes to us with an accounting background and we are excited to welcome her to the team here. The administrative duties from the assessing office are being divided up by the staff in the clerk's office.

d. Update on Town Infrastructure Projects

Earlier in the meeting the Board gave approval for preliminary engineering and design of the Perkins Cove footbridge. We are excited to kick that project off and look forward to lots of public input in the process. Also, just yesterday we received instruction and a website to request the federal funding for the project so it will be a very busy year in the Cove.

The updated warning system in the bridge is being installed next week by the Hope Group. This includes modern infrared detectors that don't rely on movement to keep the bridge from opening.

Erin Gott is hard at work keeping up with the Army Corps of Engineers on the dredge project. They have completed the samples and we are now waiting to be scheduled. Erin is pushing hard for this winter, but feels the winter of 2024 is more likely... stay tuned

The seawall on the Auberge side of the Cove has been evaluated by Erin. He has noted one spot with slippage and will be diving again to reevaluate. The Town will use a maritime engineer for an opinion on shoring up other slippage spots as well as the overall integrity of the wall

We are still waiting on the finalized revised scope of work for the Marginal Way from FEMA. As soon as it is received, Walsh Engineering is ready to post the RFP and are aiming for winter work.

CMA is in the process of rewriting the Main Beach project for a final rebid. The last time it was bid the cost was well above what FEMA has allocated. That is also slated for a winter project. Once it is complete, we will argue actual costs with FEMA. The voters approved a 600k bond item in the event that FEMA pulls funding or it costs more than FEMA will allocate.

Finally, we have just started engaging with FB Environmental and Acorn Engineering about our watershed inventory and assessment. We have asked them to write a proposal that will include our Sustainability and Conservation committees as part of this inventory process, which is an important part of updating our watershed action plan which expires next year. The watershed plan is used as a basis to receive state and federal funding for our watershed. The 319 grants that we have received over the last several years were on the basis of this expiring plan. Without this new plan in place, we wouldn't be eligible for further grant funding, so it is critical that this process be undertaken.

Mr. Buttrick updated the Board on some public safety incidents. A patron had a medical event in the restrooms and one of our lifeguards administered CPR and managed to resuscitate the

patron who was then taken to hospital. Secondly a swimmer was rescued who had a stroke in the water at Footbridge so a great response by our lifeguards. The Town Manager gave a shout out to Police Officer Joe LaBier who was able to successfully apply a tourniquet for a woman whose arm was bleeding heavily.

Shark sightings in New England have increased due to warmer water, so starting tomorrow, York PD’s Drone Unit will be taking aerial surveys to help us keep beach goers informed. There is a buoy in Wells which has an alert when a tagged shark swims by. We are looking at getting one for Ogunquit.

Mr. Ouellette asked how often mold had been removed in the basement. Mr. Buttrick said it has been 3 or 4 times in the last year and in the last month, twice. Mr. Ouellette asked for an update around the other problems in the building. The Town Manager explained that the main problem is due to poor air quality, poor air circulation and water intrusion from outside probably due to inadequate drainage. We put out an RFP and it became obvious we are missing some essential items such as heat pumps. There was some funding left over in DPW’s budget so we have RFPs out to replace both the heating and air conditioning to get better fresh air circulation. The mold that currently exists, which Servepro is remediating, will eventually come back without other work being done.

Select Member Dolliver asked about costs associated with the water issue. Mr. Buttrick said he hasn’t looked into a quote for that yet, but the heating will cost around \$130,000 to fix and the air conditioning around \$75,000. He did however speak with an environmental engineer who charges \$25,000 just to look at what would need to be done.

Mr. Peter Kahn asked if the funds for the heating and air conditioning were coming out of last year or this year’s budget. Mr. Buttrick explained the process, adding it had been checked with legal counsel.

9.0 SELECT BOARD UPDATES

***9.1 Prior Meeting Unanswered Questions**

There were no unanswered questions from the previous meeting.

***9.2 Committee Liaison Updates**

| Select Board member | Committee | Report |
|---------------------|-----------------------|--|
| Aaron | Historic Preservation | Haven’t met since last meeting update |
| | Parks & Recreation | Parks and Rec are going through a reorganization and have a new member |
| | Conservation | Haven’t met since last meeting update |

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| | Marginal Way | This is their busy season with many different projects |
| Ouellette | Facilities and Space Needs (FSN) | The FSN Committee is taking a break and looking to the Board for guidance on further steps. |
| | Comprehensive Plan Committee | We heard from the Committee tonight |
| | BRC | Mr. Ouellette expressed his interest in being the liaison |
| Dolliver | Shellfish | At budget season, he feels they need more help. The seed clams in the estuary play an important role in keeping the estuary water clean. Every time they open up, they filter the water which can only be a positive thing. |

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

- a. Main Beach Revetment
- d. Estuary
- e. Marginal Way
- f. Main Campus
- g. Comprehensive Plan
- h. Review committees' effectiveness

The Chair and Vice Chair met and narrowed down the list so the Board can be a little more focused. The Chair will pick one priority to talk about at each meeting, but will leave all of them on the agenda in case the public want to talk about any of them.

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.

Rebecca Fox, resident announced that on July 23, at 9:30 am there will be a women's march for reproductive rights in Ogunquit starting at Doretha Jacobs Grant Commons. There will be speakers at the start and the end of the march.

Pat Hussey, resident is very upset that Elaine Cooper's membership wasn't renewed. She mentioned that she had written a letter to all of the Board members about the code of conduct and hadn't received a response. She closed by saying we are in dangerous post truth times and she expects more from the Select Board.

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***11.0 SELECT BOARD COMMENTS**

Chair Whitelaw thanked Elaine Cooper for her service to the Community. He worked with her on the Planning Board and has nothing bad to say. The Select Board has decided to go in a different direction and thanked her again.

Select Member Dolliver gave a couple of examples of how great the teamwork is between public safety and public works and what a great service the police and fire department provide. He thanked the Town Manager for looking into the monitoring of sharks and reminded everybody that he is getting his hair cut and beard shaved September 28 for charity. He feels the Select Board keeps coming under attack and he wishes we could all get along together.

Select Member Ouellette said the Town Manager has reached out to certain individuals in the Community and it is difficult when some people are unwilling to come to the table. Personally, he is committing himself to reach out to people, but will only focus on those who come to the table.

The Chair said if he receives something that is critical, he is OK with that, but if it says he is despicable, that is a problem. He finished by citing TS Elliot who said "there is no method for criticism, but to be very intelligent."

***12.0 ADJOURN**

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

Motion passed 5:0

Tracey Cutler

Tracey Cutler, Administrative Assistant

***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.