

**Town of Kennebunkport  
Board of Selectmen Meeting  
Village Fire Station, 32 North Street  
August 25, 2016 – 7 PM**

Minutes of the Selectmen Meeting of August 25, 2016

**Selectmen present:** Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, Edward W. Hutchins, and Sheila Matthews-Bull

**Others present:** Barbara Barwise, Deborah Bauman, Helen Conaty, Jean Conaty, Michael Davis, Jim Fitzgerald, Werner Gilliam, Arlene McMurray, Allan Moir, Bob Pappas, Dan Saunders, Laurie Smith and others

**1. Call to Order.**

Chair Barwise called the meeting to order at 7:02 PM.

**2. Approve the August 11, 2016, selectmen meeting minutes.**

**Motion** by Selectmen Daggett, seconded by Selectman Briggs, to approve the August 11, 2016, selectmen meeting minutes. **Vote:** 4-1/Selectman Hutchins abstained because he was not at that meeting.

**3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)**

There were no comments.

**4. Consider amendment to the Land Use Ordinance regarding roomers for November 2016 Special Town Meeting.**

Werner Gilliam, director of planning and development, explained the revisions made by the town attorney. (See Exhibit A).

**Motion** by Selectmen Hutchins, seconded by Selectman Briggs, to approve the Land Use Ordinance regarding roomers for the November 2016 Special Town Meeting. **Vote:** 4-1/Selectman Matthews-Bull opposed.

**5. Charrette workforce housing update scheduled for September 27 and 29, 2016.**

Mr. Gilliam gave an update on the charrette. (See Exhibit B) He explained that this charrette is being held to address the need for middle income housing. He encouraged people to attend the community listening session on September 27 from 6 – 8 PM. He pointed out it is important for residents to attend because they use their input to come up with conceptual plans. On September 29, from 6:00 PM to 7:30 PM is the community reveal session where they go over the results of the planning sessions.

Ms. Smith added that information on the charrette can be found on the Town's website.

**6. Consider the \$400,000 bond for the police department addition.**

Ms. Smith explained that bids were solicited from seven banks, and four were returned:

Norway Savings Bank	2.25%
Camden National Bank	2.35%
Peoples United Bank	2.50%
Biddeford Savings	2.75%

Ms. Smith recommends a bond with Norway Savings Bank on an annual basis. She said the Board needs to adopt the resolution to authorize bonds as prepared by bond counsel.

**Motion** by Selectmen Daggett, seconded by Selectman Hutchins, to award the \$400,000 bond for the police department addition to Norway Savings Bank with an annual interest rate of 2.25%. **Vote:** 5-0.

**Motion** by Selectmen Daggett, seconded by Selectman Matthews-Bull, that the resolution entitled, "Resolution to Authorize Town of Kennebunkport to issue up to \$400,000 in bonds for an addition and renovations to the Police Department and communications building," be adopted in form presented to this meeting and that an attested copy of said Resolution be filed with the minutes of the meeting. **Vote:** 5-0. (See Exhibit C).

**7. Consider a sewer extension for the EBS Cove Subdivision.**

Wastewater Superintendent Allan Moir received the application to connect nine house lots from the EBS Cove subdivision into the wastewater collection system. He said tying into the wastewater collection system should have little or no impact. He recommends allowing the applicant to tie into the wastewater collection system and also that the Town not take possession of this new system because it is a pressure system.

**Motion** by Selectmen Hutchins, seconded by Selectman Matthews-Bull, to approve the application from EBS Cove subdivision to tie into the Town's wastewater collection system and to not take possession of this system. **Vote:** 5-0.

**8. Discussion of engineering proposals for wastewater projects.**

Mr. Moir stated that as part of the new guidelines, when you borrow more than \$1 million from the Clean Water State Revolving Fund (CWSRF), is that you have to use the Qualifications Based process (QBS) for selecting an engineering

firm. He explained that the steps of the QBS process select an engineering firm based on their qualifications first. Negotiating costs is one of the last things you do.

Mr. Moir said another option is to break up the loan into two loans, each under \$1 million; one loan for engineering services. and the other for rebuilding the pump stations and other equipment at the treatment plant.

Mr. Moir would like to hire Wright Pierce for the engineering services because they were used to study the pump stations and are most familiar with the project.

Ms. Smith said their goal is to plan on construction next fall, leaving time to finish the bid documents so they can bid early and get competitive pricing.

**Motion** by Selectmen Matthews-Bull, seconded by Selectman Hutchins, to follow Wastewater Superintendent Allan Moir's recommendation to authorize the Town to negotiate with Wright Pierce for engineering services for the pump stations project. **Vote:** 5-0.

**9. Consider awarding the bid for the purchase of two one-ton trucks.**

Mr. Moir said both the Public Works Department and the Wastewater Department needed a one-ton truck replacement in their fleet. They received three bids:

Yankee Ford	\$43,923 per truck
Arundel Ford	\$50,953 per truck
Autofair Ford	\$44,649 per truck

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to award the bid for Yankee Ford for two one-ton trucks at a cost of \$43,923 each. **Vote:** 5-0.

Mr. Moir announced that a fundraiser called Paddle Battle is coming up at the Nontantum. He said the fire department received a donation of a stand up paddleboard that came from the Kittery Trading Post and is worth around \$1,000. Also, they have a gift card from Cabela's. They are selling raffle tickets for \$5 a ticket or 3 for \$10. The money raised will be given to the Public Health Department for whatever they need.

**10. Accept the donation of \$540 from the Portside Rotarians to the Kennebunkport Public Health Department for the fuel assistance program.**

**Motion** by Selectmen Matthews-Bull, seconded by Selectman Hutchins, to accept the donation of \$540 from the Portside Rotarians to the Kennebunkport Public Health Department for the fuel assistance program. **Vote:** 5-0.

**11. Other business.****a. GRB Shorebird Intern season report.**

Ms. Smith said the Beach Advisory Committee had requested funds for the intern for the piping plover season which was successful. The Board received a report from the intern's 10 weeks working there. The report itemizes time, miles, number of dogs, number of people talked to, hours, tide.

**b. Request from Bill Leffler to establish a Senior Citizens' committee.**

The Board received information submitted by Bill Leffler. Ms. Smith mentioned that Bill Leffler is concerned about the Town's aging population and how they might continue to live independently in the community. She would like to discuss his request with the Public Health nurses.

The Board will put this item on a future agenda.

Selectman Daggett asked if all of the asbestos has been removed at Consolidated School. He was wondering when the last time it was tested for asbestos. Ms. Smith said she would check on that.

Selectman Matthews-Bull thanked the police and highway departments for their cooperation with the tourists this summer.

Selectman Hutchins said he was looking forward to going to the Veteran's Build Dedication for the Holbrook Family, this Saturday, at 2:00 PM, at 160 Beachwood Avenue. The Town donated the parcel to the Habitat for Humanity.

Ms. Smith added that the public is invited, but there are parking issues, so there will be shuttles from the Bentley Classic's Car Museum, 345 Old Post Road, Arundel. Shuttles to the site are at 1:15 PM and 1:40 PM. Return shuttles are 3:00 PM and 3:30 PM. She thanked the Board for having the foresight to partner with the Habitat for Humanity for this project.

Ms. Smith announced that that M. Welch and Sons, Inc. repaired a broken sewer pipe at 4 Josiah Curtis Lane. Since it was an emergency, she was asking the Board to approve the street opening permit after the fact.

**Motion** by Selectmen Hutchins, seconded by Selectman Daggett, to approve the street opening permit for 4 Josiah Curtis Lane to repair a broken sewer pipe. **Vote:** 5-0

**12. Approve the August 25, 2016, Treasurer's Warrant**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to ap-

prove the August 25, 2016, Treasurer's Warrant. **Vote:** 5-0

**13. Adjournment.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn. **Vote:** 5-0.

The meeting adjourned at 7:46PM.

Submitted by

Arlene McMurray  
Administrative Assistant

ROOMER Revisions

- Article 2      Residential Rental Accommodation: The permitted accessory use of no more than two (2) bedrooms in a legally existing dwelling or dwelling unit. This dwelling unit shall be an owner occupied dwelling. Rooms rented may be for either short term or long term rental to a roomer who may be unrelated to the owner or occupant of the unit. Individual rooms shall be rented no more than once per week. For purposes of this section a week shall be defined as Monday through Sunday.
- Roomer – A person residing in and paying rent for a room in a single-family dwelling Residential Rental Accommodation whether or not the person eats meals on the premises. See Residential Rental Accommodation
- Article 4      Add to VR (4.3), VRE (4.4) & CA (4.7) as conditional use
- Article 6.10    6. Parking for a Residential Rental Accommodation shall include one (1) additional off-street parking space per room rented, in addition to the minimum parking spaces required for the dwelling unit.
- Article 7.13    A. Purpose. The purpose of allowing Residential Rental Accommodations is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of roomers, for compensation, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. Such rentals and the revenue they make to homeowner's help make Kennebunkport affordable for persons on fixed or limited incomes; enhance and diversify accommodations available to visitors and tourists; and provide travelers with affordable accommodations from which to explore Kennebunkport and the Seacoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for Residential Rental Accommodations may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the Town because they impair the livability and desirability of Kennebunkport neighborhoods for residential uses.
- B. Performance Standards
- No more than two (2) rooms in a single-family dwelling, which was in existence on March 6, 1972, may be let out to roomers as an accessory use to a single-family dwelling provided that: a Residential Rental Accommodation may be let out to Roomers provided that:
1. No separate kitchen or cooking facilities are provided for or use by the roomers;
  2. No sign is located on the premises advertising the availability of rooms for lease or rent to roomers;

3. ~~No alteration or change of the single-family dwelling~~ the dwelling unit in its exterior appearance is made to accommodate the presence of roomers;
4. ~~No accessory apartment or home occupation is located in the single-family dwelling;~~ The bedroom(s) being rented shall be inspected by the Code Enforcement Officer and shall have code compliant smoke and carbon monoxide detectors in addition to complying with current building code requirements for primary and secondary means of escape;
5. The rooms occupied by the roomers do not have a separate entrance from the outside;
6. The rooms occupied by the roomers are within the principal structure;
7. The roomers use utilities which are not separately metered from those used by the remaining occupants of the dwelling unit;
8. One (1) off-street parking space per room rented ~~roomer~~ shall be required as per Article 6.10 6; and
9. The owner of the Residential Rental Accommodation shall remain in residence while rooms are being rented.

C. Approval; Permit; Appeal

1. Approval to operate a Residential Rental Accommodation shall be granted by the Zoning Board of Appeals contingent upon a successful property inspection by the Code Enforcement Officer subject to section B. above. Following such approval, the Code Enforcement Officer shall issue a permit. Such permit shall be issued to the property owner only, and is subject to sufficient evidence that the property is owner occupied.
2. A permit to operate a Residential Rental Accommodation shall expire upon a change in ownership or a change in owner residency status.
3. A single family dwelling approved to accommodate Roomers prior to November 8<sup>th</sup> 2016 may continue to operate under the conditions of approval as specified by the Zoning Board of Appeals including the Land Use Ordinance requirements and restrictions in effect at the time of such approval.
4. Permit shall be revoked upon confirmation of a second (2<sup>nd</sup>) confirmed Noise or Barking Dog Citation related to use of a dwelling unit by a Roomer. Permit shall also be revoked upon any confirmed violation of the requirements contained within the definition of Residential Rental Accommodation located in Article 2. Any such permit having been revoked shall not be reissued to the same property owner within one (1) year (365 days) from the date of revocation, which shall require Zoning Board of Appeals re-approval.

5. An appeal from any decision of the Code Enforcement Officer related to the issuance, non-issuance, suspension or revocation of a Residential Rental Accommodation Permit shall be taken by an aggrieved party to the Zoning Board of Appeals within thirty (30) days of the decision.



# Come to the Charrette



**Community  
Listening Session** **Community  
Reveal Session**  
6 PM-8 PM 6:00 PM-7:30 PM

**Where:** Nonantum Resort

**Host:** Town of Kennebunkport

**Facilitator:** Workforce Housing Coalition of the Greater Seacoast

## What are charrettes?

Charrettes are collaborative, intensive, planning sessions with members of the community (residents, workers, employers) and a team of volunteer housing professionals. These stakeholders present their vision and brainstorm, and ultimately accomplish their project goals. They generally last from one to three days. There is no charge, but they do solicit donations, sponsorships, and grants.

## Who is the Workforce Housing Coalition of the Greater Seacoast?

It is a nonprofit organization of housing professionals who conduct these charrettes to:

- Advocate for workforce housing.
- Educate the community of the importance of having housing for a diverse workforce, e.g., teachers, students, merchants, retail employees, etc.
- Provide a range of housing options for the workforce of the greater seacoast region.

### **What happens at these charrettes?**

Input is gathered from both the community and the Workforce Housing Coalition volunteers to develop a concept and perform a feasibility study. These professionals also review zoning and other regulations. They test their design options to make sure they work. At the end of the process, the information is provided to the community at a Reveal Session.

### **What prompted this charrette?**

Workforce housing was identified as a goal in the Comprehensive Plan. Consequently, the Growth Planning Committee endorsed a charrette application for housing through the Workforce Housing Coalition of the Greater Seacoast. After a Coalition representative gave a charrette presentation at the December 10, 2015, Board of Selectmen's Meeting, the Board voted to proceed with an application.

### **Who are the sponsors?**

Kennebunk Savings  
TD Bank  
The Nonantum Resort  
York Hospital  
Kennebunkport Resort Collection  
York County Council of the Maine Association of REALTORS  
The Chamber: Kennebunk, Kennebunkport, Arundel  
Habitat for Humanity, York County  
United Way of the Greater Seacoast  
New Hampshire Housing  
Regional Economic Development Center of Southern New Hampshire

August 25, 2016

Motion: I move that the resolution entitled, "Resolution to Authorize Town of Kennebunkport to Issue up to \$400,000 in Bonds for an Addition and Renovations to the Police Department and Communications Building," be adopted in form presented to this meeting and that an attested copy of said Resolution be filed with the minutes of this meeting.

**RESOLUTION TO AUTHORIZE TOWN OF KENNEBUNKPORT TO ISSUE UP TO \$400,000 IN BONDS FOR AN ADDITION AND RENOVATIONS TO THE POLICE DEPARTMENT AND COMMUNICATIONS BUILDING**

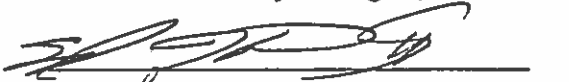

Whereas, at the Annual Town Meeting duly called and held on June 13, 2015, the voters of the Town of Kennebunkport (the "Town") authorized the Board of Selectmen to issue general obligation bonds of the Town in a principal amount not to exceed \$400,000 for a term not to exceed 10 years to pay costs of an addition and renovations to the Police Department and Communications Building (the "Project"),

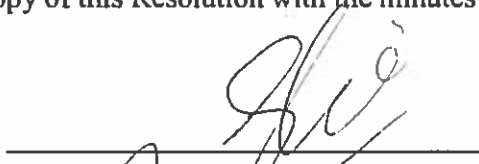
Now therefore, the Board of Selectmen hereby resolves as follows:

1. That the offer of Norway Savings Bank to purchase bonds of the Town in the original principal amount of \$400,000.00 with an interest rate per annum on the outstanding principal amount thereof equal to 2.25%, is accepted and approved;
2. That the Chairperson of the Board of Selectmen (the "Chair") and the Treasurer are authorized to borrow up to \$400,000.00 from Norway Savings Bank on behalf of the Town, with interest on the principal amount thereof at a rate of 2.25% per annum, which borrowing is for the purpose of financing costs of the Project;
3. That the Chair and the Treasurer are authorized to issue general obligation bonds in an aggregate principal amount not to exceed \$400,000.00, which bonds are for the purpose of financing costs of the Project, and to execute and deliver a bond or bonds under the seal of the Town attested by the Clerk, dated on or about August 26, 2016, and to determine the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption with or without premium, form(s), and other details of said bonds not inconsistent herewith, including execution and delivery of said bonds against payment therefor, as they may approve, their approval to be conclusively evidenced by their execution thereof (the "Bonds");
4. That the Bonds be issued in the name of the Town and in registered form transferable only on the registration books of the Town, which registration books may be kept by the Town or its transfer agent, upon surrender thereof with a written instrument of transfer, duly executed by the registered owner or his/her attorney duly authorized in writing;
5. That no part of the proceeds of the Bonds shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code");
6. That the Chair and the Treasurer are authorized to designate the Bonds as qualified tax-exempt obligations within the meaning of Section 265(b)(3) of the Code;

7. That the Chair and the Treasurer, acting singly, are authorized to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, to take all other lawful actions necessary to ensure the interest on the bonds will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof;
8. That the appropriate officials of the Town are authorized to execute and deliver on behalf of the Town such other documents and certificates as may be required in connection with the issuance, execution, or delivery of the Bonds;
9. That the Town Manager or Treasurer in consultation with Bond Counsel is authorized to implement written procedures with respect to the Bonds for the purpose of: (i) ensuring timely "remedial action" for any portion of the Bonds that may become "non-qualified bonds," as those terms are defined in the Code and regulations thereunder; and (ii) monitoring the Town's compliance following the issuance of the Bonds with the arbitrage, yield restriction and rebate requirements of the Code and regulations thereunder;
10. That if the Clerk, Treasurer, or Chair for any reason be unavailable to, as applicable, approve, execute, or attest the Bonds or any related financing documents, the person or persons then acting in any such capacity, whether as assistant, deputy, or otherwise, be authorized to act for such unavailable official with the same force and effect as if such official had himself/herself performed such act;
11. That if any of the officers or officials of the Town who have signed, attested, or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed, attested, and sealed shall have been actually authenticated or delivered by the Town, such Bonds nevertheless may be authenticated, delivered, and issued with the same force and effect as though the person or persons who signed, attested, or sealed the Bonds had not ceased to be such officer or official; and also, any such Bonds may be signed, attested, or sealed on behalf of the Town by those persons who, at the actual date of execution of the Bonds, shall be the proper officers or officials of the Town, although at the nominal date of the Bonds any such person shall not have been such officer or official; and
12. That the Town Clerk file an attested copy of this Resolution with the minutes of this meeting.

Dated this 25th day of August, 2016:

  
Shuler Matthews-Bull  
  
A majority of the Board of Selectmen

  
Peter A. Briggs

A true copy, attest:

  
Clerk, Town of Kennebunkport