

**Board of Selectmen Meeting  
Village Fire Station – 32 North Street  
December 13, 2018 – 5:30 PM**

Minutes of the Selectmen's Meeting of December 13, 2018

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

**Others:** Becky Nolette, Michael Davis, Walter and Judith Hauer, Arlene McMurray, Laurie Smith

**1. Call to Order.**

Chair Hutchins called the meeting to order at 5:30 PM.

**2. 5:30 PM - Executive session per MRSA 1, §405-6E to discuss legal rights and duties with the Town Attorney.**

**Motion** by Selectman Barwise, seconded by Selectman Daggett, to go into executive session per MRSA 1, §405-6E to discuss legal rights and duties with the Town Attorney. **Vote:** 5-0.

The Board went into executive session at 5:30 PM and came out at 6:15 PM. No action was taken.

**3. Approve the November 20, 2018, selectmen meeting minutes.**

**Motion** by Selectman seconded by Selectman to approve the November 20, 2018, selectmen meeting minutes. **Vote:** 5-0.

**4. 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 from the public.

**5. Public Hearing to consider an application for a bed and breakfast malt and vinous liquor license submitted by Haiser Gasthaus, Inc. d.b.a. the Maine Stay Inn, 34 Maine St.**

**Motion** by Selectman Barwise, seconded by Selectman Daggett, to open the public hearing. **Vote:** 5-0.

The public hearing started at 6:16 PM and closed at 6:16 PM.

**Motion** by Selectman Barwise, seconded by Selectman Daggett, to approve the application for a bed and breakfast malt and vinous liquor license submitted by Haiser Gasthaus, Inc. d.b.a. the Maine Stay Inn, 34 Maine St. **Vote:** 5-0.

**6. Reappoint Tracey O'Roak to a two-year term as Registrar of Voters.**

**Motion** by Selectman seconded by Selectman to reappoint Tracey O'Roak to a two-year term as Registrar of Voters. **Vote:** 5-0.

**7. Adopt Government Wharf Rules and Regulations.**

Town Manager Laurie Smith stated that the last time these regulations were updated was in 2003.

See Exhibit A.

Selectman Briggs mentioned a few grammar errors he noticed.

**Motion** by Selectman Barwise, seconded by Selectman Daggett, to adopt the Government Wharf Rules and Regulations with the minor revisions mentioned by Selectman Briggs. **Vote:** 5-0.

**8. Consider the following abatement request:**

Property Owner	Location	Map	Blk	Lot(s)	Tax Abatements 2018
Dino Spugnardi	26 Windemere Place	20	3	1	\$1,052.96

Assessor's Agent Becky Nolette recommended a reduction in the land value by \$120,000 due to excessive wetlands and a limited building envelope on the lot. This reduction results in a \$1,052.96 tax abatement.

**Motion** by Selectman Briggs, seconded by Selectman Matthews-Bull, to approve the tax abatement of \$1,052.96 for 26 Windemere Place per recommendations from Assessors Agent Becky Nolette. **Vote:** 5-0.

**9. Accept the Clean Water State Revolving Loan Fund (CWSRF) bond extension.**

**Motion** by Selectman Briggs, seconded by Selectman Barwise, that the resolution entitled, "Resolution to Authorize Town of Kennebunkport to Amend Loan Agreements and Notes Issued for a Wastewater Treatment Plant and Pump Station Upgrades Project," be adopted in form presented to this meeting and that an attested copy of said Resolution be filed with the minutes of this meeting. **Vote:** 5-0.

See Exhibit B.

Ms. Smith explained that the State agreed to a one-year extension until January 4, 2020, so the borrowing documents needed to be updated to coincide with the new deadline.

**10. Consider a street opening permit from the Secret Service Command Station at Walkers Point to uncover communication pull box.**

**Motion** by Selectman Daggett, seconded by Selectman Barwise, to approve the street opening permit from the Secret Service Command Station at Walkers Point. **Vote:** 5-0.

**11. Consider nine supplemental commitments of sewer user rates for 2016, 2017, and 2018.**

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the supplemental sewer user rates in the amounts of \$3,879 for 2016, \$3,996 for 2017, and \$4,104 for 2018. **Vote:** 5-0.

**12. Authorize expenditures for Pavement Treatments, Inc.**

**Motion** by Selectman Daggett, seconded by Selectman Barwise, to authorize for nine different pavement jobs totaling \$13,078.80. **Vote:** 5-0.

**13. Accept a donation of \$1,000 from the Arundel Lodge Masons to be split between holiday food baskets with Community Outreach Services and Secret Santa.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Barwise, to accept a donation of \$1,000 from the Arundel Lodge Masons to be split between holiday food baskets with Community Outreach Services and Secret Santa. **Vote:** 5-0.

**14. Accept a donation of \$100 from James Harris for the Public Health Department's emergency fuel fund.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Barwise, to accept a donation of \$100 from James Harris for the Public Health Department's emergency fuel fund. **Vote:** 5-0.

**15. Approve the December 13, 2018, Treasurer's Warrant.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Barwise, to approve the December 13, 2018, Treasurer's Warrant. **Vote:** 5-0.

**16. Other**

**a. Holiday Office Hours**

**Motion** by Selectman Barwise, seconded by Selectman Daggett, to close all non-essential services on Christmas Eve. Employees will need to take vacation, holiday time, or comp time to be out. **Vote:** 5-0.

Selectman Matthews-Bull thanked the police department and everyone who helped to make Prelude a success.

Town Manager Laurie Smith announced that Town Offices will close from Noon to 2 PM on Tuesday, December 18, so that employees can attend the holiday staff luncheon. She also announced that the street renumbering of Kings Highway, Sandpoint Road, and Wildewood will impact more people than expected and will have some unintended consequences. It was supposed to take effect April 2019, but they have decided to prolong the renumbering and make changes to the ordinance.

The Board agreed to have the next meeting on December 27, at 9 AM, at the Town Hall.

Selectman Matthews-Bull wished everyone a happy holiday and new year.

Chair Hutchins thanked everyone who came to President Bush's memorial. He said he was honored to represent Kennebunkport and that it made national news.

**17. Executive session pursuant to MRSA 1, §405-6A to discuss personnel. to discuss personnel matters.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to go into executive session per MRSA 1, §405-6A to discuss personnel matters. **Vote:** 5-0.

The Board went into executive session at 6:30 PM and came out at 6:48 PM.

**Motion** by Selectman Barwise, seconded by Selectman Briggs, to give the Town Manager a \$10,000 bonus and an additional week of vacation (cash or time) for the work accomplished this past year. Also, for the Town Manager to prepare a contract for an additional three years and her thoughts on compensation. **Vote:** 5-0.

**18. Adjournment.**

**Motion** by Selectman Briggs, seconded by Selectman Barwise, to adjourn.

The meeting adjourned at 6:48 PM.

Submitted by Arlene McMurray  
Administrative Assistant

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**BYLAWS-RULES FOR OPERATION OF GOVERNMENT WHARF**

The ~~current five member wharf committee~~ Board of Selectmen have adopted ~~has~~ revised the following ~~bylaws and rules as a guide for the Wharf's operations. These bylaws and rules were conceived during a general meeting on July 26, 1990 and revised on April 1, 2016 involving the committee and other wharf members. All of the following bylaws and rules were approved by a majority vote and are as follows:~~

**1. General Pier Rules:**

- a. Non-compliance with pier rules and regulations may result in fines and/or the loss of pier privileges. A member may receive up to two warnings prior to the loss of privileges.
- b. Service vehicles are allowed on the pier, provided the vehicle is not left unattended. No other mechanical vehicles will be allowed without the Town Manager's approval.
- c. All refuse must be deposited in the containers supplied for this purpose, and all waste oil must be deposited off property. If the dumpster is full, members will remove the waste from the facility.
- d. There is no storage of hazardous materials on the pier, including fuel oil.
- e. The discharge, disposal, or dumping of oil, dead fish, or parts, rubbish, refuse, or debris from the Fish Pier, Vessel or other sources into or on the tidewaters or shores is strictly prohibited.
- f. There will be no drain oil left in trash containers or on pier premises.
- g. There will be no above-ground fuel or gasoline tanks left on pier complex, including the parking lot.
- h. There will be no dressing of fish at the pier.
- i. Hand fishing, sightseeing and buying fish and lobsters for personal consumption are permitted.
- j. It shall be the responsibility of each Captain to comply with these regulations and further be responsible for the clean-up of the area immediately after loading/unloading.

**2. Pier Members:**

1. a. No new members will be accepted into the bait shed as of April 1, 2016, unless a current member retires or leaves.
2. b. Prospective members will be placed on a first come first serve waiting list to be administrated by the Government Wharf Committee.
3. c. Yearly dues of \$150.00 will be established each year as part of the budget process and are to be payable by August 30 of each calendar year.
- d. New members will pay twice the yearly dues initially and then the current rate thereafter.
- 4.

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e. Members considered Fin Fisherman will pay the same as yearly due by pier members that will give them the use of the skiff floats as well as the wharf and Holsts.

f. A member after retirement of Government Wharf can transfer his membership and bait space on to his child or grandchild bypassing the waiting list. If the child has no boat or license then they would go on to the waiting list.

g  
A person waiting to become a member and requesting a bait space at Government Wharf must -be a commercial Fisherman, one who makes the majority of their income from lobstering and/or fin fishing, have a valid maine lobster license and a lobster boat, and a mooring or dock space in the river.

have

h. Student license holders shall pay half a members dues per year until they receive a State of Maine commercial license. Upon entry to the bait shed a new student member shall pay double there yearly dues initially and then current rate after that. Student membership shall entitle the member use of the pier facilities and a five (5) barrel limit inside the bait shed.

i.  
Only the owner/operator assigned to the bait space is aloud-allowed to use it, unless they have given permission to another member to use all or a portion of their space. -Positively-no-sharing-of-bait-space-is-permitted.

+

3.  
2. The five men committee members will rotate at a rate of one new member a year starting April 1991. If no new wharf members wish to serve on the committee, the committee will remain the same until the following April. Unexpected vacancies on the committee will be filled as needed from Wharf members on a temporary basis until the following April.

#### Operations

3. Two committee members will be responsible for the checkbook and their signatures will be on file at the bank. The Town assesses all pier dues, collects all revenues and is responsible for the accounting of the enterprise fund.

1.g) Workdays and work to be performed will be posted in plain view one week in advance.

2.h) There will be a 1216-barrel limit inside the bait shed, and members using drums in place of barrels are limited to 8 ten drums per member inside the bait shed.

3.g) Bait space owners will be responsible for keeping their own spaces clean.



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- ~~4.d)~~ There will be a one (1) skiff limit per member at the skiff floats.
- ~~5.e)~~ A "pass at own risk" sign shall be affixed outside the bait shed.
- ~~6.f)~~ The parking lot adjacent to the bait shed shall be maintained by the town all no parking/loading zone painted areas will be maintained on a yearly basis and violators will be dealt with at the towns discretion.
- ~~7.g)~~ The Committee will be responsible for the day-to-day operation and maintenance of Government Wharf.
- ~~8.h)~~ All members are responsible for their own actions in and around Government Wharf.
- ~~9.i)~~ Any member who has not paid by December 31 of the current year will be removed from membership and will lose all Government Wharf privileges.
- ~~10.j)~~ Skiffs will be limited to a length of 15 (fifteen) feet with a motor of ten (10) horsepower outboard or less.
- ~~11.k)~~ Traps shall be stored at Government Wharf for no more than 48 hours or removed as soon as possible, including the pier and surrounding property.
- ~~12.l)~~ No bait shall be stored outside the building ~~with the exception of the space provided on the back wall adjacent to the skiff floats~~. Empty barrels may be stored outside bait building on the right if washed and kept neat so no flies or animals will be tempted. Empties also may be stored in your provided bait space. Barrels shall not be used as waste receptacles.
- ~~13.m)~~ Each boat shall be entitled to one bait space of fifteen (15) barrels or ten (10) drums. This shall not apply to spaces which are grandfathered.
- ~~14.n)~~ Space behind building is to be divided between members wanting extra space.
- ~~15. Student license holders shall pay half a members dues (\$75.00) a year until they receive a State of Maine commercial license. Upon entry to the bait shed a new student member shall pay double there yearly dues initially and then current rate after that.~~
- ~~16.a) Student membership shall entitle the member use of the pier facilities and a five (5) barrel limit inside the bait shed.~~
- ~~17. A person waiting to become a member at Government Wharf or requesting a bait space at government wharf shall be subject to a majority vote by the current membership.~~

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~~18. Members considered Tuna Fisherman will pay \$150.00 same as yearly due by law #3 that will give them the use of the skiff floats as well as the wharf and Hoists.~~

19.o) Failure to abide by the rules and regulations set down by the membership will result in automatic termination of membership and loss of all wharf privileges.



December 13, 2018

Motion: I move that the resolution entitled, "Resolution to Authorize Town of Kennebunkport to Amend Loan Agreements and Notes Issued for a Wastewater Treatment Plant and Pump Station Upgrades Project," 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 AMEND LOAN AGREEMENTS AND NOTES ISSUED FOR A WASTEWATER TREATMENT PLANT AND PUMP STATION UPGRADES PROJECT**

Whereas, at the Annual Town Meeting duly called and held on June 14, 2016, 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 \$2,000,000 for a term not to exceed 20 years to pay costs of a wastewater treatment plant and pump station upgrades (the "Project"),

Whereas, on December 28, 2017, the Board of Selectmen adopted a certain "Resolution to Authorize Town of Kennebunkport to Issue up to \$2,000,000 in Bonds for Wastewater Treatment Plant and Pump Station Upgrades Project;

Whereas, on January 4, 2018, the Town entered into two Loan Agreements with the Maine Municipal Bond Bank to borrow \$300,000 and \$1,700,000 for the Project (collectively, the "Loan Agreements"), which borrowings were evidenced by two 2018 Clean Water State Revolving Fund Bond Anticipation Notes in the principal amounts of \$1,700,000 and \$300,000 (collectively, the "Notes"), which Loan Agreements and Notes are payable on January 4, 2019, or the first business date after the date on which the Town issues and sells permanent financing to repay the Notes, whichever occurs sooner; and

Whereas, due to Project delays, the Town and the Maine Municipal Bond Bank have agreed to extend the term of the Loan Agreements and the Notes;

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

1. That in accordance with Section 6.F of each of the Loan Agreements, the Treasurer in consultation with bond counsel is authorized to arrange with the Maine Municipal Bond Bank to amend the Loan Agreements and the Notes to extend the terms of the aforesaid borrowings until January 4, 2020, or the first business day after the day on which the Town shall issue and sell permanent bonds to repay the Notes, with all other provisions of the Loan Agreements and Notes to remain in full force and effect;
2. That the amendments to the Loan Agreement and the Notes shall be executed by a majority of the Board of Selectmen and the Treasurer, and that the Loan Agreements be in the form that the Treasurer may approve, the execution and delivery thereof to be conclusive evidence of such approval;

3. That the Chair of the Board of Selectmen, the Treasurer, and other appropriate officials of the Town, acting singly, be authorized in the name and on behalf of the Town to execute and deliver such other instruments, documents, certificates, assignments, and agreements, and to take or cause to be taken such further actions for and on behalf of the Town, as may be necessary, convenient, or appropriate to effect said amendments to the Loan Agreements and the Bonds, and that the Clerk of the Town be authorized to attest to the foregoing and attach the Town's seal to any of the foregoing; and
4. That the Town Clerk file an attested copy of this Resolution with the minutes of this meeting.

Dated this December 13, 2018:

  
Patrick A. Briggs

  
Edward W. Hutchins


  
Stuart A. Barwise

  
Allen A. Daggett

  
Sheila Matthews-Bull

A majority of the Board of Selectmen

A true copy, attest:

  
Tracey O'Roak  
Town Clerk