

**Town of Kennebunkport
Board of Selectmen's Meeting
Village Fire Station, 30 North Street – 7 PM
April 30, 2014**

Minutes of the Selectmen Meeting of April 30, 2014

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

Selectmen absent: Stuart E. Barwise

Others present: Carol Cook, Steve Doe, Sandy Guay, David James, Arlene McMurray, Chris Perry, Laurie Smith, and two UNE students

1. Call to Order.

Vice-Chair Daggett called the meeting to order at 7:04 PM

2. 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).

Chris Perry said that he was hoping the Board would mention what was discussed after the Board's last executive session. He asked if the Board could give a status report on the Goose Rocks Beach litigation.

Town Manager Laurie Smith said oral arguments are still being decided by the court. The first portion of the court hearings were for prescriptive easements. The second portion to be heard are title pleadings.

David James said he has received numerous e-mails from residents on North Street regarding the pedestrian lighting proposal. He said the majority are against the lighting because no one has ever discussed this proposal with them.

Town Manager Laurie Smith mentioned that the Lighting Committee started working on this proposal approximately a year ago.

The Board is agreeable to the residents coming to a Selectmen's Meeting when Jim Stockman, lighting committee chair, can explain the lighting proposal. Another suggestion was to invite Jim Stockman to a KRA meeting to answer questions.

3. Consider a renewal liquor license application submitted by OWR, LLC, Kathleen M. Spang, DBA PJ's Restaurant/Ocean Woods, 71 Dyke Road.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by OWR, LLC, Kathleen

M. Spang, DBA PJ's Restaurant/Ocean Woods, 71 Dyke Road. **Vote:** 4-0.

- 4. Consider a renewal special amusement permit application submitted by Kathleen M. Spang, DBA Oceanwoods/PJ's Pub and Dining, 71 Dyke Road.**

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the renewal special amusement permit application submitted by Kathleen M. Spang, DBA Oceanwoods/PJ's Pub and Dining, 71 Dyke Road. **Vote:** 4-0.

- 5. Set date for a public hearing on May 22, 2014, to consider the warrant articles for the June Town Meeting ballot.**

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the public hearing on May 22, 2014, to consider the warrant articles for the June Town Meeting ballot. **Vote:** 4-0.

- 6. Review fiscal year 2015 Dock Square parking lot enterprise fund budget.**

Ms. Smith explained the parking lot budget and answered questions.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to appropriate \$308,639 for the 2015 Dock Square budget. **Vote:** 4-0.

- 7. Consider proposal from the Kennebunkport Parks and Recreation Department to install a disc golf course on property abutting Parsons Field.**

Parks and Recreation Director Carol Cook said she would like to install a disc golf course (also known as Frisbee ball) on a parcel just beyond Consolidated School that the Town purchased. It would be used for the summer recreation program, the after school program, and by the children at Consolidated School. She mentioned they could run tournaments to make money. The funds for this installation would come out of the capital account. She added that the course can easily be relocated if that parcel is needed.

Selectman Briggs pointed out that disc ball can be played by a wide range of age groups.

Motion by Selectman Matthews-Bull, seconded by Selectman Briggs, to accept the quote from Explore Disc Golf in the amount of \$3,535 for the installation of a disc golf course near Consolidated School. **Vote:** 4-0.

Ms. Cook mentioned that the school may not have a space for her this summer, and she may have to vacate. She said she is looking at other locations.

8. Approve the Certificates of Commitment of Sewer User Rates.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the Certificates of Commitment of Sewer User Rates. It was mentioned that the amount should be included in the motion.

Amended Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the Certificates of Commitment of Sewer User Rates in the amount of \$1,003,659.50. **Vote:** 4-0.

9. Authorize the Town Manager to approve the public access and indemnification agreement with The Boathouse of Kennebunkport, LLC, Atlantic Coast Hospitality, LLC, and the Inhabitants of the Town of Kennebunkport.

Steve Doe was present to answer questions. He explained that Attorney Ralph Austin was not able to attend to this meeting and that Attorney Sandra Guay was filling in for him to help answer questions.

Selectman Daggett expressed concerns that he wanted on record. First, he wanted to make sure the bridge was moved once a year to make sure it does not get corroded and freeze up; and second, that if the bridge needs to be moved so someone can work on their building, it will be moved at the developer's cost.

Mr. Doe said the Planning Board made it a conditional approval that the owners would be responsible for moving the bridge if needed. He said there are two bolts on each end which can be cut if necessary.

Discussion followed regarding the Board's concerns with the bridge:

- The possibility of the bridge freezing up in times of emergency.
- If there are no specific requirements to make sure the bridge remains movable, it could get passed off and unattended.
- Perhaps they should have a crane truck try to move the bridge one time to demonstrate it can be moved.
- They want assurances that the bridge will be moved and inspected by someone qualified on a yearly basis.
- Disagreement with Section 8 of the indemnification agreement because it does not say the bridge will be removed if either of the properties change hands and are not within the same families.

Ms. Smith suggested perhaps every spring there could be an annual inspection

team that includes the code enforcement officer, public works director and a person who specializes in bridges who could perform the inspection.

Mr. Doe said they could work out a maintenance agreement with the code enforcement office to make sure the bridge is inspected annually.

Motion by Selectman Matthews-Bull, seconded by Selectman Briggs, to approve the public access and indemnification agreement with The Boathouse of Kennebunkport, LLC, Atlantic Coast Hospitality, LLC, and the Inhabitants of the Town of Kennebunkport. **Vote:** 3-1/Selectman Hutchins voted in opposition.

10. Approve the Goose Beach Advisory Committee to expend up to \$1,100 for the printing of informational brochures and up to \$200 for the summer public meeting.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to approve the expenditure of up to \$1,100 for the printing of informational brochures and up to \$200 for the summer public meeting. **Vote:** 4-0.

11. Authorize the Public Works Director to approve street opening permits for the following:

a. Charles Dolan for new water service at 299 Ocean Avenue.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the street opening permit for Charles Dolan for new water service at 299 Ocean Avenue. **Vote:** 4-0.

b. Pam Lombard for new water service at 81 Turbats Creek Road.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the street opening permit for Pam Lombard for new water service at 81 Turbats Creek Road. **Vote:** 4-0.

c. Town of Kennebunkport for new storm drain on Union, Maine and Elm Streets.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the street opening permit for new storm drain on Union, Maine and Elm Streets. **Vote:** 4-0.

12. Other business.

a. Windmill update.

Ms. Smith, said she spoke with Conservation Commission Chair Sarah LaChance, and the windmill generates 10,000 – 11,000 kilowatts per year which

is a savings of \$750 a year.

David James said he gets e-mails from residents because of his involvement in the KRA. He noticed in the newspaper there are a lot of letters to the editor regarding the building of a modern structure at the beach in Kennebunk. He said they are wondering what to do about it. He thinks maybe Kennebunkport should tell them what they did. Also, he said at the last meeting Bob Sherman reinforced Kennebunkport's dog leash law. He said Kennebunk has voice control. He thinks the Towns should learn from each other. Selectman Hutchins mentioned that Goose Rocks Beach has piping plover nests and Kennebunk doesn't.

Selectman Matthews-Bull suggested that Mr. James get together with others and petition to make a change in the ordinance to perhaps in the winter months allow dog owners to use voice control, and revert to leash control in the months when the plovers lay their eggs.

Ms. Smith said the Town is preparing to send out the tax liens. She said they send out a prior notice first, and it has cut the liens in half. The Town has a policy to not send out demand notices to any account that has a balance under \$1.00. She stated the Town has 42 accounts in which the total amount is under \$1.00. The total of these 42 accounts is \$13.63. She would like the authority to write-off the \$13. 63.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to authorize the Town Manager/Tax Collector to write off the balance of \$13.63 in unpaid liens. **Vote:** 4-0.

Ms. Smith said Chris Perry brought it to her attention that there was prior discussion regarding combining the Zoning Board of Appeals with the Board of Assessment Review because there are so few meetings and the lack of volunteers for these boards. She said she spoke with Town Attorney Amy Tchao and she confirmed that an amendment to the Administrative Code is required. She mentioned that if the Board would like to proceed with this, it can have the Administrative Code Committee review this proposal and place it on the November Special Town Meeting Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to ask the Administrative Code Committee to review combining both the Zoning Board of Appeals and the Board of Assessment Review. **Vote:** 4-0.

Selectman Daggett would like to put on the next agenda to review how the Town figures out sewer usage. The Town bills by unit, but other towns bill by usage. The Board agreed to place this on the next agenda.

13. Consider the April 30, 2014, Treasurer's Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Briggs, to ap-

prove the April 30, 2014, Treasurer's Warrant. **Vote:** 4-0.

14. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn. **Vote:** 4-0.

The meeting adjourned at 8 PM.

Submitted by

Arlene McMurray
Administrative Assistant