

**Town of Kennebunkport  
Board of Selectmen Meeting VIA Zoom  
December 10, 2020  
5:30 PM**

Minutes of the Selectmen's Meeting of December 10, 2020

**Selectmen attending via Zoom:** Patrick A. Briggs, Allen A. Daggett, Ed Hutchins, Sheila Matthews-Bull, and D. Michael Weston.

**Others attending via Zoom:** Michael Claus, Mindee Goodrum, Werner Gilliam, Eric Labelle, Arlene McMurray, Jen Lord, Michael Claus, Tracey O'Roak, David Powell, Chris Simeoni, Laurie Smith, and others

**1. Call to Order.**

Chair Daggett called the meeting to order at 5:30 PM. He took **roll call** of Selectmen present: Patrick Briggs, Allen Daggett, Edward Hutchins, Sheila Matthews-Bull, and D. Michael Weston.

**2. Approve the November 25, 2020, selectmen meeting minutes.**

**Motion** by Selectman Weston, seconded by Selectman Briggs, to approve the November 25, 2020, selectmen meeting minutes. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, and Weston. Selectmen Hutchins abstained because he was not at that meeting. **Voted:** 4-0-1. **Motion passed.**

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

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to reappoint Tracey O'Roak to a two-year term as Registrar of Voters. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

**5. Presentation by Tracey O'Roak of new ecode website.**

Town Clerk Tracey O'Roak has been working on the codification project for the past two years. She said the voters approved the new code at the November election and the ordinances are now reorganized and available on-line. She explained where to find the ordinances on the Town Website.

**6. Consider appointment to the Lighting Committee.**

Todd Morolla applied to membership on the Lighting Committee and the chair recommends him.

**Motion** by Selectman Hutchins, seconded by Selectman Weston, to appoint Todd Merolla to the Lighting Committee for a term expiring in July 2023. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

#### **7. Award the bid for the Wastewater engineering services.**

Public Works Director Michael Claus introduced the new engineer Eric Labelle. Mr. Labelle negotiated the hourly rates to more accurately reflect the standard rate shown by other engineers and saved the Town about \$20,000.

Mr. Claus also explained the Wastewater engineering services bid and he, Mr. Labelle, and Chris Simeoni recommended awarding the bid to Woodard and Curran.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to authorize the Town Manager to enter into a contract with Woodward and Curran in the amount of \$143,000 plus \$12,000 in contingency. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

#### **8. Kennebunk River Watershed Management Plan presentation.**

Mindee Goodrum, project manager of York County Soil and Water Conservation District, gave a PowerPoint presentation explaining the Kennebunk River Watershed Management Plan. In 2018 the York County Soil and Water Conservation District partnered with Wells Estuarine Research Reserve and was awarded a \$41,000 grant to create this management plan. See Exhibit A for the summary of this plan.

#### **9. Discuss financial forecast for FY22 budget.**

Treasurer Jen Lord gave the financial forecast for FY22 budget that the Board requested. She said the Town's collection rate is on target and revenues are coming higher than expected but not as strong as in 2020. See Exhibit B.

Selectman Weston requested an estimate for the next 15 years in regard to the balloon payment.

The Board would like to keep the budget fiscally conservative as possible while maintaining services. It agreed that the education assessment cannot be changed.

#### **10. Approve the Police Department COVID Memorandum of Understanding**

Chief Sanford gave an update on COVID vaccines since he is also EMA Director. He said the State will give vaccines to hospital staff first and long-term care facilities. The

last phase would be healthy young adults. It could be as long as eight months before everyone will be vaccinated.

This Memorandum of Understanding allows the Police Department to ask for help from a participating agency. This agreement has been reviewed by the town attorney as well as other municipal attorneys. All managers and police chiefs in York County are in support of this agreement.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to authorize the Town Manager to enter the York County memorandum of understanding. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

## 11. Discuss Short-Term Rental Ordinance.

Chair Daggett asked for input from the Select Board first.

Selectman Weston thinks they received enough public input, and it is now time for the Board to come up with an ordinance that represents some compromise from both sides and to have a public hearing in February so people can see what is going to be on the Town Warrant. He said putting a fair ordinance together and sending it to the voters is like a survey, which some people requested. Also, there was concern about capping. He recommends having a system where if they are capped out, that when an opening becomes available, the next person will get a license. He said they are not attempting to send people out of business and people with short-term rentals will get first choice. He said they need to make sure the violations part is fair, and they are doing the best they can and do not want to shortchange anyone, but to just have rules and regulations. They need to put out a list of smoke detectors and carbon monoxide. He recommended having a self-certification sheet that STR's need to check off on a sheet, and they can do spot inspections later.

Selectman Hutchins likes self-certification because it removes liability. He said they need evidence of short-term rentals.

Selectman Daggett said they can get info from real estate brokers, and VRBO. He suggested giving people with short-term rentals 90 days to sign up before they do caps.

Selectman Hutchins said people could bring in their copy of lodging tax to show they are registered with the state or let realtors sign that in good faith about their short-term rentals. He wants to take the number they get at the end of the process and add 5 percent to the process and keep that going forward.

Selectman Weston wants to come up with a hard number of percentages of houses in town. He also wants STRs to be able to continue.

Mr. Gilliam said data shows that there are 3,000 dwelling units in town. They took out Resort at Goose Rocks in that number because it is a hotel. Also included are properties that have multiple houses on a lot.

Selectman Matthews-Bull asked what happens if someone rents out a property without a license? The Board agreed they need to treat it as a violation, and there may be a fine. It needs to be in the ordinance.

Selectman Matthews-Bull asked what happens if someone who has a license decides not to rent one year, will they keep their license? The Board agrees they can use a license how they want. There will be an annual fee. The Board agreed it cannot make people rent out if they have a license and paid the fees. She added that her motel was restricted from having people from certain states during COVID and does not see any restrictions for STRS. Selectman Hutchins said the Board has the authority to suspend the ordinance depending on state mandate.

Selectman Briggs said he agrees with the Board's recommendations and has nothing else to add.

Ms. Smith said she provided the Board with all of the input she received.

Chair Daggett set ground rules at 5 minutes for audience members to speak.

Below are some of the input received:

- If the purpose of the ordinance is to maintain a quiet enjoyment of neighborhood why not make it pertain to all rentals.
- Make sure things are enforced, such as how many people per bedroom, number of parking spaces.
- People who own short-term rentals do not live in town and therefore cannot vote, so that conflicts with Selectmen Weston's survey.
- Licensing is probably not necessary if all they want to do is make sure neighbors maintain quiet enjoyment of their property.
- Creating a cap in advance creates an anticipated scarcity and transferability will create a gold rush for people to register. Need to know the number of STR's first before they set a cap, which the Board agrees.
- Agrees with self-certification, but not sure about the cap. Many people who own properties do not live here.

- Concerned about capping licenses, and creating an artificial limit of short-term rentals. The ability to buy a home and being a short-term rental allows him to live here.

Below is more input:

- He bought house a couple years ago and spent money to be able to rent, and now he might not be allowed to rent. He could not rent in June because of COVID. He is concerned that he might not be able to rent. He wants the Board to revisit this. He was only going to rent 10% of the time and live in it 90%. He wants to start renting it out next summer.
- Transferability questions. Some want to leave to nieces, nephews, or grandchildren and not sons or daughters. What are use fees from State of Maine. The Board said it is a sales tax paid by owner to real estate agent.
- Encouraged them to reach out to the Chamber of Commerce to know economic impact.
- The good neighbor policy should apply to all homes.
- Some STRs have low means of income.
- The Kennebunkport Resort Collection advertised and expanded the draw of the town from other towns. That is what changed the nature of the town.
- They need to embrace people from away. It will create a broader community.
- They should include condos in this ordinance.
- They should clarify three primary concerns that the Board wants to address.
- Selectmen Daggett and Hutchins reiterated they are not against short-term rentals. They just do not want the Town saturated with short-term rentals, but have a good mix in the community.
- Selectman Hutchins added that state law does not let them vote here, not the Board.
- Lodging taxes are collected by the realtors on behalf of the owners.
- Realtor would be glad to help give the Board data.

- The real concern is how many homes are owned by people who are not full-term residents and not short-term rentals. How about a cap on homes from people not living here full time. He went to great lengths to follow the rules of the state. rentals needed to confirm that they quarantined or provided a certificate that they are okay. He also made sure his home was safe and cleaned according to CDC Guidelines. Selectman Matthews-Bull opposes STR's because she owns a motel. The nature of our town is 40% of homes are not owned by people who are not full-time residents.
- Selectman Daggett is concerned how many STR's they have and how to regulate. He is not concerned about people not living here full time.
- Selectman Matthews-Bull said residential areas should not be businesses.
- Transferability should apply to all family including a family trust. He encourages short-term rentals to call the state to apply.

### **Discuss Climate Change Goals.**

Ms. Smith said at the last meeting the Board asked for them to bring forward a shorter list of priorities by which to focus. Werner and she met with Selectman Weston and Karina Graeter to review the items and consider which ones were already gaining traction and attempt to cull down our priorities. She explained that the fewer goals they have, the more progress they can make.

Selectman Hutchins likes planting trees.

Selectman Weston suggested doing visible things like solar. He said they need everyone's input.

Ms. Smith will work on them with the budget and see about solar farm and solar farms

The Board thinks she is headed in right direction.

### **13. Approve waste hauling permits for 2021.**

**Motion** by Selectman Matthew's Bull, seconded by Selectman Weston to authorize the waste hauling permits for 2021 from Casella-Pine Tree Waste and Waste Management.

**Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0.

**Motion passed.**

### **14. Accept the \$500 donation in honor of Calvin Furman, MD to the nurses' general account.**

**Motion** by Selectman Matthew's Bull, seconded by Selectman Weston to accept the \$500 donation in honor of Calvin Furman, MD to the nurses' general account. **Roll Call**

**Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0.

**Motion passed.**

**15. Accept the \$10,000 donation from the Flynn Family Foundation dedicated to the following accounts.**

- a. \$2500 toward the emergency fuel fund.
- b. \$5,000 toward the emergency food fund.
- c. \$2,500 toward the nurses' general account

**Motion** by Selectman Matthew's Bull, seconded by Selectman Weston to Accept the \$10,000 donation from the Flynn Family Foundation. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

**16. Other Business.**

Selectman Matthews-Bull said the KBA has done a good job with Prelude and hopes locals will attend. The KBA and Chamber worked to put Prelude online and on YouTube so everyone can see the events.

Ms. Smith announced that Arlene McMurray is retiring and wished her well. She also announced Carol Cooks retirement events on December 23.

**17. Approve the December 10, 2020, Treasurer's Warrant.**

**Motion** by Selectman Matthew's Bull, seconded by Selectman Weston to approve the December 10, 2020 Treasurer's Warrant. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed**

**18. Adjournment.**

**Motion** by Selectman Matthew's Bull, seconded by Selectman Weston to adjourn.

The meeting adjourned at 8:32 PM.

Submitted by Arlene McMurray  
Administrative Assistant