

Town of Kennebunkport
Board of Selectmen Meeting
January 26, 2023
6:00 PM

MINUTES

Selectmen attending: Edward Hutchins, Sheila Matthews-Bull, Allen Daggett, Jon Dykstra, Michael Weston.

1. Call to Order:

Selectman Hutchins called the meeting to order at 6:01 PM.

2. Approve the January 12, 2023, meeting minutes:

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett to approve the January 12, 2023, selectmen meeting minutes. **Voted:** 5-0. **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.)

No one in the community room nor attending via Zoom came forward.

No motion was necessary. No motion was taken.

4. Consider the following renewal liquor license and special amusement permits submitted by the Kennebunkport Resort Collection:

- a. Tides Beach Club, LLC located at 930 Kings Highway
- b. Yachtsman Hospitality, LLC at 57 Ocean Avenue
- c. The Boathouse at Kennebunkport, LLC at 21 Ocean Avenue
- d. Cape Arundel Inn, LLC located at 208 Ocean Avenue
- e. Ivy One, LLC d/b/a The Clubhouse at Cape Arundel Inn located at 8 Old Fort Avenue
- f. Lodge on the Cove, LLC located at 29 South Main Street
- g. The Kennebunkport Inn, LLC at 1 Dock Square
- h. Hidden Pond, LLC located at 354 Goose Rocks Road

Motion by Selectman Daggett, seconded by Selectman Dykstra, to renew the licenses. **Voted:** 5-0. **Motion passed.**

5. Consider the renewal liquor license and special amusement permit submitter by the Rhumb Line Motor Lodge d/b/a Rhumb Line Resort, located at 41 Turbats Creek Road:

Selectman Matthews-Bull recused herself. **Motion** by Selectman Daggett, seconded by Selectman Dykstra, to renew the licenses. **Voted:** 4-0-1. **Motion passed.**

6. Annual Investment Presentation by H.M. Payson:

Noah from H.M. Payson gave an update.

- Asset allocation
 - About \$1.6 Million. 72% of that is in equity.
 - Their approach is to take at least 3-5 years of the liquidity needed and put it in relatively stable assets e.g. cash & bonds.
 - We are drawing less than 4% at this time.
 - We have more than 20% of our portfolio in cash and bonds, so are well reserved for any volatility in the market.
- Gross Performance
 - Last year was quite a down market for stocks & bonds, but the Town's portfolio held up better than the market. The Town's gross return was down 12.31% vs. 14.07% for the S&P 500 overall.
 - Most investment is in corporate bonds and managed equities.
- Account Value vs. Net Investment
 - At account inception in 2015, the Town invested \$1.1 Million.
 - \$236,000 has been taken out since inception.
 - The Town has more than tripled the amount taken out in terms of net increase in the value of the account.
- Sector Diversification
 - Selectman Dykstra expressed the desire to disinvest from the fossil fuel sector and move that to another sector such as health care. He asked Noah what the impact of this move would be on the portfolio. Selectmen Hutchins and Matthews-Bull had no problem with fossil fuel investments. All selectmen agreed that this was a topic for discussion at another time.
 - The Town's largest holdings are in Financials, Communications, Information Technology and Health Care. This includes such companies as Berkshire Hathaway, Alphabet, Microsoft, Broadcom, Johnson & Johnson, CVS, Visa, Apple, Pfizer & Bristol Myers Squibb.
- Over the past 5 years, the town has had over twice the dividend growth of the S&P 500 (11.2% vs 5.4%)

- H.M. Payson's strategy is to pursue high quality companies so that the Town's portfolio is well positioned to withstand market volatility.

No motion was necessary. No motion was taken.

7. Request for forgiveness of the attorney's fees from Brian and Dinorah Ellis (43 School St):

Werner Gilliam, Director of Planning and Development, provided background regarding this request. This was the result of a Notice of Violation regarding an unpermitted shed the Ellises built on their property. The matter was referred to the court and the Town received a positive judgement. The Town requested and was awarded by the court the reimbursement of its legal fees relating to this matter. The Ellises are now requesting relief of that amount from the Town. Werner reports that at the time, Andrew Welsh provided multiple opportunities for the Ellises to resolve this matter, and correspondence between them and the Town make clear that they understood the situation.

Motion by Selectman Weston, seconded by Selectman Daggett, to **deny** the Ellises' request for fee forgiveness. **Voted: 5-0. Motion passed.**

8. Appoint Nathan Shore and Stephen Kaagan to the Climate Action Plan Task Force with expiration of October 2023:

Motion by Selectman Dykstra, seconded by Selectman Daggett, to approve the appointments. **Voted: 5-0. Motion passed.**

9. Discussion of the Goose Rocks Beach parking permit fees for 2023:

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to keep the fees as they are. **Voted: 5-0. Motion passed.**

10. Other Business:

Selectman Weston wanted to acknowledge and appreciate the hard and extended work of the Highway Department, Fire Department, Police Department, Central Maine Power & Spectrum in restoring services and making our roads and town safe after the recent winter storm. Weston also relayed a request from a resident that Public Works pick up tree branches if residents put them at the curb but is unable to take the wood to Public Works. Selectman Matthews-Bull echoed Selectman Weston in thanking all the workers for their efforts relating to the storm.

Town Manager Laurie Smith informed the Selectmen that the road clearing and wood removing efforts are ongoing. She also let everyone know that the Public Works

Department on Beachwood Ave will be accepting wood brought to the facility by residents on Friday, February 3rd and Saturday, February 4th between 7:00 am and 3:00 pm. She would like to re-evaluate where we are after this collection, as Town workers are forbidden by state law to go onto private property and there are insurance liability issues related to that as well. It would be a massive job that would take weeks to perform. Though she has heard from none yet, there might be civic groups that might be willing to assist in this effort.

Selectman Dykstra asked if Public Works was accepting wood only from residents, or if landscapers would be permitted to use this service as well. Laurie Smith responded that landscapers would be allowed if they are bringing wood that is the result of storm damage from properties in Kennebunkport.

Selectman Hutchins expressed his thanks to all who have helped with the aftermath of the storm with particular emphasis on our all-volunteer Fire Department.

11. Approve the January 26, 2023, Treasurer's Warrant:

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the January 26, 2023, Treasurer's Warrant. **Voted:** 5-0. **Motion passed.**

12. Adjournment.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett to adjourn. **Voted:** 5-0. **Motion passed.** Meeting adjourned at 6:34 PM.

Submitted by,
Dave Powell,
Technology Specialist