

**Town of Kennebunkport  
Board of Selectmen's Meeting  
Village Fire Station-32 North Street  
September 25, 2014 – 6 PM**

Minutes of the Selectmen Meeting of September 25, 2014

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

**Selectman absent:** Stuart E. Barwise

**Others present:** Paul Cadigan, Linda Casey, Michael Davis, Werner Gilliam, Bill Guay, Warren Harding, Hank LaBrie, Kathryn Leffler, Arlene McMurray, Chris Perry, Karen Schlegel, Laurie Smith, Suzanne Stohlman, Charlie Sullivan, and others

**1. Call to Order.**

Chair Daggett called the meeting to order at 5:56 PM.

**2. Executive session per Maine Revised Statutes 36, §841 to consider poverty tax abatement.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to go into executive session per Maine Revised Statutes 36, §841 to consider poverty tax abatement. **Vote:** 4-0.

The Board went into executive session at 5:59 PM and came out at 6:14 PM.

**Motion** by Selectman Hutchins, seconded Matthews-Bull, to approve the poverty abatement for case #2014-1 in the amount of \$1,773.98. **Vote:** 4-0.

**3. 7 PM - Approve the September 11 and 18, 2014, selectmen meeting minutes.**

Selectman Hutchins mentioned two errors in the September 11, 2014, minutes.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the September 11, 2014, selectmen meeting minutes with the corrections mentioned. **Vote:** 4-0.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the September 18, 2014, selectmen meeting minutes. **Vote:** 4-0.

**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.

**5. Presentation of the Shade Tree Committee Emerald Ash Borer Management Plan.**

Suzanne Stohlman, chair of the Shade Tree Committee, introduced committee member Kathryn Leffler and Tree Warden Karen Schlegel. She presented the Committee's plan for monitoring and preventing the infestation of the Emerald Ash Borer (EAB). She said it has devastated the ash trees in the Midwest and is now in Connecticut and New Hampshire. The Committee is trying to be proactive and prevent this problem in Maine by increasing public awareness by a Proclamation Declaring Emerald Ash Borer Awareness Week October 3 through the 10, 2014. She discouraged people from transporting firewood, which could be infested, from other locations into town. She said ash trees in the public way that are not healthy will be removed.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to adopt the Shade Tree Committee Emerald Ash Borer Management Plan. **Vote:** 4-0.

**6. Consider Proclamation Declaring Emerald Ash Borer Awareness Week October 3 – 10, 2014.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adopt the Proclamation Declaring Emerald Ash Borer Awareness Week October 3 – 10, 2014. **Vote:** 4-0.

**7. Subsurface Wastewater Disposal System Variance Request for Peter Talmage of 127 Log Cabin Road.**

Werner Gilliam, director of planning and development, said his staff approves this variance which also requires state approval. He explained that this variance request is from soil conditions relating to depth ratios.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the Subsurface Wastewater Disposal System Variance Request for Peter Talmage of 127 Log Cabin Road. **Vote:** 4-0.

**8. Subsurface Wastewater Disposal System Variance Request for Nancy Mattesen of 8 River Road.**

Mr. Gilliam explained that this variance request for a setback from porch column was also approved by staff.

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

prove the subsurface Wastewater Disposal System Variance Request for Nancy Mattesen of 8 River Road. **Vote:** 4-0.

Selectman Hutchins reminded the public that they will be voting to repeal this ordinance at the November Special Town Meeting.

**9. Discussion of fines relating to the Land Use Citation and Complaint of Harding, Casey, and Yonuschut of 17 Fairfield Hill Road.**

Mr. Gilliam reported that the citation was for constructing an unsafe structure and junk storage which violated a number of state and local laws. He said this case went to District Court and the Town was awarded \$8,000 for attorney fees which were paid. There is another \$8,250 civil penalty which has not been paid. He said the property owners have kept the property clean and maintained over the past year.

Selectman Matthews-Bull suggested waiving the fine with the stipulation that the property stays clean. The Board did not wish to cause further hardship to the property owners, since the attorney fees were paid and the property is now maintained.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to absolve the \$8,250 penalty for Harding, Casey, and Yonuschut, 17 Fairfield Hill Road. **Vote:** 4-0.

Mr. Gilliam added that there may be additional costs for filing fees.

Town Manager Laurie Smith asked the property owners if they would cover the additional costs, and they said they would.

**10. Discussion of Consent Agreement to land use violation for Smiths of 9 Whitten Hill Road.**

Mr. Gilliam said the garage is three feet too close to the property line. This violation came to light during a mortgage inspection. Paul Cadigan, attorney representing the Smiths, mentioned that this violation is an unintentional consequence. He asked the Board to consider Mr. Smith's service to town as a volunteer fireman for 30 years.

Discussion followed that this was not done intentionally and went unnoticed by a previous code enforcement officer. Another opinion was that since a \$1,000 fine was levied for a previous case similar to this one, they should also have to pay the \$1,000 fine.

**Motion** by Selectman Briggs, seconded by Selectman Hutchins, to approve the Consent Agreement for a land use violation for John G. and Nancy J. Smith of 9 Whitten Hill Road, but make them responsible for the attorney's fees and

costs. **Vote:** 4-0.

Ms. Smith clarified that this does not mean that if you volunteer for the town you can violate the Land Use Ordinance. It is more that this violation occurred back in 1978, and the Town had no record of it. The Smiths were not aware of this violation.

#### **11. Award the winter heating fuel contract.**

Ms. Smith said the Town had to lock in and secure a price on the heating fuel contract. She and the Treasurer reviewed the following bids:

C.N. Brown - \$3.13 per gallon  
Dead River - \$3.19 per gallon  
Dennis Burke - \$3.32 per gallon  
Branch Brook Fuels - \$3.18 per gallon

Ms. Smith stated that although C.N. Brown was the low bid, Branch Brook has a history of service to the Town. Since they provide good service, she signed the contract with Branch Brook Fuels.

Ms. Smith also said she only received one propane bid – Champagne Energy at \$1.79, so she signed the contract with them.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Briggs to approve the heating contract with Branch Brook Fuel for \$3.18 per gallon. **Vote:** 3-1/Selectman Hutchins opposed.

**Motion** by Selectman Briggs, seconded by Selectman Hutchins to approve the contract for propane with Champagne Energy for \$1.79 per gallon. **Vote:** 4-0.

Ms. Smith announced that United Way of York County has 150 volunteers who help with winterizing homes in 2014. The deadline for registration to get your home winterized is October 8. People should call Judy Barrett at 967-4401 to register.

#### **12. Discuss selectmen meeting schedule.**

##### **• Capital Improvement Plan Meeting**

Ms. Smith said she anticipates having two more meetings to discuss the Capital Improvement Plan. She asked the Board when it wanted to meet. The Board agreed to meet on October 23, at 6:00 PM.

##### **• November 2<sup>nd</sup> Meeting falls on Thanksgiving**

Ms. Smith asked the Board when it wanted to meet to sign the warrants. The

Board agreed to meet on November 25, at 9 AM., in Ms. Smith's office.

- **December 2<sup>nd</sup> Meeting falls on Christmas**

The Board agreed to meet on December 23, at 9 AM, in Ms. Smith's office to sign the warrants.

Ms. Smith asked the Board when it wanted to discuss the sewer rate structure. The Board agreed to November 13, 7:00 PM for now, but this may change to 6:00 PM.

### **13. Other business.**

#### **a. Appoint MMA Voting Delegate for MMA Annual Business Meeting.**

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to appoint Laurie Smith as voting delegate for the MMA Annual Business Meeting. **Vote:** 4-0.

### **14. Approve the September 25, 2014, Treasurer's Warrant.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the September 25, 2014, Treasurer's Warrant. **Vote:** 4-0.

### **15. Adjournment.**

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

The meeting adjourned at 7:40 PM.

Submitted by

Arlene McMurray  
Administrative Assistant