

**Town of Kennebunkport
Board of Selectmen's Meeting
Village Fire Station-32 North Street
December 11, 2014 – 7 PM**

Minutes of the Selectmen Meeting of December 11, 2014

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

Others present: Melinda Anderson, Barbara Barwise, Dan Beard, Hank Bonser, Carol Cook, April Dufoe, Michael Davis, Richard Driver, April Dufoe, Werner Gilliam, Duke Harrington, David James, Regina Leonard, Jennifer Lord, Crystal McCurdy, Lee McCurdy, Arlene McMurray, Bob Sherman, Susan Morse, Chris Perry, Robin Phillips, Craig Sanford, Roger Seavey, Laurie Smith and others

1. Call to Order.

Chair Daggett called the meeting to order at 7 PM.

2. Approve the November 13, and 25, 2014, selectmen meeting minutes.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the November 13, 2014, selectmen meeting minutes. **Vote:** 5-0.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the November 25, 2014, selectmen meeting minutes. **Vote:** 4-0. Selectman Matthews-Bull abstained because she was not present at that meeting.

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.).

David James asked if any action was taken in executive session at the December 10 Selectmen's Meeting.

Selectman Barwise responded that no action was taken and discussed the outcome of the Goose Rocks Beach litigation.

4. Appoint April Dufoe to a two-year term as Registrar of Voters.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to appoint April Dufoe to a two-year term as Registrar of Voters. **Vote:** 5-0.

5. Silas Perkins Park presentation by Regina Leonard, landscape architect.

Town Manager Laurie Smith said the Town has been working on a landscape plan for Silas Perkins Park since before she came to Kennebunkport. A previous plan was not approved by the Planning Board because the ordinance is not

written for parks in the shoreland zone and did not meet the zoning requirements.

At a Selectmen's Meeting this past June, there was public discussion to gather input and ideas. Landscape Architect Regina Leonard presented a new plan at this meeting incorporating this feedback. She said she designed a space that is inviting and where people can enjoy the river views. She explained that Silas Perkins was a revered local poet and read excerpts from his poems. She said they would include his poem "Common Man" in the granite pavers. Since he was born on a clipper ship, they would also like to place a rustic post with a ship's bell on top and include stanzas from his poem "Maine" on a plaque below the bell. She said the town staff will be doing a lot of the work such as plantings, but some work will require soliciting bids. The base bid estimate is approximately \$22,000 to \$24,000 plus additional costs for the ship's bell and a sign. She said this plan will not require Planning Board review.

The Board liked this plan.

6. Proposed Dog Ordinance presentation by Barbara Barwise.

Barbara Barwise mentioned that for full disclosure, she is related to a member of the Board of Selectmen. She said as a dog owner, she and a small group of interested parties attempted to write a Dog Ordinance incorporating Scarborough's Dog Ordinance. She mentioned it was hard to delineate Colony Beach because part of it is owned by the Colony Hotel. She asked the Board for guidance on what beaches should be included. She would like to get this ordinance on the Town Meeting ballot in June.

Bob Sherman, chair of the Beach Advisory Committee, said they have been working on this ordinance since October and will bring something to the Board in time for the June town meeting deadline.

7. Consider mooring fees for 2015.

Harbormaster Lee McCurdy worked with the Cape Porpoise Pier Committee to institute a mooring fee system. The fee will be used to offset the cost of patrolling and regulating moorings in Cape Porpoise, Goose Rocks, Turbats Creek, Paddy's Creek, Lands End, and other areas between Goose Rocks Beach and Walkers Point. The Committee voted to recommend the annual fee of \$30 for tidal water permit and \$60 for a deep water mooring permit.

Hank Bonser said he never saw a problem and asked what a \$30 fee will change.

Selectman Hutchins responded that the fee is necessary to protect everyone's interests.

Chair Daggett commented that 40 or 50 years ago, there were only 20 moorings, and now there are 130.

Selectman Barwise added that each year there are more and more boats.

Dan Beard, who lives at Paddy Creek, said that his boats are strictly within his property and asked if he would be charged a mooring fee. He said all of the land surrounding Paddy Creek is owned by private owners and the Waterfront Ordinance will not protect them.

Mr. McCurdy responded that his boat is still in the water subject to oil spills, etc.

Barbara Mazeika said she agrees with Dan Beard and that the Board is micro-managing. She explained that they all help each other and are seasonal. She said her family has been doing this since the 1940s, and it is not fair limiting them to one mooring. She stated they will need to define tidal water.

John Larrabee said he's had a mooring for 25 years and does not see the value in instituting these fees. He sees these fees as another tax.

Roger Seavey, who grew up in Paddy Creek but has no boat, said he thinks it is ridiculous to make them pay fees because they don't get any services like the commercial fishermen at Cape Porpoise harbor.

Dan Beard said he has no objections to paying fees for Cape Porpoise harbor.

The Board will address this item at another meeting.

8. Consider permit fee schedule for 2015.

Ms. Smith said that Town Clerk April Dufoe researched other communities' license fees. The Board was given a chart showing the different fee schedules in surrounding communities and another showing the history of the fees in Kennebunkport.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to leave the permit fees as is. **Vote:** 5-0.

9. Discussion of parking machines for Dock Square Parking Lot.

Ms. Smith said she received two proposals for automated parking systems and the discounts she received would only be valid until December 31. She said the Town has two options to choose from:

1. Magstripe, which would accept credit card and debit cards only. It is older technology and would allow them to continue with discount coupons. The cost is \$61,941.
2. Barcode, which is new chip technology. They would not be able to offer free vouchers with this one. The cost is \$61,786.00.

These two options do not include a camera system. The estimate for a four-camera system that would view the parking lot, read the license plates, and view the entry and exit gates is \$6,400. Ms. Smith said the funds are available through the Dock Square Parking Lot fund.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to move forward with the automated parking lot system using the magstripe, not to exceed \$70,000. **Vote:** 5-0.

10. Consider shellfish licenses for 2015.

Town Clerk April Dufoe presented the fee recommendations from the Shellfish Warden and Shellfish Conservation Committee:

Resident Recreational	75 licenses
Nonresident Recreational	8 licenses
Resident Commercial	2 licenses
Nonresident Commercial	0 licenses
Daily Licenses	0 licenses

The Committee also recommended:

- The flats will only be open from April 15 through October 15.
- Digging will only be allowed on Friday, Saturday, and Sunday.
- Recreational diggers may only take 1 peck per week.
- Commercial diggers may only take 2 pecks per day.

Ms. Dufoe said the only change is increasing resident commercial licenses from

0 to 2.

Motion by Selectman Barwise, seconded by Selectman Briggs, to accept the recommendations above from the Shellfish Warden and Shellfish Conservation Committee for the Shellfish licenses mentioned. **Vote:** 5-0.

11. Authorize the Town Manager to sign an agreement with H.M. Payson for investment management services.

Ms. Smith reported that the Town solicited proposals for investment services and received six responses. The Investment Subcommittee, which consists of Ms. Smith, Allen Daggett, Patrick Briggs, and Jen Lord, recommended awarding the bid to H.M. Payson.

Motion by Selectman Briggs, seconded by Selectman Barwise, to award the bid for investment management services to H.H. Payson. **Vote:** 5-0.

12. Consider waivers for tax-acquired foreclosures.

Treasurer Jen Lord said that Elizabeth Neathery is now deceased.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to allow for foreclosure proceedings on property owned by Elizabeth Neathery (Map 9, Block, 4, Lot 82). **Vote:** 5-0.

Ms. Lord said the Board has waived foreclosure in the past for Ann Seavey.

Selectman Briggs said the building has been abandoned for six years and is probably dilapidated. He suggested moving forward with foreclosure proceedings.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to continue to waive foreclosure for property owned by Ann Seavey (Map 22, Block 3, Lot3). **Vote:** 4-1. Selectman Briggs opposed.

13. Consider Fund Balance Policy.

Ms. Smith recommended a target level of keeping 16% or the equivalent of two months operating budget in the general fund and putting excess funds in the capital reserve account. She said a more conservative option would be to keep 18%. Another option is to split the excess funds between a capital reserve account and tax stabilization account.

Motion by Selectman Daggett, seconded by Selectman Briggs, to approve a Fund Balance Policy of from 16% to 18% with excess funds going into the capital reserve account. **Vote:** 5-0.

14. Accept donations to the Kennebunkport emergency fuel, food or public health services account.

a. United Way-\$150 toward fuel.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept a \$150 donation from United Way to be directed to the emergency fuel account. **Vote:** 5-0.

b. St. Ann's Episcopal Church -\$1,000 toward fuel and visiting nursing services account.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept a \$1,000 donation from St. Ann's Episcopal Church to be directed to the emergency fuel account and visiting nurses' services account. **Vote:** 5-0.

c. Kennebunkport Residents Association - \$1,000 toward food and fuel assistance accounts.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept a \$1,000 donation from the Kennebunkport Residents Association to be directed toward the emergency fuel and food assistance accounts. **Vote:** 5-0.

d. Anonymous donor - \$25,000 toward fuel assistance and other public health services accounts.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept a \$25,000 donation from an anonymous donor to be directed to the emergency fuel assistance account and other public health services accounts. **Vote:** 5-0.

e. John and Agnes Lehane-\$50 toward public health services account.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept a \$50 donation from John and Agnes Lehane to be directed toward the public health services account. **Vote:** 5-0.

f. Goose Rocks Beach Fire Company - \$1,000 toward the fuel assistance account.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept a \$1,000 donation from Goose Rocks Beach Fire Company to be directed

to the emergency fuel assistance account. **Vote:** 5-0.

15. Consider appointment of Karen Schlegel to the Zoning Board of Appeals.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to appoint Karen Schlegel to a term expiring in July 2017, to the Zoning Board of Appeals.

Vote: 5-0.

16. Consider the following abatement:

Property Owner	Location	Map	Blk	Lot(s)	Tax Abatements 2014
Herman E. Turner, Jr. & Dawn Girroir	131 Main Street	22	3	10	\$65.62
Total Abatements					\$65.62

Motion by Selectmen Barwise, seconded by Selectman Matthews-Bull, to follow the recommendations of Assessors' Agent Donna Moore Hayes to approve the tax abatement of Herman E. Turner, Jr. and Dawn Girroir in the amount of \$65.62. **Vote:** 5-0.

17. Discussion of FY 16 Budget priorities.

Ms. Smith asked the Board for items it would like to include in the next budget. Some suggestions were:

To continue in the direction they have been going.

- To add more monies for the Piers and Harbors fund for things to be done at Cape Porpoise.
- To move forward with the police/communications building.

18. Other business.

a. Reminder-Town Offices closing from noon to 2 PM for employee holiday function.

The Board was agreeable to closing the town offices from 12 to 2PM on December 17.

b. Reminder-next Selectmen's Meeting is December 23, 9 AM, at Town Hall.

Ms. Smith reminded the Board of this meeting to sign the Treasurer's Warrants. She asked if it was alright to put donations on that agenda. The Board

said it was fine to add them.

c. Request from Barbara Moon to accept public comment regarding horse drawn wagon permit.

Ms. Smith said the Board received a request from Barbara Moon who is concerned about the health and welfare of horses during the summer months. She feels that the traffic has changed in the past couple of years and asked if the Board would consider taking public comments prior to the next time a permit is issued for the horse drawn wagon.

Town Clerk April Dufoe said the permits get issued in January.

Chair Daggett asked for comments from the audience.

Roger Seavey suggested that in the interest of safety, that maybe the carriage should have a flashing light.

Selectman Matthews-Bull thanked all of those involved in the successful Christmas Prelude, especially the police department.

Selectman Daggett said he would like to have the drinking water turned off after Prelude.

19. Approve the December 11, 2014, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the December 11, 2014, Treasurer's Warrant. **Vote:** 5-0.

18d. Executive session per MRSA 1, §405-6D regarding union negotiations.

Chair Daggett wished everyone a Merry Christmas and a Happy New Year.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to go into executive session per MRSA 1, §405-6D regarding union negotiations. **Vote:** 5-0.

The Board went into executive session at 8:36 PM and came out at 9:15 PM.

No action was taken.

20. Adjournment.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to adjourn. **Vote:** 5-0.

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The meeting adjourned at 9:15 PM.

Submitted by

Arlene McMurray
Administrative Assistant