

**Town of Kennebunkport
Selectmen/Budget Board Meeting
March 26, 2015
6 p.m. – Village Fire Station – 32 North Street**

Minutes of the Selectmen's Meeting of March 26, 2015

Selectmen attending: Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, Ed Hutchins

Selectman absent: Sheila Mathews-Bull

Others: Judy Barrett, Barbara Barwise, Michael Claus, Carol Cook, Michael Davis, Richard Driver, April Dufoe, Werner Gilliam, David James, Jen Lord, Allan Moir, Chris Perry, Craig Sanford, Roger Seavey, Laurie Smith and others

1. Call to Order.

Chair Daggett called the meeting to order at 6:10 PM.

2. Continue to review fiscal year 2016 budgets and take all recommendation votes.

The Board of Selectmen reviewed the budget requests and made recommendations.

Motion by Selectmen	Seconded by Selectman	to approve	for the		Vote:
Hutchins	Barwise	816,653.00	Administration	account	4-0
Hutchins	Barwise	530.00	Zoning Board of Appeals	account	4-0
Hutchins	Barwise	1,200.00	Conservation Commission	account	4-0
Hutchins	Barwise	3,450.00	Growth Planning	account	4-0
Barwise	Hutchins	138,000.00	Legal fees	account	4-0
Barwise	Hutchins	129,908.00	Insurance	account	4-0
Barwise	Hutchins	26,542.00	Community Development	account	4-0
Barwise	Hutchins	330,993.00	Planning & Development	account	4-0
Barwise	Hutchins	1,386,253.00	Police dept	account	4-0
Hutchins	Barwise	421,672.00	Communications	account	4-0
Barwise	Hutchins	378,495.00	Fire dept	account	4-0
Barwise	Hutchins	108,000.00	KEMS	account	4-0
Barwise	Hutchins	750.00	Emergency Management	account	4-0
Barwise	Hutchins	14,201.00	Animal Control	account	4-0

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Barwise	Hutchins	20,772.00	Harbor Master	account	4-0
Barwise	Hutchins	452,169.00	Solid Waste	account	4-0
Barwise	Hutchins	172,246.00	Health	account	4-0
Barwise	Hutchins	3,200.00	Welfare	account	4-0
Barwise	Hutchins	25,700.00	Social Services	account per Budget	4-0
				Board's	4-0
				recommendations to	4-0
				increase Church	
				Outreach by \$250	
				for a total of \$2500	4-0
Barwise	Hutchins	4,305.00	Shellfish Conservation	account	4-0
Barwise	Hutchins	32,500.00	Public Restrooms	account	4-0
Barwise	Hutchins	746,647.00	Highway dept	account	4-0
Hutchins	Barwise	105,876.00	Mechanic	account	4-0
Hutchins	Barwise	172,150.00	Utilities	account	4-0
Hutchins	Barwise	33,788.00	Conservation Shade Tree	account	4-0
Hutchins	Barwise	14,140.00	Cemetery	account	4-0
Hutchins	Barwise	335,853.00	Recreation	account	4-0
Hutchins	Briggs	117,500.00	Graves Library	account	4-0
Hutchins	Barwise	12,675.00	Cape Porpoise Library	account	4-0
Barwise	Hutchins	3,500.00	Parsons Way	account	4-0
Barwise	Hutchins	35,000.00	GRB Advisory Reserve	account	4-0
Hutchins	Barwise	20,000.00	Local Circuit Breaker	account	4-0
Barwise	Hutchins	8,281.00	Miscellaneous Agencies	account	4-0
Barwise	Hutchins	42,500.00	CO - Administration	account	4-0
Hutchins	Barwise	29,500.00	CO - Police	account	4-0
Hutchins	Barwise	100,000.00	CO - Communications	account	4-0
Barwise	Hutchins	180,500.00	CO - Fire	account	4-0
Barwise	Hutchins	144,000.00	CO - Highway	account	4-0
Barwise	Hutchins	640,000.00	CO - Road Improvement	account	4-0
Barwise	Hutchins	75,000.00	CO - Sidewalk construction	account	4-0
Hutchins	Barwise	25,000.00	CO - Recreation	account	4-0
Hutchins	Barwise	100,000.00	CO - "Piers	account	4-0
Barwise	Hutchins	308,412.00	Debt Service	account	4-0

There was discussion regarding the contingency account. Werner Gilliam, director of planning and development, said \$12,000 was spent for Ranson Environmental to review the FEMA flood maps and make sure the FEMA statistics were correct. An analysis was done, and they were not able to defend the decrease in elevation. He is waiting for a scientific resolution process and the outcome of FEMA's reaction to a study performed in Plymouth, Massachusetts. He said another potential study at Goose Rocks could cost \$28,000. He expects a report from Plymouth in a month and a half.

Selectmen Hutchins opposed spending more money for a Goose Rocks study.

Town Manager Laurie Smith said the Board has two options: to either add money to contingency now or move forward. If the second option is selected and more money is needed, they would need to have a special town meeting to add it to contingency.

Motion by Selectman Barwise, seconded by Selectman Briggs, to add \$30,000 to the contingency account for a total of \$144,742. **Vote:** 3-0-1/Selectman Hutchins abstained.

The Board took a short break from 6:35 PM to 6:40 PM.

3. Approve the March 12, and 19, 2015, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the March 12, 2015, meeting minutes. **Vote:** 4-0.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the March 19, 2015, 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. Consider a renewal liquor license application submitted by Robert and Stephanie Fischer, d.b.a. Mabels Inc., 124 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by Robert and Stephanie Fischer, d.b.a. Mabels Inc., 124 Ocean Avenue. **Vote:** 4-0.

6. Consider a renewal application for a liquor license submitted by the Seaside Hotel Association, L.T.D., d.b.a. Nonantum Resort, 95 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the liquor license submitted by the Seaside Hotel Association, L.T.D., d.b.a. Nonantum Resort, 95 Ocean Avenue. **Vote:** 4-0.

7. Consider a renewal application for a special amusement permit submitted by the Tina Hewett-Gordon, Seaside Hotel Association, L.T.D., d.b.a. Nonantum Resort, 95 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve

the renewal application for a special amusement permit submitted by the Tina Hewett-Gordon, Seaside Hotel Association, L.T.D., d.b.a. Nonantum Resort, 95 Ocean Avenue. **Vote:** 4-0.

Selectman Briggs added that all of these locations were inspected by the police, code and fire departments.

8. Consider the following proposed Warrant Articles for the June 9, 2015, Town Meeting Warrant.

a. Proposed amendment to the Land Use Ordinance concerning resident mixed use standard.

Mr. Gilliam said there were no changes to this ordinance since the last meeting.

b. Proposed amendment to the Land Use Ordinance concerning revised lot area definition.

Mr. Gilliam said there were no changes to this ordinance since the last meeting.

c. Proposed amendment to the Land Use Ordinance concerning commercial ADA/accessibility issue.

Mr. Gilliam said there were no changes to this ordinance since the last meeting.

d. Proposed amendment to the Land Use Ordinance concerning SLZ Map revision Cape Porpoise Square

Mr. Gilliam said there were no changes to this ordinance since the last meeting.

e. Proposed amendment to the Land Use Ordinance concerning Permitted use structures.

Mr. Gilliam said there were no changes to this ordinance since the last meeting.

f. Proposed amendment to the Land Use Ordinance concerning Land Use Ordinance errors.

Mr. Gilliam said there were no changes to this ordinance since the last meeting.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to move

forward with all of the Land Use Ordinances for June Town Meeting. **Vote:** 4-0.

g. Proposed amendments to Dog Ordinance.

Barbara Barwise mentioned that Richard Driver wanted the proposed Dog Ordinance to specify dogs must be on leash on public and private roads since some driveways are private roads.

Ms. Smith said she thinks using road works.

Police Chief Craig Sanford added he would assume that if a police officer saw a dirt road with only one house, he would know it is a driveway.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to move forward with the proposed Dog Ordinance for June Town Meeting. **Vote:** 4-0.

9. Consider recommendation from Administrative Code Committee that the ZBA be changed to five members and two alternates, and add a quorum requirement for Planning Board and ZBA.

Ms. Smith said that when she started employment here last year, a proposal was on the table to combine the Zoning Board of Appeals (ZBA) and the Board of Assessment Review because the membership was low and recruiting members is difficult, and they meet infrequently. This issue was sent to the Administrative Code. The Administrative Code Committee decided against combining the two Boards because they handle unrelated matters under different statutes and ordinances.

After reviewing the proposal, the Committee concluded that a change in the composition of the ZBA was warranted. It recommended changing the composition of the ZBA to five members and two alternates, with four members constituting a quorum; and that four members shall also constitute a quorum of the Planning Board.

The Selectmen did not wish to make the changes recommended by the Administrative Code Committee.

10. Appoint Town Officers.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to appoint the following Town Officers:

Animal Control Officer
Assessor's Agent
Code Enforcement Officer
Asst. Code Enforcement Officer
Plumbing Inspector

David R. Conway
Donna Moore Hays, CMA
Werner D. Gilliam
Wayne B. Mathews
Werner Gilliam

Plumbing Inspector	Wayne B. Mathews
Constable	April Dufoe
Emergency Management Director	James E. Burrows
Fire Inspector	Allan K. Moir
Harbor Master-Cape Porpoise	Lee F. McCurdy
Harbor Master-Kennebunk River	Ray Billings
Health Officer	Judith A. Barrett
Public Access Officer	April Dufoe
Registrar of Voters	April Dufoe
Road Commissioner	Michael W. Claus
Shellfish Warden	Terry W. Baron
Street Naming & Numbering Delegate	James E. Burrows
Tax Collector	Laurie A. Smith
Town Clerk	April Dufoe
Town Forester	Patrick A. Briggs
Treasurer	Jennifer L. Lord
Tree Warden	Karen A. Schlegel

Vote: 4-0.

11. Set the 2015 fees for Goose Rocks Beach parking stickers.

Current fees are:

Resident seasonal	\$5.00
Nonresident daily	\$12.00
Nonresident weekly	\$50.00
Nonresident seasonal	\$100.00

Motion by Selectmen Hutchins, seconded by Selectman Barwise, to only change the 2015 Goose Rocks Beach nonresident, daily, parking sticker fee to \$15.00 and to keep the rest of the fees as they are. **Vote:** 4-0.

12. Meet as Assessors to consider the following abatement requests:

Property Owner	Location	Map	Blk	Lot(s)	Tax Abatements 2015
CKM Realty Trust	272 Mills RD	37	2	2/2B	Denied
CKM Realty Trust	272 Mills RD	37	2	2/C9	Denied
CKM Realty Trust	272 Mills RD	37	2	2/1D	Denied

Motion by Selectman Barwise, seconded by Selectman Hutchins, to deny the abatement requests made by CKM Realty Trust for properties located at Map 37, block 2, and lots 2/2B, 2/C9, and 2/1D. **Vote:** 4-0.

13. Consideration of Maintenance Cleaning Contract

Ms. Smith said she has met with a local cleaning company and received a

proposal that is similar in price to the current contract the Town has with Capital Cleaners:

Building	John's Maintenance Cleaning Annual Fee	Capital Contractors Annual Fee
Dock Square Restrooms	\$13,864	\$12,792
Town Hall	\$ 8,320	\$10,785
Village Fire Station	\$ 1,920	\$ 890

The difference in the fees for the Village Fire Station are due to the quality of cleaning and frequency. She negotiated costs for a thorough semiannual cleaning of \$300 for Town Hall and \$350 for the Village Fire Station. There will also be a cost of \$500 for Town Hall floors and \$600 for floors for Village Fire Station, and \$150 for windows.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to authorize the Town Manager to hire John's Maintenance & Cleaning Service, LLC. **Vote:** 4-0.

14. Other business.

Richard Driver said he was concerned with the definition of roads in the Land Use Ordinances. He was not present when the Board addressed the Dog Ordinance proposal earlier in the meeting. He recommended adding a definition of road, because he felt that road does not include driveways. He wanted the Dog Ordinance to state that dogs should be leashed on "roads including private roads that service more than two residents."

The Selectmen agreed that this definition should be changed in the Land Use Ordinance and not the Dog Ordinance.

Ms. Smith reminded everyone of the April 20 deadline for the State of Maine Property Tax and Fairness Credit Program.

15. Approve the March 26, 2015, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the March 26, 2015, Treasurer's Warrant. **Vote:** 4-0.

16. Executive session pursuant to 1MRSA §405 6 (c) regarding the disposition of town property.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to go into executive session pursuant to 1MRSA §405 6 (c) regarding the disposition of town property. **Vote:** 4-0.

The Board went into executive session at 7:19 PM and came out of executive

session at 7:43 PM. No action was taken.

17. Adjournment

Motion by Selectman Barwise, seconded by Selectman Hutchins, to adjourn.

Vote: 4-0.

The meeting was adjourned at 7:43 PM.

Submitted by Arlene McMurray
Administrative Assistant