

**Town of Kennebunkport
Board of Selectmen's Meeting
March 28, 2013
Village Fire Station, 32 North St.—7 PM**

Minutes of the Selectmen Meeting of March 28, 2013

Selectmen attending: Stuart E. Barwise, Sheila Matthews-Bull, Allen A. Daggett, Edward W. Hutchins, and D. Michael Weston

Others: Barbara Barwise, Michael Davis, April Dufoe, Jennifer Feals, Susan Inoue, David James, Kathryn Leffler, Suzanne Marrocco, Paul Marrocco, Arlene McMurray, Larry S. Mead, Allan Moir, Chris Perry, Bruce Read and others

1. Call to Order.

Chair Matthews-Bull called the meeting to order at 7:10 P.M.

2. Swearing in of the newly elected selectman.

Town Clerk April Dufoe administered the oath of office to Edward Hutchins.

3. Approve the March 7, 14, and 21, 2013, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Barwise, to approve the March 7, 2013, selectmen meeting minutes. **Vote:** 3-0-2/Selectman Weston abstained because he was not present. Selectman Hutchins abstained because he was not a Board member at that time.

Motion by Selectman Daggett, seconded by Selectman Barwise, to approve the March 14, 2013, selectmen meeting minutes. **Vote:** 3-0-2/Selectman Weston abstained because he was not present. Selectman Hutchins abstained because he was not a Board member at that time.

Motion by Selectman Daggett, seconded by Selectman Barwise, to approve the March 21, 2013, selectmen meeting minutes. **Vote:** 3-0-2/Selectman Weston abstained because he was not present. Selectman Hutchins abstained because he was not a Board member at that time.

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 Alisson's/Dock Square LTD, d.b.a. Alisson's Restaurant, 11 Dock Square.

Chair Matthews-Bull announced that all of the following applications were reviewed and approved by the police chief, fire inspector, and code enforcement officer.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the renewal liquor license application submitted by Alisson's/Dock Square LTD, d.b.a. Alisson's Restaurant, 11 Dock Square. **Vote:** 5-0.

6. Consider a renewal special amusement permit submitted by Ashley Padget d.b.a. Alisson's Restaurant, 11 Dock Square.

Motion by Selectman Daggett, seconded by Selectman Barwise, to approve the renewal special amusement permit submitted by Ashley Padget d.b.a. Alisson's Restaurant, 11 Dock Square. **Vote:** 5-0.

7. Consider a renewal application for a liquor license submitted by the Boughton Hotel Corp., d.b.a. The Colony Hotel, 140 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the renewal application for a liquor license submitted by the Boughton Hotel Corp., d.b.a. The Colony Hotel, 140 Ocean Avenue. **Vote:** 5-0.

8. Consider a renewal application for a special amusement permit submitted by John Martin for Jestena Boughton, Boughton Hotel Corp., d.b.a. The Colony Hotel, 140 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the renewal application for a special amusement permit submitted by John Martin for Jestena Boughton, Boughton Hotel Corp., d.b.a. The Colony Hotel, 140 Ocean Avenue. **Vote:** 5-0

9. 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 Seaside Hotel Association, L.T.D., d.b.a. Nonantum Resort, 95 Ocean Avenue. **Vote:** 5-0

10. Consider a renewal application for a special amusement permit submitted by the Tina Hewett-Gondon, 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-Gondon, Seaside Hotel Association, L.T.D., d.b.a. Nonantum Resort, 95 Ocean Avenue. **Vote:** 5-0

11. Consider appointment to the Kennebunk River Committee.

Susan Inoue expressed her love of the River and desire to serve on the Kennebunk River Committee.

Motion by Selectman Barwise, seconded by Selectman Daggett, to appoint Susan Inoue on the Kennebunk River Committee. **Vote: 5-0.**

12. Set the 2013 fees for Goose Rocks Beach parking stickers.

Town Manager Larry Mead said the current fees are:

| | |
|----------------------|----------|
| Resident seasonal: | \$4.00 |
| Nonresident daily: | \$12.00 |
| Nonresident weekly | \$50.00 |
| Nonresident seasonal | \$100.00 |

Mr. Mead recommended increasing the cost of the resident fee by \$1.00.

Motion by Selectman Weston, seconded by Selectman Barwise, to increase the resident Goose Rocks Beach parking sticker fee by \$1.00 to \$5.00, and keep the other fees as is. **Vote: 5-0.**

13. Public Hearing to consider sewer appeal for property located at 25 High Point Drive (Map 21, Block 4, Lot 4), property owner M & R Realty Trust/Suzanne Marrocco, Trustee.

Attorney Bruce Read spoke on behalf of his client M & R Reality Trust.

Motion by Selectman Weston, seconded by Selectman Barwise, to allow the sewer connection to property located at 25 High Point Drive. **Vote: 5-0.**

14. Award the bid for the Sewer Department service truck.

Sewer Superintendant Allan Moir said the Town received four bids for the sewer department service truck:

| | |
|--------------|-------------|
| Rowe Ford | \$38,017.00 |
| Lee Dodge | \$39,042.00 |
| Arundel Ford | \$39,385.00 |
| Weirs GMC | \$39,958.26 |

Mr. Moir stated \$38,000 was budgeted for the service truck. He recommended awarding the bid to Rowe Ford, and said he would find the other \$17 needed.

Motion by Selectman Barwise, seconded by Selectman Daggett, to award the bid for the sewer department sewer truck to Rowe Ford at a cost of \$38,017.00.

Vote: 5-0

15. Award the bid for the Maine Street storm drain and sidewalk improvements.

Mr. Mead reported that he received four bids for the Maine Street storm drain and sidewalks improvement project, and all of them were over budget. He would like to table this project indefinitely, and have Kennebunk Kennebunkport and Wells Water District replace the water main. After that work is done, he would look for additional funds from the Town and MDOT and go out to bid again in the winter.

Motion by Selectman Barwise, seconded by Selectman Daggett, to table the Main Street storm drain and sidewalk improvements project for a later date.

Vote: 5-0.

16. Consider proposed Warrant Articles for June 11, 2013, Town Meeting.

a. Amendments to Kennebunk River Ordinance.

Mr. Mead said the River Committee needs to meet to review and approve the amendments.

b. Supplemental Beach Use Ordinance.

Mr. Mead went over the changes that were made since the last meeting. (See Exhibit A).

c. Amendments to the Land Use Ordinance Article 8.7 Nonconforming Lots.

There were no other changes made since the last meeting.

d. Amendments to the Growth Planning Committee Ordinance.

There were no other changes made since the last meeting.

e. Amendments to the Solid Waste Ordinance.

There were no other changes made since the last meeting.

17. Other business.

Selectman Hutchins thanked his supporters and said he was proud and humbled by the election outcome. He said he would work hard for everyone including those who did not support him. He also expressed appreciation to his wife Tina, for her support.

18. Consider the March 28, 2013, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the March 28, 2013, Treasurer's Warrant. **Vote:** 5-0.

19. Executive session per 1 M.R.S.A. § 405 (6) (E) to discuss litigation.

The Board went into executive session at 7:40 P.M.

The Board came out of executive session at 8:10 P.M. No action was taken.

20. Adjournment.

The meeting adjourned at 8:10 P.M.

Submitted by

Arlene McMurray
Administrative Assistant

Beach Use Ordinance II for Goose Rocks Beach Kennebunkport, Maine

I. Preamble, Purpose:

This Ordinance is adopted pursuant to Title 30-A, Chapter 141 of the Maine Revised Statutes.

The purpose of this Ordinance is to provide for the safety, enjoyment, health and welfare of persons using Goose Rocks Beach, while preserving the Beach as a natural resource, by authorizing, among other things, regulations to protect wildlife, dune areas and the Beach environment, and regulations for recreational use of portions of the Beach that are subject to use by the public, but are not subject to the Beach Use Agreement as it may be amended from time to time, while respecting the private property rights of beachfront property owners, and devising regulations governing maintenance, management, operation and protection of the Beach designed to preserve its continued use as an environmentally friendly, family oriented beach to be enjoyed by Kennebunkport residents and property owners, their guests and invitees, and members of the general public using the Beach

Deleted: the public easement for general recreational purposes over

II. Definitions:

As used in this Ordinance, the terms "Beach," "Beach Advisory Committee," and "Beach Premises," shall have the same meaning as those terms defined in the Beach Use Ordinance for Goose Rocks Beach Kennebunkport, Maine. In addition, the following terms have the following meanings:

1. "Beach Areas" means those portions of the Beach that are not Beach Premises.

III. Use of the Beach Easement Premises

A. Recreational Use Permitted

The Beach Areas may be used by any person for recreational purposes and activities customarily associated with, or conducted upon, beaches, including, without limitation, swimming, sunbathing, walking and typical "beachgoer" uses, provided that such purposes and activities shall be undertaken in compliance with the provisions of this Ordinance.

Deleted: active and passive

Deleted: and recreational related

B. General Restrictions on the Beach

The Board of Selectmen may, upon consultation with the Beach Advisory Committee, adopt any regulation or restriction governing the Beach Areas that (i) is applicable to the Beach Premises by way of the Beach Use Ordinance, (ii) they have authority to adopt for the Beach Premises, or (iii) they otherwise have authority by law to adopt.

IV. Enforcement and Penalty

This Ordinance and the regulations and restrictions adopted by the Selectmen hereunder are enforced by the Kennebunkport Police Department. Any person who violates any provision of this Ordinance or any regulations or restrictions adopted hereunder commits a civil violation for

Deleted: made applicable to the Beach Areas

which a penalty of not more than one hundred dollars (\$100.00) may be adjudged. All penalties recovered shall accrue to the benefit of the Town.

V. Other Provisions

- | A. Beach Closures. The Town Manager is authorized to close the Beach Areas to public use when water quality testing determines the water to be unhealthy for humans. Deleted: Easement Premises
- B. Severability. The invalidity of any section or provision of this Ordinance shall not affect the validity of any other section or provision of this Ordinance.
- C. Effective Date. This Ordinance shall take effect upon its adoption.
- D. Applicability. This Ordinance is intended to apply to the Beach Areas only. This Ordinance is not intended to apply to the Beach Areas, and is not intended to constitute or be a part of the "Beach Use Ordinance" as that term is used in connection with a Beach Use Agreement by and among the Town of Kennebunkport and certain owners of properties on or in the vicinity of Goose Rocks Beach dated as of the ____ day of _____, 2012 and recorded in the York County Registry of Deeds in Book _____, Page _____, and no actions of the general public or action or failure to act of the Town relating to this Ordinance shall affect or impair any rights or obligations under that Beach Use Agreement.