

**Town of Kennebunkport
Selectmen/Budget Board Meeting
April 23, 2015
6:30 p.m. – Village Fire Station – 32 North Street**

Minutes of the Selectmen's Meeting of April 23, 2015

Selectmen attending: Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, Ed Hutchins, and Sheila Mathews-Bull

Others: Carol Cook, Michael Davis, April Dufoe, Amy Johnson, Ed Karytko, Susan Karytko, Dan Lay, Nathan Lynz, Arlene McMurray, Molly Reinfried, Roger Seavey, Laurie Smith, and others

Budget Board: Barbara Barwise, Dan Beard, David Betses, Dawn Morse, David James, Leo Martin, and Michelle Powell

1. Call to Order.

Chair Daggett called the meeting to order at 6:30 PM.

2. Consider citizen's petition to initiate the process of withdrawal from RSU #21.

a. Consider expenditure amount for withdrawal question.

Chair Leo Martin called the Budget Board Meeting to order at 6:30 PM.

Town Manager Laurie Smith explained the process of withdrawal from the school district. She said the citizen petition to withdraw has to go on the ballot, so the Board is required to come up with a monetary amount in case this ballot passes. The funds will be used for legal assistance in negotiating the withdrawal, developing the agreement, and for consultants. She recommended between \$40,000 and \$50,000. She said this has nothing to do with whether the Board supports the withdrawal, but more to be prepared in case it passes. She said the Budget Board also needs to give its recommendation for a dollar amount.

Discussion followed. David James, Ed Karytko, and Amy Johnson either asked questions or commented on what withdrawal from the school district would mean to Kennebunkport.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to place the Question on the ballot "Do you favor filing a petition for withdrawal with the board of directors of regional school unit 21 and with the Commissioner of Education? **Vote:** 5-0.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to place the Question on the ballot to raise and appropriate \$40,000, for the withdrawal committee to expend for the withdrawal process from RSU #21. **Vote:** 5-0.

Chair Martin commented that both towns have tried withdrawal as far back as the 1960s and it never got the 2/3's vote to pass. He wants what is in the best interest of the children and does not support withdrawal from the school district.

The Budget Board voted 4-3 to recommend expending \$40,000 for the withdrawal process from RSU #21.

Chair Martin adjourned the Budget Board Meeting at 7:10 PM.

3. Approve the April 9, 2015, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the April 9, 2015, selectmen meeting minutes. **Vote:** 5-0.

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.).

Amy Johnson did not support withdrawing from the school district. She stated voters did not support this in a previous election. She said leaving the RSU would mean that grades 6 to 12 would no longer have a say on curriculum choices, and a child may not be able to go to the school that they desire. She reiterated what Mr. Martin said that this has been going on since 1967, and it is disheartening that they are still discussing this.

Dan Beard added that this meeting is not for discussing the pros and cons of withdrawal from the school district. It is just to decide on a monetary amount in case the withdrawal gets passed by the voters.

David James commented that the withdrawal from the school district question will be voted on by secret ballot and was concerned that the Budget Board's recommendations would not be on the secret ballot. He said that people do consider the Budget Board's recommendations. Also that the subcommittee already looked at the school withdrawal issue and concluded that it could cost 10% more, and there were a lot of unintended consequences. He does not support withdrawal.

Amy Johnson mentioned that she is on the School Board and would like to come and talk to the Board at a future meeting.

Town Clerk April Dufoe addressed David James concerns saying the Budget Board's recommendations would be on the secret ballot.

Director of Parks and Recreation Carol Cook said she developed a flyer regarding plants that are going in Silas Perkins Park. People can select plants at a reduced price. Orders with full payment must be in by May 6, and available for pick up at the Parks and Recreation Department on Saturday, May 9. She can be reached at 967-4304.

5. Consider a renewal liquor license application submitted by Richard and Keith Nunan, DBA Nunan's Lobster Hut, Inc., 9 Mills Road.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by Richard and Keith Nunan, DBA Nunan's Lobster Hut, Inc., 9 Mills Road. **Vote:** 5-0.

6. Consider a renewal liquor license application submitted by OWR, LLC, Kathleen M. Spang, DBA Ocean Woods Resort/PJ's Pub & Dining, 71 Dyke Road.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by OWR, LLC, Kathleen M. Spang, DBA Ocean Woods Resort/PJ's Pub & Dining, 71 Dyke Road. **Vote:** 5-0.

7. Consider a renewal special amusement permit application submitted by Kathleen M. Spang, DBA Ocean Woods Resort/PJ's Pub & Dining, 71 Dyke Road.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the renewal special amusement permit application submitted by Kathleen M. Spang, DBA Ocean Woods Resort/PJ's Pub & Dining, 71 Dyke Road. **Vote:** 5-0.

8. Consider a renewal liquor license application submitted by Debra Lennon and Timothy Harrington, DBA The Old Fort Inn, 8 Old Fort Avenue.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal liquor license application submitted by Debra Lennon and Timothy Harrington, DBA The Old Fort Inn, 8 Old Fort Avenue. **Vote:** 5-0.

9. Consider a renewal application for a liquor license submitted by CAI Properties, LLC., DBA Cape Arundel Inn, 208 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal application for a liquor license submitted by CAI Properties, LLC., DBA Cape Arundel Inn, 208 Ocean Avenue. **Vote:** 5-0.

10. Consider a renewal special amusement permit submitted by Debra Lennon, DBA Cape Arundel Inn and Resort, 208 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal special amusement permit submitted by Debra Lennon, DBA Cape Arundel Inn and Resort, 208 Ocean Avenue. **Vote:** 5-0.

11. Consider a renewal application for a liquor license submitted by The Boathouse at Kennebunkport, LLC, DBA The Boathouse Hotel, 21 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal application for a liquor license submitted by The Boathouse at Kennebunkport, LLC, DBA The Boathouse Hotel, 21 Ocean Avenue. **Vote:** 5-0.

12. Consider a renewal application for a special amusement permit submitted by Debra Lennon, DBA The Boathouse Waterfront Hotel, 21 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal application for a special amusement permit submitted by Debra Lennon, DBA The Boathouse Waterfront Hotel, 21 Ocean Avenue. **Vote:** 5-0

13. Consider a renewal application for a liquor license submitted by Coveside Resort, LLC., Inc., DBA The Lodge at the Cove, 29 South Main Street.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal application for a liquor license submitted by Coveside Resort, LLC., Inc., DBA The Lodge at the Cove, 29 South Main Street. **Vote:** 5-0.

14. Consider a renewal special amusement permit application submitted by Debra Lennon, DBA The Lodge on the Cove, 29 South Main Street.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal special amusement permit application submitted by Debra Lennon, DBA The Lodge on the Cove, 29 South Main Street. **Vote:** 5-0.

15. Consider a renewal liquor license application submitted by Fishing Pole Lane, DBA Hidden Pond, 354 Goose Rocks Road.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal liquor license application submitted by Fishing Pole Lane, DBA Hidden Pond, 354 Goose Rocks Road. **Vote:** 5-0.

16. Consider a renewal special amusement permit application submitted by Debra Lennon, DBA Hidden Pond, 354 Goose Rocks Road.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal special amusement permit application submitted by Debra Lennon, DBA Hidden Pond, 354 Goose Rocks Road. **Vote:** 5-0.

17. Consider a renewal liquor license application submitted by Tides Beach Club, LLC, DBA Tides Beach Club, 254 Kings Highway.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal liquor license application submitted by Tides Beach Club, LLC, DBA Tides Beach Club, 254 Kings Highway. **Vote:** 5-0.

18. Consider a renewal special amusement permit application submitted by Debra Lennon, DBA Tides Beach Club, 254 Kings Highway.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal special amusement permit application submitted by Debra Lennon, DBA Tides Beach Club, 254 Kings Highway. **Vote:** 5-0.

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

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

20. Consider a renewal application for a special amusement permit submitted by John E. Martin, DBA The Colony Hotel, 140 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal application for a special amusement permit submitted by John E. Martin, DBA The Colony Hotel, 140 Ocean Avenue. **Vote:** 5-0.

21. Consider a renewal application for a liquor license submitted by Jackson Yordon, DBA Salt and Honey, 24 Ocean Avenue.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the renewal application for a liquor license submitted by Jackson Yordon, DBA Salt and Honey, 24 Ocean Avenue. **Vote:** 5-0.

Chair Daggett announced that all of the applications were inspected and approved by police, fire and, code enforcement.

22. Presentation of Investment Policy by Daniel Lay and Molly Reinfried of H.M. Payson.

Ms. Smith explained that earlier this year, the Board awarded a contract to H.M. Payson to handle investments. She said the Investment Subcommittee met to review the Investment Policy, and Daniel Lay and Molly Reinfried were present to discuss this policy.

Mr. Lay said they are currently managing three trust funds, and hope to generate more money to these funds. The proposed Investment Policy allows them to do so. He went over the investment portfolio. Ms. Reinfried added that they will meet with the Investment Committee quarterly.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to adopt the Investment Policy. **Vote:** 5-0.

23. Finalize and sign the June 2015 Town Meeting Warrant.

Town Clerk April Dufoe read the Questions and the Board voted.

Question 1: amendment to the Land Use Ordinance concerning residential mixed use structures

Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Residential Mixed Use Structures" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[**Note of Explanation:** This amendment will allow, within certain designated zones and with certain limitations, two principal uses – a residential use combined with a commercial use to be blended and located within a single principal building on a lot without requiring a doubling of the minimum lot size.]

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve Question 1 to be placed on the June 2015 Annual Town Meeting Warrant.
Vote: 5-0.

Question 2: amendment to the Land Use Ordinance concerning the definition of lot area

Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning the Definition of Lot Area" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[**Note of Explanation:** This amendment will revise the definition of lot area

used when calculating allowable lot coverage by excluding beach areas in that calculation.]

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve Question 2 to be placed on the June 2015 Annual Town Meeting Warrant.

Vote: 5-0.

Question 3: amendment to the Land Use Ordinance concerning performance standards of hotels, motels, bed & breakfasts and inns

Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Performance Standards of Hotels, Motels, Bed & Breakfasts and Inns" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[**Note of Explanation:** This amendment will allow existing non-conforming Hotels, Motels, Bed & Breakfasts and Inns to construct ADA and Life Safety compliant stairwells and elevator shafts without the need for a variance.]

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve Question 3 to be placed on the June 2015 Annual Town Meeting Warrant.

Vote: 5-0.

Question 4: amendment to the Land Use Ordinance concerning the official shoreland zoning map

Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning the Official Shoreland Zoning Map" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[**Note of Explanation:** This amendment will revise an existing stream buffer in Cape Porpoise Square to reflect the actual stream boundaries.]

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve Question 4 to be placed on the June 2015 Annual Town Meeting Warrant.

Vote: 5-0.

Question 5: amendment to the Land Use Ordinance concerning certain permitted use structures

Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Certain Permitted Use Structures" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[**Note of Explanation:** This amendment will remove Planning Board Site Plan

review requirements for permitted structures associated with agriculture, farm stands or storage and repair of fishing equipment.]

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve Question 5 to be placed on the June 2015 Annual Town Meeting Warrant.

Vote: 5-0.

Question 6: amendment to the land use ordinance concerning errors and omissions

Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Certain Typographical Errors and Omissions" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will correct certain typographical errors and omissions from past warrant articles.]

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve Question 6 to be placed on the June 2015 Annual Town Meeting Warrant.

Vote: 5-0.

Question 7: amendment to the Dog Ordinance

Shall an ordinance entitled "June, 2015 Amendment to the Dog Ordinance" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will repeal and replace the Dog Ordinance adopted June 9, 1976.]

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve Question 7 to be placed on the June 2015 Annual Town Meeting Warrant.

Vote: 5-0

24. Approve Certification of Ordinances.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the Certification of Ordinances. **Vote:** 5-0.

25. Set date for a public hearing on May 28, 2015, to consider the warrant articles for the June Town Meeting ballot.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to set date for a public hearing on May 28, 2015, at 6:00 PM, to consider the warrant articles for the June Town Meeting ballot. **Vote:** 5-0.

26. Order to countersign the RSU #21 Budget Validation and Bond Referendum Election Warrant.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the Order to countersign the RSU #21 Budget Validation and Bond Referendum Election Warrant. **Vote:** 5-0.

27. Authorize the Town Manager to sign the RSU Maine PERS credit agreement.

Ms. Smith explained that at the last meeting the Board voted to receive the Maine PERS retirement overpayment by check, and to put the funds in a reserve account to offset education costs. Afterwards, she found out that the money cannot be refunded in cash, but that the RSU will use it reduce the fiscal year 2016 education budget.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to authorize the Town Manager to sign the RSU Maine PERS credit agreement. **Vote:** 5-0.

28. Discussion of Dock Square Parking Lot operations for the summer of 2015.

Ms. Smith said she and Police Chief Sanford met business owners and discussed the Dock Square Parking Lot operations. Businesses had concerns that the character of the small town environment would be lost with automated parking lot machines. Also, that there would be tie ups at the gate, problems with larger vehicles, etc. She proposed that the Town hire two attendants to work during the busiest hours, to patrol the lot, answer questions, give out directions and maps, etc. for 10-12 weeks over the summer to help with the transition from having parking lot attendants to automated machines. At \$12 an hour, wages would cost approximately \$5,000.

Discussion followed. Amy Johnson had questions. David James supports this.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to hire two people to work at the Dock Square Parking Lot for 12 weeks of this year, not to exceed \$5,000 in wages. **Vote:** 4-1/Selectman Hutchins opposed.

Motion by Selectman Hutchins to amend the motion to include extending the parking lot hours to 1AM. Motion failed.

29. Other business.

Ms. Smith announced that April 25 is National Take Back the Drugs Day. People can drop off their unused drugs at the Police Department from 10:00 AM to 2:00 PM.

30. Approve the April 23, 2015, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the April 23, 2015, Treasurer's Warrant. **Vote:** 5-0.

31. Adjournment.

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

The meeting adjourned at 8:24 PM.

Submitted by Arlene McMurray
Administrative Assistant