

**Town of Kennebunkport
Board of Selectmen's Meeting
Village Fire Station-32 North St.
March 27, 2014**

Minutes of the Selectmen Meeting of March 27, 2014

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

Others present: Barbara Barwise, Michael Davis, Richard Driver, April Dufoe, Werner Gilliam, David James, Kathryn Leffler, Arlene McMurray, Chris Perry, Craig Sanford, Roger Seavey, Bob Sherman, and Laurie Smith

1. Call to Order.

Chair Barwise called the meeting to order at 7:20 P.M.

2. Approve the February 27, March 6, 13, 2014, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to approve the February 27, March 6, and 13, 2014, selectmen meeting minutes. **Votes:** 5-0.

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).

Richard Driver said he hoped the Board would reconsider putting the construction of the emergency operations center on the June Town Meeting Warrant because they should spend the money now while construction prices and interest rates are lower. He discussed the reasons the emergency operations center is needed now and said to let the voters decide.

Discussion followed with Selectmen Daggett, Matthews-Bull, and Hutchins wanting to wait and discuss this further. Some are not convinced that the plan presented is exactly what is needed, that spending \$600,000 should not be taken lightly, and that other issues have higher priority.

Selectman Barwise and Briggs said if they wait until next year, it would be fiscally irresponsible because they will lose the opportunity for lower interest rates. They think the voters should decide.

David James added that this item was a priority two years ago when the Board agreed to put money aside for it, and the opportunity to do this is now.

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

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to ap-

prove the renewal liquor license application submitted by Richard and Keith Nunan, d.b.a. Nunan's Lobster Hut, Inc., 9 Mills Road. **Vote:** 5-0.

5. 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 Daggett, seconded by Selectman Matthews-Bull, to approve the renewal application for a liquor license submitted by the Seaside Hotel Association, L.T.D., d.b.a. Nonantum Resort, 95 Ocean Avenue. **Vote:** 5-0.

6. 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 Daggett, seconded by Selectman Matthews-Bull, 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:** 5-0.

7. Consider a renewal liquor license application submitted by US Hotels New England LLC, US Hotels New England Management Corp, d.b.a. The Breakwater Spa, 127 Ocean Ave.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the renewal liquor license application submitted by US Hotels New England LLC, US Hotels New England Management Corp, d.b.a. The Breakwater Spa, 127 Ocean Ave. **Vote:** 5-0.

8. Consider a renewal special amusement permit application submitted by US Hotels New England LLC, US Hotels New England Management Corp, d.b.a. The Breakwater Spa, 127 Ocean Ave.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the renewal special amusement permit application submitted by US Hotels New England LLC, US Hotels New England Management Corp, d.b.a. The Breakwater Spa, 127 Ocean Ave. **Vote:** 5-0.

9. Consider a renewal liquor license application submitted by W. Scott Lee, SBJC, LLC, d.b.a. Bandaloo, 2 Ocean Avenue.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the renewal liquor license application submitted by W. Scott Lee, SBJC, LLC, d.b.a. Bandaloo, 2 Ocean Avenue. **Vote:** 5-0.

10. Consider a renewal special amusement permit application submitted by, W. Scott Lee, d.b.a. Bandaloo (SBJC, LLC), 2 Ocean Avenue.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the renewal special amusement permit application submitted by, W. Scott Lee, d.b.a. Bandaloop (SBJC, LLC), 2 Ocean Avenue. **Vote:** 5-0.

11. Consider a renewal application for a liquor license submitted by Cove-side Resort, LLC., Inc., d.b.a. The Lodge at the Cove, 29 South Main Street.

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

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

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

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

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

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

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

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

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

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

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to ap-

prove the renewal application for a special amusement permit submitted by Debra Lennon, d.b.a. The Boathouse Waterfront Hotel, 21 Ocean Avenue.

Vote: 5-0.

Selectman Matthews-Bull added that all of these applications have been approved by the police chief, fire inspector, and code enforcement officer.

17. Appoint Town Officers.

The Board received the following list of Town Officer appointments from the Town Clerk:

Animal Control Officer	David R. Conway
Assessor's Agent	Donna Moore Hays, CMA
Code Enforcement Officer	Werner D. Gilliam
Asst. Code Enforcement Officer	Wayne B. Mathews
Plumbing Inspector	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
Treasurer	Jennifer L. Lord

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to appoint the Town Officers listed above. **Vote:** 5-0.

18. Meet as Assessors to consider the following abatements:

Property Owner	Location	Map	Blk	Lot(s)	Tax Abate-ments 2014	Tax Abate-ments Prior years
Dimitri J. Bouras	3 Grier Road	29	1	5	Denied	
Grady & Gwynne Hogan	9 New Biddeford Road	35	6	2	\$917.15	
Stephen & Julie Cote	18 & 20 Batson Creek RD	28	1	4		\$1,420.67
Total Abatements					\$2,337.82	

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to deny the tax abatement for map 29, block 1, lot 5, as recommended by Assessors Agent Donna Moore Hays. **Vote:** 5-0.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the \$917.15 abatement for map 35, block 6, lot 2. **Vote:** 5-0.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve for a prior year the \$1,420.67 tax abatement for map 28, block 1, lot 4 per Assessors Agent Donna Moore Hays' recommendation. **Vote:** 5-0.

19. Consider the following proposed Warrant Articles for the June 10, 2014 Town Meeting Warrant.

Director of Planning and Development Werner Gilliam said that the proposed Land Use Ordinance amendments are being reviewed by the Town Attorney.

- **Proposed amendment to the Land Use Ordinance concerning tents.**
- **Proposed amendment to the Land Use Ordinance concerning accessory apartments.**
- **Proposed amendment to the Land Use Ordinance concerning disability variances.**
- **Proposed amendments to Dog Ordinance.**

The current Dog Ordinance does not allow dogs to run unleashed on the beach. The Beach Advisory Committee's proposed amendment restricts dogs within 300 ft of piping plover nesting areas. The Town Attorney, trying to be consistent with ordinances in other local beach towns, recommended a 150 ft boundary; however, the expanse of 150 ft may be hard to define and too restrictive during high tide. Ms. Smith said she would like more feedback on the proposed Dog Ordinance amendments before the next meeting.

Selectman Matthews-Bull mentioned that she and others are concerned about sanitation problems with dogs doing their business on the beach and little children walking on the beach.

Bob Sherman, chair of the Beach Advisory Committee, said he will be meeting with the Beach Advisory Committee on Monday, and will bring back to the Board their final recommendations.

- **Kennebunk River Ordinance Revisions.**

There were no changes to this Ordinance since the previous meeting.

- **Proposed amendment to the Land Use Ordinance concerning expiration dates of conditional use approvals.**

- Proposal to extend Dock Square Zone.

Mr. Gilliam said that the Planning Board opposes this proposal to extend the Dock Square Zone. He said the Growth Planning Committee will be making recommendations at their next meeting.

20. Other business.

a. Request to authorize the tax write-off of \$43.79 for Map 27, Block 2, Lot 18.

Ms. Smith mentioned that this property was offered as a gift to the Town.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to write off the tax amount of \$43.79 for Map 27, Block 2, Lot 18. **Vote:** 5-0.

Ms. Smith said the moratorium on the clam flats is expiring on April 1. Due to the cold weather they have not had a chance to survey this area. It was suggested to extend this moratorium to May 1.

Motion by Selectman Matthews-Bull, Seconded by Selectman Daggett, to extend the moratorium on the clam flats until May 1, 2014. **Vote:** 5-0.

Ms. Smith announced that the Town Office and Police Department are getting a new phone system installed next week or possibly the following week. She asked the public to let her know if there are any problems with getting through. She said they are hoping to improve our customer service with this new system.

Ms. Smith said there is a possible executive session regarding the Goose Rocks Beach litigation before the next meeting on April 10. She asked if the Board is agreeable to having it at the beginning of the meeting. The Board agreed to have it at the beginning.

Ms. Smith said she went with Selectmen Hutchins, Daggett went to a dredging ship last Monday with the Army Corp of Engineers in Kennebunk harbor. They spoke to them about the potential dredging project in Cape Porpoise Harbor. They will be doing some testing of Cape Porpoise Harbor possibly in April. It is a long-term project. They have to secure funding, etc.

Ms. Smith gave the Board a heads up that she will be asking the Board to appoint someone to the Beach Advisory Committee before May 1.

Ms. Smith said the spring newsletter is going out at the end of May. She asked that they contact Arlene if they have anything they want to include.

Ms. Smith stated that the Board has voted on the budget expense items but she needs them to vote on the revenue. She explained some of the items that

both boards have a difference of opinion on such as:

- Under Social Services, the total amounts are the same for both the Board of Selectmen and Budget Board, but there was a difference in the Senior Center Lower Village and Community Outreach.
- Under Misc. Agencies having to do with the Chamber of Commerce.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the recommendations of the Budget Board for revenues in the amount of \$2,464, 330. **Vote:** 5-0.

Selectman Matthews-Bull suggested that the Board let stand what it agreed upon for social services previously.

The Board agreed to discuss this at the meeting in April 10.

21. Consider the March 27, 2014, Treasurer's Warrant.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, **Vote:** 5-0

22. Adjournment.

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

The Meeting adjourned at 8:15 PM.

Submitted by Arlene McMurray
Administrative Assistant