

**Board of Selectmen Meeting
Village Fire Station – 32 North Street
March 22, 2018 – 6:00 PM**

Minutes of the Selectmen's Meeting of March 22, 2018

Selectmen Attending: Stuart Barwise, Patrick A. Briggs, Allen Daggett, Sheila Matthews-Bull, Edward Hutchins

Others: Deb Bauman, Michael Claus, Carol Cook, Michael Davis, Werner Gilliam, David James, Maria Junker, Sarah Lachance, Scott Lantagne, Jen Lord, Arlene McMurray, Becky Nolette, Matthew Philbrook, Breese Reagle, Craig Sanford, Laurie Smith, Tracey O'Roak and others

1. Call to Order.

Chair Briggs called the meeting to order at 6 PM.

2. Final review of fiscal year 2019 municipal budget requests.

The Board of Selectmen reviewed the budget requests and voted on the following:

Motion by	Seconded by				
Selectmen	Selectman	to approve	to the	account	Vote:
Barwise	Daggett	924,725.00	Administration	account	5-0
Barwise	Daggett	500.00	Zoning Board of Appeals	account	5-0
Barwise	Daggett	2,685.00	Conservation Commission	account	5-0
Barwise	Daggett	10,000.00	Growth Planning	account	5-0
Barwise	Daggett	68,000	Legal fees	account	5-0
Barwise	Daggett	268,966.00	Insurance	account	5-0
Barwise	Daggett	28,547.00	Community Development	account	5-0
Barwise	Daggett	406,758.00	Planning & Development	account	5-0
Barwise	Daggett	1,564,850.00	Police dept	account	5-0
Barwise	Daggett	504,279.00	Communications	account	5-0
Barwise	Daggett	389,472.00	Fire Dept.	account	5-0
Barwise	Daggett	150,000.00	KEMS	account	5-0

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Barwise	Daggett	1,500.00	Emergency Management	account	5-0
Matthews-Bull	Daggett	15,056.00	Animal Control	account	5-0
Matthews-Bull	Daggett	20,957.00	Harbormaster	account	5-0
Matthews-Bull	Daggett	457,895.00	Solid Waste	account	5-0
Matthews-Bull	Daggett	180,375.00	Health	account	5-0
Matthews-Bull	Daggett	3,335.00	Welfare	account	5-0
Matthews-Bull	Daggett	22,400.00	Social Services	account	
Matthews-Bull	Daggett	3,945.00	Shellfish Conservation	account	5-0
Matthews-Bull	Daggett	32,500.00	Public Restrooms	account	5-0
Matthews-Bull	Daggett	846,357.00	Highway dept	account	5-0
Matthews-Bull	Daggett	99,411.00	Mechanic	account	5-0
Hutchins	Daggett	182,510.00	Utilities	account	5-0
Hutchins	Daggett	42,071.00	Shade Tree	account	5-0
Hutchins	Daggett	18,794.00	Cemetery	account	5-0
Hutchins	Daggett	259,744.00	Recreation	account	5-0
Hutchins	Daggett	150,000.00	Graves Library	account	5-0
Hutchins	Daggett	13,950.00	Cape Porpoise Library	account	5-0
Hutchins	Daggett	3,900.00	Parsons Way	account	5-0
Hutchins	Daggett	40,000.00	GRB Advisory	account	5-0
Hutchins	Daggett	151,894.00	Contingency	account	5-0
Hutchins	Daggett	10,790.00	Miscellaneous	account	5-0
Hutchins	Daggett	20,000.00	CO - Admin.	account	5-0
Hutchins	Daggett	37,000.00	CO - Police	account	5-0
Hutchins	Daggett	186,100.00	CO -Fire Reserve	account	5-0
Hutchins	Daggett	175,000.00	CO - Highway	account	5-0
Hutchins	Daggett	717,000.00	CO - Road Improvement	account	5-0
Hutchins	Daggett	93,000.00	CO - Sidewalk construction	account	5-0
Hutchins	Daggett	200,000.00	CO - Recreation	account	5-0
Hutchins	Daggett	65,000.00	CO-Special Projects	account	5-0
Hutchins	Daggett	130,000.00	CO - Piers	account	5-0

Hutchins	Daggett	210,957.00	Debt Service	account	5-0
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3. Approve the March 9, and March 15, 2018, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the March 9, 2018, selectmen meeting minutes. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the March 15, 2018, selectmen meeting minutes. **Vote:** 4-0-1/Selectman Matthews-Bull abstained because she was not at this meeting.

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 special amusement permit for The Ramp Grill, LLC, DBA Pier 77 Restaurant, 77 Pier Road.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the renewal special amusement permit for The Ramp Grill, LLC, DBA Pier 77 Restaurant, 77 Pier Road. **Vote:** 5-0.

6. Consider a renewal liquor license application submitted by US Hotels New England, LLC and US Hotels New England Management Corp, d.b.a. the Breakwater Spa, 127 Ocean Avenue.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the renewal liquor license application submitted by US Hotels New England, LLC and US Hotels New England Management Corp, d.b.a. the Breakwater Spa, 127 Ocean Avenue. **Vote:** 5-0.

7. Consider a renewal special amusement permit application submitted by US Hotels New England, LLC and US Hotels New England Management Corp, d.b.a. the Breakwater Spa, 127 Ocean Avenue.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the renewal special amusement permit application submitted by US Hotels New England, LLC and US Hotels New England Management Corp, d.b.a. the Breakwater Spa, 127 Ocean Avenue. **Vote:** 5-0.

8. Review proposed ordinance revisions and vote to place on Town Meeting Warrant.

Town Manager Laurie Smith said the Board has been reviewing these amendments over the past few months and summarized each one.

- a. Street Ordinance
- b. Administrative Code
- c. Cape Porpoise Pier
- d. Revision to Growth Area Map
- e. Setback from Road/ROW cleanup, Clarification
- f. Parking Standard revision 6.9 6.10 removal of lot coverage credit for semi-pervious materials
- g. Removal of fees from Floodplain Management Ordinance

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the proposed ordinance revisions mentioned above and place them on Town Meeting Warrant. **Vote:** 5-0.

9. Appoint Town Officers.

Werner Gilliam introduced new Code Enforcement Officer Matthew Philbrick and he gave his employment background.

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

Animal Control Officer	David R. Conway
Assessor's Agent	Rebecca R. Nolette
Code Enforcement Officer	Werner D. Gilliam
Asst. Code Enforcement Officer	Gregory Reid
Asst. Code Enforcement Officer	Matthew Philbrick
Plumbing Inspector	Werner Gilliam
Asst. Plumbing Inspector	Gregory Reid
Asst. Plumbing Inspector	Matthew Philbrick
Constable	Tracey L. O'Roak
Emergency Management Director	Craig Sanford
Fire Inspector	Scott Lantagne
Harbor Master-Cape Porpoise	Lee F. McCurdy
Harbor Master-Kennebunk River	James Black
Health Officer	Alison Z. Kenneway
Deputy Health Officer	Angela Jenks
Public Access Officer	Tracey L. O'Roak
Registrar of Voters	Tracey L. O'Roak
Road Commissioner	Michael W. Claus
Shellfish Warden	Everett Leach
Street Naming & Numbering Delegate	James E. Burrows
Tax Collector	Laurie A. Smith
Town Clerk	Tracey L. O'Roak

Town Forester
Treasurer
Tree Warden

Patrick A. Briggs
Jennifer L. Lord
Patrick A. Briggs

Vote: 5-0 for all but Town Forester and Tree Warden.

For Town Forester and Tree Warden the **Vote** was: 4-0-1/Chair Briggs abstained from voting for Town Forester and Tree Warden.

10. Consider 2017 Supplemental Tax Warrant for CDMK, LLC as penalty for removal of 31 acres from the Tree Growth program.

Assessor's Agent Becky Nolette explained that the penalty fee was calculated in accordance with state statute based on the number of years which was 34.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the 2017 Supplemental Tax Warrant for CDMK, LLC in the amount of \$65,780 as penalty for removal of 31 acres from the Tree Growth program. **Vote:** 5-0.

11. Authorize Town Manager to sign the Memorandum of Understanding for Shelter Services between Kennebunkport, Kennebunk, and Arundel.

Town Manager Laurie Smith explained the need for a regional shelter. All three towns and the RSU support this agreement. The cost for each community would be \$1,115.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to sign the Memorandum of Understanding for Shelter Services between Kennebunkport, Kennebunk, and Arundel. **Vote:** 5-0.

12. Authorize Town Manager to enter into a contract for the construction of the parks and recreation building conditional upon approval of Special Town Meeting funding.

Ms. Smith reported that seven contractors submitted bids for the construction project: DiMatteo Construction Management; Risbara Brothers Construction; Benchmark Construction; Doten's Construction; Hardy Pond Construction; Great Falls Construction; and P.C. Construction. DiMatteo and Risbara Brothers were the low bidders. After reviewing references, the parks and recreation department recommends awarding the bid to Risbara Brothers Construction at a cost of \$751,000.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to authorize the Town Manager to enter into a contract with Risbara Brothers Construction at a cost of \$751,000 for the construction of the parks and recreation building conditioned upon approval of Special Town Meeting funding. **Vote:** 5-0.

13. Authorize a Housing Committee.

The Board authorized Ms. Smith to develop strategies for items reported in the Housing Assessment Study. To accomplish this task, she requested funds in the fiscal year 2019 budget for a consultant to review zoning, land use regulations, and to study public land that may be used for housing, etc. She asked the Board to appoint two committees; one for housing and the other for short-term rental. She said she received four volunteers for the Housing Committee: David Kling, Pat Clancy; Jim Fitzgerald, and William Dugan. She recommends appointing all of them along with Pat Briggs, and Werner Gilliam for a term of two years.

Motion by Selectman Daggett, seconded by Selectman Barwise, to appoint to the Housing Committee for a two-year term: Pat Briggs, Werner Gilliam, David Kling, Pat Clancy, Jim Fitzgerald, and William Dugan. **Vote:** 5-0.

Dan Saunders, GPC chair commented both of these committees are valuable.

14. Authorize a short-term Rental Committee.

Ms. Smith explained that the Housing Assessment Study found short-term rentals appeared to increase market values in town. She asked the Board to appoint an ad hoc short-term Rental Committee to meet from April to November 2018. Their charge would be to solicit public input on the issues these rentals create (noise, parking, strangers next door, etc.) and to discover how other communities deal with them; and to provide recommendations to the Board at the end of November 2018.

Ms. Smith reported that she already has a few volunteers from Goose Rocks Beach. She suggests that the committee consist of: one or two residents, a homeowner who is approved as a roomer, a representative for Goose Rocks Beach rentals, and someone else involved in rentals. She sees it as a 9-month committee.

Motion by Selectman Daggett, seconded by Selectman Barwise to following the Town Manager's recommendations and appoint a short-term Rental Committee for a period of nine months. **Vote:** 5-0.

15. Sarah Lachance to discuss proposed resolution regarding offshore drilling.

Sarah Lachance, former chair of the Conservation Commission, talked about the President opening the entire ocean to offshore drilling and the impact the drilling, seismic testing, and the exploration would have on marine animals. She asked the Board to sign a resolution similar to the one signed by Portland and South Portland.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the Resolution Opposing Oil and Gas Offshore Drilling Off the Coast of Maine. **Vote:** 5-0.

16. Accept donations for Kennebunkport emergency food program.**a. Donation of \$177 from RSU 21/Consolidated School Sock Hop Fundraiser.**

Motion by Selectman Hutchins, seconded by Selectman Barwise, to accept the donation of \$177 from RSU 21/Consolidated School Sock Hop Fundraiser to the Kennebunkport emergency food program. **Vote:** 5-0.

b. Donation of \$500 from William J. J. Gordon Family Foundation.

Motion by Selectman Barwise, seconded by Selectman Daggett, to accept the donation of \$500 from William J. J. Gordon Family Foundation to the Kennebunkport emergency food program. **Vote:** 5-0.

c. Donation of \$50 from the Madonna Chapter 144.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to accept the Madonna Chapter 144 donation of \$50 to the Kennebunkport emergency food program. **Vote:** 5-0.

17. Accept donations to the Kennebunkport emergency fuel program.**a. Donation of \$96.13 from the RSU 21/Consolidated School Sock Hop Fundraiser.**

Motion by Selectman Barwise, seconded by Selectman Hutchins, to accept the donation of \$96.13 to the Kennebunkport emergency fuel program from the RSU 21/Consolidated School Sock Hop Fundraiser. **Vote:** 5-0.

b. Donation of \$5,000 from Timothy Harrington.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to accept the donation of \$5,000 from Timothy Harrington to the Kennebunkport emergency fuel program. **Vote:** 5-0.

c. Donation of \$500 from the William J. J. Gordon Family Foundation.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to accept the donation of \$500 from the William J. J. Gordon Family Foundation to the Kennebunkport emergency fuel program. **Vote:** 5-0.

d. Donation of \$1,000 from the Atlantic Firemen's Association.

Motion by Selectman Barwise, seconded by Selectman Daggett, to accept the donation of \$1,000 from the Atlantic Firemen's Association to the Kennebunkport emergency fuel program. **Vote:** 5-0.

e. Donation of \$1,130 from the Seaside Hotel Association LTD Partnership.

Motion by Selectman Barwise, seconded by Selectman Daggett, to accept the donation of \$1,130 from the Seaside Hotel Association LTD Partnership to the Kennebunkport emergency fuel program. **Vote:** 5-0.

f. Donation of \$250 from the United Way.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to accept the donation of \$250 from the United Way to the Kennebunkport emergency fuel program. **Vote:** 5-0.

18. Accept donations to the Kennebunkport Public Health Nurses general needs account.

a. Donation of \$2,115.19 from the Village Fire Company.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to accept the donation of \$2,115.19 from the Village Fire Company to the Kennebunkport Public Health Nurses general needs account. **Vote:** 5-0.

b. Donation of \$250 from the First Congregational Church.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to accept the donation of \$250 from the First Congregational Church to the Kennebunkport Public Health Nurses general needs account. **Vote:** 5-0.

19. Accept donations to the Kennebunkport Public Health Nurses general account.

a. Donation of \$100 from Jenifer Stewart.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to accept the donation of \$100 from Jenifer Stewart to the Kennebunkport Public Health Nurses general account. **Vote:** 5-0.

b. Donation of \$50 from Margaret Murray.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to accept the donation of \$50 from Margaret Murray to the Kennebunkport Public Health Nurses general account. **Vote:** 5-0.

Selectman Barwise announced the Board's sincere appreciation to all for their donations which are greatly appreciated.

20. Other business.

a. Select the cover photo for the 2017 Town Report.

The Board looked over the cover photos.

21. Approve the March 22, 2018, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the March 22, 2018, Treasurer's Warrant. **Vote:** 5-0.

22. Executive session pursuant to MRSA 1, §405-6D to discuss union negotiations.

23. Executive session pursuant to MRSA 1, §405-6A to discuss personnel issues.

Motion by Selectman Barwise, seconded by Selectman Daggett, to go into executive session pursuant to MRSA 1, §405-6D to discuss union negotiations and per item 23, MRSA 1, §405-6A to discuss personnel issues. **Vote:** 5-0.

The Board went into executive session at 6:50 PM and came out at 7:45 PM

Motion by Selectman Barwise, seconded by Selectman Daggett, to authorize the Town Manager to hire David Barrett to conduct union negotiations. **Vote:** 5-0.

24. Adjournment.

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

The meeting adjourned at 7:46 PM.

Submitted by Arlene McMurray
Administrative Assistant