

**Town of Kennebunkport  
Board of Selectmen's Meeting  
Village Fire Station-32 North Street  
August 14, 2014 – 7 PM**

Minutes of the Selectmen Meeting of August 14, 2014

**Selectmen present:** Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, Edward W. Hutchins

**Selectmen absent:** Sheila Matthews-Bull

**Others present:** Ray Billings, Chip Howarth, Albert Fricke, David James, Mark Messer, David Powell, Laurie Smith, Wayne Mathews, Arlene McMurray and others

**1. Call to Order.**

Chair Daggett called the meeting to order at 7:00 PM.

**2. Approve the July 24, and 30, 2014, selectmen meeting minutes.**

**Motion** by Selectmen Hutchins, seconded by Selectman Barwise, to approve the July 24, 2014, selectmen meeting minutes. **Vote:** 4-0.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve the July 30, 2014, selectmen meeting minutes. **Vote:** 3-0-1/Selectman Hutchins abstained because he was not present at that meeting.

**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.).**

Chip Howarth said at the last meeting the Board discussed removal of a mooring at Cape Porpoise. He asked if the Board had anyone to remove them, because there is no vendor that does that. He asked about the status of the removal.

Selectman Hutchins responded that there is a lot going on at Cape Porpoise harbor at this time, so the harbormaster has not had a chance to accomplish this task, but the Board would like to proceed with the removal when it's possible.

**4. Review of subsurface wastewater disposal system variance request for Richard S. Stockwell, 275 Ocean Avenue per Plumbing License Ordinance.**

Director of Planning and Development Werner Gilliam said the Plumbing License Ordinance was adopted in 1995, and he has never seen it enforced. In fact, he was not aware that this ordinance even existed. After researching, he

discovered that in approximately 19 years, only one application was ever brought before the Board of Selectmen. He said the ordinance requires Selectmen approval for any variance for septic systems and the code enforcement office and the State approved this. In following the ordinance, he brought these variances before the Board. This variance request is for a replacement system, a setback to a major water body, setback from the disposal field to the foundation, and septic tank setback to the foundation.

**5. Review of subsurface wastewater disposal system variance request for Joseph Donovan, 34 Lands End Road per Plumbing License Ordinance.**

Mr. Gilliam explained that this variance request is for a setback to the owner's well, disposal field to the seasonal water supply line, to the foundation, and to the neighboring property line. The State and code enforcement office has signed off on all of these variance requests.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to grant all of the variance requests for 275 Ocean Avenue and 34 Lands End Road per Mr. Gilliam's recommendation. **Vote:** 4-0.

**6. November election items.**

**b. Removal of Plumbing License Ordinance.**

Mr. Gilliam requested the removal of this ordinance be placed on the November Town Meeting Warrant since it has not been enforced in 19 years.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins to place the removal of the Plumbing License Ordinance on the November town Meeting Warrant. **Vote:** 4-0.

**a. Property tax fairness credit.**

Town Manager Laurie Smith said this item was discussed at the previous meeting and the Board needs to decide how much of a credit to give. The State repealed the local circuit breaker program and replaced it with a refundable Property Tax Fairness Credit program. When the state made these changes to the statute, it also removed the local authority to have a circuit breaker program. Now, the State changed the statute to reinstate the program, and the Town must adopt this new program to be in compliance with State law. The Town previously matched up to 50% of the State refund up to \$500. In this new program for April 2015, the State credit is now \$600, or \$900 for those over 70. The Town has budgeted \$20,000 for this program. The Town could increase the match up to 100% instead of 50%. She sent the draft to Town Attorney Amy Tchao for review and went over her revisions. Ms. Smith and the Treasurer think the Town can give a 100% credit. She said she would report

back to the Board the number of applications received and award based on the funding she has.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to add the Property Tax Fairness Credit to the November Town Warrant. **Vote: 4-0.**

**7. Discuss proposal to appeal to FEMA for coastal flood maps of the Goose Rocks Beach area.**

Mr. Gilliam explained the proposal from Ransom Environmental to do the FEMA study of the Goose Rocks Beach area and any subsequent appeal submissions as a result of their calculations. Their fee is \$12,000.

**Motion** by Selectman Hutchins seconded by Selectman Barwise, to expend the \$12,000 for Ransom Environmental to continue the study of the FEMA flood maps at Goose Rocks Beach. **Vote: 4-0.**

**8. Public Hearing and consideration of an amendment to the Traffic and Parking Control Ordinance regarding Section 2. Parking Control Regulations § 29. Pier Road. No parking on the south west side of the Pier Road from Fishers Lane to the end of the Spicer Property so-called except between CMP Poles ~~J-127~~ J-126 and J-129.**

Chair Daggett opened the public hearing at 7:22 PM. Hearing no comments, he closed the public hearing at 7:22 PM.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to adopt the amendment to the Traffic and Parking Control Ordinance regarding **Section 2. Parking Control Regulations § 29. Pier Road.** No parking on the south west side of the Pier Road from Fishers Lane to the end of the Spicer Property so-called except between CMP Poles J-126 and J-129. **Vote: 4-0.**

**9. Accept the following donations from the Kennebunk Portside Rotary club.**

- a. To the Kennebunkport Emergency Fuel/Food account - \$1,050.**
- b. To the Kennebunkport Police Department - \$1,050.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to accept both donations with great thanks and appreciation from the Kennebunk Portside Rotary Club of \$1,050 to the Kennebunkport Emergency Fuel/Food account and another \$1,050 to the Kennebunkport Police Department. **Vote: 4-0.**

**10. Consider appointment of Mark Messer to the Board of Assessment Review.**

Mark Messer presented his background.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to appoint Mark Messer as an alternate on the Board of Assessment Review for a term expiring in July 2017.

## 11. Other business.

Mr. Gilliam said they are looking into the possibility of doing a dredge on the southwesterly side of Government Wharf. They began discussions last year to be a part of a communal dredge. He said sedimentation has accelerated resulting in the loss of one float. He explained the proposed dredging project which includes seven marinas. The projected timeframe for the dredge is this winter, January to March 2015. As part of a group of seven marinas, the cost ranges from a low of \$34,000 to a high of \$66,000. There also may be dredge mobilization and electronic monitoring costs. The costs if the Town were to do this alone would be in the range of \$92,920 to \$174,320. He said included in the totals costs is the \$10,000 to file for an NRPA permit. The next step is whether to move forward to have grain analysis testing done by Eco-Analysts, Inc. at a cost of \$800.

Ms. Smith explained the funding options. She said the \$800 could come from professional services. In order to complete the project, funding would have to go on the November Town Warrant.

Kennebunk River Harbormaster Ray Billings pointed out that Government Wharf is a public wharf. He said this sedimentation has been going on for years, and the dredge is badly needed.

Dave James had questions and supports this dredging.

Selectmen Briggs mentioned the articles he read in the newspaper regarding the unintended consequences of putting in the breakwater at Camp Ellis. Also, he questioned whether other marinas along the river would want to share in the cost of building a wall because the cost of the wall is significant compared to the cost of the dredging.

Mr. Gilliam said he can invite Bud Brown from Eco-Analysts, Inc. and representatives from Prock Marine to a Selectmen's Meeting to explain the dredge proposal and answer any questions regarding the wall.

**Motion** by Selectman Hutchins, seconded by Selectman Barwise, to expend \$800 for the grain analysis testing to get this project started. **Vote:** 4-0.

Selectman Hutchins said the automated foghorn at Goat Island Light at the approach to Cape Porpoise harbor was turned off. Apparently, one of the summer residents complained and got the Coast Guard to turn it off. He is working

on getting it turned back on because it is a huge safety issue.

Ms. Smith announced that Steve Bolton from Habitat for Humanity informed her that President George H.W. Bush has agreed to be the honorary chair for the veterans build in Kennebunkport. Seven families have applied so far, and they are still accepting applications.

Ms. Smith said the Town received a dividend check for over \$5,000 from the Workers Compensation Fund. For the past year, workers compensation claims were low.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve the August 14, 2014, Treasurers' Warrant. **Vote:** 4-0.

### **13. Adjournment.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins to adjourn.  
**Vote:** 4-0.

The meeting adjourned at 7:49 PM.

Submitted by

Arlene McMurray  
Administrative Assistant