

**Town of Kennebunkport  
Beach Advisory Committee Meeting  
32 North Street, Village Fire Station  
December 17, 2012 @ 6:00 P.M.**

A Beach Advisory Committee meeting was held on Monday, December 17th, 2012. The meeting convened at 6:00 p.m. in the North Street Fire Station.

Members Present: Margaret Barry, Katherine Nixon, Elizabeth Ramsey, Robert Sherman, Richard Driver, Paul Hogan, Stuart Barwise, Michael Weston

Others Present: Mr. Larry Mead, Town Manager

**Items:**

**1. Call to Order and Introductions: Larry Mead, Town Manager**

Mr. Mead welcomed everyone to this inaugural meeting of the Beach Advisory Committee and gave a brief history of the committee's inception. Mr. Mead also stated his role this evening would be as the meeting's facilitator but once the Committee had elected its officers he would serve solely as a Town staff resource. Each Committee member introduced themselves stating their role as a Beachfront Owner, Back Lot Owner, At-large community member or Board of Selectman appointee.

**2. Selection of Chair, Vice-Chair and Secretary  
Assign staggered terms of service to members**

Mr. Mead reminded the Committee that under the Ordinance they need to elect a Chair, a Vice-Chair, and a Secretary, and decide the members' term lengths (1 year, 2 years, or 3 years). For this beginning stage of the Committee the first year of all terms will have an additional 6 months meaning the term will go until June of 2014, Mr. Mead stated. Mr. Driver added there is also a limitation of 2 full consecutive 3 year terms a person can serve on the Committee.

Mr. Sherman expressed interest in Chairing the Committee for a 1 year term. Mr. Hogan and Ms. Nixon stated their support in having Mr. Sherman as Chairman.

Mr. Hogan made a motion to elect Mr. Sherman as Chairman. Mr. Barwise seconded the motion and the vote was unanimous. Mr. Sherman asked Mr. Mead to continue facilitating for the remainder of tonight's meeting.

Ms. Barry suggested having the Vice-Chairman position be filled by a Back-lot representative. All Committee members agreed it was important to keep that balance. Both Mr. Driver and Mr. Hogan expressed interest in becoming the Vice-Chairman. The Committee agreed to postpone electing a Vice-Chair or Secretary until the next meeting.

The Committee agreed to the following term lengths:

<u>Name</u>	<u>Term Length</u>
Elizabeth Ramsey	2 years
Richard Driver	2 years
Margaret Barry	3 years
Katherine Nixon	3 years
Robert Sherman	1 year

### **3. Review general guidelines for Committee and Members**

#### **Conduct of Meetings**

##### **Taking of minutes**

Mr. Mead informed the Board that Tricia Saunders will take the minutes for the Committee. Once the minutes have been approved they will be posted online on the Town's website where video of each meeting will also be available. Ms. Barry asked if there was a way the Town could notify the part time residents of Goose Rocks Beach of the Committee's meetings. Mr. Mead replied there is an email notification system but residents have to sign up for it through the Town's website.

##### **Process in discussing agenda items**

Mr. Mead explained the Chairman submits a proposed agenda to the Committee members and a final agenda is submitted to the Town for posting by consensus. Ms. Nixon suggested linking the subject of communication with the education section of the Agenda.

#### **Obligations under State law**

##### **Public meetings and right-to-know**

Referring to the section of the Committee's binder regarding Maine's Right-To-Know Act, Mr. Mead reminded the Committee this is a public proceeding and thus subject to the regulations and laws in conducting public meetings. Ms. Ramsey asked if sub-committees were allowed. Mr. Mead explained any sub-committee can be formed for a specific purpose and may contain 2 members of the Goose Rocks Beach Advisory Committee. If the sub-committee contains 3 or more members of the Goose Rocks Beach Advisory Committee, then those meetings must be put on the Town's public calendar and held at a venue open to the general public. Mr. Mead also explained that email conversations among Committee members can be construed essentially as conducting a meeting and the contents of those emails may be requested by anyone under the Right-To-Know law. Mr. Mead strongly suggested to each Committee member to establish a separate email account for this Committee.

#### **Town's Code of Ethics**

Referring to the Town of Kennebunkport's Code of Ethics, Page 3 Item 7, Mr. Mead reminded the Committee members it is their discretion to decide whether an interest rises to the level of a conflict and whether to participate or recues themselves from that topic.

### **4. Review BAC roles and responsibilities per the Beach Ordinance and Beach Use Agreement**

Mr. Mead briefly reviewed the Beach Advisory Committees roles and responsibilities as contained in the Beach Ordinance and Beach Use Agreement.

Mr. Mead noted specifically Section III.F which states the following:

*"Duties: The Beach Advisory Committee shall advise the Board of Selectmen on all matters concerning Goose Rocks Beach, including:*

- 1. Recommending, drafting, and/or reviewing proposed revisions to this Beach Use Ordinance as necessary;*
- 2. Recommending, drafting, and/or reviewing proposed further regulations as contemplated in Section IV.D of this Ordinance;*
- 3. Advising and making recommendations to the Board of Selectmen as to expenditures from the Beach Maintenance Fund;*
- 4. Reviewing compensation matters in connection with arbitration proceedings provided for in the Beach Use Agreement;*

5. *Assisting in informal resolution of complaints between the parties to the Beach Use Agreement upon request; and*
6. *Assisting in the resolution of problems relating to use of the Beach, as appropriate, and offering recommendations to the Board of Selectmen for solutions, if warranted."*

In summary, Mr. Mead stated essentially the role of the Committee is to aid in resolving any issues people have regarding beach use and make recommendations to the Board of Selectmen who have the ultimate authority. Mr. Barwise added that with most of the committees and boards in town, the Selectmen are the final vote on any matter but usually defer to what the Committee's or Board's consensus is.

Mr. Hogan asked Mr. Mead to supply information regarding previous year's expenditures to aid the Committee.

## **5. Consider proposal to relocate two on-street parking spaces at 239-241 Kings Highway**

Mr. Mead explained in the Beach Use Ordinance the Board of Selectmen has to authorize in consultation with the Beach Advisory Committee any changes to on street parking at Goose Rocks Beach. There is currently an Application in front of the Planning Board that proposes to relocate 2 parking spaces on King's Hwy.

Mr. Bob Metcalf of Mitchell & Associates along with Attorney Durwood Parkinson addressed the Committee. Mr. Metcalf explained their client currently owns 2 adjacent parcels at 239 and 241 King's Hwy and are asking to relocate two parking spaces in front of 241 King's Hwy to 239 King's Hwy. Mr. Metcalf added the overall dimensions would remain the same as is today which would eliminate any conflict with the driveway across the street while enhancing the safety and providing better site visibility. Mr. Mead added the Police Chief and the Highway Superintendent have looked at this area and found this proposal acceptable.

Mr. Barwise made a motion the Committee recommend the approval of this change in parking. Ms. Nixon seconded the motion. The Committee voted 6-0 in favor of the motion with Ms. Ramsey and Mr. Driver abstaining from voting.

## **6. Discuss and Prioritize Issues**

**Signage**

**Education**

**No smoking**

**Limitations on storage of boats and equipment**

**Beach Patrol**

**Other**

Mr. Hogan noted it is unclear in the Beach Use Agreement and the Ordinance if certain rules, (i.e. no smoking, dog walking, etc.) apply to the whole area or just those mentioned in the Agreement. Mr. Sherman and Mr. Driver concurred it would be helpful to get an opinion from Town Counsel Amy Tchao. Mr. Barwise stated that the Board of Selectmen can propose amendments to ordinances for Town Meeting in June devoted to "housekeeping amendments" where the Board reviews the different Town Ordinances to ensure they are in sync.

Ms. Nixon asked if there is a change in language regarding dog walking in the Ordinance. Ms. Nixon pointed out that the signs in the town state "under leash" but the Ordinance states "under control".

Mr. Mead suggested a sub-committee be formed to discuss signage.

The Committee discussed the idea of setting up a Goose Rocks Beach webpage linked to the Town's website to help in terms of front-loading information. Ms. Nixon and Ms. Barry agreed to form a sub-committee on creating an electronic media page.

Mr. Hogan and Mr. Sherman expressed interest in working on a signage sub-committee.

Mr. Mead reminded Committee members that sub-committee meetings would need to be held at a location where the public can attend.

Mr. Driver asked if anyone was familiar with other municipalities to get some examples of signage. Mr. Weston responded the Conservation Trust just went through an extensive process regarding signage and offered to compile that information.

Mr. Sherman asked if it was possible to obtain some history on the Police Department's patrol of the beach area. Mr. Mead replied he would ask the Police Chief to attend the next meeting to provide insight about personnel assignments.

Mr. Barwise suggested the Committee give some consideration to equipment storage at the beach and to providing alternatives.

#### **7. Consider BAC Tasks and Timeline**

Mr. Mead suggested the sub-committees meet and prepare for a presentation at the next Beach Advisory Committee meeting.

#### **8. Schedule future meetings**

The next Beach Advisory Committee meeting is scheduled for Tuesday January 15<sup>th</sup>, 2013 at 6:00 p.m.

#### **9. Any other business**

The Committee had no other items to discuss at this time.

#### **10. Adjournment**

A motion was made to adjourn, it was seconded and the vote was unanimous.

**Submitted by:** Patricia Saunders, Recording Secretary