

**Town of Kennebunkport
Board of Selectmen's Meeting
Town Hall-6 Elm Street
January 22, 2015 – 6:00 PM**

Minutes of the Selectmen Meeting of January 22, 2015

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

Others present: Barb Barwise, Stan Barwise, Michael Claus, Michael Davis, David James, Robert Madden, Crystal McCurdy, Lee McCurdy, Arlene McMurray, Chris Perry, Roger Seavey, Bob Sherman, Laurie Smith, Amy Tchao, Linda Woodard, Laura Zitske and others.

1. Call to Order.

Chair Daggett called the meeting to order at 6:09 PM.

2. Executive session per 1 M.R.S.A. § 405 (6) (E) consultation with Town Attorney to discuss Goose Rocks Beach litigation.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to go into executive session per 1 M.R.S.A. § 405 (6) (E) consultation with Town Attorney to discuss Goose Rocks Beach litigation. 7:00 PM-Approve the January 8, 2015, selectmen meeting minutes. **Vote:** 5-0.

The Board went into executive session at 6:09 PM and came out at 6:56 PM.

No action was taken.

Selectman Barwise said the Selectmen's position has not changed from the last meeting. The Board encourages interested beachfront property owners who would like to talk to the Town about a potential settlement or arriving at some way to conclude the lawsuit, to come forward with their proposals. He said so far, no one has come forward.

3. Approve the January 8, 2015, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the January 8, 2015, selectmen meeting minutes. **Vote:** 4-0-1/Selectman Daggett abstained because he did not attend that 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.).

David James said that since he is on the KRA, members consider him a liaison between the Board of Selectmen and the KRA. He said he received emails and phone calls from members who were wondering about what they had read in "Portland Magazine" about having hearts with flashing lights at Dock Square

during "Paint the Town Red." They were asking if there will be flashing lights at Dock Square.

Town Manager Laurie Smith responded that she had not heard of them having flashing lights, but red and white lights in storefronts for decoration.

5. Recommendations by the Beach Advisory Committee on the proposed Goose Rocks Beach Dog Ordinance.

Bob Sherman, chair of the Beach Advisory Committee, said working on this Dog Ordinance was clearly the hardest task that the Beach Advisory Committee has undertaken. He said it needed to be done because the present Dog Ordinance is over 40 years old. He explained that the Committee worked very hard to try and address as many people's concerns as possible and sought help from other towns, particularly Scarborough, to help shape their decision. He said their proposal simplifies the rules so that everyone can understand them, and it applies only to Goose Rock Beach. He thanked the Beach Advisory Committee for its efforts along with Barbara Barwise, Robin Phillips, Bob Kember who helped provide balance.

6. Presentation by Barbara Barwise on the proposed Dog Ordinance.

Barbara Barwise said she wanted to clarify that the State of Maine does have a voice control ordinance, so their proposed ordinance cannot go below that. As a result, currently, in three zones: farm and forest, village residential east, and free enterprise, dogs can roam freely under voice control. Her proposed ordinance requires dogs to be on a leash while they are on public streets and sidewalks. The other eight zones, she said you will be able to legally play ball with your dog off the leash in your yard. In the current ordinance it is prohibited. Since there are no piping plover nests on other beaches, the only beach on her proposed ordinance is Goose Rocks. The proposed ordinance also listed violation penalty fees, and she said administering that would have to be worked out.

Laura Zitske, wildlife biologist from Maine Audubon, encouraged the Board to seek information from the US Fish and Wildlife Service and the Maine Fish and Wildlife Service because dogs off the leash are a threat to piping plovers. She said Goose Rocks Beach is one of the most important nesting sites in the State of Maine and that the piping plovers do not stay in fenced in areas. She recommended following the Wells and Ogunquit ordinance models.

Linda Woodard, a resident living at Cape Porpoise, was concerned about the welfare of the piping plovers. She said she walks her dog at Goose Rocks Beach and pointed out that a woman came up to her with a piping plover chick in her hand that dogs had chased on the beach. She wants to make sure these endangered species are protected.

The Board agreed that both Dog Ordinance proposals be sent to the Town At-

torney for review and be combined into one with the intention that they be placed on the June Town Meeting Warrant.

7. Continued discussion on mooring fees for 2015.

Ms. Smith explained that the Board discussed mooring fees at a previous meeting and listened to feedback from the public. The Pier Committee recommends a fee of \$30 per year for tidal moorings and \$60 per year for deep-water moorings.

Selectmen Barwise and Hutchins did not agree with charging mooring fees at Paddy Creek.

Ms. Smith explained that the Pier budget will be at zero balance, and it cannot continue.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to charge mooring fees of \$30 a year for tidal moorings and \$60 a year for deep-water moorings at all locations in town. **Vote:** 3-2/Selectmen Barwise and Hutchins were opposed.

8. Consider acceptance of Foxberry Lane and Grove Street as Town roads.

Foxberry Lane residents have requested that Foxberry Lane and Grove Street be accepted as Town roads. Road Commissioner Michael Claus reviewed these roads and said they are in the same condition as Squire Lane which was accepted two years ago.

Robert Madden, representative for the Condo Association, said their contractors had a hard time clearing snow last winter. He said the road has been used as a detour in case of emergencies. The road is 12 years old with no curbing, but it has a shoulder.

Discussion followed:

- Chair Daggett said he is in favor of the Town accepting the road if they overlay the road. Road Commissioner Michael Claus said a good overlay would last 15 years.
- Selectman Hutchins said it is a slippery slope if they keep accepting roads and adding to the municipal budget for plowing, etc.
- Selectman Briggs was concerned whether the road is in sufficient condition so that the Town won't have to perform any maintenance for 10 years.

- Selectman Matthews-Bull said if the Board is going to set a moratorium on accepting private roads, the Board should tell the developers ahead of time.
- Mr. Claus said the road is in good condition.
- Roger Seavey, who lives down the street from Foxberry Lane, said the Board should ask what benefit the Town would get if it accepted the road.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to put the acceptance of Foxberry Lane and Grove Street on the June Town Meeting Warrant. **Vote:** 2-3/Selectmen Daggett, Hutchins, and Briggs opposed. **Motion** failed.

9. Consider appointment of Gordon Ayer to the Zoning Board of Appeals.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to appoint Gordon Ayer to the ZBA for a term expiring in July 2016. **Vote:** 5-0.

10. Authorization of corrected tax commitment for fiscal year 2015.

Ms. Smith said when they were working on the budget, she noticed the numbers for the Goose Rocks Beach account were not calculating correctly. It was discovered that the amount committed for the Goose Rocks account was \$60,000, but the Town only appropriated \$30,000. She said the error occurred when the numbers were transferred from the Excel spreadsheet to the Trio financial software. She consulted with the auditors and was told the best way to correct this error is to move the extra \$30,000 to the overlay account.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to correct the tax commitment error for fiscal year 2015 by putting \$30,000 into the overlay account. **Vote:** 5-0.

11. Accept donations to the Kennebunkport emergency fuel/food account.

a. The Church on the Cape United Methodist-\$537.50

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept the donation of \$537.50 from the Church on the Cape United Methodist to the Town's emergency fuel/food account. **Vote:** 5-0.

b. Atlantic Firemen's Educational Association-\$1,000.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to accept the donation of \$1,000 from the Atlantic Firemen's Educational Associa-

tion to the Town's emergency fuel/food account. **Vote:** 5-0.

12. Other business.**a. Communication from Dr. Susan Bassett.**

Dr. Susan Bassett sent a letter to the Board of Selectmen in support of the horse-drawn carriage in town.

b. Dog Licenses are due by January 31.

Ms. Smith pointed out that the late fee fine for dog licenses issued after January 31, 2015, is \$25.

Ms. Smith said the Goose Rocks Beach Advisory Committee is requesting funding in the amount of \$575 to purchase signs asking people to protect the dune grass on the beach.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve \$575 for the Goose Rocks Beach Advisory Committee to purchase signs. **Vote:** 5-0.

Chair Daggett mentioned the passing of Wilda Thurlow, R.N. at age 92. She was a longtime employee in the Public Health Office for 19 years.

Ms. Smith announced that the Army Corp of Engineers will be doing a sediment sampling for the dredging project in Cape Porpoise, and she probably will not receive the results for a few months.

13. Approve the January 22, 2015, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the January 22, 2015, Treasurer's Warrant. **Vote:** 5-0.

14. Adjournment.

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

The meeting adjourned at 8:26 PM

Submitted by

Arlene McMurray
Administrative Assistant