

**Town of Kennebunkport  
Board of Selectmen Meeting VIA Zoom  
May 28, 2020  
6:00 PM**

Minutes of the Selectmen's Meeting of May 28, 2020

**Selectmen attending via Zoom:** Patrick A. Briggs, Allen A. Daggett, Ed Hutchins, Sheila Mathews-Bull, and D. Michael Weston.

**Others attending via Zoom:** Ralph Austin, Michael Davis, David James, Ann Kelley, Jen Lord, Arlene McMurray, Tracey O'Roak, Dave Powell, Craig Sanford, Chris Simeoni, Laurie Smith, and others

**1. Call to Order.**

Chair Daggett mentioned the sad news that former Selectman Stuart Barwise passed away. The Board reminisced about Stuart. He loved Kennebunkport and was an asset to the board and town, very bright, kind, tactful, articulate, always willing to help. He will be greatly missed.

Chair Daggett called the meeting to order at 6:02 PM. He took **roll call** of Selectmen present: Patrick A. Briggs, Allen Daggett, Edward Hutchins, Sheila Matthews-Bull, and D. Michael Weston.

**2. Approve the May 14, 2020, selectmen meeting minutes.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the May 14, 2020, selectmen meeting minutes. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

**3. Public Hearing to amend the Traffic and Parking Control Ordinance.**

Chair Daggett opened the public hearing at 6:07 PM and asked for public comments.

Town Manager Laurie Smith reviewed the amendments which Town Attorney Amy Tchao reviewed and wrote:

**Section 1:** Unlawful Parking – Subsection G. clarifies that under temporary or emergency parking regulations vehicles can be towed because they obstruct traffic, create unsafe vehicle or pedestrian congestion, or are left unattended in violation of such emergency regulations.

**Section 2:** Parking Control Regulations. Removes tow away zones on specific streets (Dyke Road, Kings Highway, Wesmore Lane) in favor of more general language later in the ordinance.

**Section 13:** Notes that the 2020 GRB season parking will go into effect on May 15.

**Section 14:** Impoundment – authorizes the police department to remove vehicles from a street or public place under control of the Town to a garage or other place of safety at the expense of the registered owner of vehicle when:

- The vehicle is left unattended upon a bridge or causeway and it constitutes an obstruction to traffic.
- When a vehicle is disabled and constitutes an obstruction to traffic.
- When a vehicle is left unattended is parked illegally to constitute a hazard or obstruction.
- When a vehicle hinders snow removal
- When a vehicle is parked in violation of emergency and/or temporary parking regulations.
- When a vehicle has three or more parking citations.

Police Chief Sanford said these revisions are common in most municipalities and will help the police do their job.

Selectman Matthew's Bull disagreed with towing because Kennebunkport is a tourists' town. She was concerned that these revisions allowing towing could be abused.

Other Board members said this will be helpful to the police and did not realize the police did not already have the authority to tow vehicles.

David James said he supports these revisions and does not feel it will be abused.

Chair Daggett closed the public hearing at 6:15 PM.

**Motion** by Selectman Weston, seconded by Selectman Hutchins, to authorize the amendments to the Traffic and Parking Control Ordinance. **Roll Call Vote to approve:** Briggs, Daggett, Hutchins, and Weston. **Roll Call Vote to oppose: Matthews-Bull**  
**Voted: 4-1. Motion passed.**

**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.).**

Ann Kelly asked what evidence they will be watching to reverse the changes to the parking on July 1 near the beach.

Ms. Smith said they will use information from the CDC and her weekly meetings with coastal Maine, New Hampshire, and Massachusetts.

Chief Sanford responded that he added a community safety officer on the beach who documents crowd volume. So far, he has had 22 parking violations. He is using this information to make decisions.

**5. Consider application to renew liquor license submitted by Arundel Marine Service, d.b.a. Arundel Wharf Restaurant, 43 Ocean Avenue.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve renewal liquor license submitted by Arundel Marine Service, d.b.a., Arundel Wharf Restaurant, 43 Ocean Avenue. **Roll Call Vote to approve:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0 **Motion passed.**

**6. Consider the deck agreement with Hurricane's Restaurant.**

Ms. Smith said they discussed this item at the last meeting with Ralph Austin who represents Taylor Benenti, the new owner of Hurricane's Restaurant. He is seeking an agreement with the Town to reconstruct the deck behind Hurricane's Restaurant and serve food and beverage on the deck. The agreement was amended at the request of Mr. Austin for the Town to give 30 days' written notice to Hurricanes if the Town wants Hurricanes to cease all food and beverage service and to give 90 days' written notice if the Town wants Hurricane's to remove any and all of the deck.

Selectman Matthews-Bull was concerned that a future Board may not be business friendly and will have the ability to terminate for no reason.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to authorize the deck agreement with Hurricane's Restaurant. **Roll Call Vote to approve:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

**7. Award the gravel bid.**

Ms. Smith said Public Works Director Mike Claus is recommending that they award the gravel bid to Stonefield Quarry for \$8.75 per ton + \$3.50 per ton delivery. This bid was the lowest of the three bids received.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to award the gravel bid to Stonefield Quarry for \$8.75 per ton + \$3.50 per ton delivery. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

**8. Award Final Engineering and Construction Administration Contract for Cape Porpoise Pier Work.**

Ms. Smith said the Cape Porpoise pier had infrastructure issues and will need final engineering. Requests for proposals was sent to 15 firms and they received only one response. Mr. Claus believes this is because firms are still busy and feel disadvantaged as Baker did the preliminary engineering work. Mr. Claus and Ms. Smith highly recommend Baker Design Consultants. The Town needed to go through this process to ensure any engineering fees could be reimbursed by state and federal funds. Ms. Smith

and Mr. Claus are currently working with Maine DOT and a few federal fund sources to continue to move this project forward and garner additional grant funds to bring this project to reality.

Selectman Hutchins said he recommends Barney Baker because he listens to the fishermen.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to award the Final Engineering and Construction Administration Contract for Cape Porpoise Pier work to Baker Design Consultants. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

#### **9. Presentation of the FY2021 Wastewater Department budget.**

Public Works Deputy Director Chris Simeoni presented the fiscal year 2021 Wastewater Department budget. He said there was no budget increase. He did this by decreasing capital requests and heating fuel because it was warmer this year. The user fee of \$467.62 will stay the same. He is seeking authorization to use \$1 million in wastewater reserve funds toward the replacement of one clarifier and one filter press. He said the Sewer Committee reviewed the budget and recommends approval.

**Motion** by Selectman Hutchins, seconded by Selectman Claus, to authorize the proposed wastewater budget and the use of up to \$1 million in reserve funds for the proposed capital projects that will replace a clarifier and filter press. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

#### **10. Authorize the sewer commitment.**

The Selectmen were asked to authorize the sewer commitment so the town can bill sewer users before fiscal year end.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to authorize the sewer commitment. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

#### **11. Presentation of the FY2021 Cape Porpoise Pier budget.**

Harbormaster/Pier Manager Chris Mayo said due to the present economic conditions, he worked with Treasurer Jen Lord to put together a trimmed version of the budget. There is a 5% surcharge on fuel and an increase in pier dues. The capital budget was reduced to \$935 in order to keep increases at this level.

Mr. Claus requested relief from the Department of Marine Resources to use the CARES Act relief funding to support Maine's commercial fishing industry from the impacts of COVID-19 by funding pier dues for commercial fishing.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept the Pier budget. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

**12. Accept \$100 donation in memory of Nancy Buchanan to the nurses general account.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to accept the \$100 donation in memory of Nancy Buchanan to the nurses general account. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

**13. Other Business.**

Selectman Matthews-Bull announced that the tent at Allison's Restaurant is nice and shows cooperation between the town and business.

Ms. Smith said letters were sent out that excise taxes are due on June 11, and now the date has been changed to July 11 due to the Governor's Executive Order. She asked if the Board wanted to collect the taxes on July 11 or keep the due date as June 11.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to keep the due date for excise taxes at June 11, 2020. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

Ms. Smith announced that the Bureau of Motor Vehicles is open on June 1.

**14. Approve the May 28, 2020, Treasurer's Warrant.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the May 28, 2020, Treasurer's Warrant. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

**15. Adjournment.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

The meeting adjourned at 7:10 PM.

Submitted by Arlene McMurray  
Administrative Assistant