

**Town of Kennebunkport
Selectmen/Budget Board Meeting
April 9, 2015
6 p.m. – Village Fire Station – 32 North Street**

Minutes of the Selectmen's Meeting of April 9, 2015

Selectmen attending: Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, Ed Hutchins, and Sheila Mathews-Bull

Others: Laura Dolce, April Dufoe, Alan Edwards, Werner Gilliam, David James, Amy Johnson, Jen Lord, Arlene McMurray, Roger Seavey, Laurie Smith and others

Budget Board: Grace Adams, Barbara Barwise, Dan Beard, David Betses, Dawn Morse, David James, Kathryn Leffler, Leo Martin, and Michelle Powell

1. Call to Order.

Chair Daggett called the meeting to order at 6 PM.

- 2. 6:00 pm** Executive Session pursuant to 1 M.R.S.A. Section 405, 6 (E) consultation between a body or agency and its attorney concerning the legal rights and duties of the body or agency.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to go into executive session per 1 M.R.S.A. Section 405, 6 (E) consultation between a body or agency and its attorney concerning the legal rights and duties of the body or agency. **Vote:** 5-0.

The Board went into executive session at 6 PM. The Board came out of executive session at 6:44 PM.

No action was taken.

3. Joint meeting with Budget Board for final budget recommendations for fiscal year 2016 budget.

Chair Daggett summarized what they were going to address in the budget: RSU Refund, library, Chamber of Commerce, and debt Article 25 for the police department/communications building.

Town Manager Laurie Smith explained that Maine State Retirement (MEPers) is removing all credits from its books and releasing credit back to the RSU 21. This credit is divided between Kennebunk and Kennebunkport. The Town's share is \$450,000. She asked the Board to think about what it would like to do with these funds. This item is agenda item 11.

Ms. Smith asked the Board to look at **Article 25**. Do you favor authorizing the Board of Selectmen to issue general obligation bonds or notes in the name of the Town of Kennebunkport in a principal amount not to exceed \$400,000 for a term not to exceed 10 years, which bonds or notes may be made callable, and to use the proceeds of said bonds or notes to pay for costs of an addition and renovations to the Police Department and Communications building?

After some discussion, the Board decided to leave Article 25 as written because it gives them flexibility in choosing terms and bond amounts.

Article 49: To see what sum the Town will vote to raise and appropriate for the Louis T. Graves Memorial Public Library account.

At a previous meeting, the Board of Selectmen reduced the library funding to \$117,500. The Budget Board requested \$120,000.

Discussion followed regarding increasing the funding for Graves Library. Selectman Hutchins wanted it on record that he is a fiscal conservative and was not in favor for increasing the funds. Selectman Mathews-Bull added that the library receives endowments.

Alan Edwards, treasurer for Graves Library, explained that if you looked at the library budget for the past five years, \$120,000 was not really that much of a percentage increase.

Motion by Selectman Barwise, seconded by Selectman Briggs, to restore the funding to the Graves Library back to \$120,000. **Vote:** 5-0.

Article 54: To see what sum the Town will vote to raise and appropriate for the Miscellaneous Agencies account.

At a previous meeting, the Board of Selectmen voted to fund the Chamber of Commerce \$1,000 for a total amount for Misc. Agencies at \$8,281.

Chairman Daggett, speaking in support of funding the Chamber, read a list of funding that other towns gave to the Chamber such as \$5,000 from Kennebunk, \$10,000 from Sanford, etc.

Laura Dolce, director of the Chamber of Commerce, mentioned things that the Chamber does such as job fairs, managing tour buses, etc.

The Budget Board voted 5-4 to restore the Chamber of Commerce budget amount funded to \$1,000.

a. Authorization of warrant articles.

Town Clerk April Dufoe read the Warrant Articles that needed to be voted on.

Article 2: To see if the Town will vote to authorize the Town Treasurer, with the advice and approval of the Municipal Officers on behalf of the Town to sell and dispose of Real Estate acquired by the Town for nonpayment of taxes thereon, and to execute quitclaim deeds on such terms as they deem advisable, and to authorize the Treasurer to discharge unmatured liens on payment of taxes, interest and costs. All Real Estate to be sold by the Town for nonpayment of taxes to persons who were not the former owners thereof must be properly identified and advertised for sealed bids at least twice in any local newspaper, namely the Portland Press Herald, Biddeford Journal Tribune, or the York County Coast Star, the first advertisement to be not more than thirty days before the deadline for submitting bids and the last not less than fifteen days before said deadline. Former owners of Real Estate, as described above, shall be given first refusal to buy the property provided all back taxes, interest and lien costs have been paid. Notification of sale and request for sealed bids shall be publicly posted fifteen days prior to said deadline in three places within the Town, namely, the Town Office, the area known as the "Cape Square", and Goose Rocks Beach Fire Station. Opening of sealed bids shall be open to the public and held within fifteen days after the deadline for submitting bids. The date, time, and place of opening the bids must be included in the newspaper advertisements.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to recommend adoption of Article 2. **Vote:** 5-0.

Article 3: To see if the Town will vote to authorize the Town Treasurer, with the advice and approval of the Municipal Officers on behalf of the Town, to waive the foreclosure of any tax lien mortgage by recording a waiver of foreclosure in the York County Registry of Deeds for any real estate title to which they deem not in the best financial interest of the Town to hold, said authorization to waive not to prevent the Town Treasurer, with the advice and approval of the Municipal Officers, from later foreclosing on said tax lien pursuant to law, as they deem advisable.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to recommend adoption of Article 3. **Vote:** 5-0.

Article 4: To see if the Town will vote to make all real and personal property taxes due and payable upon presentment of bills and to charge seven percent (7.00%) per annum on the first half if unpaid after September 10, 2015 (or 45 days after the date of commitment if commitment is after July 23, 2015) and on the second half if unpaid after March 10, 2016.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to recommend adoption of Article 4. **Vote:** 5-0.

Article 5: To see if the Town will vote to set the interest rate to be paid by the town on abated taxes at five percent (5.00%) for the fiscal year 2016.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to recommend adoption of Article 5. **Vote:** 5-0.

Article 6: To see if the Town will vote to authorize the Selectmen to accept easement deeds on behalf of the Town granting the Town the right to plant and maintain certain trees on private property located within the Town.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to recommend adoption of Article 6. **Vote:** 5-0.

Article 7: To see if the Town will vote to authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed pursuant to 36 M.R.S.A. § 506.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to recommend adoption of Article 7. **Vote:** 5-0.

Article 8: To see if the Town will vote to authorize the Selectmen to accept unconditional and conditional gifts of money or property on behalf of the Town, other than gifts of sewer extensions, subject to ratification by the Town at an annual or special town meeting held within one year of the Selectmen's acceptance, except that such ratification shall not be required for a donation of money to the Town to supplement a specific appropriation already made, to reduce the tax assessment, or to reduce the permanent debt.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to recommend adoption of Article 8. **Vote:** 5-0.

Article 9: To see if the Town will vote to authorize the transfer of unencumbered surplus fund balance on June 30, 2015, for the Administration account, such unencumbered surplus fund balance to be estimated at \$10,000, but not to exceed the actual unencumbered balance for said purposes existing as of June 30, 2015.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to recommend adoption of Article 9. **Vote:** 5-0.

Article 10: To see if the Town will vote to authorize the transfer of unencumbered surplus fund balance on June 30, 2015, for the Administration capital expense account, such unencumbered surplus fund balance to be estimated at \$14,900, but not to exceed the actual unencumbered balance for said purposes existing as of June 30, 2015.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to recommend adoption of Article 10. **Vote: 5-0.**

Article 11: To see if the Town will vote to authorize the transfer of unencumbered surplus fund balance on June 30, 2015, for the Legal Fees account, such unencumbered surplus fund balance to be estimated at \$75,000, but not to exceed the actual unencumbered balance for said purposes existing as of June 30, 2015.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to recommend adoption of Article 11. **Vote: 5-0.**

Article 12: To see if the Town will vote to authorize the transfer of unencumbered surplus fund balance on June 30, 2015, for the Government Wharf dredging project, such unencumbered surplus fund balance to be estimated at \$200,000, but not to exceed the actual unencumbered balance for said purposes existing as of June 30, 2015.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to recommend adoption of Article 12. **Vote: 5-0.**

The Budget Board voted 9-0 to adopt Article 12.

Article 25: Do you favor authorizing the Board of Selectmen to issue general obligation bonds or notes in the name of the Town of Kennebunkport in a principal amount not to exceed \$400,000 for a term not to exceed 10 years, which bonds or notes may be made callable, and to use the proceeds of said bonds or notes to pay for costs of an addition and renovations to the Police Department and Communications building?

Motion by Selectman Barwise, seconded by Selectman Hutchins, to recommend adoption of Article 25. **Vote: 5-0.**

The Budget Board voted 9-0 to adopt Article 25.

Article 58: To see if the Town will vote to appropriate the sum of \$2,155,820 from estimated non-property tax revenues to reduce the property tax commitment, together with all categories of funds, which may be available from the federal government, and to also use \$300,000 from undesignated fund balance to reduce the property tax commitment.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to recommend adoption of Article 58. **Vote: 5-0.**

The Budget Board voted 9-0 to adopt Article 58.

Article 59: Shall the Town vote to authorize the Selectmen to apply for, accept

and expend from the following categories of funds as provided by the State of Maine: Municipal Revenue Sharing, Educational Certification Block Grant, Educational Tax Relief Grant, Public Library State Aid, Urban Rural Road Initiative Program, Civil Emergency Funds, Snowmobile Registration Funds, Tree Growth Reimbursement, General Assistance Reimbursement, Veterans Exemption Reimbursement, Department of Economic & Community Development Grant Program, Maine Emergency Management Agency, Homestead Exemption Reimbursement, and all other state and federal grants and funds including, when necessary, the authority to sign grant contracts, documents or other paperwork?

Motion by Selectman Barwise, seconded by Selectman Hutchins, to recommend adoption of Article 59. **Vote:** 5-0.

The Budget Board voted 9-0 to adopt Article 59.

Article 14: To see what sum the Town will vote to raise and appropriate for the Administration capital expense account.

Ms. Smith mentioned that the wording should change in Article 14 to add and reserve account i.e., **Article 14:** To see what sum the Town will vote to raise and appropriate for the Administration capital expense and reserve account.

The Budget Board adjourned.

The Board of Selectmen took a 5 minute break from 7:56 PM to 8:01 PM.

11. Accept RSU Maine PERS refund.

Motion by Selectman Barwise, seconded by Selectman Hutchins to authorize the Town Manager to sign the contract with the RSU 21 and Town of Kennebunk to accept the MEPers refund remaining as of June 30, 2015, and to use the Maine Pers refund to establish a reserve account. **Vote:** 5-0.

The Budget Board voted 9-0 to approve this.

4. Approve the March 26, 2015, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the March 26, 2015, selectmen meeting minutes. **Vote:** 3-0-1/Selectman Matthews-Bull abstained because she was not present at that meeting.

5. 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.

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

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

Chair Daggett mentioned that this location was inspected and approved by the police chief, fire inspector and code enforcement officer.

7. Authorization of Audit Contract.

Treasurer Jen Lord said she sent out Request for Proposals (RFP's) to auditing firms and received five responses. Ms. Lord along with Selectman Barwise and the town manager met with two firms: RKO and RHR Smith. They recommend awarding the audit contract to RKO.

Motion by Selectman Barwise, seconded by Selectmen Hutchins, to authorize a five-year contract with RKO for auditing services. **Vote:** 5-0.

8. Authorize QuitClaim Deed for property located at Map 25, Block 5, Lot 8B (Nassau Tower Realty).

Motion by Selectman Barwise, seconded by Selectmen Hutchins, to authorize A QuitClaim Deed for property located at Map 25, Block 5, Lot 8B (Nassau Tower Realty). **Vote:** 5-0.

9. Authorize land purchase contract for property located at Map 24, Block 2, Lot 7A.

Motion by Selectman Barwise, seconded by Selectmen Hutchins, to authorize a land purchase contract for property located at Map 24, Block 2, Lot 7A. **Vote:** 5-0.

10. Final vote of approval on ordinances for June Town Meeting Warrant Articles.

a. Amendment to the Land Use Ordinance concerning resident mixed use standard.

Motion by Selectman Barwise, seconded by Selectmen Hutchins, to approve and place the amendment to the Land Use Ordinance concerning resident mixed use standard on the June Town Meeting Warrant. **Vote:** 5-0.

b. Amendment to the Land Use Ordinance concerning revised lot area definition.

Motion by Selectman Matthews-Bull, seconded by Selectmen Barwise, to approve and place the amendment to the Land Use Ordinance concerning revised lot area definition on the June Town Meeting Warrant. **Vote:** 5-0.

c. Amendment to the Land Use Ordinance concerning commercial ADA/accessibility issue.

Motion by Selectman Hutchins, seconded by Selectmen Matthews-Bull, to approve and place the amendment to the Land Use Ordinance concerning commercial ADA/accessibility issue on the June Town Meeting Warrant. **Vote:** 5-0.

d. Amendment to the Land Use Ordinance concerning SLZ Map revision Cape Porpoise Square.

Motion by Selectman Matthews-Bull, seconded by Selectmen Barwise, to approve and place the amendment to the Land Use Ordinance concerning SLZ Map revision Cape Porpoise Square on the June Town Meeting Warrant. **Vote:** 5-0.

e. Amendment to the Land Use Ordinance concerning permitted use structures.

Motion by Selectman Matthews-Bull, seconded by Selectmen Hutchins, to approve and place the amendment to the Land Use Ordinance concerning permitted use structures on the June Town Meeting Warrant. **Vote:** 5-0.

f. Amendment to the Land Use Ordinance concerning Land Use Ordinance errors.

Motion by Selectman Matthews-Bull, seconded by Selectmen Barwise, to approve and place the amendment to the Land Use Ordinance concerning Land Use Ordinance errors on the June Town Meeting Warrant. **Vote:** 5-0.

g. Amendments to Dog Ordinance.

Motion by Selectman Hutchins, seconded by Selectmen Barwise, to approve and place the amendment to the Dog Ordinance on the June Town Meeting Warrant. **Vote:** 5-0.

12. Adopt the Goose Rocks Beach Parking Sticker Rules/Regulations.

Ms. Smith mentioned that the Board approved the parking sticker fees at the March 26 meeting, and the fees are a part of this policy and need to be adopted. (See exhibit A)

Motion by Selectman Barwise, seconded by Selectman Hutchins, to adopt the Goose Rocks Beach Parking Sticker Rules/Regulations. **Vote:** 5-0.

13. Accept \$150.00 donation from the United Way of York County to the Kennebunkport emergency fuel/food account.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to accept \$150.00 donation from the United Way of York County to the Kennebunkport emergency fuel/food account. **Vote:** 5-0.

14. Other business.**a. Southern Maine Veteran's Memorial Cemetery Association.**

Ms. Smith explained that the Southern Maine Veteran's Memorial Cemetery Association asked all local towns for donations to erect a monument that honors veterans, and future monuments to honor POW/MIA veterans, Purple Heart recipients, and veterans who were killed in action. The Board tabled this item and may consider it in the future.

Ms. Smith announced that caucuses to elect representatives to the York County Budget Committee are scheduled for Wednesday, April 15, at 6:30 PM.

Selectman Matthews-Bull announced that on Friday, April 10, at Kennebunk High School, there will be a fundraiser to raise money for Rob Nutter, a 24 year old man who has leukemia. To help support him and his family, there will be a spaghetti dinner and silent auction along with the opportunity to register with Be the Match from Dana Farber for people who want to join the national bone marrow registry.

Ms. Smith said there will be a Take Back the Drugs Day on April 25, from 10 AM to 2 PM, at the Kennebunkport Police Department. No questions asked.

Ms. Smith also stated that there will be Union negotiations and Selectman Barwise and Matthews-Bull will be representatives.

15. Approve the April 9, 2015, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the April 9, 2015, Treasurer's Warrant. **Vote:** 5-0.

16. Executive Session pursuant to 1 M.R.S.A. Section 405, 6 (A) regarding personnel.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to go into executive session per M.R.S.A. Section 405, 6 (A) regarding personnel.

Vote: 5-0

The Board went into executive session at 8:22 PM.

The Board came out of executive session at 8:35 PM.

No action was taken.

17. Adjournment

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

The meeting was adjourned at 8:35 PM.

Submitted by Arlene McMurray
Administrative Assistant

Exhibit A**Goose Rocks Beach Parking Sticker Rules/Regulations**

Parking in the Goose Rocks Beach area is regulated during the summer season through a parking sticker program because the demand for parking far exceeds the limited number of on-street parking spaces available. Parking stickers are available for daily, weekly and seasonal use.

Kennebunkport Taxpayers

Seasonal parking stickers are available to Kennebunkport residents and taxpayers at a cost of \$5.00 per vehicle. In order to qualify for the resident sticker an individual must either pay property taxes on property in Kennebunkport or be a resident of Town and pay excise taxes to the Town on a motor vehicle registered in his/her name. Individuals paying property taxes to the Town may obtain parking stickers for more than one vehicle so long as each vehicle is registered in his/her name. Individuals seeking residential stickers shall provide a copy of the vehicle registration for each residential sticker issued. In circumstances where ownership of the property is dispersed among multiple people it is the individual's responsibility to provide proof of ownership interest to the Town. The sticker shall be permanently affixed to the lower left-hand corner of the rear window of the vehicle to which it is issued. Any sticker not permanently affixed in that location shall be considered void

and a violation of these regulations and Kennebunkport Traffic and Parking Control Ordinance.

Non-Kennebunkport Taxpayers

Non-Kennebunkport taxpayers shall pay ~~\$12.00~~ \$15.00 for daily stickers, \$50.00 for weekly stickers, and \$100.00 for seasonal stickers. Each sticker shall be permanently affixed to the lower left-hand corner of the rear window of the vehicle to which it is issued. Any sticker not permanently affixed in that location shall be considered void and a violation of these regulations and Kennebunkport Traffic and Parking Control Ordinance.

Hotels, Inns, Rental Properties and the Goose Rocks Beach General Store

Hotels, inns, owners of rental properties (including room rentals) and the Goose Rocks Beach General Store shall be allowed to purchase, for re-sale to their customers, daily and weekly stickers for ~~\$10.00~~ \$13.00 and \$50.00 each, respectively. Stickers must be marked with a laundry marking pen or other indelible marker to show the date or dates for which they are issued, and each sticker must be permanently affixed to the lower left-hand corner of the rear window of the vehicle to which it is issued. If these conditions are not met, the sticker will be considered void. The establishment selling the sticker is responsible for recording the license plate number of the vehicle, the sticker number, the day or week for which the sticker is issued and explaining to the customer the beach and parking rules and regulations.

It shall be the policy of the Town of Kennebunkport to deny the issuance of any Goose Rocks Beach Parking Sticker to a registered vehicle that has an outstanding parking ticket(s) until said parking ticket fine(s) has been paid in full.

Adopted by the Kennebunkport Board of Selectmen on March 24, 2005 in accordance with Section 13.II of the Kennebunkport Traffic and Parking Control Ordinance.

Amended January 12, 2006, November 9, 2006, June 14, 2007, November 13, 2008, May 13, 2010, and April 9, 2015.