

**Town of Kennebunkport
Board of Selectmen's Meeting
February 28, 2013
Village Fire Station, 32 North St.—7 PM**

Minutes of the Selectmen Meeting of February 28, 2013

Selectmen attending: Stuart E. Barwise, Sheila Matthews-Bull, Allen A. Daggett, and D. Michael Weston

Others: Bob Almeder, Helen Conaty, Jean Conaty, David Crandall, Werner Gilliam, Jamie Houtz, Ed Hutchins, David James, Amy Johnson, Jacqueline Kellett, David Kling, Arlene McMurray, Larry S. Mead, David Powell, and Roger Seavey

1. Call to Order.

Chair Matthews-Bull called the meeting to order at 7 PM.

2. Approve the February 14, 2013, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Weston, to approve the February 14, 2013, selectmen meeting minutes. **Vote:** 3-0-1/Selectman Barwise 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).

David Powell announced his candidacy for the Selectman position. He said his family has lived in Kennebunkport for generations. His mother was born and raised in Kennebunkport, and he has lived here for 11 years with his wife. He has two children, one of which is in Consolidated School. He encouraged everyone to watch the Selectman Candidate's Forum on March 12.

4. Consider a renewal liquor license application submitted by JEM Holdings, LLC, d.b.a. Pier 77 Restaurant, 77 Pier Road.

Motion by Selectman Daggett, seconded by Selectman Weston, to approve the renewal liquor license application submitted by JEM Holdings, LLC, d.b.a. Pier 77 Restaurant, 77 Pier Road. **Vote:** 4-0.

5. Consider a renewal special amusement permit application submitted by JEM Holdings, LLC, d.b.a. Pier 77 Restaurant, 77 Pier Road.

Motion by Selectman Weston, seconded by Selectman Daggett, to approve the renewal special amusement permit application submitted by JEM Holdings, LLC, d.b.a. Pier 77 Restaurant, 77 Pier Road. **Vote:** 4-0.

6. Consider a liquor license renewal application for Sheila W. Matthews-Bull, d.b.a. Rhumb Line Resort, 41 Turbats Creek Road.

Chair Matthews-Bull recused herself from voting or discussing this item.

Motion by Selectman Daggett, seconded by Selectman Barwise, to approve the liquor license renewal application for Sheila W. Matthews-Bull, d.b.a. Rhumb Line Resort, 41 Turbats Creek Road. **Vote:** 3-0/ Chair Matthews-Bull recused herself.

7. Consider a special amusement permit renewal application for Sheila W. Mathews-Bull, d.b.a. Rhumb Line Resort, 41 Turbats Creek Road.

Chair Matthews-Bull recused herself from voting or discussing this item.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the special amusement permit renewal application for Sheila W. Mathews-Bull, d.b.a. Rhumb Line Resort, 41 Turbats Creek Road. **Vote:** 3-0/ Chair Matthews-Bull recused herself.

8. Consider a renewal liquor license application for Cape Pier Chowder House, 79 Pier Road.

Selectman Daggett recused himself from voting or discussing this item.

Motion by Selectman Barwise, seconded by Selectman Weston, to approve the special amusement permit renewal application for Sheila W. Mathews-Bull, d.b.a. Rhumb Line Resort, 41 Turbats Creek Road. **Vote:** 3-0/ Selectman Daggett recused himself from voting or discussing this item.

9. Update on the Kennebunkport property tax relief program.

Town Manager Larry Mead announced that last year the property tax relief program a.k.a. "Circuit Breaker" had 82 participants at a cost of \$23,500. This year, participation is 20% below last year at this time with 34 participants who qualify at a cost of \$9,089. He explained that applicants for the local Circuit Breaker program must first qualify for the state's program and get the state refund first. Five hundred dollars is the most an applicant can receive from the local program.

10. Award the 2013 waste hauling permits.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the 2013 waste hauling permits for Oceanside Rubbish, Inc; Waste Management, Portland; and Pine Tree Waste. **Vote:** 4-0.

11. Approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance.

Mr. Mead read the list of roads with weight restrictions:

- Arundel Road from Goff Brook to Goose Rocks Road
- River Road from Goff Brook to North Street
- Beachwood Avenue from North Street to Route 9
- Walkers Lane from North Street to Beachwood Avenue
- Old Cape Road from Beachwood Avenue to Route 9
- Goose Rocks Road from Log Cabin Road to Route 9
- Stone Road from Beachwood Avenue to Goose Rocks Road
- Guinea Road from Goose Rocks Road to Biddeford Line
- Whitten Hill Road from Goose Rocks Road to Guinea Road
- Pier Road
- New Biddeford Road from Route 9 to Kings Highway
- Winter Harbor Road from Route 9 to New Biddeford Road
- Dyke Road
- Wildes District Road
- Ocean Avenue
- Langsford Road
- Ward Road
- Northwood Drive
- Oak Ridge Road
- Others if needed

Motion by Selectman Barwise, seconded by Selectman Weston, to approve the restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance. **Vote:** 4-0.

12. Award the bid for photocopier and authorize a tax exempt lease purchase agreement with M.S.T. Government Leasing, LLC.

Mr. Mead reported that the Town received two bids for photocopiers:

Vendor	Bid
A-Copi	\$8,292.71
Xerox	\$8,315.13

Mr. Mead recommended awarding the bid to Xerox because they agreed not to increase the photocopying costs for the length of the lease, and also to give the Town a free photocopier to replace the copier in Code Enforcement so that all of the Town's photocopiers are from Xerox. He said the IRS requires the Board to vote using the language below.

Motion by Selectman Barwise, seconded by Selectman Weston, to award the photocopier bid to Xerox and that, the Selectmen of the **Town of Kennebunkport, Maine** be and hereby are authorized to execute and deliver a tax-exempt lease purchase agreement with M.S.T. Government Leasing, LLC in the name and on behalf of the **Town of Kennebunkport, Maine** (the "Issuer"), for the purpose of refunding and refinancing existing lease purchases of photocopier equipment and lease purchasing additional new and reconditioned photocopier equipment, any service agreements specifically financed in connection with certain equipment, consulting fees and related costs of issuance with an aggregate purchase price not exceeding **Thirty Thousand Four Hundred Seventy-Five Dollars and Thirty-Nine Cents (\$30,475.39)**, at a rate of interest of not more than **2.680%** per year through **August 1, 2018**, and otherwise in such form as the Town Manager may approve; and that the appropriate officials of the Issuer be and hereby are authorized to execute and deliver on behalf of the Issuer such other documents and certificates as may be required in connection with such tax-exempt lease purchase agreement; and that no part of the proceeds of said tax-exempt lease purchase agreement shall be used, directly or indirectly, to acquire any securities or obligations, the acquisition of which would cause the tax-exempt lease purchase agreement to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the tax-exempt lease purchase agreement issued pursuant hereto be designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3)(B) of said Code; and that the Town Manager be and hereby is authorized to covenant on behalf of the Issuer to file any information report and pay any rebate due to the United States in connection with the issuance of said tax-exempt lease purchase agreement, and to take all other lawful actions necessary to insure that the interest portion of the rental payments under and pursuant to the tax-exempt lease purchase agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from tak-

ing any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof. **Vote:** 4-0.

13. Invite public comment on the March 26 ballot items, including petition for withdrawal from RSU #21 and proposed changes to school cost sharing agreement.

Chair Matthews-Bull announced that registered voters will receive an informational letter regarding the March 26, 2013, ballot items next week. Mr. Mead added that there is also a public hearing on the items on March 14, at 7 PM, at the Village Fire Station.

Resident Amy Johnson said she was concerned about Kennebunkport withdrawing from the Regional School Unit (RSU) and pointed out that although many parents with young children are not attending the meetings regarding RSU withdrawal, it does not mean they are apathetic. She said Kennebunkport's withdrawal from the RSU would effect everyone in Town. She encouraged the public to read the information on the Town's website and the School Board's website. She read an excerpt from the Educational Optional Study Committee's report from May 24, 2013, "the cost of operating as an independent school department is not likely to present significant savings to Kennebunkport taxpayers."

Selectman Barwise said that although he is not a fan for withdrawal from the RSU or the proposed cost sharing formula, there is one value to having school choice in that if they stay in the RSU and the school budget fails, there would be no money for capital improvements.

Mr. Mead added that the expenditure of \$30,000 to start the RSU withdrawal process was selected based on the amount Arundel spent on legal and other fees. It does not mean that all of the \$30,000 will be spent.

David James, president of the Kennebunkport Resident's Association (KRA), said the KRA does not endorse the proposed cost-sharing formula or Kennebunkport's withdrawal from the RSU. The KRA did not comment on renovations.

Selectmen Daggett and Matthews-Bull oppose the proposed cost-sharing formula, but are in favor of spending the \$30,000 to get more information on withdrawal from the RSU, so they can make an informed decision on whether to withdraw.

Selectman Weston said if Kennebunkport withdraws from the RSU, they will be facing a \$10 million bill on it own. He said spending \$30,000 for another study is a waste of money.

14. Consider proposed Warrant Articles for June 11, 2013, Town Meeting.**a. Amendments to Kennebunk River Ordinance.**

Werner Gilliam, planner, said that both Kennebunk and Kennebunkport have a Kennebunk River Ordinance, but the ordinances were not uniform. The proposed amendments will make both ordinances consistent. He said the Kennebunk River Committee needs to meet again and review these changes and both towns need to vote on these changes.

b. Supplemental Beach Use Ordinance.

Mr. Mead said there are 44 parcels not subject to the Beach Use Ordinance. The Beach Advisory Committee would like to give the Board of Selectmen the authority to establish rules and regulations for the rest of the beach. The committee is still discussing the language in the ordinance.

c. Amendments to the Land Use Ordinance Article 8.7 Nonconforming Lots.

Mr. Gilliam said the intent of the proposed amendments is to preserve the architectural character within existing neighborhoods. David Kling, planning board chair, said the Planning Board was concerned with modern style homes being built next to older architectural style homes in the neighborhood.

d. Amendments to the Growth Planning Committee Ordinance.

Mr. Gilliam said there are minor changes in this ordinance with the composition of the Committee and when it meets. They also added that when the Board of Selectmen need an ad hoc committee to review policies and ordinances, the GPC can fill that role if it falls in their area of expertise. The committee can also update data tables and charts annually without getting Town Meeting approval and be supervised by the Town Manager as mentioned in the Administrative Code.

e. Amendments to the Solid Waste Ordinance.

Mr. Mead said since MERC closed in Biddeford, a new ordinance needs to be approved that removes all references of MERC and other information which is no longer pertinent.

15. Other business.

Selectman Daggett thanked the Highway Department for doing a great job with snow removal.

Mr. Mead reiterated that a Selectman Candidates' Forum will be held on March 12, at 7 PM at the Village Fire station. He said three people applied for the position which term expires in June 2014.

Mr. Mead said there will be a public hearing on March 14, to discuss the Warrant Articles for the March 26, 2013, Special Town Meeting.

Mr. Mead announced that absentee ballots are now available at the Town Clerk's Office for the March 26, 2013, Special Town Meeting.

Mr. Mead said the Town Warrant Articles are available on the Town Website along with 2012 aerials of properties via GIS Maps.

16. Consider the February 28, 2013, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the February 14, 2013, Treasurer's Warrant. **Vote:** 4-0.

17. Adjournment.

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

The meeting adjourned at 8:14 PM.

Submitted by Arlene McMurray
Administrative Assistant