

**Town of Kennebunkport  
Selectmen/Budget Board Meeting  
May 28, 2015  
6:00 p.m. – Village Fire Station – 32 North Street**

Minutes of the Selectmen's Meeting of May 28, 2015

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

**Others:** Chris Audley, Barbara Barwise, Judy Barrett, Thomas Boak, Jim Burrows, Carol Cook, Kathleen Cox, Kevin Crawley, Michael Davis, Bob Domine, Sara Dore, April Dufoe, Beth Fawcett, Peter Fellenz, Tracy Gere, Werner Gilliam, Dot Gregoire, John Hathaway, Ray Hilwig, David James, Maureen King, David Kling, Amy Johnson, Maureen King, Leo Martin, Wayne Mathews, Arlene McMurray, Lou Miller, Alan Moir, Mindy Muse, Roger Seavey, Laurie Smith, Suzanne Stohlman, Mark Vaughn, Alice Wyman, and others

**1. Call to Order.**

Chair Daggett called the meeting to order at 6:00 PM.

**2. 6 PM -Public hearing to consider the warrant articles for the June Town Meeting ballot.**

David Kling, chair of the Planning Board, opened the public hearing for the Planning Board at 6:00 PM.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to open the public hearing. **Vote:** 5-0. The public hearing started at 6:00 PM.

Chair Daggett read the following amendments:

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

There were no comments.

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

There were no comments.

**c. Amendment to the Land Use Ordinance concerning performance standards of hotels, motels, bed and breakfasts, and inns.**

There were no comments.

**d. Amendment to the Land Use Ordinance concerning the official shoreland zoning map.**

There were no comments.

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

There were no comments.

**f. Amendment to the Land Use Ordinance concerning errors and omissions.**

David Kling closed the public hearing for the Planning Board at 6:30 PM.

Barbara Barwise said the GPC finds all of the Land Use Ordinance proposals consistent with the Comprehensive Plan.

**g. Amendment to the Dog Ordinance.**

Barbara Barwise pointed out this amendment is not stricter as some people had believed.

**h. Withdrawal from RSU #21.**

Chair Daggett presented the ground rules for this discussion. He limited comments to three minutes per person, and asked that everyone be respectful.

Town Manager Laurie Smith reviewed the withdrawal process from the school district.

Lou Miller, David James, Leo Martin, Chris Audley, Amy Johnson, Kathleen Cox, Tracy Gere, Alice Wyman, Maureen King, Bob Domine, Beth Fawcett, Mindy Miller, John Hathaway, and others asked questions or gave comments on this issue.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins to close the public hearing. **Vote:** 5-0.

The public hearing closed at 7:40 PM.

Chair Daggett announced that he hoped to see everyone at Town Meeting on June 13.

**3. Approve the May 14, and 19, 2015, selectmen meeting minutes.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve

the May 14, 2015, selectmen meeting minutes. **Vote:** 5-0.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the May 19, 2015, selectmen meeting minutes. **Vote:** 5-0.

**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.).**

Town Clerk April Dufoe announced that absentee ballots are available at the Town Hall. She said the last day to request an absentee ballot is Thursday, June 4. She is also having evening hours on Wednesday, 3, from 4:30 to 6:30 PM. Also, Town Meeting begins on June 9, at 8 AM, at the Village Fire Station and is continued on June 13, at 9 AM, at the Consolidated School auditorium.

**5. Consider a renewal liquor license application submitted by Arundel Marine Service, Inc., DBA Arundel Wharf Restaurant, 43 Ocean Avenue.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Barwise, to approve the renewal liquor license application submitted by Arundel Marine Service, Inc., DBA Arundel Wharf Restaurant, 43 Ocean Avenue. **Vote:** 5-0.

**6. Public Hearing to consider applications for victualer's licenses for the period from June 1, 2015, through May 31, 2016.**

Chair Daggett opened the public hearing at 7:44 PM and announced that the applications were approved by the police, fire and code enforcement departments.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Barwise, to approve the applications for victualer's licenses for the period from June 1, 2015, through May 31, 2016, of all properties listed (See Exhibit A) with the stipulation for three properties: The Edgewater Inn, Hidden Pond, and Ocean Woods Resort to complete the projects mentioned in their memorandum of understanding. (See Exhibit B.) **Vote:** 5-0.

**7. James Burrows presents update on EMA plan.**

Chair Daggett asked James Burrows and Judith Barrett to come up to the podium. He proceeded to read the Town Report dedications to both of them. Ms. Barrett was recognized for her years of service as Director of Public Health and General Assistance Administrator. Mr. Burrows was recognized for his years of service with the fire department and in other capacities with KEMS and EMA.

**8. Update from Judith Barrett regarding the Public Health Office staffing.**

This was covered in item 7.

**9. Award the bid for the recreation department minibuses.**

Parks and Recreation Director Carol Cook said she sent out four bid requests and received two bids for the replacement recreation mini bus:

WC Cressey and Son, Inc	\$46,519.15
Trade-in value	<u>\$ 4,623.00</u>
No alternates	\$41,896.00

O'Connor Bus Sales	\$48,690.00
Trade-in value	<u>\$ 4,500.00</u>
No side wheelchair lift door or cargo net	\$44,190.00

Ms. Cook recommends awarding the bid to O'Connor Bus Sales because it offers more head and leg room, and better visibility through larger windows.

Chair Daggett pointed out that \$50,000 was reserved for this bus.

**Motion** by Selectman Barwise, seconded by Selectman Briggs, to accept the bid from O'Connor Bus Sales for the Micro Bird MFSAB 200 at the cost of \$48,690, with the disposition of the other vehicle to either be traded in or sold outright.

**Vote:** 5-0.

**10. Consider sewer extension for Wallace Woods subdivision.**

Wastewater Superintendent Allan Moir said he hired Pinkham and Greer engineers to review this application and they did not see any problems with this project. He recommends approving this sewer extension and that the Town never take possession of this system because it is a pressure system.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to accept the sewer extension application for the Wallace Woods subdivision.

**Amended motion** by Selectman Barwise, seconded by Selectman Hutchins, to accept the sewer extension application for the Wallace Woods subdivision and also that the Town will in no way take possession of this system. **Vote:** 5-0.

**11. Consider purchase of self-contained breathing apparatus (SCBA) replacement air cylinders for the fire department.**

Fire Chief Allan Moir said the fire department purchases 14 SCBA's a year as part of a multi-year planned replacement to avoid having to replace an excessive quantity in any single year. He recommends purchasing them from

Industrial Protection Services, who has been providing excellent service.

The two full-service vendors authorized to sell Scott air products in Maine are:

<b>Vendor</b>	<b>Price Each</b>	<b>Qty.</b>	<b>Total</b>
Industrial Protection Services South Portland	\$715.00	14	\$10,010.00
Fire Tech & Safety	\$712.15	14	\$ 9,970.10

**Motion** by Selectman Barwise, seconded from Selectman Hutchins, to award the bid for 14 SCBA replacement air cylinders to Industrial Protection Services at a cost of \$10,010.00. **Vote:** 5-0.

**12. Approve a street opening permit for Traci Freed and Mark Corbett for sewer service at 2 Woodlawn Avenue (Map 9, Block 4, Lot 22).**

**Motion** by Selectman Matthews-Bull, seconded from Selectman Barwise to approve a street opening permit for Traci Freed and Mark Corbett for sewer service at 2 Woodlawn Avenue (Map 9, Block 4, Lot 22). **Vote:** 5-0.

**13. Consider the Proclamation recognizing the 90<sup>th</sup> birthday of Barbara Bush.**

Selectman Matthews-Bull read the Proclamation recognizing the 90<sup>th</sup> birthday of Barbara Bush.

**Motion** by Selectman Hutchins, seconded by Selectman Barwise to approve the Proclamation recognizing the 90<sup>th</sup> birthday of Barbara Bush. **Vote:** 5-0.

**14. Authorize the Town Manager to sign the Animal Shelter Agreement.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins to authorize the Town Manager to sign the Animal Shelter Agreement. **Vote:** 5-0.

**15. Other business.**

Ms. Smith reminded everyone that Well Water Test Day is June 6. She also mentioned that the Healthy Maine Beaches is down to three volunteers for water testing. She said volunteers test every Tuesday morning, from 7:00 to 8:30 AM, at Colony Beach and Goose Rocks Beach. She said unless they get more volunteers, they can only test every other week. Volunteers can call Judy at 967-4401.

**16. Approve the May 28, 2015, Treasurer's Warrant.**

**Motion** by Selectman Hutchins, seconded by Selectman Barwise, to approve

the May 28, 2015, Treasurer's Warrant. **Vote:** 5-0.

**17. Adjournment.**

Chair Daggett thanked everyone for coming to the meeting.

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

The meeting adjourned at 8:10 PM.

Submitted by Arlene McMurray  
Administrative Assistant

BUSINESS NAME	BUSINESS LOCATION	CONTACT NAME	MAILING ADDRESS	CITY/STATE	ZIP	PHONE #	ALT #	# SEATS	# ROOMS	EMP/SHIFT	LIC/EXP
1802 House	15 Locke Street	Roger & Teri Walker	15 Locke Street	Kennebunkport, ME	04046	967-5632		12	6	2	
Allison's Restaurant	11 Dock Square	Adam Padgett	P.O. Box 344	Kennebunkport, ME	04046	967-4841		135	0	23	April 15
Anundel Wharf Restaurant	43 Ocean Ave.	Greg Jackson	P.O. Box 1950	Kennebunkport, ME	04046	468-7194		225	0	25	June 19
Aunt Maine's Ice Cream	10 Ocean Ave	J Steven Kingston	10 Boatswain Lane	Kennebunkport, ME	04046	967-3321	229-4114	0	0	3	
Bandaloop	2 Ocean Ave.	W. Scott Lee	5 Oak Grove Lane	Kennebunkport, ME	04046	967-4994	205-4894	78	0	11	March 24
Bradbury Bros. Market	167 Main Street	H. Stedman Seavey	P.O. Box 7267	Cape Porpoise, ME	04014	967-3939	967-5991	0	0	10	
Breakwater Inn	131-133 Ocean Avenue	Vaida Labzinyle	P.O. Box 5600	Kennebunkport, ME	04046	967-5333	967-4750	125	20	18	July 12
Breakwater Spa	127 Ocean Avenue	Vaida Labzinyle	P.O. Box 5600	Kennebunkport, ME	04046	967-5333	967-4750	25	15	7	April 24
Cape Anundel Golf Club	19 River Road	Anne Raynor	P.O. Box 1447	Kennebunkport, ME	04046	967-3484	229-4203	0	0	14	
Cape Anundel Inn	208 Ocean Ave.	Debra Lennon	182 Port Road	Kennebunk, ME	04043	967-2125	967-1503	65	14	15	
Cape Pier Chowder House	79 Pier Road	Allen & Wanda Daggett	P.O. Box 7217	Cape Porpoise, ME	04014	967-0123	967-0800	24	0	5	March 20
Cape Porpoise Creamery	166 Main Street	John Morin	12 Mills Rd	Kennebunkport, ME	04046	967-3370	603-209-4436	0	0	2	
Cape Porpoise Kitchen	1 Mills Road	Peggy Smith Liversidge	P.O. Box 231	Kennebunkport, ME	04046	967-1150	985-9258	12	0	8	
Captain Fairfield Inn	8 Pleasant Street	Leigh Blood	P.O. Box 3089	Kennebunkport, ME	04046	967-4454	781-241-7852	18	9	4	Jan. 26
Captain Jefferts Inn	5 Pearl Street	Sarah M. Lundblom	P.O. Box 691	Kennebunkport, ME	04046	967-2311		20	16	10	August 2
Captain Lord Mansion	6 Pleasant Street	Bev Davis & Rick Lichtfield	P.O. Box 800	Kennebunkport, ME	04046	967-3141	985-0122	32	16	8	August 2
Captain's	1 Pier Road	Lance Persson	P.O. Box 56	Kennebunkport, ME	04046	967-2241	967-3224	75	0	7	
Captain's Garden House	38 Maine Street	Bev Davis & Rick Lichtfield	P.O. Box 800	Kennebunkport, ME	04046	967-4533	985-0122	10	4	2	
Cherwynd House Inn	4 Chestnut Street	Robert Knowles	P.O. Box 130	Kennebunkport, ME	04046	967-2235	967-3224	10	4	1	
Cove House	11 South Main Street	Barry Jones	11 South Main St.	Kennebunkport, ME	04046	967-3704	985-0122	8	4	0	
Dock Square Coffee House	18 Dock Square	Samantha Asher	P.O. Box 542	Kennebunkport, ME	04046	967-4422	284-3957	15	0	2	
Dock Square Inn	3 Temple Street	Kymara Lonegan	P.O. Box 1123	Kennebunkport, ME	04046	286-7399		18	6	1	
Edgewater Inn	126 Ocean Ave.	Peter Ciriello & Caroline Neish	P.O. Box 2578	Kennebunkport, ME	04046	967-3315	229-8810	32	12	4	
Five Ace Farm	1 Bryant Lane	Meinda Anderson	43 Bryant Lane	Kennebunkport, ME	04046	286-9848	286-4031	0	0	2	
Fortenay Terrace Motel	128 Ocean Ave.	David Reid	128 Ocean Ave.	Kennebunkport, ME	04046	967-3556		0	8	2	
From Anne's Garden	230 Beachwood Ave.	Anne Dolinsky	230 Beachwood Ave.	Kennebunkport, ME	04046	967-3351		0	0	1	
Goose Rocks Beach General Store	3 Dyke Road	Elizabeth Seavey	P.O. Box 7267	Cape Porpoise, ME	04014	967-5572	967-5991	0	0	6	
Goose Rocks Dairy	278 Mills Road	Mary & Nicholas Costello	P.O. Box 2737	Kennebunkport, ME	04046	976-657-0677		12	0	8	
Goose Rocks Dairy Breakfast	278 Mills Road	Nicholas Costello	P.O. Box 2737	Kennebunkport, ME	04046	976-657-0677		120	0	15	
Harbor Inn	90 Ocean Ave.	Katherine Jones	P.O. Box 1836	Kennebunkport, ME	04046	967-2074	251-0489	14	7	1	
Hidden Pond	354 Goose Rocks Road	Debra Lennon	182 Port Road	Kennebunk, ME	04043	967-9050	967-1503	60	36	30	May 25
Hurricane Restaurant	28 Dock Square	Brooks MacDonald	P.O. Box 1801	Kennebunkport, ME	04046	967-9111	967-5772	108	0	14	May 30
Kennebunk River Club	115 Ocean Avenue	Joe Brooke	P.O. Box 994	Kennebunkport, ME	04046	967-2090	967-3696	200	2	8	
Kennebunkport Inn	One Dock Square	Debra Lennon	182 Port Road	Kennebunk, ME	04043	967-2621	967-1503	60	49	25	March 15
Lodge on the Cove	29 South Main Street	Debra Lennon	182 Port Road	Kennebunk, ME	04043	967-3993	967-1503	65	33	12	
Mabel's Lobster Claw	124 Ocean Ave.	Robert Fischer	P.O. Box 1956	Kennebunkport, ME	04046	967-2562	646-4691	45	0	8	April 14
Maine Stay Inn & Cottages	34 Maine Street	Judith & Walter Hauer	P.O. Box 1800	Kennebunkport, ME	04046	967-2117	208-7220	34	17	8	
Maine Treats LLC dba Ben & Jerry's	5 Union Street	Brian Gentile	P.O. Box 2083	Derry, NH	03038	603-235-3227	603-235-3228	0	0	67	
Mangiamo dba Roma Pizza	5 Union Street	Luca Pizzuti	22 Narcissus Drive	Syosset, NY	11791	516-306-1992		35	3	4	NEW
Moon Rose Café	8 Spring Street	Tom Murphy	25 South Main	Kennebunkport, ME	04046	415-0706		20	0		

## VICTUALERS LICENSES 2015-2016

BUSINESS NAME	BUSINESS LOCATION	CONTACT NAME	MAILING ADDRESS	CITY/STATE	ZIP	PHONE #	ALT #	# SEATS	# ROOMS	EMP/SHIFT	LIC EXP
Nonantum Resort	96 Ocean Ave.	Tina Hewett-Gordon	P.O. Box 2626	Kennebunkport, ME	04046	967-4050	590-0922	200	109	36	April 12
Nunan's Lobster Hut	9 Mills Road	Richard & Keith Nunan	11 Mills Road	Kennebunkport, ME	04046	967-4382	967-4206	84	0	15	April 30
Ocean Woods Resort	71 Dyke Road	Kathleen Spang	71 Dyke Road	Kennebunkport, ME	04046	967-1928	468-6687	85/125	32	12	April 10
Old Fort Inn	8 Old Fort Ave.	Debra Lennon	182 Port Road	Kennebunk, ME	04043	967-5353	967-1503	32	16	10	May 18
Old Personage Guest House	15 School Street	John Spila	15 School Street	Kennebunkport, ME	04046	967-4352		8	3/4	1	
Old Salt's Partry	5 Ocean Ave.	John Belyea	P.O. Box 401	Kennebunkport, ME	04046	967-4966	617-320-3931	Take Out	0	3	
Patton's Berry Farm	76 North Street	Don & Dawn Patton	269 County Road	Gorham, ME	04038	967-2418	400-2223	Take Out	0	4	
Pier 77	77 Pier Road	Jaye Morency	P.O. Box 7709	Cape Porpoise, ME	04014	967-8500	351-1305	125	0	10	April 30
Port Lobster Company	122 Ocean Ave.	Kathy Anuszcwski	P.O. Box 729	Kennebunkport, ME	04046	967-2081	967-2159	Take Out	0	10	
Rhumb Line Resort	41 Turbals Creek Road	Sheila Matthews-Bull	P.O. Box 3067	Kennebunkport, ME	04046	967-5457	967-3622	50	59	14	Feb. 1
Rococo Ice Cream	6 Spring Street	Lauren Gupill	538 School Street	Berwick, ME	03901	251-6866		0	0	6	
Roma Pizza	24 Ocean Ave. Unit B3&4	Luca Pizzuti	22 Narcissus Drive	Spoessel, NY	11791	516-306-1992		20	1	1	
Salt and Honey	24 Ocean Ave. # 516	Alison Riggier/Jackson Yordon	P.O. Box 1459	Kennebunkport, ME	04046	508-410-1931	617-755-0226	45	0	4	
Sanborn's Seafood & Vegetables	Westvale Road	Roberta Sanborn	130 Main Street	Kennebunkport, ME	04046	967-2293		Take Out	0	1	
Seastore Trolley Museum	195 Log Cabin Road	Sherrn Alcock	P.O. Box A	Kennebunkport, ME	04046	967-2800	415-6801	20	0	3	
Springer Hill Farm	52 Old Cape Road	Caroline Cluff	52 Old Cape Road	Kennebunkport, ME	04046	344-9103		Take Out	0	0	
The Boatouse Waterfront Hotel	21 Ocean Ave.	Debra Lennon	182 Port Road	Kennebunk, ME	04043	967-8223	967-1503	250	25	30	
The Candy Man	20 Dock Square	John Biagioni	P.O. Box 1271	Kennebunkport, ME	04046	967-5693	781-608-5281	0	0	3	
The Colony Hotel	140 Ocean Ave.	John Martin	140 Ocean Ave.	Kennebunkport, ME	04046	967-3331	468-1262	250	125	30	May 15
The Wayfarer	2 Pier Road	Scott Lewis	P.O. Box 1926	Kennebunkport, ME	04046	967-8961	271-2322	60	0	7	
Tides Beach Club	254 Kings Highway	Debra Lennon	182 Port Road	Kennebunk, ME	04043	967-3757	967-1503	65	21	25	May 25
Wicked Tails	4 Spring Street	Scott Lewis	P.O. Box 2742	Kennebunkport, ME	04046	973-271-2322		Take Out	0	2	
Wolff Farm & Lobster	376 Mills Road	Berni Wolff	376 Mills Road	Kennebunkport, ME	04046	283-1729	282-1856	0	0	3	
Yachtsman Lodge & Marina	57 Ocean Ave.	Jason Martel	P.O. Box 5600	Kennebunkport, ME	04046	967-2511	967-4750	30	30	8	





## TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

### Memorandum of Understanding

DATE: May 28, 2015

RE: The Edgewater Inn, 126 Ocean Avenue, Kennebunkport, ME

The 2015-2016 Victualers License is being conditionally approved for the property above referenced by the Code Enforcement Officer subject to the following conditions:

- Seating being used for dining purposes is to be reduced to 26. This will be verified by June 1, 2015.
- All hardscape that has been placed on the property without permits will be removed by September 15, 2015 and re-vegetated to its previous state, unless other non-vegetated surfaces are equally reduced.
- Any unpermitted signage will be removed or resolved with an issued permit by July 1, 2015. (KAYAK RENTAL SIGN) *RM MS*

I understand that failure to comply with the above listed items within the timeframes mentioned will result in a suspension of the Victualers License and will result in a formal Notice of Violation.

Peter Ciriello, Owner

5/28/15

Date

Werner Gilliam, Code Enforcement Officer

5/28/15

Date



## TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

### Memorandum of Understanding

DATE: May 28, 2015

RE: Hidden Pond, 354 Goose Rocks Road, Kennebunkport, ME

The 2015-2016 Victualers License is being conditionally approved for the property above referenced by the Code Enforcement Officer subject to the following conditions:

- Seating/dining being used in the two potting sheds must be discontinued except for previously committed reservations as identified on Excel sheet "Shed Doc For Earth 5/28/15".
- Submit an application to the Planning Board before July 1, 2015 for an after-the-fact approval of increased seating, which includes proof of submission to the State Fire Marshals Office and their approval.
- This conditional approval will expire on August 30, 2015 unless an extension is agreed up by both parties due to unforeseen circumstances.

I understand that failure to comply with the above listed items within the timeframes mentioned will result in a suspension of the Victualers License and will result in a formal Notice of Violation.

Debra Lennon, Property Manager

5-28-15

Date

Werner Gilliam, Code Enforcement Officer

5-28-15

Date



# TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

## Memorandum of Understanding


Date: May 28<sup>th</sup> 2015

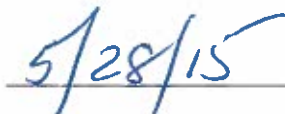
RE: Ocean Woods Resort 71 Dyke Road Kennebunkport, ME

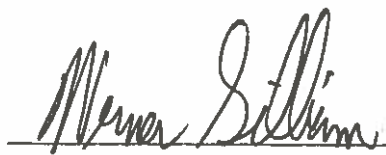
The 2015-2016 Victualers License is being conditionally approved for the property above referenced by the Code Enforcement Officer subject to the following conditions:

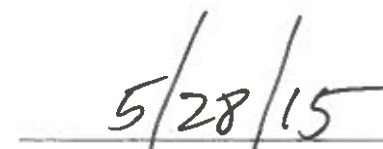
- By June 11<sup>th</sup> 2015 the upstairs rail will be properly secured per MUBEC Building Code Requirements. Until that time the upstairs deck area will not be used by the public.
- By July 1st 2015 a copy of a signed and executed contract from a licensed sprinkler contractor will be provided to the Code Enforcement Officer showing that all defective sprinkler heads will be replaced no later than December 1<sup>st</sup> 2015

I understand that failure to comply with the above listed items within the timeframes mentioned will result in a suspension of the Victualers License and will result in a formal Notice of Violation. I also understand that due to the nature of the sprinkler system being potentially at risk I agree to not hold the Town of Kennebunkport liable for any damages or loss of life that may occur in the unlikely event of a building fire.

  
Kathleen Spang, Owner

  
Date

  
Werner Gilliam, Code Enforcement Officer

  
Date