

TOWN OF KENNEBUNK
BOARD OF SELECTMEN MINUTES

January 22, 2019 – 6:30 P.M.

1. Call to Order and Pledge of Allegiance

On Tuesday, January 22, 2019, at approximately 6:30 p.m., in Room 301 of the Town Hall, Richard Morin, Chairman of the Board of Selectmen for the Town of Kennebunk, called to order the Board of Selectmen. Present were Selectmen L. Blake Baldwin, Richard Morin, Edward Karytko, Wayne Berry, William Ward, Jr. and Christopher Cluff. Schulte arrived after the Pledge of Allegiance.

Also present was Town Manager Michael Pardue.

The Pledge of Allegiance was recited.

2. Approval of Minutes

- a. January 8, 2019 Regular Meeting

A motion was made to approve the minutes for January 8, 2019 (Regular Meeting).

MOVED: Karytko
SECONDED: Cluff
VOTE: 7 in favor, 0 opposed. The motion passed.

3. Items to be Signed - none

4. Public Hearings - none

5. Public Comments - none

6. Acknowledgements/Announcements

- a. Accept the Following Donations – The Town recently received the following donations:

- \$25 from Gladys Benshimol for the Medical Equipment Loan Closet
- \$2,500 from the Flynn Family Foundation for Social services

A motion was made to accept the donations and send a letter of thanks to both for their generous donations.

MOVED: Karytko
SECONDED: Ward
VOTE: 7 in favor, 0 opposed. The motion passed.

7. Time Sensitive Business & Staff Presentations

- a. Take up Committee Resignations:

Susan Lee, due to relocation, has resigned from the following committees:

- Susan Lee, Lower Village Committee (Alternate 2019)
- Susan Lee, Beach Parking Assessment Working Group (Beach Area Rep./no term)

A motion was made to accept the resignation of Susan Lee from the Lower Village Committee and the Beach Parking Assessment Working Group and send a letter thanking her for her commitment to the Town.

MOVED: Karytko
SECONDED: Ward
VOTE: 7 in favor, 0 opposed. The motion passed.

b. Candidates to Appear for Appointment Consideration to Town Committees –

- **Zoning Board of Appeals** Vacancies: (1) Alternate 2019
 - Stephen Sayers

A motion was made to appoint Stephen Sayers as an Alternate Member of the Zoning Board of Appeals with a term expiring in 2019.

MOVED: Karytko
SECONDED: Cluff
VOTE: 7 in favor, 0 opposed. The motion passed.

- **Energy Efficiency Advisory Committee** Vacancies: (3) Regular 2021, (1) Youth 2019
 - Bevan Davies

A motion was made to appoint Bevan Davies as a Regular Member of the Energy Efficiency Advisory Committee with a term expiring in 2021.

MOVED: Karytko
SECONDED: Cluff
VOTE: 7 in favor, 0 opposed. The motion passed.

- **Budget Board** Vacancies: (1) Regular 2021, (1) Regular 2019
 - Sarah Wheeler
 - Peter Brewitt

A motion was made to appoint Peter Brewitt to a Regular Member of the Budget Board with a term expiring in 2019 and Sarah Wheeler as a Regular Member of the Budget Board with a term expiring in 2021.

MOVED: Cluff
SECONDED: Baldwin
VOTE: 7 in favor, 0 opposed. The motion passed.

- **West Kennebunk Village Committee** Vacancies: (1) Regular 2021, (2) Regular 2020
 - Peter Donaher
 - Dana Ingham

A motion was made to appoint Peter Donaher to the West Kennebunk Village Committee as a Regular Member with a term expiring in 2020 and Dana Ingham as a Regular Member on the same with a term expiring in 2020.

MOVED: Cluff
SECONDED: Karytko
VOTE: 7 in favor, 0 opposed. The motion passed.

- **Board of Assessment Review** Vacancies: (1) Regular 2020
 - Dudley "Butch" Tyson

A motion was made to appoint Dudley Tyson as a Regular Member on the Board of Assessment Review with a term expiring in 2020.

MOVED: Karytko

SECONDED: Cluff

VOTE: 7 in favor, 0 opposed. The motion passed.

Schulte expressed his appreciation for the people appointed tonight, people who are willing to volunteer.

8. Old Business - none

9. New Business

- a. Discuss the Bids for the Sale of the Rest Area Property – On November 26, 2018 the Town received two responses to the Request for Proposals (RFP) - Property Purchase Rest Area Property (Map 59, Lot 34—Route One South). The [RFP](#) contained comprehensive information on the subject property, known constraints, selection process and proposal guaranty. The Proposal Selection process within the RFP indicated that a selection committee would review and evaluate the proposals based on the information submitted and provide a recommendation to the Board of Selectmen. Within the Proposal Selection were specific scoring criteria with the potential to receive a maximum score of 100 points.

Town Staff identified five community members made up of residents with diverse backgrounds including legal, utility district management, building construction, professional services and Comprehensive Planning/Planning Board experience. One of the committee members was unable to complete the scoring process due to late developing personal obligations. Staff provided copies of the two proposals, the RFP and a detailed scoring matrix with guidance in terms of how points could be allocated based on the scoring criteria outlined in the RFP. The selection committee reviewed these independently and did not meet as a group, rather they simply provided the results of their reviews individually to Town Staff.

Based on the results, the following scores were received:

Scorer	Following Seas, LLC	Cottage Advisors, LLC
Reviewer #1 - MB	93	71
Reviewer #2 - JPL	70	66
Reviewer #3 - DL	85	68
Reviewer #4 - PF	98	90

A copy of each proposal can be found on the Town's website by following the links below:

[Following Seas, LLC](#)

[Cottage Advisors, LLC](#)

Both proposals submitted complied with the requirements of the RFP. The consensus of the scoring completed by the selection committee indicates that the proposal submitted by Following Seas, LLC is higher rated. Based on the comprehensive nature of the proposal and clear distinction in scoring, Staff would recommend that the Town consider entering into a Development Agreement with Following Seas, LLC in accordance with Section VII Proposal Guaranty of the RFP. Should the Board of Selectmen decide to pursue this Development Agreement, the selected proposer would have 10 days upon notification to submit a 10% deposit based on the proposed sale price. The Town and the selected

proposer would have 30 days to negotiate a Development Agreement that would stipulate the terms of the final transaction.

Cluff stated that it seems to him they were doing this a little backward, saying typically when they get an RFP like this, particularly when they're going to sell a piece of land, they would first go into executive session to review that RFP and discuss it.

Morin said he thinks the terms of that should probably be done in executive session. He asked if they should table this for the moment until they get to the end of the meeting.

Schulte asked if they could hear from people who may have come to this meeting with comments on this, consider those comments and take them into executive session. Morin granted that such happen and offered the public a chance to share comments on this topic.

Beth Fossett, Kennebunk resident and owner of the abutting property, spoke. She noted that they were the previous bidders. Fossett said they've looked at the two proposals; she said they understand that the Town has seen one of these proposals before, adding that she knows it was shot down once before. Fossett mentioned too that, as the abutter, they also agree with the scoring process. Further, Fossett said that, as the abutter, they'd fully support Following Seas, LLC as a good opportunity for the Town.

A motion was made to table this until after the executive session.

MOVED: Cluff
SECONDED: Ward
VOTE: 7 in favor, 0 opposed. The motion passed.

- b. Discuss Necessary Road Closures, Associated with Special Event Applications – The Special Event Policy requires Board approval for road closures. According to the Police Department, they are requesting approval for the following road closures or delays. Note: There are no changes from previous years.

- **Saturday, May 4, 2019: May Day Festival (sponsored by Town)**
This event occurs in the downtown area (Rotary Park, Waterhouse Center, Kennebunk Library, etc.) and requires a road closure for the parade.

Road Closure Needed:

12:30 p.m. – 2:15 p.m. - various times on Water Street, Factory Pasture Lane, Main Street, Dane Street and Grove Street. Please refer to the road closure information enclosed in the packet for specific times.

A motion was made to approve the road closure for the May Day Festival as noted above.

MOVED: Karytko
SECONDED: Cluff
VOTE: 7 in favor, 0 opposed. The motion passed.

- **Sunday, June 2, 2019: The Kennebunk Beach Classic 5K Road Race/Walk (sponsored by The Center)**
This 5K race begins on Port Road and has a start time of 9:00 a.m.

Road Closure Needed:

9:00 a.m. - 10:30 a.m. - Western Avenue from the intersection of Western Avenue and Beach Avenue (Coopers Corner) to Western Avenue and Boothby Road. Please refer to the road closure information enclosed in the packet for specific times.

A motion was made to approve the road closure for the Kennebunk Beach Classic 5K Road Race/Walk as noted above.

MOVED: Karytko

SECONDED: Ward

Before the motion was voted on, Schulte asked if this is the same time closure as has been done in the past. He said it seems like a fairly long time for a road closure for a 5K. Pardue responded to Schulte, saying he thinks it's the same as what they did last year.

VOTE: 7 in favor, 0 opposed. The motion passed.

c. Discuss Any Other Business

10. Board of Selectmen Comments

a. Subcommittee Reports

There were two subcommittee meetings this evening. Cluff explained that there was an Ordinance Subcommittee meeting at 5:30pm, saying they are going to make a couple minor administrative changes to two pieces of the non-zoning Ordinance; those will come before the Board. Baldwin then discussed the Social Services Agencies Subcommittee Meeting held this afternoon at 4:00pm.

b. Individual Selectmen Comments

Selectman Ward:

- Thanked the Highway Department for their excellent work during the storm and the Police Department as well.

Selectman Baldwin:

- Noted a sad passing: the passing of Boyd Swenson, who died on January 16th. Boyd served on the Town's Tree Committee and was a long-time resident of our Town and will be sorely missed.

Selectman Karytko:

- Asked that if anyone has flags that are torn or tattered to please bring them to the American Legion on Water Street to be disposed of properly.
- Reminded residents there is a box in the lobby, in front of the Town Clerk's Office, to drop off eye glasses and cell phones. These items go to the Lions Club and are recycled for various functions and reasons.
- At the last meeting, Kennebunk's Webber-Lefebvre Post 74 was granted a proclamation by the Town (Proclamation for the Celebration of the 100th Anniversary of the Founding of the American Legion and Kennebunk's Webber-Lefebvre Post 74); spoke of the many positive comments from the members of Legion Post 74 about what the Board did in the ceremony that took place here.
- Asked about the new sidewalk plows yet?

Pardue addressed the question of Karytko's about the sidewalk plows. He said there is currently one new sidewalk plow and they are still waiting on the other new one (we continue to use the loaner until the new one arrives).

Selectmen Berry and Schulte:

- None

Selectman Cluff:

- Received a couple comments in the last 24 hours about the roads still being a bit snow covered and how that was not the case in other communities. I believe our Public Works Department does things a little differently: they chose to leave a little snow on the roads when we get into these really cold temperatures so that the roads don't ice up if there's an issue.

Pardue confirmed that what Cluff said, noted above, regarding the strategy of the Public Works Department, is correct. He then offered further comment on the topic of storm clean-up.

Selectman Cluff (Continued):

- Yesterday, Al Davis, Chaplain on the Fire Department, passed away; services will be Friday from 3-6 p.m. at Bibber's Funeral Home; I know there'll be a good contingent from the Fire Department there as well; another very sad passing (this one as well as the one Baldwin mentioned in his Selectman comment)

Selectman Morin:

- Wanted to repeat Ward's comment: a good job, Public Works, during the past storm

11. Town Manager Announcements

- Selectmen Outreach Session – The next Outreach Session will be held on Saturday, February 16th from 8:30 a.m. to 10:30 a.m. at the Town Hall.
- Comprehensive Plan Open House – Saturday, January 19th from 9:00 a.m. to 11:30 a.m., third floor of the Town Hall - The Town is currently engaged in a process to update our Comprehensive Plan, which is a document that outlines the recommended steps that Kennebunk take to manage growth and provides guidance to public and private decision makers regarding the future development of the town. In addition, the Plan provides a framework for the Town's zoning and other land use ordinances. You are encouraged to log on to the Town's website and visit the Community Voice page (www.kennebunkmaine.us/CommunityVoice) where you can read the ongoing discussion and add your comments to the various topics covered by the Comprehensive Plan.

Baldwin spoke to this item. He mentioned that it was heartening to see about 45-50 members of the community come in and participate. Karytko noted that there was one resident who thought there'd be more discussion at the event.

- Maine Real Estate and Development Association (MEREDA) Conference – Town Manager Pardue and Board Chair Morin attended MEREDA'S 2019 Annual Conference this past week. Conference materials included economic forecasts, along with projected residential and commercial sales activity. There was also a significant focus on data derived from the hospitality industry, to include a look back at 2018 and a look forward at 2019 projections. The information gleaned will be helpful as we consider future economic development opportunities and plan strategically for the future.

d. Budget Meeting Dates for the 2019-20 Proposed Budget

Meeting #1	Tuesday, January 29	6:30 p.m. - 9:00 p.m.
Meeting #2	Thursday, January 31	6:30 p.m. - 9:00 p.m.

Meeting #3	Saturday, February 2	8:30 a.m. - 11:30 a.m.
Meeting #4	Tuesday, February 5	6:30 p.m. - 9:00 p.m.
Meeting #5	Thursday, February 7	6:30 p.m. - 9:00 p.m.
Meeting #6	Saturday, February 9	8:30 a.m. - 11:30 a.m.
Meeting #7*	Wednesday, February 13	6:30 p.m. - 9:00 p.m.
Meeting #8*	Saturday, February 16	8:30 a.m. - 11:30 a.m.

*(if needed – additional meetings or snow day makeup)

12. Executive Session

At approximately 7:02 p.m., a motion was made to adjourn the executive session to discuss with the Town Manager, Finance Director and Community Development Director the bids for the Rest Area property where premature disclosure of the same would prejudice the competitive bargaining position of the Town relative to the same - Title 1 MRSA Sec. 405(6)(C). (Note, the Finance Director will not be in attendance)

MOVED: Cluff
SECONDED: Karytko
VOTE: 7 in favor, 0 opposed. The motion passed.

At approximately 7:41 p.m., a motion was made to exit executive session.

MOVED: Cluff
SECONDED: Karytko
VOTE: 7 in favor, 0 opposed. The motion passed.

A motion was made to return to Item 9a.

MOVED: Cluff
SECONDED: Ward
VOTE: 7 in favor, 0 opposed. The motion passed.

A motion was made to request the Town Attorney to prepare the necessary documents and pursue a Draft Purchase and Sale Agreement with Following Seas, LLC for the sale of the Route One South Rest Area property and development of a residential memory care facility to accommodate 12 studio apartments.

MOVED: Baldwin
SECONDED: Cluff
VOTE: 7 in favor, 0 opposed. The motion passed.

13. Adjournment

At approximately 7:43 p.m., a motion was made to adjourn the meeting.

MOVED: Karytko
SECONDED: Cluff
VOTE: 7 in favor, 0 opposed. The motion passed.



Christopher Cluff, Secretary
Kennebunk Board of Selectmen

Date: 2/12/19