

TOWN OF KENNEBUNK
BOARD OF SELECTMEN MINUTES
AUGUST 22, 2017 – 6:30 P.M.

SPECIAL MEETING – 6:15 P.M.

Interview the following Candidate(s) for Committees:

Gabriela Rodriguez	Dog Advisory Committee
Molly Hoadley	Committee on Aging
Lori Parkinson	Bicentennial Committee

Vacancies:

(1) Regular 2020
(1) Regular 2018
(1) Regular 2018 and (1) Alt. 2018

DISCUSSION:

The candidates listed above expressed interest in being on the committees they are candidates for.

The Chair proceeded to the next item.

REGULAR MEETING – 6:30 P.M.

1. Call to Order & The Pledge of Allegiance

On Tuesday, August 22, 2017, 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 Regular Meeting of the Board of Selectmen. Present were Selectmen L. Blake Baldwin, Richard Morin, Edward Karytko, Daniel Boothby, William Ward, Shiloh Schulte and Christopher Cluff. Also present was Town Manager Michael Pardue.

The Chair proceeded to the next item.

2. Minutes

a. August 8, 2017 Regular Meeting

DISCUSSION:

None.

A motion was made to approve the minutes from August 8, 2017.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

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

The Chair proceeded to the next item.

3. Items to be Signed

Cluff signed financial documents.

The Chair proceeded to the next item.

4. Public Hearing(s)

- a. Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comment on the following application:

**Semper Pie, LLC d/b/a Domino's
Victualer License
Located at 45 Portland Road, #6**

Town Manager's Note (not part of the public hearing notice):

Fire Department/Codes Office: nothing found in the inspection that would interfere with the approval of the license.

Police Department: new license – nothing to report from police.

DISCUSSION:

Tiffany, the applicant in this matter, spoke. She said they want to open very soon and are looking for new employees. They are also involved with donating in various ways and Tiffany welcomed the public to reach out to Domino's in Kennebunk.

A motion was made, subject to the two upcoming inspections, to approve the Victualer License Application for Semper Pie, LLC d/b/a Domino's.

MOVED: Baldwin

SECONDED: Ward

MODIFICATIONS: None

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

The Chair proceeded to the next item.

5. Public Comments

None. The Chair proceeded to the next item.

6. Acknowledgements/Announcements

- a. Staff Resignation – Captain Ryan Loshaw has announced his resignation from Kennebunk Fire Rescue. Ryan came to us from the Biddeford Fire Department and has provided excellent leadership and service during his time in Kennebunk. Ryan leaves to pursue a family business and we wish him all the best. The hiring process to replace Captain Loshaw is underway.

The Chair proceeded to the next item.

7. Time Sensitive Business

- a. Discuss Boards and Committees

- **Appointment of Resident(s) being interviewed at the beginning of the meeting:**

Gabriela Rodriguez	Dog Advisory Comm.	<u>Vacancies:</u> (1) Regular 2020
Molly Hoadley	Committee on Aging	(1) Regular 2018
Lori Parkinson	Bicentennial Committee	(1) Regular 2018, (1) Alt. 2018

DISCUSSION:

None.

A motion was made to appoint Gabriela Rodriguez as a Regular member on the Dog Advisory Committee with a term expiring on June 30, 2020, Molly Hoadley as a Regular member on the Committee on Aging with a term expiring on June 30, 2018, and Lori Parkinson as a Regular member on the Bicentennial Committee with a term expiring on June 30, 2018.

MOVED: Karytko
SECONDED: Cluff
MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed. The motion passed.

The Chair proceeded to the next item.

b. Award the Bid for Two 2018 Ford Explorer Police Package Vehicles - We received three bids for the purchase of two 2018 Ford Explorer Police Utility Vehicles.

- Arundel Ford, Arundel, ME \$62,130.00 for two
- Casco Bay Ford, Yarmouth, ME \$63,540.00 for two
- Quirk Auto Group, multiple locations, ME \$62,628.00 for two

We have budgeted \$70,000 for this purchase.

The Police Chief is recommending the bid from Arundel Ford in the amount of \$62,130.00 for the two vehicles.

DISCUSSION:

Baldwin asked if these vehicles are equipped with side-impact airbags. Police Chief Mackenzie said he is not completely sure whether or not the vehicles have side-impact airbags.

Albert Kolff, from the public, said there was an issue with the carbon dioxide with the Ford Explorer “police.” Kolff asked if that issue has been resolved. Answering Kolff, Police Chief Mackenzie said Ford has stated that they have found the issue Kolff was referring to was the installation procedures that some companies have used. Mackenzie said he has “full faith” in the installers they use at Southern Maine Communications. Also, for all of their patrol cars, they will be installing Co2 detectors. Such detectors are “relatively inexpensive,” said Mackenzie.

A motion was made to award the bid for (2) 2018 Ford Explorer Police Package Vehicles to Arundel Ford at a price of \$31,065 per vehicle, totaling \$62,130.00.

MOVED: Cluff
SECONDED: Karytko
MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed. The motion passed.

The Chair proceeded to the next item.

c. Award the Bid for Summer Street Survey Proposal - Sea Road to Old Port Road - The Town of Kennebunk issued a RFP soliciting surveying services in support of the MPI project on Summer Street, to be jointly funded by the Maine DOT and the Town of Kennebunk. Proposals were received from three firms on August 17, 2017 and the Town Engineer has reviewed them for conformance with the conditions of the RFP and Maine DOT requirements.

- Dow & Coulombe, Saco, ME \$34,900.00
- Doucet Survey, Kennebunk, ME \$44,685.00
- Sebago Technics, South Portland, ME \$22,500.00

Based on the Town Engineer's review of the proposals, the recommendation is to accept the proposal from Sebago Technics and award the work in the amount of \$22,500 as contained in their submittal. This work is expected to be undertaken and completed in the fall of 2017.

DISCUSSION:

Ward said that Sebago Technics' bid seems very low compared to the other bids the Town received. Osterrieder gave an example of when someone put out a very low bid yet did good work; such benefits Kennebunk.

Karytko said he wants to be completely sure he knows what Sebago Technics will do for the Town of Kennebunk in this matter. Osterrieder answered Karytko, saying that partial funding for this will come from the Maine DOT. Therefore, the RFP was structured significantly to meet the Maine DOT's standards.

Baldwin asked if they are utilizing the TIF program to construct Summer Street. Answering Baldwin, Pardue said they are.

Donna Teague, from the public, asked what MPI stands for. Osterrieder answered Teague, saying it stands for Municipal Partnership Initiative and is run by the Maine DOT.

A motion was made to award the bid to Sebago Technics at a price of \$22,500.00.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

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

The Chair proceeded to the next item.

8. Old Business (2nd Reading)

- a. Discuss the Future of the Three Dams – The Town Manager will provide an update on the status of his phone call with Kleinschmidt Associates.

~~Advisory only. No action required.~~

AMENDMENT: The proposal from Kleinschmidt arrived at 4:05 p.m. on August 18th after the original agenda was posted. Please note that the proposal has been added to the Board's packet.

DISCUSSION:

Pardue discussed this agenda item in some detail. He said that Kleinschmidt is proposing that there may be options between removing or retaining the dams. Pardue also said that Kleinschmidt proposed to work on an hourly basis, which Pardue thinks will help the Town control costs associated with services provided by Kleinschmidt.

Cluff said he thinks it is worthwhile to work with Kleinschmidt, but said he does not see any limit on costs associated with working with them. He wonders if Kleinschmidt has any idea how long it may take them to complete this project. Pardue said that Kleinschmidt really does not have any estimates on how long this process will take them but the Town can control the costs by approving, or not, the work proposed.

Boothby asked if the Selectmen can choose to stop going forward with this project whenever they want to. Pardue said that they can do such, but noted the costs associated with going through with this even at

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the start of it. Boothby also wondered what to say to people questioning why this did not go out to bid. Cluff responded, saying this is a unique and specialized proposal.

Karytko wondered if they should set a limit on how much money they spend if they choose to work with Kleinschmidt.

Schulte found issue with setting a limit on costs associated with this matter. He said it does not seem to be a good use of money to spend all of the money they allotted for this and then stop the process abruptly. If they did so, they may not get everything they wanted to get from working with Kleinschmidt. Schulte also does not want to go through with working with Kleinschmidt as proposed without them giving the Board some kind of idea of how long it will take them to work on this. He wants to know the possible costs associated with it.

Pardue suggested having a few members of Kleinschmidt appear before the Board to answer questions. Schulte said that it would be great to have a representative from Kleinschmidt answer questions the Board may have for Kleinschmidt.

Morin asked Pardue when people from Kleinschmidt could speak to the Board. Pardue said he thinks Kleinschmidt could speak with the Board at the next Selectmen meeting.

Boothby wondered why KLP is not taking the lead in this process. Schulte said KLP has a different mission than the Selectmen in this matter.

Baldwin commented that he does not want to see “outsiders,” such as carpet bagging interest groups from outside the community, trying to figure out the best solution regarding the situation with the dams. He also does not think it is helpful to be under the impression that one side will win at the end of this matter and that another side will lose.

Karytko said that he wants to do whatever is the best thing to do for the Town of Kennebunk. He also said that he may certainly be in favor of generating power from the dams, noting that doing such is the best thing for Kennebunk. If they do such, he would not want to disregard environmental standards or concerns. If they can adhere to environmental standards and acknowledge environmental concerns, all the while generating power from the dams, Karytko sees generating power from the dams as quite plausible.

Morin said that Kleinschmidt has made it clear, in their proposal, that generating power from the dams is not a viable option. However, Karytko said one has to wonder why Kleinschmidt is saying generating power from the dams is not a legitimate option, saying that they do work for many dam companies who are beholden to their investors and that there are many costs associated with some dam companies.

Lionel Menard, from the public, spoke. He said he thinks there must be some kind of limit on the costs associated with working with Kleinschmidt.

Donna Teague, from the public, spoke. She asked if it is known what Kleinschmidt charges for their hourly rate. Pardue said that Kleinschmidt’s hourly rate is stated in the Kleinschmidt proposal. Teague said she thinks it is wrong that Kleinschmidt does not want to review the Wright Pierce and GZA reports, they approve of such reports. She said that people such as herself have never been against fish passage, but that they have suggested looking at dams such as Kesslen, where the fish have to come from, and if a good fish passage could be put in there they would consider, in the future, putting fish passages at the other dams. Teague also thinks it is a mistake to “throw out” hydropower entirely.

Peter Ashley, a resident of Cape Neddick, spoke. He went over the 1977 Town report by the Trustees. Ashley wishes for Kennebunk to keep the dams. He also said to request a time extension as soon as possible, noting that this topic is very complex.

Ward Hanson, from the public, spoke. He said it is hard to believe that the projections in the reports of GZA and Wright Pierce regarding the value of electricity are accurate. Hanson added that it is important to think about Kennebunk's unique characteristics, etc., and to "look at the entire picture."

Albert Kolff, from the public, spoke. He read from a statement. He said that the act of the Selectmen considering working with Kleinschmidt is a "good beginning." Save the Mousam: Keep the Kennebunk Dams, LLC is submitting a Notice of Intent and a Pre-Application Document to FERC before the September deadline, said Kolff. Kolff finished by saying that collaboration by KLP and the Town will help keep costs for tax payers and rate payers low.

More discussions ensued. For example, Cluff was surprised that Kolff and others are signing a Notice of Intent and naming the Town as a partner, though they have not had any discussions about doing such.

Kolff responded to Cluff, saying he has been following the "voters' voices."

Cluff asked Kolff if he could send the Board what they plan on submitting for their notice of intent. Kolff said he would be glad to do such.

A motion was made to move this to the Board's next meeting with more information from the Town Manager.

MOVED:	Cluff
SECONDED:	Ward
MODIFICATIONS:	None
VOTE:	6 in favor, 1 opposed (Karytko). The motion passed.

The Chair proceeded to the next item.

- b. Discuss the Status of the Marijuana Moratorium – The Town Manager will provide an update on the status of the marijuana moratorium.

Advisory only. No action required.

DISCUSSION:

Pardue provided an update on the status of the marijuana moratorium. The current moratorium banning the retail sale of marijuana and marijuana social clubs will expire on October 5th. Therefore, this matter will be brought before the Board at one of their meetings, or at multiple meetings, for the Board to consider whether or not they want to extend said moratorium for another 180 days. Pardue also said that the Planning Board will hold a marijuana workshop on September 11th. Pardue added that on October 4th he, Chief Mackenzie and Deputy Chief Nugent will attend a seminar on marijuana in Augusta.

Morin said that if the Planning Board doesn't come to a conclusion on this topic on September 11th, the Board will on September 12th, and will move without the Planning Board. He wants to be able to get a proposed ordinance onto the ballot.

Baldwin agreed with Morin. He said that such an ordinance can be changed if new data changes people's minds.

Town Clerk Merton Brown said they would need to have the first Public Hearing on this topic on September 12th. Therefore, they would have to decide, basically tonight, whether or not to put the ordinance on the ballot in November.

Morin said that marijuana will cause the Town to face increased costs for services for the Town.

The Chair proceeded to the next item.

9. New Business (1st Reading)

- a. Discuss a Criminal Forfeiture Request by the Kennebunk Police Department – The Kennebunk Police Department works tirelessly to combat drugs in our community. As a part of this ongoing effort, earlier this year officers encountered an individual who upon investigation was found to be trafficking heroin. During the course of the arrest, officers seized \$18,997 in suspected drug proceeds from the defendant. Upon adjudication in York County Superior Court, it was confirmed that these monies were drug proceeds. The full amount has been forfeited to the Kennebunk Police Department for their efforts in this case.

DISCUSSION:

None.

A motion was made to approve and accept the seized funds in the amount of \$18,997 (Docket No. CR-17-185), with said funds being retained by the Kennebunk Police Department to assist in future drug enforcement efforts.

MOVED: Karytko

SECONDED: Cluff

MODIFICATIONS: None

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

The Chair proceeded to the next item after telling the Police Chief “good job.”

- b. Discuss a New Initiative from the Committee on Aging – The Committee on Aging has partnered with Aging Excellence to create a medical equipment loan closet. This loan closet features durable medical equipment such as wheelchairs, crutches, walkers, commodes and shower chairs, of which are free for Kennebunk residents. Staff will be present to discuss this new venture and answer questions.

Advisory only. No action required.

DISCUSSION:

Karen Winton, General Assistance Administrator, spoke about this agenda item. The service will be free for all Kennebunk residents. She said that volunteers have been working very hard to organize this effort and are dedicated to making the medical equipment loan closet successful. Winton also said more information on this topic will be available on the Town’s website. The shortcut to the topic can be used by searching for kennebunkmaine.us/loancloset. Equipment for the loan closet can be picked up and dropped off by appointment only. There is a number to call to arrange such a drop off or pick up of equipment from or for the loan closet.

Ward asked Winton what they are doing to make the public aware of the coming loan closet for Kennebunk. Winton answered Ward by saying that members of the subcommittee focusing on the medical equipment loan closet like to wear bright pink shirts to Town events as a way of advertising the medical closet. Flyers and business cards have also been made.

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Ward wondered if any of the hospitals in the area have equipment that they may be willing to give for this medical closet.

Pardue talked about possible liability issues regarding this topic. He said they will require those who receive equipment from the loan closet sign waivers of liability, the goal being to protect the volunteers in this effort, as well as the community as a whole.

Winton said York County Community Action has opened their phone lines to begin taking appointments for their fuel assistance program. The number to call in order to schedule an appointment for said program is 324-5762 (option 1). People with questions can also call the General Assistance Office.

Ward Hanson, from the public, spoke. He wondered what other methods of communication Winton and others can use to get the message out regarding the loan closet, thinking about those who don't use the Internet. Winton said the committee is prepared to draft a press release and to get word out on the topic via newspapers. She stated other ways that they plan to advertise the loan closet as well.

The Chair proceeded to the next item.

c. Discuss Any Other Business

DISCUSSION:

The renewal of a Malt, Spirituous and Vinous Liquor License for English Meadows was considered. This item was inadvertently omitted from the agenda and requires a discussion by the Board, no longer a public hearing.

There were no issues with the renewal.

A motion was made to renew the Malt, Spirituous and Vinous Liquor License for the Inn at English Meadows.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

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

The Chair proceeded to the next item.

10. Selectmen's Comments

a. Subcommittee Reports (if any)

Cluff said the Ordinance Subcommittee met recently and there was a resident who wanted to make a change to the Beach Parking Ordinance, changes which are "largely semantic" and update the Ordinance so that it is more in line with the Town's current process.

b. Individual Selectmen Comments

Selectman Ward:

- None

Selectman Boothby:

- Tomorrow night is the volunteer picnic; I think it will be a fun time

Selectman Baldwin:

- I came from the Community Garden Committee; they have harvested 1.5 tons of food for the Community Outreach Center

Selectman Schulte:

- None

Selectman Cluff:

- Where do we stand on Lower Village parking?

Selectman Karytko:

- Thank you to all of the volunteers for Family Fun Day. They put in many hours of volunteering.
- Thank you to Dick Morin for being very patient during tonight's discussion on the dams

Selectman Morin:

- The road work accomplished on Woodhaven Drive was very well done

The Chair proceeded to the next item.

11. Town Manager's Comments/Notes

- The Town's paving of roads and crack sealing initiative continues. Roads scheduled to be paved within the next few weeks include:
 1. Valley
 2. Dutcher
 3. Harris
 4. Thompson
 5. Southgate
 6. Old Port Road
 7. Intersection of Mill / Alfred / Thompson**Crack sealing in the amount of \$20,000 (as budgeted) will also be performed.
- Update on Woodhaven: Curbing will be going in, most likely next week, on Woodhaven Drive. A final paving of the road will be completed within the next month.
- FEMA workshop, Wednesday, August 23rd for Staff: Board members are invited to attend.
- Wednesday, August 23rd: Appreciation Event for Committee Members will be held at the Waterhouse Center (rain or shine) from 5:30-7:30 p.m. (BBQ at 5:30 p.m., Comedy Show at 6:30 p.m.). **RSVPs are requested** (invitation provides details).
- Thursday, September 28th: Jensen, Baird, Gardner & Henry Municipal Client Seminar from 6:00-8:30 p.m. at the Double Tree Hotel in South Portland.

12. Adjournment

A motion was made to adjourn the meeting at approximately 8:07 p.m.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

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



L. Blake Baldwin, Secretary
Kennebunk Board of Selectmen

Date: 9/12/17