

TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

Board of Selectmen Special Meeting Agenda Town Office-6 Elm Street July 27, 2017 - 9:00 AM

1. Call to Order.
2. Approve the July 6, and 13, 2017, selectmen meeting minutes.
3. Consider a renewal liquor license application submitted by Arundel Marine Service, DBA Arundel Wharf Restaurant, 43 Ocean Avenue.
4. Authorize the Town Manager to enter into a contract with Baker Design Consultants for an amount not to exceed \$46,487.
5. Accept an anonymous gift of \$500 dedicated to the emergency fuel fund or for emergency funds needed by any person or family other than for fuel.
6. Other business.
 - a. Vote for MMA Vice-President and three Directors.
7. Approve the July 27, 2017, Treasurer's Warrant
8. Adjournment.



Agenda Item Divider



**Town of Kennebunkport
Board of Selectmen Meeting
Town Hall, 6 Elm Street
3 PM
Sitewalk - 37 Langsford Road
4 PM**

Minutes of the Selectmen's Meeting of July 6, 2017

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

Others: Werner Gillian, Laura Henny, Arlene McMurray, Craig Sanford, Laurie Smith, Amy Tchao

1. Call to Order.

Chair Briggs called the meeting to order at 3:05 PM.

2. Executive Session per MRSA 1, §405-6E to consult with town attorney regarding pending litigation in regard to Title 17 § 2851 Dangerous Buildings.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to go into executive session per MRSA 1, §405-6E to consult with the town attorney regarding pending litigation in regard to Title 17 § 2851 Dangerous Buildings.

The Board came out of executive session at 3:37 PM.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to authorize the removal of the dangerous building. Vote: 5-0

The meeting resumed at the next site.

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

Others: Bud Brown, Laura Henny, Laurie Smith, 5 neighbors

3. Site Walk at 34 Langsford Road.

The Board and Town Manager Laurie Smith checked out the site of the proposed dock.

4. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn. **Vote:** 3-0-2/Selectmen Daggett and Barwise left before the vote.

The meeting adjourned at 4:19 PM
Submitted by Arlene McMurray
Administrative Assistant



Agenda Item Divider



**Town of Kennebunkport
Board of Selectmen Meeting
Village Fire Station-32 North Street
July 13, 2017 – 7:00 PM**

Minutes of the Selectmen Meeting of July 13, 2017

Selectmen present: Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, Edward W. Hutchins, and Sheila Matthews-Bull

Others present: Scott Anderson, Adam Burnett, Jerry Collins, Michael Davis, Nathan Dill, Richard Driver, Werner Gilliam, Laura Henny, David James, Brad Lown, Jim McMann, Arlene McMurray, Allan Moir, Nina Pearlmutter, Craig Sanford, Bob Sherman, Carol Sherman, Laurie Smith, Walter Smith, and others

1. Call to Order.

Chair Briggs called the meeting to order at 7:02 PM.

2. Approve the June 17, 21, and 30, 2017, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the June 17, 2017, selectmen meeting minutes. **Vote:** 5-0.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the June 21, 2017, selectmen meeting minutes. **Vote:** 4-0-1/Selectman Hutchins abstained because he was not present at that meeting.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the June 30, 2017, selectmen meeting minutes. **Vote:** 5-0.

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.)

Nina Pearlmutter suggested having a Pumpkin Fest for the Kennebunks in the fall and wanted approval from the Board before moving forward with this. She gave examples of the activities it would entail such as:

- A pumpkin carving contest with prize money for winners.
- Pay a few dollars for a pumpkin and get a 5-10% coupon from participating merchants.
- Get pumpkins for a few sites.
- Fest can be two weeks to a month.
- Can be individuals, school teams, or other teams.
- Carved pumpkins can be displayed.

- Can have pumpkin beverages and food items in restaurants.
- Can color town in orange, red, and gold.
- Can offer prizes for pumpkins (scariest, giant, min, home-grown, etc.)

The Board supports her moving forward with the Pumpkin Fest and suggested that she call the Chamber of Commerce for assistance.

4. Consider a renewal liquor license application submitted by Captain Jefferds Inn, LLC., d.b.a. Captain Jefferds Inn, 5 Pearl St.

This item passed inspection by the police chief, fire inspector and code enforcement officer.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the renewal liquor license application submitted by Captain Jefferds Inn, LLC., d.b.a. Captain Jefferds Inn, 5 Pearl St. **Vote:** 5-0.

5. Request to waive tent permit fee for Circus Smirkus.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the request to waive tent permit fees for Circus Smirkus to be held at Rockin' Horse Stables on August 10 and 11. **Vote:** 5-0

6. Consider dock application to construct a 4ft x 65 ft pier with associated ramp and float at 37 Langsford Road.

Bud Brown from Eco-Analysts, Inc. apologized for bringing the wrong plan to the site walk and explained the correct plan. He said he is prepared to answer all questions from the Planning Board.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the dock application for 37 Langsford Road moving forward to the Planning Board. **Vote:** 5-0.

7. Police Chief Sanford presents security and law enforcement issues relative to recreational marijuana.

Chair Briggs gave the guidelines for discussion after the police chief's presentation. He emphasized that state law is not up for debate nor is the sale of medical marijuana.

Chief Sanford gave his presentation. (See Exhibit A.) He took questions from some of the audience members: David James and Jim McMann.

Doctor Jerry Collins spoke about his experience as a psychiatrist treating teenagers who used marijuana.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to direct the Town Manager to develop a prohibition ordinance to be voted on at a special town meeting. **Vote:** 5-0.

Selectman Barwise said he has only heard from people who support prohibition and encouraged those who oppose it to let their voices be heard.

Nina Pearlmutter added it is important to have accurate information and that she does not agree with a moratorium or prohibition, but agrees there should be restrictions.

8. Consider funding study analyzing FEMA Flood Maps.

Town Manager Laurie Smith said they are waiting for the appeal period for the FEMA Maps. She said she met with York and Cumberland counties to discuss a regional approach to the recent FEMA flood maps because the Town has limited funding.

Werner Gilliam stated they have identified over 1,700 parcels that are affected by the FEMA 2017 Preliminary Flood Insurance Rate Maps. He said Ransom Consulting, Inc. has presented a new comprehensive proposal to assist the Town in the appeals process.

Ms. Smith commented that the Town is under no obligation and is not responsible for appealing these FEMA flood maps; however, the Town has budgeted for some of this, and that possibly four municipalities would sign on to split the costs. The Town would also accept donations. She said she received one donation from a property owner so far.

Motion by Selectman Barwise, seconded by Selectman Daggett, to authorize the Town Manager to negotiate a contract with Ransom Consulting, Inc. for an amount up to \$85,000 in order to move forward with the FEMA flood maps appeals process, provided other municipalities participate. **Vote:** 4-0-1/ Selectman Hutchins abstained because he has not made up his mind on this issue yet.

Selectman Matthews-Bull added that this is the third flood map that FEMA has

Nick Dill from Ransom Consulting, Inc. said that now is the time that FEMA is most open to listening to appeals and getting accurate flood maps. He said Ransom will be following FEMA's methodology and have been successful in past appeals.

Richard Driver stated the issue is that over 1,700 people will be impacted by the FEMA flood maps and 400 of them are at Goose Rocks. He said that individual property owners cannot afford the costs to appeal the FEMA flood maps, and he applauds the Town for taking this on. He encourages the Board to increase the budget so that it covers any potential costs. He wonders if those other 1,300 people even realize the impact those maps could have on their insurance costs. He said their insurance could increase by the thousands.

Bob Sherman thanked the Board for helping with the appeals process.

Brad Lown mentioned issues he had with incorrect maps.

9. Communications from Goose Rocks Beach Advisory Committee regarding the need for public bathrooms and a request from Central Maine Power Company regarding the frequency of power outages at Goose Rocks Beach.

Richard Driver explained that there is no clear explanation of why there are frequent power outages at Goose Rocks and asked if the Board could ask Central Maine Power to investigate this problem.

David James spoke up that the North Street area also experienced more outages than usual, and he was told it was probably due to tree branches.

Mr. Driver also mentioned that they need more public restrooms at Goose Rocks. He said the Goose Rocks Beach Advisory Committee would like the Town to provide more public restrooms at a location closer to the Conservation Trust land.

10. Consider telecommunications ordinance.

Mr. Gilliam would like the Town to rewrite the Telecommunications Ordinance because the current one was written in 1999 and is outdated and not keeping up with the latest changes in technology.

Scott Anderson, an attorney from Verill Dana who represents Verizon Wireless, said Verizon would like to install small cells on utility light poles. He said this installation will improve cell phone coverage and network capacity. It also minimizes the need for new towers. He said the restrictions in the current ordinance could cause legal problems.

The Board supports rewriting this ordinance.

13. Consider request to extend sewer on Mills Rd.

Wastewater Superintendent Allan Moir recommends that the Town allow the construction of the subdivision and to only accept the portion of the collection system that is on Mills Road, Route 9. He does not recommend accepting any of the collection system that is in the subdivision off of Mills Road. He said the only problem is that the state does not like to issue road opening permits to install private sewer lines.

Walter Smith said the sewer extension needs to be approved by Town voters before it can be approved by the Planning Board.

Motion to accept the recommendations of the wastewater superintendent to approve a sewer extension on Mills Road and to work with the Town Clerk to hold a Special Town Meeting. **Vote:** 5-0.

11. Consider Land Use Ordinance amendment re: growth permits and accessory apartments for the November warrant.

Mr. Gilliam would like the Land Use Ordinance amendment regarding growth permits and accessory apartments placed on the November ballot.

The Board would like him to finalize the language and bring it back for review.

12. Authorization to enter into a contract with Wright-Pierce Engineers for the design and bid of the Parks and Recreation Building.

Mrs. Smith explained that the Parks and Rec building was approved by the voters at June Town Meeting. She said Wright Pierce helped with the original design, and she would like the Board to accept their proposal to provide the final design services.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to authorize the Town Manager to negotiate a contract with Wright Pierce Engineers for the

design and bid of the Parks and Recreation building not to exceed \$62,000.

Vote: 5-0.

14. Appoint Boards/Committees.

Town Manager Laurie Smith read the list of those to be reappointed along with their new terms and the Board voted for all of them at once.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to reappoint:

- on the **Administrative Code Committee** for a one-year term ending in July 2018: Wayne Adams, H. Stedman Seavey, Richard Smith, April Dufoe, and D. Michael Weston.
- Mark Messer on the **Board of Assessment Review** for a three-year term ending July 2020 and to move him from alternate to regular membership and to move April Dufoe to regular membership keeping her term ending in July 2019.
- on the **Cape Porpoise Pier Advisory Committee** for a one-year term ending in July 2018: Peter Eaton, Peter Garsoe, Arnold Nickerson IV, Ben Nunan, Zandy Talmadge, Eric Wildes and Robert O'Reilly.
- on the **Cemetery Committee** for a one-year term ending in July 2018: Lynda Bryan, Ruth Fernandez, Greg Pargellis, Ann Sanders, and Rita Schlegel.
- Benjamin Senning on the **Conservation Commission** for a three-year term ending in July 2020.
- on the **Government Wharf Committee** for a one-year term ending in July 2018: Jeff Davis, Ron Francoeur, Thomas Mansfield, and Chris Welch.
- on the **Growth Planning Committee** Jim Fitzgerald and Adam Burnett for a three-year term expiring in July 2020
- Mark Sutton on the **Kennebunk River Committee** for a three-year term ending in July 2020.
- Barbara Barwise on the **Parsons Way Committee** for a three-year term ending in 2020.
- Mark Messer on the **Planning Board** for a three-year term expiring in July 2020, and to move Nina Pearlmutter to regular membership for a three-year term expiring in 2020.

Claus, highway superintendent; Craig Sanford, police chief and emergency management director, and Joseph Carroll, KEMS chief of operations.

- on the **Road Book Committee** for a one-year term expiring July 2018: James Burrows and Richard Stedman.
- on the **Sewer Advisory Committee** for a one-year term expiring July 2018: Bob Convery, Stephen Couture, Richard Johnson, and Joseph Martin Mead.
- on the **Shade Tree Committee** for a one-year term expiring in July 2018: Sarah Adams, Kimberly Gurski, Suzanne Stohlman, and Stephen Doe, and Nina Pearlmutter. **Vote:** 5-0.
- J. Steven Kingston, Eric Wildes, Charles Zeiner, on the **Shellfish Conservation Committee** for a three-year term expiring in July 2020.
- Tony Viehmann, Kristen Garvin, Craig Sanford, and Michael Claus on the **Sidewalk Committee** for a one-year term expiring July 2018.
- on the **Zoning Board of Appeals** for a three-year term expiring in July 2020: James Fitzgerald and Karen Schlegel.

Vote: 5-0.

15. Appoint Selectmen Representatives to Boards/Committees.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to reappoint as Selectmen Representatives to the following committees:

Committee	Selectman Representative
Cape Porpoise Pier Committee	Ed Hutchins
Goose Rocks Beach Advisory	Sheila Matthews-Bull
Government Wharf	Allen Daggett
Graves Library Board	Ed Hutchins
Growth Planning Committee	Allen Daggett
Investment Committee	Pat Briggs
K.E.M.S.	Pat Briggs
Planning Board	Pat Briggs
Public Safety Committee	Pat Briggs
S.M.R.P.C.	Stuart Barwise
Shade Tree Committee	Sheila Matthews-Bull
Zoning Board of Appeals	Sheila Matthews-Bull

Vote: 5-0

16. Other business.

Ms. Smith announced that the State of Maine approved additional funding for education. She said RSU 21 is still working on the numbers, but it looks like the Town might see a reduction in its mill rate. The tax commitment date was planned for July 27, but since the educational assessment numbers have changed, the School Committee has to approve the budget again. They do not meet again until August 8. As a result, the tax commitment will be placed on the August 10 selectmen's meeting agenda.

Selectman Matthews-Bull thanked the local Girl Scouts for their participation in the Mat Lanigan Bridge rededication. She explained that that back in 1933, the Girl Scout troop from Kennebunk crossed the Mat Lanigan Bridge and met the Kennebunkport Girl Scout troop. She said the Town invited the Girl Scouts back for the rededication and asked them to do that again, which they did. The scouts also brought flowers for the Bush family. As a result, they developed a Girl Scout patch for all of the scouts involved to honor this event. She said she will send this patch to the Lanigan family.

17. Approve the July 13, 2017, Treasurer's Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the July 13, 2017, Treasurer's Warrant. **Vote:** 5-0.

18. Adjournment.

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

The meeting adjourned at 9:05 PM.

Submitted by

Arlene McMurray
Administrative Assistant



NEW CHALLENGES FACING THE LAW
ENFORCEMENT COMMUNITY IN MAINE WITH
THE LEGALIZATION OF MARIJUANA

HOW CAN I AS THE CHIEF LOOK INTO THE FUTURE TO SEE HOW THE LEGALIZATION OF MARIJUANA WILL IMPACT THE POLICE DEPARTMENT HERE IN KENNEBUNKPORT?

- Attended seminars on the issue.
- Spoken to representatives from the Maine Attorney Generals Office.
- Spoken with area chiefs.
- Contacted police chiefs in Colorado with departments similar in size to Kennebunkport.

JOB/TASK ANALYSIS RELATED TO POLICE WORK

- Investigative work
- Roadside investigation (operating under the influence)
- Hiring and Retention of employees
- Management of applications and licensing of businesses
- Management of investigative materials



- ▶ Require Large amounts of manpower/time
- ▶ Require technical training or assistance when dealing with cross boarder crimes.
- ▶ Different states have different laws
- ▶ No clear law currently in place
- ▶ No established case law dealing with the new law
- ▶ No certified facilities to do testing of marijuana products
- ▶ Costs associated with testing must be paid for by police

INVESTIGATIVE WORK DEALING WITH VIOLATIONS OF MARIJUANA LAW

- ▶ No actual testing procedure available or in place to prove intoxication
- ▶ If blood sample is to be used, it requires us to obtain a search warrant to get sample
- ▶ It takes time for an officer to draft an application for the search warrant
- ▶ We must then find a judge to approve and issue the search warrant
- ▶ We must maintain custody of the arrestee during application process
- ▶ We then need to find a person certified to draw the sample
- ▶ Time to write the required reports
- ▶ Costs associated with testing must be paid for by police



ROADSIDE INVESTIGATIONS (OPERATING UNDER THE INFLUENCE)

HIRING AND RETENTION OF EMPLOYEES

- ▶ New employees must be evaluated differently as far as marijuana use in their past
- ▶ Civilian employees may be involved with marijuana use
- ▶ Employees may have family members involved with the use and sale of marijuana
- ▶ Current employees may seek part time employment in the marijuana trade
- ▶ Current employees may leave and seek full time employment in the marijuana trade because of pay.
- ▶ Local housing costs cause employees to leave the area

MANAGEMENT OF APPLICATION AND LICENSING OF BUSINESSES

- Requires the creation of new infrastructure to deal with process
- Extra staff or increase in current staff time is needed to process applications, do inspections and do follow ups
- Requires training for staff on the process
- Training on new equipment used in process
- Currently no certified testing facilities in state
- Costs associated with testing

MANAGEMENT OF INVESTIGATIVE MATERIAL

- Current police facility could not correctly handle the intake of investigative material from a large scale operation
- Not enough room
- No climate control (toxic mold issues)
- Not enough security (large quantities of processed material or cash)
- Staff would require training on proper procedures/handling of evidentiary material

- ▶ Residential investigations may require special protective clothing requirements to protect officers
- ▶ Toxic mold can be present requiring special breathing apparatus
- ▶ High carbon levels from heaters can be an issue
- ▶ Electrical dangers/fire dangers
- ▶ Pesticides and fertilizers can be a hazard if not handled correctly
- ▶ THC levels in evidence can be a hazard to officers
- ▶ Explosion investigations caused by improper processing techniques can cause numerous hazards



TRAINING AND EQUIPMENT ISSUES



Agenda Item Divider



3

Arundel wharf Rest.

This application has been reviewed and approved by the following Municipal Officials,
whose signatures are on file with the Town Clerk:

✓

Police Chief

✓

Fire Inspector

✓

Code Enforcement Officer

Tracey Orsak, Town Clerk

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☐ Yes ☒ No

Renewal

PRESENT LICENSE EXPIRES 7-19-17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|---|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Anundel Marine Service 1974</u>		Business Name (D/B/A) <u>Anundel Wharf Restaurant</u>	
APPLICANT(S) - (Sole Proprietor) DOB:		Physical Location: <u>43 Ocean Ave</u>	
DOB:		City/Town	State
<u>43 Ocean Ave</u>		<u>Kennebunkport</u>	<u>ME</u>
Address		Zip Code	
<u>Kennebunkport ME 04046</u>		<u>04046</u>	
City/Town	State	City/Town	State
<u>(207) 967-3444</u>	<u>(207) 967-5462</u>	<u>Kennebunkport</u>	<u>ME</u>
Telephone Number	Fax Number	City/Town	State
		<u>Kennebunkport</u>	<u>ME</u>
Federal I.D. #		Zip Code	
		<u>04046</u>	
Email Address: Please Print <u>wharf@roadrunner.com</u>		Business Telephone Number	
		<u>(207) 967-3444</u>	
		Fax Number	
		<u>(207) 967-5462</u>	
		Seller Certificate #: or Sales Tax #: <u>07714</u>	
		Website: <u>anundelwharf.com</u>	

If business is NEW or under new ownership, indicate starting date: NA

Requested inspection date: NA Business hours: NA

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: NA

2. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 132,663.31 LIQUOR \$ 497,593.02

3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # Name of Business (Use an additional sheet(s) if necessary.)

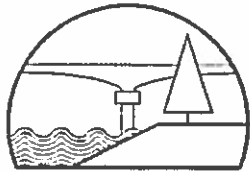
Physical Location City / Town



Agenda Item Divider



4



BAKER DESIGN CONSULTANTS
Civil, Marine and Structural Engineering

June 20, 2017

Laurie Smith, Town Manager
Mike Claus, Town Engineer
Town of Kennebunkport
PO Box 566
6 Elm Street
Kennebunkport, ME 04046

Subject: Consultant Services Proposal for Preliminary Design Development-
Cape Porpoise Pier Rehabilitation; Town of Kennebunkport

Dear Laurie, Mike,

This letter proposal is for consulting services that we believe are necessary to determine the best option for rehabilitation of the Cape Porpoise Pier. This proposal follows a Pier Condition Survey report that was completed by Baker Design Consultants earlier this year and develops preliminary design documentation for a rehabilitation program that can be used to seek grant funding.

The proposed scope of work includes field survey and geotechnical exploration to clarify the physical parameters of the site that are needed to evaluate alternatives to rehabilitate the pier facility for the long-term. A cost assessment will be prepared for the 'preferred solution' that the Town can use to support grant applications for the work.

Baker Design Consultants will be assisted by Little River Land Survey and RW Gillespie for survey and geotechnical services respectively.

Please contact me with any questions on the information provided. We look forward to working on this project that is such a vital component of the Town working waterfront.

Sincerely,

BAKER DESIGN CONSULTANTS, Inc.

Barney Baker PE
Principal

BJB
JN: 16-68

SCOPE OF WORK

The Scope of Work is presented in outline form with Task items. A tabulated budget of hours and expenses for each Task follows.

1. Project Management

- a. Coordinate field investigation and design development with Town, Subconsultants and Stakeholders.

2. Background Data Collection

(Much of this work has been completed and is compiled in the Pier Condition Report dated 1.12.2017.)

- a. Meet with Town Manager, Town Engineer, and Facility Manager on site to review condition of the existing pier facility.
- b. Obtain baseline surveys, geotechnical information and design plans from previous projects.
- c. Design Basis Memo.

Prepare a list of design parameters/items for rehabilitation of the facility that considers the following items:.

i. Site Location.

- Tidal information and flood data.
- GIS mapping of physical and environmental features.
- Channel Location and Federal Navigation Project limits
- Land use and regulatory mapping and zoning.

ii. Pier Loading

- Confirm use of pier to establish live load requirements associated with deck use and berthing.

iii. Building Exposure

- Identify applicable code requirements for the existing building that relate to exposure and applied loading.
- Determine design loads based on existing use.

iv. Site Use/ Fishermen Survey

It is understood that the pier is in use year-round facility by Town fisherman.

- Determine alternatives (if any) for waterfront access if the pier were shutdown.
- Review minimum requirements for pier use if the construction were staged.

- Determine best time of year for facility shutdown.

3. Field Survey

- a. Topographic/Bathymetric Survey for the Site- This work will be done by a professional Land Surveyor and will form the base mapping for the project.
- b. Geotechnical Program-
 - i. A fieldwork program of borings will be undertaken to assess and evaluate subsurface conditions.
 - ii. A geotechnical report will be prepared that provides an assessment of opportunities to replace and/or stabilize the existing stone seawall that encapsulates the filled pier approach.

4. Preliminary Design Development

- a. Identification of Preferred Alternative- The challenge for this project is to develop a rehabilitation program that rehabilitates failing substructure elements while preserving elements of the pier superstructure. Several alternatives will be investigated including steel and timber bulkhead options and a gravity block granite bulkhead that reuses material available to the Town.
- b. Cost Analysis- Cost projections will be prepared for each alternative for final design and construction.
- c. A summary report will be prepared to document the work undertaken, that can be used to support capital planning, grant applications and funding initiatives.

5. Regulatory Permitting

It is anticipated that permit approval for the project will be minimal because the pier is rehabilitated within the existing 'footprint' of the structure.

- a. Meet with regulatory representatives to determine Town, State and Federal permit requirements for the preferred design solution.
- b. File an NRPA Permit by Rule for all eligible elements of the work program to provide 'permit validity' documentation for grant applications submitted for the project. It needs to be recognized that the permit may expire before grant funding is available.

6. Grant Application Support

- a. Complete a MDOT Small Harbor Improvement Program (SHIP) Grant Letter of Interest and Application to get the project on the list of state sponsored projects.
- b. Meet with Town and MeDOT representatives to support the consideration of a grant award for the project.
- c. Provide support documentation for other relevant grant opportunities (Maine Coastal Program, Submerged Lands Program, etc.) that are identified.

**Consultant Services Proposal for Preliminary Design Development-
Cape Porpoise Pier Rehabilitation; Town of Kennebunkport**

7. Work not included.

- a. Final Design, extensive permitting and Construction Phase services are not part of this proposal. These items will be best determined after Preliminary Design Development has been completed and may be supported by a grant.
- b. Additional services may be required by specialized consultants to address unforeseen conditions or impacts to the site.

Consultant Services Proposal for Preliminary Design Development-
Cape Porpoise Pier Rehabilitation; Town of Kennebunkport

8. PROJECT BUDGET

		HOUR ESTIMATE/CLASSIFICATION			TASK HOURS	% By Phase
TASK DESCRIPTION		Principal Engineer	Project Engineer	Designer		
100	Project Management & Background Data Collection					\$5,040
200	Project Management	8			8	24% 24%
	Progress Meetings (4)	16	8		24	
	Design Basis Memo	2	4	2	8	40
300	Field Survey Coordination				0	\$0
	Refer to Subconsultant fees				0	0% 24%
400	Preliminary Design Development					\$14,040
	Alternatives Analysis	12	40	48	100	66% 90%
	Condition Survey	16	4		20	
	Cost Projections	4	8		12	
	Preliminary Design Report	4	8		12	144
500	Regulatory Permitting					\$2,090
	Consultation and DEP PBR	4		4	8	10% 100%
600	Grant Application Support					
	MDOT SHIP	4			4	
	Misc	2	4		6	18
TOTAL LABOR HOURS PER CLASSIFICATION		72	76	54	TOTAL HOURS 202	\$21,170 100% 202
						\$21,170

Direct Costs

Travel Expenses (4Trips)	\$170
Reproduction, Computers @ 4%	\$847
Printing Charges	\$50
Permit Fees and Advertising Allowance	\$100
TOTAL	\$1,167
Subconsultants Allowance	
Survey -Topo and Bathymetric	\$5,000
Geotechnical Drilling	\$9,000
Geotechnical Consultant	\$9,000
TOTAL	\$23,000

SUMMARY

Classification	Hours	Rate	Cost
Principal Engineer	72	145.00	\$10,440
Project Engineer	76	95.00	\$7,220
Designer	54	65.00	\$3,510
Total Labor Hours	202	Total Direct Labor	\$21,170
		Direct Costs	\$1,167
		Subconsultants (at 5%)	\$24,150

PROJECT TOTAL \$46,487



Agenda Item Divider



5

Kennebunkport Public Health

July 18, 2017

Atn: Kennebunkport Board of Selectmen

Laurie Smith, Kennebunkport Town Manager

Please accept this generous gift of \$500.00 from an anonymous donor. This gift is dedicated towards emergency fuel fund, but also to be used for a person/family if emergency funds are needed for things other than fuel.

Thanks!

Alison Kenneway RN, BSN

KENNEBUNK SAVINGS BANK
KENNEBUNK, ME 04043

10378

KENNEBUNKPORT, ME 04046

12/30/16

MP

PAY TO THE ORDER OF TOWN OF KENNEBUNKPORT

*****500.00

Five hundred and 00/100*****

DOLLARS



DONATION

MEMO

MP

AUTHORIZED SIGNATURE

MP

10378

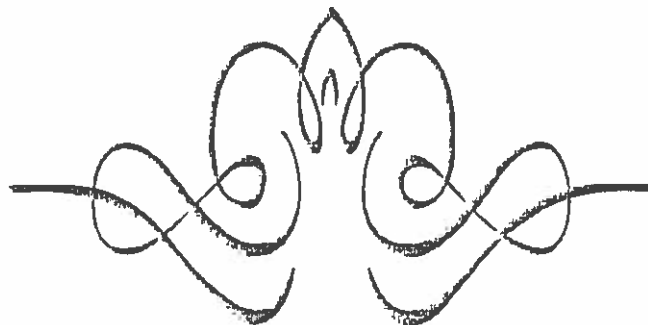
Account: Checking-Kennebunk Savings
Date: 12/30/16
Payee: TOWN OF KENNEBUNKPORT
Amount: 500.00
Memo: DONATION

Charity

500.00



Agenda Item Divider





6

Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations
FROM: Stephen W. Gove, MMA Executive Director
DATE: July 11, 2017
SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

Deadline: Friday, August 18, 2017 by 12:00 noon

Nomination Process – Each year member municipalities have an opportunity to vote on the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying and interested in serving as the MMA Vice President and Executive Committee. The MMA Nominating Committee completed its task in May and put forth a Proposed Slate of Nominees for 2018 to member municipalities.

Petition Process – As part of the May mailing, information was also provided on the MMA Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was Monday, July 10, by 4:30 pm. There were no municipal officials nominated by petition.

It is now time for each member municipality to cast its official vote.

Election Process – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for “Write-in Candidates” since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers or a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association by 12:00 noon on Friday, August 18. We have enclosed a self-addressed self-stamped envelope for your convenience. The MMA Voting Ballots will be counted that afternoon and the election results confirmed under the direction of MMA President Laurie Smith (Town Manager of Kennebunkport).

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org on Friday, August 18, after 4:00 p.m. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held **Wednesday, October 4, at 1:30 p.m. at the Augusta Civic Center**. Newly elected Executive Committee members will be introduced at the MMA Awards Luncheon and Annual Business Meeting and officially take office on January 1, 2018.

If you have any questions on the Election Process, please contact me or Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.

**MAINE MUNICIPAL ASSOCIATION
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2018**

**MMA VICE PRESIDENT
(1-Year Term)**

MARY SABINS, TOWN MANAGER, TOWN OF VASSALBORO

Professional & Municipal Experience:

- Town of Vassalboro, Maine – Town Manager/Treasurer/Tax Collector (June 2008 – present)
- Town of Chelsea, Maine – Town Manager/ Treasurer/Tax Collector/General Assistance Administrator/Road Commissioner (July 2006 – June 2007)
- MSAD #40, Warren, Maine – Facilities Director/Food Service Director (2005 – 2006)
- Town of Windsor, Maine – Town Manager/Treasurer/Tax Collector/General Assistance Administrator (2001 – March 2005)
- Town of Hope, Maine – Town Administrator/Treasurer/General Assistance Administrator (1997 – 2001)
- City of Augusta, Maine – Internship with the City Manager (September – December 2000)
- Town of Union, Maine – Town Clerk/Tax Collector/Occasional Acting Town Manager (1988 – 1997)

Other Experience, Committees and Affiliations:

- Member, Maine Municipal Association Executive Committee (2014 – present)
- Member, Maine Municipal Association Strategic & Finance Committee (2014 – present)
- Chairperson, Maine Municipal Association Strategic & Finance Committee (2016)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (2014 – present)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees (2014 – present)
- Member, MMEHT Selection Committee (2015-2016); appointed by MMA Executive Committee
- Member, Maine Town, City & County Municipal Management Association
- Member, Communications Committee, Maine Town, City & County Municipal Management Association (2015)
- Director, Board of Kennebec Valley Council of Government (2008-2009)
- As the wife of a volunteer firefighter and EMS worker, I have volunteered often in support of our hometown fire and ambulance services (1980-present)

Education:

- BS in Business Administration with Management Major from University of Maine at Augusta.
- Graduate of Medomak Valley High School, Waldoboro, Maine

Awards and Certifications:

- Qualified as a Certified Public Manager, Maine Town, City & County Management Association (2016)

MMA EXECUTIVE COMMITTEE MEMBERS

(Three 3-Year Terms)

JAMES BENNETT, CITY MANAGER, CITY OF BIDDEFORD

Professional & Municipal Experience:

- City of Biddeford, Maine – City Manager (August 2015 – present)
- City of Presque Isle, Maine – City Manager (March 2010 - July 2015)
- Town of Sabattus, Maine – Interim Town Manager (September 2009 – March 2010)
- City of Lewiston, Maine – City Administrator (March 2002 – July 2009)
- Town of Westbrook, Maine – Administrative Assistant to the Mayor (October 1996 – March 2002)
- Town Old Orchard Beach, Maine – Town Manager (May 1990 – October 1996)
- Town of New Gloucester, Maine – Town Manager (February 1988 – May 1990)
- Town of Dixfield, Maine – Town Manager (February 1986 – February 1988)
- Town of Lisbon, Maine – Selectman (May 1982 – February 1986) Vice Chairman (1985 – 1986)

Other Experience, Committees and Affiliations:

- President, International City/County Management Association (2014 – 2015); Regional Vice President, (2008 – 2011) Chairperson, Conference Planning Committee, (2007 – 2008); Committee Member (various years 1997 – 2011); Small Community Task Force (1999 – 2001)
- ICMA Emerging Leaders Development Program Facilitator (2007 – present)
- President, Maine Town & City Management Association (1998 –1999); Board of Directors (1991 – 2000)
- Member, Executive Committee, Maine Municipal Association (1992 – 1996)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (1992 – 1996)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees (1992 – 1996)
- First Chairperson, Maine Municipal Association Strategic & Finance Committee (1995 – 1996)
- Member, Governor's Municipal Advisory Committee (1992 – 1996)
- President, Aroostook Municipal Association (2012 – 2014)
- Executive Board, Northern Maine Development Commission (2010 – present)
- Chairperson, Aroostook Tourism Committee (2011 – 2013)
- Member, Revolving Loan Committee, Northern Maine Development Commission (2010 – present)
- Executive Board, Maine Service Center Coalition (2011 – present)
- Treasurer, Martindale Country Club (2005 – 2008)
- Treasurer, Kora Clown Shrine Unit (2004 – 2008)
- Kora Divan, Kora Shriners (2004-2006)
- Worshipful Master, Ancient York Lodge of Free and Accepted Masons (2007)
- Chairman and Founder, Ginger Bennett Memorial Scholarship Fund (2003 – present)
- Chairman, Joseph Graziano Memorial Scholarship Fund (2004 – 2012)

Education:

- Master of Business Administration, University of Southern Maine
- Bachelor of Science, Business Administration, University of Southern Maine
- Associate of Science, Accounting, Bentley College

Awards and Certifications:

- ICMA Legacy Leader since 2008
- All –America City, National Civic League (LEW) 2007
- Public Service Leadership Award, Androscoggin Chamber of Commerce 2006

- Maine Town and City Management Association's "Linc Stackpole Manager of the Year" August 2003
- ICMA Credentialed Manager since 2002
- MTCMA Certified Municipal Manager since 1993

JILL DUSON, AT-LARGE COUNCILOR, CITY OF PORTLAND

Professional & Municipal Experience:

- City of Portland, At Large Councilor; Chair, Housing Committee; Vice Chair, Legislative Committee (November 2001 – present)
- City of Portland, Mayor (2004 – 2005 and 2008 – 2009)
- Maine Human Rights Commission, Manager, Compliance Division (March 2012 – January 2016)
- Maine Department of Labor, Director, Bureau of Rehabilitation Services (June 2004 – February 2011)
- Perkins Thompson Consulting, LLC, President/Principal (January 2001 – July 2003)
- Northern Utilities Natural Gas, Inc., Manager, Government & Community Relations (January 1997 – December 2001)
- Central Maine Power Company, Management/Leadership (June 1987 – January 1997)
- Maine Committee on Aging, Director, Long Term Care Ombudsman Program (May 1984 – May 1987)
- Bureau of Maine's Elderly, Director, Home Equity Conversion Project (January 1983 – April 1984)
- American Bar Association, Assistant Staff Director, Commission on Legal Problems of the Elderly (November 1981 – December)
- Delaware County Legal Assistance Association, Director of Nursing Home Advocacy Project; Staff Attorney - Senior Citizens Law Unit (August 1979 – October 1981)

Other Experience, Committees and Affiliations:

- President, Maine Electoral College (December 2008); Maine Presidential Elector (2004 and 2008)
- Chair, Portland School Committee (2000 - 2001); District 5 School Committee Representative (1998 – 2001)
- Vice Chair, Local Government Advisory Committee (LGAC), US Environmental Protection Agency, Member, LGAC Executive Committee; Chair, LGAC Cleaning Up Our Communities Workgroup
- Member, Democratic Municipal Officials Organization, Council of Policy Advisors; Council of State Chairs
- Board of Directors, Mercy Hospital
- Board of Directors, Institute for Civic Leadership
- Gubernatorial Appointee, Maine Company for Higher Education
- Member, National League of Cities, Energy, Environment & Natural Resources Policy and Advocacy Committee
- Member, National League of Cities, Policy Committee on Community and Economic Development
- Member, National League of Cities, Human Development Steering Committee
- Board of Directors, Portland Community Chamber of Commerce
- Board Chair, Legal Services for the Elderly
- Board of Directors, Portland Symphony
- Board of Directors, Maine Philanthropy Center
- Board of Directors, Maine State Chamber of Commerce

Education:

- Senior Executives in State & Local Government, Kennedy School of Government, Harvard University
- Leadership Maine Zeta Class, Maine Development Foundation, Augusta, ME
- Juris Doctor, University of Pennsylvania School of Law, Philadelphia, PA
- Bachelor of Arts, Antioch College, Ohio
- Chester High School, Chester, PA

GARY FORTIER, CITY COUNCILOR, CITY OF ELLSWORTH

Professional & Municipal Experience:

- Self-employed electrical contractor (1991 – current)
- City of Ellsworth, Maine - City Councilor (1992 – 2001) and (2004 – present); Mayor/Chair (five years)
- City of Ellsworth Recreation Commission, Finance Committee, Penobscot Downeast Cable Television Committee and Library Expansion Committee
- City of Ellsworth Council Representative on the Building Committees for Ellsworth High School, Ellsworth Elementary-Middle School and the renovation of Ellsworth City Hall
- Broadcast Council and School Board monthly meetings on Public Access TV (2002 – 2004)
- Director, Ellsworth Area Chamber of Commerce (1995 – 1998)
- Director, Northeast Emergency Medical Services Council (1984 – 1987)
- Ellsworth area EMT-I with County Ambulance (1972 – 1989)
- City of Ellsworth, Volunteer Firefighter; retiring as Captain (1970 – 2005)

Other Experience, Committees and Affiliations:

- Member, Maine Municipal Association Executive Committee (2015 – present)
- Member, Maine Municipal Association Strategic & Finance Committee (2017)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (2015 – present)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees (2015 – present)
- Member, Maine Municipal Association Nominating Committee (2012) and (2015)
- City of Ellsworth Voting Delegate, Maine Municipal Association Business Meeting (1992 – current)
- Member, Maine Municipal Association Legislative Policy Committee, Senate District 7 (2014 – 2019)
- Secretary and Scholarship Coordinator, Down East Electrical Associates (a trade group of electricians from Hancock and Washington Counties) (Current)
- State Emergency Response Commission (SERC), Appointed Member by Governor King (1993 – 2002); served as Vice Chairman for last four years
- Assisted in local projects annually, such as Rotary Pancake breakfast, Ellsworth Antique Show at Woodlawn, Red Cross Disaster Shelter operations; Demeyer Field Electrical Repairs, Ellsworth Garden Club projects (greenhouse at Ellsworth High School, Donald Little Park Power, and Blue Star Memorial on Route 1A).

Awards and Certifications:

Ellsworth Area Chamber of Commerce Citizen of the Year – 2008
Ellsworth Rotary Club Paul Harris Fellow Honor – 2006 as a non-Rotarian



MAINE MUNICIPAL ASSOCIATION
VOTING BALLOT

Election of Vice President and Executive Committee Members
Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 18, 2017

VICE-PRESIDENT - 1 YEAR TERM

Vote for One

Proposed by MMA Nominating Committee:

Mary Sabins, Town Manager, Town of Vassalboro

☐

DIRECTORS - 3 YEAR TERM

Vote for Three

Proposed by MMA Nominating Committee:

James Bennett, City Manager, City of Biddeford

☐

Jill Duson, At-Large Councilor, City of Portland

☐

Gary Fortier, Councilor, City of Ellsworth

☐

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.

The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ **Municipality:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____
Position: _____

Signature: _____

OR Signed by a Majority of Municipal Officers

Current # of Municipal Officers: _____

Print Names:

Signatures:

Return To:

MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358 or 626-5947
Email: tcbovaric@mema.org