

**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

come up with.

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 Pearlmuter to regular membership for a three-year term expiring in 2020.

- on the **Public Safety Committee** for a one-year term expiring in July 2018: Allan Moir, fire chief and wastewater superintendent; Michael 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:

<b>Committee</b>	<b>Selectman Representative</b>
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 and Allen Daggett
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