

**Town of Kennebunkport
Board of Selectmen's Meeting
June 13, 2013-7 PM
Village Fire Station, 32 North St.**

Minutes of the Selectmen Meeting of June 13, 2013

Selectmen present: Stuart E. Barwise, Sheila Matthews-Bull, Allen A. Daggett, Edward W. Hutchins, and D. Michael Weston

Others present: Marylou Boucouvalas, Tom Bradbury, Patrick Briggs, Stephen Doe, Tim Good, Susan Graham, Jamie Houtz, David James, Arlene McMurray, Larry S. Mead, Alan Moir, David Powell, Amy Tchao, and others

1. Call to Order.

Chair Matthews-Bull called the meeting to order at 7:02 PM.

2. Reapprove the May 14, 2013, selectmen meeting minutes and approve the May 23, 2013, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Barwise, to reapprove the May 14, 2013, selectmen meeting minutes with corrections. **Vote:** 3-0-2/Selectmen Hutchins and Weston abstained because they were not present at that meeting.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the May 23, 2013, selectmen meeting minutes. **Vote:** 4-0-1/Selectman Barwise abstained because he was not present that meeting.

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).

Marylou Boucouvalas, Graves Library director, thanked the Town for its support to the library by including an article about the library in the town newsletter and a photograph of it on the cover of the Town Report. She invited everyone to come to the Colony Hotel to hear local author Joyce Butler speak about her new book on June 23, at 4 PM.

4. Accept presentation of Keys for Squad 11 vehicle from the Village Fire Company.

Tim Good, president of the Village fire Company, said the Village Fire Company is donating the 2006 Ford Rescue truck which they named Squad 11. It was purchased through the Clifford Seavey funds, has extrication equipment and rescue gear, and can be driven by almost everyone in the department. He said it has been very reliable and responded to every call.

Motion by Selectman Barwise, seconded by Selectman Hutchins to accept the gift of the Squad 11. **Vote:** 5-0.

Town Manager Larry Mead said acceptance of this gift will be on the Warrant for next year's town meeting for the voters to accept it.

Mr. Good added that the department volunteered at Walk the Port and Memorial Day open house and received \$500 in donations which they gave to the Public Health department's emergency fuel fund.

Chair Matthews-Bull thanked the Fire Department for volunteering their time at Walk the Port.

5. Consider request by the Landing School to place a memorial bench at Cape Porpoise Pier.

Jamie Houtz, director of shop learning, said the Landing School would like to construct a stone bench in memory of Prescott Wright and Zachary Wells, the students who passed away during the winter of 2013. He explained there will be a plaque on the back of the bench dedicated to the two students and room for other plaques. The bench is also a tribute to the fishing community of Cape Porpoise for its support during the tragedy. Once the bench is constructed, they are hoping to have a formal ceremony with the family. The anticipated completion date is by July 4.

Motion by Selectman Barwise seconded by Selectman Hutchins to accept the gift of a stone bench from the Landing School to the Town to memorialize the two students who passed away last winter. **Vote:** 5-0.

Selectman Daggett thanked Mr. Houtz for serving on the Growth Planning Committee. The Board echoed his appreciation and was not successful in convincing him to remain on the Committee.

6. Consider fiscal year 2014 Cape Porpoise enterprise fund budget.

Mr. Mead said the Pier Manager Lee McCurdy could not be present due to illness. He explained the Pier budget is an enterprise fund which is self supporting and funded by Pier operations and not property taxes. Increases were in expert/professional services by \$9,000, equipment maintenance by \$2,000, float maintenance by \$4,000, and pier maintenance by \$1,500. Since commercial fishermen have taken advantage of a state exemption, diesel fuel decreased by \$6,590. There is an undesignated fund balance of \$84,000, of which \$5,000 is proposed to go toward operating expenses.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the fiscal year 2014 Cape Porpoise enterprise fund budget as presented. **Vote:**

5-0.

7. Consider the following items for Sewer Department:

a. Purchase of generator for Wildes District pump station.

Sewer Superintendant Allan Moir said the Sewer Department is replacing a 1985 generator because it is difficult to get parts for it. He said the department has staggered its purchases over time and the generator is the most crucial thing to replace at this time.

Motion by Selectman Hutchins, seconded by Selectman Weston to award the bid to Power Products for the purchase of a generator for the Wildes District Pump Station at a cost of \$17,175.00. **Vote:** 5-0.

b. Contract to repair sewer line on Ocean Avenue.

Mr. Moir explained he would like to hire Ted Berry Co., to repair the leaks to the sewer line on Ocean Avenue. He said conventional repairs have not been successful. For a conventional repair, they dig up the road and either patch it or replace sections of the pipe that are bad. He said Ted Berry Co. would repair the line with an internal patch at a cost of \$9,400. They are the only company in Maine that performs this type of work, and they do it all over New England. The money will come from their reserve account because its an emergency.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to award the bid to Ted Berry Co. at a cost of \$9,400 to repair the sewer line on Ocean Avenue. **Vote:** 5-0.

8. Consider approval of expenditure of \$17,000 for an air compressor to be shared with Kennebunk Fire Department pending Town Meeting approval of funds.

Mr. Moir said he also wanted to thank Mr. Houtz for his service on the Fire Department as District 3 Captain. He also pointed out the picture hanging on the wall containing Fire Department members responding to a fire in Kennebunk. He said Kennebunk donated the print.

Mr. Moir said he participated in a joint bid with Fire Chief Nichols from Kennebunk Fire and Rescue for the purchase of an air compressor. He said the current compressor is 30 years old and owned by Kennebunk. They received three bids:

Industrial Protection Services	\$33,790.00
Independent Compressor Service Co.	\$40,986.96
D.L. Thurrott Air	\$44,171.32

Both Fire Chief's recommend awarding the bid to Industrial Protection Services. Each town would pay half of the amount or a total of \$16,895. Mr. Moir said the Fire Department has \$10,000 in a reserve account for this, and the other \$7,000 would come from the fiscal year 2014 town budget pending approval at town meeting this Saturday.

Motion by Selectman Barwise, seconded from Selectman Daggett to approve the amount of \$17,000 for the joint purchase of the air compressor from Industrial Protection Services. **Vote:** 5-0.

9. Appointments to Town boards and committees.

Administrative Code

Motion by Selectman Daggett, seconded by Selectman Barwise, to reappoint to the Administrative Code Committee: Wayne Adams, Christian Barner, Beryl Bilderback, and H. Stedman Seavey for one-year terms and to appoint Richard Smith to a one-year term. **Vote:** 5-0

Board of Assessment Review

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint Gordon Ayer and Karen Schlegel to three-year terms on the Board of Assessment Review with the understanding that Karen Schlegel may resign after one year. **Vote:** 5-0

Cape Porpoise Pier

Motion by Selectman Daggett, seconded by Selectman Hutchins, to reappoint: Jason Daggett, Peter Eaton, Peter Garsoe, Robert O'Reilly, Zandy Talmadge, and Eric Wildes to one-year terms on the Cape Porpoise Pier Committee. **Vote:** 5-0.

Cemetery Committee

Motion by Selectman Barwise, seconded by Selectman Hutchins, to reappoint Lynda Bryan, Ann Doe, Ruth Fernandez, Greg Pargellis, Ann Sanders, and Rita Schlegel to the Cemetery Committee for one-year terms. **Vote:** 5-0.

Conservation Commission

Motion by Selectman Hutchins, seconded by Selectman Barwise, to reappoint Deborah Bauman to a three-year term on the Conservation Commission. **Vote:** 5-0.

Government Wharf

Motion by Selectman Daggett, seconded by Selectman Barwise, to reappoint Ray Billings, Jeff Davis, Ron Francoeur, and Dennis Goulet to one-year terms on the Government Wharf Committee and to appoint Jim Boselli to a one-year term. **Vote:** 5-0.

Growth Planning Committee

Motion by Selectman Hutchins, to reappoint Robert Almeder to the Growth

Planning Committee. No second. **Motion** not carried.

Lighting Committee

Motion by Selectman Weston, seconded by Selectman Barwise, to reappoint George Acker to the Lighting Committee for a three-year term. **Vote:** 5-0.

Parsons Way Committee

Motion by Selectman Barwise, seconded by Selectman Weston, to reappoint Louise Spang for a three-year term on the Parsons Way Committee. **Vote:** 5-0.

Planning Board

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint David Kling and John Hathaway to the Planning Board for a three-year term. **Vote:** 5-0.

Public Safety Committee

Motion by Selectman Daggett, seconded by Selectman Barwise, to reappoint to the Public Safety Committee: Craig Sanford, police chief; Allan Moir, fire chief/sewer superintendent; Jim Burrows, emergency management director and Shawn Sullivan, chief of KEMS, and to appoint the new highway superintendent all for one-year terms. **Vote:** 5-0.

Recreation Committee

Motion by Selectman Daggett, seconded by Selectman Barwise, to reappoint Dave Johnson and William Mahoney to two-year terms on the Recreation Committee. **Vote:** 5-0.

Road Book Committee

Motion by Selectman Barwise, seconded by Selectman Hutchins, to reappoint: James Burrows and Richard Stedman to the Road Book Committee for one-year terms. **Vote:** 5-0.

Sewer Advisory Committee

Richard Johnson did not respond to e-mail.

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint: Bob Convery, Stephen Couture, Ripley Emerson, and Joseph Martin Mead to the Sewer Advisory Committee for one-year terms and Richard Johnson pending his agreement to serve. **Vote:** 5-0.

Shade Tree Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint, Stephen Doe, Joanne Gamble, Richard Griffin, Kathryn Leffler, and Suzanne Stohlman to the Shade Tree Committee for one-year terms. **Vote:** 5-0.

Sidewalk Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint to

the Sidewalk Committee: Craig Sanford, Ralph Clement, the new Highway Superintendent and Tony Viehmann for one-year terms. **Vote:** 5-0.

ZBA

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint to the ZBA: Chris Perry for a three-year term, and Herb Cohen to a one-year terms and to appoint Wayne Fessendon to a three-year term. **Vote:** 5-0.

Shellfish Conservation Committee

Motion by Selectman Daggett, seconded by Selectman Barwise, to reappoint David Conway to the Shellfish Conservation Committee to a three-year term and to appoint Lee McCurdy for a three-year term. **Vote:** 5-0.

10. Consider appropriate action for building codes violation for building located at 58 Wildes District Road (Map 9, Block 4, Lot 29).

Mr. Mead explained that the building on 58 Wildes District Road known as School Days is currently a four unit, vacant apartment building. He said it is completely neglected and potentially dangerous. There are no barriers to block people from gaining entrance. Code Enforcement Officer Brian Shaw sent a letter to the owners requesting remediation of these problems. To date, the owners have not responded to his of deadline May 31, 2013, by which he warned of taking action in the Biddeford District Court if corrections were not made by the owners. Mr. Mead asked the Board to declare the building dangerous so that he can proceed with court action.

Motion by Selectman Weston, seconded by Selectman Barwise, that the building at 58 Wildes District Road be deemed dangerous under Title 17, §2851, Dangerous Buildings and to authorize the Town Manager to take all necessary steps to secure the building. **Vote:** 5-0.

11. Consider an application for reconstruction of Grist Mill on Mill Lane Section 5.11 of the Land Use Ordinance. Kennebunkport Conservation Trust applicant.

Since Selectmen Weston and Hutchins are on the Board of Directors of the Kennebunkport Conservation Trust, they informed the Board that they will not be voting on this item.

Tom Bradbury, executive director of the Conservation Trust, said private funds have been raised for the Grist Mill's construction, and the project has received state and federal permits. When completed, it will be the only working tidal mill in America.

Stephen Doe presented an overview of the project proposal consisting of the reconstruction of the Grist Mill Museum and Learning Center, construction of an outdoor classroom area, an overlook garden, picnic grove and several walking

pathways. The mill will be driven by an undershot waterwheel which is how it originally operated until replaced by a turbine in later years. The project needs Board of Selectmen approval before it can proceed to the Planning Board.

Motion by Selectman Daggett, seconded by Selectman Barwise, to allow the gristmill proposal to proceed to the Planning Board. **Vote:** 3-0-2/Selectman Weston and Hutchins abstained.

12. Consider award of contract for insurance coverage services.

Mr. Mead provided a bid comparison worksheet for the Board to review the insurance bids from the Maine Municipal Association Property and Casualty Pool, Kennebunk Savings Insurance, and Property and Casualty Insurance. He recommended that the Board review the proposals for the June 27 meeting. He is still working with the vendors to clarify coverages. Insurance representatives will attend the next meeting to answer questions. The Board agreed to table this item until the next meeting.

13. Consider changes to Town's personnel policy.

Mr. Mead went over the proposed changes to the Town's personnel policy. He explained that this is the first installment of updates, and there are more to follow.

Motion by Selectman Weston, seconded by Selectman Barwise to approve the amendments to the Town's personnel policy. **Vote:** 5-0.

14. Other business.

Selectman Daggett thanked Selectman Weston for all of his work on the Board of Selectmen.

Selectman Matthews-Bull thanked everyone who attended Walk the Port. She said attendance was twice as high as last year.

Selectman Weston thanked the Board and congratulated new Board member Patrick Briggs.

Mr. Mead announced the Health Council is having bingo on June 20, from 1:30 to 3:30 PM, at the Village Fire Station.

Mr. Mead invited everyone to attend the Mat Lanigan bridge dedication on Tuesday, June 25, at 6 PM.

15. Consider the June 13, 2013, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Weston, to approve the

June 13, 2013, Treasurer's Warrant. **Vote:** 5-0.

16. Executive Session per 1 M.R.S.A. § 405 (6) (E) to discuss pending litigation.

Motion by Selectman Barwise, seconded by Selectman Daggett to go into executive session per 1 M.R.S.A. § 405 (6) (E) to discuss pending litigation.

The Board went into executive session at 8:50 PM.

The Board came out of executive session at 9:25 PM. No action was taken.

17. Adjournment.

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

The meeting adjourned at 9:25 PM.

Submitted by

Arlene McMurray
Administrative Assistant