**Board of Selectmen Meeting**

**Town Hall- 6 Elm Street**

**August 9, 2018 – 6:00 PM**

Minutes of the Selectmen’s Meeting of August 9, 2018

**Selectmen Attending**: Stuart Barwise, Patrick Briggs, Allen Daggett, Edward Hutchins, Sheila Matthews-Bull

**Others:** Mike Claus, Lydia Elwell, Duke Harrington, Deb and Dan Jantzen, Norman Lamb, Jen Lord, Bob McDermott, Kendra O’Roak, Judy Phillips, David Powell, Ann Sanders, Laurie Smith, Arlene McMurray and others

1. **Call to Order.**

Chair Hutchins called the meeting to order at 6 PM.

1. **Approve the July 26, 2018, meeting minutes.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the July 26, 2018, meeting minutes. **Vote**: 5-0.

1. **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.).**

Judy Phillips asked the Board to reconsider placing acceptance of Reid Lane on the town meeting ballot. She said it is a safety factor because in the winter, residents cannot get in or get out due to snow pile up.

Norman Lamb seconded Judy’s comment and added that they do a lot of volunteer work in town and can’t get in or out.

1. **Proposed ordinance changes for the November Town Meeting ballot.**
   1. **Victualer’s Ordinance**

Town Manager Laurie Smith said this revision includes enforcement and the town attorney added more housekeeping changes.

See Exhibit A

* 1. **Telecommunications Ordinance**

Director of Planning and Development Werner Gilliam said the ordinance revisions makes it more current with the new technology since it hasn’t been revised since 1999.

See Exhibit B

* 1. **Medical Marijuana storefront moratorium**

Mr. Gilliam reiterated what he spoke about at the previous meetings about patient recycling. He said a moratorium would give the town 180 days to prepare for any ordinance changes.

See Exhibit C

* 1. **Waterfront Ordinance amendments**

See Exhibit D

Police Chief Craig Sanford said the amendments clear up definitions.

1. **Consideration of Special Town Meeting regarding a conditional gift to the Town of Kennebunkport for the benefit of American Legion Post 159.**

Town Manager Laurie Smith explained that the WJJ Gordon Trust would like to donate $4,000 to the American Legion, but the Legion does not have 501(c)03 status. The trust would like to donate the funds to the town with the understanding that the town would then give the funds to the American Legion. The town would have to accept a conditional gift at town meeting.

The Board decided to wait until November, unless the American Legion needs the money sooner, in which case there would be a special town meeting.

1. **Presentation by town interns Lydia Elwell and Kendra O’Roak.**

Lydia Elwell spoke about her experiences working with the Cemetery Committee.

Ann Sanders from the Cemetery Committee commented that Lydia was very helpful, and her work brought them into the 21st century. She also researched veterans. She thanked the Board and Budget Board for expending the funds to hire her.

Kendra O’Roak talked about the Healthy Maine Beaches water quality testing. She said they will be inspecting septic systems within a 500-foot radius of the shoreland.

Public Health Nurse Alisson Kenneway added that she could not have done all the water testing without Kendra’s help. She said Kendra was very busy.

Ms. O’Roak also worked with the Conservation Commission researching successes, failures, and enforcement issues of towns that have a Pesticide Ordinance.

1. **Consider memorandum of understanding with State of Maine regarding the establishment of a closed point of dispensary (POD).**

Bob McDermott, a firefighter who is working on bioterrorism in Portland, explained the points of dispensary (POD).

The town was asked to consider partnering with the state to become a closed POD for medical supplies for the town’s population in the event there is a public health emergency. With a closed POD, town residents and visitors would get their needed medications quickly.

After reviewing locations and considering traffic problems, it was decided that the Conservation Trust would be a good location to host a POD. The Trust is agreeable to the use of their building.

Ms. Smith asked if the Board would consider authorizing her to sign a Memorandum of Understanding Between the Department of Health and Human Services, Maine Center for Disease Control and Prevention, and the Town of Kennebunkport.

**Motion** by Selectman Barwise, seconded by Selectman Briggs to authorize the town manager to sign the Memorandum of Understanding Between the Department of Health and Human Services, Maine Center for Disease Control and Prevention, and the Town of Kennebunkport. **Vote**: 5-0.

1. **Consider amendments to Solid Waste Rules and Regulations.**

Ms. Smith explained that the Solid Waste Rules and Regulations needed revisions because it states asbestos siding is an acceptable waste, which it isn’t.

1. **Consider purchase of 13 Barnes pumps for the Wastewater Department.**

Ms. Smith said the Wastewater Department would like to continue purchasing Barnes pumps from the sole vendor Williams New England Motor Service Corp. The cost for 13 pumps is $24,895.00.

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to purchase 13 Barnes pumps from Williams New England Motor Service Corp at a cost of $24,895. **Vote**: 5-0.

Item 11 was addressed next.

1. **Consider draft Road Acceptance Policy.**

Ms. Smith explained that at the last meeting, the Board directed staff to develop criteria and a policy for public acceptance of future roads. See Exhibit E.

Dan Jantzen, a resident of Reid Lane, asked the Board several questions.

Chair Hutchins and other Board members explained that the town is not equipped to handle too many more public roads. It would mean adding more personnel along with another truck which would increase the cost to approximately $300,000.

The Board would like to move forward with this policy and have the town attorney review it.

Item 10 was addressed next.

1. **Consider proposal for engineering work to replace the Ocean Avenue Village Seawall from Fairfield Creek to the Nonantum Hotel.**

**Motion** by Selectman Briggs, seconded by Selectman Daggett, to approve the sole source vendor Woodard and Curran for engineering work to replace the Ocean Avenue Village Seawall from Fairfield Creek to the Nonantum Hotel at a cost of $58,000. **Vote**: 5-0.

1. **Consider street opening permit for Ben and Rebecca Thompson, 3 Temple Street, to tie into the storm drain for a sump pump line.**

**Motion** by Selectman Daggett, seconded by Selectman Briggs, to approve the

street opening permit for Ben and Rebecca Thompson, 3 Temple Street, to tie into the storm drain for a sump pump line. **Vote**: 5-0.

1. **Consider a request for use of FY 2018 contingency account.**

Treasure Jen Lord explained the request to use $14,125.77 from the contingency account.

**Motion** by Selectman Daggett, seconded by Selectman Barwise, to approve the use of $14,125.77 from the contingency account.  **Vote**: 5-0.

1. **Consider a request for FY 2018 carry forwards.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the request to carry forward $259,439.50 for FY 2018. **Vote**: 5-0.

1. **Authorize Treasurer to write off taxes in the amount of $129.33 for**

**foreclosed property located at map 27, block 2, lot 16, Guinea Road.**

**Motion** by Selectman Daggett, seconded by Selectman Briggs, to authorize Treasurer to write off taxes in the amount of $129.33 for foreclosed property located at map 27, block 2, lot 16, Guinea Road. **Vote**: 5-0.

1. **Authorize the Town Manager to enter into a six-month agreement with the Town of Kennebunk for a shared Animal Control Officer.**

See Exhibit F.

**Motion** by Selectman Barwise, seconded by Selectman Matthews-Bull, to authorize the Town Manager to enter into a six-month agreement with the Town of Kennebunk for a shared animal control officer. **Vote**: 5-0.

1. **Reappoint members to the Lighting Committee.**

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to reappoint Robert Fairbanks and Jim Stockman to the Lighting Committee for terms expiring in July 2020. **Vote**: 5-0.

**Motion** by Selectman Briggs, seconded by Selectman Daggett, to reappoint Jule Gerrish to the Lighting Committee for a term expiring in July 2021. **Vote**: 5-0.

1. **Consider proclamation to designate September as Childhood Cancer Awareness month.**

Chair Hutchins read the proclamation.

**Motion** by Selectman Daggett, seconded by Selectman Barwise, to approve the proclamation to designate September as Childhood Cancer Awareness month.

1. **Accept the $1,000 donation from the Kennebunk Portside Rotary for the emergency fuel fund.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Barwise, to accept the $1,000 donation from the Kennebunk Portside Rotary for the emergency fuel fund. **Vote**: 5-0.

1. **Other business.**
   1. **Vote for MMA Vice-President and three Executive Committee members.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to vote for the whole slate: Christine Landes for a one-year term as Vice-President of MMA and Elaine Aloes, William Bridgeo, and Melissa Doane for three-year terms on the MMA Executive Committee. Vote: 5-0.

* 1. **Sign the Assessors Return for county taxes.**

Selectman Matthews-Bull asked if anyone has ever tried to negotiate with the county because it is a lot of money and Kennebunkport has their own police and fire and is paying for other towns that don’t have it.

Ms. Smith said in her experience these arguments have already been fought and it is based on valuation.

David James added that this is always a sore point at the York County Budget Meeting. He said for the most part, the county does try to contract with those small towns, and those towns pay for the cops that come into town. The County Commissioners try to do what they can, but there are some very small towns that just don’t have the money, and the county assumes some responsibility.

Selectman Briggs announced that Town Manager Laurie Smith received a leadership award at the Maine Town and City Manager’s Association Meeting. He said it is the municipal world’s way of showing recognition for an outstanding job.

Ms. Smith announced the opportunity to enroll in the 2018 Citizen Police Academy Program. It is a 12-week program held on Thursdays, beginning from August 30 to November 15, from 3:00 PM to 5:00 PM.

Ms. Smith also announced that she received a letter regarding raising the floor for minimum/low receivership school districts. The Board will discuss this at the next meeting.

1. **Approve the August 9, 2018, Treasurer’s Warrant.**

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the August 9, 2018, Treasurer’s Warrant.  **Vote**: 5-0.

1. **Executive Session pursuant to 1 M.R.S.A. Section 405 (6)(c) regarding discussion or consideration of the acquisition of real property.**

**Motion** by Selectman Daggett, seconded by Selectman Barwise, to go into executive session pursuant to 1 M.R.S.A. Section 405 (6)(c) regarding discussion or consideration of the acquisition of real property. **Vote**: 5-0.

The Board went into executive session at 7:20 PM and came out at 8 PM.

There was no action taken.

1. **Adjournment.**

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

The meeting adjourned at 8 PM.

Submitted by Arlene McMurray

Administrative Assistant