

**Town of Kennebunkport
Board of Selectmen's Meeting
Village Fire Station-32 North Street
August 28, 2014 – 7 PM**

Minutes of the Selectmen Meeting of August 28, 2014

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

Others present: Ray Billings, Howard Brown, Michael Claus, Werner Gilliam, Patricia Keller, Mr. Keller, Allan Moir, David Powell, Laurie Smith, Tim Spang, Arlene McMurray and others

1. Call to Order.

Chair Daggett called the meeting to order at 7:05 PM.

2. Approve the August 14, 2014, selectmen meeting minutes,

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the August 14, 2014, selectmen meeting minutes. **Vote:** 4-0-1/Selectman Matthews-Bull abstained because she did not attend 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.).

There were no comments.

4. Public Hearing to consider new application for a Victualer's License for Roma Pizza, 24 Ocean Avenue, for the period from August 28, 2014, through May 31, 2015.

Chair Daggett opened the public hearing at 7:06 PM. Hearing no comments, he closed the public hearing at 7:06 PM.

There are still items that need to be addressed before code enforcement can approve this application.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the application for a victualer's license for Roma Pizza, 24 Ocean Avenue, pending approval by the fire inspector, police, and code enforcement officer. **Vote:** 5-0.

5. Discuss Government Wharf dredging project with Bud Brown of Eco-Analysts, Inc.

Howard "Bud" Brown from Eco-Analysts, Inc., answered questions and explained the dredging project at Government Wharf. At the last meeting, the

Board approved a grain analysis test to determine if the sand will require additional biological testing. Mr. Brown said he will have the test results by the next meeting, but he is pretty sure that the area is all sand and will not need a toxicology report.

Town Manager Laurie Smith asked Mr. Brown for clarification on whether the seawall can be built at a different time after the dredging.

Mr. Brown responded, "If you don't build a seawall, there is no point in dredging." He said everyone can get a "permit by rule" except the Breakwater Spa and Government Wharf. Those with a "permit by rule" will get their permits right away. The latter two will take three months.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve placing a Question on the November Town Meeting Warrant to appropriate up to \$200,000 from the undesignated fund balance to dredge around Government Wharf and to construct a seawall. **Vote:** 5-0.

6. Consider purchase of thermal imager for fire department.

Fire Chief Allan Moir said the Towns of Scarborough, Saco, and Falmouth just went through a joint bid process for the purchase of a thermal imager located on ladder 4. He used their bid process and evaluations because he knows the officers and trusts their judgment. He agrees with the committee's recommendation to purchase the SIG Model X380 for \$10,695.00. Fourteen thousand dollars was budgeted for this item.

Motion by Selectman Briggs, seconded by Selectman Hutchins, to approve the purchase of SIG Model X380 from Harrison Shrader Enterprises in Lewiston at a cost of \$10,695.00. **Vote:** 5-0.

7. Consider request from the Kellers to place items in the Town right-of-way at 303 Ocean Avenue.

Town Manager Laurie Smith said a neighbor is complaining that the Keller's planted birch trees in the Town right-of-way that is causing drainage issues. She said the Town adopted a Right of Way Infringement Ordinance in August 1993 to prohibit placement of any sign or objects in the Town's right of way. Anyone wishing to do this must consult with the police chief and highway superintendent, and then get approval from the Board of Selectmen.

Photos show that the birch trees were planted before the Keller's started to build their home. Mrs. Keller said they planted the Rosa Rugosa between the birch trees with the understanding that they would remove them if asked by the Town. She said they removed a concrete wall and built a fence further back from the right-of-way. Builder Tim Spang added that removing the concrete wall made more space for parking.

Road Commissioner Michael Claus does not see any drainage issues.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to permit the Keller's to plant vegetation within the R-O-W conditioned upon its removal due to future town needs. The Selectmen authorize Michael Claus to determine the placement and allowance of any and all vegetation and to work directly with the Kellers. **Vote:** 5-0.

8. Award 2014 winter sand bid.

Highway Superintendent Mike Claus solicited bids from the following:

Dayton Sand and Gravel	\$7.50 per CY
William Renaud, Jr.	\$9.65 per CY
RH Brown	\$9.90 per CY
Pike Industries	\$12.00 per CY

Mr. Claus recommends awarding the bid to Dayton Sand and Gravel. He said he is going to go look at the sand tomorrow to make sure it is suitable.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to award the 2014 winter sand bid to Dayton Sand and Gravel at a cost of \$7.50 per cubic yard. **Vote:** 5-0.

9. Consider appointment of Sarah Adams to the Shade Tree Committee.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to appoint Sarah Adams to a term expiring in July 2015 on the Shade Tree Committee. **Vote:** 5-0.

10. Consider appointment to the Mat Lanigan Bridge Advisory Committee.

Debra Lennon was on the initial volunteer list. Ms. Smith said the South Congregational Church approached her after the committee appointments were made. They told her they have a couple of people who would like to serve on the committee.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to appoint Debra Lenon to the Mat Lanigan Bridge Advisory Committee. **Vote:** 5-0.

11. Other business.

a. Discuss September meeting schedule.

Ms. Smith mentioned there will be three meetings in September on the 11th,

18th and 25th. She said the September 18 meeting is to discuss the capital improvement plan.

Selectman Matthews-Bull mentioned that she received a call from a resident that they need more sidewalks on Ocean Avenue. It is difficult for runners and cyclers. The Board will address this issue during the budget meetings.

b. Communication from Senator Collins regarding dredging.

Ms. Smith mentioned that according to Senator Collins, they are taking steps to move forward with the Cape Porpoise harbor dredging.

Ms. Smith commented that the Mat Lanigan Bridge Committee met, and it was a good showing at the meeting.

Ms. Smith said she went on a field trip with the Public Safety Committee to visit the emergency operations centers at Sanford and South Berwick.

Chair Daggett said at the meeting with the Coast Guard, the Coast Guard agreed to change the foghorn back to automatic for a year.

12. Approve the August 28, 2014, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the August 28, 2014, Treasurers' Warrant. **Vote:** 5-0.

13. Adjournment.

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

The meeting adjourned at 8:05 PM.

Submitted by

Arlene McMurray
Administrative Assistant