

**Town of Kennebunkport
Board of Selectmen's Meeting
July 25, 2013-7 PM
Village Fire Station, 32 North Street**

Minutes of the Selectmen Meeting of July 25, 2013

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

Others present: George Acker, Judy Barrett, Michael Claus, Michael Davis, Werner Gilliam, David James, Larry Mead, Arlene McMurray, Allan Moir, Chris Perry and others

1. Call to Order.

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

2. Approve the June 27 and July 11, 2013, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the June 27, 2013, selectmen meeting minutes. **Vote:** 5-0.

Selectman Briggs requested moving item 6 to after item 9 so that an interested constituent could be present for the discussion.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the July 11, 2013, 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).

Chris Perry mentioned that there was discussion some time ago about installing solar panels on municipal buildings to eliminate or offset the cost of electricity. He asked about its status. Town Manager Larry Mead said that it was researched and only the Town Hall building would be a good candidate, but a new roof was already installed on it. In the meantime, the company that was to do this project moved out of town.

4. Public Hearing on proposed amendments to the General Assistance Ordinance funding maximums to Appendix A effective July 1, 2013, to June 30, 2014, and to Appendices B-E effective October 1, 2013, to September 30, 2014.

GA Administrator Judy Barrett explained the changes to the General Assistance funding established by the Department of Health and Human Services. The law requires that municipal officers must adopt the ordinance after a pub-

lic notice and public hearing. In Appendix A, the General Assistance payment for one person went from \$661 to \$678. It went into effect on July 1, 2013. She said that the local circuit breaker has been replaced by the Tax Fairness Credit.

Mr. Mead added that a letter was sent out to former recipients of the local "circuitbreaker" informing them that this program has been repealed as part of the enacted state budget for claims beginning on or after August 1, 2013.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins to approve the proposed amendments to the General Assistance Ordinance funding maximums to Appendix A effective July 1, 2013, to June 30, 2014, and to Appendices B-E effective October 1, 2013, to September 30, 2014. **Vote:** 5-0.

5. Consider purchase of a new fire truck to replace Engine 23 at Wildes District Fire Station.

Fire Chief Allan Moir said the truck committee solicited bids to replace Engine 23 at Wildes District Fire Station and received 4 bids:

Ferrara	\$384,424.00
Spartan	\$389,945.00
E-One	\$404,811.00
Pierce	\$431,962.00

Chief Moir said the committee recommends awarding the bid to Ferrara, but would like to request additional options added to the base price such as \$3,000 for a Federal Q-2B siren and \$2,000 for a raised roof cab. These options would bring the total to \$392,733. They have three payment options to pay the purchase price up front to reduce the cost. He would like to pay 100% up front to reduce the cost by \$11,779.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to award the bid to Ferrara for a new fire truck, Federal Q-2B siren, and raised roof cab for a total cost of \$392,733 and to pay 100% up front. **Vote:** 5-0.

7. Commitment of the 2013 property taxes and establishment of a tax rate.

Mr. Mead stated that after the budget process is completed and the voters approve the expenditures, the Selectmen have to set the tax rate and commit the taxes. He explained that an overlay is an appropriation for when there are downward reductions in assessments due to errors, appeals, etc.

Motion by Selectman Daggett, seconded by Selectman Briggs, to establish a mil rate of \$7.53 per thousand with an overlay of \$ 73,372 for a tax commitment totaling \$14,008,498.30. (It is understood that July 25, 2013, is the tax

commitment date) **Vote:** 5-0.

Mr. Mead said the tax bills will go out before the middle of August and the due date is September 10.

8. Consider changes to the Personnel Policy.

This item was tabled.

9. Consider proposed warrant articles for the November election:

Mr. Mead said this meeting is the first opportunity for the Board to look at the proposed warrant articles, but there will be other opportunities at future meetings.

a. Changes to the Administrative Code.

Mr. Mead explained the proposed changes in the Administrative Code such as definitions for personnel, Boards, and Committees; combining town departments; and reducing the membership composition on the Growth Planning Committee, Recreation Committee, Conservation Commission, and the Solid Waste Committee.

Selectman Hutchins suggested adding Pier Manager to the Harbormaster's section since he performs both functions. Mr. Mead agreed to add it to section 3.6.1.

Mr. Mead said the Administrative Code Committee is meeting on Tuesday and, he will bring back any changes the Committee makes.

b. Changes to the Kennebunk River Ordinance.

Town Planner Werner Gilliam said after discussions with the Kennebunk River Committee and Harbormaster, they have narrowed down some changes for mooring authorizations, vessel sizes, and mooring precedence for mooring locations.

c. Consider acceptance of Squier Lane as a public street.

Mr. Mead said residents from Squier Lane requested that the Town accept Squier Lane as a public way. Squier Lane is a cul de sac located off of School Street on the left side, on the way to Cape Porpoise. He said it was approved as a private way by the Planning Board in 2003 as part of the Shawmut Woods subdivision. He said acceptance by the Town as a public street was discussed in 2011, but did not go any further because it did not have unanimous support from residents.

Mr. Mead stated the conditions the Board talked about in 2011, which are applicable now:

1. The Town accepts the street, including the R-O-W, and takes ownership.
2. The homeowners association is fully responsible for street lighting, which includes maintenance, repair, and replacement, along with landscaping maintenance and repair.
3. The Town would be compensated for any potential damage to private property related to the homeowners association's maintenance responsibilities.
4. Remediation to the Town will be defined in the agreement with the homeowner's association should the association not follow through on its obligations.

Highway Superintendent/Road Commissioner Michael Claus identified a few issues which should be addressed. He said the road and granite curbing are currently in good shape. A concern is that the road has always been plowed by a pick up truck, whereas the Town would be using a wing truck. He said with the wing truck, the steel would be hitting the granite curb. He said around the cul de sac, a wing truck hitting the mortar might disturb it. The transformer is also very close to the road and the drivers would need to be very careful when plowing. He said the Town would need easement rights to put in signage, and do maintenance work replacing drainage pipes and driveway culverts.

Discussion followed and Selectman Briggs mentioned his concerns about the permanent addition to the cost base of the Town to repair the possible damage by town plows to the granite curbing. Selectman Hutchins shared those concerns. Selectman Briggs questioned if the agreement could include a stipulation that the homeowners pay 50% of the repairs. Other Board members disagreed with adding stipulations, and that it is an "either/or" decision to accept or not to accept. He added another concern that since the lighting does not meet the Town's standards, sending it to the voters to accept this road will be setting a precedent and other developers may also ignore town guidelines. The response was that it is the voters' decision.

Chris Perry pointed out that the pavement is now 11 years old and typically roads are accepted at much earlier stage in the lifetime of the pavement. He asked for the lifespan of a road.

Mr. Mead responded that since the road is lightly traveled, it will last longer than a much traveled road. His guess is that it could go about 20 years or more before needing resurfacing.

George Acker said he lives on the road in question. He said the road probably

has the best road base in the Town with no deterioration of the surface. He said this road acceptance did not go to the voters earlier because a previous Board member had issues with the developer and was going to make it difficult for the road to be accepted. He said right now there are eight houses and two empty lots.

Mr. Mead said he will have Town Counsel draft the agreement language for this action.

d. Consider exchange of land on Goose Rocks Road in order to physically connect two parcels owned by the Town.

Mr. Mead said at the corner of Goose Rocks Road and Log Cabin Road is a parcel that divides two town owned parcels that are part of the Town Forest properties. Mark and Francis Terry, owners of the parcel, would like to build on his parcel but needs road frontage. He approached the Town to suggest a swap of land from two adjacent parcels. In 1996, the previous owner of that same property received town meeting approval for the swap, but for some reason, it was never acted on. The Board supported this land swap.

e. Amendments to the Fire Code Ordinance.

Mr. Gilliam said amendments to the Fire Code Ordinance were made in 2009. He said between what the Town has adopted and what the State Fire Marshall has adopted, the codes are redundant. He said Chief Moir is authorized to enforce these codes and there is a question of liability in regard to the national electrical code and the dwelling electrical code because the Town does not have an electrical inspector. Chief Moir said he would like to get rid of the codes because they are not being enforced.

Chair Barwise asked Chief Moir to bring a concrete proposal back to the Board.

f. Amendments to the GPC Ordinance.

Mr. Gilliam said minor changes to this ordinance are to membership composition which will make it consistent with the Administrative Code.

6. Consider use of structure at 66R Langsford Road for Fire Department training.

Chief Moir said the Fire Department received an offer from Glen and Jane Oakley to conduct fire training at a structure on their property at 66R Langsford Road. Certified letters providing information about the training which includes a controlled burn were sent to abutters within 200 feet of the property. He received objection letters from two of the adjacent properties. He said since the neighbors oppose the burning, the Fire Department can do other training, but not the controlled burn if the Board approves.

Motion by Selectman Daggett, seconded by Selectman Briggs, to allow the Fire Department to conduct fire training exercises at 66R Langsford Road without performing the controlled burn. **Vote:** 5-0.

10. Consider the July 25, 2013, Treasurer's Warrant.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the July 25, 2013, Treasurer's Warrant. **Vote:** 5-0.

Mr. Mead asked the Board to allow a change in two job positions at Town Hall, so a larger pool of applicants would apply. He requested merging the 12 hour position of the Town Clerk and the new 20 hour position of administrative support for the Assessing Department.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to approve the merger of the 12 hour position in the Town Clerk's Office and the new 20 hour administrative support position in Assessing. **Vote:** 5-0.

Mr. Mead mentioned that Time Warner has changed the government channel to digital format and channels 2 or 16 will only be viewable with digital equipment. Digital adapters and remote controls can be obtained through Time Warner "free of charge" through September 23, 2013. Beginning January 1, 2015, digital adapters will cost 99 cents a month.

11. Executive session per 1 M.R.S.A. § 405 (6) (E) to discuss ongoing litigation regarding Goose Rocks Beach.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to go into executive session per 1 M.R.S.A. § 405 (6) (E) to discuss ongoing litigation regarding Goose Rocks Beach. **Vote:** 5-0.

The Board went into executive session at 8:30 PM.

The Board came out of executive session at 8:52 PM.

No action was taken.

12. Adjournment.

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

The meeting adjourned at 8:52 PM.

Submitted by
Arlene McMurray, Administrative Assistant