

**Town of Kennebunkport
Board of Selectmen's Meeting
Village Fire Station-32 North Street
July 9, 2015 – 7:00 PM**

Minutes of the Selectmen Meeting of July 9, 2015

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

Selectmen absent: Edward W. Hutchins

Others present: Barbara Barwise, Michael Claus, Michael Davis, Werner Gilliam, Ralph Hunt, David James, James McMann, Arlene McMurray, Alan Moir, and Laurie Smith

1. Call to Order.

Chair Matthews-Bull called the meeting to order at 7:00 AM.

2. Approve the June 25, 2015, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Barwise, to approve the June 25, 2015, selectmen meeting minutes. **Vote:** 3-0-1/Selectmen Briggs abstained because he was not present at 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. Approve Quit Claim Deed for Map 10, Block 5, Lot 9.

Town Manager Laurie Smith explained that the Town foreclosed on a sewer lien for Donald Carney of 8 South Street. She said he paid off the sewer bill and 2016 estimated tax bills.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the Quit Claim Deed for Donald Carney of 8 South Street, Map 10, Block 5, Lot 9. **Vote:** 4-0.

5. Consider the following ordinance amendments.

a. Amendments to the Animal Control Ordinance.

Ms. Smith said they are getting items ready for the November Special Town Meeting ballot. This amendment is to allow leashed dogs on the West end and it clarifies the rules. The Goose Rocks Beach Advisory Committee is reviewing it, and she will continue to work on this.

b. Amendment to the Land Use Ordinance regarding roomers.

Director of Planning and Development Werner Gilliam explained that since 1972, certain zones in Kennebunkport allowed property owners to rent up to two rooms with permission from the Zoning Board of Appeals. This proposed amendment allows rental of two rooms in all zones to owner occupied properties. It makes it a permitted use which is subject to approval by Code Enforcement. He said the Code Enforcement Officer will inspect for smoke and carbon monoxide detectors, egress, and for adequate parking.

Discussion followed. Chair Matthews-Bull had concerns after speaking with owners of B & B's and Inns. She said the owners feel they have more costs and regulations to contend with than these room rentals. Also, these rentals are competition for them.

Mr. Gilliam stated that these room rentals are predominantly single, elderly woman. Renting rooms is a way for them to acquire the additional income they need to stay in their homes. Rentals are generally students.

Selectman Briggs questioned what their reporting responsibilities are and how these rentals are managed. He wanted to hear more response by the public.

Selectman Barwise added that these rentals are helpful for housing summer labor for people who work at the hotels and B&B's.

Barbara Barwise said this amendment is only adding three more zones. Also, that the homes at Goose Rocks have been rented for hundreds of years.

David James said the KRA thinks it is a good idea to help the elderly.

James McMann said they are required to pay sales tax and have liability insurance.

Mr. Gilliam responded that the ones he checked did produce the paper work.

6. Consider the purchase of 12 grinder pumps for the wastewater department.

Wastewater Superintendent Allan Moir said the new Barnes' pumps have worked out well. He would like to continue using them. The only supplier for Barnes grinder pumps in New England is Williamson New England Electric Motor Service Corp. He has budgeted \$20,000 for these replacement pumps. The price for these pumps is \$19,740.00.

Motion by Selectman Daggett, seconded by Selectman Barwise, to approve the purchase of 12 grinder pumps from Williamson New England Electric Motor Service Corp at a cost of \$19,740.00. **Vote:** 4-0.

7. Consider replacement of well at 25 Old Cape Road.

Public Works Director Michael Claus said the Town received a complaint from Ralph Hunt that chloride contamination may have compromised the well casing in his well allowing groundwater to infiltrate it. His water testing results cannot confirm whether the salt is sea salt or the salt used on the roads in the winter. Mr. Claus had both R.W. Gillespie and Associates, and Nelson's Lab review his water testing results. Both think the salt used in the Town's winter operations is most likely what caused the contamination of Mr. Hunt's well. Mr. Claus said according to State law, the Town is responsible if it contaminates a well. The Town's insurance denied the claim, so Mr. Claus recommends that the Town expend \$7,500 to replace this well. He also recommends that this work be done by John Henry Swett.

Selectman Barwise was concerned with setting a precedent and wanted this to be reviewed by the town attorney.

Ms. Smith said that the town attorney may also ask the homeowner to sign a release if the Town puts the well in.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to accept Michael Claus's recommendation and to authorize Town Manager Laurie Smith to proceed with this matter pending approval by the Town Attorney.

Vote: 4-0.

Mr. Hunt presented the Board with a sample of water showing the salt content. He said it was tested in May and is eight times the acceptable levels of salt. His neighbor allows him the use of his water for his garden and washing his car.

8. Award the bid for the single-axle, plow truck for the public works department.

Mr. Claus received five bids for the single axle plow truck:

Plow Truck Bids					
	Portland North	Daigle & Houghton	Liberty	Western Star	Freightliner
Base Bid with Plow Gear Co.					
Viking	\$156,765	\$162,010	\$158,895	\$163,407	\$159,875
HP Fairfield	\$157,585	\$162,090	\$158,975	\$163,487	\$159,955
Messer/Tenco	\$168,865	\$174,110	\$170,995	\$175,507	\$171,975

He recommends the low bid from Portland North Truck Center with Viking Cives Body & Plowgear at a cost of \$156,765.

Motion by Selectman Daggett, seconded by Selectman Barwise, to award the bid for the single axle plow truck to Portland North Truck Center with Viking Cives Body & Plowgear at a cost of \$156,765. **Vote:** 4-0.

9. Accept donation of \$100 from Stan Meserve to be dedicated to the Kennebunkport Emergency Fuel Program.

Motion by Selectman Daggett, seconded by Selectman Barwise, to accept the donation of \$100 from Stan Meserve to be dedicated to the Kennebunkport Emergency Fuel Program. **Vote:** 4-0.

Chair Mathews-Bull read the supporting letter from the Public Health Director stating that this donation represents a thank you from Stan Meserve for his friend who plowed him out all winter and refused payment.

10. Appoint Boards/Committees.

Administrative Code Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint to the Administrative Code Committee: Wayne Adams, H. Steadman Seavey, Richard Smith, and D. Michael Weston for a term expiring in July 2016. **Vote:** 4-0

Board of Assessment Review

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint to the Board of Assessment Review: Dudley Tyson for a term expiring in July 2018, and Jean Conaty to full membership with her term expiring in July 2017. **Vote:** 4-0.

Selectman Barwise reminded them that they need to see the Town Clerk to be sworn in.

Cape Porpoise Pier

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint to the Cape Porpoise Pier Advisory Committee: Peter Eaton, Peter Garsoe, Arnold Nickerson IV, Zandy Talmadge, and Eric Wildes to a term expiring in July 2016. **Vote:** 4-0.

Cemetery Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint to the Cemetery Committee for a term expiring in July 2016: Lynda Bryan, Ruth Fernandez, Greg Pargellis, Ann Sanders, and Rita Schlegel. **Vote:** 4-0.

Conservation Commission

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint Sarah Lachance to the Conservation Commission for a term expiring in July 2018. **Vote:** 4-0.

The Board understands that Sarah only wanted one more year, but she can resign in July 2016. Keeping the terms as they are will prevent confusion with terms.

Government Wharf

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint Jeff Davis, Ron Francoeur, Dennis Goulet, and Chris Welch to the Government Wharf Committee for a term expiring in July 2016. **Vote:** 4-0.

Growth Planning Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint to the Growth Planning Committee: Dan Saunders to a term expiring in July 2018 and to appoint: George Geyerhahn to a term expiring in July 2018 and Adam Burnett to a term expiring in July 2017.

Kennebunk River Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint Richard Woodman to the Kennebunk River Committee for a term expiring in July 2018. **Vote:** 4-0.

Lighting Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint to the Lighting Committee: Jule Gerrish, James Stockman, and Robert Fairbanks to a term expiring in July 2018. **Vote:** 4-0.

Parsons Way Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint to the Parsons Way Committee Gordon Ayer for a term expiring in July 2018. **Vote:** 4-0.

Planning Board

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint on the Planning Board: Greg Reid with term expiring in July 2018, and to reappoint Tom Boak and Ray Hilwig as alternates on the Planning Board for a term expiring in July 2018. **Vote:** 4-0.

Again, the Board is aware that Mr. Reid only wished to fill in for David Kling while he is on medical leave and not commit to a whole year. He can resign when Mr. Kling returns.

Public Safety Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint to the Public Safety Committee: Allan Moir, fire chief/sewer superintendent; Mike Claus, highway superintendent; Craig Sanford, police chief; Jim Burrows, emergency management director, and Shawn Sullivan, chief of KEMS to the Public Safety Committee for terms expiring in July 2016. **Vote:** 4-0.

Road Book Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint Jim Burrows and Richard Stedman to the Road Book Committee for a term expiring in July 2016. **Vote:** 4-0.

Sewer Advisory Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint Bob Convery, Stephen Couture, Richard Johnson, and Joseph Martin Mead to the Sewer Advisory Committee for a term expiring in July 2016. **Vote:** 4-0.

Shade Tree Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint Sarah Adams, Kimberly Gurski, Karen Schlegel, and Suzanne Stohlman to the Shade Tree Committee for a term expiring in July 2016. **Vote:** 4-0.

Sidewalk Committee

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint Tony Viehmann, Kristen Garvin, Michael Claus, and Craig Sanford to the Sidewalk Committee for a term expiring in July 2016. **Vote:** 4-0.

Solid Waste Committee

Motion by Selectman Barwise to reappoint Jim Mulligan to the Solid Waste Committee for a term expiring in July 2018. He withdrew his motion after he was made aware that this committee is not really needed and only consists of one person. No one else volunteered.

Motion by Selectman Barwise, seconded by Selectman Daggett to table this item. **Vote:** 4-0.

ZBA

Motion by Selectman Barwise, seconded by Selectman Daggett, to reappoint Paul Cadigan to the ZBA for a term expiring in July 2018 and to appoint Jean Conaty to a term expiring in July 2018. **Vote:** 4-0.

11. Appoint Selectmen Representatives to Boards/Committees.

Motion by Selectman Barwise, seconded by Selectman Daggett to move the following slate of Selectmen Representatives:

Selectmen Hutchins—Cape Porpoise Pier Committee.
Selectmen Matthews-Bull—Goose Rocks Beach Advisory Committee
Selectman Daggett—Government Wharf Committee
Selectman Hutchings—Graves Library Board
Selectman Daggett—Growth Planning Committee
Selectmen Daggett and Briggs— Investment Committee
Selectman Briggs—KEMS

Selectman Briggs—Planning Board

Selectman Briggs—Public Safety Committee

Selectman Barwise—SMRPC

Selectman Matthews-Bull—Shade Tree Committee

Selectman Matthews-Bull—Zoning Board of Appeals

Vote: 4-0.

12. Other business.

Mr. Claus said on July 1, the recycling center in Kennebunk on Sea Road went under new management with Commercial Paving and Recycling. Their old vendor handled the recycling that came into the recycling center, but their contract for processing recycling changed with the new vendor. It now costs them a fee to take the recycling for processing to Eco Maine in Portland. Since there are costs involved, they will begin charging people who reside outside of Kennebunk for using the transfer station for recycling on August 1.

Kennebunkport uses Oceanside Rubbish who has a longterm contract with Eco Maine for recycling and Kennebunkport residents using the Town's curbside recycling do not have to pay for this curbside service.

Ms. Smith said the Town provides curbside pickup and has two places where cardboard is collected. She said she is uncertain how many people use the Kennebunk recycling center and asked Commercial Paving to keep track.

Mr. Claus said there are two options: 1) Oceanside could provide an 8 yard dumpster @\$20 a month, a cost of \$35 a haul. It would be about \$100 a month. He is not sure if they need one or two; 2) Kennebunkport has been funding the recycling center by paying Kennebunk direct for recycled material drop off and grass clippings. Perhaps Kennebunkport can set up a deal with Commercial Paving using the funds that Kennebunkport paid.

Ms. Smith said Commercial Paving will be collecting data in the next couple of weeks to see how many people use this facility.

Barbara Barwise said that those on private roads do not have curbside pick up so it is easier for them to bring to the recycling center.

Ms. Smith also wanted the Board to think about the flashing pedestrian light on North Street and mentioned some options such as: having a button for a pedestrian activated light to cross the street, but maintain the light in its current location and have another one on the other side of the crosswalk.

Mr. Claus said it would be an additional \$3,000 to \$5,000 to put this in. A second option is to build a sidewalk on the other side of North Street.

David James said the problem is at nighttime making sure that people ap-

proaching that location know that it is a pedestrian cross walk. He suggested putting in what they have in West Kennebunk. It is rectangular with LED lights on the side of it that alerts people that there is a pedestrian crossing. He does not think that would be as expensive.

The Board does not want to spend a lot of money for this.

Ms. Smith clarified that the Board would like something low key at a lower price.

Mr. Claus said he will check prices of LED activated by radar when a car approaches. He thinks that is not as expensive.

Ms. Smith said she reviewed the data for the Parking Lot transactions to see if it makes sense to keep staff hours the same or change them. She said the majority of incidents that happened occurred after 10 PM.

Discussion followed that:

- They either shift a person from afternoon to evening, or put a second person on. Businesses in Dock Square are getting the parking lot complaints.
- Having staff there is defeating the purpose of having automated machines.
- They need to fix the problem instead of having staff there like the old system.
- They would like solid data to see the frequency of failures and the cause so they could evaluate it.

Ms. Smith said having staff there is beneficial in stopping backups and it is difficult to manage operator error in the transition process. She said these machines are no different than what they have at airports, etc. She stated they have people going through the lot at one a minute. She stated she could gather more data in the next couple of weeks.

Ms. Smith said an option is having a pay station near the restrooms so people could pay there before they leave and not hold up traffic. She said since they had problems with international credit cards, that made her think that perhaps they should also have a cash system. She added having a credit card system is \$16,000 versus \$45,000 - \$50,000 for a cash system. She is not recommending this investment at this point in time but thinks it would make the operation run more smoothly.

Mr. McMann suggested using a handheld device for credit cards as a back up

which are less expensive. Selectman Barwise responded that it is a good idea, but means you have to have staff there.

13. Approve the July 9, 2015, Treasurer's Warrant.

Motion by Selectman Daggett, seconded by Selectman Barwise, to approve the June 9, 2015, Treasurer's Warrant. **Vote:** 4-0.

14. Adjournment.

Motion by Selectman Barwise, seconded by Selectman Briggs, to adjourn.
Vote: 4-0.

The meeting adjourned at 8:20 PM.

Submitted by

Arlene McMurray
Administrative Assistant