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TOWN OF KENNEBUNK  
AND  
KENNEBUNK LIGHT & POWER DISTRICT  
COUNTY OF YORK  
STATE OF MAINE

- - -

TRANSCRIPT OF RECORDED PROCEEDINGS  
OF THE  
JOINT MEETING OF THE  
KENNEBUNK BOARD OF SELECTMEN  
AND THE  
KENNEBUNK LIGHT AND POWER DISTRICT  
BOARD OF TRUSTEES

- - -

KENNEBUNK TOWN HALL AUDITORIUM  
ONE SUMMER STREET  
KENNEBUNK, MAINE 04043

- - -

TUESDAY, JANUARY 17, 2017  
6:30 p.m.

- - -

TOWN OF KENNEBUNK BOARD OF SELECTMEN:

- CHAIRMAN: RICHARD A. MORIN - (PRESENT)
- VICE CHAIRMAN: CHRISTOPHER L. CLUFF - (PRESENT)
- TOWN MANAGER: MICHAEL PARDUE - (PRESENT)
- SECRETARY: DEBORAH A. BEAL - (PRESENT)
- SELECTMAN: DANIEL S. BOOTHBY - (PRESENT)
- SELECTMAN: EDWARD KARYTKO - (PRESENT)
- SELECTMAN: SHILOH A. SCHULTE - (PRESENT)
- SELECTMAN: L. BLAKE BALDWIN - (PRESENT)

1 KENNEBUNK LIGHT & POWER DISTRICT BOARD OF TRUSTEES:

2 PRESIDENT: JONATHAN KILBOURN - (PRESENT)

3 VICE-PRESIDENT: WAYNE E. BERRY - (PRESENT)

4 GENERAL MANAGER/TREASURER: TODD SHEA - (PRESENT)

5 CLERK: ROBERT EMMONS - (PRESENT)

6 TRUSTEE: DAVID CLUFF - (PRESENT)

7 TRUSTEE: DAN BARTILUCCI - (PRESENT)

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**Town of Kennebunk - Board of Selectmen  
Kennebunk Light & Power District - Board of Trustees**

1   A P P E A R A N C E S:

2           DRUMMOND WOODSUM  
3           BY:   JOANNA TOURANGEAU, ESQ  
4           84 Marginal Way  
5           Suite 600  
6           Portland, Maine 04101

7           DRUMMOND WOODSUM  
8           BY:   ADAM COTE, ESQ  
9           84 Marginal Way  
10          Suite 600  
11          Portland, Maine 04101

12          TOWN OF KENNEBUNK  
13          BY:   MERTON BROWN, TOWN CLERK  
14          One Summer Street  
15          Kennebunk, ME 04043

16          SAVE THE MOUSAM  
17          BY:   DONNA TEAGUE  
18          BY:   DAVID WAYNE  
19          Kennebunk, Maine

20          FREE THE MOUSAM  
21          BY:   JOHN BURROWS  
22          Kennebunk, Maine

23          GOVERNOR PAUL R. LePAGE  
24          One State House Station  
25          Augusta, ME 0433

26   ALSO PRESENT:

27           Peter Valentino, Recording Secretary, Kennebunk Board  
28           of Selectmen

29           Kathleen DeMarre, Transcriptionist/Recording  
30           Secretary, Kennebunk Light & Power District

31           Michael Davis, Video Creations, Video Specialist

**Town of Kennebunk - Board of Selectmen  
Kennebunk Light & Power District - Board of Trustees**

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**TRANSCRIPT OF RECORDED PROCEEDINGS**

THIS TRANSCRIPT is supplied to you on the condition that receipt thereof will certify the accuracy of the spoken word but not that of the speakers.

THIS TRANSCRIPT is a transcript of the recorded proceedings and since the proceedings were not taken in front of a court reporter, accuracy in the depiction of speakers cannot be guaranteed in the colloquy of the transcript.

THE CERTIFIED TRANSCRIPT is the only official transcript which may be relied upon for purposes of verbatim citation of the proceedings.

**Town of Kennebunk - Board of Selectmen  
Kennebunk Light & Power District - Board of Trustees**

1           Whereupon, the meeting was called to order at 6:30  
2 p.m.

3           TOWN MANAGER PARDUE: Good evening and welcome to the  
4 joint meeting between the Kennebunk Board of Selectmen  
5 and the Kennebunk Light & Power District trustees. I'd  
6 ask each of the board chairs to please call their  
7 respective boards to order.

8           CHAIRMAN MORIN: I'd like -- I'd like to call to  
9 order the Board of Selectmen for this special meeting  
10 for January 17, 2017.

11          PRESIDENT KILBOURN: Let me call to order the  
12 Kennebunk Light & Power District Board of Trustees this  
13 Tuesday, January 17th at 6:30 p.m.

14          TOWN MANAGER PARDUE: Thank you. My name is Mike  
15 Pardue. I serve as -- excuse me -- as your new town  
16 manager and it's a pleasure to be here. For those of  
17 you that don't know me, I've lived in town with my wife  
18 Karen for the last 24 years, where we've enjoyed raising  
19 three children who all attended the Kennebunk school  
20 system. For the full sake of disclosure, we, too, own  
21 property that borders the Mousam.

22          On the rear table, as most of you may have seen when  
23 you entered, you'll find copies of the meeting agenda,  
24 bios for our presenters, and the meeting rules of order.

25          Just a reminder that our emergency exits are located

1 both in the front and the back of the building depending  
2 upon which way you're facing, so if I did that like they  
3 do on Jet Blue, it would be like this and like that. At  
4 the entrance, you'll find a restroom, and then down the  
5 stairs you'll find additional restrooms should you need  
6 those.

7 Tonight's meeting will be facilitated by two  
8 attorneys that were carefully vetted by both the Town  
9 Board of Selectmen, and town leadership, and KLPD  
10 leadership. The facilitators will be Joanna Tourangeau  
11 and Adam Cote, both are lawyers with Drummond Woodsum  
12 law firm located in Portland. So, please join me in  
13 welcoming Joanna and Adam as they lead us through  
14 tonight's proceedings.

15 I have been asked to also remind you, if you are  
16 speaking tonight, to please hold the mic very close to  
17 your mouth. That will provide us with the best audio so  
18 we can hear not only here but for our television viewing  
19 audience.

20 Joanna and Adam.

21 MS. TOURANGEAU: Good evening. Thank you, Mike. My  
22 name is Joanna Tourangeau. I am an attorney with  
23 Drummond and Woodsum. We have been, Adam Cote, my  
24 colleague, and I, have been retained by both the Board  
25 of Selectmen for the Town of Kennebunk and the Board of

1 the Kennebunk Power & Light District with a letter  
2 agreement which specifies that we will be conducting a  
3 fully transparent process for both boards to get up to  
4 speed on next steps with regard to the dams and to  
5 figure out whether there is a path forward for those  
6 boards to work together to resolve some of those issues.

7 We -- I have been -- our agreement states  
8 specifically that we will be fully transparent about the  
9 terms of our agreement, that we are representing both  
10 boards, and that they are sharing fully in the -- and  
11 equally in the costs of our work that we're doing. They  
12 both have separate counsel that represent them  
13 individually.

14 I, as Mike said, am an attorney. I have been  
15 practicing primarily in the environmental law area in  
16 Maine since 2000. So, I like to say, you know, I've  
17 been practicing for about ten years since I started in  
18 2000. It's closer to 16 at this point. I started at  
19 Pierce Atwood. I was there for eight years. I worked  
20 there with Adam at the time. I then transitioned over  
21 to Drummond Woodsum where I've been for another eight  
22 years and Adam joined us a few months ago.

23 My practice is, as I said, in the environmental realm  
24 and there is a large overlap with the environmental law  
25 arena in Maine and at the federal level and the energy



1 law practice. Both of those go hand in hand and Adam  
2 will speak to his expertise as well, but his expertise  
3 is more in that energy area, and so we compliment each  
4 other, in terms of this particular project, quite  
5 nicely.

6 I am a native Mainer. I think I can say that. My  
7 parents were both born in Maine, as well, in the Bangor  
8 area. I grew up -- I was born in Ellsworth and I grew  
9 up on Mt. Desert Island and so, you know, I have some  
10 experience with coastal areas and communities that are  
11 in many ways very similar to the community down here.

12 I'm going to turn it over to Adam for a few minutes  
13 to introduce himself and then we will move forward  
14 culminating, for us anyway, with a presentation  
15 regarding the options for the dams.

16 MR. COTE: Thanks. Thanks for having us here  
17 tonight. I love working with Joanna. It's great to be  
18 back at Drummond Woodsum and be working with her and I  
19 love the town of Kennebunk and I'll tell you why in a  
20 minute.

21 My name is Adam Cote. I'm the head of the energy and  
22 utilities practice at Drummond Woodsum and I used to  
23 work with Joanna at Pierce Atwood. I was in the energy  
24 department, worked primarily in renewable energy. I've  
25 worked with hydro. I've worked with wind, solar,

1 biomass. I've also done some natural gas work. I also  
2 did some work in Europe, Eastern Europe primarily, on  
3 behalf of USAID advising countries how to restructure  
4 their energy sectors. I worked in Albania, Bosnia,  
5 Croatia, Moldova, and essentially helped them write  
6 their energy laws. They were kind of used to having the  
7 prime minister's cousin get all the energy contracts and  
8 couldn't understand why they weren't getting any outside  
9 investments, so they -- they called some folks in to  
10 focus on transparency, rule of law, those sorts of  
11 processes that are important to not only inspire the  
12 public that things are being done correctly, but also to  
13 encourage and strengthen the sector and make the whole  
14 -- whole process better.

15 I've also spent some time in the private sector.  
16 I've worked primarily -- I started an energy company  
17 with some other folks from Maine. We worked primarily  
18 in energy storage and we worked mostly with utilities.  
19 It's kind of balancing the loads, the problems that  
20 utilities have often times that come up with renewable  
21 energy because they're intermittent. As they say, you  
22 can't control when wind the blows and the sun shines, so  
23 balancing the load that is on the electricity lines  
24 through various -- called distributed energy, demand  
25 response, smart grid. So, I've worked a lot in that

1 area, as well. I'm very happy to be back practicing law  
2 at Drummond Woodsum.

3 In my other life, I have been a member of the Maine  
4 National Guard for about 20 years. I've had deployments  
5 to Bosnia, to Iraq, to Afghanistan. And in my personal  
6 life, I was born and raised in Sanford. My dad was a  
7 history teacher at Sanford High School for 30 years and  
8 a coach there. I still live there. My wife and our  
9 five kids, the oldest is twelve, the youngest is five.  
10 And I love Kennebunk for many reasons, but mostly we  
11 spend a lot of time during the summer at Mother's Beach,  
12 Parson's Beach, Kennebunk Beach. We started out at  
13 Mother's Beach because of the playground and now that  
14 the kids are a little older we're mostly at Parson's.

15 So, it's great to be here. We're excited to be a  
16 part of this. I just want to reiterate what Joanna  
17 started out -- when the Selectmen reached out to us and  
18 KLPD, they were very clear that they are very concerned  
19 about a transparent and open process. We weren't told  
20 or asked to advocate on behalf of any one perspective or  
21 point of view. In fact, I think it's important that --  
22 that we don't do that because it's important as a  
23 community that you understand this process. I know that  
24 that's important to both boards.

25 So, with that, I wanted to go over and sort of

1 transition now into the rules of procedures, so to  
2 speak, and the most important one that I'll put out  
3 there is that to -- to try to be respectful to  
4 everybody. We'd really ask that -- that we're going to  
5 stick to the -- to the agenda, to the time limits. It's  
6 not meant as a slight to you. It's meant as an  
7 opportunity to make this process that applies for  
8 everybody. We understand that these tend to be  
9 emotional at many times and certainly everyone comes in  
10 and feels a real vested process in wanting to put their  
11 -- put their perspective out there.

12 A couple of other points. This is being broadcasted  
13 and recorded, so we ask that when you speak, when we  
14 have the time for public comment, that you come up and  
15 you do speak into the microphone. Please turn off your  
16 cells -- cell phones. That's sort of the standard  
17 comment, or mute them.

18 Presenters, when you come up -- we have presenters  
19 from the Save the Mousam and the Free the Mousam group.  
20 We would ask that you do stick to ten minutes. Joanna  
21 and I will -- there will be a timer up there and you can  
22 follow it, but we'd ask that you stick to that and,  
23 again, it's for the purpose of getting this for  
24 everybody.

25 We would ask the audience to save your questions to

1 the end. We're -- if you look at the agenda, those  
2 folks are going to speak from the two sides. We're  
3 going to have the -- the heads of each board go through  
4 and provide some of their comments. Jay's will probably  
5 be a little bit longer, because he's going to be  
6 providing more of an update on where they stand, but  
7 Dick is also going to speak a little bit on behalf of  
8 the selectmen. And lastly, for those folks at home, or  
9 for all of you, the copies of this presentation will be  
10 available on the websites of both boards.

11 So, with that, next on our agenda, I'd ask Merton  
12 Brown to go through the summary of the non-binding  
13 referendum vote from November 8th.

14 MR. BROWN: Good evening. What I'm going to do is  
15 just read the questions and give you the results of the  
16 vote. This was the vote that was last November 8th in  
17 this room and they were non-binding questions.  
18 Non-binding questions, certainly my definition would be,  
19 it's kind of like a glorified survey. It kind of gives  
20 the pulse of what the people are thinking, but it's  
21 non-binding as far as the results are concerned.

22 The first question was Article V, Referendum Question  
23 Number 4: Do you favor the Kennebunk Light & Power  
24 District continuing to invest into the hydropower  
25 generation facilities along the Mousam River? Yes were

1 5,061; no, 2,261; 334 blanks, meaning that 334 people  
2 chose not to answer that question.

3 Article Number VI, Referendum Question Number 5: Do  
4 you favor the Town of Kennebunk maintaining and  
5 improving the existing conditions along the Mousam  
6 River, in particular, mill pond areas and water levels  
7 sufficient to allow the continuation of existing  
8 recreational activities by keeping the Dane Perkins,  
9 Twine Mill and Kesslen Dams in place whether or not said  
10 dams continue to generate hydropower? Yes, 5,318; no,  
11 2,048; and 290 people chose not to answer that  
12 question.

13 Article Number VII, Referendum Question Number 6:  
14 Do you want the opportunity to vote on any, and/or all  
15 of the following questions before the Trustees of the  
16 Kennebunk Light and Power District make a final decision  
17 on them: Whether the Dane Perkins Dam, Twine Mill Dam,  
18 and/or Kesslen Dam should continue to generate  
19 hydropower, remain in place, and/or be removed? Yes,  
20 5,852; no, 1,493; and blank, 311.

21 MR. COTE: Thanks, Merton. Next we'll have  
22 introductory comments from the board chairs. Dick, as  
23 the Chairman of the Board of Selectmen, could you go  
24 first, please?

25 CHAIRMAN MORIN: Certainly. Good evening and thank

1 you all for attending. Thank you, also, to our  
2 colleagues from the Kennebunk Light & Power District,  
3 our Town Manager, Mike Pardue, and our facilitators,  
4 Joanna and Adam from -- both from the law firm of  
5 Drummond and Woodsum.

6 The future of the dams in Kennebunk is significant;  
7 so significant that the Boards of the Light & Power  
8 District and the Selectmen have convened this meeting to  
9 gather information and facts to better understand the  
10 options available and the implications associated with  
11 each.

12 Frankly, the majority of the Board of Selectmen had  
13 not had the benefit of the numerous meetings and  
14 information sharing that started some 15 months ago,  
15 because they were not yet elected. So for that reason,  
16 it's extremely important that we conduct this and future  
17 meetings to assure that the best information is  
18 considered and decisions are rendered for the benefit of  
19 the Town as a whole.

20 The non-binding referendum questions presented at the  
21 November election provided guidance for the Board,  
22 certainly. However, they lacked a number of ingredients  
23 such as costs, and funding methods and mechanisms, and  
24 how we were able to -- excuse me -- how those would be  
25 able to contribute to a reasonable verdict. Again, our

1 mission tonight is to gather as much information as we  
2 can.

3 No decisions will be made tonight and, hopefully, the  
4 facilitators, speakers, and exchange between the two  
5 boards will pave the way for a better understanding of  
6 options and shed light on the best means to proceed.

7 I want to thank you all again for your interest, your  
8 participation, and most importantly your patience, as we  
9 complete the tasks at hand. Our collective mission  
10 tonight and beyond is to do what is best for the  
11 community, past, present, and future, so let's get the  
12 meeting underway.

13 PRESIDENT KILBOURN: Thank you, Dick. Good evening.  
14 I'm Jonathan Kilbourn. I'm the president of Kennebunk  
15 Light & Power District. You can call me Jay. You know,  
16 the Kennebunk Light & Power District, affectionately  
17 known as the KLPD, has been working so long on this dam  
18 issue -- or should I say dam issue -- that we have --  
19 someone had to start with that -- that we have two new  
20 board members and a new general manager as we proceeded  
21 with the process.

22 Todd Shea, our General Manager, tonight suggested  
23 that we all wear our galoshes, because it looked like we  
24 could be in for a mess. Well, now, I know he was  
25 referring to the weather, but -- and I'm sure that we



1 are all going to try and make sure we don't have a mess  
2 tonight. And after Bosnia, this should be easy.

3 We are here in a continuing effort to obtain the  
4 critical facts, to get some key questions answered, to  
5 listen for new opportunities, and to solve our challenge  
6 together as one community. Kennebunk has an important  
7 stake in what happens with the Kennebunk Light & Power  
8 District hydro facilities along the Mousam. Kennebunk  
9 Light & Power District has a charter, mission, and  
10 regulatory responsibilities that are relatively narrow  
11 specifically to deliver low cost power to our ratepayers  
12 in four towns, reliably, sustainably, and safely, in  
13 accordance with law and regulation.

14 Now, in this regard, and after extensive study and  
15 financial analysis, KLPD decided -- the trustees decided  
16 early last year that the District will not seek to  
17 re-license the hydropower facilities. You'll hear more  
18 about this tonight.

19 Our community has a larger stake and range of  
20 concerns than would typically come under the purview of  
21 an electric utility and for this reason, among others,  
22 the KLPD Board has not addressed the fate of the dams  
23 themselves. It's important to be clear. There's a  
24 difference between hydropower production and the dams.

25 Kennebunk is impacted beyond the KLPD's business

1 responsibilities by the way the rivers and the dams are  
2 managed. Including, just for example, recreation,  
3 fisheries, tourism, clean water, property values,  
4 historic and scenic considerations, among others.

5 The KLPD has maintained direct communications with  
6 the Town and the Board of Selectmen, and, of course,  
7 with the broader community, but now is the time for the  
8 Town and Kennebunk citizens to build upon this dialogue  
9 and the recent referenda that was just described to you.

10 Our board has been and will remain open to proposals  
11 from the Town about how the Town might wish to address  
12 these broader issues of community concern. We expect to  
13 continue an ongoing process of collaboration as the Town  
14 considers how and whether to apply its resources and its  
15 broader mandate to address the dams.

16 Unfortunately, the long process had been contentious  
17 at times, but I would like to offer my appreciation to  
18 every member of the community who is engaged in the  
19 process. It's been quite a challenge and this is what  
20 it takes to arrive at a good decision. And I will just  
21 second that -- note that neither board anticipates  
22 making any decisions, other than, perhaps, the next  
23 meeting tonight. This is an informational and dialogue  
24 meeting.

25 And, if I could, before we move on, I'd like to yield

1 the floor to David Cluff for just a moment on a -- on a  
2 procedural matter.

3 TRUSTEE CLUFF: Thank you. My name is David Cluff.  
4 I am the sole owner of Duffy's Tavern and Grill, located  
5 on Main Street, which overlooks the Mousam River and the  
6 dam. It is perceived that there is a potential for a  
7 conflict of interest for me because of where my business  
8 is located and also the potential for a financial gain  
9 or loss depending on what happens to the dams.

10 When I got on the Kennebunk Light & Power board, I  
11 was looking for a way to give back to the community. I  
12 was on the Downtown Committee, I then got off that  
13 committee, got onto the Kennebunk Light & Power  
14 committee because I thought that would be a great board  
15 to be apart of that would be noncontroversial. Little  
16 did I know that the dam issue was going to come about  
17 and thrust me and my business right in the middle of  
18 this and the community.

19 So, with this, based on that perceived conflict of  
20 interest, at this time I will be recusing myself of any  
21 further discussion this evening on the dams. We -- we  
22 -- the Board has asked our attornies to come to our next  
23 meeting on the 31st of this month, and at that time our  
24 attornies will advise us, as well as other Board members  
25 who also currently have a financial possibility of

1 losing or gaining because they have property along the  
2 river, as well. But for me, I will be recusing myself  
3 from any further disclosure for this evening. Thank  
4 you.

5 VICE CHAIRMAN CLUFF: Good evening, everybody. My  
6 name is Chris Cluff. I am David Cluff's son, as a full  
7 disclosure here. I am not an owner in Duffy's Tavern  
8 and Grill. I am an employee of that corporation. I am  
9 also an appointed officer of that corporation in a non  
10 compensatory role for business continuity purposes in  
11 case the plane went down on a Saturday night and someone  
12 needed to run the business. So, I -- there is also a  
13 perceived conflict of interest on my part. At this  
14 point, I am not going to recuse myself. I don't see a  
15 financial gain for myself. We'll have that discussion  
16 as a board as we get through discussions, as we  
17 continue, whether the Board feels comfortable for me to  
18 continue to do that, so, thank you.

19 CHAIRMAN MORIN: Before we move further on the  
20 agenda, I'd like to repeat what I said earlier about the  
21 importance of this matter and in doing so I'd like to  
22 acknowledge the presence of -- the presence of our fine  
23 Governor, Governor LePage, and thank him for attending  
24 tonight. The breadth of this topic far exceeds the  
25 borders of this community and we thank you, Sir, for

1 being here tonight and we appreciate what you can do to  
2 help us out.

3 MR. COTE: Okay. With that, we're going to move to  
4 our public presentations. The first one up will be the  
5 Save the Mousam group, Dr. David Wayne and Donna Teague.  
6 10 minutes, please. Thank you.

7 MS. TOURANGEAU: I'm going to hop in, too, just to  
8 clarify that when there was discussion of attorney's  
9 analyzing conflict issues for the individual boards,  
10 they were referring to their individual attorney's. We  
11 will not be conducting that analysis for them. It would  
12 be not appropriate for us to do that.

13 So, I have a lovely egg timer for you. I practiced  
14 myself with it to see if it held time accurately and we  
15 should set it on the twelve, because it stops at two  
16 minutes and it's just a small ding. It's not an  
17 offensively loud timer. All right?

18 MR. WAYNE: We're set. I'm David Wayne. I run an  
19 international consulting company, formerly the dean at  
20 the University of New England in the medical school, I  
21 resident of Kennebunk, and live on the river about a  
22 quarter of a mile up from the Kesslen Dam.

23 MS. TEAGUE: Good evening. I'm Donna Teague. I am a  
24 volunteer coordinator for a local hospice and a  
25 ratepayer and a taxpayer. I also live on the river.

1 Save the Mousam is a group of local folks who want to  
2 keep the dams and want to keep hydro generation going.  
3 We have no paid staff or consultants. We have no  
4 federal or state organizations with money. We're just  
5 your neighbors and concerned citizens and we reach from  
6 the beaches to the borders of this lovely town of ours.

7 Tonight we're going to try to quickly run through our  
8 perspective; what we know, what we don't know, what we  
9 want to achieve, and what we need to remember.

10 So, what we know: Our community is an historic  
11 community. It grew up around the Mousam River and the  
12 first dam built in 1670. The Mousam and its mills were  
13 really the lifeline of this community. Many of us  
14 believe that these dams should be preserved for their  
15 historic value and even in an official way. We also are  
16 a green energy town. We believe in sustainability. We  
17 have many green initiatives going. No more plastic  
18 bags. We have -- recycling has increased and we feel  
19 that hydropower -- we know that hydropower is a clean  
20 renewable energy, and we would like to see it upgraded  
21 and be able to even increase our sustainability instead  
22 of destroy it. It's a unique aspect of our community.

23 I don't need to say too much about how lovely our  
24 town is, about the tourism that comes to us. We are a  
25 welcoming community and one thing that we have, along

1 with our main street, our beaches, is a hidden treasure  
2 in the Mousam River. If you have not been on it, you  
3 really should be. Particularly the trestles in West K  
4 and now I just found out that the Eastern Trail is  
5 actually going to go across those. So, we want people  
6 to come in and we want to be able to recreate.  
7 Particularly in the summer months when most of us are on  
8 that river.

9 We also are a town that watches its costs. We try to  
10 be fiscally responsible. I know after attending so many  
11 of these meetings that that is not always an easy thing  
12 to do, but we also know that we need to maintain our  
13 assets and we believe our dams are an asset to this town  
14 and could even be a greater asset.

15 Finally, one of the other things we know is that our  
16 Free the Mousam folks tell us that the Mousam will be a  
17 free flowing river. If you don't know it, there are  
18 eight dams above our three and unless they all come out,  
19 this will not be a free flowing river. David.

20 MR. WAYNE: Thank you. Of course, at the same time  
21 as the things we know, there are a lot of things we  
22 don't know and these are really what we're concerned  
23 about. First. Is the ecosystem, the potential for  
24 change. We have a variety of -- whether -- wood frogs,  
25 spotted salamanders, thermogenic plants, a variety of

1 things that could disappear if the river actually  
2 changes. We have the potential for invasive species,  
3 which has happened in other places, and once they come  
4 in, they're almost impossible to get out. And, of  
5 course, we don't want to create mosquito breeding  
6 ground, especially with what's happening with mosquitos  
7 throughout the U.S.

8 Fish is a big issue. According to the Alden report,  
9 there were nine fish below the Kesslen Dam, not enough  
10 to warrant fish passage. We hoped that there would be  
11 more coming up, but do we need bait fish? And that  
12 really is what we've been talking about in large part.  
13 Also, they will not be able to breed in 18 inches of  
14 water, which is what the -- parts of the river would  
15 apparently look like.

16 There are certain infrastructure issues and the  
17 biggest one for me is pollution. We've had the  
18 industries on the river and what's happened is that they  
19 have dumped tremendous numbers of chemicals in. We have  
20 a sediment layer of between seven and ten feet under  
21 that. We don't know what's going to happen if and when  
22 it goes away. So, we really need to study what in fact  
23 is going to happen there.

24 At the same time, because we don't want to be a super  
25 fund site, there's also dangers, according to some



1 engineers that we've talked to, to various structures  
2 like bridges that cross the dam and the footings,  
3 because as the water goes away in different places, that  
4 whole thing can -- a lot of things can sink. And we  
5 have been told by someone who is an expert in this area  
6 for 40 years that it can cost about a hundred dollars a  
7 foot to reclaim the banks that would need to be  
8 reclaimed.

9 River appearance is something else is really  
10 important to us with the river, according to the report  
11 we've been given, we're told six feet wide, eighteen  
12 inches deep in places, and so recreation, obviously,  
13 goes away.

14 But the big one for us is cost. We've been given  
15 figures that are hugely different, anywhere -- all the  
16 way up to many millions of dollars to keep the dams.  
17 We've had two people with accounting backgrounds really  
18 go through details of that and found that's not the  
19 case. In fact, we'll provide you with a very detailed  
20 report, if you're interested in picking it up, that has  
21 been done by a couple of people and that will show that,  
22 in fact, if we keep the dams, over a 40 year period  
23 we'll actually save money not be spending an exorbitant  
24 amount. On the other hand, if we take the dams down,  
25 with all the different infrastructure issues, it could

1 cost us significantly more.

2 What we want to achieve is really important. What we  
3 want, very simply, is first, some expert cost analysis  
4 for the different funding opportunities. There's the  
5 Department of Agriculture, there's the Department of  
6 Energy grants that are available, there's TIF money,  
7 there are a variety of things that we need to look at to  
8 see what would support -- what's going to happen.

9 We also need proper maintenance with the new  
10 technology. The dams are obsolete right now. They're  
11 not functioning the way they need to. There are micro  
12 generators that are now available that can produce two  
13 to three times as much we've -- we're told.

14 Comprehensive environmental testing. As I said, we  
15 don't want the pollution to happen, so that's,  
16 obviously, very important and we'd like to look at the  
17 fact that we have at least two companies that seem to be  
18 interested as making a profit in subleasing or leasing  
19 these from KLPD and generating power for themselves.

20 MS. TEAGUE: Finally, then, what do we, as a  
21 community, need to remember? We are the grass roots  
22 majority. We're not outside special interests and we  
23 are confident that our elected officials want the  
24 majority of this town to have a say-so in this decision.  
25 We also need to remember that we know what we have and

1 we know the benefits of what we have are worth investing  
2 in. If the dams come down, we don't really know what we  
3 get. There can be unforeseen and unintended  
4 consequences to dam removal that might really up the  
5 costs and really create huge issues for the Town and for  
6 the individual property owners.

7 We also need to remember that really final costs  
8 can't be known until a plan is in place and until we  
9 know what FERC is going to say on things. Eventually, a  
10 vote will come and we will vote but with real numbers.

11 We also know that we need clarity and collaboration.  
12 We really invite both boards to talk to each other, to  
13 get help from FERC. Let's get FERC up here. Let's talk  
14 to these interested parties.

15 And finally, I've heard that, you know, we didn't  
16 have numbers on the ballot questions and so how could  
17 anybody know what they were doing? Well, my neighbor  
18 said, what do you mean the numbers weren't out there?  
19 They were in the paper every week, they were all over  
20 the web, and even with those numbers, we voted to keep  
21 these dams because we want them to stay.

22 Thank you, very much.

23 (Applause.)

24 MR. COTE: All right. Thank you, Donna and David.

25 Next up will be the Free the Mousam group for ten

1 minutes, John Burrows.

2 MR. BURROWS: Great. Just let me know when the timer  
3 is ready. Can folks hear me okay?

4 UNIDENTIFIED FEMALE SPEAKER: Yes.

5 MR. BURROWS: Great. Thank you. Are we all set?

6 MS. TOURANGEAU: Yes.

7 MR. BURROWS: Great. Thank you. My name is John  
8 Burrows. I live here in Kennebunk. I am a Kennebunk  
9 native. My family routes go back here for many, many  
10 generations and I'm very happy to be back in Maine  
11 raising my family here. I think a lot of angst and errs  
12 [sic] probably targeted me since I founded Mousam and  
13 Kennebunk Rivers Alliance almost a decade ago with three  
14 or four other local folks who were very concerned about  
15 the state of our local river. Not just the dams. In  
16 fact, the dams were a very small part of our concern.  
17 There were a number of issues with water quality,  
18 access, a whole bunch of stuff that we became aware of.  
19 I was aware of this because professionally I work for  
20 an international conservation organization. I travel  
21 across New England and Canada. I work on restoring  
22 native fish species and that involves dealing with dams,  
23 removing dams, building fishways at dams, working with  
24 hydropower companies, private dam owners, land owners  
25 all across the region to come up with cooperative

1 approaches for dealing with these things. And so,  
2 during my career, I've been through dozens of FERC  
3 processes, standard re-licensing processes, settlement  
4 agreements, and implementation of those; everything from  
5 the Penobscot Project to small little dams in the down  
6 east rivers.

7 So, given all of this and given that all of that work  
8 that I've done was actually through a cooperative  
9 nature, I barely can think of any of these processes  
10 that were actually contentious. They were mostly maybe  
11 started contentiously but often ended with mutual  
12 agreements to do something good for the river and for  
13 private business and industry. So, because of that, I  
14 think I've got some pretty good insights into what's  
15 facing our rivers.

16 Essentially, the position of the MKRA, the Mousam  
17 Kennebunk Rivers Alliance, which, by the way, is almost  
18 exclusively membered, volunteered by, and donated to by  
19 people who live in Kennebunk, not outside interests from  
20 away or anything else. We are Kennebunk residents,  
21 people who live on the river, don't live on the river,  
22 et cetera. We're very much like the Save the Dam group.

23 We see the opportunity before us as one -- as a once  
24 in a lifetime opportunity to fix something that was  
25 wrong with the river. We understand what we have, or at

1 least many of us do, and the Mousam River that we have  
2 today is not healthy, it's not pristine, it's a broken,  
3 fragmented river and I can go into some of those details  
4 later. I think that's important that everyone  
5 understands.

6 The ecosystem that's there now, the nature that is  
7 there now is far from what it should be and if we do  
8 restoration, whether it's removing one dam or multiple  
9 dams, or doing something more creative on the river,  
10 we're going to benefit fish, birds, wildlife, and  
11 people, and it's not just sea-run fish running up the  
12 river, it's virtually every single species that's  
13 currently living in the river now or next to the river  
14 now. Restoring a river ecosystem is not replacing the  
15 system that's there because the deer, the turkey, the  
16 otter, the beaver, the kingfisher, the eagles,  
17 everything that people talked about losing is actually  
18 going to benefit from dam removal.

19 And finally, removal -- restoration of the river is  
20 far and away the cheapest option on the table, and  
21 there's talk of lots of numbers that are out there,  
22 having been involved with hydropower projects where  
23 owners have said, let us remove the dam because we can't  
24 produce power. We're generating -- we have a  
25 one-and-a-half megawatt dam. If we need to do something

1 to come into modern standards like fishways, like  
2 improving flows, meeting water quality standards, we  
3 can't make a profit. That's one dam. We have three  
4 dams collectively that generate -- have the capacity of  
5 600 kilowatts that actually produce about 20 percent of  
6 that.

7 And so, essentially, you know, our dams today are  
8 obsolete, unprofitable today, they've been losing money  
9 for years, and the cost of keeping them, particularly as  
10 hydropower, is astronomical.

11 The first question is, do we keep them as hydropower  
12 dams; yes or no? The second question is, is there great  
13 value to the community at large of keeping some or all  
14 of the dams? What are the costs involved in doing that  
15 and the benefits versus the cost benefits of doing dam  
16 removal?

17 And I would like to say that in terms of energy  
18 development, we know right now that production of local  
19 solar power is going to be far cheaper than putting a  
20 dime into these dams. We have energy efficiency, energy  
21 conservation, and other issues -- or other aspects which  
22 can save or produce much more hydropower.

23 And so, as I have mentioned, today's Mousam River is  
24 -- is not healthy and I think for folks to understand  
25 when you dam a river, you produce a body of water that's

1 not a river and it's not a lake, and it doesn't have the  
2 same characteristics of either of those. In fact, it's  
3 this ecological limbo where it does not act like a lake.  
4 It doesn't have the same food web, the same species, or  
5 anything else, and so you really get this impaired  
6 system that can't act or function like either of those  
7 things. And so, everything from algae -- from algae  
8 communities and insects, to temperature, chemical  
9 aspects, physical processes like sediment movement, all  
10 these different things, which are the ecosystem beyond  
11 the birds and the fish, are impaired and don't work.  
12 And so, that's what we have now and those impoundments  
13 are less resilient, they're less dynamic, less  
14 productive, and less species rich.

15 I think folks also need to understand that right now  
16 we have some water quality issues in the Mousam River.  
17 Some of these are directly related to the dams, others  
18 are independent of the dams, but we have problems with  
19 bacteria, high temperatures and low dissolved oxygen.  
20 The temperature issues and the dissolved oxygen issues  
21 in the fresh water are actually directly related to the  
22 dams. Those are exasperated by impoundments and by  
23 dams.

24 Issues in the estuary are a little bit different  
25 where we have low dissolved oxygen and very high



1 bacteria. That's -- those are more of a legacy issue  
2 from pollutants and other things.

3 Another issue, which actually falls under water  
4 quality, is whether or not your impoundments support  
5 aquatic life and just recently EPA has listed the Mousam  
6 as an impaired river under the Clean Water Act for  
7 failing to maintain aquatic life. The reason,  
8 diadromous fish species cannot get to their habitat.  
9 This is important because to maintain hydropower, to get  
10 a FERC license, and to get a permit under the Clean  
11 Water Act, you must deal with this. So, whether or not  
12 there are nine fish in the river or 90,000, you need to  
13 provide fish passage for those fish to get the permits  
14 and licenses you would need to keep the dams as  
15 hydropower and I think that's crucial for folks to  
16 understand.

17 This brings us to -- to the red herring issue. This  
18 is the red herring. It's a non-native species to Maine.  
19 Unfortunately, it's an evasive species, which seems to  
20 creep into every public argument and every public  
21 debate. Our river herring in Maine are silver and  
22 purple. These are fish from -- from the fishway on the  
23 Androscoggin at the Brunswick dam. To see what alewives  
24 look like -- these are alewives by the way -- one of the  
25 species of river herring. This is what they look like

1 below the Kesslen Dam in the springtime and my eyesight  
2 is not great, but there's more than nine fish there.  
3 This was in the spring of 2013.

4 In the spring of 2016, the scientists at the Wells  
5 Reserve took this video below the Kesslen Dam, and I'll  
6 let that run as I speak. You cannot go out anytime  
7 between mid May to late June and spend time on the  
8 Mousam River and not see alewives, blue back herring,  
9 striped bass, American shad, brook trout, American eel,  
10 and other species. In fact, just this last year for the  
11 first time in over 150 years rainbow smelt were  
12 documented in the river, and we also know that sturgeon  
13 are using the lower river. Almost every species of  
14 sea-run fish is utilizing the river at some point in  
15 time and half of those fish need to get above that dam,  
16 because all of their historic spawning and rearing  
17 habitat is upriver of there.

18 The other big red herring is -- well, removing one  
19 dam or two dams on the lower river does not create a  
20 free flowing Mousam. We have seen tremendous success on  
21 the Kennebec River, the Penobscot River, down east  
22 rivers by selectively removing dams, maintaining others  
23 in place, and we have fundamentally turned around entire  
24 ecosystems and seen huge gains. We don't need to remove  
25 150 dams on the Penobscot River to make that free

1 flowing. We've removed two and bypassed one and gone  
2 from zero river herring six years ago to three million  
3 in recent years same on the Kennebec. And so, on the  
4 Mousam to deal with our dams, we're actually gaining 40  
5 percent of the main stem of the river. That's a huge  
6 chunk of river. That's over nine -- ten miles of river.  
7 Connected to the estuary it's thirteen free flowing  
8 miles, and so I think that's very important for folks to  
9 recognize.

10 And just -- just the last thing, if I have 40 more  
11 seconds or so, the river aesthetics is clearly important  
12 and there are a number of things that were brought up by  
13 the Save the Dam folks earlier about needing to study  
14 additional things, looking at sediments, looking at  
15 contaminants, and the regulatory and licensing,  
16 permitting process for dam removal is intense. All of  
17 those issues can get dealt with during that process.

18 But, I did want to show these photos of exiting  
19 images of free flowing sections of the river, and then  
20 last year -- or two years ago now, during the complete  
21 impoundment drawdown in November, I paddled the river,  
22 the entire stretch, zero impoundment, and these are just  
23 a few of the images that I took and there are places in  
24 the river that were too deep to wade in, places that  
25 were 12 or 14 inches deep. The river was gorgeous.

1 This is Oak Bluff. This is below Oak Bluff, a sandy  
2 bottom, beautiful, and this is a dominant substrate of  
3 the river. A different view of Oak Bluff, a lot of  
4 water.

5 And just two more slides: This is a still from the  
6 aerial drone footage. This is the ledge at Sayward  
7 Street, the top of the natural falls on the river. The  
8 little star that's in there shows where I took the next  
9 picture standing on those ledges. This is right above  
10 downtown Kennebunk. The water was three feet deep in  
11 places, paddled the entire stretch of river,  
12 three-and-a-half miles, didn't have to get out of my  
13 kayak once during those flows.

14 And with that, I'll be done. Thank you.

15 (Applause.)

16 MR. COTE: Thank you, John. Okay. Thank you for  
17 those great presentations. Joanna and I do not have as  
18 many pictures. We certainly don't have overhead drones,  
19 but what we tried to do for our facilitator comments was  
20 that the main goal for this meeting it's televised,  
21 obviously you know that, and we're talking primarily to  
22 you, but our audience in many ways is our -- our  
23 clients, who are the two boards, and the goal here is to  
24 get the two boards together to get them on the same page  
25 regarding the options for the dam. We're not

1 necessarily trying to steer you in one direction or  
2 another, but to get you one the same page for what  
3 options are out there in the universe. KLPD has been  
4 working on this for many years. The Town has been  
5 involved, and certainly I know all of you have heard  
6 about it quite a bit, but now the question becomes  
7 whether there are workable alternatives for the two  
8 boards so that you can look to and try to establish a  
9 consensus to move forward.

10 So, what we have -- this is -- okay. We're going to  
11 go through the discussion of the various options that  
12 are out there and while we do this, we're going to try  
13 and update you on where things are with the process,  
14 understanding, as I started out by saying, KLPD has been  
15 working on this for awhile, so we're going to go through  
16 various options with the goal in mind to help folks  
17 understand generally first a quick background of each of  
18 the dams, just a real quick one slide per dam telling  
19 you about what they are, some fast facts on each. We're  
20 going to go through the alternatives as they were  
21 brought out in the Wright-Pierce study, the GZA peer  
22 review, where they essentially looked at what  
23 Wright-Pierce did and said, okay, we agree or disagree,  
24 and then sort of responded to that.

25 Also, the other big document that we got information

1 from was Harvey Consulting and what they essentially did  
2 was they went through the history of the Mousam. They  
3 went through the history of dams. So, they did, sort  
4 of, a history lesson for everybody and Wright-Pierce and  
5 GZA did a what are you going to do, what are your  
6 options study.

7 So, what Joanna and I did was we essentially tried to  
8 break down -- those down into some slides, which wasn't  
9 easy. We've got about 30 slides. Some we're going to  
10 go through quick. Some we won't. But keep in mind, we  
11 are trying to synthesize Wright-Pierce was, what, 270  
12 page document. GZA was also a long one. You get my  
13 drift.

14 So, we're going to try to really give you the tight,  
15 short, and skinny really addressing what does each  
16 alternative mean, what does it mean when you're going to  
17 try to say you're seeking a new license? What are the  
18 two to three facts that I need to know? What's the  
19 general proces for each, and what's the estimated  
20 timeline and the cost for each? Going through, again  
21 according to the studies.

22 So, the purpose of that, again, is to try to get  
23 everybody onboard. I would strongly encourage all of  
24 you to read those studies yourself. I think there can  
25 certainly be questions that can be gleaned out of these,

1 facilitated out of these. That's not the purpose of  
2 this. This is a process that we're trying to start to  
3 educate the boards. We won't be referring to Page 233  
4 during this. We're going to go through and try to get  
5 you the -- the big version.

6 So, KLPD owns three dams; Kesslen, Twine Mill, Dane  
7 Perkins. Kesslen, it's the one closest to us. It's  
8 right down the street. It's the most downstream of the  
9 dams. It's been around since the 1800s when they had  
10 the Kesslen Shoe Factory here. It -- the impoundment  
11 from the dam makes up around 20 - 25 acres. It's 150  
12 kilowatt nameplate capacity, but it's currently  
13 operating below that. We'll go through this more, but  
14 all three of the dams are basically operating at 20  
15 percent of their capacity to generate electricity at  
16 this time.

17 Twine Mill, it's the one just upstream, two linear,  
18 as the crow flies, miles. The impoundment there is  
19 about 12 acres. It was essentially constructed in 1960  
20 and then -- then again went through some reconstruction  
21 in 1980 and 1981. It sustained some damage during some  
22 of the floods we had in 2006 and 2007 and subsequently  
23 has been repaired.

24 Dane Perkins, that's the one just up from Twine Mill,  
25 about point 5 linear miles upstream. That was largely

1 built in 1977 and, again, really upgraded in 1980, '81.  
2 The equipment has been operational for over 75 years,  
3 but it -- it's essentially inefficient. The impoundment  
4 area on that one, again, about 25 acres.

5 So, why are we are? Why the big issue, right? Well,  
6 FERC issues you a license to operate these dams. FERC  
7 is the Federal Energy Regulatory Commission, the federal  
8 government. They have jurisdiction over dams on  
9 navigable waterways for -- for hydroelectric facilities  
10 that were built after 1935. So, they issued a license  
11 in 1982 and it's up again in 2022. However, when your  
12 license is up, five years before your license is up,  
13 because it tends to be a long process, they want to know  
14 what your intention is. So, in March of this year, KLPD  
15 -- March 21st, KLPD has to let FERC know what are you  
16 going to do, what they intend to do. In June of 2016,  
17 KLPD voted to surrender the licenses and cease  
18 generation on all three facilities essentially due to  
19 the cost of power relative to other choices, and we're  
20 going to go through that.

21 So, who has an interest in this? Obviously,  
22 everybody that's here, citizens of Kennebunk,  
23 landowners, several government agencies, the boards,  
24 state government, federal government, Inland Fisheries  
25 and Wildlife, Maine DEP, FERC. Lots of players, right?



1 Lot's of players involved. So, this is a public process  
2 when you're dealing with FERC, which kind of explains  
3 why they're asking for your intentions five years in  
4 advance. This is a process that once they file, all  
5 sorts of groups can get involved and provide their  
6 comments on what they think ought to happen.

7 So, this slide we wanted to put up front. It's sort  
8 of -- I told you I have a military background. We  
9 always say what's the bluff, what's the bottom line  
10 upfront, okay? So, I told you, KLPD voted to cease  
11 generation last year, and I don't know that there was  
12 one slide that did it, but I think essentially when you  
13 facilitate down to cost, they essentially -- and they  
14 can speak and answer some comments, but I think it  
15 essentially came down to cost.

16 So, when you look at the two studies, when you look  
17 at Wright-Pierce and when you look at JZH (ph) what  
18 their estimates to do the different options were, and  
19 they essentially, for three of the options, the costs  
20 equals purchasing power it would equal a cost of  
21 production power of about nineteen cents a kilowatt  
22 hour, when they can purchase it on the open market for  
23 almost a third of that. Even if they got solar power,  
24 it's about ten cents on there. So, that was essentially  
25 what they based this on.

1       Okay. So, now, I'm going to backtrack a bit and go  
2 through those alternatives, and I will say that it's  
3 important, when we go through these alternatives, I'm  
4 going to lay it down. Now, I recognize that most of the  
5 people here today, and the speakers that were here  
6 earlier, you were essentially addressing do we keep the  
7 dams or do we not keep the dams? That is not  
8 necessarily the same question as do you continue  
9 generating hydroelectric power. It's important that you  
10 understand that and we're going to get into that,  
11 because I know the tendency is, is he saying something  
12 that's, you know, leaning towards we're going to get rid  
13 of the dams, we're not going to get rid of them? I'm  
14 not saying that when we're talking about the price of  
15 electricity that's being generated on the dams.

16       So, with that having been said, I'm going to go  
17 through the first couple of alternatives. Joanna is  
18 going to go through the others and essentially walk you  
19 through that process. Like I said, what does it mean?  
20 What does the process look like? What are the estimated  
21 costs? And the first one I'm going to do is whether  
22 they seek a new license. The second is whether they can  
23 seek an exemption for that license; I'll tell you what  
24 that means. Joanna is going to go in to see if one of  
25 the arguments could be that FERC doesn't have

1 jurisdiction at least with respect to the Kesslen Dam,  
2 which was the first one we mentioned. And then, there  
3 are some alternatives that Joanna is going to talk about  
4 that -- sort of variations of some of those things, of  
5 seeking generation, not seeking generation, surrendering  
6 the license, doing things like that, and then we're  
7 going to get in and answer some of those questions.

8 So, with respect to Alternative 1 -- Alternative 1,  
9 seeking a new license to continue operations.  
10 Essentially, March 21st, they would send the filing to  
11 FERC. They would say, we're going to try to re-license  
12 this. That opens up a file. It opens up a docket for  
13 public comment, for comment from interested parties so  
14 that they can come in, all these different groups, you  
15 could file your comments, say what you want to -- you  
16 think ought to happen, and it becomes a very fact  
17 intensive process, including historians coming in to  
18 testify over things, environmental folks. It's a full  
19 blown process. If approved, however, the new licenses,  
20 you would essentially have them for another 40 years.  
21 They say under statute 30 to 50 years, but generally  
22 it's a 40-year license.

23 The term would be based on capital costs associated  
24 with compliance of the new license. Now, it's pretty  
25 clear from the studies that one of the big issues would

1 be fish passage and the costs associated with fish  
2 passage through the study it was determined, you know,  
3 given past precedent, given the fact that this has  
4 become a big issue, and given the fact that what FERC  
5 has tended to rule in other cases, they have generally  
6 set things up so, you know, if you're going to keep  
7 operating it, you set up for fish passage. So, that  
8 would result in continued and more costly operating  
9 costs to do that, to upgrade the dams to make that  
10 happen.

11 The process for this would actually, probably, go on  
12 beyond 2022, because of a lot of the involvement to  
13 upgrade the dams, to set up the fish passage if that  
14 was, in fact, was made a requirement, and any decisions  
15 made by FERC or the Maine DEP on this alternative could  
16 be appealed. So, the appeal process, et cetera, could  
17 drag this on.

18 What are the costs? Based upon the likelihood,  
19 again, when Wright-Pierce put out and then separately  
20 backed up from JZH (ph), was that it would be very  
21 expensive. They estimated that this option would be  
22 between 8.8 and 11.7 million in 2016 dollars. Which  
23 establish a net present worth for these assets of  
24 negative 3.5 to 6.3 million dollars. So, it's -- it's  
25 very similar. Both of these firms came back with

1 similar numbers. Out of all these options that we have,  
2 this one is the most expensive.

3 So, Alternative 2, seeking an exemption, what does  
4 that mean? Well, basically, if you meet certain  
5 requirements by FERC, you could be exempted from the  
6 license requirements, which basically means that the  
7 real big benefit of getting an exemption is, you don't  
8 have to come back in 40 years. If you get a license,  
9 you own it. But, there's always a but, it's subject to  
10 terms and conditions of that license, which essentially,  
11 based upon, again, past practice, would most likely have  
12 a lot of the same conditions with upgrades to the mill  
13 requirements, fish passage. Doing a lot of those things  
14 would essentially -- the most likely scenario is they  
15 would have a similar ruling.

16 So, essentially, the bottom line upfront on  
17 Alternative 1 and Alternative 2, they're not really that  
18 different. The two requirements that you've got to meet  
19 to hit the exemption is you've got to increase your  
20 capacity, it's one of the things you've got to say that  
21 you're doing, and then also demonstrate that you hold  
22 land rights. They will be needed to operate and  
23 maintain the facilities, and the rights could take the  
24 form of ownership in fee or in easements. So they would  
25 -- KLPD would essentially have to make sure that they

1 had land rights for everything and that they were  
2 upgrading it.

3 Now, they could address those. They could. They  
4 could add -- it was around \$400,000 I think to add the  
5 upgrade for meeting that requirement, getting the land  
6 rights, chasing those down. They could most likely do  
7 that based upon the studies and the reports that I've  
8 read. The real issue is -- it kind of leads you to the  
9 same spot, going through that hoop or the other hoop,  
10 and they could always deny the exemption if the power  
11 production benefits did not outweigh the costs and  
12 environmental impacts.

13 So, the cost of that one is pretty similar. Again,  
14 according to both studies, you're looking at 9.2 million  
15 dollars, according to Wright-Pierce. That would put the  
16 assets currently worth negative 3.3 million in today's  
17 dollars. GZA peer reviewed these at a very similar  
18 negative 4 million dollars of current assets. This  
19 alternative also includes FERC and DEP decisions that  
20 could be appealed administratively then in court, but  
21 they would be final at the federal level with no future  
22 proceedings. It has a timeline that is similar. It  
23 would be a long process. So, the bottom line on this  
24 alternative, again, the most likely scenario is,  
25 expensive, long process.

1 Joanna has better news. I'm sort of the guy that has  
2 to deliver the worst option news, but Joanna will  
3 brighten things up a little bit.

4 MS. TOURANGEAU: Adam was kind enough to take the  
5 dogs and I get the ponies. So, to put a really fine  
6 point on where we are right now: Yes, hydropower is  
7 renewable. Yes, it's great for the environment. This  
8 particular hydropower at these particular hydro assets,  
9 is highly inefficient and incredibly expensive even  
10 compared to local solar, which knocks in at about half  
11 the price. The two options that we have talked  
12 about so far, Option 1, re-licensing, has a very high  
13 price tag, a very long timeframe, and would essentially  
14 require that KLPD continue generating and selling to  
15 ratepayers really expensive, inefficient renewable  
16 energy, and I question whether that would be appropriate  
17 under our PUC. Likewise, Alternative 2, legal counsel  
18 for KLPD has concluded that the likelihood of that  
19 option prevailing is very low.

20 So, what's the good news? There are an assortment of  
21 other options starting with option -- Alternative 3 --  
22 oops -- which was in the Wright-Pierce report, which I  
23 believe that the KLPD has also already looked at and  
24 concluded is not entirely feasible. However, it's  
25 important to remember with this option that this option

1 would consist -- has a price tag that is similar to the  
2 -- to Alternative 4 option that we'll be getting into,  
3 i.e. a negative value of roughly 2.2 million, which is  
4 significantly better than the other options that we've  
5 been talking about so far. It's a -- and really, the  
6 question here is how many negative million dollars are  
7 we talking about? Are we talking a negative 11 million  
8 dollars or are we talking about the best case scenario  
9 of negative one or two million dollars? That's what  
10 we're talking about with these dams regardless of what  
11 option we're talking about.

12 Alternative 3 is the seeking of non-jurisdiction for  
13 the Kesslen Dam, which means looking for a finding that  
14 the Mousam River at the -- at the location of Kesslen is  
15 not and was not navigable, and that the Kesslen Dam was  
16 built before the jurisdictional threshold of, I think  
17 it's 1935, for FERC. It -- legal counsel for KLPD, not  
18 us, has indicated that this has a reasonable likelihood  
19 of success, in terms of an argument before FERC, based  
20 on the history. However, this option would also  
21 include, and it is not a freestanding option, in that it  
22 would include other alternatives for the other two dams,  
23 so it is unlikely that the other two dams would be  
24 considered non-jurisdictional, due to the construction  
25 that has occurred on them since that threshold date of



1 1935. So, then, it leaves open the question and what  
2 the Wright-Pierce version of Alternative 3 looked at was  
3 straight up removal of those two dams and installation  
4 of fish passage at Kesslen and that came in at the  
5 negative 2.2 million, and those figures were included in  
6 those costs.

7 And I know that I'm going a little bit out of order  
8 and not reading my slides correctly. I should also say,  
9 that I did not bring in hardcopies of this presentation  
10 for everyone to have one tonight, but they will - this  
11 presentation will be available on both board's websites,  
12 so you can feel free to print your own copy and review  
13 it at your leisure.

14 What is the process for Alternative 3? You could --  
15 KLPD, as the FERC licensee, would submit an application  
16 for a declaratory order. That process is relatively a  
17 short timeframe, in the four to six month range, so it's  
18 something that could be done concurrently with other  
19 options, as well, in order to get a sense for whether  
20 FERC was going to issue that declaratory order or not.  
21 So, in many respects Alternative 3, while it was  
22 presented in the Wright-Pierce report as a free standing  
23 option, it is not truly a freestanding option, because  
24 no one has stated that non-jurisdiction is an option for  
25 all three dams.

1 And then, we get into the really fun part, which is  
2 the different options under Alternative 4(a). The first  
3 4 option that I present is the Option 4 that was  
4 presented in the Wright-Pierce report, which is what the  
5 Board voted to do in June, which is to file a Notice of  
6 Intent to surrender the -- all four dams -- the license  
7 for all three dams and to remove those dams. That  
8 notice has not -- I'm sorry?

9 PRESIDENT KILBOURN: We didn't vote to remove --

10 MS. TOURANGEAU: You didn't? You just voted to  
11 surrender.

12 PRESIDENT KILBOURN: Right.

13 MS. TOURANGEAU: The option for the alternative that  
14 was presented in the Wright-Pierce report includes  
15 surrendering the license and removal of all three dams.  
16 That price point, again, came in at 2.2 to 2.3 million  
17 dollars negative, in terms of valuation of the dams in  
18 2016 dollars after you include the removal.

19 The GZA, when they reviewed those numbers, they  
20 recommended that you do a high range and a low range.  
21 Their low range was in that 2.2 range and their high  
22 range was -- I think it was 3.3 million dollars. What  
23 that process would look like is very similar. The  
24 process for applying to surrender the FERC license and  
25 then to remove the dams would be very similar to

1 re-licensing proceeding, in terms of the documents that  
2 you would file with FERC, the process. The Army Corps  
3 of Engineers would be involved for dam removal and the  
4 Maine Department of Environmental Protection would also  
5 be involved. There would be a consultative process  
6 about different options, including a no action option,  
7 an environmental assessment at the federal and the state  
8 level to figure out what was the best course of action  
9 to address surrender and removal of those dams.

10 What we have also looked at are some other options,  
11 understanding that surrender of the license and -- means  
12 termination of hydroelectric generation at the dams. It  
13 does not necessarily mean removal of the dams.  
14 Although, that is what -- the only option that was  
15 considered in Option 4 by Wright-Pierce. There are  
16 other options. You could, for example, seek to get  
17 non-jurisdiction for Kesslen under the Alternative 3,  
18 and then propose a consensus agreement that was arrived  
19 at either within that FERC process or separately as a  
20 town process in order to change ownership, for example,  
21 of the dam, if any of the dams were going to remain in  
22 place, to the town, and that would also change the  
23 impacts of those licensing processes at the state and  
24 local level if the town is involved. And if there is a  
25 consensus proposal going forward, for how to handle

1 those dams, there can be different end results for each  
2 of the three dams that is, then, incorporated into a  
3 FERC order.

4 That is, primarily, what the FERC process itself  
5 does. It is -- it would essentially be us coming up  
6 with a settlement agreement as a community in advance of  
7 going to FERC for a final order and the options there  
8 are truly quite unlimited except for that the numbers,  
9 in terms of the cost of hydroelectric generation, are  
10 what they are.

11 I think that it is also very, very important, and I  
12 keep emphasizing it, to remember that just because we  
13 cease hydroelectric generation, does not mean that there  
14 will be an application to remove the dams, that those  
15 two things can be separate, and that it is also true  
16 that if Kessler is not a jurisdictional dam, for FERC,  
17 generation can continue there under that Alternative 3,  
18 even outside of FERC jurisdiction. That's kind of the  
19 predicate question.

20 So, there are kind of an infinite array of  
21 Alternative 4, applying to surrender the license,  
22 options that can come up. There is some additional  
23 flexibility associated with an Alternative 3 type  
24 approach, in terms of, seeing non-jurisdiction for  
25 Kessler first, in that it would be good to know upfront

1 whether that is subject to FERC jurisdiction or not,  
2 because the flexibility at the state and local level,  
3 bringing that piece back to the state and local level,  
4 gives you the ability to do different things with  
5 Kessler than FERC might require in their federal  
6 process.

7 Did I hit all of these points as I zip through here?  
8 The costs for the different options under Alternative 4  
9 that I'm talking about are, in many ways, unknown. They  
10 were not things that Wright-Pierce was asked to look at  
11 and from our perspective these are, in many ways, new  
12 alternatives that haven't been talked about in an  
13 extensive amount of detail previously and, I think, one  
14 of the things that we were looking for direction from  
15 the two boards on is whether it makes sense to invest  
16 some time from both boards to move forward and  
17 investigate those kinds of options and get the kind of  
18 detail that we have on the options that we know now are  
19 not particularly viable, get that same level of detail  
20 for these options that might have some additional  
21 flexibility and some additional viability.

22 So, that is where I wanted to turn to; opening it up  
23 to board questions. We are going to see if we can  
24 exhaust questions from both of the boards and then,  
25 looking at our timeline thereafter, we may open it up to

1 questions from the public, but if we're getting really  
2 late, we may not, as well.

3 MR. COTE: Dick, actually, wanted to say a word. Go  
4 ahead.

5 CHAIRMAN MORIN: I want to thank, once again,  
6 Governor LePage for joining us this evening and I've  
7 asked if he would take a few minutes to offer some  
8 comments from the State's perspective with regard to our  
9 situation here.

10 GOVERNOR LePAGE: Good evening. First of all, I  
11 would like to say that you're not alone in this problem.  
12 Last year I testified at Congress relative to hydro  
13 facilities. Today, I sent a letter to the President,  
14 and the Vice-President, and many people in Congress,  
15 committees of jurisdiction and others, relative to the  
16 overreach of FERC, major overreach, and the fact that  
17 they have -- they have one size fits all.

18 The problem that we have here in Maine is that the  
19 dams are our history, they are our state. I have, just  
20 in recent years, watched the Edwards Dam go down and the  
21 damage that was done to the Kennebec River, and I heard  
22 tonight oh, it's great. We've really helped it out.  
23 Well, there's times of the year that you can't get a  
24 kayak from Waterville to Augusta.

25 Then, Fort Halifax in Winslow. We have many people

1 in Maine that built homes along -- along the dam and the  
2 dam was taken out and now they have lost tremendous  
3 value.

4 We're dealing with an issue right now in Washington  
5 County that could literally destroy a whole industry.  
6 So, I just say, let's be cautious here. Let's explore  
7 whether or not the federal government is doing the right  
8 thing.

9 Hydroelectricity, its power is clean, it's renewable,  
10 it's important to Maine, not only as a rule of state but  
11 the history of the State of Maine. I believe some of  
12 these dams have more historical value than a lot of  
13 things that we put under historical value in our -- in  
14 our state.

15 Are they protecting the environment is ultimately  
16 important. I happen to believe that we should do no  
17 harm. We should -- our energy portfolio should do no  
18 harm and we should lower the cost. Maine has the  
19 twelfth highest cost of energy in the country. Maine  
20 legislature has made some terrible, terrible mistakes  
21 because they pick winners and losers. Frankly, the  
22 legislature should be agnostic to technology. They  
23 should only say lower the cost without harm to the  
24 environment.

25 Those are the two critical issues that public policy

1 should involve. It should not involve what the  
2 technology is. If you did that, frankly, there's only  
3 two technologies that would show up; hydroelectricity  
4 and nuclear. It's just a fact of life. If you're  
5 agnostic to technology, you go to the safest and the  
6 least damaging.

7 We -- we had a study prepared at the state level by  
8 my administration, by Kleinschmidt, back in February of  
9 2015. It shows that Maine could add between 56 and 193  
10 megawatts of generation on existing -- on this current  
11 existing infrastructure. Now, think about that. The  
12 technology is here that we could take the backbone of  
13 our hydro dams, go in and bring new generation, and,  
14 yes, there's some fish passages, and I've -- I've  
15 listened to people talk about million to multi million,  
16 to common sense approaches which costs little money.

17 So, I am not so ready to say that all the  
18 alternatives have been -- have been explored. I don't  
19 -- we've -- the State has offered to work with the  
20 community, with the generation folks, to see if there  
21 are alternatives. I know that I am going to Washington  
22 this week and I'm going again next month, and it's very,  
23 very important, because one of the things that this  
24 administration is doing, is trying to find ways to  
25 reduce the amount of regulatory overreach by federal



1 agencies. The EPA is one of them. FERC is another one.

2 I was told last year the people from the welfare --  
3 DHHS came in and said, you cannot put pictures on EBT  
4 cards. We -- the federal government will not allow you  
5 to do it, and I said, fine. I got up and I went into my  
6 office. I left the meeting. They said, where are you  
7 going? Let's discuss this. No. I understand no.  
8 Believe me, I learned it a long time ago. I know what  
9 no means. They're saying you can't do what you want to  
10 do. And I said, so, as I would left, I just simply  
11 said, I have 500 people that work in welfare. Every  
12 time we have a drug bust, we pick up EBT cards. Where  
13 do you want me to send all the paperwork so you can take  
14 it over?

15 Now, since October of 2015, there has not been one  
16 EBT card in a drug bust with a picture on it.

17 UNIDENTIFIED FEMALE SPEAKER: What does this have to  
18 do with --

19 UNIDENTIFIED MALE SPEAKER: We're here talking about  
20 the dams.

21 GOVERNOR LePAGE: Now -- - now, let me try to follow  
22 through, so I can explain to you what we're trying to  
23 do. The federal government agencies will overreach and  
24 I'm simply saying that you have the opportunity to sit  
25 down and discuss alternatives.

1 Now, we could take out all of our hydro dams out of  
2 the state and I don't totally agree, because I have to  
3 deal with above market contracts for solar, above market  
4 contracts for wind. We do have contracts for heat  
5 pumps, which are working very, very good. So, I'm just  
6 saying that there are alternatives that -- that have not  
7 been put up here that can be discussed.

8 I think you can have a partnership with the State.  
9 You can have partnerships with the private sector.  
10 There's a lot of alternatives that have not been  
11 explored. I'm just suggesting, don't be so quick to  
12 give it up, because we've given it up and I've seen so  
13 much damage over the years.

14 If you take a look -- if you go back to the 1970s and  
15 1980s, and you look at some of the mistakes we made --  
16 let's take a look at Quebec. The Province of Quebec  
17 decided, back in the '70s, when we were talking about  
18 Dickey-Lincoln and the Big A, we walked away from  
19 hydroelectricity. They didn't. Today, they have 41,000  
20 megawatts of electricity to sell, and I think this  
21 gentleman here earlier said, you could be buying it at a  
22 less -- at a very affordable price. That is absolutely  
23 true.

24 So, hydroelectricity is renewable. It's clean. It's  
25 baseline. And when I say baseline, it's very, very

1 important, it's 24/7. Solar isn't. Wind isn't. Now,  
2 I'm not suggesting they're not good. I'm suggesting  
3 that if you have solar and wind, you've got to have  
4 another alternative. That's all I'm suggesting, which,  
5 when you put that calculation into the mix, it's a very  
6 expensive alternative.

7 Now, are they perfect? No. They have some  
8 environmental issues, as well. Every -- they all have a  
9 variety of different issues. I am suggesting simply  
10 that we work through the federal government, work  
11 through the process. There may be some overreach here,  
12 and I do agree with your alternative, there's one  
13 alternative that you can work with FERC to reduce -- and  
14 you may -- may not generate electricity -- and I'm not  
15 suggesting that's the answer. I'm just suggesting that  
16 you may be able to keep your dams, because your dams do  
17 have economic value to the community. They certainly  
18 have a lot of historical value to the communities.

19 And people can say yay or nay and that's not the  
20 issue. The issue is, just don't -- don't run and jump  
21 at an alternative that in the future you'll be sad that  
22 you did, because it hurt -- like we did -- if we had  
23 paid attention back in the '70s, we would be totally  
24 independent, energy independent. We wouldn't need to be  
25 chasing natural gas. We wouldn't need to be fighting to

1 take 80 percent of the homes in Maine off oil and in the  
2 last six years we've only gotten down to 60 percent and  
3 we're still polluting the air.

4 So, I'm just suggesting that you have a decision to  
5 make certainly, but there's also people at Maine DEP,  
6 there's people in the Energy Office that are here  
7 tonight also collecting -- listening and seeing if there  
8 are alternatives, but hydroelectricity in a state like  
9 Maine is very, very valuable and it's got a great  
10 historical perspective.

11 Right now, there's -- there's a situation with FERC  
12 that's going to take an impoundment, it's not even  
13 hydroelectricity, it's FERC saying that they have  
14 control over impoundment, which clearly they don't and  
15 they -- well before 1935, and they're pushing their  
16 overreach and we are -- we are facing -- we could face  
17 losing an entire industry because of it. So, I'm just  
18 suggesting we take caution.

19 Thank you, very much.

20 (Applause.)

21 MS. TOURANGEAU: Governor, thank you for your support  
22 for looking at alternatives. I think that that's very  
23 helpful to this discussion and certainly the State's  
24 assistance in moving us forward with the Department and  
25 the other state level agencies that will be involved in

1 this process, as part of their mandate, would be very  
2 helpful, as well, and we very much appreciate any  
3 support that you can provide to moving this forward,  
4 this consensus process forward, looking at all of those  
5 alternatives. Thank you.

6 Do the -- do the Boards have questions? Yes, sir.

7 UNIDENTIFIED MALE SPEAKER: (INAUDIBLE)

8 MS. TOURANGEAU: Yes.

9 SELECTMAN KARYTKO: Okay. My first question is,  
10 who's going to be answering the questions?

11 MS. TOURANGEAU: It depends on who you ask.

12 SELECTMAN KARYTKO: Okay. Yeah, let me just -- just  
13 jump right ahead. Let's just say hypothetically, okay.  
14 Hypothetically -- well, let me back up just a half a  
15 step. I think it's quite apparent that Kennebunk Light  
16 & Power doesn't want the dams. They've already said  
17 that we're not going to be generating electricity.  
18 There is no need for you to have them if you're not  
19 going to generate electricity.

20 So, let's take the next step. Let's just say that  
21 the Town of Kennebunk, the Selectmen, decide that  
22 they're going to keep the dams, and let's say  
23 hypothetically that there's a company out there that  
24 wants to operate the dams, and they can produce  
25 electricity for at least what you're paying now for

1 electricity or less. Would you buy electricity from the  
2 company that's producing it from the dams? That's a  
3 question to Kennebunk Light & Power.

4 GENERAL MANAGER SHEA: I would answer that question,  
5 Selectmen Karytko --

6 MS. TOURANGEAU: Grab a mic.

7 SELECTMAN KARYTKO: Yup.

8 MS. TOURANGEAU: Todd, can you grab a mic?

9 GENERAL MANAGER SHEA: Several years ago Kennebunk  
10 Light & Power put out an RFP for the sale or transfer of  
11 our assets, and our hydroelectric facilities, and our  
12 license to generate energy. KLPD sent that RFP to, I  
13 believe, a dozen or so -- this is prior to my time --  
14 but a dozen or so firms who were solicited in asking if  
15 they were interested in our hydropower assets. There  
16 were four respondents that were requested additional  
17 information. Of those four respondents, none went to  
18 the next level.

19 Currently, KLPD's license is up for -- for transfer.  
20 We've had conversation with local interests, we've --  
21 I've had conversations with national firms who were not  
22 interested in going any further. As part of that  
23 process, something that had to be very clear, and the  
24 Board made this very clear, is that there couldn't be an  
25 excessive premium to the energy purchase to make a

1 project work. KLPD can't afford to pay 30 cents a  
2 kilowatt hour for energy to make the hydro facilities  
3 run.

4 So, as of right now, Selectmen Karytko, that license  
5 is up for offer, and anybody could enter into that  
6 conversation with us and, yet, today, that has not  
7 happened.

8 SELECTMAN KARYTKO: Right. But that doesn't answer  
9 my question. My question is, if somebody, let's say,  
10 took the license over --

11 GENERAL MANAGER SHEA: Um-hmm.

12 SELECTMAN KARYTKO: You transferred it, and were able  
13 to sell you power for, at the very max, what you're  
14 paying now, would you buy the power from them?

15 GENERAL MANAGER SHEA: I -- I most certainly believe  
16 that the Board would entertain that option. I think  
17 they'd be crazy not to. We would have to see how it  
18 could happen.

19 SELECTMAN KARYTKO: Thank you.

20 MS. TOURANGEAU: I think we should also remind here,  
21 too, that there can be a separation between the FERC  
22 licensee for the generation of hydroelectric power and  
23 the underlying property ownership of the dam itself.  
24 So, those two things do not have to be tied together.

25 SELECTMAN KARYTKO: Yes. In other words, the Town

1 could own the dam --

2 MS. TOURANGEAU: Correct.

3 SELECTMAN KARYTKO: -- and the Town, if a -- if a  
4 separate entity came in and said, yes, we want to run  
5 these dams and we want to produce power from them, you  
6 know, we think we could make a profit from them, and we  
7 think we can do it and be able to sell it back to  
8 Kennebunk Power at what they're paying now or less, just  
9 all hypothetical now --

10 MS. TOURANGEAU: And that would be -- that would have  
11 to go to the PUC, too, but, yes. There's any host of  
12 alternatives that could be looked at, yes.

13 SELECTMAN KARYTKO: Thank you.

14 GENERAL MANAGER SHEA: Joanna, could you just  
15 clarify, please, that the conversations that we've had  
16 of transferring the non-generation assets, could you  
17 touch briefly on what that would do to the process?  
18 Because the conversations leading up to this and all the  
19 research you folks did were in regard to transfer of  
20 non-generating assets to a separate entity. To transfer  
21 generating assets, adds several additional layers of  
22 responsibility to those potential transferred owners.

23 MS. TOURANGEAU: Yes. And, you know, those are all  
24 kind of under that Category 4 of different options that  
25 haven't been looked at in a high level of detail that



1 the options that were discussed in the Wright-Pierce  
2 report and that were then peer reviewed by GZA. So, the  
3 things that I'm saying now are really kind of open  
4 questions that we have flagged as we've started looking  
5 at other options.

6 So, by no means should you consider what I'm about to  
7 say now on par with what we've discussed for the options  
8 from Wright-Pierce and GZA. But, you know, there are --  
9 it is possible to separate out the generation assets and  
10 the dams themselves, the physical structures, and have  
11 different entities taking on different rights with  
12 regard to both of those pieces and different licensing  
13 obligations.

14 And, in particular, if a municipality takes on one of  
15 those roles, it's kind of the responsibilities under  
16 state law with the Department of Environmental  
17 Protection, and its responsibilities at the FERC level  
18 can be different than an individual, private entity,  
19 that is regulated by FERC and the PUC. So, there is  
20 more flexibility for a municipality, in terms of  
21 enacting local ordinances, that may or may not displace  
22 state level regulation, and so, bringing it back to the  
23 municipality changes the underlying discussion in that  
24 it really has a much higher level of local control.

25 Yes, sir.

1           SELECTMAN SCHULTE:  So, you had asked earlier that  
2 one of the things you were looking for from tonight was  
3 for direction on where -- what additional questions need  
4 to be asked and where we would go from here.  One of the  
5 things I would like to see -- one of the questions, the  
6 referendum questions addressed, would you like the Town  
7 of Kennebunk to retain the dams and -- regardless of  
8 what the power generation is, is employed.  And so, I  
9 would be really interested to see what is the projected  
10 cost, right, of -- of -- if power generation doesn't  
11 occur, if the non -- non-generating assets are  
12 transferred to the Town in some fashion, what, then,  
13 becomes -- is the Town's outlay that we would be  
14 required to -- what is the cost of keeping Kesslen and  
15 the other two dams?  What -- what would it look like in  
16 terms of, you know, fish -- fish passage, if that's  
17 required?  What are the costs -- all the costs  
18 associated with -- with just having dams that are not  
19 generating power --

20           MS. TOURANGEAU:  Um-hmm.

21           SELECTMAN SCHULTE:  -- and then, to Todd's point, if  
22 there is a generating asset that's transferred, if one  
23 of those dams or more are still generating power, I  
24 would like to see those numbers and what the range of  
25 possibilities is there.

1 MS. TOURANGEAU: A lot of those numbers exist  
2 already. Some of the variables that we don't have  
3 numbers for are, you know, what happens if the Town  
4 takes ownership of the dams, conducts a -- comes up with  
5 some kind of a consensus agreement that -- and I'm just  
6 throwing this out there -- that Kessler stays in place,  
7 whether it's non-jurisdictional or not, and the other  
8 two dams come out, fish passage is or isn't installed at  
9 Kessler, and these are all very open questions, and  
10 then, what does that deal structure look like with  
11 hydroelectric generation continuing at Kessler and  
12 terminating at the other two? You know, what are O&M  
13 costs? Who of the parties are willing to bear those? I  
14 mean, there are a huge number of variables, but I think  
15 -- sorry. It sounded like I just lost the microphone.  
16 I think that the Wright -- Wright-Pierce study contains  
17 most of those numbers. They just haven't been applied  
18 to the additional options that we want to talk about and  
19 the legal kind of background -- doing the legal  
20 background of these other new alternatives in the kind  
21 of two-week timeframe that we had to get up to speed on  
22 this --

23 SELECTMAN SCHULTE: Sure.

24 MS. TOURANGEAU: -- was in an impossible task and,  
25 frankly, is not our role. It's really the role of the

1 two independent boards and their attorneys.

2 SELECTMAN SCHULTE: Well, right, and I appreciate  
3 that. I appreciate the amount of work that you have  
4 done in the short amount of time, but I do -- I mean, I  
5 do think that's for -- for this board anyway, is -- is a  
6 pretty significant question for us to be looking at,  
7 because right now our -- I mean, our costs are  
8 associated with -- with retaining your services and as  
9 of right now the only cost in our outlay that are, that  
10 we're looking at from the Town's perspective, and if we  
11 start talking about taking on these assets, then  
12 suddenly we're talking about spending, you know, that's  
13 a voluntary -- that's a voluntary option, that we would  
14 suddenly be outlaying potentially a very large amount of  
15 money and we need to what that large amount or small  
16 amount, whatever that amount of money is, we would need  
17 to know if we're going to do that or in some fashion  
18 what that -- what that looks like.

19 MS. TOURANGEAU: And I -- I think that in large  
20 measure that will depend on what options are available  
21 for the Town, because, frankly, the operation and  
22 maintenance costs of those dams are probably peanuts in  
23 comparison with the negative million dollars that we  
24 were talking about. You know, it's the installation of  
25 fish passage that has huge costs. It's the -- all of

1 the analyses that we were talking about in terms of the  
2 re-licensing at the federal level that really bears  
3 significant costs, and so if we can get a better handle  
4 on where those costs lay and how those are impacted, if  
5 not all of those costs have to be incurred and the  
6 Town's role in reducing those costs, I think it's vital  
7 in that you provide -- a municipality participating in  
8 the process provides additional flexibility to what's  
9 available at the federal and state levels.

10 MR. COTE: Essentially, your question actually  
11 brought up exactly what Joanna and I were talking about  
12 before, sort of where we were hoping this meeting would  
13 go and it seems to us that you guys really have two  
14 choices, you can choose one of the alternatives that  
15 have already been deeply studied, vetted, or you could  
16 always choose to do another study too, but if -- if you  
17 decided to choose one of those options, then you do it  
18 and you move on. If some of these options that Joanna  
19 put out, and it was really a teaser, right? She was  
20 saying, you know, you can move around a little bit of  
21 Option 3, you adjust -- if you wanted to do sort of a  
22 Lego set approach to this and put in little pieces to  
23 put out different options, that's something that you  
24 guys need to decide as a board. Ideally, both of you  
25 decide the same way, because we're going to have a real

1 hard time looking forward if the boards aren't speaking  
2 the same language.

3 And I would encourage all of you to, before your next  
4 meeting, and I understand each of you have meetings  
5 coming up in the next week or so, get into these  
6 studies. We hope that this quick overview that we gave  
7 for you will help be a good primer for you to try to  
8 understand when you get into it, but most likely what  
9 it's going to do is trigger more questions, ideally,  
10 particularly with what Joanna had brought up, that we  
11 aren't limited in options. You know, you're not backed  
12 into a corner. There are some -- some viable options  
13 that haven't been explored. So ideally, you guys would  
14 establish that, you get a consensus on it, and give us  
15 direction on what to do next.

16 Yes, sir.

17 SELECTMAN KARYTKO: Yeah. I appreciate Shiloh's  
18 question about dollars and cents, because he knows how I  
19 feel about taxpayer money, so that's -- we speak the  
20 same language there. However, I think it's got to  
21 really be pointed out, that all the information that  
22 your presenting, okay, and the millions that it's going  
23 to cost us is all coming from the Wright-Pierce report  
24 and the other report --

25 MR. COTE: The GZA.

1           SELECTMAN KARYTKO:   Okay.

2           MR. COTE:   Yup, that's correct.

3           SELECTMAN KARYTKO:   So -- so it is quite possible  
4 that there are other options out there that might not be  
5 in line with that particular report, because that's all  
6 you're -- you're really presenting.

7           MR. COTE:   Well, with respect -- correct, with  
8 respect to the first couple of options.  They weren't  
9 all -- not everything in this presentation tonight came  
10 straight from there.  The first -- when you look at the  
11 Wright-Pierce, the first several options, they are  
12 pretty straight forward with FERC; you're going to go  
13 for a license or you're not.  That's really question  
14 number one, and that's why were very careful to try to  
15 -- because this is very emotional for the community, to  
16 try to really par out for everybody that applying for a  
17 license, not applying, you know, surrendering, the  
18 different options that we outlined do not necessarily  
19 mean dam removal.

20          SELECTMAN KARYTKO:   Yeah.

21          MR. COTE:   I think most of the interest in the folks  
22 here today are concerned more about dam removal.  You  
23 know, it's just a sense that I got; are you going to do  
24 it or are you not?

25          SELECTMAN KARYTKO:   But even if you don't talk about

1 dam removal, even if you keep the dams, there's a cost  
2 associated with that no matter how --

3 MR. COTE: Correct. Absolutely.

4 SELECTMAN KARYTKO: -- you look at it, whether it be  
5 fish ladders and --

6 MR. COTE: Yup.

7 SELECTMAN KARYTKO: You know, that sort of thing.  
8 However, if -- if one were really thinking outside of  
9 the box, is it possible, again scenario, is it possible  
10 to have somebody come in here and say, hey, we're going  
11 to take over the dams and, going to produce electricity,  
12 we're going to produce it for no more than KLPD is  
13 paying for it right now, and it's not going to cost the  
14 town anything because our profits are going to go toward  
15 running the dams?

16 MR. COTE: Well, that --

17 SELECTMAN KARYTKO: It's a hypothetical situation,  
18 but if that kind of situation were there --

19 MR. COTE: Thank you --

20 SELECTMAN KARYTKO: If that hypothetical situation  
21 were there, that's also, obviously, another alternative.

22 MS. TOURANGEAU: And let's get them at the table. If  
23 that's an alternative, let's flush it out. I would like  
24 to say that the Wright-Pierce numbers were peer reviewed  
25 by GZA. You know, those processes, FERC re-licensing,



1 it's not a new animal. You know, those numbers, yes,  
2 you can have them reviewed by Kleinschmidt, who is also  
3 an expert in those areas. The likelihood that those  
4 numbers are off by a significant amount is very low in  
5 my opinion. Those are very known licensing processes.  
6 They've been done by those companies many, many times.  
7 They're -- the numbers that I saw are consistent with my  
8 practice and I think --

9 SELECTMAN KARYTKO: Yeah, but it's a question of who  
10 is going to pay for it. If I, as a taxpayer, don't have  
11 to pay for that, I don't really care how big that number  
12 is.

13 MR. COTE: And maybe -- maybe --

14 MS. TOURANGEAU: Except for that the ratepayers are  
15 taxpayers --

16 SELECTMAN KARYTKO: Right.

17 MS. TOURANGEAU: -- for your two boards.

18 MR. COTE: Yeah, taxpayers, ratepayers, a lot of  
19 times it's the same people in this room, but the -- the  
20 option -- I would -- I would encourage folks not to  
21 think that there is going to be a white night, so to  
22 speak, that's going to come in here and say, hey, I'm  
23 going to produce power at a cheap price and I'm going to  
24 fix all of this. I understand that Surge Hydro has been  
25 here. I haven't seen -- Surge Hydro, for those who

1 don't know, is a fantastic Maine based company. Some  
2 really bright folks from the University of Maine, some  
3 engineers, who I understand might be here.

4 GENERAL MANAGER SHEA: Maine Maritime, right?

5 MR. COTE: Yeah. Just in time. So they -- they have  
6 gone through, I haven't talked to these guys, but I  
7 don't -- I don't know that they've put a presentation  
8 out, but they are the type of company that goes through  
9 in the 700, 900 dams in New England that are not  
10 operating at capacity and they go in and sort of  
11 retrofit them.

12 Without knowing his business, but having heard the  
13 presentation of what they do, which is phenomenal work,  
14 I am guessing he would agree with me when he says that  
15 it's in -- on an individual basis. You've got to go --  
16 you've really -- you can't look and say, well, I'm going  
17 to do them all for this set price. I understand that  
18 they've been in here, maybe they would come forward with  
19 a proposal on it that would put you in that zone. I  
20 don't know if they will.

21 Again, from what I've read from the study, and having  
22 gone by the mills with Todd, I think there are some  
23 unique challenges here that you're going to hear from  
24 folks. For example, at Kessler, that generating  
25 facility is in a really odd spot. When they had the

1 Kesslen Shoe Company, where the -- where the -- Todd,  
2 you can jump in here.

3 GENERAL MANAGER SHEA: Yeah, I'll just, if I may --

4 MR. COTE: Sure.

5 GENERAL MANAGER SHEA: So, the Kesslen generator has  
6 been in operation and in place, we believe, since 1928.  
7 That generator is located directly below, and we'll  
8 disclose this conflict of interest with Chris Cluff and  
9 David Cluff, but it's located directly below Duffy's  
10 Restaurant, and so, in the Kleinschmidt report that the  
11 Governor referenced, that was done last year, a ballpark  
12 estimate of 1.4 million dollars was given, and Kesslen  
13 was placed as number six on that list of potential  
14 generating improvements. That 1.4 million came  
15 absolutely nowhere near the logistical nightmare that  
16 exists in that facility.

17 All indications are that, if something would have to  
18 come in or out, it would have to go in or out through  
19 the wall or the business would have to be substantially  
20 suffering to put it out of business to move that  
21 generator up. We've gotten estimates to do any work at  
22 that facility, and the costs associated with repair and  
23 maintenance of that facility get exponentially higher  
24 when you realize that the contractors we're dealing with  
25 have to be set up rigging to be able to do that work

1 within the confines of that building.

2 MR. COTE: So -- so, the point on that, without  
3 belaboring it so that we can move on to other issues, I  
4 would encourage you to explore those, sir. I just think  
5 if you're thinking that maybe the best bet, again, is  
6 just waiting for somebody to come in, I would say it's  
7 definitely worth pursuing. Based upon what we have seen  
8 in the time since we've been brought in, it's probably a  
9 low likelihood that somebody is going to be able to do  
10 it, but it's certainly worth -- certainly worth asking.

11 Any other questions?

12 CHAIRMAN MORIN: I have a question for our legal  
13 friends here, if this community cannot come together and  
14 figure out a solution to this problem, I'm curious to  
15 know what the administrative and judicial process might  
16 look like, what the timing of that would be, and what  
17 you might anticipate in term of -- in terms of expense  
18 for that?

19 MS. TOURANGEAU: I'll start and Adam can jump in.  
20 Ultimately, right now, KLPD is the FERC licensee, so  
21 they are required, in March, to submit their Notice of  
22 Intent regarding what they're going to do with regard to  
23 their license. They will meet that deadline I am sure,  
24 and if there is not a process in place that is to, kind  
25 of, restructure how those decisions get made, then they

1 will make those decisions as a board, as they are  
2 required to do as the FERC licensee, and then other  
3 entities can engage in that FERC process as it is  
4 established and noticed by KLPD.

5 PRESIDENT KILBOURN: Could I --

6 MS. TOURANGEAU: The time -- sorry.

7 PRESIDENT KILBOURN: Could I --

8 MS. TOURANGEAU: Yes. Yes.

9 PRESIDENT KILBOURN: Just -- I'd like to ask a  
10 further question on that. You mentioned several times  
11 in the swirl of options at the end that anything is  
12 possible we can mix and match, build a Lego set in a  
13 different way, but all of that seemed to be subject to a  
14 process you called a consensus approach.

15 MS. TOURANGEAU: Um-hmm.

16 PRESIDENT KILBOURN: You didn't describe that very  
17 much.

18 MS. TOURANGEAU: Um-hmm.

19 PRESIDENT KILBOURN: It's not something that we, as a  
20 board, have talked about much and I'm sure, therefore,  
21 probably, the Board of Selectmen have not talked about  
22 it much. If you could outline just a little bit of what  
23 that means, who the players are, how you get there? I  
24 think that would be helpful, because I believe all  
25 parties along the way in this discussion have hoped for

1 some kind of solution that can make everyone happy, and  
2 fear that there isn't one, but if there is more  
3 flexibility, I'm sure this board is willing to continue  
4 --

5 MS. TOURANGEAU: Yeah, and I --

6 PRESIDENT KILBOURN: -- to talk about this.

7 MS. TOURANGEAU: Sorry. I didn't answer the entirety  
8 of your question either in terms of timeline. As we  
9 said in the discussion of Alternative 1, which is the  
10 re-licensing, the timeline for surrender is essentially  
11 the same. It would essentially run when you submit that  
12 Notice of Intent, five years out from termination, up to  
13 and possibly through the termination date in 2022.  
14 Once you file with FERC, and Adam can speak to this  
15 better than I can, it kind of kicks off FERC's process,  
16 which can include -- will include, if you're applying  
17 for surrender or for a new license, but not for a  
18 non-jurisdiction, an environmental assessment under  
19 NEPA, which will include a stakeholder process in front  
20 of FERC where your -- everyone is doing what we're doing  
21 here.

22 It is also the case, sometimes in front of FERC, that  
23 everyone kind of stands back and says you guys need to  
24 come up with a settlement agreement that kind of outlays  
25 your terms, and so, that is also something you could do

1 independently of the FERC process here -- like we're  
2 kicking of here. So, that's what I mean, that there are  
3 kind of multiple options. But at the end of the day,  
4 when you go in front of FERC, unless you're just doing  
5 non-jurisdiction, when you're -- whether you're going  
6 for surrender or re-licensing, you're going to be  
7 initiating a federal process that has those kind of  
8 stakeholder requirements. It's also true at the state  
9 level. So, you're going to be looking at all the state  
10 agencies getting involved at the federal level or doing  
11 it here and, kind of, all of those stakeholders having a  
12 piece of that timeline.

13 In terms of what the cost -- and, then, once there is  
14 a decision at the state level, whether it's for a water  
15 quality certification if you went for re-licensing from  
16 the Maine DEP, or a Maine Waterways Conservation and  
17 Development Act permit, if you went for removal, then  
18 there is kind of appeal to state or federal,  
19 administrative bodies first at FERC, or at the state  
20 level, and then onto court, in federal court in D.C. or  
21 here -- and here in D.C. -- here in --

22 GENERAL MANAGER SHEA: Maine.

23 MS. TOURANGEAU: Maine. Thank you. Where am I? And  
24 any participant, who is an intervenor, who is a party to  
25 those proceedings, can file an appeal and hire an

1 attorney or represent themselves and, kind of, go  
2 through all of those costs which are extensive. It's  
3 pricey, and it's multiple tiers and it's years and years  
4 of time. You know, you've got five years from this  
5 March to the termination of your license. It is not  
6 unusual for the appellate period to go on for another  
7 ten, fifteen, longer years beyond that.

8 SELECTMAN BALDWIN: And so, if -- If the process  
9 results in aggrieved party, parties that avail  
10 themselves of administrative and judicial remedies, then  
11 we get into consultants who write reports and attorneys  
12 who charge hourly rates; is that -- is that the way it  
13 normally goes?

14 MS. TOURANGEAU: In the stakeholder process, that can  
15 be -- you know, here I think that -- yeah, sorry. One  
16 of the things that we're looking for tonight is  
17 direction from the two boards about whether to have the  
18 two boards work together to look at some of the other  
19 options that we've talked about.

20 I think, yes, that might include -- certainly that  
21 would include our costs that you're sharing. It would  
22 also include time from your individual attorneys looking  
23 at those options. It would likely also include going  
24 back to Wright-Pierce, GZA, or another consultant and  
25 saying, can you get granular and apply what information



1 you've already collected to these other alternatives, do  
2 you have ideas about other alternatives that -- that we  
3 should be looking at? There was some discussion of some  
4 of these alternatives in the GZA, but it was -- peer  
5 review, but it was very, kind of, attenuated, and then  
6 if there are parties who are aggrieved after the  
7 process, in terms of what those costs and appeal  
8 processes look like, is really difficult to predict  
9 without knowing what path we end up going down. You  
10 know, if it's a contract deal, where we've decided not  
11 to re-license and to get FERC non-jurisdiction and to  
12 remove two of the dams, then it's really different than  
13 if you are doing a surrender application and getting a  
14 FERC decision on that.

15 SELECTMAN BALDWIN: Last -- last question on this  
16 subject. In your experience, does the FERC process go  
17 better if the community pulls together with a unified  
18 approach or a unified plan?

19 MS. TOURANGEAU: So, here's where that gets  
20 complicated. I am not aware of a situation where the  
21 town has gotten involved upfront and the community has  
22 gotten involved upfront with -- particularly with a  
23 municipal aspect. It is -- and that is why I have to be  
24 very vague about some of my answers here, and it really  
25 requires some further investigation in my opinion,

1 because I'm not aware that that has happened in the  
2 state of Maine, at least not on the dams that I have  
3 worked on.

4 You know, I have worked on several stakeholder  
5 processes for manufacturers that were previous owners  
6 and operators of the dams -- mills, paper mills, but  
7 they are -- and, yes, there I think it is always better,  
8 I'm a Mainer, to do it here in a room like this rather  
9 than to be doing it in front of FERC where you have to  
10 do formal filings, and comments and responses, and hire  
11 a lawyer to do it, and file, and -- but that's more of a  
12 personal opinion.

13 Did I answer your question?

14 SELECTMAN BALDWIN: Yes.

15 MS. TOURANGEAU: Okay.

16 VICE-PRESIDENT BERRY: The Board has already voted --  
17 the Board of Trustees has already voted to file with  
18 FERC our decision to cease generation and that was it,  
19 period. We didn't talk about the dams at all.

20 MS. TOURANGEAU: Got you.

21 VICE-PRESIDENT BERRY: In your experience -- and  
22 we're required -- as I understand it, we're required to  
23 file that in about 60 days.

24 MR. COTE: March 21st.

25 MS. TOURANGEAU: But will that -- what will their

1 NOI have to say, though? They won't say just simply oh,  
2 we're not going to generate anymore.

3 MR. COTE: Right.

4 MS. TOURANGEAU: It will have to say we're going to  
5 surrender, we're going to -- it will have to say that  
6 you're doing a specific FERC action.

7 VICE-PRESIDENT BERRY: Yeah, we didn't say that. We  
8 were hoping, by our vote, to get some reaction out of  
9 FERC, and we got the reaction that they aren't going to  
10 do anything until we file. So, my question, I guess,  
11 from your experience --

12 MS. TOURANGEAU: You don't want to ask them what to  
13 do.

14 VICE-PRESIDENT BERRY: Right. So, my question, I  
15 guess, is, once we pull that trigger, as I believe we  
16 are required to do, how hard is it to change the  
17 direction of the projectile once -- once you do that?

18 PRESIDENT KILBOURN: Could I pile on that, too; is  
19 that --

20 VICE-PRESIDENT BERRY: Yeah,

21 PRESIDENT KILBOURN: We --

22 VICE-PRESIDENT BERRY: I'm just trying to get some  
23 clarification here, because I think we're under the gun  
24 to file in about 60 days.

25 MS. TOURANGEAU: You are.

1           PRESIDENT KILBOURN:  And we've -- and we've been told  
2           that -- that -- we've been advised that there's another  
3           filing three -- three years before the license expires  
4           and I think we've been advised that we can file simply  
5           an intent to not renew and leave it at that for now.

6           MS. TOURANGEAU:  Um-hmm.

7           PRESIDENT KILBOURN:  And that we don't, necessarily,  
8           have to provide a plan at this time.  Maybe that's not  
9           correct, but I think that's what this board understands.

10          GENERAL MANAGER SHEA:  May I?

11          MS. TOURANGEAU:  Yes.

12          GENERAL MANAGER SHEA:  The direction I received from  
13          -- The direction I received from FERC in this specific  
14          conversation is that failure to notify is an implied  
15          surrender, which would be the least onerous part of the  
16          process.  I think what we need to bring -- we don't need  
17          a decision here tonight, but a major elephant in the  
18          room is whether or not the Town is even interested in  
19          entering into this conversation.

20          The Board of Trustees has been ostracized on several  
21          levels because of numbers that have been used and orders  
22          of magnitude of differences, but for KLPD, who serves  
23          6,750 meters in Lyman, Arundel, Kennebunk, and Wells,  
24          incumbering the entirety of our bonding capacity for one  
25          percent of the consumption is, I do believe the Board

1 has said, not responsible to our ratepayers. That will  
2 preclude us from expending bonding funds that serve 100  
3 percent of our customer base and that is the predicament  
4 that the District is in, is that the District didn't say  
5 anything about what we're going to do with those  
6 physical dam structures, because that's a big question,  
7 and there are people in the room, John Burrows, Bill  
8 Grabin, I've come to know these people by name, Dr.  
9 Wayne, Donna, there are people that are very polar  
10 opposites in this situation, and so, I think the  
11 intervening question that the Governor brought up, is  
12 what is the historical value of those structures and  
13 what, if any of a process, is there to move forward,  
14 understanding the generation from what we have seen is  
15 not economical at our facilities and not within our  
16 capacity to continue doing; are there other ways?

17 MS. TOURANGEAU: FERC generation is --

18 GENERAL MANAGER SHEA: Correct.

19 MS. TOURANGEAU: -- is not a -- is not a viable  
20 financial option --

21 GENERAL MANAGER SHEA: Yes.

22 MS. TOURANGEAU: -- for KLPD. I think it's fair to  
23 say that Option 1 in the Wright-Pierce study is not a  
24 financially feasible -- a feasible option. There are,  
25 as we've talked about tonight, non-jurisdiction options

1 for KLPD, which would take it out of the FERC realm and  
2 which would leave generation an option, not subject to  
3 FERC oversight.

4 GENERAL MANAGER SHEA: For one dam.

5 MS. TOURANGEAU: For one dam. That's right. But  
6 it's not nothing, and it is -- these are all very open  
7 questions, I agree, but that piece is a piece that I  
8 would want to know the answer to before I made a  
9 decision that I was going to surrender -- or at least in  
10 close proximity to making a decision that I was going to  
11 surrender and remove all three dams.

12 MR. COTE: And seeking -- and seeking the answer to  
13 that, it's if you remember, when Joanna was talking  
14 about the declaratory order. It, in other words, it's a  
15 quicker process. You're going upfront and you're going  
16 to address two issues. You're going to say, I'm going  
17 to, you know, argue that this is not navigable in this  
18 area, and again, fact based, and also, it was there  
19 before 1935. Now, there have been improvements to it  
20 since then, but, as you know, those are the two  
21 arguments. They'll come back and they'll say yes or no.  
22 If they say no, then you're sort of back, but it's a  
23 declaratory order and it's a much shorter process to  
24 find the answer to that question.

25 MS. TOURANGEAU: And I think in relatively short

1 order, KLPD needs to know the answer to the question,  
2 whether this is going to be a joint process going  
3 forward and whether your Notice of Intent should  
4 specify: This is what we're thinking about doing. We  
5 need to know the answer to these questions, too. FERC,  
6 can you consider these as part of -- if you decided to  
7 go for declaratory judgement, do you consider that as  
8 part -- as kind of a first question to answer as part of  
9 our NOI? If you answer that in the affirmative, FERC,  
10 then, here are some of our other options and we want to  
11 undertake kind of our own process at the local level to  
12 figure out what that end result is. I think that it is  
13 possible in your NOI to state that there are different  
14 options that you're looking at.

15 VICE-PRESIDENT BERRY: We've been told by Counsel,  
16 that -- that it is difficult because the license was  
17 granted for four dams, the fourth of which was never  
18 built --

19 MS. TOURANGEAU: Yup.

20 VICE-PRESIDENT BERRY: -- so there are three  
21 remaining on the license that are all under one license.  
22 We've been told that it might be difficult to separate  
23 the dams out from the one that might be  
24 non-jurisdictional from the two that, obviously, have  
25 been built or improved after 1935, okay.

1 MS. TOURANGEAU: He definitely flagged that as an  
2 issue, yup.

3 VICE-PRESIDENT BERRY: Okay.

4 MR. COTE: And I'll tell you, whether we're saying  
5 you should move forward or not move forward, let me just  
6 -- when I said that this is a fact based -- on the  
7 issues of was it built before or after 1935? Everybody  
8 looking here probably thinks that makes complete sense.  
9 It's pretty easy to understand.

10 Is it navigable? There are cases that get into  
11 whether somebody in a canoe is navigable or not  
12 navigable. Parts of a river can be considered  
13 non-navigable. In fact, parts of the Mousam have. It  
14 does not mean that that section would be considered  
15 non-navigable.

16 Was it built in 1935 or before? Well, when you look  
17 at the study by Harvey Consulting, there was something  
18 here. There was the Kesslen Shoe, but did it look  
19 exactly like it does now? No, it doesn't.

20 So, you're going to have to go through and show that  
21 it's substantially the same and go through -- so none of  
22 this is a slam-dunk. You don't just file an application  
23 saying it was here before 1935 and the 20 people, you  
24 know, that sign this affidavit say it's not navigable.  
25 It doesn't work that way. This is fact intensive. You



1 get historians in; they look at the cases, they go  
2 through the area. So, this isn't a slam-dunk.

3 Your lawyers flagged it and they were flagging  
4 because they wanted to let you know, this is an option.  
5 It's not a slam-dunk. We think you've got a pretty good  
6 shot at it and we read that and it made sense to us, as  
7 well. You can pursue it or not pursue it, but if you  
8 did, the consensus says, you have a decent shot. It's  
9 not a slam-dunk. You've got a decent shot.

10 VICE-PRESIDENT BERRY: Go back to the timeframe.  
11 Filing -- filing for non-jurisdictional

12 MR. COTE: Um-hmm.

13 VICE-PRESIDENT BERRY: For just the Kesslen dam  
14 itself, overlaps the deadline that we have for filing  
15 the Notice of Intent to FERC.

16 MS. TOURANGEAU: Yes.

17 MR. COTE: Yup.

18 VICE-PRESIDENT BERRY: Okay. I guess, when we've  
19 talked about, when I listen to what some of the  
20 Selectmen are asking, and say, well, we need to know how  
21 much it's going to cost and we need -- obviously,  
22 they're going to need time to study that and find  
23 somebody to study it and put out an RFP, where does that  
24 leave us as a board for our filing? And that goes back  
25 to my original question is, once we file, how difficult

1 is it to change direction from our original filing?

2 MS. TOURANGEAU: That's not a question that we can  
3 truly answer. That's really a question for your  
4 counsel, because it doesn't -- it's a KLPD board issue.  
5 That said, there is the estimate that Todd gave -- your  
6 counsel -- your FERC counsel, gave for a timeline was  
7 four to six months, I believe, and believe they  
8 guesstimated -- GZA guesstimated that it may be \$70,000  
9 for the declaratory judgement piece, If I'm remembering  
10 right, and I'm doing this off of the top of my head  
11 after having read hundreds of pages documents --

12 VICE-PRESIDENT BERRY: Well --

13 MS. TOURANGEAU: -- so I could be wrong. And, in  
14 terms of whether you could pack that into your NOI,  
15 that's an easy question for Todd to answer, and I think  
16 the answer is yes, you could kind of say, here's the  
17 process that we're undertaking, but the threshold  
18 question is, is KLPD doing this on their own? Yes,  
19 there are absolutely some decision points that you are  
20 going to cross before this process can be moving  
21 forward, but I think important to those decisions is a  
22 commitment about whether we're moving forward with this  
23 process or not, because that answers some of your  
24 questions about how flexible that process needs to be.

25 MR. COTE: And I'd just add to that the -- Joanna was

1 -- her recollection was the exact same as mine, so we're  
2 either both wrong or she's right.

3 (Laughter.)

4 MR. COTE: The only thing I would -- smart, right?  
5 The only thing I would add to that, is the reason why,  
6 when your attorney said it was around four to six  
7 months, and people would say, why don't you know? Well,  
8 FERC isn't required to issue answers within a certain  
9 timeframe. What they said was, based on our experience  
10 of similar cases, we're looking about four to six months  
11 is, this type of case, they would get back. And we read  
12 the memo. It made sense. It was, I think, well put  
13 together. I didn't look up every single case that they  
14 cited, but that's why they said four to six months, and  
15 that's why that you don't know if that's exactly right,  
16 because FERC isn't required to do it in that timeframe.  
17 They usually do.

18 GENERAL MANAGER SHEA: I'm going to ask Wayne or Jay,  
19 I know what my recollection of the conversation of the  
20 \$70,000 in addition to the money that had already been  
21 expended on the figuring of these things out. I'm not  
22 going -- I didn't make the decision. The Board made a  
23 decision and I would like either Wayne or Jay, if you're  
24 able to recall, the conversation regarding non-  
25 jurisdiction and why we haven't taken that path.

1 MR. COTE: Would you -- would one of you be willing  
2 to do that?

3 VICE-PRESIDENT BERRY: I think the conversation --  
4 the discussion that ensued --

5 SELECTMAN BALDWIN: Wayne, you've got to get closer  
6 to the --

7 VICE-PRESIDENT BERRY: The discussion that ensued was  
8 that we've already spent a lot of money, and not knowing  
9 whether there was any -- any real chance of success of  
10 going through with a non-jurisdictional filing, we just  
11 said, okay, enough is enough and we're going to move  
12 towards the more logical one while, at the time,  
13 fabricating [sic] the generation from the dams, the  
14 structure themselves, and said let's try that. You  
15 know, we took our shot at that and what Todd got back  
16 from information from FERC was, we're not -- we're not  
17 interested in that. Isn't that what FERC said, we're  
18 not really interested in what you're filing and when you  
19 do file, then we'll be interested? So...

20 PRESIDENT KILBOURN: And I would just -- I would  
21 agree with that, and I think, you know, if Duffy weren't  
22 recuse, he was also on the Board at that time, but he  
23 can't speak to this at this moment. I think we also --  
24 we have worked really hard, maybe not entirely  
25 successfully, to, you know, for the benefit of the Board

1 of Selectmen here, to try to identify, on behalf of our  
2 ratepayers, what expenditures would really give us the  
3 key critical path items that we needed to get into an  
4 order of magnitude about a decision about this. And,  
5 frankly, if we just look at this one question, Kessler  
6 and non-jurisdiction, and you take aside all of the  
7 questions that I mentioned in my opening remarks about  
8 recreation and property values, and, you know, five or  
9 six other important things to the community that aren't  
10 really in our mission statement, nor our business  
11 proposition, it's really hard to justify, we found it  
12 so, I think and that's why we didn't vote for it, to  
13 spend additional money on a speculative legal pursuit to  
14 see if we could get non-jurisdiction for a dam that is  
15 so antiquated and difficult to deal with and generates  
16 so little for us, when there are many other  
17 opportunities for us to spend our staff time and our  
18 precious ratepayer money on that seemed to pay off  
19 better and are less difficult to deal with.

20 It doesn't -- I'm not precluding anything, just  
21 answering the question, that that's kind of the thought  
22 process that we went through and we had -- we have spent  
23 lots of money on lots of information.

24 MS. TOURANGEAU: Do you mind if I speak to that for a  
25 moment?

1 PRESIDENT KILBOURN: No, I wish you would.

2 MS. TOURANGEAU: If you assume that we're correct,  
3 that it was roughly \$70,000, and four to six months, and  
4 the possibility that Kesslen is then non-jurisdictional,  
5 and I think Pretty [sic] gave it a reasonable chance,  
6 which is, in lawyer's speak, pretty high praise when  
7 you're talking FERC, and it -- the other issues that GZA  
8 raised were that it addresses many landowner concerns,  
9 it's possible that it is a solution that addresses many  
10 of the issues that are here in the room. When you're  
11 talking four to six months and \$70,000, and the things  
12 that certainly are not part of your statement or  
13 important to ratepayers independently, but that you will  
14 have to address in a FERC surrender process that is 15  
15 to 25 years and costs a whole lot more money and has  
16 similar kind of valuation costs at the end of the day  
17 for the dams, maybe that option starts to look a little  
18 bit better in terms of the non-jurisdiction piece, the  
19 timeline, the lower costs, getting a sense for whether  
20 the flexibility associated with that option addresses  
21 the concerns that you were going to have to address as  
22 part of a stakeholder process in front of FERC and the  
23 state agencies, as well.

24 VICE-PRESIDENT BERRY: In the experience you've had  
25 with past FERC filings, you said this type of consensus,

1 where the town is a party to the filing, has never been  
2 done, but there have been other FERC filings where there  
3 have been settlements --

4 MS. TOURANGEAU: Um-hmm.

5 VICE-PRESIDENT BERRY: -- is that -- are those  
6 consensus type settlements between municipal parties or  
7 are they private parties?

8 MS. TOURANGEAU: Municipalities have been involved,  
9 usually on the recreation and property valuation side,  
10 those are usually the issues that hit towns the hardest.  
11 The ones that I have been involved with have involved  
12 all kinds of individual issues. You know, we had one on  
13 the Penobscot where a former mill had a water intake  
14 that was going to be dewatered by removal of the dam and  
15 so, as part of the FERC proceeding, we initiated a  
16 discussion of how the historic documents that separated  
17 out ownership of the dams from the underlying mill  
18 facilities required or didn't require that the entity  
19 then removing the dams pay for replacement of the water  
20 intake, and that was all negotiated and done, kind of,  
21 in a multi-year process. And so, using that as an  
22 example of, kind of -- there are all kinds of issues  
23 that come up in these FERC proceedings, from contractual  
24 based issues to fish issues, and they will all get  
25 lumped in as one once you're in front of FERC.

1 VICE-PRESIDENT BERRY: Thank you.

2 MR. COTE: We're now at 8:36, and I had talked to --  
3 when we first talked about having this meeting, they  
4 said you should try to be done at 8:00, and I saw Mike  
5 and he saw the crowd going up, he said, you should  
6 really try -- try to be done at 8:30 if you're lucky,  
7 but we did want to offer some time for some folks to be  
8 able to get up and ask some questions. I know some  
9 folks have been here.

10 I would ask, again, just as -- the point of this has  
11 been for the boards to communicate with one another,  
12 that the importance of this is to ask questions and have  
13 them answered. So, to the extent you have a question  
14 for Joanna and I, or for members of the Boards, if  
15 somebody has one, please come on up. Yeah, right over  
16 to the mic, please.

17 MS. TOURANGEAU: And I would like to say that, we are  
18 gong to cut any commentator off at one minute or less,  
19 because we really are not looking for comments. We're  
20 really and truly just questions and I will, at this  
21 point, step up and say we're done. We don't have a lot  
22 of time left.

23 If you do get up to speak, please identify into the  
24 mic your name and whether you're a Kennebunk resident or  
25 property, that kind of thing, and then we'll have at



1 it.

2 MR. LANK: Tom Lank, 9 Joshua's Way in Kennebunk. A  
3 question to KLPD: A couple of months ago I stumbled  
4 across the FERC Order 800 and the Hydroelectric  
5 Efficiency Act of 2013, and I presume these efficiencies  
6 and de-burdening policies were part of your discussion  
7 in terms of the cost for the possibility of hydropower.  
8 Did you -- and that's with the current administration  
9 these regulations were reduced. We have a new  
10 administration coming in next week. Did you ever  
11 discuss what, if there wasn't such a hoop that we would  
12 have to jump through, that hydropower would be a  
13 possibility?

14 VICE-PRESIDENT BERRY: Todd, do you want to take  
15 that?

16 GENERAL MANAGER SHEA: All -- all else remaining  
17 constant and if we could just continue generating the  
18 way we are right now and have absolutely no regulations,  
19 oversight, or any environmental measures imposed upon  
20 us, we would still be generating electricity at a higher  
21 price than we can purchase it at.

22 MR. LANK: Okay. Thank you.

23 MR. COTE: Next question, sir.

24 MR. KOLFF: My name is Albert Kolff. I will continue  
25 to work with both the selectmen and the trustees to

1 share my spreadsheet. I want to say that I think I've  
2 bugged the trustees enough with the alternative plan so  
3 that GZA was hired. They did their study in two weeks  
4 and when I had one question of GZA, I was told I wasn't  
5 allowed to ask the question, so might I suggest that,  
6 first of all, I'm delighted you made reference to Surge  
7 Hydro, is there an immediate meeting scheduled to listen  
8 to their presentation? I want to say that my  
9 spreadsheets have produced a conceptual plan, but Surge  
10 Hydro has a realistic plan. Thank you.

11 MR. COTE: I'll let Todd take that.

12 GENERAL MANAGER SHEA: I can't disclose the nature of  
13 the conversations I have had with the individuals at  
14 Surge Hydro, because I'm precluded from doing that, but  
15 at this point in time, there has been no -- there has  
16 been no proposal presented before the Board that can be  
17 evaluated in regard to Surge Hydro and their securing  
18 the assets of KLPD. Several conversations have  
19 happened, but there has not been -- I can't disclose the  
20 terms of the conversations we've had, because I have  
21 signed documents in that regard, but I can say that  
22 there has not been a recent proposal to the Board to be  
23 evaluated, and the Board would evaluate that. That has  
24 been on the table since November of last year.

25 MR. COTE: Thank you for your question.

1 MR. KOLFF: Do the Selectmen -- (INAUDIBLE).

2 MR. COTE: Selectmen, did you want to answer to that  
3 question?

4 CHAIRMAN MORIN: Can I hear the question again?

5 MR. COTE: It was essentially -- I think you were  
6 saying, Albert, have you seen or would you entertain if  
7 Surge Hydro had a presentation; is that --

8 MR. KOLFF: Yes.

9 CHAIRMAN MORIN: -- essentially what you were saying?

10 MR. KOLFF: Yes. And whether or not the selectmen  
11 would entertain a presentation from Surge Hydro.

12 MR. COTE: Yup.

13 CHAIRMAN MORIN: The Selectmen have not had direct  
14 discussions. There have been, through a -- there have  
15 been discussions with our development corporation here  
16 in town and the selectmen are always willing to listen  
17 to any presentation in any -- at any of our meetings  
18 and/or schedule a separate meeting to do so.

19 MR. COTE: Thank you. Next question, sir.

20 MR. POLLETTA: My name is John Polletto. I'm at 70  
21 Fletcher Street in Kennebunk. My backyard goes down to  
22 the Mousam River. I have a culvert that goes through my  
23 property that diverts storm water runoff from Fletcher  
24 Street down to the river. My question is simply this:  
25 If the width of the river, for whatever reason, is made

1 narrower and such that the water coming out of the  
2 culvert pipe cannot reach the river but create a pond  
3 where we could have mosquito infestation, will some  
4 agency be monitoring these culverts to see, first of  
5 all, that water runoff does reach the river and if it  
6 doesn't, will someone take corrective action to make  
7 sure it does? Thank you.

8 MS. TOURANGEAU: Do you want me to take that one?

9 (No verbal response.)

10 MS. TOURANGEAU: So, the Maine Department of  
11 Environmental Protection has pretty strict regulations  
12 for storm water runoff. Assuming that that's a town  
13 owned culvert, there would -- yes, then, there would be  
14 DEP oversight over insuring that that culvert properly  
15 discharged.

16 MR. POLLETTTO: So then, if it's not properly  
17 discharging, would someone be responsible, they will  
18 take corrective action; is that what I'm hearing?

19 MS. TOURANGEAU: Yes.

20 MR. POLLETTTO: Okay. Thank you.

21 MR. COTE: Let's make this the last question. I'm  
22 not seeing a line build up, so I think we'll end it with  
23 you, sir. Go ahead.

24 MR. FLYNN: Kevin Flynn, I'm a ratepayer. I'm a  
25 resident and taxpayer of Kennebunk. I believe it was

1 Mr. Kolff who mentioned a spreadsheet that he had and I  
2 think he's referred to a few times for an alternative  
3 economic analysis of the dams and I wondering if the  
4 Board -- I believe the Board of Kennebunk Hydro --  
5 Kennebunk Light & Power -- Kennebunk Light & Power  
6 reviewed that report and had one of their consultants  
7 look at and what was the result of that review and were  
8 there any flaws in that analysis that you found.

9 MS. TOURANGEAU: Oh, you're challenging me. So I  
10 think you're talking about Mr. Knoff's (ph) spreadsheet?

11 GENERAL MANAGER SHEA: Kolff.

12 MR. FLYNN: Kolff.

13 MS. TOURANGEAU: Kolff. Say it again.

14 GENERAL MANAGER SHEA: Kolff.

15 MS. TOURANGEAU: Kolff.

16 GENERAL MANAGER SHEA: Yes.

17 MS. TOURANGEAU: Correct. And GZA did do a  
18 multi-paragraph analysis of it. I don't think I've seen  
19 this spreadsheet myself and I'm not sure if it was  
20 attached to that GZA report as an appendix or not, and  
21 their conclusions were -- it might take me a minute. I  
22 had these in my original slideshow and I thought it was  
23 going to be too much detail so I took them out.

24 On Page 2, it is two paragraphs: "Regarding the  
25 issue raised by Albert Kolff related to the cost

1 estimates for cessation of operation and dam removal  
2 alternative, Alternative 4, GZA notes that Wright-Pierce  
3 addressed the issue in their memorandum. The GZA  
4 understands the concern raised to be that cost analysis  
5 model used by Wright-Pierce should reflect the cost  
6 associated with purchasing energy under Alternative 4.  
7 GZA's review of the Wright-Pierce financial analysis  
8 spreadsheet indicates that Wright-Pierce treated energy  
9 generation as an annual revenue for alternatives which  
10 maintained power production capacity. This revenue is  
11 accounted for in the annual cash flow analysis for each  
12 alternative."

13 For Alternative 4, which is surrender and removal of  
14 all three dams: "Wright-Pierce did not account for  
15 revenue for energy generation after the year 2022 when  
16 cessation of operations was assumed for that  
17 alternative. For the alternatives that maintain the  
18 dams and energy generation, Wright-Pierce accounted for  
19 annual revenue from energy generation up to the year  
20 2062 in its cash flow analysis. GZA believes that the  
21 approach used by Wright-Pierce is an appropriate way of  
22 normalizing the benefits of electrical generation from  
23 the existing dams for the purpose of comparison of  
24 alternatives."

25 I have no idea what that means, but there is some

1 fairly extensive discussion in here about that analysis,  
2 and having not looked at Mr. Kolff's analysis myself, I  
3 can't do anything other than read to you what they said  
4 in the GZA report, which I believe is available on  
5 KLPD's website. And, again, that discussion starts on  
6 Page 2 -- of the GZA -- sorry. I'm away from the mic  
7 again.

8 MR. COTE: So, thank you for those questions. Next  
9 up on our agenda, we're now at twelve, Merton Brown is  
10 going to come in. He's going to tell folks about the  
11 process for citizen petition, if there were interest in  
12 that, then Joanna and I are going to quickly discuss  
13 next steps, and then we'll adjourn. Merton.

14 MR. BROWN: The annual town meeting for 2017 will be  
15 on June 13th. At this meeting registered voters will  
16 cast their ballots for candidates for local office such  
17 as selectmen, school board, Sewer District, Kennebunk  
18 Light & Power and they'll also cast ballots for any  
19 referendum questions.

20 So, how does one get a question on that ballot? The  
21 question has to first appear in a warrant. The warrant  
22 belongs to the Board of Selectmen. The content of that  
23 warrant is decided by them, approved by them, and signed  
24 by them. The first step, I always advise people, is to  
25 ask them if they will put a question on the ballot or

1 not and, if by majority vote at a regularly scheduled  
2 meeting they vote to put the question to the ballot and  
3 on the warrant, then that will occur. If they do not  
4 wish to include the question, then the citizens have the  
5 right to petition and ask that a question be placed.

6 This is all driven by our town charter, and our town  
7 charter is very specific about the role of the town  
8 clerk and the process of advising of petitions. I can  
9 certainly talk about procedure, but I can't determine if  
10 a -- if a question is one that is binding, non-binding,  
11 or if it is one that passes legal muster, so usually the  
12 petition folks would -- would be best advised to consult  
13 -- a municipal attorney would help, you know, come up  
14 with that question.

15 The petitioners then would have to go out and get 423  
16 signatures from registered voters from Kennebunk, and  
17 once those signatures have been verified, the petitions  
18 are presented to the Board of Selectmen and then they  
19 act accordingly.

20 This all comes with some deadlines and the first  
21 public hearing on any referendum questions to appear in  
22 June would be on April 11th. So, the submission of the  
23 petitions for them to consider, should you have to go in  
24 that direction, would be March 21st. So, really, the  
25 first week in March is when the question would have to



1 be formulated and you would have to have the number of  
2 signatures.

3 I am always pleased to help anyone with the forms and  
4 the procedure and don't hesitate to contact me.

5 GENERAL MANAGER SHEA: Question.

6 MR. BROWN: Yes.

7 GENERAL MANAGER SHEA: May I? Is there any charter  
8 language that differentiates between binding and  
9 non-binding?

10 MR. BROWN: No.

11 PRESIDENT KILBOURN: Could you repeat the question,  
12 please?

13 MR. BROWN: Oh, he's asking, is there charter  
14 language that -- that talks about binding and  
15 non-binding questions. No.

16 GENERAL MANAGER SHEA: Thank you.

17 MR. BALDWIN: And I believe you can speak to the  
18 budgetary issues at the meeting, I believe there is some  
19 restrictions on --

20 MR. BROWN: There are some restrictions on the -- the  
21 questions, but they're -- they're pretty -- they're  
22 fairly minor as to -- I mean, you can only bring up in  
23 any one given fiscal year. The same question can be  
24 brought up again --

25 MR. SCHULTE: I seem to remember there was something

1 about the restrictions related to budgetary matters from  
2 a citizens petition, there's a restriction -- I just  
3 advise people to, again, talk to Merton about that.

4 MR. BROWN: Right.

5 MR. SCHULTE: Because there are few restrictions on  
6 that.

7 MR. BROWN: Yeah, our charter is -- our charter is,  
8 you know, on the town website, but just give me a call.  
9 I'm happy to work it out with you. Thank you.

10 MR. COTE: Okay. The next would be possible next  
11 steps: Joanna and I were just talking about suggestions  
12 on that and I know that one of the surprises of the  
13 night, certainly for Joanna and I, was having the  
14 Governor here. Just so you guys know, that was not  
15 something that was in the agenda, it was on the agenda  
16 because we had purposely left it out, we had no idea he  
17 was going to be here. I don't know if anybody else did  
18 either, but I think, you know, we worked through  
19 everything, I think, really well tonight. I think that  
20 people were very respectful. I really appreciate that.

21 Possible next steps: I would recommend, Joanna and I  
22 would recommend each of the two boards have meetings  
23 coming up, okay. In order to move up -- move forward  
24 with the process of she and I sort of moving forward in  
25 this together with both boards, you guys need to reach a

1 consensus, each board, so I would recommend that you  
2 guys meet, you discuss about this. If you have followup  
3 questions, if you have followup options you'd like  
4 explored, if you have a followup meeting, you guys can  
5 reach a consensus on that, and then move forward.

6 Do you have something else, Todd?

7 GENERAL MANAGER SHEA: It's not often that we have  
8 both boards in the room, and Michael and I have  
9 discussed this in the past: In order to have a  
10 continuity between -- between the boards meeting, would  
11 it be acceptable to board members if I were to attend  
12 any and all -- or any executive sessions that may occur  
13 in this conversation with the Board of Selectmen and, in  
14 turn, Michael attend any executive sessions that we have  
15 on this topic at the Board of Trustees?

16 VICE-PRESIDENT BERRY: Do you want a vote?

17 GENERAL MANAGER SHEA: I would like a Board decision  
18 on that, please.

19 (Whereupon, off the record and separate discussions  
20 occurred amongst the Kennebunk Light & Power District  
21 Board of Trustees and the Kennebunk Board of Selectmen.)

22 CHAIRMAN MORIN: It's unfair to the public not to  
23 hear the discussion and I think it continues to be  
24 unfair. So, Todd, maybe what we will do is bring that  
25 before our next meeting and have a discussion on air in

1 front of the lights and camera.

2 GENERAL MANAGER SHEA: Yes, sir.

3 CHAIRMAN MORIN: All right?

4 GENERAL MANAGER SHEA: Thank you.

5 CHAIRMAN MORIN: Thanks.

6 MR. COTE: Okay. So, with that, that -- that was our  
7 largest recommendation for next steps. Essentially, to  
8 move forward in this, both of the boards need to agree  
9 on next steps in that process because this is a joint  
10 way to approach it, so stay tuned for that. They have  
11 scheduled meetings, each of them, coming up and we'll  
12 address that topic and hopefully reach that as a result.

13 So, trying to stick somewhat with Robert's Rules of  
14 Order, I would ask that a motion from one of the Board  
15 chairs, seconded by the other for an adjournment, and  
16 then we would adjourn the meeting.

17 PRESIDENT KILBOURN: Move to adjourn the meeting.

18 VICE-PRESIDENT BERRY: Second.

19 CHAIRMAN MORIN: Move to adjourn the meeting.

20 SELECTMAN KARYTKO: Second.

21 MR. COTE: Okay. Meeting is adjourned. Thank you  
22 for your time.

23 (Whereupon, the meeting adjourned at 8:54 p.m.)

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C E R T I F I C A T E

I, KATHLEEN A. DE MARRE, do hereby certify that the foregoing is a true and accurate transcript of the joint meeting held between the Town of Kennebunk Board of Selectmen and of the Kennebunk Light & Power District Board of Trustees heard on Tuesday, January 17, 2017.

I DO FURTHER STATE that this transcript was prepared to the best of my ability and I am neither a relative, nor attorney, nor counsel of any of the parties to this action, and that I am not financially interested in the action.

\_\_\_\_\_  
Kathleen A. De Marre

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

Dated the 31st day of January, 2017

**Town of Kennebunk - Board of Selectmen  
Kennebunk Light & Power District - Board of Trustees**

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TOWN OF KENNEBUNK  
AND  
KENNEBUNK LIGHT & POWER DISTRICT  
COUNTY OF YORK  
STATE OF MAINE

TRANSCRIPT OF RECORDED PROCEEDINGS  
OF THE  
JOINT MEETING OF THE  
KENNEBUNK BOARD OF SELECTMEN  
AND THE  
KENNEBUNK LIGHT AND POWER DISTRICT  
BOARD OF TRUSTEES

KENNEBUNK TOWN HALL AUDITORIUM  
ONE SUMMER STREET  
KENNEBUNK, MAINE 04043

TUESDAY, JANUARY 17, 2017  
6:30 p.m.

Approved by the Board of Selectmen on 2/14/17

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Deborah Beal, Secretary  
Kennebunk Board of Selectmen