

TOWN OF KENNEBUNK
BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 2016 – 6:15 P.M.
KENNEBUNK TOWN HALL
3rd FLOOR/ROOM 301
AGENDA

SPECIAL MEETING – 6:15 P.M.

Interview the following Candidate for Committees:

Planning Board - vacancies: (1) Alternate 2017

David Lee Hardwick (applied on 7/31/12 and 7/21/16)

Fred F. Castle, Jr. (applied on 9/14/16) Note: he served on our Planning Board from 10/22/13 to 9/23/14

West Kennebunk Village Committee - vacancies: (1) Regular 2017

Morgan Moran (applied on 8/1/16)

Downtown Committee - vacancies: (1) Regular 2018 (resignation on agenda), (2) Alternate 2017

Melissa Shatney (applied on 8/23/16) Note: Non-resident, however, she owns a business in Kennebunk

Angus Macaulay (applied on 9/19/16)

Lower Village Committee - vacancies (1) Regular 2018 (resignation on agenda), (2) Alternate 2017

Miriam Whitehouse (applied on 10/4/16)

Economic Development Committee - vacancies (after membership restructuring: 1 Regular 2017 and 4 Alternate 2017 (3 of these are slotted for representatives of the 3 village committees)

Miriam Whitehouse (applied on 7/12/16)

Jonathan Johnson (applied on 7/15/16)

Wendy Ross (applied on 7/16/16)

REGULAR MEETING – 6:30 P.M.

1. Call to Order & The Pledge of Allegiance

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

2. Minutes (2-3 minutes)

- a. September 13, 2016 Regular Meeting
- b. September 27, 2016 Regular Meeting

3. Items to be Signed (3-5 minutes)

- a. Items as Presented

4. Public Hearing(s)

5. Public Comments (5-10 minutes)

6. Acknowledgements/Announcements (5 minutes)

- a. Accept the Following Donation – The Town received a \$400.00 donation from the Kennebunk Farmers Market. They requested this donation, in lieu of rent for use of the Town’s parking lot for their Market, be applied to the Community Garden Committee for their garden program

MOTION: To accept the donation from the Kennebunk Farmers Market and send a letter thanking them for the generous donation.

- b. Accept the Town Manager’s Notice of Contract Non-Renewal – The Town Manager has announced that he will not seek renewal of this existing contract, which expires on June 30, 2017. He will work with the Board of Selectmen and staff toward a transition during the remaining months of his contract as necessary. See attached press release.

MOTION: To accept the Town Manager’s notice of the non-renewal of the contract.

7. Time Sensitive Business

- a. Discuss Boards and Committees (resignations/appointments) (10 minutes)

• **Accept the Following Resignation(s):**

- Angus Macaulay, EDC, Regular 2019
- William Macdonald, EDC, Regular 2017
- Bonnie Clement, LVC, Regular 2018
- Sylvia Cavanaugh, Downtown Committee, Regular 2018
- Susan LeBlanc Malley, Committee on Aging (no term)
- Barbara Yates, Committee on Aging (no term)

MOTION: To accept the resignations of Angus Macaulay and William Macdonald from the EDC, Bonnie Clement from the Lower Village Committee, Sylvia Cavanaugh from the Downtown Committee and Susan LeBlanc Malley and Barbara Yates from the Committee on Aging and send letters thanking them for their service.

• **Appointment of Resident being interviewed at the beginning of the meeting:**

If the Board wishes to make the appointments for those residents interviewed earlier in the meeting, the motions could be as follows:

Planning Board - vacancies: (1) Alternate 2017

David Lee Hardwick (applied on 7/31/12 and 7/21/16)

Fred F. Castle, Jr. (applied on 9/14/16) Note: he served on our Planning Board from 10/22/13 to 9/23/14

MOTION: To appoint _____ as an Alternate Member on the Planning Board with a term expiring in 2017.

West Kennebunk Village Committee - vacancies: (1) Regular 2017

Morgan Moran (applied on 8/1/16)

MOTION: To appoint Morgan Moran as a Regular Member on the West Kennebunk Village Committee with a term expiring in 2017.

Downtown Committee - vacancies: (1) Regular 2018, (2) Alternate 2017

Melissa Shatney (applied on 8/23/16) Note: Non-resident, however, she owns a business in Kennebunk
Angus Macaulay (applied on 9/19/16)

MOTION: To appoint _____ as a Regular Member on the Downtown Committee with a term expiring in 2018 and _____ as an Alternate Member on the Downtown with a term expiring in 2017.

Lower Village Committee - vacancies (1) Regular 2018, (2) Alternate 2017

Miriam Whitehouse (applied on 10/4/16)

MOTION: To appoint Miriam Whitehouse as a *Regular Member (2018)* or *Alternate Member (2017)* on the Lower Village Committee.

Economic Development Committee - vacancies (after membership restructuring: 1 Regular 2017 and 4 Alternate 2017 (3 of these are slotted for representatives of the 3 village committees)

Miriam Whitehouse (applied on 7/12/16)
Jonathan Johnson (applied on 7/15/16)
Wendy Ross (applied on 7/16/16)

The Restructuring of the EDC is being discussed later in the agenda (Old Business). It makes sense to wait until this is discussed before making these appointments.

- b. Sign the Warrant for the Special Town Meeting for the November 8, 2016 Election (2-3 minutes)
This was discussed at the September 13th meeting; however, the warrant was not available for signatures.

MOTION: To sign the Warrant for the Special Town Meeting for the November 8, 2016 Election.

- c. Award the Crack Sealing Bid (5 minutes) – We received the following bids for this service.

- Sealcoating, Inc., Braintree, MA

Description	Unit	Quantity	Unit Cost	Total Cost
Polymer Modified Asphalt Sealant – Config. H	Pound	8,200	\$1.06	\$8,692.00

Description	Unit	Quantity	Unit Cost	Total Cost
Polymer Modified Asphalt Sealant – Config. B	Pound	500	\$4.16	\$2,080.00

- Coastal Road Repair, Inc., Windham, ME

Description	Unit	Quantity	Unit Cost	Total Cost
Polymer Modified Asphalt Sealant – Config. H	Pound	8,200	\$1.98	\$16,236.00

Description	Unit	Quantity	Unit Cost	Total Cost
Polymer Modified Asphalt Sealant – Config. B	Pound	500	\$13.80	\$6,900.00

- Nicom Coatings Corporation, Barre, VT (sent via fax and did not comply with the bid instructions)

Description	Unit	Quantity	Unit Cost	Total Cost
Polymer Modified Asphalt Sealant – Config. H	Pound	8,200	\$2.05	\$16,810.00

Description	Unit	Quantity	Unit Cost	Total Cost
Polymer Modified Asphalt Sealant – Config. B	Pound	500	\$4.50	\$2,250.00

The Public Services Director and Town Engineer have reviewed the bids and recommend awarding the bid to Sealcoating, Inc. of Braintree, MA at the prices listed above.

MOTION: To award the bid to Sealcoating, Inc. of Braintree, MA at the prices listed above.

- d. Discuss the Public Services Travel Bus Bid Award (5-10 minutes) – At the August 9th meeting, this was discussed and moved to a second reading. However, after future discussion, it was decided to re-bid this vehicle. On September 28th, the following two bids were received:

Company	Bids	
1. W.C.Cressey & Son, Inc.	Base Bid (per vehicle):	\$96,535.00
Kennebunk, ME	Deduct Alt. 1 (allowance for trade-in)	\$2,500.00
2018 - Body Manufacturer: Freightliner Chassis, Thomas Body, model 340 TS – 78 passenger	Add Alt. 2 (extended warranty)	\$1,690.00
	Add Alt. 2 (roof mount a/c)	\$9,300.00
2. W.C.Cressey & Son, Inc.	Base Bid (per vehicle):	\$97,910.00
Kennebunk, ME	Deduct Alt. 1 (allowance for trade-in)	\$2,500.00
2018 - Body Manufacturer: Freightliner Chassis, Thomas Body, model 341 TS – 82 passenger	Add Alt. 2 (extended warranty)	\$1,690.00
	Add Alt. 2 (roof mount a/c)	\$9,300.00

The Public Services Director (with Recreation Director and Fleet Manager) recommend the 2nd bid from W.C. Cressey & Son, Inc. at the following price:

Base Bid	\$97,910.00
Minus Trade in	-2,500.00
No extended warrant (recommend basic 3 yr. warranty)	0.00
Premium Fleet Shield Anti Corrosion Package	+993.00
Also Rear Air Suspension package	+575.00
Roof Mounted A/C	<u>+9,300.00</u>
Total Price	\$106,278.00 with A/C

Since this bid came in higher than anticipated, we could put aside additional monies in next year's budget for the roof mounted A/C, which can be added on at that time.

-9,300.00
\$96,978.00 without A/C

Federal laws have changed on seatbelts for busses since the budgetary discussions last year. This bus includes 3-point harness seatbelts which are now required for non-school busses, thusly increasing the cost of this replacement bus. Additionally, the number of passenger seats and year/make comprises the increase.

We budgeted \$88,000.00 for a 72 passenger bus. After reviewing the capital budget, the \$8,978.00, gap with no A/C or the \$18,278.00 with A/C would come from that fund.

MOTION: To award the Travel Bus Bid to W.C. Cressey & Son, Inc. for the 2018 82 passenger Freightliner Chassis, Thomas Body (model 341TS) in the amount of \$_____.

8. Old Business (2nd Reading)

- a. Discuss the Economic Development Committee Restructuring (5-10 minutes) – At the September 13th meeting, the Board heard comments from EDC Chairman Bob Georgitis concerning the restructuring of the committee.

Currently, the committee consists of the following members:

- **13 members:**
 - 11 Regular members (5 current vacancies)
 - 2 Alternate members (2 current vacancies)
 - and
 - 4 ex-officio members:
 - 3 Utility District Representatives
 - 1 Chamber of Commerce Representative

Proposed: At the EDC's September 1st meeting, the EDC voted on the following committee structure:

- **11 members**
 - 7 Regular members
 - 4 Alternate members –
Bob Georgitis had previously indicated that 3 of these members would include representatives from the three village committees involved with economic issues in their committee membership:
 - Lower Village Committee
 - Downtown Committee
 - West Kennebunk Village Committee

New structure:

Regular

1	Robert Georgitis, Chair	2019
2	Heather Harris, Vice Chair	2018
3	J. Steve Hrehovcik	2017
4	Gary Dugas	2019
5	John Daamen	2019
6	Rachel Phipps	2018
7	Regular (vacant)	2017

Alternate

1	Alternate (vacant)	2017
2	Alternate (vacant) LVC member	2017
3	Alternate (vacant) Downtown Comm. member	2017
4	Alternate (vacant) WKVC member	2017

Ex-Officio

Laura Dolce, Chamber of Commerce Rep. (Ex-officio)
Norm Labbe, KKWWD Rep. (ex-officio)
Michael Bolduc, KSD Rep. (ex-officio)
Todd Shea, KL&PD Rep. (ex-officio)

With the two resignations accepted earlier tonight, there are 6 active (regular) members on the committee.

If this new committee resizing is approved as recommended, in addition to the 6 members currently serving, the EDC will have openings for 1 regular member (2017), 4 alternate members (2017) (with 3 of those alternate positions comprised of representatives from the Lower Village Committee, Downtown Committee, and West Kennebunk Village Committee).

MOTION: To approve the Economic Development Committee’s request for membership as follows: 7 regular members, 4 alternate members, with 3 of those alternate members comprised of representatives from each of the 3 village committees), as well as 4 ex-officio members (Chamber, 3 Districts).

If the Board wishes to make the appointments for those residents interviewed earlier in the meeting, the motion could be as follows:

MOTION: To appoint the following members to the Economic Development Committee:

- _____ as a Regular Member with a term expiring in 2017
- _____ as an Alternate Member with a term expiring in 2017

AND ask each village committee to forward their recommendation for a committee representative to serve on the EDC - for Board appointment at a future meeting.

- b. Discuss the Town’s Board of Selectmen Strategic Plan (15-20 minutes) – In late June, the Board held a workshop with staff to review the survey results and identify the elements for developing a strategic plan. Our consultant, Don Jutton, from Municipal Resources Inc., has compiled that data and the information has been prioritized by the Board and staff. If the Board finds these overall priorities to be applicable, staff will further define them for the November 22nd meeting.

MOTION: To move this draft forward and have staff develop recommendations for the November 22nd meeting.

- c. Discuss a Skate Park Committee (10 minutes) – At the September 13th meeting, the Board discussed the skate park status and chose to establish an ad-hoc committee for a skate park on Factory Pasture Lane. The committee could be comprised of several members:

- (1) Selectman
 - (2) Youth skaters
 - (1) Resident
 - (1) Representative from the Recreation Department/Committee
 - (1) Representative from the Police Department (perhaps School Resource Officer who engages with potential users)
 - (1) Staff member (for developing the Request for Proposals)
- 7 members

The objective of the committee would be to develop an RFP for a skate park. This RFP would be advertised and subsequently the submissions would be reviewed by the committee with a recommendation to the Board of Selectmen to procure the services of a design/build skate park company. This company would work with the committee and interested residents to develop a park within the known budgetary numbers for the Factory Pasture Lane location.

Town staff will provide the summary information to the committee for the RFP.

MOTION: To advertise for the committee with volunteers being interviewed at the November 8th meeting.

9. New Business (1st Reading)

- a. Hear a Brief Presentation from the Wells National Estuarine Research Reserve on a Local Project (10-15 minutes) – The Wells Reserve is working on a project with the businesses in Kennebunkport and Lower Village called: Decreasing Beach Business Vulnerability using the Tourism Resilience Index. Members from the Wells Reserve will be in attendance to brief the Selectmen on this project.
- b. Discuss a Lower Village Committee Allocation for a Special Tree Stump Carving (5-10 minutes) – The Lower Village Committee has been approached by a Lower Village business owner about having a tree stump carved as a lighthouse. The stump is located on private property adjacent to the Town’s sidewalk at 13 Western Avenue and is owned by David Leonard. The committee believes this is a unique beautification opportunity. The committee voted in favor of this project at their October 3rd meeting. The property owner would contribute \$1,500 toward the \$3,000 cost. The Lower Village Committee will be contributing the remaining \$1,500. Lodging for the artist has been donated.

The owner would assume all future maintenance costs and the liability for the future removal. This would be a private/public partnership. The Town would release funds at the completion of the project and upon receiving the final invoice from the vendor.

MOTION: To allow the Lower Village Committee to utilize existing committee funds for the beautification project on private property located at 13 Western Avenue in Lower Village.

- c. Discuss Amendments to Town Ordinance, Section 6 6-1: Street Vendors and Peddlers (5-10 minutes) – Changes to this ordinance are requested for mobile food vendors and the size of mobile vending units at the Waterhouse Center. The Selectmen’s Ordinance Subcommittee met on September 8th to discuss these changes. The committee concluded two changes were necessary.

The first change would be to the yearly fee for a mobile vending unit at the Waterhouse Center from \$800 to \$500.

The second change relates to allowing two spaces at the Waterhouse Center being combined by one entity. That fee would be \$1,000 (price for 2 spaces) which would allow for a larger mobile unit in one space.

The appropriate draft amendments are attached for your review. These changes would need a public hearing, which could be scheduled for October 25th. A Town Meeting is not required; the Selectmen have authority to amend this Ordinance after a public hearing is held.

MOTION: To schedule a public hearing for the amendments to Section 6 6-1 Street Vendors and Peddlers on October 25th.

- e. Discuss a Possible Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs (10 minutes) – At the last meeting after public comments were received on regulating marijuana, the Board requested options to review this matter. This moratorium will provide the necessary time to prepare for the potential marijuana vote in November.

The Town can establish a moratorium on the retail sales of marijuana back to the initial Board of Selectmen meeting considering this topic (October 11), with a Special Town Meeting planned for the future.

To initiate this moratorium, the Board needs to have a public reading and the Board will need to set a Special Town Meeting (in January) after the Planning Board has refined an ordinance. A draft will be available Tuesday evening.

MOTION: To request the Planning Board to expeditiously develop a Marijuana Ordinance for the Board of Selectmen's review.

- f. Discuss the Planning for a New Town Manager (10 minutes) – As you are aware, the Town Manager has indicated he will not seek renewal of his contract. With this news, the Board will need to begin the succession plan for this position. There are many options on how to build an inclusive succession plan.

Some items for consideration:

1. Town Manager, Finance Director, Director of Human Resources – develop/implement transition of knowledge plan
2. Engage recommendations from outside recruiter(s) on best practices for recruitment
3. Review/develop/assess Town needs for staff, community and key priorities, both short and long term
4. Develop a timeline for transition and appointment of an Interim Town Manager
5. Develop a candidate profile, search committee, multi-level interview approach and citizen engagement

One aspect that is very important for all parties involved is a plan that is well communicated. Would the Board like to hold a workshop on October 18th to further build the succession plan?

MOTION:

- g. Discuss Any Other Business (2-3 minutes)

10. Selectmen's Comments

- a. Subcommittee Reports (if any)
- b. Individual Selectmen Comments

11. Town Manager's Comments/Notes

- a. Upcoming Events and Workshops:
 - Saturday, October 15 – Selectmen Outreach Session will be held from 8:30 a.m. to 10:30 a.m. on the third floor of the Town Hall.
 - Tuesday, November 1 – Board of Selectmen Workshop on Salaries will be held at 6:30 p.m. on the third floor of the Town Hall.
 - Tuesday, November 29 – Board of Selectmen Workshop on the Strategic Survey and the Upcoming 2017-18 Budget will be held at 6:30 p.m. on the third floor of the Town Hall.
- b. Road Schedule – attached is a quick summary of the paved roads completed by the Public Services Director.
- c. Park Use Ordinance will be discussed at a future meeting – waiting to review new ruling from FAA. This was scheduled for a second reading at the July 12th meeting.

- d. Revisions to the Town Committee Process – The Selectmen met with committee members in a workshop session on October 4th to review items pertaining to Town committees (committee membership size, attendance, by-laws, etc.). We will be gathering committee suggestions for possible changes, which will then be forwarded to the Selectmen for review.
- e. Traffic Calming Policy – at the September 13th meeting, the Board heard from members of the public about speed bumps. Staff will be revisiting the Traffic Calming Policy to refine several aspects of the policy and application. The proposed amendments will be brought back to the Board for a discussion in November.
- f. Recreation/New Division – After reviewing the current organization tree structure with Mike Pardue, Director of Human Resources, I have moved Recreation into a new division. The Recreation Director will answer to the Town Manager. Additionally, the administration and usage of the parks will fall under the Recreation Division but maintenance shall continue with the Public Services Division.

12. Executive Session(s)

- a. Discuss with the Town Manager, Finance Director, Director of Human Resources, and Town Attorney the Employment Terms and Conditions of the Town Manager for the Period January 1 through June 30, 2017, where premature public discussion of the same would likely violate his right to privacy – Title 1 MRSA Sec. 405(6)(A)

13. Adjournment