

KENNEBUNK SELECT BOARD MEETING MINUTES
TUESDAY, JANUARY 24, 2023 – 5:30PM
HYBRID MEETING (IN-PERSON/TOWN HALL, 3rd FLOOR AND TELECONFERENCED)

This meeting was held in person at Town Hall as well as via Zoom. It was televised live on Cable TV Channel 5 and streamed on *TownHallStreams.com*, where is it available for viewing at any time.

1. Call to Order

The meeting was called to order at 5:34pm by Chair and presiding officer Shiloh Schulte, who then led attendees in the Pledge of Allegiance. Those participating were:

Participants: Select Board Members Shiloh A. Schulte [Chair], Lisa J. Pratt [Secretary], Sally A. Carpenter; Leslie G. Trentalange; William A. Ward, Jr.; and Miriam J. Whitehouse

Absent: Kortney E. Nedeau [Vice Chair]

Also Present: Bryan Laverriere [Interim Town Manager and Director, Public Services], Chris Osterrieder [Director, Community Development], Karen Winton [Deputy Director, Community Development], Joel Downs [Finance Director] (via zoom), Jeri Sheldon [Director, Human Resources], Justin Cooper [Fire Chief], Christopher Russell [Lt., Police Department], Merton Brown [Town Clerk], and Natalie Burns [Town Attorney]

This was a hybrid meeting held in person at Town Hall as well as via "Zoom", the Internet teleconferencing platform. Six Board members participated: Carpenter, Pratt, Schulte, Trentalange, Ward Jr., and Whitehouse.

2. Executive Session

The Chair next read an Executive Session for consultation between the Board and its attorney concerning the legal rights and duties of the Board, pending or contemplated litigation, settlement offers and/or matters where the duties of the Town Attorney to the Board pursuant to the code of professional responsibility clearly conflict with the Freedom of Access Act or where premature general public knowledge would clearly place the Town at a substantial disadvantage. The Executive Session, he said, should take place with the Interim Town Manager, Director of Community Development, Deputy Director of Community Development, as well as the Town's Legal Counsel, pursuant to 1 M.R.S.A. Sec. 405(6)(E).

Motion: To enter into Executive Session with the Interim Town Manager, Director of Community Development, and Deputy Director of Community Development, pursuant to 1 M.R.S.A. Sec 405 (6)(E), to consult with the Town Attorney concerning the legal rights and duties of the Board, pending or contemplated litigation, settlement offers and matters where the duties of the Town Attorney to the Board pursuant to the code of professional responsibility clearly conflict with the Freedom of Access Act or where premature general public knowledge would clearly place the Town at a substantial disadvantage.

Moved: L. Pratt

Seconded: S. Carpenter

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Nedeau]; the motion passed.

The Executive Session ended at 6:40pm. Upon exiting the Session, S. Schulte reported that the Select Board had nothing to report.

The Board's Regular Meeting resumed at 6:41pm.

3. Approval of Minutes and Items to be Signed

a. **Minutes of the Regular Meeting of January 10, 2023:** S. Schulte then led members in a review of the minutes of its previous Regular Meeting.

Motion: To approve the minutes of the Regular Meeting of January 10, 2023.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Show of hands vote, 6 votes in favor, 0 opposed, 1 absent [Nedeau]; the motion passed.

b. **Items to be Signed:** There were none.

4. Public Hearings

The Board opened the Public Hearing to consider the renewal of a Liquor License for the Lucky Dog Tasting Room LLC d/b/a Batson River Brewing and Distillery located at 12 Western Avenue. S. Schulte explained that the Town Clerk has the authority to issue license renewals. However, one or more residents, Schulte said, had expressed concerns about this particular renewal, hence the matter was before the Select Board to receive public comment.

Fire Chief J. Cooper and Police Lieutenant C. Russell both addressed the Board, explaining that one resident living adjacent to the establishment had registered complaints on several occasions with both the Police and Fire Rescue Departments. The complainant repeatedly alleged that smoke from the Batson River eatery was compromising their health.

J. Cooper stated that, in response to these complaints, the owners of Batson River had converted to a pizza oven that emits no smoke. Chief Cooper reported that there is no substantiation to any problems at all.

Debbie Lennon, a manager at Batson, addressed the Board as well, stating that she and her team had worked "diligently" to eliminate smoke emissions. "We've addressed all complaints," she said, "and have passed all tests with flying colors." In response to Board questions, Ms. Lennon affirmed that only the smokeless oven is and will be in use.

Motion: To approve the Liquor License for Lucky Dog Tasting Room LLC d/b/a Batson River Brewing and Distillery located at 12 Western Avenue.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Nedeau]; the motion passed.

5. Public Comments

The Chair then invited public comments or questions of a general nature. As there were none, S. Schulte closed the public session.

6. Acknowledgements and Announcements

There were none.

7. Time Sensitive Business and Staff Presentations

a. Planning Board Resignation

At its January 9, 2023 meeting, Kennebunk's Planning Board recognized David Smith's last day with that group and celebrated his 25 years of service as a Planning Board member. Mr. Smith was a Regular Member with a term expiring on June 30, 2023.

Motion: To accept the resignation of David Smith from the Planning Board and send a letter thanking him for his many contributions to the Town while serving on the Planning Board.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Nedeau]; the motion passed.

b. Planning Board Membership Change from Alternate to Regular Member

S. Schulte next reminded the Board that the resignation of David Smith left a Regular Member vacancy on the Planning Board. There were, Schulte said, two Alternate Members who could fill D. Smith's position: (1) Edward "Ted" Trainer was an Alternate Member originally appointed on January 23, 2018 who recently confirmed his strong interest in being elevated to the Regular Member post; and (2) Daniel Kiley is an Alternate Member appointed on November 9, 2021 who informed the Planning Board that he preferred to remain an Alternate Member at this time.

Motion: To move Edward Trainer from Alternate to Regular Member on the Planning Board to fill the remainder of David Smith's three-year term that expires on June 30, 2023.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Nedeau]; the motion passed.

8. Old Business

There was none.

9. New Business

a. Use of ARPA Funds

S. Schulte then observed that Town's November 8, 2022 Special Town Meeting had appropriated \$614,605 of "ARPA Funds" received under the Coronavirus State and Local Fiscal Recovery Funds Program (SLFRF) authorized by the American Rescue Plan Act of 2021 (ARPA). The Town vote also authorized the Select Board to expend such funds for expenses, assets, and projects related to the Town's response to and recovery from the COVID-19 public health emergency.

Interim Town Manager B. Laverriere and Finance Director, J. Downs proposed utilizing a portion of Kennebunk's ARPA Funds for the following two items.

(1) Purchase of a 2022 Ford Police vehicle and related equipment costing up to \$52,000.

Downs advised the Board that in its upcoming 2023-24 Budget, the Police Department intended to call for the purchase of two (2) Police vehicles. The Police Chief reported that McGovern Municipal HQ of Framingham, MA had a 2022 model-year Ford Police Interceptor available at a price of \$36,195. If Kennebunk officials were to wait until July 1, 2023 to purchase a 2023 model-year vehicle, B. Laverriere

said, the price would be \$42,615. By purchasing the vehicle now, the Town would save \$6,420.

The Police Department therefore recommended that the Select Board authorize the purchase of the 2022 Ford Police Interceptor from McGovern Municipal HQ along with related emergency equipment. If approved, J. Downs said, the Police Department would decrease its 2023-24 Budget request to one (1) only vehicle.

L. Pratt asked if there were ARPA funds that were “un-earmarked” and available for this use, and J. Downs responded in the affirmative. Only \$300,000 of ARPA monies had been earmarked, Downs reported. There were ample, non-earmarked ARPA funds available.

In response to questions by S. Schulte, Downs went on to explain the amounts and kinds of ARPA Funds available for Town use. “Public-safety vehicles”, Downs said, were specifically cited as worthy purchases in ARPA literature.

S. Schulte then invited public comments and questions, but there were none.

Motion: To waive the Select Board’s Purchasing Policy to allow for the sole sourcing of one (1) 2022 Ford Police Interceptor from McGovern Municipal HQ.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Ne-deau]; the motion passed.

Motion: To authorize the Interim Town Manager to spend up to \$52,000, using ARPA funds, for the purchase of one (1) 2022 Ford Police Interceptor from McGovern Municipal HQ, and the purchase and installation of related equipment.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Ne-deau]; the motion passed.

(2) Creation of additional 3rd Floor office space at Town Hall for an ARPA Funds outlay of up to \$20,000.

B. Laverriere next explained that Town Hall sought to move the Human Resources Department to the third floor to give HR personnel adequate space for private conversations, performance reviews, and more privacy in general. The work, Laverriere said, would primarily be done by workers affiliated with the Public Services Department.

Motion: To authorize the Interim Town Manager to spend up to \$20,000 to create additional office space (on the third floor of the Town Office) using ARPA funds.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Ne-deau]; the motion passed.

b. Other Business of the Board

There was none.

10. Select Board Comments

a. Subcommittee Reports:

There were none.

b. Board Liaison Reports

S. Carpenter: The West Kennebunk Village Committee elected Daniel Guay as its new Chair. That Committee also asked for re-installation of the "humorous" speed signs which formerly operated along Fletcher Street and for lighting improvements at the Dorothy Stevens Community Center.

L. Pratt: The Energy Efficiency & Sustainability Committee met last Thursday. Kennebunk Light and Power District [KLPD] will install LED lights of its choice without resident input. Some residents have posed questions about light "shielding" to prevent or limit light trespass.

S. Schulte: Called for the Select Board to review the respective lighting rights, expense responsibilities, and decision-making boundaries of the Town and KLPD as a separate agenda item in a forthcoming Select Board Meeting.

L. Trentalange: Reported that the Site Plan Review Board had met on January 19, 2023 and had conducted a site walk earlier today as part of the Board's review of The Pilot House's renovation project.

M. Whitehouse: Attended a recent School Board meeting which had begun to probe how Town Hall and School Board officials could work together to "make mutual purchases" and achieve expense economies.

c. Comments of Individual Select Board Members

S. Carpenter: Recommended that Board members and the public attend a lecture/workshop entitled "Wilding Our Places: Connecting People and Pollinators" on how to cultivate yards that are healthy for humans and "critters". It will take place on Saturday, January 28th from 3:00-5:00pm in Kennebunk's Town Hall Auditorium.

L. Pratt: Thanked all Town employees who helped to keep residents safe and warm during and after the recent storm.

S. Schulte: Expressed appreciation for Kennebunk Light and Power District's response to the storm. Recognized the lack of cell phone connectivity in storm situations as "a major problem" which needed to be addressed with urgency. Thanked the Public Services team for its help during the storm, as well.

L. Trentalange: Concurred with the connectivity comments. Thanked all for their storm help.

W. Ward, Jr. Thanked the Police, Fire Rescue, and Public Service Departments for their exceptional work during the recent snow storm.

M. Whitehouse: Expressed similar thanks to all. Reported, too, that the Charter Commission outreach (public hearing on 1/21/23) had been very well attended. Suggested that a Select Board member or other Town Hall officer attend Charter Commission meetings and report on them to the Select Board. (M. Brown agreed to take on this role.)

B. Laverriere: Thanked the Public Services team in particular for its hard work. Explained that sidewalk clearings would be delayed in some locations so Public Services personnel could focus on clearing fallen trees and damaged municipal property.

11. Announcements

Interim Town Manager B. Laverriere then announced the following dates for Budget Review Meetings:

Meeting #1	Tuesday, February 7 th	6:30pm to 9:00pm
Meeting #2	Thursday, February 9 th	6:30pm to 9:00pm
Meeting #3	Saturday, February 11 th	8:30am to 11:30am
Meeting #4	Thursday, February 16 th	6:30pm to 9:00pm
Meeting #5	Tuesday, February 21 st	6:30pm to 9:00pm

12. Executive Session

There was none.

13. Adjournment

There being no additional comments or topics for discussion, S. Schulte adjourned the meeting at 7:21pm.

Motion: To adjourn this meeting.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Nedeau]; the motion passed.

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board in the meeting of 02.14.2023
DATE OF MEETING

Signed by L. Pratt
Select Board Member: SIGNATURE

Lisa Pratt
NAME IN PRINT