

KENNEBUNK SELECT BOARD MEETING MINUTES

TUESDAY, JULY 11, 2023 – 6:30PM

IN-PERSON AND TELECONFERENCE MEETING VIA “ZOOM”

This meeting was recorded for future viewing and is available in the Agenda section of the Town’s website under the media icon at www.kennebunkmaine.us/selectboardagendas.

1. Call to Order

The meeting was called to order at 6:30pm 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]; Kevin Therrien, Leslie G. Trentalange; William Ward, Jr., and Miriam J. Whitehouse

Absent: Kortney E. Nedeau [Vice Chair]

Also Present: Heather Balsler [Town Manager], Merton Brown [Town Clerk] Jeri Sheldon [Director, Human Resources], Bryan Laverriere [Director, Public Services], Kayla Tierney [Finance Director] and Bill Reichl [Parks and Recreation Director].

2. Review of Prior Minutes

a. Special Meeting of June 13, 2023

S. Schulte next called for a vote on the minutes of the Special Meeting of June 13, 2023 (these were taken up at the 7/5/23 meeting; however the vote failed by a vote of 3 in favor, 0 opposed, 1 absent, 3 abstentions)

Motion: To approve the minutes of the Special Meeting of June 13, 2023

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Show of hands vote, 4 in favor, [Pratt, Whitehouse, Trentalange, and Ward, Jr.], 0 opposed, 2 abstentions [Schulte, Therrien had not attended the meeting], 1 absent [Nedeau]; the motion passed.

b. Special Meetings of July 5, 2023 and July 10, 2023

S. Schulte stated that the minutes of the Select Board’s Special Meeting of July 5, 2023 would be available and reviewed at the Board’s next Regular Meeting. The Special Meeting of July 10, 2023 did not take place (cancelled due to weather); therefore, there are no minutes for that meeting.

3. Items To Be Signed

There were none.

4. Public Hearings

There was none.

5. Public Comments

S. Schulte then invited public questions or comments of a general nature, but there were none.

6. Acknowledgements and Announcements

There were none.

7. Time Sensitive Business & Staff Presentations

a. Election of 2023-4 Officers

M. Brown polled Select Board members alphabetically for their informal nominations of individuals for Board officer posts. Once a "short list" was established, Board members proceeded to vote on these positions as follows:

Motion: To nominate and elect Shiloh Schulte as Chair.

Moved: W. Ward, Jr.

Seconded: No second (Town Clerk stated nominations do not require a second)

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

Motion: To nominate and elect Miriam Whitehouse as Vice Chair.

Moved: W. Ward, Jr.

Seconded: No second (Town Clerk stated nominations do not require a second)

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

Motion: To nominate and elect Lisa Pratt as Secretary.

Moved: S. Schulte

Seconded: No second (Town Clerk stated nominations do not require a second)

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

b. Donations

S. Schulte next reported that the Town had received the following donations:

- \$25 from Warren Totty for the Kennebunk Dog Park
- \$5,000 from David Cluff (Duffy's Tavern & Grill) for the Waterhouse Center Zamboni.
- \$5,000 from Chris Cluff (Paper Trails) for the Waterhouse Center Zamboni.

Motion: To accept the donations listed above and send letters thanking the donors for their generous donations.

Moved: L. Trentalange

Seconded: W. Ward, Jr.

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

c. Boards, Committees and Commissions

(1) Resignation

S. Schulte then reported that Todd Bridgeo had resigned as a Regular Member of the Conservation Commission.

Motion: To accept the resignation of Todd Bridgeo from the Conservation Commission and send a letter thanking him for his service.

Moved: L. Pratt

Seconded: K. Therrien

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

(2) Move Alternate to Regular Member

S. Schulte then urged the Board to move Mark Gillis, an Alternate Member on the Conservation Commission, to the status of Regular Member.

Motion: To move Mark Gillis from Alternate to Regular Member on the Conservation Commission to fill the remainder of Todd Bridgeo's three-year term that expires on June 30, 2025.

Moved: L. Pratt

Seconded: K. Therrien

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

d. Approve and Sign the Certificate of Settlement of the Outstanding 2023 Tax Commitment

S. Schulte then explained that the Board needed to recognize Kayla Tierney, the Town's new Finance Director, as Kennebunk's Tax Collector in place of the Town's previous Finance Director. K. Tierney briefly addressed the Board to describe this formality.

Motion: Accept and sign the Certificate of Settlement of the outstanding 2023 Tax Commitment with the former Tax Collector and recognize that Kayla Tierney has been appointed as Tax Collector and that the 2023 commitment of outstanding taxes is being recommitted to her.

Moved: L. Pratt

Seconded: K. Therrien

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

8. Old Business

There was none

9. New Business

a. Community Garden Committee Update

Leslie Lindgren, Chair of Kennebunk's Community Garden Committee, thanked the Board for its support and offered a brief history of the Committee along with an overview of the Committee's recent accomplishments.

Ms. Lindgren described the Community Garden Committee as an 11-person team (currently 10) which guides the work of a host of volunteer gardeners. According to the Ms. Lindgren, 30% of the produce which the group produces is given to food pantries in York County. Last year the group donated 5,000 pounds of produce.

L. Lindgren re-iterated that many volunteer gardeners, tillers, school children as well as the Town of Kennebunk provide service and/or funding. "We are growing great," the representative concluded.

b. Skate Park Update

Parks & Recreation Director Bill Reichl addressed the Board and public next, confirming that Phases I and II of the Skate Park improvement project had been completed. Some additional improvement to the landscaping and parking area will be made going forward.

However, contractors are “pretty booked up” and the remaining work is only likely to be completed next year, according to Reichl. In response to queries from M. Whitehouse, B. Reichl confirmed that young people will be surveyed for their on-going feedback about further improvements.

c. Lower Village Park Improvements

C. Osterrieder addressed the Board and public next. He briefly described the improvements made to the Lower Village Park in recent years. The Park, he said, was used for special events and by the public extensively.

Osterrieder reported that the McNamara Foundation continued to offer generous financial support. In the last 12 months, Park parking had been improved, Osterrieder said. Going forward, a paved walkway will be installed and the McNamara Foundation is considering the construction of a third pavilion.

C. Osterrieder said that \$50,000 had been earmarked for Park improvements in the Town's 2023-24 budget. These funds, he said, would be used for modest playground improvements, better ADA access, and the addition of the walkway. Osterrieder also thanked the Foundation for its generosity and observed that for every dollar which the Town spends on the Lower Village Park, the McNamara Foundation spends two.

Osterrieder also noted that the Park lacked a number of “big-ticket” items — to include public bathrooms, benches, and a multi-purpose storage building. The Town, he said, might consider these items longer term in partnership with the Foundation.

M. Whitehouse inquired whether the existing pavilions or “gazebos” were going to be moved, and C. Osterrieder responded in the negative. Instead, Osterrieder said, a third pavilion might be added behind the T-field. Whitehouse also suggested that having moveable chairs instead of fixed-place seating might be helpful so that community meetings could also be held at the facility as well.

W. Ward, Jr. posed questions about the use of “stone dust” at the Park, and C. Osterrieder explained the rationale for its use. L. Pratt suggested that a rubber surface for the playground might amplify playground use. K. Therrien thanked C. Osterrieder for the longer-term planning. L. Trentalange concurred, commending Town Hall's “forward thinking and flexibility” in making long-term plans for this Park.

Tom McNamara, representing the McNamara Foundation, spoke next, highlighting the outlays which the Foundation had made over the years for playing fields, dugouts, tournaments, and general Park improvements. He reported that new teams are now using the Park. Mr. McNamara said that he expected the Foundation to invest some \$200,000 to \$250,000 in Lower Village Park improvements over the next three years. One priority, he said, will be to install a “high-level” lacrosse training area.

d. Changes in Transfer Station Hours and Fees

S. Schulte next reported that CPRC Management, the Town's contractor for the management of the Transfer Station, had requested an increase in six [6] fees and a change of operating hours to take effect on August 1st, 2023.

Schulte described each of the fee changes. The proposed fees are linked for public view on the agenda. In addition to them, CPRC sought a change of operating times. It specifically proposed limiting Saturday service to the 1st and 3rd Saturdays of the month as opposed to the current availability of service every Saturday. To offset the partial

Saturday closures, the Transfer Station would remain open until 7:00pm two evenings per month (on the Tuesday after each Saturday closure).

"The market is driving this request," B. Laverriere, Director of Public Services, explained.

K. Therrien commented that Saturdays were primary days for working families to visit the Transfer Station. Saturday service, he said, was typical in other communities. Fees in other communities were lower, too, Therrien alleged. He concluded that he could not endorse the changes proposed without better justification.

B. Laverriere countered Mr. Therrien's charges, noting that Arundel's Transfer Station only operated two days a week and — if other communities had lower fees — it was often because municipally-owned trucks were used to help defray the fees which end-users paid directly.

W. Ward, Jr. noted that CPRC was only increasing fees for a small number of service items. Other costs remained the same. B. Laverriere concurred, adding that CPRC was contractually entitled to come before the Select Board once a year to seek fee increases, but had, in fact, only done so two times in the past (this was the third time) since 2015. That track record, Laverriere said, was noteworthy.

One online commentator opined that the Town had to "push back." He voiced opposition to the reduction of Saturday service as well as the pricing increases. Resident John Costin agreed. CPRC, Costin said, was calling for heavy pricing changes. Mr. Costin urged the Board to closely monitor CPRC's contract and to insist on the enforcement of existing service terms and pricing.

Rachel Phipps voiced similar concerns, saying that CPRC's reduction of weekend service was unacceptable. Paul Bevacqua, another commentator, said that many of CPRC's fees were based on "yardage". He urged the Board to find "a fair way of defining and computing yardage" in order to monitor pricing.

S. Schulte concluded that CPRC's service and pricing proposals merited close review. He suggested revisiting the topic at a future Select Board meeting when CPRC could attend the session and field questions. Schulte reported that CPRC had apologized for not being able to attend today's meeting.

Motion: Move to continue the discussion of CPRC's proposed rate increases until the Select Board's meeting of August 1, 2023.

Moved: W. Ward, Jr.

Seconded: L. Pratt

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

e. Letter of Commitment for an Energy Efficiency and Conservation Block Grant

S. Schulte next reported that the Town of Kennebunk — together with Kennebunkport, Ogunquit, Kittery, and Wells — was partnering with the Southern Maine Planning and Development Commission and the York County Community Action Corporation to apply for a grant being offered by the U.S. Department of Energy as part of the Bi-Partisan Infrastructure Law's "Energy Efficiency Conservation Block Grant" program. The Town of Kittery will actually be the sponsor municipality, Schulte said. Limited staff resources on Kennebunk's part would be required to support this initiative.

Schulte explained that the grant would be for \$690,000 to be paid over a three-year period. It did not require any match. The grant would be entitled the "Southern Maine Energy Navigator Pilot". The funds were to be used to create a program giving local residents access to technical resources so they could more readily access existing state and federal incentive programs focused on residential energy efficiency and clean energy upgrades.

The program, Schulte added, would, in turn, create "a revolving grant program" as well as to help offset the upfront capital costs for income eligible individuals and reduce barriers to low/moderate income programs of a similar nature.

As part of the grant application, Schulte said, each participating municipality was required to provide a Letter of Commitment from its governing body. The letter was to be signed by the head officer of that body.

L. Pratt asked if the \$690,000 was for Kennebunk only, and C. Osterrieder responded in the negative. The amount was to be split between the five participating communities, with each one receiving a minimum of \$100,000. W. Ward, Jr. asked if a local match would be required, and Osterrieder re-affirmed that there would be no Kennebunk, state or other match.

Motion: Move to authorize the Sect Board Chair to sign a Letter of Commitment on behalf of the Town of Kennebunk for an Energy Efficiency and Conservation Block Grant.

Moved: W. Ward, Jr.

Seconded: L. Pratt

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

f. Select Board Code of Ethics

S. Schulte then asked fellow Board members to consider changing the wording of the Select Board's Code of Ethics. Item #4 of the Code, he said, attempted to codify civility. He suggested that the wording be changed to state: "We agree to treat each other with civility and respect."

L. Pratt opined that the Select Board should organize a workshop on the topic to review the Board's Code of Ethics overall. "It would be better to look at each item individually", L. Pratt said.

Members agreed to change the wording of Item #4 and also commit to a later workshop for a detailed review of the Code of Ethics in its entirety.

Motion: Move to change Item #4 to read "we agree to treat each other with civility and respect."

Moved: S. Schulte

Seconded: L. Pratt

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

After the vote, L. Pratt said the Board also needed to have some “enforcement” process or follow-up procedure in the event that a breach of Item #4 or any other Item of the Code of Ethics took place. Other members concurred.

g. Select Board Liaison Roles on Town Boards and Committees

S. Schulte reported that K. Nedeau’s travel schedule precluded her from having further involvement on other Town boards or committees. Sally Carpenter’s departure also left two Select Board Liaison roles open. Schulte suggested that the Select Board “maintain the status quo” for the time being as regards Select Board liaison roles. However, he called on K. Therrien to take on Sally Carpenter’s former roles “on an interim basis” as Select Board Liaison on (1) the Historic Preservation Commission, and (2) the West Kennebunk Village Committee. K. Therrien agreed to do so for one month.

Board members then agreed to discuss all Liaison roles at the Select Board’s next meeting of August 1, 2023.

h. Select Board Subcommittee Assignments

Board members agreed to discuss Subcommittee assignments as well at their August 1, 2023 meeting.

i. Other Business of the Board

There was none.

10. Select Board Comments

a. Subcommittee Reports:

S. Schulte: The Finance Subcommittee discussed the sale of the Town’s fire ladder truck and disposition of the Police fleet. The Finance Director suggested tentative policies regarding the use of credit cards. Final recommendations will be brought before the Select Board at a later date.

b. Board Liaison Reports

L. Pratt: The Climate Action Plan Task Force finalized its Survey and gleaned important feedback from the public. The results will be reported to the Select Board at a later date.

M. Brown: The Charter Commission has an intense agenda for its meeting of July 12th. The public is welcome to attend.

c. Comments of Individual Select Board Members

L. Pratt: Welcomed Kevin Therrien again to the Select Board.

M. Whitehouse: Said it was a pleasure to work with this Board.

L. Trentalange: Concurred.

K. Therrien: Thanked all for the good meeting.

S. Schulte and W. Ward, Jr. Added their thanks to all, as well.

11. Town Manager Announcements

Town Manager H. Balsler read the list of upcoming meetings and events as noted on the agenda.

12. Executive Session

At 8:30pm the Select Board entered into Executive Session.

Motion: Move to enter into Executive Session with the Human Resources Director pursuant to Title 1 MRSA Sec. 405(6)(A) to discuss the process for the Town Manager’s Performance Appraisal/Review.

Moved: L. Pratt

Seconded: M. Whitehouse

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

Upon exiting the executive session at 10:04pm, the Board stated they had nothing to report.

13. Adjournment

There being no additional comments or topics for discussion, S. Schulte adjourned the meeting at 10:04 pm.

Motion: To adjourn this meeting.

Moved: L. Trentalange

Seconded: M. Whitehouse

Vote: Roll call vote, 6 in favor, 0 opposed, 1 absent [Nedeau]; the motion passed.

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board at the meeting on 07.01.2023
DATE OF MEETING

Signed by _____
Select Board Member: _____
SIGNATURE

Lisa Pratt
NAME IN PRINT