

KENNEBUNK SELECT BOARD MEETING MINUTES
TUESDAY, AUGUST 1, 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], Kortney E. Nedeau [Vice Chair], Lisa J. Pratt [Secretary], Kevin Therrien, Leslie G. Trentalange, William Ward, Jr., and Miriam J. Whitehouse;

Absent: None;

Also Present: Heather Balsler [Town Manager], Merton Brown [Town Clerk] Jeri Sheldon [Director, Human Resources], Bryan Laverriere [Director, Public Services], Kayla Tierney [Finance Director], Christopher Osterrieder [Director Community Development], Karen Winton [Deputy Director, Community Development], and Tina Radel [Communications and Marketing Specialist].

2. Review of Prior Minutes

S. Schulte next led members in a review of the minutes of the Board’s Special Meeting of July 5, 2023 and Regular Meeting of July 11, 2023.

Motion: To approve the minutes of the Special Meeting of July 5, 2023.

Moved: L. Pratt

Seconded: L. Trentalange

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 abstention [Ward, Jr. had not attended the July 5 meeting]; the motion passed.

Motion: To approve the minutes of the Regular Meeting of July 11, 2023.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 6 votes in favor, 0 opposed; 1 abstention [Nedeau had not attended the July 11 meeting]; the motion passed.

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. Donations

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

AMOUNT	DONOR	PROPOSED USE
\$100	Dick and Edie Lamberts	Kennebunk Fire Rescue
\$20	Mark and Judith Harvey	Kennebunk Dog Park

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

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

b. West Kennebunk Village Committee Appointment

The Board next entertained the appointment of Jennelle Martell to the West Kennebunk Village Committee to fill a vacancy for a Regular Member post for the remainder of a term expiring in 2026.

J. Martell introduced herself to the Board and public, and expressed enthusiasm about the opportunity to help the community.

Motion: To appoint Jennelle Martell to the West Kennebunk Village Committee as a Regular Member for the remainder of a three-year term that expires on June 30, 2026.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

c. Purchase of a 2024 GMC Sierra 4x4 Truck with Plow

S. Schulte next reported that the Town had received the following single bid for its purchase of a pick-up truck with plow. The Town, Schulte said, had budgeted \$70,000 for this purchase.

COMPANY	BID	
Weir Motor Sales , Arundel ME	Base Bid (p/vehicle):	\$59,017.00
Model: Sierra 3500	Allowance for trade in:	(\$2,000.00)
Year: 2024	Extended warranty::	+ \$1,847.00
		\$58,864.00

B. Laverriere, Director of Public Services, stated that he had reviewed the bid and endorsed it. Laverriere explained that such trucks are in short supply in the marketplace. "But this particular truck is being built as we speak," Laverriere affirmed.

Board members had no questions or comments.

Motion: To award the bid for a 2024 GMC Sierra 3500 4x4 truck with plow to Weirs Motor Sales at a price of \$58,864.00.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

d. Purchase of a 2023 Sidewalk Tractor with Implements

S. Schulte then reported that the Town had received the following two bids for its purchase of a sidewalk tractor with assorted implements. The Town, Schulte stated, had budgeted \$220,000 for the purchase. S. Schulte added that the Director of Public services had reviewed the bids and recommended awarding the purchase to Beaugard Equipment at a price of \$219,386.

<u>COMPANY</u>	<u>BID</u>
Beaugard Equipment , Scarborough Model: McLean MV5 Year: 2023	Base Bid (p/vehicle): \$236,996.00 Allowance for trade in: (\$30,000.00) Extended warranty #1: + \$8,995.00 Extended warranty:#2 + \$3,395.00 <hr/> \$219,386.00
HP Fairfield , Skowhegan ME Model: Trakless MT7 Year: 2023 <i>Does not meet bid specifications</i>	Base Bid (p/vehicle): \$218,073.00 Allowance for trade in: n/a Extended warranty:: + \$8,500.00 <hr/> \$226,573.00

B. Laverriere noted that two warranties were sought to cover the truck and, separately, motor. They would give the Town cover for five [5] years. Laverriere likewise said that the Town had had good experience with McLean tractors in the past.

Motion: To award the bid for the 2023 Sidewalk Tractor with associated implements to Beaugard Equipment at a price of \$219,386.00 as noted above.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

e. Authorization to Solicit Proposals for Technology Upgrades and Hybrid Meeting Support

The Board next considered a Town Hall request for (a) authorization to solicit proposals for technology upgrades and additional staff for hybrid meetings, as well as (b) approval of funds for this support.

H. Balsler explained that tech upgrades were needed to improve the ability of the public to participate remotely in Town Hall meetings via Zoom. The upgrade would include cabling improvements and additional staffing for video recordings and Zoom meeting management.

In response to Board questions, H. Balsler reported that the likely expense for these improvements would be in the range of \$30,000-\$40,000 for the technology upgrades, and \$5,000-\$10,000 for staffing support for the period August, 2023 to June, 2024. All in, H. Balsler sought authorization for a maximum \$50,000 outlay.

The Town Manager then affirmed that the Board's Contingency Fund had a balance of more than \$100,000 and, hence, could be tapped to adequately cover these costs. However, Balsler also made clear that these upgrades would not resolve all of the Town's technological shortcomings for hybrid or remote-participation meetings. T. Radel explained that a more modern broadcast system would eventually be needed, but the improvements sought at this time were an important step toward the longer-term goal of having a single system for meeting streaming as well as video recording.

Motion: To authorize staff to solicit Requests for Proposals (RFPs) for technology upgrades related to improving the efficiency of the broadcast system and reducing technical difficulties with the hybrid/Zoom meeting implementation.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

Motion: To reallocate ARPA Funds, Tranche 1, in amounts up to \$43,000 for technology upgrades and staffing needs related to hybrid meetings, and up to \$7,000 from the Select Board Contingency for the remainder (maximum \$50,000).

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

8. Old Business

Continued Discussion of Kennebunk Transfer Station Fees and Service Hours

This discussion was brought forward from the Select Board's July 11, 2023 meeting. CPRC Management, the Town's contractor for the management of Kennebunk's Transfer Station, had requested an increase of six [6] fees as well as a change of facility hours. CPRC originally sought these changes to become effective on August 1, 2023. The Select Board, however, had not made a decision on the matter at its prior meeting.

A summary of the proposed fee and hour changes is available for viewing on the agenda. In addition to fee changes, CPRC had asked that the Transfer Station only be open on the first and third Saturdays of each month versus every Saturday currently. However, the Station would be open until 7:00pm on the two Tuesday evenings following the Saturday closures.

John Adelman and Jim Hiltner, two senior CPRC officers, addressed the Board next. They asked that the Board discuss fees and hours of service separately. They apologized for not having been able to attend the Select Board's prior Public Hearing on these requests.

Fees: S. Schulte prefaced the discussion with the observation that "a request for an increase in fees along with a decrease of service was hard to swallow."

L. Pratt asked how a "yard" was measured, and discussion ensued about this measurement vis-à-vis pricing. J. Hiltner responded that there is some subjectivity involved as no scales were used at the site. By comparison, Hiltner said, Portland's Transfer Station used two scales to more precisely apprise the volumes of brush, grass, or other items being disposed.

J. Hiltner explained that, in lieu of scale measurements, CPRC personnel "eyeballed" and used yardstick measurements. "We take photos of loads that are in dispute", he added, "and show people how we do the math."

W. Ward, Jr. questioned the reason for the increase in tire-disposal fees. J. Adelman replied that there were limited disposal alternatives for some items such as tires. He also stated that the group's overall cost of disposing of tires had escalated considerably in Maine. "It costs us a lot more today than a year ago to get rid of tires," Adelman stated.

J. Adelman also pointed out that CPRC disposes of mowed grass and leaves from Kennebunk residents for free. However, residents often mix in tree limbs and brush in with their grass clippings. These items must be disposed of in a different and more costly manner. Such "mixes" of disposable items elevate CPRC's processing costs.

In response to public charges that CPRC fees at the Transfer Station were arbitrary and heavy-handed, the two executives re-iterated that the CPRC personnel on duty in Kennebunk were always willing to explain the math underlying any fee being charged.

M. Whitehouse asked if residents who might be frustrated with Transfer Station fees could contact CPRC directly instead of routing complaints to the Department of Public Services. J. Adelman answered in the affirmative.

Adelman went on to state that CPRC had, in his view, been “very fair” in its pricing and dealings with Kennebunk. The company, J. Adelman said, had the right to have annual pricing reviews, but had only come before the Select Board three [3] times in the last eight [8] years to seek fee adjustments. Meanwhile, Mr. Adelman alleged, inflation, weather, and staffing costs had caused significant increases in disposal and operation costs. “In this inflationary environment,” the representative said, “our costs for transportation, trucks, fuel, staffing, etc. are simply higher.”

Adelman and Hiltner made clear that CRPC was a for-profit venture. Cost escalations, they asserted, were significantly eroding their return. The fee changes being sought were reasonable, the CRPC representatives stated.

Board members acknowledged today’s inflationary pressures, but remarked that they were part and parcel of any company’s pricing policy and surely taken into account by CPRP when it made its contract with Kennebunk. Board members likewise saluted “Erica”, the CPRC employee at Kennebunk’s Transfer Station, for her exceptional service.

K. Therrien posed questions about the specific costs associated with the disposal of different goods. The CPRC officers cited different examples. Overall cost increases, they asserted, were the foremost factor underlying the group’ request for fee changes.

Hours of Service: The Board then took up CPRC’s request for modified hours. The proposed change of hours, S. Schulte stated, had been very poorly received by Kennebunk’s residents. Board members challenged the CPRC managers regarding the need to reduce service hours.

J. Adelman observed that many municipalities were stopping Saturday service. K. Nedeau countered that some municipalities *only* have Saturday service.

J. Adelman then offered to continue Saturday service hours “without change” if this was a major issue for Kennebunk townspeople. “We’ll take it [the change of Saturday service hours] off the table.” J. Adelman said, “and only ask for the fee revisions.”

Board’s Determination: S. Schulte invited public comments or questions regarding these proposals, but there were none. The Board then entertained a motion to approve the CPRC fees as proposed.

Motion: **To approve the change of fees at the Transfer Station consistent with the schedule of fees provided, effective August 15, 2023.**

Moved: W. Ward, Jr.

Seconded: L. Pratt

Before a vote was taken, however, K. Therrien voiced concern that the proposed fee increase for brush and woody vegetation might induce residents to hold onto these items rather than dispose of them. That, ultimately, might heighten the risk of fires. Therrien therefore asked that the motion be amended so that the cost of disposing of brush and woody vegetation remain unchanged at \$10 instead of the \$20 fee which CPRC proposed.

L. Pratt ventured that there should perhaps be three different fees for residents: (1) a fee for mown grass only; (2) a fee for woody vegetation only; and (3) a fee for a mix of both. J. Adelman countered that his group was very much opposed to a “mixed category” as brush and woody vegetation have very different disposal requirements and costs.

After further discussion, the Board ultimately came to entertain the following motions.

Motion: To amend the motion on the floor to approve the fees minus or without the fee increase for brush and woody vegetation (i.e. keep the existing fee for brush and woody vegetation at \$10 for residents and non-residents).

Moved: K. Therrien

Seconded: K. Nedeau

Vote: Roll call vote, 4 votes in favor [Therrien, Nedeau, Trentalange, Whitehouse], 3 opposed [Schulte, Pratt, Ward, Jr.]; the motion passed.

Motion: To approve the changes of fees at the Transfer Station consistent with the schedule provided except or without the increase for brush and woody vegetation, effective August 15, 2023.

Moved: W. Ward, Jr.

Seconded: L. Pratt

Vote: Roll call vote, 6 votes in favor, 1 opposed [Pratt]; the motion passed.

9. New Business

a. Road Acceptance Request [Drala Drive, Highland Rose Subdivision]

S. Schulte next reported that Christopher Barstow Builder LLC had developed a subdivision that had been reviewed and approved by the Kennebunk Planning Board on June 29, 2021 in accordance with the Land Use Ordinance and Street Design and Construction Ordinance. The developer recently presented the requisite materials per Section 8.4.2 of the Street Design and Construction Ordinance for road acceptance of Drala Drive, a street located off Alfred Road.

Schulte reported that the Town Engineer had inspected the roadwork during construction and determined that it complied with Ordinance standards. The Town Engineer routinely advises developers that there is no guarantee of road acceptance by the Town. Road acceptances must be approved by a Town Meeting vote.

M. Whitehouse expressed concern that Kennebunk’s long-term, cumulative expenses were likely to snowball if the Town continued to accept “road after road.” S. Schulte remarked that the Board’s role at this time was to agree to or not agree to move this proposition forward for voter consideration.

C. Osterrieder then explained that the road had been inspected and built in accordance with Town standards. It had already been paved. It was expected to have little car traffic – “less than 100 cars moving on it per day” – and little pedestrian traffic. L. Trentalange asked if this was the only road in the subdivision, and C. Osterrieder answered in the affirmative.

S. Schulte reported that the Board was in the process of establishing a “road acceptance policy”, but it was still a work in progress. S. Schulte asked if this particular road would have any unique, special, or higher service requirements, and C. Osterrieder responded in the negative. Osterrieder observed that the road was short, did not have sidewalks, and was unlikely to have drainage issues. The maintenance requirement, Osterrieder re-asserted, was likely to be minimal.

Motion: To send the road acceptance request for Drala Drive to a Public Hearing on August 29, 2023 to receive public comment and to place a warrant article before the next Special or Annual Town Meeting to act on this request.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

b. Time Extension for Charter Commission’s Submission of Reports

S. Schulte then reported that Christian Babcock, Chair of the Charter Commission, had requested on July 27, 2023 that the Charter Commission be granted an extension of up to 24 months for submission of the Commission’s Preliminary and Final Reports. The request, Schulte said, would move the completion of the Charter Commission’s work from November, 2023 to November, 2024.

Schulte read passages from Charter Commission Procedures which set the following specific time lines from the Commission’s November 8, 2022 election date:

- Nine [9] months after election: submit a Preliminary Report with copies for voters requesting them;
- Twelve [12] months after election: submit a Final Report to the Select Board;
- “The Select Board may extend the time of the submission of the Preliminary and Final Reports as long as they are done within 24 months after the election of the Commission.”

Motion: To grant an extension to the Charter Commission for submission of Preliminary and Final Reports to the Select Board for up to 24 months from the date of the election of the Commission (November 8, 2022).

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Show-of-hands vote, 7 votes in favor, 0 opposed; the motion passed.

c. Select Board Liaison Assignments, and

d. Select Board Subcommittee Assignments

Board members then discussed the next two Agenda Items jointly, voicing their preferences for Select Board Liaison and Subcommittee roles on the Town’s various boards, commissions, and committees. After discussion, members agreed to these roles:

	Committee	New Liaison(s)
BINDING COMMITTEES (Appeals Boards - no liaisons appointed)		
1	Board of Assessment Review	n/a
2	Fair Hearing Authority	n/a
3	Zoning Board of Appeals	n/a
BINDING COMMITTEES		
1	Budget Board	Ward
2	Conservation Commission	Schulte
3	Historic Preservation Commission	Therrien
4	Kennebunk River Committee	Schulte
5	Planning Board	Ward
6	Site Plan Review Board	Trentalange

NON-BINDING COMMITTEES		
1	Affordable Housing Committee	n/a
1	Climate Action Plan Task Force (new)	Pratt
2	Community Dev. Advisory Committee	Nedeau
3	Community Garden Committee	Trentalange
4	Economic Development Committee	Nedeau, Therrien
5	Energy Efficiency & Sustainability Comm.	Pratt
6	Lower Village Committee	n/a
7	Tree Committee	Trentalange
8	West Kennebunk Village Committee	Whitehouse
OTHER - no liaison appointed		
1	Charter Commission	n/a
SELECT BOARD SUBCOMMITTEES		
1	Communications/Dispatch Subcomm. (met once in 2011 prior to move to Sanford)	
2	Finance Subcommittee	Therrien, Trentalange, Ward
3	MMA Legislative Policy Committee	Ward
4	Ordinance Review Subcommittee	Nedeau, Schulte, Whitehouse
5	PAYT, Recycling, Trans. Station Review Subcommittee	Pratt, Therrien, Ward
6	RSU 21 (liaison to)	Trentalange, Whitehouse
7	Social Service Agencies Review Subcommittee	Pratt, Trentalange, Whitehouse
SUMMARY		
BOARD MEMBER	LIAISON TO (COMMITTEE)	(SUBCOMMITTEE)
K.Nedeau	Comm. Dev. Adv. Comm., EDC	Ord.
L.Pratt	Climate Action Plan T.F., EESC	PAYT, SS
S.Schulte	Cons. Comm., Kenn. River Comm.	Ord.
K.Therrien	EDC, Historic Pres. Comm.	Finance, PAYT
L.Trentalange	Community Garden Comm., SPRB, Tree Comm.	Finance, RSU21, SS
W.Ward, Jr.	Budget Board, Planning Board	Finance, PAYT, MMA Leg. Pol. Comm.
M.Whitehouse	WKVC	Ord, RSU21, SS

Members also noted that the Lower Village Committee did not have adequate membership for a quorum and might therefore have to be incorporated into another committee or board.

e. Election of Maine Municipal Association Vice President and Executive Committee Members

S. Schulte next explained that Maine municipalities have the opportunity to periodically vote on the election of Maine Municipal Association [MMA] officers and Executive Committee Members. According to Schulte, the Select Board could vote for these specific posts:

Vice-President for one [1] year term. Vote for one.

- Candidate: Melissa Doane, Town Manager, Town of Bradley

Executive Committee Members for three [3] year terms. Vote for three.

- Shiloh LaFrenier, Town Manager, Town of Jay
- Nathaniel Rudy, Town Manager, Town of Gray
- Dina Walker, Selectperson, Town of Weld.

Schulte invited public comments or questions, but there were none.

Motion: To vote for the four candidates noted above and to authorize the Town Manager to sign the ballot on the Board’s behalf.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

f. Other Business of the Board

L. Pratt and H. Balsler reminded the Board and public that an Ethics Workshop would take place on September 26, 2023. The back-up date is October 3, 2023.

10. Select Board Comments

a. Subcommittee Reports:

L. Pratt Pay-As-You-Go met and discussed the cost of trash bags. The group recommended that the Town make a bulk purchase at a discount so the bags could be made available to the public at the same current price.

b. Board Liaison Reports

S. Schulte The River Committee recently met and discussed mooring areas and the availability of federal funding for dredging.

W. Ward, Jr. The Planning Board discussed two Contract Zones at its meeting of July 24, 2023: (1) one linked to a senior housing project sponsored by Kennebunk Savings Bank, and (2) another for new uses of the “Wedding Cake House”.

M. Brown The Charter Commission met last Wednesday and will next hold a public meeting on “recall” and “forfeiture”.

c. Comments of Individual Select Board Members

W. Ward, Jr. Thanked Town Hall staff for their on-going fine service.

M. Whitehouse Urged Board members and the public to view the recording of the Planning Board’s meeting of July 28, 2023 regarding the two Contract one proposals. The topic may come before the Select Board.

11. Town Manager Announcements

Town Manager H. Balsler then reported that Senator Susan Collins had confirmed the approval of federal funding for local dredging. Balsler then read the list of upcoming meetings as listed on the agenda.

Select Board K. Nedeau, who was participating in this meeting via zoom, left the meeting when the Board entered the executive session.

12. Executive Session

At 8:36pm the Select Board entered into Executive Session.

a. Consult with the Town Attorney regarding the Select Board’s legal rights and duties with respect to security plans and procedures – Title 1 MRSA Sec. 405(6)(E).

Motion: To enter into Executive Session with the Town Manager, Director of Public Services, Police Chief, Fire Chief, Human Resources Director, and Town Attorney, pursuant to 1 MRSA Section 405(6)(E) to consult with the Town Attorney regarding the Select Board’s legal rights and duties with respect to security plans and procedures.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent (Nedeau); the motion passed.

- b. Discuss the condition, acquisition, or the use of real property or interests therein or the disposition of publicly held property where premature disclosure of the information would prejudice the competitive or bargaining position of the Town – title MRSA Sec. 405(6)(C), and to consult with the Town Attorney regarding the Board’s legal rights and duties – Title 1 MRSA Sec. 405(6)(E).

Motion: To enter into Executive Session with the Town Manager, Director of Public Services, Director of Community Development, Deputy Director of Community Development, and Town Attorney pursuant to 1 MRSA Section 405(6)(C) to discuss the condition, acquisition of the use of real property or interests therein or the disposition of publicly held property where premature disclosure of the information would prejudice the competitive or bargaining position of the Town, and 1 MRSA Sec. 405(6)(E) to consult with the Town Attorney regarding the Board’s legal rights and duties..

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent (Nedeau); the motion passed.

- c. Discuss the Town Manager’s Performance Appraisal Process with the Human Resources Director – Title 1 MRSA Sec. 405(6)(A).

Motion: To enter into Executive Session with the Human Resources Director, pursuant to 1 MRSA Sec. 405(6)(A) to discuss the Town Manager’s Performance Appraisal Process.

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent (Nedeau); the motion passed.

The Board exited these Executive Sessions at 10:34pm and had nothing to report.

13. Adjournment

There being no additional comments or topics for discussion, S. Schulte adjourned the meeting at 10:34pm.

Motion: To adjourn this meeting.

Moved: W. Ward, Jr.

Seconded: M. Whitehouse

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent (Nedeau); the motion passed.

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board at the meeting on 8/29/23

DATE OF MEETING

Signed by
Select Board Member:

Lisa Pratt
SIGNATURE

NAME IN PRINT