

KENNEBUNK SELECT BOARD MEETING MINUTES
TUESDAY, AUGUST 29, 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], Miriam J. Whitehouse [Vice Chair], Lisa J. Pratt [Secretary], Kortney E. Nedeau, Kevin Therrien, Leslie G. Trentalange; William Ward, Jr.

Absent: None

Also Present: Heather Balser [Town Manager], Merton Brown [Town Clerk], Justin Cooper [Fire Chief], Bryan Laverriere [Director, Public Services], Christopher Osterrieder [Director, Community Development], Daniel Robinson [Assessing Director], Kayla Tierney [Finance Director], and Karen Winton [Deputy Director, Community Development].

The meeting was held in person at Town Hall as well as via “Zoom”, the Internet teleconferencing platform. All seven Board members were in attendance until the executive session, when Kortney Nedeau, who was attending via zoom, left the meeting. The meeting was broadcast live on Cable TV Channel 5 and is available for public viewing at any time at *TownHallStreams.com*.

2. Review of Prior Minutes

S. Schulte next called on members to review the minutes of the Board’s Regular Meeting of August 1, 2023.

Motion: To approve the minutes of the Regular Meeting of August 1, 2023

Moved: L. Pratt

Seconded: W. Ward, Jr.

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

3. Items To Be Signed

There were none.

4. Public Hearings

a. Victualer License, Better Management Solutions LLC d/b/a Subway

S. Schulte then formally opened a Public Hearing to consider the application of Better Management Solutions LLC d/b/a “Subway”, located at 45 Portland Road, for a Victualer License. The Code Enforcement Office, Schulte said, would need to approve the request as well. M. Brown explained that the License was sought as a new owner had purchased Subway. All the required paperwork, Brown said, was in order.

Motion: To approve the Victualer License for Better Management Solutions LLC d/b/a Subway contingent upon final approval from Code Enforcement.

Moved: L. Pratt

Seconded: W. Ward, Jr.

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

b. Road Acceptance Request, Drala Drive

S. Schulte then introduced a request for the Road Acceptance of Drala Drive, a street located in the Highland Rose Subdivision and depicted in the plan entitled “Subdivision Plan Highland Rose” by Christopher Barstow Builder LLC. The plan had been approved on June 29, 2021 by the Town’s Planning Board and recorded in the York County Registry of Deeds in Plan Book 416, Page 46, on July 2, 2021.

Schulte reported that the subdivision improvements were complete and the inspections and approvals required by the Town’s Ordinance were in order. The developer asked to have the roadway placed on the agenda of the next Town Meeting for acceptance consideration by Kennebunk’s voters.

The developer, Christopher Barstow, was not in attendance at this hearing.

M. Whitehouse recommended that the Board stop automatically approving such requests as the long-term maintenance costs were onerous. She suggested that the Board consider a moratorium on such petitions. W. Ward, Jr. countered that the issue was complex, should not be rejected out of hand, and should instead be the focus of discussion for a broader “road policy” rather than be stopped by a moratorium.

S. Schulte reported that the Ordinance Review Subcommittee was looking into current and projected road maintenance and service costs. It was also assessing the impact of road acceptances on Public Services costs long-term. Schulte said that research would serve as a fact basis for a broad road policy.

In response to questions from L. Trentalange, C. Osterrieder said that the roadway in question was a dead-end street with 12 lots. It did not, he said, connect with any major roads, abut wetlands, or have sidewalks to clear.

S. Schulte called on the Director of Public Services, B. Laverriere, to comment on road maintenance costs in general. Laverriere stated that “for every inch of new road accepted...the service of other roads would have to decline.”

K. Nedeau asked how many other roads were “in the queue” for Town acceptance. C. Osterrieder replied that five [5] other roads had been approved recently, but only one [1] of them was likely to submit an acceptance request. “Even so,” Osterrieder said, “there is still the longer-term possibility of five streets being candidates within the next 18 months.”

Osterrieder nevertheless suggested that, in lieu of an actual moratorium, the Board might consider simply delaying or holding off on any decision to give the Ordinance Review Subcommittee time to study the matter and formulate a long-term policy. “This application could come back later,” Osterrieder said.

C. Osterrieder also confirmed that new roads such as this were built in accordance with Town road specifications, but that, in any event, developers were always advised “up front” that there was no guarantee of Town acceptance.

K. Therrien asked if there was a precedent or “record of acceptance” which might lead new applicants who were denied acceptance approval to complain of unfair treatment. C. Osterrieder responded that only 6 or 7 roads had been accepted by the Town in the past 20 years. However, there was now more residential development and road growth. The new requests for acceptance, Osterrieder said, represented a cost burden for Public Services.

In response to questions from L. Pratt, Osterrieder reported that the Town Attorney had been consulted on the matter and had suggested that a moratorium was not necessary as the Board had the right to postpone acceptance decisions. There was no time requirement

for a response. Osterrieder said the Attorney was available to answer legal questions about the topic at a future meeting.

M. Whitehouse reminded the Board and public that there were hundreds of private roads in Kennebunk. Residents, she said, should not expect Town maintenance of all roads. "Plenty of people are doing it [maintaining private roads], themselves," Whitehouse added.

S. Schulte concluded that the Ordinance Subcommittee should be allowed to develop a policy which would guide decisions about road acceptances or rejections going forward. He made clear, however, that there was no set time frame for the establishment of such a policy. Further research and discussion were needed. Other Board members concurred, but nevertheless proceeded to entertain the following motion.

Motion: To favorably consider Town acceptance of Drala Drive and forward the item to Town voters for consideration.

Moved: W. Ward, Jr.

Seconded: S. Schulte

Vote: Roll call vote, 1 vote in favor [Pratt], 6 opposed [Nedeau, Schulte, Therrien, Trentalange, Whitehouse, and Ward, Jr.]; the motion failed.

After the vote, S. Schulte remarked that the applicant was welcome to re-apply after a road policy was formulated.

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:

<u>AMOUNT</u>	<u>DONOR</u>	<u>PROPOSED USE</u>
\$200	Family of Chris Wright	Kennebunk Fire Rescue
\$25	Warren Totty	Kennebunk Dog Park
\$100	Ruth Frazier	Kennebunk Dog Park
\$11,700	Peabody WR Properties LLC	Police Department for the purchase of three [3] "Night Ride" cruiser-mounted thermal imager cameras to assist Law Enforcement in locating lost or wanted individuals in the dark.

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

b. Catch Basin Cleaning

S. Schulte then announced that the Town had received the following bids for cleaning Kennebunk's 375 catch basins:

	Maine Hydro Vac Windham, Maine	Vortex Services LLC Livermore, Maine
Total Bid:	\$20,437.50	\$28,125.00
Cost per each cleaning:	\$54.50	\$75.00
Cost p/hour to flush/vacuum storm lines:	\$200.00	\$200.00
Est. number of basins cleaned p/day	40-50	27

Schulte stated that the Town had \$24,000 budgeted for this project. Last year's bid had been awarded to Maine Hydro Vac in the amount of \$19,875.00.

Public Services Director B. Laverriere then addressed the Board, recommending that it accept Maine Hydro Vac's low bid. However, Laverriere explained that the work would probably only be completed sometime in the spring due to weather conditions.

Motion: To award the bid to Maine Hydro Vac in the amount of \$20,437.50.

Moved: L. Pratt

Seconded: W. Ward, Jr.

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

c. All-Band Portable Radios

S. Schulte next announced that the Town had received 14 bids from four [4] companies for the purchase of ten [10] Dual or All-Band Portable Radios with spare batteries and a charging bank. These units operate on UHF as well as VHF bands ["dual band"]. The Town would likewise be able to upgrade the units to include 700/800 band operations ["tri band"] should future operations determine that such an upgrade was warranted.

The following is a summary of the bids. Additional details are available on the agenda.

Company	# of items	Total	Manufacturer	Model	Bands
2-Way Communications Service, Inc., Portsmouth, NH	10	\$95,879.50	Motorola	APX 8000 XE	Tri Band: UHF, VHF 800
2-Way Communications Service, Inc., Portsmouth, NH	10	\$77,593.00	Motorola	APX 8000 XE	Dual Band: UHF, VHF 800 (Tri Band capable)
2-Way Communications Service, Inc., Portsmouth, NH	1	\$14,411.59	Motorola	APX Next XN	Tri Band: UHF, VHF 800
2-Way Communications Service, Inc., Portsmouth, NH	10	\$25,789.71	Motorola		
Belltronics Nashua, NH & Framingham, MA	10	\$35,263.08	BK Technologies	BKR9000	Dual Band: UHF, VHF (Tri Band capable)
Belltronics Nashua, NH & Framingham, MA	10	\$49,286.80	Kenwood	BP8000	Dual Band: UHF, VHF (Tri Band capable)
Belltronics Nashua, NH & Framingham, MA	10	\$46,983.00	BK Technologies	BKR9000	Dual Band: UHF, VHF (Tri Band capable)
Southern Maine Communications Service, Sanford, ME	10	\$101,812.50	Harris	XL400P Extreme	Tri Band: UHF, VHF, 800
Southern Maine Communications Service, Sanford, ME	10	\$85,725	Harris	XL400P Extreme	Dual Band: UHF, VHF (Tri Band capable)
Southern Maine Communications Service, Sanford, ME	10	\$61,755	Harris	XL200P	Tri Band: UHF, VHF, 800

Southern Maine Communications Service, Sanford, ME	10	\$45,748.75	Harris	XL200P	Dual Band: UHF, VHF (Tri Band capable)
Radio Communications Management, Inc., Portland, ME	10	\$44,953.66	Tait	TP9800	Dual Band, UHF, VHF (Tri Band Capable)
Radio Communications Management, Inc., Portland, ME	10	\$44,850.25	Harris	XL200P	Dual Band, UHF, VHF (Tri Band Capable)
Radio Communications Management, Inc., Portland, ME	10	\$85,259.75	Harris	XL400P	Dual Band, UHF, VHF (Tri Band Capable)

Schulte reported that the Town had \$100,000.00 budgeted for this purchase.

Fire Chief Justin Cooper addressed the Board, stating that he had reviewed the bids and recommended awarding the bid to 2-Way Communications Service, Inc. He explained that some of the bids were straight-forward, but others were “less than transparent” with additional, often hidden fees and charges. Cooper recommended that the radios have “tri-band” utility so Fire Department personnel did not have to carry two or three different radio devices for seamless communications.

K. Nedeau asked if the existing radios would be kept or sold. J. Cooper responded that some would be given to Public Services and others would be sold.

Motion: To award the bid for the 2023 Dual or All-Band Radios to 2-Way Communications Service, Inc. for ten [10] Motorola APX 8000 XE Tri-Band radios as a price of \$95,879.50.

Moved: L. Pratt

Seconded: W. Ward, Jr.

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

d. Tax Due Dates and Interest Rates for FY23-24

S. Schulte reported that the recommended tax due dates for the FY23-34 year was the second Friday in October and April – specifically Friday, October 13, 2023 and Friday, April 12, 2024.

Schulte added that the maximum interest rate permitted by state law on unpaid, delinquent tax amounts for the coming year was 8%. Last year, Schulte said, the Town set a 4% rate in accordance with the maximum rate set the State of Maine. Schulte noted, as well, that interest payments on overpayments are generally not paid since credit balances owned to taxpayers are refunded after the second payment due date. Interest is not paid on any prepayments received prior to the commitment of taxes.

Finance Director K. Tierney addressed the Board as well, and again recommended an 8% rate on unpaid balances past the tax due dates. She re-iterated that this was based on the state’s maximum rate.

Motion: To set the Tax Due Dates for FY2023-4 at October 13, 2023 and April 12, 2024 with the interest rate on delinquent taxes at 8%.

Moved: L. Pratt

Seconded: W. Ward, Jr.

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

e. Tax Rate for FY23-24

Assessor D. Robinson addressed the Board next and briefly described his office’s work completing valuation updates. He then circulated a memorandum ([PDF linked here](#)) which proposed a mil rate of \$16.05. By comparison, last year’s rate was \$14.60. However, property valuations, Robinson said, would stay the same.

Motion: To set the Tax Rate for Fiscal Year 2023-24 at \$16.05

Moved: L. Pratt

Seconded: W. Ward, Jr.

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

f. Property Tax Stabilization Program

D. Robinson next circulated a sheet summarizing the status of the State's "Property Tax Stabilization Program" [linked in agenda]. State legislators, he said, had repealed that law because of administrative and long-term funding concerns.

Robinson went on to report that other benefits were still in effect and some had been expanded. For example, the State's "Deferral Program" provides tax deferral benefits until a property is sold, but requires a lien on the property and, consequently, only some 100 people in the State have enrolled in that Program. Other tax-help programs, such as the "Property Tax Credit Program", have been expanded.

In response to questions from L. Pratt, D. Robinson explained that people enrolled in the Stabilization Program would continue to have their property taxes frozen in this current fiscal year. However, the freeze would then stop. No alternative or modified "Stabilization Program" was being contemplated by State legislators to the best of Robinson's knowledge.

8. Old Business

There was none

9. New Business

There was none

10. Select Board Comments

a. Subcommittee Reports:

L. Pratt: The Social Services Subcommittee met for the first time and was joined by K. Winton and C. Osterrieder. There was good public attendance. Members will meet again in October.

S. Schulte: The Ordinance Subcommittee is looking at a "full load" of policy topics: road acceptance, food trucks, parking changes, and short-term rentals. The next Ordinance Subcommittee meeting will be September 25.

Schulte also reported that the Select Board had conducted a Retreat earlier today to review the Town's financials and set work priorities. These "retreats" will be organized annually and the public is invite to attend.

W. Ward, Jr.: The Finance Subcommittee discussed the Town's credit card, fund balance, and purchasing policies. Possible modifications are being considered.

b. Board Liaison Reports

L. Pratt: The Energy Efficiency & Sustainability Committee did not have meetings during the month of August. The Climate Action Plan Task Force posted the results of its recent Survey on the group's website. The public is welcome to attend the Task Force's meetings on the 1st and 3rd Tuesday of the month at 9:00am at Town Hall, 3rd Floor.

- S. Schulte: Will report on the Conservation Commission's progress at the next Select Board meeting.
- K. Therrien: The Historic Preservation Commission met on August 23 and approved two applications.
- M. Whitehouse: Attended the West Kennebunk Committee meeting and it focused on Family Fun Day. The recent event had several modifications and the parade was cancelled. The Committee is looking at details for next year's event.

c. Comments of Individual Select Board Members

- L. Pratt: Thanked the Town Manager and staff for organizing today's Select Board Retreat.
- W. Ward, Jr.: Thanked all Town Hall staff and, in particular, the Town lifeguards who recently helped to keep people off the beach during a dangerous lightning storm.
- M. Whitehouse: Asked for another Select Board member to volunteer for the Board's next Outreach event on September 16 from 8:30am to 10:00am. L. Pratt volunteered to attend. S. Schulte volunteered for the October session.

11. Town Manager Announcements

Town Manager H. Balsler then read the list of upcoming meetings noted on the agenda.

12. Executive Session

There was none.

13. Adjournment

There being no additional comments or topics for discussion, S. Schulte adjourned the meeting at 7:48pm.

Motion: To adjourn this meeting.

Moved: K. Therrien

Seconded: W. Ward, Jr.

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

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board at the meeting on _____

09.12.2023

DATE OF MEETING

Signed by

Select Board Member:

L. Pratt

SIGNATURE

Lisa Pratt

NAME IN PRINT