

KENNEBUNK SELECT BOARD MEETING MINUTES
TUESDAY, SEPTEMBER 27, 2022 – 6:00PM
IN PERSON MEETING, TOWN HALL, 3rd FLOOR, 1 SUMMER STREET

This meeting was held in person and televised on Cable TV Channel 5.
It is available for public viewing at *TownHallStreams.com*.

1. Call to Order

The meeting was called to order at 6:00pm by Chair and presiding officer Shiloh Schulte, who then led attendees in the Pledge of Allegiance. Those in attendance were:

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

Absent: Kortney E. Nedeau [Vice Chair], and William Ward, Jr.

Also Present: Michael Pardue [Town Manager], Chris Osterrieder [Director of Community Development], Joel Downs [Finance Director], Brian Laverriere [Director, Public Services], Justin Cooper [Fire Chief], , Merton Brown [Town Clerk], Karen Winton [Deputy Director, Community Development], Lt. Christopher Russell [Police Department].

The meeting was held in person in keeping with the Board's COVID-19 safety policy. Effective May 10, 2022, the Board voted to hold teleconference or remote meetings when the CDC's color-coded COVID-19 transmission rating for York County is red ["high"] or yellow ["medium"]. The prevailing rating was green ["low"], hence this meeting was held in person. Five voting members were present.

2. Executive Session

Pursuant to 1 M.R.S.A. Sec. 405(6)(C), S. Schulte first opened an Executive Session with the Town Manager, Finance Director, Director of Community Development, and Deputy Director of Community Development.

Motion: **To enter into Executive Session with the Town Manager, Finance Director, Director of Community Development, and Deputy Director of Community Development pursuant to 1 M.R.S.A. Sec.405(6)(C) to discuss the condition, acquisition, or 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.**

Moved: L. Pratt

Seconded: S. Carpenter

Vote: **Show of hands vote, 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.**

The Executive Session ended at 6:30pm. Upon exiting the Executive Session, the Board had nothing to report.

The meeting of the Select Board resumed at 6:30pm.

3. Approval of Minutes & Items to be Signed

S. Schulte then led members in a review of the minutes of the Select Board's Regular Meeting of September 13, 2022.

Motion: To approve the minutes of the Select Board's Regular Meeting of September 13, 2022.

Moved: L. Pratt

Seconded: S. Carpenter.

Vote: Show of hands vote, 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

4. Public Hearing

S. Schulte next opened a public hearing to hear comments on several topics.

a. Proposed Amendments to the Town's General Assistance Appendices A-G

S. Schulte observed that the Town's municipal officers approve and adopt the appendices to the General Assistance Ordinance each year. The proposed amendments, Appendices A-G, had been provided to Select Board members in advance of this meeting. The link to the document is available for public viewing on the agenda.

S. Schulte solicited public comments or questions, but there were one.

Motion: To approve the 2022-23 General Assistance Ordinance Appendices (A-G) of the Kennebunk General Assistance Ordinance

Moved: L. Pratt

Seconded: S. Carpenter.

Vote: Show of hands vote, 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

5. Public Comments

S. Schulte next opened a public hearing to hear comments or questions of a general nature.

Brenda Robinson, a public commentator, offered a brief chronology of the history of Kennebunk's Skatepark. She expressed concern that the park's construction had been repeatedly delayed. Ms. Robinson asked that a new Skatepark Advisory Board be created under the oversight of David Boyd and that funding be made available to complete Phase I. M. Whitehouse asked the commentator to provide the Board with a copy of her list of recommendations.

6. Acknowledgements and Announcements

a. New Hire

S. Schulte next announced that the Town had hired Melissa Medeiros, Kennebunk's second part-time Behavioral Health Liaison, effective September 20, 2022. Melissa is a Licensed Social Worker and holds a BA degree in Social and Behavioral Health Services from the University of Southern Maine. She previously worked for DDHS and the Biddeford District Court. With Town Hall in Kennebunk, Melissa will work a combination of late day and evening shifts. The Board welcomed Melissa to the Town of Kennebunk.

b. Staff Recognition

S. Schulte then reported that three municipal officers had recently received awards for their respective contributions to the community:

- Town Clerk **Merton Brown** received the Maine Town and City Clerk's Association's "2022 Lighthouse Award" in recognition for his "steadfast perseverance and insight keeping the Maine Town and City Clerks' Association on course".

- Police Chief **Robert MacKenzie** was awarded the “Joel Stevens Community Spirit Award” in recognition of his passionate crusade against substance abuse among other accomplishments, by the Kennebunk-Kennebunkport and Arundel Chamber of Commerce, and
- Town Manager **Mike Pardue** received a Special Recognition Award also from the Chamber of Commerce for his work with the COVID-19 Task Force and for his support of new businesses in Kennebunk.

Board members congratulated Merton, Bob and Mike for their service achievements.

7. Time Sensitive Business and Staff Presentations

The Board then heard several Committee updates and proposals.

a. Lower Village Committee Resignation

S. Schulte next reported that Elizabeth Smith, a regular Member of the Lower Village Committee, had tendered her resignation. Her term would have otherwise expired on June 30, 2025. The Board verbally thanked Ms. Smith for her community service.

Motion: To accept the resignation of Elizabeth Smith from the Lower Village Committee and send her a letter thanking her for her service.

Moved: L. Pratt

Seconded: S. Carpenter.

Vote: Show of hands vote, 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

b. Committee Appointments

S. Schulte next informed the Board that several residents had expressed interest in joining Town Committees that had vacancies. The credentials of these candidates are available on the agenda for this meeting.

- **Energy Efficiency & Sustainability Committee:** This Committee, Schulte said, is meant to have 9 Regular Members and one Youth Member. It presently has five vacancies: Two residents – Linda Miller Cleary and Nicholas Bartenhagen – had expressed interest on participating on this Committee.

Linda Miller Cleary addressed the Board, describing herself as a person with great interest in environmental studies. Nicholas Bartenhagen also spoke, noting that he had spent five years serving on an earlier version of this committee. Mr. Bartenhagen expressed particular interest in the Town’s transition to LED street lighting.

Motion: To appoint Linda Miller Cleary as a Regular Member on the Energy Efficiency & Sustainability Committee for the remainder of a three-year term that expires on June 30, 2025.

Moved: L. Pratt

Seconded: S. Carpenter.

Vote: Show of hands vote, 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

Motion: To appoint Nicholas Bartenhagen as a Regular Member on the Energy Efficiency & Sustainability Committee for the remainder of a three-year term that expires on June 30, 2024.

Moved: L. Pratt

Seconded: S. Carpenter.

Vote: Show of hands vote, 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

- **Board of Assessment Review:** The Board of Assessment Review, Schulte said, consists of three Regular Members and currently has one vacancy for a three-year term expiring in 2024. Peter Brewitt had expressed interest in joining it.

Mr. Brewitt addressed the Board, voicing interest in joining both the Board of Assessment Review as well as the Tree Committee. "Trees are my lifelong background," he stated.

Motion: To appoint Peter Brewitt as a Regular Member on the Board of Assessment Review for the remainder of a three-year term that expires on June 30, 2024.

Moved: L. Pratt

Seconded: S. Carpenter.

Vote: Show of hands vote, 5 votes in favor, 0 opposed, 2 absent [Ne-deau and Ward, Jr.]; the motion passed.

- **Tree Committee:** The Tree Committee, Schulte said, consists of five Regular Members and currently has one vacancy for a three-year term expiring in 2025. Peter Brewitt is a candidate for that post.

Motion: To appoint Peter Brewitt as a Regular Member on the Tree Committee for the remainder of a three-year term that expires on June 30, 2025.

Moved: L. Pratt

Seconded: S. Carpenter.

Vote: Show of hands vote, 5 votes in favor, 0 opposed, 2 absent [Ne-deau and Ward, Jr.]; the motion passed.

c. Purchase of a Harbormaster Boat

S. Schulte then reported that the Town's Harbormaster currently utilizes a Rigid Inflatable Boat ["RIB"] to perform his duties. The boat is a 2012 Zodiac PRO 500 with an outboard Yamaha 50 hp engine. The boat, its motor, and electrical and fuel systems are ten years old and in need of replacement. The craft also has size and maneuverability limitations, making it "less than adequate" to assist the Harbormaster in the performance of his tasks.

Harbormaster Jamie Houtz offered this background, then requested authorization to purchase a new boat using funds from the Harbormaster Special Revenue Fund. The Fund was established when Arundel, Kennebunk, and Kennebunkport entered into an inter-local agreement in 1995. (Arundel is no longer a member.) The fund accumulates annual mooring fees from commercial and recreational mooring holders. The balance of the fund as of 06/30/2022 was \$126,381.82 (unaudited).

Houtz reported that there are few manufacturers of suitable boats with the length needed by Kennebunk for harbor work. He stated that there were only two options for a 19-ft. replacement craft: (1) another Zodiac boat; or (2) a RIBCRAFT 19-ft, 2-inch vessel with a Yamaha 115 motor. He specifically asked for a sole sourcing exception as well as authorization to purchase the RIBCRAFT vessel.

S. Schulte inquired why the RFP process had not been employed and why sole sourcing was being requested. J. Houtz responded that (1) the demand for harbor boats is high; (2) there are, consequently, long lag times for deliveries; (3) there were fundamentally only two manufacturers of suitably sized boats - Zodiac and RIBCRAFT, and (4) Zodiac

is not responding to any RFPs at the present time and is only satisfying past, back-log orders.

Zodiac, J. Houtz admitted, did have one craft available for immediate delivery due to an order cancellation. However, that boat “is not what we need” and is substantially more expensive than the approved budget. Hence, sole sourcing from RIBCRAFT was the Town’s sole cost-effective option, according to Houtz.

S. Schulte and M. Whitehouse voiced preference for following the Town’s RFP protocol whenever possible. Both questioned whether other manufacturers could be approached on an RFP basis. J. Houtz reiterated that the RIBCRAFT option was the sole one permitting June, 2023 delivery of a boat meeting Kennebunk’s size and fitting requirements. Board members ultimately concurred with that assessment.

Motion: To waive the Select Board’s Purchasing Policy allowing for sole sourcing for the purchase of the boat, motor, and trailer, and to authorize the Town Manager to spend up to \$85,000 from the Harbor-master Special Revenue Fund for this acquisition

Moved: L. Pratt

Seconded: S. Carpenter.

Vote: Show of hands vote, 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

8. Old Business

a. Extension of the Purchase and Sale Agreement with Beach Glass Management, LLC

S. Schulte next reminded the Board that it had granted approval for a Purchase and Sale Agreement [“PSA”] for a Town-owned property [Map 59 Lot 34] on York Street which was formerly used as a rest area. In 2019, the Town entered into the PSA with Beach Glass Management, LL for its purchase of this property. Beach Glass Management, LLC had proposed to construct a memory are facility on the site.

The PSA, Schulte explained, provided for a period of due diligence, affording the purchaser time to complete permitting activity. The purchaser has been working with State and local permitting authorities; however, it has encountered delays in processing time associated with the need for a supplemental environmental assessment.

The Select Board had extended the PSA for an additional ninety [90] days on May 31, 2022. Town staff met with the applicant and verified that a Tier III Natural Resources Protection Act (NRPA) permit application had been refiled with the Maine DEP in July 2022 and accepted for processing. However, Maine DEP personnel confirmed to Town Hall staff in August, 2022 that it was delayed in issuing permits because of staffing issues.

Given the status of that permitting process, Schulte said, it would be “appropriate and reasonable” to extend the due diligence period of the PSA until December 31, 2022.

S. Carpenter asked if a December extension would be adequate. C. Osterrieder responded in the affirmative.

S. Schulte solicited public comments and questions. Kristen Collins, an attorney representing Benjamin and Sarah Meggs, advised the Board that her clients “remain, ready, willing and motivated to purchase this property.”

Motion: To extend the due diligence period of the Purchase & Sale Agreement with Beach Glass Management, LLC for the property identified on Map 59 Lot 34 until December 31, 2022.

Moved: L. Pratt

Seconded: S. Carpenter

Vote: Show-of-hands vote. 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

9. New Business

a. Approve Road Closures, per the Police Department:

Saturday, October 15, 2022 - HarvestFest, a Town-sponsored event.

<u>TIME</u>	<u>LOCATION</u>
11:15-12:00pm	Water Street closed
11:15-12:00pm	Factory Pasture Lane from Winter to Water Streets
11:25-12:30pm	Main Street from Water to Dane Streets
11:25-12:30pm	Dane Street closed
11:25-12:30pm	Grove Street closed

Motion: To approve the road closures as recommended by the Police Department for HarvestFest as noted above.

Moved: L. Pratt

Seconded: S. Carpenter

Vote: Show-of-hands vote. 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

Saturday, October 29, 2022 - "Wicked 5K-10K" Race

<u>TIME</u>	<u>LOCATION</u>
10:00-11:00am	Western Avenue from the intersection of Boothby Road to Beach Ave. During the race, traffic heading toward Kennebunkport from the Wells direction will be redirected down Lower Sea Road. Local traffic will be allowed on Western Ave. from Sea road to Boothby.

Motion: To approve the road closures as recommended by the Police Department for the Wicked 5K-10K as noted above.

Moved: L. Pratt

Seconded: S. Carpenter

Vote: Show-of-hands vote. 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

S. Schulte noted that the above times for both events were subject to change.

b. Discuss Any Other Business of the Board

1. Purchase of Tandem Axle Dump Truck

B. Laverriere, Director of Public Services, addressed the Board next, seeking authorization to retain, rather than trade in, an existing dump truck. The Select Board, he reminded Board members, had approved the purchase of a new Tandem Axle Dump

Truck in the net total amount of \$193,557.51 on July 20, 2021. That pricing was predicated on the trade-in of an existing, older truck for \$22,000 of cost offset.

However, keeping (rather than trading in) the original truck would be advantageous, Laverriere said. It would reduce the need to have to repeatedly put on and take off snow plow attachments. It would also give the Department extra truck power.

The total cost of the new dump truck without the trade-in would be \$215,577.51, Laverriere affirmed.

Motion: To retain the current vehicle valued at \$22,000 and authorize the total expenditure of \$215,577.57 for [the purchase of] the new vehicle.

Moved: L. Pratt

Seconded: S. Carpenter

Vote: Show-of-hands vote. 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

2. Purchase of Police Car

Lt. Christopher Russell of the Kennebunk Police Department came before the Board next, seeking authorization for the Police Department to purchase three vehicles. The Select Board, he said, had previously authorized the purchase of two Ford vehicles in 2021 and another vehicle in 2022. The Police Department had placed orders with Ford for the vehicles, "but they are not materializing". Russell explained that Ford has a huge backlog and Kennebunk's order may have been cancelled. "Ford", he said, "is simply not responding to us or taking any new orders."

Russell described Kennebunk's Police fleet as "aging" and very much in need of upgrade. He reported that the Police Department had found several 2022 vehicles available from McGovern Municipal HQ in Framingham, Massachusetts. The cost for the three cars excluding fittings would be \$115,000 (rounded) and within approved budget.

"We're asking for permission to get the vehicles we desperately need," Russell stated.

Motion: To authorize the Town Manager to spend up to \$115,000 for the purchase of three (3) 2022 Ford vehicles from McGovern Municipal HQ of Framingham, MA.

Moved: L. Pratt

Seconded: S. Carpenter

Vote: Show-of-hands vote. 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

After the vote, C. Russell made clear that the \$115,000 amount does not include any outfitting. The outfitting cost will be brought to the Board at a later time for separate approval. M. Whitehouse called on the Police Department to formally cancel the original Ford order, and C. Russell said he would do so.

3. Bank Account Signatory Power

J. Downs, Finance Director, then addressed the Board, explaining that the Town's money market account at M&T Bank was "barely earning interest", while Camden National Bank was offering better rates. As the Town has a sizable amount of cash, Downs requested signatory power to open and manage an account with Camden National Bank.

Motion: To authorize the Town Manager and Finance Manager to have signatory power over Town of Kennebunk accounts at Camden National Bank.

Moved: L. Pratt

Seconded: S. Carpenter

Vote: Show-of-hands vote. 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

After the vote, Downs reported several employee benefit changes. He stated that the Town's mandatory contribution to the "Mission Share 401(A) Plan", currently 6.5%, is being increased to 7.5%. The increase, Downs said, had been discussed during budget deliberations. It includes overtime earnings.

Downs also observed there was an older "Maine Start 401(A) Plan" which has been dormant since 2011 and is now being deactivated. Participants in that older Plan can either take a distribution (which may be taxable) or leave their funds with Maine Start.

10. Select Board Comments

a. Subcommittee Reports:

There were none.

b. Board Liaison Reports

There were none.

c. Comments of Individual Select Board Members

S. Schulte: Communicated the apologies of K. Nedeau and W. Ward, Jr. for having to miss this evening's meeting.

L. Pratt: Reported that the Composting Summit took place last week (at the WKFD) and was successful. A representative from Congresswoman Chellie Pingree's office was in attendance.

11. Announcements

The Town Manager and Town Hall staff then announced a number of meetings, workshops, and holidays.

a. Wednesday, September 28, 6:30pm, Special Select Board Meeting: An Executive Session will take place pursuant to 1 MRSA Sec 405(6)(A) to discuss or consider employment.

b. Thursday, September 29, 2022: This is the deadline for the submission of nomination papers for the six elected Charter Commission posts. More information can be found on the agenda.

c. Monday, October 3rd, 5:00pm, Special Select Board Meeting: This will be an Executive Session pursuant to 1 MRSA Sec. 405(6)(A) to discuss the employment, appointment, assignment, duties, and compensation of one or more public officials, appointees, or employees..

d. Monday, October 3, 2022, 6:00-8:00pm, Community Composting Workshop: M. Pardue then reminded the Board and public that a Composting Workshop will be held on October 3rd at the Kennebunk Free Library. The workshop will cover the mechanics and benefits of composting and provide practical information on how individuals can compost at home.

- e. **Saturday, October 8, 2022, 8am-1pm, Residential Household Hazardous Waste Day:** This event, to be held at the Kennebunk Public Services Facility at 36 Sea Road, is for Kennebunk, Kennebunkport, and Wells residents. Proof of residency is required. Information about accepted items can be found on our website calendar for this date.
- f. **Monday, October 10, 2022, Indigenous Peoples' Day (federally recognized as "Columbus Day"):** M. Pardue informed the Board and community that the Town Office and Department of Public Service will be closed the entire day. However, trash and recycling pickup will take place as usual all week.
- g. **Friday, October 14, 2022, Property Taxes:** The first installment of tax payments is due on this date.

12. Executive Session

There was none.

13. Adjournment

There being no additional comments or topics for discussion, the presiding officer adjourned the meeting at 7:40 pm.

Motion: To adjourn the meeting.

Moved: L. Pratt

Seconded: S. Carpenter

Vote: Show of hands vote. 5votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board in the meeting of 10/11/22
DATE OF MEETING

Signed by
Select Board Member: 
SIGNATURE
Lisa Pratt
NAME IN PRINT