

Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
August 12, 2021
6:00 PM

MINUTES

Selectmen attending via Zoom: Sheila Matthews-Bull, Allen Daggett, Patrick Briggs, D. Michael Weston, and Edward Hutchins.

Others attending via Zoom: Laurie Smith, David Powell, Tracey O'Roak, Michael Claus, Eric Labelle, Christopher Simeoni, Werner Gilliam, Craig Sanford, Jennifer Lord, Jono Analone, and Doug Johnston.

1. Call to Order

Selectman Matthews-Bull called the meeting to order at 6:00 PM. She took roll call of Selectmen present: Allen Daggett, Patrick Briggs, Michael Weston, Edward Hutchins, and Sheila Matthews-Bull.

2. Approve the July 22, 2021, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to approve the July 22, 2021, selectmen meeting minutes. **Roll Call Vote:** Briggs, Hutchins, Weston, Daggett and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)

Selectman Briggs announced that Laurie Smith, Town Manager, has received the most prestigious award that a manager in Maine can receive, the Linc Stackpole Award. Mr. Briggs spoke highly of Laurie and how she has handled the many challenges over the past few years.

4. Consider renewal liquor license application submitted by Breakwater Inn & Spa, 127 Ocean Avenue.

Motion by Selectman Daggett, seconded by Selectman Hutchins to approve the renewal liquor license submitted by Breakwater Inn & Spa, 127 Ocean Avenue. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

5. Approve street opening permit submitted by Marlene Raum, 24 Main Street, to replace water line as recommended by KKW.

Selectman Matthews-Bull advised that Michael Claus, Public Works Director, approved the permit for the replacement of a water line at the recommendation of KKW. The excavation will occur on School Street in the sidewalk only.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the street opening permit submitted by Marlene Raum, 24 Main Street. **Roll Call Vote:** Briggs, Hutchins, Weston, Daggett and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

6. Consider requests for FY2021 carryforwards.

Laurie Smith, Town Manager, informed the Board that this is the annual request for carryforwards from the FY2021 budget. This year's request is for \$228,784. Through a conservative budget process and reduced spending during the pandemic, the Town had positive financial outcomes for the last fiscal year. Most of the carryforwards deal with projects or expenditures that are left over from FY2021.

Motion by Selectman Hutchins, seconded by Selectman Daggett to approve FY2021 carryforwards in the amount of \$228,784. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

7. Award bid for Village Parcel Engineering Services.

Laurie Smith, Town Manager, advised that staff sent out engineering proposals to develop final specification related to the construction of utilities and the road for Phase I of the Village Parcel Plan. Given the increase in construction prices, it was recommended to obtain a formal cost estimate and develop plans for the future. The proposals requested pricing for Scope A and Scope B.

Eric Labelle, Town Engineer, gave an overview of the two proposals received. What was asked to be included in the proposals was the cost for the construction of the initial road and then also the construction administration.

Discussion ensued regarding the permitting fees as presented in the proposals and the differences between the two proposals as well as the engineering firms.

Werner Gilliam, Town Planner, reviewed the permitting process and advised that the Maine DEP and Army Corp of Engineers permits are both still valid, however, they do have an expiration date.

Motion by Selectman Weston, seconded by Selectman Hutchins to award the engineering bid to Acorn Engineering, Inc. **Roll Call Vote:** Hutchins, Weston, Matthews-Bull and Daggett. Briggs abstained. **Voted:** 4-0. **Motion passed.**

8. Award bid for a Reversible One-Way Highway Plow.

Mike Claus, Public Works Director, recommended accepting the bid from Viking Clives. Public Works is already using two plows from Viking and they are happy with them.

Motion by Selectman Hutchins, seconded by Selectman Daggett to award the bid to Viking Clives. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

9. Discussion regarding proposed change to the location of Cape Porpoise Pump Station.

Christopher Simeoni, Deputy Public Works Director, and Eric Labelle, Town Engineer, advised that as part of the sewer upgrade projects, the Town will be replacing the Cape Porpoise pump station. They explained why moving the location of the station makes sense, including but not limited to operational challenges. They proposed moving it to a triangular shaped lot behind the current pump station. Benefits would include lowering the height of the wet well so it could be cleaned more effectively; allowing the current pump station to remain online during construction which would eliminate the cost of an expensive by-pass pump; and the location of the current pump station could be returned to green space.

Christopher Simeoni also gave an update on recent work on the Goose Rocks Beach pump station due to tidal water leaking into building.

10. Authorize Bond Resolution for Communications Tower Project.

Police Chief, Craig Sanford, gave an update on the Tower Project. He advised that they are communicating with the vendor to get some questions answered as well as obtaining final pricing and numbers to bring forward to the Board. There has also been some geotechnical work to find the best location for the towers.

Motion by Selectman Hutchins, seconded by Selectman Briggs to adopt the resolution entitled, "Resolution to Authorize Town of Kennebunkport to Issue \$1,000,000 in Bonds for Public Safety Radio Communications Improvements," be adopted as presented at this meeting and that an attested copy of said Resolution be filed with the minutes of this meeting. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

11. Authorize Bond Resolution for Wastewater Capital Projects.

Motion by Selectman Hutchins, seconded by Selectman Briggs to adopt the resolution entitled "Resolution to Authorize Town of Kennebunkport to Issue \$6,000,000 in Bonds for Wastewater Capital Projects" as presented at this meeting and that an attested copy of said Resolution be filed with the minutes of this meeting. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

12. Consider offer from Kennebunkport Climate Initiative for the purchase of Town land.

Laurie Smith, Town Manager, introduced Jono Anzalone of the KCI and Doug Johnston, their engineer. Mr. Anzalone reviewed the mission of KCI and expressed interest in purchasing Parcel D of the Village Parcel from the Town for \$2.3 million.

Mr. Anzalone gave a presentation showing how they would like to use the parcel, including intended uses for the building they would like to put on the property.

Motion by Selectman Daggett, seconded by Selectman Hutchins to direct the Town Manager to draft a purchase & sale agreement for Lot D with KCI. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

13. Request from C.R. Bryant regarding a handicapped parking space along 2 Mast Cove Lane.

After discussion by the Board, it was unanimously agreed to leave the parking spaces in front of the Mast Cove Gallery as they are.

Police Chief, Craig Sanford, indicated that a study was done about two years ago regarding the ratio of handicap spaces provided in the Dock Square area and the Town more than meets the requirements.

14. Authorization of Union Contract for July 1, 2021 – June 30, 2024.

Laurie Smith, Town Manager, advised that the Union ratified the contract on August 2, 2021, and she reviewed the changes made.

Motion by Selectman Hutchins, seconded by Selectman Daggett to authorize the Chair and Town Manager to sign the union contract. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

15. Other Business.

a. Request to seek legal advice regarding the recall of school board officials.

Laurie Smith, Town Manager informed the Board that there have been multiple inquiries from residents about how to recall a member of the School Board. There is conflicting language between State statute and our Administrative Code. State law only allows removal of a school board member if they have been convicted of a crime while in office, and the municipality is the victim. Our Administrative Code says that any elected official can be recalled through a petition process. Because we are part of an RSU, which is a separate entity, it is unclear whether state law or our ordinance would prevail. Our Town attorney cannot give the Town legal advice because she has done work for the RSU so there would be a conflict. The Town would need to hire an outside attorney to review the information. Discussion ensued regarding how to proceed. It was agreed to give the Town Manager authority to proceed to obtain a legal opinion.

b. Vote for MMA Vice-President and Executive Committee members.

Motion by Selectman Hutchins, seconded by Selectman Briggs to approve the slate of officers as presented. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

c. Dividend from Insurance Pool.

Laurie Smith, Town Manager, advised that the Town received a check from the MMA Risk Pool for \$5,152 for the past year's good standing with both Worker's Compensation and the Property Casualty Pool.

d. Update on Colony Beach jetty repairs.

Laurie Smith gave an update on the jetty repairs. The contractors are scheduled to be on site on August 16, 2021, at which time the parking lot will be closed. They have until January 1, 2022, to complete the work.

Each of the Selectmen congratulated Laurie Smith again on receiving the Manager of the Year award.

16. Approve the August 12, 2021, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Weston to approve the August 12, 2021, Treasurer's warrant. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

17. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Briggs to adjourn. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.** Meeting adjourned at 7:30 p.m.

Submitted by,
Tracey O'Roak
Administrative Assistant