

Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
September 9, 2021
6:00 PM

MINUTES

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

Others attending via Zoom: David Powell, Tracey O’Roak, Michael Claus, Eric Labelle, Christopher Simeoni, Jamie Mitchell, Jono Anzalone of KCI, and Barry Sheff of Woodard & Curran.

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 August 26, 2021.

Motion by Selectman Briggs, seconded by Selectman Daggett to approve the August 26, 2021, selectmen meeting minutes. **Roll Call Vote:** Briggs, Weston, Daggett and Matthews-Bull. Selectman Hutchins abstained as he wasn’t at the meeting.

Voted: 4-0. **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.)

There were no public comments.

4. Public Hearing to consider a new Victualer’s License application submitted by Kennebunkport Captains Collection d/b/a AWOL Kennebunkport, 34 Main Street.

Motion by Selectman Daggett, seconded by Selectman Weston, to open the public hearing. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull.

Voted: 5-0. **Motion passed.**

There were no public comments.

Selectman Matthews-Bull closed the public hearing.

Motion by Selectman Hutchins seconded by Selectman Daggett, to approve a new Victualer’s License application submitted by Kennebunkport Captains Collection d/b/a AWOL Kennebunkport, 34 Main Street. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

5. Consider renewal liquor license submitted by Asador LLC d/b/a The Lost Fire, 62 Mills Road.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the renewal liquor license application submitted by Asador LLC d/b/a The Lost Fire, 62 Mills Road. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

6. Appoint Tracey O’Roak as Constable with a term to expire March 2022.

Laurie Smith, Town Manager, and Jamie Mitchell, Town Clerk, explained that the Town Clerk has always held the title of Constable in order to post election warrants to meet statutory requirements. Legal recommendations have recently encouraged the Town to consider appointing a separate Constable to avoid any perceived conflicts between the Clerk, who prepares the warrant, and the one who posts it.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to appoint Tracey O’Roak as Constable with a term to expire March 2022. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

7. Appoint Interim Treasurer.

Laurie Smith, Town Manager, explained that the Treasurer is a statutory position that must be filled in order to sign legal documents for the Town. Jennifer Lord recently resigned which left the position open. The recommendation is to appoint Laurie Smith as interim Treasurer until a new full-time Finance Director on Board.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to appoint Laurie Smith as interim Treasurer with a term to expire October 15, 2021. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

8. Appoint the following individuals to the Conservation Commission:

- a. Susanne Wolff with a term to expire July 2023 and
- b. Karen Hall with a term to expire July 2024

Motion by Selectman Hutchins, seconded by Selectman Briggs, to appoint Susanne Wolff and Karen Hall to the Conservation Commission for the recommended terms. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

9. Appoint Peter Hussey to the Shade Tree Committee with a term to expire July 2022.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to appoint Peter Hussey to the Shade Tree Committee with a term to expire July 2022. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

10. Award bid for Wastewater dewatering equipment evaluation, selection and bid administration.

Eric Labelle, Town Engineer, explained the dewatering process and the technology required as well as the bid process. Questions on the assumptions in the proposal were discussed. Barry Sheff of Woodard & Curran answered some of the concerns.

This item was tabled pending further information.

11. Award bid for replacement of failed HVAC system in Wastewater Headworks/lab building.

Chris Simeoni, Deputy Public Works Director, gave background on the failed HVAC system that broke down unexpectedly. They are looking to go with a heat pump type system.

Motion by Selectman Weston, seconded by Selectman Daggett, to award the bid for the replacement of failed HVAC system in Wastewater Headworks/lab building to Lessard HVAC for \$13,775. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

12. Discussion on proposal of sale of property to Kennebunkport Climate Initiative (KCI) and updated infrastructure estimate from Acorn Engineering.

Laurie Smith, Town Manager, reviewed the process that the Town has taken up to this point involving the Village Parcel, including the most recent infrastructure estimate from Acorn Engineering.

Jono Anzalone spoke on behalf of the Kennebunkport Climate Initiative and advised that the Board of KCI is willing to give the Board of Selectmen time to evaluate the information.

Public Comment:

James McMann asked about an offer that KCI had from the Kennebunkport Land Trust. Jono Anzalone advised that they didn't discuss putting their headquarters on the KCT property because they wanted to keep their entities and missions separate.

Wes asked why realtors have not been included in the sale of lots in the Village Parcel. Selectman Weston stated that any development done with the Village Parcel will be with a developer that can absorb the infrastructure cost.

Robin Phillips spoke and encouraged more meetings about this project over the winter months to give the public time to learn about the plans.

Pam Morgan, a member of the KCI Board, and also a resident of the town, asked if KCI would be willing to pay to help pay for some of the infrastructure with others in the Village Parcel paying for their share. Selectman Weston advised that there aren't any other lot owners to share the cost with.

James McMann asked if lease options have been explored. Selectman Weston advised that has not been explored.

Motion by Selectman Weston, seconded by Selectman Hutchins, to proceed with Scope B of the engineering (final design of the roadway and utilities) with Acorn Engineering. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

13. Consider request for a new sidewalk along Main Street from the Crow Hill area to the village of Cape Porpoise.

Heather Storlazzi Ward asked what the process would be regarding installing a sidewalk on Route 9 between the Police Department and Cape Porpoise Village. The area has a lot of walkers. Selectman Hutchins gave some background and advised that a sidewalk has been installed from Consolidated School to Crow Hill. It is not a raised sidewalk, but it is striped for bikers/walkers. Mike Claus, Public Works Director, advised that the Town could ask the MDOT to help with funding. There is no guarantee they will give money for pedestrian improvements. He said that it could be added to the long-range planning. His department is currently working on a sidewalk for Wildes District Road. The way that project proceeds could give an idea of what to expect for funding if adding a sidewalk to Route 9.

Laurie Smith advised that they would add it to the capital plan.

14. Short-term rental implementation update.

Werner Gilliam, Director of Planning, and Jamie Mitchell, Town Clerk, gave updates on the various pieces of this project.

The cap was discussed, and it was suggested that the first quarter of the year would be sufficient to gather information necessary to determine how many new licenses would be allowed.

Laurie Smith, Town Manager, advised that the fees will be discussed and set at the next meeting.

15. Other business.

a. Legal Opinion on School Board recall provisions.

Laurie Smith, Town Manager, advised that the legal opinion obtained indicated that the Town Ordinance would prevail over State Law and, therefore, School Board members can be recalled.

b. Designate Voting Delegate for MMA Annual Business Meeting.

Motion by Selectman Hutchins, seconded by Selectman Weston to nominate Laurie Smith, Town Manager, to be the voting delegate for the MMA Annual Business Meeting.

16. Approve the September 9, 2021, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Daggett to approve the September 9, 2021, Treasurer's Warrant. **Roll Call Vote:** Briggs, Weston, Matthews-Bull, Hutchins, and Daggett. **Voted:** 5-0. **Motion passed.**

17. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Briggs to adjourn. **Roll Call Vote:** Briggs, Weston, Matthews-Bull, Hutchins, and Daggett. **Voted:** 5-0. **Motion passed.** Meeting adjourned at 8:20 p.m.

Submitted by,
Tracey O'Roak
Administrative Assistant