

Town of Kennebunkport
Board of Selectmen Meeting
September 14, 2023
5:00 PM

MINUTES

Selectmen attending: Mike Weston, Sheila Matthews-Bull, Allen Daggett, Jon Dykstra, Marybeth Gilbert.

1. Call to Order.

Chairman Weston called the meeting to order at 5:00 PM.

2. Executive Session per MRSA 1, §405-6E to consult with the Town attorney regarding contemplated litigation.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to enter Executive Session per MRSA 1, §405-6E to consult with the Town attorney regarding contemplated. **Voted:** 5-0. **Motion passed.**

The Selectmen entered the Executive Session at 5:03 pm and returned at 6:05 pm. No decisions were made in the session.

No motion was necessary. No motion was taken.

3. Approve August 24, 2023, selectmen meeting minutes.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to approve the August 24, 2023, selectmen meeting minutes. **Voted:** 5-0. **Motion passed.**

4. 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.)

Mark Werner, of 76 Pier Road abutting the pier causeway project, expressed concern that he had not been notified of the project and that the raising of the causeway would change the flow of water in a way that would be detrimental to his property's seawall. Town Manager Laurie Smith and the Selectmen responded that they met and communicated with Tim Spang as Mr. Werner's representative and assumed in good faith that Mr. Spang was relaying information about the Town's plan to Mr. Werner. The Town is working with Mr. Werner's engineer and attorney to come to an equitable agreement regarding Mr. Werner's issue and will bring that to the Board of Selectmen.

Police Chief Sanford announced that Kennebunkport Police Sergeant Jason Hafner had been awarded Employee of the Year by the Chamber of Commerce. He also urged everyone to prepare for the upcoming storm, expected on Saturday with winds of 30–50 MPH. He asked that residents secure anything that might get blown around (e.g. lawn furniture), secure their boats, avoid areas that are susceptible to flooding, heed barricades placed in flooded areas, and be prepared for power outages.

No motion was necessary. No motion was taken.

5. Authorize the warrant and easement for the November ballot.

The November ballot contains the following questions:

Question #1: Acceptance of the Kennebunkport 2030 Comprehensive Plan

Question #2: Amendment to the Street Opening Ordinance

Question #3: Construction of a new Town Hall

Question #4: Sale of the School Street property

Question #5: Cape Porpoise Pier funding

Question #6: Easement agreement with Green Marine Corporation

Question #7: Acceptance of the Cape Porpoise Fire Station

Motion by Selectman Daggett, seconded by Selectman Dykstra, to authorize all the November warrant questions. **Voted:** 5-0. **Motion passed.**

The easement agreement with Green Marine Corporation was voted on separately.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to accept the easement agreement with Green Marine Corporation. **Voted:** 5-0. **Motion passed.**

6. Accept a \$500,000.00 anonymous donation to the Town Hall construction project.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept a \$500,000.00 anonymous donation to the Town Hall construction project. **Voted:** 5-0. **Motion passed.**

7. Certification of the referendum questions for the November town meeting warrant.

"2023 Update to the Comprehensive Plan for the Town of Kennebunkport, Maine"

"2023 Amendment to the Street Opening Ordinance"

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to certify the referendum questions for the November town meeting warrant. **Voted: 5-0. Motion passed.**

8. Set a public hearing for October 12, 2023, for the November election.

The public hearing will be an information session to answer questions from the public about all the November ballot questions, as required by state statutes.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to set a public hearing for October 12, 2023, for the November election. **Voted: 5-0. Motion passed.**

9. Consideration of RSU 21 School Board applications.

The Board heard briefly from the candidates who applied for the open RSU21 School Board position: Tom Foley, Donald Gasink, Diane Franz, and Rachel Kennedy-Smith. Each provided a personal history, their connection to education, and the reasons they were seeking this appointment.

Loretta McDonnell expressed her thanks to everyone applying for the position and said it was good to see so much interest, as several of the previous School Board elections have been uncontested for the Kennebunkport representative. She suggested that those not selected participate on one of several School Board Committees.

Ashley Baker Cook asked if the Board could inquire about the candidates' position on Diversity, Equity, and Inclusion (DEI) as the most recently elected Kennebunkport representative is a strong supporter of DEI and won her seat by a significant margin. She expressed her hope that the person assigned to the position has strong ties to education and the community and intends to run for the position again when it comes to voting in June 2024. She also hopes that the Board makes a prompt decision, as School Board Committees are already forming.

Chairman Weston suggested that the Board discuss the candidates and pick a representative at the next Board of Selectmen meeting on September 28th.

No motion was necessary. No motion was taken.

10. Authorization to contract with website vendor.

Director of Support Services Yanina Nickless presented the Website Committee recommendation for a vendor to revamp the Town's website. The current site was developed in 2014 and badly needs updating. The Committee, comprised of a few Town staff and community members, received responses to a Request for Proposal (RFP) from six vendors in late July. The Committee reviewed the proposals and indicated preferences using a rating sheet. The proposals ranged greatly in cost from \$17,000 to \$80,000. The results were tallied, and the three top candidates were selected to make a presentation/demo to the Committee: Revize, CivicPlus, and TownWeb. All three of

these candidates had experience creating websites for municipalities, while some of the other candidates were more business-focused. After some deliberation, the Committee agreed to offer the contract to Revize.

Though Revize was the lowest-cost vendor, there was no single factor responsible for the Committee's selection. Revize was selected because they have design flexibility. Yanina also spoke with many local municipalities utilizing Revize, and they all had positive feedback regarding their expertise and willingness to help.

We expect the process to move to Revize will take about six months but with a strict deadline of being online with them by July 1st, 2024.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to contract with vendor Revize in the amount of \$17,700 to develop a new Town website. **Voted: 5-0. Motion passed.**

11. Award bid for solid waste and recycling collection contract.

Laurie Smith explained that the waste and recycling collection industry is moving to trucks with automatic pickup. The Town put out an RFP and received only one bid from Casella in response. The Town requested bids for two options:

Option 1: weekly trash and recycling pickup - \$543,713

Option 2: weekly trash but every-other-week recycling pickup - \$533,015

Laurie also described some option variants, including Option 1a: Moving Goose Rocks beach summer collection from Saturday to Friday or Monday (Casella prefers Friday), making the collection Friday year-round - \$506,713 (a savings of \$37,000 compared to Option 1).

A representative from Casella spoke before the Board. Our current contract with Casella was signed in 2019 for an annual cost of \$320,000. The new contract represents about a \$200,000 increase. The causes for this increase include significant increases in labor costs (hiring and retaining drivers) and the greater cost of the automated trucks themselves.

Motion by Selectman Gilbert, seconded by Selectman Matthews-Bull, to authorize the Town Manager to enter a negotiated contract with Casella for waste and recycling collection for alternate Option 1a in the amount of \$506,713, recognizing that there would be a deduction in the amount of the contract, should we go with a carry-in/carry-out policy. **Voted: 5-0. Motion passed.**

12. Award bid for Pier Road construction.

Town Project Engineer Eric Labelle informed the Board that a request for bids for the Pier Road reconstruction project went out on August 10, 2023, and that the bids were

opened on August 31, 2023. Four bids were received, ranging in cost from \$1,947,000 to \$3,045,249. Woodward and Curran reviewed the bids and found them all to be responsive to the project. Labelle, therefore, recommended that we proceed with the low bid of \$1,947,000 from Sargeant Corporation. 97.5% of the project is funded by a federal grant of \$2,585,000. Selectman Gilbert had questions about a contingency amount. Laurie Smith clarified that the contingency is part of the grant. If there is also a contingency in the bid, they did not share that amount with us.

Motion by Selectman Gilbert, seconded by Selectman Dykstra, to award the Pier Road reconstruction project to Sargeant Corporation at a cost of \$1,947,000. **Voted:** 5-0. **Motion passed.**

13. Award Pier Road Construction Administration Support contract to Woodard & Curran.

Eric Labelle explained that the construction administration support was not included in the original grant request, but since the bids came in under the projected amount, he will try to get this included in the grant. This cost is in the budget, however.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to award the Pier Road reconstruction administration support contract to Woodward and Curran in the amount of \$70,000. **Voted:** 5-0. **Motion passed.**

14. Authorization of Ocean Ave Preliminary Design contract.

Eric Labelle recommended that we retain Woodward and Curran to do a preliminary design for Ocean Avenue in the Walker's Point / Wandby Beach area to determine the environmental and abutter impacts of raising the road.

Motion by Selectman Gilbert, seconded by Selectman Dykstra, to contract with Woodward and Curran to do the preliminary design contract in the amount of \$97,300. **Voted:** 5-0. **Motion passed.**

15. Update on the communication towers (from the Police and Fire Departments).

Fire Chief Jay Everett described that we went from a single antenna on the water tower next to the Public Safety building in 2019 to a three-antenna system, adding towers at the Goose Rocks Fire station and the Wastewater Treatment facility. This increased radio coverage dramatically. He feels that it was money well spent and that the system works well. The Fire Department elected to stay with an analog system as calls cannot be paged out with a digital system at this time. Should we move to a digital system for Fire in the future? However, the equipment already purchased is digital-capable.

Police Chief Sanford added that previously, police officers were unable to communicate via portable radio in Dock Square, along Ocean Avenue, or at Goose Rocks Beach. The radio upgrades have completely resolved these deficiencies.

No motion was necessary. No motion was taken.

16. Authorization of Public Safety Study contract.

Chief Everett explained that a study is needed to look at how operations are coordinated between the Fire Department and Kennebunkport Emergency Management Services (KEMS) and how they might be improved in the future. A committee was formed to request and evaluate bids for a safety study. Municipal Resources, Inc. (MRI) is recommended by the committee as they do most of their interviewing work in person (not remote), and they are a local company in New Hampshire well reviewed by the Town of Wells that had a similar study done by MRI recently.

Motion by Selectman Weston, seconded by Selectman Gilbert, to award the bid with Municipal Resources, Inc. to carry out a public safety study at a cost of \$28,485. **Voted: 5-0. Motion passed.**

Laurie Smith asked if the Board would like a representative to participate in the public safety study. Selectman Gilbert indicated interest. The Board agreed that she and Selectman Daggett (as the Board liaison to KEMS) would participate in the process.

17. Consider Right of Way Agreement with Tax Map 34, Block 1, Lot 13, owned by Margaret and Clifton Mix.

Keith Richard, an attorney with Archipelago, and Cliff Mix addressed the Board. They are abutters to Old Seaweed Road (aka the Dyke Road right of way) and are seeking this agreement to allow them to restore and maintain the right of way, including removing overgrown bittersweet and replacing it with bayberry and replacing a fence.

Motion by Selectman Weston, seconded by Selectman Daggett, to approve the Right of Way Agreement with Tax Map 34, Block 1, Lot 13, owned by Margaret and Clifton Mix. **Voted: 5-0. Motion passed.**

18. Presentation of digital tablet options for the BOS members.

Yanina Nickless explained that her team had been tasked with finding digital tablets to replace paper in binders that have, to this point, been provided to Selectmen for their meeting packets. This change will allow the Town to save printing costs and use of paper (averaging 500 pages per year per Selectmen, and currently increasing rapidly), making the Town more environmentally friendly. The tablets are also email-capable, enhancing communication with Selectmen and providing logical separation for the Selectmen between personal and Board email communications. Each tablet has a stylus so that Selectmen can take notes by hand if they so desire, as well as a keyboard. The two finalist devices considered are the Microsoft Surface Go 3 and the Apple iPad 10th Generation.

Yanina and the Board discussed various features and options of the tablets, as well as how her department would train and support the Selectmen in their use.

Motion by Selectman Weston, seconded by Selectman Dykstra, to purchase five Microsoft Surface Go 3 tablets with keyboard and pen for a total cost of \$3,150. **Voted:** 5-0. **Motion passed.**

19. Accept a \$500.00 donation from Jean Perkins to the general nurses' account.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to accept a \$500.00 donation from Jean Perkins to the general nurses' account. **Voted:** 5-0. **Motion passed.**

20. Other Business.

Selectman Daggett stated that softball was a great success this year, and they'll be doing it again next year.

No motion was necessary. No motion was taken.

Selectman Weston informed the Board that he had received a letter from the Daughters of the American Revolution (DAR) reminding all that next week (September 17th – 23rd) is National Constitution Week. He forgot to bring the proclamation with him to the meeting but requested that the Board approve the proclamation now, and he will post it at Town Hall.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to proclaim the week of September 17th – 23rd as National Constitution Week. **Voted:** 5-0. **Motion passed.**

Laurie Smith told the Board that Chalk the Port last weekend was a great success, with some beautiful artwork and many attendees on Saturday. She thanked the team that worked hard to put on the event. Proceeds from the event benefit the Recreation Scholarship Fund.

Laurie invited Yanina Nickless & Town Clerk Tracey O'Roak to speak about the first of four Citizens' Academy sessions held last week – "Government 101", describing government in Maine, York County, and Kennebunkport, as well as the Town's Support Services and Town Clerk departments. Tracey added that all 16 participants were interested and engaged. The next session regards Finance. Following that are sessions focusing on Public Works, Emergency Services (Police & Fire), and finally, Codes & Planning. Town resident and first-session attendee Kevin McDonald added that he enjoyed the first session and learned a lot about municipal government. He was surprised to learn all that needed to be done by the Town Clerk to prepare for an

election.

No motion was necessary. No motion was taken.

21. Approve the September 14, 2023, Treasurer's Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the September 14, 2023, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

22. Adjournment.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to adjourn. **Voted: 5-0. Motion passed.**

Meeting adjourned at 8:22 PM.

Submitted by,
Dave Powell,
Technology Specialist