

Town of Kennebunkport
Board of Selectmen Meeting
September 28, 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, §405-6C to consider the acquisition or disposition of real estate.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to enter Executive Session per MRSA 1, §405-6C to consider the acquisition or disposition of real estate. **Voted: 5-0. Motion passed.**

The Selectmen entered the Executive Session at 5:01 pm and returned at 6:02 pm. No decisions were made in the session.

No motion was necessary. No motion was taken.

3. Approve the September 11 and 14, 2023, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the September 11 and 14, 2023 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.)

Robin Phillips told the board that there used to be a no-parking zone near the café on Temple St., but now parking is permitted. A food delivery truck was blocking traffic so that no one could get through. She stated she had a conversation with the Postmaster where he intimated that this is a frequent occurrence. She asked if the parking spaces could be reclaimed as a no-parking zone to provide delivery trucks with a place to park temporarily for loading/unloading and not block traffic. Selectman Weston said the Board would look into it.

Robin also asked if the Village Parcel meetings in 2018 were posted in the local newspaper. Chairman Weston replied that there was an extensive article about it in the Seacoast newspaper but that posting a notice about such meetings in the Postings section is not required by the State law. Selectman Matthews-Bull added that the Village Parcel had been discussed for months, and if citizens wanted to be informed, they should watch the meetings, read the newspaper, etc.

George Lapointe, the new general manager of the Breakwater Inn, introduced himself and asked about obtaining a liquor license. The Board informed him that his request was Item 6 on tonight's agenda.

Melinda Anderson, via Zoom, asked again about notification methods regarding the Village Parcel Special Town Meeting.

Wayne Burbank asked for clarification about the eight-acre "McCabe" property on School Street. Town Manager Laurie Smith responded that in previous meetings, it had been considered as a possible location for a new Town Hall, but ultimately, it was determined it would be more expensive to build there because of the topography of the lot and the need to extend utilities a longer distance. Laurie also answered Wayne's questions about financing of the Cape Porpoise Pier and Town Hall, parking at the proposed site for the Town Hall on the Village Parcel, and locating a new Town Hall on a five-acre parcel near the Police Station. Direct of Planning and Development, Werner Gilliam, added that this parcel had been considered some twenty years ago for expansion of the Police Department to include a Town Hall. That consideration was ultimately rejected as there would be disruption to the Police Department during construction, topography issues building there, and the need to use septic for wastewater.

Charlie Tremblay thanked Laurie and the Board for conducting the Village Parcel survey and placing the results online for the public to see.

No motion was necessary. No motion was taken.

5. Public hearing to adopt the MMA Model Ordinance GA Appendices A–G for the period October 1, 2023–September 30, 2024.

Director of Public Health, Alison Kenneway, described the General Assistance programs distributed by local municipalities, the maximums permitted by the State, and general assistance programs delivered by the Town – including food pantry, fuel assistance, and backpacks & school supplies for children.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to open a public hearing to discuss the adoption of the MMA Model Ordinance GA Appendices A–G for the period October 1, 2023–September 30, 2024. **Voted:** 5-0. **Motion passed.**

There was no comment from the public.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to close the public hearing to discuss the adoption of the MMA Model Ordinance GA Appendices A–G for the period October 1, 2023–September 30, 2024. **Voted:** 5-0. **Motion passed.**

Motion by Selectman Daggett, seconded by Selectman Dykstra, to adopt the MMA Model Ordinance GA Appendices A–G for the period October 1, 2023–September 30, 2024. **Voted:** 5-0. **Motion passed.**

6. Consideration of liquor license for Breakwater-Kennebunkport LLC (Breakwater Inn & Spa), located at 127 Ocean Ave.

Allan Evelyn asked if the liquor license covers both buildings or just one. George Lapointe answered that there are two addresses but just one legal entity.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to approve a liquor license for Breakwater-Kennebunkport LLC (Breakwater Inn & Spa). **Voted:** 5-0. **Motion passed.**

7. Appointment of RSU 21 School Board representative.

Chairman Weston informed the group that we had five qualified volunteers for the position, two of whom later withdrew their application, leaving three candidates – Diane Franz, Donald Gasink & Rachel Kennedy-Smith. All spoke at the previous Selectmen’s meeting and indicated at that time that they intend to run for the position again in June 2024 at the end of this temporary appointment.

Motion by Selectman Dykstra, seconded by Selectman Weston, to appoint Rachel Kennedy Smith as RSU 21 School Board representative with a term ending in June 2024. **Voted:** 2-0-3. **Motion failed.**

Motion by Selectman Gilbert, seconded by Selectman Matthews-Bull, to appoint Diane Franz as RSU 21 School Board representative with a term ending in June 2024. **Voted:** 3-0-2. **Motion passed.**

8. Presentation regarding the Town Hall construction project.

Laurie Smith went through the same presentation that was made to the Select Board and Budget Board on September 11th.

Town Manager Laurie Smith reviewed the Town Hall background, including the history and current square footage of the 6 Elm Street building. She also described the Village Parcel visioning process and the Town Hall public process over the past four years.

Voters approved funds for a design and engineering firm in June of 2022. Sebago and Grant Hayes were retained to do this work.

A committee was formed, and many floor plans were considered to right-size the project, which was brought to the Selectmen in July 2020. Ultimately, the committee agreed upon a single-story design of approximately 12,600 sq. Laurie described the layout, appearance, and function of the final design in some detail, with the building located near the North Street entrance to the Village Parcel.

Sebago's estimate for the total cost of the project is approximately \$8.8 million, including a 15% construction contingency amount of \$1.1 million. The Selectmen formed a subcommittee to develop cost-reduction options. They recommended the sale of the 6 Elm Street property, the use of reserves, fundraising, and additional property sales. At the last Selectmen's meeting, they accepted an anonymous \$500,000 donation, bolstering the fundraising effort.

She recounted that in the Joint Selectmen & Budget Board meeting, the Budget Board brought up the concern that Town residents might not want to sell the eight-acre parcel adjacent to Parson's Field, known as the McCabe property. It was therefore decided to split the Warrant Article questions with Question 3 asking if the town should construct a new Town Hall with cost reduction options, including the sale of the existing Town Hall and the one-acre Beachwood Ave property with a bond amount of \$6.3 million. Question 4 will ask if the Town should also sell the McCabe property, which would reduce the bond amount further to \$5.8 million.

Laurie Smith went on to present the tax impact on the mil rate for bonds in various amounts for a new Town Hall. She also described debt retirements that are happening in FY26 – FY29. In addition, she summarized the Capital Improvement Plan (CIP) with cost estimates for larger projects anticipated in the next several years, as well as CIP funding sources.

She provided estimates of projected utility costs for the new construction as compared to what we're currently paying at the existing Elm St. location. She said in the last Selectmen's meeting, there was considerable discussion about the possibility of using solar panels for electricity generation, noting that roof-mounted solar would provide about 20% of the electricity projected to be consumed while ground placement with panels that move to follow the sun could provide all the electricity used by the new Town Hall. The latter would require cutting down some trees, however. Public outreach regarding Question 3 will include two Open Houses of the existing Elm Street facility on October 5th & 10th, and there will be a public presentation of all the ballot questions in the Selectmen's meeting on October 12th. Lastly, she presented the proposed construction timeline for the new Town Hall if the warrant article is approved by the voters in November.

Wayne Burbank asked if a developer purchased the Elm Street Town Hall property, would they be able to erect an apartment building with adequate parking. Werner Gilliam responded that this would be a possibility. Wayne also asked if the new Town Hall would

be brick. Laurie Smith responded that there would be some stone and some siding. He asked further about the anticipated price for the McCabe property, and Laurie Smith responded that the conservative estimate was \$500,000.

Nauto Inoue, who was involved with the solar installation at the Arundel Town Hall, provided a fact sheet to the Board and spoke at length about high-performance energy construction of a new Town Hall, including high R-value insulation and advocating a ground-mounted tracking solar panel installation.

Melinda Anderson, via Zoom, asked why a more moderate design for the Town Hall was not proposed. Chairman Weston responded that the committee considered many designs and agreed that this one was best. Melinda also asked about the four locations that were considered for the new Town Hall site. Chairman Weston explained that those locations were examined by the committee, and they determined that the Village Parcel site was both the most appropriate and would be the lowest cost location. Melinda went on to quote the Town's statement regarding climate resilience and asked why solar was not being considered in the new Town Hall plan. Laurie Smith explained that the design we have at this point is preliminary, and we are looking into the various options to include solar electricity generation. Considerable discussion followed between Laurie Smith, Selectman Gilbert, and Mr. Inoue regarding the design and inclusion of solar electric power generation in the new Town Hall.

Wayne Burbank voiced his support for solar and asked if the intention was for solar to be included in the \$8.8 million total cost. Laurie Smith responded that it was.

Charlie Arnold expressed a desire for a more finalized building design and sale of the other Town properties before bringing the new Town Hall to a vote. He asked how many residents are in town and was told the year-round population is about 3,600, and the summer population is around 12,000.

Melinda repeated her comment that she thinks a 12,000-square-foot facility is "overdone" as compared to the Arundel Town Hall, which is smaller but serves a larger year-round population. Selectman Dykstra commented that the summer population of the Town needs to be considered when sizing for adequate space for the municipal facility and workforce.

Paul Hogan, via Zoom, questioned a high ceiling in the new Town Hall meeting room as it relates to energy efficiency.

Stephanie Bryant asked if the presentation was available online and was told that it was. She asked if the current design was the cheapest considered and was informed it was. She asked further if certain functions could continue at the current location with other functions split out to the new location. Laurie Smith responded that adding onto other existing Town facilities was examined but yielded no cost savings. Chairman Weston responded that splitting the functions was not desirable as the various departments work closely together. Stephanie asked, and the Board answered other questions about the project.

No motion was necessary. No motion was taken.

9. Consideration of short-term rental cap proposal for 2024.

Werner Gilliam informed the Board that Goose Rocks Beach is exempt from the cap, with 187 licenses. Outside of that area, there are currently 230 licenses. The cap is derived from a percentage of the number of dwelling units. Werner noted that there were 20 additional dwelling units added this past year. His recommendation is that we add two licenses, bringing the cap to 232 licenses outside of Goose Rocks Beach. He is not proposing any changes to the fee schedule. He reminded all that the online application period begins on October 2nd at 8 am and closes on December 31st at midnight. Renewals are examined first, followed by those on the waiting list on a first come, first served basis.

Selectman Gilbert asked if there has been a trend in the number of licenses at Goose Rocks Beach. Werner responded that while it has fluctuated, it has remained relatively steady overall. Selectman Gilbert asked how many are on the waiting list, and Werner responded there are 20. Laurie Smith added that 11 of those are from a single owner. Werner stressed that a license does not transfer with a property sale. The license is tied to the owner and the property. When Selectman Gilbert asked for trend information for numbers on the waiting list, Werner replied that this year is the first year with a waiting list, so he does not have trend information.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to accept the recommendation that the short-term rental cap be maintained at 9.5%, yielding two additional licenses for use after the registration period ends. **Voted: 5-0. Motion passed.**

10. Updates from the Communications and Events Specialist.

Hope Mowry-Wall informed the Board that she has met with department directors and was told that they wanted to put a more public face to the employees within their departments. She has been working on doing so in the Town and employee newsletters and on social media. She has also been working on centralizing and streamlining communications, making them more regularly scheduled and consistent. She has also worked to revitalize the Town Annual Report, printing it in color this year and adding pictures and graphics.

Hope has been examining reach (number of interactions) in social media metrics and has seen a dramatic increase. From January – September 2022, our reach was about 40,000. From January – September this year, our reach has been 399,000. She is also working on branding for Town communications, as it helps communicate who we are, recognize communications from the Town, and focus on the content.

Hope requested the Board's input regarding developing a Town logo. She said this would not replace the Town seal but would augment it and provide a visually simpler and more distinctive way to present and distinguish Town communications. The Board members expressed their support for Hope proceeding with the development of a logo.

Loretta McDonnell requested a more simplified way of contacting Board members via email, as the current website is limited to only five emails in a short period of time. Special Project Manager Yanina Nickless responded that this is one of the feature requests that we are making for the new upgraded website.

No motion was necessary. No motion was taken.

11. Award the contract for the supervisory control and data acquisition (SCADA) system.

Town Engineer Eric Labelle reminded the Board that in the last capital program, about \$450,000 had been budgeted for upgrades to the internal workings of the wastewater plant. The SCADA system is a computer that provides centralized data collection and management of plant equipment via connections to four controllers. One of the controllers is newer than the others (installed in 2010), and its replacement can be put off until next year. Eric recommends that instead of putting the project out to bid, significant cost savings can be gained by awarding the SCADA upgrade project to Woodard & Curran at a cost of \$393,400.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to award the SCADA contract to Woodard & Curran in the amount of \$393,400. **Voted: 5-0. Motion passed.**

12. Award the dewatering project contract amendment with Apex Construction.

Eric Labelle informed the board that the new centrifuge installation was originally projected to cost \$1.2 million. His department has been working with Apex Construction to make project changes to get as close to this projected cost as possible.

Motion by Selectman Weston, seconded by Selectman Daggett, to award the dewatering project contract to Apex Construction in the amount of \$1,202,030. **Voted: 5-0. Motion passed.**

13. Consider amendments to the Pier parking rules.

Chairman Weston reminded the Board that the change in the parking rules was to permit one parking space to solo commercial fishermen and two spaces for captains with a crew. Selectman Daggett recused himself from the vote.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to accept the modifications to the Cape Porpoise Pier rules and regulations as presented. **Voted: 4-0-1. Motion passed.**

14. Authorize the purchase of street light fixtures.

Public Works Director Chris Simeoni notified the Board that \$50,000 had been allocated for the replacement of streetlight fixtures this year. The project was put out to bid, with the low bid coming from Northeast Electrical for \$36,582.95. Chris recommended that the Board accept this bid. He noted that there is an additional installation cost of \$350 per fixture and some other minor incidental costs for wiring.

Motion by Selectman Dykstra, seconded by Selectman Gilbert, to award the street light fixture replacement project to Northeast Electrical in the amount of \$36,582.95. **Voted: 5-0. Motion passed.**

15. Other Business.

Selectman Matthews-Bull expressed a desire to have the school year start after the Labor Day weekend, as students work in local businesses during the summer, and it creates a problem for those businesses when the students return to school earlier. Laurie Smith encouraged businesses to talk to the local Chamber of Commerce and see if a meeting could be arranged between them, the Managers of the three towns and the RSU 21 Superintendent to discuss the issue.

Chairman Weston informed the Board that Laurie Smith would be taking a well-deserved multi-week break, starting next week and ending on November 6th, and requested a motion that Yanina Nickless be appointed as interim acting Town Manager for Kennebunkport.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to appoint Yanina Nickless as interim acting Town Manager for Kennebunkport. **Voted: 5-0. Motion passed.**

Laurie Smith told the board that Chris Simeoni had just received information from the insurance company regarding a recent accident with one of the public works trucks. The insurer informed Chris that the truck, valued at \$39,000, was considered a total loss. Even if purchased outright today, a replacement truck wouldn't be delivered for at least nine months. We need a more immediate solution, as this truck is used for winter road clearing operations. We can buy the truck back from the insurance company for \$10,500, yielding approximately \$28,000 that could be used to repair it. Chris discussed the repair of the truck with the Town mechanic, who is confident he can make the repairs utilizing used parts. Selectman Gilbert asked if repairing the truck would affect the safety of the vehicle. Chris assured her that safety would not be affected and that the truck would pass state inspection once repairs were complete.

Motion by Selectman Weston, seconded by Selectman Matthews-Bull, to buy back the truck and have the Town mechanic make the repairs. **Voted: 5-0. Motion passed.**

16. Approve the September 28, 2023, Treasurer's Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the September 28, 2023, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

17. Adjournment.

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

The meeting adjourned at 8:34 PM.

Submitted by,
Dave Powell,
Technology Specialist