



TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda
July 22, 2021 @ 6:00 PM**

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1. Call to Order.
2. Approve the July 8, 2021, selectmen meeting minutes.
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.)
4. Virtual Meeting Policy.
5. Other business.
6. Approve the July 22, 2021, Treasurer's Warrant.
7. Executive Session per (MRSA 1, §405-6E) for discussion of a real estate matter.
8. Adjournment.

AGENDA ITEM DIVIDER

Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
July 8, 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, Jennifer Lord, Tracey O’Roak, Christopher Simeoni, Werner Gilliam, Jon Dykstra, Jono Anzalone, Mike Claus, Jamie Mitchell, and others.

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 June 24, and June 30, 2021, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the June 24, 2021, selectmen meeting minutes. **Roll Call Vote:** Briggs, Hutchins, Weston, Daggett and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the June 30, 2021, selectmen meeting minutes. **Roll Call Vote:** Briggs, Hutchins, and Daggett. Selectmen Weston and Matthews-Bull abstained. **Voted:** 3-0. **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. Set the FY22 Tax Rate.

Laurie Smith, Town Manager, explained the options for setting the FY22 tax rate.

Motion by Selectman Weston, seconded by Selectman Daggett to set the FY 22 tax rate at \$9.60. **Roll Call Vote:** Briggs, Weston, Daggett, and Matthews-Bull. **Voted:** 4-0. **Motion passed.**

5. Annual board/committee appointments.

Laurie Smith, Town Manager, advised that in July of every year, board and committee members are appointed/reappointed. A slate of appointments and reappointments was presented.

Rick Wakeland introduced himself as the newest member of the Budget Board.

Motion by Selectman Daggett seconded by Selectman Weston to reappoint the slate of committee members with the terms outlined **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

Motion by Selectman Hutchins seconded by Selectman Briggs, to appoint the slate of new committee members with the terms outlined. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

6. Appoint Selectmen representatives to boards/committees.

Laurie Smith, Town Manager, advised that in July of every year, the Selectmen appoint the representatives from the BOS to each committee. **Motion** by Selectman Daggett, seconded by Selectman Briggs to appoint the selectmen representatives as outlined on the proposed slate for the next year. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

7. Authorize MMA Workers' Compensation Safety Incentive Program Resolve Form.

Laurie Smith, Town Manager, gave an overview of this safety incentive program. The Board must resolve to participate in the program in order to get started.

Motion by Selectman Daggett, seconded by Selectman Briggs to resolve to participate in the MMA Worker's Compensation Safety Incentive Program. **Roll Call Vote:** Briggs, Matthews-Bull, Hutchins, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

8. Award Wastewater bid for secondary clarifier upgrades.

Christopher Simeoni, Deputy Public Works Director, recapped the bid process and listed the four bids received:

- Penta - \$947,300
- Northeast Earth Mechanics - \$898,000
- T. Buck Construction - \$995,511
- Apex Construction - \$951,250

He stated that the Town's engineers (Wright Pierce) have done their background check on the lowest bidder and are recommending Northeast Earth Mechanics.

Motion by Selectman Daggett, seconded by Selectman Briggs, to authorize a contract with Northeast Earth Mechanics for \$898,000. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

9. Award contract for Wildes District Survey.

Mike Claus, Public Works Director, presented the results of the bid for survey work to begin the Wildes District shoulder widening project. The plan would be to complete the survey and then undertake a neighborhood meeting to gather input about changes within the town ROW. Mike recommended the lowest bid with Main-Land Development for \$8,200.

Motion by Selectman Daggett, seconded by Selectman Weston to authorize a contract with Main-Land Development for \$8,200. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

10. Accept contract with Host Compliance for STR software

Werner Gilliam, Town Planner, and Jamie Mitchell, Town Clerk, brought forward pricing from two different companies – Host Compliance and Lodging Revs. Host Compliance does charge based on the number of permitted properties you have, fortunately they are willing to hold our price for this year to the number they originally quoted us which is lower than Lodging Revs. Other Maine communities that are regulating rentals have also gone with Host Compliance – so they are a known entity in the state. Staff recommend approval of the Host Compliance contract.

Motion by Selectman Hutchins, seconded by Selectman Briggs to authorize a contract with Host Compliance for \$22,302.95. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

11. Jono Anzalone of the Kennebunkport Climate Initiative.

Jono Anzalone, the ED of the KCI was present to discuss the purpose of KCI, its commitment to Kennebunkport, and its desire to construct their headquarters in Kennebunkport.

The Board of Selectmen was supportive and gave Laurie Smith, Town Manager, authorization to continue talks with Jono.

12. Recommendations from BAC regarding beach fire permits.

Jon Dykstra, Vice-Chair of the BAC, made a presentation to the Selectmen concerning this issue.

Motion by Selectman Hutchins, seconded by Selectman Daggett to accept the proposed language as written to start on July 18, 2021 and to be reviewed at the end of the summer. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

July 8, 2021, BOS Meeting Minutes

13. Other Business.

Laurie Smith, Town Manager, thanked those who turned out for the ribbon cutting of the new softball field. She also thanked Allen and Wanda Daggett for their support.

Laurie Smith also shared new language from MMA regarding virtual meetings. The ability to hold virtual only meetings ends on July 31st. If the Board would like to hold hybrid meetings, they will need to adopt a policy.

14. Approve the July 8, 2021, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Weston to approve the July 8, 2021, Treasurer's warrant. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

15. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Daggett to adjourn. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.** Meeting adjourned at 7:45 p.m.

Submitted by,
Tracey O'Roak
Administrative Assistant

AGENDA ITEM DIVIDER

MEMORANDUM

To: Board of Selectmen
Fr: Laurie Smith, Town Manager
Re: Remote Meeting Policy
Dt: July 19, 2021

The Governor's State of Emergency ended on June 30, 2021, with the end of the state of emergency is the end of the allowance for remote public meetings. The legislature did authorize a new statute that authorizes remote public meetings; however there are several considerations.

To Whom does Remote Participation Apply?

1. Any board, commission, or agency of a county, municipality, school district or other political/administrative subdivision.
2. Any association where counties, municipalities, school administrators, or other political/administrative subdivisions make up the entirety of the membership.

Requirements for Remote Participation Policy

1. The public body must provide a public notice, public hearing, and adopt a formal written policy.
2. The policy must state:
 - a. Members of the public body are expected to be present unless there is an emergency/urgent issue, illness, physical condition, are temporarily absent from the jurisdiction, where travel to the meeting would not be feasible, or the geographic characteristics of the jurisdiction impede or slow travel. If the membership is statewide, a member may participate remotely if travel is significant.
 - b. If the policy allows for members to participate remotely than it must allow for the public to participate remotely, and reasonable accommodations must be provided.

Other Considerations

1. Remote methods must allow for simultaneous reception of information in real time; text and email are not considered an allowable remote method. Remote methods ideally will have video and audio capabilities, but it must have an audio function.
2. A member that attends remotely is considered present for a quorum and voting.

3. Voting must take place by roll call.
4. Meeting materials will be made available electronically, last minute handouts to the public will not be permitted.
5. Notice of public meetings must provide the means by which the public may access the meeting remotely, and the physical location of the meeting must also be provided for those that would like to participate in person.

Our audio/visual staff and I have been working to address the desire for continued remote meetings. The challenge is that we currently broadcast our meetings on cable access television and through town hall streams and YouTube. Those methods have all used a similar process and equipment for the recording and broadcast mechanics. During our virtual meetings we used the product zoom and used the a computer in the meeting room to also broadcast on our normal vehicles. The challenge that has arisen is our ability to hold meetings in person, be able to broadcast in the pre-pandemic methods (cable, youtube, townhall streams) AND use zoom or another product to simultaneously broadcast through that medium and allow for public participation is not possible.

Things we are able to do:

- Hold meetings in public and broadcast them with our traditional methods.
- Hold meetings remotely and broadcast them with our traditional methods AND zoom.
- Hold meetings in public and broadcast them through zoom.

Things we can't currently do:

- Hold meetings in public, broadcast them through the traditional methods AND broadcast them through zoom.

We are currently working with consultants and other communities to find solutions to these problems but the reality is that we don't currently have a fix.

I am recommending that the Selectmen do not adopt a policy at this time until we know what outcomes are possible. I have attached a draft policy for your consideration in case the Selectmen wish to proceed with a policy for our August meetings.

REMOTE PARTICIPATION POLICY
(Town of Kennebunkport)

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named body adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the body.

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the body, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.

Remote methods of participation may include telephonic, or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when any member of the body participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the body and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire body to meet using remote methods.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.

Dated: _____

Signed: _____

