

Town of Kennebunkport
Board of Selectmen Meeting
July 13, 2023
5:00 PM

MINUTES

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

1. Call to Order:

Chairman Weston called the meeting to order at 5:05 PM.

2. Executive Session per MRSA 1, §405-6C to consider the condition, acquisition, or the use of real or personal property.

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

The Selectmen moved to the lounge for the Executive Session, which lasted for 57 minutes.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to leave Executive Session. **Voted: 5-0. Motion passed.**

3. Approve the June 22 and June 29, 2023, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to approve the June 22, 2023, and June 29, 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.)

No one from the public or Zoom audience spoke during this time.

No motion was necessary. No action was taken.

5. Town Hall building committee presentation.

Chairman Weston reminded everyone that the Town authorized funds for designing and engineering a new Town Hall project in June of 2022. Staff developed a request for proposals and received three submittals. The Select Board awarded Sebago Technics and Grant Hayes the contract in September 2022. In October 2022, the Select Board authorized an ad-hoc Town Hall Building Committee to work with Town staff and consultants on the design project.

Seven residents with various professional backgrounds were appointed, along with two Board members.

- Deb Bauman
- April Dufoe
- Jon Dykstra
- David Graham
- Jessica Kimball
- Judith Phillips
- Larry Simmons
- Dick Smith
- Mike Weston

The Town staff that have supported the project through the design process are:

- Laurie Smith – Town Manager
- Werner Gilliam – Director of Planning and Development
- Tracey O’Roak – Town Clerk
- Eric Labelle – Deputy Public Works Director & Town Engineer
- Nicole Evangelista – Finance Director
- Yanina Nickless – Assistant to Town Manager

Over the past eight months, the committee has met six times, reviewed four sites, and worked on eight designs. This has resulted in the presentation that is before you tonight. The biggest issue the committee needs help with is the project's cost. Since the pandemic, construction costs have increased dramatically. In 2019, construction costs were estimated at \$325 per sqft; today, we estimate \$450 per sqft. Site construction costs have also increased dramatically, rising to over \$1,000,000 from our original estimate.

Laurie Smith, Town Manager, thanked the committee and emphasized that it was much work. The committee did its due diligence and looked into every possible option for the new Town Hall. She introduced Owens McCullough from Sebago Technics and Mike Hays from Grant Hays.

Owens explained that the Town Offices had been housed at 6 Elm Street since 1960, or 62 years ago. Also, the Town considered rebuilding Town Hall at another location twice, once in the 1980s with a combined Police Department and in 1999 with a combined Fire Department. In 1999, the Town approved the Town Hall construction, but a lawsuit redirected the project as a renovation of 6 Elm Street in 2002. He also mentioned that the current Town Hall is 3,723 s.f. (Office) 5,730 s.f w/ Garage Space, where the programming space analysis determined our need is 12,661 s.f. The new building would provide public meeting & voting space to replace the Fire Station room, which will be renovated for staff offices and housing. Furthermore,

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Owens discussed all the locations considered for this project: existing Town office, 63 Wilds District Rd., 32 North St, North Street Site.

Mike Hays talked about Town office planning and floor planning. He showed the committee's thought process and how we arrived at the final plan.

Alternative A	Initial single floor concept - Space and Function modifications needed.
Alternative B	Reconfigured single-floor concept - Space and adjacency modifications needed.
Alternative C	Two-story option to reduce footprint – a two-story option is not preferred due to the separation of functions and circulation concerns.
Alternative D	Reconfigured two-story option, public meeting space on the second floor – similar concerns to Alternative C.
Alternative E	Two-story option with public meeting space on the 1 st floor, small basement for storage, and second floor. They are not preferred due to separation of functions and circulation.
Alternative F	Variation of E – Not desirable.
Alternative G	One-story option with a partial basement area for storage. Required elevator and increased foundation costs.
Alternative H	One story option with added bulk storage. No basement. Economized spaces and optimized layout with preferred functionality. The option is preferred by staff and committee.

Then Owens covered the project cost and a perspective timeline. Laurie Smith, Town Manager, added That the Town is also looking into alternative financial sources (for example, the sale of the current building, bonds, and capital reserve funds.)

After the presentation, Chairman Weston asked the Board, committee, and residents for feedback.

Dick Smith, a Town Hall committee member, thanked Sebago and Hays teams. He said that this structure would be a greeting building for the Town and solve the parking problem.

Robin Phillips, a resident, asked a clarifying question about the impact of the building cost on the mill rate. She wondered if she would have to pay an extra \$600 yearly in her taxes to cover the cost. Laurie Smith explained that what it equates to is an additional \$75.00 on the house appraised at \$500,000. Further, Robin asked if there was no other way for the Town to cover the cost of the building because it became hard to pay taxes after the evaluation, and she does not get that much out of the Town Hall. Selectman Gilbert said that she would like to create a committee that will review the project's financials and try to find all possible avenues to offset the cost. Robin Phillips also asked for concrete information on the cost of the project.

April Dufoe, a Town Hall committee member, reinforced that a current Town Hall is 62 years old and that the needs 62 years ago are very different from the needs today. She also pointed out that, in the current Town Hall, there are cubicles meant for one person and shared by two. April said that a new Town Hall is a planning process for the future. As a Chairman of the Budget Board, April reassured everyone that the Board looked at every possibility to save money and be responsible. That is why Kennebunkport has the lowest mill rate as the full-serviced Town in Maine.

Melinda Anderson, a resident, said that she agreed we need a plan, but she thought it would be better to do it at North St. She emailed a Town Manager from Arundel and found out that a few years ago, when they built a new building that was 10,000 s.f., they paid \$2.9 million. She emphasized that this town needs to go inch-by-inch and not yard-by-yard.

Laurie Smith asked Owens to comment on the North St site. Owens explained that the Village Fire Station was never built to have a second floor, so we would have to modify the structure significantly.

Motion by Selectman Gilbert, seconded by Selectman Dykstra, to establish a Board of Selectmen subcommittee for the Town Hall project to define means to offset the project cost reducing the tax impact as much as possible and bring it forward for the meeting in August. The committee will have Marybeth Gilbert, Mike Weston, and Laurie Smith as its members. **Voted: 5-0. Motion passed.**

6. Presentation of proposed November 2023 ballot questions:
a. Comprehensive Plan updates.

Michelle Radley, the Planner, updated the Board that we are looking to move forward with changes to the Comprehensive Plan on behalf of the Growth Planning Committee so it would comply with the state's regulations. Two changes that were brought forth are those to Chapter 7 and Appendix A. These changes don't change the spirit of the plan and clarify the wording.

Laurie Smith, Town Manager, added that the Growth Planning Committee reviewed and approved them, so the Town wants to put it on the November ballot.

Melinda Anderson, the town resident, raised her hand and asked for clarification on the mobile homes section in Appendix A. Michelle confirmed that it is a practice that the Town has been adhering to but never wrote it down. Thus, the new change establishes it in a written format.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to put the Comprehensive Plan on the November ballot. **Voted: 5-0. Motion passed.**

b. Street Opening Permit updates.

Chris Simeoni, Public Works Director, pointed out that the Town wanted to make a few proposed changes to the Street Opening ordinance. They are tied to three different categories:

- The bond amount would go up from \$2,000 to \$5,000.
- Language on the 'cuts' was unnecessary and did not matter (cross-cuts, diagonal-cuts, parallel cuts) because the Department is looking into the cuts based on the scope of the work.
- It was a good opportunity to introduce the standards on how the repairs need to be made because many times, the cuts were left as it is, and it was more damaging while becoming the speed humps.

Selectmen Dykstra asked a few clarifying questions, one of which was if the \$5,000 would be per cut or for the project as a whole. Simeoni explained that the Department will look at the project as a whole. Furthermore, Selectmen Dykstra asked to clarify the markups and look more into them.

Laurie Smith, Town Manager, added that one item that needed to be added to the current ordinance language is that all Street Opening permits are reviewed by the Board of Selectmen, which can be clunky and slow. As the municipal officer, Chris Simeoni acts as the Road Commissioner for the Town and thus can take that function on himself if the Board agrees. The Board raised this a few years ago, and everyone agreed, but it had never made it into the ordinance. Laurie said this would be an appropriate time to change if the Board still wants it. Selectmen Dykstra clarified if it would be only for routine openings, not the roads under the moratorium. Laurie and Chris confirmed that it would be up to the Board, and we can make amendments as the Board wishes.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to accept a motion as amended. **Voted: 5-0. Motion passed.**

7. Authorized paving contract for FY24-FY26.

Chris Simeoni, Public Works Director, explained that the current paving contract with Pikes Industries expired at the end of June. We went out for a bid and received three proposals back. Dayton Sand & Gravel was the low bidder. The Department looked into the Wildest District Rd because it is a unique project and requires reclaiming. Dayton's reclaiming proposal is higher than Pike Industries, but the overall cost was still less. Chris recommended awarding a contract to Dayton Sand & Grovel.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to authorize the contract with Dayton Sand & Gravel.

Laurie Smith, Town Manager, asked Chris to explain how these prices impact the current year plan and the budget. Chris said that we have a lot of overlay work this coming year. We were looking at \$80/ton to budget, but it came higher. With that, the Town plans to look into how much we are overlaying (from 1.5' to 1.0' overlay), which would offset the increase.

Voted: 5-0. Motion passed.

8. Consider bids and authorize the purchase of a new single-axle dump truck.

Chris Simeoni, Public Works Director, said that we budgeted for a new dump truck to replace Truck 3. The low bidder was O'Connor's offering Western Star 47X for \$247,573. It includes the snowplow, wind plow, dump body, and standard equipment.

Motion by Selectman Matthew-Bull, seconded by Selectman Daggett, to authorize the purchase of a new single-axle dump truck with O'Connor's Western Star 47X for \$247,573. **Voted: 5-0. Motion passed.**

9. Consider granting authorization to the Public Works Director to enter into a purchase and sales agreement for replacing a one-ton pickup truck.

Chairman Weston informed the public that we budgeted \$70,000 in FY 24 for the replacement of our 2006 Ford F350 pickup. We sent out a bid in June and received no proposals due to supply chain issues. We ran into this same issue last year. Staff are requesting authority from the Select Board to purchase a new Ford Super Duty F250 or F350 SRW 4 x 4 within the budget parameters of \$70,000. This will allow staff to be responsive to a vehicle when one becomes available.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to authorize the Public Works Director to enter into a purchase and sales agreement for replacing a one-ton pickup truck up to \$70,000 for the purchase of a new Ford Super Duty F250 or F350 SRW 4 x 4 with or without a plow.

Chris Simeoni, Public Works Director, said that the situation on trucks of such kind has stayed the same, and we did not receive a bid before the closing date. We did receive a bid after the deadline, which was higher than budgeted.

Voted: 5-0. Motion passed.

10. Award 2023-2024 Winter Salt bid.

Chris Simeoni, Public Works Director, explained that the Department went out to bid in two different ways this year: Southern Maine Planning and Development Commission and Maine DOT. The two responsive bidders consisted of Morton Salt and Eastern Salt Co. The low bidder was Eastern Salt Company, through MDOT, at \$76.72 per ton. This price is down \$1.28 per ton from last year's price of \$78.00 per

ton. I recommend the Town accept the low bid from Eastern Salt Company, through MDOT, of \$76.72 per ton delivered.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to accept a bid from Eastern Salt Company for \$76.72 per ton delivered. **Voted:** 5-0.
Motion passed.

11. Discussion of Solid Waste / Recycling requests for proposals.

Laurie Smith, Town Manager, said that the contractors doing the trash pickup are moving to a fully automated system for various safety reasons and to help the labor shortage. Our current contract is ending in August 2024, but we need to put it out for a bid now.

The draft proposal, created by Laurie, Chris Simeoni, and Jon Dykstra, has two options: weekly pickup of solid waste and recycling OR weekly pickup of solid waste and by-weekly pickup of recycling (the one we have now). Everyone will have a cart for trash and a cart for recycling. We budgeted money to purchase the carts (64 gallons, with the ability to get smaller and larger), but we included in the proposal that the vendor would have to maintain it.

Chairman Weston asked if all the cardboard would have to be cut down now. Selectman Dykstra confirmed that it would have to be cut down indeed, and nothing will be around or on the side of the bin.

Melinda Anderson, a resident, thanked the Board for looking into recycling every week but pointed out that the containers are too large and might not be suitable for all residents. She also asked to consider larger containers for the businesses to encourage them to recycle. Selectman Dykstra said that the Board is working on those nuances.

Allan Evelin, a resident, pointed out that he noticed many times how non-Kennebunkport residents crossed the bridge and put all their recycling into our large containers. He also asked how it would affect businesses. Chris Simeoni replied that we would offer a container for solid waste and a container for recycling per business and continue to serve them. Further, he also asked if bins would be tied to a resident. Laurie said that it would be – it would be marked with a bar code.

Laurie Ouellette, a resident, said weekly recycling would be great and asked if those containers would lock us into the contract with Casella or another company. Laurie Smith said we would come up with options, but those containers are universal for any company, and there are not many companies out there in the business.

Selectman Mathews-Bull asked what would happen if a large family wanted to purchase an additional cart for trash. Laurie Smith explained that, in that case, the family would need to sign a separate agreement with the vendor for an extra fee.

Selectman Gilbert asked a few questions about the RFP.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to go out for a bid with all the options. **Voted:** 5-0. **Motion passed.**

12. **Goose Rocks Beach Water Quality Presentation.**

Selectmen Dykstra informed the audience that we have been collecting water quality samples at GRB and testing for Enterococci (Flag) bacteria since 2004. Over the past 20 years, over 27% of the samples collected at the Little and Batson River mouths have exceeded the EPA threshold (104) for Flag bacteria concentrations. Along the main beach, the threshold was exceeded only 10% of the time. Exceedances at the river mouths often associate with times of either low tide, high tidal range, and/or after significant rainfall. More so, in March of this year, the Town entered into a contract with Woodard & Curran to analyze 20 years of data and be able to communicate it to the residents. Woodard & Curran recommended increasing sampling for human-sourced bacteria. Jon further explained the 2023 GRB Water Quality Protocol.

Charlie Tremblay, a resident, asked if there has been any benchmarking against similar areas. Jon said that that it was.

Selectman Gilbert asked how much human DNA was discovered through the recent testing. Jon answered that in 2018 it was quite spotty; in 2019-2020, there were some due to known septic system problems.

Steve Hannah, a resident, said that it was important to have a great data set, and now it seemed that the extensive testing would stop, so we would lose this data. He also said that he saw the Town in the news and that we were on par with nearby towns regarding reports. Jon Dykstra replied that we are sampling and that data is available, but the state chooses not to post it.

Maureen Summers, a resident, said that there was no full transparency because of the reduced area of testing. She further asked what was \$5,000 for. Jon explained that the money was for testing human DND. Laurie Smith explained that we are testing 4 sites and that we decided to take it a step up and advised people not to swim in the rivers. Maureen further asked if there were any laws for checking septic systems in the Town. Werner Gilliam, Director of Planning and Development, explained how the checking process goes.

Linda Hannah, a resident, said she was one of the original volunteers. She talked to Meghan and got the impression that the Town decided not to report to the state. She also said that because of reduced testing, we are going backward. Laurie Smith explained that we collected data for the outcome, so we analyzed it and advised residents not to swim in the rivers.

Jane Evelyn, a resident, asked if we knew about any health issues people reported from swimming and being on the beach. Alison Kenneway, Director of Public Health, said no one reported issues to her and that it would usually go to Maine Healthy Beaches. Robin Phillips, a resident, said that the volunteers are there anyway, so why does it matter, and why not collect more data? Jon explained that it was a cost factor.

No motion was necessary. No action was taken.

13. GRB Advisory Committee recommendation to expend up to \$5,000 towards water quality testing at Goose Rocks Beach.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to expend up to \$5,000 towards water quality testing at Goose Rocks Beach. **Voted:** 5-0. **Motion passed.**

14. GRB Advisory Committee recommendation to place a sign at the intersection of Dykes Road and King's Highway directing parking traffic to the left (east).

Laurie Smith, Town Manager, said that last year the Goose Rocks Beach advisory committee made several traffic recommendations to the Select Board regarding the roads and crosswalks at Goose Rocks Beach. One of the items requested was installing a sign at the intersection of Dyke Road and King's Highway pointing left and directing people east for parking. Their thought process is that there are only four parking spaces on the west end, and the parking directional sign will send people to where the majority of the parking is, eliminating unnecessary traffic on the west end. Selectman Dykstra added that it was also a safety issue. Selectman Gilbert expressed that she would like to see the rebalancing of the traffic flow.

Motion by Selectman Dykstra to place a seasonal sign at the intersection of Dyke Rd and King's Hwy directing parking traffic to the left. No second. **Motion failed.**

Maureen Summers, a resident, also said that while she was walking on the beach, she noticed that the signs were inconsistent and confusing.

15. Website Project update.

Yanina Nickless, Director of Support Services, reminded the Board that during the capital budget presentation, the Department asked for funds to upgrade the current website. The website Town has today was established in 2015 and is obsolete at this time. We gathered a committee of residents, business owners, and employees to create a website RFP. The deadline for submittals is July 28 at 2 PM. After that, the committee will gather again and discuss the proposals. In September, the website committee will return with a top vendor, and then the process will go based on the Board's recommendations.

16. Discussion of Long-Term Strategy Subcommittee.

Selectman Gilbert offered to create a committee that would help the core town’s departments to establish a long-term plan and see if we would need to change the strategy and approach. The committee would start with the Fire Department.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to authorize the Long-Term Strategy subcommittee. **Voted:** 5-0. **Motion passed.**

17. Board appointments to the committees.

Select Board Committee Appointments			
Committee	Notes	July 2022 - June 2023	July 2023 - June 2024
Cape Porpoise Pier Committee		Ed Hutchins	Allen Daggett
GRB Advisory		Jon Dykstra	Jon Dykstra
Government Wharf		Allen Daggett	Allen Daggett
Growth Planning Committee		Allen Daggett	TBD next meeting
Graves Library Board		Mike Weston	Mike Weston
Investment Committee		Allen & Ed	Allen Daggett & Marybeth Gilbert
KPort HHT		Jon Dykstra	Jon Dykstra
KEMS		Allen Daggett	Allen & Marybeth
Planning Board		Sheila Matthews-Bull	Sheila Matthews-Bull
Shade Tree Committee		Sheila Matthews-Bull	Sheila Matthews-Bull
Southern Maine Regional Planning		Mike Weston	TBD next meeting
Zoning Board of Appeals		Sheila Matthews-Bull	Sheila Matthews-Bull
Climate Action Plan Task Force	Ad-hoc	Jon & Mike	Jon & Mike
Town Hall Building Committee	Ad-hoc	Jon & Mike	Jon & Mike
Village Parcel Update	Ad-hoc	Mike & Allen	Mike & Allen
Long-Term Strategy			Mike & Marybeth

18. Appoint Carolyn Muse to the Lighting Committee with an expiration date of June 2026.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to appoint Carolyn Muse to the Lightning Committee with an expiration date of June 2026. **Voted:** 5-0. **Motion passed.**

19. **Appoint Charles Tremblay to the Zoning Board of Appeals (ZBA) with an expiration date in June 2026.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to appoint Charles Tremblay to the Zoning Board of Appeals with an expiration date of June 2026. **Voted: 5-0. Motion passed.**

20. **Request by Consolidated School PTA to waive the tent permit fee for Circus Smirkus.**

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to waive the tent permit fee for Circus Smirkus. **Voted: 5-0. Motion passed.**

21. **Accept a \$50 donation from an anonymous donor to the nurses' general account.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept a \$50.00 donation from an anonymous donor to the nurses' general account. **Voted: 5-0. Motion passed.**

22. **Accept a \$4,000 donation from Tommy McNamara Foundation towards Parks and Recreation.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept a \$4,000.00 donation from Tommy McNamara Foundation towards Parks and Recreation. **Voted: 5-0. Motion passed.**

23. **Other business.**

Chairman Weston asked other Board members for the other business - they had nothing.

Laurie Smith, Town Manager, told the Board we had joined the US Department of Energy and Energy Efficiency and Conservation block grant, and Kittery would lead it. It is a process where you have to put in a letter of interest and get invited to apply, which Kennebunkport did earlier. The program would be no cost share to Kennebunkport but would allow us to upfront the cost that normally would be covered through a rebate program and then, when those rebates are received, it would pay back that fund. Laurie asked if the Board would be willing to sign a commitment letter.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to sign a commitment letter. **Voted: 5-0. Motion passed.**

24. **Approve the July 13, 2023, Treasurer's Warrant.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the July 13, 2023, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

25. Adjournment.

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

The meeting adjourned at 9:20 PM.

Submitted by,
Yanina Nickless,
Director of Support Services