

**TOWN OF KENNEBUNK
SELECT BOARD**

**TUESDAY, JANUARY 7, 2020 – 6:30 P.M.
(meeting moved from December 24, 2019)**

**KENNEBUNK TOWN HALL
3rd FLOOR/ROOM 301**

REGULAR MEETING AGENDA

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE
2. APPROVAL OF MINUTES
 - a. December 10, 2019 Regular Meeting [Please refer to supporting material \(PDF\)](#)
3. ITEMS TO BE SIGNED
4. PUBLIC HEARINGS
 - a. Municipal Officers of the Town of Kennebunk will hold a Public Hearing to act on the following:

**New application (new owner) for a Victualer License for Brian Gadbois d/b/a Ashby's
for a Victualer License located at 57 Portland Road.**

Town Manager's Note (not part of the public hearing notice):

MOTION: *To approve the Victualer License for Brian Gadbois d/b/a Ashby's.*

5. PUBLIC COMMENTS
6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS
 - a. **Accept the Following Donations** – The Town recently received the following donations:

For the Fire Rescue Department:

- \$50 from Frank & Gloria Day in honor of his late grandmother, Louise Pelletier. Miss Pelletier passed away in 1995 and Mr. & Mrs. Day make this donation in her honor each Christmas.
- \$100 from Cocoons Inc. for the Fire & Rescue Department first responders (canteen fund).
- Twelve personal thermal imaging cameras and four gas meters from David Harrison of Eastern Avenue Holdings. The value of this donation is approximately \$8,900.
- \$2,500 from the Flynn Family Foundation (designated by Mary Flynn Woodman) for the Fire & Rescue Department

For the Police Department:

- \$3,450 from Jason St. Jean to the Police Department in recognition of their service to the community. Mr. St. Jean would like this donation to be utilized by the Police Department to cover the cost of uniform badges in recognition of Kennebunk's Bicentennial. These badges will be worn by officers for the 2020 calendar year.

[Please refer to supporting material – bicentennial badge \(PDF\)](#)

For the Emergency Heating Assistance Fund and/or Social Services:

- \$400 from Pat Hansen of Hearth and Soul for emergency heating assistance. Pat's donation represents a portion of her sales from Small Business Saturday and makes the donation in the name of her loyal customers who have supported her business for 24 years.
- \$500 from an anonymous donor for emergency heating assistance/social services.
- \$750 from the Haste Family Fund of the Maine Community Foundation for emergency heating assistance.
- \$2,000 from the William JJ Gordon Family Foundation for emergency heating assistance/social services.
- \$2,500 from the Flynn Family Foundation (designated by Mary Flynn Woodman) for emergency heating assistance.
- \$2,500 from the Flynn Family Foundation (designated by Mary Flynn Woodman) for social services.

MOTION: To accept the donations and send letters of thanks to all for their very generous donations.

For the Town of Kennebunk:

- \$100,000 from Kennebunk Savings. The Town of Kennebunk and the Maine Turnpike Authority have entered into a Cooperative Agreement for the installation of traffic signals at the Exit 25 Southbound Ramp/Alewive Park Road intersection and the Exit 25 Northbound Ramp/Fletcher Street intersection. The Town's required contribution under this agreement is \$115,000. This generous donation of \$100,000 serves to reduce the Town's contribution to \$15,000.

MOTION: To accept the donation of \$100,000 from Kennebunk Savings and to send a letter of thanks.

- b. **Code Officer Paul Demers Honored** - On December 12th, Kennebunk Code Enforcement Officer Paul Demers was recognized as "Member of the Year" by the Maine Building Officials and Inspectors Association (MBOIA). Paul was selected to receive this distinguished award by his peers in recognition of his many contributions to the organization. In addition to his affiliation with MBOIA, Paul also serves as the President of the New England Building Officials Education Association (NEBOEA.)

In attendance at the December 12th award ceremony were code enforcement officials from throughout Maine, along with Paul's wife Laurie. Representatives from the Town of Kennebunk that were in attendance included Select Board Chair Blake Baldwin, Town Manager Michael Pardue, Community Development Director Christopher Osterrieder and Community Engagement Coordinator Karen Winton.

Please join us as we extend our congratulations to Paul for being selected as "Member of the Year" by the Maine Building Officials and Inspectors Association.

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

a. **Discuss Boards and Committees**

- **Candidates to Appear for Appointment Consideration to Town Committee** – The following residents will be in attendance at Tuesday's meeting to discuss their interest in joining the following committees.
 - Robert Fiore – Economic Development Committee *Please refer to supporting material (PDF)*
Vacancies: (2) Alternate Member positions - 2020

MOTION: To appoint Robert Fiore as an Alternate Member on the Economic Development Committee, with a term expiring in 2020.

- Thomas Rist – Energy Efficiency Advisory Committee [Please refer to supporting material \(PDF\)](#)
Vacancies: (3) Regular Member positions - 2021

MOTION: To appoint Thomas Rist as a Regular Member on the Energy Efficiency Advisory Committee, with a term expiring in 2021.

- Danielle McPherson – Committee on Aging [Please refer to supporting material \(PDF\)](#)
Vacancies: (1) Regular Member position – 2020
(3) Regular Member positions - 2022

MOTION: To appoint Danielle McPherson as a Regular Member on the Committee on Aging, with a term expiring in 2020.

- b. **Confirm the Town Manager’s Appointment of the Town Historian** – Due to the recent passing of Town Historian Steve Spofford, there is the need to appoint someone to fill this position. Kathy Ostrander Roberts has volunteered to serve in this capacity.

Kathy previously served as Town Historian from 2008 to 2012. She currently chairs the Bicentennial Committee, was instrumental in creating Kennebunk’s Museum in the Streets, has authored two books on Kennebunk’s history and writes history columns for local newspapers.

Town Manager Pardue strongly supports Ms. Ostrander Roberts’ candidacy for the position of Town Historian and asks that the Select Board consider confirming this appointment.

[Please refer to supporting material – Volunteer Application \(PDF\)](#)

Per the Town Charter, the Board of Selectmen confirms the Town Manager’s appointment.

MOTION: To confirm the Town Manager’s Nomination of Kathy Ostrander Roberts as Town Historian, effective January 7, 2020 for a term expiring on June 30, 2020 (date all Annual Appointments expire).

- c. **Interview Candidates for Kennebunk Light & Power District Trustee Position** – The recent resignation of Kennebunk Light & Power District (KLPD) Board of Trustee member Jonathan Kilbourn has resulted in a vacancy on said Board. The KLPD Charter calls for the Select Board to appoint a person to fill a position vacated when a Trustee resigns prior to the conclusion of their term. Pursuant to KLPD’s Charter, “such appointee shall serve only until the next annual town meeting when a successor shall be elected to fill such vacancy for the unexpired term.” In this instance, the term Mr. Kilbourn was elected to expires on June 30, 2023.

The following individuals have indicated their interest to fill the vacancy created by Mr. Kilbourn’s resignation. As the Select Board considers appointing a person to serve in the vacated seat, they will interview each of these candidates to learn more about their interest and qualifications to serve on the Kennebunk Light & Power District Board of Trustees.

- Beverly Freudenreich - [Please refer to supporting material – letter of interest \(PDF\)](#)
- Robert Georgitis - [Please refer to supporting material – letter of interest \(PDF\)](#)
- Mike Jordan - [Please refer to supporting material – letter of interest \(PDF\)](#)
- Thomas Wellman - [Please refer to supporting material – letter of interest \(PDF\)](#)

MOTION: To appoint _____ as Trustee on the Kennebunk Light & Power District with a term ending on June 30, 2020.

- d. **Discuss Using an Outside Municipal Bid Company to Assist the Town When Selling Items** – Chief Jeff Rowe has met with a representative from Govdeals.com, a company that auctions local government and municipal surplus equipment. The Chief would like to use this company to auction the department’s 1994 International fire truck (engine #4), rather than handle the sale with the customary sealed bid process.

MOTION: (if needed)

- e. **Hear Presentations on Department Overviews** – Division Directors will be presenting a brief overview of significant accomplishments within their departments over the past fiscal year and identifying select goals and objectives they will be striving to obtain during the next fiscal year.

Overviews Scheduled for this Meeting

- Merton Brown – Town Clerk/Elections
- Daniel Robinson – Assessing

No motion is necessary.

8. OLD BUSINESS

9. NEW BUSINESS

- a. **Discuss a Request for Corrective Action Regarding a Right of Way Encroachment at 135 Port Road** – The owners of Market Day Holdings, LLC are in the process of selling their property at 135 Port Road (former Market Day take-out) in Lower Village. During the due diligence process, it was discovered the commercial building encroaches into the Town’s Right of Way (ROW) on Port Road by approximately 9 +/- feet. This has been verified by a mortgage survey as well as an “existing conditions survey” for the Town as performed by Owen Haskell Land Surveyors in June 2019. The ROW is 66 feet (4 rods) wide, which is wider than the typical 50 feet.

The structure and encroachment have been in existence for well over 40 years. The potential new owners would like to bring resolution to this matter before they close on the sale and prepare plans for major renovations.

The applicant is represented by Attorney Daniel Rush who has prepared and provided support documentation requesting a formal Agreement to allow the building to remain in its current location.

The proposed Agreement has been reviewed by staff and approved by the Town Attorney.

Attorney Rush and Town staff will be in attendance to answer any questions the Board may have.

[Please refer to supporting material – Agreement \(PDF\)](#)

[Please refer to supporting material – existing conditions survey \(PDF\)](#)

If the Board chooses to approve this agreement, the motion could be as follows:

MOTION: To approve the Agreement between the Town of Kennebunk and Market Day Holdings, LLC.

- b. **Discuss Select Board Relationships and Responsibilities to Town Committees** – Select Board Chair Blake Baldwin will offer comment on the role of Select Board members as liaisons to Town committees.
- c. **Set the Budget Meeting Dates for the 2020-21 Proposed Budget** – Each year, the Select Board and Budget Board hold joint meetings to discuss the upcoming budget. The proposed dates for review of the 2020-21 Proposed Budget are as follows:

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| Meeting #1 | Tuesday, January 28 | 6:30 pm - 9:00 pm |
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| Meeting #2 | Thursday, January 30 | 6:30 pm - 9:00 pm |
| Meeting #3 | Saturday, February 1 | 8:30 am - 11:30 am |
| Meeting #4 | Tuesday, February 4 | 6:30 pm - 9:00 pm |
| Meeting #5 | Thursday, February 6 | 6:30 pm - 9:00 pm |
| Meeting #6 | Saturday, February 8 | 8:30 am - 11:30 am |
| Meeting #7* | Thursday, February 13 | 6:30 pm - 9:00 pm |
| Meeting #8* | Saturday, February 15 | 8:30 am - 11:30 am |

*(if needed – additional meetings or snow day makeup)

MOTION: To approve the Budget Meeting dates listed above.

d. **Discuss Any Other Business**

10. **SELECT BOARD COMMENTS**

- a. **Subcommittee Reports**
- b. **Individual Select Board Member Comments**

11. **TOWN MANAGER ANNOUNCEMENTS**

- a. **Update on EV (Electric Vehicle) Charging Station Grant Award**
- b. **Select Board Outreach Session – Saturday, January 18** from 8:30-10:30 a.m., 3rd floor of the Town Hall. This session will be hosted by Select Board members Wayne Berry and Frank Paul. Any changes to this schedule will be posted on our website.
- c. **Closures and Trash/Recycling Schedule – Martin Luther King Jr. Holiday – Monday, January 20**
 - o **Closed:** Town Hall, Dept. of Public Services, Transfer Station/Recycling Center
 - o **Curbside Collection: No change** - All days will be collected as scheduled

12. **EXECUTIVE SESSION**

- a. **Discuss a Personnel Matter with the Town Manager - Title 1 MRSA Sec. 405(6)(A)**

MOTION: To recess into executive session, with the Town Manager, pursuant to Title 1 MRSA Sec. 405(6)(A), for the purpose of discussing a personnel matter.

13. **ADJOURNMENT**