

TOWN OF KENNEBUNK

SELECT BOARD

TUESDAY, APRIL 14, 2020 – 6:30 P.M.

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

REGULAR MEETING AGENDA

**This meeting will be conducted through
the electronic platform [Zoom](#), as described below.**

**ZOOM MEETING
INSTRUCTIONS FOR COMMUNITY PARTICIPATION**

This meeting will be conducted using [Zoom](#), a web-based video conferencing tool, under [1 M.R.S.A. § 403-A](#), which authorizes the Town to hold remote meetings during the state of emergency declared by the Governor due to the outbreak of COVID-19.

Time: April 14, 2020 6:30 PM Eastern Time (US and Canada)

Ways to join:

- By computer or mobile device
<https://zoom.us/j/592114656?pwd=TXZiQVhFYjNzMWRzMkRSd1VjSUVmUT09>
or go to [ZOOM](#)
- or
- By Phone +1 312 626 6799 US
+1 646 876 9923 US

Meeting ID: 592 114 656

Password: 017725

Please take a minute to read these important Instructions before you join:

- **Please mute your audio and disable your video before joining**
- Here are some brief videos to help familiarize you with the Zoom platform
 - [Joining a Zoom Meeting](#) (brief instructional video)
 - [Video or Audio off by Attendee](#) (brief instructional video)
 - [Attendee Controls in a Meeting](#) (brief instructional video)
- **PUBLIC COMMENT:** If you wish to speak on an agenda item and you are:
 - **Joining via your computer or cell phone**
 - Please use the “raise your hand” feature by clicking “participants” (computer). The host will be notified and will identify you when it is your turn to comment.
 - **Joining via landline phone:**
 - The following commands can be entered using your phone’s dial pad while in a Zoom meeting. The host will be notified and will identify you when it is your turn to comment.
 - *6 - Toggle mute/unmute
 - *9 - Raise Hand

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Hear an update from the Town Manager regarding COVID-19 and the Town's Preparedness Plan

2. APPROVAL OF MINUTES

- a. March 24, 2020 Special Meeting [Please refer to supporting material \(PDF\)](#)
- b. March 24, 2020 Regular Meeting [Please refer to supporting material \(PDF\)](#)
- c. April 8, 2020 Special Meeting [Please refer to supporting material \(PDF\)](#)
- d. Budget Meetings (Joint Meetings with the Budget Board) - *minutes not yet available*
 - January 30, 2020 Special Meeting (budget meeting)
 - February 1, 2020 Special Meeting (budget meeting)
 - February 4, 2020 Special Meeting (budget meeting)
 - February 6, 2020 Special Meeting (budget meeting)
 - February 8, 2020 Special Meeting (budget meeting)

3. ITEMS TO BE SIGNED

4. PUBLIC HEARINGS

5. PUBLIC COMMENTS

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. **Accept the Following Donation** – The Town recently received the following donation:
 - \$25,000 from Northeast Coating Technologies, Inc. of Kennebunk. This donation was made to the Social Services office to assist those in need, particularly during the current health crisis.

We are extremely grateful and touched by this act of generosity.

MOTION: To accept the donation and send a letter of gratitude for this very generous donation.

If you or someone you know is in need of assistance during this time, please contact our Social Services office 604-1342.

- b. **Announce the Students Selected for the Bicentennial Street Banner Design Competition** – The Select Board wishes to take a moment to honor four creative students from Kennebunk High School (KHS). Early last fall, our 2020 Bicentennial Committee reached out to KHS in hopes that they would assist in celebrating our 200th year, with student art work that could be used as banner art on the 100 lamp poles that light our streets and sidewalks in our three villages in West Kennebunk, Downtown and Lower Village.

Katie Mooney, from the KHS Art Department, volunteered to manage this process during last year's spring and fall term. She and the Bicentennial Committee asked that participating students translate through their artistic eye their thoughts about their community. When the work of the students was completed, close to a dozen works of art had been submitted. We thank all of those that participated. We also thank Ms. Mooney for her support and guidance.

The four students whose work was chosen will each have their work replicated on twenty light pole banners that will be hung throughout Kennebunk the week of April 13th. What's more, each student will also receive a memento banner with the Town's thanks for sharing their work with the community.

The four students whose work was selected are: Linnea Sullivan, Class of 2019; Anela McMichael, Class of 2021; Taylor Creech, Class of 2021; and Garrett Erickson-Harris, Class of 2021.

[Please refer to supporting material – 4 student banners \(PDF\)](#)

[Please refer to supporting material – 2 town banners \(PDF\)](#)

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

- a. **Discuss Extending the Deadline for the Renewal of Victualer and Lodging House License Applications** – Renewal applications are approved by the Town Manager and Town Clerk and expire annually on May 31st. The Town Clerk is asking the Board to extend the due date for this year's renewals to June 30, 2020.

MOTION: To extend the deadline for the renewal of Victualer and Lodging House License Applications to June 30, 2020.

- b. **Discuss and Award the Bid for the Merrifield Drive Rehabilitation Project** – The project includes approximately 4,200 linear feet of roadway rehabilitation, construction of a bituminous sidewalk, curbing, closed storm drainage system and surface restoration.

On April 2nd bids were opened for the Merrifield Drive Rehabilitation project. A detailed summary of the bid results and recommendation for award can be found below in the supporting material. Five bids were received for the project. The overall bid amount exceeded the original budget approved as part of the FY 19-20 capital budget. Town Engineer Chris Osterrieder has worked with the apparent low bidder to evaluate potential project savings. Mr. Osterrieder's project review and related discussions included the Town paving contractor. As a result of these discussions, the project budget and scope have been amended to fall below the approved amount of \$878,000.

Based on the review of the bids submitted, the Town Engineer recommends the award of the Merrifield Drive Rehabilitation Project contract to BREX Corp, Inc. of Kennebunk in the amount of \$581,304 (\$598,734.00 - \$17,430.00). It is also recommended that the Town utilize Dayton Sand & Gravel to complete the balance of the project through the Town paving contract for a project value of \$266,324. This will bring the total project budget to \$847,628, which is within the original amount approved by the voters (\$878,000).

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

MOTION: To award the Merrifield Drive Rehabilitation Project contract to BREX Corp, Inc. of Kennebunk in the amount of \$581,304 and to utilize Dayton Sand & Gravel to complete the balance of the project in the amount of \$266,324 through the Town's paving contract as described above.

- c. **Discuss the Upcoming Town Meeting Dates** – Currently, the following is a listing of our upcoming Election/Town Meetings:
- May 14, 2020 Special Town Meeting Referendum (Proposed Zoning Ordinance Amendments to permit retail marijuana testing facilities, licensed by the State of Maine, within the Business Park Zoning District)
This meeting was postponed from April 7, 2020. Due to the ongoing COVID-19 situation, this proposed date is under further review.

- June 9, 2020 Annual Town Meeting, Town Referendum, School Budget Validation, State Primary, State Referendum
This date is under review by the Governor and will likely move to a later date; more information to follow as it becomes available.

8. OLD BUSINESS

9. NEW BUSINESS

- a. **Discuss the Use of Kennebunk PAYT Trash Bags while under the Governor’s Stay at Home Order** – The Town’s PAYT program is funded through the use of Town trash bags. The Board will discuss whether or not they wish to temporarily amend the current bag use requirement while under the State of Emergency currently in effect.

MOTION: *(If needed)*

- b. **Discuss the Suspension of Seasonal Water Activation while under the State of Emergency currently in effect** – Multiple communities in York and Cumberland counties experience a large influx of seasonal residents. Kennebunk is one of those communities. Governor Mills has been requested by a number of these communities to declare by Executive Order a suspension of the May 1st seasonal water activation deadline for summer service pipes as imposed by PUC, or by any other state or local requirements for activation of such seasonal water services, until such time as the public health emergency has abated, as determined by her termination of the state of emergency currently in effect; and to clarify that water utilities, in their discretion, are allowed to temporarily suspend reactivation of seasonal water service to properties with year-round lines pursuant to PUC regulation 65-407 CMR ch. 660, § 14, for reasons of the COVID-19 state and national state of emergency.

MOTION: *(If needed)*

- c. **Discuss Nominating a Public Representative to Represent Kennebunk on the York County Budget Committee** – The York County Budget Committee Caucus will be held on Wednesday, April 15th at 6:30 p.m. in the York County Courthouse, 45 Kennebunk Road, Alfred. As they noted in their memo (see supporting material below) per the Governor’s Order, they will utilize several areas of the courthouse for each district in order to socially distance.

Each district has two (2) elected municipal officials and one (1) member from the public. District #2, which includes Arundel, Biddeford, Kennebunk and Kennebunkport has one (1) vacancy for the public representative, for three (3) years.

If the Board were to nominate someone to represent Kennebunk, it is a requirement that the name be presented by at least one (1) member of our Select Board at the April 15th Caucus in Alfred. Only elected municipal officials can vote to seat Budget Committee members. Fellow Select Board members that wish to vote would also need to attend the Caucus. Select Board member Edward Karytko is currently serving as one of the two Elected positions on the Budget Committee. His term expires on March 30, 2022.

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

If the Board wishes to nominate a member of the community, the motion could be as follows:

MOTION: To nominate _____ to serve on the York County Budget Committee as the "public representative" until March 30, 2023 (if elected at the April 15th Caucus).

d. **Discuss the Tax Acquired Property Policy** – Select Board Vice Chair Wayne Berry requested this item be placed on the agenda for discussion.

e. **Discuss Any Other Business**

10. SELECT BOARD COMMENTS

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

11. TOWN MANAGER ANNOUNCEMENTS

- a. **COVID-19 Community Resources in the Kennebunks** – The Towns of Kennebunk, Kennebunkport and Arundel are partnering with community organizations like Community Outreach Services (COS), to assist our residents at this time. If you need something, please reach out. [View Resources](#)
- b. **Tax Due Date** – The second installment of the 2019-20 tax bill has been extended to Friday, May 1. View the [Finance and Tax Collector's webpage](#) for information on the different ways to get your tax payment to us (mail, drop box, online) while the offices are closed.
- c. **Kennebunk's Road Posting has been Lifted** – Effective April 2nd, the posting of certain Town ways to any non-exempt vehicle or combination of vehicles registered for a gross weight of over 23,000 pounds has ended.

12. EXECUTIVE SESSION

13. ADJOURNMENT