

**Town of Kennebunkport  
Board of Selectmen Meeting VIA Zoom  
October 22, 2020  
5:00 PM**

Minutes of the Selectmen's Meeting of October 22, 2020

**Selectmen attending via Zoom:** Patrick A. Briggs, Allen A. Daggett, Ed Hutchins (arrived after executive session) and D. Michael Weston.

**Selectman absent:** Sheila Matthews-Bull

**Others attending via Zoom:** Mike Claus, Jay Everett, Ed Francis, Werner Gilliam, Arlene McMurray, Lisa Miller, Tracey O'Roak, Nina Pearlmutter, David Powell, Chris Simeoni, Charles Simmons, Laurie Smith, and others

**1. Call to Order.**

Chair Daggett called the meeting to order at 5:00 PM. He took **roll call** of Selectmen present: Patrick Briggs, Allen Daggett, and D. Michael Weston.

- 2. 5:00 PM Executive Session per (MRSA 1, §405-6E) for consultation with Town attorney to discuss legal rights and duties.**

**Motion** by Selectman Briggs, seconded by Selectman Weston, to go into executive session per MRSA 1, §405-6E) for consultation with Town attorney to discuss legal rights and duties. **Roll Call Vote:** Briggs, Daggett, and Weston. **Voted:** 3-0. **Motion passed.**

The Board went into executive session at 5:00 PM and came out at 6:16 PM.

No action was taken in executive session.

**3. Approve the October 8, 2020, selectmen meeting minutes.**

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to approve the October 8, 2020, selectmen meeting minutes. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **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.).**

There were no comments.

**5. Public hearing by the Board of Selectmen and Planning Board to take public comments on the November 3, 2020, Special Town Meeting Referendum Ballot Questions.**

The Planning Board took **roll call** of Planning Board members present: Nina Pearlmutter, Ed Francis, and Charles Simmons.

Chair Daggett opened the public hearing at 6:19 PM.

**a. Amendment to the Land Use Ordinance regarding tents.**

Director of Planning and Development Werner Gilliam explained that the time frame is being expanded for tents.

**b. Acceptance of the Codification of the Town Ordinances.**

Town Clerk Tracey O'Roak explained that this would incorporate all ordinances into one.

**c. Adoption of Emergency Management Ordinance.**

Town Manager Laurie Smith said the Town found out after the pandemic the importance of having this ordinance. It ensures the complete and efficient utilization of all of the Town's facilities and resources when there is an emergency.

Chair Daggett along with the Planning Board, closed the public hearing at 6:24 PM

**6. Public hearing regarding determination of abandonment of a portion of the former location of state aid highway no. 1 (also known as the Old Route 9).**

Chair Daggett opened the public hearing at 6:24 PM.

Ms. Smith said Route 9 (School Street and Main Street) has been in existence for probably 100 years. Town records indicate it has always been considered a state road. In 1933, the DOT designed a plan to remove one of the deviations in the road and straighten the road. This particular piece of road that was relocated went through the old ice rink parcel that was acquired by the Town. In order to move the road, the State acquired two small parcels of land across from the ice rink parcel. The current issue is that the boundary of the ice rink parcel is now unclear due to the old roadbed cutting into the parcel. The attorneys have reviewed this matter and recommend that the Town have a hearing to declare abandonment of the road since the Town has no records of ownership or maintenance of this portion of Route 9. Public Works Director Mike Claus reported that his records show that public works have not maintained that section of Route 9.

Chair Daggett closed the public hearing at 6:30 PM.

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to authorize the order of determination of abandonment of a portion of the former location of state aid highway no. 1 (also known as the Old Route 9). **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

**7. Approve the purchase of turnout gear for the fire department.**

Fire Chief Jay Everett said each year the department routinely purchases turnout gear in a rotating replacement schedule. He requested authorization to expend \$18,409 for seven sets of turnout gear.

**Motion** by Selectman Hutchins, seconded by Selectman Weston, to authorize the expenditure of \$18,409 for turnout gear from Globe Manufacturing. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

#### **8. Sign an affidavit for correcting a sewer commitment record under oath.**

Ms. Smith explained the sewer commitment which was authorized and signed this spring had the wrong year in the date (2019 vs. 2020). As staff was preparing to go to lien on past due sewer balances, this error was discovered. The Maine Municipal Association advised her that the Board of Selectmen should sign an affidavit to correct the date.

**Motion** by Selectman Hutchins, seconded by Selectman Weston, to authorize the affidavit for correcting a sewer commitment. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

#### **9. Authorize sale of 2006 Ford Ranger.**

Mr. Claus explained the 2006 Ford Ranger has served the Town well but needs repairs well beyond the value of the vehicle. The vehicle was put out to bid, and he received the following bids:

Al Morse	\$210.00
David Roberge	\$250.00
Terry Merrill	\$507.25

Mr. Claus recommends awarding the bid to Terry Merrill, the highest bidder.

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to award the bid to Terry Merrill for \$507.25. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

#### **10. Review Wastewater Strategic Plan.**

The Board reviewed the Wastewater infrastructure needs at its last meeting and asked staff to come back with a listing of priority projects, costs, and a timeline. Deputy Public Works Director Chris Simeoni gave a PowerPoint presentation of his planned approach and the potential costs and schedule. The \$5 million total cost of the project would pay for two clarifiers, dewatering equipment, and three pump stations (Paddy Creek, Wildes District Road, Cape Porpoise). The \$300,000 could come from the reserve funds and \$4.7 million from bonds. If the Town chooses to use the reserve funds to pay for engineering design, the work could begin the first quarter of 2021.

**Motion** by Selectman Weston, seconded by Selectman Hutchins, to authorize \$300,000 from the reserve funds for engineering design. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

**11. Consider proposed changes at Parson's Field to accommodate softball diamond and ice rink.**

Director of Parks and Recreation Carol Cook proposed moving the ice rink from the front of the parks and recreation building to the side (adjacent to the playground). She would also like to move the softball field from its current site (at the back of Parsons Field) to the School Street boundary. Currently, when the sun sets, it shines directly in the eyes of players. The ice rink project would be covered by the capital project funds budgeted for this year. The softball field project is being funded by private donations.

Ms. Smith said the Board did not need to vote on this item.

The Board agreed that she should move forward with this project.

**12. Consider climate change goals.**

Ms. Smith said she has been working to define a list of goals for the Board's consideration. She said she wants to make sure it is headed in the right direction and would like the Board to establish goals and give her some direction.

The Board received a proposed policy document with a list of potential committees/partners to assist in the implementation of climate change goals along with suggestions from Selectman Weston on suggested actions to help mitigate the impact of sea level rise on the Town.

Mr. Gilliam said there is lots of interest in solar projects—large scale solar farms.

The Board was interested in wind power and electric vehicles. It needs more time to look this over and will make decisions at a future meeting.

**13. Accept \$500 donation from the Girl Scout Troop 1804 to the Public Health emergency food fund.**

**Motion** by Selectman Briggs, seconded by Selectman Hutchins, to accept \$500 donation from Girl Scout Troop 1804 to the public health emergency food fund with gratitude. **Roll Call Vote:** Briggs, Daggett, Hutchins, and Weston. **Voted:** 4-0. **Motion passed.**

**14. Other Business.**

**a. Outside seating for Hurricane's and Alison's in Dock Square Parking Lot.**

Ms. Smith said Hurricanes Restaurant is interested in continuing outside dining with propane heaters/fire pits through the middle of December. They are proposing only through the second week of December as snow would be causing issues. Alisson's Restaurant was also interested but changed their mind. She said she discussed this with

Department Directors and the following are some of their concerns that would need to be addressed.

- What barriers will be in place to safeguard patrons from moving traffic?
- Liquor licenses—want to ensure that liquor is not transferred outside the area to people or vehicles.
- Propane heaters/fire permits—need to ensure safety of patrons and staff needs to be prepared to deal with all issues. If wood fire pits were to be used, they must be placed a certain distance from building and a “fire guard” would need to be on duty at all times. Propane heaters and tanks provide more flexibility with staff and distancing from buildings.
- Social distancing requirements would need to be in place.

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to approve outside seating at Hurricane's Restaurant as long as it meets the fire department's conditions

**Roll Call Vote:** Briggs, Hutchins, Daggett, and Weston. **Voted:** 4-0. **Motion passed.**

Selectman Hutchins announced that everyone should make sure they get out and vote.

Selectman Weston mentioned that the post office in Cape Porpoise is closing at the end of December, and the Board made the decision to move the boxes to Firemen's Park. He thanked Richard Smith for offering the use of the Atlantic Hall but said it would not work.

Carol Cook announced that she is retiring as of December 23, 2020. She said she will still be involved.

The Board wished her well.

Ms. Cook announced that Annabelle Wainman, a middle school student, donated \$500 to the Parks and Recreation Department. She said that Annabelle has also donated \$9,000 to others.

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to accept the \$500 donation from Annabelle Wainman to the Parks and Recreation Department.

Ms. Smith announced that she may need to have another meeting to approve the Treasurer's Warrant for COVID-19 items.

#### **15. Approve the October 22, 2020, Treasurer's Warrant.**

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to approve the October 22, 2020 Treasurer's Warrant. **Roll Call Vote:** Briggs, Hutchins, Daggett, and Weston. **Voted:** 4-0. **Motion passed.**

**16. Adjournment.**

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to adjourn. **Roll Call Vote:** Briggs, Hutchins, Daggett, and Weston. **Voted:** 4-0. **Motion passed.**

The meeting adjourned at 7:26 PM.

Submitted by Arlene McMurray  
Administrative Assistant