

***In-person or Remote Meeting?***

Pursuant to a vote of the Select Board on 5/10/22, the Select Board will hold their meetings (in-person or by remote means) when the Maine CDC indicates that the COVID-19 community level of transmission for York County is:

- low (green) = **in-person meeting**
- medium (yellow) or high (red) = **remote meeting**

**TOWN OF KENNEBUNK**  
**SELECT BOARD**  
**TUESDAY, AUGUST 30, 2022 – 6:30 P.M.**  
**TOWN HALL – 3<sup>RD</sup> FLOOR, ROOM 301**  
**REGULAR MEETING AGENDA**

This is a televised Meeting.

View meeting in person, Cable TV Channel 5 or online anytime at [www.townhallstreams.com](http://www.townhallstreams.com).

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE
2. CONSIDERATION/APPROVAL OF MINUTES
  - a. Regular Meeting of August 16, 2022 [View draft minutes \(PDF\)](#)  
**MOTION:** To approve the minutes of the Regular Meeting of August 16, 2022.
  - b. Special Joint Meeting of the Select Board & Budget Board of August 23, 2022 (*no quorum of Select Board*)  
*The Budget Board had a quorum; therefore, these minutes will be approved at the Budget Board's next meeting.*  
[View draft minutes \(PDF\)](#) – no Select Board vote required.
3. ITEMS TO BE SIGNED
4. PUBLIC HEARINGS
  - a. Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comment on the following:

**Proposed Zoning Change - Article 2 - Definitions**

The proposed definitions are from the Army Corps of Engineers and the Department of Environmental Protection (Chapter 1000) and the National Resource Protection Act, with some modifications taken into account for the wetlands in Kennebunk. The proposed definitions will clarify terms used in the Wetland Mitigation Ordinance.

[View supporting material \(PDF\)](#)

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

At the Planning Board's August 8<sup>th</sup> meeting, the Planning Board voted 5 in favor, 0 opposed to send to the Select Board, with a positive recommendation, changes to Article 2 – Definitions. When the Planning Board reviewed the Wetland Mitigation Ordinance (WMO), the Conservation Commission also proposed changes to the current wetland definitions in Article 2. These changes were not incorporated into the June 14, 2022 Town Meeting vote, only the WMO was presented to the voters. The added definitions have

been formatted to be consistent with the existing definitions and bulleted where appropriate. The proposed changes are shown in blue in the supporting material noted above.

Chris Osterrieder, Director of Community Development, will be in attendance to answer questions the Board may have.

This public hearing is required before this can advance to a Town Meeting. If the Board wishes to send the proposed Zoning Ordinance changes to the next Town Meeting, the motion could be as follows:

**MOTION:** To send the proposed Zoning Change to Article 2 – Definitions to the next Town Meeting.

If the Board wishes to place a recommendation on the warrant article, the motion could be as follows:

**MOTION:** To recommend acceptance of this article by a vote of \_\_\_ in favor, \_\_\_ opposed.

- b. Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comment on the following:

**Proposed Zoning Change - Article 7 - Special Exception Timeline for Completion**

The proposed change would allow a longer timeframe for completion of special exception permits granted by the Planning Board and the ability to request an extension if needed.

[View supporting material \(PDF\)](#)

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

At the Planning Board’s August 8<sup>th</sup> meeting, the Planning Board voted 5 in favor, 0 opposed to send to the Select Board, with a positive recommendation, the changes to **Article 7 Section 2.F & Section 4.J.(1)** regarding special exception permit expiration dates. The current ordinance states that “a permit granted by the Planning Board under the provisions of this article shall expire if the work or change involved is not commenced within six (6) months of the date on which the permit is granted, and if the exterior work or change is not substantially completed within one (1) year of the date on which such permit is granted.” The proposed changes are shown in blue in the supporting material noted above.

Chris Osterrieder, Director of Community Development, will be in attendance to answer questions the Board may have.

This public hearing is required before this can advance to a Town Meeting. If the Board wishes to send the proposed Zoning Ordinance changes to the next Town Meeting, the motion could be as follows:

**MOTION:** To send the proposed Zoning Change to Article 7 – Special Exception Timeline for Completion to the next Town Meeting.

If the Board wishes to place a recommendation on the warrant article, the motion could be as follows:

**MOTION:** To recommend acceptance of this article by a vote of \_\_\_ in favor, \_\_\_ opposed.

5. PUBLIC COMMENTS

## 6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

### a. Town Staff Changes:

- On July 25<sup>th</sup>, **Tabetha Barden** was reclassified from a part-time to a full-time employee as General Assistance Administrator and Administrative Assistant within the Community Development Department. Tabetha joined the Town of Kennebunk in January of 2018. Since then she has served the Town in many valuable part-time roles including Deputy Town Clerk, Deputy Tax Collector, Election Clerk and General Assistance Administrator.
- On August 22<sup>nd</sup>, **Spencer Stone** was promoted to Parks Supervisor within the Public Services Department, Parks & Facilities Division. Spencer has been with the Town since June of 2018, first as a seasonal employee, then as a full-time Laborer/Truck Driver.

Congratulations Tab and Spencer on your new positions!

## 7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

### a. Accept the Following Donations:

- \$100 from Above Board All Hands On Deck Inc. which will be applied to future phases and enhancements to the Skatepark

**MOTION:** To accept the donation listed above and send a letter of appreciation to the donor.

### b. Appointments to Boards and Committees – We recently advertised for volunteers to fill committee vacancies. We received a tremendous response and offer the following candidates for the Board’s consideration:

#### 1. Appointment to the Site Plan Review Board – The following resident has been invited to attend Tuesday’s meeting to discuss their interest in joining the following committee:

- Cathy Kremer – Site Plan Review Board  
Vacancies: (2) Alternate member positions - 2023

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

**MOTION:** To appoint Cathy Kremer as an Alternate member on the Site Plan Review Board for the remainder of a one-year term that expires on June 30, 2023.

#### 2. Appointment to the Economic Development Committee – The following resident has been invited to attend Tuesday’s meeting to discuss their interest in joining the following committee:

- Ashley O’Brien – Economic Development Committee  
Vacancies: (1) Regular member - 2024  
(2) Alternate members - 2023

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

**MOTION:** To appoint Ashley O’Brien as a Regular member on the Economic Development Committee for the remainder of a three-year term that expires on June 30, 2024.

#### 3. Appointment to the Historic Preservation Commission (HPC) – We received six (6) applications for the one (1) Alternate member position currently vacant on the HPC.

James Cartwright	Kathleen Pierson
Theresa Willette	William Snow
Paul Nick Block	Cassandra Van Wickler

[Please refer to supporting material – Memo, HPC Background, Applicant Forms, \(PDF\)](#)

We are requesting the Board appoint one (1) member to fill the current one (1) Alternate vacancy.

**MOTION:** To appoint \_\_\_\_\_ as an Alternate member on the Historic Preservation Commission for the remainder of a one-year term that expires on June 30, 2023.

- c. **Award the Bid for Catch Basin Cleaning** – We received the following bids for the cleaning of 375 catch basins:

		<b>Bid</b>
• Maine Hydro Vac, Windham, ME		\$19,875.00
Cost Per Each	\$ 53.00	
Cost per hour to flush and vacuum storm lines	\$ 200.00	
Estimate of number of basins cleaned per day	40-50	
• Eastern Pipe Service, Bow, NH		\$22,125.00
Cost Per Each	\$ 59.00	
Cost per hour to flush and vacuum storm lines	\$ 215.00	
Estimate of number of basins cleaned per day	30	
• Bellemore, Bedford NH		\$22,481.25
Cost Per Each	\$ 59.95	
Cost per hour to flush and vacuum storm lines	\$ 205.00	
Estimate of number of basins cleaned per day	35-45	
• Vortex Services LLC, Livermore, ME		\$28,125.00
Cost Per Each	\$ 75.00	
Cost per hour to flush and vacuum storm lines	\$ 200.00	
Estimate of number of basins cleaned per day	27	

Last year, the bid was awarded to Eastern Pipe Service in the amount of \$20,625.00.

We have \$24,000.00 budgeted for this project.

The Public Services Director recommends accepting the low bid from Maine Hydro Vac in the amount of \$19,875.00.

**MOTION:** To award the bid to Maine Hydro Vac in the amount of \$19,875.00.

## 8. OLD BUSINESS

- a. **Continued Discussion on the Newly Formed Composting Committee** – At the August 16<sup>th</sup> meeting, the Board approved the creation of a Composting Committee. Select Board member Lisa Pratt will speak to this topic, outlining the proposed Mission Statement and goals of the committee.

## 9. NEW BUSINESS

- a. **Discuss a Road Acceptance Request for Lobster Lane in the Lobster Lane Village Subdivision** – Stone Pony Realty Trust developed a subdivision that was reviewed and approved by the Kennebunk Planning Board on February 11, 2019 in accordance with the Land Use Ordinance as well as the Street Design and Construction Ordinance. The developer has presented the requisite materials outlined in Section 8.4.2 of the Street Design and Construction Ordinance for the proposed road acceptance of Lobster Lane. The road is located off Western Avenue.

The work was inspected by the Town Engineer during construction and has been determined to comply with the standards set forth in the Ordinance and has submitted the necessary information. Road acceptances must be approved by a Town Meeting vote.

Chris Osterrieder, Director of Community Development, will be in attendance to present and discuss this proposal.

**MOTION:** To schedule a Public Hearing for September 13<sup>th</sup> to receive public comments on the proposed road acceptance request for Lobster Lane.

- b. **Discuss a Proposal for a Land Swap Between the Town of Kennebunk and Garden Street, LLC** – The Town has been in discussions with the owners of Garden Street Bowl (Garden Street, LLC) over the past several years about the possibility of a land swap of existing parking areas. Staff has met with the owners of the property, shared the concept of this potential swap with the Farmers’ Market and also had a pilot program for plowing operations to test possible logistical challenges.

The proposal would be to swap the Town-owned parcel identified as Map 51, Lot 52 and currently used as a public parking lot with the parking area associated with the Garden Street Bowl identified as a portion of Map 51, Lot 62.

This proposal involves a land transfer and will require voter authorization (at a Town Meeting) to initiate this transaction process. Staff has prepared a detailed summary memo that describes the initiative, timing and relevant components of the proposal.

[View supporting material \(PDF\)](#)

Chris Osterrieder, Director of Community Development, will be in attendance to present and discuss this proposal.

**MOTION:** To schedule a Public Hearing for September 13<sup>th</sup> to receive public comments on the proposed land swap.

- c. **Discuss the Renewal of the Dispatch & PSAP Services Agreement between City of Sanford Regional Communications Center and the Town of Kennebunk** – The Town’s Agreement with the City of Sanford for dispatch services is due to expire on June 30, 2023. Sanford Regional Communications Center Director William R. Tower III has provided the Town with a new Agreement for said services. The proposed Agreement begins on July 1, 2023 and expires June 30, 2026.

[View supporting material \(PDF\)](#)

**MOTION:** To schedule a Public Hearing for September 13<sup>th</sup> to receive public comments on the Renewal of the Dispatch & PSAP Services Contract.

- d. **Discuss a Name Change for the Energy Efficiency Advisory Committee** – At the Energy Efficiency Advisory Committee’s (EEAC) meeting on August 18<sup>th</sup>, the committee continued their discussion on their desire to change the name of their committee as some of the focus has shifted to sustainability and climate change initiatives. The EEAC has offered the following names for Select Board consideration:

- Energy Efficiency and Sustainability Committee
- Energy and Sustainability Committee
- Sustainability Committee

The mission statement below was drafted by the group to better address the work of the committee.

### **Mission Statement**

To assist Town officials in addressing the challenges presented by climate change. This would include, but is not limited to, supporting the Town in reaching carbon neutrality and mitigating the effects of sea level rise on infrastructure and natural resources. It will also support efforts that educate and engage residents on how they can reduce their own carbon footprint. CONSERVE, CHANGE, REDUCE, REUSE, RECYCLE, AND RETHINK are the Committee's guiding principles.

The advisory committee would also be responsible to the Select Board to:

- Advise the Select Board on energy programs, projects, and policies which will reduce the community's reliance on fossil fuels and reduce the community's carbon footprint and promote renewable energy;
- Make recommendations for ordinances, policies, projects and objectives to address actions to make Town properties more energy efficient;
- Provide community education and outreach and be a community resource to help homeowners and businesses understand sustainability issues and make decisions that can reduce their energy consumption;
- Research, evaluate and recommend projects that result in energy cost savings, return on investment, and environmental benefit;
- Promote capital projects that are designed to take into consideration climate change and future environmental challenges in order to minimize destruction from natural disasters and preserve both natural and financial resources; and
- Support community efforts that promote resilience and economic security of our aging and working community.

**MOTION:** To change the name of the Energy Efficiency Advisory Committee to the \_\_\_\_\_ Committee.

- e. **Approve Road Closures for Special Event(s)** – The following event will require road closures, per the Police Department:

- **Saturday, October 29, 2022: Wicked 5K-10K**

Road Closures Needed:

10:00 A.M. – 11:00 A.M - Western Avenue, from the intersection of Boothby Road to Beach Avenue

During the race, traffic heading toward Kennebunkport from the Wells direction will be sent down Lower Sea Road.

Local traffic will be allowed on Western Avenue from Sea Road to Boothby Road.

The above information may be subject to change.

**MOTION:** To approve the road closure for the Wicked 5K-10K as noted above.

- f. **Discuss Any Other Business of the Board**

## 10. SELECT BOARD COMMENTS

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

## 11. TOWN MANAGER ANNOUNCEMENTS

- a. **Tuesday, September 6 at 6:30 pm – Tentative Select Board Workshop**
- b. **Town Manager Search Update**
- c. **Maine Department of Transportation Grant**
- d. **Remaining Items for Consideration for the November 8, 2022 Ballot** (will be on the Board's September 13<sup>th</sup> agenda)
  - Public Safety MainePERS plan change (from Special Plan 2C to 1C)
  - Second half of ARPA funds received
  - LD 1 increase

The Budget Board voted on the above items at the joint Special Meeting of the Select Board and Budget Board on August 23<sup>rd</sup>. Due to the Select Board not having a quorum at that meeting, these items will appear the September 13<sup>th</sup> agenda.

- e. **Saturday, September 17 – Select Board Outreach Session**, 8:30-10:00a.m., 3<sup>rd</sup> floor of the Town Hall. This session will be hosted by two members of the Select Board. Stop in for a chat and enjoy a cup of coffee and a donut! Any changes to this schedule will be posted on our website ([www.kennebunkmaine.us/calendars](http://www.kennebunkmaine.us/calendars)).
- f. **Charter Commission Nomination Papers are Available** – Nomination papers for six elected Charter Commission members are now available in the Town Clerk's office. Completed nomination papers are due back by September 29. Voters will have an opportunity to approve the creation of a Charter Commission at the November 8, 2022 election. If approved, the six nominated candidates with the most votes will be on the Charter Commission. The Select Board has the authority to appoint three additional residents to the Commission once it is approved by the voters. The Charter Commission will review the current Town Charter and discuss possible changes. Those changes will be brought to the voters for adoption. More information is available by calling the Town Clerk at 604-1326.
- g. **HarvestFest** – Saturday, October 15. Mark your calendars for this year's event!

## 12. EXECUTIVE SESSION

## 13. ADJOURNMENT