

**KENNEBUNK SELECT BOARD MEETING MINUTES**  
**TUESDAY, FEBRUARY 14, 2023 – 6:30PM**  
**HYBRID MEETING (IN-PERSON, TOWN HALL, 3<sup>rd</sup> FLOOR AND TELECONFERENCED)**

This meeting was held in person at Town Hall and likewise open to public participation via Zoom. It was televised live on Cable TV Channel 5 and streamed on *TownHallStreams.com*, where it is available for viewing at any time.

**1. Call to Order**

The meeting was called to order at 6:30pm by Chair and presiding officer Shiloh Schulte, who then led attendees in the Pledge of Allegiance. Those participating were:

**Participants:** Select Board Members Shiloh Schulte [Chair], Lisa Pratt [Secretary], Sally Carpenter, Leslie Trentalange, William A. Ward, Jr. (arrived at 6:33pm) and Miriam J. Whitehouse

**Absent:** Kortney E. Nedeau [Vice Chair]

**Also Present:** Heather Balsler [Town Manager], Bryan Laverriere [Director, Public Services], Merton Brown [Town Clerk], Chris Osterrieder [Director, Community Development], Karen Winton [Deputy Director, Community Development], Robert MacKenzie [Chief of Police], and Natalie Burns [Town Attorney].

**2. Review of Prior Minutes**

**a. Minutes of the Regular Meeting of January 24, 2023:** S. Schulte then led members in a review of the minutes of its previous Regular Meeting.

**Motion:** To approve the minutes of the Regular Meeting of January 24, 2023.

**Moved:** L. Pratt

**Seconded:** S. Carpenter

**Vote:** Show of hands vote, 5 votes in favor, 0 opposed, 2 absent [Nedeau and Ward, Jr.]; the motion passed.

After the vote, W. Ward, Jr. joined the meeting, making the number of members in attendance six [6].

**b. Minutes of Budget Meetings:** Will be presented at a later date.

**3. Items To Be Signed**

There were none.

**4. Public Hearings**

**New Liquor License – Local Bottega – 7 Agatha James Drive**

The Board next opened the Public Hearing to consider the application for a Liquor License for The Local Bottega LLC d/b/a The Local Bottega located at 7 Agatha James Drive. S. Schulte called on the applicant to give an overview of the application, but that party was not in attendance. Instead, Town Clerk M. Brown explained the nature of this business and how the license is to be used.

**Motion:** To approve the Liquor License for The Local Bottega LLC d/b/a/ The Local Bottega.

**Moved:** L. Pratt

**Seconded:** W. Ward, Jr.

**Vote:** Show-of-hands vote, 6 votes in favor, 0 opposed, one absent [Nedeau]; the motion passed.

## 5. Public Comments

The Chair then invited public comments or questions of a general nature. As there were none, S. Schulte closed the public session.

## 6. Acknowledgements and Announcements

### a. Staff Changes – Resignations and Retirements:

The Chair reported the following personnel resignations or retirements that had taken place recently:

#### End of 2022

- Ian Magill, Assistant Town Clerk (part time), 6 months with the Town
- Michael Pardue, Town Manager, 6 years with the Town
- Lynda Lightbody, Deputy Tax Collector, 8 years with the Town
- Michael Fagerson, Police Administrative Assistant, 10 years with the Town
- Karen Wheeler, Fire Rescue Administrative Assistant, 17 years with the Town
- Tammy Legere, Assistant Recreation Director, 22 years with the Town

#### Staff Changes – 2023

- Matthew Harrington, Police Officer, 12 years with the Town (staying on as Reserve Officer)
- Anthony Clukey, Police Sergeant, 23 years with the Town.

S. Schulte concluded that the Town had lost significant staff, talent, and experience in recent months.

## 7. Time Sensitive Business and Staff Presentations

### a. Donations

The Chair next reported that the Town had received the following donations.

- \$25 from Joyce Herrman for the Dog Park
- \$20 from Warren Totty for the Dog Park
- \$25 from Lois and Gerald Pelkey for the Dog Park
- \$100 from Nancy Flynn for Kennebunk Fire Rescue
- \$150 for the West Kennebunk Village Committee from donations received from the Thanksgiving Day Dinner.

**Motion:** To accept the donations listed above and send letters thanking all for their generous donations.

Moved: L. Pratt

Seconded: S. Carpenter

**Vote:** Show-of-hands vote, 6 votes in favor, 0 opposed, one absent; the motion passed.

### b. Consent Judgement and Order for 421 Alfred Road

S. Schulte explained that a Consent Judgement and Order was requested by property owner Cluff Boys, LLC to resolve a land-use violation at 421 Alfred Road. The violation was discovered during an investigation by the Code Enforcement Office. The violation was created by a prior owner and a resolution was sought as the current owner seeks to sell the property. The matter was investigated by C. Osterrieder, Director of Community Development, whose memo is available on the agenda. Legal Counsel for Kennebunk also reviewed this agreement and vetted its terms.

C. Osterrieder explained the infraction. The property, he said, is being used for multiple rental units (the main dwelling plus three accessory units) while zoning only permits one single-family dwelling and one accessory dwelling unit. Osterrieder recommended that the full penalty amount for the infraction be levied as a deterrence. He stated that, over time, the number of accessory units should and would be reduced, but time was needed to allow current residents to vacate.

In response to queries by W. Ward, Jr., C. Osterrieder confirmed that the proposed agreement was between the Town and the current property owner. K. Nedeau suggested that this discussion should perhaps be postponed until the Town better understands Maine's new housing law, LD 2003, and the new state norms it imposes regarding multiple dwelling units. However, Town Attorney N. Burns remarked that as long as there was an outstanding grievance, the current owners were unlikely to be able to sell this property and they have an opportunity to do so now. Action, Burns said, was required to rectify the situation

S. Schulte asked whether a contract zone might be a solution, and that option was briefly discussed. However, conversation then moved to the need for the Town to allow time for "full compliance" with the Town's Ordinance. C. Osterrieder said the objective was to reduce the number of accessory dwelling units on this property from three [3] to two [2] by January 1, 2025, and the Board concurred, acknowledging that this would not represent full zoning compliance but be a sure improvement. An initial motion was made and subsequently amended as:

**Motion:** To authorize the Code Enforcement Officer to sign the Consent Judgment and Order, to have the property owners reimburse the Town for penalties, mailing, and attorney-related fees incurred as a result of this Agreement, and to amend the agreement citing January 1, 2025 as the date by which corrective action is required.

Moved: L. Pratt

Seconded: S. Carpenter

**Vote:** Show-of-hands vote, 6 votes in favor, 0 opposed, one absent [Nedeau]; the motion passed.

**c. Police Mutual Aid Agreement**

S. Schulte then announced that the Police Departments of Kennebunk, Kennebunkport and Wells had forged, in principle, a mutual aid agreement to permit automatic mutual aid between the three communities.

Schulte explained that, at the present time, the Police Forces of the three communities must formally request mutual aid before assistance can be rendered. The proposed agreement is meant to facilitate mutual aid and help keep our communities and officers safe. If, and when, any of the communities is short-staffed, the other communities will be notified of the staffing shortage and, if a Police call for service is dispatched and requires at least two officers, the neighboring agencies would automatically dispatch their officer(s) to assist without having to wait for an official "mutual aid request".

Overall, Schulte said, the agreement enhances mutual aid between the three communities. The agreement has been vetted by the attorneys of all three towns and the Select Boards of Kennebunkport and Wells have already approved the agreement.

W. Ward, Jr. asked if such assistance was likely to be frequent, and Police Chief MacKenzie responded in the negative. S. Schulte invited questions and comments from the public, but there were none.

**Motion:** To approve the Mutual Aid Agreement between Kennebunk, Kennebunkport, and Wells and authorize the Town Manager to sign the Agreement.  
**Moved:** L. Pratt  
**Seconded:** S. Carpenter  
**Vote:** Show-of-hands vote, 6 votes in favor, 0 opposed, one absent [Ne-deau]; the motion passed.

**8. Old Business**

There was none.

**9. New Business**

**a. Closing of Certain Town Ways to Heavy Loads**

S. Schulte next reminded the Board that the Town closes certain roads for short periods of time each year to any non-exempt vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or more. Two-axle trucks between 23,000 and 34,000 pounds are exempt from this closure if they transport Special Commodities. The Town makes such closures to protect Kennebunk's roads from damage as frost levels change.

Schulte reported that the following roads will be closed to such traffic this year at a date as yet to be determined by the Public Services Director.

Alfred Road (Thompson Rd to Cole Rd.)	Old Fall road
Cole Road	Old Port Road
Downing Road	Perkins Lane
Durrells Bridge Road	Ross Road
Emmons Road	Russell Farms Road
Harriseckett Road	Thompson Road
Heath Road	Winnow Hill Road
Middle Road	

The closures are expected to be initiated before the end of February and will remain in effect until at least April 30, 2023 unless otherwise posted. Any violation of the closure rule is a traffic infraction punishable by a fine of not less than \$250.

The closure posting will remain in force except when a road is solidly frozen. A road is deemed to be solidly frozen when the air temperature is 32 degrees Fahrenheit or below and when no water is showing in the cracks of the roadway. Both conditions must be met.

A public commentator [no name provided] asked how these particular roads came to be selected for closure, and B. Laverriere replied that the list is the same as that used in prior years.

**Motion:** To approve the closure of the above listed roads at a date to be determined by the Public Services Director.  
**Moved:** L. Pratt  
**Seconded:** S. Carpenter  
**Vote:** Show-of-hands vote, 6 votes in favor, 0 opposed, one absent, the motion passed.

**b. Other Business of the Board**

Due to S. Carpenter's exit from the Board in April, S. Schulte announced that Carpenter would step down from the Ordinance Subcommittee and M. Whitehouse would take her place.

## 10. Select Board Comments

### a. Subcommittee Reports:

There were none.

### b. Board Liaison Reports

S. Carpenter: Reported a change of Chairs of the West Kennebunk Village Committee.

L. Pratt: The Energy Efficiency & Sustainability Committee is meeting on February 16<sup>th</sup> and the Tree Committee on February 23<sup>rd</sup>.

S. Schulte: The Conservation Commission is organizing public education workshops to promote healthy lawns in the community and discourage the overuse of salt.

L. Tentalange: The Site Plan Review Board will meet on February 15<sup>th</sup> to discuss 9 Barnard Lane and another project.

W. Ward, Jr.: The Planning Board met on February 13<sup>th</sup> and approved the memory care project on York Street. Ward said he will also attend the Legislation Committee's next session and report back to the Select Board.

M. Brown: The Charter Commission has held five meetings thus far and its next meeting will take place on February 22<sup>nd</sup>. The public is welcome to attend.

### c. Comments of Individual Select Board Members

S. Carpenter: Speaking on behalf of K. Nedeau (who was absent this evening), S. Carpenter reported that there is citizen interest in putting up a plaque on the Route 1 Mousam River Bridge honoring Mary Tanner. Members agreed to look into the matter.

L. Pratt: Welcomed Heather Balsler, Kennebunk's new Town Manager, to the meeting and thanked Bryan Laverriere for his service as interim Town Manager.

S. Schulte: Echoed the welcome to the new Town Manager and thanked B. Laverriere as well.

W. Ward, Jr.: Thanked all the people who have participated in the Town's budget work.

## 11. Town Manager Announcements

Town Manager H. Balsler then made the following announcements:

### a. Newsletter

Kennebunk's February Newsletter is available for viewing at: [www.kennebunkmaine.us/newsletters](http://www.kennebunkmaine.us/newsletters).

b. **Select Board Outreach** - The next Select Board Outreach session will take place on **Saturday, February 18<sup>th</sup> from 8:30am until 10:00am** at Town Hall, 3<sup>rd</sup> Floor. The public is invited to stop in to chat with two Select Board members.

**c. Holiday Closures**

The Town Manager next read the announcement listed on the agenda of several closures on **Monday, February 20, 2023** because of the Presidents' Day Holiday.

**d. Budget Meetings**

H. Balsler also re-confirmed the following meeting schedule to review the Town's 2023-24 Proposed Budget:

Meeting #1	Tuesday, February 7 <sup>th</sup>	6:30pm to 9:00pm
Meeting #2	Thursday, February 9 <sup>th</sup>	6:30pm to 9:00pm
Meeting #3	Saturday, February 11 <sup>th</sup>	8:30am to 11:30am
Meeting #4	Thursday, February 16 <sup>th</sup>	6:30pm to 9:00pm
<b>If needed:</b>		
Meeting #5	Tuesday, February 21 <sup>st</sup>	6:30pm to 9:00pm

Information about the Proposed Budget is available at [www.kennebunkmaine.us/budget](http://www.kennebunkmaine.us/budget). Residents wishing to view past meetings on the topic can view them at any time at [www.townhallstreams.com](http://www.townhallstreams.com).

**12. Executive Session**

There was none.

**13. Adjournment**

There being no additional comments or topics for discussion, S. Schulte adjourned the meeting at 7:17pm.

**Motion: To adjourn this meeting.**

Moved: L. Pratt

Seconded: S. Carpenter.

**Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, one absent; the motion passed.**

Respectfully submitted by,  
J. Schlagheck, Clerk

Adopted by the Board in the meeting of 02.28.2023,  
DATE OF MEETING

Signed by  
Select Board Member: Lisa Pratt  
SIGNATURE  
Lisa Pratt  
NAME IN PRINT