

KENNEBUNK SELECT BOARD MEETING MINUTES
TUESDAY, MARCH 14, 2023 – 6:30PM
TELECONFERENCE MEETING VIA “ZOOM”

This meeting was held via Zoom and only open to public participation via that teleconferencing Platform due to severe weather conditions. 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 6:35pm by Chair and presiding officer Shiloh Schulte, who then led attendees in the Pledge of Allegiance. Those participating were:

Participants: Select Board Members:

Shiloh A. Schulte [Chair]

Kortney E. Nedeau [Vice Chair] - present until 8:10pm/disconnected from Zoom

Lisa J. Pratt [Secretary]

Sally A. Carpenter - present until 7:17pm/disconnected from Zoom

Leslie G. Trentalange

William Ward, Jr. - arrived at approximately 6:40pm

Miriam J. Whitehouse

Absent: none

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], and Justin Cooper [Fire Chief]

The meeting was held via “Zoom”, the Internet teleconferencing platform, due to inclement weather (severe winter storm). Given the travel advisory in effect for a severe winter storm, the Chair declared that an emergency existed and called for the Board to conduct its meeting remotely. The Board’s meeting policy can be found in its entirety on the Town’s website in Article 4b. The start of the meeting was briefly delayed for technical reasons. The meeting was recorded on Zoom and will be placed on the Town’s website for future viewing.

2. Review of Prior Minutes

The Board first reviewed the minutes of its Regular Meeting of February 28, 2023.

Motion: To approve the minutes of the Select Board’s Regular Meeting of February 14, 2023.

Moved: K. Nedeau

Seconded: S. Carpenter

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent [Ward, Jr.]; the motion passed.

After the vote, W. Ward, Jr. joined the meeting.

3. Items To Be Signed

There were none.

4. Public Hearings

a. Beach Parking Permits

S. Schulte explained that each year the Select Board sets the fee rate for parking along Kennebunk’s beaches. Town staff recommended keeping the following 2022 fees the same for 2023.

ORDINANCE	SECTION	BEACH PARKING PERMITS	1 ST OFFENCE	2 ND OFFENCE	3 RD OFFENCE
2.5	2-5.3	Resident/Taxpayer: \$5 each, limit of 3			
	2-5.4	Resident/Taxpayer Guest Permits: \$25 each, limit of 4			
	2-5.5	Non-Residents 1-Day Permit: \$25 each			
		Non-Residents 1 Week Permit: \$100 each			
		Non-Residents 1 Full Season Permit: \$200			
	2-5.6	Replacement Fee: \$10.00			
	Fines	\$50.00			

K. Nedeau observed that people in neighboring communities have asked for discounts. S. Schulte opined that discounting permits should have some income offset for the costs incurred by Kennebunk taxpayers for beach clean-ups, lifeguards, and other beach services or amenities. M. Whitehouse concurred.

In response to other comments by Board members, J. Downs confirmed that owners of businesses in Kennebunk who pay Kennebunk taxes but reside outside of the Town, as well as residents who pay excise taxes, are able to purchase parking permits.

Motion: To keep the Beach Parking Permit fees the same as last year.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

b. Revision of Select Board's "Remote Meeting and Participation Policy"

The Chair next solicited public comments on the following proposed amendment (noted below in items b and c) to the Select Board's Section IV "Remote Participation Policy:

IV. Remote Participation by Individual Select Board Members: Except for a remote meeting being conducted consistent with Section III of this Policy, members of the Select Board are expected to be physically present for all public meetings except when being physically present is not practicable for one or more members. Circumstances under which physical presence for one or more members is not practicable include:

- a. Illness of other physical condition, or temporary absence from the Town of Kennebunk, that causes the member to face significant difficulties travelling to and attending the public meeting in person or,
- b. To provide a reasonable accommodation to a member with a disability; and/or,
- c. To provide care for a family member.

Board members had discussed the change at their prior meeting. S. Schulte therefore opened a Public Hearing and invited public comments. There being none, Schulte closed the Public Hearing and the Board proceeded to entertain this motion:

Motion: To approve the amendment to Section IV of the Select Board Meeting and Participation Policy as noted above.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

5. Public Comments

The Chair then invited public comments or questions of a general nature.

Armand Boudreau, owner of the White Sails Inn, reported that there are increasing volumes of heavy, tractor-trailer truck traffic taking place on Fetcher Street, causing a lot of noise and

representing a safety risk for residents and the school alike. One reason for this traffic issue, the commentator said, is confusing signage at the I-95 south-bound service plaza.

According to Mr. Boudreau, confusing signage at the service plaza is causing trucks to make wrong turns to get back onto the expressway. The signage leads them to exit near Cummings Market and then turn onto Fletcher Street looking for an expressway ramp. The trucks go as far as the Fletcher Street round-about, make a turn around and over it, and then make their way back to the expressway, speeding to make up for lost time.

The signage at the plaza needs to be addressed, Mr. Boudreau concluded. H. Balsler agreed to contact DOT and the Maine Turnpike Authority about the matter. As there were no other commentators, S. Schulte then closed Public Comments.

6. Acknowledgements and Announcements

a. Donation

The Chair next reported that the Town had received a donation in the amount of \$75.00 from James Pastorelli for Kennebunk Fire Rescue.

Motion: To accept the donation from Mr. Pastorelli and send a letter thanking him for his generous donation.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Roll call vote, 7 votes in favor, 0 opposed; the motion passed.

b. Staff Changes

The Chair also reported a number of staff promotions, resignations, and retirements:

Promotions

- Beau Gleason was promoted from Firefighter/Paramedic-Captain to Deputy Chief EMS/Training effective March 6, 2023, filling a vacancy created by the retirement of Deputy Chief John Brady.
- Audra Blaney was promoted from Police Officer/School Resources Officer to the rank of Sergeant, filling the vacancy created by the retirement of Sgt. Anthony Clukey. Audra begins her new position on March 20, 2023.

Resignations and Retirements

- John Brady, EMS Division Chief for 8 years with the Town of Kennebunk. John has remained with KFR part-time to assist the Department during the hiring process and in-boarding of a new Deputy Chief.

The Chair extended congratulations to Deputy Chief Gleason and Sgt. Blaney on their new positions. He and the Board likewise thanked John Brady for his dedicated service to the community. "We are going to miss John a lot," S. Schulte stated.

c. Town Employment Opportunities

S. Schulte next enumerated the Town's current job openings [below]. He invited the public to learn more about these part-time, full-time, per diem, and seasonal positions by visiting the Town's website at www.kennebunkmaine.us/jobs.

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|--|---|
| ▪ Seasonal Laborers | ▪ Part-Time CDL Bus Drivers |
| ▪ Seasonal Summer Camp Counselors | ▪ Per Diem FF/EMT, EMT-A Paramedics |
| ▪ Seasonal Community Service Officers | ▪ Full-Time Police Officers |
| ▪ Seasonal Ocean Guards | ▪ Full-Time Maintenance Worker/Truck Driver, Parks & Facilities |
| ▪ Part-Time Just for Kids Club Site Leader | ▪ Full-Time Director of Economic Vitality |
| ▪ Part-Time Charter Commission Board Clerk | |

7. Time Sensitive Business and Staff Presentations

a. "Recycle Better" App

The Chair next reported that Casella, the company doing trash and recycling pick-up in Kennebunk, is launching a new app which will permit residents to confirm their trash and recycling pick-up day, receive notifications about delays or rescheduling, search for items that are recyclable, etc. Kennebunk will be the first community in Maine to use the new app (named "Recycle Better with Casella"). It is available at the App Store, Google Play Store, and on the Town website at www.kennebunkmaine.us/curbsideapp.

S. Schulte inquired about the app's features. B. Laverriere responded that the app tells users the date of pick-up, gives a progress schedule, provides info about the "do's" and "don'ts" of recycling, permits residents to register for pick-up service, alerts the public about delays, and allows residents to request replacement bins.

b. Ambulance Billing Rates

S. Schulte then initiated discussion of Kennebunk's 2023 rates for ambulance services. Each year the Town considers rate changes. After a cost analysis of the emergency medical services provided by the Town, the Fire Chief recommended a slight rate adjustment for some services. The proposed adjustments are available (and linked) for viewing on the agenda.

Fire Chief J. Cooper explained that the last billing-rate adjustment took place in 2018. He noted that some 60% of the services provided by Kennebunk ambulances are paid by Medicare, and the charges to Medicare would, in the main, not change.

S. Schulte invited public comments and questions, but there were none.

Motion: To approve the 2023 Ambulance Billing Rates as proposed.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Roll-call vote, 7 votes in favor, 0 opposed; the motion passed.

c. Road Acceptance Request for Conservation Drive in the Brooks Landing Subdivision

S. Schulte then informed the Board of a pending request for road acceptance. Chinburg Development LLC, he said, had developed a subdivision that had been reviewed and approved by the Kennebunk Planning Board on September 19, 2020 in accordance with the Land Use Ordinance as well as the Street Design and Construction Ordinance. The developer presented the requisite paperwork outlined in Section 8.4.2 of the Street Design and Construction Ordinance for the Town's acceptance of Conservation Drive in the Brooks Landing subdivision as a Town road. Conservation Drive is located off Brown Street.

Schulte reported that the road work had been inspected by the Town Engineer during construction and was deemed to comply with the standards set forth in the Ordinance. The Town Engineer also confirmed that the necessary paperwork for road acceptance had been submitted. Road acceptances, S. Schulte said, had to be approved by Town Meeting vote.

M. Whitehouse opined that, as the Town grows, road maintenance costs will continue to escalate as well and the Board needed to look at ways of containing them. The Town, she said, was not obligated to "accept" and take over the costs of maintaining new roads. *Not* accepting them going forward might be a way of holding down costs, in her view.

W. Ward, Jr. concurred, but cautioned that the Town "shouldn't change course mid-stream". He recommended that the Board (a) establish a date in the future by which its

road policy might change, (b) decide on a policy by that time, and (c) have a public vote on the matter. L. Pratt concurred.

S. Schulte interjected that the Town's "road acceptance" policy was meant to be reviewed by the Board later in the year. K. Nedeau said that developers should be alerted that a change of policy was possible.

At approximately 7:17pm, S. Carpenter lost electric power and connection with the meeting. The number of members in attendance then became six [6].

S. Schulte reminded the Board that it was not actually "accepting" Conservation Drive at this time, but rather deliberating whether or not to move it to public vote.

C. Osterrieder commented that the Town routinely alerts developers that there is no guarantee of a road being Town-accepted. However, the Town nevertheless requires developers to comply with all road design standards for safety and the use of Fire Department trucks, etc. Osterrieder said that the Board was not obligated to move this particular case forward as the developer had been apprised that there was no guarantee of road acceptance.

S. Schulte suggested that case-by-case reviews of such requests were needed to determine if an acceptance request came with possible long-term benefits for the Town, such as sidewalks or street lighting. "We clearly need additional conversation about this," he said.

S. Schulte then opened the floor to public comments or questions, but there were none.

Motion: To send the Road Acceptance Request for Conservation Drive to a public hearing on March 28, 2023 to receive public comment before advancing the item to the next Special or Annual Town Meeting to act on this request.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Roll-call vote, 5 votes in favor, 0 opposed, 1 absent [Carpenter], 1 abstention [Whitehouse]; the motion passed.

d. Review Budget Warrant Articles to be Included on the Annual Town Meeting Warrant

J. Downs, Finance Director, offered a brief overview of the proposed articles. The Warrant Articles, he said, advanced the following relevant points.

Article 1: A comprehensive article, showing a bottom line ["Net Municipal Assessment"] of \$15.4 million and gross expenditures ["General Fund Budget Expenditures"] of \$22.3 million.

Article 2: The use of ARPA funds for capital. "This may not be needed," Downs said. He will consult with the Town's legal counsel for guidance.

Article 3: Use of the General fund balance for various capital assets and projects, and Select Board capital reserve of \$1,082,000.

Article 4: A bond authorization of \$3.8 million bond issue with a fiscal note.

Article 5: A bond authorization in the amount of \$175,000 for the repair of sidewalks in front of the Brick Store Museum.

The draft warrant can be viewed in its entirety on this meeting's agenda and will be posted on the election page and municipal budget page on the Town's website. A public

hearing will take place on March 28, 2023. At that hearing, Downs will make a brief presentation with highlights of the articles and the public will be able to comment or ask questions.

S. Schulte invited immediate public questions or comments, but there were none.

8. Old Business

There was none.

9. New Business

a. Consider Expanding the Climate Action Plan Task Force

The Chair next reminded the Board that the Climate Action Plan Task Force had been created in July, 2022 with the goal of working with three other municipalities and the Southern Maine Planning and Development Commission to develop community specific Climate Action Plans. The Select Board had appointed nine [9] members to this body. Members included representatives from the community, various Town committees, Town Hall staff, and a Select Board member.

Work by the Task Force is well underway, Schulte reported. However, the Task Force has identified the need for additional support and stakeholder involvement. The group has specifically requested that the Select Board expand the membership of the Task Force by an additional three [3] members to assist with the remainder of the project.

L. Pratt, a member of the Task Force, added that "a few more key people" were needed with policy and climate specialties.

Motion: To expand the Climate Action Plan Task Force to a total of 12 members and solicit applications for Task Force volunteers to be considered at an upcoming Select Board meeting.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

b. Letter of Support: Army Corps of Engineers to Begin the Environmental Survey and Dredging for the Kennebunk River in FY24

The Chair then reported that the Army Corps of Engineers is slated to begin an Environmental Survey and dredge the Kennebunk River in FY2024. The Corps has indicated that it will need approximately \$5.1 million in FY24 to begin the project. Maine Senator Susan Collins is considering submitting a Congressionally Directed Spending Request to Congress for these funds. No funding is currently required from the Town. However, the Senator has requested a "letter of support" from Kennebunk. Kennebunkport has received a similar request.

H. Balsler reported that Kennebunkport was in the process of drafting a joint Letter of Support for the signatures of the Town Managers of both Kennebunk and Kennebunkport. The Harbormaster, Balsler added, will add details about the financial benefits of the project.

S. Schulte invited public comments or questions, but there were none.

Motion: To authorize the Town Manager to sign a letter of support on the Board's behalf.

Moved: L. Pratt

Seconded: S. Carpenter

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

c. Letter of Support: Department of Transportation Project for the Reconstruction of Roadways in Lower Village

The Chair next reported that the Maine Department of Transportation was contemplating a FY24 Congressionally Directed Spending Request to fund the reconstruction of roadways in Kennebunk's Lower Village.

According to S. Schulte, this particular initiative aims to make small businesses and the residential center more cohesive by improving traffic flows as well as mobility for pedestrians and bicycle users. The estimated cost of this MDOT FY24 project is \$12.5M. The state/local match is \$2.5M, to be shared equally by both. The Town of Kennebunk support is contingent upon Town Meeting approval.

Town Manager H. Balsler added that this Letter of Support "gets Kennebunk's name on the DOT's priority list" even though the project has to be approved by the public at a Town Meeting. There would be a three-year construction cycle, Balsler said. "It's a good opportunity for Kennebunk," she advised.

W. Ward, Jr. inquired if there might be grant money available for the Town's \$2.5 million match. H. Balsler responded that the DOT wants "local investment" in these sorts of projects, but the numbers and scheduling have to be studied in more detail.

S. Schulte again invited public comments and questions, but there were none.

Motion: To authorize the Town Manager to sign a letter of support on the Board's behalf.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

d. Parking Permit Waiver

The Board then discussed a request that the Town waive beach parking permit requirements to allow attendees and volunteers at the "Special Surfers Nights" to have free access to parking at Gooch's Beach and Middle Beach. The event coordinators will also offer shuttle service to decrease parking and traffic.

S. Schulte explained that Special Surfers is a non-profit organization which offers the empowering experience of surfing to children and young adults of all ages with special needs. The group specifically requested that parking permit requirements be waived from 2:00pm until 7:00pm at both beaches on (1) Tuesday, **June 20th**, (2) Tuesday, **July 18th**, and (3) Tuesday, **August 16th**, 2023. No road closures would be required.

Board members voiced enthusiasm about these events taking place in Kennebunk.

Motion: To waive the beach parking permit requirements for the Special Surfers Nights for the dates and times listed above.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

e. Representation on York County Budget Committee

The Board next discussed the need to nominate one [1] Elected Official and one [1] Public Representative to represent the Town of Kennebunk on the York County Budget Committee.

S. Schulte reported that the York County Budget Committee Caucus will be held on Wednesday, April 12, 2023 at 6:30pm in the York County Courthouse, 45 Kennebunk Road, in Alfred. Each district in the County has three seats: two elected Municipal Officials and one Public Representative.

District #2, Schulte said, includes Arundel, Biddeford, Kennebunk, and Kennebunkport. It has two vacancies to fill: one for an Elected Municipal Official (which post expires on March 30, 2025), and one for a Public Representative (which post expires on March 30, 2026).

Elected Municipal Official: At the present time, Schulte said, District #2 already has an Elected Municipal member from Biddeford. Therefore, only nominees from Arundel, Kennebunk and Kennebunkport would be able fill the one Elected Municipal Official vacancy.

The Chair asked if anyone was interested in serving in this post. L. Pratt expressed "potential interest", but wanted to investigate the time commitment and scope of service in more detail. Pratt will confirm her interest or decline by March 28th.

Public Representative: S. Schulte then explained that the Select Board could also nominate someone from the public at large to represent Kennebunk. However, it is a requirement that the name of that nominee be presented by at least one (1) member of Kennebunk's Select Board at the April 12, 2023 Country Caucus in Alfred. Schulte asked if Board members knew of interested parties. If so, Select Board members could bring a nomination forward at either the Board's March 28th or April 11th meetings.

Schulte also noted that if a Select Board member or a member of the public were willing to serve, she or he would still need to be elected at the Caucus taking place on April 12th. Only elected municipal officials can vote to seat Budget Committee members. Select Board members who wish to vote would also need to attend the Caucus.

On or about 8:10pm, K. Nedeau was disconnected from the session. The number of members in attendance became five [5].

- f. **Other Business**
There was none.

10. Select Board Comments

a. Subcommittee Reports:

S. Schulte: The Ordinance Review Subcommittee met last week to continue discussions about the Town's parking and food truck regulations. Re-writes are being drafted for consideration in April. Discussions about short-term rentals will take place at the next meeting.

b. Board Liaison Reports

L. Pratt: Asked C. Osterrieder to provide an update on the Zoning Board of Appeals Longwood Drive case. Osterrieder said that hearing had been continued and the Zoning Board had not ruled on it.

L. Trentalange: The Site Plan Review Board will meet on March 16th and take up a request for approval of the 9 Barnard Lane project.

- S. Schulte: The Conservation Commission met last night to discuss "connectivity", meaning the trails and bike paths connecting different conservation properties. The Commission is hosting a workshop on March 23rd on the use of pesticides.
- W. Ward, Jr. The Planning Board met last night to discuss the impact of Maine's new housing law, LD 2003. ADU short-term rentals and "vacant lots" were identified as issues. The Planning Board is looking for the Select Board's policy stand on these matters.
- M. Whitehouse: Commented on the Planning Board's concern about the potential short-term rental misuse of the ADUs permitted by new Maine law LD 2003.

c. Comments of Individual Select Board Members

- L. Pratt: Alerted the public that public schools will have a late start tomorrow because of the weather.
- W. Ward, Jr. Congratulated and thanked the Town's Public Services, Fire, and Police Departments for their work during the recent snow storms. Also inquired about the telecom connectivity work being done by the Economic Development Committee.
- M. Whitehouse: Suggested that the Chair of the Economic Development Committee offer an update on that group's connectivity foot-work.

11. Town Manager Announcements

Town Manager H. Balsler then made the following announcements:

- a. **Skating:** The last day for skating at the Waterhouse Center will be March 19th.
- b. **Tax Bills:** Tax bills will be mailed out on March 14, 2023. The second installment of real estate and personal property taxes are due on April 14, 2023. The first installment was due on October 14, 2022.
- c. **Openings for Elected Officials:** The Town has the following openings for elected officials.

Position	Number of Open Posts	Term
Select Board Members	2	3 years
RSU 21 Directors	2	3 years
KKW Water District Trustee	1	3 years
Kennebunk Light & Power District Trustee	1	5 years
Kennebunk Sewer District Trustee	1	3 years

The Chair asked individuals interested in these posts to obtain nomination paperwork from the Town Clerk's Office at Town Hall. To become a nominee, a person must complete the paperwork and submit it along with a minimum of 25 signatures. The nomination paperwork and signatures must be submitted to the Town Clerk's Office no later than **4:30pm on Friday, April 14, 2023.**

For further information, please contact the Town Clerk's office at (207) 604-1326.

12. Executive Session

There was none.

13. Adjournment

There being no additional comments or topics for discussion, S. Schulte adjourned the meeting at 8:27pm.

Motion: To adjourn this meeting.

Moved: M. Whitehouse

Seconded: W. Ward, Jr.

Vote: Show-of-hands vote, 5 votes in favor, 0 opposed, 2 absent [Nedeau, Carpenter]; the motion passed.

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board at the meeting on _____

03.28.2023

DATE OF MEETING

Signed by
Select Board Member:

J. Schulte

SIGNATURE

Lisa Pratt

NAME IN PRINT