

KENNEBUNK SELECT BOARD MEETING MINUTES

TUESDAY, April 25, 2023 – 6:30PM

IN-PERSON AND TELECONFERENCE MEETING VIA “ZOOM”

This meeting was recorded for future viewing and is available in the Agenda section of the Town’s website under the media icon at www.kennebunkmaine.us/selectboardagendas.

1. Call to Order

The meeting was called to order at 6:30pm by the 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], Lisa J. Pratt [Secretary], Leslie G. Trentalange; William Ward, Jr.; and Miriam J. Whitehouse;

Absent: Sally A. Carpenter [Member];

Also Present: Heather Balsler [Town Manager], Christopher Osterrieder [Director, Community Development], and Merton Brown [Town Clerk].

The meeting was held in person at Town Hall as well as via “Zoom”, the Internet teleconferencing platform. The meeting was broadcast live on Cable TV Channel 5 and is available for public viewing at any time at TownHallStreams.com.

2. Review of Prior Minutes

The Board next reviewed the minutes of its Regular Meeting of April 11, 2023.

Motion: To approve the minutes of the April 11, 2023 meeting.

Moved: L. Pratt

Seconded: K. Nedeau

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

3. Items To Be Signed

There were none.

4. Public Hearings

a. Victualer License for KPort Bagel LLC d/b/a KPort Bagel

S. Schulte opened the Public Hearing and introduced the application of KPort Bagel LLC which sought a Victualer License to do business as KPort Bagel at 2 Morning Lane, Cottage #6 in Kennebunk. The applicant was not in attendance.

S. Schulte solicited Board and public comments or questions, but there were none.

Motion: To approve the Victualer License for KPort Bagel LLC d/b/a KPort Bagel contingent upon final approval from Code Enforcement.

Moved: K. Nedeau

Seconded: L. Pratt

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

b. Victualer License for KBK Protein Place

S. Schulte then introduced the application of Martin and Vanessa McCarthy for a Victualer License for their business, KBK Protein Place, located at 57 Portland Road (formerly “Wishbones”). The applicants were not in attendance.

Motion: To approve the Victualer License for Martin and Vanessa McCarthy d/b/a KBK Protein Place contingent upon final approval from Code Enforcement.

Moved: K. Nedeau

Seconded: L. Pratt

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

c. Victualer and Lodging House Licenses for White Sails Inn

S. Schulte next opened a Public Hearing to consider the applications of Susanne Lillis, the new owner of White Sails Inn, for a Victualer License and a Lodging House License for the Inn located at 61 Fletcher Street. The applicant was not present.

Motion: To approve the Victualer and Lodging House Licenses for Susanne Lillis d/b/a White Sails Inn contingent upon final approval from Code Enforcement.

Moved: K. Nedeau

Seconded: L. Pratt

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

5. Public Comments

S. Schulte then invited public questions or comments of a general nature, but there were none.

6. Acknowledgements and Announcements

a. Resignations: S. Schulte next announced that Police Officer Kaitlyn Sawyer had resigned from the Police Force after having served eight and a half years with the Town. Also leaving the Force is Police K-9 "Otto", who served the Town for four years and had been handled by Officer Sawyer. K. Sawyer is taking a post with another police force closer to her residence.

John Costin, a public commentator, asked to speak. He inquired whether Officer Sawyer had been "debriefed" or left any written comments about the use of K-9s as it was not clear whether K-9 use was genuinely helpful on a police force. Mr. Costin then commented on 9 Barnard Way, as well. He encouraged the Board to "investigate what went wrong" as there is now "a giant, landmark size hole on Route One" instead of the historic inn which stood there. Costin asked: Why did the change of zoning for 9 Barnard go to ballot without the required 200 or more signatures? Why was a completion bond not required of the developers? How could such a loss of historic patrimony be prevented in the future?

S. Schulte acknowledged the remarks.

7. Time Sensitive Business & Staff Presentations

a. Discuss Boards, Committees and Commissions

Kennebunk River Committee Appointments

S. Schulte next led the Board in a discussion about appointments to the Kennebunk River Committee. That Committee, Schulte explained, is shared by the Towns of Kennebunk and Kennebunkport. Its purpose is to manage, plan, and serve as a board of appeals for the management of a shared resource. There were three open posts on the Committee: two slots for "Regular Members" and one for an "Alternate Member".

The Town had advertised the three vacancies and also held a forum entitled "An Introduction to the Kennebunk River Committee" on April 8, 2023. The latter event offered residents an opportunity to learn about the functions of the Committee, ask questions, and interact with Kennebunk's Harbormaster, the Committee Chair, and Town Manager.

Seven residents who attended the event expressed interest in serving on the Committee. They were invited to attend tonight's meeting to explain their interest first hand. The application materials submitted by each candidate are available for inspection on this meeting's agenda.

L. Pratt recused herself from this segment as her husband was a River Committee candidate. The number of voting members present consequently became five [Schulte, Nedeau, Trentalange, Whitehouse, and Ward, Jr.]. Each of the candidates present was invited to introduce herself or himself.

David Pratt remarked that his family uses the River extensively. Joining the River Committee, he said, was a way of leveraging on that personal interest as well as a way of giving back to the community.

Deanna Enis said she was "passionate" about the environment and about protecting the Town's natural resources. She ventured that she had the extra time as well as interest to "give back" to the community, too.

Leanne Travers observed that she had "played on and lived by the River" most of her life and cherished it. She recognized the River as being an important "economic engine" for the community and said she was willing to volunteer her time and ideas to help protect and manage that important resource.

Evert Osterman said he lived by a tributary of the River and was interested in "keeping it as clean as possible."

Michael Green said he was "looking for a way to give back."

Candidates **Jack Danahy** and **Jeffrey Merrill** were not in attendance. *(It should be noted that Mr. Danahy was unable to attend due to a work conflict, which he explained in an email to the Town Manager's office that evening.)*

Robert "Bob" Danzilo, the acting Chair of the River Committee, addressed the Board as well to recommend several of the candidates. He said that he preferred having Committee members who had some "vested interest" or "deep connection" with the River. Based on that premise, he said, and on his knowledge of the candidates and interaction with them, he recommended Jeffrey Merrill and Leanne Travers.

M. Whitehouse thanked all candidates for volunteering. She urged those individuals not selected at this time to nevertheless attend the River Committee's meetings and offer their input and help. S. Schulte concurred.

W. Ward, Jr. agreed that there were many qualified candidates. He then initiated the selection process by nominating David Pratt.

Motion: To appoint David Pratt as a Regular Member on the Kennebunk River Committee with a term expiring on June 30, 2024.

Moved: W. Ward, Jr.

Seconded: L. Trentalange

Before a vote was taken, K. Nedeau asked if would be best to narrow the list of candidates or at least hear the views of each Select Board member as to which applicants

each one favored. Members proceeded to name the several candidates of their choice. "But there are no bad selection options," S. Schulte observed. The Board then returned to Ward, Jr.'s original motion.

Vote: Show-of-hands vote, 3 votes in favor [Schulte, Nedeau, Ward, Jr.], 1 opposed [Trentalange], 2 abstentions [Pratt, Whitehouse], and 1 absent [Carpenter]; the motion passed.

Motion: To appoint Leanne Travers as a Regular Member on the Kennebunk River Committee with a term expiring on June 30, 2023.

Moved: M. Whitehouse

Seconded: L. Trentalange

Vote: Show-of-hands vote, 3 votes in favor [Whitehouse, Nedeau, Trentalange], 2 opposed [Schulte, Nedeau], 1 abstention [Pratt], and 1 absent [Carpenter]; the motion passed.

Motion: To appoint Jeffrey Merrill as an Alternate Member on the Kennebunk River Committee with a term expiring on June 30, 2023.

Moved: W. Ward, Jr.

Seconded: L. Trentalange

Vote: Show-of-hands vote, 5 votes in favor [Schulte, Nedeau, Trentalange, Whitehouse, Ward, Jr.], 0 opposed, 1 abstention [Pratt], and 1 absent [Carpenter]; the motion passed.

(It should be noted that on 4/26/23 Jeffrey Merrill declined the appointment. The appointment of a new alternate will appear on the next agenda).

b. Donations

S. Schulte next reported that the Town had received the following donations:

- \$25 from Joan M. Gordon for Kennebunk Fire Rescue in memory of Richard V. Bibber
- \$200 from Brookings-Smith for Kennebunk Fire Rescue in memory of Richard V. Bibber
- \$1,000 from Judith A. Page and Phyllis Metcalf for the Emergency Fuel Assistance Fund

Motion: To accept the donations and send letters thanking the donors for their generosity.

Moved: K. Nedeau

Seconded: L. Pratt

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

8. Old Business

There was none.

9. New Business

a. Dedication of the Town's 2022 Annual Report

S. Schulte explained that the Town dedicates its Annual Reports to individuals who have given outstanding service to the community as Town committee members, volunteers, or employees, but have passed away. The individuals cited below, Schulte said, had served Kennebunk in various capacities and merited this recognition:

KENT C. BERDEEN

Kennebunk Police Department Corporal

JANICE H. BUFFUM

Ballot Clerk

JOHN V. CLICHE
Kennebunk Fire Rescue Member

RICHARD W. HALEY
Kennebunk Recycling Center Employee/Volunteer

LINDA J. LYMAN
Conservation Commission Member
Dog Advisory Committee Member
Volunteer Water Quality Monitor at Kennebunk's Rivers and Beaches

BRIAN R. McBRIDE, SR.
Volunteer for many years organizing Kennebunk's Memorial Day Parade

RALPH L. SMITH, JR.
Site Plan Review Board Member

WILLIAM S. WALKER
Kennebunk Police Department Reserve Officer
Parks & Recreation Department/Teen Center Employee
Volunteer and Coach for numerous School and Recreation Sports and Activities
School Crossing Guard for 26 years

JOHN S. WHITE
Conservation Commission Member
Volunteer Water Quality Monitor at Kennebunk's Rivers and Beaches

Motion: To dedicate the 2022 Annual Town Report to those 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.

b. Other Business

M. Whitehouse asked C. Osterrieder if the Town had rules in place limiting the kinds of buildings or businesses that could be located on a property in the Historic District. Osterrieder responded that "just about anything could be done." However, he explained that approvals by the Town's Site Plan Review Board and Historic Preservation Commission would be needed, ensuring that the Town's Historic and Code standards are met.

10. Select Board Comments

a. Subcommittee Reports:

There were none.

b. Board Liaison Reports

M. Brown The Charter Commission met last week and concluded its deliberations on "recalls". It will next address "forms of government."

L. Pratt: The Climate Action Plan Task Force will be circulating a survey to determine the public's "climate action interests and priorities." The survey will be available at different Town locations, such as Cummings Market in West Kennebunk.

W. Ward, Jr. The LPC had a busy schedule and will meet again on May 20th. There are a number of housing bills coming before state legislature

which attempt to modify LD 2003. Ward Jr. urged fellow Board members to review the summaries of these different laws to keep abreast of the changes which “may have a significant impact on towns and municipalities in Maine.” Ward, Jr. had provided copies of these proposed laws to fellow members.

M. Whitehouse: Attended a recent School Board meeting and was impressed that the School Board links its works in progress and meeting discussion points with its Strategic Plan. Whitehouse urged the Select Board to similarly link Select Board agenda items with the Town’s Comprehensive Plan.

c. Comments of Individual Select Board Members

K. Nedeau: Several residents have voiced complaints about health and vermin problems attributable to vacant or derelict houses. Nedeau encouraged the Board to do something about such properties — possibly converting them into affordable housing. C. Osterrieder explained what the Town is able to do with “uninhabitable premises”. He suggested that the Town’s Health Officer be contacted to respond to such grievances. S. Schulte suggested that the Board likewise obtain the guidance of the Town’s Attorney as to what can and cannot be done with vacant or uninhabitable properties.

L. Pratt: Informed the Board that she had been appointed to the York County Budget Board. However, most districts in the County only have one or two seats filled. There are also seats available and open for the public. Pratt encouraged the public to become involved and help manage York County’s large budget.

S. Schulte: Reported that a number of residents had expressed “sticker shock” about the Town’s FY2023-24 budget. They voiced surprise, Schulte said, about the increases proposed. He reminded the Board and public that the budget incorporates a 7% inflation factor as well as “overdue” salary adjustments for Town employees. H. Balsler volunteered to prepare “discussion bullet points” which Board members can use when having budget discussions with residents.

W. Ward, Jr. Thanked all the people working at Town Hall for their help in keeping the Town running.

11. Town Manager Announcements

Town Manager H. Balsler then made the following announcements (also printed on the agenda)

- a. **Ordinance Review Subcommittee** will meet on May 4 at 10:00am
- b. **May Day Festivities** will take place on Saturday, May 6 with events taking place from 8:00am-3:00pm and a parade at 1:30pm. FMI: www.kennebunkmaine.us/mayday.
- c. **Candidates Night:** A “Candidates Night” will be held for the two candidates, Kevin Therrien and William Ward, Jr., running for Select Board. A *tentative date* is May 17 at 6:30pm. However, the definitive date will be posted on the Town’s website or residents can subscribe to “News Flash” for direct notification.
- d. **Buy-a-Brick Program:** The Town is taking orders through June 30 for personalized, engraved bricks to be installed at the Waterhouse Center. Order information is available on the Town’s website at www.kennebunkmaine.us/buyabrick. Orders received after June 30, 2023 will be included in next year’s order.

12. Executive Session

There was none.

13. Adjournment

There being no additional comments or topics for discussion, S. Schulte adjourned the meeting at 7:36pm.

Motion: To adjourn this meeting.

Moved: K. Nedeau

Seconded: L. Pratt

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

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board at the meeting on 05.09.2023
DATE OF MEETING

Signed by
Select Board Member:

Lisa Pratt
SIGNATURE
Lisa Pratt
NAME IN PRINT