

KENNEBUNK SELECT BOARD MEETING MINUTES

TUESDAY, MAY 23, 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], Sally A. Carpenter, Leslie G. Trentalange, William Ward, Jr. and Miriam J. Whitehouse

Absent: None

Also Present: Heather Balsler [Town Manager], Christopher Osterrieder [Director, Community Development], Karen Winton [Deputy Director, Community Development], Merton Brown [Town Clerk], Lt. Christopher Russell [Police Department], Jeri Sheldon [Director, Human Resources], and Natalie Burns [Town Attorney].

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 Special and Regular Meetings of May 9, 2023.

Motion: To approve the minutes of the Special Meeting of May 9, 2023.

Moved: K. Nedeau

Seconded: L. Pratt

Vote: Show-of-hands vote, 7 votes in favor, 0 opposed; the motion passed.

Motion: To approve the minutes of the Regular Meeting of May 9, 2023.

Moved: K. Nedeau

Seconded: L. Pratt

Vote: Show-of-hands vote, 7 votes in favor, 0 opposed; the motion passed.

3. Items To Be Signed

Several items were circulated for signature.

4. Public Hearings

a. Liquor License for White Sails Inn, 61 Fletcher Street

S. Schulte opened a Public Hearing and introduced the application of White Sails LLC d/b/a White Sails Inn for a Liquor License. The Inn is located at 61 Fletcher Street and has a new owner. It was noted that the Victualer and Lodging House Licenses for the establishment had been approved by the Select Board at its meeting of April 25, 2023.

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

Motion: To approve the Liquor License for White Sails LLC d/b/a White Sails Inn.

Moved: K. Nedeau

Seconded: L. Pratt

Vote: Show-of-hands vote, 7 votes in favor, 0 opposed; the motion passed.

b. Proposed Parking Amendments to Section 2-1 Prohibited Parking

S. Schulte opened the Public Hearing to consider amendments to Section 2-1 ["Prohibited Parking"] of the Town's Ordinance. Documentation from the Police Department and the proposed amendments were included on the Agenda for this meeting, available at www.kennebunkmaine.us/selectboardagendas.

Schulte reminded the Board that changes to Kennebunk's Parking Ordinances could be approved at this Public Hearing without the need for a Town Meeting vote.

Lt. Chris Russell addressed the Board next, and provided additional background information about the proposed changes:

- The Town had begun a review of its parking guidelines prior to the COVID pandemic, Russell said, but had to suspend the initiative because of the virus outbreak.
- The review resumed post-COVID. A task force made up of representatives from Community Development, Public Services, and the Police Department evaluated the parking language and locations set forth in the Town's Ordinance. That group found that parking language in the Ordinance was often vague, confusing, or inconsistent.
- The task force formulated the following "Purpose Statement":
The primary function of streets and roadways is to facilitate the mobility of vehicles and pedestrians in a manner that does not interfere with the health, safety, and welfare of the public. Parking is an accessory use, and should only occur on streets and roadways with adequate space and capacity to support this without interrupting the primary function of the street.
- A number of Kennebunk streets – such as Winter, Park, and Grove Streets – are narrow and parking on them impedes the mobility of emergency and other vehicles. "No parking" signs on these streets are often ignored.
- "The safety of residents in these areas," Lt. Russell concluded, "is in jeopardy."

The task force, Russell reported, had visited a number of streets in person and investigated parking first-hand. The group then formulated recommendations for Ordinance changes. Among others, the main changes recommended were:

1. Honor and enforce the existing prohibition of parking (a) within 10 feet of driveways, (b) directly across from driveways, and (c) within 20 feet of crosswalks;
2. Eliminate parking on Grove and Pleasant Streets;
3. Prohibit parking on Summer Street from the Route One intersection to Depot Street. However, parking on Summer Street would be permitted (a) directly in front of the Bibber Funeral Home, and (b) in designated spaces at the Landing Store at 157 Summer Street;
4. Allow parking on Beach Avenue across from the Monastery where the shoulder of the road has been widened. This would be permit-only parking to accommodate beach overflow;
5. Allow parking in front of 16 and 18 Storer Street (across from Lafayette Park), but otherwise prohibit parking along the rest of Storer; and,

6. Limit parking on Port Road in the Lower Village (near Pedro's, whose location is 181 Port Road) to designated or delineated spaces only.

S. Schulte then solicited public comments and questions. George Harrington, a public commentator and the owner of a property on Bruen Place, said that parking along one side of that street was currently permissible. He asked the Board to consider prohibiting parking on *both* sides of the street for safety reasons. Lt. Russell interjected that the list of prohibited parking locations was not meant to be comprehensive or definitive. There were other sites like Bruen which needed to be visited, assessed, and (possibly) added to the "no parking" list.

Patrice Clifford, another public commentator, asked how many parking spaces would be left on Park Street between Summer Street and Dane. She also noted that the proposed Ordinance amendments would only allow parking on the odd-numbered side of Park Street. She urged the Town to switch permissible parking to the even side of the street "where there is more room."

Lt. Russell and S. Schulte responded that a change of parking on Park Street needed further evaluation. They noted, too, that the prevalence of driveways on Park Street necessarily limited parking opportunities there.

Sally Chaver questioned how the new Ordinance guidelines would be enforced and how legal parking spaces would be signed, striped, or visually identified. Lt. Russell responded that (1) signage would be erected; (2) stripes would be painted in some areas; (3) an initial "public service campaign" will endeavor to educate the public about the changes and give residents time to adjust to the new parking guidelines; and (4) actual enforcement would only take place after the education phase.

"The emphasis," Lt. Russell affirmed, "will be on voluntary compliance."

K. Nedeau related the question of another resident who could not attend the Board meeting but inquired if and when the parking stripes on Gooch's Beach would be re-painted. W. Ward, Jr. observed that, given the "10-ft rule" [i.e. that parking should not take place within 10 feet of a driveway], parking along much of Gooch's Beach was virtually impossible. Ward, Jr. suggested making an amendment for that one street "since the Ordinance specifically permits parking on one side of that road."

S. Schulte countered that Gooch's Beach parking was another case needing evaluation and later discussion. L. Pratt opined that if parking on streets such as Park and Gooch's Beach were, indeed, going to be evaluated at a later time, the Board should agree to some specific "hard date" for that assessment -- "ideally in 6 or 8 months" time.

C. Osterrieder remarked that a change of the amendment language regarding Gooch's Beach could be immediately made because of the driveway rule. Other locations, he said, would require evaluation time. However, the Board instead proceeded to entertain the following motion:

Motion: To approve the Amendments to Town Ordinance Section 2-1 Prohibited Parking as presented with one amendment [also] prohibiting parking on both sides of Bruen Place at all times.

Moved: K. Nedeau

Seconded: L. Pratt

Vote: Show-of-hands vote, 7 votes in favor, 0 opposed; the motion passed.

After the vote, Patrice Clifford objected that her questions had not been answered and the "hard date" recommended by L. Pratt had not been fixed. How many parking spaces

would be left on Park Street between Summer and Dane Streets? What "hard date" would be honored?

S. Schulte responded that he was reluctant to commit to some completion date without first consulting the staff who would do the evaluation work. Their input was important. The specific amounts of parking on Dane or other streets needed to be measured. A change of parking to the other side of Park Street likewise required evaluation. Consequently, "these are on the list of things to do," Schulte said. Nevertheless, Board members agreed to take up such additional parking changes at the Ordinance Subcommittee meeting of July 10, 2023. The Town Manager asked for Ms. Clifford's mail and email addresses so she could be notified of the outcome of that July 10th session and next steps.

5. Public Comments

S. Schulte then invited public questions or comments of a general nature.

June Huston, a public commentator, introduced herself as a candidate for the KKW Water District's open Trustee position. She highlighted her interest, qualifications, and relevant experience.

Another commentator thanked the staff who contributed to the parking study. That speaker also called on the Town's leadership to address the problem of sidewalk parking. Many sidewalks, the speaker remarked, are completely blocked because of illegally parked cars.

In response to these and L. Pratt's remarks on the topic, Lt. Russell said that the public should contact the Police directly when illegal parking takes place on sidewalks. He urged the public to specifically report the license plate numbers of illegally parked cars.

There being no other public comments or questions, S. Schulte then closed this segment of the meeting.

6. Acknowledgements and Announcements

a. **Staff Changes:** S. Schulte next announced three staff changes and congratulated and welcomed them to Kennebunk.

(1) **Whitney Sabelawski** had been promoted from Office Coordinator to Assistant Parks & Recreation Director effective May 8, 2023. Whitney has worked with the Parks & Recreation Department for 10 years.

(2) **Katharine Yvonne** had been hired as Assistant Town Clerk, effective May 15, 2023; and,

(3) **Matthew Leach** was hired as Fire Captain/Paramedic, effective May 22, 2023.

b. **Other Acknowledgements and Announcements**

There were none.

7. Time Sensitive Business & Staff Presentations

a. **Donations**

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

| <u>AMOUNT</u> | <u>DONOR</u> | <u>PROPOSED USE</u> |
|---------------|--------------|---------------------|
| \$25 | Warren Totty | Kennebunk Dog Park |

Motion: To accept the donation listed above and send a letter thanking him for his generous donation.

Moved: K. Nedeau
Seconded: W. Ward, Jr.
Vote: **Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.**

b. Boards, Committees and Commissions

S. Schulte next reported a number of staffing changes that had taken place or needed to be considered for Town boards, committees, or commissions.

- (1) **Resignation:** S. Schulte first announced that Nicholas Bartenhagen had resigned from Kennebunk's Energy Efficiency & Sustainability Committee. He had been a Regular Member of that Committee with a term expiring in 2024.

Motion: To accept the resignation of Nicholas Bartenhagen from the Energy Efficiency & Sustainability Committee and send a letter thanking him for his service.

Moved: K. Nedeau
Seconded: W. Ward, Jr.

Vote: Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.

- (2) **Appointment Considerations:** S. Schulte next informed the Board and public that there was one vacancy on Kennebunk's Climate Action Plan Task Force for a Community Member Representative (with no set term). One candidate, Yvette Webster, had volunteered for that post.

Ms. Webster then addressed the Board and public, explaining her interest in the post. She had already attended four Climate Action Plan meetings, she said, and was pleased to apply for "more official involvement." L. Pratt added that Y. Webster was a "true asset to the community" and highly recommended Webster's appointment.

Motion: To appoint Yvette Webster as a Community Member Representative on the Climate Action Plan Task Force.

Moved: K. Nedeau
Seconded: W. Ward, Jr.

Vote: Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.

S. Schulte next reported that there were now two vacancies on the Town's Energy Efficiency & Sustainability Committee [EESC] with terms expiring in 2023 and 2024. These included the post vacated by Mr. Bartenhagen. Dennis Dow, Schulte said, had volunteered for a post on that Committee.

D. Dow then addressed the Board and public. He had recently attended an EESC meeting, he said, and wanted to contribute. Dow has a master's degree in engineering and public policy with a focus on renewable energy. He is employed by a company specialized in the same field. "There's a lot we can do about climate change," the candidate said.

Motion: To appoint Dennis Dow to the Energy Efficiency & Sustainability Committee with a term expiring on June 30, 2024.

Moved: K. Nedeau
Seconded: W. Ward, Jr.

Vote: Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.

c. Revisions to the Employee Handbook/Personnel Policy

S. Schulte next reported that the Select Board had last revised the Town's Employee Handbook and Personnel Policy on June 7, 2022. It has been the Town's intent to review these policy documents annually in order to: (1) ensure compliance and alignment with changes in federal and state law; (2) reflect the Town's current employment practices; (3) continue efforts to foster an inclusive workplace culture; and (4) attract and retain engaged, qualified staff to provide services to the community.

The Town Manager and Human Resources Department had proposed amendments to Kennebunk's Employee Handbook and Personnel Policy. The proposed amendments are linked and available on this meeting's agenda.

J. Sheldon, Director of Human Resources, offered a brief overview of this initiative. The Employee Handbook, she said, was "a living document" meant to be updated from time to time. Sheldon noted that "exit interviews", informal "stay interviews", as well as comparisons of the employment terms and benefits of 11 nearby towns and municipalities had afforded important insight into the pluses and minuses of the Town's own employment policies and practices.

In particular, J. Sheldon said, Town Hall's 18% employment turnover rate in 2022 was strong impetus for policy review and revision. "The cost of retaining our awesome employees," she stated, "is very small compared to the cost of turnover, recruitment, training, and on-boarding."

Sheldon affirmed that the budget impact of the proposed revisions had also been taken into account. The Town's labor attorney had provided feedback. The end result was the proposed package: 5 new policies, 10 notable policy revisions, and 6 benefit changes.

The HR officer praised the six-person team which had assembled the comparative data of other municipalities: Kailey Dubuque, Kris Fogg, Beau Gleason, Bryan Laverriere, Eric O'Brien, and Whitney Sabelawski. S. Schulte, L. Trentalange, and M. Whitehouse also commended these individuals for their work. L. Pratt said she very much welcomed the addition of paid parental leave for Town employees; however, she found an error in the proposed text granting leave benefits to grandparents as well as parents. The error, all agreed, would be corrected.

Schulte re-iterated that the cost impact of these improvements was already contained in the Town's budget. He invited questions or comments from the public, but there were none.

A motion was initially made but not voted upon. N. Burns interrupted the motion, suggesting that an amendment was needed to remedy the faulty "grandparent" language which L. Pratt had identified. K. Nedeau therefore made the following revised motion.

Motion: To approve the revisions to the Employee Handbook/Personnel Policy as presented with a revision eliminating the leave benefit for grandparents.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.

8. Old Business

There was none.

9. New Business

a. Road Closures

S. Schulte next announced that the following events will require road closures according to the Police Department.

(1) KBIA 5K Road Race/1K Kids Fun Run Sunday, July 9, 2023

Road Closures Needed:

Beach Avenue closed from Railroad Avenue to Boothby Road from 8:30-10:00 a.m. (end of race). This race starts and finishes at KBIA. The information may be subject to change.

Motion: To approve the road closures as recommended by the Police Department for the KBIA 5K Road Race/1K Kids Fun Run on July 9, 2023 as noted above.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.

Beach Parking Permit Waiver Request: S. Schulte then noted that, in prior years, the Select Board had typically waived the beach parking permit requirements from 6:00 a.m. to noon at all three of Kennebunk's beaches.

Motion: To waive the beach parking permit requirement for the KBIA 5K Road Race/1K Kids Fun Run on July 9, 2023 from 6:00am until noon at all three beaches.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.

(2) Kennebunk Free Library Road Race Friday, July 14, 2023

Road Closures Needed:

6:00-6:45 p.m. Fletcher Street from Main Street to the Roundabout (Fletcher-Storer Streets). The information may be subject to change.

Motion: To approve the road closures as recommended by the Police Department for the Kennebunk Free Library Road Race on July 14, 2023 as noted above.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.

(3) Caring Unlimited 5K Run & Walk (f/k/a "Nicole's 5K Run/Walk") Sunday, July 16, 2023

Road Closures Needed:

Beach Avenue closed from Railroad Avenue to Boothby Road from 8:30-10:00 a.m. (end of race). This race starts and finishes at KBIA. The information may be subject to change.

Motion: To approve the road closures as recommended by the Police Department for the Caring Unlimited 5K Run & Walk on July 16, 2023 as noted above.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.

Beach Parking Permit Waiver Request

S. Schulte again noted that, as in prior years, the Select Board had typically waived the beach parking permit requirements from 6:00 a.m. to noon at all three beaches.

Motion: To waive the beach parking permit requirement for the Caring Unlimited 5K Run & Walk on July 16, 2023 at all three beaches as noted above.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.

b. Other New Business of the Select Board

There was none.

10. Select Board Comments

a. Subcommittee Reports:

There were none.

b. Board Liaison Reports

M. Brown: The Charter Commission met on May 18th and is making progress finalizing its bylaws and "recall" policy recommendation. "Forfeiture of office" is the next topic to be discussed on May 24, 2023.

S. Carpenter: The West Kennebunk Village Committee recently met, updated its bylaws, wishes to add a Treasurer's position, and is now working on the "Family Fun Day" event.

K. Nedeau: The Economic Development Committee is taking a summer break and will re-convene to meet candidates for the "Economic Vitality" position.

L. Pratt: As applicants for the Composting Committee have not been robust, L. Pratt proposed combining the Composting and Energy Efficiency & Sustainability Committees because of their overlap. Of the four candidates for the Composting Committee, two already sit on the EESC. The latter will discuss and vote on the merging of the committees at its next meeting.

The York County Budget Committee met on May 22nd and approved the County Budget. It provides for a large number of county-wide services.

S. Schulte: The River Committee set a mooring inspection timetable. It was questionable, Schulte said, whether federal funds will be available for dredging in the near future.

L. Trentalange: The Community Garden Committee met. The opening day of the West Kennebunk and Park Street gardens was May 20th. The Committee meets next on May 24th at 5:30pm in Room 300.

c. Comments of Individual Select Board Members

S. Carpenter: As this was the last Select Board meeting she will be able to attend (term ends 6/30/23), S. Carpenter thanked voters for electing her to the post and thanked fellow Board members. "It has been an honor," S. Carpenter said. Fellow members, in turn, thanked Carpenter and wished her well.

W. Ward, Jr. Thanked all Town employees for their service.

M. Whitehouse & L. Trentalange: Served as representatives at a Select Board "outreach" event on May 20th. Participants at the event voiced a number of concerns and interests, asking the Board to:

- Make improvements at the Transfer Station and post closure times in advance
- Consider a shorter contract tenor for trash collection services
- Investigate the erosion taking place along the Mousam River
- Mobilize for the imminent arrival of asylum seekers in the area.

11. Town Manager Announcements

Town Manager H. Balsler then made the following announcements:

- Monday, May 29th [Memorial Day]:** Read holiday information noted on the agenda.
- Tuesday, May 30th [Special Select Board Meetings]:** Special Meetings will take place on May 30, 2023 at 5:30pm (Executive Session) and 6:30pm (a Public Hearing on the Budget/Warrant for the June 13, 2023 Annual Town Meeting and Election).
- Wednesday, May 31st [Candidates Night]:** A "Candidates Night" will be held for the two candidates -- Kevin Therrien and William Ward, Jr. -- running for Select Board. The event will be held on **May 31st at 6:30pm** on the 3rd Floor of Town Hall. The public is invited to meet the two candidates in person at Town Hall, watch on Cable TV Channel 5, or watch the discussions at any time at www.tonwhallstreams.com.
- Climate Action Survey:** The Town Manager likewise reported that there was still time to take the Climate Action Survey, which remains open through June 20, 2023. Paper copies are available at Town Hall, the Kennebunk Free Library, H.B. Provisions, and Cummings Market. Residents can also complete the survey online at www.kennebunk-maine.us/CAPTF.
- Reminded the Board of the Annual Town Meeting on Tuesday, June 13th**
- Read information from the agenda regarding Absentee Ballots for June 13th**
- Beach Permits:** Beach parking permits for the 2023 season are also available at Town Hall, 2nd Floor. Proof of residency or property ownership is required. Permits for beach parking are required from June 15 to September 15th.
- Sale of Rest Area Property:** Town Hall will seek one more extension of the Purchase and Sale Agreement through July 15, 2023 for the closing. It will be a topic on the Agenda for the Board's July 13, 2023 meeting.

12. Executive Session

At approximately 7:52pm, S. Schulte formally closed the Regular Meeting and led the Board into Executive Session:

- a. Executive Session pursuant to 1 M.R.S.A. Sec. 405(6)(C) to discuss the condition, acquisition or the use of real property or interests therein or the disposition of publicly held property where premature disclosure of the information would prejudice the competitive or bargaining position of the Town, and 1 M.R.S.A. Sec. 405(6)(E) to consult with the Town Attorney regarding the Board's legal rights and duties.
- b. Executive Session pursuant to 1 M.R.S.A. Sec. 405(6)(C) to discuss the condition, acquisition or the use of real property or interests therein or the disposition of publicly held property where premature disclosure of the information would prejudice the competitive or bargaining position of the Town, and 1 M.R.S.A. Sec. 405(6)(E) to consult with the Town Attorney regarding the Board's legal rights and duties.

Motion: To enter into Executive Session for Articles 12a and 12b with the Town Manager, Finance Director, Public Services Director, Director of Community Development, Deputy Director of Community Development, and Town Attorney, pursuant to 1 M.R.S.A. Sec. 405(6)(C), to discuss the condition, acquisition or the use of real property or interests therein or the disposition of publicly held property where premature disclosure of the information would prejudice the competitive or bargaining position of the Town, and 1 M.R.S.A. Sec. 405(6)(E) to consult with the Town Attorney regarding the Board's legal rights and duties.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

Vote: Show of hands vote, 7 votes in favor, 0 opposed; the motion passed.

Upon exiting the Executive Session, the Board had nothing to report regarding Article 12a.

Regarding Article 12b, the Board stated the Town will look at options for 145 Western Avenue and allow legal to research the property ownership.

13. Adjournment

There being no additional comments or topics for discussion, S. Schulte adjourned the meeting at approximately 8:30pm.

Motion: To adjourn this meeting.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

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 06.13.2023
DATE OF MEETING

Signed by [Signature]
Select Board Member: SIGNATURE

Lisa Pratt
NAME IN PRINT