

**KENNEBUNK SELECT BOARD MEETING MINUTES**  
**TUESDAY, AUGUST 16, 2022 – 6:30PM**  
**IN PERSON MEETING, TOWN HALL, 3<sup>rd</sup> FLOOR, 1 SUMMER STREET**

This meeting was held in person and televised on Cable TV Channel 5.  
It is available for public viewing at any time at *TownHallStreams.com*.

**1. Call to Order**

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

Present: Select Board Members Shiloh A. Schulte [Vice Chair], Kortney E. Nedeau [Secretary], Sally A. Carpenter, Lisa J. Pratt, Leslie G. Trentalange, William Ward, Jr., and Miriam J. Whitehouse;

Absent: None;

Also Present: Michael Pardue [Town Manager], Joel Downs [Finance Director], Merton Brown [Town Clerk], Chris Osterrieder [Director of Community Development], Karen Winton [Deputy Director, Community Development], Justin Cooper [Fire Chief], Daniel Robinson [Tax Assessor], and Jason Edes [Pan Atlantic Research].

The meeting was held in person in keeping with the Board's COVID-19 safety policy.

**2. Approval of Minutes**

S. Schulte next led members in a review of the minutes of the Select Board's Regular Meeting of July 12, 2022.

**Motion: To approve the minutes of the Select Board's Regular Meeting of July 12, 2022.**

Moved: K. Nedeau

Seconded: W. Ward, Jr.

**Vote: Show of hands vote, 7 votes in favor, none opposed; the motion passed.**

**3. Items To Be Signed**

There was a Contract Zone item for the Chair to sign regarding "The Pilot House".

**4. Public Hearing**

S. Schulte next opened a public hearing to hear comments on a license application.

**a. Victualer License ["The Wine House", 17 Main Street]**

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

**Motion: To approve the Victualer License application for the winehouse d/b/a "thewinehouse" located at 17 Main Street.**

Moved: K. Nedeau

Seconded: S. Carpenter

**Vote: Show-of-hands vote. 7 votes in favor, none opposed; the motion passed.**

## 5. Public Comments

The Chair next opened a public hearing for public comments and questions of a general nature.

Jim Trentalange, a public commentator, stated that in his opinion the designer of the skate-park specified surface materials for the skating area that he feels will not withstand New England weather. He called on the Select Board to think longer term when repairs are needed in 2 or 3 years.

There being no other public commentator, S. Schulte closed the public hearing.

## 6. Acknowledgements and Announcements

The Board then took up a number of employment nominations and announcements.

### a. Parks & Recreation Director

S. Schulte announced that the Town Manager had hired William "Bill" Reichl as Kennebunk's Park & Recreation Director effective August 1, 2022. Bill joins Kennebunk with 20 years of experience with the Town of Scarborough. In Scarborough, Bill served as Grounds and Parks Maintenance Foreman, Recreation Manager, and Manager of Parks & Recreation. He holds a Bachelor's Degree in Public Management from the University of Maine, Orono. Bill's starting salary is \$87,000.

Such appointments, S. Schulte said, require the confirmation of the Select Board. Bill Reichl then thanked the Board for the opportunity to serve.

**Motion:** To confirm the Town Manager's nomination of William Reichl as Parks & Recreation Director effective August 1, 2022 for a term expiring June 30, 2023 (the date all annual appointments expire).

Moved: K. Nedeau

Seconded: W. Ward, Jr.

**Vote:** Show-of-hands vote. 7 votes in favor, none opposed; the motion passed.

### b. Other New Hires

- **Behavioral Health Liaison/Clinician:** Rachel Schlein, LCSW and LADC, has been hired as the Town's part-time Behavioral Health Liaison and Clinician. Rachel actually held this post since September, 2021. Her position was originally contracted in partnership with Sweetser. As of August 1, 2022, Rachel transitioned to a variable part-time position with the Town and will continue her work with the Police Department offering assistance and support in behavioral health, substance use, and other crisis situations.
- **Public Services Mechanic:** Jonathan Furbish has been hired as a full-time Mechanic with Kennebunk's Public Services Department. He began full-time employment with the Town of Kennebunk on August 8, 2022.
- **Police Officer:** Jason Champlin had been hired as a full-time Police Officer, effective August 8, 2022.

Board members extended a warm welcome to Bill, Rachel, Jon, and Jason.

Detailed information on these hires can be found in the agenda.

## 7. Time Sensitive Business and Staff Presentations

The Board then took up a number of Committee and Task Force matters.

**a. Committee Resignation**

S. Schulte reported that Sarah Snow had resigned from the West Kennebunk Village Committee, on which she served as a Regular Member. Her term would have otherwise expired in 2024.

**Motion:** To accept the resignation of Sarah Snow from the West Kennebunk Village Committee and send a letter thanking her for her service.

Moved: K. Nedeau

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 7 votes in favor, none opposed; the motion passed.

**b. Appointments to the Climate Action Plan Task Force**

At its July 12, 2022 meeting, the Select Board created a Climate Action Plan Task Force and appointed three members: (1) Lisa Pratt (Select Board representative); (2) Chris Osterrieder (Director of Community Development); and (3) Bryan Laverriere (Director of Public Services). Several Town committees subsequently nominated individuals to be their representatives on the Task Force as well:

- **Mark Kerr**, Conservation Commission representative;
- **Chris MacClinchy**, Planning Board representative;
- **Maggie Bartenhagen**, Energy Efficiency Advisory Committee representative; and,
- **Chris Pasciuto**, Transportation Manager, RSU-21 representative.

**Motion:** To appoint the above four individuals to serve on the Climate Action Plan Task Force.

Moved: K. Nedeau

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 7 votes in favor, none opposed; the motion passed.

- **Two Community Representatives:** S. Schulte then reminded the Board that two community members were also needed for the Climate Action Plan Task Force. The Town, he said, had posted advertisements for these openings on its website, on social media, and in *The Kennebunk Post*, eliciting very strong response. The following nine individuals expressed interest in joining the Task Force:

CANDIDATE	APPLICATION DATE
(1) Andrea Kimmich	July 26, 2022
(2) Alison Malmquist	July 27, 2022
(3) Tom Berry	July 27, 2022
(4) Nicole Rea	July 29, 2022
(5) Lily Martin	July 29, 2022
(6) Matt Giguere	July 29, 2022
(7) Joshua Tabor	July 31, 2022
(8) Robert Grillo	August 4, 2022
(9) Sarah Brinnel	August 7, 2022

The Board had received advance copies of the applications of these candidates. S. Schulte called on the candidates present to highlight their credentials, however only two were in attendance: A. Malmquist and T. Berry. A. Malmquist briefly described her work in global health and expressed high interest in working to address climate issues.

Board members each voiced support for two or three different candidates, noting each one’s strong skills. S. Schulte asked if the Select Board could add a 10<sup>th</sup> Task Force member — a student or younger person to bring a different perspective to the

Plan. M. Pardue responded that students and, indeed, other members of the public as well were encouraged to participate and could do so by attending Task Force meetings and offering their views.

Members then proceeded to nominate and vote on different candidates.

**Motion:** To appoint Nicole Rea to serve on the Climate Action Plan Task Force.

Moved: W. Ward, Jr.

Seconded: No second.

**Vote:** No vote took place.

**Motion:** To appoint Alison Malmquist to serve on the Climate Action Plan Task Force.

Moved: S. Carpenter

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 6 votes in favor, 1 opposed [Ward, Jr.]; the motion passed.

**Motion:** To appoint Tom Berry to serve on the Climate Action Plan Task Force.

Moved: L. Trentalange

Seconded: M. Whitehouse

**Vote:** Show-of-hands vote. 3 votes in favor [Trentalange, Whitehouse, Pratt], 4 opposed [Schulte, Nedeau, Carpenter, Ward Jr.]; the motion failed.

**Motion:** To appoint Matt Giguere to serve on the Climate Action Plan Task Force.

Moved: W. Ward, Jr.

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 2 votes in favor [Pratt, Ward Jr.], 5 opposed [Carpenter, Schulte, Whitehouse, Trentalange, Nedeau]; the motion failed.

**Motion:** To appoint Lily Martin to serve on the Climate Action Plan Task Force.

Moved: S. Carpenter

Seconded: K. Nedeau

**Vote:** Show-of-hands vote. 6 votes in favor, 1 opposed [Ward, Jr.]; the motion passed.

Following the voting, the Board welcomed Alison Malmquist and Lily Martin to the Task Force.

**c. Adoption of the York County Hazard Mitigation Plan**

S. Schulte next explained that the York County Emergency Management Agency [YCEMA] had prepared a multi-jurisdictional hazard mitigation plan in 2004 in accordance with the Federal Disaster Mitigation Act of 2000. The YCEMA, Schulte said, is the central coordinating agency for the Country's 29 local Emergency Management Agencies. Recent revisions of the plan were made to fulfill the Federal Emergency Management Agency's [FEMA's] requirement that local hazard mitigation plans be updated every five years.

Schulte observed that adopting the County's mitigation plan is highly important. In order for York County cities and towns to have access to state and federal funding for hazard mitigation, the County must have an approved and updated mitigation plan and any town or city which is not a signatory is ineligible for government funding.

Fire Chief J. Cooper then addressed the Board, offering to provide additional information about the Hazard Mitigation Plan. Copies of it [attached] had been provided to Select Board members in advance. However, the Board had no questions.

**Motion:** To adopt the 2022 York County Hazard Mitigation Plan.  
**Moved:** K. Nedeau  
**Seconded:** L. Pratt  
**Vote:** Show-of-hands vote. 7 votes in favor, none opposed; the motion passed.

**d. Community Opinion Survey**

Jason Edes of Pan Atlantic Research, the marketing research firm retained by the Town, addressed the Board next, summarizing the outcome of his group's synthesis of the feedback gleaned from Kennebunk's 2021 Community Opinion Survey.

The Opinion Survey, Edes said, had been commissioned in 2021 to assist the Town's branding and strategic planning initiatives. The Survey garnered 1900 responses from residents, business owners, as well as visitors. These responses were weighted and categorized to address two main questions: (1) what is Kennebunk's "brand identity" or personality and (2) what priorities should Kennebunk set for the future?.

Edes then cited several conclusions. Respondents, he said, reported Kennebunk to have three main assets: beaches, natural beauty, and small town friendliness. Adjectives such as "friendly", "quaint", "charming", and "traditional" were frequently cited in Survey responses.

J. Edes also reported a "pattern difference" in the opinions of older and younger respondents. Older residents, he said, were concerned about the Town's growth and the erosion of its small town character. They generally favor limiting growth, but want the Town to attract more art galleries, champion its historical sights, and enlarge local cultural activities. Younger respondents, on the other hand, look forward to improved diversity, more entertainment, and more outdoor activities.

A third category of respondents — business owners — gave quite different views. Edes reported that business owners were primarily concerned about affordability, access to workforce, and the general business climate of the Town. "For many," Edes reported, "Kennebunk appears to be losing its small-town charm."

All in, respondents cited the following five priorities for the Town going forward: (1) preserve the community's natural/environmental beauty; (2) present more retail shopping and dining options; (3) preserve, consolidate, and enlarge the Town's nature trails; (4) maintain the Town's quaint, historic look; and (5) curtail property taxes.

This feedback, J. Edes concluded, suggests the following important next steps or "strategic actions":

- Step up Town-sponsored events and downtown activities;
- Emphasize Kennebunk's "outdoorsy culture";
- Publicize and attract shopping and dining destinations; and,
- Reach out to business owners outside of Kennebunk to promote the Town as an attractive business location [i.e. "Why not Kennebunk?"].

M. Whitehouse and W. Ward, Jr. asked if the Opinion Survey had probed the education levels of respondents, and, if so, whether there were differences in the responses of "higher" versus "lower" educated respondents. J. Edes answered in the affirmative, stating that lesser educated respondents had generally stronger concern about property taxes.

S. Schulte welcomed further work by the consulting group to probe the interests and concerns of business owners in more detail. Schulte urged Board members to give thought to ways of promoting Kennebunk's outdoor attractions and of attracting business owners.

**e. Tax Rate for FY2022-23**

Assessor Dan Robinson then addressed the Board to provide an update on Kennebunk's tax valuation and mil rate. Robinson had spoken before the Select Board at its August 9<sup>th</sup>, 2022 workshop. At that session, he had explained the main components of the mil rate calculation: (1) RSU-21 assessment, (2) York County assessment; (3) Kennebunk's municipal assessment; (4) the tax increment financing districts' revenue; and (5) the overlay (up to 5% of the net commitment). The Town, he said, also receives State revenue sharing, homestead exemption, and business equipment tax exemption reimbursement funds which are deducted from the gross tax levy.

D. Robinson circulated a memo proposing a \$14.60 mil rate (versus \$14.25 last year) with a \$1,070,691 overlay and a 2.5% commitment (versus last year's 2.7%). S. Schulte solicited public comments or questions, but there were none.

**Motion: To set the Tax Rate for fiscal year 2022-23 at \$14.60.**

Moved: K. Nedeau

Seconded: W. Ward, Jr.

**Vote: Show-of-hands vote. 7 votes in favor, none opposed; the motion passed.**

**f. Tax Due Dates and Interest Rates**

S. Schulte next explained that tax payments are historically due on the first Fridays of October and April. For Fiscal Year 2022-23, those dates are October 7, 2022 and April 7, 2023. However, the first week of the month happens to be one of the busiest periods at Town Hall due to auto registration activity. To reduce the number of people coming into Town Hall, Finance Director Joel Downs recommended that the tax due dates be extended by one week to Friday, October 14, 2022 and Friday, April 14, 2023. A similar one-week extension took place last year.

S. Schulte reported, as well, that the maximum interest rate permitted by state law on delinquent taxes for the coming year is 4%. Last year, Kennebunk imposed a 6% rate, the then maximum possible. State law also allows the Town to set the interest rate on tax overpayments to be no lower than four (4) percentage points under the interest rate charged on delinquent taxes. Consequently, the lowest rate on overpayments for FY 2022-23 would be 0%.

Schulte also observed that interest on overpayments is generally not paid since any credit balances owed to taxpayers are always refunded after the second payment due date. The Finance Director therefore recommended a rate of 4% on unpaid balances past the tax due dates and 0% on overpayments.

**Motion: To set the Tax Due Dates for FY 2022-23 at October 14, 2022 and April 14, 2023 with the interest rate on delinquent taxes at 4% and the interest rate on overpayments at 0% and with no interest due on any prepayments received prior to the commitment of taxes.**

Moved: K. Nedeau

Seconded: W. Ward, Jr.

**Vote: Show-of-hands vote. 7 votes in favor, none opposed; the motion passed.**

**8. Old Business**

There was none.

## 9. New Business

### a. Changes to Article 7 Section 2.F and Section 4.J.(1) (Special Exception Permit Expirations)

S. Schulte reported that Kennebunk's Planning Board had voted on August 8, 2022 — with a vote of five in favor and none opposed — to send to the Select Board, with a positive recommendation, changes to Article 7 Section 2.F & Section 4.J.(1) regarding Special Exception permit expirations. The Ordinance's current language states:

*"...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 Planning Board recently discussed this provision in the context of the Wetland Mitigation Ordinance that was approved by voters at Kennebunk's Town Meeting on June 14, 2022. The consensus of the Planning Board was that the six (6) month window to commence construction was too limiting — particularly if an application were approved in late fall or early winter. The Planning Board agreed that applicants should have a longer timeframe for completing their work and likewise have the ability to request an extension if needed.

Select Board members received a print-out of the existing language with notations of the recommended changes. However, such Article changes require a reading by the Select Board as well as a public hearing before they can be advanced to a public vote.

L. Trentalange asked if she understood correctly that this language change would give applicants more time to start and complete their work, and C. Osterrieder answered in the affirmative, explaining the approval and expiration process. S. Schulte asked if there were environmental reasons to limit the time parameters, and Osterrieder responded in the negative. In response to questions by W. Ward, Jr., however, Osterrieder affirmed that the change would help better align the validities of special exception and building permits.

**Motion:** To schedule a Public Hearing for August 30, 2022 to receive public comments on the proposed changes to Article 7 Section 2.F and Section 4.J.(1) as noted above.

Moved: K. Nedeau

Seconded: S. Carpenter

**Vote:** Show of hands vote. 7 votes in favor, none opposed; the motion passed.

### b. Changes to Article 2 — Definitions

S. Schulte reported that the Planning Board had similarly voted on August 5, 2022 — with five (5) votes in favor and none opposed — to send to the Select Board, with a positive recommendation, changes to Article 2 - Definitions. When it reviewed the Wetland Mitigation Ordinance [WHO], the Planning Board realized that it has inadvertently failed to incorporate the Conservation Commission's recommended definition of "wetlands" in Article 2. The language was therefore not incorporated in Kennebunk's June 14, 2022 Town Meeting vote. Only the Wetland Mitigation Ordinance was presented to voters.

The proposed definition of "wetlands" before the Select Board at today's meeting incorporated the Conservation Commission's recommendation as well as the definitions of the Army Corps of Engineers and the Department of Environmental Protection (Chapter 1000 and the Natural Resource Protection Act). However, some modification was made to take into account the specific kinds of wetlands found in Kennebunk.

The proposed language, S. Schulte said, will clarify the terms used in the Wetland Mitigation Ordinance. This item was before the Select Board as a first reading, but would require a public hearing to be moved forward to a public vote. W. Ward, Jr. asked if this “minor language change” would align the Town’s definition with DEP and Army Corps language, and C. Osterrieder responded in the affirmative.

**Motion:** To schedule a Public Hearing for August 30, 2022 to receive public comments on the proposed changes to Article 2 noted above.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

**Vote:** Show of hands vote. 7 votes in favor, none opposed; the motion passed.

c. **Land Swap with Garden Street LLC**

The Board next discussed a possible land swap with the Garden Street LLC, the owners of the Garden Street Bowl. S. Schulte explained that discussions about the swap between Town Hall staff and Garden Street LLC have been ongoing for several years. The fundamental idea is to swap a Town-owned parcel of land identified as Map 51 Lot 52 (currently used as a public parking lot) for a parcel owned by Garden Street Bowl and identified as Map 51 Lot 62 (also currently a parking area).

The swap would entail a land transfer and therefore requires voter authorization via a Town Meeting vote. C. Osterrieder provided a memo summarizing the proposal, timing, and relevant components of the swap.

According to Osterrieder, Garden Bowl patrons are primarily using the Town’s parking area because of its proximity to the Garden Bowl. The Town’s deed for this property has a covenant expressly limiting its use for parking only. Swapping the lots, Osterrieder said, would not change traffic patterns or affect snow removal costs. However, “it is not a square foot for square foot trade,” Osterrieder said, “but a space trade.”

C. Osterrieder urged the Board to have two readings before a public hearing on this opportunity to give the public time to learn more about it.

Board members posed a variety of questions about the specific locations of the lots and about the need for reciprocal easements. C. Osterrieder affirmed the latter. S. Schulte asked if any Town businesses would be hurt by the swap, and Osterrieder answered in the negative. Schulte then solicited public comments or questions on the topic, but there were none.

**Motion:** To send this item to a second reading on August 30, 2022 to receive public comments on the proposed land swap.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

**Vote:** Show of hands vote. 7 votes in favor, none opposed; the motion passed.

d. **Composting Committee**

L. Pratt then introduced the idea of forming a Composting Committee, and circulated the proposed entity’s Purpose Statement, by-laws, and goals. Pratt encouraged Board members to join her in helping to educate the public about the benefits of composting. She called on the Town Manager to include an article about composting in the Town’s next newsletter. The Town Manager advised that effort was already underway. “The ultimate goal,” Pratt said, “is curbside composting pickup like Vermont’s.”



According to Pratt, approximately 30% to 40% of a community's garbage is food waste, which can be composted, thereby lowering trash disposal costs. To advance composting in Kennebunk, Pratt proposed to convene a Composting Committee and host a "workshop-summit" on composting on September 22, 2022 from 8:30am to 12:30pm at the West Village Fire Station. Snacks and beverages will be served.

Members discussed alternate, possibly larger venues for the summit, and L. Pratt will explore them. There will also be a "community workshop" on composting at the Library at a later date with Zoom participation.

**Motion:** To form a Town of Kennebunk Composting Committee.

Moved: L. Pratt

Seconded: L. Trentalange

**Vote:** Show of hands vote. 7 votes in favor, none opposed; the motion passed.

e. **Other Business**

There was none.

10. **New Business**

There was none.

10. **Select Board Comments**

a. **Subcommittee Reports:**

S. Carpenter: The Historic Preservation Commission met on August 10<sup>th</sup> and authorized progress at 9 Barnard Lane. Also reported that the West Village "Fun Day" was a great success.

K. Nedeau: The Economic Development Committee met and is continuing its outreach to local businesses. K. Nedeau also urged the public to check the "Crane Report", the 2009 economic review that is available on the Town's website.

L. Pratt: The PAYT Committee met last Thursday and approved the purchase of a year's worth of "pay-as-you-go" trash bags. The Energy Efficiency Committee will meet this Thursday at 6:30pm and the public can participate via Zoom.

S. Schulte: Reported that the Conservation Commission and River Committee met and discussed the Wetland Ordinance.

L. Trentalange: The Community Gardening Committee continues to produce record amounts of produce for local food pantries.

b. **Board Liaison Reports**

There were no reports.

c. **Comments of Individual Select Board Members**

Kortney Nedeau: Thanked all for a good meeting. A memo on Kennebunk housing will be forthcoming.

Lisa Pratt: Thanked all for a good meeting.

Leslie Trentalange: Commented on the Opinion Survey and importance of sidewalks and trail connections. Also reported that she had responded to a resident's letter about these topics.

William Ward, Jr.: Thanked Town staff for their good work.

Miriam Whitehouse: Thanks all for sharing good ideas.

