

KENNEBUNK SELECT BOARD MEETING MINUTES
TUESDAY, AUGUST 30, 2022 – 6:30PM
IN PERSON MEETING, TOWN HALL, 3rd 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 6:39pm by Chair and presiding officer Shiloh Schulte, who then led attendees in the Pledge of Allegiance. Those in attendance were:

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

Absent: None;

Also Present: Michael Pardue [Town Manager], Merton Brown [Town Clerk], Chris Osterrieder [Director of Community Development], Karen Winton [Deputy Director, Community Development], and Jeri Sheldon [HR Director].

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 August 16, 2022.

Motion: To approve the minutes of the Regular Meeting of August 16, 2022.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

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

The Board did not approve the Minutes of the Special Meeting of August 23, 2022 (with the Budget Board) as only the Budget Board had a quorum. Those minutes will be approved at the Budget Board's next meeting.

3. Items To Be Signed

There were none.

4. Public Hearing

S. Schulte next opened a public hearing to hear comments on several topics.

a. Proposed Zoning Change, Article 2 - Definitions

S. Schulte first solicited public comments or questions on the proposal to change the definition of "wetlands" to align with the definitions of the Army Corps of Engineers, the Department of Environmental Protection (Chapter 1000), and the National Resources Protection Act. Kennebunk's version of this language would be slightly modified to account for our kinds of wetlands. The proposed definitions, Schulte said, would otherwise be same as the State's and Army Corps of Engineers', and would clarify the terms used in Kennebunk's Wetland Mitigation Ordinance.

The background underlying this proposal had been explained at the Select Board's August 16, 2022 meeting and the text of the proposed language is available for public viewing on line on the Town's website and in the published Agenda.

Motion: To send the proposed Zoning Change to Article 2 – Definitions to the next Town Meeting.

Moved: K. Nedeau

Seconded: L. Pratt

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

Motion: To recommend acceptance of this article by a vote of seven in favor and zero opposed.

Moved: K. Nedeau

Seconded: L. Pratt

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

- b. **Proposed Zoning Change – Article 7 – Special Exceptions Timeline for Completion** regarding changes to Article 7 Section 2.F and Section 4.J.(1) regarding special exception permit expiration dates.

S. Schulte read the following statement:

“Staff reviewed the public hearing language and in consultation with the current ordinance feel there are some items which require addition review by the Planning Board prior to advancement. Staff recommends remanding this back to the Planning Board and not advancing at this time.

The Public Hearing for this item will not be held and this item will not be advanced at this time.”

5. Public Comments

The Chair next opened a public hearing for public comments. Charles Tucker, a Maguire Road resident, distributed printouts of a PowerPoint presentation highlighting the concerns of Branch Brook area residents about the Branch Brook aquifer. “We want to keep the water as pristine as possible,” Mr. Tucker stated. He urged the Board to ensure that Kennebunk’s water supply, ecology, and natural environment were rigorously protected. The Branch Brook area in particular, C. Tucker stated, needed to be “kept clean.”

There being no other public comments or questions, S. Schulte formally closed public comments.

6. Acknowledgements and Announcements

S. Schulte next reported two staff changes.

a. **Tabetha Barden:** S. Schulte announced that Tabetha Barden had been reclassified as a full-time employee from part-time staff. Tabetha will now serve as a General Assistance Administrator and Administrative Assistant in Kennebunk’s Community Development Department.

b. **Spencer Stone:** S. Schulte also announced that Spencer Stone was promoted to Parks Supervisor within the Public Services Department effective August 22, 2022.

Board members offered their congratulations to Spencer and Tabetha on their new positions.

7. Time Sensitive Business and Staff Presentations

The Board then took up a number of committee and task force matters.

a. Donation

S. Schulte reported that the Town had received a \$100 donation from Above Board All Hands On Deck Inc. to help fund future phases of the Skatepark.

Motion: To accept the donation and send a letter of thanks to “Above Board All Hands On Deck”.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

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

b. Appointments to Boards and Committees

S. Schulte then reported that the Town had a received strong response to its advertisements for volunteers to fill a number of committee and board vacancies.

- (1) **Site Plan Review Board:** Candidate Cathy Kremer came before the Select Board next to express her interest in filling one of two “Alternate Member” positions on the Site Plan Review Board, which terms expire in 2023. She informed the Board that she holds a degree in zoology and has a background in environmental protection. In response to questions from W. Ward, Jr. and K. Nedeau, the applicant said she was interested in the post to learn more about municipal government and “learn the ropes” as an Alternate Member on the Site Plan Review Board. She acknowledged that she had not attended Site Plan Review meetings in the past given their infrequent, but had met with Town Hall officers to learn more about that board and how it functions.

Motion: To appoint Cathy Kremer as an Alternate Member on the Site Plan Review Board for the remainder of a one [1]-year term that expires on June 30, 2023.

Moved: K. Nedeau

Seconded: S. Carpenter

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

- (2) **Economic Development Committee:** Candidate Ashley O’Brien then came before the Select Board to express her interest in filling the one “Regular Member” position on the Economic Development Committee, which term expires in 2024. S. Schulte explained that the EDC had three vacancies: one Regular Member (with a term expiring in 2024) and two Alternate Members (with terms expiring in 2023). Ms. O’Brien informed Select Board members that she holds a degree in economics and has a professional background in finance and strategic development. She affirmed that she had attended EDC meetings in the past and, as a business entrepreneur in Kennebunk, found the Town’s business climate to be “welcoming” with “endless possibilities” for growth.

Motion: To appoint Ashley O’Brien as a Regular Member on the Economic Development Committee for the remainder of a three [3] year term that expires 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.

- (3) **Historic Preservation Commission [HPC]:** Schulte next reported that the following six individuals had applied for the HPC's one "Alternate Member" position. The applicants were:

James Cartwright	Kathleen Pierson
Theresa Willette	William Snow
Paul Nick Block	Cassandra Van Wickler

Background information about the six candidates had been provided to Board members in the agenda. The Select Board, Schulte said, is asked to appoint one (1) member to fill the HPC's single "Alternate Member" vacancy.

S. Schulte observed that all six candidates had excellent credentials. However, he noted that candidate J. Cartwright was a registered architect and therefore had particularly strong qualification. Mr. Cartwright also resides in the Historic District, S. Schulte noted. However, M. Pardue said that residency in the Historic Overlay District was not a requirement for HPC membership. In response to other Board questions, K. Winton explained the "Summary Sheets" which summarized the applications of the six candidates. Winton also explained that State Historic Preservation authorities urge towns such as Kennebunk to assemble preservation boards with skill diversity, without stipulating a requirement to assemble any particular skill sets.

After brief discussion, members agreed that having an architect on the Historic Preservation Commission would be advantageous, but commended the strong applications of all candidates and thanked them for their interest. "This was a difficult decision", they said.

Motion: To appoint James Cartwright as an Alternate Member on the Historic Preservation Commission for the remainder of a one [1] year term that expires on June 30, 2023.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

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

c. Catch Basin Cleaning

S. Schulte next led the Board in a review of the bids received for cleaning Kennebunk's 375 catch basins. He broke down their different bids:

<u>CONTRACTOR</u>	<u>TOTAL BID</u>	<u>COST EACH</u>	<u>COST TO FLUSH STORM LINES</u>	<u># OF BASINS PER DAY</u>
Maine Hydro Vac Windham, Me	\$19,875.00	\$53.00	\$200.00	40-50
Eastern Pipe Service Bow, NH	\$22,125.00	\$59.00	\$215.00	30
Bellmore Bedford, NH	\$22,481.25	\$59.95	\$205.00	35-45
Vortex Services Livermore, ME	\$28,125.00	\$75.00	\$200.00	27

Last year, Schulte said, Kennebunk's contract had been awarded to Eastern Pipe Service at a cost of \$20,625.00. The Town, he stated, has \$24,000 budgeted for the service. The Public Services Director recommended accepting Maine Hydro's low bid.

W. Ward, Jr. asked the Town Manager if Kennebunk's Department of Public Services was satisfied with Eastern Pipe's work. M. Pardue responded that the Town had good

experience with Eastern Pipe. The recommendation to use Hydro Vac, Pardue said, was solely based on cost and references.

Motion: To award the bid to Maine Hydro Vac in the amount of \$19,875.00.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

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

8. Old Business

Composting Committee: At its August 16th meeting, the Select Board approved the creation of a Composting Committee. L. Pratt, the Select Board member organizing that committee, confirmed that she continues to work on drafting a mission statement and goals. S. Schulte asked if the Town had begun to advertise for candidates to join the committee, and L. Pratt responded “not yet”.

9. New Business

a. Road Acceptance for Lobster Lane in the Lobster Lane Village Subdivision

S. Schulte next reported that Stone Pony Realty Trust had developed a subdivision that had been reviewed and approved by the Town’s Planning Board on February 11, 2019. The approval recognized that the project met the requirements of Kennebunk’s Land Use Ordinance and Street Design and Construction Ordinance. The development has since presented the requisite materials outlined in Section 8.4.3 of the Street Design and Construction Ordinance for the proposed road acceptance of Lobster Lane. The road is located off Western Avenue.

Town Engineer C. Osterrieder addressed the Board, explaining that he had visited the site and had “stringently evaluated” the road during construction to ensure that it met the strict standards needed for Town acceptance. It does meet those standards, he affirmed. The acceptance application before the Select Board, he added, is for the road as well as sidewalks.

W. Ward, Jr. expressed concern that a road meant for only five blocks might not meet the requirements of the Fire Department. C. Osterrieder responded that road standards are the same whatever the number of blocks, and confirmed that the road “meets all Fire Department requirements”.

S. Schulte asked if the Planning Board had been involved in the approval process, and C. Osterrieder answered in the affirmative. Osterrieder explained in detail how the Planning Board preliminarily checks to ensure that performance standards are met. The Town Engineer, Osterrieder said, then joins the review process and visits such road sites during construction.

W. Ward, Jr. asked if Osterrieder was satisfied with road drainage. C. Osterrieder responded that the area is flat and drainage should not be issue. “I don’t have concerns”, Osterrieder asserted.

M. Whitehouse asked is the Town’s use of salt in the wintertime is prejudicial to Kennebunk wetlands. “Salt is the most cost-effective treatment,” Osterrieder replied, but he added that the Town could opt for other treatments. “We are sensitive to the impact on the environment, Osterrieder professed.

Motion: To schedule a Public Hearing for September 13, 2022 to receive public comments on the proposed road acceptance request for Lobster Lane.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

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

b. **Land Swap Proposal – Town and Garden Street, LLC**

At its prior meeting, S. Schulte updated Board members on the discussions between the Town and the owners of Garden Street Bowl (Garden Street, LLC) concerning a possible land swap between the two groups of their respective, side-by-side parking areas. The specific proposal is to swap the Town-owned parking lot identified as Map 51, Lot 52 in exchange for the parking area owned by Garden Street and identified as Map 51, Lot 62.

Schulte re-iterated that the proposal involves a land transfer and therefore required voter approval at a Town Meeting. Town Hall staff had prepared a memo summarizing the details. It can be viewed on the Town's website and in the published Agenda for this meeting.

C. Osterrieder reported that one abutter had contacted him for information about the swap. Simply put, Osterrieder said, "we'd swap our 47 [parking] spaces for their 47 spaces."

S. Schulte asked if dividers would be installed, and C. Osterrieder confirmed that the spaces would be repaved and "striped". Schulte also asked if the Farmers' Market had been involved, and Osterrieder responded in the affirmative.

L. Pratt stated that she had visited the site and concluded that "the swap totally makes sense". There were no other Board or public comments.

Motion: To schedule a Public Hearing for September 13, 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, 0 opposed; the motion passed.

c. **Renewal of Dispatch and PSAP Services Agreement**

S. Schulte next reported that the Town's agreement with the City of Sanford for dispatch services would expire on June 30, 2023. Sanford officials, he said, had provided Kennebunk with an advance agreement for these services. The proposed agreement would begin on July 1, 2023 and expire on June 30, 2026.

M. Pardue affirmed that the new contract would be for three years with three-year renewals and a six-month exit clause. There would initially be a 19.1% cost increase for the first year [2023-24], and thereafter 4% increases for each of the next two years [2024-25 and 2025-26]. The increases are primarily due to staffing costs, Pardue said. He added that Kennebunk's Police Department has been pleased with Sanford's service, while the Town's Fire Department sought small improvements.

K. Nedeau asked if the Town should explore other alternatives, and M. Whitehouse inquired how long it would take to do so. M. Pardue agreed that looking into other alternatives would be prudent, but reported that there was a timing issue. Alternatives, he said, could probably be identified by January 2023. It therefore made sense, Pardue

opined, for the Town to consider the advancement of the proposed agreement, but explore alternatives and use the separation clause to cancel the Sanford contract if an alternative was identified.

L. Pratt asked which communities are served by Sanford's dispatch service, and M. Par-due explained how different communities are using Sanford's or their own service. M. Whitehouse reported that some Kennebunk residents report delays getting through to the Sanford dispatch center.

S. Schulte solicited public comments, but there were none. The Board proceeded to entertain the following motion:

Motion: To schedule a Public Hearing for September 13, 2022 to receive public comments on the renewal of the Dispatch & PSAP Services Contract.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

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

d. **Energy Efficiency Advisory Committee**

L. Pratt next reported that Kennebunk's Energy Efficiency Advisory Committee had decided at its meeting of August 18, 2022 to change its name and revise its mission statement. The Committee's proposed Mission Statement and Statement of Key Responsibilities are available for public viewing on the Town's website under committees. The Committee also proposed three names for the Select Board's consideration: (1) "Energy Efficiency and Sustainability Committee"; (2) "Energy and Sustainability Committee"; and (3) "Sustainability Committee". L. Pratt urged the Select Board to endorse the title "Energy Efficiency and Sustainability Committee", and K. Nedeau and S. Schulte concurred.

S. Schulte observed that discussions about this committee's mission had been ongoing for more than a year. "It's mainly each committee's responsibility to draft its own mission statement," he said. W. Ward, Jr. reminded the Board that street lighting was one of the Energy Committee's key projects and should be reflected in its mission statement and goals, too.

Motion: To change the name of the Energy Efficiency Advisory Committee to "Energy Efficiency and Sustainability Committee".

Moved: K. Nedeau

Seconded: W. Ward, Jr.

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

e. **Road Closures**

S. Schulte then relayed a Police Department request to close the following roads on Saturday, October 29, 2022 from 10:00am to 11:00am for Kennebunk's "Wicked 5K-10K Race":

- Western Avenue, from the intersection of Boothby Road to Beach Avenue;
- During the race, traffic headed to Kennebunkport from the direction of Wells will be routed to the Lower Sea Road instead; and,
- Local traffic will be allowed on Western Avenue from Sea Road to Boothby Road.

These closures are subject to change.

Motion: To approve the road closure for the Wicked 5K-10K as noted above.
Moved: K. Nedeau
Seconded: W. Ward, Jr.
Vote: Show-of-hands vote. 7 votes in favor, 0 opposed; the motion passed.

f. **Other Business**

W. Ward, Jr. reported that he had tied with another candidate for the LPC post in the recent election of officers. A run-off vote, he said, will take place.

10. Select Board Comments

a. **Subcommittee Reports:**

There were none.

b. **Board Liaison Reports**

S. Carpenter: The HPC met, but postponed its election of officers until a future meeting when more members would be in attendance. The West Kennebunk Village Committee did not meet.

L. Pratt: The Energy Efficiency Adv. Committee met on August 18, 2022 and discussed its name change and LED street lighting program. The Climate Action Plan Task Force had its first meeting and is soliciting ideas for public engagement and citizen input.

S. Schulte: The Conservation Commission continues different clean-up and development projects. The River Committee met, and Schulte will share its minutes when they are available.

L. Trentalange: The Community Garden Committee has thus far produced and donated 3,457 lbs. of produce to different food pantries in the community. The Board congratulated the Community Garden Committee for its achievement.

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

L. Pratt: Reported that advertising had begun for the "Food Waste Diversion Workshop", which will take place on September 22, 2022 from 8:30am to 10:30am at the West Kennebunk Fire Station. Thanked Town Hall staff, as well, for the great "thank-you" event for committee and board volunteers.

S. Schulte: Thanked all for the efficiency of this meeting.

L. Trentalange: Thanked all for the good Select Board meeting.

11. Announcements

Town Manager M. Pardue then made a number of announcements.

a. **Select Board Workshop:** Pardue reported that a Select Board workshop is tentatively slated for September 6, 2022 at 6:30pm. It will be a special meeting with the Town's Attorney and recruitment consultant for guidance about the recruitment and interview processes as regards the Town Manager search.

b. **Town Manager Search Update:** Pardue next reported that 25 resumes had been received. Semi-finalists will be identified in September and interviewed in October, with additional interview steps planned for on or about November 15th. The public, Pardue said, is welcome to submit questions for the candidates, but must do so by September 19th, 2022.

- c. **Maine Department of Transportation Grant:** A transportation grant may be available to help transport workers from Biddeford, Saco, and Old Orchard Beach to Kennebunk and Kennebunkport. Town Hall staff is expected to submit Kennebunk's application for this 2-year grant at the outset of 2023. Local restaurants and inns would also contribute to the transportation initiative.
- d. **Items for November 8, 2022 Ballot:** M. Pardue stated that there were three items for consideration for the November ballot: (1) Public Safety MainePERS plan change (from Special Plan 2C to 1C); (2) second half of ARPA fund received (however, this item may or may not be included); and (3) LD 1 increase. The Select Board, Pardue said, were unable to vote on these items at the joint Special Meeting of the Select Board and Budget Board on August 23, 2022, as the Select Board did not have a quorum. Therefore, these items will be included in the Select Board's September 13, 2022 agenda.
- e. **Select Board Outreach:** M. Pardue reminded the Board that S. Schulte and M. Whitehouse will host an "Outreach Session" on Saturday, September 17, 2022 from 8:30am until 10:00am on the 3rd Floor of Town Hall. Residents are invited to stop in for a chat and enjoy a cup of coffee and donut. Any change to this schedule will be posted on the Town's website (www.kennebunkmaine.us/calendars).
- f. **Charter Commission Nominations:** Nomination paperwork for the Town's six elected Charter Commission members are available in the Town Clerk's Office, 2nd Floor, Town Hall, 1 Summer Street. Nomination papers must be submitted by September 29, 2022. Voter will have the opportunity to approve the creation of the Charter Commission at the Town's November 8, 2022 election. If the Commission is voter-approved, the six nominees with the most votes will be appointed to it. The Select Board, S. Schulte said, additionally has the authority to appoint three other residents to the Charter Commission if it is approved by voters. The Charter Commission, S. Schulte explained, would review the Town's Charter and discuss possible changes. Any changes proposed by the Commission would be brought to voters for adoption. Additional information can be had by calling the Town Clerk at 604-1326.
- g. **HarvestFest:** This year's HarvestFest event will take place on Saturday, October 15, 2022.

12. Executive Session

There was none.

13. Adjournment

There being no additional comments or topics for discussion, the Chair adjourned the meeting at 8:15 pm.

Motion: To adjourn the meeting.

Moved: K. Nedeau

Seconded: W. Ward, Jr.

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

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board in the meeting of _____, 9.30.22

DATE OF MEETING

Signed by
Select Board Member:

SIGNATURE

NAME IN PRINT