

KENNEBUNK SELECT BOARD MEETING MINUTES

TUESDAY, SEPTEMBER 26, 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 Chair and presiding officer Shiloh Schulte, who then led attendees in the Pledge of Allegiance. Those participating were:

Participants: Select Board Members Shiloh Schulte (Chair), Miriam Whitehouse (Vice Chair), Lisa Pratt (Secretary), Kortney Nedeau (arrived at 6:40pm via Zoom and left at 7:56pm when the Board went into executive session), Kevin Therrien, Leslie Trentalange and William Ward, Jr. (arrived at 8:00pm and joined the Board in executive session)

Absent: none

Also Present: Heather Balsler (Town Manager), Merton Brown (Town Clerk), Bryan Laverriere (Director, Public Services), Christopher Osterrieder (Director, Community Development), Karen Winton (Deputy Director, Community Development), Robert MacKenzie (Police Chief), and Stephen Houdlette (Director, Economic Vitality)

2. Consent Agenda

The following items were read by S. Schulte and approved, adopted, and/or accepted by motion of the Select Board. The Select Board has a standing rule that any Agenda items which members choose to consider independently are taken up separately at the conclusion of the Consent Agenda.

a. **Approve the Minutes of the Regular Meeting of September 12, 2023;**

b. **Accept the following donations** and send letters thanking the donors for their generosity:

| <u>DONOR</u> | <u>AMOUNT</u> | <u>IN SUPPORT OF</u> |
|--------------------------------|---------------|---|
| Diane Howard | \$135 | Parks & Recreation Children’s Program |
| Duffy’s Tavern & Grill | \$5,000 | Police Department K-9 Program |
| Paper Trails, Inc. | \$5,000 | Police Department K-9 Program |
| Sanford Flooring, Inc. | \$5,000 | Police Department K-9 Program |
| Greenscapes of Maine, Inc. | \$5,000 | Police Department K-9 Program |
| Webhamet Charitable Foundation | \$30,000 | The Kennebunk Area Response to Substance Use Disorder |

c. **Accept the Resignation of Peter Brewitt** from the Tree Committee, a Regular Member post with a term expiring in 2025, and send a thank-you letter for his service.

Motion: To approve the Consent Agenda listed above.

Moved: L. Pratt

Seconded: K. Therrien

Vote: Show of hands vote, 5 votes in favor, 0 opposed, 2 absent (Nedeau and Ward, Jr.); the motion passed.

After the vote, Police Chief R. MacKenzie explained that the “Kennebunk Area Response to Substance Use Disorder” was part of a larger program bringing together Kennebunk, Kennebunkport, and Arundel to champion education, housing, employment, and access to and coordination of services to help combat substance use and help out individuals experiencing the disorder. The program is inviting other communities in York County to join the initiative.

3. Items To Be Signed

There were none.

4. Public Hearings

Proposed Amendments to Kennebunk's General Assistance Ordinance

S. Schulte then formally opened a Public Hearing to hear public comments and questions on proposed amendments A-H [linked here \(PDF\)](#) to the Town's General Assistance Ordinance. Schulte explained that municipal officers approve and adopt appendices to this ordinance each year. S. Schulte invited public comments or questions, but there were none.

At this time, K. Nedeau joined the meeting remotely and the number of Board members in attendance became six.

Motion: To approve the 2023-24 General Assistance Ordinance Appendices (A-H) of the Kennebunk General Assistance Ordinance.

Moved: L. Pratt

Seconded: K. Therrien

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

5. Public Comments

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

Jamie Soderlind, a public commentator, reported that heavy rain and faulty Town-installed drainage were causing water damage and extensive flooding in his back yard. "The drainage put in by the Town is simply not working," he alleged, "and the situation is serious." S. Schulte said the Board would have the Town Engineer visit the site and evaluate it.

Gayle Spofford addressed the Board next as "a spokesperson for the 'Friends of the Wedding Cake House'". She reported that the Planning Board was considering an application for the creation of a Contract Zone which would permit the Wedding Cake House to operate as an inn and community venue. According to Spofford, authorization to permit "commercial events" at that site would irreparably alter the residential character of Summer Street and the Historic Overlay District. The proposed Contract Zone, she said, should not be permitted. Spofford specifically called on the Select Board to suspend all Contract Zone reviews until such time as the Select Board and the Town of Kennebunk have a clear policy as to how Contract Zone applications are to be appraised and approved going forward.

Dale Midgley of Webber Hill Road asked that the speed limit of that road be reduced from 50 mph to 40 mph and that signs be put up designating the area a "no passing" zone. There were serious safety issues, Mr. Midgley alleged. M. Whitehouse asked if Maine's Department of Transportation had to approve such changes. D. Midgley replied that he had contacted the MDOT and it advised him that the Town of Kennebunk needed to request such changes, itself. S. Schulte said the Town would look into the matter.

6. Acknowledgements and Announcements

a. Staff News: S. Schulte announced that, effective August 26, 2023, Bryan Laverriere had been promoted to Assistant Town Manager. Bryan also serves as Kennebunk's Public Services Director.

b. Police Department News: Police Chief Robert MacKenzie next announced that the Town's Police Department had received accreditation via the Maine Law Enforcement Accreditation Program (MLEAP). The program sets professional standards for law enforcement in Maine. These standards help law enforcement agencies deliver effective and efficient service while

protecting individual rights. Attaining MLEAP accreditation, the Police Chief said, meant that the Town's Police Force met or exceeded 162 standards set for Maine law enforcement agencies.

Ed Tolen and Shawn O'Leary, representatives of the Maine Chiefs of Police and Dirigo Safety, presented the certification award to Chief MacKenzie and the Police Department. "The accreditation review is brutal," S. O'Leary pointed out. According to O'Leary, it generally takes several years of training and process change for a Police Force to achieve this level of professionalism. Of Maine's more than 130 police departments, he said, only 24 have earned this certification. The Select Board applauded the achievement and congratulated Kennebunk's Police Department for becoming "a model of excellence".

7. Time Sensitive Business & Staff Presentations

a. Appointments to Town's Economic Development Committee

S. Schulte then reported that Eric Hrubant and Lesley Stoeffler, two Kennebunk residents, had expressed interest in joining the Economic Development Committee. That Committee, Schulte said, has two "Alternate Member" vacancies.

E. Hrubant was unable to attend this meeting. However, L. Stoeffler introduced herself and described her strong interest in the post. "This is an opportunity," she said, "to focus on economic and cultural improvements."

Motion: To appoint Eric Hrubant as an Alternate Member on the Economic Development Committee for the remainder of a one (1) year term that expires on June 30, 2024.

Moved: L. Pratt

Seconded: M. Whitehouse

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

Motion: To appoint Lesley Stoeffler as an Alternate Member on the Economic Development Committee for the remainder of a one (1) year term that expires on June 30, 2024.

Moved: L. Pratt

Seconded: M. Whitehouse

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

b. Sole Source Purchase of Mobile Data Terminals

S. Schulte next introduced the Police Department's request for authorization to "sole-source" purchase four (4) Rhino Tab Mobile Data Terminals (MDTs) from Advance Electronic Design Inc. at a cost of \$20,166.54. The units, Schulte said, were the same brand and model as those currently used by the Police Department fleet. They had been vetted by the Town's IT Department. The Police Department sought to make the purchase from a "sole source" because the brand is exclusive to Advance Electronic Design Inc. The Town, Schulte added, had \$32,000 budgeted for this purchase.

Board members had no questions about the proposal.

Motion: To waive the Select Board's Purchasing Policy to allow for the sole source purchase of four (4) Rhino Tab Mobile Data Terminals from Advance Electronic Design Inc.

Moved: L. Pratt

Seconded: M. Whitehouse

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

Motion: To authorize the purchase of four (4) Rhino Tab Mobile Data Terminals from Advance Electronic Design Inc. at a price of \$20,166.54.

Moved: L. Pratt

Seconded: M. Whitehouse

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

c. Climate Action Plan Task Force

S. Schulte next summarized the origin and purpose of Kennebunk’s Climate Action Task Force. The Select Board, he said, had held a community workshop in March, 2022 to encourage public discussion about climate change and its potential impact on Kennebunk. At that workshop, participants identified the need to develop a Climate Action Plan. The Town subsequently joined the “Community Resilience Partnership”, a program sponsored by the Governor’s Office of Policy and Innovation for the Future. That affiliation ultimately led the Town to apply for and receive a Community Action Grant to develop a Climate Action Plan.

Maggie Bartenhagen, Chair of the Task Force, introduced Alison Malmquist, Joshua Tabor, and Yvette Webster, who also serve. All three offered a Task Force “progress report”.

According to these speakers, the Task Force was assessing climate change and investigating how other Maine and U.S. communities were mobilizing to respond to climate challenges. “We are ultimately preparing a road map,” A. Malmquist said.

The Task Force is specifically looking at how the Town might mitigate ocean warming, coastal flooding, water acidification, storm damage, and other possible climate-change consequences. The group is likewise looking at how the Town of Kennebunk, itself, is contributing to harmful greenhouse emissions.

According to Tabor and Webster, the Plan which the Task Force will ultimately recommend, is meant to galvanize action. So far the Task Force has met every other week with representatives of the Southern Maine Planning Commission, a strategic planning specialist group. The Task Force is creating a baseline assessment and likewise engaging the public via its “Climate Action Survey” and “Sounding Boards”.

The Climate Action Survey had more than 700 respondents. The majority expressed “high concern” about flooding, erosion, changes to the natural environment, and damage to the local economy potentially caused by adverse climate changes. The Task Force is also creating a “Kennebunk CO-2 Emissions Inventory” to quantify the Town government’s as well as residents’ own pollution and emission levels. The group found that wastewater treatment, in particular, contributes significantly to CO-2 emissions in Kennebunk.

The speakers concluded that Kennebunk had a number of climate-related vulnerabilities. Going forward, the Task Force will: (1) evaluate possible mitigation strategies; (2) continue community engagement, outreach, and “sounding board” sessions; and (3) return to the Select Board in approximately three (3) months’ time with an initial Action Plan draft.

Select Board members said they were highly impressed with the Task Force’s work to date. Additional information about the Climate Action Plan Task Force and relevant materials are available to the public at www.kennebunkmaine.us/CAPTF.

8. Old Business

There was none.

9. New Business

a. Charter Commission Meeting

S. Schulte next reported that the Town's Charter Commission had invited the Select Board to hold a joint discussion with it on Kennebunk's (a) form of government, and (b) code of ethics. Schulte said that the Charter Commission had proposed two dates for the joint meeting. Select Board members agreed to meet with the Charter Commission at 6:30pm on October 25 2023.

b. Road Closures

S. Schulte then relayed the Police Department's recommendation that several roads be closed for events on the following dates:

Saturday, October 7, 2023

Event: Homecoming Parade

Time: 11:15am-11:35am

Closure: Colonial Drive (for staging) and Fletcher Street (from Colonial Drive to the High School for the Parade).

Motion: To approve the road closures as recommended by the Police Department for the Homecoming Parade.

Moved: L. Pratt

Seconded: M. Whitehouse

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

Saturday, October 28, 2023

Event: Wicked 5K-10K

Time: 10:00am-11:00am

Closure: Western Avenue (from the intersection of Boothby Road to Beach Avenue). During the race, traffic heading toward Kennebunkport from the direction of Wells will be redirected down Lower Sea Road. Local traffic will be allowed on Western Avenue from Sea Road to Boothby Road.

and

Thursday, November 23, 2023

Event: Turkey Trot

Time: 9:00am-10:00am

Closure: The same closure details as immediately noted above.

Motion: To approve the road closures as recommended by the Police Department for the "Wicked 5K-10K" and the "Turkey Trot" as noted above.

Moved: L. Pratt

Seconded: M. Whitehouse

Vote: Show-of-hands vote, 6 votes in favor, 0 opposed, 1 absent (Ward), the motion passed.

c. Other Business of the Board

There was none.

10. Select Board Comments

a. Subcommittee Reports

S. Schulte: The Ordinance Subcommittee met to discuss short-term rentals in Kennebunk. It will organize a community workshop for public discussion about short-term rentals and about a possible registration process for them. A road acceptance policy is also being considered. The Subcommittee is looking into the costs of accepting new roads and the long-term financial implications for new road acceptance for Kennebunk.

b. Board Liaison Reports

L. Pratt: The Energy Efficiency & Sustainability Committee met on Thursday, September 21, 2023. L. Pratt will report on that group's activities at the next Select Board meeting.

S. Schulte: The Kennebunk River Committee met on Tuesday, September 19, 2023 to discuss boat speeds, dredging, and the cost of river maintenance. The state's dredging legislation has yet to be finalized, so funding for dredging assistance is not immediately available. An "excise tax" for boating use on the river is under consideration.

K. Therrien: The Historic Preservation Commission met on September 13, 2023. The meeting was routine and three (3) applications were approved.

L. Trentalange: The Site Plan Review Board met on September 21, 2023, but L. Trentalange was unable to attend. She will report on the SPRB's activities at the Select Board's next meeting.

M. Whitehouse: The West Kennebunk Village Committee met to discuss their "Fun Day". It is considering using the Stevens Center for children's events but hosting "adult" events at Alfred Road venues.

c. Comments of Individual Select Board Members

K. Therrien: Congratulated Bryan Laverriere on his promotion, the Climate Action Plan Task Force for its "leadership work", and the Police Department for its commendable MLEAP accreditation achievement.

All other Board members concurred.

11. Town Manager Announcements

Town Manager H. Balsler then made announcements regarding:

a. **Residential Household Hazardous Waste Day** on September 30

b. **Kennebunk Tax Bills** are being mailed out this week and can be viewed on the Town's website. The first payment is due October 13

c. **Municipal Closures on Indigenous People's Day** on October 9

12. Executive Session

At 7:55pm, the Board entered into Executive Session to discuss the employment, appointment, assignment, duties, or compensation of an individual public official or employee pursuant to Title 1 MRSA Sec, 405(6)(A).

Motion: To enter into Executive Session pursuant to Title 1 MRSA Sec. 405(6)(A) to discuss the employment, appointment, assignment, duties, or compensation of an individual public official or employee.

Moved: L. Pratt

Seconded: L. Trentalange

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

When the Board entered the executive session, K. Nedeau left the meeting (she was participating remotely). During the executive session, W. Ward joined the meeting in person.

Upon exiting the executive session at 8:10pm, the Board made the following motion:

Motion: To amend the Town Manager's Employment Agreement to include additional vacation time and accruals.

Moved: L. Pratt

Seconded: M. Whitehouse

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent (K. Nedeau); the motion passed.

13. Adjournment

There being no additional comments or topics for discussion, S. Schulte adjourned the meeting at 8:11pm

Motion: To adjourn this meeting.

Moved: L. Pratt

Seconded: L. Trentalange

Vote: Roll call vote, 6 votes in favor, 0 opposed, 1 absent (K. Nedeau); the motion passed.

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board at the meeting on _____

10.10.2023

DATE

Signed by _____

Select Board Member:

L. Pratt

SIGNATURE

Lisa Pratt

NAME IN PRINT