

Town of Kennebunkport
Board of Selectmen Meeting
September 8, 2022
6:00 PM

MINUTES

Selectmen attending: Jon Dykstra, Edward Hutchins, Sheila Matthews-Bull, Michael Weston.

Others attending: Laurie Smith, Yanina Nickless, Werner Gilliam, John Everett, Tracey O'Roak, Larissa Crockett, Patrick Briggs, and Robin Philips.

1. Call to Order.

Selectman Hutchins called the meeting to order at 6:03 PM.

2. Approve the August 25, 2022, meeting minutes.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull to approve the August 25, 2022, selectmen meeting minutes. **Voted:** 4-0. **Motion passed.**

3. Public Forum. (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)

Robin Philips, the Kennebunkport resident, addressed the Board with an issue that a resident of 51 Langsford Rd hired a landscaper to clear public grasses (all the phragmites and townland). Laurie Smith, Town Manager, explained that she became aware of the issue yesterday (September 7). She went out to the affected area to look at it. She talked to a homeowner and explained that they couldn't do it. The homeowner expressed that the previous owner took care of the grass, so they thought it was a part of it. Laurie said that Tim Harrington, the previous owner, requested permission from the Board. At the time, the Town would not have jurisdiction to fine a homeowner, but she received a notice.

4. Public hearing for Liquor License submitted by HAMASA LLC, d/b/a 1802 House Bed and Breakfast.

Selectmen Hutchins opened a public hearing and asked for any comments. Selectmen Matthews-Bull specified that they had a Liquor License before, and Tracey O'Roak, Town Clerk, confirmed but said this is a request from the new owners.

Motion by Selectman Matthews-Bull, seconded by Selectman Matthews-Bull, to approve a Liquor License submitted by HAMASA LLC, d/b/a House Bed and Breakfast. **Voted: 4-0. Motion passed.**

5. Consider approving a renewal Liquor and Special Amusement Application submitted by Breakwater Inn & Spa.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to approve the Liquor and Special Amusement applications for Breakwater Inn and Spa. **Voted: 4-0. Motion passed.**

6. Authorize the warrant for the November ballot.

Tracey O'Roak, Town Clerk, reminded the Board that this warrant was discussing for the past few months and has 5 referendum questions for the ballot.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to authorize the warrant for the November ballot. **Voted: 4-0. Motion passed.**

7. Certification of the referendum questions for the November town meeting warrant.

Certifying the referendum questions and allowing Tracey O'Roak to post them for the public view.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to certify the referendum questions for the November town meeting warrant. **Voted: 4-0. Motion passed.**

8. Authorize the warrant for a special town meeting on September 22, 2022:

Selectmen Hutchins explained that this special town meeting would take place before the Board of Selectmen meeting on September 22, 2022. It will be about the restoration Cape Porpoise Pier project. The Town has received \$2.1 million from the federal government, \$500,000 from the state, and \$40,000 from the Town itself to reconstruct the Pier. In order to make the project happen, the last step is for the Town to issue a mortgage back to the federal government. It is not a 'mortgage' in its broad definition, but rather a lien for 20 years on the property. It is done so the Board cannot sell or dispose of it. The Board of Selectmen encouraged citizens to approve this.

Robin Phillips inquired where one could find a Cape Porpoise Pier project plan. Werner Gilliam said that any person could stop by the Planning and Development Department's office and request it. It is available for anyone who is interested.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to authorize the warrant for a special town meeting on September 20, 2022. **Voted:** 4-0. **Motion passed.**

9. Street Opening permit by Labbe Excavating Inc. for South Main Street.

Laurie Smith, Town Manager, explained that this is for a water service tie-in for the new Ivy Lane Subdivision, and the Town will be paving the road in the fall.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to approve the street opening permit by Labbe Excavating Inc for South Main Street. **Voted:** 4-0. **Motion passed.**

10. Discussion of correspondence with Kennebunkport Heritage Housing Trust regarding affordable housing goals and potential zoning amendments.

Patrick Briggs, the President of the Kennebunkport Heritage Housing Trust [KHHT], thanked the Board for all the support in getting KHHT running. He said that KHHT still needs more help, so he and Larissa Crockett, the Executive Director, wanted to introduce an idea for an amendment to the zoning ordinance.

Larissa wanted to lay the groundwork for creating a new ordinance language and discussing it with the Board. It would require the developers that work on a subdivision of 4 units or more to have either 10% or 1 home in that subdivision to be affordable. Or, if they would not want to do so, there would be an in-lieu payment that would be held in the Town's reserved account for the affordable housing developers (like Habitat for Humanity, for example).

The Board asked for further research and communication.

No motion was necessary. No motion was taken.

11. Presentation by Werner Gilliam regarding form-based code zoning.

Werner Gilliam, Director of Planning and Development, presented an idea of form-based code (form-based design) zoning for the Village Parcel lot. Form-based code is "one of the most effective land use tools for shaping pedestrian-scaled, mixed-use and active urban environments"; it "places a greater emphasis on the arrangement and form of buildings." We currently use single-use zoning (or Euclidean Zoning) that was created "to ensure that the suburban development wasn't affected by fumes from factories."

Werner brought it up to the Board to see if there would be any interest in exploring this concept further for the Village Parcel. This was, the Town could regulate the form, as well as preserve 'the unique character of the community.' There are five different

elements to the form-based code: map, public standards, building standards, administration, and definitions. There are over 700 communities that use form-based code.

The Board asked for further research and communication.

No motion was necessary. No motion was taken.

12. Consider lease purchase of ladder truck.

John Everett, Fire Chief, reminded the Board that he talked about the price escalation and its influence on the targeted purchasing of a new ladder truck for the Fire Department in FY24. He explained that there was an option to buy a truck and save some money from escalating costs by entering a lease.

Motion by Selectman Weston, seconded by Selectman Matthews-Bull, to approve the purchase of a Sutphen ladder truck and to authorize the Town Manager to sign the appropriate documentation. **Voted:** 4-0. **Motion passed.**

Motion by Selectman Weston, seconded by Selectman Matthews-Bull, to award the lease purchase to Gorham Savings for a 5-year annum. **Voted:** 4-0. **Motion passed**

13. Award bid for the replacement of the heating system at Village Fire Station.

John Everett explained that the old boiler broke down, and there is hot water currently at the station. It was not budgeted for.

Motion by Selectman Weston, seconded by Selectman Matthews-Bull, to award the boiler bid to Branch Brook for \$24,555.02. **Voted:** 4-0. **Motion passed.**

14. Appoint Jamie Mitchell to the Recreation Committee.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to appoint Jamie Mitchell to the Recreation Committee with a term expiring in July of 2023. **Voted:** 4-0. **Motion passed.**

15. Consider writing off bad debt for fuel sales owed by Chris Perkins.

Chris Perkins was a tuna fisherman at the Cape Porpoise, and now he is diseased.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to write off \$354.20 from Chris Perkins for bad debt for fuel sales. **Voted:** 4-0. **Motion passed.**

16. Accept donations dedicated to the nurse's general account:

- a. \$50.00 from an Anonymous donor**
- b. \$50.00 from Audrey Lakin**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept the donations to the nurse's general account. **Voted:** 4-0. **Motion passed.**

17. Other Business.

- a. Discussion of Town Meeting date.**
- b. Presentation by Recycling Committee regarding a proposed agreement with Apparel Impact.**
- c. Cast ballot for Maine Municipal Association runoff election.**

Selectmen Hutchins reminded the Board that the Town Meeting could not be moved effectively in 2023; but it would take effect in 2024 because it would have to go through the warrant and ballot process. It was brought to the Board's attention that it is inconvenient for people to have a meeting on Saturday in June; thus, the request was made to move it to March or April.

Keep June as the Town Meeting month but move it to Wednesday immediately following Tuesday's election and hold it in the evening. It is convenient to have it in June because of the budget cycle of the county and school, and it allows to complete all the Town business with one ballot (instead of spending money on multiple ballots). Wednesday evening would be a compromise.

Michael Weston reminded us that the reason for the low number of people during the Town Meeting is because the Town and the Budget Board do a very good job presenting the budget before the meeting. There are over seven meetings in the span of multiple months, so the residents always have the full information.

Robin Phillips reinforced the idea of the Town Meeting's importance, so she would like to see it moved. She asked how that could happen, and Selectmen Hutchins explained that it would be a warrant article where people will have to vote on it.

No motion was necessary. No motion was taken.

The Recycling Committee introduced the idea of partnering with Apparel Impact by putting two recycling bins for clothes in Kennebunkport. This group will take any type of item, even not wearable ones, reuse them, and then recycle them. They sort through

things and ship them to the communities. Some clothes are donated, some are sold, and some are recycled.

Michael Weston, the Selectmen, requested to see the financial statements of the company.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to authorize the purchase of three police cruisers. **Voted:** 3-0-1. Selectmen Weston abstained. **Motion passed.**

Laurie Smith, Town Manager, explained that it is for the legislative policy committee. There was an election recently, and there was a tie for one position, between William Ward and Dwayne Morin. The Board has to vote for one of the representatives.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to vote for Bill Ward. **Voted:** 3-0-1. Selectmen Weston abstained. **Motion passed.**

Laurie talked about the Chalk the Port event that will be happening on September 23-24, 2022. It is a community event to raise funds for the Recreation Scholarship funds.

18. Approve the September 8, 2022, Treasurer's Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra to approve the September 8, 2022, Treasurer's Warrant. **Voted:** 4-0. **Motion passed.**

19. Executive Session per (MRSA 1, §405-6C) for discussion of consideration of real estate.

No action was taken in the session.

20. Adjournment.

Motion by Selectman Matthews-Bull seconded by Selectman Daggett to adjourn. **Voted:** 4-0. **Motion passed.** Meeting adjourned at 8:23 PM.

Submitted by,
Yanina Nickless,
Assistant to the Town Manager