

Town of Kennebunkport
Board of Selectmen Meeting
February 9, 2023
6:00 PM

MINUTES

Selectmen attending: Edward Hutchins, Allen Daggett, Jon Dykstra, Michael Weston, Sheila Matthews-Bull (via Zoom).

1. Call to Order:

Selectman Hutchins called the meeting to order at 6:00 PM.

2. Approve the January 26, 2023, meeting minutes:

Motion by Selectman Dykstra, seconded by Selectman Daggett to approve the January 26, 2023, selectmen meeting minutes. **Voted:** 5-0. **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.)

Zoom attendee Lorrie asked if there was an update on the Village Parcel and new Town Hall plans. Chairman Hutchins said there was nothing new to bring out to the public at this time. Town Manager Laurie Smith added that there is a Town Hall Building Committee that is meeting with the architects to develop a plan that will be brought out to the public, but there is nothing at this point.

Zoom attendee David James asked about solar-powered speed restriction signs he believed had been approved by the Selectmen previously. Chairman Hutchins confirmed the approval, and Laurie Smith added that the signs have been received and are scheduled to be put out in the Spring.

No motion was necessary. No motion was taken.

4. Consider the renewal liquor license submitted by the W&A Inc. d/b/a Cape Pier Chowder House, located at 79 Pier Rd:

Selectman Daggett abstained. **Motion** by Selectman Dykstra, seconded by Selectman Weston, to renew the license. **Voted:** 4-0-1. **Motion passed.**

5. Presentation of proposed June 2023 ordinance changes:

a. Administrative Code revision regarding Cape Porpoise Pier Committee members.

Town Clerk Tracey O’Roak explained that the code currently requires 75% membership to be Kennebunkport residents. The proposed change is to change that to be that 75% are commercial fishermen. After discussion by the board, it was agreed that the term “commercial fishermen” should be defined. Laurie Smith added that the revised code language would be taken to legal review in March.

b. Administrative Code revision regarding days of annual town meeting.

Tracey explained that some residents had brought forth the proposal to change the timing of the annual town meeting from Saturday morning to Wednesday night after the town election. Chairman Hutchins noted that if this change were to be adopted, it would not go into effect until 2024. Laurie Smith noted that proposed ordinance changes to the Administrative Code would also need to be reviewed by the Administrative Code Committee.

c. Land Use Ordinance revision regarding accessory dwelling units.

Town Planner Michelle Radley explained that LD 2003 legislation, which deals with affordable housing, has a section directly addressing Accessory Dwelling Units (ADUs). The Town would need to change the Land Use Ordinance (LUO) in regards to ADUs being permitted uses, meeting minimum square foot requirements, and being intended as primary residences not eligible for short-term rental licenses per LD 2003.

d. Land Use Ordinance revision regarding private road construction.

Because of the upcoming purchase of a new, larger ladder truck by the Fire Department, the current specification of a minimum 16-foot wide travel way on private roads is being expanded to 20 feet wide. Selectman Dykstra asked what will be done with existing narrower roads and the new ladder truck. Laurie Smith stated that Chief Everett could be brought in to answer such questions, but her understanding was that the Fire Department would make its best effort, perhaps not bringing hose trucks as far in on the road in certain situations. Selectman

Daggett requested that Chief Everett come in to speak to the Board about this issue.

Chief Everett was available later in the meeting via Zoom. He answered Selectman Dykstra's question by saying that he would like the change going forward to better accommodate the new larger truck by allowing it to turn around in a cul-de-sac or hammerhead and not have to back out off a long private road. However, in cases of existing private roads, the truck should not be significantly hampered in reaching the structure.

Selectman Daggett asked why a 50-foot right of way, in addition to the 20-foot travel path for development with four or more detached dwellings, was requested. Chief Everett responded that in situations where hydrants are not available, and water has to be brought in by truck, they need room for the 8½-foot wide trucks to be able to pass each other.

e. Land use Ordinance revision regarding the description of the resource protection zone.

Michelle Radley explained that this change relates to the digital flood insurance rate map that is likely to be coming out soon and the resource protection zone and coastal flood plain. With the update would come a significant amount of developed areas that would fall under resource protection. As this is not the purpose of resource protection, this change would exempt the already developed areas. Selectman Dykstra had questions about the size of properties and how they would be affected. Laurie Smith said she would ask Werner Gilliam to come before the Board and provide some examples.

f. Update to Floodplain Management Ordinance.

Michelle Radley explained that this was also due to the digital flood insurance maps changing and updating our LUO to coincide with that. The Town is currently waiting on the model ordinance from the state, which FEMA would vet. Michelle anticipates that a section replacement rather than a line-by-line strikeout will be requested. Chairman Hutchins asked if there was a timeline for receiving the model ordinance, and Laurie Smith responded that Werner Gilliam is expecting that sometime in the next few weeks.

No motion was necessary. No motion was taken.

6. Presentation and adoption of the updated Personnel Policy:

Special Projects Manager & HR Administrator Yanina Nickless informed the Board

that the Personnel Policy needs to be updated for three reasons:

- 1) The current Personnel Policy was created by outgoing Town Manager Larry Mead and adopted by the Board in 2013. It is now 10 years old and out of date.
- 2) She has done payroll for a while, so she is familiar with the practical side of personnel policy, not just theory. So, she knows that some policies became obsolete and unworkable because of COVID and labor shortages.
- 3) Union contract negotiations made some articles very divergent and, in some cases, contradictory to each other. The updated policy is an attempt to mirror them as much as possible.

Changes were made on three levels – structurally, conceptually, and contextually. Structurally, to make the information as easy as possible for employees to find. Conceptually, to move away from a set of rules and to include the goals and background of Kennebunkport to make this an inclusive, welcoming place to work. And contextually, she provided a table to the Selectmen listing the articles that are to be changed.

Yanina, former Finance Manager Denise Brown, and Laurie Smith went through the policy article by article and made the changes they deemed necessary. Then they submitted the updated policy to the legal team at Drummond Woodsum to make sure they were in line with state and federal law. Next, the updated policy was reviewed by union representatives, who confirmed that nothing contradicted the union contract. Department directors were consulted throughout the process.

The policy was also submitted to the Board for review and input. There were a few changes. The Board was referred to as both Board of Selectmen and Select Board, so Yanina made those consistent using the term Select Board only. Other minor grammatical and visual changes were made. The most significant change made was an item on page 21 – in the event of the death of an employee, the town would pay 50% of sick leave time. This was changed to 100%.

The Board members all expressed their appreciation for the hard work that went into the policy update and had no further questions or concerns.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to adopt the updated Personnel Policy. **Voted: 5-0. Motion passed.**

7. **Accept \$200.00 from an anonymous donor dedicated toward the emergency food fund.**

Motion by Selectman Daggett, seconded by Selectman Dykstra, to accept \$200.00 from an anonymous donor dedicated toward the emergency food fund **Voted:** 5-0. **Motion passed.**

8. **Accept \$600.00 from The Church on the Cape dedicated toward the emergency fuel fund:**

Motion by Selectman Dykstra, seconded by Selectman Daggett, to accept \$600.00 from The Church on the Cape dedicated toward the emergency fuel fund. **Voted:** 5-0. **Motion passed.**

9. **Other Business:**

Laurie Smith reminded citizens that on Friday from 7:00 am to 3:00 pm and Saturday from 8:00 am to noon, the Public Works Department will be doing their final wood debris collection days. Kennebunkport residents and those bringing debris from Kennebunkport properties are eligible.

Chairman Hutchins once again expressed his thanks to the Fire Department for their efforts during last week's storm.

10. **Approve the February 9, 2023, Treasurer's Warrant:**

Motion by Selectman Dykstra, seconded by Selectman Daggett, to approve the February 9, 2023, Treasurer's Warrant. **Voted:** 5-0. **Motion passed.**

11. **Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate:**

Motion by Selectman Daggett, seconded by Selectman Dykstra, to enter Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate. **Voted:** 5-0. **Motion passed.**

Selectmen were in Executive Session for 27 minutes. Remotely attending Selectman Matthews-Bull did not return from Executive Session.

No motion was necessary. No motion was taken.

7. Adjournment.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to adjourn.

Voted: 4-0. **Motion passed.** The meeting adjourned at 7:09 PM.

Submitted by,
Dave Powell,
Technology Specialist