

Town of Kennebunkport
Board of Selectmen Meeting
March 23, 2023
6:00 PM

MINUTES

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

Selectmen attending via Zoom: Allen Daggett.

1. Call to Order:

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

2. Approve the March 9, 2023, selectmen meeting minutes and March 16, 2023, joint meeting with the Budget Board minutes:

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to approve the March 9, 2023, selectmen meeting minutes and March 16, 2023, joint meeting with the Budget Board 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):

No meeting attendees, either in the room or via Zoom came forward with an issue.

No motion was necessary. No motion was taken.

4. Review the final fiscal year 2024 budgets and make recommendations:

Town Manager Laurie Smith said that she is requesting that the Board vote tonight on the budget. She noted that in the previous Budget Board meetings there was concern about the tax rate and inquiries about ways to even that out and reduce it a bit. Suggestions were made regarding additional revenue sources and the capital investment, particularly for new waste and recycling bins.

Laurie remarked that the Recreation Health Insurance was the only operational change she is bringing forward. The change is because we have a new employee, which changes the participation rate and allows for that savings without decreasing benefits.

Regarding capital changes, Laurie had several proposals for consideration by the Board:

- The street light fixture replacement project could be done over 5 years instead of 3 years. That would reduce the cost of the project to about \$50,000/year. We are unable to get replacement parts for the fixtures, but if we replace some fixtures we

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can cannibalize those for parts for use with remaining old fixtures still in use if needed.

- Regarding the waste and recycling bins with a total one-time cost of \$385,000, we could get a three-year lease spreading the expense across three years but costing the Town an additional \$20,000 in interest over the course of the lease.

To increase revenue, it was requested that the following be examined:

- Increasing building permit fees from \$10 per thousand to \$12 per thousand.
- Increasing parking violation fees by \$7 to make the fee \$60 at Goose Rocks Beach and \$40 for other areas throughout town.
- Increasing the resident seasonal and visitor daily Goose Rocks Beach parking stickers by \$5 to make them \$10 and \$30, respectively. This could potentially increase annual revenue by \$50,000.
- Transferring \$15,000 of Picavet funds to pay for the Police and Public Health building gutter replacement.
- Increasing the transfer from the Dock Square parking lot account by \$30,000 to pay for the paving of Pearl & Elm Streets.

If all of these changes were adopted, it would mean an estimated total adjustment of \$487,000, decreasing the current estimate of a 29 cent increase in the mil rate to a 15 cent increase.

The Selectmen discussed the building permit fees. Director of Planning, Werner Gilliam, suggested that we could implement a tiered system with the permit fee rate based on the cost of the overall project. Selectman Weston countered that we should keep it simple to eliminate additional work for the Codes and Planning office.

Motion by Selectman Weston, seconded by Selectman Hutchins, to increase building permit fees from \$10 per thousand to \$12 per thousand. **Voted:** 4-1. **Motion passed.** Selectman Dykstra asked that the minutes reflect he is opposed not because he opposes an increase, but because he feels it should be a tiered rate increase based on total project cost.

Next, the Selectmen discussed Goose Rocks Beach parking sticker fee increases. They agreed that they would not increase the fee for seasonal resident stickers for the 2023 season because those have already started to sell. But they could increase the fee for non-resident daily stickers.

Motion by Selectman Dykstra, seconded by Selectman Weston, to increase the daily parking sticker rate from \$25 to \$35 for the 2023 season. Discussion ensued, starting with Laurie stating that she was more comfortable with \$30 rather than \$35. **Motion amended** by Selectman Dykstra, seconded by Selectman Matthews-Bull, to increase

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the daily parking sticker rater from \$25 to \$30 for the 2023 season. **Voted: 5-0. Motion passed.**

The Selectmen then took up the proposal to increase the parking violation rates.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to increase the fee to \$60 at Goose Rocks Beach and \$40 for other areas of Town. **Voted: 5-0. Motion passed.**

Next was the suggestion regarding Picavet funds transfer.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to transfer \$15,000 of Picavet funds to pay for the Police and Public Health building gutter replacement. **Voted: 5-0. Motion passed.**

Last was the plan to transfer Dock Square parking lot funds to pay for paving.

Motion by Selectman Matthews-Bull, seconded by Selectman Weston, to increase the transfer from the Dock Square parking lot account by \$30,000 to pay for the paving of Pearl & Elm Streets. **Voted: 5-0. Motion passed.**

In reference to capital changes, the Selectmen discussed the street light fixture replacement project. Laurie stated that there is a total of 105 streetlights. Eric Labelle informed the selectmen that the fixtures cost \$2,300 each to replace. Laurie explained that this would mean a reduction of \$30,000 per annum if we extended the project from 3 years to 5 years.

Motion by Selectman Daggett, seconded by Selectman Weston, to extend the street light replacement project from 3 to 5 years. **Voted: 5-0. Motion passed.**

The Selectmen next discussed leasing the automated waste and recycling bins instead of making a one-time payment up front for them. Selectman Weston stated that he was against the leasing option. Selectmen Dykstra & Matthews-Bull were more favorable to it as it would lower the tax rate.

Motion by Selectman Weston, seconded by Selectman Hutchins, that the Town not use the leasing option for the bin acquisition. **Voted: 3-2. Motion passed.**

Selectman Hutchins asked Laurie if a notice and hearing is required for the hourly parking rate at the Dock Square parking lot to be increased for the 2023 season. She replied that a notice and hearing are required. She also brought up the concern that some chaser tickets for resident free parking hours had already been sent out to taxpayers in the community. Changing the rate now might complicate that process. Selectman Hutchins was under the impression that the gates opened late at night, allowing those who stayed in Dock Square late enough to leave the parking lot without paying. Chief Sanford clarified that this is not the case. The parking lot operates 24 x 7 in the summer season, requiring a patron to pay, no matter what time they leave the lot.

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Laurie revisited the \$20,000 health insurance operational change; that the addition of a new employee reduced the cost of benefits by this amount. The Selectmen agreed to accept this.

The Selectmen then proceeded to vote on the various items in the budget by category:

Motion by Selectman Daggett, seconded by Selectman Dykstra, to accept General Government Programming Expenses in the amount of \$2,313,526. **Voted: 5-0. Motion passed.**

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to accept Public Safety Program Expenses in the amount of \$3,389,796. **Voted: 5-0. Motion passed.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept Health & Welfare Program Expenses in the amount of \$827,319. **Voted: 5-0. Motion passed.**

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to accept Public Works Program Expenses in the amount of \$1,561,060. **Voted: 5-0. Motion passed.**

Motion by Selectman Daggett, seconded by Selectman Dykstra, to accept Recreation, Culture, Contingency & Miscellaneous Program Expenses in the amount of \$680,214. **Voted: 5-0. Motion passed.**

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to accept Capital Expenses & Reserve Account and Debt Service Payments in the amount of \$3,557,280. **Voted: 5-0. Motion passed.**

5. Consider the renewal of liquor licenses submitted by Roma Pizza, 5 Union St:

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, that the application be accepted.

Selectman Weston brought up that there was a mismatch of addresses in the application. This didn't factor into his approval of the application, but he wanted to be sure that there was no legal issue as these papers are submitted to the State. The Board agreed that they could approve the application provided that the applicant correct the discrepancy.

Selectman Daggett inquired about a notation on the application made by Werner Gilliam stating that he preferred the outdoor seating be limited to 12 customers, not 20. Werner explained that his concern was that you couldn't fit more than 12 people in the outdoor designated service area.

Motion withdrawn by Selectman Matthews-Bull.

Motion by Selectman Weston, seconded by Selectman Matthews-Bull, that the application be accepted provided that the outside seating be limited to 12 people and that the addresses in the application be corrected. **Voted: 5-0. Motion passed.**

6. Annual appointment of Town Officers:

Chairman Hutchins stated that as they still have much to do in this meeting, he did not intend to enumerate the list of those appointed as Town Officers.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to approve the Town Officers as listed. **Voted: 5-0. Motion passed.**

7. Request from St. Anne's Church for an easement to maintain their seawall:

Bill Walsh from Walsh Engineering, representing St. Anne's Church, made a presentation including video, pictures and diagrams showing damage to the seawall at St. Anne's Church from recent storms. Part of the wall itself is on Town property and access to replace the seawall would necessitate an easement from the Town.

Selectman Weston inquired if an easement from the Town were granted, would that make the Town liable for applying for DEP permits along with St. Anne's. Mr. Walsh stated that it would not.

Selectman Daggett asked if instead of an easement the Town could grant a license to access the wall. Laurie responded that a license to do the work would be temporary and could be rescinded by a future Board of Selectmen. In order to be able to access the wall again in the future, should any repairs be required, Mr. Walsh indicated that a permanent easement would be preferred.

Laurie added that a Town Meeting vote would be required to grant the easement.

Motion by Selectman Weston, seconded by Selectman Dykstra, that the request for an easement for St. Anne's Church to maintain their seawall be approved and placed for vote on the written ballot in June. **Voted: 5-0. Motion passed.**

8. Other Business:

None of the Selectmen, nor Laurie Smith had another other business.

David James, attending the meeting via Zoom, asked Laurie if the budget number changes made at tonight's meeting would be updated for the Budget Board meeting next week. Laurie replied that they would be.

9. Approve the March 23, 2023, Treasurer's Warrant:

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to approve the March 23, 2023, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

10. **Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate:**
11. **Executive Session per MRSA 1, §405-6E to consult with an attorney concerning pending or contemplated litigation:**

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to enter Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate and to consult with an attorney concerning pending or contemplated litigation. **Voted:** 5-0. **Motion passed.**

Selectmen were in Executive Session for 90 minutes. Remotely attending Selectman Daggett did not return from Executive Session.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull to exit Executive Session. **Voted:** 4-0. **Motion passed.**

Chairman Hutchins commented that as an action taken from the Executive Session, they are going to schedule a Special Board of Selectmen meeting for next Thursday, March 30, 2023 at 6 PM, to discuss the purchase of land in Kennebunkport.

12. **Adjournment.**

Motion by Selectman Matthews-Bull, seconded by Selectman Weston, to adjourn. **Voted:** 4-0. **Motion passed.**

Submitted by,
Dave Powell,
Technology Specialist