

Town of Kennebunkport  
Board of Selectmen Meeting  
August 10, 2023  
6:00 PM

**MINUTES**

**Selectmen attending:** Mike Weston, Sheila Matthews-Bull, Allen Daggett, Jon Dykstra, Marybeth Gilbert.

**1. Call to Order.**

Chairman Weston called the meeting to order at 6:00 PM.

**2. Approve the July 27, 2023, selectmen meeting minutes.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the July 27, 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.)**

Selectman Dykstra let everyone know that there will be an informal meeting tomorrow with handouts (August 11<sup>th</sup>) from 5:00 pm – 7:00 pm at the Goose Rocks Beach Community House to discuss water quality at the beach and the testing regimen we are using to keep the public informed and safe.

Susan Holleran asked for an update on the progress of the widening of and sidewalk on Wildes District Road. Town Engineer Eric Labelle reported that the project is now fully funded. The first step is to do the drainage work. The plan is to reclaim the road in the Spring, do some widening, and a first layer of pavement. We will wait a year and then pave one more time.

Town Manager Laurie Smith clarified that we are fully funded for the drainage portion of the project, but the reclaim and paving will be funded in another budget year.

David James via Zoom commented that he didn't have a video at the beginning of the meeting but that it is OK now.

**4. Review of the Town Hall subcommittee report.**

Chairman Weston briefly reviewed the subcommittee report, describing the overall process and existing buildings considered for a Town Hall expansion, including the

existing Town Office, 63 Wilds District Road (the Wildwood Fire Station) and 32 North Street (the Village Fire Station). All three were eliminated from consideration because they either wouldn't meet the use requirements after expansion and/or because there would be no cost savings in doing an expansion versus building new at the North Street Village Parcel site. The project cost is estimated to be approximately \$8.8 million. Cost reduction options were considered, including the sale of the existing 6 Elm Street property (\$1 million), use of reserves (\$800,000), fundraising (\$500,000) and additional property sales (\$700,000).

For fundraising, the idea of a memorial wall in the new building was proposed by the committee, possibly involving a mural and/or trees, pavers, benches, etc. As to property sales, Selectman Gilbert informed the group that there were two parcels considered – the one-acre lot at 48 Beachwood Ave and the eight-acre “McCabe property” on School Street.

If the cost reduction options are implemented, this will bring the bond needed for the project down to \$5.8 million. If a 20-year bond were obtained for \$8.8M, it would increase the tax mil rate by 17 cents. For a \$7M bond, it would increase by 14 cents, and for a \$5.8M bond, it would increase by 11 cents.

Chairman Weston described debt retirements that will occur in the years 2026-2029. He also laid out the next steps in the process: the Select Board votes on the potential ballot items in the August 24<sup>th</sup> meeting, there will be ongoing public hearings and awareness sessions regarding the November ballot questions in September through to November, and then the public will vote on Election Day on November 7<sup>th</sup>.

If approved by the voters, the permitting and building design would happen October 2023 – May 2024, bidding the project June – July 2024, and project construction August 2024 – December 2025.

Alan Lamb asked what other expenses might come along. Chairman Weston said that the Board was unaware of anything specific or definitive.

Robin Phillips had several questions:

She asked the amount of funds that had been set aside to this point for the Town Hall project. Laurie Smith responded that the \$400,000 that had been approved previously was for design and engineering throughout the project, taking us to the point of construction. A portion of those funds have been expended for the architectural design and engineering to this point.

Robin suggested a mailed paper survey for the Town Hall project and Village Parcel development. The Board responded that we are past that point for the Town Hall project, but they would take into consideration how best to keep the public informed and get feedback regarding the Village Parcel.

Robin asked for details about how the public was informed of and provided feedback regarding the Town Hall project. Chairman Weston explained that a public call was made for people to participate in a committee including two Selectmen. The committee, he estimated of approximately 30 people, worked with the engineers to develop the building plan.

Bob Sherman asked the Board to consider budgeting for the following when it comes to the Town Hall project: new furniture, landscaping, and signage.

Melinda Anderson, via Zoom, asked what the cost would be to build up (a second floor) to the existing Town Hall building instead of constructing a new building. Director of Planning and Development, Werner Gilliam, responded that while an upward expansion had been studied and was possible, there were several major problems with this approach. While adequate office space could be created, a large public meeting room could not. An expansion of the existing location would not solve the current problem of inadequate parking. And there would be logistical issues in continuing to carry out the town's business while that building is being renovated. Finally, the cost of the renovation and reconstruction would likely end up being more than a new build. Selectman Gilbert added that the current community room space at the Village Fire Station being used for this and other meetings would likely be converted to quarters for per diem firefighters in the future. This would make having such meeting space in a new or reconstructed Town Hall building essential.

Dave James via Zoom mentioned in response to Robin Phillips' concern about meeting viewing, that the public has three options other than attending the meeting in person: via Zoom during the meeting (where they can also participate), on the government access cable TV channel, or on-demand after the meeting at the Town website.

Christos Cotsakos asked how the McCabe property was going to be zoned. Chairman Weston responded that it's currently zoned Village Residential. Christos also asked if there was a contingency fund for the Town Hall construction, given inflation and fluctuations in building costs. Chairman Weston replied that there is a contingency of 15%, which comes to \$1.1M. Christos asked further if the Board feels the \$8.8M is adequate for the needs of the Town now and in the future. Chairman Weston responded that the committee determined it should be adequate for the next ten years or so. Werner Gilliam added that the design does include flexible design space.

Alan Lamb asked if other capital projects have been budgeted for future years, and Mike Weston responded that they were – for example, for the wastewater treatment plant. Town Engineer, Eric Labelle, continued that three wastewater projects have been bonded: the clarifier project (completed), the pump station project, and the de-watering project. Mike Weston added that the new fire department ladder truck had been budgeted. Items and projects like these are laid out in the Town Budget Book, which is available to the public.

Loretta McDonnell asked for clarification of the number of people on the Town Hall committee. She had documentation that indicated it was more like 15 people, not 30. Chairman Weston concurred that 15 seemed right.

Melinda Anderson asked about the roof in the plan for the new Town Hall. It appears to her that it is flat. Werner explained that it is a trussed roof though there may be some flat roofing elements for equipment. Melinda further questioned why time and effort had been expended examining properties for a new Town Hall that wouldn't work. Board members replied that they were merely going through an inventory of town-owned properties to determine if any were suitable. The previously mentioned property on Beachwood Ave is too small, and the "McCabe property" building envelope is significantly farther from the street than the site at the Village Parcel. It would require considerably more road and utility infrastructure, increasing the construction cost. Melinda finished her comments, stating that she agrees a mailed survey to residents is the best way to ensure all community members are informed.

Susan Holleran asked what the run rate would be for the increase in square footage from the current 5,730 to the proposed 12,661. Chairman Weston said they hadn't done that analysis yet, but it would likely be more. Selectman Dykstra added that more efficient equipment would be used, with a design option to incorporate solar, though that would not be immediately implemented.

**5. Recognition of the resignation of the RSU 21 School Board member and discussion of the replacement process.**

Chairman Weston explained that with the resignation of Jameson Davis, the Board of Selectmen is to appoint an interim representative to the School Board. Town Clerk Tracey O'Roak continued that per State statute, the interim School Board representative would serve until the next regular election in June 2024. The suggested process is to advertise the vacancy on our website, Facebook, the Kennebunk Post, the library, and Town Hall. Tracey has created a simple application form to get like-for-like information from all applicants. All applications must be received at Town Hall by 4:30 pm on Friday, September 1<sup>st</sup>. The Board will review the applications at the September 14<sup>th</sup> meeting. Tracey suggested that it would be beneficial to have applicants attend that meeting to answer any questions the board might have of them. The Board could then make their appointment in that meeting or at the September 28<sup>th</sup> meeting. She noted that this is an efficient and fair process that has been used in other nearby communities, such as Kennebunk, and by Town Manager Laurie Smith in other communities, she has served.

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to accept the appointment process. **Voted:** 5-0. **Motion passed.**

**6. Presentation of proposed November 2023 ballot questions:**

**a. Comprehensive Plan updates**

Werner Gilliam explained that While the Town submitted its plan in a timely fashion, the state did not review it in the allotted time. The Town, therefore, decided to proceed in putting the plan before the voters. He considers these to be minor housekeeping changes to bring the Kennebunkport Comprehensive Plan into compliance with State ordinances. Mike Weston noted that these changes have already been discussed in previous meetings. These changes are available as warrant article exhibits online.

Robin Phillips questioned a passage in the state ordinance referring to motorized vehicles on trails. Werner responded that this language is required by State ordinance but that Kennebunkport has no intention of having trails for motorized vehicles.

**b. Street Opening Permit updates**

Public Works Director Chris Simeoni explained a change regarding applications for street openings and moratorium status. The Town does not want roads that have been recently reconstructed to be opened back up for a while. We send notifications of road projects to the residents along the road, informing them that it is a prudent time to check their water & sewer, and other utility lines before the reconstruction happens. We have a five-year moratorium on opening the road following reconstruction. If this change is approved, requests for streets that are not under moratorium would be addressed by Chris, whereas those for streets that are under moratorium would continue to be addressed by the Board of Selectmen. He is also introducing a standard for repair quality for short-term and permanent road repairs by contractors.

**Motion** by Selectman Dykstra, seconded by Selectman Matthews-Bull, to approve the ballot question changes. **Voted: 5-0. Motion passed.**

**7. New cruiser for the Police Department.**

Chief of Police, Craig Sanford, informed the Board that the usual process of bidding, ordering and taking delivery of replacement police cruisers is still a mess. He's being told that delivery for the latest cruiser replacement could take a year or more. The Chief reached out to the dealer that replaced three cruisers last year. They have a vehicle on their lot now and provided a trade-in amount for the existing aging vehicle. The Chief recommends we make this purchase now as we need the vehicle, and he doesn't know when we will get another opportunity.

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the purchase of a 2023 Ford Explorer for \$39,115.35. **Voted: 5-0. Motion passed.**

**8. Authorize carryforwards from FY23.**

Finance Director, Nicole Evangelista, informed the Board that the carryforwards include projects, equipment & services that could not be completed in the prior fiscal year. The total carryover request is \$192,320.

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the carryforwards in the total amount of \$192,320. **Voted:** 5-0. **Motion passed.**

**9. Dyke Road Right of Way Agreement.**

**10. Request to waive Planning Board fees for the upcoming Beachwood neighborhood by the Kennebunkport Heritage Housing Trust.**

Chairman Weston informed the group that agenda items 9 & 10 are being tabled until the Board gets more detailed information.

**11. Boat Launch presentation and updates.**

Selectman Dykstra informed the group that the new boat launch was operational. More than 40 residents have registered to use the launch. A taxpayer or mooring holder can apply by going to the website <https://kportboat.com>. Harbormaster Frank Orr will confirm that the applicant is a taxpayer or mooring holder and then approve the application.

Selectman Dykstra then did a short presentation showing how an approved user would log into the site and select a date and time for a 30-minute boat ramp reservation. He explained that you could pick two time slots in a 7-day window. You cannot reserve a time greater than 7 days out. You should check out the location at low tide because there are lots of rocks nearby you will want to avoid.

He demonstrated how you can pick a time slot. You will receive an email with the combination to unlock the padlock so you can remove the chain at the ramp entrance. He asked everyone to remember to replace the chain and lock when you are done. He also demonstrated how you can cancel a reservation if you need to.

Alan Evelyn asked how the lock codes are cycled. Jon replied that they are changed weekly.

**12. Update on the Pier Rd Causeway project.**

Eric Labelle informed the group that the project went out to bid today. Bids are due back by 3 pm on August 31<sup>st</sup>. The Army Corps of Engineers permit is still pending, but we do have a project manager. The feedback so far is that they find no major issues with the project plan. We hope to start construction in October and complete the project in May of next year.

**13. Update on the Cape Porpoise Pier project.**

Mike Claus told the Board that we're working with grants from EDA and the State of Maine, so we have made our submittals to them. We have made our permit submittal and our site certificate, which proves we own the property. Plan specifications and cost estimate submittals have been made to EDA and Maine DOT. Those submittals are being reviewed now. DOT had questions about our cost estimates which are being worked out in the next few days. The project engineer at EDA estimates that we'll get our approvals in September, at which point we can then put the project out for bid. Mike thinks it's unlikely that we'll be able to get bids for construction in Winter 2023 but thinks the Winter 2024 time frame looks promising with good pricing. He thinks we'll put the project out for bid in January or February and receive bids in March. The project has been delayed a year or more due to COVID and other complications. Selectman Gilbert asked if there was a time limit to the grant funding. Laurie responded that EDA and DOT are aware of our timing and we're still in good standing.

Melinda Anderson asked if the pump-out station is included in this project, and Mike responded that it is not.

**14. Request for Street Opening permit by George Burr & Sons Inc. for:**

**a. Langsford Road.**

Chris Simeoni explained that the residents' sump pump is currently discharging in a way that the water runs onto the neighbor's property. They are seeking a way to responsibly run their sump pump without negatively impacting the neighbors. There is a catch basin in front of the residence to which they would like to open the sidewalk and run a discharge pipe. The residents would pay for the work. The catch basin does not run to the wastewater treatment facility but rather to the storm water system.

**b. Ocean Avenue.**

Chris continued that this request is for an area coming out of moratorium but that the road is in very good condition. Contractor Burr & Sons is aware of the quality standard to which Chris expects the repair to be made. A \$6,000 bond is being held for this street opening.

Chris is recommending that the Board approve both street opening permits.

**Motion** by Selectman Dykstra, seconded by Selectman Daggett, to approve the street opening permits for Langsford Road and Ocean Avenue, contingent upon the stipulations made by Public Works Director Chris Simeoni. **Voted:** 5-0. **Motion passed.**

**15. Maine Municipal Association Annual Election.**

Chairman Weston read the slate of nominees:

Vice President – 1 year term

Melissa Doane, Town Manager, Town of Bradley

Executive Committee Members – 3-year term

Shiloh LaFreniere, Town Manager, Town of Jay

Nathaniel Rudy, Town Manager, Town of Gray

Dina Walk, Selectperson, Town of Weld

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the slate of nominees as read. **Voted: 5-0. Motion passed.**

**16. Appoint Carolyn Muse to the Shade Tree Committee with an expiration date of June 2024.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to appoint Carolyn Muse to the Shade Tree Committee with an expiration date of June 2024. **Voted: 5-0. Motion passed.**

**17. Appoint Mike West to the Board of Assessment Review with an expiration date of June 2026.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to appoint Mike West to the Board of Assessment Review with an expiration date of June 2026. **Voted: 5-0. Motion passed.**

**18. Appoint Ella Boxall to the Climate Action Task Force with an expiration date of December 31, 2023.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to appoint Ella Boxall to the Climate Action Task Force with an expiration date of December 31, 2023. **Voted: 5-0. Motion passed.**

**19. Other Business.**

Selectman Gilbert asked for feedback from the rest of the Board about the subcommittee report. The Board agreed that the subcommittee did a great job and appreciated the time and effort put into the report.

Melinda Anderson questioned why Mike Weston was being appointed to the Board of Assessment Review. The Board corrected her, saying that the appointee was Mike West, not Selectman Mike Weston.



**20. Approve the August 10, 2023, Treasurer's Warrant.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the August 10, 2023, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

**21. Adjournment.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Dykstra, to adjourn. **Voted: 5-0. Motion passed.**

The meeting adjourned at 7:34 PM.

Submitted by,  
Dave Powell,  
Technology Specialist