

Town of Kennebunkport
Board of Selectmen & Budget Board Joint Meeting
March 14, 2024
6:00 PM
Village Fire Station (32 North Street)

MINUTES

Selectmen attending in person: Mike Weston, Sheila Matthews-Bull, Jon Dykstra, Marybeth Gilbert.

Selectmen attending via Zoom: Allen Daggett.

Budget Board members attending: Carol Cook, Bob Wester, Ki Leffler, April Dufoe, Dan Beard, David James, Charles Tremblay, Dmitri Michaud.

Budget Board members attending via Zoom: Michelle Powell, Rick Wakeland.

1. Call to Order – Selectboard and Budget Board

Chairman Weston called the meeting to order at 6:03 PM.

April Dufoe, Budget Board Chair, called the Budget Board meeting to order at 6:03 PM.

2. Joint meeting with the Budget Board for the fiscal year 2025 municipal budget presentations.

Laurie Smith, Town Manager, addressed the issue of “overlay”. By State statute, is a separate part of the tax commitment process, permitting the assessor to commit up to an additional 5% of the tax commitment for overlay to deal with unexpected expenses and abatement costs, providing cash flow stability. She also described the General Fund and other funds and accounts.

The budgets for various budget categories were presented:

Solid Waste, Public Works & Streetlights – Chris Simeoni

Public Health & Welfare – Alison Kenneway

Shellfish Conservation – Everett Leach

Public Restrooms, Utilities & Goose Rocks Beach Advisory Reserve – Laurie Smith

Parks & Recreation – Stephanie Simpson

Contingency – Yanina Nickless & Nicole Evangelista

Debt Service – Nicole Evangelista

Motion by Charles Trembley, seconded by David James, to adjourn the Budget Board meeting. **Voted:** 8-0. **Motion passed.** Budget Board meeting adjourned at 7:50 PM.

3. **Approve the February 20, 2024, LD 2003 Joint Workshop minutes and February 22, 2024, selectmen meeting minutes.**

Motion by Selectman Matthews-Bull, seconded by Selectman Gilbert, to approve the February 20, 2024, LD 2003 Joint Workshop minutes and February 22, 2024, selectmen meeting minutes. **Voted: 5-0. Motion passed.**

4. **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.)**

Gerald Krulis asked if the Board would consider designating a few of the parking spaces at Goose Rocks Beach for residents only. Shawn Smith added that perhaps the parking spaces could be time limited. Laurie responded that we could do that, but it would require changing our parking system.

No motion was necessary. No motion was taken.

5. **Consider the following renewal liquor licenses submitted by:**

- a. **JPRE LLC d/b/a Roma Pizza, located at 5 Union St.**
- b. **Olivos LLC d/b/a Ultramar Restaurant, located at 77 Pier Rd.**

Motion by Selectman Dykstra, seconded by Selectman Gilbert, to approve the renewal of liquor licenses for Roma Pizza and Ultramar Restaurant. **Voted: 5-0. Motion passed.**

6. **Presentation of proposed June 2024 ordinance changes with the legal review:**

- a. **LD 2003 Land Use Ordinance Amendments**

Galen Weibley, Director of Planning and Development, introduced Aga Dixon, Town Solicitor attending remotely via Zoom. She explained that there are four provisions of LD 2003 that touch upon municipalities:

1. Affirm statewide fair housing, recognizing that this is mandated by State law. She recommended that we modify our purpose statement to make this clear and to protect the Town against any legal challenges to our Land Use Ordinance (LUO) by bringing it into compliance with State law.
2. Establish a right to Accessory Dwelling Units (ADUs).
3. Establish density bonuses for affordable housing developments.
4. Prohibit zoning that limits residential lots to a single dwelling unit.

Aga further recommended that we adopt verbatim the definitions incorporated by the Maine Department of Economic and Community Development (DECD) into the rule. She added some definitions that were not incorporated into previous versions of the draft. She also recommended we specify zones where affordable housing is permitted, making it clear that such housing is not limited to multiplexes.

Considerable discussion followed by the Board and Aga regarding the application of the Short-Term Rental (STR) rules to the Affordable Units vs the Market Rate Units in an Affordable development. Aga suggested that perhaps STRs should be applied more holistically without reference to either specific kind of unit in an Affordable Development.

Motion by Selectman Weston, seconded by Selectman Matthews-Bull, to leave in the provision language prohibiting any units in an Affordable Housing Development (whether affordable or market price units) from being used as STRs. **Voted:** 3-2. **Motion passed.**

Galen added that regarding the required parking provision (two parking spaces for every three units), Aga agreed the State provides we are permitted to “round up”. Furthermore, on a case-by-case basis, the Planning Board is permitted to require additional on-street parking on a private way as part of the site review process.

b. Floodplain Ordinance Amendment

Galen noted that there is language in the amendment stipulating the acceptance of the Federal Emergency Management Agency (FEMA) flood plain maps on a particular date. He stated that he has not received those maps from FEMA yet. The Board has not received the maps either.

7. Authorize acceptance of a wastewater plant backup generator bid.

Chris Simeoni, Director of Public Works, informed the board that the old generator had been put up for bid. He recommended accepting the highest bid from Abbott Equipment Sales for \$8,799.99.

Motion by Selectman Matthews-Bull, seconded by Selectman Gilbert, to accept the bid from Abbott Equipment Sales in the amount of \$8,799.99 for the sale of the generator. **Voted:** 5-0. **Motion passed.**

8. Authorize acceptance of a Dock Square sidewalk bid.

Chris reminded the Board that \$25,000 had been allocated in the current fiscal year budget to replace a section of sidewalk in Dock Square that has heaved up over time.

The project was put out for bid with the low bid coming from George Burr & Sons for \$27,750.00. The project can be completed by Memorial Day. Chris recommended accepting this bid, noting that while the cost of this project is \$2,750.00 over budget, the difference can be made up from the completed Pearl Street sidewalk project which came in under budget.

Motion by Selectman Dykstra, seconded by Selectman Gilbert, to accept the bid from George Burr & Sons in the amount of \$27,750.00 to repair the section of sidewalk in Dock Square. **Voted: 5-0. Motion passed.**

9. Authorize the annual Animal Welfare Society shelter agreement to be in effect from July 1, 2024, through June 30, 2025.

Chairman Weston explained that the Animal Welfare Society agrees to take in dogs and cats found in Kennebunkport whose owner cannot be determined for an annual cost of \$5,298.34, broken into four payments.

Motion by Selectman Gilbert, seconded by Selectman Dykstra, to authorize the annual Animal Welfare Society shelter agreement to be in effect from July 1, 2024, through June 30, 2025, at a cost of \$5,298.34. **Voted: 5-0. Motion passed.**

10. Accept an anonymous donation of \$80,000 to purchase a trash pump and message board to aid in storm response.

Motion by Selectman Gilbert, seconded by Selectman Matthews-Bull, to accept an anonymous donation of \$80,000 to purchase a trash pump and message board to aid in storm response. **Voted: 5-0. Motion passed.**

11. Other Business.

Selectman Dykstra, as a member of the Kennebunkport Conservation Trust (KCT), made a presentation to the Board regarding the significant damage to Goose Rocks Beach caused by the January storms. KCT has taken out a permit by rule to restore dunes on its property between Broadway and Edgewood. This will be done with a bulldozer scraping sand from the mid-tide line of the beach and pushing it to the area of dunes that still have vegetation root systems uncovered by the dune loss in the storms. The intended result is restoration of the dunes at 3+ feet with sloping sands down to the beach.

Selectman Dykstra further noted that the storms washed away a great deal of sand via the straight, narrow beach access ways at Proctor and Broadway, stating that Peter Slovinsky of the Maine Geological Survey recommends these pathways be made

zigzag or entirely filled in with sand. A zigzag configuration would require a separate permit which would require some time to obtain, so the immediate plan is to fill in these two pathways with sand, constructing temporary wooden stairs on the road side of the dune, and a mat on top of the beach side of the dune to provide more storm-resistant walkways at these two points to the beach. The ADA access point at Edgewood would be left unchanged at this time. Perhaps later the permits can be acquired to build a ramp and platform for ADA compliant access with a dune at Edgewood.

Laurie asked Eric Labelle, Town Engineer, to update the Board on the status of pump stations and Pier Road causeway projects. Eric reported that Wildes District and Paddy Creek pump stations are both functioning, and they are just completing finishing work such as paving and fencing. The Cape Porpoise pump station project still has challenges with rock and hardness of the ground, but the wet well has been completed and Eric expects that project to be complete by June.

The Pier Road causeway project is going well and is projected to be complete in June. The eastern wall base blocks and a portion of the parapet walls have been installed. They will be working on the western side soon. Laurie stated that there was some confusion regarding the kayak launch with folks under the false impression that it was being permanently closed. She emphasized that the kayak launch will be reopened upon completion of the causeway reconstruction, albeit with bollards to allow carry in / carry out of small watercraft, but to prevent the launch of larger commercial boats from this location per recent agreement.

Laurie announced that the Town was awarded a \$50,000 grant to begin design work on the Head of the Harbor resilience project, but we are still awaiting Department of Transportation (DOT) approval before work can begin. Senator Collins' office has informed her that the Federal Government has approved \$750,000 to dredge the Kennebunk River, including the testing and permitting process. The bill is awaiting the President's signature.

Laurie also announced that the York County Budget Committee is getting ready to proceed with membership on April 10th, which requires an elected official (aka Select Board) member and a community member, and is looking for volunteers.

12. Approve the March 14, 2024, Treasurer's Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Gilbert, to approve the March 14, 2024, Treasurer's Warrant. **Voted:** 5-0. **Motion passed.**

13. Adjournment.

Motion by Selectman Matthews-Bull, seconded by Selectman Gilbert, to adjourn.

Voted: 5-0. **Motion passed.** Meeting adjourned at 9:03 PM.

Submitted by,
Dave Powell,
Technology Specialist