

Town of Kennebunkport
Board of Selectmen Meeting
April 11, 2024
6:00 PM
Village Fire Station (32 North Street)

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 6:02 PM.

2. Approve the March 21, 2024, joint meeting with the Budget Board minutes and March 28, 2024, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the March 21, 2024, joint meeting with the Budget Board minutes and March 28, 2024, 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.)

Nina Pearlmutter addressed the Board about two subjects:

- The proposed new Town Hall and the Village Parcel – she thinks communication with the community could be improved and suggested a USPS mailing for increased reach to seniors. She thinks that the Village Parcel & North St. Fire Station locations, both along North Street, are a poor choice because of the high volume of traffic. She suggested that a senior center and perhaps a community garden be integrated as part of the new Town Hall plan.
- Flooding and stormwater runoff – she stated that abutters are increasingly concerned about new construction in or near wetlands, the addition of impervious surfaces, and the resulting stormwater runoff onto established properties. She feels that abutters should be notified in cases where a Maine DEP permit was issued, just as they are now if a project goes before the Planning Board.

4. Consider the renewal liquor license submitted by W & A Inc., Cape Pier Chowder House, located at 79 Pier Rd., Cape Porpoise, ME 04014.

Selectman Daggett recused himself as this is his business. Selectman Dykstra asked if the errors in the application had been corrected. Laurie Smith, Town Manager, informed

him that they had been corrected on the official copy. Selectman Dykstra read the corrections aloud: the amount for food should be \$975,669, and the amount for beer & wine should be \$94,963.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to approve the renewal liquor license submitted by W & A Inc., Cape Pier Chowder House, located at 79 Pier Rd., Cape Porpoise, ME 04014. **Voted:** 4-0-1. **Motion passed.**

5. Review and vote on the proposed warrant articles for the Town Meeting in June.

Tracey O’Roak, Town Clerk, walked the Board through the “housekeeping” articles on which they had not already voted.

Selectman Gilbert had questions about Article 2a regarding the sale of Town owned property, inquiring if such sales should not first be put to a Town vote. After considerable discussion, most of the Board expressed that they felt the current process with State procedural overlay was sufficient.

Motion by Selectman Matthews-Bull, seconded by Selectman Dykstra, to accept Article 2 as written **Voted:** 4-1. **Motion passed.**

Motion by Selectman Matthews-Bull, seconded by Selectman Gilbert, to accept Article 3 as written **Voted:** 5-0. **Motion passed.**

Motion by Selectman Daggett, seconded by Selectman Dykstra, to accept Article 4 as written **Voted:** 5-0. **Motion passed.**

Motion by Selectman Dykstra, seconded by Selectman Gilbert, to accept Article 11 as written **Voted:** 5-0. **Motion passed.**

Selectman Daggett had a question about Article 12, asking if the fire trucks were being given to the Goose Rocks Fire Station. Jay Everett, Fire Chief, explained that historically when such equipment has been purchased with Kittredge or donation funds associated with a particular fire company, the same company has been given the equipment to be done with as they see fit. If they sell the equipment, the proceeds will go towards other needs of that company or be put back into the Kittredge fund.

Chairman Weston asked if the Board had any questions for Chief Everett on Fire Department related articles 13 or 14. They did not.

Motion by Selectman Weston, seconded by Selectman Matthews-Bull, to accept Articles 12, 13 and 14 as written **Voted: 5-0. Motion passed.**

6. Review and vote on the proposed order regarding ballot questions.

Chairman Weston summarized Question 1 as an amendment to the Kennebunkport Land Use Ordinance (LUO) to bring it into compliance with LD 2003 regarding the new State housing law. Question 2 is an amendment to the Kennebunkport Town Code Floodplain Management Ordinance. Both have been reviewed publicly in detail many times by the Board in previous meetings.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to accept the order of Question 1 & 2. **Voted: 5-0. Motion passed.**

7. Cape Porpoise Pier Bid Update.

Barney Baker, engineer with GEI, informed the Board that they received four bids for the project. The Town budget for the project is about \$1.5 million short of the low bid despite the funding increase approved last fall. The low bidder was Prock Marine Company, which has done quality work for Kennebunkport and other municipalities. Barney recommended that we ask the bidders to extend the open bid period and ask for an EDA and DOT permitting extension, giving us time to secure additional grant funds for the project (e.g. Maine Infrastructure Resiliency funds). Laurie noted that if additional funding is not secured soon and the project is delayed another year, some interim repair work at the pier will be required. Mike Claus, consultant for the pier project, added that the State and Federal entities had been very helpful in keeping the project moving forward.

Chairman Weston laid out three options for the board to consider:

- Reject the bids while we seek alternative funding and re-examine the scope of the project.
- Request \$1.5 million from the voters to complete the project.
- Ask Prock for a bid award extension and continue to seek additional funds from State and Federal agencies.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to Ask Prock for a bid award extension and continue to seek additional funds from State and Federal agencies **Voted: 5-0. Motion passed.**

8. Enterprise budget presentations:

a. Recreation Special Revenue Budget.

Stephanie Simpson, Director of Parks and Recreation, presented the program revenue and expenses. She noted that they do not plan to conduct the Chalk the Port event this year. After their expenses and revenue, they will transfer \$85,000 to the general fund.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to approve the Recreation Special Revenue Budget. **Voted: 5-0. Motion passed.**

b. Wastewater Budget.

Chris Simeoni, Director of Public Works, informed the Board that we processed significantly more wastewater this past year than in previous years. He described the multi-year effort to replace and renew equipment and systems that are well past their intended lifespan and to make equipment more climate resilient. We have been using reserve funds to pay for engineering for large, bonded projects, which is not sustainable long term. Chris recommended an annual balance of \$500,000 to \$600,000 in operating capital to fund smaller projects that are not typically bonded and stop the practice of using reserve funds for this purpose. He is proposing a sewer rate increase of \$85, from \$569.87 to \$654.87 for FY25. This budget was presented to the Wastewater Advisory Committee and was unanimously approved.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to approve the Wastewater budget and set the FY25 sewer rate at \$654.87. **Voted: 5-0. Motion passed.**

c. Cape Porpoise Pier Budget.

Frank Orr, Harbormaster, reported that the Cape Porpoise Pier statistics are very similar to last year. Priorities for FY25 are supporting the pier rehabilitation project, managing the public boat launch, and supporting aquaculture. The Pier Advisory Committee unanimously approved the FY25 budget. There was an approximately \$4,000 shortfall in the budget which the Committee recommended be made up by increasing the fuel markup to \$0.65 per gallon. Waste removal costs have increased compared to prior years because the fishermen are using pre-packed frozen bait, with more packaging waste put in the dumpsters.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to approve the Cape Porpoise Pier Budget. **Voted: 5-0. Motion passed.**

d. Dock Square Parking Lot Budget.

Nicole Evangelista, Finance Director, informed the Board of the breakdown for salaries and portions of salaries paid by revenues from this budget. \$421,000 is being transferred out to the General Fund to pay for expenses related to the Parking Lot. There is about a \$15,000 net increase in this budget, based on projected increased revenue from raising the parking rate from \$4 per hour to \$5 per hour.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to approve the Dock Square Parking Lot Budget as presented. **Voted: 5-0. Motion passed.**

e. Government Wharf Budget.

Nicole explained that the dues for the Government Wharf members were increased for lobstermen from \$500 to \$600, commercial dues from \$300 to \$350, base dues from \$200 to \$250, and student dues from \$150 to \$200. Total revenue is \$13,550, with a net surplus of \$70.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the Government Wharf Budget as presented. **Voted: 5-0. Motion passed.**

9. Growth Planning Committee's Recommended 2024 Comp Plan Short Term Strategies for Implementation.

Galen Weibley, Director of Planning and Development, advised the Board that the Growth Planning Committee (GPC) had two priority concerns to be addressed - storm water, and seeing if any changes should be made to the growth maps. Extensive conversation ensued among the Board members regarding the division of responsibilities between various committees (GPC or Sustainability Committee), but all members agreed that the GPC's priorities were good ones to investigate and a good direction to take.

No motion was necessary. No motion was taken.

10. Consider the formation of a Sustainability Committee.

Chairman Weston started the conversation by recounting to the committee that prior climate action tasks recommended by the committee and approved by the Select Board in 2020 had been assigned to various individuals and groups including the Town Manager, Conservation Commission, Town Staff, Board of Selectmen, Planning and Codes Department, Kennebunkport Climate Initiative, Shade Tree Committee, etc. He felt that these tasks had not been addressed because of the many other tasks and responsibilities of these groups. He suggested that progress on these tasks would be more feasible if assigned to a Climate Resiliency Committee focused on them.

Selectman Dykstra reported the perspective of the members of the Climate Action Planning Task Force from a recent meeting. They would like to see a Climate Resiliency Committee formed as an advisory committee only, doing the heavy lifting into climate related matters, and reporting back to the Select Board and Town staff periodically. One example of a task they might perform would be a detailed investigation of the return on investment (ROI) of using alternative energy sources for municipal buildings.

Selectman Gilbert asked questions about the process the new committee would use and suggested that the Board decide upon 4 or 5 most important items for the committee to focus on initially. Chairman Weston volunteered to write up a mission statement and proposed parameters for the committee to be discussed at the next Select Board meeting.

No motion was necessary. No motion was taken.

11. Appointment of the Bureau of Motor Vehicle Agent.

Tracey explained that she used to be the Town's Motor Vehicle Agent, but that a few years ago Rose Wills asked to take on that role and was assigned to it. Rose is leaving Town employment imminently, and Tracey asked to be assigned this role once again.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to assign Tracey O'Roak as Bureau of Motor Vehicle Agent. **Voted: 5-0. Motion passed.**

12. Other Business.

No motion was necessary. No motion was taken.

13. Other Business.

None of the Select Board members nor Laurie had Other Business.

14. Approve the April 11, 2024, Treasurer's Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the April 11, 2024, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

15. Adjournment.

Motion by Selectman Matthews-Bull, seconded by Selectman Gilbert, to adjourn. **Voted: 5-0. Motion passed.** Meeting adjourned at 8:24 PM.

Submitted by,
Dave Powell,
Technology Specialist