

Town of Kennebunkport  
Board of Selectmen Meeting  
February 22, 2024  
6:00 PM  
Village Fire Station (32 North Street)

**MINUTES**

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

**1. Call To Order.**

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

**2. Approve the February 8, 2024, selectboard meeting minutes.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the February 8, 2024, 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.)**

Bo Balcavage, via Zoom, asked if there were any plans to incentivize cleanup of roads and common areas for Earth Day, as was done in 2021. Laurie Smith, Town Manager, added that she had spoken with Bo previously and responded that because Kennebunkport does not have its own transfer station, the debris collected from a cleanup effort would need to go to the Sea Road facility in Kennebunk. This facility is privately owned, however, so there would be a fee to get rid of the debris there. She added that there have been challenges in the past with people putting household trash (e.g. oil, tires) in the dumpsters that were meant for road debris. The Board questioned who would pay for such an effort and noted the expense that the Town and individuals have sustained for cleanup after the flooding in the two recent storms. Selectman Dykstra suggested that Bo contact him as a member of the Solid Waste Committee, and contact the Conservation Commission as well, to see if a cleanup effort could be planned for Earth Day in 2025.

Robin Phillips, via Zoom, suggested that individuals could clean up near their house and put items with their household trash or recycling, perhaps with the Town taking woody plant materials with a dump truck as has been done in past years with beach bittersweet cleanup.

**4. Presentation of proposed June 2024 ordinance changes:**

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

Chairman Weston informed everyone that the land use ordinance amendments are going to the attorney to evaluate the proposed language. He proposed that the appropriate time for the Select Board to approve change changes would be after the legal review is complete.

Selectman Gilbert suggested three things relating to LD 2003 from the recent workshop:

- Have the Growth Planning Committee (GPC) & Planning Board (PB) re-examine the growth areas map to determine if there are areas that are hazardous due to being prone to flooding and making necessary changes.
- See if there is a way for the GPC & PB to deal with the State's less stringent minimum two parking places for three housing units requirement in the subdivision language.
- Meet with developers who have experience with affordable housing projects to get their input on the proposed ordinance amendments.

The Selectmen discussed these suggestions and agreed that they should review them once they get the proposed ordinance change language back from legal.

**b. Floodplain Ordinance Amendment**

Galen Weibley, Director of Planning and Code Enforcement, via Zoom, informed the Board that Aga Dixon's updated language had been accepted by the State and would be put before the Board for approval in a future meeting.

**No motion was necessary. No motion was taken.**

**5. Approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance.**

Chris Simeoni, Director of Public Works, informed the Board that these road weight limits are the annual ones added in the springtime to address damage that can be caused to the roads by heavy vehicles during the spring road freeze/thaw. In consultation with neighboring towns, the signs will be posted on affected roads on February 29<sup>th</sup>. No additional roads were added to last year's restriction list.

**Motion** by Selectman Daggett, seconded by Selectman Dykstra, to Approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance. **Voted: 5-0. Motion passed.**

**6. Accept the proposal from George Burr & Sons to complete the repairs on the masonry seawall, sidewalk, and travel lane on Ocean Avenue.**

Chris informed the board that he had met with George Burr, who for \$15,700 would repair the masonry wall, pin concrete, and provide sub-base gravel for the road and sidewalk. The proposal does not include asphalt – that would be done under the existing contract with Dayton Sand & Gravel in the spring. Mr. Burr is ready to mobilize as soon as the weather is warm enough for the masonry work. As the need for this storm damage repair was not anticipated, Chris recommended re-appropriating funds that had been designated for repair of the sidewalk on School Street for this project. If FEMA eventually provides funds for this storm damage repair, money can be moved back for its original intended purpose.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Gilbert, to accept the proposal from George Burr & Sons to complete the repairs on the masonry seawall, sidewalk, and travel lane on Ocean Avenue for \$15,700. **Voted: 5-0. Motion passed.**

**7. Request to extend shellfish season for 2024 - 2025.**

Everett Leach, Shellfish Warden, proposed that the Selectmen either: extend the end of shellfish season by four months to compensate for the four months removed from the beginning of the season by the State; or open the season to be year-round. He continued that there is not a lot of Winter clamming, and that to allow it year-round would be sustainable. He reviews the current conditions regularly and would not hesitate to come before the Board to request a shortened end to the season should he determine that the clams are being over-harvested.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to extend the shellfish season for 2024 - 2025 to a full year, with the understanding that it will be monitored and the Board will be notified in the event of over-harvesting. **Voted: 5-0. Motion passed.**

**8. Consider applying for a Maine Shore and Harbor Planning Grant to study design options for the Colony Beach Parking area.**

Laurie asked Chris to first provide an update on the Pier Road causeway project. Chris reported that the builder will start work on Monday, setting up the erosion control and temporary traffic lights. The public should expect alternating one-lane traffic starting next week. The northeast wall should be complete around March 18<sup>th</sup>. The southwest wall should be complete around April 15<sup>th</sup>. Work on sewer and utilities in the road will start around May 1<sup>st</sup>. The fine grade and base asphalt should be complete around May 31<sup>st</sup>. Cleanup, bollards, guardrails, and landscaping should be complete by June 28<sup>th</sup>. The final overlay will wait until Spring 2025 as they want the base first to go through a freeze/thaw cycle.

Laurie reports that she, Chris, and Eric Labelle, Town Engineer, have been meeting with consultants and engineers regarding the Colony Beach parking area to see if there are other options than simply replacing the gravel to see it taken away in the next big storm. Consultant GEI wants to do an analysis of the site and suggested that we apply for a Maine Shore and Harbor Planning Grant. The maximum award is \$50,000 with a 25% match (which we would take from Capital funds). The grant is due in June. Laurie is looking for the Board's agreement to pursue the grant.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to permit the Town Manager to apply for a Maine Shore and Harbor Planning Grant to study design options for the Colony Beach parking area. **Voted: 5-0. Motion passed.**

## **9. Town Hall Building Committee Update.**

Chairman Weston reported that the committee met with the engineer and architect and discussed a space analysis and reducing the overall square footage to 10,000 sq ft with 40% of that being for the meeting room. They reviewed survey responses and found those to be within expectations. Experts in heating and cooling participated and discussed the importance of energy modeling for the new building. Also discussed were geothermal and commercial VRF systems, air exchangers, and energy recovered ventilators. Solar systems (both onsite and offsite) were also discussed, including fixed, tilt and tracker types, as well as costs and sizing. Backup systems (e.g. generator) were also considered.

The committee also agreed to consider two sites for the potential construction – the Fire Station lot at 32 North St, and the Village Parcel. The engineers were asked to examine what would be involved in extending the existing Fire Station building.

Melinda Anderson, via Zoom, said that she was insulted that a line item for \$9 million for a new town hall had been put in the Capital Improvement Plan when the voters had voted down the plan in November largely due to cost. Laurie and the Board explained

that the line item in the CIP has no spending authority but is only used as a placeholder for a project that needs to be addressed as part of the plan. The amount would be adjusted as the cost for a modified new town hall plan becomes clearer. The committee is dedicated to looking at ways to drive the cost down.

Susan Townsley, via Zoom, asked why the McCabe property was not being considered as a location for a new town hall. Selectman Gilbert responded that the topography of the property was not conducive to a facility of that size and would be more expensive. Susan also asked why there wasn't a leadership position that would stop the whole conversation about a new town hall and instead declare that we need to devote all our resources to addressing the challenges of climate change. Chairman Weston responded that we need to do both. Susan expressed her concern that the Town not only deal with past storm damage but plan for future climate change resiliency. Chairman Weston responded that we've been working for two years on ways to mitigate Dock Square flooding, but a solution would be extremely expensive and would require State and Federal assistance. We are in line with many other communities. Though the Town is working on the issue, results will not be seen quickly.

**10. Authorize electric vehicle lease with Hyundai for the Public Health Department.**

Laurie explained that we received zero-dollar, three-year leases for two electric vehicles; one for Public Health, the other for the Codes department. Those leases are up this March. Codes has another vehicle, but Public Health does not. Hyundai is offering a lease on a new electric vehicle for \$5,500/year (after a rebate from Efficiency Maine), which is less than would be expended to reimburse Town nurses for mileage using their personal vehicles. Laurie is seeking the Board's authorization to proceed.

**Motion** by Selectman Dykstra, seconded by Selectman Matthews-Bull, to authorize an electric vehicle lease with Hyundai for the Public Health Department. **Voted:** 5-0. **Motion passed.**

**11. Accept a \$50.00 donation from an anonymous donor to the nurses' general account.**

**12. Accept a \$50.00 donation from an anonymous donor to the emergency fuel fund.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept both a \$50.00 donation from an anonymous donor to the nurses' general account, and a \$50.00 donation from an anonymous donor to the emergency fuel fund. **Voted:** 5-0. **Motion passed.**

**13. Other Business.**

Laurie informed the Board that the Codes and Planning Department has been updating their records of Accessory Dwelling Units (ADUs), determining which ones were recognized by the Town. ADUs should be charged annually as a separate sewer unit and should be assessed an impact fee at the time of installation. This information was passed to the Public Works Department, and Chris has been inspecting dwellings to inform the owners of past due annual sewer and impact fees. Chris said that the point of contention is the \$3,500 impact fee. In one case, the homeowner was living in the ADU as the main house was uninhabitable. In another case, the ADU has a seasonal water service. It is not used in the wintertime because the pipes would freeze and is intended for family to use when visiting in the summer. They bought the house in this condition; the ADU was installed by the previous owners.

Selectman Dykstra asked about the purpose of the impact fees. Chris replied that they are put in a fund that is used for expansion and improvement of the Town sewer system. Selectman Daggett asked if people are told there is an impact fee when they take out the building permit. Chris responded that the current procedure is for Codes to send an applicant to Wastewater to fill out an application when a sewer connection is required. But the units he is encountering now were built in the 80's or early 2000's. He cannot speak to what happened then, but he assumes there was a breakdown in communication between the Town and the applicants. Selectman Gilbert asked how many properties were on Chris' list and he responded there were approximately fifteen.

Laurie stated that she is not seeking action from the Board at this time but wanted to make them aware of the situation.

**No motion was necessary. No motion was taken.**

**14. Approve the February 22, 2024, Treasurer's Warrant.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Dykstra, to approve the February 22, 2024, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

**15. Adjournment.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to adjourn. **Voted: 5-0. Motion passed.** Meeting adjourned at 7:22 PM.

Submitted by,  
Dave Powell,  
Technology Specialist