

KENNEBUNK SELECT BOARD MEETING MINUTES

Tuesday, August 24, 2021 – 6:30 P.M.

Room 300-301, 3rd Floor, Town Hall

1. Call to Order

The meeting was called to order at 6:30pm by Chair and presiding officer L. Blake Baldwin, who then led attendees in the Pledge of Allegiance. Those in attendance were:

Present: Select Board members L. Blake Baldwin, Shiloh A. Schulte, Kortney Nedeau, Lisa Pratt, William A. Ward, Jr.; and Frank G. Paul [6 voting members in total, but only 5 initially as W. Ward, Jr. arrived late]

Absent: Sally Carpenter

Also Present: Michael Pardue [Town Manager], Joel Downs [Finance Director], Chris Osterrieder [Director of Community Development]; Karen Winton [Deputy Director, Community Development], Dan Robinson [Assessor], Bryan Laverriere [Director, Public Services], and Merton Brown [Town Clerk]

2. Approval of Minutes

Baldwin next led the Board in a review of the minutes of prior meetings.

a. Special Meeting of July 20, 2021 (ribbon-cutting)

Motion: To approve the minutes of the Special Meeting of July 20, 2021.

Moved: S. Schulte

Seconded: L. Pratt

Vote: Show-of-hands vote. 5 votes in favor, 0 opposed, 2 absent [Ward and Carpenter]; the motion passed.

b. Regular Meeting of July 20, 2021

Motion: To approve the minutes of the Regular Meeting of July 20, 2021.

Moved: S. Schulte

Seconded: L. Pratt

Vote: Show-of-hands vote. 5 votes in favor, 0 opposed, 2 absent [Ward and Carpenter]; the motion passed.

c. Special Meeting of August 18, 2021 (Elected Officials Webinar)

Motion: To approve the minutes of the Special Meeting of August 18, 2021.

Moved: S, Schulte

Seconded: L. Pratt

Vote: Show-of-hands vote. 5 votes in favor, 0 opposed, 2 absent [Ward and Carpenter]; the motion passed.

W. Ward. joined the meeting after these votes, increasing the number of voting members to six.

3. Items To Be Signed

There were none.

4 Public Hearing

The Board next considered an application from Tom's Original Street Food and Catering d/b/a Trail Dogs, 2 Harbor Lane, for a Victualer License and a Peddler/Street Vendor License.

Applicants Tom and Kim Lavin described their interest in creating an "after-hours" food business. It will primarily market hot dogs on off-hours in the Dock Square area. The specific hours of operation will be determined later to avoid conflict with the "Pilot House".

Motion: To approve the Victualer License and Peddler/Street Vendor License for Original Street Food and Catering d/b/a Trail Dogs.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

5. Public Comments

The Chair solicited public comments or questions, asking speakers to kindly limit their remarks to five minutes. Several speakers came forward.

Lionel Maynard suggested that the Town honor Sharon Staz by dedicating the next Annual Report to her in memorium.

Jason Woloszyn questioned the Town's readiness to install ice chillers at Waterford Center for winter skating. B. Laverriere confirmed that custom chillers are currently being constructed and will be installed in October.

Nick Branchina criticized the Board for not appointing a Select Board liaison member to the Comprehensive Plan Committee. He went on to express his frustration that the CompPlan Committee has not met recently. It was suggested he contact the Chair of said committee. Branchina expressed frustration that the closure date for the Plan was being postponed. He was guided that the Comp. Plan Committee needed to advance the plan by meeting and deciding when to advance the Plan to the Select Board, the State and the public. B. Baldwin volunteered to serve as a Select Board liaison, but urged Branchina to communicate his other concerns to the chairman of the Committee directly.

Peter Brewitt asked the Board to support his FOAA request to the Police Department to address traffic issues on Whitten Road.

Ed Karytko voiced sorrow for the loss of Sharon Staz and also a number of concerns — in particular about speeding along Alfred Road. He asked the Board to consider extra police hires and/or speed bumps.

There being no other public comment or question, the Chair formally closed this public segment.

6. Acknowledgements and Announcements

a. Donations

The Chair advised the Board of the following donations which were recently received:

- \$100 from The Abigail McMaster Alling 2011 Trust for Kennebunk Fire and Rescue;
- \$10,000 from the Tommy McNamara Charitable Foundation, Inc. for the Skate Park Project.

Motion: To accept the above donations and send letters thanking the donors for their generosity.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

b. **New Hires**

Taylor Richardson (Firefighter and Paramedic effective August 9)

Tina Radel (Town's first Communications and Marketing Specialist effective August 30)

The Chair read the information on the agenda regarding the new employees. The Chair and Board welcomed Taylor and Tina.

7. **Time Sensitive Business and Staff Presentations**

a. **Appointment of a Trustee to the Kennebunk Sewer District**

At its July 20th meeting, the Board discussed the Sewer District's recent Trustee vacancy created by the resignation of Mark Allenwood. Mr. Allenwood's three-year term expires on June 30, 2024. Since the July meeting, the vacancy has been advertised and one application from Dr. Patrick Wiley, PhD was received.

At the request of the Kennebunk Sewer District, the Board was asked to consider the candidacy of Dr. Wiley.

Patrick Wiley appeared before the Board, briefly describing his background and interests. He previously served in a number of Sewer District posts, including Deputy Manager. Wiley's main interest is to help the District keep abreast of industry and legislative changes as well as to keep user rates low.

Motion: To appoint Patrick Wiley as a Trustee on the Kennebunk Sewer District with a term expiring on June 30, 2024 to fill the vacancy created by the resignation of Trustee Mark Allenwood.

Moved: S. Schulte

Seconded: W. Ward

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

b. **Boards and Committees**

(1) **Accept the Resignation of Raymond Ingalls**

The Chair stated that Raymond Ingalls had resigned from the post of Regular Member of the West Kennebunk Village Committee. Mr. Ingalls would like to continue to serve as support and resource to the Committee, attending meetings as his time allows.

Motion: To accept the resignation of Raymond Ingalls as a Regular Member on the West Kennebunk Village Committee and send a letter thanking him for his service.

Moved: S. Schulte

Seconded: K. Neadeau

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

(2) **Appointments to the West Kennebunk Village Committee**

Baldwin additionally reported that, with the resignation of Mr. Ingalls, the West Kennebunk Village Committee has four vacancies to fill. S. Schulte questioned the different term lengths of the posts. M. Pardue recommended that the earliest applicant be considered for the longest term. The following community members (in order of the dates of the Town's receipt of their applications) were in attendance to affirm their interest in joining that Committee:

- Johnathan Malloy [application received September 2, 2020];
- Carly Traub [application received January 19, 2021].
- Rebecca Manikian [application received June 24, 2021]; and,
- Daniel Guay [application received August 13, 2021];

Support materials about each candidate were provided to Board members. Several motions were then entertained and passed.

Motion: To appoint Johnathan Malloy as a Regular Member on the West Kennebunk Village Committee for the remainder of a three-year term expiring on June 30, 2024.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

Motion: To appoint Carly Traub and Rebecca Manikian as Regular Members on the West Kennebunk Village Committee for the remainder of three-year terms expiring on June 30, 2023.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

Motion: To appoint Daniel Guay as a Regular Member on the West Kennebunk Village Committee to fill the remainder of Raymond Ingall's three-year term expiring on June 30, 2022.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

(3) **Appointment Consideration to the Budget Board**

The chair next reported that Mr. Chris Cluff had expressed interest in joining the Budget Board. Support materials about his background were provided to the Board. However, Mr. Cluff was unable to attend this meeting.

S. Schulte recommended that the Select Board consider a minimum length of time for an opening to be advertised. B. Baldwin observed that a plan or protocol to address such vacancies in a timelier manner might also be advisable.

Motion: To appoint Chris Cluff as a Regular Member on the Budget Board for the remainder of a three-year term expiring on June 30, 2023.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

c. **Community Development Advisory Committee**

The Chair next advised Select Board members that each community receiving Community Development Block Grant (CDBG) funds must form a Community Development Advisory Committee (CDAC) to oversee and guide the project through its planning and implementation stages. Said Committee is to be formally created and appointed by the community's governing body and will serve through the completion of the CDBG project. Town of Kennebunk staff members have recommended the appointments of the following individuals, identified as stakeholders, who have also confirmed their willingness to serve:

- **Janice Vance:** Member of the Town's Planning Board and Comprehensive Plan Committee. Has experience with both as well as projects and processes of municipal government;
- **Stephen Sayers:** Member of the Zoning Board of Appeals with extensive legal expertise and experience as well as experience with complaints and appeals;
- **Wayne Berry:** A local builder and developer with experience in affordable housing processes as well as landlord/tenant/housing issues;
- **Brittany Howard:** Kennebunk's Town Planner and staff liaison; and,
- **Karen Winton:** Kennebunk's Deputy Director of Community Development and staff liaison.

L. Pratt inquired whether positions on this Committee had been open to the public, and K. Winton responded that the program's State advisor had recommended the appointments of personnel with CDBG project experience. Winton also confirmed that the Committee will only last for the duration of the funded projects. L. Pratt nevertheless encouraged public engagement. K. Nedeau volunteered to be the Select Board liaison on the Committee if needed.

A motion was made to create the Committee and subsequently amended [before a vote] to add the Select Board liaison.

Motion: **Move to create a Community Development Advisory Committee for a duration of time to expire at the completion of the CDBG Special Projects and Housing Assistance project, to appoint the above named individuals to serve on said Committee, and to include a Select Board liaison person.**

Moved: S. Schulte

Seconded: W. Ward

Vote: **Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.**

d. **Tax Rate for Fiscal Year 2021-22**

The Chair next advised the Board that Assessor Dan Robinson had completed his valuation update and computation of the next mil rate. Baldwin noted that during the Select Board's Workshop of August 10, 2021, Finance Director J. Downs had provided an overview of the various components underlying the mil rate calculation. They include the RSU 21 assessment, York County assessment, Kennebunk's municipal assessment, the tax increment financing districts' revenue, and the overlay (up to 5% of the net commitment). The Town also receives State revenue sharing, homestead exemption and business equipment tax exemption (BETE) reimbursement funds which are deducted from the gross tax levy.

D. Robinson addressed the Board, stating that the mil rate for the next fiscal period will be \$14.25 per thousand. L. Pratt asked what the previous rate was, and Robinson responded \$14.15. There would only be a small increase.

J. Downs offered further comments about the Town's funding and explained State legislation ED-79. The Town of Kennebunk, he said, is meant to receive approximately \$1.6 million *more* funding from the State for schools, but that amount is subject to revision. Downs explained that such additional funding preliminarily moves into the school system's General Fund and would then be assigned to the Town of Kennebunk, per se.

"We're keeping our mill rate low," Downs said, "by using State revenue sharing." However, J. Downs cautioned that such inflows can shrink in future years and the Town may have to increase future mil rates more forcefully.

Motion: To set the tax rate for fiscal year 2021-22 at \$14.25.

Moved: S. Schulte

Seconded: W. Ward

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

e. Tax Due Dates and Interest Rate for Delinquent Taxes

The Chair then initiated a discussion of tax due dates and interest rates. Historically, tax due dates have been the first Friday in October and April. For FY2021-22, those dates are October 1, 2021 and April 1, 2022. However, the first day of the month is also one of the busiest days at Town Hall, Baldwin said, due to expired auto registrations. To reduce the number of people coming into Town Hall, Finance Director J. Downs recommended that the tax due date be extended one week to Friday, October 8, 2021 and Friday, April 8, 2022.

B. Baldwin also noted that the maximum interest rate permitted by state law to be charged on unpaid or delinquent taxes for the coming year ranges from 4% to 6%. Last year, the Town set the rate at the then maximum rate of 8%. A State statute allows towns to set the interest rate on tax overpayments to be no lower than four (4) percentage points under the interest rate charged on delinquent taxes. Therefore, the lowest rate on overpayments for FY2021-22 would be 0% to 2%. The Chair explained that interest on overpayments is generally not paid since any credit balances owed to taxpayers are refunded after the second payment due date.

Given these tax parameters, the Finance Director recommended a rate of 6% on unpaid balances past the tax due dates, and 2% on overpayments.

S. Schulte asked whether the Town usually sets the rate at maximum, and J. Downs responded in the affirmative. K. Nedeau asked if some segment of the community was harmed by the imposition of 6% penalty interest on delinquent taxes, and Downs responded that "collections are stronger than ever at almost 99%" so that tax delinquency is not a significant issue.

Motion: To set the Tax Due Dates for Fiscal Year 2021-22 at October 8, 2021 and April 8, 2022 with the interest rate on delinquent taxes at 6% and the interest on overpayments at 2%.

Moved: S. Schulte

Seconded: W. Ward

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

f. Consideration of a Zoning Boundary Change

The Chair offered an overview of a proposal for a zoning change. Mr. David Trottier, representing 8 Summer Street LLC, owns three properties in Kennebunk: (a) his original parcel at 8 Summer Street zoned "Upper Square"; (b) a triangular parcel (Map 46, Lot 40) behind 8 Summer Street which he recently purchased from the Town and which is zoned "Village Residential"; and (c) some back land he acquired from 10 Summer Street (Book 18447, Page 802) which is also zoned "Village Residential". Together, these properties are Map 49, Lots 40, 41 and a portion of 42.

Applicant seeks to have all three properties zoned "Upper Square" for consistency and residential density as he proposes to use the land to erect one or more apartment buildings.

C. Osterrieder explained that the Planning Board had held a public meeting on August 23, 2021 at which this application was discussed and approved. The Planning Board had voted 4 to 1 in favor of the request, he said, and had sent the application to the Select Board "with recommendation".

The Select Board, Baldwin said, must also decide whether to hold a public hearing on the proposal and, if the Select Board subsequently approves it, put the proposal on the agenda of the November Town Meeting for public consideration and vote.

The chair invited public comments and questions. E. Karytko asked for an explanation of the differences between "Upper Square" and "Village Residential" zoning, and C. Osterrieder cited the main differences, noting in particular that "Upper Square" zoning permits more residential density and, hence, the right of owners to build more apartment space per square foot of property.

E. Karytko also inquired whether more apartment development on the properties in question would impact Portland Road. C. Osterrieder responded that no significant impact was likely.

Motion: To schedule a Public Hearing on September 14, 2021 to receive public comments on the proposed zoning boundary change cited above.

Moved: S. Schulte

Seconded: W. Ward

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

g. Consideration of Road Acceptance [Longfellow Lane]

The Chair next introduced the topic of road acceptance of Longfellow Lane. He stated that Patco Construction, Inc. had developed a subdivision which had been reviewed and approved by the Kennebunk Planning Board on March 5, 2018 in accordance with Kennebunk's Land Use Ordinance as well as the Street Design and Construction Ordinance. The developer has presented the requisite materials outlined in Section 8.4.2 of the Street Design and Construction Ordinance for the Town's acceptance of "Longfellow Lane" in the Poet's Glen subdivision. The road, Baldwin said, is located off Ross Road.

The road was inspected by the Town Engineer during construction and was determined to be in compliance with the standards set forth in the Ordinance, All necessary information has been submitted. In order to proceed, the Chair said, the Select Board must determine its willingness to schedule a public hearing on the matter and, if the Select Board then approves the application after the public hearing, bring the request to the public for consideration and vote at Kennebunk's November Town Meeting.

E. Karytko spoke again, urging the Board to establish a general policy on the creation of new roads. New roads, he said, inflate Town costs. B. Baldwin responded that the Town's Comprehensive Plan will address road creation and expansion. C. Osterrieder added that this particular development is in the "Growth Area", but it is ultimately up to Kennebunk's voters to decide on the merits of this proposal.

Motion: To schedule a Public Hearing for September 14, 2021 to receive public comments on the road acceptance request for Longfellow Lane.

Moved: S. Schulte

Seconded: W. Ward

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

8. Old Business

There was none.

9. New Business

a. Remote Meeting and Participation Policy

The Chair next advised the Board that Governor Janet Mills approved S.P. 40-L.D. 32 ["An Act Regarding Remote Participation in Public Proceedings"] on June 21, 2021. Members were told how to obtain a digital copy of the law. The Board, Baldwin said, should discuss this legislation and consider the "first-cut" draft policy based on it, which has been prepared by the Town Attorney for use by the Town of Kennebunk and Select Board in conducting remote meetings.

The Chair noted that before this draft policy or an amended version of it can be approved, the Select Board must solicit public comment via a public hearing.

Robust discussion ensued. M. Pardue stated that Town IT specialists were looking into the possibility of conducting "hybrid" in-person/remote meetings, enabling the public to participate in person or via an Internet platform such as "Zoom". The idea is to attract public participation as well as satisfy the guidelines set forth by S.P.40-L.D. 32. . However, each board and committee would establish its own policy.

S. Schulte asked if a municipality has to declare an emergency in order to "stay remote", and members agreed that further guidance was needed from the Town Attorney.

L. Pratt asked if hybrid meetings would only take place if a Select Board member is unable to attend in person, and M. Pardue responded that the statute states that a Select Board can elect to conduct an in-person and Zoom meeting concomitantly.

B. Baldwin noted that the draft policy which the Board is considering permits extensive flexibility but needs the Board's careful review. L. Pratt observed that people with stay-at-home needs such as child care should be able to participate.

S. Schulte urged fellow Board members to "push the envelope" for remote participation within the parameters of the new statute. M. Pardue agreed to contact Natalie Burns, the Town Attorney, for further guidance about when and in what ways to conduct meetings remotely.

Motion: To schedule a Public Hearing for September 14, 2021 to receive public comments on the policy for participation in remote public meetings.

Moved: S. Schulte

Seconded: W. Ward

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

b. Roles and Responsibilities of Boards and Committees

L. Pratt highlighted a number of topics which she encouraged the Board to consider when looking at the array of committees and boards serving the Town and the scope of their roles and responsibilities. Among others, she cited Select Board liaison roles, the need to streamline the number of committees, term limits for committee participants, and consideration of some waiting period between committee roles.

An animated discussion of committees and boards ensued. K. Nedeau suggested that committees and boards should be re-focused so they address “how”, not “no”. S. Schulte observed that the Select Board should set “bigger picture” priorities, creating committees to achieve specific end goals. B. Baldwin agreed that the Select Board should set direction. W. Ward said any appraisal of boards and committees had to distinguish between binding and non-binding entities.

The public was invited to comment. June Huston highlighted the evolution of different Town committees, describing them as groupings of “passionate people willing to help advance priorities set by the Town’s senior officials”. Committees, she said, are volunteer groups which are not simply “assigned tasks”. They contribute new ideas, identify options, and recommend solutions, she said.

Nick Branchina voiced frustration that committees formulate plans and recommendations which are often discarded or not enacted. E. Karytko read a dictionary definition of the word “committee”.

L. Pratt recommended that a task force, workshop or committee be formed comprising only a small team of participants to take up the topic. She agreed to come back in two weeks with a specific proposal.

c. Strategic Planning

B. Baldwin next gave a slide presentation on the status of the Board’s strategic planning initiative. The basic premise, he said, is to identify the future desired by the Town and the resources needed to achieve it. Baldwin highlighted the “SWOT Analysis” that has been done, noting the strengths, weaknesses, opportunities, and threats which had been identified. These initial findings, he said, were then put into an “Eisenhower Decision Matrix”, distinguishing between actions and issues to do first, do later, delegate, or eliminate.

The resultant outcomes were further distilled into a number of short-term and long-term “next steps”. The Town, Baldwin said, is now poised to craft a fuller, more detailed strategic plan, but should do so with the help of an experienced strategic planner. The chair also envisioned the final plan incorporating feedback from the Town’s recent “Opinion Survey”.

S. Schulte concurred with the idea of retaining a professional specialist to further define and refine the Town’s strategic priorities. W. Ward endorsed the idea of bringing in planning expertise, deeming the strategic planning exercise to be “an important framework and compass”. However, public commentators E. Karytko saw no value in spending more money on a consultant, and N. Branchina said the Board should look first at the Comprehensive Plan being finalized.

Without a motion or vote, all Board members agreed that B. Baldwin and M. Pardue should identify potential firms specialized in strategic planning and report back to the Board by the end of September. The RFPs for the services of such firms are to replicate ones used by other communities.

- d. **Other New Business** - There was none.

10. Select Board Comments

- a. **Subcommittee Reports:**

F. Paul reported that the Ordinance Subcommittee met last week to review and draft amendments to the fireworks ordinance. The subcommittee also discussed issues regarding beach-area parking. Recommendations will be brought to the full Board for further consideration.

- b. **Comments of Individual Select Board Members**

Baldwin: Eulogized Sharon Staz, citing her activism, attendance at meetings, helpful guidance, and passionate concern about the Town. Proposed to finalize the LED street light project in Sharon's memory.

Nedeau: Public feedback about speeding is on the rise. Also suggested organizing a "job fair" to help businesses in the community find employees.

Paul: No comment.

Pratt: The Chamber of Commerce electric charging station is being named after Sharon Staz.

Schulte: Described Sharon Staz as a "force of nature" who will be greatly missed.

Ward: Thanked the Town's staff for their continued good work and support.

11. Town Manager Announcements

- a. **Select Board Workshop:** A presentation on the Public Services Facilities Concept Plan will be made by Sebago Technics on September 1, 2021 at 6:30pm at Town Hall.
- b. **Fireworks:** The fireworks display, postponed in July, is rescheduled for September 5, 2021 at dusk. The display will be launched from Narragansett Point.
- c. **Select Board Regular Meetings:** Beginning in September, the Select Board's regular meetings will resume on the 2nd and 4th Tuesdays of each month. The next meetings will be September 14, 2021 and September 28, 2021.
- d. **Economic Development Specialist:** The Town is actively seeking qualified candidates for this position.
- e. **LED Project:** The LED Project's RFQ has been posted and responses are due by September 20, 2021.

12. Adjournment

Board members having no additional comments or topics for discussion, the presiding officer adjourned the meeting at 10:21pm.

Motion: To adjourn the meeting

Moved: S. Schulte

Seconded: W. Ward

Vote: Show-of-hands vote. 6 votes in favor, 0 opposed, 1 absent [Carpenter]; the motion passed.

Respectfully submitted by J. Schlagheck, Recording Clerk

Adopted by the Board in the meeting of 9/14/21

DATE OF MEETING

Signed by
Select Board Member:

L. Blake Baloni

SIGNATURE

L. BLAKE BALONI

NAME IN PRINT