

Town of Kennebunkport
Board of Selectmen Meeting
June 22, 2023
5:00 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 5:00 PM.

2. Executive Session per MRSA 1, §405-6E to consult with the Town Attorney concerning pending or contemplated litigation.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to enter Executive Session per MRSA 1, §405-6E to consult with the Town Attorney concerning pending or contemplated litigation. **Voted: 5-0. Motion passed.**

The Selectmen moved to the lounge for the Executive Session, which lasted for 55 minutes.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to leave Executive Session. **Voted: 5-0. Motion passed.**

3. Approve the June 8, 2023, selectmen meeting minutes.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to approve the June 8, 2023, 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.)

Lorrie Oulette expressed her concerns about the tone of voice and behavior of Selectmen in the previous meeting. She also asked when the public would be able to access the new boat ramp. Selectman Dykstra responded that the property closing is due to happen in late July. He also informed all that the Town is working to have software developed that will schedule and manage the use of the ramp.

Robin Phillips questioned the amounts that were approved for the planning of a new Town Hall on the Village Parcel property and asked if there is a plan for the new building. Town Manager Laurie Smith replied that she didn't recall the specific amount off the top of her head, but that the architect is developing a plan for the new Town Hall that will be presented in the July 13th Board of Selectmen's meeting. Robin also asked about the timing of a referendum regarding the building construction. Laurie responded that the intention has been for a referendum vote on the November 2023 ballot, but that the Selectmen haven't seen the plan yet. We'll know more about timing once they've had the opportunity to provide their feedback at the July 13th meeting.

No motion was necessary. No action was taken.

5. Update on Goose Rocks Beach access issue.

Town Attorney Amy Tchao reported that the attorneys and three parties involved (two beachfront owners and backlot owners with easements) have been working together diligently to come up with a final, long-standing agreement regarding the replacement and maintenance of the stairs over the seawall to the beach that was washed away in the December 2022 storm. They are also working towards a temporary solution with the cooperation of the Town regarding permitting so that the backlot owners will have access to the beach this season.

No motion was necessary. No action was taken.

6. Request for Picavet funds from the Police Department for duty weapon replacement.

Police Chief Sanford informed the board that the police officers need to replace the sidearms they carry on a daily basis. He would like to use Picavet funds to do so in order to save the taxpayers the need to pay this expense. The lowest bid was approximately \$23,000, but the Chief would like to request \$25,000 because the timing of the order could affect the prices.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to authorize up to \$25,000 of Picavet funds for duty weapon replacement by Parro's Gun Shop of Vermont. **Voted: 5-0. Motion passed.**

7. Consider a proposal by Camoin Associates to study the development of Village Parcel.

Laurie Smith described the work to date that has been done regarding Village Parcel development, noting that efforts were slowed considerably by the COVID-19 pandemic. Though this was done in the past, she continued that we need to get the current detailed survey on how the public would like to see the site developed. We also need to look into current financing options. We spoke with Camoin Associates, who put together a proposal to investigate these options. The project would take approximately six months and cost \$41,790. There's about \$102,000 remaining in the Village Parcel account.

Acorn Engineering would also need to update the cost of infrastructure as part of this analysis. She is asking if the Board would like to move forward with this project.

Director of Planning and Development, Werner Gilliam, spoke to the issue of form-based code. He will be working with Acorn regarding two elements: getting updated infrastructure costs to develop the “first third” of the parcel and a proposal from Acorn to look at the remainder of the parcel, which involves the connector street between North Street and School Street.

Selectman Dykstra commented that he hoped Camoin’s efforts would include meetings with members of the public and not just a survey. Laurie responded that outreach to the public had already been done as part of the visioning process a few years ago, and the current proposal did not include that type of public engagement though that could be scoped in for an additional cost.

Selectman Gilbert stated that she would like to see the Board look at the baseline financials for the development of the parcels in four “buckets”: current carrying cost for keeping the parcel as is, opportunity cost (what would the Town get for the parcel if sold in the current market), Phase 1 completion of a new Town Hall with the remainder of that phase unchanged as a carrying cost, and Phase 1 completion of a new Town Hall with the remainder of that phase being sold either to private developers or to the Kennebunkport Conservation Trust. She feels that these possibilities could be worked through by the Board without the need for external consultants.

Selectman Weston commented that he had been to 10–15 meetings where issues that Selectman Gilbert brought up had been discussed. While we don’t know what the best mix of housing types might be, the issue of density was at the forefront. Affordable housing cannot be implemented with large lot sizes. This brought up the method of form-based housing. When it comes to the financials, he feels that he is not qualified to do this, so he and Laurie have met with Camoin to work out a financial analysis of various options. Selectman Gilbert responded that she supported Camoin’s work but would also like the financial analysis as another work stream.

Werner explained there is a difference in what a property is zoned for (uses) and what type of development for which it was approved. This property is in two zones – village residential and free enterprise. Village residential is more restrictive. This property went through an extensive Planning Board and permitting process proposing duplexes in a condominium form of ownership. The developer initially proposed more clustered housing with a smaller footprint that less affected the surrounding area, but that proposal did not pass with the voters. The use of the property was to be residential. In order to offset wetland impacts by road infrastructure and development, The Army Corps of Engineers and Maine DEP required an offset purchase of additional land.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to authorize up to \$50,000 from the Village Parcel fund to pay Camoin Associates for the study. Discussion ensued.

Robin Phillips said the first meeting was not well attended and felt that in the second meeting that was well attended, there wasn't a lot of support for the plan. Chairman Weston responded that we had some well-attended meetings, some of which included consultants. While there certainly were members of the public who did not support the plan, the majority did support it, as evidenced by the vote. Robin expressed her concern that public input is being bypassed, reading a statement from Camoin stating that they felt a repeat engagement with the public was unnecessary. She also felt that the special town meeting in which the voters approved the Village Parcel purchase was rushed, and the small number of attendees was not representative of the Town overall.

Melinda Anderson via Zoom stated that she is in favor of holding on bringing in a consultant, saying that consultants were brought in for the Comprehensive Plan and that it failed. She thinks we should instead use the money to send out a mailing to all town residents to get their input on moving forward with Village Parcel development and holding the property. She feels the process should be slowed down.

Werner commented on the Comprehensive Plan. He informed everyone that the Town submitted the plan in a timely fashion. But there is only one staff person at the State to review Comprehensive Plans submitted by communities, and they went far past their approval deadline. The Town then made the decision to put the Plan before the voters, as there was no estimate of when the State would respond. Subsequently, the Town received notice that the plan was not consistent and what the corrections would need to be. He stressed that these items were minor and that he plans to put them before the voters in November.

Voted: 3-1-1, with Selectman Dykstra abstaining. He suggested that the financial concerns brought up by Selectman Gilbert be included in the analysis if that did not cost an additional amount. **Motion passed.**

8. Authorization to grant an easement to St. Ann's Episcopal Church for the sea wall project.

Laurie informed the Board that they had agreed to the easement language, and it had been approved by the voters. Now that the Board has been granted the power to do so, it needs to sign off on the easement.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to approve the easement language proposed by the Town Attorney as read by Laurie. **Voted:** 5-0. **Motion passed.**

9. Annual board/committee appointments.

Laurie informed the board that they have two lists – reappointments and new appointments. The Board agreed to approve each as a slate.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve all committee reappointments. **Voted:** 5-0. **Motion passed.**

Chairman Weston then read the new committee appointments.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to approve the new committee appointments. **Voted:** 5-0. **Motion passed.**

10. **Accept a \$200 donation from Ed Briggs, where \$100.00 is dedicated towards the Fire Department, and \$100.00 is dedicated towards the Police Department and should be used for safety purposes.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept a \$200 donation from Ed Briggs, where \$100.00 is dedicated towards the Fire Department, and \$100.00 is dedicated towards the Police Department and should be used for safety purposes. **Voted:** 5-0. **Motion passed.**

11. **Accept a \$500.00 donation from Alisson's Restaurant to the general needs account.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept a \$500.00 donation from Alisson's Restaurant to the general needs account. **Voted:** 5-0. **Motion passed.**

12. Other Business.

Selectman Gilbert asked when the Board could start discussions regarding long-term strategies for consolidating core Town services to help bring costs down. She stressed that this would be part of the strategy process for future years – not 2024 or even 2025, but for future years. Laurie added that Selectman Gilbert's question was one of process. Should the Selectman have a subcommittee or establish a separate committee? The Board agreed that they would create a document for discussion at the next committee.

Selectman Dykstra informed the Board that now we have voter approval for the boat launch, we need to have a way to manage it to minimize the impact on residents and businesses on Langsford Road. We looked at several ways to do this with software, accounting for tides and water depth, daylight, and other factors. We found no "off the shelf" software that would do all that we needed it to in a satisfactory fashion, so he proposed that we purchase custom software to be developed from scratch by Pine Tree for a cost of \$10,000, with the subsequent annual maintenance cost of \$2,500.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, authorizing the Town Manager to sign a contract with Pine Tree to create and host the boat launch software for an initial cost of \$10,000, with the subsequent annual maintenance cost of \$2,500 to be funded by the Selectmen's Contingency Funds. **Voted:** 5-0. **Motion passed.**

Laurie asked the Director of Public Works, Chris Simeoni, to update the board on three projects:

The Causeway Project – The Army Corps of Engineers still has not assigned a project manager. But Woodward and Curran should provide a final design plan and cost estimate by June 30. Through August 30, we will be getting work licenses from the neighbors. July 15 is the date we will put the project up for bid and will be opening the bids on August 15. We hope to start construction on October 15, with substantial completion of the project (binder pavement installed) by May 31, 2024. He stipulated that we could put the project out to bid without Army Corps approval, but we cannot start construction until we have their approval.

Colony Beach – Chris is working with Maine DEP to get a permit by rule. However, as the Town does not own the entire beach (the Federal Government owns most of it, and the Colony Hotel owns a portion), Maine DEP is requesting authorization in writing from the Army Corps of Engineers to give the Town permission to do the work.

Wildes District Road – the shouldering of the road has started with work on drainage corrections proceeding this summer.

Laurie informed the Board that regarding Cape Porpoise Pier, we are awaiting both DEP and Army Corps permits. Once again, this is a staffing issue at both of those agencies. The Maine Economic Development Agency (EDA) that is funding the project requires the permits in hand before they will review, and they require six weeks for their review. If the permits come in the timeframe that they should, we could possibly put the project out to bid and be in construction by Thanksgiving.

Laurie added that closing for the purchase of the Langsford Road boat ramp property should happen on July 24th.

13. Approve the June 22, 2023, Treasurer's Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the June 22, 2023, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

14. Adjournment.

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

The meeting adjourned at 7:26 PM.

Submitted by,
Dave Powell,
Technology Specialist