

In-person or Remote Meeting?

Pursuant to a vote of the Select Board on 5/10/22, the Select Board will hold their meetings (in-person or by remote means) when the Maine CDC indicates that the COVID-19 community level of transmission for York County is:

- low (green) = **in-person meeting**
- medium (yellow) or high (red) = **remote meeting**

**TOWN OF KENNEBUNK
SELECT BOARD
TUESDAY, JULY 12, 2022 – 6:30 P.M.
TOWN HALL – 3RD FLOOR, ROOM 301
REGULAR MEETING AGENDA**

This is a televised Meeting.

View meeting in person, Cable TV Channel 5 or online anytime at www.townhallstreams.com.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE
2. CONSIDERATION/APPROVAL OF MINUTES
 - a. Regular Meeting of June 28, 2022 [View draft minutes \(PDF\)](#)
MOTION: To approve the minutes of the Regular Meeting of June 28, 2022.
 - b. Special Meeting of June 29, 2022 [View draft minutes \(PDF\)](#)
MOTION: To approve the minutes of the Special Meeting of June 29, 2022.
3. ITEMS TO BE SIGNED
4. PUBLIC HEARINGS
 - a. Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comment on the following:

An application for a Victualer License for Tom’s Original Street Food and Catering d/b/a Trail Dogs located at 173 Port Road

Town Manager’s Note (not part of the public hearing notice):
MOTION: To approve the Victualer License application for Tom’s Original Street Food and Catering d/b/a Trail Dogs located at 173 Port Road.
 - b. Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comment on the following:

An application for a Victualer License for Kyick Charters d/b/a The Spirit Restaurant Food Truck located at 4 Harbor Lane

Town Manager’s Note (not part of the public hearing notice):
MOTION: To approve the Victualer License application for Kyick Charters d/b/a The Spirit Restaurant Food Truck located at 4 Harbor Lane.

- c. Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comment on the following:

An application for a Victualer License for Live Café LLC d/b/a Live Pizza located at 169 Port Road

Town Manager's Note (not part of the public hearing notice):

MOTION: To approve the Victualer License application for Live Café LLC d/b/a Live Pizza located at 169 Port Road.

- d. Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comment on the following:

An application for a Victualer License for Maxim's Desserts LLC d/b/a Maxim's Desserts located at 173 Port Road

Town Manager's Note (not part of the public hearing notice):

MOTION: To approve the Victualer License application for Maxim's Desserts LLC d/b/a Maxim's Desserts located at 173 Port Road.

5. PUBLIC COMMENTS

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

- a. **Take up the Election of the 2022-23 Select Board Officers** – Each year, at the first meeting in July (per the Charter), the Board elects its new officers for the coming year.

MOTION: To elect _____ as the Chair.

MOTION: To elect _____ as the Vice Chair.

MOTION: To elect _____ as the Secretary.

- b. **Review the Select Board Code of Ethics** – Included in the supporting material below is the Board's Code of Ethics for your review and signatures. The only change to the document was to Board member names.

[Please refer to supporting material – Code of Ethics \(PDF\)](#)

MOTION: To sign and adhere to the Select Board Code of Ethics.

- c. **Accept a Donation** – The Town recently received a donation of \$500 from the Mousam Lodge 26 I.O.O.F for the Police Department.

MOTION: To accept the donation listed above and a send letter thanking them for their generous donation.

- d. **Discuss Boards and Committees (resignations/appointments)**

1. **Accept a Committee Resignation** – Due to her election to the Select Board at the June 14th Annual Town Meeting, Miriam Whitehouse is resigning her position as a member of the Lower Village Committee. She will be vacating a Regular member position that expires in 2024.

MOTION: To accept the resignation of Miriam Whitehouse from the Lower Village Committee and send a letter thanking her for her service.

2. **Move Up Alternate** – William Guay, Lower Village Committee

The only Alternate on the Lower Village Committee, William Guay, can be moved up to fill the Regular member position created by the resignation of Miriam Whitehouse. This appointment would fill the remainder of the three-year term, which expires in 2024.

MOTION: To appoint William Guay as a Regular member on the Lower Village Committee with a term expiring in 2024.

3. **Appointment Consideration to Town Committee** – The following resident has been invited to attend Tuesday's meeting to discuss their interest in joining the Conservation Commission:

Mark Kerr Conservation Commission Vacancies: (2) Alternate members (2023)
[View supporting documentation \(PDF\)](#)

MOTION: To appoint Mark Kerr as an Alternate member on the Conservation Commission for the remainder of a one-year term that expires on June 30, 2023.

- e. **Hear a Department Overview** – In an ongoing series of Department updates, the Board will hear a financial update from Finance Director Joel Downs. In addition, he will provide a brief overview of significant accomplishments within his department during the past fiscal year and offer select goals and objectives he will be working toward over the next several months.

8. OLD BUSINESS

9. NEW BUSINESS

- a. **Create a Climate Action Plan Task Force** – In March of this year, the Town of Kennebunk, along with Kennebunkport, Kittery and Biddeford, jointly applied with Southern Maine Planning and Development Commission (SMPDC) as a four community regional cohort to collectively seek to share resources and experiences in developing community specific Climate Action Plans. On April 22, 2022, the Governor's office announced that the proposal was among those selected for funding and work has been underway to identify a public engagement consultant to coordinate with the four communities as we enter into the planning process of developing our Climate Action Plan (CAP).

A component of this project is to create a Task Force whose purpose is to serve as the community lead for the CAP process and plan development. Task Force members will work together with the public engagement consultant to involve the community and garner support, provide input on the selection of adaptation and mitigation measures, develop goals for the Town's Climate Action Plan and serve as a liaison to Kennebunk's Select Board throughout this process. Staff has identified the following stakeholders for the Select Board's consideration:

1. Staff (2)
 - a. Chris Osterrieder, Director of Community Development
 - b. Bryan Laverriere, Director of Public Services
2. Elected Official (1)
 - a. Select Board member (TBD)
3. Internal and External Partners/Stakeholder Representatives (6)
 - a. Conservation Commission Representative
 - b. Planning Board Representative
 - c. Energy Efficiency Advisory Committee Representative
 - d. RSU 21 Representative
 - e. Member of the public
 - f. Member of the public

If the Board wishes, they may create this Task Force with the above representatives and stakeholders, with a Select Board member identified at this meeting. Staff will reach out to the existing committees to identify a representative participant and will advertise the two seats identified for members of the public with the following considerations. Letters of interest and applications will be presented to the Board at the August 16th meeting for appointment.

- What skills/resources/experience do you have that will contribute to this process?
- Do you have a connection with the community, specifically marginalized/historically excluded populations, that will benefit the work of the Task Force?
- Why do you feel it is important for the Town to develop a Climate Action Plan?

MOTION: To create the Climate Action Plan Task Force, with the above named staff and stakeholder positions, and to solicit participants identified to be appointed on August 16th.

In the event you select a Select Board representative at this meeting, the following motion is provided:

MOTION: To appoint Select Board member _____ to the Climate Action Plan Task Force.

- b. **Discuss Select Board Liaisons to Committees** – The referenced spreadsheet linked below lists the various Town committees that may include Select Board Liaisons. Board members should review the list and indicate the committees they are interested in working with. Board members are requested to volunteer for committees they expect to be able to attend on a quarterly or as-needed basis.

Board member Lisa Pratt has requested that the Board consider appointing liaisons only to non-binding committees. The purpose of this suggestion is to allow Board members time to focus on pressing matters such as the Charter review and Town Manager search.

Please give advance consideration to your preferences so as to streamline this agenda item, should you wish to make final selections during this meeting.

[Please refer to supporting material – Committee Liaisons and Subcommittees \(PDF\)](#)

No motion needed.

- c. **Discuss Select Board Subcommittee Assignments** – The subcommittees are shown on the referenced Committee Liaisons and Subcommittees below. Subcommittees have no more than three members, and meet as necessary. Please give advance consideration to your preferences, should you wish to make final selections during this meeting.

[Please refer to supporting material – Committee Liaisons and Subcommittees \(PDF\)](#)

No motion needed.

- d. **Election of MMA’s 2022-2024 Legislative Policy Committee** – MMA’s member municipalities have made their nominations for the July 1, 2022 – June 30, 2024 Legislative Policy Committee. Last month, as you will recall, the Board nominated William Ward, Jr. to represent Kennebunk in District 34. For your review, below we have linked the memo from MMA as well as the ballot and candidate biography. The deadline for the Town to return our ballot is August 11th.

[Please refer to supporting material – MMA Legislative Policy Committee Ballot and Info \(PDF\)](#)

Our district may **vote for two candidates**. You will notice there are three names on the ballot as well as a place for a write-in.

The names are:

- William Ward, Jr., Select Board Member, Town of Kennebunk
- Laurie Smith, Town Manager, Town of Kennebunkport
- Dwayne Morin, Town Manager, Town of North Berwick

After voting, a majority of the Board can sign the Ballot or the Board can designate the Town Manager to sign on their behalf.

MOTION: To vote for William Ward, Jr. and _____ to represent District 34 on MMA's Legislative Policy Committee.

MOTION: To authorize the Town Manager to sign the ballot on the Board's behalf.

e. **Discuss Any Other Business of the Board**

10. SELECT BOARD COMMENTS

- a. **Subcommittee Reports**
- b. **Board Liaison Reports**
- c. **Individual Select Board Member Comments**

11. TOWN MANAGER ANNOUNCEMENTS

- a. **Upcoming Select Board Meetings** – (Remainder of Summer Schedule)
 - Tuesday, August 16 at 6:30 p.m. – Regular meeting
 - Tuesday, August 30 at 6:30 p.m. – Regular meeting
 - Special meetings will be scheduled if needed
- b. **Update on the Status of the Proposed Newsletter**
- c. **Public Input Sought in Town Manager Recruitment Process** – The Board recently selected Strategic Government Resources (SGR) to lead the executive recruitment effort for the position of Town Manager. Mark McDaniel of SGR is serving as the lead consultant in this initiative and is seeking public input on the characteristics, skills, knowledge and abilities desired in Kennebunk's next Town Manager. People wishing to share their input may offer their comments to Mr. McDaniel by emailing him at: markmcdaniel@governmentresource.com. Please provide your name, address, phone number and email address as part of your correspondence. **Emails should be submitted no later than July 18, 2022.**

On Thursday, July 14th at 6:00 p.m., SGR will be hosting a virtual community forum to solicit citizen input on the characteristics, skills, knowledge and abilities desired in the next Town Manager. Attorney Durward Parkinson will serve as Moderator of this event. Please check the Town's website early next week for the Zoom link allowing participation in the remote event.
- d. **Kennebunk Police Department will host a National Night Out on August 2nd** from 5:00-8:00 p.m. at the Waterhouse Center. Join us for a night of music, games, food, raffles and fun! All proceeds will benefit Special Olympics of Maine. National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community aimed to strengthen police and community partnerships. FMI, visit www.kennebunkmaine.us/civicalerts.aspx
- e. **Committee Volunteer Appreciation Night Event** – tentatively set for 5:00 p.m. on Thursday, August 25.

12. EXECUTIVE SESSION

- a. **Discuss Economic Development Matter(s)** with the Town Manager, Finance Director and Community Development Director where premature disclosure of the information would prejudice the competitive or bargaining position of the Town. 1 M.R.S.A. Sec. 405(6)(C).

MOTION: To enter into executive session, with the Town Manager, Finance Director and Community Development Director, pursuant to 1 M.R.S.A. Sec. 405(6)(C), to discuss economic development matter(s) where premature disclosure of the information would prejudice the competitive or bargaining position of the Town.

- b. **Discuss with the Town's Negotiators the Status of the Ongoing Negotiations of Labor Contracts** between the Town of Kennebunk and Teamsters Local Union No. 340 for the Kennebunk Public Services Department. 1 M.R.S.A. Sec. 405(6)(D).

MOTION: To enter into executive session, with the Town Manager and Finance Director, pursuant to 1 M.R.S.A. Sec. 405(6)(D) for the purpose of discussing with the Town's negotiators the status of the ongoing negotiation of labor contracts between the Town of Kennebunk and Teamsters Local Union No. 340 for the Kennebunk Public Services Department.

Upon exiting the executive session, the Board may:

- Discuss and/or vote on matter(s) considered in the above executive session
or
- Have nothing to report

13. ADJOURNMENT