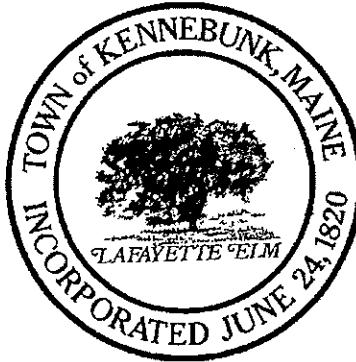


Town of Kennebunk, Maine



Charter Commission MEETING MINUTES

Wednesday, February 22, 2023

In-person meeting, Town Hall, 3rd Floor, 1 Summer Street, Kennebunk

This meeting was held in person and televised on Cable TV Channel 5.
It is available for public viewing at TownHallStreams.com.

Chairman Christian Babcock called the meeting to order at 6:30pm.

1. Roll Call

Secretary Janice Vance called roll:

- Present: Susan Bloomfield, Janice Vance (Secretary), Brenda Robinson, Richard Smith (Vice-Chair), Ted Trainer, Stephen Sayers, and Christian Babcock (Chair)
- Also present: Merton Brown, Town Clerk; Natalie Burns, Town Attorney; Heather Balsler, Town Manager
- Absent: Christopher Cluff, Christopher Babbidge

2. Public Hearing

Adopt the Select Board Remote Meeting Policy for Charter Commission:

J. Vance asked to clarify that the policy being voted upon was indeed the policy emailed to Commission members earlier in the week. C. Babcock confirmed it was, and after soliciting additional member comments, opened the floor to the public for comments. Seeing none, he closed the hearing and moved to adopt the policy. The motion was seconded by T. Trainer. The vote to adopt was unanimous (7/0; two absent).

3. Old Business

Approval of Meeting Minutes:

C. Babcock moved to approve the minutes for January 11, 2023; January 21, 2023 (public meeting), and February 8, 2023, as written. The motion was seconded by B. Robinson. The vote to approve was unanimous (7/0/two absent). Members discussed how best to receive minutes for review earlier in the process, with recognition the Committee is still establishing procedures. J. Vance will continue preparing minutes in the absence of a recording secretary. *Action item: C. Babcock will forward draft copies as soon as available via email to members.* Fall-back: Draft minutes will be posted to the Town website in the meeting notice for approval at the meeting.

Review of Action Items

B. Robinson previously prepared a list of action items, which C. Babcock briefly covered, asking for volunteers to undertake specific activities:

- Set up meeting with Lower Village Committee: *J. Vance*
- Set up meeting with West Kennebunk Committee: *B. Robinson*
- Create draft of survey questions to be used to gain resident input outside of Commission meetings as well as in discussions with individual committees: *S. Bloomfield, B. Robinson.*
- Begin drafting changes to charter language currently used to address recalls of elected officials and boilerplate-type sections: *S. Sayers*
- Process: *Items for review will be circulated out to members via email as completed, for review and discussion at next meeting*

Discuss Legal Representation RFP

T. Trainer asked for clarification on whether members had indeed voted to move forward, and C. Babcock confirmed that the Committee is holding on this for now. N. Burns will continue to advise the Committee.

4. New Business

Adopt Charter Commission Bylaws

B. Robinson had drafted, for review, a copy using the template in the town-provided Committee Handbook. T. Trainer asked whether all town committees have by-laws, if by-laws are required, and if the guidelines for creating them were standard. N. Burns explained that they are not required for non-binding boards, and some by-laws currently in place go back a number of years and possibly follow older guidelines. C. Babcock opened the floor for public comment on the bylaws. Seeing none, he closed the public hearing. *Action item: B. Robinson will work with N. Burns on the draft to ensure language is compliant with State law, and present a new draft for review at the next Committee meeting.*

Other Town Charter Research Sharing

T. Trainer reviewed Lyman and Gorham:

- Lyman has a population of 4500 and its charter is 30 pages long with very detailed procedures. It has a Town Meeting/Select Board/Town Manager form of government. Differences from Kennebunk include: Good set of definitions. There is a Fair Hearing Board of 3 members to hear and resolve any complaints regarding due process for disputed items regarding general assistance. B. Robinson noted that Kennebunk does have such a committee but it hasn't met in several years.
- Gorham has a Town Council/Town Manager form of government. Town Council appoints most town positions. Has a Department of Education (not a "school board"). Budget created by Town Council. The only capital items sent to voters are expenditures in excess of \$500,000. No information pertaining to recalls of officials.

Resident Barbara Fleshman asked if Kennebunkport had already addressed the recall process, and wondered why the three RSU 21 towns were not working together on this. N. Burns explained that Kennebunkport does not have a charter so the recall provision is a town ordinance. Arundel has a charter that states school board members cannot be recalled. Because each town elects its own school board members, different policies could absolutely be applied. R. Smith agreed and said each school representative is town-specific. B. Robinson noted that our charter currently does not reference RSU 21, and asked how members wished to deal with it. C. Babcock mentioned that other states' budgets treat school systems separately from town budgets, and cited that elections to approve them are held months apart from each other. R. Smith said in a sense we are the same, because voters approve the school budget separately from the town budget at the annual meeting in June.

J. Vance reviewed Kittery and York:

- Kittery mandates an ongoing training program for Select Board members, and JV felt this idea could be applied to all boards and committees to ensure members are up to date on subject matter as well as expected duties and responsibilities. Kittery's stated criteria for appointing committee members is "education, training and experience, related experiences, any potential for conflict of interest, attendance (for re-appointments)." The town designates which boards are "primary boards" (members can only be on one): Board of Appeals, Board of Assessment Review, Capital Improvement Program, Conservation Commission, Parks Commission, Planning Board, and Port Authority. The Comprehensive Plan Committee is not ad hoc; it has to meet regularly and report annually on what goals and strategies have been completed in the previous 12 months. J. Vance liked that Kittery has a Land Issues Committee "to develop, review, and advise on proposed land use ordinance and land use ordinance revisions that impact the utilization, development, and preservation of land, and coordinate the respective organizational interests to implement the policies and strategies" which consists of one representative from "Town Council, Planning Board, Board of Appeals, Parks Commission, Economic Development Committee, Conservation Commission, Kittery Land Trust; and two citizen members." She felt that possibly implementing such a committee in Kennebunk could help with feedback members have received that committees often operate within a "silo" as B. Robinson defined it. S. Bloomfield said she felt the Conservation Commission would benefit from participation in such a configuration.

- In York the PB is required to meet with the SB 4X a year to go through current and upcoming projects. Its charter has a nice detail of board responsibilities - but only lists the "primary boards." It also has a good description of what constitutes forfeiture of duties, conflicts of interest and prohibited activities, and we might want to look at these for potential recall language. York has a clear description of how ordinances can be proposed and put into effect, as well as a "reconsideration" of ordinances. Recall procedures in both York and Kittery were very similar to Kennebunk. Need to do a duty-by-duty comparison between Kittery's Town Council and York's Select Board to see how they differ.

Discussion took place about recent multi-committee reviews of the Pilot House and Barnard Tavern projects and that it added to the cost and time required for the applicants to get approvals. Resident Barbara Fleshman spoke about the HPC's challenges in knowing what other committees were reviewing applications, and for what. R. Smith explained that the Site Plan Review Board was created perhaps ten years ago to relieve the Planning Board of some work, as it was overloaded at the time, but noted that things have since changed and the workload has lightened considerably. He felt we should look at streamlining the approval process for applicants, even if it means combining some committees. B. Robinson noted a news story about Scarborough's recent discussion of limiting development due to stress on town services.

B. Robinson reviewed Saco and Waterboro:

- Saco has a City Administrator/Mayor /City Council form of government with 7 wards. B. Robinson liked the fact the city has an Interlocal cooperation with other towns for such things as grant applications. Recall process required signatures of 15% of voters. The city's conflict of interest policy is well done and financial procedures are very well laid out. B. Robinson did not like that the Mayor presides over the school system; that some policies do not have processes outlined to implement them; felt the financial procedures were very cumbersome, and that the city administrator could appoint him/herself as an admin officer of a department/agency. City Council may remove an appointed member of any board for misconduct, criminal activity, violation of code of ethics and/or oath of office. Overall, the form of government seems administratively heavy, with limited voter input at all levels.
- Waterboro formally exempts the RSU from town government but includes a section on management of public schools (seemed contradictory). Can remove officials for cause but contains no measurable rationale (like Kennebunk). There is a good process for emergency meetings. Mentions forfeiture of office for Select Board for "lack of qualifications" (but doesn't provide further specification) and the initiative to remove requires just 3 members. Has an outline of standing boards, membership, responsibilities. There is a standing Transfer Station/Recycling Committee. B. Robinson did not like that the Town Clerk is also the Election Warden, and wondered if the stated forfeiture provision could potentially allow a witch hunt. The Town Administrator also serves as Town Clerk, Tax Collector, Town Treasurer and Administrator of General Assistance, and is required to live in town. The charter outlines a really heavy budget preparation procedure and certification, although it may have some validity. There is a standing Road Review Committee. She questioned the statement saying the Select

Board “may inquire into the conduct of any office, department, agency, and investigate municipal affairs.” The Charter Commission contains only elected members (no appointees). Town staff seems to be overworked. B. Robinson fears Kennebunk could be similarly overburdened in the years ahead.

R. Smith reviewed Falmouth and Ogunquit:

- Falmouth is a wealthy town that serves as a bedroom community of Portland. It has a Town Council/Town Manager form of government. The Town Council seems to have about the same function as our combined Select Board/Town Meeting but it approves the budget without voter input. Charter does not mention whether the Town Clerk is appointed or elected. The description of the assessor’s job and Board of Assessment are much more detailed than ours. Planning Board has less autonomy than ours; the Town Council has a larger say in zoning ordinances. The Charter doesn’t discuss committees, just binding boards. The Initiations & Referendums section contains recall information; both the school board and town council are subject to recalls (not an RSU here). The school board is referred to as the Board of Education and the charter devotes significant copy to its process. There is a standing Long Range Planning Committee.
- Ogunquit represents the low end of the area population-wise, with just 1577 residents. It has a Town Manager/Select Board/Town Meeting form of government. It has the highest cost of homes in the state. Heavy tourist industry and older demographic. There is a Code of Ethics applicable to all town officials, and possible forfeiture of office for all. These are spelled out front and center in the charter. Boards and commissions permit non-residents, and in fact, non-citizens, to participate. There is a separate section for recalls; 15 voters to initiate a petition, and signatures from 25% of voters to sign petitions. One section deals with non-discrimination. A Charter Commission update is required every 5 years. The school system is combined with Wells; small section regarding it. There are good definitions of terms used. R. Smith noted that Kennebunk, by comparison, has three town centers that need to be considered separately.

S. Bloomfield reviewed Buxton and Westbrook:

- Buxton’s 8400 population is a bit below Kennebunk’s 11,600. It has a Select Board/Town Meeting form of government. The charter is 21 pages long and includes a very handy Table of Contents. The Town Clerk is elected for a 3 year term. Recalls are initiated the same way as Kennebunk. The charter is nicely written and organized.
- Westbrook is larger than Kennebunk (20,000+ residents) and has a Mayor/City Council form of government. Its charter is 11 pages long. City Council has 7 members that represent their respective wards. The Mayor “hires and fires” and is responsible for choosing the city clerk. The Mayor is a “strong mayor” in that he/she controls many functions but must prove “good reason” for decisions. There is a School Committee. Very detailed section on elections. No Table of Contents. Nothing on recalls.

C. Babcock reviewed Sanford and Wells:

- Sanford is a city and follows the City Council/Mayor/Manager form of government. No wards. The Board of Ed is elected. There is a Municipal Land Trust – municipal development organization. School board and town officials can be recalled. Nice definitions section.
- Wells is a Select Board/Town Manager form of government. The charter does a good job of specifying all boards and commissions. Recall requires 20% of voters to be signatories but doesn't specify which officials are subject. Good Budget Committee info.

5. Adjourn

A motion to adjourn the meeting at 8:30pm was made by B. Robinson and seconded by R. Smith. The vote was unanimous.

Respectfully submitted,

Janice Vance (Secretary)

As amended 3.8.23

