KENNEBUNK SELECT BOARD MEETING MINUTES
TUESDAY, MARCH 22, 2022 – 6:30 P.M.
ZOOM TELECONFERENCE MEETING

This meeting was held via the Zoom teleconferencing platform in keeping with the Select Board's "Remote Meeting and Participation Policy" for COVID safety. The meeting was televised on Cable TV Channels 5 and 1302. It is available for viewing at any time online at *TownHallStreams.com*.

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 [Chair], Shiloh A. Schulte [Vice], Kortney Nedeau [Secretary], Sally Carpenter, Frank Paul and Lisa Pratt. William Ward, Jr. arrived at 6:34 p.m.

Absent: None.

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

2. Approval of Minutes

B. Baldwin next led members in a review of the minutes of the Select Board's Regular Meeting of March 8, 2022.

Motion: **To approve the minutes of its Regular Meeting of March 8, 2022.**
Moved: S. Schulte
Seconded: W. Ward, Jr.
Vote: **Roll call vote. 5 votes in favor, none opposed, 1 absent [Ward, Jr. joined at 6:34pm], 1 abstention [Pratt had not attended the March 8th meeting]; the motion passed.**

3 Items to Be Signed

There were none.

4. Public Hearing

The Chair then opened a public hearing and solicited public comment on several items.

a. **Renewal of Liquor License and Special Amusement Permit for Old Vines Wine Bar located at 171/173 Port Road**

B. Baldwin first took up the application of Old Vines Bar for the renewal of its Liquor License and Special Amusement Permit. Baldwin explained that the Town Clerk usually issues such renewals after consultation with the Fire, Police, and Code Enforcement Departments. However, citizen complaints about the noise levels of the establishment, Baldwin said, make this application warrant further discussion.

M. Brown, the Town Clerk, affirmed that the Police Department received 11 noise complaints last year, and he read a letter from an unnamed neighbor complaining about the noise level at Old Vines. However, Brown also asserted that the owners of Old Vines were "consistently cooperative" in remedying such complaints.

S. Carpenter concurred, affirming that Old Vines is a popular venue whose owners "respond to their neighbors". B. Baldwin agreed that Old Vines showed the clear intent

"of being a good neighbor". K. Nedeau opined that "this is one of the most respected businesses in the Lower Village".

Board members discussed the Town Ordinance as regards to the cut-off time for live bands, and Old Vines owner Rick Taranto pledged to respect the Town's rules and continue to respond to any neighbor grievance. Taranto urged neighbors with a complaint to contact him directly.

Motion: **To approve the renewal of the Liquor License and Special Amusement Permit for Old Vine Wine Bar located at 171/173 Port Road.**
Moved: S. Schulte
Seconded: W. Ward, Jr.
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

b. **Proposed Town Charter Language Changes**
The Board next solicited public comments on a proposal to change the Town's Charter language, specifically replacing the terms "Board of Selectmen" and "Selectman" with the gender-neutral "Select Board" and also changing the term "Chairman/men" to "Chair". The changes have to be approved by public vote. The next election for such consideration would be the Town's June 14, 2022 Annual Town Meeting.

L. Pratt thanked Board members for agreeing to "modernize" the Town's terminology. B. Baldwin solicited public comments, but there were none.

Motion: **To send the proposed language changes to the Town Charter, as noted above, to the Annual Town Meeting on June 14, 2022**
Moved: L. Pratt
Seconded: S. Carpenter.
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

Motion: **To place a Select Board recommendation on the Town Meeting ballot in support of this warrant item.**
Moved: B. Baldwin
Seconded: L. Pratt.
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

c. **Zoning District Change for 9 Barnard Lane**
B. Baldwin then opened a public hearing and solicited public comment on the proposal to amend the zoning district of 9 Barnard Lane from "Village Residential District" [Article 8, Section 7] to "Portland Road Mixed Use (PRMU) District" [Article 8, Section 25]. The property in question directly abuts the PRMU zone. The Town's Planning Board, Baldwin said, had held a public hearing on the proposal, and subsequently voted in favor of forwarding the request to the Select Board with its [the Planning Board's] recommendation for approval. For this zoning change approval, by public vote, is required.

S. Carpenter stated she was "all for" moving this proposal forward. As there were no public comments, B. Baldwin closed the public hearing.

Motion: **To send the proposed zoning district change for 9 Barnard Lane, as noted above, to the Annual Town Meeting on June 14, 2022.**
Moved: S. Schulte
Seconded: S. Carpenter
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

Motion: **To place a Select Board recommendation on the Town Meeting ballot in support of this warrant item.**
Moved: B. Baldwin
Seconded: S. Schulte
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

d. **Renovation and Expansion of Town's Public Services Facility [36 Sea Road]**
B. Baldwin then opened a public hearing and solicited public comments on the proposal to renovate and expand Kennebunk's Public Services Facility on Sea Road.

S. Schulte observed that "this is an important investment for the Town and will help preserve the value of Town assets". K. Nedeau concurred.

Town Manager M. Pardue reported that detailed materials about the project are available for viewing at any time on the Town's website. Private tours of the Facility are also available, Pardue said, so the public can ascertain the poor condition of the existing installation first-hand. Interested parties can contact Public Services Director Bryan Laverriere to schedule a tour.

Public commentator Lionel Menard expressed concern about the high cost per square foot of this project compared to the square-foot costs of other municipal construction projects. He called on the Town to apply for grants to offset the expense, to minimize the operating costs likely to increase with these improvements, and to clarify for the public who the project's supervisors or overseers will be.

B. Laverriere and C. Osterrieder broke down the projected costs and explained why there is expense above and beyond mere "construction costs". They made the case that the projected expense is "reasonable". Osterrieder added that the Town proposes to contract a specialist to supervise the project on a full-time, day-to-day basis to assist Sebago Technics and Public Services Director B. Laverriere.

Public commentator Julie Dickerson Cote expressed concern about the project's encroachment on wetlands, impact on wildlife, and the likelihood of increased traffic on Sea Road as a result of the project. She urged the Board to consider an alternative location.

C. Osterrieder explained that a Task Force had looked at length into ways of mitigating the wetland impact and the Town had likewise polled residents on the best location for the Facility. Most Kennebunk residents, he said, favored the existing Sea Road location.

John Costin, another public commentator, stated that he was "strongly in favor" of the project. He nevertheless urged the Board to avoid tailoring any part of the new Facility to meet the needs of the existing trash-collection subcontractor as some other subcontractor could be hired in the future.

Gayle Spofford questioned whether "highway grant money" was available to defray some of the expense. She urged the Town's Finance Director, J. Downs, to show residents year-by-year projections of the annual carrying costs "so voters are not scared by a large, lump-sum number".

Motion: **To send the Public Services Facility Renovation and Expansion Project to the Annual Town Meeting on June 14, 2022.**
Moved: S. Schulte
Seconded: S. Carpenter
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

Motion: **To place a Select Board recommendation on the Town Meeting ballot in support of this warrant item.**
Moved: B. Baldwin
Seconded: S. Carpenter
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

e. **Adoption of Domestic Partner Insurance Coverage**
B. Baldwin then opened a public hearing and solicited public comment on a proposal to offer domestic partner insurance coverage to Town employees provided the employees are eligible to enroll in employer benefits with the Maine Municipal Employees Health Trust. Baldwin explained that this benefit is being offered by a number of other municipalities in Maine. Final approval of the benefit, Baldwin said, requires assent by Kennebunk's voters.

S. Schulte opined that this was "a good change and overdue". John Costin concurred, adding that the benefit would be helpful for recruitment. There being no other public comment, B. Baldwin closed the public hearing.

Motion: **To send the Adoption of Domestic Partner Insurance Coverage to the Annual Town Meeting on June 14, 2022.**
Moved: S. Schulte
Seconded: S. Carpenter
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

Motion: **To place a Select Board recommendation on the Town Meeting ballot in support of this warrant item.**
Moved: B. Baldwin.
Seconded: S. Carpenter
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

f. **Citizen Initiated Petition ["Take Action on Climate Pollution"]**
B. Baldwin next opened a public hearing on a citizen-initiated petition. Baldwin explained that a certified resident, Mr. Tom Berry, had obtained the required number of signatures to include the following resolution on the ballot of Kennebunk's Annual Town Meeting of June 14, 2022. The resolution reads:

> ***Resolution to Take Action on Climate Pollution***
> ***To see if the Town will authorize the Board of Selectmen to convey to Kennebunk's State legislators, Members of Congress, Governor, and President of the United States that the Town hereby calls upon our Federal elected representatives to enact carbon-pricing legislation to protect Maine from the costs and environmental risks of continued climate inaction. To protect households, we support Cash-Back Carbon Pricing that charges fossil fuel producers for their carbon pollution and rebates the money collected to all residents on an equal basis with monthly dividend checks.***
>
> ***The record of the vote approving this article shall be transmitted by written notice to the above-mentioned parties by the Board of Selectmen within 30 days of this vote.***

B. Baldwin stated that this resolution was written before a change of the Town's "Select Board" language, so the term "Board of Selectmen" would prevail as stated in the original petition. S. Schulte observed that the Board does not make a ballot recommendation on such citizen-initiated petitions.

W. Ward, Jr. voiced opposition to the proposal. A "climate tax", he said, would have inflationary impact, do little to actually curtail pollution, and have an onerous effect on the poor. "I'd rather see the government make direct investments in renewable energy," Ward, Jr. said.

Petition author Tom Berry countered that "two-thirds of the country would feel no impact". He added that the proposal was not meant to be a stand-alone, definitive remedy. It was rather, Berry said, one of a number of remedies which should be adopted.

Motion:	**To send the above noted Citizen Initiated Petition to the Annual Town Meeting on June 14, 2022.**
Moved:	S. Schulte
Seconded:	W. Ward, Jr.
Vote:	**Roll call vote. 5 votes in favor [Baldwin, Carpenter, Nedeau, Pratt, Schulte], 2 opposed [Paul and Ward, Jr.]; the motion passed.**

5. Public Comments

The Chair then formally opened a public hearing for public comments and questions of a general nature.

M. Brown reported that early voting on the March 29, 2022 RSU 21 recall proposition/Town referendum is robust and ongoing. Voter registration is still possible. For the June 14, 2022 ballot, there are also a number of Board openings to be filled by residents — 2 Select Board, 2 School Board Directors, 2 Sewer District Trustees and 1 Light and Power District Trustee posts. Residents interested in becoming candidates for these positions can do so by submitting 25 signatures to the Town Clerk.

Lionel Menard again urged the Town to seek State and Federal grants to offset the expense of its projects. John Costin objected to the job description being used for the recruitment of the new Town Manager. The job description on hand, Costin asserted, was last revised in November, 2021, but had never been reviewed or discussed in a public forum.

There being no other public comments, B. Baldwin closed the public hearing.

6. Announcements and Acknowledgements

a. New Hire

B. Baldwin then reported that Lucas Skoglund had begun work as a "Program Coordinator" with the Town's Parks & Recreation Department effective March 16th. On behalf of the Board and Town, Baldwin extended a warm welcome to Lucas.

b. Promotion

B. Baldwin next reported that Lt. Eric O'Brien had been selected to serve as Kennebunk's next Deputy Chief of Police. Lt. O'Brien's promotion addresses the opening that will be created by the forthcoming retirement of Deputy Chief Michael Nugent.

On behalf of the Board and Town, Chairman Baldwin congratulated Eric on this promotion.

Detailed announcements for the above two items can be found on the agenda.

c. COVID Preparedness Updates

Town Manager M. Pardue offered updates on the Town's COVID preparedness and policies.

Kennebunk COVID Task Force: The Kennebunk COVID Task Force, Pardue reported, is putting its meetings on hold since the COVID positivity rate in the area is declining. The positivity rate in York County is now 3.91%, Pardue said. Town Hall has consequently moved to a "mask-optional" policy at this time. It is being well received by employees and residents, Pardue asserted.

In-Person Select Board Meetings: M. Pardue then reminded that Board that it had adopted a "Remote Meeting and Participation Policy" on September 9, 2021 and had begun remote meetings on September 14, 2022. At the Board's meeting of March 8, 2022, several members expressed interest in returning to in-person meetings.

Pardue said that, if and when the Select Board returns to in-person meetings, Town Hall would organize suitable space with adequate ventilation. However, Pardue urged the Board to hold its March 31st Budget Meeting remotely as public turnout could be large.

W. Ward, Jr. urged Board members to move to "hybrid" meetings going forward to enable the public to participate in person or by Zoom at each person's discretion. S. Schulte, S. Carpenter, and public commentator Dan Sayre concurred. However, commentator Andrew Freda spoke of the "down sides" of remote meetings and being masked.

S. Schulte and L. Pratt volunteered to look at the Board's remote meeting policy to ascertain how it could be made more flexible to accommodate "hybrid" meetings. They will come back to the Board with recommendations.

Motion:	**To resume in-person Select Board meetings beginning April 12, 2022 and support other Town Committees to do the same if they so choose given that York County's [positivity] rate is low.**
Moved:	S. Schulte
Seconded:	S. Carpenter
Vote:	**Roll call vote. 7 votes in favor, none opposed; the motion passed.**

7. Time Sensitive Business and Staff Presentations

Accept a Donation

The Chair next reported that the Town had received a donation in the amount of $1,000 from Alisson's Restaurant, in Kennebunkport, for the Waterhouse Center.

Motion:	**To accept the above donation and send a letter thanking the donor for its generosity.**
Moved:	S. Schulte
Seconded:	S. Carpenter.
Vote:	**Roll call vote. 7 votes in favor, none opposed; the motion passed.**

8. Old Business

a. **Kennebunk 2021 Comprehensive Plan**

B. Baldwin reported that work on the Town's "Comprehensive Plan" was nearing completion. Town Hall staff and Kennebunk volunteers have been working on this Plan for several years. On March 10, 2022, Baldwin said, Maine's Department of Agriculture, Conservation & Forestry — Municipal Planning Assistance Program notified the Town that the "Kennebunk 2021 Comprehensive Plan" was deemed to be complete and consistent with the Maine's Growth Management Act [30-A MRSA § 4312-4350].

Baldwin reminded the Board that the Select Board had already held one public hearing on the Plan in December, 2021. At that time, there were no public comments requiring changes or amendments to the document. The next step, Baldwin said, was to schedule

a second public hearing on the Plan as a prelude for voter consideration at Kennebunk's June 14, 2022 Annual Town Meeting.

Janice Vance, a Plan team leader, thanked the Board and Town Hall staff for their help in assembling this document. In turn, S. Schulte, W. Ward Jr. and B. Baldwin congratulated Vance and her teammates for their work on the Plan and for its State approval.

Motion: **To schedule a Public Hearing for April 12, 2022 to receive public comments on the Kennebunk 2021 Comprehensive Plan.**
Moved: S. Schulte
Seconded: S. Carpenter
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

b. **Other Old Business**
There was none.

9. New Business

a. **Hear a Presentation on the Proposed Purchase of Dredge Equipment by York County Government**
B. Baldwin next introduced Kevin Roche, President of Save Our Shores, Saco Bay. Mr. Roche explained that York County proposes to spend $1.8 million to purchase equipment for dredging and shore improvements. The financing would come from American Rescue Plan funds provided to York County Government. However, the initiative requires the support of neighboring communities.

Roche specifically asked the Town of Kennebunk to issue a letter of support for the project. He affirmed that "there would be no financial cost or obligation for Kennebunk".

William Doyle, Saco's Mayor, added that the intent is to create "a quasi-government dredging capability" using federal dollars. "A multi-jurisdictional Task Force would operate the equipment," Doyle said. Kennebunk and other neighboring communities would be invited to be part of that Task Force and would share in the equipment's use.

B. Baldwin asked if there was a business or staffing plan. K. Roche responded in the negative, saying "we want to buy the equipment first". In response to questions from S. Schulte and W. Ward, Jr., Roche added that Saco, Wells, and other coastal communities need periodic dredging. The beaches also need fortification. However, the proposed dredging equipment would be primarily for ocean, not river, use.

S. Schulte cautioned against "beach replenishment" and dredging initiatives without weighing the long-term consequences of such work. "I would only support this," Schulte said, "if I was assured of positive outcomes."

L. Pratt asked if she correctly understood that Messrs. Roche and Doyle wanted a letter of support but no financial backing for this project, and Roche responded in the affirmative.

B. Baldwin thanked K. Roche and W. Doyle for their visit, but concluded that "we don't have enough information at this time to sign a letter of support". Baldwin nevertheless called on Town Manager M. Pardue to continue discussions with the Saco team and gather more detail about the proposal.

Motion: **To have the Town Manager further investigate the proposed purchase of dredging equipment by York County Government and report back to the Select Board.**
Moved: B. Baldwin
Seconded: W. Ward, Jr.
Vote: **Roll call vote. 7 votes in favor, none opposed; the motion passed.**

b. **Alewive Harvesting for the 2022 Season**
B. Baldwin next reminded the Board that the Department of Maine Resources (DMR) requires the Board to vote each year on the right to harvest alewives in Kennebunk. In prior years, the Board repeatedly prohibited commercial and recreational harvesting. The authority to make such a determination is given to the Select Board by State law as well as the Town Charter, Baldwin said.

Motion:	**To keep Kennebunk waters closed for the harvesting of alewives for commercial and recreational purposes for 2022.**
Moved:	S. Schulte
Seconded:	S. Carpenter
Vote:	**Roll call vote. 7 votes in favor, none opposed; the motion passed.**

c. **Other Business**
There was none.

10. Select Board Comments

a. **Subcommittee Reports:**
B. Baldwin offered an update on the mobilization to recruit candidates for Town Manager. He stated that the Recruitment Subcommittee will circulate a timeline for the recruitment effort and provide copies of the proposals of the three recruiters. All documents will be made available for public viewing online.

b. **Board Liaison Reports**

S. Carpenter: Commended K. Winton for her "exceptional job" shepherding the 9 Barnard Lane proposal through the Historic Preservation Commission's March 9, 2022 meeting and approval process.

S. Schulte: The Conservation Committee had a final meeting on wetland mitigation on March 21st. Schulte will provide details at the Select Board's next meeting.

W. Ward, Jr.: The Planning Board will hold an important meeting on April 11th to take up vital Lower Village and wetland mitigation issues. Ward Jr. will continue to circulate monthly synopses of State legislative changes which might impact Kennebunk.

c. **Comments of Individual Select Board Members**

B. Baldwin: Commended "Road Warriors (Rangers)", a volunteer group which meets periodically to pick up trash in town.

K. Nedeau: The Rotary Club is looking for volunteer opportunities. Also reminded the public to take tattered flags to the American Legion. K. Winton urged the public to consult the Town's "*Kennector*" website to sign up for volunteer driving service in Kennebunk.

L. Pratt: Praised K. Winton for her help with the smart speaker. There will be a meeting on April 12th on the topic.

W. Ward, Jr.: Thanked the Town's Police and Fire Departments, Town Hall employees, "Road Warriors (Rangers)", and other volunteers for their service.

11. Announcements

Town Manager M. Pardue and Board members then made several announcements.

a. **Select Board Workshop on Committees**: L. Pratt reported that instead of holding a workshop at this time, she will meet individually with each of the Town's committees to gather their feedback on priorities, concerns, and possible improvements. The public, Pratt said, is encouraged to attend these meetings. They are meant to afford more transparency in collecting committee and public feedback. Pratt asked Select Board Liaison Officers to join her at these sessions and will report her findings to the Board.

Public commentator John Costin opined that this was "a good step", but encouraged the Board to create "wider, even more inclusive channels" of communication between the Select Board and Town committees.

b. **March 29, 2022 Election:** M. Pardue then reported that Kennebunk's next election will take place on Tuesday, March 29th from 6:00am until 8:00pm. Two items will be considered by voters: (1) the proposal to recall one RSU 21 School Board member, and (2) two zoning change amendments. Detailed information about these items is available at www.kennebunkmaine.us/election.

c **Special Select Board Meeting on March 31, 2022:** The Select Board, Pardue reported, will also hold a Special Meeting and public hearing on Kennebunk's Proposed 2022-2023 Budget. The session will take place on Thursday, May 31st at 6:30pm. It is one of a series of public hearings that will take place on the proposed budget.

d. **2021-22 Tax Bill**: Pardue reminded Board members and public that the second installment of the Town's 2021-2022 tax bill is due on April 8, 2022.

e. **Spring Newsletter**: Pardue also reported that the Town's new Newsletter had been mailed out and has received very positive feedback. A copy is available for viewing at www.kennebunkmaine.us/newsletter.

12. Executive Session - None was called.

13. Adjournment

There being no additional comments or topics for discussion, the Chair adjourned the meeting at 9:34 pm.

Motion:	**To adjourn the meeting.**
Moved:	S. Schulte
Seconded:	S. Carpenter.
Vote:	**Roll call vote. 7 votes in favor, none opposed; the motion passed.**

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board in the meeting of 4/12/2022,
DATE OF MEETING

Signed by
Select Board Member: _____
SIGNATURE

Kortney E. Nadeau
NAME IN PRINT