

KENNEBUNK SELECT BOARD MEETING MINUTES

TUESDAY, FEBRUARY 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, Lisa Pratt, and William Ward, Jr.

Absent: None

Also Present: Michael Pardue [Town Manager], Chris Osterrieder [Director of Community Development]; Joel Downs [Finance Director], Jeffrey Rowe [Fire Chief], and John Brady [EMS Division Chief].

2. Approval of Minutes

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

Motion: To approve the minutes of its Regular Meeting of February 8, 2022.

Moved: S. Schulte

Seconded: S. Carpenter

Vote: Roll call vote. 7 votes in favor, none opposed; the motion passed.

Members agreed that the minutes of the Select Board's January 27, January 29, February 1, February 3, and February 5, 2022 Budget Meetings would be reviewed at a future date.

3. Items to Be Signed

There were none.

4. Public Hearing

There was none.

5. Public Comments

The Chair opened the hearing to public comments and questions. Andrew Freda, a public commentator, urged the Board to post a "School Board Summary" on the Town's website providing information about the RSU 21 School Board (financial status, plans for a new athletic field, a "neutral synopsis" of the recall initiative, etc.) Another public commentator, Gayle Spofford, attempted to comment, but could not due to technical difficulties. There being no other public comments, the presiding officer closed this forum.

6. Announcements and Acknowledgements

a. New Hires

B. Baldwin reported that eight employees had been hired by Kennebunk Fire and Rescue on February 21, 2022 under the SAFER Grant. The names of these individuals and their backgrounds are provided online in the posted Agenda for this Meeting. The Chair and Fire Chief J. Rowe extended congratulations to all eight individuals.

b. Retirement

The presiding officer next informed the Board that Police Officer Mark Carney had notified the Police Department of his intent to retire on June 17, 2022. Officer Carney has served the Kennebunk Police Force for 24 years. In his last 18 years of service, he was the School Resource Officer at Kennebunk High School. The Chair and Board extended their thanks and best wishes to Officer Carney. "He will be sorely missed," Baldwin stated.

c. COVID Preparedness Updates

Workplace COVID Task Force: Town Manager M. Pardue reported that the Workplace Task Force will meet on February 24th to consider workplace options now that the local infection rate is significantly lower. The positivity rate, Pardue stated, is currently at 9%, down from more than 20% several weeks ago.

Kennebunk COVID Task Force: M. Pardue also reported that the Kennebunk COVID Task Force will meet on March 8th and likewise consider possible revisions of the Town's safety protocols.

L. Pratt asked Board members for their views on returning to in-person meetings. S. Schulte reminded the group that it had originally envisioned returning to in-person meetings when the positivity rate fell below 5%. "The trend is in the right direction," Schulte said, "but still high." S. Carpenter concurred, opining that it might be premature to hold in-person meetings at this time. W. Ward, Jr. questioned the Town's ability to hold "hybrid" meetings which would permit in-person as well as teleconferencing participation, and B. Blake affirmed that the Town now has the technical ability to host such sessions. Members generally agreed to review these possibilities in the future when infection rates are lower.

7. Time Sensitive Business and Staff Presentations

a. Appointment Consideration to Lower Village Committee

The Chair then reported that William Guay, a Kennebunk property owner and taxpayer in the Lower Village but a resident of Kennebunkport, had volunteered to serve as an Alternate Member on the Lower Village Committee. The Lower Village Committee, Baldwin said, has one short-term vacancy for an Alternate Member. Baldwin read excerpts of the Town's *Board Appointment Policy*, which permits non-residents to serve on non-binding committees.

M. Pardue reported that Mr. Guay could not attend, but he [M. Pardue] had met with Mr. Guay and found him to be an excellent candidate. S. Carpenter affirmed that W. Guay "would be a great asset". Miriam Whitehouse, a public commentator, strongly endorsed Mr. Guay's candidacy as well.

Motion: To appoint William Guay as an Alternate Members on the Lower Village Committee for the remainder of a one-year term that expires on June 30, 2022.

Moved: S. Schulte

Seconded: W. Ward, Jr.

Vote: Roll call vote. 7 votes in favor, none opposed; the motion passed.

b. **Approve 2022 Ambulance Billing Rates**

The Chair next reminded members that the Select Board sets or approves the billing rates charged for ambulance services on an annual basis. However, there has not been an increase in these rates since 2019. In view of the prevailing higher costs associated with medical response and related services, Fire Chief J. Rowe recommended a slight increase to some of the 2022 rates.

J. Rowe explained the increases. S. Schulte asked if the revised fees would offset the Town's true costs for providing ambulance services. EMS Division Chief J. Brady explained that approximately 40% of the Town's ambulance calls are to help elderly people who fall and need "lift assist". Not all of such ambulance runs result in any or full Medicare or Medicaid reimbursement. J. Downs reported that the Town's charges actually offset only 30% of real costs.

J. Rowe added that "the increases we put into place will primarily affect people who cannot afford health-care insurance", hence the recommendation before the Board is for only a modest rate increase. J. Downs affirmed that the increases are purposefully "gentle". The Chair solicited public comments, but there were none.

Motion: To approve the 2022 Ambulance Billing Rates as proposed.

Moved: B. Baldwin

Seconded: W. Ward, Jr.

Vote: Roll call vote. 6 votes in favor, none opposed, 1 absent [S. Schulte was unavailable due to technical issues]; the motion passed.

c. **Approve 2022 Apparatus Billing Rates**

The Fire Department next sought Board approval of adjusted rates for Fire Department equipment and personnel used or made available for special events. The adjustments, B. Baldwin said, are based on FEMA's 2021 equipment and disaster rates. The proposed personnel costs are based on the overtime rate for the 2022-23 budget year. There has not been an increase since 2017, Baldwin added. However, this rate schedule is accepted nationally for declared disasters.

B. Baldwin asked if the Fire Department levies such charges on Town events such as "Prelude", and J. Rowe responded in the negative. Town events are not charged. B. Baldwin then solicited public comments, but there were none.

Motion: To approve the 2022 Apparatus Billing Rates as proposed.

Moved: S. Schulte

Seconded: W. Ward, Jr.

Vote: Roll call vote. 7 votes in favor, none opposed, none absent [Schulte reconnected]; the motion passed.

d. **Formation of a Task Force to Explore Shared Fire Services**

M. Pardue introduced this topic, observing that Fire Department officials from Kennebunk and Kennebunkport have met from time to time to explore areas for mutual cooperation. One outcome, stated Fire Chief J. Rowe, is the "trifecta training program" that is now in place for firefighters in Kennebunk, Kennebunkport, and Arundel. Additionally, the Fire Departments of Kennebunk and Kennebunkport are also beginning to explore the possibility of sharing vehicles, stations, and staff.

J. Rowe specifically recommended that a Task Force be formed to investigate these latter options in more detail. Such a group would be made up of the two Fire Chiefs, 2

firefighters, and other Fire Department representatives from Kennebunk and Kennebunkport. K. Nedeau and W. Ward, Jr. strongly supported the idea. B. Baldwin solicited public comment, but there was none.

Motion: To support the formation of a Task Force to explore shared Fire Department services.

Moved: B. Baldwin

Seconded: S. Schulte

Vote: Roll call vote. 7 votes in favor, none opposed; the motion passed.

8. Old Business

a. Adjust the Name of the Treasure Chest “Work” Group

At its prior meeting, the Board dissolved the Treasure Chest Monitoring Committee, replacing it with a “Treasure Chest Work Group”. Following that action, L. Pratt suggested that the Board alter the name of the group to “Treasure Chest *Volunteer* Group”.

Motion: To adjust the name of the Treasure Chest Work Group to “Treasure Chest *Volunteer* Group”

Moved: L. Pratt

Seconded: W. Ward, Jr.

Vote: Roll call vote. 7 votes in favor, none opposed; the motion passed.

b. Elections Update

The Town Clerk was unavailable to attend tonight’s meeting and therefore B. Baldwin offered an update on the Town’s two upcoming elections.

(1) March 29, 2022 Special Town Meeting Referendum Election

The forthcoming March Election, Baldwin reported, will take up three considerations:

- The proposed Contract Zone at 14 Perkins Lane, Map 2 Lot 34, for “Home for Our Troops, Inc.”;
- The proposed Zoning Ordinance change amending Article 8, Section 10 to modify the lot width requirement of the York Street Mixed Residential and Commercial Use [MRCU] District; and;
- The RSU 21 Recall Election, concerning the possible recall of one School Board member.

The Recall Election, B. Baldwin said, will specially consider the recall of RSU 21 Director Timothy J. Stentiford. If the recall is successful, Baldwin stated, one candidate — Gayle M. Asmussen Spofford — has already taken out nomination papers to replace Mr. Stentiford. Voters will have the opportunity to write in the names of other replacement candidates as well. In order to do so, Baldwin said, voters must (a) print the name of their one candidate, (b) print that individual’s town of residence; and (c) also fill in the oval depicted on the ballot.

Baldwin reported that absentee ballots for this election will be available February 25, 2022. Full information about these election items is available for public viewing at any time: (1) online on the Town’s website via the attachments provided with this Meeting’s Agenda; as well as (2) on-line at www.kennebunkmaine.us/election.

L. Pratt recommended that the Town take action to encourage strong voter turnout, and S. Schulte concurred, urging the use of the Town’s electronic sign board

as well as social media. M. Pardue agreed to have Town Hall personnel employ both public-notice channels.

B. Baldwin again invited public comment, and Andrew Freda asked if the March ballot would make note of the Select Board's position on the York Street, MCRU District lot width article. The Board had voted at its meeting of January 25, 2022 to recommend acceptance of that article. B. Baldwin agreed to investigate whether the Board's recommendation would appear on the ballot and will report back to Mr. Freda.

(2) **June 14 2022 Annual Town Meeting, Town Referendum, School Budget Validation, State Primary, and State Referendum Election**

B. Baldwin briefly described these sundry election and referendum items. He advised that nomination papers will be available on March 4, 2022 in the Town Clerk's office for the following seven posts:

- Select Board Members Two posts with 3-year terms
- RSU 21 Directors Two posts with 3-year terms
- KLPD Trustee One post with a 5-year term
- KSR Trustees Two posts with 3-year terms

Baldwin advised the Board and public that nomination papers for these posts must be returned no later than 4:30pm on April 15, 2022 for inclusion in the June elections. Absentee ballots for the June elections will be available May 13, 2022.

M. Pardue added that these elections will be profiled in *Kennebunk Currents*, the Town's newsletter which will be mailed with tax bills in March. B. Baldwin solicited public comments, but none were voiced.

9. New Business

Replacement of Key Town Officials (not on the agenda)

B. Baldwin added this topic to the Agenda, noting that Select Board mobilization was vital to replace the Town Manager, Police Department Deputy Chief and Fire Department Chief. All three officials have notified the Town of their intent to retire this year. Replacements for the Police Department and Fire Department posts, B. Baldwin said, are being handled by the Town Manager and are already underway. However, replacement of the Town Manager requires prompt and direct Select Board action.

S. Schulte and B. Baldwin suggested that (1) members of the Select Board interview three "head hunters"; and (2) select one to assist the Select Board fill the eventual Town Manager vacancy. Baldwin explained the likely expense terms for such recruitment help. Candidates, he added, could be located outside of Maine.

Baldwin and Schulte also suggested that a Select Board Workshop be organized to discuss this recruitment initiative as well as the Town's Strategic Plan, affordable housing, and other priorities. Members agreed that such a workshop to be held on a date to be determined by the Town Manager.

Town Manager Pardue advised the Board that he and HR Director Sheldon are already in contact with several executive recruitment firms that specialize in the recruitment for Town Manager positions. He continued by stating that the firms contacted are being asked to submit a proposal that outlines their approach to an executive search, along with cost estimates. He anticipates these proposals will be in-hand within a few weeks, therefore providing the Select Board more tangible information from which to advance.

Town Manager Pardue also advised the Board, speaking to the advancement of a strategic plan that the respondent information (approximately 2,000 responses) received from the Community Survey has been forward to a Portland based research firm for added analysis. That analysis should be available to the Town in approximately 4-5 weeks. This data will serve as a large part of the foundation from which the Select Board can work to develop a strategic plan. Pardue also referenced he has been in contact with a consulting firm that may be an asset in guiding the Board through the strategic planning process.

B. Baldwin invited public comment. Gayle Spofford went back to the earlier recommendation of having a link on the Town's website to the RSU School Board's site. Ms. Spofford also asked for background information on the Planning Board's vote on the York Street zoning amendment, and C. Osterrieder agreed to provide the online links for that information.

a. **Committees**

L. Pratt then proposed a workshop on March 24, 2022 at 6:30pm to discuss Town committees, and other Board members informally agreed to that meeting, date, and time. The workshop, L. Pratt stated, would be open to the public at large and respond to the questions, concerns, and comments which the public would provide in advance. Public commentators, Pratt said, should forward their questions and comments to all Board members.

John Costin, a public commentator, expressed "confusion" about the proposal, asserting that there was "no clear plan or philosophy underlying any change of committee structure".

Miriam Whitehouse expressed disappointment that all existing committee members (or at least the Chairs of existing committees) would not be included as panelists in such a workshop. Ms. Whitehouse volunteered to summarize the views and concerns of members of the committees on which she sat. S. Carpenter concurred, suggesting that staff liaison input would also be important.

Rachel Phipps, a public commentator, discouraged "streamlining" the Town's committee structure. Participation, she said, should be opened to all committee members (not just "Chairs"). Patricia Sass Perry, another public commentator, suggested that the workshop should also be publicized so there would be robust public participation. L. Pratt agreed to work with M. Pardue for such visibility.

Discussion ensued on the merits of a public forum with or without advance public questions and comments. B. Baldwin summarized the main issues as he saw them: (1) there is no clear, underlying purpose for the committees that exist in his view; and (2) the relationship between existing committees, the Select Board, and Town Hall staff is dysfunctional. These, Baldwin said, are the core points which need address.

L. Pratt concurred, suggesting similar but additional themes for this workshop's focus: (1) the relationship between committees, the Select Board, and Town staff; (2) the Select Board's draft or initial policy on Town committees; and (3) implementation of the Committee Handbook.

b. **Other New Business**

There was none.

10. Select Board Comments

a. Subcommittee Reports:

There were none.

b. Board Liaison Reports

B. Baldwin: The Connectivity Task Force will have a “kick-off” meeting with Tilson on the viability of a fiber-optic network in Kennebunk. Baldwin will report any developments.

S. Carpenter: The Kennebunk River Restoration Committee meets tomorrow. The Historic Preservation Commission is “moving slowly” on the 9 Barnard Lane deconstruction/reconstruction. Dr. Jo Johnson released her deed restriction on the deconstruction.

L. Pratt: The Energy Efficiency Committee met last week and had an excellent presentation by C. Osterrieder on the Town’s Street Lighting Project. That project will solicit extensive public input. The EEC’s Composting Subcommittee will also be offering food waste guidance to residents.

W. Ward, Jr. The Legislative Policy Committee continues to monitor State legislation initiatives. A recent jail funding and housing bill may have community impact, and Ward sent copies of it to Board members. The Planning Board is forwarding additional cases with its recommendation to the Select Board.

c. Comments of Individual Select Board Members

B. Baldwin: An opinion article in the *Post* alleged malfeasance on the part of the Town Manager in not promptly circulating documents linked to the RSU 21 issue. Baldwin stated that he [Baldwin], not the Town Manager, was responsible for the inadvertent delay in sharing some documents.

S. Carpenter: Met with the officers of the Kennebunk Land Trust to discuss the possibility of having the Town donate its Plummer Lane land to the Trust for conservancy.

K. Nedeau: Thanked all for a good meeting. Suggested that food truck rules be revisited. Also urged the Town Manager and Finance Director to consider at least 4% raises for Town employees instead of the 3% increases currently being budgeted. The difference would equate to an additional \$74,000 of all-in expense.

L. Pratt: 3G will be closing, so some residents may lose service. Also recommended viewing a television series on climate and sea-level change which will focus on Wells and is available for viewing on Channel 8.

11. Town Manager Announcements

a. **Select Board Workshop:** M. Pardue reminded the Board that its Workshop on the “Community Resilience Partnership” will take place from 6:30-7:30pm on Tuesday, March 1, 2022.

b. **Waterhouse Center:** Pardue also advised the public and Board that the Waterhouse ice skating rink will be closed tomorrow, February 23rd, due to warm weather.

12. Executive Session

None was called.

13. Adjournment

There being no additional comments or topics for discussion, the presiding officer adjourned the meeting at 8:54pm.

Motion: To adjourn the meeting.


Moved: S. Schulte

Seconded: W. Ward, Jr.

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 3/18/22
DATE OF MEETING

Signed by
Select Board Member: 
SIGNATURE
L. BLAKE BALDWIN
NAME IN PRINT