

**KENNEBUNK SELECT BOARD MEETING MINUTES**  
**TUESDAY, FEBRUARY 28, 2023 – 6:30PM**  
**HYBRID MEETING (IN-PERSON, TOWN HALL, 3<sup>rd</sup> FLOOR AND TELECONFERENCED)**

This meeting was held in person at Town Hall and likewise open to public participation via Zoom. It was televised live on Cable TV Channel 5 and streamed on *TownHallStreams.com*, where it is available for viewing at any time.

**1. Call to Order**

The meeting was called to order at 6:30pm by Chair and presiding officer Shiloh Schulte, who then led attendees in the Pledge of Allegiance. Those participating were:

**Participants:** Select Board Members Shiloh A. Schulte [Chair], Kortney E. Nedeau [Vice Chair], Lisa J. Pratt [Secretary], Sally A. Carpenter; Leslie G. Trentalange; William A. Ward, Jr. [arrived at 6:46pm]; and Miriam J. Whitehouse

**Absent:** None

**Also Present:** Heather Balsler [Town Manager], Bryan Laverriere [Director, Public Services], Merton Brown [Town Clerk], Chris Osterrieder [Director, Community Development], Karen Winton [Deputy Director, Community Development], and Natalie Burns [Town Attorney]

**2. Review of Prior Minutes**

The Board first reviewed the minutes of its Regular Meeting of February 14, 2023 and Budget Meetings of February 7, 9, 11, and 16, 2023.

**a. Minutes of the Regular Meeting of February 14, 2023.**

**Motion:** To approve the minutes of the Regular Meeting of February 14, 2023.  
**Moved:** L. Pratt  
**Seconded:** S. Carpenter  
**Vote:** Roll-call vote, 6 votes in favor, 0 opposed, 1 absent [Ward, Jr.]; the motion passed.

**b. Minutes of the Budget Meeting of February 7, 2023.**

**Motion:** To approve the minutes of the Budget Meeting of February 7, 2023.  
**Moved:** L. Trentalange  
**Seconded:** S. Carpenter  
**Vote:** Roll-call vote, 6 votes in favor, 0 opposed, 1 absent [Ward, Jr.]; the motion passed.

**c. Minutes of the Budget Meeting of February 9, 2023.**

**Motion:** To approve the minutes of the Budget Meeting of February 9, 2023.  
**Moved:** L. Trentalange  
**Seconded:** S. Carpenter  
**Vote:** Roll-call vote, 6 votes in favor, 0 opposed, 1 absent [Ward, Jr.]; the motion passed.

**d. Minutes of the Budget Meeting of February 11, 2023.**

**Motion:** To approve the minutes of the Budget Meeting of February 11, 2023.  
**Moved:** L. Trentalange  
**Seconded:** S. Carpenter  
**Vote:** Roll-call vote, 6 votes in favor, 0 opposed, 1 absent [Ward, Jr.]; the motion passed.

**e. Minutes of the Budget Meeting of February 16, 2023.**

**Motion:** To approve the minutes of the Budget Meeting of February 16, 2023.  
**Moved:** L. Trentalange  
**Seconded:** S. Carpenter  
**Vote:** Roll-call vote, 6 votes in favor, 0 opposed, 1 absent [Ward, Jr.]; the motion passed.

**3. Items To Be Signed**

The RSU Warrant to be signed was taken up later in the meeting.

**4. Public Hearings**

**a. Liquor, Lodging and Victualer Licenses for Waldo Emerson Inn (new owners)**  
The Board next held a Public Hearing to consider granting new Liquor, Lodging, and Victualer Licenses for Garrock, Inc. d/b/a Waldo Emerson Inn located at 108 Summer Street. S. Schulte called on the applicant for an overview of the application, but that party was not in attendance due to the weather.

Town Manager H. Balsler confirmed that Fire Rescue, the Police Department, and Code Enforcement had no objection to this application and no "open issues" to prevent approval. Town Clerk M. Brown added that the applicants were new owners who had bought the inn but, as the licenses were not transferrable, these new applications had to be submitted.

**Motion:** To approve the Liquor, Lodging, and Victualer Licenses for Garrock, Inc. d/b/a Waldo Emerson Inn.

**Moved:** L. Trentalange

**Seconded:** S. Carpenter

**Vote:** Roll-call vote, 6 votes in favor, 0 opposed, one absent [Ward, Jr.]; the motion passed.

**5. Public Comments**

The Chair then invited public comments or questions of a general nature.

Town Clerk M. Brown announced that Monday, March 6<sup>th</sup> was the opening day for interested parties to obtain nomination papers for the following posts:

- Two [2] Select Board Members, currently held by Sally Carpenter and William Ward, Jr.;
- Two [2] RSU Directors, currently held by Art LeBlanc and Dawn Therrien;
- One [1] Kennebunk Light and Power District Director, currently held by Beverly Freudenreich;
- One [1] Kennebunk Sewer District Trustee, currently held by John Price; and,
- One [1] Kennebunk, Kennebunkport & Wells Water District Trustee, currently held by Robert Evans.

Individuals interested in being candidates were asked to submit nomination papers with at least 25 signatures (and not more than 100). Completed paperwork must be submitted to the Town Clerk no later than 4:30pm on April 14, 2023. Members will be chosen by voters at the Kennebunk's June 13, 2023 Town Meeting election.

There being no other public comments or questions, the Chair closed this part of the session.

## 6. Acknowledgements and Announcements

### a. Recent Staff Changes

The Chair next informed the Board and public of two new employees:

- Kristin Kirby, Police Officer, hired effective February 13, 2023 and,
- Dawn Jewett, Fire Rescue Administrative Assistant, hired effective February 27, 2023.

Speaking on behalf of the Board, S. Schulte extended a warm welcome to Kristin and Dawn.

### b. Other Announcements

There were none.

## 7. Time Sensitive Business and Staff Presentations

### a. Donations

The Chair next reported that the Town had received the following donations.

- \$180 from Sari Greene and Eric Boutiette in honor of Jennifer and Matthew Fadiman for General Assistance;
- \$7,206 from the Kennebunk Little League for field renovations for the Park Street and West Kennebunk baseball and softball fields; and,
- \$1,000 from Mousam Lodge 26 I.O.O.F. (units in the 31 Main Street building) for Kennebunk Fire Rescue.

**Motion:** To accept the donations listed above and send letters thanking the donors for their generosity.

Moved: L. Trentalange

Seconded: S. Carpenter

**Vote:** Roll-call vote, 6 votes in favor, 0 opposed, one absent [W. Ward, Jr.]; the motion passed.

Select Board member, William Ward, Jr., arrived during the following discussion.

### b. Committee Resignations

S. Schulte next announced that the following two Committee members had resigned:

- Andrew Freda, Budget Board, Regular Member (term otherwise expiring 2025)
- Chris Cluff, Charter Commission (no term)

Several Select Board members voiced displeasure with these resignations. L. Trentalange said she would vote against accepting Mr. Freda's resignation until and unless he completed the work being done in the current budget review cycle. Trentalange added that she would vote against accepting the resignation of Mr. Cluff, as well. Both individuals, L. Trentalange opined, were fully aware of the time commitment and serious responsibility of their appointments. However, their stints in the two posts were unacceptably short-lived.

Christian Babcock, the Charter Commission Chair, addressed the Board next. He stated that a communiqué had been sent to Select Board members alleging that "improper behavior" was taking place in the Charter Commission. Babcock volunteered to answer any questions which the Select Board might have about the matter.

M. Whitehouse asked if Mr. Babcock had any ideas for "repairing the problem". C. Babcock replied by urging the Select Board to appoint a replacement "eager to do the job".

S. Schulte and S. Carpenter remarked that they needed more time to look into the allegation, digest, and understand it. K. Nedeau suggested that a joint meeting of the Select Board and Charter Commission be convened so that members could better understand the Commission by-laws being created and better understand the grievances which some Charter Commission members appeared to have.

C. Babcock responded by inviting the Select Board and all other interested parties to join the Charter Commission's next meeting on March 8, 2023. Select Board members could see the Commission operate first-hand, he said.

L. Pratt inquired whether Charter Commission members had "FOAA" ["Freedom of Access Act"] training. C. Babcock replied that at least one Commission member had "MMA" training and had shared highlights of it with fellow Commission members. Pratt suggested that the Town Attorney, N. Burns, join any joint meeting of the Select Board and Charter Commission to help all parties better understand the autonomy of the Charter Commission and the respective responsibilities of the two entities under Title 30A .

S. Schulte remarked that accepting a committee resignation was, in fact, a simple acknowledgement that a resignation had or would take place effective some specific date. It was not an expression of approval. Schulte then asked the Town Manager to conduct exit interviews with Messrs. Freda and Cluff and to continue to routinely do so with all committee or board members tendering resignations.

A member of the Charter Commission, Susan Bloomfield, addressed the Select Board next. She urged the Board to be "more mindful" when it screened and appointed committee, commission, and board members.

Brenda Robinson, another Charter Commission member, addressed the assembly as well, asking the Board to provide a write-up of its [the Select Board's] protocols for screening board, committee, and commission candidates and for conducting exit interviews. These policies should be included in the Town's Charter, Robinson opined. "The issue for some committees," B Robinson added, "is qualifications".

S. Schulte responded that appointing board and committee members was the purview of the Select Board and was carried out following Select Board policy, unless otherwise stated in the Charter. He nevertheless expressed willingness to share details about the Select Board's screening and interviewing processes with the Charter Commission.

M. Whitehouse ventured that having a clear picture of each candidates' qualifications and, perhaps, a "Candidates' Night" would strengthen the Board's vetting and approval work, referring to the Charter Commission. "It would strengthen our choices," she remarked.

S. Bloomfield spoke again, alleging that the Select Board had recently rejected at least one "exceptionally qualified" candidate. The Select Board, Bloomfield suggested, needed to improve the way it screened and appointed committee members.

There being no other comments, Select Board members [now joined by W. Ward Jr.] proceeded to the following motion:

**Motion: To accept the resignations of Andrew Freda from the Budget Board and Chris Cluff from the Charter Commission and send letters thanking them for their service.**

Moved: L. Trentalange

Seconded: S. Carpenter

**Vote: Roll-call vote, 6 votes in favor, 1 opposed [Trentalange]; the motion passed.**

**c. Countersign RSU 21 Warrant and Notice of Election**

S. Schulte next announced that RSU 21 had finalized and signed its Warrant and Notice of Election for its upcoming Budget Validation Referendum Election on June 13, 2023. The document, Schulte said, would be circulated at this Select Board meeting for members' signatures. S. Schulte also observed that signing the document did not constitute or represent endorsement.

**Motion:** To countersign the RSU 21 Warrant and Notice of Election for the RSU 21 Budget Validation Referendum Election to be held on June 13, 2023.

**Moved:** L. Trentalange

**Seconded:** S. Carpenter

**Vote:** Roll-call vote, 7 votes in favor, 0 opposed; the motion passed.

**d. Beach Parking Permit Fees**

S. Schulte stated that the Town's Beach Parking Permit Ordinance requires that a fee schedule be set each year by Select Board vote after notice and public hearing. The fees were last updated in April, 2021. Town Hall staff, Schulte said, had recommended that the fees remain the same for 2023.

**Motion:** To hold a Public Hearing on March 14, 2023 on Beach Parking Permit Fees for 2023.

**Moved:** L. Trentalange

**Seconded:** S. Carpenter

**Vote:** Roll-call vote, 7 votes in favor, 0 opposed; the motion passed.

**8. Old Business**

**a. Select Board Remote Meeting and Participation Policy**

L. Pratt requested that this item be placed on the agenda to consider expanding the circumstances permitting remote meeting participation to include child, parent, and/or sibling care. The following is the current and proposed [in blue and underlined] language of the amendment governing meeting participation:

**IV. Remote Participation by Individual Select Board Members:** Except for a remote meeting being conducted consistent with Section III of this Policy, members of the Select Board are expected to be physically present for all public meetings except when being physically present is not practicable for one or more members. Circumstances under which physical presence for one or more members is not practicable include:

- a. Illness or other physical condition, or temporary absence from the Town of Kennebunk that causes the member to face significant difficulties travelling to and attending the public meeting in person or,
- b. To provide a reasonable accommodation to a member with a disability; and/or,
- c. To provide care for a family member

S. Schulte added that the Town Attorney N. Burns had vetted the proposal and found that it did not conflict with state law or regulations. In order to amend the policy, however, a Public Hearing should be held.

**Motion:** To move this item to a Public Hearing on March 14, 2023.

**Moved:** L. Trentalange

**Seconded:** S. Carpenter

**Vote:** Roll-call vote, 7 votes in favor, 0 opposed; the motion passed.

## 9. New Business

There was none.

## 10. Select Board Comments

### a. Subcommittee Reports:

S. Carpenter: The Ordinance Subcommittee meets on March 9<sup>th</sup> and will report back to the Board afterwards. At least four items from that group may require separate Select Board meetings for review.

### b. Board Liaison Reports

L. Pratt: The Climate Action Plan Task Force met on February 27<sup>th</sup> and is making good progress. However, additional members are sorely needed. The Tree Committee will meet on March 9<sup>th</sup> to discuss Arbor Day. L. Pratt also encourage Board members to join the March 6<sup>th</sup> Zoning Board of Appeals meeting.

S. Schulte: The Conservation Commission met on February 27<sup>th</sup> and discussed problem pesticides. An event on "gardening without pesticides" will take place later in March and will be worth attending. The Commission is also conducting site walks.

L. Trentalange: The Community Garden Committee met last week. Today was the last day to apply for garden plots.

W. Ward, Jr. The Planning Board held a meeting on February 27<sup>th</sup> to review Maine's new housing law, "LD 2003". Ward will share the highlights of the law with Board members. The public was urged to go online to consult the State's digital posting of the law. C. Osterrieder expanded on the topic, explaining the scope and purpose of LD 2003. A Public Hearing on the Ordinance changes needed to align with the new law will take place on March 13, 2023.

### c. Comments of Individual Select Board Members

L. Pratt: Reminded the public that the Town Clerk's Office will be closed on February 28<sup>th</sup> for staff training. Thanked all for the good meeting.

W. Ward, Jr. Thanked the Public Services, Fire, and Police Departments for their service and dedication during the snow storms.

## 11. Town Manager Announcements

Town Manager H. Balsler then made the following announcements:

### ■ Beach Parking Permit Fees

A Public Hearing on the topic will take place on March 14<sup>th</sup>.

### ■ Remote Meeting & Participation Policy

This topic will also be taken up at the Public Hearing on March 14<sup>th</sup>.

### ■ Warrant Articles

An initial discussion of the Warrant Articles to be considered in the Town's next election will also take place on March 14<sup>th</sup>, followed by a more in-depth, detailed review on March 28<sup>th</sup>.

- **Climate Action Plan Task Force**  
Expanding the membership of this Task Force is another priority.
- **Select Board Outreach Session**  
The next outreach initiative will take place on March 18<sup>th</sup>. Select Board members L. Pratt and K. Nedeau will be in attendance to meet with the public at this event.
- **Ordinance Review Subcommittee Meeting**  
This group will meet at 10:00am on March 2<sup>nd</sup>.

H. Balsler likewise thanked all Town Hall personnel for their hard work during the recent snow storms.

**12. Executive Session**

There was none.

**13. Adjournment**

There being no additional comments or topics for discussion, S. Schulte adjourned the meeting at 7:31pm.

**Motion: To adjourn this meeting.**

Moved: L. Trentalange

Seconded: S. Carpenter.

**Vote: Roll-call vote, 7 votes in favor, 0 opposed; the motion passed.**

Respectfully submitted by,  
J. Schlagheck, Clerk

Adopted by the Board in the meeting of 03.14.2023  
DATE OF MEETING

Signed by  
Select Board Member: [Signature]  
SIGNATURE  
Lisa Pratt  
NAME IN PRINT