

KENNEBUNK SELECT BOARD MINUTES
TUESDAY, APRIL 12, 2022 – 6:00 P.M.
IN PERSON, TOWN HALL MEETING

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

1. Call to Order

The meeting was called to order at 6:00 pm by Chair and presiding officer L. Blake Baldwin. Those in attendance were:

Present: Select Board Members L. Blake Baldwin [Chair], Shiloh A. Schulte [Vice], Kortney Nedeau [Secretary], Frank Paul, and Lisa Pratt;

Absent: Sally Carpenter and William Ward, Jr.;

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], Jeffrey Rowe [Fire Chief], and Karen Winton [Deputy Director, Community Development].

2. Executive Session

The Chair first proposed an Executive Session to consider two matters.

- a. Consultation between the Board and its attorney concerning the legal rights and obligations of the Board and other matters.

Motion: To enter into Executive Session with the Town Manager and Town Finance Director pursuant to 1 MRSA Sec. 405(6)(E) so as to consult with the Town Attorney concerning the legal rights and duties of the Board, pending and contemplated litigation, settlement offers, and matters where the duties of the Town Attorney to the Board pursuant to the code of professional responsibility clearly conflict with the Freedom of Access Act or where premature general public knowledge would clearly place the Town at a substantial disadvantage.

Moved: S. Schulte

Seconded: L. Pratt

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent [Carpenter and Ward, Jr.]; the motion passed.

- b. Discussion of an economic development matter where premature disclosure of the information would prejudice the Town's competitive or bargaining position.

Motion: To enter into Executive Session with the Town Manager, Finance Director, and Town Attorney, pursuant to 1 MRSA Sec 405(6)(C), to discuss an economic development matter where premature disclosure of the information would prejudice the competitive or bargaining position of the Town.

Moved: S. Schulte

Seconded: L. Pratt

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

At 6:26pm, the Board exited its Executive Session, and had nothing to report.

B. Baldwin called the Board's Regular Meeting to order, and led attendees in the Pledge of Allegiance.

3. **Approval of Minutes and Items to Be Signed**

B. Baldwin then led members in a review of the minutes of the Select Board's Regular Meeting of March 22, 2022 and Special Meeting of March 31, 2022.

Motion: To approve the minutes of the Select Board's Regular Meeting of March 22, 2022.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

Motion: To approve the minutes of the Select Board's Special Meeting of March 31, 2022.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

The Chair next took up items to be signed, but there were none.

4. **Public Hearing**

The Chair subsequently opened a public hearing and solicited public comment on the **Kennebunk 2021 Comprehensive Plan**. The Comprehensive Plan, Baldwin said, is being considered for inclusion at the Annual Town Meeting on June 14, 2022.

C. Osterrieder offered a brief overview of the Comprehensive Plan process, explaining that work on the Plan first began in 2016. Several public hearings and workshops, he said, were convened for robust input. The end product is similar to the Plan adopted in 1991 and is likewise meant to be a tool to help guide Kennebunk's preparation for the economic, demographic, and climate changes to come. The Plan specifically readies the Town for the next ten years.

Osterrieder noted that a copy of the Plan is available for public viewing on the Town's website. He reported that State of Maine officials had vetted the Plan without modification, "a measure of considerable success".

B. Baldwin thanked Bob Metcalf, Barbara Fleshman, Ted Trainer, Joyce Vance, and all other participants who helped assemble the document. "Their work was prodigious," he said. K. Nedeau echoed the same sentiment.

Motion: To send the Kennebunk 2021 Comprehensive Plan to the Annual Town Meeting on June 14, 2022.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

Motion: To recommend acceptance of this article.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

5. Public Comments

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

Leslie Trentalange and Miriam Whitehouse, public commentators, asked if the Board intended to host “hybrid” meetings like the School Board to permit teleconferencing as well as in-person participation. M. Pardue responded that Town Hall, at present, does not have the required technology for hybrid meetings. A beta test produced ineffective results, he said. However, Town Hall IT specialists and outside consultants are continuing to look for a solution. B. Baldwin added that the Town’s video / audio platform is far more complex than that of the RSU, lending to the challenges being experienced.

John Costin asserted that the Town had refused to provide a copy of a report he had requested. He decried what he characterized as secrecy and lack of transparency. B. Baldwin rebutted the assertion later in the meeting.

There being no other public comment or question, the Chair closed the public hearing.

6. Announcements and Acknowledgements

a. New Hires

Fire Chief Jeff Rowe next introduced new firefighters — Jordan Bridges, Madison Lavoie, Kelsey Cummings, Annabel Doane, Connor Curran, Tyler Miglionico, and Cody Jewett. These individuals were hired under a SAFER Grant in February, 2021 when the Board was holding remote meetings. Consequently, Select Board members had not met these individuals in person.

The Fire Chief reported that eight individuals were hired from a pool of 42 applicants. He highlighted the backgrounds of each one. The Chair and Board members welcomed these newcomers to the Kennebunk team.

b. COVID Preparedness Updates

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

Kennebunk COVID Task Force: The Kennebunk COVID Task Force, Pardue reported, is “on pause” since infection rates in the community are low.

Workplace COVID Task Force: On the other hand, the Workplace Task Force, Pardue stated, remains active. Mask-wearing is optional at Town Hall. However, Pardue reported an uptick in infection rates in several northern counties. “We will continue to remain “vigilant,” he said.

7. Time Sensitive Business and Staff Presentations

a. Donation

The Chair next reported that the Town had received a donation in the amount of \$5,000 from the Tommy McNamara Charitable foundation, Inc. in support of various Parks & Recreation initiatives.

Motion: To accept the above donation and send a letter thanking the donor for its generous donation.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

b. Election Logistics

1. **Polling Hours and Town Clerk Office Hours:** The Town Clerk next proposed polling, registration, and absentee balloting hours for the June 14th, 2022 election and referendum — specifically recommending: (1) polling hours from 6:00am to 8:00pm; and (2) additional hours for the Town Clerk's Office to be open to voter registration and absentee balloting on:

- Saturday, June 4, 2022: 9:00am to 1:00pm;
- Sunday, June 5, 2022: 9:00am to 1:00pm; and,
- Thursday, June 9, 2022: 4:30pm to 7:30pm.

Motion: To set the polling hours from 6:00am to 8:00pm and the additional hours for the Town Clerk's Office as noted above; however, if changes are warranted, the information will be posted on the Town's website.

Moved: B. Baldwin

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

2. **Appointment of Warden:** The Town Clerk then proposed appointing Frank Nedeau-Slattery as Warden.

Motion: To approve the Town Clerk's appointment of Frank Nedeau-Slattery as Warden.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

3. **Open Positions (Elected):** The Town Clerk, M. Brown, then reported that nomination papers were still available for a number of Town positions: (1) two positions for Select Board Members with 3-year terms; (2) two positions for RSU 21 Directors with 3-year terms; (3) one position for a Kennebunk Light and Power District Trustee having a 5-year term; and (4) two Kennebunk Sewer District Trustees with 3-year terms.

Brown explained that nomination papers require a minimum of 25 signatures and must be returned to the Town Clerk's Office no later than 4:30pm on April 15, 2022. Absentee ballots, he added, are expected to be available the week of May 16th.

The Chair invited the public to contact the Town Clerk's Office at (207) 985-2102 ext. 1602 or to visit the Town's website at www.kennebunkmaine.us/elections for additional information.

c. Items for Possible Advancement to the Annual Town Meeting in June, 2022

- 1. Wetland Mitigation Ordinance:** B. Baldwin reminded the Board that the Town's Conservation Commission had developed Ordinance language for wetland mitigation. The language would be an amendment to the Town's current Zoning Ordinance and would empower the Town to require the mitigation of impacts to wetlands. The proposed standards, Baldwin said, are very similar to those currently mandated by the State.

C. Osterrieder related that the Town's Planning Board had held a public hearing on the topic on April 11, 2022 and had voted unanimously to forward this item to the Select Board with a positive recommendation. The proposed language, Osterrieder said, had been vetted by the Town's Attorney, as well. In order to be advanced, Osterrieder added, a public hearing by the Board is required.

L. Pratt asked if the proposed Kennebunk language was stricter than the national standard, and C. Osterrieder responded in the affirmative. The primary difference, Osterrieder said, is that Kennebunk's language sets a lower or "tougher" mitigation threshold. Osterrieder also affirmed that the same fee calculation would apply regardless of the location of the property. S. Schulte commended this language and initiative.

Motion: To schedule a Public Hearing for Tuesday, April 26, 2022 to receive public comments on the possible enactment of the proposed Wetland Mitigation Ordinance.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

- 2. Contract Zone for 2-4 Harbor Lane – Kyick Holdings LLC – "Pilot House":**

B. Baldwin then introduced a Contract Zone proposal submitted by the owners of the "Pilot House" restaurant at 2-4 Harbor Lane in the Lower Village. The proposal does not provide for any additional use of the property, Baldwin said, but would permit adjustments to setbacks to accommodate development changes on the property.

C. Osterrieder related that the Planning Board had also held a public hearing on this proposal on April 11, 2022. The Planning Board, Osterrieder said, had voted unanimously to forward this item to the Select Board with its [the Planning Board's] positive recommendation that the item be included in the Annual Town Meeting in June. The proposal meets the criteria of the Town's Comprehensive Plan, Osterrieder added. But even if endorsed by the Select Board and Kennebunk voters, the project would still have to undergo detailed reviews by the State Department of Environmental Protection and the Town's Site Plan Review Board.

K. Nedeau ventured the view that the proposal would bring economic and environmental benefits to the community. She spoke in favor of it. Public commentator Leslie Trentalange instead spoke in opposition to the proposed setbacks and visual impact of the project. She urged the Board to exercise caution on the matter.

Kylie Raymond, one of the owners of the "Pilot House", offered a rebuttal. She explained the height of the proposed structure and asserted that the project would have positive impact on water quality, drainage, and parking in the Lower Village.

Motion: To schedule a Public Hearing for Tuesday, April 26, 2022 to receive public comments on the proposed Contract Zone for 2-4 Harbor Lane, Kyick Holdings LLC.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

8. Old Business

- a. **Review Draft Articles that will be Appear on the Warrant for the June 14, 2022 Annual Town Meeting** B. Baldwin next called on Finance Director Joel Downs to review the items which are proposed to appear on the June, 2022 Annual Town Meeting Warrant. Downs explained that, per the Town's Charter, two public hearings are required for all warrant items. The first public hearing would be on April 26, 2022 (and ballots will be printed on April 27). The second public hearing would take place on May 24, 2022 with no ballot changes subsequently permitted.

J. Downs then enumerated and briefly described the 19 Articles preliminarily slated to appear on the ballot. [View Draft Warrant Items \(PDF\)](#)

L. Pratt asked that Article 19 recommending a change of Ordinance terminology [i.e. shifting from "Board of Selectmen" to gender-neutral "Select Board"] be moved to the front of the queue "to avoid voter fatigue". Board members subsequently voted on that proposal.

Motion: To move Article 19 ["Selectmen" language] to Article 3.

Moved: L. Pratt

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

B. Baldwin then solicited public comments or questions, but there were none.

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

9. New Business

- a. **Harbor Playground Repairs:** B. Baldwin reported that a recent inspection of the playground at Parsons Field, 19 Park Street, revealed a number of defects and safety concerns. An independent inspector has recommended a combination of repairs and play equipment replacements.

Baldwin stated that the Town was in receipt of a quote from Playpower Inc., the New England distributor of Little Tykes Commercial playground equipment. Since many of the items needing fixing or replacement at Parsons Field are of "Little Tykes" manufacture, the replacement pieces need to come from Playpower Inc.

The Director of Public Services, B. Laverriere, further explained that "vandalism plus wear-and-tear" had taken their toll on the equipment. K. Nedeau reported that a number of residents had complained to her about the problem.

B. Laverriere recommended that the Select Board's Purchasing Policy be waived to allow for sole sourcing of the repair and replacement items needed.

Motion: To waive the Select Board's Purchasing Policy to allow for sole sourcing for the repair and replacement of playground equipment.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

Motion: To authorize the Town Manager to spend up to \$35,000 from the Select Board's capital reserve fund for the repair and replacement of playground equipment.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

- b. **Composting Volunteers:** L. Pratt then asked Board Members for their views on whether or not to create a short-term "composting volunteer group". Tony Dater and Linda Miller-Clearly made the case that some form of volunteer group be organized to promote composting in the community. They offered a brief history of composting initiatives in town. Discussion ensued between Board members as to whether such a group should be a "committee", "task force", "work group", or "volunteer group".

B. Baldwin observed that, whatever the terminology used to describe it, any group would have meeting, reporting, and Town-support requirements. Baldwin suggested that L. Pratt help build "a full-blown committee from the ground up" with by-laws, a mission statement, a list of members, and projection of the Town support required. It could be built step-by-step, Baldwin said. L. Pratt agreed to help do so.

T. Dater then urged the Town to place an ad in local newspapers and bulletins for compost volunteers. L. Pratt will follow up.

- c. **Workshops: Short-Term Rentals & Charter Revision**

B. Baldwin next introduced two topics: (1) the Charter Revision Workshop, and (2) a workshop on short-term rentals.

M. Pardue reported that the Charter Revision Workshop is scheduled for May 3, 2022 at 6:30pm. B. Baldwin then asked fellow Board members to consider organizing a separate workshop on short-term rentals.

After Board members deliberated on the "rental workshop" idea at some length, they concluded that the rental topic was a subset of an even larger topic — namely, "housing" in general. Baldwin consequently suggested that the Board look at all the aspects of housing to include "affordable housing", "senior housing", and "inclusionary zoning" (i.e., zoning requiring a developer to make a certain number of units "affordable").

Public commentator Jonathan Whitehouse urged the Board to look into the housing policies of Cape Elizabeth, which already has affordable housing incentives in place. K. Nedeau volunteered to put together some preliminary "housing workshop" ideas and share them with the Select Board at its next meeting. Nedeau will specifically aim to organize a housing workshop in June.

- d. **Road Closures for Special Events:** The Chair then relayed the request of the Police Department for a number of road closures to accommodate (1) the Town's May Day Parade on Saturday, May 7, 2022; (2) the Senior Center Kennebunk Beach Classic 5K on Sunday, June 5, 2022; (3) the Kennebunk Free Library 25th 5K on Friday, July 8, 2022; and (4) the KBIA 5K Road Race and 1K "Kids Fun Run" on Sunday, July 10th, 2022.

Motion: To approve the road closures as recommended by the Police Department for the May Day Parade in May 7, 2022.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

Motion: To approve the road closures as recommended by the Police Department for the Senior Center Kennebunk Beach Classic 5K on June 5, 2022.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

Motion: To approve the road closures as recommended by the Police Department for the Kennebunk Free Library 25th 5K on July 8, 2022.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

Motion: To approve the road closures as recommended by the Police Department for the KBIA 5K Road Race and 1K Kids Fun Run on July 10, 2022.

Moved: S. Schulte

Seconded: K. Nedeau

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

- e. **Representation on York County Budget Committee:** B. Baldwin next explained that the caucuses to elect municipal and public representatives to membership on the York County Budget Committee will take place on April 13, 2022 at 6:30pm in the York County Courthouse, 45 Kennebunk Road, in Alfred, Maine.

The Select Board, Baldwin said, is asked to nominate a Select Board member to represent Kennebunk as there is one open seat in District #2 which includes Arundel, Biddeford, Kennebunk, and Kennebunkport. However, only a nominee from Kennebunk or Kennebunkport may fill the one remaining vacancy. That vacancy expires on March 30, 2025.

Baldwin stated that whomever the Select Board nominated would still need to be elected at the caucus on April 13th. Select Board members wishing to vote would need to attend the meeting in person.

After a discussion of possible nominees, K. Nedeau volunteered to be Kennebunk's candidate.

Motion: To nominate Kortney Nedeau to serve on the York County Budget Committee until March 30, 2025 if elected at the April 11, 2022 caucus.

Moved: S. Schulte

Seconded: L. Pratt

Vote: Show-of-hands vote. 4 votes in favor [Baldwin, Pratt, Paul, Schulte], 0 opposed, 2 absent [Carpenter and Ward, Jr.], and 1 abstention [Nedeau]; the motion passed.

10. Select Board Comments

a. Subcommittee Reports:

B. Baldwin and S. Schulte next offered an update on the work done thus far to identify a **replacement for the Town Manager**. Baldwin reported that proposals are in hand from three recruiters, and copies of those proposals had been shared with all Board members. The Board then informally agreed to: (1) select one of the three recruiters and create a "steering committee" at the next Select Board meeting; (2) organize a future meeting or workshop to review the job description and pertinent documents to be used in the recruitment effort; and (3) solicit and incorporate public feedback into the recruitment process.

b. Board Liaison Reports

K. Nedeau The Economic Development Committee held a recent meeting and discussed how to help local businesses thrive. EDC representatives will begin to meet with local businesses to see how they can help the businesses achieve their goals.

L. Pratt The Energy Efficiency Committee will meet on April 23rd via Zoom.

S. Schulte Thanked the Conservation Commission for its extensive role in helping to draft Kennebunk's "Wetland Mitigation" language.

c. Comments of Individual Select Board Members

B. Baldwin Offered to "clear up any misconceptions" about the Council on Aging issue to which Mr. Costin alluded. The report that was made, Baldwin said, had to do with a personnel matter. On the advice of labor attorney Alyssa Tibbetts, the Town is keeping the report about the employee in question confidential. "Personnel matters," Baldwin said, "should not be aired in public", and that policy had been legally vetted.

F. Paul Related a personal story about escalating housing costs in Kennebunk. He questioned how people can afford to move into Kennebunk today.

L. Pratt Thanked members for the meeting and expressed excitement about returning to in-person meetings.

11. Announcements

Town Manager M. Pardue then made several announcements.

- a. **Project Updates:** Skate Park construction, Pardue reported, is underway. The Route One rest area project is advancing. Preliminary Community Survey results have been processed by the consultant and the results generally give Kennebunk a highly positive image. The volunteer driving project has attracted 8 volunteers thus far. A new ambulance "may be here" in August. A newly revised "Employee Handbook" is being finalized

for Town employees. Additionally, Pardue said, "an Internet survey again rates Kennebunk as the safest town in the safest State of the Union."

- b. **Road Posting:** M. Pardue notified the Board that the posting of certain Town ways limiting the access of vehicles registering a gross weight of more than 23,000 pounds had been lifted effective April 7, 2022.
- c. **April 18th Patriots Day:** Pardue also advised the Board that municipal offices and the Transfer Station would be closed on Monday, April 18th because of the holiday. He emphasized that there is no change to trash and recycling curbside collection; all days will be picked up as scheduled.
- d. **Select Board Workshop, May 3rd:** Pardue again reminded Select Board members that a workshop on the Charter Revision Process is scheduled to take place on May 3, 2022.
- e. **Beach Permits:** Beach permits for the 2022 season are now available at Town Hall.
- f. **Property Tax Assistance:** M. Pardue also reported that applications can now be submitted for tax assistance. To qualify for assistance, residents must: (1) be 62 years of age or older; (2) have lived in your home for at least one year; (3) have received a refund through the State of Maine Property Tax Fairness Credit Program and have a Homestead Exemption on their property; and (4) submit their application for Kennebunk assistance to the Tax Collector's Office by **July 1, 2022**. Additional information is available at www.kennebunkmaine.us/taxhelp.

12. Executive Session

No other Executive Session was called.

13. Adjournment

There being no additional comments or topics for discussion, the presiding officer adjourned the meeting at 9:22pm.

Motion: To adjourn the meeting.


Moved: S. Schulte

Seconded: L. Pratt

Vote: Show-of-hands vote. 5 votes in favor, none opposed, 2 absent; the motion passed.

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board in the meeting of 4/12/22,
DATE OF MEETING

Signed by
Select Board Member: 
SIGNATURE
Kortney E. Nedean
NAME IN PRINT