

# KENNEBUNK SELECT BOARD MINUTES

TUESDAY, APRIL 26, 2022 – 6:30 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](http://TownHallStreams.com) at any time.

## 1. Call to Order

The meeting was called to order at 6:30 pm by Chair and presiding officer L. Blake Baldwin. There were six voting members in attendance:

Present: Select Board Members L. Blake Baldwin [Chair], Kortney E. Nedeau [Secretary], Sally A. Carpenter, Frank G. Paul, Lisa J. Pratt, and William A. Ward, Jr.

Absent: Shiloh A. Schulte [Vice Chair]

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], and Karen Winton [Deputy Director, Community Development]

## 2. Approval of Minutes

B. Baldwin then led members in a review of the minutes of the Select Board's Regular Meeting of April 12, 2022.

**Motion: To approve the minutes of the Regular Meeting of April 12, 2022.**

Moved: K. Nedeau

Seconded: L. Pratt

**Vote: Show-of-hands vote. 4 votes in favor, 2 abstentions [Carpenter and Ward, Jr.], 1 absent [Schulte]; the motion passed.**

## 3. Items to Be Signed

There were none.

## 4. Public Hearings

### a. Application for Victualer License, 186 Port Road

The Chair then opened a public hearing on the application for a Victualer License submitted by MIP Trading Company LLC d/b/a "Mornings in Paris The Creperie" located at 186 Port Road. The owner of the establishment briefly described the nature of his business. There were no public or Board questions or comments.

**Motion: To approve the Victualer License application for MIP Trading Company LLC d/b/a "Mornings in Paris The Creperie".**

Moved: K. Nedeau

Seconded: L. Pratt

**Vote: Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.**

### b. Applications for Victualer License, Liquor License, and Special Amusement Permit — 46 Western Avenue

The Chair next opened a public hearing on the applications for a Liquor License, Victualer License, and Special Amusement Permit submitted by 46 Western Avenue LLC d/b/a "Wandby Landing" [formerly "On The Marsh"] located at 46 Western Avenue. The owner, Matt Dyer, addressed the Board, explaining his intent to expand the bar, dining area, and

wedding reception area of the establishment. There were no Board or public comments or questions. B. Baldwin subsequently closed the public hearing.

**Motion:** To approve the Liquor License, Victualer License, and Special Amusement Permit for 46 Western Avenue LLC d/b/a/ "Wandby Landing".

Moved: K. Nedeau

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.

**c. Applications for Victualer License, Liquor License, and Special Amusement Permit — 27 Western Avenue**

The Chair next opened a public hearing on the applications for a Liquor License, Victualer License, and Special Amusement Permit submitted by VS KBK Restaurant LLC d/b/a "Via Sophia by the Sea" [formerly "Pearl"] located at 27 Western Avenue. There were no Board or public comments or questions, and B. Baldwin closed the public hearing.

**Motion:** To approve the Liquor License, Victualer License, and Special Amusement Permit for VS KBK Restaurant LLC d/b/a/ "Via Sophia by the Sea"

Moved: K. Nedeau

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.

**d. Wetland Mitigation Ordinance**

The Chair then opened a public hearing on a proposed amendment to the Zoning Ordinance for a new article entitled "Article 15 Wetland Mitigation Ordinance." This amendment, Baldwin said, had been drafted by the Conservation Commission and members of the Planning Board. The Planning Board held a public hearing on the topic on April 11, 2022 and voted unanimously to forward the item to the Select Board with a positive recommendation for approval. The proposed language, Baldwin added, had also been vetted by the Town's Attorney. The amendment is being considered for inclusion at the Annual Town Meeting on June 14, 2022. [View Proposed Wetland Mitigation Ordinance \(PDF\)](#)

B. Baldwin urged the public to consult the proposed language and likewise check the "[Executive Summary](#)" which explains the wetlands ordinance in layman's terms.

The Director of Community Development, C. Osterrieder, then explained that a fee would be charged for intrusions on wetlands based on this new amendment. If passed by the Select Board and voters, Osterrieder said, the language and fee requirement would go into effect on June 15, 2022.

W. Ward, Jr. asked if the new regulation would cause the Town, itself, to pay a "wetlands impact fee" if the Town's new garage project were approved, and C. Osterrieder responded in the negative, explaining the fee mechanics related to the Town's project.

Public commentator Brenda Robinson then pointed out inconsistencies in the proposed language. In some sections, she said, the proposed language cites the Site Plan Review Board as a deciding authority and in other passages it does not. Board members informally agreed with Ms. Robinson that the language needed be amended.

Albert Kolff, another public commentator, commended the Board and language originators for their efforts to preserve Kennebunk's wetlands. There being no other public comments or questions, B. Baldwin closed the public hearing.

**Motion:** To amend Page 1, Section 2, "Shoreland Permit Required," Item B of the proposed Wetland Mitigation Ordinance to read: "...as approved by the Planning Board (or Site Plan Review Board in the case of a Site Plan Application)".

Moved: B. Baldwin

Seconded: W. Ward, Jr.

**Vote:** Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.

**Motion:** To send the proposed Wetland Mitigation Ordinance as amended to the Annual Town Meeting on June 14, 2022.

Moved: K. Nedeau

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.

**Motion:** To recommend acceptance of this article.

Moved: K. Nedeau

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.

**e. Contract Zone, 2-4 Harbor Lane, "Pilot House", Map 88 Lots 11 & 12**

The Chair next opened a public hearing on the proposal for a Contract Zone for 2-4 Harbor Lane, Tax Map 88 Lots 11 & 12, aka the "Pilot House" restaurant. The item, Baldwin said, is also being considered for inclusion at the Annual Town Meeting on June 14, 2022.

C. Osterrieder explained "Contract Zones" in general and said that this one, if approved, would be the Town's ninth. This particular Contract Zone, he added, would enable the applicant to relocate its restaurant, dry-dock its restaurant/ship, create public restrooms, and improve parking. The Contract Zone could also be rescinded, Osterrieder added, if drainage, water treatment, parking, and/or other stipulations were not honored.

Osterrieder confirmed that the Town Attorney had reviewed and approved the item. Kennebunk's Site Plan Review Board, he stated, would likewise have to review and approve all project details, but would do so later in time. The uses of the property, Osterrieder stated, would not change.

K. Nedeau asked Osterrieder to enumerate the sundry "covenants" or stipulations which the applicant would have to honor for the Contract Zone, if approved, to remain in vigor, and C. Osterrieder provided that information. S. Carpenter asked if abutter concerns, noise levels, and setbacks would be taken into consideration by the Site Plan Review Board, and C. Osterrieder responded in the affirmative.

B. Baldwin reported that he had been contacted by one abutter who expressed concerns, however that party "was not adverse" to the project. Kylie Raymond, one of the owners of The Pilot House, then showed renderings to scale of the proposed restaurant. B. Baldwin invited public comments or questions, but there were none. Baldwin subsequently closed the public hearing.

**Motion:** To send the proposed Contract Zone for 2-4 Harbor Lane, Tax Map 88 Lots 11 & 12, to the Annual Town Meeting on June 14, 2022.

Moved: K. Nedeau

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.

**Motion:** To recommend voter acceptance of this article.

Moved: K. Nedeau

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.

**f. 2022 Annual Town Meeting Warrant and FY 2022-23 Budget**

The Chair next opened a public hearing on the 2022 Annual Town Meeting Warrant which would include Kennebunk's FY 2022-23 Municipal Budget. He noted that, per the Town's Charter, two public hearings are required on all warrant issues. This hearing, B. Baldwin said, is the first such public hearing. The second is scheduled for May 24, 2022.

Town Finance Director J. Downs then circulated copies of the proposed warrant and solicited questions and comments, but there were none. Downs informed the public that detailed information about the warrant and about the Town's proposed budget are available online at [www.kennebunkmaine.us/budget](http://www.kennebunkmaine.us/budget). Detailed information is also available, he said, at the Town Clerk's Office.

As no motion was required, the Chair proceeded to solicit and accept public comments of a general nature.

**5. Public Comments**

Brenda Robinson urged the Select Board to remain vigilant in keeping up the maintenance of the vacant Waterhouse property. John Costin commented on the lawsuit he had brought against the Town. Mr. Costin alleged that he had been wrongly denied access to a consultant's report regarding a Town employee issue on the advice of the Town's legal counsel. Mr. Costin challenged (1) the Town's claim of privacy on personnel matters, and (2) the Town Attorney's interpretation of State law.

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

**6. Announcements and Acknowledgements**

**a. New Hires**

The Chair announced that Keith Cluff had joined Kennebunk's Public Services Department as Operations Manager effective April 25, 2022. Mr. Cluff has extensive experience in Maintenance, Inventory, and Operations with other groups. The Chair and Board welcomed Keith to the Town of Kennebunk.

**b. COVID Preparedness Update**

Town Manager M. Pardue then offered an update on the Town's COVID policies and preparedness. He stated that he and the Kennebunk Workplace COVID Task Force continue to monitor local infection rates. Town Hall maintains a mask-optional policy. Pardue stated that he remains in close contact with other government officials to keep abreast of COVID developments in the State.

## 7. Time Sensitive Business and Staff Presentations

### a. Donations

The Chair next reported that the Town had received the following donations: (1) \$1,000 from Tom Wellman for the Waterhouse Center Chillers; and (2) \$3,000 from Kennebunk Savings for the Town's Concerts in the Park.

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

Moved: K. Nedeau

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.

### b. Other Town Business

B. Baldwin also reported that \$49,000 in total had been raised thus far for the chillers at the Waterhouse Center. He thanked the donors for their generosity. In addition to Mr. Wellman's donation above, the following amounts have also been donated: \$25,000 from George and Diantha Harrington, \$10,000 from Duffy's Tavern & Grill, \$10,000 from Paper Trails and \$2,037.16 raised during Prelude by the Nonantum Resort and the Kennebunk, Kennebunkport, and Arundel Chamber of commerce.

## 8. Old Business

**a. Update on Town Manager Search:** B. Baldwin then reported on the status of the Recruitment Task Force's mobilization to locate a suitable replacement for the Town Manager. He stated that the team had: (1) identified three possible recruiters with specialty in this field — MMA, Eaton Peabody, and GovHR; and (2) created an "RFP", copies of which were handed out to the Board and public at the meeting. The Select Board, he said, should discuss and amend the RFP as well as solicit and consider public feedback at its workshop on May 3, 2022.

B. Baldwin solicited public comments on the topic. Brenda Robinson commended the Board for the RFP and thanked the public for its ongoing enthusiasm and feedback. Miriam Whitehouse, another public commentator, asked if the Charter Review and RFP review would take place on the same night (May 3<sup>rd</sup>), and Baldwin responded in the affirmative.

**b. Update on "Hybrid" Meetings:** B. Baldwin next explained that the Town Manager and Town Hall staff were continuing to look into the possibility of conducting "hybrid" meetings. The intent, he said, is to eventually hold meetings which could be attended by Board members and the public in person as well as via Zoom. However, Baldwin explained that "complex, patch-work technology" was being used by Town Hall to record and televise Select Board meetings. "A hybrid meeting format", he said, "is proving to be highly complicated," due in great part to the antiquated analogue system the Town utilizes to broadcast its meetings and, the fact that additional staff will likely be needed if a Zoom (or similar) platform is added to the already multiple platforms being managed by a single technician. He nevertheless assured the public that the search for a solution was ongoing.

## 9. New Business

**a. Dedication of the Town's 2021 Annual Report:** B. Baldwin next reminded Board members that the Town typically dedicates its Annual Reports to individuals who had passed away during the year and who were recognized for their exceptional community service as Town volunteers, officers, or employees. The Chair cited the following six individuals as candidates for this recognition: (1) **George F. Cressey**, 53 years of Fire

Rescue service; (2) **John D. Downing**, volunteer and Master of Ceremonies for Kennebunk's Downtown Tree Lighting ceremony; (3) **Harriet H. Mill**, Ballot Clerk; (4) **Stephen D. Nason**, Department of Public Services Mechanic and Truck Driver; (5) **Richard N. Sharood**, Historic Preservation Commission member; and (6) **Sharon A. Staz**, General Manager and Treasurer of Kennebunk Light & Power District, Energy Efficiency Committee member, and volunteer with Skate Park Ad-hoc Committee.

B. Baldwin recommended that the Select Board dedicate the Town's 2021 Annual Report to these individuals.

**Motion: To dedicate the 2021 Annual Town Report to those listed above.**

Moved: K. Nedeau

Seconded: L. Pratt

**Vote: Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.**

## 10. Select Board Comments

### a. Subcommittee Reports:

B. Baldwin was the sole commentator. He reported that the Connectivity Task Force had met with Tilson last week, and that firm projected costs of \$20 million for connectivity infrastructure and \$1 million per annum for annual maintenance if the Town wanted to improve connectivity. "The costs are prohibitive," Baldwin stated. As alternatives, the Task Force will (1) meet with possible partners; (2) look into financing and grant options; and (3) meet with cell phone service providers to see if they can afford any improvements.

### b. Board Liaison Reports

Carpenter: The Historic Preservation Commission met last week and reviewed the State's inventory of historic properties in Kennebunk. The West Kennebunk Village Committee is hosting a spaghetti dinner on Saturday, May 14<sup>th</sup> for the benefit of a local family.

Pratt: L. Pratt and C. Osterrieder reported that the Town is expected to benefit from a grant which will enable a number of southern Maine towns to develop "climate action plans" and bolster public engagement on climate initiatives. The amount which Kennebunk might receive has yet to be determined.

### c. Comments of Individual Select Board Members

Baldwin: Affirmed that Mr. Costin had initiated a legal proceeding against the Town to gain access to reports related to a personnel matter. Kennebunk's response, he said, is being guided by the Town Attorney.

Carpenter: Commended M. Pardue for his Plummer Lane meeting to help move public land to the Kennebunk Land Trust. She also re-iterated her call for a Town newsletter.

Nedeau: Reported having received emails on beach pass pricing [it is the same as last year's], and delays in obtaining building permits. C. Osterrieder explained the types, timing, and volumes of permit requests. K. Nedeau hopes to work with the Town Manager and staff to organize a workshop on affordable housing and share her research on the topic.

Pratt: Thanked the public for attending Board meetings and encouraged the Town Manager to investigate the possibility of making recordings of Town workshops which the public could view online.

After these remarks, public commentators took the opportunity to address the Board anew. Miriam Whitehouse reiterated the importance of having "hybrid" meetings for more robust public participation. John Costin urged Board members to demonstrate transparency in policy and action. Andrew Freda commended the Select Board and Town Hall employees for their good service. B. Robinson offered to "oversee Zoom sessions" for a wage of \$1.00 p/yr. and/or write a Town newsletter as a volunteer.

## 11. Announcements

Town Manager M. Pardue then made several announcements.

- a. **Project Updates:** Work on the Skate Park is approximately 50% complete. Work continues on the Town's Climate Action Plan and composting initiatives.
- b. **Select Board Workshop:** M. Pardue reminded members that an RFP for Town Manager Consulting Services Workshop would take place on May 3, 2022 beginning at 5:30pm followed by a Charter Review Workshop on the same date at 6:30pm. Attorney Durward Parkinson will be on hand to facilitate the latter discussion.
- c. **May Day Festival:** Pardue also advised the Board that the Town's May Day Festival will take place from 8:00 am until 3:00pm with a parade at 1:30pm on May 7, 2022. Details about the day's events are available at [www.kennebunkmaine.us/mayday](http://www.kennebunkmaine.us/mayday).
- d. **Candidates Night:** M. Pardue then reported that candidates running for Select Board will have an opportunity to present their credentials and describe their interest in a Select Board post at "Candidates Night", to be held on Thursday, May 19, 2022 at Town Hall. Pardue invited the public to participate in person, watch the proceeding via CableTV Channel 5, or view the session at any time via streaming at [www.townhallstreams.com](http://www.townhallstreams.com).
- e. **Buy-A-Brick:** M. Pardue then reported that the Town is taking orders for personalized, engraved bricks to be installed this fall at the Waterhouse Center. Orders received by June 30<sup>th</sup> will be installed this year. Orders received after June 30<sup>th</sup> will be included in the 2023 installation.
- f. **Workshop on Short-Term Rentals:** Will take place on May 11, 2022.
- g. **Resignation:** M. Pardue also reported that the Town's Recreation Director Tasha Pinkham had tendered her resignation to take the position of Town Manager of Standish, Maine. Her last day with Kennebunk will be May 9, 2022. Pardue reported that he had initiated a search for a replacement.
- h. **Search for a Fire Chief:** The search for a replacement of Fire Chief Jeff Rowe is also ongoing, Pardue said, and is "on track".

## 12. Executive Session

None was convened.

## 13. Adjournment

There being no additional comments or topics for discussion, the Chair adjourned the meeting at 8:31pm.

**Motion:** To adjourn the meeting.

Moved: K. Nedeau

Seconded: L. Pratt

**Vote:** Show-of-hands vote. 6 votes in favor, none opposed, 1 absent (Schulte); the motion passed.

Respectfully submitted by,  
J. Schlagheck, Clerk

Adopted by the Board in the meeting of 5/10/2022,  
DATE OF MEETING

Signed by  
Select Board Member:

  
SIGNATURE  
Kortney Nedeau  
NAME IN PRINT