

KENNEBUNK SELECT BOARD MINUTES
TUESDAY, MAY 24, 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. It is available for viewing at any time online at *TownHallStreams.com*.

1. Call to Order

The meeting was called to order at 6:30 pm by Chair and presiding officer L. Blake Baldwin, who led Board members in the Pledge of Allegiance. There were five voting members in attendance:

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

Absent: Shiloh A. Schulte [Vice Chair], and William A. Ward, Jr.

Also Present: Michael Pardue [Town Manager], Chris Osterrieder [Director of Community Development]; Joel Downs [Finance Director], Tina Radel [Communications & Marketing Specialist]; Karen Winton [Deputy Director of Community Development], Merton Brown [Town Clerk], and John Brady [Fire Chief].

2. Minutes

The Chair then called on the Board to review, approve, and/or amend the minutes of the Select Board's Regular Meeting of May 10, 2022.

Motion: To approve minutes of the Select Board's Regular Meeting of May 10, 2022.

Moved: L. Pratt

Seconded: S. Carpenter

Vote: Roll call vote. 4 votes in favor, none opposed, 3 absent [Schulte, Ward; Nedeau joined after the vote]; the motion passed.

3. Items To Be Signed

There were none.

4. Public Hearings

a. Amendment to the Town Ordinances, Section 6-1 "Street Vendors & Peddlers"

The Chair next opened a public hearing and solicited public as well as Board comments on a proposal to amend (reduce) the Waterhouse Center Zone in anticipation of a proposal to locate mobile vending units at the Sunoco property at 61 Main Street.

B. Baldwin explained that the proposal would specifically amend the definition of the Waterhouse Center Zone cited on page 153 of the Town Ordinance as follows:

10. "Waterhouse Center Zone" as used herein shall include ~~all privately owned property, public streets, sidewalks, parking lots and other publicly owned or controlled spaces within 300 feet from any property line of the subject property located~~ at 51 Main Street, the Waterhouse Center Pavilion property, identified on Tax Map 51, Lot 140.

The Chair reiterated that this Ordinance change would not require a Town Meeting vote. It could, he stated, be approved at a public hearing. This is the Town's second public hearing on the matter.

Pamela Day, a public commentator and food truck owner, encouraged the Board to pass the resolution.

Motion: To amend the Town Ordinances, Section 6-1 Ordinance relating to the Licensing of "Street Vendors & Peddlers" as proposed above.

Moved: K. Nedeau

Seconded: S. Carpenter

Vote: Roll call vote. 5 votes in favor, none opposed, 2 absent [Schulte, Ward]; the motion passed.

b. June 14, 2022 Warrant and Fiscal 2022/23 Budget.

The Chair next opened a public hearing and solicited public questions on the proposed Warrant for the Annual Town Meeting of June 14, 2022, which includes the Town's Fiscal Year 2022-23 Budget. B. Baldwin explained that, per Kennebunk's Charter, two public hearings are required for warrant items. This was the second such hearing. The Chair observed that the Warrant articles and Budget amounts could not be changed at this time. The purpose of this hearing, he said, was to answer any questions of the public.

As there were no public questions or comments, the Chair closed the public hearing.

5. Public Comments

John Costin commented on the school shooting in Texas and called for a moment of silence. After that pause, he urged Board members to consider modifying the service of the Board's Chair position. Kennebunk's Ordinance, he said, requires the Chair to serve a one year term. However, Mr. Costin urged members to consider four-month rotations in the post by the Chair, then Vice-Chair, and then other members of the Board in the order of their seniority. The rotations, J. Costin said, would give all Board members leadership experience.

Miriam Whitehouse, another public commentator, inquired about the recruitment process for the Town Manager replacement. The Chair deferred comment, stating that the topic would be addressed later in the meeting.

Town Clerk M. Brown then advised the Board and public that voting in the June 14 Annual Town Meeting was now possible by absentee ballot. He explained how to obtain such a ballot on line, by writing in, by requesting a ballot by phone, or by visiting the Town Clerk's Office in person. He encouraged the public to consult the "Voter's Guide" which provides information about the items on the ballot. Brown additionally noted that the public can register to vote at Town Hall any day of the week and also on Saturday, June 4th and Sunday, June 5th from 9:00am to 1:00pm.

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

6. Announcements and Acknowledgements

a. Police Department Promotion

The Chair then announced the promotion of Police Officer Kevin Schoff to the rank of Sergeant effective May 28, 2022. Sgt. Schoff will fill the vacancy created by the promotion of another officer. Sgt. Schoff's extensive training, police, and community service record can be viewed on the Town's website and in the Agenda of this meeting.

b. “Slow Down Kennebunk” Campaign

The Town Manager also announced the roll-out of the “Slow Down Kennebunk” campaign. He explained that it is an initiative to decrease vehicle velocity in the community. Since the pandemic, Baldwin said, there has been a general uptick in speeding nationwide. Kennebunk is likewise experiencing problematic speed levels.

The Town of Kennebunk and Police Department, Baldwin said, are therefore seeking voluntary compliance by all drivers to slow down and keep the community safe. A series of public service announcement videos will be shared on social media, the Town’s website and cable TV. “Slow Down Kennebunk” yard signs will also be available beginning May 25, 2022 at Town Hall.

Tina Radel played two of the campaign videos. Board members commended the quality of the videos and their message.

M. Pardue also observed that the Town continues recruitment efforts to add two additional Police officers to the Force. Pardue and B Baldwin urged the public to endorse the Police Department’s proposed 20-year pension and “4/10” work schedule [4 days on, working 10 hours each] as important features for the Town to remain competitive in today’s market.

c. COVID Update

Town Manager M. Pardue next offered an update on the Town’s COVID policies and preparedness. He reported that York County continues to have a “moderate” COVID-19 transmission rating. Some employees are in quarantine, he said, but there has been no disruption of service to the public.

7. Time Sensitive Business and Staff Presentations

- a. Donations:** The Town Manager then informed the Board that two donations had been received for Kennebunk Fire Rescue: one in the amount of \$100 from James K. Pastorelli; and a second in the amount of \$500 from Mousam Lodge 26 IOOF.

Motion: To accept the above donations and send letters thanking each [donor] for their kind donations.

Moved: K. Nedeau

Seconded: S. Carpenter

Vote: Roll call vote. 5 votes in favor, none opposed, 2 absent [Schulte, Ward]; the motion passed.

- b. Perloff Family Foundation Grant:** M. Pardue next advised the Board that the Town had also received a grant in the amount of \$15,000 from the Perloff Family Foundation. The grant, M. Pardue said, is for the “Freed Slave Research Project”, an initiative being supported by the Bicentennial Committee. The funding is specifically for the Ridge Community archaeological dig to learn more about Kennebunk’s Indigenous and Black histories. The dig is under the direction of Leith Smith, an archaeologist with the State’s Historic Preservation Commission, and Kathy Ostrander, Kennebunk Town historian.

Motion: To accept the grant of the Perloff Family Foundation in the amount of \$15,000 for the Freed Slave Research Project.

Moved: K. Nedeau

Seconded: S. Carpenter

Vote: Roll call vote. 5 votes in favor, none opposed, 2 absent [Schulte, Ward]; the motion passed.

- c. **Appointment Consideration for Town Committee:** M. Pardue then informed Board members that Christian Babcock had applied to serve on the Town's Economic Development Committee. The EDC, Pardue said, had several vacancies: one Regular Member position with a term expiring in 2023; one Regular Member position with a term expiring in 2024; and two Alternate Member posts with terms ending in 2022.

Christian Babcock addressed the Board, briefly highlighting his business, Chamber-of-Commerce, and community service experience. In response to questions by K. Nedeau, he suggested that affordable housing and stepped-up bus service might facilitate staffing as well as retail traffic. M. Pardue reported that grant money may be available for transportation improvements.

Motion: To appoint Christian Babcock as a Regular Member of the Economic Development Committee for the remainder of a three-year term that expires on June 30, 2023.

Moved: K. Nedeau

Seconded: S. Carpenter

Vote: Roll call vote. 5 votes in favor, none opposed, 2 absent [Schulte, Ward]; the motion passed.

- d. **Purchase of Fire Department Equipment:** B. Baldwin next reported that the Town's approved Capital Improvement Budget included two power stretchers and a loading device from the Stryker Medical Corporation which were budgeted by Kennebunk Fire Rescue. The items would equip the Town's new ambulance which is to arrive in July/August as well as a second ambulance already in service. The equipment will specifically help Fire Rescue personnel load patients into the new ambulance. The Department currently uses similar Stryker equipment for the Town's other ambulances.

Fire Rescue has obtained the following quotes from Stryker Medical and Autotronics (a company which obtains and on-sells equipment from Stryker) for a "2022 Power Pro XT Cot" and "2022 Power Load with Power XT Cot". The total cost for all equipment is:

VENDOR	TOTAL COST
Autotronics	\$ 76,909.60
Stryker Medical	\$ 71,310.20

Details about the specific items, model numbers, and item-by-item quotes for each piece are available on line in the posted Agenda for this meeting.

At today's meeting, Fire Chief John Brady asked the Board to authorize the purchase of this equipment directly from the manufacturer, Stryker, and likewise waive the Town's Purchasing Policy to allow for sole sourcing.

Motion: To waive the Select Board's Purchasing Policy to allow for sole sourcing of a 2022 Power Pro XT Cot and a 2022 Lower Load with Power Pro XT Cot.

Moved: K. Nedeau

Seconded: S. Carpenter

Vote: Roll call vote. 5 votes in favor, none opposed, 2 absent [Schulte, Ward]; the motion passed.

Motion: To authorize the purchase of a 2022 Power Pro XT Cot and a 2022 Power Load with Power Pro XT Cot directly from Stryker in the amount of \$71,310.20.

Moved: K. Nedeau

Seconded: S. Carpenter

Vote: Roll call vote. 5 votes in favor, none opposed, 2 absent [Schulte, Ward]; the motion passed.

- e. **Supplemental Staffing:** C. Osterrieder, Director of the Town's Community Development Department, then made a brief presentation to request supplemental staff for that group. The Community Development Department, he reported, is experiencing sharply higher volumes of permit and Code Enforcement requests which are taxing the capacity of Department staff to render services in a timely manner. "There has been a dramatic spike," Osterrieder said, "in requests for building, electrical, plumbing, signage, and occupancy permits." The public, he reported, is displeased with the 30-day time lags for some permits that are now taking place. "The volume of applications for permits," he said, "is way above our manpower capacity."

One solution, Osterrieder said, is to add part-time, experienced people for approximately 20 hours a week to help process permits and thereby free up the time of the Town's two full-time Code Enforcement officers and existing staff. The cost would be approximately \$40,000 per annum in total. There are "contingency funds" to cover the cost.

S. Carpenter asked if this remedy would address the concerns cited by the owner of the White Sails Inn at the Select Board's last meeting, and C. Osterrieder responded in the affirmative. K. Nedeau suggested that additional *full-time* manpower be added since heavy permit traffic is likely to persist. However, Osterrieder voiced preference for part-time, contractual help at this time.

Motion: To authorize the use of up to \$40,000 from the Select Board Operational Contingency (17700-54052) to fund contracted services and supplemental staffing in the Community Development Division to improve workflow for the 13-month period of June 1, 2022 through June 30, 2023.

Moved: K. Nedeau

Seconded: S. Carpenter

Vote: Roll call vote. 5 votes in favor, none opposed, 2 absent [Schulte, Ward]; the motion passed.

8. Old Business

- a. **Hybrid Meetings:** Public commentators at previous meetings had expressed interest in having "hybrid" Select Board meetings to afford the public the option of participating via Zoom or participating in person. At today's meeting, B. Baldwin reported that a beta test was recently conducted to determine the viability of conducting hybrid meetings with the Town Hall's existing systems infrastructure. The test was successful. Town Hall is now assembling cost estimates for the additional meeting room equipment needed to offer a "hybrid" meeting option.
- b. **Town Manager Recruitment:** B Baldwin then reported on the status of the recruitment efforts of the Recruitment Subcommittee to identify a replacement for Town Manager M. Pardue. Baldwin reported that the Subcommittee had received bids from three specialist recruiters: (1) Municipal Resources Inc. [\$14,200]; (2) GovHR [\$23,500], and (3) Strategic Government Resources [\$24,900]. Several other recruiters had been approached as well, he said, but had declined to bid.

The Subcommittee expects to make the selection of the finalist recruiter on either May 31st or June 7th. Copies of all three bids will be posted on Town Hall's website for public view and hardcopies are being mailed to all Select Board members as well. In response to questions from public commentator Christian Babcock, B. Baldwin affirmed that five Town officers – (1) the Town Manager, (2) Human Resources Director, (3) Finance Director, (4) B. Baldwin, and (5) K. Nedeau – would interview the three firms and report their findings to the Select Board.

9. New Business

- a. **Summer Meeting Schedule:** The Chair next reminded the Board that it had typically cancelled one meeting in July and one meeting in August in previous years to accommodate staff and Board member vacations.

B. Baldwin recommended that, if the Board chose to continue this summer practice, one meeting be held on July 12th and two meetings in August on August 16th and 30th. Should a pressing matter occur between meeting dates, he said, a special meeting or workshop of the Board could be called. There would be no change in June or September meetings.

Motion: To hold the Select Board regular meetings for July and August on July 12, August 16, and August 30.

Moved: K. Nedeau

Seconded: S. Carpenter

Vote: Roll call vote. 5 votes in favor, none opposed, 2 absent [Schulte, Ward]; the motion passed.

b. Maine Municipal Association

B. Baldwin next reported that the Maine Municipal Association had contacted the Town about nominating an official from Kennebunk to possibly serve on the MMA's 2022-2024 Legislative Policy Committee ["LPC"].

The LPC brings together elected and appointed officials from towns and cities across the State to define municipal interests and champion them in the legislative process.

For each State Senate District, Baldwin said, there are two seats on the LPC. Members serve two-year terms. Kennebunk is in Senate District 34, which comprises Berwick, North Berwick, Kennebunk, Kennebunkport, and Wells. These municipalities are entitled to nominate an elected or appointed municipal officer to serve on the Legislative Policy Committee.

Nomination forms must be received by the MMA by June 22, 2022. After that date, a ballot with all nominations will be mailed to each municipality and two nominees will be elected from each of Maine's 35 Senate Districts.

B. Baldwin reminded the Board that W. Ward, Jr. was Kennebunk's representative on the LPC at this time. Ward, Jr. had expressed interest in continuing in the post. Board members agreed that Ward, Jr. should be nominated for the post again.

Motion: To nominate William Ward, Jr. as Kennebunk's representative to the Maine Municipal Association's Legislative Policy Committee.

Moved: K. Nedeau

Seconded: S. Carpenter

Vote: Roll call vote. 5 votes in favor, none opposed, 2 absent [Schulte, Ward]; the motion passed.

c. Other Business

There was none.

10. Select Board Comments

- a. **Subcommittee Reports:** There were none.
- b. **Board Liaison Reports:** There were none.

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

Baldwin: Informed the Board that a Letter to the Editor in a local newspaper alleged that Baldwin had a conflict of interest regarding his pro bono work and the Town's employment of video specialist Michael Davis. "The allegation is false," Baldwin stated, and Michael Davis is not his employee. Baldwin affirmed that he derives no financial or other benefit from the Town's employment of Davis or from his [Baldwin's] role on the Select Board.

Carpenter: Commended B. Baldwin's role as Select Board Chair.

Nedeau: Expressed support for B. Baldwin as Select Board Chair and commended him for his meeting leadership.

Pratt: Thanked all for the good meeting.

11. **Announcements**

M. Pardue then made several announcements and offered these updates

a. **Project Updates**

- **Skate Park:** Work on the Skate Park is 89% complete and on schedule.
- **Beach Readiness:** Lifeguards have been hired and ready for summer service.

b. **May 30th Memorial Day:** M. Pardue reminded Board members and the public that Town Offices and the Department of Public Services would be closed on Monday, May 30, 2022 for the Memorial Day holiday. The Memorial Day Parade will take place at 2:00pm on Main Street. There will be no change in curbside trash and recycling pick-up.

c. **May 31st Select Board Special Meeting:** The second Public Hearing will take place on May 31, 2022 on the Town's 2022-23 Proposed Budget. The following may be ready for this meeting: selection of a recruiter to assist the recruitment of a Town Manager replacement, and to consider revisions to the Town's Personnel Policy/Employee Handbook.

d. **June 1st York County Public Hearing:** A Public Hearing will take place on Wednesday, June 1, 2022 on the 2023 Proposed Budget for the County of York. The meeting will be held at the York County government building located at 149 Jordan Springs Road in Alfred. Details about the meeting and proposed budget are available online with links available in this meeting's posted Agenda.

e. **June 14th Annual Town Meeting and Referendum:** Kennebunk's Annual Town Meeting and RSU 21 Budget Validation Referendum will take place on Tuesday, June 14th from 6:00am until 8:00pm in the Town Hall Auditorium. Residents can obtain an early ballot and explanation of the Warrant items for consideration at the Town Clerk's Office at Town Hall.

f. **June 30th "Buy-A-Brick" Deadline:** Orders for Kennebunk's "Buy-A-Brick" Program for paving at the Waterhouse Center must be received by June 30, 2022 for installation in early October. Orders received after that date will be included in next year's order. Details about the program are available on the Town's website: www.kennebunk-maine.us/buyabrick.

After the announcements, B. Baldwin urged Board members to join him in the Memorial Day Parade. Select Board members will meet in front of the Fire Department at 2pm. Baldwin also urged Board members to stop by the Town Office on Wednesday, May 25th to sign the Warrant for the June 14th, 2022 Annual Town Meeting.

12. Executive Session

At 8:29pm B. Baldwin led members into Executive Session pursuant to 1 M.R.S.A. Section 405(6)(C).

Motion: To enter into Executive Session with the Town Manager, Finance Director, Community Development Director, and Deputy Community Development Director pursuant to 1 M.R.S.A. Sec. 405(6)(C) to discuss the disposition of publicly held property where premature disclosure of the information would prejudice the competitive or bargaining position of the Town

Moved: B. Baldwin

Seconded: S. Carpenter.

Vote: Roll call vote. 5 votes in favor, none opposed, 2 absent [Schulte, Ward]; the motion passed.

The Board came out of Executive Session at 8:46pm.

The Chair stated that the Board will have an agenda item at its next meeting to consider a 90-day extension of the Purchase and Sale Agreement regarding the Route 1 Rest Area.

13. Adjournment

There being no additional comments or topics for discussion, the presiding officer adjourned the meeting at 8:49pm.

Motion: To adjourn the meeting.


Moved: L. Pratt

Seconded: S. Carpenter.

Vote: Roll call vote. 4 votes in favor, none opposed, 3 absent [Schulte, Ward, and Nedeau]; the motion passed.

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board in the meeting of 6/14/2022,
DATE OF MEETING

Signed by
Select Board Member: 
SIGNATURE
Kourtney E. Nedeau
NAME IN PRINT