

KENNEBUNK SELECT BOARD MEETING MINUTES

TUESDAY, JUNE 14, 2022 – 6:30PM

IN PERSON MEETING, TOWN HALL, 1 SUMMER STREET

This meeting was held in person and televised on Cable TV Channel 5. It is available online on the Town's website at www.kennebunkmaine.us in the Agenda Center/Select Board.

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], Kortney E. Nedeau [Secretary], Sally A. Carpenter, Frank G. Paul, and Lisa A. Pratt

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

Also Present: Michael Pardue [Town Manager], Joel Downs [Finance Director], Chris Osterrieder [Director of Community Development], Jeri Sheldon [Director Human Resources], Karen Winton [Deputy Director, Community Development], and Jeffrey Rowe [Fire Rescue Chief].

2. Approval of Minutes

B. Baldwin next led members in a review of the minutes of the Select Board's Regular Meeting of May 24, 2022 and Special Meetings of May 31 and June 7, 2022.

Motion: To approve the minutes of the Select Board's Regular Meeting of May 24, 2022.

Moved: K. Nedeau

Seconded: S. Carpenter

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

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

Moved: K. Nedeau

Seconded: S. Carpenter

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

Motion: To approve the minutes of the Select Board's Special Meeting of June 7, 2022.

Moved: K. Nedeau

Seconded: S. Carpenter

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

3. Items to be Signed

There were none.

4. Public Hearings

There were none.

5. Public Comments

The Chair then formally opened a public hearing for public comments and questions of a general nature; however, there were none.

6. Announcements and Acknowledgements

a. Town Manager's Nomination of the Fire Rescue Chief

B. Baldwin next advised the Board and public that Mr. Justin Cooper had been selected by the Town Manager to serve as Kennebunk's next Fire Rescue Chief, replacing Chief Jeff Rowe who retires on June 24th. If the nomination was approved, Justin would take up the post on July 5, 2022.

The new Chief, Baldwin stated, has extensive firefighting, EMA, and leadership experience. Justin is currently working as Kennebunk's Deputy Chief of the Fire Rescue Department and has done so since 1998. He has a Bachelor's degree from UMASS Amherst and resides with his family in Kennebunk. Chief Cooper's annual salary will be \$101,000.00.

B. Baldwin also explained that, per the Town's Charter, the Select Board has final authority to confirm or decline the Town Manager's nomination.

Motion: To confirm the Town Manager's nomination of Justin Cooper as Kennebunk Fire Rescue Chief and Emergency Management Director effective July 5, 2022 for a term expiring on June 30, 2023 (the date all Annual Appointments expire per Article 9.c).

Moved: K. Nedeau

Seconded: S. Carpenter

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

After the vote, Town Manager Mike Pardue described the extensive screening of multiple candidates that had taken place. Justin Cooper, Pardue said, was unanimously recognized to be the best qualified. Justin thanked the Board and Chief J. Rowe. The Board gave Justin an enthusiastic round of applause.

b. Assistant Town Clerk

B. Baldwin then announced that Mr. Ian Magill will begin employment with the Town as the regular, part-time Assistant Town Clerk effective July 5th. Ian previously worked for the University of Maine at Augusta and has degrees from Arcadia and West Chester Universities. The Board welcomed Mr. Magill to the Town of Kennebunk.

7. Time Sensitive Business and Staff Presentations

a. Donation

The Chair next reported that the Town had received a donation in the amount of \$67.00 from Hannaford's "Bloomin' 4 Good" program in support of Kennebunk's Community Garden Committee.

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

Moved: K. Nedeau

Seconded: S. Carpenter

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

b. Award the Bid for the Fire Department Apparatus Bay Concrete Floor Coating

The Chair then advised the Board that the Town had received a bid from Industrial Concrete Services (ICS) of Saco, Maine to reseal the floor of the Fire Department's Central Station with a protective coating. ICS is the same company that sealed the Central Station's floor in 2004 as well as the floor of the West Kennebunk station in 2014. It is the sole bidder for the current, Central Station project.

ICS bid to do the Central Station work for \$31,946.00. The budgeted amount is \$30,000.00. Fire Chief Rowe therefore negotiated a lower price to align with the budget. The Fire Chief recommended that the Select Board award the contract to ICS for \$30,000.00.

B. Baldwin solicited Board and public questions, but there were none. The Board then proceeded to entertain the following motion.

Motion: To award the bid for the Apparatus Bay Concrete Floor Coating to Industrial Concrete Services in the amount of \$30,000.00.

Moved: K. Nedeau

Seconded: S. Carpenter

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

c. Report of the Kennebunk-Kennebunkport Fire Department Task Force

The Board then heard a presentation by Fire Chief J. Rowe about the Task Force formed to identify potential opportunities for shared resources between the Kennebunk and Kennebunkport Fire Departments. The Task Force, Rowe said, is made up of the respective Fire Chiefs of the two communities and well as one fire officer and one firefighter from each one.

Chief Rowe explained the Task Force's work to date. The group, he said, has identified 14 areas of possible collaboration. Among others, they include: (1) shared specialty vehicles; (2) merged standard operating procedures; (3) the possibility of a single Fire Chief serving both communities at some point in time; (4) common officer training programs; (5) the cross-utilization of personnel from time to time; (6) synchronized compensation and benefits; (7) sharing a grant writer; (8) sharing a specialist mechanic; (9) consolidation of purchases for economies of scale; (10) joint recruitment initiatives; and (11) common dispatching.

The Task Force, J. Rowe said, is prioritizing the list and will make final recommendations to the Select Board in the near future. B. Baldwin opened the floor to public questions or comments on the topic, but there were none.

8. Old Business

There was none.

9. New Business

a. Update of the Connectivity Task Force

Steve Sawyer of the Town's Connectivity Task Force, a subcommittee of the Economic Development Committee (EDC), then made a brief slide presentation, explaining that group's work and progress to date. He developed these main points;

- (1) Cell phone service in some parts of Kennebunk is not robust, adequate, or "business-friendly";
- (2) There are four cell towers in the area. The main one is located at the Hillcrest water tank site. However, the existing towers do not adequately serve many Kennebunk locations;
- (3) Service is particularly spotty in West Kennebunk and the Town's beach area. Main Street service is likewise "poor". The best signal strength is near the Turnpike.
- (4) Conventional towers are and will remain the most cost-effective solution; and,
- (5) One or more additional towers are needed. However, the number of towers can and should be limited by co-locating multiple devices and users on each one.

To remedy Kennebunk's poor service, the Connectivity Task Force initially recommends three courses of action. First, Sawyer said, the Town should consider constructing a new tower on Main Street or, alternatively, at its Public Works site on Sea Road. Two, the Town should also consider building an additional tower in the vicinity of Forest Hill Lane for better beach-area coverage. And three, the Town should encourage additional use of the Webber Hill Road tower off Route 99.

As immediate next steps, Sawyer suggested that the Town review and possibly modify its Ordinance as regards the construction and ownership of signal towers, continue to build rapport with all carriers, and discuss at the Select Board level the suitability of the Town building, buying, or leasing new towers.

L. Pratt asked what other small towns in Maine were doing to improve cell phone service, and S. Sawyer responded that other towns were confronting similar issues. S. Carpenter asked if the Town was, indeed, "at the mercy of major carriers", and Sawyer responded in the affirmative. Moreover, building a tower, S. Sawyer cautioned, is no guarantee that any carrier will actually use it. "It has to be economical and profitable for the carriers," Sawyer stated.

June Huston, a public commentator and Chair of the EDC, stressed the importance of cell phone service for local businesses and tourism. She urged the Town to consider investing in the necessary infrastructure to make improvements on a priority basis. K. Nedeau then questioned whether all municipal cell phone usage — that is, cell telephone use by Town Hall, the Police Department, Fire Rescue, Public Services, and all other departments — could be restricted to a single carrier to give the Town "economic leverage". However, J. Downs countered that the Town purposefully works with two carriers for security and back-up.

Board members commended the Task Force for its fine work. The Board agreed that S. Sawyer should continue to meet with carriers and that the Task Force should fine-tune its recommendations to include cost estimates and other related details.

In the interim, the Task Force's preliminary draft of its "Wireless Communications Master Plan" can be viewed [here \(PDF\)](#).

b. Annual Board Reappointments

B. Baldwin next reminded the Board that a number of volunteer board, committee, and commission members had terms expiring on June 30, 2022. These included “Regular” positions having 3-year terms and “Alternate” positions having 1-year terms. The Board agreed to record the names of the individuals seeking or declining reappointment in these Minutes without verbally reading all of them.

However, S. Carpenter objected to the “wholesale roll-over of appointments”. She urged the Town to publicize open board or commission positions to attract more candidates and talent. She also encouraged the Board to more carefully screen candidates rather than “rubber stamp” them.

K. Nedeau concurred, suggesting that the Board consider changing volunteers’ time in such posts from three years to “one year or two”.

B. Baldwin countered that Kennebunk’s Charter expressly calls for three-year memberships, and changing the Charter would be a complex undertaking. Baldwin agreed that “binding committees” having quasi-judicial authority might require different membership standards. However, he believed that postponing the reappointments now before the Board would cripple board and committee memberships and paralyze the functioning of these volunteer bodies.

Robust discussion among Board members ensured as to whether or not to approve the proposed committee and board re-appointments with 3-year tenors (or at all).

Chris Babcock, a public commentator, suggested that the Town look for ways of better notifying the public about open board positions so as to attract more volunteers. Steven Dalzell, a member of the Historic Preservation Commission [HPC] and also a public commentator, urged the Select Board not to delay approving the reappointments. Paul Bevacqua, a public commentator and HPC member as well, reminded the Select Board that members of the Town’s binding boards: (1) are volunteers, (2) serve at the pleasure of the Select Board, and (3) can be removed by the Select Board at any time for any reason.

Barbara Fleshman, another public commentator and HPC Vice Chair, concurred. She suggested that the Town’s policies regarding appointment tenors, attendance requirements, minimum qualifications, and other board and committee membership standards needed to be updated. However, delaying the re-appointments now before the Board, Ms. Fleshman said, “might demean the volunteers who have long served on Kennebunk’s boards and committees”.

Given this feedback, the Board proceeded to take up the reappointments as originally proposed.

1. Regular or Alternate members whose terms are expiring and who affirmed that they ***did*** wish to be re-appointed:

COMMITTEE	MEMBERSHIP	Regular (3-yr.) Alternate (1-yr.)
Board of Assessment Review	Richard Smith	Regular (3-yr.)
Budget Board	John Costin	Regular (3-yr.)
Budget Board	Richard Morin	Regular (3-yr.)
Budget Board	Dan Sayre	Regular (3-yr.)
Community Garden Committee	Joseph Favreau	Regular (3-yr.)
Community Garden Committee	Dominic Cacciola	Regular (3-yr.)

Community Garden Committee	Kathleen Dolan	Regular (3-yr.)
Community Garden Committee	Tristan Jordan	Regular (3-yr.)
Community Garden Committee	Richard Coots	Alternate (1-yr.)
Conservation Commission	Nicholas Branchina	Regular (3-yr.)
Conservation Commission	Todd Bridgeo	Regular (3-yr.)
Economic Development Committee	Gary Dugas	Regular (3-yr.)
Economic Development Committee	Stephen Sawyer	Regular (3-yr.)
Economic Development Committee	Randy Gates	Regular (3-yr.)
Energy Efficiency Adv. Committee	Scott Negley	Regular (3-yr.)
Historic Preservation Commission	Barbara Fleshman	Regular (3-yr.)
Historic Preservation Commission	Stephen Dalzell	Alternate (1-yr.)
Kennebunk River Committee	Robert Danzilo (Joint member w/ K'Port)	Regular (3-yr.)
Lower Village Committee	Elizabeth Smith	Regular (3-yr.)
Lower Village Committee	William Guay	Alternate (1-yr.)
Planning Board	Robert Metcalf	Regular (3-yr.)
Planning Board	Edward Trainer	Alternate (1-yr.)
Planning Board	Daniel Kiley	Alternate (1-yr.)
West Kenn. Village Committee	Daniel Guay	Regular (3-yr.)
Zoning Board of Appeals	Leah Rachin	Regular (3-yr.)
Zoning Board of Appeals	Paul Brinnel	Alternate (1-yr.)

Motion: To reappoint the Regular and Alternate members noted above to 3-year terms expiring on June 20, 2025 and one-year terms expiring June 30, 2023.

Moved: K. Nedeau

Seconded: L. Pratt

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

2. Members who reported that they did *not* wish to be reappointed:

COMMITTEE	MEMBERSHIP	Regular (3-yr.) Alternate (1-yr.)	Any Alternates to move up?
Historic Preservation Commission	Mary Megeaski	Alternate (1-yr.)	n/a
Kennebunk River Committee	Charles Barker	Regular (3-yr.)	Yes
Lower Village Committee	Patti Sass Perry	Alternate (1-yr.)	n/a
Site Plan Review Board	Christopher Carroll	Regular (3-yr.)	Yes
Site Plan Review Board	Tim Sommers	Alternate (1-yr.)	n/a
West Kennebunk Village Committee	Brenda Spulick	Regular (3-yr.)	No
Zoning Board of Appeals	Douglas Gallagher	Regular (3-yr.)	Yes

Motion: To send letters to the above Board, Committee and Commission members who did not wish to be reappointed, thanking them for their service to the Town.

Moved: K. Nedeau

Seconded: S. Carpenter

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

3. Alternate members who sought reappointment and could be elevated to the status of Regular member:

COMMITTEE	MEMBERSHIP
Kennebunk River Committee	Reinier Nieuwkerk, serving as Alternate member since 1/8/19
Site Plan Review Board	Keith Hafer, serving as Alternate member since 9/9/21
Zoning Board of Appeals	Jon Sevigny, serving as Alternate member since 9/9/21

Motion: To appoint Reinier Nieuwkerk to a Regular member position on the Kennebunk River Committee, Keith Hafer to a Regular member position on the Site Plan Review Board and Jon Sevigny to a Regular member position on the Zoning Board of Appeals, all with terms expiring June 30, 2025.

Moved: K. Nedeau

Seconded: L. Pratt

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

c. **Town Manager's Annual Appointments**

B. Baldwin then directed the Board's attention to the following list of appointment nominations made by the Town Manager which also required Select Board confirmation. These appointments were for one year from July 1, 2022 to June 30, 2023.

1-YEAR APPOINTMENTS	7/1/22 to 6/30/23
Acting Town Manager	Joel Downs
Finance Director, Tax Collector, Treasurer	Joel Downs
Deputy Treasurer	Kris Fogg
Deputy Tax Collectors	Kris Fogg, Lynda Lightbody, Jenny Casey, April Jones, Merton Brown, Katrina Boyer, Tabetha Barden and Ian Magill (Mr. Magill's appointment begins on 6/22/21)
General Assistance Administrators	Michael Pardue, Karen Winton, Joel Downs, Kris Fogg, Tabetha Barden
Town Clerk	Merton Brown
Tax Assessor, E911 Addressing Officer	Daniel Robinson
Police Chief	Robert MacKenzie
Fire Rescue Chief, Emergency Management Director	Justin Cooper (confirmed earlier in the agenda)
Director of Public Services/Road Commissioner	Bryan Laverriere
Parks & Recreation Director	Vacant
Human Resources Director	Jeri Sheldon
Director of Information Services	Richard Boucher
Community Development Director, Town Engineer	Christopher Osterrieder
Town Planner	Brittany Howard
Code Enforcement Officers	Brian Paul, Franklyn Kunkel
Building Inspectors	Brian Paul, Franklyn Kunkel
Plumbing Inspectors	Brian Paul, Franklyn Kunkel
Electrical Inspector	James Nichols
Alternate Electrical Inspectors	William Clark, Marc Lamontagne
Harbormaster	H. Jamie Houtz
Town Historian	Kathy Ostrander Roberts
Tree Warden	Wayne Cutting
Constables	Christopher Russell, Michael Tucci

B. Baldwin read these particular names one by one. In response to Board member questions, Town Manager M. Pardue explained that the appointment of J. Downs as "Acting Town Manager" was solely meant to ensure that there was backup for the post in the event of an emergency or unforeseen absence of the Town Manager.

Motion: To confirm the Town Manager's nominations listed above for the 2022-2023 Annual Appointments.

Moved: K. Nedeau

Seconded: S. Carpenter

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

d. **Town Manager's Three-Year Appointments**

B. Baldwin then led the Board in a review of the Town Manager's nominations of two individuals for "Health Officer" for the period of July 1, 2022 to June 30, 2025. Confirmation by the Board was again required.

3-YEAR APPOINTMENTS	Nominees
Health Officer	John Brady
Assistant Health Officer	Brian Paul

Motion: To confirm the Town Manager's nominations listed above for the three-year appointments ending June 30, 2025.

Moved: K. Nedeau

Seconded: S. Carpenter

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

e. **Town Manager's Job Description**

B. Baldwin next called on Board members to review and approve the Town Manager job description. Baldwin explained that the Select Board had final approval authority on the write-up pursuant to Kennebunk's revised Personnel Policy/Employee Handbook.

J. Sheldon, Director of Human Resources, added that this job description was distinct from the "job ad" being posted. Sheldon likewise confirmed that the Town Manager job description does not stipulate a Kennebunk residency requirement, as a condition of that nature would not typically appear in such a document. Sheldon noted that such a requirement could be made a future condition of employment by the Board, should they wish.

Motion: To approve the Town Manager Job Description as presented.

Moved: K. Nedeau

Seconded: S. Carpenter

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

f. **Road Closures**

The Board next took up the request of the Police Department that Alfred Road be closed from the intersection of Alfred and Alewife Roads to the intersection of Alfred and Paterson Drive on Saturday, August 6, 2022 for "West Kennebunk Family Fun Day". The closure would take place from 10:55am until approximately 11:40am for that event's parade.

Motion: To approve the road closures for the West Kennebunk Family Fun Day as noted above.

Moved: K. Nedeau

Seconded: S. Carpenter

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

10. Select Board Comments

a. Subcommittee Reports:

B. Baldwin A Town Manager recruitment kick-off meeting took place with SGR representative Mark McDaniel, who will spend two days in Kennebunk on June 27th- 28th. Individual meetings with Board members and division directors will be scheduled. Stakeholder meetings will be scheduled in the near future.

K. Nedeau A Housing Workshop will take place on June 29th at 6:00pm at the Waterhouse Center. A BBQ will follow to attract attendees.

b. Board Liaison Reports

B. Baldwin The Community Garden Committee continues its good work and planted its 2022 garden. It has harvested more than 12 tons of produce for local food pantries in recent years.

L. Pratt The Energy Efficiency Advisory Committee will meet on June 16th via Zoom.

c. Comments of Individual Select Board Members

B. Baldwin Together with S. Carpenter, B. Baldwin attended an event hosted by Homes for Our Troops and welcomed Sgt. K. Campbell to Kennebunk. Baldwin encouraged the group to consider Kennebunk for the housing of other veterans, as well.

L. Pratt Anxious to see today's election results. Questioned the status of hybrid meetings, and M. Pardue confirmed that the topic will be an agenda item at the Select Board's next meeting.

11. Announcements

Town Manager M. Pardue then made several announcements.

a. **Select Board Meetings:** Select Board meetings, Pardue advised, will take place on June 21st at 6:30pm [Special Meeting]; June 28th at 6:30pm [regular meeting]; July 12th at 6:30pm [regular meeting]; and August 16th and 30th at 6:30pm [also regular meetings]. The agendas for these hearings will be available on the Town's website.

b. **June 20th "Juneteenth Holiday":** M. Pardue also reported that Town offices and the Department of Public Services will be closed on June 20th for "Juneteenth". However, trash and recycling service will take place on that date without disruption.

c. **June 30th "Buy-A-Brick" Deadline:** The deadline for ordering bricks for fall installation is June 30, 2022. Orders received after that date will be installed next year.

d. **July 4th Holiday:** Pardue also reminded Board members and the public that Town Offices and the Department of Public Works will be closed on July 4th in honor of the national holiday, and there will be no change in trash or recycling service. Trash pic-up

will take place on the Monday holiday, itself, as well as the rest of the week as usual. Fireworks will take place on July 4th; however, the "rain date" is July 5th.

- e. **"Slow Down Kennebunk"**: Pardue likewise reported that yard signs are still available at the Town Clerk's office and the Police Department for this campaign.

12. Executive Session

There was none.

13. Adjournment

There being no additional comments or topics for discussion, the Chair adjourned the meeting at 9:07pm.

Motion: To adjourn the meeting.


Moved: K. Nedeau

Seconded: S. Carpenter

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

Respectfully submitted by,
J. Schlagheck, Clerk

Adopted by the Board in the meeting of 6/28/2022,
DATE OF MEETING

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