

**TOWN OF KENNEBUNK**

**SELECT BOARD**

**TUESDAY, JANUARY 28, 2020 – 5:30 P.M.**

1. CALL TO ORDER

On Tuesday, January 28, 2020, at approximately 5:40 p.m, L. Blake Baldwin, Chairman of the Select Board for the Town of Kennebunk, called to order the meeting of the Select Board. Present were Select Board members L. Blake Baldwin, Wayne Berry, Frank Paul and Edward Karytko. Select Board members Shiloh Schulte, Christopher Cluff and William Ward, Jr. arrived at 6:34 p.m.

Also present was Town Manager Michael Pardue.

2. EXECUTIVE SESSION

- a. **Discuss Matters of Litigation** with the Town Manager, Finance Director, Director of Community Development and Town Legal Counsel - Title 1 MRSA Sec. 405(6)(E).

**At approximately 5:40 p.m., a motion was made to enter into executive session with the Town Manager, Finance Director, Director of Community Development and Town Legal Counsel, pursuant to Title 1 MRSA Sec. 405(6)(E), to discuss Matters of Litigation.**

**MOVED: Karytko**

**SECONDED: Paul**

**VOTE: 4 in favor, 0 opposed, 3 absent (Schulte, Cluff, Ward). The motion passed.**

**At approximately 6:34 p.m., a motion was made to exit executive session.**

**MOVED: Berry**

**SECONDED: Karytko**

**VOTE: 4 in favor, 0 opposed, 3 absent (Schulte, Cluff, Ward). The motion passed.**

The Regular Meeting of the Select Board resumed at approximately 6:34 p.m. Cluff, Schulte and Ward joined the meeting at that time.

The Pledge of Allegiance was recited.

Upon coming out of executive session, the Kennebunk Light & Power District (KLPD) dams were discussed, first by Baldwin. Town Attorney Natalie Burns then spoke as to why she is of the opinion that disposing of particular assets of the KLPD doesn't necessarily have to be approved by the Town residents via a vote. She read information contained within the KLPD Charter and offered an analysis of the referenced Charter provision.

3. PLEDGE OF ALLEGIANCE, APPROVAL OF MINUTES, ITEMS TO BE SIGNED

- a. January 7, 2020 Regular Meeting [Please refer to supporting material \(PDF\)](#)  
b. January 14, 2020 Regular Meeting [Please refer to supporting material \(PDF\)](#)

**A motion was made to accept the minutes of the January 7, 2020 Regular Meeting and the January 14, 2020 Regular Meeting.**

**MOVED: Karytko**

**SECONDED: Cluff**

It was determined that Schulte would abstain from voting on the January 14, 2020 Regular Meeting minutes, so two separate motions should be made.

**VOTE:**

**A motion was made to accept the minutes of the January 7, 2020 (Regular Meeting).**

**MOVED: Karytko**  
**SECONDED: Cluff**  
**VOTE: 7 in favor, 0 opposed. The motion passed.**

**A motion was made to accept the minutes of the January 14, 2020 (Regular Meeting).**

**MOVED: Karytko**  
**SECONDED: Ward**  
**VOTE: 6 in favor, 0 opposed, 1 abstained (Schulte). The motion passed.**

4. PUBLIC HEARINGS
5. PUBLIC COMMENTS

Town Clerk Merton Brown discussed elections, saying that a State election is coming up on March 3, 2020 with polls to be open then at Town Hall from 6 a.m. to 8 p.m. He also spoke about the fact that a Presidential Preference Primary means that one's preference for president is indicated on a ballot, a change from what had been occurring in Maine, utilizing the caucus system instead. He noted that February 14, 2020 is the last day to switch parties or enroll in a party in order to vote for a particular person in the Presidential Preference Primary on March 3, 2020. Such an enrollment or change in party enrollment has to be done in person, Brown noted.

Brenda Robinson asked Brown a question about the legality of the display certain signs in Town. Brown responded to her, saying that the referenced signs were placed in a legally allowed area(s). She then thanked the Select Board for their creative ways of funding projects in Town.

A member of the public, John Costin, spoke about the Town Manager's newly negotiated contract. Costin expressed some concern as to whether the Town Manager would be able to successfully perform his duties as Manager, as well as those of a State Senator, due to his perception of the time required to appropriately fulfill the responsibilities of these two roles.

The Chair noted that Mr. Costin's time was up (5 minutes).

**A motion was made to add 3 more minutes to Costin's time.**

**MOVED: Schulte**  
**SECONDED:**  
**VOTE: The motion failed for lack of a second.**

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS
7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS
  - a. Discuss Boards and Committees

- **Accept the Following Resignation:**

Rachel Phipps, Economic Development Committee – Regular 2021

**A motion was made to accept the resignation of Rachel Phipps from the Economic Development Committee and send a letter thanking her for her service.**

**MOVED: Karytko**  
**SECONDED: Cluff**  
**VOTE: 7 in favor, 0 opposed. The motion passed.**

**b. Hear Presentations on Department Overviews –**

**Overviews Scheduled for this Meeting**

- Jeri Sheldon – Human Resources
- Tasha Pinkham – Parks & Recreation

Jeri Sheldon, Human Resources Director, gave the first department overview of the evening. She reviewed the functions of a municipal Human Resources Department, such as supporting town goals. She discussed, too, the importance of her and Kailey Dubuque, Human Resources Generalist, understanding municipal department operations so that they can better assist departments in their initiatives. She cited talent acquisition, safety for employees, training for employees, etc. She mentioned some statistics as well. Sheldon also mentioned diversity and inclusion efforts. Sheldon spoke about the need to stay current with regard to the information in the employee handbook; she said one of the major focuses of Human Resources is the revision of this handbook, among other initiatives.

Tasha Pinkham, Parks and Recreation Director, gave the next and last department overview of the evening. Pinkham mentioned that they received grants for tennis, which enabled them to offer a tennis program. Other grants received were mentioned by Pinkham, too. Pinkham discussed staffing, programs offered (607), revenue taken in (\$800,000 +/-) and residents served. Further, she discussed some of their work with kids in the community in terms of trying to help them explore what they are passionate about, etc.

**8. OLD BUSINESS**

**a. Hear an Update and a Status Report on the Greenhouse Gas Emissions Inventory by Members of the Energy Efficiency Advisory Committee and The New School**

A presentation was given by members of the climate change class at The New School. Henry Benoit, Samantha LaFond and Claire Brown were the presenters. One thing the presentation offered were suggestions such as an electricity recommendation.

The Board asked questions and made comments.

Maggy Bartenhagen, Vice-Chair of the Energy Efficiency Advisory Committee, spoke. One item she noted was that the tons of CO<sub>2</sub> per capita by town data will increase as more data is obtained. She said it is important to have the data to address how they reduce their carbon footprint. Bartenhagen also praised the work of the students and faculty at The New School for their efforts.

A member of the public, John Costin, referenced the Town's No Idling Policy that was implemented some years ago.

**b. Hear an Update on the GovDeals Auction Program Recently Used by the Fire Department**  
*[Please refer to supporting material \(PDF\)](#)*

Fire Chief Rowe was unable to attend this meeting. Town manager Pardue discussed this agenda item. He spoke of the broad outreach this bidder process provided. He said it was a Kennebunk person who was the winning bidder in the recently awarded bid (2008 Ford Taurus) using this new process. He thinks it was effective.

Cluff wondered if there are changes they need to make to the finance policy in order to memorialize this. Pardue responded they'll come forward with some suggested amendments.

9. NEW BUSINESS

a. **Set a Special Town Meeting Date –**

Proposed Amendments would permit retail marijuana testing facilities, licensed by the State of Maine, within the Business Park Zoning District.

This only deals with retail testing facilities and would not permit any retail stores, retail manufacturing or retail cultivation of marijuana within the Town of Kennebunk.

This changes language from “retail” to “adult use” in order to be consistent with State law.

The Town Clerk has provided the following information for a Tuesday, April 7, 2020 Special Town Meeting date, a vote that will be scheduled to occur if the Board wishes to schedule one:

Select Board – Call Special Town Meeting	01/28/2020
1 <sup>st</sup> Public Hearing	02/11/2020
Absentee Ballots Available	03/06/2020
2 <sup>nd</sup> Public Hearing	03/24/2020
Special Town Meeting	04/07/2020

Schulte asked for Baldwin, for the purposes of everyone here and at home, to elaborate on why they are not doing this in June (at the Annual Town Meeting). Baldwin responded to Schulte, in part saying that the State has encouraged Kennebunk to move this forward with great celerity. He made further comment.

Discussion continued.

Karytko said that this is not an endorsement for marijuana but that it is trying to make the product safe (he was echoing a comment made from someone from the State). He added that the State is relying extremely heavily on Nelson Labs in Kennebunk.

Betsy Smith, from the public, said Nelson Labs is a good “citizen” of Kennebunk, citing different testing they have done.

Discussion continued for another moment or two.

**A motion was made to schedule a Special Town Meeting for April 7, 2020 and the first public hearing for February 11, 2020 to hear public comments on the proposed Amendments to Zoning Ordinance Article 2, Section 2 (Definitions), Article 8, Section 14.B.5 (Business Park District) and Article 10, Section 24 (Retail Marijuana).**

**MOVED: Karytko**  
**SECONDED: Cluff**  
**VOTE: 7 in favor, 0 opposed. The motion passed.**

**A motion was made to submit this with a positive recommendation.**

**MOVED: Ward**  
**SECONDED: Cluff**  
**VOTE: 7 in favor, 0 opposed. The motion passed.**

b. **Discuss Any Other Business**

10. SELECT BOARD COMMENTS

a. Subcommittee Reports

Baldwin reported on the Social Services Subcommittee, saying they met to review Karen Winton's (General Assistance Administrator) recommendations regarding donations to be made to various charitable groups that they have partnered with in the past. He said they voted on the recommendations to pass it forward through the Budget process.

Schulte added that he is quite impressed by the creativity coming from the group in Town Hall on all of the angles around how they can maximize the effectiveness of their dollars in Town. To that, Baldwin said he agrees.

b. Individual Select Board Member Comments

**Ward, Cluff, Schulte, Paul:** None

**Karytko:** Mentioned that torn or tattered flags can be brought to the American Legion on Water Street and that used eyeglasses and cell phones can be dropped off at the box by the Town Clerk's Office.

**Berry:** Mentioned that he and Paul held a Select Board Outreach Session last Saturday, and detailed the Board and public on the specifics of the same, mentioning that one person was concerned with the cost of disposal at the transfer station and that another expressed concerns about America First Hydro and what the situation was with the dams. Berry also gave credit to the staff for the innovativeness of the Select Board.

**Baldwin:** Mentioned a meeting of the Safety Committee and members of the Bicentennial Committee held today to discuss plans for the event and celebration of Kennebunk's Bicentennial. Said the event is Wednesday, June 24, 2020 and the celebration that Saturday, June 27, 2020. He said they are spending a lot of time thinking about safety. Also mentioned that progress has been made on the strategic planning that Pardue and he promised they would be working on.

11. TOWN MANAGER ANNOUNCEMENTS

The Town Manager updated the Board on the use of Kennebunk's Recycling Center by the Town of Kennebunkport. He said Kennebunkport is looking into a new recycling program and is hopeful to continue to use the Kennebunk Center until they, Kennebunkport, have a clearer course of action.

Pardue thanked the Board for their recent renewal of his Employment Agreement.

12. ADJOURNMENT

**At approximately 8:05 p.m., a motion was made to adjourn tonight's meeting.**

**MOVED:** Karytko

**SECONDED:** Cluff

**VOTE:** 7 in favor, 0 opposed. The motion passed.

  
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Christopher Cluff, Secretary  
Kennebunk Select Board

Date: 2/11/2020