

**Town of Kennebunkport
Joint Meeting
Board of Selectmen and Goose Rocks Beach Advisory Committee
March 30, 2020
VIRTUAL MEETING (VIA ZOOM)
6:00 PM**

Minutes of the Board of Selectmen/Goose Rocks Beach Advisory Committee March 30, 2020

Selectmen Attendance: Patrick A. Briggs, Allen A. Daggett, Ed Hutchins, Sheila Matthews-Bull, and D Michael Weston

GRB Advisory Committee Attendance: Richard Driver, Chair; Bob Sherman, Vice-Chair; Joanne Gustin; James Mulvihill; Jennifer Wasserman; Kate Bauer Burke; Sheila Matthews-Bull; Jon Dykstra

Others: Edmund Case, Michael Claus, Jennifer Comeau, John Comeau, Joseph DeAngelis, Susan Delaney, J. French, Mark Gallagher, Ryan Giggey, Justin Grimes, Karen Hall, Paul Hogan, David James, Edward Kramer, Jim LaVerriere, Tracey McGovern, Arlene McMurray, Katey Nixon, Daniel Parolin, David Powell, Rick Roberge, Craig Sanford, Karen Schlegel, Laurie Shakra, Laurie A. Smith, Sue Ellen Stavrand, Charlie Sullivan, Michael Tomasulo, Nina Tyztk, Jennifer Wasserman, Derek Weber, and others.

1. Call to Order.

Chair Daggett called the Zoom meeting to order at 6 PM. He took a **roll call** of the Selectmen attending: Matthews-Bull, Briggs, Daggett, Hutchins, and Weston.

Chair Daggett explained that it was a virtual Board of Selectmen's meeting using the Zoom conferencing format. The agenda on the Town's website has the information needed for the public to participate.

Chair Daggett said during the meeting, only the Selectmen and Town Manager will be on screen with audio connected. All other participants will be blacked out and audio muted except when the Board solicits input from the Beach Advisory Committee and the public. He explained the ground rules: the public should identify themselves and take turns when talking to allow others an opportunity to talk.

Chair Richard Driver called the Goose Rocks Beach Advisory Committee to order at Town 6:04 PM. He took a **roll call** and all eight members were present: Bauer Burke, Driver, Dykstra, Sherman, Gustin, Matthews-Bull, Mulvihill, and Wasserman

2. Discussion regarding the closure of beaches.

Town Manager Laurie Smith stated there were questions about whether the beaches should stay open. The beaches south of Kennebunkport have all closed. She said signs were posted at Goose Rocks Beach about social distancing at the beach and the beaches are monitored by the police. She received reports that people are obeying the rules.

Several of the Selectmen said they frequently checked out the beach and found several out of state cars. They reported that most people are following the social distance rules except for a group of teens last Sunday. Their consensus was that people are cooperating at this time. The concern is that when the weather gets better, there could be problems with more people at the beach. Also, the snowbirds will be returning to their second homes and if they close the beach, there will be too many people walking in the streets. It was suggested to leave it like it is and if the police see problems, they could remove parking spots to limit people on the beach.

Town Manager Laurie Smith explained that there are two regulations: one closes the beach and the other one gives the authority to the Town Manager and Board Chair to decide what is warranted.

Comments and questions from the Beach Advisory Committee were:

- They should be proactive and take measures now to prevent more people coming to the beach and possibly spreading the virus.
- Lots of people are fleeing their state, and if Goose Rocks is the only beach open, people will find out and come.
- They could compromise and only allow people to come during low tide.
- The best time to come is a few hours before low tide, and they could limit parking to just on Kings Highway.
- How do we enforce it if the beach is closed?

Police Chief Craig Sanford said legally he does not have the authority to arrest someone. He stated if they changed the Beach Use Agreement, he could give a civil summons.

Other comments and suggestions from the public were:

- Leave the beach open only for residents and only allow those who have last year's season pass.
- Weekends tend to be more of a problem.
- They should go check out the beach at high tide and see how it is.
- They should limit access from 8:00 AM to 4:00 PM. People who live here walk the beach in the morning.
- Give the Town Manager the authority to close the beach when necessary.
- Limit parking. It's a pandemic and people are bringing it.

- At this time, we are the only beach open. We need to be careful about people flooding the beach.
- The beach is a large area versus the aisles in a grocery store. Eliminate parking,
- Don't allow rentals from now until Memorial Day.
- Keep the beach open. Ban parking.
- No way to monitor. Out of staters are the same as people here. Don't use that language.
- Things are changing rapidly, and they can't wait a month to do something.

More Selectmen comments:

- The Town has limited resources and staff is already stretched.
- They should meet again next week.
- They need to limit parking now.

Chair Driver asked for a motion from the Beach Advisory Committee.

Motion by Joanne Gustin, seconded by Jon Dykstra, to recommend the Selectman adopt the Emergency Regulations Governing Temporary Closure of Goose Rocks Beach During Covid-19 Pandemic that gives the Town Manager and Board of Selectmen Chair the authority to take whatever action is necessary regarding parking or closing the beach. **Roll call vote 6-1-1:** Bauer Burke, Driver, Dykstra, Sherman, Gustin, and Wasserman voted in favor. Mulvihill voted against. **Motion passed.** Matthews-Bull could not vote due to bad Internet connection.

Motion by Jim Mulvihill to schedule another meeting no later than April 17. Discussion followed. Joanne Gustin suggested that they meet sooner.

Amended Motion by Jim Mulvihill, to schedule another meeting on Monday, April 13, seconded by Joanne Gustin, **Roll call vote 7-0:** Bauer Burke, Driver, Dykstra, Sherman, Gustin, Mulvihill, and Wasserman voted in favor. **Motion passed.** Matthews-Bull could not vote due to bad Internet connection.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins to adopt the Emergency Regulations Governing Temporary Closure of Goose Rocks Beach During Covid-19 Pandemic which allows the Town Manager and Board of Selectman Chair to take action as needed. **Roll Call vote:** Matthews-Bull, Briggs, Daggett, Hutchins, and Weston **Voted 5-0. Motion Passed.** See Exhibit A
Motion by Selectman Weston to restrict parking and continue to let the Board of Selectman Chair and Town Manager make decisions regarding the temporary closure of Goose Rocks Beach during Covid-19 pandemic. There was no second. **Motion failed.**

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, for the Board of Selectman to reconvene on April 6 at 6:00 PM. **Roll Call vote:** Matthews-Bull, Briggs, Daggett, Hutchins, and Weston **Voted 5-0. Motion Passed.**

3. Other Business.

Selectman Matthews-Bull said that whatever they do at Goose Rocks Beach, they should also do the same at Colony Beach. Selectman Weston and Briggs agreed with her.

Selectman Hutchins disagreed because Colony Beach is smaller. He said they could just lock the gate.

Motion by Selectman Matthews-Bull, seconded by Selectman Weston, to handle Colony Beach the same way as Goose Rocks Beach. No vote was taken because discussion followed. Selectman Matthews-Bull changed her mind and agreed with Selectman Hutchins that they should handle each beach separately.

Selectman Hutchins suggesting changing the legal documents to include Colony Beach, but Ms. Smith said it does not need the same level of regulations.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to let the Town Manager and Board of Selectman Chair handle Colony Beach. **Roll Call vote:** Matthews-Bull, Briggs, Daggett, Hutchins, and Weston **Voted 5-0. Motion Passed.**

Ms. Smith asked the Board if it wanted to limit parking now or wait.

Selectman Matthews- Bull wanted to wait. Selectman Weston wanted to limit the parking now. Selectman Daggett and Selectman Briggs suggested limiting parking on New Biddeford and Dyke Road.

Ms. Smith said the town attorney suggested adding a new section on parking. She said they would need to advertise and put a public hearing on a future agenda.

4. Adjournment.

Motion by Jon Dykstra, seconded by Janet Wasserman, to adjourn. **Roll call vote:** Bauer Burke, Driver, Dykstra, Sherman, Gustin, Matthews-Bull, Mulvihill, and Wasserman. **Vote: 8-0 Motion passed.**

The Beach Advisory Committee adjourned at 8:01 PM.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn. **Roll Call Vote:** Matthews-Bull, Briggs, Daggett, Hutchins, and Weston **Voted 5-0. Motion passed.**

The meeting adjourned at 8:02 PM

Submitted by Arlene McMurray
Administrative Assistant

Exhibit A - March 30, 2020

EMERGENCY REGULATIONS GOVERNING TEMPORARY CLOSURE OF GOOSE ROCKS BEACH DURING COVID-19 PANDEMIC

Pursuant to Sections IV.D and V of the Beach Use Ordinance for Goose Rocks Beach, Kennebunkport, Maine (“Beach Use Ordinance”), the Town of Kennebunkport Board of Selectmen hereby finds and orders the following:

WHEREAS, on March 15, 2020, the Governor of the State of Maine declared a Civil State of Emergency due to the spread of the novel Coronavirus Disease (“COVID-19”);

WHEREAS, COVID-19 is a communicable disease that is easily contracted through personal contact with infected individuals in the community;

WHEREAS, the number of cases of COVID-19 and related deaths have increased exponentially globally, in the United States, and in Maine (particularly, in York and Cumberland counties) as a result of widespread transmission occurring among the general public (“community spread”);

WHEREAS, the President of the United States and the Centers for Disease Control (“CDC”) have urged the public to practice social distancing and not attend events where ten (10) or more people will be gathered;

WHEREAS, by Executive Order dated March 18, 2020, the Governor of the State of Maine prohibited social gatherings of more than ten (10) people, and ordered all restaurants and bars in the State of Maine to close their dine-in facilities on March 18, 2020;

WHEREAS, by Executive Order dated March 24, 2020, the Governor of the State of Maine ordered that all Non-Essential Businesses in the State of Maine cease activities at sites that are public facing, or at sites that require workers to convene in space where social distancing is not possible;

WHEREAS, the Town of Kennebunkport and surrounding coastal communities in York County are prominent tourist destinations for visitors and individuals occupying seasonal accommodations and residences; , which heightens the risk of community spread through public contacts among visitors,

WHEREAS, the Town and surrounding areas have continued to be and are anticipated to remain prominent destinations during the period of the public health emergency, risking further community spread through public contacts among visitors, local residents, service providers in close contact where people gather;

WHEREAS, the continued community spread of COVID-19 threatens the public health, safety, and welfare of the citizens of the Town of Kennebunkport;

WHEREAS, the Town’s beaches, including specifically Goose Rocks Beach, are popular destinations for members of the public;

Exhibit A - March 30, 2020

WHEREAS, within the past week several beaches in the surrounding area have been closed by the State of Maine or by local government authorities, which closures are anticipated to put pressure on the Town's beaches, and specifically, Goose Rocks Beach, which currently remains open to the public;

WHEREAS, the Board of Selectmen has consulted with the Beach Advisory Committee, pursuant to Section IV.D of the Beach Use Ordinance, regarding adoption of emergency regulations governing Goose Rocks Beach during this State of Emergency due to the COVID-19 pandemic;

WHEREAS, during this State of Emergency, the Board of Selectmen believe that the Town Manager, in consultation with the chair of the Board of Selectmen, requires the authority to expeditiously promulgate regulations and take emergency measures on and in the vicinity of Goose Rocks Beach to prevent members of the public from congregating in a manner that will risk further community spread of COVID-19, and to otherwise protect public health, safety, and welfare and to preserve critical resources within this area of Town;

NOW THEREFORE, pursuant to the aforesaid authority and recitals, which are incorporated herein by reference, the Board of Selectmen hereby promulgates the following emergency regulations:

1. The Town Manager, in consultation with the Chair of the Board of Selectmen, shall be responsible for adopting orders and rules governing use of and access to Goose Rocks Beach, to preserve the safety, health and welfare of its citizens, including but not limited to the following:
 - a. Adoption of an order closing all or a portion of Goose Rocks Beach, and any rights-of-way that provide access to the Beach, to members of the public;
 - b. Adoption of traffic and parking rules in the vicinity of Goose Rocks Beach, including but not limited to rules limiting or restricting the number and location of parking spaces designated for access to the Beach, rules governing beach permit parking, and rules prohibiting or restricting the movement of vehicles in areas in the vicinity of the Beach; and
 - c. Adoption of an order or rules deemed necessary to protect life and property and to preserve critical resources on and in the vicinity of Goose Rocks Beach, during the State of Emergency.
2. These emergency regulations, and the orders and rules adopted hereunder, shall remain in effect until the termination of the State of Emergency by the Governor of Maine, unless further extended by express adoption of an ordinance or law.

Dated this ____ day of March, 2020.


Allen Daggett, Chair


Sheila Matthews-Bull, Vice Chair

Exhibit A - March 30, 2020

Patrick Briggs



Edward Hutchins



Michael Weston