

**Town of Kennebunkport
Board of Selectmen's Meeting VIA Zoom
April 23, 2020
6:00 PM**

Minutes of the Selectmen's Meeting of April 23, 2020

Selectmen attending via Zoom: Patrick A. Briggs, Allen A. Daggett, Ed Hutchins, Sheila Mathews-Bull, and D. Michael Weston.

Others attending via Zoom: Grace Adams, Kate Badertscher, Michael Claus, Michael Davis, Peter Delaney, John Everett, Ann Galligan, T. Galligan, Werner Gilliam, Justin Grimes, Marie Henrickson, David James, Allison Kenneway, Jen Lord, D. McAlpine, Arlene McMurray, Tracey O'Roak, Craig Sanford, Laurie Smith, Loretta McDonnell, Arlene McMurray, Stedman Seavey, Chris Simeoni, Sue Ellen Stavrand, Amy Tchao, and others

1. Call to Order.

Chair Daggett called the meeting to order at 6:00 PM. He took **roll call** of Selectmen present: Patrick A. Briggs, Allen Daggett, Edward Hutchins, Sheila Matthews-Bull, and D. Michael Weston.

Videographer David Powell explained how to raise a virtual hand if someone wants to participate in the meeting.

2. Approve the April 2, 6, 9, and 10, selectmen meeting minutes.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the April 2, 6, 9, and 10, selectmen meeting minutes. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

3. Approve Street Opening Permit for Lord and Harrington, Langsford Road, sidewalk only, for new water services and underground power.

Director of Public Works Mike Claus said they need to get under the sidewalk to get underground power.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the Street Opening Permit for Lord and Harrington, Langsford Road, sidewalk only, for new water services and underground power. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

4. Consider owner installation of rope fence in right of way at 75 Turbats Creek Rd.

Mr. Claus said it is a new house and the fence posts were removed in the town right of way. The owner would like to install new rope fence posts in the town right of way to prevent parking. He does not see any issues with this. The town attorney reviewed the agreement and made one change which is included in the agreement which will be filed with the Registry of Deeds if approved by the Board. He stated the town has the right to remove it or ask for it to be removed.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the owner installation of a rope fence in right of way at 75 Turbats Creek Rd. **Roll Call Vote to approve:** Briggs, Daggett, Matthews-Bull, and Weston. **Roll Call Vote to not approve:** Hutchins. **Voted:** 4-1. **Motion passed.**

5. Consider reentry plan for town operations.

Town Manager Laurie Smith read the federal guidelines for reopening town operations. See Exhibit A. She said the Governor is guided by science and the CDC and said things will not be back to normal soon. She also discussed a reentry plan for the town which she prepared. See Exhibit B.

Ms. Smith reported that Selectman Matthews-Bull and Weston will work with the Beach Advisory Committee to formulate a plan. Selectman Matthews-Bull will also work with the hospitality group.

Ms. Smith was asked about summer public events notification. She responded that applications cannot be approved right now.

Chair Daggett read a letter from Tracey McGovern.

6. Accept donation of \$1,000 from the South Congregational Church for the emergency food fund.

Motion by Selectman Matthews-Bull, seconded by Selectman Weston, to accept the \$1,000 donation from the South Congregational Church for the emergency food fund. **Roll Call Vote:** Briggs, Daggett, Matthews-Bull, Hutchins, and Weston. **Voted:** 5-0. **Motion passed.**

7. Other Business.

Ms. Smith announced the Town Attorney provided an order for the Board of Selectmen to move the annual town meeting from June to July. See Exhibit C. Chair Daggett read the order.

Motion by Selectman Matthews-Bull, seconded by Selectman Weston, to approve the Order Postponing Annual Town Meeting From June 9 and 13 to July 14 and 18, 2020.

Roll Call Vote to approve: Briggs, Daggett, Matthews-Bull, and Weston. Selectmen Hutchins abstained because he is running for Board of Selectmen and feels it might be a conflict of interest. **Voted:** 4-0. **Motion passed.**

8. Adjournment.

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

The meeting adjourned at 6:38 PM

Submitted by Arlene McMurray
Administrative Assistant

EXHIBIT A - 4-23-2020

GUIDELINES

OPENING UP AMERICA AGAIN

President Trump has unveiled Guidelines for Opening Up America Again, a three-phased approach based on the advice of public health experts. These steps will help state and local officials when reopening their economies, getting people back to work, and continuing to protect American lives.

Proposed Phased Approach

BASED ON UP-TO-DATE DATA AND READINESS

MITIGATES RISK OF RESURGENCE

PROTECTS THE MOST VULNERABLE

IMPLEMENTABLE ON STATEWIDE OR COUNTY-BY-COUNTY BASIS AT GOVERNORS' DISCRETION

Proposed State or Regional Gating Criteria

Satisfy Before Proceeding to Phased Comeback

SYMPTOMS

Downward trajectory of influenza like illnesses (ILI) reported within a 14-day period

AND

Downward trajectory of covid-like syndromic cases reported within a 14-day period

CASES

Downward trajectory of documented cases within a 14-day period

OR

Downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests)

HOSPITALS

Treat all patients without crisis care

AND

Robust testing program in place for at-risk healthcare workers, including emerging antibody testing

State and local officials may need to tailor the application of these criteria to local circumstances (e.g., metropolitan areas that have suffered severe COVID

Individuals

Continue to adhere to State and local guidance as well as complementary CDC guidance, particularly with respect to face coverings.

CONTINUE TO PRACTICE GOOD HYGIENE

- ✓ Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
- ✓ Avoid touching your face.
- ✓ Sneeze or cough into a tissue, or the inside of your elbow.
- ✓ Disinfect frequently used items and surfaces as much as possible.
- ✓ Strongly consider using face coverings while in public, and particularly when using mass transit.

PEOPLE WHO FEEL SICK SHOULD STAY HOME

- ✓ Do not go to work or school.
- ✓ Contact and follow the advice of your medical provider.

Phase One

For States and Regions that satisfy the gating criteria

INDIVIDUALS

- [ALL VULNERABLE INDIVIDUALS](#) should continue to shelter in place. Members of households with vulnerable residents should be aware that by returning to work or other environments where distancing is not practical, they could carry the virus back home. Precautions should be taken to isolate from vulnerable residents.
- All individuals, **WHEN IN PUBLIC** (e.g., parks, outdoor recreation areas, shopping areas), should maximize physical distance from others. Social settings of more than 10 people, where appropriate distancing may not be practical, should be avoided unless precautionary measures are observed.
- Avoid **SOCIALIZING** in groups of more than 10 people in circumstances that do not readily allow for appropriate physical distancing (e.g., receptions, trade shows)
- **MINIMIZE NON-ESSENTIAL TRAVEL** and adhere to CDC guidelines regarding isolation following travel.

EMPLOYERS

- Continue to **ENCOURAGE TELEWORK**, whenever possible and feasible with business operations.
- If possible, **RETURN TO WORK IN PHASES**.
- Close **COMMON AREAS** where personnel are likely to congregate and interact, or enforce strict social distancing protocols.
- Minimize **NON-ESSENTIAL TRAVEL** and adhere to CDC guidelines regarding isolation following travel.
- Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION**.

SPECIFIC TYPES OF EMPLOYERS

- **SCHOOLS AND ORGANIZED YOUTH ACTIVITIES** (e.g., daycare, camp) that are currently closed should remain closed.
- **VISITS TO SENIOR LIVING FACILITIES AND HOSPITALS** should be prohibited. Those who do interact with residents and patients must adhere to strict protocols regarding hygiene.
- **LARGE VENUES** (e.g., sit-down dining, movie theaters, sporting venues, places of worship) can operate under strict physical distancing protocols.
- **ELECTIVE SURGERIES** can resume, as clinically appropriate, on an outpatient basis at facilities that adhere to CMS guidelines.
- **GYMS** can open if they adhere to strict physical distancing and sanitation protocols.
- **BARS** should remain closed.

Phase Three

For States and Regions with no evidence of a rebound and that satisfy the gating criteria a third time

INDIVIDUALS

- **VULNERABLE INDIVIDUALS** can resume public interactions, but should practice physical distancing, minimizing exposure to social settings where distancing may not be practical, unless precautionary measures are observed.
- **LOW-RISK POPULATIONS** should consider minimizing time spent in crowded environments.

EMPLOYERS

- Resume **UNRESTRICTED STAFFING** of worksites.

SPECIFIC TYPES OF EMPLOYERS

- **VISITS TO SENIOR CARE FACILITIES AND HOSPITALS** can resume. Those who interact with residents and patients must be diligent regarding hygiene.
- **LARGE VENUES** (e.g., sit-down dining, movie theaters, sporting venues, places of worship) can operate under limited physical distancing protocols.
- **GYMS** can remain open if they adhere to standard sanitation protocols.
- **BARS** may operate with increased standing room occupancy, where applicable.

Exhibit B - 4-23-220

Discussion Points for Reentry Plan

April 23, 2020

Elections

- State Primary - July 14
 - Sanitation Procedures and Protective Measures
 - Poll Worker Health
 - Encouraging absentee balloting
 - New Rules and Protocols
- Town Meeting/Election
 - 2nd Tuesday in June – move to July 14 and July 18
 - Open meeting or secret ballot
 - How many warrant articles?
 - Social Distancing standards
 - Sanitation Procedures and Protective Measures
 - 60-day requirement on secret ballot (May 15)

Internal Operations

- Human Resources
 - Worker's comp claims
 - FMLA determinations
 - Hiring process and levels for seasonal staff
 - Future working from home policies
 - "Measuring" employee's health
- Finance
 - Cash Flow
 - Reduced Revenues
 - FY 20 - End of Year Projections
 - FY 21 - Amended Budget
 - Commitments to Capital
 - Frozen expenditures and current contracts
 - Use of Fund Balance
 - Tax commitment and billing

- Operations
 - Department by Department Criteria and Questions
 - Public Spaces
 - Beaches and Parks
 - Public Restrooms
 - Dock Square
 - Portapotties
 - Safety
 - Enforcement
 - Sanitation
 - Safety Measures and Physical Changes
 - Safety Glass
 - Dutch Doors
 - PPE for Staff
 - PPE FOR Public
 - Limit on numbers of staff
 - Limit on numbers of public
 - One-way traffic in Town Hall operations
 - Essential vs. non-essential as we ramp up
 - Changes in protocols and policies
 - Develop new emergency response plans.
 - Licenses
 - Victualer's
 - Liquor/Special Amusements
 - Shellfish
- Protocols/Policies
 - Facilities cleaning
 - Allowing public use of facilities
 - Status of Parks and Beaches
 - Public Parking
 - Beaches
 - Dock Square
 - Village Fire Station
 - Cape Porpoise Pier
 - Social Distancing in public facilities
- State Executive Orders
- Federal Orders
- Center for Disease Control Restrictions and Guidance

Lessons Learned

- Emergency Response - Public Safety Team
 - Pandemic
 - Disaster
- Operations
 - All Departments
 - Technology
 - Changes in procedures and policies
 - Successes
 - Fails
- Technology
 - Needed future investments
 - Benefits to on-line services
 - Support and Training for Staff
- Legal - Ordinance Revisions
- Coordinated Efforts
 - Towns
 - School
 - County
- Public Spaces
 - Beaches and Parks
 - Public Restrooms
 - Safety
 - Enforcement
 - Sanitation

Economy

- Summer Season
- Fall Season
- Beaches
- Support of Businesses
- Support of Residents
- Rental Industry
- Hotels Industry
- Restaurant Industry
- Zoning clarifications for uses impacted by COVID-19
- Partnerships
 - Chamber of Commerce
 - Kennebunkport Business Association
 - Maine Tourism
- Coordinated efforts with coastal communities
- Coordinated efforts with State of Maine

Communication

- Alerting public
 - Phase ramp up
 - Rules and Protocols
 - Changes to regulations and standards
- Alerting Businesses to changes and standards
 - Altering visitors to Rules and Protocols
- Communication with residents on evolving issues
- Communication with businesses regarding their work challenges and our standards.
- Employees on an ever-evolving environment
- Newsletter for summer/fall
- Budget document publications

Public Meetings

- When do we resume physical meetings?
- When do we engage other boards and committees?
- Do we begin with public officials and then to public?
- Continued training of board members on Zoom format
- Virtual meetings dependent upon support from two AV staff

Public Events

- Memorial Day Parade
- 4th of July Fireworks
- GRB Fourth of July Race and Parade
- Special Events – Races and Gatherings

State Resources

- Testing
 - Employees
 - How to Include data from visitors
- PPE
- Communication
 - Time Frame
 - Triggers
 - Testing Results

Exhibit C – April 23, 2020

TOWN OF KENNEBUNKPORT ORDER POSTPONING ANNUAL TOWN MEETING FROM JUNE 9 & 13, 2020 TO JULY 14 & 18, 2020

The Town of Kennebunkport Board of Selectmen hereby finds and orders the following:

WHEREAS on March 31, 2020, the Governor issued Executive Order 28, which directed people to stay at home except for essential business operations and activities in order to reduce the transmission of COVID-19; and

WHEREAS on April 10, 2020, the Governor issued Executive Order 39, entitled, “An Order Modifying the Primary Election to Reduce Exposure to COVID-19,” which suspended the requirement under 21-A M.R.S. § 339 that the primary election be held on the 2nd Tuesday in June and directed that the State Primary Election scheduled to be held on June 9, 2020 be postponed to July 14, 2020, unless changed by subsequent Executive Order; and

WHEREAS, Section 5.1 of the Administrative Code of the Town of Kennebunkport requires the Town’s Annual Town Meeting to convene on the second Tuesday in June for the purpose of electing Town Officials and for voting on referendum articles and other secret ballot articles; and

WHEREAS, Section 5.1 of the Administrative Code of the Town of Kennebunkport further requires the Town’s Annual Town Meeting to adjourn to the Saturday immediately following the second Tuesday in June for the purpose of considering and adopting the budget and acting upon remaining business; and

WHEREAS, Section D-3 of Emergency Legislation enacted on March 18, 2020 as Public Law 2019, Chapter 617 entitled, “An Act to Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency” allows the municipal officers to postpone the date of a secret ballot election “notwithstanding any law or municipal charter provision or ordinance to the contrary, during calendar year 2020”; and

WHEREAS, the Town believes that it would be in the best interest of the health, safety and welfare of the voters of the Town, as well as Town staff and election workers, to postpone the Annual Town Meeting for the same reasons stated by the Governor in Executive Order 39;

NOW THEREFORE, in accordance with the aforesaid laws, orders, and recitals, which are incorporated herein by reference, it is hereby ordered as follows:

1. The Annual Town Meeting scheduled for June 9, 2020 shall be postponed until Tuesday, July 14, 2020 for the purpose of electing Town Officials and for voting on referendum and other secret ballot articles; and

2. Following the aforesaid election on Tuesday, July 14, 2020, the Annual Town Meeting shall be continued to Saturday, July 18, 2020 for the purpose of considering and adopting the budget and acting on all remaining articles on the annual town meeting warrant.

Dated this ____ day of April, 2020.


Allen Daggett, Chair


Sheila Matthews-Bull, Vice Chair

Patrick Briggs

Edward Hutchins

Michael Weston