

TOWN OF KENNEBUNK

SELECT BOARD MINUTES

**TUESDAY, JANUARY 7, 2020 – 6:30 P.M.
(meeting moved from December 24, 2019)**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

On Tuesday, January 7, 2020, at approximately 6:30 p.m., in Room 301 of the Town Hall, 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 Edward Karytko, Wayne Berry, L. Blake Baldwin, Christopher Cluff, Frank Paul, William Ward, Jr. and Shiloh Schulte.

Also present was Town Manager Michael Pardue.

The Pledge of Allegiance was then recited.

2. APPROVAL OF MINUTES

- a. December 10, 2019 Regular Meeting [*Please refer to supporting material \(PDF\)*](#)

A motion was made to approve the December 10, 2019 Regular Meeting Minutes.

MOVED: Karytko

SECONDED: Cluff

VOTE: 6 in favor, 0 opposed, 1 abstention (Schulte). The motion passed.

3. ITEMS TO BE SIGNED

4. PUBLIC HEARINGS

- a. **New application (new owner) for a Victualer License for Brian Gadbois d/b/a Ashby's for a Victualer License located at 57 Portland Road.**

A motion was made to approve the Victualer License for Brian Gadbois d/b/a Ashby's.

MOVED: Karytko

SECONDED: Schulte

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

5. PUBLIC COMMENTS

Peter Brewitt asked about enrollment study by RSU and when/where the meetings will start. Pardue responded.

Sharon Staz asked about the status of a meeting.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. **Accept the Following Donations** – The Town recently received the following donations:

For the Fire Rescue Department:

- \$50 from Frank & Gloria Day in honor of his late grandmother, Louise Pelletier. Miss Pelletier passed away in 1995 and Mr. & Mrs. Day make this donation in her honor each Christmas.

- \$100 from Cocoons Inc. for the Fire & Rescue Department first responders (canteen fund).
- Twelve personal thermal imaging cameras and four gas meters from David Harrison of Eastern Avenue Holdings. The value of this donation is approximately \$8,900.
- \$2,500 from the Flynn Family Foundation (designated by Mary Flynn Woodman) for the Fire & Rescue Department

For the Police Department:

- \$3,450 from Jason St. Jean to the Police Department in recognition of their service to the community. Mr. St. Jean would like this donation to be utilized by the Police Department to cover the cost of uniform badges in recognition of Kennebunk's Bicentennial. These badges will be worn by officers for the 2020 calendar year.

[Please refer to supporting material – bicentennial badge \(PDF\)](#)

For the Emergency Heating Assistance Fund and/or Social Services:

- \$400 from Pat Hansen of Hearth and Soul for emergency heating assistance. Pat's donation represents a portion of her sales from Small Business Saturday and makes the donation in the name of her loyal customers who have supported her business for 24 years.
- \$500 from an anonymous donor for emergency heating assistance/social services
- \$750 from the Haste Family Fund of the Maine Community Foundation for emergency heating assistance
- \$2,000 from the William JJ Gordon Family Foundation for emergency heating assistance/social services
- \$2,500 from the Flynn Family Foundation (designated by Mary Flynn Woodman) for emergency heating assistance
- \$2,500 from the Flynn Family Foundation (designated by Mary Flynn Woodman) for social services

Jeff Rowe, Fire Chief, spoke, thanking the people responsible for the above-mentioned donations to the Fire Rescue Department. He made further comment.

Pardue said the prototype of the new Police Department badge is outstanding.

A motion was made to accept the donations and send letters of thanks to all for their very generous donations.

MOVED: Karytko

SECONDED: Cluff

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

For the Town of Kennebunk:

- \$100,000 from Kennebunk Savings. The Town of Kennebunk and the Maine Turnpike Authority have entered into a Cooperative Agreement for the installation of traffic signals at the Exit 25 Southbound Ramp/Alewive Park Road intersection and the Exit 25 Northbound Ramp/Fletcher Street intersection. The Town's required contribution under this agreement is \$115,000. This generous donation of \$100,000 serves to reduce the Town's contribution to \$15,000.

A motion was made to accept the donation of \$100,000 from Kennebunk Savings and send a letter of thanks.

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

- b. **Code Officer Paul Demers Honored** - On December 12th, Kennebunk Code Enforcement Officer Paul Demers was recognized as “Member of the Year” by the Maine Building Officials and Inspectors Association (MBOIA). Paul was selected to receive this distinguished award by his peers in recognition of his many contributions to the organization. In addition to his affiliation with MBOIA, Paul also serves as the President of the New England Building Officials Education Association (NEBOEA.)

Demers spoke, in part expressing thanks.

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

a. Discuss Boards and Committees

- **Candidates for Appointment Consideration to Town Committee –**
 - Robert Fiore – Economic Development Committee [Please refer to supporting material \(PDF\)](#)
Vacancies: (2) Alternate Member positions - 2020

Baldwin asked Fiore why he is interested in economic development. Fiore said he recently accepted a position at People’s United Bank. He also said he has been involved with the library. He said he wanted to support the library and the Town in any way he could.

A motion was made to appoint Robert Fiore as an Alternate Member on the Economic Development Committee with a term expiring in 2020.

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

- Thomas Rist – Energy Efficiency Adv. Committee [Please refer to supporting material \(PDF\)](#)
Vacancies: (3) Regular Member positions - 2021

Thomas Rist introduced himself, in part saying his career was in energy reduction.

A motion was made to appoint Thomas Rist as a Regular Member on the Energy Efficiency Advisory Committee with a term expiring in 2021.

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

- Danielle McPherson – Committee on Aging [Please refer to supporting material \(PDF\)](#)
Vacancies: (1) Regular Member position – 2020
(3) Regular Member positions - 2022

Danieile McPherson introduced herself, in part saying she has been working with senior citizens for 17 years and that she is a licensed social worker.

A motion was made to appoint Danielle McPherson as a Regular Member on the Committee on Aging with a term expiring in 2020.

MOVED: Karytko

SECONDED: Cluff

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

- b. **Confirm the Town Manager’s Appointment of the Town Historian** – Due to the recent passing of Town Historian Steve Spofford, there is the need to appoint someone to fill this position. Kathy Ostrander Roberts has volunteered to serve in this capacity.

Kathy previously served as Town Historian from 2008 to 2012. She currently chairs the Bicentennial Committee, was instrumental in creating Kennebunk’s Museum in the Streets, has authored two books on Kennebunk’s history and writes history columns for local newspapers.

Town Manager Pardue strongly supports Ms. Ostrander Roberts’ candidacy for the position of Town Historian and asks that the Select Board consider confirming this appointment.

[Please refer to supporting material – Volunteer Application \(PDF\)](#)

Per the Town Charter, the Select Board confirms the Town Manager’s appointment.

A motion was made to confirm the Town Manager’s Nomination of Kathy Ostrander Roberts as Town Historian, effective January 7, 2020 for a term expiring on June 30, 2020 (date all Annual Appointments expire).

MOVED: Karytko

SECONDED: Cluff

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

- c. **Interview Candidates for Kennebunk Light & Power District Trustee Position** – The recent resignation of Kennebunk Light & Power District (KLPD) Board of Trustee member Jonathan Kilbourn has resulted in a vacancy on said Board. The KLPD Charter calls for the Select Board to appoint a person to fill a position vacated when a Trustee resigns prior to the conclusion of their term. Pursuant to KLPD’s Charter, “such appointee shall serve only until the next annual town meeting when a successor shall be elected to fill such vacancy for the unexpired term.” In this instance, the term Mr. Kilbourn was elected to expires on June 30, 2023.

The following individuals have indicated their interest to fill the vacancy created by Mr. Kilbourn’s resignation.

- Beverly Freudenreich - *[Please refer to supporting material – letter of interest \(PDF\)](#)*
- Robert Georgitis - *[Please refer to supporting material – letter of interest \(PDF\)](#)*
- Mike Jordan - *[Please refer to supporting material – letter of interest \(PDF\)](#)*
- Thomas Wellman - *[Please refer to supporting material – letter of interest \(PDF\)](#)*

Beverly Freudenreich spoke, introducing herself, in part praising KLPD.

Schulte asked Freudenreich what her feeling on KLPD's role in terms of energy generation is. One thing Freudenreich said in response to Schulte is that you've got to consider battery generation. She also said you have to continuously learn the industry, that it is changing constantly.

Robert Georgitis introduced himself next, in part saying that his interest in KLPD is that he believes strongly in renewable energy and a mix of those energies and that is why he supported keeping the dams.

In clarifying for Schulte, upon Schulte's request, Georgitis said he doesn't think the power company should own generation facilities.

Mike Jordan introduced himself, in part saying he used to be a trustee on the KLPD.

Ward asked Jordan what his positions are on KLPD's role on renewables. In response to that, Jordan said, in part, that he'll look at any energy source, but that the first thing he looks at is the cost.

Baldwin said Thomas Wellman was unable to be present tonight as Wellman had a meeting conflict.

A motion was made to appoint Beverly Freudenreich as a Trustee on the Kennebunk Light & Power District with a term ending on June 30, 2020.

MOVED: Karytko

Some discussion about process ensued.

SECONDED: Cluff

Members of the Board asked Freudenreich a variety of questions to which she replied.

Berry mentioned that he served as the Director of the Kennebunk Light and Power District, saying that thus he may not vote on this.

VOTE: 3 in favor (Ward, Karytko, Baldwin), 3 opposed (Cluff, Schulte, Paul), 1 abstention (Berry). The motion failed.

A motion was made to appoint Thomas Wellman to the Board of the Kennebunk Light and Power District.

MOVED: Schulte

SECONDED: Cluff

VOTE:

Schulte clarified that it is with a term ending June 30, 2020.

REVISED MOTION: A motion was made to appoint Thomas Wellman to the Board of the Kennebunk Light and Power District with a term ending June 30, 2020.

MOVED: Schulte

SECONDED: Cluff

Karytko said he'd like to hear the logic of appointing Thomas Wellman. Schulte then responded to him. Ward made a comment too.

VOTE: 3 in favor (Cluff, Schulte, Paul), 4 opposed (Ward, Berry, Baldwin, Karytko). The motion failed.

A motion was made to reconsider their previous motion of Beverly Freudenreich.

MOVED: Cluff

SECONDED: Schulte

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

A motion was made to appoint Beverly Freudenreich as a Trustee on the Kennebunk Light & Power District with a term ending on June 30, 2020.

MOVED: Ward

SECONDED: Karytko

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

- d. **Discuss Using an Outside Municipal Bid Company to Assist the Town When Selling Items –** Chief Jeff Rowe has met with a representative from Govdeals.com, a company that auctions local government and municipal surplus equipment. The Chief would like to use this company to auction the department's 1994 International fire truck (engine #4), rather than handle the sale with the customary sealed bid process.

Cluff spoke about this agenda item, speaking highly of the proposed change, and then Fire Chief Rowe spoke.

A discussion ensued, first with Cluff saying, in part, that his solution to this is to amend their policy so they can give Pardue and/or Finance Director Joel Downs the permission to do these kind of deals.

A motion was made to allow the Town Manager to list the former engine #4 on Govdeals.com and report back on the outcome.

MOVED: Cluff

SECONDED: Karytko

Berry asked Cluff if there was a minimum.

VOTE:

REVISED MOTION: A motion was made to allow the Town Manager to list the former engine #4 on Govdeals.com and report back on the outcome, with an appropriate minimum cost set by the Fire Chief and Town Manager.

MOVED: Cluff

SECONDED: Schulte

Ward sought confirmation that something in the wording of the motion had to say something about the purchasing policy.

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

A motion was made to take New Business, Article 9a "Discuss a Request for Corrective Action Regarding a Right of Way Encroachment at 135 Port Road," out of order.

MOVED: Baldwin

SECONDED: Cluff

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

9. NEW BUSINESS (taken out of order)

- a. **Discuss a Request for Corrective Action Regarding a Right of Way Encroachment at 135 Port Road –** The owners of Market Day Holdings, LLC are in the process of selling their property at 135 Port Road (formerly Market Day take-out) in Lower Village. During the due diligence process, it was discovered the commercial building encroaches into the Town's Right of Way (ROW) on Port Road by approximately 9 +/- feet. This has been verified by a mortgage survey as well as an "existing conditions survey" for the Town as performed by Owen Haskell Land Surveyors in June 2019. The ROW is 66 feet (4 rods) wide, which is wider than the typical 50 feet.

The structure and encroachment have been in existence for well over 40 years. The potential new owners would like to bring resolution to this matter before they close on the sale and prepare plans for major renovations.

The applicant is represented by Attorney Daniel Rush who has prepared and provided support documentation requesting a formal Agreement to allow the building to remain in its current location.

The proposed Agreement has been reviewed by staff and approved by the Town Attorney.

[Please refer to supporting material – Agreement \(PDF\)](#)

[Please refer to supporting material – existing conditions survey \(PDF\)](#)

Daniel Rush spoke with regard to this agenda item.

Code Enforcement Officer Paul Demers also spoke with regard to this agenda item.

The Board made comments and so did Demers and Rush. For one thing, Berry said he doesn't think they have a full package in front of them to review this.

Berry wondered what rights they are giving up, as a Town, under Title 30-A.

A motion was made to approve the Agreement between the Town of Kennebunk and Market Day Holdings, LLC.

MOVED: Schulte

SECONDED: Cluff

The Town Manager offered a friendly amendment, to which Schulte agreed.

VOTE:

REVISED MOTION: A motion was made to approve the Agreement between the Town of Kennebunk and Market Day Holdings, LLC and to authorize the Manager to sign the Agreement as presented.

MOVED: Schulte

SECONDED: Cluff

VOTE: 5 in favor , 2 opposed (Ward, Karytko). The motion passed.

8. OLD BUSINESS

e. Hear Presentations on Department Overviews –

Town Clerk Merton Brown gave the first department overview.

Brown reminded people to get themselves all set and ready for voting, essentially saying it is a good thing for one to check their enrollment status in a party in order for one not to be surprised and miss out come upcoming elections.

Daniel Robinson, Town Assessor, gave the next department overview. One thing he said is that they appraised +\$40 million in new construction. He also said that from 2018 on they've had over 20 new streets created in Town. Robinson also sent his respects out to the family of Mel Uchenick, who was a Board of Assessment Review committee member for many years in Kennebunk.

Baldwin praised Robinson's work.

9. NEW BUSINESS

b. **Discuss Select Board Relationships and Responsibilities to Town Committees –**

Baldwin spoke about this agenda item, in part saying that Town committee Chair persons approached himself and Pardue, those people representing a feeling that the Select Board has not been doing a good job of overseeing the Town committees, that they're a resource that we are improvidently ignoring through benign neglect. Baldwin also said he feels it is a resource they need to do a better job of overseeing because Town committees are uniquely a creature of this Board. Baldwin praised the work Town volunteers do, saying it is through their efforts that they get a lot of things done that they wouldn't otherwise be able to.

The Board then discussed this matter.

Karytko said he doesn't think it is one size fits all, saying that all the committees are different. To that, Baldwin agreed.

Ward said there are committees they have that probably need to be more goal driven.

One thing Schulte said is that he thinks that, as a Board, they (the Select Board) need to be more aware and productive about identifying where committees can help the Select Board, and communicating that effectively to those committees.

Baldwin said he thinks one of their goals is to review all the Town committees and say yea or nay to them staying a committee.

Cluff said he thinks they (Select Board members) have all failed because they have not led in the way they've talked about for the last six years he has been on this Board. He said they quickly forget about the goals when they walk out the door. Cluff also mentioned difficulty in attending several meetings.

c. **Set the Budget Meeting Dates for the 2020-21 Proposed Budget –** Each year, the Select Board and Budget Board hold joint meetings to discuss the upcoming budget. The proposed dates for review of the 2020-21 Proposed Budget are as follows:

Meeting #1	Thursday, January 30	6:30 p.m. - 9:00 p.m.
Meeting #2	Saturday, February 1	8:30 a.m. - 11:30 a.m.
Meeting #3	Tuesday, February 4	6:30 p.m. - 9:00 p.m.
Meeting #4	Thursday, February 6	6:30 p.m. - 9:00 p.m.
Meeting #5	Saturday, February 8	8:30 a.m. - 11:30 a.m.
Meeting #6*	Thursday, February 13	6:30 p.m. - 9:00 p.m.
Meeting #7*	Saturday, February 15	8:30 a.m. - 11:30 a.m.

*(if needed – additional meetings or snow day makeup)

A motion was made to approve the Budget Meeting dates listed above.

MOVED: Karytko

SECONDED: Ward

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

d. **Discuss Any Other Business**

10. SELECT BOARD COMMENTS

a. Subcommittee Reports

Cluff mentioned the Finance Subcommittee Meeting held yesterday morning.

b. Individual Select Board Member Comments

Karytko:

- Referenced the fact that torn and tattered flags can be dropped off at the American Legion on Water Street and that eyeglasses, cell phones and hearing aids can be dropped off at a Lions Club box located outside the Town Clerk's Office at the Town Hall
- Mentioned committees
- Mentioned being pulled over by a Kennebunk Police Officer for going by a police officer, who had made a stop on someone, slowly but not technically as safe as the law demands. He asked a police officer to be here, saying he thought it would be a good public service for an officer to explain what you should do as you're passing a police car who's making a traffic stop. Justin Titcomb, Traffic Safety Officer for the Kennebunk Police Department, then spoke about the topic.
- Said one of their residents, Eric Cressey, has just been named the strength and conditioning coach of the New York Yankees.

Schulte:

- Said to get your flu shots if you haven't done so
- Said he will not be here next week because he will be on a plan from Chile on the 14th.

Paul:

- Mentioned the charging station grant award, noting that there are some neighbors by it with concerns regarding it.

Berry:

- Mentioned the passing of Mel Uchenick saying he was a great asset to the Town. He thanked all the volunteers on Town committees and Mel's family. He said he, personally, will miss Mel.

Cluff, Ward:

- None

11. TOWN MANAGER ANNOUNCEMENTS

Pardue made announcements.

12. EXECUTIVE SESSION

a. **Discuss a Personnel Matter with the Town Manager - Title 1 MRSA Sec. 405(6)(A)**
At approximately 9:10 p.m., a motion was made to go into executive session, with the Town Manager, pursuant to Title 1 MRSA Sec. 405(6)(A), for the purpose of discussing a personnel matter.

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

At approximately 9:44 p.m., a motion was made to exit executive session.

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

A motion was made to appoint Michael Pardue as Town Manager to a 3-year contract for the period of July 1, 2020 to June 30, 2023.

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

13. ADJOURNMENT

At approximately 9:51 p.m., a motion was made to adjourn the Select Board Meeting.

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



Christopher Cluff, Secretary
Kennebunk Select Board

Date: 1/28/2020