

**TOWN OF KENNEBUNK**  
**SELECT BOARD MEETING MINUTES**  
**TUESDAY, MARCH 9, 2021 – 6:30 P.M.**  
**MEETING HELD VIA ZOOM**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

On Tuesday, March 9, 2021, at approximately 6:30 p.m., L. Blake Baldwin, Chair of the Select Board for the Town of Kennebunk, called to order the Regular Meeting of the Select Board. Present were Select Board members L. Blake Baldwin, Wayne Berry, Peter Brewitt, Edward Karytko, Frank Paul, Shiloh Schulte and William Ward, Jr. (Ward arrived at 6:40 p.m.)

Also present was Town Manager Michael Pardue.

The Pledge of Allegiance was recited.

2. CONSIDERATION/APPROVAL OF MINUTES

- a. February 23, 2021 Regular Meeting *Please refer to supporting material (PDF)*

Budget Meetings (minutes to be presented at a future meeting)

- a. January 28, 2021 Special Meeting (budget meeting)
- b. January 30, 2021 Special Meeting (budget meeting)
- c. February 2, 2021 Special Meeting (budget meeting)
- d. February 4, 2021 Special Meeting (budget meeting)
- e. February 11, 2021 Special Meeting (budget meeting)

**A motion was made to accept the minutes the meeting of February 23, 2021.**

**MOVED: Karytko**

**SECONDED: Schulte**

**VOTE: 6 in favor, 0 opposed, 1 absent (Ward). The motion passed.**

3. ITEMS TO BE SIGNED - none

4. PUBLIC HEARINGS - none

5. PUBLIC COMMENTS - none

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. **Accept the following Donations for Kennebunk Fire Rescue:**

- \$500 from James K. and Thomas Pastorelli - This donation is a thank you for participation in a birthday celebration in May of 2020 for their father, James F. Pastorelli. As you may know, James F. Pastorelli was a veteran of World War II who proudly served his country. He celebrated his 100<sup>th</sup> birthday on August 22, 2020.
- Chaplain Carolyn Lambert made a \$100 donation to St. Jude Children Children's Research Hospital and a \$100 donation to the Good Shepherd Food Bank in the name of Kennebunk Fire Rescue. Chaplain Lambert also donated \$100 to Kennebunk Fire Rescue.

**A motion was made to accept the donations and send a letter thanking the donors for their generous donations.**

**MOVED: Karytko**

**SECONDED: Schulte**

**VOTE: 6 in favor, 0 opposed, 1 absent (Ward). The motion passed.**

- b. **New Hire: Franklyn (Frank) Kunkel** – Frank will start with the Community Development Division on March 15<sup>th</sup> as the Town’s Assistant Code Enforcement Officer. Frank previously worked in the construction industry for over 20 years, getting his start with CB Builders of York, then successfully ran his own business for over 10 years. After working in the industry and interacting with several local municipal Code Officers, Frank earned his Code Enforcement Officer Certification and pursued a career in the field.

We are pleased to welcome him to the Town of Kennebunk and look forward to working with him as part of the team!

Ward arrived at approximately 6:40 p.m. during the Town Clerk’s comments below:

Town Clerk Merton Brown provided an update on the information below.

- c. **Information from the Town Clerk’s office regarding the June 8<sup>th</sup> Annual Town Meeting/Election** – Nomination papers are now available for the following positions:
- |  |                  |
|--|------------------|
| Select Board Members                     | (3) 3-year terms |
| RSU 21 Directors                         | (2) 3-year terms |
| Kennebunk Light & Power District Trustee | (1) 5-year term  |
| Kennebunk Sewer District Trustees        | (2) 3-year terms |
- d. **Hear an Update from the Town Manager regarding COVID-19 and the Town’s Preparedness Plans**

- Update on the efforts of the Workplace COVID Task Force

Pardue went over this agenda item. He spoke of the Workplace Task Force and the current rotating on/off site workforce approach; it continues to prove effective. He noted that staff members that are eligible are receiving vaccinations. We continue to be a healthy workforce. The current workforce approach will continue; we do reevaluate our staffing approach on a daily basis.

- Update on the efforts of the Kennebunk COVID Task Force
  - July 4<sup>th</sup> Fireworks

Pardue stated that we have been contacted by the vendor that provides our fireworks display. We are faced with a decision on whether to host the July 4<sup>th</sup> fireworks or not. Pardue noted that the tide will be high just before the fireworks would go off and that viewers would be on the sidewalk and roadway. The Fire Chief and the Town Manager will continue this discussion and bring this back to the Board at their March 23<sup>rd</sup> meeting.

Baldwin said he saw, on a recent TV news story, one of our Paramedics providing vaccines at the Sanford vaccination location. Baldwin was happy to see a crisp uniform and was very proud to have him representing Kennebunk. Fire Chief Rowe said that was David Garriepy who is extremely proud to be a part of this service.

- Parks & Recreation Department Proposed Programs

Baldwin mentioned he is a member of the Beach and Parks Task Force, a subcommittee of the Kennebunk COVID Task Force. Parks & Recreation Director Tasha Pinkham submitted a number of programs to the task force that could be done safely under the CDC guidelines.

Pinkham spoke about the following programs and the new form they have designed with Maine CDC guidelines in mind regarding COVID-19. The form has information about the program, general COVID questions and lists appropriate measures that need to be taken to stop the spread of COVID-19 within the program.

Programs:

- Soccer
- Tennis
- Street Hockey
- Tap Dance
- Pickle Ball - once court is cleared

Special Events:

- Community Market tentative start of 5/8
- Bicentennial Dinner drive through
- Rotary BBQ Dinner drive through

Karytko asked Pinkham how we stack up to some of the other communities. Pinkham responded that most other communities are offering programs. Kennebunkport and Arundel have already listed their summer camps.

Schulte likes the way these are set up and appreciates the thoughtfulness used in setting up the programs.

Pinkham spoke of the 17 soccer teams. She noted that parents have been asking for programs and is sure that program will fill up to capacity.

Pardue applauded the Parks & Recreation staff for their attention to COVID protocols within the referenced proposals.

**A motion was made to approve the programs outlined above by the Parks & Recreation Director to include tennis, street hockey, soccer and tap dance and the already approved pickle ball program.**

**MOVED: Baldwin**

**SECONDED: Ward**

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

Pardue noted the Rotary BBQ event was time sensitive.

**A motion was made to approve the use of the Waterhouse Center for the Rotary BBQ drive through dinner.**

**MOVED: Baldwin**

**SECONDED: Ward**

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

A discussion ensued around the Community Marketplace crafters, when the event will begin, contact tracing and the number of people that may visit the marketplace. It was agreed that this will be brought back before the Board for a discussion at a future meeting.

## 7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

### a. Discuss Boards and Committees

- **Committee Resignations**

- Jonathan Johnson, Economic Development Committee – Regular 2022
- Donald Burnham, Budget Board – Regular 2023

**A motion was made to accept the resignations of Jonathan Johnson from the Economic Development Committee and Donald Burnham from the Budget Board and send letters thanking them for their service.**

**MOVED: Karytko**

**SECONDED: Ward**

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

- **Move Up Alternate Members**
  - Stephen Sawyer – Economic Development Committee
  - Robert Fiore – Economic Development Committee

In addition to Jonathan Johnson's recently vacated Regular position (2022), the EDC has a vacancy for a Regular member with a term expiring 2021.

**A motion was made to move Stephen Sawyer from Alternate to Regular Member on the Economic Development Committee to fill the remainder of Jonathan Johnson's three-year term that expires on June 30, 2022.**

**MOVED: Karytko**

**SECONDED: Schulte**

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

**A motion was made to move Robert Fiore from Alternate to Regular Member on the Economic Development Committee to fill the remainder of a three-year term that expires on June 30, 2021.**

**MOVED: Karytko**

**SECONDED: Schulte**

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

- **Candidate to Appear for Appointment Consideration to Town Committee** – The following resident will be attending the Board's meeting (via Zoom) to discuss her interest in joining the following committee:
  - Lisa Pratt – Energy Efficiency Advisory Committee *Please refer to supporting material (PDF)*  
Vacancies: (1) Regular Member position-2021, (1) Regular member position-2023

Lisa Pratt joined the meeting at this time.

Schulte asked Pratt for a brief description of her background. Pratt said her background is in healthcare. She said she wants to get involved with the Town. She knows that sea level rise will affect our town in the future and she would like to be a member of the Energy Efficiency Advisory Committee (EEAC). She has been to 3 or 4 meetings and has been included in their emails.

Berry had concerns about comments made at the last EEAC meeting. He heard that the committee members said they will resign if the street lights are not installed; he heard her say she would also, if appointed. She acknowledged saying that and said since that meeting, that sentiment by the committee has changed.

Sharon Staz, EEAC Chair, spoke in support of Pratt. She encouraged the Board to vote her in as a regular member. Staz said she would be a real asset to the committee.

**A motion was made to appoint Lisa Pratt as a Regular Member on the Energy Efficiency Advisory Committee, with a term expiring on June 30, 2021.**

**MOVED: Karytko**

**SECONDED: Schulte**

**VOTE: 5 in favor, 2 opposed (Berry, Brewitt). The motion passed.**

- b. **Update the Signature Page of the Disaster Mutual Aid Agreement for York County** – In 2013, the Town of Kennebunk was one of the 26 towns and 3 cities in York County that signed a Disaster Mutual Aid Agreement for York County. The purpose of the Agreement was to provide for the establishment and implementation of a Regional Mutual Aid Agreement for disaster preparedness and response in case of an event or incident that may prove too great for any one municipality to deal with unassisted.

The Agreement was approved and signed on March 26, 2013 by five members of the Select Board (Searles, Spofford, Donovan, Ward, Kotsonis), Town Manager Tibbetts and Fire Chief Nichols.

The Agreement automatically renews on an annual basis. The Town Manager and the Fire Chief are asking the Board to sign the accompanying signature page, which reflects the names of current Town officials.

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

The Fire Chief spoke of mutual aid should the need arise. He said the agreement is currently in force, but thought it would be a good time to update the dates and names of the current Board.

The Chief said the mass vaccination facility in Sanford is considered a mutual aid event for York County.

**A motion was made to provide updated signatures on the Disaster Mutual Aid Agreement for York County.**

**MOVED: Karytko**

**SECONDED: Ward**

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

Select Board members were reminded to visit the Town Clerk's Office to sign the document.

## 8. OLD BUSINESS

### a. **Hear an Update on the Progress of the Comprehensive Plan**

Janice Vance spoke on this article. She said of the 20 items, 13½ are ready for review and two are in process. She also noted the full committee will be meeting this Thursday.

Ward asked about the 13½ chapters that are ready to review. He asked what that review process entails. Vance said that will be discussed at the meeting Thursday night. A formal process needs to be established, said Vance said.

Berry asked about the land use chapter, wondered if that has been started yet? Vance said yes she has started it and is continuing to work on it. A formal process will need to be in place to follow up with at the end of this process.

Vance noted the timetable, talking about the public hearing and sending it to the state for review/acceptance. It was stated by Berry and confirmed by the Town Clerk that the plan will have to also be adopted by the Town voters at a town meeting. Vance said they are looking at this November to do that.

With no further comments, Baldwin thanked Janice Vance for her work and perseverance.

Karytko asked for an update on street lights.

Baldwin said progress has been made. He said they (Baldwin, Berry Pardue and Downs) met with the Energy Efficiency Advisory Committee (EEAC) members last Monday to hear their thoughts. This same representative group then met with KLPD representatives Todd Shea and David Cluff. KLPD agreed to work with the Town on this effort to see what light, in their opinion, would best serve the Town. The EEAC took a last look at their RFP and sent an updated version to Pardue, who in turn, sent it to KLPD for their review and comment. Baldwin said we are waiting to hear back from KLPD.

9. NEW BUSINESS

a. **Discuss Any Other Business of the Board**

Public Services Loader:

Berry noted that this afternoon that the Finance Subcommittee met to discuss several items, one being the Volvo loader that was going to be repaired but will now have to be replaced.

Public Services Director Bryan Laverriere gave an update on the background of the loader. A large repair is needed to get it back on the road, with no promises that this will not happen again. He said they are looking to trade the old Volvo in toward a new one. Time is of the essence. The company awarded the last loader bid on September 22, 2020 agreed to keep the price the same for a new loader, less \$1,500 for service manuals. The lead time in ordering one of these machines is approximately 90 days.

It was noted that the funds to repair the machine have not been spent.

Finance Director Downs spoke of the funding amount of \$170,400. He then read the following prepared motion:

Motion: To waive the Town's Purchasing Policy as allowed in Section VI, Paragraph 5, and to accept the quote received from Milton CAT of Scarborough, Maine for a new Public Services loader in the amount of \$170,400.

Motion: To purchase a CAT loader from Milton CAT of Scarborough, Maine for \$170,400 to be funded from the following sources:

MDOT reimbursement for plowing and maintaining Rt. 9 (Western Ave) for FY2019, FY2020 and FY2021 to be received before June 30, 2020 of \$33,713;

Select Board TIF Reserve to be paid from the West Kennebunk - Utility Corridor TIF Special Revenue Fund of \$75,000;

From the sale or trade-in of the Town's 2014 Volvo loader for at least \$35,000;

With the remaining balance paid from the Select Board's Capital Reserve of up to \$26,687.

Note: The sale or trade-in of the Volvo loader may realize an amount greater than the \$35,000 projected, resulting in a lesser amount to be spent from the Select Board's Capital Reserve.

Ward agreed this is a good move.

Baldwin asked Laverriere why we need to waive the purchasing policy. Laverriere said the price from Milton Cat has been held from last year and they will eliminate the 2021 price increase. They were also the low bid last time.

**A motion was made to waive the Town's Purchasing Policy as allowed in Section VI, Paragraph 5, and to accept the quote received from Milton CAT of Scarborough, Maine for a new Public Services loader in the amount of \$170,400.**

**MOVED: Baldwin**

**SECONDED: Ward**

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

**A motion was made to purchase a CAT loader from Milton CAT of Scarborough, Maine for \$170,400 to be funded from the following sources:**

- **MDOT reimbursement for plowing and maintaining Rt. 9 (Western Ave) for FY2019, FY2020 and FY2021 to be received before June 30, 2020 of \$33,713;**
- **Select Board TIF Reserve to be paid from the West Kennebunk - Utility Corridor TIF Special Revenue Fund of \$75,000;**
- **From the sale or trade-in of the Town's 2014 Volvo loader for at least \$35,000;**
- **With the remaining balance paid from the Select Board's Capital Reserve of up to \$26,687.**
- **Note: The sale or trade-in of the Volvo loader may realize an amount greater than the \$35,000 projected, resulting in a lesser amount to be spent from the Select Board's Capital Reserve.**

**MOVED: Baldwin**

**SECONDED: Berry**

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

## 10. SELECT BOARD COMMENTS

### a. Subcommittee Reports

#### **Transfer Station Task Force:**

Schulte spoke of the Transfer Station Task Force's productive meeting they had. He said survey results, will be active through March. He encouraged people to take the survey whether you use the facility or not. He said they will be using the responses from the survey to explore options for the use of that site. He said we are looking at many possibilities as it relates to the site and how to best manage those.

Baldwin spoke of the wonderful work by the task force. He said he took the survey on this phone and said it was quick.

Baldwin said they have received 1,200 responses so far. He gave the website address to find the survey online. He thanked staff members Tina Radel, Karen Winton and Chris Osterrieder for their work on the survey. Schulte agreed and praised Winton for her ability to get a professional survey out; said he was very impressed!

#### **Finance Subcommittee Meeting:**

Town Engineer Osterrieder updated the subcommittee on the sea wall and revetment projects taking place along Beach Ave. He said they still have to complete the sidewalk work. He said a week ago the sidewalk along Beach Ave. was closed and that there is a crane on site, driving piles. Work is progressing quite well. By Memorial Day Osterrieder feels "we should be back to normal" and that outreach efforts in the area will continue as the weather changes. He noted that Public Services has been instrumental in moving this project along. The public is encouraged to stay away from the work site.

#### **Beach Parking Permit Fees:**

Downs spoke of the proposed changes to the Beach Parking Permit fees that were discussed at the Finance Subcommittee meeting today. The change in resident parking permits is that all resident permits will be \$5 each. To qualify for a permit, one will have to show evidence of being a taxpayer or resident (auto registration or tax bill). You will be able to purchase a resident permit for the number of vehicles you have registered. Plate numbers will be noted on the permits. This is a change from the way it is currently done. Downs said we hope in the future, maybe in two years, to automate this completely. This is a step in that direction. This is similar to what other coastal communities do, Downs said. He noted they are still discussing passes for hotels. The change in the resident permit fee will be revenue neutral; we will not be losing any revenue.

John Costin asked why this change? Downs explained that the permit (sticker) is supposed to be affixed to a vehicle now but that is not always occurring.

Baldwin reiterated that permits will now be assigned to a vehicle with a plate number.

**A motion was made to put the beach parking permits on the agenda for a first reading on March 23, 2021.**

**MOVED: Ward**

**SECONDED: Karytko**

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

Berry asked about the two Tax Acquired Properties. He asked if the Board wants to put this on the March 23<sup>rd</sup> agenda as a first reading for the sale of the properties.

**A motion was made to put the two Tax Acquired Properties on the agenda for a second reading on March 23, 2021.**

**MOVED: Ward**

**SECONDED: Berry**

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

Finance Update:

Finance Director Downs reported the following: It is a very positive report, given COVID-19. Excise tax revenues are up for eight months, \$400,000 more the budgeted amount. He said we might see closing out the year at \$400-500,000 over budget, which is significant. Ambulance revenues are coming in around budget, foresees that coming in around the \$800,000 that was budgeted. Recreation is at \$200,000, much lower than the \$500,000 budgeted, but costs are lower than budgeted also. Building permits budgeted at \$120,000 are at about \$180,000 and could be more at end of the fiscal year. With respect to property tax collection, last year we were at 51% collected; now we are at 52% collected, which is stronger than expected. Tax bills went out and are due on April 2<sup>nd</sup>.

Karytko asked if there was any indication what the mil rate might be for next year. Downs noted an 8% increase that's primarily for debt service, so it might be a 26 cent increase. He noted a public hearing on this will be held on March 23<sup>rd</sup>.

Ladder Truck Update:

Berry asked about the ladder truck. Chief Rowe explained that the ladder truck was recently evaluated and a defect in the steering mechanism was identified. Parts have been ordered. The vehicle is now out of service waiting for the ordered part(s). The part is \$2,000 plus shipping and installation. Neighboring communities have been notified that the ladder truck is out of service for three+ weeks.

**b. Individual Select Board Member Comments**

**Berry, Brewitt, Schulte, Ward:** none

**Karytko:** Mentioned that the Lions Club has a box by the Town Clerk's Office for used hearing aids, eyeglasses, cell phones. Said that any torn or tattered flags can be brought to the American Legion on Water Street where they will be taken care of appropriately. He said he spoke to Bryan Laverriere about the unpaved section of Maguire Road, wondered if that can be paved.

**Paul:** Said with the school's decision to maintain the current hybrid plan, many residents are disappointed, he is too. Other communities are going full time; many are unhappy that Kennebunk is not doing this. Asked if the Board will be meeting in person at Town Hall soon or continuing with zoom? Pardue reminded the Board that in July of last year, they adopted a policy for determining whether to hold meetings in person or remotely. He said we'd be meeting remotely until the numbers were low enough.



Schulte said if the positivity rate is 5% or less or the current number of cases is 86 or higher, according to the policy adopted, we can't meet in person. He noted that currently there are 7,000 active COVID-19 cases in York County. He said maybe by the end of the summer the numbers will be better.

The 7/14/20 policy referenced above is:

*The Board adopted a set of metrics to determine whether to hold Town board and committee meetings in person or remotely, with the metrics being the percent positive COVID-19 cases being under 5% or the total number active cases in York County under 85. If both of those metrics are met, they could meet in person. If either are not, they would meet remotely.*

Baldwin spoke of the need to safeguard the folks at Town Hall.

Pardue said hopefully we will see some improved numbers as the vaccines are rolled out.

Fire Chief Rowe spoke of the timeline for vaccinations of 60 year olds, teachers etc. He noted the school system will put another 7,000 people in the vaccination system.

**Baldwin:** Regarding LED lights, currently the RFP is being evaluated by KLPD. When they get that back to us, we will have the meeting with the Board and EEAC that we talked about.

#### 11. TOWN MANAGER ANNOUNCEMENTS

Pardue read the announcements listed on the agenda. Pardue also spoke of his analysis of the number of projects either underway or proposed by staff for the calendar year 2021. Those projects currently number 198. He continued by citing that in 2019, (excluding the year 2020 due to COVID-19) there were 43,270 transactions that took place in the Town offices. He applauded the good work of the men and women doing this work.

Ward posed the question as to whether or not the Town was staffed to the level necessary to accomplish the workload.

Karytko asked about the facilities study. Pardue said Osterrieder is working on that and we should have a report/update on or about March 23<sup>rd</sup>.

Baldwin reminded the Board to stop in the Town Clerk's office to sign documents.

#### 12. EXECUTIVE SESSION

#### 13. ADJOURNMENT

At approximately 8:21p.m., a motion was made to adjourn tonight's meeting.

**MOVED:** Karytko

**SECONDED:** Schulte

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



L. Blake Baldwin, Chair

~~Wayne Berry, Vice Chair~~

~~Shiloh Schulte, Secretary~~

Kennebunk Select Board

Date 3/23/21