

TOWN OF KENNEBUNK

SELECT BOARD MEETING MINUTES

TUESDAY, MARCH 10, 2020 – 6:30 P.M.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

On Tuesday, March 10, 2020, at approximately 6:30 p.m., L. Blake Baldwin, Chair 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, Edward Karytko, Christopher Cluff and Shiloh Schulte. Select Board member William Ward was absent.

Also present was Town Manager Michael Pardue.

The Pledge of Allegiance was recited.

Town Clerk Merton Brown noted that a former Town employee (Donna Harmon) passed away this past weekend. He said he thought it would be appropriate to remember her at this meeting.

A moment to remember Donna was observed.

2. APPROVAL OF MINUTES

- a. January 27, 2020 Special Meeting (Joint Public Hearing w/ Planning Board)
[Please refer to supporting material \(PDF\)](#)

Baldwin noted a change he wanted to see made to these minutes.

A motion was made to approve the minutes for January 27, 2020 (Special Meeting) with the amendments as noted.

MOVED: Karytko

SECONDED: Cluff

VOTE: 5 in favor, 0 opposed, 1 abstained (Schulte), 1 absent (Ward). The motion passed.

- b. Budget Meetings (Joint Meetings with the Budget Board) - *will appear on 3/24 agenda for approval*
- January 30, 2020 Special Meeting (budget meeting)
 - February 1, 2020 Special Meeting (budget meeting)
 - February 4, 2020 Special Meeting (budget meeting)
 - February 6, 2020 Special Meeting (budget meeting)
 - February 8, 2020 Special Meeting (budget meeting)
- c. February 25, 2020 Regular Meeting
[Please refer to supporting material \(PDF\)](#)

A motion was made to accept the minutes for February 25, 2020 (Regular Meeting).

MOVED: Karytko

SECONDED: Cluff

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

- d. March 4, 2020 Special Meeting (RSU 21 Enrollment Presentation)
[Please refer to supporting material \(PDF\)](#)

A motion was made to accept the minutes from the March 4, 2020 Special Meeting (RSU 21 Enrollment Presentation).

MOVED: Karytko

SECONDED: Berry

VOTE: 4 in favor, 0 opposed, 2 abstained (Schulte, Paul) as they were not at the March 4th meeting, 1 absent (Ward). The motion passed.

3. ITEMS TO BE SIGNED
4. PUBLIC HEARINGS
5. PUBLIC COMMENTS

Dan Sayre, Kennebunk resident, spoke about Pardue's contract. He is opposed to the contract the board signed with Pardue as he feels if Pardue wins a Senate seat, he should not remain as town manager due to possible conflict of duties. Sayre clarified comments he made in that regard at the last Regular Meeting of the Kennebunk Select Board, saying none of his comments were related to Pardue's work performance or integrity. He made a differentiation between what he called a legal conflict of interest and an ethical conflict of interest, saying he wasn't saying there was legal impropriety around the renewal of Pardue's contract. However, he still expressed issue with the ethical and non-financial component of the way the contract renewal was handled. He explained his reasoning, discussing conflict of duty (if a member of the State Senate and the Kennebunk Town Manager at the same time, the duty to State and Town, and the duty to the other towns Pardue represents, will pose challenges, Sayre articulated). He recommended considering removing the possibility of serving at two layers of government at the same time. He also said he sees a conflict in Karytko, Chair of the Town GOP Committee, agreeing to this contract.

Teddy Durfee, Kennebunk resident, spoke in disapproval to the Select Board recently approving the ordering of a Tesla 3 for the Fire Chief. Durfee noted that Efficiency Maine has 23 plug-in, hybrid and electric vehicles that meet requirements for tax credits, which he said are far less expensive than what the Tesla 3 will cost the Town. He said money in savings (from buying a cheaper car) could be used somewhere else. He said the Select Board is responsible for spending his money, and the rest of the Town's, responsibly.

John Costin, of Dane Street, Kennebunk, spoke. He spoke about the petition in opposition to the Town Manager's contract. One thing he said in that regard is that what he found is that signers of the petition did not seem to have any particular party affiliation; they include three former Select Board members and at least two former School Board Directors, he said. He stated that currently there are over 475 signers of the petition online or on paper. Costin also spoke about preserving productivity by being proactive in searching for a new Town Manager if and when Pardue is elected to the Maine Senate instead of waiting until Pardue possibly says he cannot perform his roles of Town Manager and State Senator adequately at the same time.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

a. Staffing Updates

Pardue shared with the Board the various staffing adjustments that have recently taken place.

b. Interested in serving your community as an elected official? There is still time to take out Nomination Papers! – Nomination papers are available for the following positions for the June 9th Annual Town Meeting/Election:

Select Board Members	(2) 3-year terms
RSU 21 Directors	(2) 3-year terms
KKWWD Trustee	(1) 3-year term
KLPD Trustees	(1) 5-year term, (1) 3-year term (remainder of a 5-year term)
KSD Trustee	(1) 3-year term

A minimum of 25 signatures is required. Nomination papers can be picked up in the Town Clerk's Office and *must be returned no later than 4:30 p.m. on Friday, April 10*. FMI, please call 604-1326.

Town Clerk Merton Brown spoke, mentioning who has already taken out papers. He also spoke about the Presidential Preference Primary, saying 537 people on that day either registered to vote, changed their address, changed their name or enrolled in a party, the highest number of people doing such in at least the last several years by about 200. He also explained that 39% of Kennebunk voters are Democrats, 35% unenrolled, 25% Republican and 1% Green Party. He also mentioned that there were 4,357 voters who voted in the Presidential Preference Primary, about a 45% voter turnout. Brown noted the April 7th Referendum Question regarding whether or not to allow for the testing of recreational marijuana in Kennebunk, saying absentee ballots are available; one can call to have one sent to their house, or one can come in to vote.

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

- a. **Award the Bid for Extrication Tools for the Fire Rescue Department** – The Town received one bid for the purchase of Battery Operated Extrication Tools:

Harrison Shrader Enterprises, LLC \$45,083.45
Lewiston, ME

We have \$46,000.00 budgeted for this purchase.

The Fire Chief recommends awarding the bid to Harrison Shrader Enterprises.

Fire Chief Jeff Rowe spoke about this agenda item. He said this is a process to replace hydraulic rescue tools that are about 17 years old.

Cluff sought confirmation that these will be compatible with the potential new product they are looking at. In response to that, Rowe said yes.

Schulte inquired as to what degree these tools are better than the old tools. Rowe responded by saying the cutters will perform superior to what they have now.

Schulte asked what will happen to the tools they have. In response, Rowe said the plan was to probably sell those at auction.

A motion was made to award the bid for Battery Operated Extrication Tools to Harrison Shrader Enterprises, LLC in the amount of \$45,083.45.

MOVED: Karytko

SECONDED: Cluff

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

- b. **Hear an Update from the Fire Chief on a Donation to the Fire Rescue Department for the Purchase of a Portable Light Tower** – On February 27th, the Town opened bids for a Portable Light Tower for the Fire Rescue Department. Two bids were received (\$7,949.00 and \$8,415.00). The bid was awarded to Jordan Equipment Company of West Falmouth, ME in the amount of \$7,949.00 (bids can be awarded by the Town Manager if the bid is under \$15,000.00).

This project, along with a \$6,000 Flashlight project, was funded by a donation received in February of 2019 from Jim Cummings on behalf of his mother, Nancy Coleman Cummings. These are projects that Mr. Cummings selected to provide the Town and its employees with equipment to better serve the community. It is through generous contributions such as this that we can acquire items that will make our jobs more efficient and safer for our customers.

Rowe spoke regarding this agenda item. Describing the "Flashlight Project," Rowe said it provides a flashlight for department members going into a burning building. He then discussed the Portable Light Tower, saying it would be a 6,000 Watt generator capable of powering buildings, could be used at car accidents, etc. Rowe spoke regarding the generosity of the family who donated, noted above.

Karytko asked if the light tower is easily transportable. In response to Karytko, Rowe said yes. He elaborated further.

c. Discuss with the Fire Chief the Condition of Engine 1 (2002 Pierce Fire Truck)

Rowe spoke with regard to this item. One thing he noted is that Engine 1 was not planned to be replaced for another six to seven years. He explained recent problems that have presented with the vehicle. One problem is the frame rust another has been electrical in nature. He also noted three visits to a shop in which they spent almost \$6,500 on the vehicle, saying the truck is out of service at this point. He noted that he was told that they could put \$10,000 into the multiplex system and would not be guaranteed that it would work a week after the truck came back. He said what he would ask of the Select Board tonight is that they sell Engine 1 and remove it from the fleet. He continued to explain various reasons for his recommendations. One consequence of eliminating this truck, said Rowe, is the loss of compartment space for specialized equipment. He said they do have a lot of specialized equipment. He said they are operating out of a pickup truck and a trailer and that some of their equipment is on the floor downstairs. He noted a 1994 Mack in New Hampshire with 8,600 miles on it and an aluminum body. He said it has no pump. The asking price, said Rowe, is \$39,995. Rowe said they worked out a deal with the owner of the truck to bring it to our community, to test it in a couple different ways, one being to see whether or not it would make it here from Londonderry, New Hampshire. He also described that the Town Mechanic looked at the truck and that there is a list of things that could be done to it. He said nothing the Town Mechanic found would raise the red flag for them.

Berry asked Rowe a question of clarification for the public regarding the design of the truck, and Rowe responded to him.

Discussion continued.

Schulte pondered if a different type of vehicle would provide the same amount of needs (mainly storage needs) as the 1994 Mack. Rowe responded to Schulte.

Schulte asked how many people Engine 1 could move to a scene. In response to Schulte, Rowe said he thinks it is a 6-person cab. After Schulte asked another question, Rowe said the 1994 Mack has the same capacity as Engine 1 in terms of how many personnel can be in it.

Schulte asked if other vehicles in the fleet, of similar age, also have rust problems. Rowe advised that the problems seen with this vehicle are unique.

Berry said he thinks they have to applaud the Fire Chief and his crew for recognizing the problems out there and coming up with some ingenious solutions for this. He made further comment.

Karytko asked if work done on the 1994 Mack truck would be done by our maintenance department or an outside source. Rowe advised that he learned that one of the Town's mechanics is very familiar with this type of truck as he had worked on many of this exact make and model at his prior place of employment.

Noting the problem of rust on vehicles, Karytko said he would seriously think about rust-proofing when we get these trucks. Rowe offered a response, explaining how the fire truck industry has been stepping up their efforts in combating rust problems such as through their design work.

Albert Kolff, Kennebunk resident, said Rowe was very creative with this. He asked what the anticipated sale value of Engine 1 is. In response to Kolff's question, Rowe said he doesn't know. He made further comment, such as to mention some of the good features on Engine 1.

A motion was made to approve the sale of Engine 1 and approve the Town Manager to negotiate the purchase of a 1994 Mack MR as described in Fire Chief Rowe's presentation. It's understood that the asking price is \$39,995 and that the price is highly negotiable.

MOVED: Cluff

SECONDED: Karytko

Karytko said he is relying on what he considers the experts in this field. He also mentioned planning ahead for these things.

Baldwin asked about the source of funding for this. Joel Downs, Finance Director, responded to him, in part saying that money from vehicular sales could be used for funding. He also said Fire Department funds for vehicle maintenance, supplies and equipment could be used to make up the difference. He said that's where he was thinking of pulling the dollars from.

Rowe mentioned GovDeals and selling items at auction. He said when he participated in the auction he had no intention of using the money received on something like this.

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

Rowe spent some time responding to the comments Durfee made during the Public Comments section of tonight's meeting.

A motion was made to authorize the Town Manager and Finance Director to use recently acquired funds from the sale of equipment toward the purchase of the 1994 Mack equipment transport truck.

MOVED: Berry

SECONDED: Karytko

Downs asked if the motion could be amended to allow for the inclusion of funds derived from the upcoming sale of Engine 1.

Berry agreed to the proposed amendment. Karytko seconded the motion. To include the Engine 1 sale as well, said Downs.

Finalized Motion: A motion was made to authorize the Town Manager and Finance Director to use recently acquired funds from the sale of equipment, as well as those from the upcoming sale of Engine 1, toward the purchase of the 1994 Mack equipment transport truck.

MOVED: Berry

SECONDED: Karytko

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

- d. **Discuss Beach Parking Permit Fees** – Each year, from June 15 through September 15, a parking permit is required for parking along Beach Avenue near Gooch’s Beach, Middle Beach and Mother’s Beach. At the Select Board Finance Subcommittee meeting on Thursday, March 5, 2020, the fees for the resident and non-resident parking permits were discussed. This item was also discussed by the Select Board Ordinance Subcommittee prior to this meeting (at 6:00 p.m.). The following is the current and proposed fee structure the Subcommittee recommends for consideration by the full Select Board.

Town of Kennebunk - Beach Parking Permit Fees - March 6, 2020			
	<u>Current</u>	<u>Recommended</u>	
Resident/taxpayer - 1st permit per <u>address</u>	Free	Free	
Resident/taxpayer - 2nd permit per <u>address</u>	\$5	\$10	Increase
Resident/taxpayer - 3rd permit per <u>address</u>	\$10	\$15	Increase
Resident/taxpayer - Guest permits	\$25	\$50	Increase
Kennebunk Hotel/Motel	\$50	\$100	Increase
Non-Resident - One Day	\$25	\$25	
Non-Resident - One Week (7 days)	\$100	\$100	
Non-Resident - Full Season	\$200	\$200	

NOTE: Permits are not associated with a vehicle registration as done in many communities.

Parking violations: \$50.00

Cluff spoke in reference to the two meetings noted above. He said there was still some uncertainty with some of the fees, at the Select Board Ordinance Subcommittee Meeting. He said the recommendation from staff is to assign a monetary value to the 1st permit primarily for tracking purposes.

Berry asked if Cluff could give us a synopsis of the changes, for the public at home. Cluff then did.

Paul spoke about the large amount of comments he hears from residents concerning matters at the beach such as the inability for residents to park at the beach. Some discussion around this continued.

Paul asked if hotels can buy as many permits as they want, to which Cluff answered yes. Cluff spoke further.

Discussion around whether or not to charge for a 1st resident beach parking permit occurred.

Paul asked if they think that people are giving their permits to people who do not live in Town, saying that in which case maybe they should allow as many permits as one has car registrations.

Costin spoke about parking challenges for people who do not live in a town that fronts on the beach. He said he thinks they need to kind of consider the implications of that. Making access to the ocean in Kennebunk contingent upon payment (if one wants to park nearby it) is something Costin questioned. One thing he mentioned is that it is said to take care of the ocean but people might not be able to afford to park there. Baldwin offered that the beach area is not off limits to anyone, noting that one can take public transportation to the beach.

Discussion continued. Karytko asked Downs if he could explain the tracking if they charged money for the 1st permit. Downs then responded to Karytko.

Discussion continued. For instance, Schulte related his thought about the possibility of establishing a set-up process, a tracking system, without actually charging money (for the 1st permit), questioning whether setting up an arbitrary fee for tracking purposes is wise.

Pardue said they could charge a penny, or even supply the penny, and that gives a tracking mechanism. He said that is a simple solution for now if the desire is to keep the first resident beach parking permit free.

A motion was made to schedule a public hearing for March 24th to hear public comments on the proposed fees listed above.

MOVED: Karytko

SECONDED: Cluff

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

8. OLD BUSINESS - none

9. NEW BUSINESS

a. **Approve Road Closures for Special Events** – The following events will require road closures, per the Police Department:

- **May Day Parade – Saturday, May 2, 2020 (1:30 pm – start of parade)**

Road Closure Needed:

12:30 P.M. - 1:45 P.M. Water Street closed

12:30 P.M. - 1:45 P.M. Factory Pasture Lane closed from Winter Street to Water Street

1:25 P.M. - 2:00 P.M.+ Main Street closed from Water Street to Dane Street

1:25 P.M. - 2:15 P.M. Dane Street closed

1:25 P.M. - 2:15 P.M. Grove Street closed

12:30 P.M. - 1:45 P.M. Access Road between Public Parking (Grove Street Lot to Chamber of Commerce) – Blocked with Barricade

The above times are “approximates” and may be subject to change.

A motion was made to approve the road closures as recommended by the Police Department for the May Day Parade on May 2, 2020 as noted above.

MOVED: Karytko

SECONDED: Cluff

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

- **KBIA 5K Road Race/1K Kids Fun Run – Sunday, July 12, 2020**

Road Closure Needed:

Beach Avenue closed from Woodland Avenue to Boothby Road from 8:50 A.M. until 10:00 A.M. (end of race).

The above times are “approximates” and may be subject to change.

A motion was made to approve the road closure as recommended by the Police Department for the KBIA Road Race on July 12, 2020 as noted above and waive the beach parking permit requirements from 7:00 A.M. to noon at all three beaches.

MOVED: Karytko

SECONDED: Cluff

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

b. Discuss Any Other Business

10. SELECT BOARD COMMENTS

a. Subcommittee Reports

Cluff reported on a Finance Subcommittee meeting held last week. Cluff also discussed an Ordinance Subcommittee meeting held earlier tonight, before this meeting.

b. Individual Select Board Member Comments

Karytko: Mentioned that people with torn and tattered flags should bring them to the American Legion on Water Street for proper disposal. Also said that any eyeglasses and cell phones that are used can be put in a box which is by the Town Clerk's Office; said it's for the Lion's Club in Kittery. Mentioned the possibility of putting money away for things that will inevitably have to be purchased for the Town and of having a workshop for that.

Cluff: Responded to the last comment of Karytko noted above.

Schulte: Said he appreciates the change in the Town in forward thinking. He made particular note of environmental stewardship, climate change and climate adaptation in making that comment.

Paul: None.

Berry: Mentioned that the Town has been working on a Wetlands Mitigation ordinance.

Baldwin: Mentioned that they closed the ice rink just in time. Thanked those who went out to keep the rink clean and well-maintained. Mentioned the decision to pull budgeted money out of something for the Waterhouse Center in favor of private fundraising for such. Chillers and compressors are what are really needed for the Waterhouse Center, he noted. Apologized to a member of the public, saying it was brought to his attention that she felt dismissed at the last Select Board meeting, which said member spoke at. Mentioned a conversation he had with a member of the public and then spoke about the topic of Pardue's contract.

11. TOWN MANAGER ANNOUNCEMENTS

- a. Hear an Update on the Sale of the 2013 Ford Explorer Police Cruiser by GovDeals Auction –**
Pardue noted the success of this sale, noting the vehicle auction received 1,284 visits, 65 bids, and the vehicle sold for \$2,364.00 to someone in Connecticut.
- b. Waterhouse Center – Sunday, March 8 - Last day the ice skating rink open to the public**
Pardue thanked people for helping this past skating season a great success.
- c. Select Board Outreach Session – Saturday, March 21**
Pardue mentioned this outreach session will run from 8:30-10:30 a.m. with Select Board members Karytko and Schulte.
- d. Upcoming Elections**
Pardue cited upcoming elections.

12. EXECUTIVE SESSION - none

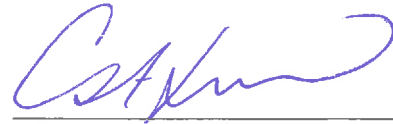
13. ADJOURNMENT

At approximately 8:40 p.m., a motion was made to adjourn tonight's meeting.

MOVED: Karytko

SECONDED: Cluff

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



Christopher Cluff, Secretary
Kennebunk Select Board

Date: 3/24/20