

**TOWN OF KENNEBUNK**

**SELECT BOARD  
REGULAR MEETING MINUTES**

**TUESDAY, MARCH 24, 2020 – 6:30 P.M.**

**CONTINUATION OF MARCH 24, 2020 5:30 p.m. SPECIAL MEETING**

**This is the continuation of the Special Meeting of the Select Board that began at 5:30 p.m. on March 24, 2020, with Select Board members Baldwin, Berry, Paul, Karytko, Ward and Cluff in attendance as well as Town Manager Pardue, Finance Director Downs and Community Development Director Osterrieder. Select Board member Schulte was participating via the telephone.**

**At approximately 6:36 p.m., a motion was made to exit executive session during the Special Meeting of the Select Board.**

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

Upon coming out of executive session, the Board had nothing to report.

**REGULAR MEETING:**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

On Tuesday, March 24, 2020, at approximately 6:37 p.m., L. Blake Baldwin, Chair of the Select Board for the Town of Kennebunk, called to order the Special Meeting of the Select Board. Present were Select Board members L. Blake Baldwin, Wayne Berry, Frank Paul, Edward Karytko, William Ward Jr. and Christopher Cluff. **Select Board member Shiloh Schulte was participating in the meeting via Zoom (video conferencing platform).**

Also present was Town Manager Michael Pardue.

Baldwin reviewed language that covers the conduct of this meeting.

**A motion was made to authorize the use of the Zoom platform for remote public participation, pursuant to the provisions of 1.M.R.S.A. § 403-A(1)(C). Notice of remote participation has been given in accordance with 1 M.R.S.A. § 403-A(1)(A) and 406.**

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

The Pledge of Allegiance was recited.

Pardue spoke of the extensive efforts the Town has implemented to help safeguard the citizens of Kennebunk against COVID-19 (coronavirus) while still delivering services to the community. More information is available on the Town's website.

**3. ITEMS TO BE SIGNED**

**4. PUBLIC HEARINGS**

- a. Proposed Amendments to the Zoning Ordinance which will be voted on at the April 7, 2020 Special Town Meeting Referendum Election.**

**Articles to be Amended:**

Article 10, Section 24 Retail Marijuana  
Article 8, Section 14.B.5 Business Park District  
Article 2, Section 2 Definitions

**Summary:** This would permit retail marijuana testing facilities, licensed by the State of Maine, within the Business Park (BP) Zoning District.

This amendment only deals with retail testing facilities and would not permit any retail stores, retail manufacturing or retail cultivation of marijuana within the Town of Kennebunk.

This amendment changes language from “retail” to “adult use” in order to be consistent with State law.

Additional information is available in the Town Clerk’s Office.

*Town Manager’s Note (not part of the public hearing notice):*

*This is the only article on the Special Town Meeting Warrant for the April 7, 2020 Election.*

Town Clerk Merton Brown noted that he and Pardue want to postpone the above-noted election to Thursday, May 14, 2020, with poll hours open from 6 a.m. to 8 p.m. He said that people who have already voted absentee in the above-noted election will have their ballots carried forward and anyone can vote absentee in that same election from now until 3 days before the election.

**A motion was made to postpone the vote on April 7<sup>th</sup> (proposed amendments to zoning ordinance) to May 14, 2020 during the hours of 6 a.m. to 8 p.m.**

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

At this time, Article 2 (Minutes) was addressed.

**2. APPROVAL OF MINUTES**

- a. March 10, 2020 Regular Meeting  
[Please refer to supporting material \(PDF\)](#)

**A motion was made to approve the minutes for March 10, 2020 (Regular Meeting).**

**MOVED: Karytko**  
**SECONDED: Cluff**  
**VOTE: 6 in favor, 0 opposed, 1 abstention (Ward; he was out of Town when the March 10, 2020 Regular Meeting was held). The motion passed.**

- b. Budget Meetings (Joint Meetings with the Budget Board) - *minutes not yet available*
- 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)

Article 4a was addressed again; Baldwin read the rest of information listed on Article 4a.

John Costin, of Dane Street, Kennebunk, questioned the wisdom behind moving the election noted in Item 4a to within 3 weeks before a regularly scheduled Town Meeting, saying he was already skeptical and critical of having this vote conducted during a special vote rather than a regularly scheduled one. He asked why they don't schedule the election for the time of the Regular Town Meeting. In response to that, Town Clerk Brown said they are not sure about the June Meeting and if that's going to be postponed or not.

Costin offered further comments.

Schulte said that if they have to postpone the May Meeting and the June Meeting, it makes sense to combine them down the line in a future Meeting where they cover both issues. Otherwise, he said, he's fine with the current arrangement.

Article 4c, **Proposed changes to Beach Parking Permit Fees**, was discussed next.

<b>Town of Kennebunk - Beach Parking Permit Fees - March 6, 2020</b>			
	<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	<b>\$10</b>	Increase
Resident/taxpayer - 3rd permit per <u>address</u>	\$10	<b>\$15</b>	Increase
Resident/taxpayer - Guest permits	\$25	<b>\$50</b>	Increase
<b>Kennebunk Hotel/Motel</b>	\$50	<b>\$100</b>	Increase
Non-Resident - One Day	\$25	\$25	
Non-Resident - One Week (7 days)	\$100	\$100	
Non-Resident - Full Season	\$200	\$200	
<b>NOTE: Permits are <u>not</u> associated with a vehicle registration as done in many communities.</b>			
<b>Parking violations: \$50.00</b>			

**A motion was made that the Select Board defer any changes to the current ordinance and current conditions and fees and refer this to the Ordinance Subcommittee for study until further notice.**

**MOVED: Berry**

**SECONDED: Cluff**

Rachel Phipps, of 11 Dane Street, Kennebunk, said this issue for her is about diversity, equity and inclusion. She said the day parking fee is prohibitive for many families in the State. She made further comment.

Karytko confirmed with Joel Downs, Finance Director, that if they don't do anything with the parking fees then Downs is okay relative to their budgetary concerns.

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

Article 4b was discussed at this time.

**Hear public comment on the 2020-2021 Municipal Budget for the Town of Kennebunk**

Additional information may be obtained in the Town Clerk's Office.

*Town Manager's Note (not part of the public hearing notice):*

*The Select Board, Budget Board and staff have assembled a [proposed budget](#) for the coming year (July 2020-June 2021). Those Budget meetings, that took place in January and February, are archived and available for viewing anytime at [www.townhallstreams.com](http://www.townhallstreams.com). This hearing complies with the Town Charter.*

Joel Downs, Finance Director, reviewed the 2020-2021 Municipal Budget for the Town of Kennebunk, presenting a slideshow.

Sharon Staz, Kennebunk resident, asked if there are still going to be a number of warrant articles and, if so, could those be explained to the public. Merton Brown offered a response to her, saying this public hearing was just on the Budget, adding that there will be two public hearings on the Warrant. Staz then said she meant on the Budget. Downs said he expects it is going to be one article but that it can be broken into pieces if that is the Board's desire.

## 5. PUBLIC COMMENTS

Staz mentioned that they had trouble hearing Pardue's comments at the beginning of the meeting. She asked if those announcements could be listed on the website or posted on a separate notice so that people could hear that information. Pardue then again presented his comments as offered at the beginning of the meeting.

Lionel Menard, Kennebunk resident, spoke. He thanked people for their efforts through these times (such as employees working during this time of struggle). He spoke about revenue reduction. He wondered why they are still going with the Budget that was looked at a couple months ago given current situations in the world, where people are struggling. Baldwin then responded to Menard, saying they would have a difficult time to convene a meeting like that due to the social distancing rules in place. He also said the Budget lays out the most they can spend. He talked about expenditures that can be put on hold. Menard said he would encourage everyone to vote no.

John Costin spoke in opposition to Town Manager Pardue's new contract. He said they currently have 586 signatures on the petition asking the Town Manager and Select Board to revisit that contract and require the Town Manager to resign if he is elected to the Maine State Senate in November. He said that is about 30% more signatures than they'd be required to get to place a citizen initiative on the ballot under the Kennebunk Charter. Costin stated his reasons for not believing that the Town Manager can effectively be a Maine State Senator and Town Manager of Kennebunk at the same time. He also addressed the cost of finding a new Town Manager, suggesting that the Town's contribution to Mr. Pardue's retirement plan could be used to cover the search costs for a new Town Manager.

Baldwin then told Costin that he had exceeded the 5-minute limit for each person during Public Comment. He then asked if there is a motion to extend time.

**A motion was made to extend the time for Costin.**

**MOVED:** Schulte

**SECONDED:** none

**VOTE:** The motion failed for lack of a second.

## 6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

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

- \$100 from Mary Foster and Maureen Smith for the Kennebunk Fire Rescue Department

- \$10,000 from an Anonymous donor. This donation was made to the Social Services office to assist our residents in need during this health crisis.

We are extremely grateful and touched by these acts of generosity.

If you or someone you know is in need of assistance during this time, please contact our Social Services office at 604-1342.

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

**MOVED: Karytko**  
**SECONDED: Ward**  
**VOTE: Seven in favor, 0 opposed. The motion passed.**

## 7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

### a. Discuss Boards and Committees

#### 1. Accept the Following Committee Resignations

- Dana Ingham, West Kennebunk Village Committee – Regular 2020
- William Macdonald, Zoning Board of Appeals – Regular 2021

**A motion was made to accept the resignations of Dana Ingham from the West Kennebunk Village Committee and William Macdonald from the Zoning Board of Appeals and send letters thanking them for their service.**

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

#### 2. Move Up Alternate Member

- Stephen Sayers – Zoning Board of Appeals

Mr. Sayers holds one of the two Alternate positions; the second position is currently vacant.

**A motion was made to move Stephen Sayers from Alternate to Regular Member on the Zoning Board of Appeals to fill the remainder of William Macdonald's term that expires on June 30, 2021.**

**MOVED: Karytko**  
**SECONDED: Cluff/Ward at the same time.**  
**VOTE: 7 in favor, 0 opposed. The motion passed.**

### b. Take Up the Following Items for the June 9, 2020 RSU 21, State Primary and Municipal Election

1. Set the polling hours from 6:00 a.m. to 8:00 p.m.
2. Establish the following additional hours that the Town Clerk's Office will be open for [voter registration and absentee balloting](#):

Saturday, May 30	9:00 a.m. to 1:00 p.m.	Tuesday, June 2	4:30 p.m. to 7:30 p.m.
Sunday, May 31	9:00 a.m. to 1:00 p.m.	Wednesday, June 3	4:30 p.m. to 7:30 p.m.
Monday, June 1	4:30 p.m. to 7:30 p.m.	Thursday, June 4	4:30 p.m. to 7:30 p.m.

**A motion was made to set the polling hours from 6:00 a.m. to 8:00 p.m. and the additional hours for the Town Clerk's office as noted above; however, if changes are warranted due to COVID-19 closures, the information will be posted on the Town's website.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

3. Approve the Town Clerk's Appointment of Mary Nedeau as Warden.

**A motion was made to approve the Town Clerk's Appointment of Mary Nedeau as Warden.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

Town Clerk Merton Brown went over some of the information regarding nomination papers.

- c. **Discuss a Possible Adjustment to the Real Estate and Personal Property Tax Due Date** – The second installment of the 2019-20 tax bill is due on Friday, April 3.

Cluff said he asked the Town Manager to add this to tonight's agenda so they could discuss making accommodations for some of their taxpayers who may have come under hardship in these (COVID-19) times. He said he wanted to make sure from Finance Director Downs that they are financially in a position to extend the due date, if need be. Downs responded to him, in part saying they do have a strong fund balance. He said delaying it is okay *for now*. He said he'd prefer 60 days but if they go 90 days, understood, they'd make accommodations.

Karytko spoke about the timespan in terms of possible tax due dates.

Ward said that given that it sounds to him that delaying the due date by 90 days is going to be too much of a problem for the Town, he thinks he would like to see them at least delay the due date 60 days; a lot of people are being hurt by this crisis.

Schulte said deferring the due date to May 5<sup>th</sup> would be his suggestion if someone's going to make a motion.

Berry said he thinks they need to consider how this was enacted before when they voted on the tax due dates and the interest they would be charging on overdue taxes. He suggested that the motion should say we should reconsider our vote in August; that they reconsider setting the due date to a time certain; and to have an additional motion to reconsider the interest rate that was set at that time on overdue taxes for the second half payment. In response to that, Downs said that if they extend the due date, that would defer the interest accruing except for those dollars still outstanding in the first half. He said, he doesn't think they have to reconsider the interest, but the due date absolutely.

John Costin, of Dane Street, Kennebunk, said there are people who will not be in a crisis for paying of their mortgage. He said he would suggest that the Board consider, rather than changing the due date for the taxes, leaving the due date in place and consider making a short-term policy regarding interest rates for overdue tax bills; that way you can collect from people in a fine position to pay their taxes. He said if you push back the due date for everyone, you put the Town into hardship.

Schulte and Costin then spoke about the suggestion Costin made. One thing Schulte said was that the situation is fluid from day to day; people not in financial hardship now could easily be in financial hardship within 30 days.

Downs also responded to Costin, in part saying that individual interest forgiveness might have to come to the Board on an individual basis (a challenge). For tonight, for immediate response, Downs said, he thinks they should push the due date back.

**A motion was made to reconsider the Select Board's motion in August 2019 to set the tax date.**

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

**A motion was made to set the tax date for the second installment of the tax bill, for real estate and personal property, to May 1<sup>st</sup>.**

**MOVED: Cluff**  
**SECONDED: Ward**  
Karytko asked if they need a time of day to be listed. He was told end of business.  
**VOTE: 7 in favor, 0 opposed. The motion passed.**

- 8. OLD BUSINESS
- 9. NEW BUSINESS

**a. Discuss Harvesting Alewives in Kennebunk for the 2020 Season**

Merton Brown spoke about this topic, also mentioning that Schulte had thought it best to close harvesting of alewives in Kennebunk to both recreational and commercial purposes, and he wondered if that still was Schulte's thought on the matter. To that, Schulte responded, saying it is based on what he knows now.

**A motion was made to keep the recreational and individual harvest of alewives closed for conservation for 2020.**

**MOVED: Schulte**  
Some discussion on that motion ensued. **Baldwin said, reiterating the gist of Schulte's motion: To keep the fisheries closed for both individual and commercial harvesting for conservation for 2020.** Schulte said if it wasn't clear in his motion, he'll accept that motion.

Berry said he believes if they don't act, the harvesting of alewives is prohibited already by State law, and so he wondered if they need to act at all and confuse the issue. Schulte then said he thinks they should act to clarify their position on the matter.

Berry said you can vote on it, that it's an unnecessary vote.

Baldwin said that in the abundance of caution, to make this clear, he thinks they should take the vote, even if it may be superfluous.

**SECONDED:**  
**VOTE:**

Baldwin then restated the motion: **To close Kennebunk waters to the harvesting of alewives for commercial and recreational purposes.**

A question of whether to add a date arose.

Again Baldwin restated the motion: **Kennebunk waters are closed for the harvesting of alewives for commercial and recreational purposes for 2020.**

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

- b. **Discuss Allowing a Construction Overlimit Permit for the Department of Transportation for the Crack Sealing Project** – The Maine Department of Transportation (MDOT) has requested the municipality issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.), that exceed legal weight limits, over municipal roads.

This project is described as:

**Project 18995.13:** The sections of highway under construction in York County (specific to Kennebunk) are:

- On Route 1 in Wells from Route 9 East, north to Swan Street in Kennebunk

The remaining sections of highway under construction are in Cumberland and York Counties.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation will not be known until just prior to the start of work.

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

**A motion was made to approve the Construction Overlimit Permit pursuant to 29A MRSA §2382 for Project No. 18995.13 and allow the Town Manager to sign on behalf of the Board.**

**MOVED: Karytko**

**SECONDED: Cluff**

Berry mentioned the possibility of requiring a bond for damage to municipal roads. He asked Karytko if he would consider asking for that as well.

Discussion surrounding the above-noted (directly above) topic continued.

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

c. **Discuss Any Other Business**

Schulte mentioned an anxiety in the air about beach closures, saying that area towns have closed beaches to the public because of high concentration of people gathering at the beach. He mentioned there being concern with people coming to Kennebunk beaches, especially with other beaches closed. He said he thinks this is something they should bring up at a meeting that's properly posted. He did say they need to have a plan in place to minimize the amount of traffic there is at the beach at a very minimum.

Discussion on possible actions to take regarding this matter ensued. For instance, Schulte suggested that, if they need to minimize the amount of traffic at the beach, that they close the parking at the beach temporarily with possible exception of spaces reserved for those with disabilities. He said another possibility is posting signs and asking people not to use the beach.

Karytko said he knows of people who have gone to the beach because they wanted to get away and just parked down by the beach but didn't get out and walk on the beach and were confined to their own cars. Schulte then said it would be difficult to differentiate between people doing that and people using the beach and the sidewalk along the beach.

Ward said that his concern with closing parking would mean that only healthy people would be able to access the beach and older people would likely not be able to go. He said he would think maybe closing off parts of the parking area (allowing for social distancing and still allow for access to the beach) makes sense.



He said they're going to have to mull this over before they make a final policy. He also said banning parking at the beach would make some of the side roads like parking lots.

Baldwin said he's going to ask, on behalf of the Board, the Town Manager to do some research regarding things such as the legality of closing the beach.

#### 10. SELECT BOARD COMMENTS

- a. **Subcommittee Reports**
- b. **Individual Select Board Member Comments**

**Paul, Berry, Cluff:** None.

**Ward:** Thanked the Town Manager and all the Town staff (and Rich) for all their work in trying to facilitate this meeting tonight and also for their work in trying to keep the Town safe through this issue (during the outbreak of COVID-19). He also thanked Public Services, Police, Fire and the Rescue Team.

**Karytko:** Mentioned that a West Kennebunk Village Committee Meeting was held before the shutdown. Said it was a very productive meeting at which the Town Manager and Finance Director were present.

**Schulte:** Mentioned the good job of implementing strategies to help people in Town who are in need. He specifically noted Karen Winton's work connecting with COS and their network of volunteers to try to help people find ways to volunteer in these times. He said seeing people so willing to help others in this time is something that makes him proud to be a part of this community and to be living in Kennebunk. He emphasized his preference that all future meetings should be done remotely until such time that they don't think social distancing is necessary anymore. Schulte meant that all of them meet remotely, saying he thinks the public would be better served that way, mentioning different possibilities for exposure to COVID-19 from the Select Board meeting in person. He said meeting remotely will show leadership.

**Baldwin:** Apologized for not interrupting Lionel Menard's remarks (over 5 minutes) made during the Public Comments Section of tonight's meeting. Acknowledged the work of the Town Manager and his staff; said he is greatly appreciative of them. Noted that organizations in the community have done a good job in this crisis. He singled out one: the Chamber of Commerce; he said they have done a magnificent job of marshaling resources and making all of us aware, through their Facebook page, "3 Towns, 1 Community," of various ways we can support one another. Mentioned the importance of kindness and generosity of spirit, saying he thinks if they redouble their commitment to that then they will, as a community, pull through this in good shape.

#### 11. TOWN MANAGER ANNOUNCEMENTS

Pardue made announcements. He extended his appreciation to the Select Board and the staff for their unwavering support and commitment while working to combat the challenges brought on by COVID-19. He thanked the residents for their patience during this challenge. Mentioned the tax due date: May 1<sup>st</sup>. He said no cash please for such payments. He mentioned the importance of taking guidelines during this pandemic seriously. He said if you see people not practicing social distancing, to give them a friendly reminder, referencing that together we can prevail.

Baldwin said he thinks Schulte's idea of meeting remotely is a good one.

#### 12. EXECUTIVE SESSION

13. ADJOURNMENT

At approximately 8:30 p.m., a motion was made to adjourn tonight's meeting.

**MOVED:** Karytko

**SECONDED:** Cluff

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



L. Blake Baldwin, Chair  
Kennebunk Select Board

Date: 4/14/20