

**KENNEBUNK SELECT BOARD MEETING MINUTES  
TUESDAY, APRIL 13, 2021 – 5:45 P.M.  
ZOOM TELECONFERENCE MEETING**

**1. Call to Order**

The meeting was called to order at 5:48pm by Chair and presiding officer L. Blake Baldwin, who then led attendees in the Pledge of Allegiance. Those in attendance were:

**Present:** Select Board members L. Blake Baldwin [Chair], Wayne E. Berry [Vice Chair], Shiloh A. Schulte [Secretary], Edward Karytko, Frank G. Paul, and William A. Ward, Jr.; six voting members in total.

**Absent:** One seat on the Select Board is currently vacant.

**Also Present:** Michael Pardue [Town Manager], Joel Downs [Finance Director], Chris Osterrieder [Director of Community Development]; Bryan Laverriere [Public Services Director], Rich Boucher [IT Director], Merton Brown [Town Clerk], Kris Fogg [Office Manager/Tax Collector's Office] and Natalie Burns [Town Attorney].

**2. Executive Session**

Pursuant to Title 1 M.R.S.A. Sec 405(6)(C) for discussion or consideration of the disposition of publicly held property where premature disclosures of the information would prejudice the competitive or bargaining position of the Town.

A motion was made at 5:50pm to enter into Executive Session with the Town Manager, Director of Community Development, and Town Attorney pursuant to Title 1 M.R.S.A. Sec 405(6)(C) for discussion or consideration of the disposition of publicly held property where premature disclosures of the information would prejudice the competitive or bargaining position of the Town

**Moved:** Berry

**Seconded:** Ward

**Vote:** **Roll call vote. 6 votes in favor, 0 opposed; the motion passed.**

The Board moved out of Executive Session at 6:25pm.

At 6:30pm, the Board reconvened the regular meeting.

A motion was made to authorize the Town Manager to waive restrictions on Map 46 Lot 40, 8 Summer Street.

**Moved:** Baldwin

**Seconded:** Ward

**Vote:** **Roll call vote. 5 votes in favor, 1 opposed (Karytko); the motion passed.**

**3. Approval of Minutes and Items to be Signed**

The Board reviewed the minutes of prior meetings.

**Budget Meetings**

January 28, 2021 Special Meeting

January 30, 2021 Special Meeting

February 2, 2021 Special Meeting

February 4, 2021 Special Meeting

February 11, 2021 Special Meeting

A motion was made to accept the Minutes as presented of the Special Meetings of January 28 and 30, and of February 2, 4, and 11, 2021.

Moved: Karytko

Seconded: Schulte

**Vote: Roll call vote. 6 votes in favor, 0 opposed; the motion passed.**

Berry noted for the record that a 7th member of the Board, Peter Brewitt, was present at these meetings, but not on the Board for this vote (Mr. Brewitt resigned in March).

#### **Regular Meeting of March 23, 2021**

The Board next reviewed the Minutes of the Select Board's regular Meeting of March 23, 2021. A change was made on page 9 (attribution of 75% quote).

A motion was then made to accept the Minutes of March 23, 2021 as amended.

Moved: Karytko

Seconded: Schulte

**Vote: Roll call vote. 6 votes in favor, 0 opposed; the motion passed.**

#### **4. Public Hearing**

The presiding officer and Municipal Officers of the Town of Kennebunk then opened a public hearing.

##### **(a) Proposed Changes to the 2-5 Beach Parking Permits Ordinance**

Baldwin read the following bullet points as points for discussion and noted that a change of Ordinance regarding beach parking permits can be approved at public hearing without a Town Meeting vote:

- Clarification of the definitions of types of taxpayers
- Change in the number of permits:
  - Current Ordinance: may obtain 3 permits
  - Proposed changes: may obtain 1 permit per registered vehicle with no limit on the number of permits
- Tying permits to a particular vehicle (license plate to be written on permit)
- Elimination of "guest" passes and hotel/motel passes

Pardue suggested that the Board review this year's summer sales and traffic activity to put these proposals in context and entertain possible Ordinance revisions in the fall. Joel Downs provided past sales statistics, showing that more than 93% of all permit buyers purchased only one or two permits last year.

Board members engaged in a robust discussion of the topic, deliberating on the rationale, income, as well as tourism and local business impact of beach parking permits.

Members also heard the views of a number of public commentators: Kris Fogg, Shannon Dant, Philip Berkowicz, Chris MacClinchy, and John Costin. Costin said beach parking is an issue which demands public engagement, and recommended that a Task Force be formed to study the matter with the public's involvement. MacClinchy supported the limitation of guest permits to two. Berkowicz supported free first permits as well as permits for hotels.

A motion was made by Berry to make no changes to the Ordinance at this time, however, the motion was not seconded and failed.

A motion was made to make no changes other than limit the number of guest permits to four (4).

Moved: Ward  
Seconded: Schulte

Before a vote was taken, a discussion ensued by Board members and Downs regarding resident/taxpayer guest passes and hotel/motels guest passes. Ward stated, in his motion, he was referring to residents and taxpayers owning homes, not hotels/motels.

Ward clarified his motion by stating: guest permits are limited to four (4) and does not include hotel/motel or commercial use.

Baldwin asked Ward if his motion was to leave everything as is with the exception of amending Section 5.4 by striking the last sentence from of that section? *(The sentence being eliminated is: Provided that they are physically located within the Town of Kennebunk, 1) motels and hotels and 2) businesses that rent motorized scooters and similar recreational vehicles to individuals for short durations, may obtain parking permit cards at the Town Hall for use by their guests and customers at a charge as set by the Select Board's fee schedule.)* Ward agreed.

Baldwin reiterated Ward's motion being voted on as: That Section 5.4 be changed to read "Guest parking permit cards for Kennebunk Beach parking areas may be purchased by residents and taxpayers of Kennebunk for a fee as set forth by the Select Board's fee schedule. These permits shall be registered in the name of the purchasing family, may be secured at the Town Hall and shall be subject to a maximum of four [4]."

Karytko stated he prefers the guest passes be limited to two [2].

Karytko subsequently moved to amend the motion to limit the number of guest permits to two [2] instead of four [4].

Moved: Karytko  
Seconded: Paul  
Vote: Roll call vote. 3 votes in favor, 3 opposed (Ward, Schulte, Baldwin); the motion failed.

A vote was taken on the original motion by Ward, seconded by Schulte, stating: that Section 5.4 be changed to read "Guest parking permit cards for Kennebunk Beach parking areas may be purchased by residents and taxpayers of Kennebunk for a fee as set forth by the Select Board's fee schedule. These permits shall be registered in the name of the purchasing family, may be secured at the Town Hall and shall be subject to a maximum of four [4]."

**Vote: Roll call vote. 4 votes in favor, 2 opposed (Karytko, Paul); the motion passed.**

(b) **Proposed Changes to 2-5 Beach Parking Fees**

Board members next took up the matter of parking permit fees. Baldwin highlighted the current fee schedule [below] and noted that during the previous public hearing and vote, guest passes for hotels/motels were eliminated.

Current Permit Fee Schedule	
Resident/taxpayer - 1st permit	Free
Resident/taxpayer - 2nd permit	\$ 5.00
Resident/taxpayer - 3rd permit	\$ 10.00
Resident/taxpayer - Guest Permits	\$ 25.00
<del>Kennebunk Hotel/Motel Permits</del>	<del>\$ 50.00</del> (eliminated in previous vote)
Non-Resident - One Day	\$ 25.00
Non-Resident - One Week (7 days)	\$ 100.00
Non-Resident - Full Season	\$ 200.00

Asked by Baldwin what his recommendation was, Downs recommended that the pricing of resident/taxpayer permits be \$5.00 for the first one, \$5.00 for the second and \$5.00 for the third.

The board briefly discussed the fees of permits noted above.

Berry clarified the hotel/motel guest passes have been eliminated. Baldwin agreed that they were eliminated, by ordinance, in the previous public hearing vote.

Baldwin made a motion to change the fee schedule for the coming season to: The taxpayer permit, per registered vehicle, would be a maximum of three (3) at \$5.00 each, resident/taxpayer guest permit will be \$25.00, the non-resident one day fee will be \$25.00, the non-resident one week fee will be \$100.00, and the non-resident full season fee will be \$200.00.

Before a vote could be taken, Downs asked that the word "resident" be added to taxpayer permit (at \$5.00 each). Baldwin agreed.

Baldwin amended his motion for the fee schedule for the coming season to be: The resident/taxpayer permit, per registered vehicle, would be a maximum of three (3) at \$5.00 each; resident/taxpayer guest permit will be \$25.00, the non-resident one day fee will be \$25.00, the non-resident one week fee will be \$100.00, and the non-resident full season fee will be \$200.00.

Moved: Baldwin

Seconded: Schulte

**Vote: Roll call vote. 6 votes in favor, 0 opposed; the motion passed.**

It was noted that the ordinance and fee schedule should be reviewed after this season for possible additional changes.

(c) **Proposed Warrant for the Annual Town Meeting Election on June 8, 2021**

The Town Manager explained that, per Kennebunk's Charter, two public hearing are required for all warrant items. The second public hearing is scheduled for May 25<sup>th</sup>.

Motion was made to move this topic to the second public hearing on May 25<sup>th</sup>.

Moved: Karytko

Seconded: Schulte

**Vote: Roll call vote. 6 votes in favor, 0 opposed; the motion passed.**

## 5. Public Comments

Merton Brown, Town Clerk, will post the names of candidates running for election on June 8, 2021.

## 6. Acknowledgements and Announcements

### (a) Donations to Kennebunk Fire Rescue

- \$125 from Mary L
- \$300 from June & Roy Smoot

Motion to accept these donations and send thank-you letters to the donors for their generosity.

Moved: Karytko

Seconded: Schulte

**Vote: Roll call vote. 6 votes in favor, 0 opposed; the motion passed.**

- (b) **Promotion of Beau Gleason:** Pardue informed the Board that Beau Gleason was promoted from the position of Firefighter/Paramedic to Fire Captain/Paramedic on March 19<sup>th</sup>. Beau was selected for promotion, he said, following a thorough hiring process, which included consideration of several qualified internal and external candidates. The Board congratulated Beau on his new role with Kennebunk Fire Rescue.

### (c) Town Manager's Update on COVID-19 and Town's Preparedness Plans

Pardue and Karytko offered brief updates on several initiatives:

- **Workplace COVID Task Force:** Pardue informed that Board that several employees have had to go into quarantine, but Town Hall's overall pandemic precautions have been successful and the few quarantines have not resulted in service disruption.
- **Kennebunk COVID Task Force:** The Task Force will next meet on April 26<sup>th</sup>, and Pardue will keep the Board apprised.
- **July 4<sup>th</sup> Fireworks:** In coordination with Kennebunkport and because of public gathering concerns due to the pandemic, Kennebunk will not host fireworks on July 4<sup>th</sup>. Pardue stated that the display would likely be postponed until at least Labor Day.
- **Memorial Day:** Karytko noted that the American Legion will continue its observation of Memorial Day with visits to veteran gravesites as well as a ceremony on Main Street, Kennebunk. The public is welcome to attend.

## 7. Time Sensitive Business and Staff Presentations

### (a) Resignation of Robert Georgitis

Motion to accept the resignation of Robert Georgitis from the Economic Development Committee and send a letter thanking him for his service.

Moved: Karytko

Seconded: Schulte

**Vote: Roll call vote. 6 votes in favor, 0 opposed; the motion passed.**

### (b) Department Overviews

As part of the ongoing series of Department updates organized by Pardue, the Board heard presentations on the scope of activities and priorities of two Departments:

- **Public Services:** Director of Public Services Bryan Laverriere addressed the Board, offering an overview of that Department. Winter operations, he said, are its primary focus. Kennebunk had 38 "winter events" [storms] in 2021 compared with

45 the previous year. The Public Service team is responsible for pre-treating and clearing roads and pedestrian walkways before and after storms. Subcontractors assist with snow removal. In the spring and fall, Public Services works on Town and beach clean-up, culvert maintenance, granite curb repairs, and landscape maintenance.

Pardue and the Board thanked Laverriere for his team's good work. Laverriere, in turn, singled out Dave Boyd [Park and Facilities Manager] for special commendation.

- **IT Department:** IT Director Rich Boucher offered a brief presentation on IT security. He noted that corporations and municipalities are increasingly under malware and ransom-ware attack. The Town of Kennebunk, he reported, enjoys several kinds of IT security: (1) the IT group scans all incoming emails multiple times to avoid importing contamination; (2) data encryption; (3) the use of an external party to monitor Town computer activity 24/7; (4) several kinds of "computer backup" at multiple locations; and (5) insurance as a last-resort protection against cyber-attack.

Pardue and the Board thanked Boucher and his team for their fine service, as well.

## 8. Old Business

### **Update on the Progress of the Comprehensive Plan**

Janice Vance provided an update on the Comprehensive Plan. It is almost complete, she reported, but the team is "getting a little nervous" about the approaching delivery deadline. Vance asked for a public hearing at the beginning of June and, more immediately, for the Board's review of the Plan's (1) Vision Statement, (2) Public Participation Survey, and (3) Future Land Use Plan.

Vance will provide these latter materials to Pardue who will distribute them to the Board. With no further comments, Baldwin thanked Vance for her group's work.

## 9. New Business

No new business was entertained.

## 10. Select Board Comments

### (a) **Subcommittee Reports**

Schulte reported on the progress of the Transfer Station Task Force. It will present its findings and recommendations to the Select Board at the Board's April 27<sup>th</sup> Meeting.

### (b) **Comments of Individual Select Board Members**

Baldwin: Two ribbon-cutting ceremonies -- for Spurling Fitness and Kennebunk Outfitters -- suggests that local commerce is rebounding. The Bicentennial Group is expected to propose a "virtual" celebration in June with strong corporate-donor backing.

Berry: No comment.

Schulte: Stay vigilant. COVID is not over.

Karytko: The public can take torn and tattered flags to the American Legion.

Paul: No comment.

Ward: Encouraged all members and the public to get COVID shots, and thanked staff for their good service.

#### 11. Town Manager Announcements

- (a) **Update on Seawall Project:** Osterrieder reported that the Seawall Project is on schedule and going well. All exposure work has been completed. There are no unforeseen construction or budget issues.
- (b) **Road Posting Lifted:** Pardue stated that, effective April 2<sup>nd</sup>, the posting of certain Town ways to any non-exempt vehicle or combination of vehicles registered for gross weight over 23,000 pounds has ended.
- (c) **Virtual Outreach Session on April 17<sup>th</sup>:** Baldwin and Paul will host an Outreach Session on Saturday, April 17<sup>th</sup>. Residents will have the opportunity to talk with members of the Select Board in an informal setting. The public can visit Kennebunk's website calendar at [www.kennebunkmaine.us/calendars](http://www.kennebunkmaine.us/calendars) for login information.
- (d) **Patriots' Day, April 19<sup>th</sup>:** Pardue advised that Town offices will be closed on Monday, April 19<sup>th</sup> for the holiday. There will, however, be no change in trash or recycling collection, which will continue as scheduled.
- (e) **Property Tax Assistance:** Pardue also noted that July 1, 2021 is the due date for applications for the Town's Property tax Assistance Program. Interested parties can visit the Town's "tax-help" website at [www.kennebunkmaine.us/taxhelp](http://www.kennebunkmaine.us/taxhelp) for more information.

#### 12. Executive Session

There being no additional topic for public consideration, a motion was made to enter into executive session with the Town Manager and Town Attorney pursuant to Title 1 M.R.S.A. Sec. 405(6)(A) to discuss the employment, appointment, assignment, duties, or compensation of an individual public official or employee.

##### Time into Executive Session, 8:59pm

Moved: Karytko

Seconded: Schulte

**Vote: Roll call. 6 votes in favor, 0 opposed; the motion passed.**

##### Time Out of Executive Session, 9:22pm

##### Executive Session Findings

Upon coming out of Executive Session, a motion was made to amend the Town Manager's Employment Agreement in three [3] specific areas:

1. Article III, Section I is amended to read: The Town Manager shall be entitled to one additional week of vacation beyond the qualified amount in the Town's personnel policy. The Town Manager shall be allowed to accrue up to a maximum of twelve (12) weeks of vacation time.
2. Article III, Section J of the Employment Agreement is hereby deleted in its entirety.
3. The terms of the original Employment Agreement shall remain in full force and effect, except as expressly amended herein.

Moved: Baldwin

Seconded: Ward

**Vote: Roll call vote. 6 votes in favor, 0 opposed; the motion passed.**

The revised Agreement will be posted online after the Board signs it.

**13. Adjournment**

Board members having no additional comments or topics for discussion, the presiding officer adjourned the meeting at 9:26pm

Moved: Karytko

Seconded: Schulte

**Vote: Roll call vote. 6 votes in favor, 0 opposed; the motion passed.**

Respectfully submitted by J. Schlagheck, Recording Clerk

Adopted by the Board in the meeting of 4/27/21,  
(Date of Meeting)

Signed by  
Select Board Member (Signature) L. Blake Brown  
(Printed name) L. Blake Brown