

**TOWN OF KENNEBUNK**  
**SELECT BOARD MEETING MINUTES**  
**TUESDAY, APRIL 14, 2020 – 6:30 P.M.**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

On Tuesday, April 14, 2020, 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, Edward Karytko William Ward, Jr. and Shiloh Schulte. Select Board members Christopher Cluff and Frank Paul joined the meeting shortly after it began. **All members of the Select Board were participating via Zoom, with Baldwin being the only one physically at the Town Hall.**

Also present at tonight's meeting, at Town Hall and using Zoom, was Town Manager Michael Pardue and Finance Director Joel Downs.

The Pledge of Allegiance was recited.

Baldwin apologized to anyone whose life was disrupted by the Special Meeting on Wednesday, April 8th and for the obscene and hateful language and images that were inadvertently a part of that meeting. He said they have spent a lot of time since that meeting going over use of the Zoom platform. He also said that the FBI has suggested, and we will follow the suggestion, that any hateful language or imagery be reported to the FBI as a possible hate crime.

Pardue gave an update on the Town's response to COVID-19. Pardue announced, with the support of the Select Board he said, the establishment of a "Community Reengagement Task Force" charged with "strategically assessing and implementing appropriate steps to pragmatically reengage the community of Kennebunk in response to the anticipated regression of the coronavirus."

2. APPROVAL OF MINUTES

- a. March 24, 2020 Special Meeting [\*Please refer to supporting material \(PDF\)\*](#)
- b. March 24, 2020 Regular Meeting [\*Please refer to supporting material \(PDF\)\*](#)
- c. April 8, 2020 Special Meeting [\*Please refer to supporting material \(PDF\)\*](#)

**A motion was made to approve the minutes for March 24, 2020 (Special Meeting), March 24, 2020 (Regular Meeting) and April 8, 2020 (Special Meeting).**

**MOVED: Karytko**

**SECONDED: Cluff**

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

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

3. ITEMS TO BE SIGNED

4. PUBLIC HEARINGS

5. PUBLIC COMMENTS

Resident John Costin spoke. He said the Select Board and Town Manager have had the challenge of remote meetings, remote administration. He was critical of their handling of such situations, to include the fact that the "zoombombing" occurred during the last Select Board meeting.

Merton Brown, Town Clerk, gave an update on nomination papers (which were due last Friday); the deadline to turn them in will not be extended.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

a. **Accept the Following Donation** – The Town recently received the following donation:

- \$25,000 from Northeast Coating Technologies, Inc. of Kennebunk. This donation was made to the Social Services Office to assist those in need, particularly during the current health crisis.

We are extremely grateful and touched by this act 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 donation and send a letter of gratitude for this very generous donation.**

**MOVED:** Karytko

**SECONDED:** Ward

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

b. **Announce the Students Selected for the Bicentennial Street Banner Design Competition** – The Select Board wishes to take a moment to honor four creative students from Kennebunk High School (KHS). Early last fall, our 2020 Bicentennial Committee reached out to KHS in hopes that they would assist in celebrating our 200<sup>th</sup> year, with student art work that could be used as banner art on the 100 lamp poles that light our streets and sidewalks in our three villages in West Kennebunk, Downtown and Lower Village.

Katie Mooney, from the KHS Art Department, volunteered to manage this process during last year's spring and fall term. She and the Bicentennial Committee asked that participating students translate through their artistic eye their thoughts about their community. When the work of the students was completed, close to a dozen works of art had been submitted. We thank all of those that participated. We also thank Ms. Mooney for her support and guidance.

The four students whose work was chosen will each have their work replicated on twenty light pole banners that will be hung throughout Kennebunk the week of April 13<sup>th</sup>. What's more, each student will also receive a memento banner with the Town's thanks for sharing their work with the community.

The four students whose work was selected are: Linnea Sullivan, Class of 2019; Anela McMichael, Class of 2021; Taylor Creech, Class of 2021; and Garrett Erickson-Harris, Class of 2021.

[Please refer to supporting material – 4 student banners \(PDF\)](#)

[Please refer to supporting material – 2 town banners \(PDF\)](#)

Town Manager Pardue and Finance Director Downs displayed the banners for the public to view via Zoom, Town Hall Streams and local channel 1302. Baldwin spoke to the great work by each of the students, noting their artistic skills. The Board recognized the excellent work of the students and thanked them for the artwork they submitted. It was further noted that the banners had just today been placed throughout the Town and that many positive comments had already been received.

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

- a. **Discuss Extending the Deadline for the Renewal of Victualer and Lodging House License Applications** – Renewal applications are approved by the Town Manager and Town Clerk and expire annually on May 31<sup>st</sup>. The Town Clerk is asking the Board to extend the due date for this year's renewals to June 30, 2020.

Karytko asked if this affects their financial ability at all. Baldwin then said it's insignificant according to Downs.

Karytko then asked Town Clerk Merton Brown a question regarding the rationale of extending the due date. Brown then responded to Karytko.

Ward asked if, if there is an issue regarding one's renewal, would they (the businesses) have a chance to know what such issues are and to correct them before that time (before the due date for renewals)? Brown responded to that, saying there is an ongoing inspection, so that if something came up they would probably be notified before that time.

**A motion was made to extend the deadline for the renewal of Victualer and Lodging House License Applications to June 30, 2020.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

- b. **Discuss and Award the Bid for the Merrifield Drive Rehabilitation Project** – The project includes approximately 4,200 linear feet of roadway rehabilitation, construction of a bituminous sidewalk, curbing, closed storm drainage system and surface restoration.

On April 2<sup>nd</sup> bids were opened for the Merrifield Drive Rehabilitation project. A detailed summary of the bid results and recommendation for award can be found below in the supporting material. Five bids were received for the project. The overall bid amount exceeded the original budget approved as part of the FY 19-20 capital budget. Town Engineer Chris Osterrieder has worked with the apparent low bidder to evaluate potential project savings. Mr. Osterrieder's project review and related discussions included the Town paving contractor. As a result of these discussions, the project budget and scope have been amended to fall below the approved amount of \$878,000.

Based on the review of the bids submitted, the Town Engineer recommends the award of the Merrifield Drive Rehabilitation Project contract to BREX Corp, Inc. of Kennebunk in the amount of \$581,304 (~~\$598,734.00~~ - ~~\$17,430.00~~). It is also recommended that the Town utilize Dayton Sand & Gravel to complete the balance of the project through the Town paving contract for a project value of \$266,324. This will bring the total project budget to \$847,628, which is within the original amount approved by the voters (\$878,000).

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

Karytko asked about the timing regarding the project (when it is going to start if approved). Osterrieder responded it would most likely begin in June.

Karytko also asked a question about possible interference of another project being done by Brex with this one. Osterrieder responded to him, indicating he was comfortable that Brex could handle each project.

Schulte asked about possible slowdowns caused by stay at home orders. Osterrieder responded to him, assuring that construction projects were advancing with construction firms fully aware of CDC guidelines related to COVID-19.

Karytko asked a question about the type of curbing planned for this project. Osterrieder answered him.

**A motion was made to award the Merrifield Drive Rehabilitation Project contract to BREX Corp, Inc. of Kennebunk in the amount of \$581,304 and to utilize Dayton Sand & Gravel to complete the balance of the project in the amount of \$266,324 through the Town's paving contract as described above.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

**c. Discuss the Upcoming Town Meeting Dates –**

Town Clerk Merton Brown explained this agenda item. He said that Maine Governor Janet Mills has moved the June 9, 2020 Election to July 14, 2020. Brown said he would request that they change the May 14, 2020 Special Town Meeting to July 14, 2020 and that they change the Annual Town Meeting and Town Referendum from June 9, 2020 to that same date of July 14, 2020. He made further comment.

Karytko said he thinks having them (the elections noted above) both on the same day makes a lot of sense and having those elections on the same day should save some money.

Brown spoke about voting options.

**A motion was made to set the Special Town Meeting Referendum (Proposed Zoning Ordinance Amendments to permit retail marijuana testing facilities, licensed by the State of Maine, within the Business Park Zoning District) and the Annual Town Meeting (Town Referendum, School Budget Validation, State Primary, State Referendum) to July 14, 2020.**

**MOVED: Karytko**

**SECONDED: Cluff**

Costin asked about funding for the referendum question, wondering if the facility looking for permitting to test retail marijuana in Kennebunk would still be paying for costs. Brown responded to him, essentially saying his plan at this point would be to pass expenses on to the Route One business (facility noted above), and that is their expectation; he was referring to the portion of the election that relates to that Route One company, which is seeking to permit the testing of retail marijuana in Kennebunk.

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

8. OLD BUSINESS

9. NEW BUSINESS

- a. **Discuss the Use of Kennebunk PAYT Trash Bags while under the Governor's Stay at Home Order** – The Town's PAYT program is funded through the use of Town trash bags. The Board will discuss whether or not they wish to temporarily amend the current bag use requirement while under the State of Emergency currently in effect.

Cluff was concerned about the idea of allowing people to not use bags and not buy bags, which will hurt the Town financially. .

Ward asked a question about finances regarding this matter.

Schulte too expressed some concern, speaking in part about a greater financial burden for those who still buy the Town trash bags during a temporary suspension of the PAYT program. He offered his opinion that this should not be a “one size fits all” approach but that those in serious need should be given exemptions and various options.

Berry said he thinks now they are on the honor system for using the PAYT trash bags. He also said that for now he thinks they need to continue as they’ve started, until the end of this month, and allow people to exercise their good judgment in using PAYT trash bags to benefit the Town as best we can.

Baldwin noted that they’re on the honor system at all times with regard to the PAYT program. He said he thinks this is a humane and worthy thing to do through the rest of the month of April. He said he would expect that those who can afford to and have access to these bags would not take advantage of the Town’s charity to those who are in trouble right now.

Costin said he could never understand why this was implemented in the first place (letting people not use Town trash bags to dispose of waste in Kennebunk). He said the Town trash bags are as easy to get as any other household item, presuming you can afford them. He also said that those of us who step up to the program get to subsidize the disposal of others’ waste.

Rachel Phipps, from the public, spoke about the PAYT program, saying it is valuable. She said there are a lot of avenues to get relief in order to still manage to participate in the PAYT program.

Frank Paul asked how they account for the bags. Downs responded to Paul, saying that when they sell to entities such as Hannaford is when they recognize a sale. He said Hannaford, and others, account for each individual sale.

Paul asked if they have seen a reduction in Hannaford’s purchases of bags. Downs responded by saying at this point he couldn’t say because they only sell to them about once every month.

Karytko said it is what it is right now. He said he would like to see, right after the end of this month, this going back to the system previously in place.

**A motion was made to continue under the current policy of voluntarily using PAYT trash bags until the end of April (April 30, 2020), and as of May 1, 2020 to go back to our previous system of everyone having to use PAYT trash bags.**

**MOVED: Karytko**

Baldwin said there is no policy currently, that this is a current practice that is intended to aid those in financial need.

Ward expressed his opinion that it would be important for people in need because of circumstances due to the COVID-19 situation to still be able to receive assistance through their public assistance office even after any delay in the PAYT program terminates. Pardue made a comment relative to that topic.

**A motion was made to temporarily suspend the enforcement of their existing bag-use requirement, until the end of April, for those in need.**

**MOVED: Schulte**

**SECONDED: Berry**

Costin questioned how this practice, before now, was authorized, questioning if anywhere else in Town government is the authority to intervene with this program.

**VOTE: 6 in favor, 1 opposed (Cluff). The motion passed.**

Karytko asked if it would be appropriate to ask Cluff what his take is on voting no on the motion. Cluff said his reasoning is he thinks they're digging themselves a hole. He also said that he thinks they have mechanisms to provide relief for people without waiving it altogether. Karytko then said that since it has appeared on the website, they have the damage done up until April 30<sup>th</sup> anyway and that it would be hard to reverse it.

- b. **Discuss the Suspension of Seasonal Water Activation while under the State of Emergency currently in effect** – Multiple communities in York and Cumberland counties experience a large influx of seasonal residents. Kennebunk is one of those communities. Governor Mills has been requested by a number of these communities to declare by Executive Order a suspension of the May 1<sup>st</sup> seasonal water activation deadline for summer service pipes as imposed by PUC, or by any other state or local requirements for activation of such seasonal water services, until such time as the public health emergency has abated, as determined by her termination of the state of emergency currently in effect; and to clarify that water utilities, in their discretion, are allowed to temporarily suspend reactivation of seasonal water service to properties with year-round lines pursuant to PUC regulation 65-407 CMR ch. 660, § 14, for reasons of the COVID-19 state and national state of emergency.

Pardue discussed this agenda item, in part saying he brought this topic before the Board at the request of neighboring communities that had reached out to Governor Mills, asking her to intervene with the activation of seasonal water.

Berry also spoke about this agenda item, discussing summer mains, etc.

Ward said he was originally concerned about the potential liability issue (not that they would necessarily lose a lawsuit but that it would cost them if there were one).

Berry said he suggests that they back off from this and see what happens in Wells when the courts reopen.

Karytko said he doesn't think it is worth the effort or aggravation right now (effort or aggravation stemming from families inundating Town Hall because their water wasn't turned on).

Schulte said there is COVID here. He also said it seems wrong to tell people they don't have the ability to use the water, adding that if they absolutely had to do that it seems they'd be in a much more dire situation than they are in now (though the situation is not good). He said he is extremely opposed to this idea.

Ward made further comment.

Deborah Beal, from the public, spoke. She said people are opening their houses early because they want to come up here early, so they're too late in the game to consider even doing anything like this. She did say they should have, a long time ago, looked at how they could stop them from coming in as early as they are, because "they" know that there are cases that have come here from out of state.

Sharon Staz, from the public, said it would seem to her that this should have been a discussion for the Kennebunk, Kennebunkport, Wells Water District Board, saying they are the ones who are regulated by the PUC and the ones these people are customers of. She wondered why this is before the Board of Selectpersons. Baldwin then offered a response to Staz, and so did Pardue, essentially getting at the point that Pardue was approached with the proposal that Kennebunk add their voice to that of other communities and that Pardue brought it to the Select Board to see how they felt about such.

Baldwin added that he would very easily see the argument that this is a “defacto taking” of somebody’s property. Baldwin had concern with adding their voice to the letter in question.

Paul said he wouldn’t support, at all, not turning people’s water on.

Berry also responded to Staz’s question, in part explaining some of the control the Water District has in this matter.

**c. Discuss Nominating a Public Representative to Represent Kennebunk on the York County Budget Committee –**

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

Karytko said you can only have one representative from each community and that statute basically says that. He said he is the representative from Kennebunk.

**d. Discuss the Tax Acquired Property Policy –** Select Board Vice Chair Wayne Berry requested this item be placed on the agenda for discussion. [View Policy](#)

Berry spoke about this agenda item. He spoke of how they may bring a little more money into Town.

**A motion was made that the Select Board waive and set aside the current/existing policy, Articles 2 through 5, for the disposition of Tax Acquired Properties (TAP) and proceed according to Article 6 and the latest State statutory guidelines.**

**MOVED: Berry**

**SECONDED: Cluff**

Ward asked if owner occupied property is going to be up on the table too. To that, Berry responded

Baldwin then asked Berry if he wants to describe what they’re waiving so that the public understands what they’re doing.

Karytko said he’s a little uncomfortable voting on a motion right now, saying it would help him to sit down at a workshop or another meeting and really describe and understand exactly what they’re doing here. He said he feels like he’s rushing to a decision here by voting on a motion. To that, Berry said they’ve had past workshops on this. Cluff also commented, saying the Finance Subcommittee has worked on this.

Some discussion continued. For instance, Ward asked if, there is a process (if they approve this motion now) whereby they will review any potential legal complications as they go forward and start that process. Berry responded to him.

Costin said this is not warranted as changing the Town’s policy, that this is warranted as having a discussion of the Town’s policy. He said he really doesn’t think this is fairly warranted. Some discussion on this ensued.

Ward inquired about the ramifications of forwarding this to the April 28<sup>th</sup> meeting and at that point voting on this. Discussion around this ensued.

**Cluff withdrew his second (from the Motion made above), so there was no vote due to the lack of a second.**

Berry said the next time they review this, they should look at the Select Board policy which governs the disposition of tax acquired properties, and look to identify properties the Town Manager or Treasurer feel will most easily be liquidated; he also said he expects they should be discussing disposition of at least some of the property at 15 Portland Road.

Discussion continued.

**d. Discuss Any Other Business**

Town Clerk Merton Brown said he has two documents, which are time sensitive, that he needs at least four Selectpersons to come in and sign.

Downs spoke about finances, speaking of loss of money coming in. He also spoke about the coming fiscal year and the challenges there.

Pardue also spoke about finances, getting into possible reductions throughout the operating budget.

Cluff said their biggest expense is the School District; he asked if they have seen any indication from them that they may be sharing some savings with them. To that, Downs responded, saying the School District hasn't made the offer. He made further comment.

Ward said he definitely thinks it would behoove them to take a look at the Budget for next year; he also wondered if the vote is in July, how that impacts the closing of the fiscal year. Downs responded to Ward.

Schulte said they need to look at the Budget. He said they have to realize the reality in a reduction of service if they make reductions. Schulte echoed that if they cut back money, some of the services aren't going to be there. He said as long as everybody understands that, that's fine.

Berry asked about State aid to education for the Town of Kennebunk, asking if it is not possible for them to lose such. Downs then responded to him.

Berry spoke about requirements in the Charter regarding hearings if they were to revise the Budget. Town Clerk Merton Brown responded to him. He said, in part, that if they reduce or change the Budget at all, there'd have to be a new first public hearing on April 28<sup>th</sup>.

Discussion continued.

**A motion was made that they have a Special Select Board Meeting on Saturday, April 18, 2020 at 8:30 a.m.**

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

**A motion was made that the Town Manager send a letter, on behalf of the Select Board, to the RSU School Board requesting that they do the same with their Budget in good faith.**

**MOVED: Cluff**  
To that motion, Baldwin said they believe that the School Board already is going over their Budget.  
**SECONDED:**  
**VOTE:**



Berry asked if the Town Manager could contact the Chair of the Budget Board and see if they can meet as well. Pardue said he would do so.

Baldwin made some remarks regarding their finances.

Ward asked a question regarding bonds, and Downs responded to him. Ward asked a follow-up question, and Downs responded to him.

Berry said that given that they may not have a full 7-person Board for a 2-week period, it is incumbent on the other Board members to make sure that they can make it to the meetings during that period of time. Town Clerk Merton Brown said that those seats, currently held by Ward and Cluff, would continue until replaced.

#### 10. SELECT BOARD COMMENTS

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

**Berry:** Mentioned the available help for those in need, mentioning that Karen Winton does a great job in referring people to where the help can be received. He told people not to be afraid or ashamed to call the number (604-1342) if you have a warranted need.

**Cluff, Paul:** None.

**Karytko:** Mentioned that torn or tattered flags will be disposed of properly by the American Legion. Mentioned that on Easter Sunday he had the occasion to call down to the fire station and took the opportunity to thank our public servants for working (especially during this time).

**Schulte:** Mentioned that it has been wonderful to see the amount of effort among people in the community to help each other in this difficult period. He also noted negative happenings regarding comments, etc. specifically relating to sentiment regarding people coming to Kennebunk from other areas. Spoke about running as one thing he has been doing during this time period. He noted the importance of the trails in Town.

**Ward:** Thanked all the people who work for our Town. Acknowledged all the people working in different businesses out there.

**Baldwin:** Mentioned that he has the honor of being an uncle once again.

Karytko asked if there is a timeframe when they're going to be thinking about Memorial Day. Pardue responded to him.

Baldwin mentioned the new banners throughout Town.

#### 11. TOWN MANAGER ANNOUNCEMENTS

- a. **COVID-19 Community Resources in the Kennebunks** – The Towns of Kennebunk, Kennebunkport and Arundel are partnering with community organizations like Community Outreach Services (COS) to assist our residents at this time. If you need something, please reach out. [View Resources](#)

- b. **Tax Due Date** – The second installment of the 2019-20 tax bill has been extended to Friday, May 1. View the [Finance and Tax Collector's webpage](#) for information on the different ways to get your tax payment to us (mail, drop box, online) while the offices are closed.
- c. **Kennebunk's Road Posting has been Lifted** – Effective April 2<sup>nd</sup>, the posting of certain Town ways to any non-exempt vehicle or combination of vehicles registered for a gross weight of over 23,000 pounds has ended.

Pardue made additional announcements too. He expressed his appreciation to the Board and to the staff for their support and for how fluid everyone has been as this pandemic has continued to evolve. He said they are forming a reengagement team in their workforce. Said he received an email that named Kennebunk the second best place to retire in Maine.

- 12. EXECUTIVE SESSION
- 13. ADJOURNMENT

**At approximately 8:57 p.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  
Kennebunk Select Board

Date: 4/28/20