

**TOWN OF KENNEBUNK**  
**SELECT BOARD MEETING MINUTES**  
**TUESDAY, APRIL 28, 2020 – 6:30 P.M.**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

On Tuesday, April 28, 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., Christopher Cluff, Frank Paul and Shiloh Schulte. **All members of the Select Board were participating via Zoom, with Baldwin being the only Select Board member physically at the Town Hall using Zoom.**

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

The Pledge of Allegiance was recited.

Pardue spoke as to the Town's response to COVID-19. He said the Community Reengagement Task Force is underway. He also said they have a Workforce Reengagement Task Force. He spoke too about Governor Mills' new Stay at Home order. Pardue mentioned as well that the phased-in approach, outlined by Mills, to various openings and relaxing of measures in place in response to COVID-19 is available through Maine.gov and will get posted on the Town's website.

Schulte asked Pardue if he is planning to follow, to a minimum, the State's guidelines for Town employees in terms of having Town employees work from home whenever possible. Pardue responded by saying he believes that's the right course of action for all of the staff that is able to do so. He made further comment.

2. APPROVAL OF MINUTES

- a. April 14, 2020 Regular Meeting [\*Please refer to supporting material \(PDF\)\*](#)

**A motion was made to accept the minutes of the April 14, 2020 Regular Meeting.**

**MOVED: Karytko**

**SECONDED: Cluff**

**VOTE: 7 in favor, 0 opposed. 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)
  - April 18, 2020 Special Meeting (budget meeting)

3. ITEMS TO BE SIGNED

4. PUBLIC HEARINGS

- a. **To hear public comment on the Proposed FY 2020-2021 Municipal Budget (as revised) for the Town of Kennebunk.**

**This budget will be voted on at the Municipal Referendum Election on July 14, 2020.**

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

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

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

Finance Director Joel Downs spoke as to the revised FY 2020-2021 Municipal Budget. He said the Budget Board maintained the Budget at a 5.18% increase given the reduction in revenues. He said he also sent out Budget only warrant articles; he went over them.

#### 5. PUBLIC COMMENTS

John Costin, of Dane Street, said there are 849 signatures on the petition calling for the Town Manager and Select Board to rewrite the Town Manager's contract. Costin spoke about the continued closure of the public beaches, saying he is in opposition to Kennebunk beaches being kept closed. He spoke to the importance of being able to engage in healthy activity, such as walking on the beach. He also said keeping the beaches closed will come at substantial financial cost to the Town, citing that they can't realistically sell beach parking permits under current restrictions.

David Garriepy, from the public, said he is not in favor of opening the beaches. He feared the following happening if they open the beaches: people from Massachusetts and New York potentially bringing COVID-19 up and not quarantining for 14 days like they're supposed to. He said they're still learning about COVID-19. He urged maybe taking a harder stance at the beach and perhaps putting a police officer there 24/7 and having them move people along.

Sharon Staz, from the public, asked if it's possible to get a list of the task force members who met yesterday, and she wondered how they were selected and asked if those meetings are going to be recorded. To that, Pardue said he would be happy to provide that list, said the meetings are not recorded but have been made available to the public for viewing via Zoom.

Albert Kolff, from the public, asked if there is any opportunity for Kleinschmidt to update them on what's happening with KLPD and FERC. To that, Baldwin said they'll try to get that on one of the upcoming meetings.

#### 6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

#### 7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

##### a. **Accept the Following Committee Resignation**

- Ellen Fagan, Dog Advisory Committee – Regular 2021

**A motion was made to accept the resignation of Ellen Fagan from the Dog Advisory Committee and send a letter thanking her for her service.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

##### b. **Discuss Upcoming Public Gathering Events to Include Possible Postponements and Potential Cancellations Due to COVID-19:**

1. May Day Festival – Canceled
2. Kennebunk Farmers' Market - anticipated to open May 2<sup>nd</sup> (deemed Essential Service)
3. Kennebunk Artisans Marketplace - TBD
4. Memorial Day Observances
5. Bicentennial Celebration - Postponed to August 22
6. July 4<sup>th</sup> Fireworks

Pardue spoke about the first four events mentioned above, and then Karytko spoke about the fourth event (Memorial Day) too. Karytko said the plan right now is to do the ceremony that usually starts at 7 a.m. (the visitation to all the memorials and cemeteries in Town); he spoke as to a tentative plan. He said all the individual ceremonies would be done with the COVID-19 requirements (spacing, etc.) respected. It is intended that there will be no Memorial Day parade, it was noted. Pardue then discussed the fifth-noted and sixth-noted events mentioned above.

Berry asked Pardue how long they can put off a decision about funding the fireworks. To that, Pardue said he doesn't have an exact date; but he said the sooner, the better.

Karytko asked how it is thought that opening up lodging is going to play into having a vast number of people on the beach on July 4<sup>th</sup>. Pardue responded to Karytko, going over Governor Mills' phased-in opening of the economy and allowance of bigger crowds. He said he would say that under the prohibition of no crowds over 50 people still in effect in July in Maine, the likelihood of hosting a fireworks display on July 4<sup>th</sup> was not positive.

Costin spoke, comparing the Memorial Day celebration with having people on the beach saying in part he believes this to be blatant hypocrisy.

Cluff said he thinks Costin would be welcome to contact the American Legion, saying they're the ones who put on this observance every year. Then Costin said he isn't interested in talking to them, but to the Select Board who authorizes, or doesn't authorize, people to use public space. Baldwin said his understanding is we are not authorizing, sanctioning or providing services for this event.

**A motion was made that the Select Board authorize the Town Manager at this time to cancel the July 4<sup>th</sup> fireworks subject to his discovering whether in fact they can take place legally and in conjunction with their adjoining community.**

**MOVED: Baldwin**

Karytko asked if Baldwin could clarify that. Baldwin then did.

**SECONDED: Cluff**

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

Paul asked who is responsible for monitoring groups that gather that are larger than the State allows. To that, Pardue said the Police Department's approach is to help educate anybody who might be in a group larger than is allowed in that they let them know what they are under in terms of the Governor's order and ask them to disperse into a group that is allowed per the Governor's order.

## 8. OLD BUSINESS

- a. **Discuss the Tax-Acquired Property Policy and Possible Disposition of Foreclosure Action on Select Properties** – At the Board's meeting on April 14<sup>th</sup>, the Town Manager and Finance Director were requested to bring forward to the Select Board at least two vacant credible properties that can be liquidated to generate cash flow for the Town.

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

Finance Director Joel Downs spoke about this agenda item. He gave the parcel numbers they are looking at: parcel 1779, parcel 521, parcel 3427 and parcel 4465. He said those are what he looks to as being relatively straight forward if they wish to dispose of those through a sale.

Baldwin asked if Downs has addresses on those properties or just parcel numbers. To that, Downs said he does have addresses for those properties: 2 Lilac Lane (parcel 1779), 131 Ross Road (parcel 521), 56 Ross Road (parcel 3427) and 91 Ross Road (parcel 4465).

Baldwin asked if those properties are presently occupied in any fashion. To that, Downs said the first two would appear to be personal residences and that both of those appear to be vacant. He articulated that the other two properties are vacant land with no building improvement on it.

Berry said he asked for this to be brought forward because they've been discussing how to enhance the revenues of the Town given the shortfalls they're facing. He said this is where they should go. He spoke about a policy in place regarding these actions (the Tax Acquired Policy is in the linked material above). He said he would suggest that they waive any and all of the requirements of the policy, as they are allowed to per Article 6 of the "Town of Kennebunk Policy for the Disposition of Tax-Acquired Property," before they move forward with any other motions.

Ward asked if there are any issues with any liens on the property that they may have to deal with in the process of this. To that, Downs responded, in part saying they will do a full search on those. He said at this point they have first position as a secured creditor.

Berry made a comment regarding transference of title and buyer responsibility.

Baldwin asked Downs about proceeds from sale. Downs responded to Baldwin, in part saying that theoretically right now they would retain the proceeds in full.

**A motion was made that the Select Board waive Articles 2 through 5 of the Policy (Town of Kennebunk Policy for the Disposition of Tax-Acquired Property) and proceed according to Article 6 of the same.**

**MOVED: Berry**

**SECONDED: Cluff**

Karytko wondered about the reason for waiving Articles 2 through 5. Responding to that, Berry said it would give the Select Board the greatest latitude in disposing of the properties.

Costin wondered if he missed the details about the properties. He said he'd like to know how many dollars they're looking at potentially yielding. He also took issue with the procedures if the Select Board is not bound by Articles 2 through 5 of the policy being discussed. Berry responded to Costin, in part saying these are "the low-hanging fruit." He also noted the possibility of money coming in from liquidating these properties. Costin responded by expressing concern with unwarranted motions. Some discussion surrounding this continued. For instance, Baldwin said there is no requirement that motions be part of the agenda, and said that they are not just making this up, that they are subject to State law (as set forth in Article 1 of the policy being discussed), adding that they are authorized, per Article 6 of the policy being discussed, to take this action.

Schulte said too that at the last meeting Berry did propose waiving those specific provisions but that the Board decided to wait and take action at this meeting.

**Cluff moved the question.**

**Ward seconded, though it was stated it wasn't needed.**

Karytko asked how long these properties have been on the books. To that, Downs said it varies. Karytko asked for confirmation that, of the four properties they are mentioning, it is at least 3, 4 years to a maximum of 20 years in terms of how long they have been on the books. To that, Downs said 20 plus years.

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

**A motion was made to authorize the Town Manager and Treasurer to pursue those four properties that Downs listed tonight (Account #'s 1779, 521, 3427 and 4465) and come back to them at the earliest opportunity to give them an update on those four properties.**

**MOVED: Berry**

**SECONDED: Cluff**

Karytko wondered if when these properties are brought back to the Select Board, the Select Board would then authorize them to go ahead and sell them. To that, Berry said yes.

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

## 9. NEW BUSINESS

### a. Discuss the Possible Sale of a Portion of the Property Located at 15 Portland Road

Baldwin described the above-referenced property. One thing he noted is that the voters in Town approved the purchase of that property. Berry also discussed this agenda item.

Ward asked if they are going to have any problems putting a driveway past the house if they do that sale. To that, Berry responded, discussing various possibilities in terms of access.

Pardue made a comment regarding the appraised value.

Schulte asked a question about what it was that was being thought to take action on possibly.

Karytko said he thinks Item 9b ought to come even before talking about 15 Portland Road. He asked: "If they don't know what they're going to be doing in the future, how can they make decisions right now on Portland Road?" To that, Cluff said he agrees with a lot of Karytko's points, but he said this property is costing them a lot of money to continue to maintain and heat going forward. He also said it (the house) has zero value to them at this point. He said he thinks they either need to sell it or tear it down.

Baldwin said there is no value that they can ascertain for the Town at this time, referring to the home located on the property being discussed.

Pardue reiterated a proposed motion based on what he thought Schulte was trying to say. A motion to direct and authorize the Town Manager and staff to investigate what steps can be taken to sell the home situated on the parcel known as 15 Portland Road. Schulte agreed and said he'd like to make that motion.

**A motion was made to direct and authorize the Town Manager and staff to investigate what steps can be taken to sell the home situated on the parcel known as 15 Portland Road.**

**MOVED: Schulte**

**SECONDED: Cluff**

Karytko expressed concern with a decision being made with that property without a strategic plan as to how they're going to proceed with that property and so forth. He said he will vote against the motion based on him seeing them as needing to have a strategic plan first. Schulte said in response to Karytko that they can use this to advance the idea of what they'd be doing.

Berry said this motion does not sell the property.

Some discussion ensued.

For instance, Pardue went over different requirements in terms of public hearings needed before any seeking of approval for the sale of property.

Baldwin said that in all likelihood this property is not going to come into play anytime in the near future. He said they could certainly use the cash and the taxes that would be generated from the property.

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

Schulte broached the topic of when this would be voted on.

Berry asked if everybody is satisfied with the fact that they are going to be putting this off (a vote on whether or not to allow the property to go up for sale) until November. Discussion around this point ensued, with Schulte not seeing a problem in possibly receiving the cash at that date or later, Ward saying he would rather it not going to November (mentioning how long the process of things could take after approval for sale from the voters and mentioning that the money problems they are having are occurring right now).

It was said that Town Clerk Merton Brown has advised that it can't be done in July (a vote on whether or not to allow the property to go up for sale).

Berry said good luck selling it in the market after November.

Karytko said he is really uncomfortable with pushing this through, until everyone on the Select Board knows exactly what they're up against and what they need to do, can do, or should do with the property.

**b. Discuss Strategic Planning**

Baldwin asked Pardue if he could put together a workshop for the topic of discussing strategic planning. Karytko asked about detail about what is proposed to be discussed in the workshop. Baldwin responded to him, saying the starting point for this is a visual, organizational chart of the building blocks of the Town and that they have to first agree on whether or not those building blocks are valid, whether there are any that have been missed. He made further comment. He said he wanted to show them something he drew up that he thinks will help them move forward and wants to show the Select Board that for their feedback.

When to have a workshop on the topic was discussed. It was decided to have a workshop on Tuesday, May 5, 2020.

**c. Discuss Any Other Business**

**10. SELECT BOARD COMMENTS**

**a. Subcommittee Reports**

**b. Individual Select Board Member Comments**

**Ward** – Said he hopes Pardue's committee can begin to strategize as to how they can begin to think about the beaches and now that they have a framework from the Governor as to what she's recommending. Mentioned that in the Governor's announcement today there is a requirement that people need to wear masks in certain situations. Thanked all the Town people that have done an excellent job trying to manage the Town in this situation. Thanked deemed essential workers for being there.

**Berry** – Said it has been tough, he expects they have tough days ahead of them; said he hopes everyone can hang in there and take care of each other and appreciate the fact they have good leadership working for the best of everyone in the Town and the area.

**Cluff** – None.

**Paul** – Said he really thinks they should look at the beach issue.

**Schulte** – Said the mask rule applies in situations where social distancing is not possible or is difficult to engage in. Spoke about the closure of the beaches in Town. He said the beaches in Kennebunk are a unique draw for the Town. He noted the chances for lack of distancing at the beach. Said that as the temperature gets warmer, the problem will only get worse. He also said the beaches would be more crowded if nearby

beaches are closed and not Kennebunk beaches. He said he thinks closing the beaches in Town was the correct call and that he thinks they need to proceed with that.

**Karytko** - Spoke about the beach closure, saying he thinks it is true that if they are the only game in Town, he can probably assure that there are going to be a lot of people coming from other communities, and he'd rather not take the chance that they become overcrowded. Said that if anyone has any torn or tattered flags, bring them to the American Legion, leave them by the door, in a paper bag, and they will be taken care of. Said he got a call about smoke at Batson's from the pizza oven.

Discussion regarding the beaches ensued. Ward spoke about not much distancing occurring there at times. He said closing the beaches was done because they need social distancing and it was not happening.

Schulte said he thinks a small amount of sacrifice on their part can go a really long way.

Paul said "help me understand how driving down the road is an issue." Discussion on this ensued. The question on whether to allow just driving ensued too. Paul saw no problem with just driving around. Schulte said the purpose of not allowing just driving around per the Stay at Home order of Governor Mills' was to decrease the burden on first responders, etc., to help them avoid stuff that would take away from them working on things related to COVID-19. Ward said there are not many traffic accidents in the section of road currently closed in Kennebunk.

Baldwin asked if everyone would be amendable to having Pardue come up with a proposal with respect to how they might relax the driving ban along the beach.

#### 11. TOWN MANAGER ANNOUNCEMENTS

Pardue gave various announcements, the topics of which can be found in the agenda.

#### 12. EXECUTIVE SESSION

#### 13. ADJOURNMENT

**At approximately 8:27 p.m., a motion was made to adjourn tonight's meeting.**

**MOVED: Schulte**

**SECONDED: Karytko**

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



L. Blake Baldwin, Chair  
Kennebunk Select Board

Date: 5/12/20