

KENNEBUNK SELECT BOARD MEETING MINUTES
TUESDAY, JUNE 8, 2021 – 6:30 P.M.
ZOOM TELECONFERENCE MEETING

1. Call to Order

The meeting was called to order at 6:31pm 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], Edward Karytko, Frank G. Paul, and William A. Ward, Jr.; five voting members in total.

Absent: Shiloh A. Schulte [Secretary]. One seat on the Select Board is also vacant.

Also Present: Michael Pardue [Town Manager], Joel Downs [Finance Director], Chris Osterrieder [Director, Community Development]; Karen Winton [Deputy Director, Community Development], Bryan Laverriere [Director, Public Services], Tasha Pinkham [Director, Parks & Recreation], and Dan Robinson [Tax Assessor]

The meeting was available for public viewing on Zoom as well as televised on Cable TV Channels 5 and 1302. However, recording via www.townhallstreams.com was not working.

2. Approval of Minutes

The Board reviewed the minutes of its Regular Meeting of May 25, 2021.

A motion was made to accept the Minutes of May 25, 2021 as presented.

Moved: Karytko

Seconded: Berry

Vote: Roll call vote. 5 votes in favor, 0 opposed, 1 absent [Schulte]; the motion passed.

3. Items to be Signed

There were none.

4. Public Hearing

There were no items for public hearing.

5. Public Comments

At 6:33pm the Chair opened the forum to public comments or questions. There were none.

6. Acknowledgements and Announcements

a. **Donations** — The presiding officer advised the Board of three donations:

- \$2,000 from Kennebunk Savings Bank for “Concerts in the Park”, a Park & Recreation program;
- \$1,000 from Judy King for the Skatepark Improvement Project; and,
- \$5,000 from the William J.J. Gordon Family Foundation, also for the Skatepark Improvement Project.

MOTION: To accept the donations listed above and send letters of thanks to the donors for their kind contributions.

Moved: Karytko

Seconded: Berry

Vote: Roll call vote. 5 votes in favor, 0 opposed, 1 absent [Schulte]; the motion carried.

7. Time Sensitive Business and Staff Presentations

- a. **Dogs on the Beach from June 15 to Labor Day** — The Chair next introduced this topic, noting that dogs are only allowed on Kennebunk beaches during the summer period [i.e. June 15th through Labor Day] before 9:00am and after 5:00pm per the Town's Ordinance. At these times during the period, he said, dogs are allowed off leash but are to be managed by voice control.

At Select Board Meetings of June 3rd and 9th, 2020, Board Members adopted changes to this policy in consideration of the COVID-19 pandemic and Center for Disease Control's guidelines for physical distancing. The Board specifically enacted these changes:

- From June 15 through Labor Day, dogs were allowed on the beaches before 9:00am and after 5:00pm (i.e. no change from the Town's Ordinance).
- Per modification on June 9, 2020 due to COVID-19, dogs have been permitted off leash before 9:00am but have had to remain on leash after 5:00pm during the summer period.
- Per modification on June 3, 2020 in consideration of COVID-19, leashes have had to be no longer than 6 feet and could not/cannot be retractable.
- From the day after Labor Day to June 14, dogs are permitted on the beach if under voice control or on a leash (i.e. no change from the Ordinance).

As these June 2020 guidelines remain in effect, the Board took up the topic at this meeting to determine whether to return to the Ordinance's original, pre-COVID requirements.

Ward questioned the right of the Board to modify Ordinance guidelines and called for a return to the original Ordinance provisions. Pardue responded that the Select Board has such authority after a public hearing and had instituted changes in this instance for public safety due to the pandemic.

Berry suggested that feedback might be collected from the Town's Dog Monitors, dog owners, and the public at large as to the need for any changes to the Ordinance on this topic, but believed it best to revert to the Ordinance regulations as originally stipulated.

MOTION: To revert to original Ordinance guidelines regarding dogs on the beach.

Moved: Ward

Seconded: Berry

Vote: Roll call vote. 3 votes in favor, 2 opposed [Karytko, Paul], 1 absent [Schulte]; the motion passed.

- b. **Department Overview** — As part of the ongoing series of Department updates organized by Pardue, the Board heard a presentation on the Tax Assessor's Office from Tax Assessor Dan Robinson. Robinson highlighted his team's on-going priorities: (1) finish scanning Tax Assessment files — now 85% complete — and make more information

available to the public online; (2) update the digital images of local properties; and (3) update Zoning codes.

Karytko questioned the momentum of local real estate sales and the impact on title-fee income. Robinson responded that purchases of real estate in the community by out-of-state buyers were particularly strong. However, Robinson deemed current sales to be an unusual spike in the market, and concluded that several more months of real estate activity would be needed before considering changing income projections or contemplating changes of property values.

The Chair solicited public questions or comments. There were none. Pardue and Baldwin extended thanks to Robinson and his team for their good service.

- c. **Sole-Source Request for Funding of Waterhouse Center Ice Rink Chillers** – The Chair next read a synopsis of the work that has been done toward replacing the chillers at the Waterhouse Center’s ice rink. At today’s Annual Town Meeting Referendum Vote, he said, voters are entertaining a request for the allocation of \$50,000 of Town funds to help fund the replacement of the chillers. The \$150,000 balance would be paid by the Waterhouse Foundation. At today’s Select Board Meeting, members acknowledged that (a) the availability of Town funding is clearly contingent upon voter approval, however (b) timing is nevertheless an issue if the chillers are to be replaced in time for the coming winter. The Chair specifically requested that the Board waive the Town’s Purchasing Policy to allow for the sole-source purchase of chillers from Mechanical Services, Inc. for the following reasons:

- Ordering and receiving parts and installation may take up to 25 weeks.
- Mechanical Services, Inc. is the current HVAC vendor for most of the Town’s buildings. They are familiar with the Town’s mechanical-electric systems, including the existing chiller system at the Waterhouse Center.
- It is recommended that the installer also be the on-going service and maintenance provider for the advantage of in-depth, on-going familiarity with the location, infrastructure, as well as new equipment to be installed.
- Tapping other firms for sourcing and servicing would be challenging as there are limited firms which can design, install, and service chiller systems.
- Removal of the existing units and replacement of the chillers and controls are expected to cost \$186,500.
- The cost of additional electrical systems modifications for the project is estimated to be \$2,000 to \$3,000.
- Other miscellaneous costs may also be incurred.

The Chair further noted that George and Diantha Harrington have pledged to match public donations dollar-for-dollar up to \$25,000 to help offset the Town’s portion of the project’s total cost.

Karytko was firm in his opinion that the Board honor the original premise of only using Foundation money and donations for the project, with no cost to taxpayers. He likewise questioned why Mechanical Services is deemed to be the best provider.

Bryan Laverriere, Director of Public Services, responded that there are two main reasons to act promptly with Mechanical Services: (1) lead time, and (2) post-installation service. The Town already has contracts with Mechanical Services, Laverriere said, and it is the sole licensed distributor of suitably sized chillers in Maine. Only “Dayton”

brand chillers, Laverriere explained, will actually fit in Waterhouse Center's space. Laverriere stated that the "The Town is in a 'sole-source provider' situation, like it or not."

MOTION: To waive the Select Board's Purchasing Policy to allow for sole-sourcing of the Waterhouse Center ice rink chiller system from Mechanical Services, Inc.

Moved: Karytko

Seconded: Ward

Vote: Roll call vote. 4 votes in favor, 1 opposed [Karytko], 1 absent [Schulte]; the motion passed.

MOTION: To authorize the Town Manager to spend up to \$200,000 for the replacement and installation of new chillers at the Waterhouse Center, contingent upon the approval of the June 8, 2021 Annual Town Meeting Referendum Question B allocating \$50,000 of Town of Kennebunk funds with the balance paid by the Waterhouse Foundation.

Moved: Karytko

Seconded: Ward

Vote: Roll call vote. 4 votes in favor, 1 opposed [Karytko], 1 absent [Schulte]; the motion passed.

8. Old Business

a. Comprehensive Plan Efforts

Pardue reported that work on the Plan is nearing finalization. He stated that Bob Metcalf has requested a workshop with the Select Board to incorporate Board feedback in the Plan. The Chair polled Board Members who agreed to a workshop on June 24th. Pardue will confirm the time.

b. **Other:** There was no other outstanding business for discussion.

9. New Business

a. **Award the Skatepark Improvement Project** – The Chair reminded the Board that a Request for Qualifications [RFQ] had been issued on April 15, 2021 to solicit the applications of construction firms interested in undertaking work for the Skatepark to be located on Factory Pasture Lane. Submissions were received from two groups:

- **Artisan Skateparks**, Kitty Hawk, NC
- **American Ramp Company**, Joplin MO

The submissions of these groups, Baldwin said, were scored in accordance with the criteria set forth in the RFQ. The application of Artisan Skateparks ranked highest and was unanimously recommended by the Scoring Subcommittee. Town Office staff members conducted a telephone interview with Artisan Skateparks, which affirmed that it could deliver the project as designed through Phase I this fall based on the available budget. Artisan additionally indicated that it could accommodate additional phases of development if fundraising efforts prove successful.

Chris Osterrieder confirmed that the original Board approval was for an outlay of \$100,000, of which a small amount has already been spent for design. The Town, he said, is likely to spend approximately \$90,000 for the Skatepark in total, but have a prime, \$100,000 facility. He commended Tasha Pinkham and Karen Winton for their work on the project.

Baldwin solicited public comment on the topic, but there was none.

MOTION: To enter into a contract with Artisan Skateparks for the construction of the Town of Kennebunk's Skatepark at Factory Pasture Lane.

Moved: Karytko

Seconded: Ward

Vote: Roll call vote. 5 votes in favor, 0 opposed, 1 absent [Schulte]; the motion passed.

- b. **Discuss the Board's July 2020 Decision to Move to Remote Meetings** – The Chair reminded members that at their July 14, 2020 Meeting and in view of the coronavirus pandemic, the Select Board had adopted a series of metrics to determine when to hold Town Board and Committee meetings in person or remotely. The metrics adopted at that time allow for in-person meeting *only* if (a) the total number of positive COVID-19 cases statewide is 5% or less of the state's total population, and (b) the total number of active COVID-19 cases in York County is 85 in total or fewer. The Board expressly mandated that if these two thresholds are not met, meetings are to be held remotely.

When these metrics were adopted in 2020, Baldwin said, COVID-19 vaccines were not available. Today, the Maine CDC reports that 60% of eligible Maine residents have been vaccinated against the virus and the coronavirus infection rate is on a downward trajectory.

Given these statistics, Board members revisited the July 2020 policy regarding remote meetings. All members voiced interest in re-opening in-person meetings, yet all acknowledged that public participation in Select Board and other Town board meetings has been significantly stronger when meetings are conducted on Zoom. The Chair read a letter from John Costin suggesting that some form of Zoom participation be allowed when in-person meetings are again the norm to facilitate public access.

However, Board members likewise acknowledged that the present-day metrics still fall short of the thresholds for in-person meetings. York County, Pardue reported, has 139 active COVID cases versus the 85 threshold.

Board members agreed to postpone further deliberation on the topic until their next meeting on June 22nd to consider the state and county health metrics prevailing at that time. Pardue will consult with tech specialists to investigate the feasibility of organizing in-person meetings with Zoom participation as an option.

- c. **Take Up Annual Board Reappointments** – The Chair next reported that several Board and Committee members have terms which expire on June 30, 2021. They include "Regular" as well as "Alternate" members. He provided the following lists to Select Board members. The lists cite the names of Board and Committee members who (a) wish to be reappointed, (b) do *not* seek reappointment, and/or (c) should be moved from the status of Alternate to Regular member.

- (1) **Members who DO wish to be reappointed.** The Chair observed that non-residents may be appointed to alternate positions on non-binding Committees for a one (1) year term. If a Committee does not have alternate positions, non-residents can be appointed to a regular position for a one (1) year term.

COMMITTEE	MEMBER	Regular (3-yr.) Regular (1-yr.) NR Alternate (1-yr.)
Board of Assessment Review	Gregg Dinino	Regular 3-yr.
Budget Board	Robert Fiore	Regular 3-yr.
Committee on Aging	Linda Sentner	Regular 3-yr.
Committee on Aging	Judith Metcalf	Regular 3-yr.
Committee on Aging	Susan Aubuchon	Regular 3-yr.
Committee on Aging	Molly Hoadley	Regular 3-yr.
Community Garden Committee	Sarah Downs	Regular 3-yr.
Community Garden Committee	Rona Klein	Regular 3-yr.
Community Garden Committee	Cynthia Graves	Regular 3-yr.
Community Garden Committee	Richard Coots, NR (non-resident)	Alternate 1-yr. NR
Dog Advisory Committee	Dianne Trachimowicz, NR (non-resident)	Regular 1-yr. NR
Economic Development Committee	June Huston	Regular 3-yr.
Economic Development Committee	Robert Fiore	Regular 3-yr.
Energy Efficiency Adv. Committee	Sharon Staz	Regular 3-yr.
Energy Efficiency Adv. Committee	Margaret Bartenhagen	Regular 3-yr.
Historic Preservation Commission	Paul Bevacqua	Regular 3-yr.
Historic Preservation Commission	Maria Kyriakides	Regular 3-yr.
Historic Preservation Commission	Stephen Dalzell	Alternate 1-yr.
Historic Preservation Commission	Mary Megeaski	Alternate 1-yr.
Kennebunk River Committee	Reiner Nieuwkerk	Alternate 1-yr.
Lower Village Committee	Miriam Whitehouse	Regular 3-yr.
Lower Village Committee	Laura Dolce	Regular 3-yr.
Lower Village Committee	Richard Taranto	Regular 3-yr.
Lower Village Committee	Patti Sass Perry	Alternate 1-yr.
Planning Board	Chris MacClinchy	Regular 3-yr.
Planning Board	Edward Trainer	Alternate 1-yr.
Site Plan Review Board	Jeanne Dunn	Regular 3-yr.
Tree Committee	Wayne Cutting	Regular 3-yr.
Tree Committee	Robert Palmer	Regular 3-yr.
West Kennebunk Village Committee	Sarah Snow	Regular 3-yr.
Zoning Board of Appeals	Stephen Sayers	Regular 3-yr.

MOTION: To reappoint the Regular and Alternate members to 3-year terms expiring June 30, 2024 or 1-year terms expiring June 30, 2022 as noted above.

Moved: Ward

Seconded: Karytko

Vote: Roll call vote. 5 votes in favor, 0 opposed, 1 absent [Schulte]; the motion passed.

- (2) As the Bicentennial Committee is nearing completion of its mission, members should be appointed to shorter terms.

COMMITTEE	MEMBER	Regular (3-yr.) Alternate (1-yr.)
Bicentennial Committee	Angus Macaulay	Regular 3-yr.
Bicentennial Committee	Lori Parkinson	Regular 3-yr.
Bicentennial Committee	Conrad Berdeen, NR (non-resident)	Alternate 1-yr. NR
Bicentennial Committee	David Middleton, NR (non-resident)	Alternate 1-yr. NR

MOTION: To appoint the Regular and Alternate members on the Bicentennial Committee listed above to terms expiring on December 31, 2021 and sunset the Committee at the end of calendar year 2021.

Moved: Karytko

Seconded: Ward

Vote: Roll call vote. 5 votes in favor, 0 opposed, 1 absent [Schulte]; the motion passed.

(3) Consideration of two Committee members who wish to be reappointed will be postponed until the Select Board's June 22 meeting.

COMMITTEE	MEMBER	Regular (3-yr.) Alternate (1-yr.)
Budget Board	Thomas Wellman	Regular 3-yr.
Energy Efficiency Adv. Committee	Lisa Pratt	Regular 3-yr.

The Chair noted that Mr. Wellman and Ms. Pratt are on the June 8th ballot seeking seats on the Select Board. If elected to the Board, the terms of these individuals on the above committees will automatically expire on June 30. If not elected, reappointment to their respective committees will be taken up at the Select Board's June 22nd meeting.

(4) Members who do NOT wish to be reappointed.

COMMITTEE	MEMBERSHIP	Regular (3-yr.) Alternate (1-yr.)	Any Alternates to move up?
Dog Advisory Committee	Robin Levangie	Regular 3-yr.	N
Dog Advisory Committee	Polly Hoffman	Regular 3-yr.	N
Energy Efficiency Adv. Committee	Joseph Wolfson	Regular 3-yr.	N
Energy Efficiency Adv. Committee	Thomas Rist	Regular 3-yr.	N
Fair Hearing Authority	Estelle Wellman	Regular 3-yr.	N
Lower Village Committee	Alex Gramling	Alternate 1-yr.	N
Site Plan Review Board	Paul Jackson	Regular 3-yr.	Y
West Kennebunk Village Committee	Kimberly Patric	Regular 3-yr.	N

MOTION: To send letters to the above Committee members not wishing to be reappointed to thank them for their service.

Moved: Karytko

Seconded: Ward

Vote: Roll call vote. 5 votes in favor, 0 opposed, 1 absent [Schulte]; the motion passed.

(5) The following Alternate member can be moved up to Regular member status: Albert Kolff, Site Plan Review Board.

MOTION: To appoint Albert Kolff to the status of Regular member of the Site Plan Review Board with a term expiring on June 30, 2024.

Moved: Karytko

Seconded: Ward

Vote: Roll call vote. 4 votes in favor, 1 opposed [Berry], 1 absent [Schulte]; the motion passed.

- d. **Compost Report** – Linda Miller-Cleary and Jacquelyn Holmes offered a brief overview of the Town’s compost initiative. Over recent months, they said, a Compost Study was conducted as a community partnership between the Kennebunk High School Alternative Education Program, the Kennebunk Composting Work Group, Kennebunk Public Services, and community composters. The project, Holmes stated, sought to encourage students, community leaders, and the public at large to learn more about the benefits of composting.

Holmes reported that a DEP grant was used to purchase lobster-trap bins and develop a composting guide for households. Data was subsequently collected from 10 participating households over 9 weeks. Projecting cost-benefits from this data, the team determined that composting could save the Town \$55,000 or more a year.

Laverriere reminded participants that Kennebunk residents have access to “curbside composting” on a for-pay basis. Miller-Cleary encouraged the Board to investigate public composting opportunities with neighboring communities and to make provision for composting at the Town’s Transfer Station. Board Members congratulated the partnership for its work, findings, and recommendations.

- e. **Other Business** – Karytko voiced concern that State Legislation LD 677 would, if enacted, enable public sector employees to demand binding arbitration. He encouraged the Board to voice opposition to the bill in a letter to State legislators. Other members were not favorably disposed to write such a letter. Pardue stated that he has already discussed the matter with Legal Counsel and will, if the Board desires, organize further discussion on the topic at a later date.

10. Select Board Comments

- a. **Subcommittee Reports**

There were none.

- b. **Individual Select Board Member Comments**

The Chair then solicited the comments of individual Board members.

Baldwin: No comment

Berry: No comment.

Paul: No comment

Ward: Thanked the many volunteers on the Town’s sundry committees and boards for their “wonderful” service.

Karytko: Torn flags can be taken to the American Legion; used eye glasses can be left at the Town Clerk’s office. Also suggested that more care be given to the “triangles” at the Turnpike.

11. Town Manager Announcements

Pardue then made the two announcements:

- a. **Thursday, June 10 – Select Board Workshop:** This workshop and presentation on the Town’s Facilities Study will be conducted at 4:30pm in the Town Hall Auditorium.

- b. **Buy-a-Brick for the Waterhouse Center** – The Town continues to accept orders for personalized, engraved bricks to be installed in the fall around the Waterhouse Center pavilion.
- Interested parties can visit www.kennebunkmaine.us/buyabrick to order a brick online or download an order form. Forms can also be found at the Town Hall, 2nd floor lobby.
 - June 30th is the deadline for this year's order for bricks to be installed in the fall.

12. Adjournment

There being no further business, the Chair adjourned the meeting at 8:12pm.

Moved: Karytko

Seconded: Ward


Vote: Roll call vote. 5 votes in favor, 0 opposed, 1 absent [Schulte]; the motion passed.

Respectfully submitted by
J. Schlagheck, Recording Clerk

Adopted by the Board at its meeting of June 22, 2021

Signed by

Select Board Member (Signature)



(Printed name)

L. Blake Barlow