

**KENNEBUNK SELECT BOARD MEETING MINUTES  
TUESDAY, JUNE 22, 2021 – 6:30 P.M.  
ZOOM TELECONFERENCE MEETING**

**1. Call to Order**

The meeting was called to order at 6:30pm 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]

**Also Present:** Michael Pardue [Town Manager], Joel Downs [Finance Director], Chris Osterrieder [Director of Community Development]; Karen Winton [Deputy Director, Community Development], Christopher Babbidge [Representative, Maine Legislature], Joseph Rafferty [Senator, Maine Legislature], John Brady [Division Rescue Chief], Mike Casey [Fire Department Captain] and Kortney Nedeau [Select Board Member Elect].

**2. Approval of Minutes**

The Board reviewed the minutes of the Regular Meeting of June 8, 2021

**Motion:** To accept the Minutes of June 8, 2021 as presented.

**Moved:** Karytko

**Seconded:** Berry

**Vote:** **Roll call vote. 4 votes in favor, 0 opposed, 2 absent** [Schulte, W. Ward joined the meeting after this vote]; **the motion passed.**

**9.a. Legislation Update: Maine LD677 and LD1709**

The Chair moved up the legislation update on today's agenda [Item 9A, "New Business – Legislation Update"] so two guest legislators would not be kept waiting. He introduced Maine Representative Chris Babbidge and Maine Senator Joe Rafferty, who came before the Board to explain these two pieces of legislation which could have Town impact.

Bill LD677, Rafferty said, calls for binding arbitration if negotiations "get stuck". Currently, public sector arbitration is not binding in Maine. Babbidge stated that the bill had moved through both houses, but had yet to be enacted. "It's a long way from passing", Babbidge said. Ward and Karytko expressed concern about the bill's provision allowing the governor to appoint a "neutral person" as one of three arbitrators. They also noted that other municipalities in Maine have voiced similar concerns.

Rafferty responded that going to arbitration is not meant to be the norm, but rather a last resort. Babbidge noted that a number of Maine Police Departments, Fire Departments, and other public service groups have endorsed the bill as a practical alternative.

A second bill, LD1708, also elicited Board comment and concern. It would create the "Pine Tree Power Company", a publically-owned utility. Board members Karytko and Berry inquired about the tax impact of the bill, questioning whether the bill's proposed payments to different towns to replace lost tax revenue would have some cap. Babbidge stated that the

bill guarantees that towns “will be kept whole” without, he believed, a limit on off-set payments.

However, Berry reminded the legislators that alternative tax payments are only one revenue concern. The Town of Kennebunk, Berry said, also derives TIF [Tax Increment Finance District] revenue which could also be affected. J. Downs, who had analyzed the proposed bill, said that no TIF revenue impact was likely but that the bill appears to fix or limit the amounts paid to Maine towns for lost tax revenue. Town officials, Downs counseled, will want to examine the final version of LD1708 very closely.

Sharon Staz, former head of the Kennebunk Light and Power District, observed that this bill has been in the works for six years and has been frequently amended. The bill does not, Staz stated, affect TIF legislation. Towns would be kept whole, she said, for lost taxes.

Baldwin thanked the legislators for their time and helpful feedback. Both legislators agreed to keep the Board abreast of any developments as regards to LD677 and LD1708.

**4. Items to be Signed**

There were none.

**5. Public Hearings**

There were none.

**6. Public Comments**

The Chair solicited public comments or questions, but there were none.

**7. Acknowledgements and Announcements**

**a. Donations**

The Chair advised the Board of the following three donations recently made to the Town of Kennebunk:

- \$5,000 from the Tommy McNamara Charitable Foundation, Inc. for Parks & recreation Summer Camp Scholarships
- \$1,000 from George C. and Diantha C. Harrington for Kennebunk Fire rescue
- \$25,000 from George C. and Diantha C. Harrington for the Waterhouse Center ice skating rink chillers

Motion: To accept the above donations and send letters thanking the donors for their generosity.

Moved: Karytko

Seconded: Berry

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

**b. Expression of Thanks to Outgoing Select Board Members Edward Karytko and Wayne Berry**

Speaking on behalf of the Select Board, the Chair thanked Messrs. Karytko and Berry for their fine service. The terms of these two Board members will end on June 30<sup>th</sup>.

Baldwin noted that Ed Karytko has served as a highly dedicated Board member for the past six years. During his tenure, Karytko has been the Board’s liaison to the Lanigan

Bridge Advisory Committee, West Kennebunk Village Committee, Lower Village Committee, Site Plan Review Board, Treasure Chest Monitoring Committee, Energy Efficiency Advisory Committee, and the Comprehensive Plan and Zoning Ordinance Update Committee. Ed also served on the Board's Subcommittee for PAYT, Recycling and Transfer Station Review, as well as York County Budget Committee. Ed's tireless energy and commitment to the community, the Chair stated, will long be remembered and appreciated.

Baldwin likewise noted that Wayne Berry has most recently served the Town as a Select Board member for three years. During that time, Wayne served in multiple capacities to include Vice Chair and Secretary. Wayne also served on the Select Board Ordinance Review Subcommittee, Finance Subcommittee, Social Service Agencies Review Subcommittee, Transfer Station Task Force, as well as Board liaison to the Lower Village Committee and Site Plan Review Board. Wayne's unwavering commitment to the betterment of Kennebunk, the Chair stated, has very much aided the community to move forward. Berry's thoughtful and pragmatic approach to Board discussions, Baldwin said, will also be sorely missed.

The Chair wished Messrs. Karytko and Berry good fortune going forward and thanked them profusely for their many contributions as members of the Select Board.

**c. Welcome Newly Elected and Re-Elected Select Board Members**

The Chair confirmed that on June 8, 2021 Town voters re-elected Shiloh Schulte and also elected new Select Board members Sally Carpenter, Kortney Nedeau, and Lisa Pratt. Ms. Carpenter was elected to a two-year term, while the others were elected to three-year terms. The terms of these newly elected Select Board members will begin on July 1, 2021. On behalf of the Board, Baldwin offered congratulations to all four new or re-elected officers. He asked the elected officers to see Merton Brown, Town Clerk, to be sworn in.

**d. New Hire**

The Chair next advised Board members that Emily "Kate" McQuillen had joined as full-time Firefighter/Paramedic effective June 19<sup>th</sup>. Kate began her career with Kennebunk Fire Rescue as a Per Diem in July, 2017. Kate had prior work experience with the Waterboro and Buxton Fire Departments as well as Maine Medical Center in a variety of EMS and firefighter roles. The Board offered its congratulations to Kate on becoming a full-time KFR member.

**7. Time Sensitive Business and Staff Presentations**

**a. Discuss a Sole Source Request for the Purchase of a Fire Department Truck**

The Chair introduced this topic for Board-wide discussion. At the June 8, 2021 Annual Town Meeting Referendum Vote, Baldwin said, funding in the amount of \$150,000 was approved by voters for a Fire Department brush/forestry truck from the West Kennebunk Utility Corridor Tax Increment Financing (TIF) District. A 1994 International/Hi Tech Type 3 forestry vehicle is currently available for purchase from Truck Site of Sacramento, CA for \$71,036. This includes shipping to Kennebunk. However, additional costs would be incurred to outfit the truck and put in radios, emergency lighting, branding, as well as other items. The vehicle, if purchased, would be housed at the Blueberry Plains Station and would replace Tank 2.

Baldwin reminded Board members that they had received comprehensive documents (linked in the agenda item) about the possible purchase: (1) a request from Fire Chief Jeff Rowe to the Town Manager; (2) a spec sheet for the vehicle; and (3) a summary outlining the search performed to locate a vehicle.

The Fire Chief asks the Board to authorize a waiver of the Town's Purchasing Policy to allow for the sole-source purchase of this truck since it is a pre-owned vehicle only available from a single vendor, but which nevertheless meets the needs of Kennebunk identified during the Board's February 2021 budget meetings.

Karytko questioned the rationale for purchasing a truck that is 25 years old. Mike Casey responded that the California truck would replace an existing Town truck that has been in use for more than 40 years. An expert third-party specialist, Casey said, had examined the replacement truck and gave it a high rating.

Casey urged the Board to approve this purchase as an improvement on several counts; (1) the California truck has a more modern motor, (2) the truck has a high independent assessment rating, (3) the truck's pump is a high-quality one that is widely used so servicing it should not be problematic, and (4) because the truck has been exclusively used in California, it has avoided winter salt damage.

Karytko asked how much a new truck would cost, and Casey responded the likely price would be approximately \$300,000 – whether a new truck was purchased or the Town "cannibalize" parts from its existing truck and graft them onto a new chassis.

The Chair solicited public comments, but there were none.

**Motion:** To waive the Select Board's Purchasing Policy to allow for sole sourcing of a Fire Department brush/forestry truck.

**Moved:** Karytko

**Seconded:** Berry

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

**Motion:** To authorize the Town Manager to advance the purchase of a 1994 International/Hi Tech Type 3 forestry vehicle from Truck Site of Sacramento, California in the amount of \$71,036.

**Moved:** Karytko

**Seconded:** Berry

**Vote:** **Roll call vote. 5 votes in favor, 0 opposed, 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 by Community Development Deputy Director Karen Winton on the work of the Social Services Department.

Winton explained that the Town's Social Services group provides research, guidance, problem-solving, and financial support to Town families. People in need of financial assistance are screened, advised of state programs, and sometimes provided financial support. The Kennebunk General Assistance Program, she said, currently gives financial assistance to 15 local families with 70% of the outlay reimbursed by the state.

The pandemic resulted in job losses and financial setbacks for many people, Winton said. This is likely to become a more acute problem when federal and state assistance programs are terminated in the near future. However, private groups, church groups, and groups such as the COS (Community Outreach Services), Winton added, have become more sophisticated and more helpful.

K. Nedeau, a recently elected Select Board Member (whose term begins 7/1/21), asked if any social services needs were not being met in whole or part. Winton responded that (1) child care, and (2) dental care were two areas which could be strengthened. Winton then commended private donors, church groups, local charity groups, as well as Town and state assistance programs for their partnership in addressing community needs.

Pardue highlighted the Town's efforts to create redundancy and succession planning related to Social Services. Baldwin extended the Town's thanks to Winton, Pardue, and the Social Services team for their work and generosity of spirit.

**c. Temporary Dog Leash Requirement at Parsons Beach**

Due to the nesting of piping plovers in the Parsons Beach area, the U.S. Fish & Wildlife Service has again recommended that the Town impose a temporary leash requirement for dogs on that beach.

**Motion:** To require dogs on Parsons Beach to be leashed until further notice and to authorize the Town Manager to release this restriction when appropriate.

**Moved:** Karytko

**Seconded:** Berry

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

**8. Old Business**

**a. Reappointment of Thomas Wellman to the Budget Board**

The Chair noted that the Board had taken up the reappointment of committee members at its June 8<sup>th</sup> meeting. At that time, Thomas Wellman was a member of the Budget Board but also a candidate for the Select Board. Consequently, Mr. Wellman's reappointment on the Budget Board was not entertained. However, Mr. Wellman was not elected to the Select Board post after all. Baldwin therefore asked the Board to reappoint Mr. Wellman to the Budget Board at this time.

**Motion:** To reappoint Thomas Wellman as a Regular member of the Budget Board for a three-year term expiring on June 30, 2024.

**Moved:** Karytko

**Seconded:** Berry

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

**b. Possible Reconsideration of Approved Bond Orders**

The Chair next noted that at its regular meeting on May 11, 2021, the Select Board had approved revised bond orders totaling \$10,822,000. At the June 8, 2021 Annual Town Meeting Vote, an additional amount of \$1,385,000 of bonds to be issued was approved by voters. Given (a) the expectation of continued low bond interest rates and (b) this recent voter approval, the Town's bond advisor and staff recommend adding \$1,385,000 to the previously approved \$10,822,000, for a combined total of \$12,207,000 in new bonds to be issued in the next several weeks. Baldwin asked the Board whether it

wished to amend the previously approved bond orders to include the additional \$1,385,000 in bonds recently approved by voters on June 8, 2021.

Board Members were favorably disposed to the idea, but went through a series of four corrective motions.

**Motion #1:** To retract and nullify the bond orders approved by the Select Board on April 27, 2021 for \$10,822,000.

Moved: Baldwin

Seconded: Karytko

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

When Board Members realized that the April date cited in the above motion was erroneous, they moved to nullify the motion.

**Motion #2:** To retract and nullify the motion on bond orders approved by the Select Board on June 22, 2021 (motion above) which cites April 27<sup>th</sup> as the prior approval date.

Moved: Baldwin

Seconded: Karytko

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

**Motion #3:** To retract and nullify the bond orders approved by the Select Board on May 11, 2021 for \$10,822,000.

Moved: Karytko

Seconded: Berry

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

**Motion #4:** To approve the bond orders to include the bonds approved by voters on June 8, 2021 for a total bond issue of \$12,207,000.

Moved: Karytko

Seconded: Berry

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

c. **Discuss the Board's July 2020 Decision to Move to Remote Meetings**

The Chair next took up the topic of remote versus in-person Board meetings. At its July 14, 2020 meeting, the Select Board adopted two metrics to determine when to hold Town board and committee meetings in person or remotely. The Board specifically mandated that meetings were to only be held remotely unless: (1) the total number of positive COVID-19 cases statewide is 5% or less of Maine's total population, and (2) the total number of active COVID-19 cases in York County is 85 in total or fewer.

Baldwin pointed out that when the Board adopted these guidelines, no COVID-19 vaccine was available. Now, nearly one year later, Maine CDC is reporting

that 60% of eligible Maine residents have received the COVID-19 vaccine and the coronavirus infection rate is on a downward trajectory.

Pardue reported that, as of today, York County has 86 active COVID-19 cases (versus the 85 metric), but is expected to be at 85 or lower in several days' time. The 5%-of-state-population metric, he said, was perhaps a misstatement of Board Member S. Schulte's original recommendation.

Board Members generally agreed that it would be reasonable to return to in-person meetings. Baldwin suggested that Pardue and Michael Davis [responsible for recording board meetings] look into the technical mechanics of organizing "hybrid" meetings, which would be in-person meetings in Town Hall while allowing public participation via Zoom. The Board's priority, Baldwin said, should be on giving the public easy access to such meetings. All Board members concurred.

**Motion:** To suspend the mandate of the two thresholds requiring remote meetings and resume in-person meetings unless COVID conditions change.

**Moved:** Baldwin

**Seconded:** Karytko

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

## 9. New Business

### a. Update on LD 677 and LD 1708

This item was taken up at the beginning of the meeting and are provided on page 1.

### b. Confirm the Town Manager's Appointment of Harbormaster

Harry "Jamie" Houtz has been hired as Kennebunk's and Kennebunkport's new Harbormaster as of June 9, 2021. Prior to accepting the shared position, Jamie worked for The Landing School of Boatbuilding and Design in Arundel. He also held various positions over 30 years as Instructor, Industry Relations, Career Development, Alumni relations, and Director of Facilities. The Board bid Jamie a warm welcome.

The Chair observed that, per the Town's Charter, the Select Board must confirm the Town Manager's appointment.

**Motion:** To confirm the Town Manager's nomination of Harry J. Houtz as Harbormaster effective immediately for a term expiring June 30, 2021 (the date on which all Annual Appointments expire).

**Moved:** Karytko

**Seconded:** Berry

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

c. **Review and Confirm the Town Manager's Annual Appointment**

Chairman Baldwin next shared the following list with Board Members for Annual Appointments for the period of July 1, 2021 to June 30, 2022 for which confirmation by the Board is required.

<b>1 YEAR APPOINTMENTS</b>	<b>7-1-21 to 6-30-22</b>
Acting Town Manager	Joel Downs
Finance Director, Tax Collector, Treasurer	Joel Downs
Deputy Treasurer	Kris Fogg
Deputy Tax Collectors	Kris Fogg, Lynda Lightbody, Jenny Casey, April Jones, Merton Brown, Carrie Weeman, Tabetha Barden
General Assistance Agents	Michael Pardue, Karen Winton, Joel Downs, Kris Fogg, Tabetha Barden
Town Clerk	Merton Brown
Tax Assessor, E911 Addressing Officer	Daniel Robinson
Police Chief	Robert MacKenzie
Fire Chief, EMA Director	Jeffrey Rowe
Director of Public Services/Road Commissioner	Bryan Laverriere
Parks & Recreation Director	Tasha Pinkham
Human Resources Director	Jeri Sheldon
Director of Information Services	Richard Boucher
Community Development Director, Town Engineer	Christopher Osterrieder
Town Planner	Brittany Howard
Code Enf. Officer, Building Inspector, Plumbing Inspector	Brian Paul
Alternate Building Inspector, Alternate Plumbing Inspector	Franklyn Kunkel
Electrical Inspector	James Nichols
Alternate Electrical Inspector	William Clark
Alternate Electrical Inspector	Marc Lamontagne
Assistant Health Inspector	Brian Paul
Harbormaster	Harry J. Houtz
Town Historian	Kathy Ostrander Roberts
Tree Warden	Wayne Cutting
Constables	Christopher Russell, Michael Tucci, Eric O'Brien

**Motion:** To confirm the Town Manager's nominations listed above for 2021-2022 Annual Appointments.

**Moved:** Karytko

**Seconded:** Berry

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

d. **Discuss Road Closures for Special Events**

Chair Baldwin then took up the topic of road closures for two special events. The Board's Special Event Policy, he said, required Board approval for road closures. The Chair noted that the following Special Event Applications have been received and require closures:



(1) **24<sup>th</sup> Edition Library Road Race 5K – Friday, July 9, 2021**

*Road Closure Needed*

5:45pm – 6:40pm Dane Street closed from Park Street to Main Street  
6:05pm – 6:30pm Depot Street (one lane closed). No cars can enter Depot St from Summer Street.  
5:55pm – 6:40pm Main St. closed from Water St. to Dane St. (northbound only)  
6:00pm – 6:40pm Summer St. closed from Main St. to Depot St. (eastbound only)

Times are subject to change.

Motion: To approve the road closures as recommended by the Police Department for the Library Road Race on July 9<sup>th</sup> as noted above.

Moved: Karytko

Seconded: Berry

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

(2) **Kennebunk Beach Improvement Association [KBIA] 5K Road Race/1K Kids Fun Run – Sunday, July 11, 2021**

*Road Closure Needed*

8:50am – 10:40am Beach Avenue to be closed from Woodland Avenue to Boothby Road. Times as also subject to change.

Motion: To approve the road closures as recommended by the Police Department for the KBIA Road Race on July 11<sup>th</sup> as noted above.

Moved: Karytko

Seconded: Berry

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

e. **Other Business**

There was none.

**10. Select Board Comments**

a. **Subcommittee Reports:**

There were none.

b. **Comments of Individual Select Board Members**

Baldwin: Noted that a Community Opinion Survey is now in circulation which is an important source of public feedback about the community's priorities for the future. He again thanked Karytko and Berry for their service, expressing affection for both.

Berry: Expressed appreciation for the opportunity to serve the community and thanked Town staff for their support, dedication, and hard work.

Karytko: Urged the public to leave torn flags with the American Legion and used glasses and hearing aids with Town Hall or the Lion's Club. He also thanked and commended fellow Board Members for their fine community accomplishments.

Paul: Thanked Ed Karytko and Wayne Berry for their service, observing that they will be missed.

Ward: Also thanked Karytko and Berry for their hard work and commended Town staff members for volunteering personal time for community improvements.

**11. Town Manager Announcements**

**a. Upcoming Select Board Meetings**

Pardue reminded the Board of these three upcoming meetings:

- June 24, 2021: Workshop (Comprehensive Plan)
- July 20, 2021: Regular Meeting
- August 24, 2021: Regular Meeting

The June 24<sup>th</sup> Workshop will be a Zoom event. The July and August meetings will be in-person. The Town Manager also reminded the Board that members will only meet once each month in July and August unless a special meeting is required. In September, the Board will resume its regular practice of having meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month.

**b. June 30<sup>th</sup> Deadline for Waterhouse Center Bricks**

**13. Adjournment**

Board members having no additional comments or topics for discussion, the presiding officer adjourned the meeting at 8:56pm

Motion: To adjourn the meeting


Moved: Karytko

Seconded: Berry

**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 in the meeting of 7/20/21  
(Date of Meeting)

Signed by  
Select Board Member (Signature)   
(Printed name) L. BLAKE BALOWIN