

TOWN OF KENNEBUNK

SELECT BOARD MEETING MINUTES

TUESDAY, AUGUST 11, 2020 – 5:30 P.M.

1. CALL TO ORDER

On Tuesday, August 11, 2020, at approximately 5:30 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, Edward Karytko, William Ward, Jr., Frank Paul Wayne Berry, Shiloh Schulte and Peter Brewitt.

Also present was Town Manager Michael Pardue.

2. EXECUTIVE SESSION

- a. **Discuss Economic Development Matters** with the Town Manager, Finance Director and Director of Community Development regarding an economic development matter where premature disclosure of the same would prejudice the competitive bargaining position of the Town relative to the same - Title 1 MRSA Sec. 405(6)(C).
- b. **Discuss a Personnel Matter** with the Town Manager - Title 1 MRSA Sec. 405(6)(A)

At approximately 5:32 p.m., a motion was made to enter into executive session, with the Town Manager, Finance Director and Director of Community Development, to discuss:

- **Economic Development Matters, pursuant to Title 1 MRSA Sec. 405(6)(C)**
- **Personnel Matter, pursuant to Title 1 MRSA Sec. 405(6)(A)**

MOVED: Karytko

SECONDED: Schulte

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

At approximately 6:33 p.m., a motion was made to exit executive session.

MOVED: Karytko

SECONDED: Berry

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

Upon coming out of executive session, the Board had nothing to report.

3. PLEDGE OF ALLEGIANCE, APPROVAL OF MINUTES, ITEMS TO BE SIGNED

The Pledge of Allegiance was recited.

The Board signed a quit claim deed for property at 5 Tidewater Court (payment of property taxes; property being sold).

Approval of Minutes - July 14, 2020 Regular Meeting Minutes [Please refer to supporting material \(PDF\)](#)

A motion was made to accept the minutes from July 14, 2020 (Regular Meeting).

MOVED: Karytko

SECONDED: Berry

VOTE: 6 in favor, 0 opposed, 1 abstention (Brewitt). The motion passed.

4. PUBLIC HEARINGS – none

5. PUBLIC COMMENTS

John Costin, of Dane Street, opposed what he called personal attacks on him, made at the last Select Board meeting. He expressed concern about people coming to this board and being personally “attacked” due to grievances they bring up. He asked how Pardue is going to manage the Town, while serving in Augusta (if he is elected as a Maine State Senator),

Jennifer Babiec, volunteer at the Treasure Chest, spoke of her support for the reopening of the Treasure Chest. She asked the Board to consider opening the Treasure Chest for the month of September and the first two weeks of October. She made points in favor of her position on the matter. She then spoke about her thoughts on what the Treasure Chest means for this Town.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. **Welcome Newly Elected and Re-elected Select Board Members** – On Tuesday, July 14th, voters elected Select Board member Peter Brewitt and re-elected Select Board member William Ward, Jr., both to three-year terms. Congratulations Peter and Bill!
- b. **Chief MacKenzie will be present to provide updates regarding Police Department activities** as requested by Town Manager Pardue.

Robert Foley, Maine State Senator from Senate District 34, was present as well as York County Sheriff William L. King, Jr. and Representative Christopher Babbidge, Maine State Representative from House District 8. Foley said they have prepared a Legislative Sentiment for MacKenzie. He then read it aloud.

Representative Babbidge shared an email he received this afternoon called a “Statement of the Chief Executive to Accompany the Presentation of a Legislative Sentiment to Recognize the Professional Contribution of Chief Robert F. MacKenzie.” He then shared that email and complemented MacKenzie.

Sheriff King spoke highly of Chief MacKenzie. He said he submitted MacKenzie for the community service award. He then read it. He said MacKenzie is recognized throughout the State for his work on opioid addiction.

MacKenzie then spoke, expressing his gratitude for the recognition. He then offered information, providing updates on what the police department is doing in their community, such as addressing mental health problems and connecting elders who are isolated during the pandemic.

c. **Accept the Following Donations:**

- The Town recently received a donation in the amount of \$1,000 from Marilyn Wade to assist residents in need with utilities, fuel or rent.
- The Kennebunk Police Department received a \$300 donation from Joanne Grace in appreciation for our officers’ service to the community. Ms. Grace would like these funds to go toward a program or equipment purchase of the Police Department’s choice.

A motion was made to accept the donations and send letters thanking the donors for their generous donations.

MOVED: Karytko

SECONDED: Schulte

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

d. Hear an Update from the Town Manager regarding COVID-19 and the Town's Preparedness Plans

Pardue spoke on this agenda item, and said he would have the Community Reengagement Task Force offer an opinion on the idea of opening of the Treasure Chest.

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

- a. Take up the Election of the 2020-21 Select Board Officers** – Each year, at the first meeting in July after the Annual Town Meeting (per the Town Charter), the Board elects its new officers for the coming year. Since the Annual Town Meeting was moved from June to July this year due to the challenges of COVID-19, the election of officers was similarly delayed.

Town Clerk Merton Brown asked for nominations.

Ward nominated Baldwin for Chair.

Brown asked if there were any other nominations. Hearing none, Brown asked for a vote. VOTE: 7 in favor, 0 opposed. The motion passed.

Ward nominated Berry for Vice-Chair.

Brown asked if there were any other nominations. Hearing none, Brown asked for a vote. VOTE: 7 in favor, 0 opposed. The motion passed.

Baldwin asked if Schulte would be Secretary. Schulte said yes.

Brown asked if there were any other nominations. Hearing none, Brown asked for a vote. VOTE: 7 in favor, 0 opposed. The motion passed.

- b. Accept Resignations from Peter Brewitt from the Board of Assessment Review and Budget Board** – Peter Brewitt was elected to the Select Board on July 14th and has resigned his positions on the Board of Assessment Review (Regular 2021) and Budget Board (Regular 2022).

A motion was made to accept the resignations of Peter Brewitt from the Board of Assessment Review and Budget Board and send a letter thanking him for his service.

MOVED: Karytko

SECONDED: Ward

VOTE: 6 in favor, 0 opposed, 1 abstention (Brewitt). The motion passed.

- c. Review the Select Board Code of Ethics** –The only change made to the Select Board Code of Ethics was to Board member names.

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

Schulte said he thinks it's probably time, maybe past time, to review the Code of Ethics. One thing he mentioned is the language that says to support graciously a decision once it's been made by a majority of the Board. He said he thinks there needs to be clarity on what that means. He also said he'd support the signing of the document at this meeting, but wants to review and make adjustments at a future meeting.

Discussion continued on that point.

Costin spoke, saying the matter Schulte brought up is something possibly harmful and sometimes is. He said he would urge the Board to look in particular at that one. He said when we see too much unanimity in a Board or too much press for unanimity, he thinks they have reason to be worried.

Karytko said it's healthy for people to know what the opposition to a certain Board measure is.

A motion was made to sign the Code of Ethics.

MOVED: Karytko

SECONDED: Ward

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

- d. **Discuss the Maine Municipal Association's Workers' Compensation Safety Incentive Program (WCSIP)** – Maine Municipal Association Risk Management Services has designed a program to work in partnership with our Workers' Compensation Fund members. The WCSIP rewards members with the opportunity to earn financial incentives by improving workplace safety. This program replaces the Leader Program that the Town of Kennebunk has participated in for a number of years.

The Town Manager has notified Maine Municipal Association of the Town's interest in participating in the Safety Incentive Program. To confirm participation, a Resolve Form must be signed by the Select Board prior to September 1, 2020.

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

Human Resources Director Jeri Sheldon spoke about this agenda item. In part, she spoke about modification rates for workers' compensation.

Karytko asked what, if they join this, the difference is between what they're doing now and the new program. To that, Sheldon said this is replacing the old program.

Berry brought up SHAPE awards from the Department of Labor. Sheldon responded to Berry, in part saying she hasn't gotten a response back yet if that factors into a reduction in their premium.

A motion was made to elect to participate in Maine Municipal Association's Workers' Compensation Safety Incentive Program.

MOVED: Karytko

SECONDED: Ward

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

- e. **Set the Tax Rate for 2020-2021**

Town Assessor Daniel Robinson went over relevant information to this agenda item. He said they are recommending a tax rate of \$14.15.

Karytko asked about the allocation of the funds to different entities like the Town and County. To that, Robinson said it hasn't really changed.

Berry brought up an increase of contributions from the State being assumed, and said that, given the State is behind on revenue, he wondered who would take the hit and he wondered if 2% for an overlay is reasonable to cover anything the Town might see as a shortfall. To that, Robinson said that the taxpayers take the hit. He made further comment.

Berry said if they don't get the reimbursements, they'll have to make it up somewhere else.

Discussion continued.

A motion was made to set the Tax Rate for 2020-2021 at \$14.15.

MOVED: Karytko

SECONDED: Ward

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

- f. **Set Tax Due Dates and Interest Rates** – The property tax due dates for the coming year should be October 2, 2020 and April 2, 2021. The maximum allowed interest rate by State law for delinquent taxes for the coming year is 8%. Last year, we set the rate at the maximum, which was 9%.

State statute allows us to set the interest rate on tax overpayments to be no lower than four (4) percentage points under the interest rate charged on delinquent taxes. Therefore, the lowest rate on overpayments for FY20-21 is 4%. Generally, interest on overpayments is not paid since any credit balances owed to taxpayers is refunded after the second payment due date.

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

A motion was made to set the Tax Due Dates for October 2, 2020 and April 2, 2021 with the interest rate on delinquent taxes at 8% and the interest rate on overpayments at 4%.

MOVED: Karytko

SECONDED: Ward

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

8. OLD BUSINESS

- a. **Update on UNH Fellow** – Aleksander Gulkewicz completed his eleven-week Sustainable Fellowship with the Town of Kennebunk the week of August 10th.

Maggie Bartenhagen, member of the Energy Efficiency Advisory Committee, introduced Gulkewicz, noting what he worked on, which was the finalization of a greenhouse gas inventory for the Town started by The New School. She spoke highly of him. The four pages that were handed out at the meeting can be found [here](#).

Gulkewicz then spoke, via telephone, about the project he worked on over the summer.

Board members asked Gulkewicz questions.

Berry asked if Gulkewicz got any direct information from the Kennebunk Light and Power District (KLPD) on their mix of electricity production. To that, Gulkewicz said he did not ask KLPD directly of their breakdown. He elaborated. Berry also asked how many other utilities or facilities in Kennebunk Gulkewicz personally interviewed. Gulkewicz responded, saying he contacted as many as possible, saying he had good connections with people like KLPD. He said KLPD provided him with the most data.

Ward asked a question relative to Figure 8 in Gulkewicz's handout, asking about the blue section in the graph, wondering about how that amount dropped and why the others didn't. Gulkewicz then explained, citing plans by the State per the Renewable Portfolio Standard.

Sharon Staz, Chair of the Energy Efficiency Advisory Committee, spoke about a video produced, citing it will be forthcoming and compliment the details of the report discussed tonight under this agenda item. Staz spoke highly of Gulkewicz.

A motion was made to ask the Town Manager to write a letter of thanks to Alek for all of his efforts on our behalf and wishing him well in the future.

MOVED: Baldwin

SECONDED: Ward

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

9. NEW BUSINESS

- a. **Discuss Amending the Town Charter, Section 2.02 Dates of the Annual Town Meeting**—Sec. 2.02 of the Charter states the Annual Town Meeting shall convene on the second Tuesday of each June. This date was established so the Town and State elections would be conducted concurrently. Town Clerk Merton Brown would like to share some information that might indicate that having the elections together is no longer the best alternative. The Town Attorney has indicated that this change is not substantive and would be an amendment to the current Charter.

[Please refer to supporting material – Town Charter \(PDF\)](#)

Brown went over this agenda item. He referenced the ballot combinations that can arise due to a split Legislative District and a utilities split between those in the Sewer District and those who are not. He noted how that arrangement has been demanding on those working on the processing of ballots. He said he would like the Select Board to consider changing the date of Town Meeting from the second Tuesday in June to the first Tuesday in May. He explained how, in his opinion, this adjustment could make things less hectic for both staff and citizens. He made further comment in support of his request for the date change of the Annual Town Meeting.

Ward made comments. He asked Brown if he anticipates any voter fatigue and lower turnout if this change was made. To that, Brown said he thinks people are more concerned with how many ballots there are than the number of elections.

Discussion continued. For instance, Costin wondered about voter turnout with a change like this. Brown responded to Costin.

Ward was concerned about people voting in May but not June.

Bartenhagen said her feeling is that more education will convince more people to vote.

Albert Kolff, from the public, said he's somewhat concerned about splitting up the ballot.

Schulte said the inconvenience of going through seven ballots—he can't imagine that's less convenient than coming and voting twice on two separate days. But he did sympathize with Brown regarding the challenges Brown noted. He wondered if some of those challenges could be addressed in another way. Brown responded to Schulte.

Berry made some comments too, in part saying this proposed change may or may not help with voter turnout.

Discussion continued. Berry said they need to get some feedback on this.

Karytko said one of his concerns is that two elections equate to more expense. He also said he can't believe we are going to get the same kind of turnout for both elections.

A motion was made to advance this to the September 8th meeting.

MOVED: Ward

SECONDED: Schulte

AMENDED: to move it to a public hearing on September 8th. Amended by Ward.

SECONDED: Schulte

Karytko said he's not comfortable with the timeline of trying to get this to a vote of the people so soon. He said this is not something he thinks they need to do in two meetings.

VOTE: 5 in favor, 2 opposed (Karytko, Berry).

- b. Approve the Termination and Easement Release Document and Settlement Agreement with Paul Michaels of 34 Days Mill Road** – The property owner and the Town have determined the access easement at 34 Days Mill Road is no longer necessary. Given the improvements made to the easement area and impact to value of the property, the Town and property owner have mutually agreed on a settlement amount of \$12,500.

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

Berry asked if the Board decides to authorize the Town Manager to sign off on this, they need a Spousal Release as well.

Thomas E. Schoening, III, from Drummond and Drummond, and who represents Paul Michaels, responded to Berry.

A motion was made to authorize the Town Manager to execute the documents prepared by the Town Attorney.

MOVED: Karytko

AMENDED: To authorize the Town Manager to execute the Termination and Easement Release Document and Settlement Agreement with Paul Michaels of 34 Days Mill Road prepared by the Town Attorney. Amendment by Baldwin.

SECONDED: Schulte

VOTE: 6 in favor, 0 opposed, 1 abstention (Brewitt). The motion passed.

- c. Discuss the Adoption of an Emergency Management Ordinance** – This Ordinance will provide Town leadership the ability to take proactive steps to safeguard the Town and its inhabitants when faced with a catastrophic, or potentially catastrophic, event. This item is appearing before the Board at this meeting with further review by the Ordinance Subcommittee to occur once said committee has been reelected.

If the Board wishes to advance this to the November Special Town Meeting, a public hearing is required to be held no later than September 8th.

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

Pardue went over this agenda item.

A discussion ensued. For instance, Schulte said government is not run like a business and it's not supposed to. He said he thinks they would have to be careful about when an emergency provision ends, suggesting assurances that if an order was in place, it be reviewed with regularity.

Paul said he thinks it's important to advance this order as it affords the Town the ability to take essential steps in the event an emergency situation presents.

Costin offered his concerns about the proposal being discussed under this agenda item, concerned about the Town Manager being the point person for the crisis management team and the Town Manager being a Maine State Senator (if he is elected to that position) at the same time.

Bartenhagen spoke about a community effort in Halifax, Vermont which was engaged in during Tropical Storm Irene. She said that group of folks pulled together an emergency management team. She said she would strongly suggest that the Select Board seriously consider such an ordinance. She mentioned how things worked out well in Halifax.

Brewitt said he thinks something like this is absolutely essential. He elaborated on a personal experience to back up that belief.

Costin spoke, concerned about the Town Manager being absent (if he is elected to the Maine State Senate) and having authority in emergency situations.

A motion was made to send the proposed Emergency Management Ordinance to a Public Hearing on September 8th.

MOVED: Karytko

SECONDED: Ward

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

- d. Discuss Select Board Liaisons to Committees** – The referenced spreadsheet lists the various Town committees that include Select Board Liaisons.

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

The Board went through this agenda item.

Baldwin will be on the Economic Development Committee.

Brewitt will be on the Tree Committee.

Ward will be on the Finance Subcommittee.

Schulte said he is comfortable with the committees he has.

Brewitt will be on the Social Services Subcommittee.

Brewitt will be on the Pay-As-You-Throw, Recycling, Transfer Station Review Subcommittee.

Baldwin will be on the Ordinance Review Subcommittee.

A motion was made to accept the Liaison and Select Board Subcommittee assignments as noted.

MOVED: Karytko

SECONDED: Berry

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

- e. Discuss Select Board Member Subcommittee Assignments** – The subcommittees are listed at the bottom of the referenced spreadsheet. Subcommittees have no more than three members, and meet as necessary.

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

See the changes made under the previous agenda item.

- f. **Election of Maine Municipal Association’s 2020-22 Legislative Policy Committee** – Maine Municipal Association (MMA) member municipalities have made their nominations for the 2020-22 Legislative Policy Committee. Last month, the Board nominated William Ward, Jr. to represent Kennebunk in District 34.

Our district may vote for two candidates. The names on the ballot are:

William Ward, Jr., Select Board member, Town of Kennebunk

Larissa Crockett, Town Manager, Town of Wells

A motion was made to vote for William Ward, Jr. and Larissa Crockett to represent District 34 on MMA’s Legislative Policy Committee and authorize the Town Manager to sign the ballot on the Board’s behalf.

MOVED: Karytko

SECONDED: Schulte

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

- g. **Election of Maine Municipal Association Vice President and Executive Committee Members** – Each year, member municipalities have an opportunity to vote in the election of MMA Vice President and Executive Committee Members to serve on the MMA Executive Committee.

Vice-President, for a 1-year term (vote for one)

James Bennett, City Manager, City of Biddeford.

Executive Committee Members, for 3-year terms (vote for three)

Robert Butler, Selectboard Chair, Town of Waldoboro

Terry Helms, Selectperson, Town of Grand Isle

Diane Hines, Town Manager, Town of Ludlow & Reed Plantation

A motion was made to vote for James Bennett for Vice President and Robert Butler, Terry Helms and Diane Hines for the three Executive Committee Members and authorize the Town Manager to sign the ballot on the Board’s behalf.

MOVED: Karytko

SECONDED: Ward

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

h. Discuss Any Other Business

Berry stated that the Board should meet on August 25th for a Regular Select Board meeting.

SECONDED: Ward

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

10. SELECT BOARD COMMENTS

a. Subcommittee Reports

b. Individual Select Board Member Comments

Brewitt: Offered praise to those working hard during these times. Thanked those who voted last month. Also gave a shoutout to Town Clerk Merton Brown. Spoke highly of Pardue’s efforts to get businesses and Town Hall operational again. Spoke highly of Baldwin’s leadership as Chair of the Board.

Schulte: Talked about the trees that are planted alongside Parsons Beach Road.

Paul: None.

Ward: Thanked everyone who reelected him. Thanked Town Clerk Merton Brown and his team. Congratulated Police Chief MacKenzie for the award he received tonight and for all the excellent work he does behind the scenes. Thanked him. Said Baldwin is an unsung hero.

Karytko: Referred to the fact that torn and tattered flags can be dropped off at the American Legion on Water Street and that such will be disposed of properly. Spoke about planting of trees. Mentioned that speeding reports might be very helpful, because he gets calls about people complaining about speeding throughout the Town.

Berry: Spoke highly of Town employees.

Baldwin: Thanked people for reelecting him. Thanked others as well.

11. TOWN MANAGER ANNOUNCEMENTS

Pardue referenced the following announcements.

- a. **Hear an Update on the Renovation Work Being Performed at the 19 Park Street Building**
- b. **Tree Trimming** – Kennebunk Light & Power will be continuing its Tree Trimming operations throughout Town and that will include some work along the Summer Street Corridor between Town Hall & Sea Road. This work will impact some of the visual elements of the corridor, but will not involve any private property. This is being carried out in accordance with 25 M.R.S.A. Sec. 2522.
- c. **Kennebunk's Public Access Channels 5 & 1302** – Charter Communications, locally known as Spectrum, has made changes to their public access channels.
 - Kennebunk's public access channel will be dual illuminated on channels 5 and 1302.
 - Kennebunkport's public access channel will be dual illuminated on channels 2 and 1301.

12. EXECUTIVE SESSION

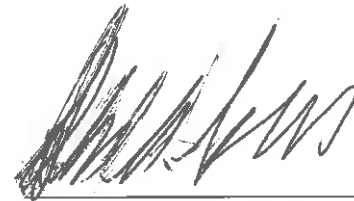
13. ADJOURNMENT

At approximately 9:37 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

Shiloh Schulte

Date: 8/25/20