

TOWN OF KENNEBUNK
SELECT BOARD MEETING MINUTES
TUESDAY, AUGUST 25, 2020 – 6:30 P.M.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

On Tuesday, August 25, 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, Edward Karytko, William Ward, Jr., Frank Paul, Wayne Berry, Shiloh Schulte and Peter Brewitt.

Also present was Town Manager Michael Pardue.

The Pledge of Allegiance was recited.

2. APPROVAL OF MINUTES

- a. August 11, 2020 Regular Meeting Minutes *Please refer to supporting material (PDF)*

A motion was made to approve the minutes for our Regular Meeting on August 11, 2020.

MOVED: Karytko

SECONDED: Schulte

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

3. ITEMS TO BE SIGNED - none

4. PUBLIC HEARINGS - none

5. PUBLIC COMMENTS

Albert Kolff, from the public, introduced the Mousam River Hydro LLC; it is a company applying for the new federal energy regulatory commission license to operate and keep the Kennebunk Light & Power District (KLPD) dams, Kolff said. The written version of Mr. Kolff's oral presentation can be viewed [here](#).

John Costin, of Dane Street, spoke, saying his questions have not been answered with regard to how the Town Manager would perform the duties of Town Manager while performing the duties of Maine Senator for District 34 if he is elected to the latter this fall.

Dan Sayers, of Summer Street, spoke, saying his letter of March 2020 has gone unanswered by the Board. He also expressed concerns about the Town Manager's contract and the idea of Pardue having two major duties at the same time (that of Town Manager and Maine State Senator, if elected). He also said he recommends the Select Board censure Karytko for not disclosing to the Board and public his "political interest" in the political candidacy of Pardue. Mr. Karytko serves as the Chair of the Kennebunk GOP.

Peter Gyimesi, also from Mousam River Hydro, LLC, spoke about the dams, saying they have a plan put together with Mousam River Hydro that keeps the dams, saves KLPD money, saves the ratepayer money. He said all it takes to open this up for review is a letter from KLPD to FERC to say to consider these people. He said he thinks the choice is clear: keep the dams.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. **Accept a Donation** – The Town recently received a \$100 donation from Thomas Powell for the Fire Rescue Department.

A motion was made to accept the donation and send a letter thanking the donor for their generous donation.

MOVED: Karytko

SECONDED: Schulte

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

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

An update on the efforts of the Workplace Reengagement Task Force was given by Pardue. Pardue then asked Baldwin to elaborate on a recent meeting of the Parks and Beaches subgroup of the Community Reengagement task force.

Baldwin then spoke about different decisions that have been made by different bodies of the Town concerning COVID-19 precautions and closures. The Beaches and Parks Subcommittee (of the Community Reengagement Task Force), which Baldwin is a member of, unanimously approved a "NO" recommendation to reopening the Treasure Chest in this calendar year, Baldwin said. He explained the rationale concerns regarding possible in part saying that people leave things they don't want at the front door of the Treasure Chest. He said materials have to be picked up by Public Services and disposed of. He said too that they were concerned about the interaction of people at the picnic table there.

Pardue mentioned the following:

- Harvest Fest has been canceled due to COVID-19 restrictions.
- Trick or Treating at participating Main Street Businesses - it was decided, in concert with the Chamber of Commerce Director, that they are not able to go forward with this event this year due to COVID-19 concerns.
- Pardue said these items remain to be determined: Tree Lightings (Downtown, West Kennebunk, Lower Village), Ice Skating at Waterhouse Center, and Skate Swap at Waterhouse Center.

Roger Ellenberger, member of the Treasure Chest Monitoring Committee, spoke, saying a great deal of what is left at the Treasure Chest is put to use.

Bryan Laverriere, Public Services Director, spoke, saying they have frequently picked up trash at the Treasure Chest. He also said they have no idea where these materials are coming from or where they're going.

Karytko said he appreciates all the work they do at the Treasure Chest. He said everyone is so cautious; he said it's almost like you'd have to spray everything that came in or sterilize everything that came in with the way people are so uptight about it. He said he doesn't know how you would solve that.

Baldwin said the folks that run the Treasure Chest do a great service to the Town.

Ward Hanson, Kennebunk resident, spoke, mentioning UV lighting could be used to sterilize surfaces, etc. He said that could work out things for everyone.

Pardue referred to the following: COVID-19 Community Resources in the Kennebunks – The Towns of Kennebunk, Kennebunkport and Arundel have partnered with Community Outreach Services (COS) to assist residents during this time. [View the Resources available \(PDF\)](#) and please reach out if you need assistance.

Pardue also mentioned that they will be improving upon communicating the Town's COVID-19 response plans and ongoing efforts, saying they have brought on-board a communications specialist. This person will be compensated through funds provided the town through the Cares Act. The funding runs through October 31, 2020.

Schulte also discussed the Board's policy for holding in-person meetings or virtual meetings (the percent of positive COVID-19 cases being under 5% or the total number active cases in York County under 85. If both of those metrics are met, meetings could be held in person. If either are not, they would be held remotely.)

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

a. Discuss Boards and Committees

1. Candidates to Appear for Appointment Consideration to Town Committees

- Stephen Dalzell – Historic Preservation Commission
Vacancies: (2) Alternate Members - 2021
Please refer to supporting material (PDF)

Berry asked Dalzell, present at tonight's meeting, questions. For one thing, he asked if Dalzell is a direct abutter to so-called Hardy Lane. To that, Dalzell said their lot does abut Hardy Lane. Berry then got confirmation from Dalzell that Dalzell was aware that there was a Historic Preservation Commission decision recently regarding access on Hardy Lane and then asked if he feels that would influence any decisions he might make on the Historic Preservation Commission. To that, Dalzell said he would recuse himself from anything to do with the Hardy Lane business. He said that otherwise he doesn't think it would have any effect at all.

A motion was made to appoint Stephen Dalzell as an Alternate Member on the Historic Preservation Commission for a one-year term expiring on June 30, 2021.

MOVED: Karytko
SECONDED: Ward
VOTE: 7 in favor, 0 opposed. The motion passed.

- Gregg Dinino – Zoning Board of Appeals
Vacancies: (1) Regular Member - 2023
(2) Alternate Members - 2021
Please refer to supporting material (PDF)

Gregg Dinino spoke, introducing himself.

Berry mentioned they need another member on the Board of Assessment Review and asked if Dinino would be willing to serve on that Board as well. Dinino agreed to serve on that Board too.

A motion was made to appoint Gregg Dinino as a Regular Member on the Zoning Board of Appeals for a three-year term expiring on June 30, 2023.

MOVED: Karytko
SECONDED: Schulte
VOTE: 7 in favor, 0 opposed. The motion passed.

A motion was made to appoint Greg Dinino as a Regular Member of the Board of Assessment Review with a term ending June 30, 2021.

MOVED: Berry

SECONDED: Schulte

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

2. Accept the Following Committee Resignations:

- Budget Board – Sarah Sullivan, Regular Member - 2021

A motion was made to accept the resignation of Sarah Sullivan from the Budget Board and send a letter thanking her for her service.

MOVED: Karytko

SECONDED: Ward

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

- b. Award the Bid for the 2020 1-Ton 4x4 Crew Cab and Chassis w/ Plow – The Town received three bids for the purchase of a 1-Ton 4x4 Crew Cab and Chassis w/ Plow (without dump body). All three bids received were for a 2021 model vehicle.**

Company Year, Make, Model, Plow	Bid (trade-in of 2009 GMC 1-Ton Dump w/ Fisher plow)
Weirs Motor Sales	Base Bid (per vehicle): \$43,336.00
Arundel, ME	Deduct Alt. 1 (allowance for trade-in) \$10,350.00
2021 GMC Sierra 3500 Crew Cab & Chassis 4WD w/ Fisher SS VPlow 9'6"	Add Alt. 1 (extended warranty) \$ n/a
(Bid does not include an extended warranty)	Total without extended warranty \$32,986.00
Bill Dodge Auto Group	Base Bid (per vehicle): \$46,998.13
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in) \$10,000.00
2021 GMC Sierra 3500 Crew Cab & Chassis 4WD w/ Fisher SS VPlow 9'6"	Add Alt. 1 (extended warranty) \$ 2,579.00
	Total \$39,577.13
	Total without extended warranty \$36,998.13
Arundel Ford	Base Bid (per vehicle): \$44,716.00
Arundel, ME	Deduct Alt. 1 (allowance for trade-in) \$ 8,800.00
2021 Ford F350 Crew Cab & Chassis 4WD	Add Alt. 1 (extended warranty) \$ 1,525.00
(Bid does not include a plow)	Total without plow \$37,441.00

The budget for this vehicle is \$70,000.00, which includes a dump body. The dump body will be purchased separately.

The Public Services Director recommends the purchase of the 2021 GMC Sierra 3500 Crew Cab & Chassis w/ Plow from the low bidder, Weirs Motor Sales, at a price of \$32,986.00.

Schulte asked how much the dump body, purchased separately, is expected to cost. To that, Bryan Laverriere, Public Services Director, said he estimates about \$25,000. He said it will be under budget.

Schulte asked if Laverriere anticipates challenges with purchasing a separate body. To that, Laverriere said no.

Schulte got confirmation from Laverriere that he anticipates being able to get a separate body before snow falls.

Brewitt asked a question about which warranty, if any, is included. He also asked how many RFPs were sent out. To that, Laverriere said just these three are what we got back. He also said it comes with the commercial factory warranty on the cab and chassis. He said there are options to purchase extended warranties above and beyond that. He said it made sense to purchase the extended warranty after (once he gets the truck fitted to what we need). He said what they put on the body will affect the price of the warranty.

Schulte got confirmation from Laverriere that what we do with these trucks does not violate the warranty conditions.

Ward asked Laverriere to tell him about the dump body. Laverriere then responded to him, describing what he is looking at.

Berry asked what the availability is of the vehicle they are looking at tonight. To that, Laverriere said the guaranteed delivery he believes on this one was eight weeks.

Baldwin asked, for the enlightenment of the residents, how long a truck like this would normally last if kept indoors. To that, Laverriere said they keep them for 10 years. He said the trucks are very tired after 10 years. He said if they could get 12 years with better preventative measures taken, he'd be more than happy to make that adjustment.

A motion was made to award the bid to Weirs Motor Sales for the 2021 GMC Sierra 3500 Crew Cab & Chassis w/ Plow for \$32,986.00.

MOVED: Karytko

SECONDED: Schulte

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

c. Hear an Update from the Fire Chief on the Sale of Vehicles on GovDeals.com

Fire Chief Jeff Rowe updated the Board on the recent sale of a fire engine on GovDeals.com. He also provided an overview as to the effectiveness of this resource. He detailed the audience on the success they have had using the GovDeals.com resource, saying GovDeals.com has been a great tool for the Town. To date, he said they sold five pieces of equipment and received \$28,000.00.

Karytko wondered how much they could have sold various vehicles for if they didn't have GovDeals.com. Rowe offered him a response. He also asked how the Chief's new Tesla is working out. To that, Rowe said it's working very nicely. He elaborated.

8. OLD BUSINESS

- a. **Discuss Amending the Town Charter, Section 2.02 Dates of the Annual Town Meeting** – At the Board's meeting on August 11th, Town Clerk Merton Brown spoke to Sec. 2.02 of the Charter which references that the Annual Town Meeting shall convene on the second Tuesday of each June. He explained that this date was established so the Town and State elections would be conducted concurrently. Town Clerk Brown brought forward the idea of separating the two elections due to the occasional complexities that can present. The Board asked this topic appear before them again after they had time for added consideration.

Please refer to supporting material – Town Charter (PDF)

Discussion ensued. Karytko said he is not comfortable going to two elections. He elaborated.

Schulte made comments too, noting the importance of voter turnout in consideration of how to go about elections.

Ward made comments too.

Town Clerk Merton Brown spoke, saying that he is feeling a little differently about this 14 days later and noting that over 20 people were willing to volunteer to assist during elections. He wondered if it might not be an issue that will be better served if they did it if and when they elect and form their Charter Commission.

A motion was made to reconsider the motion (made on August 11, 2020) to hold the public hearing.

MOVED: Baldwin

SECONDED: Schulte

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

Brown brought up the November 3rd election, discussing 3rd party groups sending postcard applications for absentee ballots or full sheet regular size absentee ballot requests. He said people are thinking it is coming from the Town Clerk's Office. He said too that for people concerned about using the Post Office, there are options available to them which won't require using the Post Office or voting on November 3rd but rather before that date.

It was emphasized that absentee ballots need to be signed.

Discussion continued. For instance, Berry asked when early voting will become officially available. Brown offered a response, saying that October 5th they should be in full operation on people coming in to vote in person or coming in and taking a ballot home.

Dan Sayer suggested that he and Karytko collaborate with Brown on one set of instructions or guidelines for people in Town (so they get a coordinated set of good facts out to people that match the way Brown is going to be running things). Karytko said that was a good idea.

(Please see the last page of minutes; a vote was taken to cancel the Public Hearing on September 8th.)

9. NEW BUSINESS

a. Discuss Any Other Business

Brewitt noted one of the dams off Mill Street, saying he is a little concerned over the lack of maintenance that he's seeing on that dam right now. He said he doesn't know what the other dams look like. He said he is concerned that if the flash boards give way that it will cause a problem. To that, Pardue said he will mention it to Todd Shea, General Manager of the Kennebunk Light and Power District.

Brewitt also mentioned an incident which occurred on Saturday, July 18th when Unitel did a planned pressure release at 6:30 a.m. on their system; he was wondering if that's something the Town knew about ahead of time. To that, Pardue said the Town was not notified in advance of this effort..

Brewitt said he would like to see the Town send a letter to the appropriate Unitel office and ask them to, in the future, give them plenty of notice of such an event and also suggest that they put a notice in the newspaper.

Karytko then said Unitel does this pressure release once every couple years. He said the sound was deafening. Karytko said if people could be alerted, it would make it so much easier.

It was noted that the pressure release is a scary sound.

10. SELECT BOARD COMMENTS

a. Subcommittee Reports

Berry reported on the Ordinance Subcommittee meeting.

b. Individual Select Board Member Comments

Ward, Paul, Brewitt: None

Karytko: Mentioned that torn or tattered flags can be brought to the American Legion to be disposed of properly. Said he is glad to see that the Lions Club Box is back (located by the Town Clerk's Office.) Mentioned that old eyeglasses, cellphones are reprocessed and sent to those that are in need (those items go into the Lions Club Box as well as glasses). Asked about the trees at Parsons, seeking an update on such, to which Pardue then gave.

Berry: Said next meeting they really need to start thinking about selling some Town property. Said that the Mousam River Hydro matter brought up earlier in this meeting is not in the Select Board's purview. He said it is a matter for the KLPD's Board of Trustees. He said it is not up to the Town.

Schulte: Mentioned COVID-19 cases in York County. He said they are constantly seeing that spreading events are indoors without masks. He also mentioned that they don't know what the outcome will be for students going back to school. He asked people to please treat COVID-19 seriously.

Baldwin: Mentioned things he is working on such as the Code of Ethics. He noted that they really don't have policies, that the Board has informal customs and practices and that it seems to him that it's high-time to either commit to them or throw them out into the trash bin.

11. TOWN MANAGER ANNOUNCEMENTS

Pardue updated the Board on the following items:

- a. **Saturday, August 29** – This year's Household Hazardous Waste Day will be held on August 29th from 8 a.m.-1 p.m. at the Kennebunk Public Services Facility at 36 Sea Road. Proof of Kennebunk, Kennebunkport, Arundel or Wells residency is required to participate.
- b. **Tuesday, September 1** – Select Board Workshop at 5:00 p.m. to hear updates from Public Safety Officials.
- c. Brick Store Museum was awarded a \$5,300 Partnership Grant from the Maine Arts Commission, which supports much-needed general operating expenses.

Baldwin noted (from Berry) that a vote was taken to reconsider the motion (made on August 11, 2020) to hold the public hearing regarding the Charter change earlier in this meeting, but a vote to cancel the public hearing was not taken.

A motion was made to cancel the Public Hearing on September 8th on the issue of having two elections during the course of the year (Town Charter change).

MOVED: Karytko

SECONDED: Brewitt

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

12. EXECUTIVE SESSION – none

13. ADJOURNMENT

At approximately 8:20 p.m., a motion was made to adjourn tonight's meeting.

MOVED: Schulte

SECONDED: Karytko

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



Kennebunk Select Board
L. Blake Baldwin, Chair
~~Wayne Berry, Vice Chair~~
~~Shiloh Schulte, Secretary~~

Date: 9/8/20