

**TOWN OF KENNEBUNK**  
**BOARD OF SELECTMEN MINUTES**

**February 12, 2019 – 6:30 P.M.**

**1. Call to Order and Pledge of Allegiance**

On Tuesday, February 12, 2019, at approximately 6:30 p.m., in Room 301 of the Town Hall, Richard Morin, Chairman of the Board of Selectmen for the Town of Kennebunk, called to order the Board of Selectmen. Present were Selectmen L. Blake Baldwin, Richard Morin, Edward Karytko, Wayne Berry, Shiloh Schulte, William Ward, Jr. and Christopher Cluff.

Also present was Town Manager Michael Pardue.

The Pledge of Allegiance was recited.

**2. Approval of Minutes**

- a. January 22, 2019 Regular Meeting

Budget Meetings (**minutes to be presented at a future meeting**)

- a. January 29, 2019 Special Meeting (budget meeting)
- b. January 31, 2019 Special Meeting (budget meeting)
- c. February 2, 2019 Special Meeting (budget meeting)
- d. February 5, 2019 Special Meeting (budget meeting)
- e. February 7, 2019 Special Meeting (budget meeting)

**A motion was made to approve the minutes for January 22, 2019 (Regular Meeting).**

**MOVED: Karytko**

**SECONDED: Cluff**

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

**3. Items to be Signed**

**4. Public Hearings**

- a. Municipal Officers of the Town of Kennebunk will hold a Public Hearing to act on the following:

**To discuss the proposed carry forward balances remaining in accounts with unexpended funds (from fiscal year 2017-2018, as of June 30, 2018, to fiscal year 2018-2019, as of July 1, 2018).**

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

*In accordance with the Town's Charter, Section 3.06, the Board of Selectmen, after a public hearing, may carry forward funds remaining in accounts with unexpended balances as of June 30, 2018. The books and records for the general fund are nearly closed, with one of the final steps in this process being the identification of funds to be carried forward from fiscal year 2017-2018 into fiscal year 2018-2019.*

Finance Director Joel Downs spoke about this agenda item. He noted that as funds for carry forward are reviewed, funds that various committees have collected over the past year in the form of donations and grants, as well as donations that the Police Department, Fire Department and Recreation have collected are considered.

Cluff asked a question relative to the General Government Printing and Advertising line item: he asked if the budget is so tight that we need to carry over \$5,000 for potential future use. Responding to Cluff, Downs said he

doesn't know the total printing and advertising needs at this time, and recognizes he needs to send out tax bills in the very near future. He noted that at the Board's March 5<sup>th</sup> workshop this will be discussed in greater length.

Schulte wondered about the collected funds of the Skate Park Committee. To that, Downs said that money is being held in the Kennebunk Development Corp. (KDC); Downs stated that the KDC is not part of the Town—separate set of books.

Ward asked about line item 20, Matching Grant Funds, wondering what those funds can be used for. Responding to Ward, Downs said these funds are used for matching grant purposes.

Baldwin asked about line item 24, 2020 Bicentennial Celebration, and he received a response.

**A motion was made to carry forward fund balances remaining in accounts with unexpended funds (from fiscal year 2017-2018 to fiscal year 2018-2019).**

**MOVED: Karytko**

**SECONDED: Ward**

**Karytko asked Downs if he wants the dollar amount in the motion. To that, Downs said yes, please.**

**AMENDED: To carry forward fund balances remaining in accounts with unexpended funds (from fiscal year 2017-2018 to fiscal year 2018-2019) in the amount of \$171, 941.94.**

**SECONDED: Ward**

Before the motion was voted on, Morin asked what would happen if this was all earmarked into Selectmen's contingency. To that, Downs stated he doesn't think that's allowed by Charter.

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

## **5. Public Comments**

## **6. Acknowledgements/Announcements**

a. Accept the Following Donations – The Town recently received the following donations:

- \$200 donation from an anonymous donor for the Town's Emergency Fuel Assistance Fund
- \$300 donation from an anonymous donor for the Town's Emergency Fuel Assistance Fund

**A motion was made to accept the donations and offer our thanks to the anonymous donors.**

**MOVED: Karytko**

**SECONDED: Ward**

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

- \$23,202.24 from Nancy Coleman Cummings in memory of Harrison (Hank) Coleman and Lloyd Nedeau

Kennebunk Fire Rescue received a generous donation from Nancy Coleman Cummings. Nancy, who recently passed away, made this donation in memory of her father, Harrison "Hank" Coleman who served the department as a firefighter and chief officer, and also in memory of Lloyd Nedeau who also served the department as chief officer. The donation that she made is earmarked for specific equipment that will serve the Fire Rescue, but also another piece of equipment that will serve Police, Fire, Rescue, and Public Services.

Karytko asked if there's any information as to what equipment the money is being earmarked for. Responding to Karytko, Fire Chief Jeff Rowe said two items were chosen: flashlights (about a \$5,000 donation toward

flashlights so they can equip each SCBA or air pack that the firefighters wear in the building with a flashlight) and a portable light tower, which is probably around \$16,000-\$17,000, that can be used by the Fire, Police and the Public Services at nighttime, at accidents, at repairs and the like. Rowe noted that these additions would enhance the safety of the users and citizens alike.

**A motion was made to accept the donation from the family of Nancy Coleman Cummings and send a letter of thanks for this very generous donation.**

**MOVED: Karytko**

**SECONDED: Ward**

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

b. New Hires: The Town Manager is pleased to announce the hiring of the following new employees:

- April Jones, Deputy Tax Collector – April joined our front office team on January 28<sup>th</sup>. Her significant work experience includes working in customer service-oriented environments in both the public and private sectors. The addition of April to the Kennebunk team fills a vacancy created by the retirement of Debbie Johnson.
- Kimberly Carter, Administrative Assistant, Public Services Department – Kim joined our public services team on February 4<sup>th</sup>. Her work experience includes the provision of administrative support services, to include the management of accounts payable processes. The addition of Kim to the Kennebunk team fills a vacancy that resulted from the resignation of an employee that relocated out of state.

We welcome April and Kim to the Town of Kennebunk and wish them the best in their new positions.

## 7. Time Sensitive Business & Staff Presentations

- a. Discuss 2019 Ambulance Billing Rates – Each year, the Town reviews the rates charged for ambulance services. Medical Reimbursement Services of Windham, Maine, the Emergency Medical Services billing contractor used by the Town of Kennebunk, completed its annual survey of billing rates charged by area medical service providers. After an analysis of the costs associated with emergency medical service response and provision, the accompanying proposed 2019 fees are recommended for Board of Selectmen approval.

As the Board considers this request, it is important to note that the recommendation for an increase in billing rates is to offset expenditure increases in the following lines:

- Soft medical supplies are no longer replaced at the hospital
- We are now having to pay for all medications and can no longer get resupplied at the hospital
- The cost of some medications and medical supplies has gone up exponentially, specifically due to supply shortages

It is also important to recognize that Medicare and Medicaid (MaineCare) pay a percentage of the bill, which is based on local billing profiles. The private insurers base their rate over CMS (Centers for Medicare and Medicaid Services) rates, so Medicare typically will pay up to 60% percent of the charge and Medicaid will pay 30-40%, depending on the charge.

The rates and background information were in the Board's packets and are in the Agenda with Enclosures.

Karytko asked if they are utilizing a sufficient amount of funds to cover all their expenses with the increase in the rates. To that, Rowe said yes, it would.

Then Karytko asked if they end up coming ahead a little bit on that. To that, Rowe said he has not done a comparison to see if that's the case.

Karytko asked: depending on whether private industry can provide that service if it's costing the Town too much money, then should the Town be out of it and let those people do it? He added that he knows they've had this discussion in years past, but he is not really remembering what they decided. One thing Rowe said in response is that if they did away with the Kennebunk Fire Rescue Ambulance services, they would do away with four people.

Karytko asked if the amount of money they charge is for every call that they go out on. After Karytko elaborated, Rowe stated that they very rarely handle transfer calls.

Ward wondered if they have someone who is financially in serious trouble, how far they pursue collecting on those. In response to Ward, Rowe said they send out bills to "everyone"; they don't go to collections with anyone at this point, which may be something for future discussions. But he said too that if a patient qualifies for free care at the hospital, then that person qualifies for free care with Kennebunk Fire Rescue; he said they're more than happy to work with anyone.

Schulte wondered about whether or not the increase in fees is going to lead to revenue in excess of cost. He said this is a significant cost for some people, and so he thinks they need to be sure that they're not raising it more than they absolutely have to. Schulte said he thinks that's a valid concern. To that, Rowe said he doesn't know what's involved to do that research but that they can continue with the regular rates, if the Board would like to, and give the staff an opportunity to go back and look at that comparison so that they're not making more than what it's costing them.

Cluff said he doesn't disagree that these rates are high, but he thinks a trip to the emergency room or a trip to the doctor is also high (in terms of cost). He said they don't turn a profit, nor should they in this situation, but he does think it's important that they cover their expenses.

Discussion continued. For instance, Ward noted that now they are paying for medications and wondered if such things are being covered well under these rates. Responding to Ward, Rowe said that so far, at this point, in their budget, things are below budget, so yes. He added that CMS monitors the agency's charges to insure they are in-line with services provided.

Schulte said it is easy to envision scenarios in which people are thinking hard about whether or not they want to make that 911 call. He asked if they should be thinking if it's possible to set up an ambulance off-set fund or something like that—essentially, similar concept as fuel assistance but for EMS transport and care. To that, Pardue seemed to indicate that he would never rule something like that out.

Morin suggested that they ask Rowe to come back with some information regarding types of calls and number of calls.

Discussion continued. For instance, Berry noted that this was placed under Time Sensitive Business, and so he asked if they have to do this in a certain amount of time in order for it to be effective, and if not, there's no reason

they couldn't take it up at another meeting when they have more information. It was noted that this item was placed under the heading "Time Sensitive Business & Staff Presentations" with this topic being a "staff presentation."

Berry asked how many times they've used Medical Reimbursement Services of Windham in the past few years in order to suggest what our rates should be, and if in years past MRS has been a quality reference point, he sees no reason they shouldn't take their advice now. Rowe said they consult with MRS almost on a monthly basis on regarding a variety of calls.

**A motion was made to approve the recommended Ambulance Billing Rates for 2019.**

**MOVED: Karytko**

**SECONDED: Cluff**

Before the motion was voted on, Schulte said that if they don't have to do this now, he would like to wait until they have further information. And Morin said he is going to vote no because he'd like to wait for more information; he likes to make an informed decision.

**VOTE: 2 in favor (Karytko, Cluff), 5 opposed (Ward, Morin, Schulte, Berry, Baldwin).**

After Rowe asked if there were any other things people wanted him to look into, Baldwin asked how many miles they put on the ambulances every year.

b. Authorize the Purchase of In-Car Dash/Body Camera System – A total of \$70,000 was approved through last year's budget process for the purchase of a new in-car camera/body camera to replace the current in-car camera system, which is nine years old.

The Police and IT Departments have worked in partnership over the past year researching camera systems and have narrowed their selection to two vendors:

<b>Watchguard</b>	\$68,735
<b>Global Public Safety</b>	\$61,752

While both systems integrate cruiser and body cameras, the Police and IT Departments recommend the purchase of the Watchguard system as the Watchguard system's body cameras are much more practical due to their size. Further, the Watchguard cameras record in high definition, providing video quality that is far superior to the cameras of Global Public Safety.

Police Chief MacKenzie spoke about this agenda item. One thing he noted is that the Watchguard body camera is much smaller than the Global Public Safety one. He said they don't have high definition with their current system (and the Watchguard system records in high definition).

Ward asked how the Watchguard camera is in terms of shooting in the dark. He also wondered about the durability of the cameras. In response to Ward, MacKenzie said the cameras are very sturdy and that they do not anticipate many issues related to the durability of the cameras. Regarding the questions related to night-vision, MacKenzie said these units will be far superior to they have now; noting that even low light adds significantly to the quality of the video.

Ward asked about the audio of the camera. Responding to Ward, MacKenzie said the audio quality is excellent.

**A motion was made to approve the purchase of the Watchguard system in the amount of \$68,735.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

**8. Old Business**

**9. New Business**

- a. Discuss Possible Amendments to Town Ordinance – On January 22, 2019, the Board of Selectmen Ordinance Subcommittee met to discuss two amendments to the Town ordinances. Section 2-3, “One-way and Prohibited Traffic” and Section 3-5, “Public Beaches” were discussed for amendment, based on concerns raised by citizens and staff. The amendment to Section 2-3 would specifically restrict vehicular, snowmobile and ATV access along the portions of Emmons Road between Sparrow Drive and the Eastern Trail. The Kennebunk Police and Town Attorney have been provided copies of the amendment. Section 3-5 is being amended to remove Parsons Beach from the jurisdiction of this ordinance as the Town holds a lease agreement with specific rules, thus there is no need for an overlap of documents.

If the Board wishes to advance these ordinance amendments, a public hearing is needed.

If the Board moves these ordinance amendments to a public hearing, the Board could also hold a Public Hearing on February 26, 2019 to hear public comments on the proposed Ordinance Prohibiting the Release and Display of Balloons (discussed at the Board’s January 8, 2019 meeting and moved to a public hearing in April).

There was some Board comment on this agenda item.

**A motion was made to hold a Public Hearing on February 26, 2019 to hear public comments on the possible amendments to Town Ordinances 2-3 (One-Way and Prohibited Traffic) and 3-5 (Public Beaches), as noted above.**

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

Karytko said that, in terms of the question of if they want to move the hearing on the balloon ordinance up from April to February 26<sup>th</sup>, he said he kind of likes it at April. To that, Schulte said he doesn’t think it matters; he thinks they can leave it at April and it’s fine. He said he doesn’t think it matters either way.

But Town Clerk Merton Brown explained that they have to have that meeting in April on the balloons; that’s driven by the Charter; this would be an additional public hearing on the balloons.

Berry asked if, if there were changes proposed, there would be opportunity in April to make any of those changes. To that, Brown said, in part, that the Charter requires two public hearings. So, there is opportunity to change that for the second public hearing. After that, Berry said he supports leaving the public hearing on the Balloon Ordinance proposal until April. The first public hearing for the entire Warrant is April 9<sup>th</sup>, and the second one is May 28<sup>th</sup>.

Schulte got confirmation from Brown that the two public hearings are just for informational purposes.

- b. Discuss Necessary Road Closures, Associated with Special Event Applications – The Special Event Policy requires Board approval for road closures. According to the Police Department, they are requesting approval for the following road closures or delays. Note: there are no changes from previous years.
- **Friday, July 12, 2019: 22<sup>nd</sup> Edition Library Road Race 5K**

Road Closures Needed:

5:45 P.M – 6:40 P.M. Dane Street closed from Park Street to Main Street (race finish location)

6:05 P.M. – 6:30 P.M. Depot Street (one lane closed). No cars can enter Depot Street from Summer Street

6:05 P.M. - 6:45 P.M. Main Street closed from Water Street to Dane Street (north bound only)

The above information may be subject to change.

**A motion was made to approve the road closures for the 22<sup>nd</sup> Edition Library Road Race 5K as noted above.**

**MOVED: Schulte**

**SECONDED: Karytko**

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

c. Discuss Any Other Business

**10. Board of Selectmen Comments**

a. Subcommittee Reports

Cluff informed that they had an Ordinance Subcommittee meeting this evening to discuss the Skateboard Ordinance. He explained that that Ordinance was originally adopted in 1992 and they've determined that at this time it is out of date and not applicable to our needs any more. For one thing, he said there's State laws that apply to this, so it is really a redundant ordinance. He said they'll bring that to the next meeting to ask that the Board repeal that from the Town ordinances.

b. Individual Selectmen Comments

Selectman Ward:

- Drive safely tonight, we're in for some weather, and thank you in advance to our road and highway department that will be out tonight cleaning up our roads

Selectmen Baldwin, Schulte, Cluff, Morin:

- None

Selectman Berry:

- The Board of Trustees of the Kennebunk Sewer District will hold a rate hearing at 7 p.m. on Tuesday, March 5<sup>th</sup> in the Conference Room at the new District's main office at 44 Water Street, Kennebunk.
- Selectmen Outreach Session this coming Saturday with Cluff and myself, 8:30 a.m.-10:30 a.m. on the third floor of the Town Hall; there will be doughnuts and coffee.

Selectman Karytko:

- West Kennebunk Village Committee met on Friday night at 7 p.m.; I was there; we're planning for the events coming up: Family Fun Day, Thanksgiving Dinner, Tree Lighting and the Craft Fair.
- Anyone with torn or tattered flags, please drop them off at the American Legion; you can put them in a bag and hang it on the door knob; we'll take care of them.
- The Lions Box by the Town Clerk's Office will accept old glasses, cell phones and hearing aids
- I think the Budget process went well; I think everybody contributed very well

### 11. Town Manager Announcements

The Announcements were read and can be found on the agenda.

### 12. Executive Session

- a. Discuss an Economic Development Matter with the Town Manager, Finance Director, Code Enforcement Officer and Community Development Director 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)

At approximately 7:15 p.m., a motion was made to go into executive session.

MOVED: Cluff  
SECONDED: Schulte

Cluff noted that he had to read more into the motion; so, a fuller motion is below.

At approximately 7:15 p.m., a motion was made to go into executive session to discuss an economic development matter with the Town Manager, Finance Director, Code Enforcement Officer and Community Development Director regarding an economic development matter where premature disclosure of the same would prejudice the competitive bargaining position of the Town relative to the same; all of such discussion subject to Title 1 MRSA Sec. 405(6)(C).

MOVED: Cluff  
SECONDED: Schulte (amended second).  
VOTE: 7 in favor, 0 opposed. The motion passed.

At approximately 7:58 p.m., a motion was made to exit executive session.

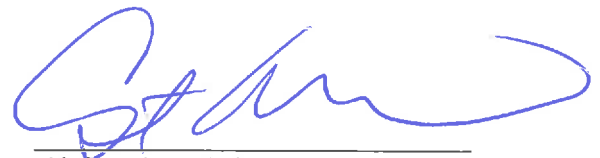
MOVED: Karytko  
SECONDED: Cluff  
VOTE: 7 in favor, 0 opposed. The motion passed.

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

### 13. Adjournment

At approximately 7:58 p.m., a motion was made to adjourn the meeting.

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



Christopher Cluff, Secretary  
Kennebunk Board of Selectmen

Date: 2/26/19