

TOWN OF KENNEBUNK

BOARD OF SELECTMEN MINUTES

February 26, 2019 – 6:30 P.M.

1. Call to Order and Pledge of Allegiance

On Tuesday, February 26, 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. February 12, 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 the February 12, 2019 Regular Meeting.

MOVED: Karytko

SECONDED: Ward

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:

A new Victualer License application from KNVRS Corp d/b/a Kennebunk House of Pizza (new owners) located at 5 York Street

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

Fire Dept./Codes Office: nothing found in the annual inspection that would interfere with the issuance of the license.

Police Department: new license – nothing to report from police

A motion was made to approve the Victualer License Application for KNVRS Corp. d/b/a Kennebunk House of Pizza.

MOVED: Karytko

SECONDED: Schulte

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

- b. Municipal Officers of the Town of Kennebunk will hold a Public Hearing to act on the following two **proposed amendments to Town Ordinances:**

Section 2-3, “One-Way Prohibited Traffic”

This amendment would specifically restrict vehicular, snowmobile, and ATV access along the portions of Emmons Road between Sparrow Drive and the Eastern Trail.

Section 3-5, “Public Beaches”

This amendment would 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.

Copies of proposed amendments are available in the Town Clerk’s Office.

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

Changes to these Ordinances can be approved at this public hearing and do not require a Town Meeting vote.

A motion was made to approve the Amendments to the Kennebunk Town Ordinances, Section 2-3, One-Way Prohibited Traffic and Section 3-5, Public Beaches.

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

5. Public Comments

Town Clerk, Merton Brown noted that on Friday, March 1st¹ nomination papers will be available for the Board of Selectmen, RSU 21 Board of Directors, and Trustees for Kennebunk Light and Power District and Kennebunk Sewer District. He also provided information on the process for nomination papers.

6. Acknowledgements/Announcements

A long serving member of the Kennebunk staff, John Dickens, passed away last week. He was Kennebunk’s highway superintendent for 28 years, from 1974 to 2002.

7. Time Sensitive Business & Staff Presentations

a. Candidate to Appear for Appointment Consideration to Town Committees:

- **Lower Village Committee - Vacancies: (1) Alternate 2019**
 - Patricia Sass Perry

Morin asked Sass Perry if she has any questions of the Board. She did not. She offered comment regarding her desire to serve the community.

A motion was made to appoint Patricia Sass Perry as an Alternate Member on the Lower Village Committee, with a term expiring in 2019.

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

- b. Discuss 2019 Ambulance Billing Rates – At the February 12th meeting of the Board, Fire Chief Rowe presented a proposal for a revision to the current ambulance billing rates (please refer to the supporting material in the Board’s packet). This proposal was based on an annual survey of area rates recently

completed by Medical Reimbursement Services of Windham, Maine, the Emergency Medical Services billing contractor used by the Town of Kennebunk. At that meeting, the Board asked the Chief to conduct additional research in support of his recommendation that rates be adjusted for 2019.

Rescue Chief Brady spoke about this agenda item. Chief Brady referenced that upon review of similar service providers and their respective billing rates for similar services, Kennebunk's fee schedule was determined to be "in the middle of the range in terms of proposed rate increases." Speaking about revenue increases and decreases, Brady said they are pretty much staying even on the overall budget.

Morin said he remembers that somewhere there was a discussion about our rescue unit being called to one of the three facilities in Town to help assist somebody back into bed, etc. Morin asked if that is still occurring and wondered if this type of call for service occurs frequently. To that, Brady said he looked at the assisted living facilities (3 are assisted and 2 are special care—also called skilled nursing facilities). He said they (KFR) perform "about 230 of those per year."

Schulte asked a question regarding what may be different this year to cause them (KFR) to be looking at increasing the ambulance billing rates. Responding to that question, Brady said, in part, that their rates go up with payroll as well as with some of their larger items (some of their operational equipment). He also noted maintenance and repair on the vehicles as driving rates up too.

Discussion continued, Brady said they don't typically bill for "no transports" (and those are 34% of their call volume).

After some comment by Baldwin, Brady said it was about \$560 per call for them to run a transported call.

Baldwin asked if variable cost increase or lower the cost to the Town. He wondered if we get more "bang for the buck" the more that we have riders. To that, Brady said it really depends on the transport; who they're transporting and how far they're going.

Karytko made comments. He noted an email they (BOS) received from Merriam Whitehouse, and Karytko said he thinks her point is very well taken: that as the rates go up, there are a lot of elderly people in this community who may not be able to afford the service. He wondered how they approach that problem. For one thing, he said if they reduce the rates, the whole Town would be paying a bigger share. He also wondered if they should maybe call the fuel assistance fund an emergency fund. To that last part, Brady noted that there is a waiver process for someone to write off the balance that they can't pay or the bill itself.

Pardue said they have a level of discretionary funds that they use to assist those in need.

Discussion continued. Baldwin wondered why they charge people for ambulance rides but not for putting out fires. To that, Cluff said because insurance will pay for such services. Baldwin then said so it is because there is, theoretically, insurance that they have decided that they should charge people for ambulance rides as opposed to fires, car accidents or other things.

Pardue noted that there are recoverable fees related to fire efforts in putting out fires within every insurance policy that exists. He said in many communities they will bill for response to accidents, and he said maybe they should be looking at whether they want to pursue that mechanism. Pardue noted this approach is worthy of a future discussion as it becomes a philosophical discussion as to the approach of the Town and related services.

Schulte said the proportion of the cost that should be borne by the individual having to make a call for service versus everyone in Town having that to share in that cost is worthy of further discussion before the next budget cycle. He said when they're in the budget time they don't have those discussions because they were saying this is the time to approve the budget, it's not time for talking about policy. Schulte said clearly they need to have a session to talk about policy prior to the next budget session. To that, Pardue said they just made a note for a fall discussion.

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

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

- c. Discuss the Closing of Certain Town Ways to Heavy Loads beginning March 1st – Each year, the Town posts certain roads closed to any non-exempt vehicle or combination of vehicles registered for a gross weight of over 23,000 pounds. Two axle trucks between 23,000 and 34,000 pounds transporting Special Commodities are exempt from this closure. This is done to protect our roads as the frost levels are changing.

If the Board approves, the following roads will be closed to such traffic commencing on March 1st and will remain closed until at least April 30th unless otherwise posted. Any violation of the rules is a traffic infraction punishable by a fine of not less than \$250.

Alfred Road (Thompson Rd. to Cole Rd.)	Old Falls Road
Cole Road	Old Port Road
Downing Road	Perkins Lane
Durrells Bridge Road	Ross Road
Emmons Road	Russell Farms Road
Harriseckett Road	Thompson Road
Heath Road	Winnow Hill Road
Middle Road	

The posting shall remain in force except when the way is solidly frozen. The highway is considered solidly frozen only when the air temperature is 32 degrees Fahrenheit or below and no water is showing in the cracks in the road. Both conditions must be met.

Pardue noted that they are proposing this schedule in concert with neighboring communities, who are implementing this approach on the same proposed date.

A motion was made to close the above listed roads from March 1st until at least April 30th or as cleared by the Town's Director of Public Services.

MOVED: Karytko
SECONDED: Ward

Before the vote was taken, Berry said there is a bill being introduced in the State Legislature; it's on behalf of the professional logging contractors of Maine. He noted that it regards the current road treatments that are being used, which allows water to be standing well below 32 degrees. He said the question is if there a way to change the terminology so that you can recognize that the roads are fit to travel on with heavy loads; that would allow them

to travel on these roads even if there is standing water. He suggested that if this changes at the State level, then they will have to readdress this.

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

d. Countersign the RSU 21 Warrant and Notice of Election

Board members signed the documents for this item.

A motion was made to countersign the RSU 21 Warrant and Notice of Election for the RSU 21 Budget Validation Referendum Election to be held on June 11, 2019.

MOVED: Karytko

SECONDED: Ward

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

8. Old Business

9. New Business

- a. Discuss the Proposed Amendment to the Skateboard Ordinance (Town Ordinances, Section 2-4.3) – On February 12th, the Board of Selectmen Ordinance Subcommittee met to discuss the current Skateboard Ordinance. This ordinance was initially adopted by the Board on November 24, 1992 and most recently amended on June 21, 2011. The Ordinance Subcommittee is recommending that the ordinance be repealed.

Schulte said there's an ordinance on the books that says you can't use a skateboard on the sidewalks in the Downtown area. He said the feeling of the Ordinance Subcommittee, and the people in attendance, was that there's no fundamental difference between a bicycle or a scooter or a skateboard—it's just a method of conveyance, and there's no particular reason that any one of those means should be singled out. Schulte added that there's also relevant State law that covers safety and traffic issues for all forms of transportation, including skateboards.

Karytko said skateboards normally have harder wheels...like metal wheels. He said he was concerned whether it's going to affect any of the pavers, etc. with the constant pounding (of skateboard wheels on the sidewalks). To that, Cluff said in talking with the police they have other mechanisms to enforce this; they don't necessarily need this ordinance; they considered it rather out of date.

Discussion continued.

A motion was made to move this to a public hearing on March 12th.

MOVED: Ward

SECONDED: Schulte

Before the vote was taken, Sharon Staz, from the public, said that by repealing this ordinance it does not allow skateboards on sidewalks in Downtown businesses. She offered her opinion that its enabling skateboarders and so forth to be in the bike lanes on roads.

Also, Morin said he thinks it's worth having a public hearing. He said he has some real genuine concerns.

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

- b. Discuss the Teen Center Status - On February 19th, the Board held a workshop during which the current condition of the Teen Center was discussed. The Board viewed a series of photographs highlighting both the interior and exterior condition of the Teen Center. Staff proposed bringing forward to the Board, within 60 days, a report on the Teen Center to include the following:
- Assess the immediate programming needs of the Teen Center
 - Forecast the future programming needs of the Teen Center
 - Offer opinion as to whether or not the current Teen Center meets the identified current and future programming needs
 - Through contracted resources, determine the structural integrity of the block portion of the Teen Center
 - Through contracted resources, determine the environmental condition of the Teen Center
 - Identify other potential uses for the area currently occupied by the Teen Center, i.e. restroom facility for users of the adjacent playground and athletic fields/courts
 - Offer insight as to the future need of a Teen Center by the community

Due to the above being discussed in a workshop setting, the Board was unable to vote on their decision; they may do so at this meeting.

Cluff said this is a little bit different from how they've done things in the past (bringing something like this back to a Selectmen meeting to vote on after having a workshop; they typically have not done such). Pardue pointed out that procedurally the Board cannot officially vote in a workshop, thus it is important that the Board's direction be memorialized via a formal vote in a meeting setting. Morin added that the Board is directing the expenditure of money, therefore a vote of the Board seems most appropriate.

Baldwin said if they haven't done it in the past, they should have.

A motion was made to authorize the advancement of the report on the Teen Center.

MOVED: Karytko

SECONDED: Cluff

Before the vote was taken, Berry sought confirmation that they are assuming they are going to get the information in the first three above bullet points from the Recreation Department. He then asked if the fourth bullet point information would be brought forward by engineering or if it would be the effort of the Recreation Department as well. Pardue stated that Osterrieder (engineering) is coordinating that effort and would be doing the same for the next bullet point down. Berry then wondered how the last two bullet points would come about. Pardue stated that a significant amount of the insight on these two bullet points would be derived from staff. Berry asked about the insights of future needs, wondering, for one thing, if that is going to be public input. Pardue responded stated that he believes this effort would begin with staff and include the Recreation Committee for their thoughtful input. Berry said he thinks if they went out to the public they might have to expand the 60 days, and he doesn't think they can afford to wait that long. Pardue said he thinks a lot of this can be coordinated and advanced by staff. Berry said with that explanation he's okay with the motion based on the above criteria that were laid out in the article.

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

Berry asked how they're paying for it. To that, Pardue said there are available funds; they don't know what this is going to cost; he doesn't think it's a significant amount. Pardue also said some of this is pro bono work that's been offered by residents with the required skills and expertise.

Karytko expressed concerns with going through a long process if they have information that tells them they will just end up tearing it down. Pardue said if they find really significant problems and concerns, structurally or environmentally, they'll report much more quickly. Pardue indicated the Board would remain apprised via periodic progress reporting.

Karytko was worried about going through the whole process and spending the money when they really don't have to. Pardue responded by saying he understood and that the expenditure of funds would be on a step by step process.

- c. Discuss the Status of the Skate Park Initiative - On February 19th, the Board held a workshop during which the status of the ongoing efforts of the Skate Park Committee were discussed. Representatives of the Skate Park Committee professed their continued desire to pursue the idea of placing the proposed skate park at the site of the closed landfill located at 36 Sea Rd. Consensus of the Board supported the advancement of a survey of "the entire Sea Road parcel" that currently serves as the site for the Public Services facility, Dog Park, Transfer Station and "Sledding Hill."

Due to the above being discussed in a workshop setting, the Board was unable to vote on having a survey conducted of the entire 36 Sea Road parcel.

Ward said he was of the impression that they were, because of the potential of Department of Environmental Protection issues, going to see what areas they were going to be using now and, in the future. He questioned if the word "survey" covers that. To that, Chris Osterrieder, Town Engineer, said this is proposing that they would use a UAV (Unmanned Aerial Vehicle) to fly the entire site. He said it would be an existing conditions survey. He said they won't necessarily do any environmental testing. If it looks like they need to go further, Osterrieder said, he thinks they'd come back and discuss that.

Ward asked if, as part of that, they would be looking to see the potential for the dog park expansion... To that, Osterrieder said absolutely. He elaborated.

Schulte asked if the results of this survey and existing information would get at the question of: with potential expansion of the footprint at the Town Garage, what impact would it have for the skate park? Would that put them over a limit of impermeable surface? Would they be able to answer all those questions with the results of this survey and existing information? Osterrieder responded by saying yes.

Karytko wondered about timing, inquiring if a month or so is reasonable time for Osterrieder to have at least something by the end of that time. To that, Osterrieder said he thinks so. He said that's a pretty reasonable timeframe.

Berry expressed concern with the terminology they are using here; he said what you're really getting is an aerial video, not a survey (as we typically think of surveys). To that, Osterrieder said they will use the UAV to develop an existing conditions survey. He made further comment.

Discussion continued.

A motion was made to authorize the advancement of a survey of the entire 36 Sea Road parcel that currently serves as the site for the Public Services facility, Dog Park, Transfer Station and "Sledding Hill."

MOVED: Karytko
SECONDED: Cluff

Before the vote was taken, Berry offered an AMENDMENT to the motion: that they add the word “UAV” in front of the word “survey.”

SECOND FOR THE AMENDMENT: Ward

Schulte then asked if there will be other elements of this other than the UAV. To that, Osterrieder said at this point he would say no, saying he thinks if they were to expand the scope they’d come back and make sure, for there is a monetary component to that.

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

d. Discuss Any Other Business

10. Board of Selectmen Comments

- a. Subcommittee Reports
- b. Individual Selectmen Comments

Selectmen Ward and Cluff:

- None

Selectman Baldwin:

- Committee on Aging is working on a sand-bucket project whereby they would be delivering sand to “older adults” for use in keeping their driveways sanded during the winter.

Selectman Berry:

- Board of Trustees of the Kennebunk Sewer District will be holding a rate hearing at 7 p.m. on Tuesday, March 5th in the conference room of the District’s Office at 44 Water Street, Kennebunk, Maine

Selectman Schulte:

- Stated he wouldn’t be making the workshop next Tuesday on the Comprehensive Plan as he will be in Alaska.

Selectman Karytko:

- The Energy Efficiency Advisory Committee met last Thursday night. He wasn’t able to attend but from the information he could derive: they’re working very diligently on this global initiative with the New School and that’s coming along pretty well. He’s excited to see what the total end product is going to be.
- He delivered the Lions Club box that we have downstairs for things such as phones and eyeglasses to the Lions Club in Kittery. That box is emptied now; anyone with used glasses, cell phones, hearing aids, such things: there is a box right at the Town Hall, by the Town Clerk’s Office for donations.
- Any American flags that have been tattered can be dropped off at the American Legion on Water Street; put them in a bag; somebody will take them in.
- Attended the RSU meeting last night; that was an interesting meeting and went along fairly well
- The Stagecoach Lane sign was recently changed (from Stage Coach to Stagecoach) and I wanted to complement the Town Manager, Assessor and Public Works for taking care of that; the residents up there are extremely pleased with the outcome

Selectman Morin:

- Will be absent for the March 5 workshop; he will be traveling for work that week in Vermont.

11. Town Manager Announcements

- a. Proposed FY2019-20 Budget – Want to catch up on the budget meetings that took place recently at Town Hall? Meetings are archived for viewing anytime at www.townhallstreams.com.
 - o View the supporting detailed budget documents presented at the budget meetings at www.kennebunkmaine.us/budget.
- b. Subsurface Wastewater Disposal (Septic System) Class: To be held on March 6th at the Kennebunk High School.
- c. Workshop here at 6:30 p.m. on March 5th

12. Executive Session

13. Adjournment

A motion was made at approximately 7:32 p.m. to adjourn the meeting.

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



Christopher Cluff, Secretary
Kennebunk Board of Selectmen

Date: 3/12/19