

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

**March 26, 2019 – 5:30 P.M.**

**1. CALL TO ORDER**

On Tuesday, March 26, 2019, at approximately 5:30 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 meeting of the Board of Selectmen. Present were Selectmen L. Blake Baldwin, Shiloh Schulte, Richard Morin, Edward Karytko and Wayne Berry.

Also present was Town Manager Michael Pardue.

Absent were Selectmen Christopher Cluff and William Ward, Jr. (William Ward, Jr. arrived at 5:45 p.m.).

**2. EXECUTIVE SESSION**

- a. **Discuss Matters of Litigation** with the Town Manager, Finance Director, Director of Community Development and Town's Legal Counsel - Title 1 MRSA Sec. 405(6)(E).
- b. **Discuss an Economic Development Matter** 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)

**At approximately 5:35 p.m., a motion was made to enter into executive session, with the Town Manager, Finance Director, Director of Community Development, pursuant to Title 1 MRSA Sec. 405(6)(E), to consult with Legal Counsel regarding Matters of Litigation and**

**with the Town Manager, Finance Director and Director of Community Development, pursuant to Title 1 MRSA Sec. 405(6)(C), to discuss an economic development matter.**

**MOVED: Karytko**

**SECONDED: Schulte**

**VOTE: 5 in favor, 0 opposed, 2 absent (Ward and Cluff). The motion passed.**

**At approximately 6:20 p.m., a motion was made to exit executive session.**

**MOVED: Baldwin**

**SECONDED: Schulte**

**VOTE: 6 in favor, 0 opposed, 1 absent (Cluff). The motion passed.**

Morin called the meeting back to order at approximately 6:31 p.m. The Board had nothing to report from the executive session.

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

- a. The Pledge of Allegiance was recited at approximately 6:32 p.m.
- b. Approval of Minutes:
  - a. March 12, 2019 Regular Meeting [Please refer to supporting material \(PDF\)](#)

**A motion was made to approve the minutes from March 12, 2019 for our Regular Meeting.**

**MOVED: Karytko**

**SECONDED: Ward**

**VOTE: 6 in favor, 0 opposed, 1 absent (Cluff). The motion passed.**

- c. 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 hear public comment on the 2019-2020 Municipal Budget for the Town of Kennebunk**

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

*The Board of Selectmen, Budget Board and staff have assembled a [proposed budget](#) for the coming year (July 2019-June 2020). Those Budget meetings, that took place in January and February, are archived and available for viewing anytime at [www.townhallstreams.com](http://www.townhallstreams.com).*

*This public hearing complies with the Town Charter.*

Finance Director Joel Downs went over a PowerPoint presentation on the proposed 2019-2020 Municipal Budget that was approved by the Selectmen and Budget Board. This slideshow can be viewed at the following link: [Public Hearing on Proposed Budget](#).

Karytko asked Downs how much of an increase they normally get in their spread to LD1. Downs said we're \$71,000 under right now. Downs then said that because of the increases in debt service, they're going to be substantially over that number. He added that that's a topic of conversation that he'd like to have with the Board perhaps in another workshop.

Downs continued to present.

Schulte sought confirmation from Downs that slide 10 didn't list all the projects going on for roads. To that, Downs said there are a whole host of continuing projects that are being scheduled.

#### **5. PUBLIC COMMENTS**

#### **6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

- a. **Accept the Following Donation** – The Town recently received \$100.00 from patrons and staff at the Kennebunk Free Library for the Town's Emergency Fuel Assistance Fund.

**A motion was made to accept the donation and send a letter of thanks to the Library.**

**MOVED: Karytko**

**SECONDED: Schulte**

**VOTE: 6 in favor, 0 opposed, 1 absent (Cluff). The motion passed.**

Morin passed the following item onto Baldwin.

- b. **Police Department** – The Police Chief is pleased to announce that Candice Simeoni has been appointed as a full-time Police Officer with the Department. Candice is moving from her current position as the Department's Court Officer/Administrative Assistant (and Reserve Officer),

positions she has held since 2014. Candice is filling the police officer vacancy that was budgeted to start this past October.

Candice began her law enforcement career in 2004. She graduated from the 9<sup>th</sup> Basic Law Enforcement Training Program at the Maine Criminal Justice Academy in 2005. She holds a Bachelor's Degree in Business Administration and Organizational Leadership Studies from the University of Southern Maine. Among other educational opportunities, Candice has completed extensive training in the field of Elder Abuse, Domestic Violence and Victim Assistance.

Officer Simeoni currently serves as the President and founder of the York County Elder Abuse Task Force which was established in 2005. Candice has a keen understanding of the community policing philosophy as demonstrated through her leadership of many initiatives to include Citizen Police Academies, Senior Police Academies, youth explorer groups and the Volunteers in Police Services program.

Baldwin added that Simeoni recently testified in the U.S. Senate on one of the subcommittees on the issue of elder abuse.

A round of applause ensued for Simeoni.

Karytko said that in listening to all this, this is one of the reasons why they were just ranked the number one Town in the State of Maine to retire in—because of watching out for our senior citizens. He added that they've also been voted the safest Town in the State of Maine. He said it's the people like Simeoni who have put this all together, along with Bob MacKenzie.

## 7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

### a. Committee Resignation(s)

- Melvin Uchenick – Board of Assessment Review (Regular 3-year term - 2021)
- Bevan Davies – Committee on Aging (Regular 3-year term - 2019)  
Energy Efficiency Advisory Committee (Regular 3-year term - 2021)

**A motion was made to accept the resignations of Melvin Uchenick from the Board of Assessment Review and Bevan Davies from the Committee on Aging and Energy Efficiency Advisory Committee and send letters thanking them for their service.**

**MOVED: Karytko**

**SECONDED: Ward**

**VOTE: 6 in favor, 0 opposed, 1 absent (Cluff). The motion passed.**

Berry personally thanked Mel, noting that he has served on many different Boards in Town. Berry said Mel should be recognized for his contribution.

### b. Candidate(s) to Appear for Appointment Consideration to Town Committee(s) – The following resident will be in attendance to discuss his interest in joining the Site Plan Review Board:

- Site Plan Review Board - Vacancies: (1) Alternate 2019
  - Christopher Carroll

Pardue has met with Carroll. Pardue said Carroll has a wonderful background that he (Pardue) thinks will serve them very well in the Site Plan Review Board; they had a great discussion, said Pardue.

Berry, saying he is a liaison to the Site Plan Review Board, got confirmation from Carroll that he came from Buxton. He then asked Carroll if he can do any anecdotal comparisons between Buxton and Kennebunk. He said we have two boards that provide approvals; he asked how that's done in Buxton. Responding to Berry, Carroll said he hasn't sat with the Planning Board in this town, so he's not exactly sure how it's set up here. He also said they had a panel of 7, which was reduced to 5, on the Planning Board. Carroll also stated that he believes there are aspects of the Site Plan Review Board that mimic the roles they played on the Planning Board in Buxton, so he thinks it's a familiar role he would play on the Site Plan Review Board.

Berry asked Carroll why he hasn't had the opportunity to review any Site Plan Review Board meetings. After some clarifying remarks were made, Carroll said he has attended Site Plan Review Board meetings. Berry said Carroll's application says he hasn't attended any Site Plan Review Board meetings.

**A motion was made to appoint Christopher Carroll as an Alternate Member on the Site Plan Review Board, with a term expiring in 2019.**

**MOVED: Karytko**

**SECONDED: Schulte**

**VOTE: 6 in favor, 0 opposed, 1 absent (Cluff). The motion passed.**

**c. Discuss the Following Zoning Ordinance Changes Recommended by the Planning Board:**

1. Proposed Amendment to Article 8, Section 10.E.(1) York Street Mixed Residential and Commercial Use District (MCRU) Space and Bulk Standards.

The purpose of this amendment would:

- o Reduce minimum net lot area where sewer is located
- o Reduce minimum net lot area per dwelling unit with sewer
- o Eliminate commercial specific space and bulk requirements for mixed use
- o Provide impervious lot coverage bonus options when Low Impact Development (LID) is utilized

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

2. Proposed Amendment to Article 10, Section 10.D.(3) Multifamily Dwellings and Multifamily Lots, Perimeter Buffer.

This amendment provides the Planning Board the option to reduce the required 50-foot landscape buffer down to as little as 20 feet on multifamily development where possible.

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

The Planning Board held public hearings on February 11, 2019 and March 11, 2019 and voted unanimously (4 in favor, 0 against) to forward the two proposed amendments to the Board of Selectmen with a recommendation for inclusion on the June 2019 Town Meeting Warrant.

Before the amendments can be sent to a Town Meeting vote, a public hearing would be required.

Town Planner John Stoll offered further comment on this agenda item. He said the Planning Board is looking at making more dense development available in areas that are now served by sewer. Stoll said they felt as though the current way the ordinance is constructed doesn't really reward you for creating a mixed use; it requires you to produce 20,000 square feet of additional lot coverage. So, by eliminating that, said Stoll, they can get these consolidated into more mixed use, walkable-type buildings and development. Stoll also noted that, if this is approved, one would be able to cover one's lot with 50% impervious cover (and you could go up to 75% impervious cover as long as you use low impact development (LID) according to the Maine Best Management Practices from the Department of Environmental Protection (DEP).

After comments by Schulte were made, Stoll stated that they are trying to incentivize LID within the Town.

Karytko asked where this change would take place. To that, Stoll said it's the MCRU Zoning District, which encompasses a large section of York Street but also expands further back.

Karytko also inquired into what low impact development means. Responding to Karytko, Stoll stated they base them on the Maine DEP's Best Management Practices of Chapter 10; anything that will help water be collected and not directly run off would qualify as that. He said they wanted to use this as a standard they could base it on so it wasn't just LID in general.

Schulte noted one of the challenges along Route One South is the wetlands and the wet soils. Schulte asked if it's feasible to put higher density development in a place that already has development challenges. Responding to that, Stoll said he doesn't know if they can be discussed as impacting one another directly. He said they'd probably need to work on their wetland ordinance; he thinks the Conservation Commission is working on that. He added that he thinks that by allowing more dense development, you're concentrating closer to the road. Then Schulte said it's a question of whether that's feasible but that he guesses that's a question for those trying to do the development.

Stoll said he doesn't think the Planning Board in any way wants to incentivize more wetlands fill; they will still retain their wetlands fill ordinance and their requirements for doing that. This, Stoll said, is more to just facilitate sewer being available in the area.

**Stoll then reviewed the Proposed Amendment to Article 10, Section 10.D.(3) Multifamily Dwellings and Multifamily Lots, Perimeter Buffer.**

Stoll said when you're looking at smaller lots in a denser, built out environment, it's a lot more difficult to create that space (the required 50-foot landscape buffer currently in place; he said it encourages people to seek greenfield development and move further out of Town).

Karytko brought up multi-family definitions. Then Stoll said 3 or more units; he said it could be a mixed-use building with 3 units in it.

Karytko asked about the zone for this part of the proposed change. Answering Karytko, Stoll said this would be Town-wide.

After Karytko tried to articulate the rationale, Stoll said he would say primarily the rationale is to encourage more dense development in areas that have sewer available; certain lots could be hindered by a 50-foot buffer.

Karytko said those decisions are being made but he wondered what the force driving is and who's making the decision that we need to be able to squeeze more dense development in a particular area. To that, Stoll provided the Comprehensive Plan "backing" for these.

John Costin, from the public, offered comment. He wondered about the history of the 50-foot setback and why that was felt at one point to be important. To that, Stoll said he did try to ask some of the Board Members what the real purpose was; he said he thinks it's just kind of the idea that they wanted to keep a multi-family separate from a single-family and also, possibly, to protect the residential units from a commercial unit. Stoll thinks that as Kennebunk has grown and developed, the Planning Board now wants certain uses to be brought closer together.

Costin then wondered if it was more of an aesthetic, or philosophical, difference, then, say, a public safety reason. To that, Stoll said he doesn't believe it had anything to do with fire safety or anything of that nature.

**A motion was made to schedule a Public Hearing for April 9, 2019 to hear public comments on Article 8, Section 10.E.(1) and Article 8, Section 10.E.(1) as noted above.**

**MOVED: Karytko**

**SECONDED: Ward**

**REVISED MOTION: A motion was made to schedule a Public Hearing for April 9, 2019 to hear public comments on Article 8, Section 10.E.(1) and Article 10, Section 10.D.(3) as noted above.**

**MOVED: Karytko**

**SECONDED: Ward**

**VOTE: 6 in favor, 0 opposed, 1 absent (Cluff). The motion passed.**

- d. **Discuss the Sale of the 2009 Ford Ambulance** – Kennebunk Fire Rescue Department currently has four (4) ambulances. However, the current staffing model employed by the Department does not support the operation of a fourth ambulance. Therefore, it is the recommendation of Chief Rowe and Division Chief Brady that the Town sell "Rescue 3," a 2009 Ford E-450PL Ambulance Type III 6.0 L Diesel. It is further their recommendation that this unit be sold as a "turnkey unit," affording the purchasing entity the opportunity to place the unit in service soon after acquisition.

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

Karytko said he thinks you were pretty clear a number of meetings ago that you don't have a great need for the vehicle. He also asked why they keep it if they don't need it.

Berry asked if, if they were going to trade ambulances, what this vehicle would be looked at as. (Would it be one they would be trading, second in line to trade, or what, he wondered.) Responding to Berry, Division Chief Brady stated that usually they trade the oldest and this is the oldest vehicle they have. He said typically the trade on those is more or less a salvage trade (they get \$4,000 for it; it is then taken away). He added that it can be re-chassied by a manufacturer, but he learned that with that particular model they don't re-chassis that diesel.

Karytko asked Brady if they sell the vehicle, could they get more than \$4,000? To that, Brady said they believe so.

Berry asked if this is the unit that doesn't have a loader, or whatever it is called. To that, Brady said it is the last of the old "striker" units, which was a power load system (the first generation)—which provided about 40% of the load you would need to get the stretcher in the back of the truck. He added that in order to retrofit that 2009 truck it would be about a \$50,000 investment.

**Karytko made a motion which was Pardue's wording, and is as follows: To authorize the sale of the 2009 ambulance, equipped as shown, using the Town's sealed bid process**

**MOVED: Karytko**

**SECONDED: Ward**

**VOTE: 6 in favor, 0 opposed, 1 absent (Cluff). The motion passed.**

**e. Take Up the Following Items for the June 11, 2019 RSU 21 and Municipal Election:**

1. Establish the following additional hours that the Town Clerk's Office will be open for [voter registration and absentee balloting](#):

|                  |                         |                   |                        |
|------------------|-------------------------|-------------------|------------------------|
| Saturday, June 1 | 9:00 a.m. to 12:00 p.m. | Tuesday, June 4   | 4:30 p.m. to 7:30 p.m. |
| Sunday, June 2   | 9:00 a.m. to 12:00 p.m. | Wednesday, June 5 | 4:30 p.m. to 7:30 p.m. |
| Monday, June 3   | 4:30 p.m. to 7:30 p.m.  | Thursday, June 6  | 4:30 p.m. to 7:30 p.m. |

2. *Information only, no action required:*

Nomination papers are still available for the following positions:

|  |                  |
|--|------------------|
| Board of Selectmen                       | (2) 3-year terms |
| RSU 21 Directors                         | (2) 3-year terms |
| Trustee Kennebunk Light & Power District | (1) 5-year term  |
| Trustees Kennebunk Sewer District        | (2) 3-year terms |

Town Clerk Merton Brown went over this agenda item.

**A motion was made to set the polling hours from 6:00 a.m. to 8:00 p.m. and the additional hours for the Town Clerk's office as noted above.**

**MOVED: Karytko**

**SECONDED: Ward**

**VOTE: 6 in favor, 0 opposed, 1 absent (Cluff). The motion passed.**

Brown informed that, to date, no papers have been returned on the Board of Selectmen; Blake Baldwin has taken out papers for that position, though; no "takers" for the RSU 21 Directors; David Cluff has taken out papers as the incumbent on the Kennebunk Light and Power District; and the two incumbents for the Sewer District have taken out papers.

**8. OLD BUSINESS - none**

**9. NEW BUSINESS**

**a. Discuss the Role of Selectmen Serving on the Kennebunk Development Corporation (KDC)**

Baldwin started the discussion. He said the main problem he has is that the organization of the Corporation is, as Section 2, Paragraph A of its By-laws states, that "The Committee and its members shall serve at the pleasure of the Kennebunk Board of Selectmen." He finds it odd that he serves on the KDC at his "own pleasure." He noted a talk he had regarding what the wisdom of their continued

participation in the KDC is in light of the fact that the KDC is supposed to be a separate entity not related to the Town in any way.

Karytko asked if Baldwin and Morin see any great advantage to serving on the KDC. Morin responded, saying he sees a huge disadvantage. For one thing, he said the KDC comes to the table looking for money, and we sit here as members of it (KDC) and vote to fund it and don't do that for any other organization within the purview of the Board of Selectmen, as far as he's aware of.

Baldwin said it would seem to be an inherent conflict of interest.

Ward said he thinks it is a conflict of interest. Ward wondered how Baldwin and Morin would be replaced (on the KDC) or if that's not even a concern of theirs. Morin said he doesn't think that's their concern.

Karytko asked if the KDC's Charter would have to be changed to reflect the absence of Selectmen members on that Corporation. Responding to Karytko, Baldwin stated that it's in the process of being changed, he believes.

Schulte wondered if the KDC serving at the pleasure of the Board of Selectmen language in the KDC's Charter will be changed. He wondered how it is that, if they're trying to keep the separation, they are appointing Selectmen members to a corporation that's separate from an entity from the Town.

Discussion continued, such as regarding the degree of coordination the KDC should have with the Town. Schulte endorsed the idea of a higher degree of such, Morin a lower degree. Baldwin said he thinks Ad-hoc membership on the KDC might be useful; that would maintain a separation between the Town and the KDC but allow for the facilitation of Town interests and KDC efforts.

Ward asked if there is still Town Manager involvement in the KDC. Responding to Ward, Pardue said it still exists under the fact that it's an ad-hoc position; it's a non-voting member.

Morin and Baldwin both said they are going to resign from the KDC.

Discussion continued. For instance, Morin said he has a hard time with an independent organization representing the Town of Kennebunk in any fashion, saying to even loosely frame this as an organization advancing any interest of this Town's government, he thinks is inappropriate.

John Costin, from the public, made comments. He said he supported the Town removing its "inner penetration" with this Corporation. He also argued that it's not a conflict of interest matter. Further, he said the reason he thinks the Town should disentangle itself from the KDC is because the Corporation was founded quite explicitly in order to evade legal requirements on the Kennebunk Economic Development Committee. He said it was stated very clearly that they wanted to be able to do things and not be subject to disclosure requirements. He said if you want to get clear legally, and if the Corporation wants to get clear legally, it would be a good idea for the Town to remove itself from the Corporation.

Morin said he doesn't know that they can bind the Board going forward (with a new Board coming in and so forth) but said he would strongly encourage this Board not to reengage.

Baldwin said they need to divorce from the KDC and have an amicable settlement that sends them on their way.



Karytko said he thinks the Town Manager has to say what the best way to handle it is. He also brought up a liability issue (if something happened at the KDC that was unethical, would we be liable, he wondered).

The question of needing, or not needing, to accept the coming resignations from the KDC of Morin and Baldwin as a Board was discussed. Morin asked Pardue to seek clarification on the steps required for the Board of Selectmen members to resign from the KDC. Pardue said he would do so.

**b. Discuss Any Other Business**

**10. BOARD OF SELECTMEN COMMENTS**

- a. Subcommittee Reports**  
**b. Individual Selectmen Comments**

Selectman Baldwin:

- You (Morin) and I had a Selectmen Outreach Session; not a successful one. We were joined by Town manager Pardue and by one resident, Bill Pasquale, who comes to give us input and encouragement.

Selectman Karytko:

- Torn flags that need to be recycled can be dropped off at the American Legion on Water Street
- There is a box downstairs by the Town Clerk's Office for glasses, phones, hearing aids for the Lions Club; they'll be recycled.
- The Energy Efficiency Committee will be meeting tomorrow night
- I will probably be bringing some information to the Trash and Recycling Committee and to the Energy Efficiency Committee because I'm getting more information about recycling and about what more can be done in Town. I was down at the Wesley, Massachusetts recycling facility; it's one heck of a facility; it's incredible what they've done down there.

Selectmen Berry, Ward, Schulte:

- None

**11. TOWN MANAGER ANNOUNCEMENTS**

- a. **Beach Permits** – [Beach permits](#) for the 2019 season are now available.  
b. **Street Scan Update** – Chris Osterrieder, Town Engineer, is looking at the data now and is putting together a workshop on this topic for the Board.

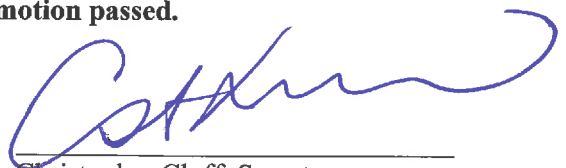
**12. ADJOURNMENT**

**At approximately 7:38 p.m., a motion was made to adjourn the meeting.**

**MOVED: Karytko**

**SECONDED: Schulte**

**VOTE: 6 in favor, 0 opposed, 1 absent (Cluff). The motion passed.**



Christopher Cluff, Secretary  
Kennebunk Board of Selectmen

Date: \_\_\_\_\_

4/9/19