

**TOWN OF KENNEBUNK**

**BOARD OF SELECTMEN MINUTES**

**May 28, 2019 – 6:30 P.M.**

1. CALL TO ORDER

On Tuesday, May 28, 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, Christopher Cluff, Edward Karytko, Wayne Berry, Richard Morin and Shiloh Schulte.

The Pledge of Allegiance was recited.

2. APPROVAL OF MINUTES

- a. May 14, 2019 Regular Meeting
- b. May 21, 2019 Special Meeting

**A motion was made to approve both sets of minutes noted above.**

**MOVED: Baldwin**  
**SECONDED: Karytko**  
**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 application from Quest Fitness Maine located at 2 Livewell Drive d/b/a Quest Fitness for a Victualer License.**

**A motion was made to approve the Victualer License Application for Quest Fitness Maine d/b/a Quest Fitness.**

**MOVED: Karytko**  
**SECONDED: Berry**  
**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:

**A new application from Mike's All Day Breakfast LLC d/b/a Mike's All Day Breakfast for a Victualer License. This establishment is under new ownership and is located at 51 Western Avenue.**

**A motion was made to approve the Victualer License Application for Mike's All Day Breakfast LLC d/b/a Mike's All Day Breakfast.**

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

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

**An application from Texas Grace Kitchen d/b/a Texas Grace Kitchen for a Victualer License. This is for a food truck to be located at 71 Portland Road, which is a change of location.**

Cluff said to Town Clerk Brown that there appears to be some businesses operating in their new locations before the Board of Selectmen has approved them to do so. Cluff asked if this is a normal protocol. Responding to Cluff, Brown said that typically, if it's turn-key operation, they are allowed to continue through the issuance of a temporary license until the next Board meeting, which is usually issued for no more than 15 to 30 days. He said if it's a new operation then a temporary license is not issued.

Schulte asked about the viability of the various food truck locations. Baldwin and Pardue offered responses to Schulte.

**A motion was made to approve the Victualer License Application for Texas Grace Kitchen d/b/a Texas Grace Kitchen.**

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

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

**An application from Chez JJ d/b/a Chez JJ for a Victualer License.  
This is for a food truck to be located at 71 Portland Road, which is a change of location.**

**A motion was made to approve the Victualer License Application for Chez JJ d/b/a Chez JJ.**

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

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

**A new application from Cindi Neal d/b/a What A Wrap for a Victualer License.  
The application is for a food truck to be located at 77 Western Avenue.**

**A motion was made to approve the Victualer License Application for Cindi Neal d/b/a What A Wrap.**

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

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

**A new application from Patricia Owen d/b/a Tasting Maine for a Victualer License.  
The application is for a food truck to be located at 77 Western Avenue.**

Cluff disclosed that the landlord in this situation is a client of his, and Cluff asked if the Board was okay with him voting on this. There were no objections made to him voting on the matter.

**A motion was made to approve the Victualer License Application for Patricia Owen d/b/a Tasting Maine.**

**MOVED: Karytko**

**SECONDED: Cluff**

Before the motion was voted on, Baldwin wondered if it was time to consider some sort of policy, ordinance, etc. relative to food truck locations. Cluff then informed the Board that they have an existing policy. Some discussion continued.

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

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

**2019 Annual Town Meeting Warrant and  
Town of Kennebunk Proposed Budget for Fiscal Year 2019/2020**

Information is available on the Town's website and at the Town Clerk's Office.

[Please refer to supporting material-Town Meeting Warrant \(PDF\)](#)

[Please refer to supporting material-Budget Information/Town Website \(PDF\)](#)

Finance Director Joel Downs went over a slideshow for the FY19-20 Proposed Budget. This is the second public hearing held on the Proposed Budget (the first one was held at the end of March said Downs).

5. PUBLIC COMMENTS

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. Reminder – Upcoming Annual Town Meeting, Primary Election and RSU 21 Budget Validation Election:

**Tuesday, June 11<sup>th</sup> from 6:00 a.m. to 8:00 p.m. in the Town Hall Auditorium**

Town Clerk Merton Brown updated the board on the absentee ballot process for this election.

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

- a. **Award of Video Surveillance System for Town Hall** – The IT Department distributed an RFP for Video Surveillance System for the Town Hall/Auditorium areas (inside and out) and parking/Green Street areas. The following bids were received for this project:

Digital Sky, Inc. Biddeford, ME	\$19,316.98 (64 Camera License) \$20,436.98 (128 Camera License)
Griffon Security Technologies Kennebunk, ME	\$27,384.65
Setronics Security Integrators Billerica, MA	\$28,926.00 (64 Camera License) \$31,820.00 (128 Camera License)
Fibernext LLC Concord, NH	\$49,488.00

Stanley Convergent Security Solutions	\$87,270.00 (64 Camera License)
Woburn, MA	\$89,455.00 (128 Camera License)

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

IT Director Rich Boucher is recommending Digital Sky of Biddeford (\$19,316.98) as the preferred vendor for this system. Our budget is \$24,000.00. Digital Sky is offering, at no additional charge, a 3-year warranty on the entire system, and lifetime software and firmware upgrades.

IT Director Rich Boucher spoke with regard to this agenda item, explaining that the Town currently uses Digital Sky software for various facilities in Town. He also noted that Digital Sky's bid was the least expensive, while still meeting the Town's bid specifications.

Some questions were asked by the Board. For instance, Cluff received confirmation from Boucher that Digital Sky's bid price includes full installation.

**A motion was made to award the Video Surveillance System bid to Digital Sky at a price of \$19,316.98.**

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

- b. **Discuss a Criminal Forfeiture Request by the Kennebunk Police Department for the Transfer of Forfeiture Assets to the Town** – The Maine Drug Enforcement Agency, in which the Kennebunk Police Department has an agent assigned, investigated suspected drug activity occurring in southern Maine. The investigations resulted in criminal charges along with the seizure of U.S. currency in the following case:

Docket No. CR-18-970; State of Maine vs. Reginald Lewis:  
Town of Kennebunk's monetary share as it relates to criminal forfeiture is estimated to be approximately \$1,892.00.

Under Rules issued by the Department of the Attorney General, a vote by the Selectmen must be made on each forfeiture approval. Should Board vote in the affirmative, Chief MacKenzie requests these funds be retained by the Police Department for use in criminal investigations involving drugs or stolen property, or similar investigations.

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

**A motion was made to authorize the Town Manager to sign the Municipality of Kennebunk Approval of Transfer form (for Docket No. CR-18-970 State of Maine vs. Reginald Lewis) approving the transfer of \$1,892.00 (or any portion thereof); with said funds being retained by the Police Department for use in criminal investigations involving drugs or stolen property, or similar investigations.**

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

8. OLD BUSINESS

- a. **Hear an Update on the Parsons Beach Road Tree Assessment** – Town Manager Pardue will provide the Board with a project plan update regarding the removal and replacement of trees along Parsons Beach Road.

*Please refer to the following supporting material:*

[Parsons Beach Road - Tree Assessment Report – excluding appendices - 27 pages \(PDF\)](#)

[Parsons Beach Road - Tree Assessment Report – full report - 396 pages \(PDF\)](#)

Pardue noted that public service crews late last week removed the one tree that was determined in the Bartlett Assessment to be the most dangerous tree. He explained that there were some people who would not vacate the work zone appropriately, so therefore a police officer will be contracted for upcoming tree removal operations. This is a need due to the Town being committed to providing a safe work zone for all. Pardue noted that it saddened him to have to now have the added expense of a contracted officer (approximately \$400 p/day) due to the actions of one or two residents. Pardue further noted that today, May 28<sup>th</sup>, public service staff removed 5 of the trees identified as posing a risk to public safety.

Board comment ensued. Karytko made some comment, explaining why he voted against removing just the 14 trees.

Schulte asked if the Town could still utilize the trees that were ordered for this project. Pardue explained that those trees remain at public services and are being watered and fertilized in an effort to keep them viable for use.

Baldwin said it's incumbent upon the Parsons Beach Association (PBA) to get together with the Town and with the Tree Committee. Pardue noted that a meeting of the Tree Committee would be arranged and that a notice would be posted so those interested in attending could do so.

Legal representation was something discussed too, Cluff for instance asking why there are attorneys representing people in this matter.

Louise Spang, member of the PBA, responded to Cluff's comments noted above. She said there are certainly members of the Parsons Beach Association who do not agree with the manner in which they (apparently Attorney Paul Driscoll and those members of the PBA represented by he) have addressed the situation. She also said she thinks it's important for people to put the whole project in perspective, noting that the trees have a lot of growing to do. Spang added that Henry Parsons was very philanthropic, selfless, etc.

Discussion continued. Baldwin said there was an assertion made that the swamp oaks were dead and not leafing out, and he asked if one of the Tree Committee members in attendance tonight could speak to that. Baldwin said when he was there it looked like there was leafing going on. Bob Palmer, member of the Tree Committee, responded to Baldwin, saying all the trees are leafing out except for one that he said he termed as a "failure to thrive." He said you need to not plant trees where you're going to be taking trees down; it will save time and therefore money in taking the trees down and the small trees could very easily get damaged.

Wayne Cutting, member of the Tree Committee, responding to Baldwin's question as to whether or not they have to come up with a new plan, made comments. He said it is going to cost the Town a lot of

money to buy a few years on the trees that are left after the trees are removed, which he thinks is foolhardy and a waste of money.

Karytko acknowledged how much the Dwight family and the Parsons family have done for this town. He said the Board has to separate themselves from the emotion and deal with fact and try to make the right decision.

Tim Spang spoke, saying his father-in-law was Larry Dwight. He said he is disappointed that the part of the PBA that has “thrown a wrench in this” isn’t here tonight. He said he hopes the Board decides to take all the trees down and not spend the money doing the root work. Spang also thanked the Tree Committee, saying they have a thankless job.

Discussion continued, such as with regard to if a decision to remove all the trees in question should be made now.

Schulte mentioned conservation concerns and Morin expressed concern about any of the trees under discussion potentially falling on somebody. He said The Town is “on notice,” emphasizing that the Town cannot turn a blind eye on the safety risks that are posed by the trees along Parsons Beach Road. Cluff mentioned reservation with “kicking the can down the road” on this matter and holding off on decisions relative to it.

**A motion was made to delegate the tree removal project to the Town Manager.**

**MOVED: Baldwin**

**SECONDED: Cluff**

Morin said they tried to move those trees out of there two months ago and were stonewalled. Baldwin then said they were going to move a different set of trees based on the original plan, and further comment was made by Morin and Baldwin.

**VOTE: 6 in favor, 1 opposed (Karytko). The motion passed.**

Karytko said all they’re doing is 29 trees and he asked why they aren’t talking about taking all the trees down.

Berry said he expects that the Town Manager will keep them up to date regarding what’s going on as regards this tree project.

Karytko said he doesn’t feel comfortable overriding what the Tree Committee wanted to do.

- b. **Discuss Efficiency Maine Trust RFP Process for Level 2 Public EV Charging Stations –**  
On April 26<sup>th</sup>, Energy Efficiency Advisory Committee Chair Sharon Staz and Lower Village Committee Alternate member Patti Sass Perry participated in a Pre-Bidders Teleconference during which Efficiency Maine Trust representatives described the requirements and commitments that must be met for successful participation in the Level 2 Public EV Charging Stations RFP process. Ms. Staz and Ms. Sass Perry will provide the Board with an update on this process and propose possible “next steps” for Board consideration.

*[Please refer to supporting material as provided by Ms. Patti Sass Perry \(PDF\)](#)*

Patti Sass Perry spoke relative to this agenda item.

Ward asked how much this will cost the taxpayers. Staz offered a reply, first saying such is hard to say at this point in their efforts. She did say that the cost of the charger that they would be looking at would be anywhere from \$479 to \$640. She made further comment.

Cluff also asked Staz if they have considered a mechanism to charge for this. Responding to Cluff, Staz said they have not.

Discussion continued. For instance, Berry asked if the people working on this project have investigated other opportunities in the Lower Village area where these might apply (he mentioned requirements of the charging stations). Responding to Berry, Perry said for a number of reasons she thinks a municipal building would work best. She also said that in terms of trying to underwrite or offset some of the costs, she thinks it's important that they pursue solar with this project. Perry stated that the roof at Washington Hose would be more than big enough to put up 6 to 8 solar panels.

Berry said solar panels will not come as part of this grant. He also brought up the topic of parking relative to this.

Discussion continued. For instance, Morin said he thinks those working on this project have the Board's commitment to a station, Washington Hose and now they need a number that puts the final stamp on it and they can do that on June 11<sup>th</sup> and then they will entertain how it's fueled (whether it's solar or direct connect).

## 9. NEW BUSINESS

- a. **Discuss Proposed Amendments to the Town's Long-Term Street Light Policy as Recommended by the Energy Efficiency Advisory Committee, Lighting Subcommittee** – On May 14<sup>th</sup>, the Selectmen's Ordinance Subcommittee met with the Street Lighting Subcommittee of the Energy Efficiency Advisory Committee to review proposed revisions to the Long-Term Street Light Policy.

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

Cluff brought the Board up to date relative to this agenda item. He said the Energy Efficiency Advisory Committee hopes to get the street lights in Town replaced with newer and more efficient models (LED type); they wanted to update the Town's Street Light Policy before they embarked on that process.

Sharon Staz, Chair of the Energy Efficiency Advisory Committee, made comments relative to this agenda item. She said the major changes are the types of fixtures that would be installed. She said she hopes the Board unanimously votes this policy into place.

Berry asked if this study and proposed change in policy was done in conjunction with the Kennebunk Light and Power District (KLPD); he wondered if there was any input from that entity. Responding to Berry, Staz said the KLPD have been notified throughout the entire process. She also said she has attempted to set up three meetings with the staff there, but those people are not in charge of the policy; the Board is in charge of the policy, the KLPD implements what the Board decides. Staz added that she has a meeting scheduled with Chuck Tucker (he used to be the energy services manager) for next Tuesday; that's not to discuss the policy but rather LED fixtures.

Pardue added that he gave the proposed amendments to Todd Shea (General Manager/Treasurer of the KLPD); Shea had one or two general questions. Pardue said he did ask for Shea to weigh in. He said no major concerns were stated by Shea.

Morin asked if there has been any review by Legal, to which Pardue said no.

Berry expressed concern that they might be pushing more work onto the KLPD. He said he doesn't see any need to rush into changing the policy at this point until they have a little more information further down the road as to what they should be doing. Some discussion relative to the comment stated in the second sentence of this paragraph ensued.

**A motion was made to accept the revisions to the Long-term Street Light Policy as proposed by the Energy Efficiency Advisory Committee.**

**MOVED: Schulte**

**SECONDED: Cluff**

**VOTE: 5 in favor, 2 opposed (Berry, Morin). The motion passed.**

**b. Discuss Any Other Business**

**10. BOARD OF SELECTMEN COMMENTS**

**a. Subcommittee Reports**

Cluff reported on a Finance Committee Meeting held last week. One thing noted was that as far as revenues and expenses are concerned, they are right on target. Cluff also updated on a Pay-As-You-Throw and Recycling Subcommittee report, mentioning that they've had some issues with compliance in Town (people are not using the Pay-As-You-Throw bags and people are throwing non-recyclable items in the recycle bin).

**b. Individual Selectmen Comments**

Selectmen Baldwin, Berry, Ward and Cluff:

- None

Selectman Schulte:

- I will vote tomorrow since I will be out of Town. I will be out of Town for the month of June as part of my research in Northern Alaska.

Selectman Karytko:

- Selectmen's Outreach Session was held. Some comments were shared with us therein. I want to acknowledge the people at the Baptist Church because twice a year they do a breakfast for the veterans and it's greatly appreciated; they do a great job. Please bring torn and tattered flags to the American Legion so they can be disposed of properly. Eye glasses can be dropped off at a Lion's Club box located by the Town Clerk's Office. The Memorial Day parade was great; on my way to the starting point, I got stopped by three residents, all of whom made comments to me.

Selectman Morin:

- The outpouring of residents for the Memorial Day parade... it is, after 9 years, for me, probably the most somber thing we do as a Board, attending to this particular day when we remember those



who have given everything for what we have. I really am moved when I see the public lining the streets; it's pretty exciting.

11. TOWN MANAGER ANNOUNCEMENTS

The Town Manager made a few announcements.

12. EXECUTIVE SESSION

- a. **Discuss an Economic Development Matter** with the Town Manager and Finance 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 8:27 p.m., a motion was made to go into executive session, with the Town Manager and Finance Director pursuant to Title 1 MRSA Sec. 405(6)(C) to discuss an Economic Development Matter.**

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

**At approximately 9:01 p.m., a motion was made to exit executive session.**

**MOVED: Schulte**  
**SECONDED: Karytko**  
**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 9:01 p.m., a motion was made to adjourn the meeting.**

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



Christopher Cluff, Secretary  
Kennebunk Board of Selectmen

Date: 6/11/19