

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

**September 10, 2019 – 6:30 P.M.**

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

On Tuesday, September 10, 2019, at approximately 6:30 p.m., in Room 301 of the Town Hall, L. Blake Baldwin, Chairman of the Board of Selectmen for the Town of Kennebunk, called to order the Board of Selectmen. Present were Selectmen Edward Karytko, Wayne Berry, William Ward, Jr., Christopher Cluff, L. Blake Baldwin, Shiloh Schulte and Frank Paul.

Also present was Town Manager Michael Pardue.

The Pledge of Allegiance was recited.

**2. APPROVAL OF MINUTES**

- a. August 13, 2019 Regular Meeting [\*Please refer to supporting material \(PDF\)\*](#)

**A motion was made to approve the minutes for our Regular Meeting on August 13, 2019.**

**MOVED: Karytko**

**SECONDED: Cluff**

**VOTE: 6 in favor, 0 opposed, 1 abstention (Schulte). 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 see if the Town will vote to accept as a Town Way, Higgins Drive, as depicted on the Subdivision Plan of Howard Farm for Dan and Greer Higgins by Stantec Consulting Services, Inc. approved June 30, 2016 by the Kennebunk Planning Board and as recorded in the York County Registry of Deeds in Plan Book 383, Page 15 on July 7, 2016.

Peter Brewitt, from the public, asked where they are at with plowing; he asked if they are starting to gain on needing more equipment. To that, Pardue said, in part, that he thinks they'll be well-positioned.

**A motion was made to forward this item to the Special Town Meeting/Election on November 5, 2019.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

**A motion was made to recommend acceptance of this article by a vote of 7 in favor, 0 opposed.**

**MOVED: Karytko**

**AMENDED MOTION: A motion was made to recommend the acceptance of this article.**

**MOVED: Karytko**

**SECONDED: Cluff**

**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:

To see if the Town will vote to accept as a Town Way, Flagship Circle, as depicted on the Subdivision Plan for LEB, LLC by Anderson-Livingston Engineers, Inc. approved June 12, 2017 by the Kennebunk Planning Board and as recorded in the York County Registry of Deeds in Plan Book 389, Page 3 on June 13, 2017.

Karytko said that at some point they should think about how many roads they can accept with the manpower and equipment they have. To that, Schulte said that's a bigger policy decision because it asks whether or not they want to grow as a Town.

Some discussion continued.

**A motion was made to forward this item to the Special Town Meeting/Election on November 5, 2019.**

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

**A motion was made to recommend acceptance of this article.**

**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:

Discuss the Purchase of Property located at 15 Portland Road in Kennebunk.

Design work by Christopher Osterrieder, Town Engineer, showing an aerial view of the parcel under discussion, was displayed on a screen.

Osterrieder went over this agenda item, explaining that the property at 15 Portland Road is located directly behind the police station. Further, Osterrieder elaborated that the Town has done some environmental work as part of their evaluation. Osterrieder stated that the property is pretty viable from a development standpoint.

Schulte asked if there was an area on the parcel that would be an issue with wetlands. In response to Schulte, Osterrieder said, in part, that if they were going to develop the property they would need to get permits to deal with those wetlands; but Osterrieder believes such wouldn't be unduly expensive given the site details.

Karytko asked questions about building size potential on the property and Osterrieder responded to him, citing that a building space that quadrupled the building size shown on the presented rendering would fit on the site.

Discussion continued relative to potential uses for the property as related to future municipal needs. Pardue indicated that there would be the advancement of a space needs assessment as the future use of the property is considered.

Berry asked Osterrieder questions and Osterrieder responded to him.

Schulte asked if it was determined that they, the Town, didn't want to, or couldn't, go through with the development of this property, could the Town sell the property. Pardue said there are no restrictions in the Purchase & Sale Agreement that prohibit the Town selling the land.

Discussion continued. Cluff asked about the funding for this purchase. Joel Downs, Finance Director, responded to Cluff, going over potential funding sources.

Peter Brewitt, from the public, asked if the proposed motion and information on cost and funding will be included in the minutes so that when the warrant article is put together the public knows what's coming. It was then noted that at the next Regular Selectmen Meeting, the Selectmen have to approve the Warrant, and that information Brewitt just spoke about will be on included.

**A motion was made to forward this item to the Special Town Meeting/Election on November 5, 2019.**

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

**A motion was made to recommend the acceptance of this article.**

**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:

To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the City of Sanford to provide emergency dispatch services from 2020-2023, in the amount of \$291,052.62 for FY 2020-2021, \$303,902.24 for FY 2021-2022, and \$316,715.86 for FY 2022-2023, which agreement shall be in a form substantially similar to that shown in a copy available at the Town Clerk's office. [Please refer to supporting material \(PDF\)](#)

Karytko asked Pardue if he could explain what happened with this transaction. Pardue then spoke with regard to this agenda item. One thing Pardue noted is that if they ever wanted to reincorporate dispatch services into Kennebunk, it would take at least 2 to 3 years to do so.

Schulte asked about the rationale for not having a longer-term agreement in place. Pardue said that he prefers to have agreements of this nature be less than ten years, therefore leaving the Town with the ability to be more nimble, should they wish to engage with another service or reinstate communication services in Kennebunk.

Selectman Berry and Peter Brewitt, from the public, asked questions, which were answered.

**A motion was made to forward this item to the Special Town Meeting/Election on November 5, 2019.**

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

**A motion was made to recommend the acceptance of this article.**

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

## 5. PUBLIC COMMENTS

Mike Davies, resident at 127 Alfred Road (which is across the street from an abandoned house, said Davies), spoke. He explained that when the abandoned house was recently sold, the apparent buyer informed several of the neighbors of his intent to convert the house into a "Sober House." Davies said his wife and he, and several of the neighbors, are not happy with the situation. Davies stated that it wouldn't be a single-family house but a commercial operation and as such he thinks it needs to be controlled as a commercial operation with guidelines in place relating to the residents, the operator and the facility itself. Davies continued.

## 6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

### a. Accept the Following Donations:

1. The Town recently received several donations to fund a Welcome Coupon to distribute to low-income residents to redeem at the Kennebunk Farmers' Market.

Our local farmers' market recently began accepting SNAP benefits, also known as food stamps, and these Welcome Coupons are a way of inviting residents to the Market who may not have shopped there in the past. In addition to accepting SNAP benefits, the Kennebunk Farmers' Market is participating in a Harvest Bucks matching program where any SNAP dollars spent is matched dollar for dollar with a bonus buck, which can be used to purchase more fruits and vegetables.

The following local businesses have made donations to fund Welcome Coupons worth \$5.00, to be used to purchase market goods:

- o Kennebunk Farmers' Market, \$500.00
- o Kennebunk, Kennebunkport & Arundel Chamber of Commerce, \$500.00
- o Vinegar Hill, LLC, \$225.00

**A motion was made to accept the donations from the Kennebunk Farmers' Market, Chamber of Commerce and Vinegar Hill, LLC and send a letter of thanks to all.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

2. The Town recently received \$15.00 from a resident as a donation to the Medical Equipment Loan Closet in appreciation for the program.

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

**MOVED: Karytko**

**SECONDED: Cluff**

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

## 7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

### a. Discuss Boards and Committees

1. **Candidate to Appear for Appointment Consideration to Town Committee**

- Albert Kolff – Site Plan Review Board

Vacancies: (2) Alternate positions – 2020 [Please refer to supporting material \(PDF\)](#)

Albert Kolff spoke, saying, in part, that he'd love to get involved with the governance of Kennebunk.

Schulte and Berry asked Kolff questions, which Kolff answered.

**A motion was made to appoint Albert Kolff as an Alternate Member on the Site Plan Review Board, for a one-year term expiring in 2020.**

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

**2. Accept the Following Committee Resignations:**

- Committee on Aging – S. Sassy Smallman, Regular Member 2022

**A motion was made to accept the resignation of S. Sassy Smallman from the Committee on Aging and send a letter thanking her for her service.**

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

- Parks & Recreation Committee Members:
  - Tyler Stewart, Regular Member 2020
  - Jacqueline Hawkins, Regular Member 2021

**A motion was made to accept the resignations of Tyler Stewart and Jacqueline Hawkins from the Parks & Recreation Committee and send letters thanking them for their service.**

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

- 3. Discuss the Dissolution of the Skate Park Ad-hoc Committee –** The Skate Park Ad-hoc Committee was formed on November 22, 2016. The charge of the committee was to develop an RFP that would lead to the committee making a recommendation of a design/build firm to construct a skate park in the Town. The committee also worked to offer possible build sites for the Board's consideration.

Ward wondered if they want to restate the Skate Park Ad-hoc Committee's position and continue their service.

Pardue then provided an update relative to efforts regarding the skate park topic. For one thing, he noted that staff members Christopher Osterrieder and Karen Winton have worked diligently over the last few weeks to meet multiple times with the users of the current skate park. Pardue said it was felt to be very important to have information from those who use the skate park on a regular basis as the Town considers the location and features for a successful skate park.

A discussion commenced. Schulte wondered what kind of community input will be a part of the process now underway relative to a skate park. Osterrieder offered him a response.

Osterrieder also noted, in response to a comment made by Ward about fundraising, that he is not so sure they will need more money for a skate park, saying that a lot of feedback they've heard has been fairly positive about the current skate park location.

Baldwin said he believes the "Legislative will" has been expressed in a way that makes it in favor of improvements to the current skate park, not for a skate park at a different site.

Karytko said they have had some citizens coming forward and saying the current site is not really what they want. He added that he's of the opinion that if they're going to do something, they should do the best job they can and get the best skateboard park they can.

**A motion was made to dissolve the Skate Park Ad-hoc Committee and send a letter thanking each of them for their service.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

- b. **Award the Bid for Catch Basin Cleaning** – We received four bids ranging from \$16,875.00 (Eastern Pipe Service, Bow, NH) to \$22,125.00 (Bellemore, Bedford, NH) for the cleaning of 375 catch basins. See agenda for breakdown of all bids received.

We have \$12,000.00 budgeted for this project.

Last year, the bid was awarded to Hartigan Wastewater Services of Middlesex, VT in the amount of \$11,718.75.

The Public Services Director recommends accepting the low bid from Eastern Pipe Service in the amount of \$16,875.00.

Some discussion on this agenda item occurred.

Peter Brewitt, from the public, noted the close prices of the other three bidders (\$20,625.00, \$21,093.75, \$22,125.00) and wondered if it would be appropriate to reject the low bid based on the others being close in price. Pardue explained that the Public Services Director had closely reviewed the bids, spoken with the low bidder and vetted their references. Pardue said the Public Services Director is confident the low bidder will deliver as proposed.

**A motion was made to award the bid to Eastern Pipe Service (low bidder) in the amount of \$16,875.00.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

- **Award the Bid for the Sale of the Ford E450 Ambulance** – We received the following bids for the sale of this vehicle: Town of Vinalhaven, ME \$48,000.00, Town of Houlton, ME \$39,270.00, Town of Union, ME \$18,000.00, Town of Calais, Calais, ME \$15,250.00 and New England Fire Equip. & Apparatus Corp., North Haven, CT \$2,500.00

The Fire Chief recommends selling the 2009 Ford E450 Ambulance to the high bidder, the Town of Vinalhaven, ME, at a price of \$48,000.00.



Ward asked where they are taking delivery if they sell the 2009 Ford E450 Ambulance to the Town of Vinalhaven, ME. Pardue responded in part by saying someone from the Town of Vinalhaven would be coming here to pick the vehicle up.

**A motion was made to accept the bid from the Town of Vinalhaven, ME in the amount of \$48,000.00 for the 2009 Ford E450 Ambulance.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

c. **Award the Bid for a Breathing Air Compressor** – We recently sought bids to replace the breathing air compressor at the West Kennebunk Fire Station. The following bids were received for this item:

- Fire Tech & Safety, Winthrop, ME \$19,995.00
- Industrial Protection Services, So. Portland, ME \$23,480.00

The Fire Chief recommends accepting the low bid from Fire Tech & Safety in the amount of \$19,995.00.

Downs said this was a budget item from two years ago; they set aside \$40,000 for a compressor system.

**A motion was made to award the bid to Fire Tech & Safety in the amount of \$19,995.00.**

**MOVED: Karytko**

**SECONDED: Cluff**

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

d. **Set the Date of November 5, 2019 and Polling Hours for a Special Town Meeting Referendum Election** – The Board needs to set a date for the Special Town Meeting as well as the hours for the polls. Below are the questions to be voted on at said Special Town Meeting:

- Acceptance of Higgins Drive
- Acceptance of Flagship Circle
- Three-year Dispatch Agreement with Sanford Regional Communications Center
- Purchase of 15 Portland Road

**Polling Hours** - State law allows the polls to open as early as 6:00 a.m. or as late as 10:00 a.m. All polls in Maine close at 8:00 p.m. The Town Clerk is recommending the hours to be 6:00 a.m. to 8:00 p.m.

**A motion was made to set November 5, 2019 for a Special Town Meeting with polls to open at 6:00 a.m. and close at 8:00 p.m., with voting to take place in the Edward C. Winston Town Hall Auditorium.**

**MOVED: Ward**

**SECONDED: Cluff**

**VOTE: 6 in favor, 0 opposed, 1 absent (Karytko briefly stepped out of the meeting at the time of the vote). The motion passed.**

e. **Appoint the Warden and Set Additional Hours for Voter Registration and Absentee Voting for the November 5, 2019 Election**

1. **Appointment of Warden**

**A motion was made to confirm and appoint Mary Lou Nedeau as Warden for the November 5, 2019 Election as recommended by the Town Clerk.**

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

**2. Additional Hours for Voter Registration and Absentee Voting** – In addition to the regular Town Clerk office hours, the Clerk is proposing the following schedule:

- Saturday, October 26 9:00 a.m. to 12:00 p.m.
- Sunday, October 27 10:00 a.m. to 12:00 p.m.
- Thursday, October 31 4:30 p.m. to 7:30 p.m. (office will open at 8:00 a.m.)  
(This is the last day to vote absentee without special circumstances)

**A motion was made to extend the Additional Hours for Voter Registration and Absentee Voting as listed above for the November 5, 2019 Election.**

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

- 8. OLD BUSINESS
- 9. NEW BUSINESS

- a. **Discuss Increasing Municipal Agent Fees for Motor Vehicles, All-terrain Vehicles, Snowmobiles and Watercraft Registrations** – The State has passed a new law, effective 9/19/19 regarding service fees for registrations. This bill, LD 917, allows municipal agents to charge higher service fees for registrations for motor vehicles, from \$3 to \$5 for renewals and from \$4 to \$6 for new registrations. It also allows municipal agents to charge higher service fees for registrations for all-terrain vehicles, snowmobiles and watercraft, from \$1 to \$3 for renewals and from \$2 to \$5 for new registrations.

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

Cluff asked what the projected revenue increase on this is. In response to Cluff, Downs said \$16,774.

Cluff said he thinks this might be an opportunity for them to not raise a fee on something.

Paul said that from his perspective you can triple the cost of the fees and he'd still come to the Town Hall instead of the registry office (Dept. of Motor Vehicles).

**A motion was made to adjust the municipal services fee for registrations for motor vehicles, all-terrain vehicles, snowmobiles and watercrafts as noted above and in accordance with LD 917.**

**MOVED: Ward**  
**SECONDED: Karytko**  
**VOTE: 5 in favor, 2 opposed (Cluff, Karytko). The motion passed.**

- b. **Discuss Any Other Business**

## 10. BOARD OF SELECTMEN COMMENTS

- a. **Subcommittee Reports**



**b. Individual Selectmen Comments**

Selectman Ward:

- Ward thanked staff

Selectman Karytko:

- Karytko thanked Brenda Spulick, saying she decorated around the Welcome to West Kennebunk sign; Karytko said she did a great job and at no cost to the Town.
- Karytko spoke about the sober house noted by Davies in tonight's public comments. Karytko expressed some concerns with regard to that topic and with regard to when he heard about it. He said they should make people aware that something like this is a possibility and that they're working to try to understand what this is all about.

Selectman Cluff, Schulte, Paul:

- None

Selectman Berry:

- Berry said he would like to encourage the Board to think about getting back to their strategic planning discussions so they can coordinate with what they may see coming out of the Comprehensive Plan with what they see as a strategic plan for the Town.

Selectman Baldwin:

- Baldwin said he believes very strongly in strategic planning. He said he thinks this Board should have a workshop where they discuss what their 3-5 goals for the coming year are going to be, and then hold themselves accountable for achieving them.
- Baldwin said the Tree Committee had a final meeting on the subject of the trees on Parsons Beach Road; he said they concluded that there was no reasonable compromise that they could achieve. So, said Baldwin, they decided to follow through with the plan that was established in 2011. Baldwin said they will be planting white swamp oaks.

**11. TOWN MANAGER ANNOUNCEMENTS**

Pardue made some announcements.

**12. EXECUTIVE SESSION**

- a. **Discuss Pending Litigation** with the Town Manager, Finance Director and Director of Community Development - Title 1 MRSA Sec. 405(6)(E)

**At approximately 8:28 p.m., a motion was made to enter into executive session with the Town Manager, Finance Director and Director of Community Development to discuss Pending Litigation, pursuant to Title 1 MRSA Sec. 405(6)(E).**

**MOVED: Karytko**

**SECONDED: Cluff**

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

**At approximately 8:55 p.m., a motion was made to exit executive session.**

**MOVED: Cluff**  
**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

**A motion was made to adjourn the meeting.**

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



L. Blake Baldwin, Chairman  
Kennebunk Board of Selectmen

Date: 9/24/19