

TOWN OF KENNEBUNK
BOARD OF SELECTMEN MINUTES

October 8, 2019 – 6:30 P.M.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

On Tuesday, October 8, 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, Christopher Cluff, William Ward, Jr., 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. September 24, 2019 Regular Meeting [*Please refer to supporting material \(PDF\)*](#)

Baldwin noted an error in the September 24, 2019 Board of Selectmen Regular Meeting minutes.

A motion was made to approve the minutes of September 24, 2019 as amended.

MOVED: Karytko

SECONDED: Schulte

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

3. ITEMS TO BE SIGNED

4. PUBLIC HEARINGS

5. PUBLIC COMMENTS

Kelly Davies, Mike Davies' wife and resident of Kennebunk, spoke. She explained her husbands' qualifications, saying he graduated from Tufts University in Boston in 1973 and has spent the last 45 years working in the engineering/construction industry, and she said he's very familiar with building codes. Mrs. Davies said if they're going to build these homes (presumably she meant sober homes), they need to be safe. Mrs. Davies offered further comment regarding her concerns with a proposed sober house in Kennebunk. She mentioned that the person who wants to build the sober house told local neighbors that there will be no health care, no counseling on the premises... Mrs. Davies said if they are going to do this, they need to do it right and have strong regulations, safety wise, for both the structure and the people themselves.

Mike Davies also spoke with regard to the proposed sober home for Kennebunk. He noted that he is concerned that if this business industry is allowed to grow unregulated in the State, that there will be more and more failures of these facilities. Mr. Davies also said that as a fellow Kennebunk resident, he does not want to see this type of industry given a free reign in our Town and subject both the residents of the housing and the neighborhood to any increase risk of harm or death. Davies also suggested a moratorium be established to get a handle on this situation.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

- a. **Accept the Following Donation** – The Town recently received a donation in the amount of \$100.00 from Carl and Leslie Lindgren for the Town’s Medical Equipment Loan Closet.

A motion was made to accept the donation and send a letter of thanks to the Lindgrens for their generosity.

MOVED: Karytko

SECONDED: Schulte

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

- b. **Hear a Summary on Kennebunk’s Property Tax Assistance Program** – The Town’s Property Tax Assistance Ordinance/Program was established to provide property tax assistance to persons 62 years of age and over who reside in the Town of Kennebunk. There were 40 applicants this year; 31 applicants qualified for assistance ranging from \$33.25 to \$300.00. The total amount of assistance granted as of August 23, 2019 was \$5,194.25.

The expected amount available for the Property Tax Assistance Program as of July 1, 2019 is \$20,701.86, contingent upon the Board of Selectmen carrying the balance in the account forward once the Town’s books and records are closed for FY18-19 in December.

Property Assistance - Carry forward balance (14400-54047)	
Amount carried forward from FY17-18, as of 6/30/2018	\$22,882.11
Amount used and applied during FY18-19 as reported on 10/9/2018	(2,180.25)
Balance expected to be carried forward from FY18-19, as of 6/30/2019	20,701.86
Amount used and applied during FY19-20 as reported on 10/8/2019	(5,194.25)
Balance expected to be carried forward from FY19-20 to FY20-21	<u>\$15,507.61</u>

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

Schulte asked if it is a result of them being more effective at their distribution or the result of more people in need that they have granted more assistance money this fiscal year, as it is noted above. In response to Schulte’s question, Karen Winton, General Assistance Administrator, said it’s a combination of things. She said the State continues to evaluate the Property Tax Fairness Credit, which is how Kennebunk’s program is based in terms of eligibility; and the State has made steady increases over the last several years as to who qualifies; that also impacts Kennebunk’s numbers. Winton noted too an increase in outreach activities regarding the program.

Ward asked if they need to have a vote to carry the balance forward. In response to Ward, Pardue said not until the books are closed in December.

c. **Discuss Boards and Committees**

- **Accept the Following Committee Resignation:**
Michelle Ruth, Community Garden Committee – Regular Member 2021

A motion was made to accept the resignation of Michelle Ruth from the Community Garden Committee and send a letter thanking her for her service.

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

8. OLD BUSINESS

- a. **Hear an Overview of the Status of the Skatepark Initiative being advanced by Staff Members** - In its continued pursuit to build upon the interest and efforts devoted to the development of a skatepark over the last several years, staff from the Community Development and Parks and Recreation Departments have recently been working with the core users of the current park to gather data and identify a variety of resources for advancing the development of a skatepark that can be used and enjoyed for years to come.

Chris Osterrieder, Town Engineer, spoke regarding this agenda item. He said they gained a lot from user input. Osterrieder noted that some feedback regarding the site was the lack of maintenance. Osterrieder said the site was afterward cleaned up. Osterrieder added that he thinks there is a lot of opportunity within the existing skatepark site. Osterrieder also mentioned some of the challenges with the idea of putting a skatepark at Sea Road.

Schulte asked Osterrieder to what extent he is able to look at, in the design process, the full potential user base. Osterrieder responded to Schulte, for one thing saying they want to make all people feel welcome at a skateboard park.

Karytko said if they're going to do a skateboard park, he's always looking to do the best facility they can. He said he's not going to give up on the walking trails. In response to Karytko, Osterrieder said, in part, that you can integrate walking trails at many of our facilities.

Karytko also said he thinks it would be good to have the skateboarders, along with "us older people" who might use the trails; then older people are more "accepting" of skateboarders.

- b. **Hear an Update Regarding the LED Street Light Conversion Initiative**

Sharon Staz, Chair of the Energy Efficiency Advisory Committee, spoke with regard to this agenda item. She said they have selected the road site they want to put some example lights up on, as well as the fixtures they want to install. She said their goal is to have these up by the 3rd week in October, certainly no later than the last week in October. Staz also mentioned that abutters will be notified of this temporary installation; they expect them to be up for about 2 weeks. She said it will be in violation of their current policy, which allows for a street light every other pole, because they want to put these 3 in a row so they can see the footprint better. Staz mentioned too an RFP that they have drafted; two of the things she noted as being the intent of the RFP is to include the cost of the recommended fixtures and cost of installation by a third party.

Ward said Staz and others are planning to put the lights on every single pole, as an experiment, and Ward asked if they were doing that in an area where they would normally put them up on every other pole. Staz said that is correct.

Ward said he's trying to understand how they'll know if they're successful if you're doubling up like that. Staz responded to Ward, saying the poles are approximately 130 feet apart; she said they are putting the lights up for people to see the coloration and so forth.

Another comment Staz made is that the expectation is that by making this conversion to LEDs, the Town will save anywhere between 47-52% on its electric bill.

Karytko made comments. Staz and Pardue responded to him. Pardue said the police department is working to reidentify areas that they recommend additional lighting, or a change in lighting.

Discussion continued. Pardue asked Staz to clarify who owns the current light fixtures. She responded that the Town owns the fixtures on all the poles that have street lights on them, including in Lower Village and the beach area.

9. NEW BUSINESS

- a. **Set a Fine for Violators of the new Ordinance Prohibiting the Release and Display of Balloons** This Ordinance (4-10) was approved at the Annual Town Meeting on June 11, 2019. The fine for violators of the ordinance has not yet been established.

[Please refer to supporting material – Ordinance and Current Fee Schedule \(PDF\)](#)

Changes to the Ordinance Fee Schedule can be approved following a public hearing and do not require a Town Meeting vote.

Schulte said they walked away (just before this Board meeting) from the Selectmen Ordinance Subcommittee meeting suggesting a \$100 fine for violation of the above-noted ordinance, which seemed to be roughly in line with the State fine for littering. Schulte said his understanding is that they came out with \$100 as the potential fine. Berry said he didn't have the same understanding as Schulte regarding the fine. Some discussion between Berry and Schulte ensued.

A motion was made to hold a public hearing on October 22, 2019 to hear public comment on the proposed fine for violators of the Ordinance Prohibiting the Release and Display of Balloons.

MOVED: Karytko

Cluff asked if the fee is \$25, \$50, \$100. Cluff said if they're agreeing to that fee structure, he'll second Karytko's motion.

SECONDED: Cluff

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

- b. **Discuss Necessary Road Closures Associated with Special Event Applications – The Special Event Policy** requires Board approval for road closures. The Police Department is requesting approval for the following road closures:

- **Saturday, October 26 – Wicked 5K-10K Race**

Road Closures Needed:

3:00 – 4:30 P.M.+/-

Western Avenue, from the intersection of Boothby Road to Beach Avenue

Note: Times are approximate and are subject to change.

- During the race, traffic heading toward Kennebunkport from the Wells direction will be redirected down Sea Road.
- Local traffic will be allowed on Western Avenue from Sea Road to Boothby Road.

Ward asked a question and Pardue answered him.

A motion was made to approve the road closures noted above for the Wicked 5K-10K Race.

MOVED: Karytko

SECONDED: Cluff

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

c. Discuss Rescheduling the November 12 and December 24 Selectmen Meetings

1. November 12th Meeting – The regular meeting of the Board of Selectmen, scheduled for Tuesday, November 12, falls on the same evening as the Kennebunk Fire Society's Annual Meeting, which some of the Selectmen are hopeful to attend.

A motion was made to move the November 12th meeting to Thursday, November 14th.

MOVED: Karytko

SECONDED: Cluff

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

2. December 24th Meeting – This regular meeting of the Board of Selectmen falls on Christmas Eve. It is recommended the Board move this meeting to January 7th.

Cluff asked if they need to have the meeting noted above at all.

Discussion continued.

A motion was made to move the December 24th meeting to Tuesday, January 7th.

MOVED: Karytko

SECONDED: Ward

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

d. Discuss Any Other Business

10. BOARD OF SELECTMEN COMMENTS

a. Subcommittee Reports

Cluff gave an update from the Ordinance Subcommittee; he said the Fire Chief has made a recommendation that they change a couple pieces of the fireworks ordinance to impact the eligibility for permits and better enforcement.

b. Individual Selectmen Comments

Selectmen Ward, Cluff, Paul, Berry, Baldwin, Schulte:

- None

Selectman Karytko:

- If anybody has any torn or tattered flags, bring them to the American Legion Hall on Water Street; put them in a plastic bag and somebody will take care of them
- Lions Club box for eyeglasses and cellphones. Keep them coming; they're being put to good use.

- I called the Fire Marshal's Office; from what I was told, the Fire Marshal's Office was really fighting against this legislation that just came out. I am in favor of a moratorium regarding the situation with the sober home in Town.
- I want to commend our police department. I have seen increased traffic enforcement in terms of stops made.

11. TOWN MANAGER ANNOUNCEMENTS

Pardue made some announcements.

12. EXECUTIVE SESSION

13. ADJOURNMENT

At approximately 7:28 p.m., a motion was made to adjourn the meeting.

MOVED: Karytko

SECONDED: Schulte

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



L. Blake Baldwin, Chairman
Kennebunk Board of Selectmen

Date: 10/22/19