

**TOWN OF KENNEBUNK**  
**BOARD OF SELECTMEN MINUTES**  
**FEBRUARY 23, 2016 – 6:15 P.M.**

**SPECIAL MEETING**

Charles Barker

River Committee

Vacancies: (1) Alternate 2016

The candidate appeared before the Board and answered questions pertaining to background and relevant experience. Mr. Barker has informed the Board that he has attended a couple of the Kennebunk River Committee meetings and was encouraged to apply for the alternate position. The committee endorses his appointment.

Rick Roberts, River Committee Chair, was present and described the duties and objectives of the committee.

**REGULAR MEETING**

**1. CALL TO ORDER**

On February 23, 2016, at 6:30 p.m., in Room 301 of the Town Hall, Kevin Donovan, Chairman of the Board of Selectmen for the Town of Kennebunk, called to order the Regular Meeting of the Board of Selectmen. Present were Selectmen Kevin Donovan, Ed Karytko, Dick Morin, Dan Boothby, Chris Cluff, Shiloh Schulte and Deborah Beal.

Also in attendance were Town Manager Barry Tibbetts and Finance Director Joel Downs.

The Chair led everyone in the Pledge of Allegiance.

**2. MINUTES**

a. February 9, 2016 Regular Meeting

Budget Meetings - minutes will be available for the next regular meeting

- b. February 2, 2016 Special Meeting (Budget Meeting 6:00 pm)
- c. February 4, 2016 Special Meeting (Budget Meeting 6:00 pm)
- d. February 6, 2016 Special Meeting (Budget Meeting 8:30 am)
- e. February 11, 2016 Special Meeting (Budget Meeting 6:00 pm)
- f. February 13, 2016 Special Meeting (Budget Meeting 8:30 am)
- g. February 16, 2016 Special Meeting (Budget Meeting 6:00 pm)

There were no public comments.

**A motion was made to approve the minutes from the February 9, 2016 Regular Meeting.**

**MOVED:** Cluff

**SECONDED:** Karytko

**MODIFICATIONS:** None

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

The Chair proceeded to the next item.

3. **ITEMS TO BE SIGNED** NONE

4. **PUBLIC HEARING(S)**

- a. The Chair opened a hearing to act on the following renewal of Malt, Spirituous and Vinous Liquor License application:

**Jing Huang Dong d/b/a Jai Mei Le Wah Restaurant Inc.  
Located at 60 Portland Road  
For a renewal Malt, Spirituous and Vinous Liquor License Application**

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

*Fire Department: no deficiencies noted in the annual inspection.*

*Police Department: no calls for service that would interfere with the renewal of the license.*

**A motion was made to approve the renewal Malt, Spirituous and Vinous Liquor License Application for Jing Huang Dong d/b/a Jai Mei Le Wah Restaurant Inc.**

**MOVED:** Karytko

**SECONDED:** Cluff

**MODIFICATIONS:** None

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

- b. The Chair opened a hearing to act on the following new Malt, Spirituous and Vinous Liquor License application:

**Amato's Sandwich Shops, Inc. d/b/a Amato's  
Located at 48 Portland Road, Suite 2  
For a new Victualer License Application**

Information is available in the Town Clerk's Office.

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

*Fire Department: Due to the new construction currently underway, the facility is not ready for a Fire & Life Safety Inspection. The Fire Chief's recommendation is to issue the license and hold it until the following have occurred: Code Enforcement Officer's final inspection and Occupancy Permit issuance, and Fire Department's Fire & Life Safety Inspection.*

*Police Department: new business – nothing to report from police*

**DISCUSSION:**

Tibbetts informed the Board on the information regarding the construction schedule for this business and he is recommending the Board give its approval subject to the final inspection. Tibbetts further explained the timing of filing and approving now would mean the owner would not have to re-file and pay an additional fee.

**A motion was made to issue a new Victualer License Application for Amato's Sandwich Shops, Inc. d/b/a Amato's with the Fire Department's recommendation to hold it until the Code Enforcement Officer's final inspection and Occupancy Permit and the Fire Department's Fire & Life Safety Inspection.**

**MOVED:** Cluff

**SECONDED:** Karytko

**MODIFICATIONS:** None

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

The Chair proceeded to the next item.

**5. PUBLIC COMMENTS**

Lieutenant Eric O'Brien gave an update on the police officer who was injured in a car accident last week. Donovan asked O'Brien to let her know the Board was asking about her.

The Chair proceeded to the next item.

**6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

- a. Accept a Donation for the Fire Rescue Department – The Town recently received a \$10.00 donation to the Fire Rescue Department from St. Andre Health Care Facility in memory of Alice May (Marvin) Clunie.

**A motion was made to accept the donation from St. Andre Health Care Facility and send a letter thanking them for their thoughtful donation.**

**MOVED:** Donovan  
**SECONDED:** Karytko  
**MODIFICATIONS:** None  
**VOTE:** 7 approved, 0 opposed. The motion carried.

The Chair proceeded to the next item.

- b. Town Bond Ratings – The Town is in the process of issuing bonds that were authorized at the June 2014 and June 2015 Annual Town Meetings. As part of the bond issue, the Town's bond ratings are thoroughly analyzed by Standard & Poor's (S&P) and Moody's; this includes review of current financial statements, reserve positions, community long-term stability, potential for future growth, and overall management of the Town.

Citing a strong economy, strong management, and strong budgetary performance resulting in multiple operating surpluses leading to strong reserve levels, S&P reaffirmed our current rating of 'AAA', while Moody's upgraded our rating from 'Aa2' to 'Aa1'.

Our bond advisor estimates that our interest rates for the 2016 bonds to be issued on March 1, 2016 are lower by about 25 to 35 basis points had our ratings been at 2010 levels, saving the Town approximately \$45,000 over the life of these new bonds.

Town of Kennebunk Rating History

	<u>2003</u>	<u>2004</u>	<u>2007</u>	<u>2010</u>	<u>2013</u>	<u>2016</u>
S&P	AA-	AA	AA	AA+	AAA	AAA
Moody's	A1	A1	Aa3	Aa3	Aa2	Aa1

This is an impressive achievement for the Town and would not be possible without a great team and supportive community.

The full reports from the rating agencies were enclosed in the packet.

There was no public comment.

DISCUSSION:

Donovan thanked Tibbetts and Downs for their effort and hard work to achieve this rating.

The Chair proceeded to the next item.

- c. Candice Simeoni Recognition – On Thursday, February 11<sup>th</sup>, Candice Simeoni was recognized by the Maine State Senate for being named Kennebunk Post's Great Person of 2015. She was recognized for her work with the Citizen's Police Academy in both Kennebunk and previously in Eliot. She is a self-defense instructor, been a counselor at Camp Postcard for needy and troubled teens and organizes a coat drive for the elderly. Candice is also a child safety seat technician, chairs the York County Elder Abuse Task Force, is a leader in its Lifelong Wish program and she is a baker for Icing Smiles where she bakes cakes for terminally ill children.

We are so proud of Candice and all of her continued successful accomplishments! Please join us in congratulating Candice and thanking her for all she does for the community.

DISCUSSION:

Donovan expressed his thanks to Candice Simeoni for all her hard work.

There was no public comment.

The Chair proceeded to the next item.

**7. TIME SENSITIVE BUSINESS**

- a. Note: This item was not on the agenda:

Replacement of Police Cruiser – There was an accident on February 13<sup>th</sup> involving a police cruiser, where an officer was injured. The Police Chief received word today (February 23<sup>rd</sup>) that the vehicle will be totaled by the insurance company. Action needs to be taken to replace the vehicle as soon as possible because there is an eight week wait time after placing the order for a replacement vehicle.

DISCUSSION:

Tibbetts and Chief Mackenzie looked at the bids from the previous purchase of vehicles, which was approximately a year ago. The cost of a new cruiser has increased by \$525, which was the lowest bid from Arundel Ford. Tibbetts explained that the vehicle is totaled and the insurance company has the worth at \$22,775 – a difference of \$6,215 from the purchase price. Tibbetts stated that they have not yet settled with the insurance company. Tibbetts would like to move forward with a decision to purchase a new vehicle now because it will take eight weeks for delivery. Cluff asked about the standard practice of going out to bid. Tibbetts explained they have carried forward prices from other items in the past and he believes this is a fair pricing procedure. He further explained that the vehicles are rotated out every five years.

There were no public comments.

**A motion was made to purchase a replacement cruiser for \$28,990 from Arundel Ford using the insurance settlement and make up the difference if necessary.**

**MOVED:** Cluff

**SECONDED:** Karytko

**MODIFICATIONS:** None

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

The Chair proceeded to the next item.

- b. Discuss the Closing of Certain Town Ways to Heavy Loads beginning February 29<sup>th</sup> – 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. This is done to protect our roads as the frost levels are changing.

The following roads will need to be closed to such traffic commencing on February 29<sup>th</sup> and will remain closed until at least April 30<sup>th</sup> unless otherwise posted. Any violation of the rules is a traffic infraction punishable by a fine of not less than \$250.

Alfred Road (Warrens Way to Cole Road)	Cole Road	Durrells Bridge Road
Downing Road	Harriseckett Road	Heath Road
Middle Road	Mill Street	Old Falls Road
Old Port Road	Perkins Lane	Ross Road
Thompson Road		

Home Heating Fuel Delivery Trucks, Municipal Vehicles and Solid Waste Collection Trucks are exempt from Posted Road regulations. 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 F. or below and no water is showing in the cracks in the road. Both conditions must be met. Arundel and Kennebunkport will be closing their town ways to heavy loads beginning on February 29<sup>th</sup> as well.

DISCUSSION:

Schulte asked if the road closing will be stopped if the winter continues to be mild. Donovan replied that the posting could be pulled. Karytko asked for clarification for closing these particular roads. Tibbetts explained the winter season produces frost heaves and heavy trucks that drive over the roads damages them. The roads were chosen because they are connecting routes and are used as shortcuts.

There were no public comments.

**A motion was made to close the above roads from February 29<sup>th</sup> until as cleared by the Town’s Director of Public Services.**

- MOVED:** Cluff
- SECONDED:** Schulte
- MODIFICATIONS:** None
- VOTE:** 7 in favor, 0 opposed. The motion carried.

The Chair proceeded to the next item.

**8. OLD BUSINESS (2<sup>ND</sup> READING)**

- a. Discuss the Board of Selectmen’s Strategic Plan Survey – The Comprehensive Plan & Zoning Ordinance Update Committee has finalized their recommendations for the survey. The survey length is now five pages and was included in the Board packet.

DISCUSSION:

Tibbetts explained the Strategic Plan and Comprehensive Plan & Zoning surveys were combined and have been adjusted. The Comprehensive Plan & Zoning Ordinance and Update Committee has reviewed and

approved the changes to their survey. MRI is the vendor who will process the survey and is fine with it. Tibbetts stated that they are looking to send it out in mid-March and the deadline will be mid-April. Paper copies of the survey will be at the Town Clerk's office and a notice will be in the newsletter, the Town's website and on television. Tibbetts is also requesting the press for help. Schulte suggested drop down menus when filling out online. Mat Eddy, Economic Development Director, stated that he will ask MRI to provide that feature. Karytko stated his concern with the public's interpretation of questions regarding providing services because they may not realize it could mean tax increases. Schulte explained that the survey only asks for opinions.

There were no public comments.

**A motion was made to place the survey information on our website and have paper copies available at the Town Hall once the tax bills have been mailed.**

**MOVED:** Cluff  
**SECONDED:** Karytko  
**MODIFICATIONS:** None  
**VOTE:** 7 approved, 0 opposed. The motion passed.

The Chair proceeded to the next item.

#### **9. NEW BUSINESS (1<sup>ST</sup> READING)**

- a. Discuss the Sale of the Route One South (Rest Area) Property – The Board has discussed the disposition of the Route One South Rest Area property with the discussion centered on turning the property from a tax idle parcel to a taxable parcel with business growth.

The June 10, 2014 Town Meeting vote authorized the Board to sell the 14 acre Rest Area property and to seek re-development proposals for that land, subject to such conditions as the Board of Selectmen deems in the Town's best interests of the Town (see warrant article included in the Board packet).

One proposal was received in response to the RFP (a copy was included in the Board packet), which was sent out in late August. The project was not awarded, based on the proposed use that was submitted, which did not meet the desired goals of the EDC.

Recently, the Town, through our Economic Development Director, has received a couple of proposals. The best option for that property was submitted by Benjamin Meggs (see P&S agreement, which was included in the Board packet) who will bring in a light manufacturing operation toward the rear of the property and retail/office space in the front. The building will be 20,000 sq. ft. in the initial phase with future buildouts.

#### **DISCUSSION:**

Mat Eddy, Economic Development Director, explained that there have been two RFP's for this property in the past. A formal proposal from Benjamin Meggs has been received. Eddy explained that the purchase price is \$115,000 and the Purchase & Sale agreement has not been formalized. He mentioned the Town needs to do a vernal pool assessment and an appraisal of the property. If the appraisal comes in higher, there will be renegotiations. Cluff asked about a clause in the Purchase and Sale agreement regarding the purchaser's obligations. Eddy explained the permitting process and that construction is required to begin within two years of the sale. Tibbetts stated that of the 14 acres, only 5 to 6 are developable because of wetlands. The buyer will be responsible for the realtor's commission. Board members discussed the

environmental statements. Eddy explained if cleanup is necessary, the funding can come from grant monies. Schulte asked about additional contamination from the proposed manufacturing business. Benjamin Meggs came to the podium and explained the manufacturing business will consist of rigging out boats that are brought in and he is not anticipating any boats being built on the property. Beal asked about the height of the wires on the roadway. Tibbetts replied that the wires have been raised.

There were no public comments.

**A motion was made to move this item to a second reading on March 8, 2016.**

**MOVED:** Cluff  
**SECONDED:** Karytko  
**MODIFICATIONS:** None  
**VOTE:** 7 in favor, 0 opposed. The motion carried.

The Chair proceeded to the next item.

- b. Discuss Board of Selectmen Outreach Sessions – Selectman Morin has a proposal to allocate a 2-hour block of time on Saturday mornings for Selectmen hours with the public. These would be off camera, casual discussions and potentially held weekly on Saturday morning from 8 or 9 a.m. to 10 or 11 a.m. Sessions would include two Selectmen and would be publicized for the public.

DISCUSSION:

Board members stated they like the idea of holding outreach sessions and discussed having rotating shifts. Morin stated that he was looking at monthly not weekly meetings and, if needed, can add more if necessary. Morin has heard from people about their uneasiness of being on television at the podium. It was determined that this item does not need to go to a second reading. Tibbetts suggested holding the meetings the third Saturday of every month and the Board agreed. Board members would like to hold the meetings at 8:00 or 9:00. Tibbetts will send an email with different dates to Board members so they can finalize the schedule, then it will be published. Schulte suggested bringing in refreshments.

There were no public comments.

**A motion was made to set sessions for the 3<sup>rd</sup> Saturday of every month with the schedule and time to be determined.**

**MOVED:** Cluff  
**SECONDED:** Karytko  
**MODIFICATIONS:** None  
**VOTE:** 7 in favor, 0 opposed. The motion carried.

- c. Discuss Quarterly Budget and Financial Review Workshops – Some Board members have indicated a desire to review and identify necessary budgetary items earlier in the budget year. These proposed quarterly workshops would also allow for staff input on the status of budgetary and financial positions.

If this were instituted, the first quarterly meeting would be held in late July or August. How would the Board like to proceed?

DISCUSSION:

Donovan likes the idea of sitting down with department heads to find out where their needs lie. This would give the Board a good idea of their needs before the budget season. Donovan also mentioned the Budget Board will be invited. Tibbetts will reach out to the Budget Board, consolidate a process and give all department heads a list of what is needed. Donovan would like to see the workshops televised. Board members decided to vote on this tonight, therefore, there is no need for a second reading.

There were no public comments.

**A motion was made to host quarterly budget review workshops with the first meeting set in July.**

**MOVED:** Cluff  
**SECONDED:** Karytko  
**MODIFICATIONS:** None  
**VOTE:** 7 in favor, 0 opposed. The motion carried.

The Chair proceeded to the next item.

d. Discuss Boards and Committees (resignations/appointments, if any)

• **Appointment of Resident being interviewed at the beginning of the meeting:**

- Charles Barker                      Kennebunk River Committee                      Vacancies: (1) Alternate 2016

There were no public comments.

**A motion was made to appoint Charles Barker as an Alternate member on the Kennebunk River Committee with a term expiring on June 30, 2016.**

**MOVED:** Karytko  
**SECONDED:** Cluff  
**MODIFICATIONS:** None  
**VOTE:** 7 in favor, 0 opposed. The motion carried.

The Chair proceeded to the next item.

e. Discuss Any Other Business

Tibbetts has spoken with staff regarding scheduling Selectmen tours of their department. Tibbetts will have Kathy Nolette send out an email and coordinate dates and times.

Tibbetts was approached by a resident, who is a professional mediator/facilitator, regarding a sit down meeting with the Save the Mousam River and Free the Mousam River committees to discuss options after KPLD has announced their decision. This will be at no cost to the Town. Schulte suggested inviting other groups that will be affected by KPLD's decision for representation. Tibbetts recommends this meeting take place before the decision is announced in May. Tibbetts explained it would be beneficial for the Town to be a part of the process early and hearing suggestions from this meeting will give the Town more time to work through issues. The Board would like to meet and hear the mediator's concept. Tibbetts will invite him to the March 8<sup>th</sup> meeting if he is available. If not, he will invite him to the March 22<sup>nd</sup> meeting.

The Chair proceeded to the next item.

## 10. SELECTMEN'S COMMENTS

### a. Subcommittee Reports

The bonds have been signed.

Schulte, Boothby and Beal participated in an Ordinance Subcommittee meeting regarding plastic shopping bags. Schulte reported that there was good discussion regarding the potential plastic bag ordinance.

### b. Individual Selectmen Comments

#### Selectman Schulte

- None

#### Selectman Boothby

- Reminded Board members that they need to have goals for each department, including the Town Manager. After a brief discussion, Donovan suggested this as an item for executive session with no special meeting needed.

#### Selectman Cluff

- None

#### Selectman Karytko

- If trash expense goes to the mill rate, important that people recycle to keep fees down.
- Asked Chris Osterrieder, Town Engineer, when his road plan will take place. Osterrieder replied that he will begin in June.
- Asked Downs about LD1's recalculation. Downs replied that he has not had a chance to look at that because he is working on the tax bills.
- When the Board did Tibbetts' annual review in December, they discussed holding quarterly meetings. Donovan suggested holding the first in an executive session at the second meeting in March.
- Asked if the job posting for a working supervisor at Public Works been done. Tibbetts replied that it should happen in a week or so.
- He attended the Arundel Selectmen's meeting and there was discussion of scenarios of pulling out of RSU. He is concerned about the affect this will have on Kennebunk if Arundel withdraws from the school construction project. Board members discussed Arundel's responsibility if they pull out of RSU. Beal stated that they will need to buy their way out. Tibbetts stated that he heard the groundbreaking ceremony will be held in April. Karytko heard the groundbreaking ceremony would be on March 8<sup>th</sup>. Tibbetts will double-check the date.

#### Selectman Beal

- None

#### Selectman Morin

- Hopes the people will take advantage of the Saturday meetings and asked the public to please stop by.
- Described the condition of a state road he had driven on recently, which was very bad compared to Kennebunk's roads.

Selectmen Donovan

- Have had people reach out to him with support after a comment made at a recent meeting. Donovan understands it was an opinion and he had already made the decision not to run for his position on the Board in July.

The Chair proceeded to the next item.

**11. TOWN MANAGER'S COMMENTS/NOTES**

Merton Brown, Town Clerk described the voter registration drive at the High School that day. He attended with the town clerks from Arundel and Kennebunkport to register 17 year-olds who will be 18 by the November election. He registered 27, of which the majority were democrats. They were very impressed with how polite and knowledgeable the students were. The Republican caucus will take place on Saturday, March 5<sup>th</sup> at the Biddeford Middle School. This will be for York County voters, except for Limington. Doors open at noon and the caucus begins at 2:30 p.m. Brown will be available from 1:30 – 2:30 p.m. The Democratic caucus will take place the following day at the Kennebunk Middle School for voters in Kennebunk, Kennebunkport and Arundel. Doors open at noon and the caucus begins at 1:00 p.m. Brown will be at this from 12:00 – 1:00 p.m.

The Chair proceeded to the next item.

**12. EXECUTIVE SESSION(S)**

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

**A motion was made to go into Executive Session at 7:50 p.m.**

**MOVED:** Donovan  
**SECONDED:** Cluff  
**MODIFICATIONS:** None  
**VOTE:** 7 in favor, 0 opposed. The motion carried.

Upon coming out of executive session, the Board had nothing to report.

**13. ADJOURNMENT**

**A motion was made to adjourn the meeting at 8:40 p.m.**

**MOVED:** Donovan  
**SECONDED:** Cluff  
**MODIFICATIONS:** None  
**VOTE:** 7 in favor, 0 opposed. The motion carried.

  
Deborah Beal, Secretary  
Kennebunk Board of Selectmen

Minutes Approved: \_\_\_\_\_

3/8/16