

**TOWN OF KENNEBUNK**  
**BOARD OF SELECTMEN MINUTES**  
**JANUARY 12, 2016 – 6:30 P.M.**

**REGULAR MEETING**

**1. CALL TO ORDER**

On January 12, 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 Donovan, Boothby, Karytko, Beal, Morin, and Cluff. Absent was Selectman Schulte.

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

**2. MINUTES**

- a. December 22, 2015 Regular Meeting.
- b. January 7, 2016 Special Meeting (Joint Meeting w/ Arundel, K'bunk, K'port & RSU 21)  
**The minutes were not available at this time.**

There were no changes or comments.

**A motion was made to accept the minutes from the December 22, 2015 Regular Meeting.**

MOVED: Cluff  
SECONDED: Karytko  
DISCUSSION: None  
MODIFICATIONS: None  
VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

**3. ITEMS TO BE SIGNED – None.**

The Chair proceeded to the next item.

**4. PUBLIC HEARING(S)**

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

**MOGO Holdings d/b/a Pedros**  
**located at 181 Port Road**  
**for a Malt, Spirituous and Vinous Liquor License**  
**AND**  
**Special Amusement Permit**

Information is available in the Town Clerk's Office.

*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.*

There were no Board or public comments.

**A motion was made to approve the renewal of a Malt, Spirituous and Vinous Liquor License and renewal of a Special Amusement Permit for MOGO Holdings d/b/a Pedros.**

MOVED: Karytko  
SECONDED: Cluff  
DISCUSSION: None  
MODIFICATIONS: None  
VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

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

**US Hotels New England LLC d/b/a White Barn Inn  
located at 37 Beach Avenue  
for a Malt, Spirituous and Vinous Liquor License  
AND  
for a Special Amusement Permit**

Information is available in the Town Clerk's Office.

*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.*

There were no Board or public comments.

**A motion was made to approve the renewal of a Malt, Spirituous and Vinous Liquor License and renewal of a Special Amusement Permit for US Hotels New England LLC d/b/a White Barn Inn.**

MOVED: Cluff  
SECONDED: Karytko  
DISCUSSION: None  
MODIFICATIONS: None  
VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

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

**The discussion of carry forward fund balances remaining in accounts with unexpended funds (from FY14-15 to FY15-16).**

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

*In accordance with the Town's Charter, Section 3.06, the Board of Selectmen, after a public hearing, may carry forward funds remaining in accounts with unexpended balances as of June 30, 2015. The books and records for the general fund are nearly closed, with the one of the final steps in this process being the identification of funds to be carry forward from fiscal year 2014-2015 into fiscal year 2015-2016.*

DISCUSSION:

Karytko asked Finance Director Downs if this money would be allocated for the same accounts after being carried over. Downs replied that it depends on what is going on with the committees. He then read through

who they have identified with specific projects and donations. Selectman Morin asked for the total amount. Downs replied \$133,134.75.

There were no public comments.

**A motion was made to carry forward fund balances remaining in accounts with unexpended funds (from FY 14-15 to FY 15-16).**

MOVED: Donovan  
SECONDED: Karytko  
DISCUSSION: None  
MODIFICATIONS: None  
VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

## **5. PUBLIC COMMENTS**

Merton Brown, Town Clerk – Brown stated that Maine does not have a presidential primary. He explained that if people wish to indicate which candidate they support, they would need to be enrolled in one of the three parties and attend their caucus. Brown listed dates and locations of some of the upcoming caucuses and explained the procedure. He encouraged people to call the Town Clerk's office to verify that they are enrolled in a party.

Brown reminded the community that it is time to register dogs if they have not. Beginning February 1<sup>st</sup>, a fine will occur for those who have not done this.

Resident Lionel Menard – has heard that the Sewer District may not have the referendum up for a resident vote regarding the sewer expansion and renovation. Menard believes this is a mistake and it will affect everyone in Town including those who do not have public sewer. He requested the Board to make a formal request to the people who handle the Sewer District to have a public vote. Donovan stated that this will affect the schools and the Town Hall services and he thinks this suggestion is a good one. Karytko mentioned that it would affect everyone because of the tax bill. This item will be added as an agenda item for a future Board meeting.

The Chair proceeded to the next item.

## **6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS** – None.

The Chair proceeded to the next item.

## **7. TIME SENSITIVE BUSINESS**

- a. Accept a Donation for the Emergency Fuel Assistance Fund – The Town recently received a \$1,000.00 donation from Jim and Betsy Fitzgerald for the Town's Emergency Fuel Assistance Fund.

**A motion was made to accept the donation from Jim and Betsy Fitzgerald and send a letter thanking them for their very generous donation.**

MOVED: Donovan  
SECONDED: Karytko  
DISCUSSION: None  
MODIFICATIONS: None  
VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

- a. Hear a Brief Update on the December 27 29 & 30 Storm – The last storm had some unusual weather, which presented some different approaches to the treatment and clearing of the roads and sidewalks. The department did experience a few breakdowns in equipment that prolonged/delayed some snow removal. Overall, the roads were well maintained. Staff will be present to share a quick overview of the storm.

DISCUSSION:

Eric Labelle, Public Services Director, discussed the plan for tonight’s storm. Labelle explained that the last storm went well and described the issues that came up. Karytko mentioned that he had received a call from a business owner regarding the parking areas on Main Street not being cleared in a timely manner. He asked if there were any way to manipulate the schedule and have one or two smaller plows clean up before business hours. Labelle responded that he did hear of that feedback and the two vehicles that were down are up now. The Board asked Labelle if he has sufficient staff and he responded that he does.

There were no public comments.

The Chair proceeded to the next item.

- b. Set the Budget Meeting Dates for the 2016-17 Proposed Budget – Each year, the Selectmen and Budget Board hold joint meetings to discuss the upcoming budget. The proposed dates for review of the 2016-17 proposed budget are as follows:

Meeting #1	Tuesday, February 2	6:00 pm to 9:00 pm
Meeting #2	Thursday, February 4	6:00 pm to 9:00 pm
Meeting #3	Saturday, February 6	8:30 am to 11:30 am
Meeting #4	Thursday, February 11	6:00 pm to 9:00 pm
Tentative - Meeting #5	Saturday, February 13	8:30 am to 11:30 am
Tentative - Meeting #6	Tuesday, February 16	6:00 pm to 9:00 pm

DISCUSSION:

Cluff mentioned that he had not seen a budget priority list. Tibbetts responded that he had chosen topics that were mentioned over the last year. Downs stated that the budget book would not be available until the Friday before the first meeting.

**A motion was made to approve the Budget Meeting dates listed above.**

MOVED: Cluff

SECONDED: Karytko

DISCUSSION: None

MODIFICATIONS: None

VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

- c. Discuss the Bids for a Three Ton Trailer Mounted Portable Asphalt Recycler & Hot Box– The Board discussed this purchase at their meetings on December 8 and 22.

A hot box is used to heat, reheat, reclaim and recycle asphalt materials for patching and potholing. This will aid the crew in maintaining better quality roads year-round, particularly during the winter months and will allow our staff to be considerably more efficient in the repair of the roads.

This purchase was originally proposed in the current budget but was removed during budget discussions last year to lower the overall capital budget.

After further review, we believe funding for this item could come from savings realized on capital fund purchases made during fiscal years 2012 through 2015. The total available is \$25,955.00. The capital items previously purchased included tractors, mowers, skid steer, trailer, street sweeper, and dump/plow truck. The alternative would be to fund this in this year's coming budget.

Our recommendation is to purchase a new Three Ton Trailer Mounted Portable Asphalt Recycler & Hot Box from Viking Cives at a price of \$24,685.00 with funds coming from the capital budget savings summary of \$25,955.00.

The following bids were received for this purchase:

	<u>New</u>	<u>Used</u>
H.P. Fairfield LLC, Scarborough, ME	\$30,999.00	\$30,499.00
	3-ton unit	3-ton unit
<b>Viking Cives, Lewiston, ME</b>	<b>\$24,685.00</b>	<b>\$26,685.00</b>
	<b>3-ton unit</b>	<b>4-ton unit</b>

DISCUSSION:

Tibbetts explained that the hot box was discussed during the Board of Selectmen's Finance Subcommittee meeting held on January 5<sup>th</sup>. He further explained that the hot box will be used to fill potholes and will save time for the Town workers in not having to pick up and deliver asphalt. Tibbetts stated that the money to pay for this is a reallocation from the capital budget in the amount of \$25,955 from money within the capital budget. Used equipment did not price out any lower. Tibbetts is requesting to move ahead or wait and set money aside.

Karytko asked about future uses for this equipment. Tibbetts explained that the equipment can also be used for replacing culverts and reheating asphalt, which costs \$100 - \$150 a ton. Cluff asked about the allocation of these funds being done properly. Tibbetts explained that all the funds were approved in the capital plan are set aside for equipment. The funds are from bonded and cash allocations. Karytko asked if the staff will have a problem using this equipment. Labelle explained that staff should not have a problem with equipment and the upside is the ability to reheat material resulting in less waste. Boothby asked if this money, that is already budgeted, can be placed back into the budget. Tibbetts replied that it can. Morin stated that Woodhaven is in bad shape and this item could help there and has been reviewed by the Finance Committee and is appropriate.

Resident John Poletto asked the Board if this type of equipment can be rented first to ensure it is what the Town needs. Tibbetts responded that the Town did look at purchasing the equipment used and that other municipalities that have this type of equipment keep it for a very long time.

**A motion was made to approve the purchase of a new Three Ton Trailer Mounted Portable Asphalt Recycler & Hot Box from Viking Cives at a price of \$24,685.00 with funds coming from the capital budget savings summary of \$25,955.00.**

MOVED: Cluff  
SECONDED: Karytko  
DISCUSSION: Morin mentioned that Resident Pollotto had a good idea and explained since Eric Labelle is comfortable with this the motion was made. Tibbetts further explained that they did use a test machine and have talked to other towns. Poletto mentioned that no offense was taken.  
VOTE: 5 in favor, 1 opposed (Boothby), 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

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

**Information in the next article requested that this be item be tabled until the February 9<sup>th</sup> meeting. The Board did not discuss this item.**

- d. Discuss a Consent Agreement for 2 Marsh View Avenue – The Board heard the presentation on this item at their meetings on December 8 and 22. This consent agreement is between the Town and the owners of 2 Marsh View Avenue, John and Jennifer McDonald regarding a violation in the fall of 2014 involving the unauthorized removal of trees in the Shoreland/Resource Protection districts as well as the removal of one tree on the neighboring property.

At the December 22<sup>nd</sup> meeting, the Board asked the Code Enforcement Officer, Paul Demers, for a revised plan, which is included in the Board packet. Please note that the plan now only reflects the actual restoration that would be acceptable to address the violation. The plan is the result of numerous conversations with DEP-endorsed arborists that are familiar with the violation process in other communities. The plant types and sizes have been reviewed to provide sufficient buffer restoration and are spaced to provide optimum opportunity for them to survive and do well in the long term.

A copy of the consent agreement that was included in the last packet is also included in the Board packet.

**The homeowner is away on business for the month on January and has requested moving this final meeting discussion to February 9<sup>th</sup>.**

**MOTION:** To move this discussion/decision to February 9<sup>th</sup> when the homeowner can be present.

**OR**

If the Board does not wish to move this discussion to the next meeting, the motion could be as follows:

**MOTION:** To require the updated plan be implemented and a fine of \$ \_\_\_\_\_ including attorney fees of \$ \_\_\_\_\_ be assessed, and authorize the Code Enforcement Officer to sign the consent agreement.

The Chair proceeded to the next item.

- e. Discuss the Draft of the Board of Selectmen's Strategic Plan Survey Questions – Included in the Board packet, is a revised questionnaire for your review. This survey would be administered via email in preparation for the Board's strategic plan session. Would the Board want the website address placed in the tax bill mailer for greater exposure or use existing emails, cable TV, and local press to get the questionnaire out? We should allow 2 to 3 weeks for the completion of the survey once it is released.

Based on our current schedule of meetings (including budget sessions) and the tax bill mailing, I am recommending the strategic plan session be scheduled on a Saturday morning in March (possibly on the 5<sup>th</sup> or 12<sup>th</sup>).

DISCUSSION:

Cluff stated that sending out the survey mailer with the tax bill is worth the wait. Tax bill mailers will be going out the first part of March. Tibbetts thought the date was earlier so the meeting will need to be moved out in order to give time for completion of the survey. Downs explained that adding the notice to the tax bill is easy and inexpensive.

There were no public comments.

**A motion was made to include a survey notice with the tax bills and decide on a meeting date later.**

MOVED: Cluff  
SECONDED: Karytko  
DISCUSSION: None  
MODIFICATIONS: None  
VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

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

- a. Discuss the Three Dams Located on the Mousam River in Kennebunk – As you are aware, Kennebunk Light & Power District released their dam study in November. Since then, the Town has received a number of inquiries and emails (included in the Board packet) from residents about the possible dam removals. Would the Board like staff to review the study and provide comments on the impact/non-impact of the current options presented in the study, along with additional options for a future workshop? The first potential workshop date would be Tuesday, March 15, 2016.

DISCUSSION:

Cluff mentioned that he would like the full Board and staff who are relevant from the Kennebunk Light & Power District to attend this workshop. Tibbetts stated that he will reach out to KLPD. Cluff wants to make sure the Town has a good understanding and it is KLPD's responsibility.

Resident Bob Girard encouraged the Board to hold the workshop. He stated he feels things are being rushed. Donovan stated that the Board of Selectmen does not have the authority to make the decision about the dams; the dams are owned by the Kennebunk Light and Power District. If this happens, he would like to come out of a workshop with three proposals for a Town vote at the Presidential election. Donovan further explained that the workshop is simply to find out where KLPD stand with the certification and decertification. The Board will not be making the decision.

Resident Donna Teague hopes the workshop will help people understand the consequences of the proposals. She would like to hear from the sewer, water and tax assessment offices as to how this dam removal will affect the Town. Donovan explained they will come up with some proposals that will go on a non-binding referendum and people will need to study.

Resident Lois Copeland stated that she supports Tibbetts and the Board in their efforts to respond and thinks the workshop is a great first step.

Resident Chauncey Copeland agrees and applauds the efforts to have workshops and walk through the options. Copeland asked if the workshop is open to the public. Tibbetts replied that it is and will be televised. Beal suggested holding the workshop in another area due to anticipated high attendance. Tibbetts mentioned it can be held in the auditorium.

Resident Ward Hanson asked the Board what is to stop KLPD from taking dams down before the workshop. Donovan again explained that until KLPD relinquishes the dams, there is nothing they can do.

Resident John Polletto asked if the KLPD and the Board will be getting information from other towns with similar situations. Donovan replied that KLPD has done this but the Board will not.

Resident Lois Copeland asked if residents will be notified if the dams are to be deconstructed before the Town can intervene. Donovan responded that the Town has a good relationship with the KLPD and would be surprised if there were no notifications.

**A motion was made to move to a second reading on January 26<sup>th</sup> and have the workshop televised.**

MOVED: Donovan

SECONDED: Cluff

DISCUSSION: None

MODIFICATIONS: None

VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

- b. Discuss the Time and Attendance Bids – This is for a new time and attendance system to replace the existing antiquated non-integrated system, which is currently used by the employees at Town Hall and Public Services. Manual data entry is required to get time data input for the Recreation department’s part-time employees and all employees in the Fire and Police departments. This new system can be used by all departments and provides accruals and attendance reporting for employees and supervisors.

Bids were requested and four bids were received and opened in September. The top two systems were further analyzed by staff from various departments with live demonstrations to ensure the systems met all criteria.

The bid summary is shown below and a detailed listing of the bids/systems was included in the Board packet for your review.

Company Name	BiznusSoft	KRONOS	Andrews Technology	Cincinnati Time of Maine
In-house	n/a	n/a	\$38,190.00	\$34,430.00
Software as a Service (SaaS) (Cloud) (As listed on bids)	\$97,800/12 months (500 employees; purchased clocks)	\$1,008.5/month (100 employees; leased clocks)	\$35,000/12 months (250 employees; purchased clocks)	\$1,573.90/month (402 employees; leased clocks)
<b>SaaS (Restated as 250 employees per month for 12 months; purchased clocks)</b>	<b>\$82,800.00</b>	<b>\$35,625.00</b>	<b>\$35,000.00</b>	<b>\$17,911.00</b>

After our review, the system that best meets our needs, at the least cost, is the Attendance on Demand system proposed by Cincinnati Time of Maine at a price of \$17,911.00. The budgeted amount for this purchase is \$15,000.00. The difference can be funded from the remaining budgeted monies for the current maintenance of the time clock system. We have the funds for this SaaS (cloud) approach for all departments except the link to the IMC system used by the Police. We would need to budget \$4,000 for the IMC conversion link in next year's budget. This item was discussed with the Selectmen's Finance Subcommittee at their meeting on January 5<sup>th</sup>.

DISCUSSION:

Tibbetts explained that this item was discussed at last year's budget meeting. He went on to explain that they looked at bids in two perspectives; one being cloud-based and the other in-house. The lowest bid is from a cloud-based solution. The new system offers advantages such as elimination of manual data entry and offers more flexibility with time clocks. Not included in the price listed is a \$4,000 charge for a conversion link for the police system connection.

Karytko asked why is the Town going with a new system. Carolyn Hughes, HR Director, explained the current system is slow, inefficient, costs time and money. She also stated that the time clocks have been going down and the current software vendor is slowly withdrawing support. Some departments need to enter information manually. Karytko then asked if the new software can track different functions. Hughes replied that the new system will have the capability to use different job codes linking them back to the payroll system and because it is a cloud-based system, we will be able to have the data faster to check overtime, etc. Boothby asked if there is an escape clause if the Town is unhappy. Hughes answered that the software is billed monthly; the largest cost is the implementation. She further explained that the system is also available to be purchased if the Town decides to do so.

There was no public comment.

**A motion was made to move this item to a second reading on January 26<sup>th</sup>.**

MOVED: Karytko

SECONDED: Cluff

DISCUSSION: None

MODIFICATIONS: None

VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

c. Discuss Two Events for Kennebunk in 2016 – Both of these events would be coordinated with the Festival Committee using subcommittees and would occur in the summer of 2016.

1. **1776 Re-enactment Camp (New Event)**

This would occur on Friday, June 24 at 4:00 p.m., all day Saturday, June 25 and ending on the morning of Sunday, June 26.

The event would have demonstrations of revolutionary life, marching drills, musket demonstrations, and activities for children and families. The revolutionary soldiers would camp out at Parsons Field. They would be responsible for set-up, functioning and clean up. The Festival

Committee would assist with coordinating the event and provide \$1,000.00 (from their committee budget) to offset costs for this event.

**2. Portland Symphony Orchestra (PSO)**

A group of local residents would like to bring back the PSO this summer, on Thursday, July 28<sup>th</sup> at the Waterhouse Center.

The subcommittee "Music on Main Street" would raise all the necessary donations for this event. They would be a subcommittee under the Festival Committee. We would need to close Main Street, as we did for last year's performance. The committee would handle all announcements.

DISCUSSION:

Tibbetts explained that the Festival Committee likes the idea of the 1776 Re-enactment Camp but is hesitant going forward until the Board has had a chance to review. The Re-enactment Camp has requested to have camping and a fire pit. The Festival Committee does not think they have the authority to approve. Since the following item is regarding events, Cluff suggested discussing it first before deciding on this item. The Board agreed.

**A motion was made to move this to a second reading pending the development of a policy by staff.**

MOVED: Donovan

SECONDED: Karytko

DISCUSSION: Karytko asked if the date will impact any baseball games. Tibbetts responded that baseball ends by that time. Beal asked if issues from previous events at Parsons Field have been worked out. She has concerns around alcohol and open flames. Tibbetts explained it will be reviewed. Karytko asked what the \$1,000 is for. Tibbetts explained that it is the cost to host the re-enactment camp. Nancy Galloway and Lynn Abelson, co-chairs of the Festival Committee, came to the podium. They explained that they were hoping David Littleton, from the re-enactment camp, would attend tonight's meeting in order for the Board to ask questions. Parsons Field is in a residential area and the Festival Committee is concerned with additional costs over the \$1,000 to host this event. They further explained that they are looking for Board input. Boothby mentioned that if the Festival Committee is not happy with the Board's decision, they can still refuse. Beal mentioned that is a lot to ask the committee in monitoring the event. Beal also would like to hear the benefits to the Town. Festival Committee does approve of the Music on Main Street event.

MODIFICATIONS: None

VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

- d. Discuss Various Special Events and Timing Thereof – Over the course of one year, Kennebunk is host to approximately 40+ special events. These events are either non-profit organizations or Town events. The number of events from non-profit organizations that encumber the roadway to a certain extent is 17. While Town-sponsored events that encumber the roadway total eight. The remaining events do not impact the roadways. A summary of all events was included in the Board packet.

When we receive a request to hold a special event on public or private property that will affect the standard and ordinary use of Town-owned property, public streets, rights-of-way or sidewalks, and/or which requires additional levels of town services, we ask the requestor to fill out a special event application. This helps us evaluate the impact of the event and determine any associated costs they may require. This includes, but is not limited to, fairs, festivals, carnivals, sporting events, foot races/walks,

bike-a-thons, markets, parades, exhibitions, auctions, dances, and motion picture/commercial filming. Special events do not include regular park activities, functions held on school properties that are sponsored by the school district, or regular work being performed by Town agencies. The special event application was included in the Board packet for your review.

As applications for special events are received, a few questions have arisen over this past year.

- How many events do we want in Kennebunk that affect our roadways?
- How many events should be held on any one weekend?

We have predominately received requests for special events from non-profits (seeking to fundraise), however, we are now receiving applications from businesses and individuals to hold events, and i.e. road races, etc. on Town roads that would profit from the event (they are not a non-profit individual or group).

The Town could regulate these events with a policy; a policy regulating some broad parameters might be appropriate. How would the Board like to proceed?

DISCUSSION:

Tibbetts explained that there has been an increase of requests to hold events in Kennebunk. He is concerned with the impact this can have to the community. There will be 17 town events this year, which will be held on Town property. Tibbetts' concern is with events such as road races, which require roads to be closed down. Tibbetts has spoken with the Town attorney and was told the Board can regulate events with a Board policy. Tibbetts is looking at events that are not impacting the town vs. those that are and has recently received requests for events from private individuals to raise money for their business. Boothbay asked if Tibbetts can come up with a draft policy. Cluff stated that a policy is a great idea but be careful not to have it too cumbersome, which may deter people from having events.

**After discussion of motions, the Board agreed to go to a second reading for both (c) and (d) when a draft of the policy is ready. Tibbetts is hoping to have this by the next meeting on January 26<sup>th</sup>.**

Resident Betsy Smith mentioned that she has encountered event volunteers by her property and was unaware of an event taking place. She requested notification to be added to the policy. The Board responded that her request is reasonable.

**A motion was made to move this to a second reading pending the development of a policy by staff.**

MOVED: Donovan

SECONDED: Karytko

DISCUSSION: None

MODIFICATIONS: None

VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

- f. Discuss the Pay-As-You-Throw Program and Bag Pricing – Recently, the Selectmen's Subcommittee on Solid Waste met to discuss the Pay-As-You-Throw (PAYT) program, Recycling, and the Transfer Station. The spreadsheet, which was included in the Board packet, reflects the program's history. This year a deficit will be realized in the enterprise fund for this program. We have not raised the price of bags for three years. That deficit can be eliminated by increasing the bag pricing or supplementary funding from the general fund.

DISCUSSION:

Tibbetts explained that the spreadsheet included in the Board documents dates back to 2006. The challenge has been volume vs. weight calculation. Cluff stated that as of October 31, 2015, there is a loss of \$36,000 and will be approximately \$100,000 by June. Morin recalled a discussion of having bags in place for a year and then determining how to assess fees. He also stated that he does not understand the barrels that the Town had to supply and the bags. He recommends putting back on the tax rolls or assess a user fee. Morin is not in favor of adjusting anything yet because there is no data going forward. Donovan responded that he also recalls discussion of holding bags for a year and then review. Karytko stated that he has heard people are using the system but not using bags and asked if misuse, when discovered, is being tracked. Cluff mentioned that orange tags are placed on the handles of the barrels if not bagged correctly. Karytko requested reviewing the report of those who have been tagged. Tibbetts stated that he will send the reports to Karytko. Morin mentioned that the Board needs to either subsidize the program or raise bag prices today to get through the year and expressed his unhappiness with the program. Cluff explained that the bags are a more equitable solution. Donovan noted with recycling up, people are using fewer bags. Downs mentioned the fixed cost is the actual pick up fee, which is \$299,400.

Resident Steve Bowley thought that the program was supposed to save residents money. Cluff explained that the price for the previous waste management company was going up and the contract was ending. Donovan mentioned that they need to come up with a plan to take care of this. Bowley asked the value of the containers that were swapped out. Tibbetts explained that there is no value and they are to be reissued when new homes are built. The cost of the barrels was included in the contract and the Town has paid for them. There is no value. It was part of the original deal. Tibbetts explained the town needed to go out to get smaller ones. Cluff mentioned that when we run out of that stock, the committee discussed adding a fee to new home construction. Morin thinks the public is willing to consider a lift fee. Beal asked if there is a capability to lift and bill each individual household. Morin suggested a quarterly billing.

Karytko asked if a workshop should be set up. Morin thought the subcommittee was going to bring a resolution to the Board. Cluff suggested making readjustments to bags and reconvene the subcommittee later. Tibbetts suggested asking the voters to make the decision in June of no bags or add to mil rate. Beal would like clear information on the mil rate so people can make an educated decision. Downs mentioned that they are looking at the coming year and the loss is approximately \$85,000.

**A motion was made to move this item to a second reading on January 26<sup>th</sup> with a recommendation from the finance director on pricing including three options.**

MOVED: Cluff

SECONDED: Karytko

DISCUSSION: None

MODIFICATIONS: None

VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

- g. Discuss the 2016 TIF Operational Expenditures – The Economic Development Committee has met with the Lower Village, Downtown and West Kennebunk Village Committees to discuss the operational expenditures. Included in the Board packet are the proposed expenditures for 2016.

DISCUSSION:

Cluff asked about Mat Eddy's, the Economic Development Director, salary amount being listed. Tibbetts explained that 100% of his salary is now taken out of the TIF. Morin asked if there was a meeting to discuss the size of the TIFs and how to generate the projects. Tibbetts replied that at the last discussion, the Board requested the EDC to come up with a list of projects for review. Morin stated that there is not enough data to move this to a second reading because there are no dollar amounts listed. Eddy stated that they were charged to look at potential projects in order to help the Board go through the decision process. Karytko mentioned that it is difficult to weigh the listed projects against other projects without a dollar amount and the list has these items in the priority that the committees decided upon. Board members noted some items had not been on the previous list. Eddy explained they were new. Beal stated that TIFs are not for life and will mature. Beal recommends reviewing now so when the impact happens, the Town is not left with large expenses. The Board discussed their concern that the projects listed did not have descriptions.

Donovan discussed moving both the 2016 TIF operational expenditures and the long-term capital TIF infrastructure to second readings. In addition, have individual members of the board review what is listed and if they have comments, changes, additions or deletions, bring forward at that time and vote. Cluff requested including the balances in the packet for review.

**A motion was made to move this item to a second reading on January 26<sup>th</sup>.**

MOVED: Donovan  
SECONDED: Karytko  
DISCUSSION: None  
MODIFICATIONS: None  
VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

- h. Discuss Long-Term Capital TIF Infrastructure Projects– The Economic Development Committee has reviewed the various projects by area with the Downtown, Lower Village and West Kennebunk Village Committees and has prioritized those items for discussion, funding and implementation. The listing was included in the Board packet for your review.

**A motion was made to move this item to a second reading on January 26<sup>th</sup>.**

MOVED: Donovan  
SECONDED: Karytko  
DISCUSSION: None  
MODIFICATIONS: None  
VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

The Chair proceeded to the next item.

- i. Discuss Any Other Business – None.

The Chair proceeded to the next item.

**10. SELECTMEN'S COMMENTS**

- a. Subcommittee Reports (if any) – Cluff – the Solid Waste Subcommittee has met to talk about trash. Additionally, the Finance Subcommittee has met to discuss things on tonight's agenda and on tax acquired property and how they want to move on that.
- b. Individual Selectmen Comments

Selectman Boothby

- Would like to know where they are in the budget. Use to get a sheet as to where we are quarterly. Tibbetts will get that for him. Morin mentioned that the Finance Committee did review the budget sheet.

Selectman Karytko

- The American Legion has a program for recycling used flags. Place them in a plastic bag and bring to the Legion hall on Water Street.
- He had a meeting with Tibbetts on the roads and they are looking at trying to get a plan by the next meeting. This will aid in putting things in perspective.
- He attended the West Kennebunk Village Committee. Family Fun Days will be August 6<sup>th</sup>, the Holiday Fair is on November 5<sup>th</sup>, Thanksgiving dinner on Thanksgiving Day, and the tree lighting is on December 3<sup>rd</sup>.
- Update on West Kennebunk lights. Christ Osterrieder, Town Engineer, stated the crew will be out in the next week or so to continue work.
- Minutes from the RSU 21 meeting? Tibbetts explained that they are not completed.

Selectman Cluff

- Great seminar today put on by the Economic Development Committee. Cluff described the event and thanked those that helped.

Selectman Beal

- Stopped in to the seminar for a bit today.
- She reminded people that it is winter and to please turn headlights on when necessary.
- Waterhouse Center - Patriot Riders have their chili contest on Saturday and there will be a skate swap.

Selectman Morin

- Explained to Karytko that the Board can pass the budget now and then can review again and turn back if necessary.
- Thank you to Eric Labelle with the last storm.

Selectman Donovan

- Appreciated the storm timeline also.
- He will not be at the next meeting because he will be away.

The Chair proceeded to the next item.

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

- a. Downtown Committee Representative Appointment to the Comprehensive Plan and Zoning Ordinance Update Committee – The Downtown Committee did not have a quorum at their January 7<sup>th</sup> meeting. If they choose a representative later, we will place the appointment on a future agenda.
- b. Martin Luther King Jr. Day - Monday, January 18<sup>th</sup>
- Town Hall and Department of Public Service will be closed
  - Transfer Station will be closed (closed Sunday and Monday every week).
  - Curbside collection of trash and recycling will take place as usual all week.

**DISCUSSION:**

Morin had heard from a number of people that having the transfer station closed for four days over the last holiday season was inconvenient. Tibbetts will speak with the owner and mentioned it will not be the same problem next year due to rotating holidays.

**12. EXECUTIVE SESSION(S)**

- a. Discuss a Personnel Issue with the Town Manager, Finance Director, Public Services Director, and Human Resource Director - Title 1 MRSA Sec. 405(6)(A)

**A motion was made to go into Executive Session at 8:58 p.m.**

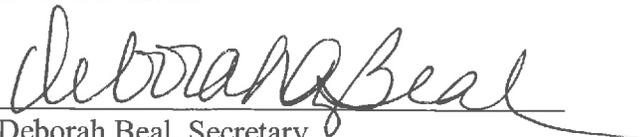
MOVED: Donovan  
SECONDED: Karytko  
DISCUSSION: None  
MODIFICATIONS: None  
VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

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

**13. ADJOURNMENT**

**A motion was made to adjourn the meeting at 9:37 p.m.**

MOVED: Donovan  
SECONDED: Karytko  
DISCUSSION: None  
MODIFICATIONS: None  
VOTE: 6 in favor, 1 absent (Schulte). The motion carried.

  
Deborah Beal, Secretary  
Kennebunk Board of Selectmen

Minutes Approved: 1-26-16