

TOWN OF KENNEBUNK
BOARD OF SELECTMEN MINUTES
TUESDAY, JANUARY 26, 2016 – 6:15 P.M.

SPECIAL MEETING

The candidate appeared before the Board and answered questions pertaining to background and relevant experience. The candidate explained that she first applied for an alternate position then found out it was a regular position, which is fine.

Madeleine Tunison	Festival Committee	Vacancies:	(2) Regular 2018
			(1) Regular 2017
			(1) Regular 2016
			(1) Alternate 2016

REGULAR MEETING

1. CALL TO ORDER

On January 26, 2016, at 6:30 p.m., in Room 301 of the Town Hall, Richard Morin, Vice-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 Morin, Boothby, Schulte, Cluff, Karytko and Beal. Absent was Chairman Kevin Donovan.

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

2. MINUTES

- a. January 7, 2016 Special Meeting (Joint Meeting w/ Arundel, K'bunk, K'port & RSU 21).
- b. January 12, 2016 Regular Meeting

There were no public comments.

A motion was made to accept the January 7, 2016 Special Meeting (Joint Meeting w/ Arundel, K'bunk, K'port & RSU 21) and the January 12, 2016 Regular Meeting.

MOVED:	Cluff
SECONDED:	Karytko
DISCUSSION:	None
MODIFICATIONS:	None
VOTE:	5 approved, 1 abstained (Schulte), 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

3. ITEMS TO BE SIGNED

- a. Items as Presented – None

The Vice-Chair proceeded to the next item.

4. PUBLIC HEARINGS

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

**Brian and Shanna O’Hea d/b/a The Kennebunk Inn LLC
located at 45 Main Street
for a renewal of a Malt, Spirituous and Vinous Liquor License**

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.

DISCUSSION:

Tibbetts stated that the Town is recommending the renewal.

There were no public comments.

A motion was made to approve the renewal of a Malt, Spirituous and Vinous Liquor License for Brian and Shanna O’Hea d/b/a The Kennebunk Inn LLC.

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

The Vice-Chair proceeded to the next item.

5. PUBLIC COMMENT

Merton Brown, Town Clerk, reminded the public that the cost to license their dog(s) will increase beginning February 1st from \$11 or \$6 (neutered or spayed) to \$36 or \$31.

The Vice-Chair proceeded to the next item.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. New Hire/Police Department – We are pleased to announce that Michael F. Nugent has been selected as the Deputy Chief of the Kennebunk Police Department. He started with the Town on January 11, 2016.

Michael is a veteran law enforcement officer, recently serving as Captain at Westbrook Police Department, where he had been since 1996. Prior to his law enforcement career, Michael served with the United States Army, active duty for 12 years and reservist for 10 years, retiring at the rank of Major. Michael holds a Bachelors degree in Criminology through Indiana University of Pennsylvania. Michael has attended the FBI-LEEDA Executive Seminar and FBI-LEEDA Command Institute for LE Executives.

Michael resides in Wells with his wife Diane.

The Board welcomed Michael to the Town of Kennebunk.

DISCUSSION:

Nugent was present and he thanked everyone for welcoming him and expressed his pleasure with coming to the Town.

- b. Recreation Director Retiring – Brian Costello, Kennebunk’s long-time Recreation Director, has announced he will be retiring on April 22nd, after 30 years with the department.

Costello began his employment with the Parks and Recreation Department in March 1986 as a Program Assistant and Parks Maintenance Lead, becoming Director in June 1986. He has been instrumental in growing the Department’s programs to serve the diverse needs of the community.

Under his tenure, the number of department programs grew from just 45 with revenues totally \$26,000 to more than 500 this past year, generating over \$700,000 in revenues. Costello also led numerous improvements at many of the Town’s facilities. During his 30-year tenure, Brian built a highly professional recreation department that has adapted to the changing needs of the community.

We’d like to thank Brian for his outstanding service to the Town. His commitment to the youth, families and businesses was superb and will certainly be missed. We wish him the very best in his future endeavors.

There were no public comments.

The Vice-Chair proceeded to the next item.

7. TIME SENSITIVE BUSINESS

- a. Award the Bid for the Sale of the Fire Department’s 1973 Dodge Brush Truck – The Kennebunk Fire Rescue was approved to purchase a new brush truck in the current capital improvement program. This new vehicle will replace the 1973 Dodge “Brush 2” at the West Kennebunk Station and should arrive by the end of the month. The old brush truck (1973 Dodge, model W200, AWD) was put out for sealed bid on December 28, 2015 with bids due on January 21, 2016. The Truck was advertised on the Town’s website, Maine Municipal Association’s website, the Maine Fire Chiefs website, and Craigslist. It was noted that the bid specifications (3 page document) could be viewed on our website.

As you can see on the bid that was included in the Board packet, we had a tremendous response to our bid advertisement. The bids prices submitted ranged from \$101.00 to \$5,973.73. Our recommendation is to sell the vehicle to the highest bidder, Barry Moses from Kingston, NH, at a price of \$5,973.73.

DISCUSSION:

Tibbetts described the truck and explained that it was purchased by the Town in 1973. Tibbetts further explained that it was decided to rotate the truck out of the fleet. There were over 50 bids received and the highest was \$5,972.73. Schulte asked what the value of the truck is. Tibbetts responded that the value is in the \$3,000 range, has low mileage and is desirable for a collector. Karytko asked what the procedure is if the first bidder reneges. Tibbetts explained that it would go to the second bidder and he will inform the Board. Tibbetts also stated that the monies will go to the general fund.

There were no public comments.

A motion was made to award the sale of the 1973 Dodge M200 Brush Truck to Barry Moses from Kingston, NH at a price of \$5,973.73.

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

The Vice-Chair proceeded to the next item.

8. OLD BUSINESS (2ND READING)

- a. Discuss the 2016 Single Axle Dump Truck Bids– In this year’s budget (2015-16), we allocated \$170,000 for a single axle dump truck. Bids specifications were sent out and the following bids were received:

Company	Bids	
Portland North Truck Center	Base Bid: (H.P. Fairfield Package)	\$164,404.00
Falmouth, ME	Deduct Alt. 1 (allowance for trade-in)	0
International truck	Add Alt. 1 (extended warranty)	\$3,560.00
Portland North Truck Center	Base Bid: (Tenco/Messer Package)	\$187,830.00
Falmouth, ME	Deduct Alt. 1 (allowance for trade-in)	0
International truck	Add Alt. 1 (extended warranty)	\$3,560.00
Portland North Truck Center	Base Bid: (Viking Cives Package)	\$165,265.00
Falmouth, ME	Deduct Alt. 1 (allowance for trade-in)	0
International truck	Add Alt. 1 (extended warranty)	\$3,560.00
Freightliner & Western Star of Maine Inc.	Base Bid: (Tenco/Messer Package)	\$188,336.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Freightliner	Add Alt. 1 (extended warranty)	\$4,901.00
Freightliner & Western Star of Maine Inc.	Base Bid: (H.P. Fairfield Package)	\$164,910.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Freightliner	Add Alt. 1 (extended warranty)	\$4,901.00
Freightliner & Western Star of Maine Inc.	Base Bid: (Viking Cives Package)	\$165,771.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Freightliner	Add Alt. 1 (extended warranty)	\$4,901.00
O’Connor Motor Co.	Base Bid: (H.P. Fairfield Package)	\$189,228.00
Portland, ME	Deduct Alt. 1 (allowance for trade-in)	0
	Add Alt. 1 (extended warranty)	\$11,289.00
Freightliner & Western Star of Maine Inc.	Base Bid: (Tenco/Messer Package)	\$194,473.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Western Star	Add Alt. 1 (extended warranty)	\$4,901.00
Freightliner & Western Star of Maine Inc.	Base Bid: (H.P. Fairfield Package)	\$171,047.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Western Star	Add Alt. 1 (extended warranty)	\$4,901.00

Freightliner & Western Star of Maine Inc.	Base Bid: (Viking Cives Package)	\$171,908.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	0
Western Star	Add Alt. 1 (extended warranty)	\$4,901.00
Plow Equipment only:	Subtotal	
Viking Cives	Equip. less Chassis	\$77,285.00
Lewiston, ME	Viking package	

The Public Services Director recommends accepting the low bid from Portland North Truck Center (HP Fairfield Package) for \$164,404.00, without the extended warranty. It was noted the bid specifications (25 pages) could be viewed on our website.

DISCUSSION:

Tibbetts is recommending going with the bid from Portland North Truck Center with no extended warranty for \$164,404.00. Karytko asked if this truck is a replacement. Eric Labelle, Public Services Director, explained that they are currently one truck short and a spare is needed if another goes down in order to continue with work. Boothby asked why no extended warranty. Labelle explained he did not feel the value was there. Schulte asked why an older truck was sold in June. Tibbetts stated for excessive mileage and rust. Labelle explained that the auction takes place in June and it was a good time to sell the vehicle. He further explained that a new truck purchase was in the budget.

There were no public comments.

A motion was made to award the 2016 Single Axle Dump Truck to the low bidder, Portland North Truck Center, for the HP Fairfield Package at a price of \$164,404.00, without the extended warranty.

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

The Vice-Chair proceeded to the next item.

- b. Discuss the Three Dams Located on the Mousam River in Kennebunk – At the last meeting, the Board discussed holding a joint workshop with the Kennebunk Light & Power District (KLPD) on options for the dams not listed in their current study. Our staff, consulting with KLPD, would develop the alternate options. The tentative date for a workshop is Tuesday, March 15th, pending KLPD confirmation.

Concerning the timing sequence for a straw vote and the Federal Energy Regulatory Commission (FERC) licensing requirements, a straw vote would need to be held in June versus November. Depending on the straw vote outcome, this would allow for a potential final vote with a funding commitment in November 2016. The presidential election has the most voter turnout. This timeline would allow KLPD to meet the FERC deadline of March 2017.

DISCUSSION:

Tibbetts has spoken with Todd Shea, General Manager at KLPD, to discuss the possibility of holding a straw vote in June. This would allow time to have the vote at the November Presidential election. Tibbetts explained if a straw vote was held in November, a special election would need to be held in the winter, which usually has a low voter turnout. Tibbetts suggested a straw vote to KPLD as a way to find out what the public would like and alternative options were lacking in what was proposed. Tibbetts further explained the

Town's perspective involves looking at the aesthetics and recreation values along with the impact to the community. Schulte asked if there will be any final decision by the March 15th workshop and he is concerned about spending time and money for something that will not occur. Tibbetts responded that KLPD will need to indicate their intentions. Tibbetts also stated that if the Town is part of the decision, we will have the ability to go back and make modifications. If the Town is not, will need to file as an intervener, which is costly. The Board questioned KPLD following what the public wants. Tibbetts explained if they see what the voters want, officials will likely follow. There was a discussion of the expense of exploring new alternatives and of KLPD agreeing to share resources from the Wright Pierce report. Tibbetts explained that they can look at using Town staff, if necessary, and will be able to move forward and will determine funding later. Cluff expressed his concern of not overloading the Town Engineer.

Morin asked if there were any public comments and requested the comments be on positive or negative implications of the workshop only. Karytko reiterated Donovan's comment that we do not own the dams.

Resident Sharon Staz supports the workshop and explained the Federal rules and regulations regarding Notice of Intent being filed. She explained that once a filing is made, it becomes the plan. To change a plan, you need to become an intervener, which is difficult. If the Board determines that they are willing to take ownership of the dams, there is no reason KPLD could not sell them back for a \$1, which was the price the Town sold to them. Staz explained the Town will need to do this before the Notice of Intent has been filed. Schulte asked if they go into this together, would the Town be liable for all costs of taking down the dams, if that would be the plan. Tibbetts explained that KPLD will have liability in removing the dams and the costs will be part of the negotiations.

Resident Chauncey Copeland described a meeting he attended earlier in the day with KLPD. Todd Shea conveyed to him a timeline and the Trustees will be voting in the beginning of February to address the Wright Pierce report and making their decision in March. Copeland explained that he had a difficult time getting an answer on studies of the impact for the environment and he asked Selectman to modify the wording of the motion to include key groups. Copeland recommended including only a couple KLPD trustees, Tibbetts, the tax assessor from the Town, a local real estate rep. and Kennebunk Economic Development Committee.

Resident Shawn Teague expressed the importance of having the workshop and explained that residents have had specific questions of KLPD and have not received answers. He stated that residents are frustrated and he hopes Selectmen will help get these questions answered. Teague feels it is the duty of the Board to get this information addressed. Teague also would like to have an estimate of the costs of the rates, per month, if they decide to bill to cover costs. Beal suggested the Board receive the questions ahead of time so they can review them before the workshop.

Resident Ward Hanson asked to picture what the river would like in the downtown and in Kennebunk. He stated that he does not feel the public is being heard and wants to slow down the process.

Resident Patricia Hughes mentioned that she understands KLPD has come to a valid business decision for ratepayers and she asked the Board for help because KLPD is not looking at property values. Hughes has spoken to the Town Planner in Arundel and was told that what KLPD promised did not come true.

Resident Louis Copeland stated that she thinks there is a need for the workshop. She asked the Board if there is any way to have them push out their decision. KPLD's self imposed deadline and they do not need to do anything. Copeland explained that she asked KPLD this and they told her they are choosing to do it

this year because they can. She further explained that there should be subsequent workshops with KPLD invited.

Resident Donna Teague stated that she is for the workshop and asked the Board to include realistic appraisals for property values and what it will mean to the Town. She also mentioned other issues that are coming up. Ratepayers need to understand it will be out of their wallet.

Morin stated it could be beneficial to bring in local realtors to discuss the appraisal impact on land values. Karytko suggested Tibbetts call Shea and ask that no decisions be made before the March 15th workshop. Boothby requested that the sewer and water districts be included and to focus on the large items. Beal would like to have concrete structure at the workshop.

A motion was made to tentatively set the date of March 15th for joint workshop with KPLD incumbent upon Town Manager Tibbetts' conversation with Todd Shea.

MOVED: Karytko

SECONDED: Cluff

DISCUSSION: Boothby asked if the sewer and water districts will be invited. Beal mentioned that it is important to have a structure ahead of time because not all issues can be covered in one evening and she does not think all others should be involved in the beginning. Boothby replied that the utility departments do not have to participate in the workshop but he would like them there if questions arise that only they can answer. Schulte stated that he would like to see what extent the Town is involved and what is the process and KPLD needs to be willing partners. Tibbetts will send a draft of the agenda for the workshop to the Board for review before the meeting and he will contact the water and sewer districts. Beal mentioned a larger venue will be needed.

MODIFICATIONS: An amended motion was made to tentatively set the date of March 15th for a Joint Workshop with KPLD.

MOVED: Karytko

SECONDED Cluff

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

The Vice-Chair proceeded to the next item.

- c. Discuss the Time and Attendance Bids – A new time and attendance system to replace the existing antiquated, non-integrated system currently used by the employees at Town Hall and Public Services was presented at the last meeting. Currently, 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. The new system can be used by all departments and provides accruals and attendance reporting for employees and supervisors.

The bid summary is shown below and a detailed listing of the bids/systems was attached in the 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)

SaaS (Restated as 250 employees per month for 12 months; purchased clocks)	\$82,800.00	\$35,625.00	\$35,000.00	\$17,911.00
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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 5th and at the Board's last meeting.

DISCUSSION:

Tibbetts stated that staff is recommending Cincinnati Time system and the product meets and exceeds expectations. Tibbetts explained that the Town will be able to purchase the software in the SaaS approach and the conversion will take a couple of months. Karytko asked how this will save money and the logic for choosing this system. Tibbetts explained the system can integrate the fire and police departments and will enable staff to track hours electronically, which will save time in processing payroll and is more efficient.

There were no public comments.

A motion was made to purchase the time and attendance software, Attendance on Demand, proposed by Cincinnati Time of Maine at a price of \$17,911.00 with funding from the capital operating budget.

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

The Vice-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. Events of non-profit organizations that encumber the roadway total 17, while Town-sponsored events total eight. The remaining events do not affect the roadways. We are now receiving applications from businesses and individuals to hold events, i.e. road races, etc. on Town roads that would profit from the event (they are not a non-profit individual or group). A summary of all events held in 2015 was included in the board packet, providing insight into the potential conflicts by areas and dates.

At the last meeting, the Board requested a draft policy be written to regulate these events. A Special Event Policy has been drafted and was included in the packet. A quick summary of the draft includes these parameters:

- Areas covered in Town
- Priority ranking of which application is first
- Restrictions for road events and number of events on any given weekend
- Number of events allowed within a given area (Lower Village, Downtown, West Kennebunk)
- Events can only be reserved six months in advance
- All events must comply with the Special Events Application

DISCUSSION:

Tibbetts stated that he needs to make modifications to the policy. The first item relates to all events over 300. He is concerned with the impact on the roads. He also explained that he does not think there is a need to regulate park events. There should be a fee for the application. Tibbetts would also like to add that applicants for an event that affects "x" number of abutters on roadways, will be required to send a postcard out to notify abutters. Addresses are available in the code office.

Cluff was concerned that the policy does not address road closures. Schulte asked how many of the events are actually closing the roads. Tibbetts described the special event application process and explained the information it covers. Cluff mentioned a need to assess the impact of road closings on businesses. Morin recalls that there were to be no decisions on road closure unless there was an assessment on the impact on businesses. Schulte questioned the policy on the number of events allowed on a weekend. Board members listed out some of the Town events that have multiple day events on a weekend. Tibbetts stated that he needed to come up with a policy due to increased requests, especially from "for profits." Schulte stated that it is worth having a second reading. Tibbetts will refine the policy and bring back for Board review.

No motion was needed.

The Vice-Chair proceeded to the next item.

- e. 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 attached spreadsheet reflects the program's history. Again, this year, a deficit will be realized in the enterprise fund for this program. This is a result of several factors: increased cost for collection, weight vs. volume collection, and the increased tipping fee. In addition, we have not raised the price of bags for three years. That deficit can be eliminated by increasing the bag pricing or funding from the undesignated general fund or combination thereof. To better understand the non-compliance of users, a report is attached looking at two weeks in January indicting the percentage of households not using town bags. The non-compliance rate is under 1%. We currently place stickers on the containers of all violators alerting them of the violation. We will be sending printed cards to the homeowner in the coming weeks further highlighting the issue.

The estimated numbers to correct the deficit will be ready Tuesday evening. The four options are:

1. Increase the bag pricing to cover 100% of deficit on a yearly basis.
2. Supplement the shortfall using undesignated fund balance each year.
3. A combination of 1 and 2 above: Increase the bag pricing and supplement the shortfall using funds from the undesignated fund balance.
4. Place a warrant article before the voters in June eliminating the PAYT program, which would result in increasing the mil rate by an estimated "X" cents.

Note: If this program is eliminated, the cost for solid waste disposal will fluctuate on the total weight delivered to the tipping station. The potential issue in the future for this option will depend on how faithful the residents are in recycling. This increase in the tax rate will affect all property taxpayers, including those that do not participate in the program (businesses as well as residents who have chosen to use a private contractor).

DISCUSSION:

Tibbetts explained that the PAYT numbers have been presented in the four options as requested at the last Board meeting. Downs gave a summary of the spreadsheet and explained it reflected residential pickup only. He stated 55% of the pickup is trash, therefore, 45% is recycling and that the last increase in bag prices

was in May of 2013. Downs reviewed the cost and fees from 2013, 2014 and 2015 and reviewed fiscal year 2016 projections. These projections show a deficit of \$86,300 if current pricing resumes. The collection fee is \$299,400 and does not change. Net loss for 2017 would be approximately \$90,400 if nothing changes. Karytko asked why the tonnage amount for residential is not going down if there is more recycling and asked if it could be from billing inaccuracy. Cluff mentioned that the new program started last summer and we do not have enough historical data to make a comparison. Schulte mentioned it is worth looking at tracking the billing more closely. Schulte asked because of fewer bags, does that mean higher volume of recycling. Downs mentioned that people are putting heavier items in the trash bags. Morin asked if five cents added to the mil rate would cover deficit plus the supplement and twenty-three cents to the mil rate if no bags. Downs agreed.

Karytko asked what the noncompliance record was from July to December. Tibbetts replied that he can go back and figure that number out and will let him know. Cluff mentioned that he would like to fix the problem now and look into fixing the whole program later. He is not in favor of raising the mil rate.

Resident Bill Gallant stated that as a business owner, trash is a pay as you go and he is not willing to pay for others by increasing his costs if the mil rate is raised.

Karytko mentioned that it is not fair to increase mil rate because trash amounts vary from households. Beal stated that the cost to cover the deficit should be split and she is concerned that residents will find other ways to dispose of their trash if bag prices increase. Morin suggested looking into a lift assessment. Beal reminded the Board the cost for the truck to go out will remain the same regardless of a bag or lift system.

Resident Bonnie Clement mentioned that as a business owner she pays to have a dumpster and she doesn't believe getting rid of bags is a good idea. She believes raising the price should be a Town vote and people will not use bags if they are more expensive. Schulte stated that residents will be paying anyway if the mil rate is increased.

Resident Sharon Staz mentioned that the composting program is kicking off.

Resident John David described a program used in California based on weight of the barrels. This program used a scanning system. He liked it because the program eliminates plastic bags. He will gather more information when he returns to California in March. Cluff mentioned that he had been told this technology is not available at this time. Karytko stated that he had been told the equipment to weigh barrels is not reliable. Morin requested Tibbetts to talk to other communities to check how their systems are succeeding.

A motion was made to increase the price of bags by 33% effective date January 27th with no change in color.

MOVED: Cluff

SECONDED: None

The motion failed.

Cluff indicated the price is what the Town charges and will be applied when vendors order them. Those that are sold at Town Hall, will be sold at the new rate. Beal mentioned that every time there is a deficit, they look to increase the price of the bags. Morin challenges the committee to come back with alternatives. Beal has a concern that the vendor is not obligated to change options and the contract is for ten years. Schulte mentioned that tipping fees is a place to look to change to save money. Karytko asked if this item can be put off in order to do more research. Morin mentioned that they need to come to a decision now and change the

approach for the future. Tibbetts explained the need to build into the budget to zero out for the upcoming budget meeting.

Resident Bonnie Clement stated that she thought the research was done and doesn't understand why there is a deficit. She also stated the residents need to know what the price will be.

A motion was made to postpone the decision of increasing the price of the bags for four weeks and come back to the Board with more information.

MOVED: Karytko

SECONDED: Beal

DISCUSSION: None

MODIFICATIONS: None

VOTE: 4 in favor, 2 opposed (Boothby, Cluff). The motion passed.

Cluff requested putting trash subcommittee on the Agenda and include those from Pine Tree.

The Vice-Chair proceeded to the next item.

- f. 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 were the proposed expenditures for 2016, which the committees support.

DISCUSSION:

Tibbetts gave a summary of the policy and explained the process of determining the fees for Board review. The projected costs are listed and include the salary of the Economic Development Director. Tibbetts stated that the Selectmen control the TIF funds and the expenses of the TIF are not part of the regular budget. Tibbetts mentioned the information was provided at a workshop in December. Cluff asked if \$161,000 is the amount the downtown TIF needs to maintain every year. Downs explained that they need to include the \$160,000 already in the budget and TIFs cease to exist in 2033. Cluff asked if it (\$161,000) is limiting the TIF operating budget too much. Beal asked if there should be cutbacks now.

Bob Georgitis, Economic Development Committee (EDC) co-chairman, explained that the TIF district is self-funding and a benefit to the districts that are paying. He also mentioned that they will be able to create a special assessment district in the future when the TIFs run out. Georgitis recommends building a reserve for big projects so bonding is not necessary. Beal agrees and would like to see cutbacks on some things now in order to save for big projects. Beal mentioned the expense for the trolley and pointed out it was voted down by voters in the past. Morin asked how many loans have been created. Georgitis explained there has been one loan with a remaining balance of \$45,000. Morin stated that the Board is not obligated to adhere to the recommendations of the committee.

Blake Baldwin, co-chairman of the EDC, mentioned his frustration having another conversation regarding the list with the Board. Baldwin doesn't think the current Board has a strategic vision for the Town. Baldwin stated that if the Board does away with the TIFs, the mil rate will go up. He asked for better direction and believes that Mat Eddy (Economic Development Director) is worth the money because he is doing a good job. Boothby asked why the trolley is a high priority. Baldwin explained that the having the Downeaster requires trolley service. Baldwin explained that the EDC made a recommendation and talked to other committees to determine priorities, which are a wish list. Baldwin stated the stormwater runoff project is important because it would reclaim lands for proper use. Schulte and Cluff mentioned that the EDC is

doing a good job but the Board has a fiduciary duty to the Town. Cluff also stated that the Board is working on a strategic plan. Cluff has concerns with spending the money in the right place, such as the trolley, and he didn't know the reasoning behind it. He would like more information on the items on the list. Baldwin mentioned that the flowers, for example, have drawn people to Kennebunk. Morin explained that he does not believe in paying Mat Eddy's salary using TIF funds. Morin explained that this Board is challenging Tibbetts' lead. Discussion followed on filling downtown space. Baldwin stated that downtown is full.

Resident Betsy Smith also co-chair of the Lower Village Committee, stated that there is too much of economic priority setting driven by the TIFs. Downtown has a larger focus and she thinks there are development opportunities all over town.

Sharon Staz asked the Board to consider keeping Item (f) separate from Item (g).

A motion was made to approve the proposed expenditures for 2016.

MOVED: Cluff

SECONDED: Schulte

DISCUSSION: Beal asked when the appropriate time to go through these items on the list line by line is. Morin replied that the Board let the Committee down by not going through the discussion as thoroughly as they should have. Morin went on to say there has been a radical shift in the Board and it is important to have the public's viewpoint.

MODIFICATIONS: None

VOTE: 4 in favor, 2 opposed (Boothby, Cluff), 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next agenda item.

g. 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 Board packet contained a summary of those possible projects, the estimated cost and statute references. More information is included in the packet concerning the balances within the TIFs and how they benefit the Town monetarily.

DISCUSSION:

Tibbetts discussed the priority list that is before the Board for long-term projects. He explained that regardless of the tasks assigned, not all on the list can be achieved. The EDC gave their rankings, which are subject to change. As an example, Tibbetts explained that the school is looking to add natural gas and this could affect a potential Route 1 natural gas project, which would move the priority from medium to a high position. Tibbetts also mentioned the importance of having a few engineering studies in order to give a better insight for the EDC to come back to the Board. Eddy stated that all projects have importance and he explained how the EDC bases their priority of the projects. He mentioned that there has been decent return on investments. Eddy explained they are developing a marketing program with local businesses. Morin pointed out taxing the system will create unintended consequences, such as with the sewer project.

Bob Georgitis mentioned that this has been in the comprehensive plan and developers only benefit themselves.

Morin suggested setting up a workshop. Cluff stated that infrastructure upgrades are what he feels are most important. Morin mentioned that if a business wants to develop an area, such as the Route 1/Ross Road

project, they should pay. Eddy explained that that project also needs work on the road and the Town knows there are water and sewer issues.

Baldwin described how California places improvement costs in place to businesses to make improvements.

Resident (and EDC member) Steve Hrehovick explained that he has lived in Kennebunk for many years. He thanked the Board for their time and energy and pointed out that the Town has grown in a wonderful way.

No motion - item was tabled.

The Vice-Chair proceeded to the next item.

- h. Discuss the Board of Selectmen's Strategic Plan Survey – Included in the Board packet is a modified survey to include questions for the Comprehensive Plan and Zoning Ordinance Update Committee's review/usage. These additional questions will allow the survey to have a dual usage, saving the Town from issuing a second survey.

DISCUSSION:

Tibbetts stated that the survey questions were combined with the Comprehensive Plan & Zoning Ordinance Update Committee's questions in order to do one survey. Morin mentioned that he has reviewed and likes the survey. Eddy explained that some questions were repeated from a previous survey, which will provide a comparison. Eddy also explained there are new issues included, such as climate change and another survey will be sent out in the summer. Karytko suggested having the questions reviewed at the next evening's Comprehensive Plan & Zoning Ordinance Update Committee meeting. Schulte stated that they can vote on this item at next week's budget meeting after the committee has had a chance to review. Beal asked Eddy how they will be able to pull data apart by region. Eddy responded that the survey requests people to list where they live.

No motion was made in order for Comprehensive Plan & Zoning Ordinance Update Committee to review survey.

The Vice-Chair proceeded to the next item.

9. NEW BUSINESS (1ST READING)

- a. Discuss the Recreation Director Position – As noted in Article 6.b, our long-time Recreation Director, Brian Costello, will be retiring on April 22nd. In filling this leadership position, we would normally review the various responsibilities to determine if any adjustments would be in order, then proceed with advertising and filling the position.

We have reviewed the position responsibilities and will move the lifeguard and Coastal Healthy Beaches under the Fire/EMS Division. Additionally, we will move the beach parking meters to the Police Division. Brian is an excellent manager and was able to handle these two items, however, we believe they should be reallocated to allow a new Recreation Director to fully concentrate on the department programming, etc.

DISCUSSION:

Cluff asked if Tibbetts has spoken to Arundel and Kennebunkport in an effort to share resources when this position is vacant. Cluff feels this is a good opportunity to centralize. Tibbetts responded that there are opportunities to share resources and there are challenges. He explained that smaller communities have concerns about losing their identity and their costs are different from Kennebunk's. Tibbetts is willing to sit down and have a discussion, but he reminded the Board that May is the busiest month and this process will take time. Karytko asked if the new assistant would be able to handle things until a new director is hired. Tibbetts responded that he will make sure things are under control as the process proceeds. Tibbetts will discuss the possibility with the other town managers. Beal pointed out the magnitude of the recreation program offered by Kennebunk and is concerned with the number of programs the Town offers. Morin asked if the Recreation Department is running a \$300,000 deficit. Tibbetts responded that the numbers reflect six months and do not give a complete picture due to registrations for the summer program. Those revenues are not reflected in the six month actuals. Downs will give the Board the deficit number tomorrow.

There were no public comments.

A motion was made to move the Lifeguards and Coastal Healthy Beaches under the Fire/EMS Division and move the Beach Parking Meters to the Police Division.

MOVED: Schulte
SECONDED: Cluff
DISCUSSION: Morin stated that this type of decision should be up to the Town Manager and he can report back to the Board. It does not need a motion.
MODIFICATIONS: Schulte agreed and withdrew his motion.
VOTE: None

Tibbetts will contact Arundel and Kennebunkport to get their input on the Recreational Director position.

The Vice-Chair proceeded to the next item.

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

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

o Madeleine Tunison Festival Committee Vacancies: (2) Regular 2018

There were no public comments.

A motion was made to appoint Madeleine Tunison as a Regular member on the Festival Committee with a term expiring on June 30, 2018.

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

The Vice-Chair proceeded to the next item.

c. Discuss Any Other Business

None.

The Vice-Chair proceeded to the next item.

10. SELECTMEN'S COMMENTS

a. Subcommittee Reports (if any)

b. Individual Selectmen Comments

Selectman Beal

- Thanked people for turning out to the chili contest put on by the Patriot Riders and also the skate swap. It was a brutally cold day and there was a good turnout.

Selectman Schulte

- Thanked those that came to the meeting tonight.

Selectman Karytko

- He attended the Lanigan Bridge Committee meeting and they discussed the colors of the rails.
- Heard from a resident who was not happy with the snow plowing on Ross Road after the last storm. He drove over the road and agreed.
- Comprehensive Plan & Zoning Ordinance Update Committee meeting is coming up and, based on conversations tonight, he hopes to bring the Committee's thoughts and a direction.
- Attended School Board meeting and the topic of Sea Road School was discussed.
- Asked Tibbetts about the amount in a report regarding crack sealing. Tibbetts replied that the total was incorrect and explained the dollar amount for crack sealing is \$100,000. They will discuss off-line.
- Attended the Site Plan Review meeting last Thursday. He asked for clarification regarding the Chairman's statement regarding Aroma Joe's. Barry explained what the Board was referring to members who should only discuss topics at meetings.

Selectman Boothby

- None

Selectman Cluff

- None

Selectman Morin

- None

11. TOWN MANAGER'S COMMENTS/NOTES

a. Budget Meetings 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

- b. Public Meeting Notice for Mathew J. Lanigan Bridge Replacement Meeting – Wednesday, February 10th at 6:00 p.m. in the Kennebunk High School Auditorium.

The Vice-Chair proceeded to the next item.

12. EXECUTIVE SESSION(S)

- a. Discuss an Economic Development Matter with the Town Manager, Economic Development Director and Finance Director regarding an economic development matter where premature disclosure of the same would prejudice the competitive bargaining position of the Town relative to the same - Title 1 MRSA Sec. 405(6)(C)
- b. Discuss Salaries and Wages with the Town Manager, Finance Director and Human Resource Director - Title 1 MRSA Sec. 405(6)(A)

Executive sessions were not held. Items tabled until the next meeting.

13. ADJOURNMENT

A motion was made to adjourn the meeting at 10:50 p.m.

MOVED: Cluff
SECONDED: Karytko
DISCUSSION: None
MODIFICATIONS: None
VOTE: 6 in favor, 1 absent (Donovan)


Deborah Beal, Secretary
Kennebunk Board of Selectmen

Minutes Approved: 2-9-16