

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

REGULAR MEETING

1. CALL TO ORDER

On April 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 Kevin Donovan, Richard Morin, Edward Karytko, Christopher Cluff, Shiloh Schulte, Daniel Boothby and Deborah Beal.

2. MINUTES

a. March 22, 2016 Regular Meeting

A motion was made to accept the Minutes of the March 22, 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.

Take up Article 7.a. (out of order) Confirm the Town Manager's Appointment of the Recreation Director

7.a. The Board will meet Tashia Pinkham, the new Director, and say goodbye to current Recreation Director Brian Costello, whose last day with the Town will be April 15th

DISCUSSION:

Donovan thanked Costello on behalf of the Board for his years of service and the great job he has done with the Recreation Department. Costello thanked the Board and said he will miss the kids and the Town.

Costello introduced Tashia Pinkham who addressed the Board and described her background. Pinkham is looking forward to working with the Town of Kennebunk.

The Chair proceeded to the next item.

3. ITEMS TO BE SIGNED

a. Items as Presented

4. PUBLIC HEARING(S)

a. The Chair opened the Public Hearing to act on the following:

**Peggy S. Liversidge d/b/a Kitchen Chicks Catering
For a renewal Malt, Spirituous and Vinous Catering Liquor License Application
Located at 4 Water Street**

*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 is recommending renewal.

There were no public comments.

A motion was made to approve the renewal Malt, Spirituous and Vinous Catering Liquor License Application for Peggy S. Liversidge d/b/a Kitchen Chicks Catering.

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

The Chair proceeded to the next item.

b. The Chair opened the Public Hearing to act on the following:

**Destination Catering
For a renewal Malt, Spirituous and Vinous Catering Liquor License Application
Located at 35 Fletcher Street**

*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 is recommending renewal.

There were no public comments.

A motion was made to approve the renewal Malt, Spirituous and Vinous Catering Liquor License Application for Destination Catering.

MOVED: Karytko
SECONDED: Cluff
MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed. 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 hear public comments on the following:

Amendments to the Pay As You Throw Ordinance

Proposed Town Meeting Warrant Article:

Art. ____ Shall an Ordinance entitled "Amendment to Section 3-14 of the Town's Solid Waste, Pay as You Throw, Recycling and Residential Compost Ordinance" be

enacted to delete all references to “Pay As You Throw” and related provisions thereby eliminating the “pay per bag” trash program in Kennebunk, which shall raise and appropriate \$435,000 for the collection and disposal of the Town’s municipal solid waste and other related miscellaneous expenditures by assessment.

Tibbetts read the fiscal note[Fiscal Note: If this ordinance amendment passes, the elimination of the “Pay As You Throw” program of trash collection (purchase of blue and purple trash bags) will result in an increase to the Town’s budget by \$435,000, which is the equivalent of (an approximate) \$.23 increase to the Town’s tax mil rate. On the other hand, if this ordinance amendment fails, the continuance of the “Pay as You Throw” trash program may require the price of bags to be increased by 35%.]

Note: This warrant article pertains to the Town’s blue and purple trash bags, not the Town’s new trash and recycling containers. The containers will continue to be used regardless of the outcome of the vote.

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk’s Office and on the Town’s website at www.kennebunkmaine.us.)

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

The changes to the PAYT Ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

DISCUSSION:

Tibbetts explained the fiscal note would be included on the warrant and explained a result of eliminating PAYT would mean an increase in the Town’s budget of \$435,000, which equals 23 cents to the Town’s mil rate. If the Article fails, the price of bags may increase by 35%, with a number still to be determined. He further explained that this Article pertains to trash bags only not the trash containers.

Resident Rachel Phipps came to the podium and questioned how this issue happened. She requested information on budget hearing dates be posted in the newsletter that is included with the tax bill. Phipps explained she was on the Board when the PAYT began. She questioned the rationale of the amounts from \$80,000 to \$435,000. Karytko explained how the Board came to their decision, which included yearly deficits and complaints about the bags from residents. Phipps would like to see data to support the Board’s decision. Schulte explained he is in the minority with the vote. He also stated that the entire cost will go through assessment with no current plan to change it, but the Board will look into opportunities if they arise in the future. Morin had proposed an alternative being a lift charge. Schulte is concerned recycling will reverse if PAYT is eliminated. Phipps stated she will vote against the ordinance change and asked voters to do as well because of the impact on the environment and paying for others who produce more trash. If PAYT remains, Schulte would like to see a fine system implemented for those who are not in compliance.

Resident Arline Poisson agreed with Phipps and believes an increase in the budget is a hardship on homeowners. She will vote against the change.

Resident John Costin does not believe the loss should be attributed to people cheating. He explained the pricing is complex and doing away with the bags will not reduce the cost of disposing garbage. Costin inquired if he can use a Town can for trash instead of a dumpster, which he pays for. Tibbetts explained the ordinance is for residential household trash only. Costin does not think the Town can make a distinction between residential and commercial and asked if the Town attorney has been consulted.

Sharon Staz questioned the process and emphasized people need to understand the Town has provided a composite program. She is against eliminating the bags.

Donovan stated that he was one of the Board members who proposed getting rid of the bags. Now he is concerned with the LD1 property tax limit being increased due to this issue. He would prefer to save raising the limit to purchase emergency equipment.

Morin believes a program to assess a tipping fee it would have a zero impact on the budget. Schulte agrees some charges should be shared to set a price for the assessments and increase the price of bags. Shared costs he suggested. Board members discussed not voting for ordinance and, instead, increase the price of bags. Boothby does not think people will take advantage and he is voting for the article. Beal believes taking away incentive to recycle will increase trash collected.

Town Clerk, Merton Brown, explained there is still time and this can be postponed until the next meeting on April 26th. If the motion does not pass, it will disappoint people who want a choice.

MOTION: To send the proposed changes to the Kennebunk Town Ordinances, Section 3-14 Solid Waste, Pay As You Throw, Recycling and Residential Compost Ordinance, to the Annual Town Meeting on June 14, 2016.

MOVED: Boothby

SECONDED: Karytko

MODIFICATIONS: None

VOTE: 2 in favor (Boothby, Karytko), 5 opposed (Morin, Schulte, Donovan, Beal, Cluff). The motion failed.

Downs reminded the Board that the Budget Board voted to approve this item. After discussion, Tibbetts will contact the Town's attorney regarding compliance with the Charter.

Board agreed to review at the next meeting.

The Chair proceeded to the next item.

- d. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following:

LD 1 Property Tax Levy Limit

Proposed Town Meeting Warrant Article:

Art. ____ To see if the Town will vote to increase the Town's LD 1 property tax levy limit amount by \$435,000, but to be effective only if Article ____ above passes, eliminating the Town's Pay As You Throw solid waste program.

[Fiscal Note: The Town's LD 1 property tax levy limit will need to be increased by \$435,000 only if Article ____ eliminating the Pay As You Throw solid waste program is passed; otherwise, the LD1 limit will not be increased.]

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

This article needs to accompany the PAYT question and would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

DISCUSSION:

The Board did not vote on a motion based on their vote on the previous agenda item.

The Chair proceeded to the next item.

- e. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following:

Amendments to the Property Tax Assistance Ordinance

Proposed Town Meeting Warrant Article:

Art. ___ Shall an ordinance entitled “Amendment to Section 4-7 of the Town’s Property Tax Assistance Ordinance” be enacted to delete references to the State of Maine’s repealed “Circuit Breaker Program” and to establish new eligibility requirements based on the State of Maine’s new “Property Tax Fairness Credit,” as well as a new amount of property tax assistance of \$300 or other prorated amount based on available funds?

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk’s Office and on the Town’s website at www.kennebunkmaine.us.)

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

The changes to the Property Tax Assistance Ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

DISCUSSION:

Tibbetts explained that this is similar from an earlier State law that was changed a few years ago. This is a good program, which benefits 20-30 families and individuals. Tibbetts is recommending sending this to the voters. In the past, the average amount the Town has paid out has been \$5,000 – \$6,000 a year. There are adequate funds set aside to implement for this for the coming year.

Resident Bevan Davies asked if this money will be in addition to the amount taxpayers already receive. Tibbetts said it was and explained the requirements.

A motion was made to send the proposed changes to the Kennebunk Town Ordinances, Section 4-7 Property Tax Assistance Ordinance, to the Annual Town Meeting on June 14, 2016.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

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

The Chair proceeded to the next item

- f. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following proposed new ordinance:

Single-Use Plastic Carry Out Bag Ordinance

Proposed Town Meeting Warrant Article:

Art. ___ Shall a new ordinance entitled “Single-Use Plastic Carry Out Bag Ordinance” be enacted to eliminate the use of single-use carry out plastic bags by retail establishments engaged in the sale of food or other merchandise in the Town of Kennebunk?

(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office and on the Town’s website at www.kennebunkmaine.us.)

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

This new ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

DISCUSSION:

Tibbetts wanted to clarify that businesses do not need to charge five cents for bags. This ordinance would eliminate carry out bags. Bags that are used in grocery stores for vegetables or meats are not affected. Cluff thinks there should be an accommodation to smaller businesses. If the Board wished to add this, Tibbetts stated that he could add an exception for a size and move this item to the April 26th meeting. Donovan would like this ordinance applied to all stores regardless of their size.

Residents came to the podium and encouraged the Board to leave the wording as is. The Energy Efficiency Committee is willing to provide reusable bags. Resident Sharon Staz pointed out some stores and businesses on Main Street are currently using paper bags.

Morin appreciates what Dennis Andersen has done and thanked him for his work on this issue. Cluff suggested the Energy Efficiency Committee provide reusable bags for them as well.

A motion was made to send the proposed new Single-Use Plastic Carry Out Bag Ordinance to the Annual Town Meeting on June 14, 2016.

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

The Chair proceeded to the next item.

- g. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following:

Amendments to the Street Vendors and Peddlers Ordinance

Proposed Town Meeting Warrant Article:

Art. ___ Shall an ordinance entitled "Amendment to the Town's Street Vendors and Peddlers Ordinance" be enacted to revise the text of Section 6-1.5 Location and Section 6-1.13 Amendments as shown below?

Section 6-1.5

6.e. Applicant shall comply with all local ordinances and restrictions pursuant to the terms of any permit of the Code Enforcement Officer.

Section 6-1.13

The Board of Selectmen may, after public notice and hearing, amend this Ordinance and draft and adopt regulations implementing the terms of this Ordinance on any matter not expressly set forth herein or as otherwise provided by law.

Proposed additions to the text are underlined.

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk's Office and on the Town's website at www.kennebunkmaine.us.)

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

The changes to the Street Vendors and Peddlers Ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

DISCUSSION:

Tibbetts explained the minor changes were to ensure mobile food vendors or street vendors are in compliance and within zoning code regarding locations. This does not affect the Farmers' Market.

There were no public comments.

A motion was made to send the proposed changes to the Kennebunk Town Ordinances, Section 6-1 Street Vendors and Peddlers Ordinance, to the Annual Town Meeting on June 14, 2016.

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

The Chair proceeded to the next item.

- h. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following proposed new ordinance:

Pawnbrokers Ordinance

Proposed Town Meeting Warrant Article:

Art. ____ Shall a new ordinance entitled "Pawnbrokers Ordinance" be enacted to create regulations for the licensing and operation of pawnbrokers and related businesses in the Town of Kennebunk?

(A copy of the proposed ordinance is available for review and inspection at the Town Clerk's Office and on the Town's website at www.kennebunkmaine.us.)

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

This new ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

DISCUSSION:

Tibbetts explained the Town did not have an ordinance to address pawnbroker businesses and he has had a request by a business owner to open one in Town. He further explained it is important that police are able to go into the building and do checks for stolen property.

A motion was made to send the proposed new Pawnbrokers Ordinance to the Annual Town Meeting on June 14, 2016.

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

The Chair proceeded to the next item.

- i. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following:

Amendments to the Victualer & Lodging Licenses Ordinance

Proposed Town Meeting Warrant Article:

Art. ___ Shall an ordinance entitled “Amendment to Sec. 6-3 of the Town’s Victualer & Lodging Licenses Ordinance” be enacted to revise the text of Section 6-3.8 as shown below?

Businesses participating in ~~the Kennebunk~~ a farmers’ market located in a Town approved location ~~the Town parking lot~~ are exempt from the requirements of this Ordinance during the hours the farmers’ market is in operation.

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk’s Office and on the Town’s website at www.kennebunkmaine.us.)

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

The changes to the Victualer & Lodging Licenses Ordinance can be approved at this public hearing and do not require a Town Meeting vote. If the Board wishes to approve the amendments, the motion could be as follows:

DISCUSSION:

Tibbetts explained the Kennebunk Farmers’ Market is moving from the Lafayette Center’s parking lot because of a new property owner. The change in the ordinance reflects Town approval of locations, including private lots. Tibbetts explained the purpose of this change is to: a) ensure the area is approved for the zone; and b) provide access for emergency vehicles. Schulte wants to make sure the Town is doing what they can to help the Farmers’ Market remain open. Boothby stated the Market was not in compliance last year and the Town overlooked it. Schulte asked about the availability of the Waterhouse Center. Tibbetts explained the Market did not want to be with the crafters last year. In addition, on days of events, the Market would have to be out of the Center by 1:30 p.m. at the latest.

There were no public comments.

A motion was made to approve the Amendment to the Kennebunk Town Ordinances, Section 6-3 Victualer & Lodging Licenses Ordinance.

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

The Chair closed the public hearing portion and proceeded to the next item.

5. PUBLIC COMMENTS

NONE

The Chair proceeded to the next item.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. Nominations Papers for the June 14th Election: Nomination papers are available for the following positions:

Board of Selectmen	2 seats, 3-year terms
RSU 21 Director	2 seats, 3-year terms
Trustee Kennebunk Light & Power District	1 seat, 5-year term
Trustee Kennebunk Sewer District	2 seats, 3-year terms

Nomination papers are available in the Town Clerk's Office and must be returned by Monday, May 2nd by 4:30 p.m. A minimum of 25 signatures is required. FMI, please contact the Town Clerk's office at 604-1326.

DISCUSSION:

Town Clerk, Merton Brown, reiterated that nomination papers are due back on May 2nd by 4:30 p.m. and he listed who has taken papers out.

The Chair proceeded to the next item.

7. TIME SENSITIVE BUSINESS

- a. Confirm the Town Manager's Appointment of the Recreation Director – The Town of Kennebunk is pleased to announce that Tashia Pinkham has been selected as the new Director of the Kennebunk Recreation Department.

Tashia received her degree in Recreation from the University of Southern Maine and has been in the recreation field for more than 20 years. She was previously employed by the YMCA, Town of Old Orchard Beach, and most recently served as the Director of the Buxton Recreation Department. Tashia is an avid outdoor adventurer who resides in Buxton with her husband and children.

We look forward to Tashia bringing her leadership, energy and commitment to the Kennebunk Recreation Department. She will begin her new position on April 13th at an annual salary of \$60,000. Per the Town Charter, the Board of Selectmen confirms the Town Manager's appointment.

There was no public comments.

A motion was made to confirm the Town Manager's Nomination of Tashia Pinkham as Recreation Director, effective April 13, 2016, for a term expiring on June 30, 2016 (date all Annual Appointments expire).

MOVED: Karytko

SECONDED: Cluff

MODIFICATIONS: None

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

The Chair proceeded to the next item.

- b. Accept the Following Donation – The Town received a \$150 donation from Cynthia Ward and John Brine in memory of Mary Ward to be applied to the Town's Emergency Fuel Assistance Fund.

There were no public comments.

A motion was made to accept the donation and send a thank you letter for the generous donation.

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

The Chair proceeded to the next item.

- c. Discuss the 2016 One-Ton Dump Truck Bids – In this year’s budget (2015-16), we allocated \$130,000 for two one-ton dump trucks. Bids specifications were sent out and the following bids were received:

Company	Bids
Tri City Chrysler Dodge Jeep Ram	Base Bid (per vehicle): \$65,452.00 ea.
Somersworth, NH	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Ram 3500 Reg. Cab 4x4, Model DD8L63	Add Alt. 1 (extended warranty) \$3,995.00
Body Manufacturer: 9’ Galion Godwin 2.5 to 3.7 yd. Stainless Steel dropside dump body Model 103UDS-9	
Location: Tri City Chrysler Dodge Jeep Ram, Somersworth, NH	
Weirs Motor Sales	Base Bid (per vehicle): \$61,729.00 ea.
Arundel, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: GMC Sierra 3500 TK36003	Add Alt. 1 (extended warranty) \$1,942.00
Body Manufacturer: 9’ Galion Model 103UDS-9	
Location: Weirs Motor Sales, Arundel	
O’Connor’s GMC	Base Bid (per vehicle): \$59,152.40 ea.
Augusta, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Chevrolet 3500HD, CK36003	Add Alt. 1 (extended warranty) \$1,295.00
Body Manufacturer: Rugby FDS-9-3SS/Tommy Gate G2-92-1650LD33	
Location: HP Fairfield, Scarborough	

The Public Services Director recommends accepting the low bid from O’Connor GMC at a price of \$59,152.40 per vehicle, without the extended warranty.

The complete bid specifications can be viewed on our website by following this [link](http://www.kennebunkmaine.us/DocumentCenter/View/4517) (or at www.kennebunkmaine.us/DocumentCenter/View/4517).

DISCUSSION:

Tibbetts stated O’Connor’s does meet specifications and staff are recommending the bid go to them. Boothby would like the bid to go to Weirs because they are neighbors and do a lot for the community. He pointed out the price difference is below the 5% variance of budgeted amount. Beal asked for clarification regarding the extended warranty. Eric Labelle, Public Services Director, has spoken to the fleet manager and was told there would not be a return on the investment. Labelle stated that the Town does business with both Weirs and O’Connor’s. Cluff pointed out the difference is in the two bids would be \$5,153.20.

A motion was made to award the bid for two 2016 One-Ton Dump Trucks to Weirs Motor Sales, at a price of \$61,729.00 per vehicle, without the extended warranty.

MOVED: Boothby
SECONDED: Schulte
MODIFICATIONS: None
VOTE: 5 in favor, 2 opposed (Beal, Karytko). The motion carried.

The Chair proceeded to the next item.

- d. Discuss a Proposed Amendment to Zoning Ordinance Article 8, Section 6.B.7-3 Under the Accessory Use Called Renting of Rooms – At the March 14, 2016 Planning Board meeting, the Planning Board held a public hearing on the zoning amendment request (which was included in the Board packet) from John and Kathy Daamen (owners of the Waldo Emerson Inn at 108 Summer Street). At the conclusion of the public hearing, they voted (4 in favor/ 1 opposed) to pass this proposed amendment on to the Board of Selectmen with a positive recommendation.

The proposed amendment will change the allowable number of rented rooms in a B & B located in the Suburban Residential Zone – from four rented rooms to six rented rooms.

This change would require a public hearing by the Board of Selectmen and a Town Meeting vote.

DISCUSSION:

Tibbetts explained a request from property owners was received regarding a zone change. The change would enable them to rent out six instead of four rooms at their B & B. He further explained the Planning Board is in favor of amending the zoning ordinance.

John Daamon, a property owner in that zone, explained his Inn has had a negative cash flow. Increasing the ability to rent six bedrooms instead of four would generate more revenue. Daamon also feels this amendment would entice others in the area to open B & B's.

Cluff asked how it would affect the air B&B culture. Daamon mentioned they are not regulated and tend to rent fewer rooms. Daamon also stated he has not had any complaints from neighbors. During the meeting, Selectman Morin read an email from the Executive Director of the Chamber voicing support.

A motion was made to schedule a public hearing for April 26th to hear public comments on the proposed amendments to Article 8, Section 6.B.7-3 of the Zoning Ordinance.

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

The Chair proceeded to the next item.

- e. Review the Draft of the Annual Town Meeting Warrant – The draft warrant for the June 14th Annual Town Meeting was included in the Board packet for review. It includes all monetary considerations and ordinance changes (including the amendment to Zoning Ordinance Article 8, Section 6.B.7-3, being discussed in the previous article). The zoning ordinance amendment would be removed from the final warrant, if, on April 26th, the Board chooses not to forward it to the Town Meeting.

Per our Charter, two public hearings are required for all warrant items. The first public hearing will be held on April 26th; the second one is scheduled for May 24th, along with the final budget public hearing.

There were no public comments.

A motion was made to schedule a public hearing on April 26th to hear public comments on the warrant articles subject to earlier discussion and attorney consultation.

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

The Chair proceeded to the next item.

- f. Countersign the RSU 21 Warrant and Notice of Election – As Municipal Officers of the Town, you are obligated by State law to sign this Warrant and Notice of Election. As you are aware, by signing, it does not mean you are endorsing it. The document will be provided on Tuesday evening for your signatures. Please note that you must sign on the same line on all 10 copies.

There were no public comments.

A motion was made to countersign the RSU 21 Warrant and Notice of Election for the RSU 21 Budget Validation Referendum and Bond Referendum Election to be held on June 14, 2016.

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

The Chair proceeded to the next item.

8. OLD BUSINESS (2ND READING)

- a. Discuss the Possibility of Televising Zoning Board of Appeals Meetings– As you recall, we received a request to televise Zoning Board of Appeals (ZBA) meetings. At their March 21st meeting, the ZBA discussed the pros and cons of televising their meetings. A summary of that discussion is included in the Board packet. Some concerns were raised about sensitive information discussed at disability variance hearings and disclosing other confidential information. Our attorney felt these issues could be addressed appropriately on a case-by-case basis.

The ZBA concluded with the following non-binding consensus regarding televising the ZBA meetings:

- 4 members thought it was not a bad idea
- 1 member was opposed to the idea

How would the Board like to proceed?

DISCUSSION:

Donovan would like to see the meeting televised. Morin mentioned he attended the meeting and the majority of the Board did not oppose but were concerned with privacy. Tibbetts believes privacy issues can be managed and stricken from the records. Cluff asked about cost of videographers. Tibbetts explained there

are not many meetings and he does not see it as an issue. Cluff would like to avoid a second reading and some Board members disagreed.

There were no public comments.

A motion was made to approve televising the Zoning Board of Appeals meetings.

MOVED: Cluff
SECONDED: Karytko
MODIFICATIONS: None
VOTE: 4 in favor, 3 opposed (Beal, Schulte, Karytko). The motion carried.

The Chair proceeded to the next item.

- b. Discuss the Creation of a New Committee on Aging – At the last meeting, the Board heard comments from residents on possible opportunities for serving the aging, which represents roughly 30% of the residents in Kennebunk.

The representatives interested in forming this committee met recently and provided the following guidelines for this new committee.

The committee would:

- gather relevant information pertaining to senior citizens residing in Kennebunk
 - medical services
 - recreation centers for seniors
 - senior residences, nursing homes, rehab centers, hospices
 - nursing services, physician/elder care specialists
 - private groups concerned with elder care
- establish a liaison with other Town committees and departments which have relevant concerns
 - Social Service/GA Department
 - Town Committees (Affordable Housing, Community Garden, Festival, Recreation, Planning Board)
- gather information from seniors and interested entities working on behalf of seniors, so that the committee might advise Town officials about issues of immediate concern

Additionally, the Board should consider what name this new committee will be called, i.e. Senior Resource Committee, Committee on Aging, Elder Committee, etc.

DISCUSSION:

Morin stated other towns that have done this without a negative impact. Cluff thinks it is good and does not want to lose sight of the other senior service agencies in the area. Morin explained what the committee will be doing. Beal thought many residents, not only the 35% representing seniors, would benefit in this resource.

Susan Petit, Executive Director of The Center in Lower Village, thinks it is a great idea and would like to the committee to consist of a cross section of the community (West Kennebunk, Downtown and Lower Village). Petit thanked the Board for their work. Ted Trainer, Board Member of No Place Like Home, explained that this committee would be a vehicle to bring relevant issues to the Town. Resident John Daamon described the senior citizen program in other areas and he supports a committee.

A motion was made to move to a second reading on April 26th.

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

The Chair proceeded to the next item.

9. NEW BUSINESS (1ST READING)

- a. Discuss a Road Closure for a Special Event (9th Annual Kennebunk Beach Classic Road Race) on Sunday, June 5th – The new Special Event Policy requires Board approval for road closures.

Included in the Board packet was the application for The Center's (formerly The Senior Center at Lower Village) annual road race on June 5, 2016. According to the Police Department, they are requesting approval for the following road closures or delays. Note: There are no changes from previous years.

Sunday, June 5th

9:00AM:

Western Avenue would be closed to thru traffic from the intersection of Western Avenue & Boothby Road to the intersection of Western Avenue and Beach Avenue. (This is to allow for finish line on Western Avenue to be set up.)

Duration: Until the completion of the race, approximately 10:30AM +/- . Note: Local residents and vehicles leaving area businesses are allowed to go toward Wells on Western Avenue.

Eastbound traffic on Western Avenue at the intersection of Sea Road will be directed toward the beach.

Duration: Until the completion of the race, 10:30AM +/-.

Local traffic on Western Avenue between Sea Road and Boothby Road, going toward Kennebunkport, will be directed down Boothby Road. Duration: Until the completion of the race, 10:30AM +/-.

9:30AM:

The race will start on Port Road by Port Hardware. Traffic will be stopped from the intersection of Coopers Corner to Port Hardware. Duration: 5 minutes +/-.

DISCUSSION:

Tibbetts explained that this event has been held for nine years with no issues. He needed to bring this to the Board to comply with the new Special Event Permit Policy. Discussion ensued of alerting residents of the road closures. Resident Susan Petit mentioned the road race had a different name and has been held for 25 years to benefit The Center.

A motion was made to approve the road closure on June 5th as noted above.

MOVED: Cluff
SECONDED: Karytko
MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed

The Chair proceeded to the next item.

- b. Discuss Nominating a Selectman to Represent Kennebunk on the York County Budget Committee– The York County Budget Committee Caucus will be held on Wednesday, April 13th at 6:30 p.m. in the York County Government Building (Commissioners Meeting Room), 149 Jordan Springs Road in Alfred. We should consider nominating a Selectman to represent Kennebunk on this County Budget Committee, as there is one vacant seat in our district, District #2, which includes Arundel, Biddeford, Kennebunk and Kennebunkport. Please note, our representative will still need to be elected at the Caucus taking place on April 13th. Fellow elected board members that wish to vote would need to attend the caucus.

DISCUSSION:

Tibbetts informed Board members this meeting is to discuss the County budget and there are four to six meetings a year. Donovan asked Board members if they wanted to participate. No Board members volunteered.

No motion was made.

The Chair proceeded to the next item.

- c. Discuss a Policy on Town Hall Flag Display– Selectman Donovan was recently in a municipality that honored their deceased veterans with the American flag being flown at half-mast.

Does the Board wish to consider a flag policy honoring deceased veterans of Kennebunk? This would occur on the day of the funeral of the Kennebunk veteran.

DISCUSSION:

Donovan requested this policy because it is comforting for the families to see their loved ones being honored. The flags would be at half-mast for one day only. Funeral directors would notify the Town of veterans who have passed. The Town Clerk is currently informed.

A motion was made to move to a second reading on April 26th.

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

The Chair proceeded to the next item.

- d. Discuss the Dedication of the 2015 Annual Town Report – Each year, the Town has the opportunity to honor those individuals who have committed a significant portion of their time and energy to the service of the Kennebunk community as committee members and/or employees.

We would like to dedicate the 2015 Annual Town Report to the following individuals who passed away in 2015 that served the community in various capacities.

In Memoriam

C. Wesley Crowell	Member of Board of Selectmen (1994-96)
Date of Death: 1/7/2015	Charter Commission (2002-03)
	Comprehensive Implementation Committee (1992)

Richard F. Hogue Date of Death: 06/11/2015	Member of the Conservation Commission (1988-90)
E. Barbara Storer Date of Death: 10/12/15	Long-time Recording Secretary for the Conservation Commission and Shellfish Committee
Carolyn F. Walker Date of Death: 2/20/15	Ballot Clerk for many years

DISCUSSION:

Tibbetts read the above list of individuals.

There were no public comments.

A motion was made to dedicate the 2015 Annual Town Report to C. Wesley Crowell, Richard F. Hogue, E. Barbara Storer and Carolyn F. Walker.

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

In years past, we have dedicated the report to residents/employees who passed away during the year. In the future, we would like to have the option to also include residents and/or employees who are still living that have made a significant contribution to the Town (i.e. employee retiring after a lengthy tenure or similar situation).

DISCUSSION:

Board members discussed separating out those who have passed away and employees. The Board recommended staff review and make recommendations in the future.

There were no public comments.

A motion was made to consider residents and/or employees who have passed away during that year or who are still living for the special recognition dedication of the Annual Town Report.

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

The Chair proceeded to the next item.

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

- Accept the Following Resignation:

Madeleine Tunison Festival Committee – Regular 2018

There were no public comments.

A motion was made to accept the resignation of Madeleine Tunison from the Festival Committee and send a letter thanking her for her service.

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

The Chair proceeded to the next item.

f. Discuss Any Other Business

None

The Chair proceeded to the next item.

10. SELECTMEN'S COMMENTS

a. Subcommittee Reports (if any)

None

b. Individual Selectmen Comments

Selectman Beal

- She and Selectman Schulte will be here Saturday morning from 8:30 a.m. – 10:30 a.m. for the Selectmen Outreach Session.
- She is seeing many people being scammed recently and encourages people to go to their banks or other officials if they receive requests for money.

Selectman Karytko

- He attended the West Kennebunk Committee meeting and they discussed the Family Fun Days event that will be held on August 6th.
- He attended the Site Plan Review meeting and the Pilothouse's plans are moving forward with the restaurant boat.
- Attended the RSU 21 meeting and there was discussion regarding the bond.
- Asked Chris Osterreider about the road plan. Osterreider replied he is working on it.
- He wanted to reconfirm and encourage people to recycle.
- If anyone has flags that are tattered or torn, he suggested to bring them to the American Legion on Water Street.

Selectman Cluff

None

Selectman Schulte

- If residents have a strong opinion on the PAYT program, he recommends voicing opinions. There needs to be a solution - maybe sharing costs in the mil rate and increase bag prices or replace the program using a lift program.

Selectman Boothby

- Make sure goals are not put on the back burner.

Selectman Morin

- Reminded the public of the Outreach Sessions and expressed his appreciation of the hospitality of the Police Department for hosting the last meeting.
- He attended the Lower Village Committee and was impressed with how well it was run. The Committee is looking at signage and the upcoming issues the road improvements will create.

Selectman Donovan

- Thanked the Town staff for the flowers that were sent to his father-in-law's funeral.

The Chair moved to the next item.

11. TOWN MANAGER'S COMMENTS/NOTES

a. No later than April 15th

We want to hear from you! Complete our Online Survey (or paper version available at Town Hall) Deadline is April 15th. The Town is developing a strategic planning process to guide their future activities. The survey is divided into three sections:

1. Strategic planning questions for the Board of Selectmen and Town Manager
2. Comprehensive planning and land use questions for the Update Committee
3. Demographic information about you to help us better understand trends in the community

Please take the time to participate in this important effort. Your comments and observations will be anonymous and we encourage you to be open and candid.

The online survey can be found on the homepage of the Town's website (under News & Announcements) or at www.kennebunkmaine.us/planningsurvey. Printed copies are also available at the Town Clerk's Office. Surveys must be completed by April 15th.

b. April 16th

Board of Selectmen Outreach Sessions – The next session will be held on Saturday, April 16th and will be held on the 3rd floor of the Town Hall from 8:30 a.m. to 10:30 a.m. This session will be hosted by Selectmen Debbie Beal and Shiloh Schulte.

These sessions will provide residents with a chance to meet and talk with Selectmen on a one-on-one basis. They will be informal gatherings attended by two Selectmen. Refreshments will be available.

Sessions are generally held on the 3rd Saturday of each month at the Town Hall (3rd floor) from 8:30 a.m. to 10:30 a.m. Watch our website (www.kennebunkmaine.us/calendars) for any changes in the schedule due to the weather, availability of Selectmen, etc.

- c. Wright Pierce Report/Dams** – On March 22, 2016, Kennebunk Light & Power District released the updated Wright Pierce Hydro Alternates Report regarding the dams. The report is posted on their website at: www.klpd.org/hydro-facilities. It can also be found on the Town's website at: www.kennebunkmaine.us/klpd.

- d. Miscellaneous - There will be a picture contest for the cover of the annual town report. Information is on the website. Tibbetts asked the Board to extend the deadline for the surveys (agenda item 11a) to May 31st. The Board agreed. There will be a clean up on a portion of Blueberry Plains by students. Signs and notices will be posted.

The 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 Union Negotiations with the Town Manager, Finance Director, Human Resource Director and Director of Public Services - Title 1 MRSA Sec. 405(6)(D)]
- c. Discuss a Personnel Issue with the Town Manager and Finance Director - Title 1 MRSA Sec. 405(6)(A)]

A motion was made to go into Executive Session at 9:15 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 on Article 12a and 12c.

A motion was made to approve the Public Services Union Contract for 2015-2018.

MOVED: Donovan
SECONDED: Schulte
MODIFICATIONS: None
VOTE: 4 in favor, 3 opposed (Boothby, Karytko, Morin). The motion carried.

13. ADJOURNMENT

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

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


Deborah Beal, Secretary
Kennebunk Board of Selectmen

Dates Minutes Approved: 4-26-16