

**TOWN OF KENNEBUNK**  
**BOARD OF SELECTMEN MINUTES**  
**MAY 10, 2016 – 6:00 P.M.**

**SPECIAL MEETING – 6:15 P.M.**

**Interview the following Candidates for Committees:**

Amy Eileen Tyson	Downtown Committee	<u>Vacancies</u>
Paul Bevacqua	Historic Preservation Commission	(1) Alternate 2016
		(1) Alternate 2016

The Candidates discussed the reasons for their interest in joining the committees. Candidate Bevacqua lives on Summer Street in the Historic District. When asked, he explained he has had positive experiences and seen negative ones involving his neighbors. Candidate Tyson is a business owner and believes she can add to the committee. Vice-Chair Morin reminded the candidates that the positions are alternates and they will be informed after the vote later in the meeting.

**1. REGULAR MEETING**

On May 10, 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 Richard Morin, Edward Karytko, Daniel Boothby, Christopher Cluff, Shiloh Schulte and Deborah Beal. Absent was Chairman Kevin Donovan.

Also in attendance was Town Manager Barry Tibbetts and Finance Director Joel Downs,

**2. MINUTES**

a. April 26, 2016 Regular Meeting

There was no Board/Public input or comments.

**A motion was made to accept the Minutes from the April 26, 2016 Regular Meeting.**

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

The Vice-Chair proceeded to the next item.

**3. ITEMS TO BE SIGNED**

All signatures have been completed.

The Vice-Chair proceeded to the next item.

4. PUBLIC HEARING(S) –

None.

The Vice-Chair proceeded to the next item.

5. PUBLIC COMMENTS

Fire Chief Rowe came to the podium and announced a celebration for National Emergency Medical Services Week will be held on May 21<sup>st</sup> from 9:00 – 2:00 at the Waterhouse Center. He handed out a flyer and mentioned the information can be found on the website.

The Vice-Chair proceeded to the next item.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. Candidates on the June 14<sup>th</sup> Ballot - Nomination papers have been returned and the following candidates will be on the ballot for the June 14, 2016 Annual Town Meeting Election.

Nominations candidates are selectmen 2 open

Selectmen, 2 seats, 3-year terms

Baldwin, L. Blake  
Cahoon, Thomas J.  
Morin, Richard A.  
Ward, William A. Jr.

RSU #21, 2 seats, 3-year terms.

Merton read through the following:

Fadiman, Matthew R.  
Kahn, Emily L.

Trustee, Kennebunk Light and Power District, 1 seat, 5-year term

Bartilucci, Daniel  
Jordan, Michael L.

Trustee, Kennebunk Sewer District, 2 seats, 3-year terms

Brockway, Wayne A.  
Sharood, Edward R.

DISCUSSION:

Town Clerk, Merton Brown, announced the community yard sale will be held on Sunday, May 15<sup>th</sup> from 8:00 – 2:00.

Brown went over the nomination papers for the above mentioned candidates for the June 14<sup>th</sup> election. Absentee balloting will begin around May 18<sup>th</sup> and he will give an update at the next Board meeting.

The Vice-Chair proceeded to the next item.

- b. RSU #21 District Budget Meeting will be held on Tuesday, May 17, 2016 at 7:00 p.m. at the Kennebunk Elementary School. This meeting is a requirement of State law before the final vote is taken at the June Town Meeting concerning the School District's proposed budget for 2016-17.

The Vice-Chair proceeded to the next item.

- c. York County Firefighter of the Year – On Saturday April 9, 2016, the York County Firefighters Association (YCFFA) held its annual firefighter awards banquet at the York Beach Fire Department. Over 80 firefighters attended the event. Each year, the YCFFA solicits nominations for Firefighter of the Year in two categories, heroism and public service. This year our own Firefighter, Shane Enger, was nominated and chosen for the 2015 Heroism award.

Firefighter Enger was nominated for his efforts while attempting to rescue an occupant trapped on the second floor at a structure fire at 305 Cat Mousam Road on June 22, 2015. Fire conditions in that room at the time he entered were doubtful at best, as flashover conditions were eminent. His efforts that morning were unsuccessful, however, that does not diminish the great personal risk he took in his attempt to rescue another.

For those reasons, Kennebunk Fire Rescue was proud to nominate Firefighter Shane Enger for the York County Firefighters, *Firefighter of the Year Award for 2015*.

Congratulations to Firefighter Shane Enger on his well deserved nomination and award!

DISCUSSION:

Morin thanked Fireman Enger for his great effort.

The Vice-Chair proceeded to the next item.

- d. Thank you to Carolyn Hughes – Carolyn Hughes, our Human Resource Director since September, 2014, has submitted her resignation. Carolyn will be embarking on a private consulting business. We wish her the very best in her new endeavor and thank her for her dedicated service to the Town.

The Vice-Chair proceeded to the next item.

**7. TIME SENSITIVE BUSINESS**

- a. Confirm the Town Manager's Appointment of Michael Pardue as Interim Human Resource Director– As noted in the previous article, our current Human Resource Director, Carolyn Hughes, submitted her resignation. Carolyn's last day was May 6<sup>th</sup>.

To ensure continuity, the Town Manager is recommending the confirmation of Michael Pardue as the Town Manager's appointment as Interim HR Director. Mike will be on staff 37.5 hours per week as a contracted employee until a decision on how to proceed is determined.

Mike is well versed in municipal operations and employee resource management and will bring a depth of knowledge to the position. He has worked closely with most of the Town's departments and was Interim Public Services Director from January to July 2015. He also has an extensive background in municipal consulting. His rate of pay will be \$37.50 per hour.

**DISCUSSION:**

Tibbetts believes bringing Michael Pardue on will bring a nice component for the staff. He explained the plan is to bring Mr. Pardue in for continuity and consultation for 5 to 6 weeks and decide how to proceed before hiring a new HR Director.

There were no public comments.

**A motion was made to confirm the Town Manager's appointment of Michael Pardue as Interim Human Resource Director.**

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

The Vice-Chair proceeded to the next item.

- b. Sign the June 14, 2016 Annual Town Meeting Warrant –Included in the Board packet is the final warrant for the 2016 Annual Town Meeting. The Board needs to sign the warrant.

There were no public comments.

The Board signed the warrant. No motion or further action was required.

The Vice-Chair proceeded to the next item.

- c. Discuss Harvesting Alewives in the Town for the 2016 Season – We received a letter from the Department of Marine Resources requesting the Board vote on the right to harvest alewives. Their suggested motion below gives harvesting rights to individuals and prohibits commercial harvesting.

This used to be voted on (annually) at the June Town Meeting. A few years ago, the authority was delegated from the voters to the Board of Selectmen.

**DISCUSSION:**

Merton Brown explained the State law which gives the Town the right to control the harvesting and Kennebunk's history is the same. Harvesting to sell would require a license. The Warden's Office is in charge of enforcing the law. Beal has spoken to local fisherman and observed a harvesting. She believes it is a good thing to give back for local independent fisherman.

There were no public comments.

**A motion was made to retain the Alewife harvest rights for individuals and keep closed for commercial harvesting for conservation for 2016.**

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

The Vice-Chair proceeded to the next item.

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

None.

The Vice-Chair proceeded to the next item.

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

- a. Discuss Amending a Portion of the Parking Ordinance on High Street in Front of Cherie's Bistro The current one parking space in front of Cherie's Bakery at 7 High Street has a 2-hour limit. In discussions with Paul Flaherty and Cherie Davis, their request was to amend this to 30 minutes. Should the Board agree, a Public Hearing would be required before any amendments could be considered.

The current ordinance is 2-2 Limited Parking, 2-1:

**N) High Street:** Parking on High Street from York Street to Friend Street (where designated) shall be limited to 2 hours between the hours of 8:00 AM and 6:00PM.

**DISCUSSION:**

Tibbetts added 30-minute parking to also include a small portion of York Street in front of New Morning Natural Foods. He explained it is more appropriate for that area and would be on one side only. Businesses that are affected would be spoken with ahead of the change.

Paul Flaherty, owner of Cherie's, explained why 30-minutes parking would be beneficial. Cherie's also provides long-term parking in the back of the business. The Board discussed negative impact of this change on other the businesses such as the doctor's office next door. Tibbetts reminded the Board it is for one spot only. The Board decided this will go to a second reading.

There were no public comments.

**A motion was made to move to a second reading and schedule a public hearing on May 24, 2016.**

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

The Vice-Chair proceeded to the next item.

- b. Discuss Amending the Policy for Placing Minutes on the Town's Website – Recently, a resident contacted Selectman Boothby about not being able to view committee meeting minutes (in some cases going back a few months).

One issue seems to be that some boards desire to have all members who were present at the initial meeting approve and sign the minutes. This causes delays if the members who were present at the initial meeting are not present at the meeting when the minutes are being approved and signed.

Another issue is that it is difficult to complete minutes of lengthy meetings (Planning Board recently had minutes that were 45 page long) in a one week turn-around time in order to enclose them in the next meeting's packet. This is compounded by the fact that their next meeting would be occurring and those minutes also need to be processed.

The Town does have a policy on the approval and posting of meeting minutes. On February 9, 2010, the Board approved a policy regarding "Placing Meeting Minutes on Website", which is enclosed.

Section 3 and 3.a in the policy regarding the approval of minutes (for binding and non-binding committees) reads as follows:

3. All minutes for Town binding committees must be filed with the Town Clerk's office in their final, approved form with the necessary signatures and date of approval on that final form within two weeks of being accepted.

All minutes for Town non-binding committees must be filed with the Town Clerk's office in their final form within two weeks of the date of approval.

- a. For most boards, commissions, or committees the signature(s) will be that of the secretary of the board, the chairperson or a majority of the board, commission or committee.

Proposed amendment:

3. All minutes for Town binding committees must be filed with the Town Clerk's office in their final, approved form with the necessary signature(s) and date of approval ~~on that final form~~ within ~~two weeks~~ 30 days of being accepted the original meeting date. An additional 30 days may be extended for meetings that are exceptionally long or complicated.

All minutes for Town non-binding committees must be filed with the Town Clerk's office in their final form within ~~two weeks~~ 30 days of the date of approval the original meeting date. An additional 30 days may be extended for meetings that are exceptionally long or complicated.

- a. For most boards, commissions, or committees the signature(s) will be that of the secretary of the board, the chairperson or a majority of the board, commission or committee.

We should also remind Committee Chairmen of the language listed in item 3.a. and ask them to amend their committee's by-laws if they require all members to approve and sign minutes. A chairperson, vice-chairperson, or secretary's signature is acceptable.

DISCUSSION:

Tibbetts explained that the submissions of approved minutes from committees are taking too long and, therefore, is requesting to have this improved by implementing a 30-day timeline. He stated there may be exceptions such as long meetings. Boothby commented that it is important to get the minutes in and suggested having an exception or written permission from the Town Manager or the Town Clerk.

Betsy Smith, member of the Lower Village Committee, suggested making the timeline 45 days. Natalie Burns, one of the Town's attorneys, explained the concern is mainly with the Planning Board, Board of Appeals and Site Plan Review Board because it is problematic in the appeal process. People who are appealing have a set time to do so and the minutes must be approved. Merton Brown suggested using the audios, which are available after the meetings.

**A motion was made to move to a second reading on May 24<sup>th</sup> and notify all Committee Chairmen of the proposed amendment to the Policy.**

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

The Vice-Chair proceeded to the next item.

- c. Discuss a Request to Waive the Beach Parking Permit Requirements for KBIA – We received a request from Elizabeth Lapointe, Events Coordinator for KBIA, to waive the beach parking permit requirements to allow the attendees and volunteers of their July 10<sup>th</sup> Road Race access to park at Mother's Beach. In prior years, this waiver has been approved.

They are requesting to have the permit requirements waived for the following event:

**Sunday, July 10 - A Day at the Beach, 5K Road Race  
6:00 a.m. to 12:00 p.m. at Mother's Beach only  
(to accommodate registration and road race)**

DISCUSSION:

Tibbetts explained the need to accommodate is for those, such as volunteers, who will be at the event earlier and stay later after the race.

There were no public comments.

**A motion was made to waive the beach parking permit requirements for KBIA's "A Day at the Beach" Road Race on July 10<sup>th</sup> from 6:00 a.m. to noon at Mother's Beach only.**

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



Selectman Cluff

- Linda Johnson and her team did a great job with the May Day celebration.
- Noted he saw a story on channel 6 about the Senior Center's fish program (their transportation program) and its success. Suggests that the new committee on aging will most likely address this story.

Selectman Boothby

No comments.

Selectman Morin

No comments.

Selectman Karytko

- He was unable to attend the May Day celebration.
- Did get yelled at about road paving.
- He attended Coffee with the Chiefs and thought it went well. The discussion focused on drugs and Chiefs Rowe and MacKenzie did a great job.
- West Kennebunk Family Fun Days – he has heard complaints regarding renting Masonic Hall.
- The potholes are beginning to be patched. He asked about the timeline on crack sealing Tibbetts mentioned he will look into this. Karytko believes hiring an outside contractor would be a good idea.
- If people have flags that they would like disposed of, the American Legion will take them. They will be holding a small ceremony to dispose of them on July 4<sup>th</sup>.
- Asked about the rules for signs on public property. Attorney Burns explained the new Supreme Court decision and advised leaving the signs that are on public property unless there is a safety issue.
- Recycling - everyone do what you can to recycle.
- Thanked the police department for accepting 15 rifles from the American Legion.
- There is a budget and the ultimate responsibility is on the people out there who are voting. Beal mentioned 72 percent of the tax bill is for the schools.

The Vice-Chair proceeded to the next item.

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

- a. **May 18 – Candidates Night for Candidates Running for Two Positions on the Board of Selectmen** – Wednesday, May 18<sup>th</sup> at 6:30 p.m., 3<sup>rd</sup> floor of the Town Hall.

The candidates running for the two seats on the Board of Selectmen are L. Blake Baldwin, Thomas Cahoon, Richard Morin, and William Ward, Jr.

Members of the public can attend the Candidates' Night in person at the Town Hall, view it live on digital Cable TV Channel 5, or stream it live (or watch it later) at [www.townhallstreams.com](http://www.townhallstreams.com). It will also be re-broadcast on Channel 5 periodically until Election Day, June 14<sup>th</sup>.

- b. **May 21 – Board of Selectmen Outreach Sessions** – The next session will be held on Saturday, May 21<sup>st</sup> on the 3<sup>rd</sup> floor of the Town Hall from 8:30 a.m. to 10:30 a.m. Selectmen Cluff and Morin will host this session.

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 3<sup>rd</sup> Saturday of each month at the Town Hall (3<sup>rd</sup> floor) from 8:30 a.m. to 10:30 a.m. Watch our website ([www.kennebunkmaine.us/calendars](http://www.kennebunkmaine.us/calendars)) for any changes in the schedule due to the weather, availability of Selectmen, etc.

- c. **May 30 – Memorial Day Parade 2:00 p.m. – Main Street**  
**Veterans Appreciation Concert (after parade) – Waterhouse Center (all are welcome!)**

This year, a free Memorial Day Veterans Appreciation Concert will be held at the Waterhouse Center. The concert features the Don Campbell Band with a special tribute to local veterans. Please join us for this special concert. This year marks the 150<sup>th</sup> Anniversary of the celebration of Memorial Day (1866-2016). Concert will last about 1 ½ hours.

- d. **May 31 – Survey Deadline**

We want to hear from you! Complete our Online Survey (or paper version available at Town Hall) Deadline extended to May 31<sup>st</sup>! 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](http://www.kennebunkmaine.us/planningsurvey). Printed copies are also available at the Town Clerk's Office. Surveys must be completed by May 31<sup>st</sup>. may be

- e. 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](http://www.klpd.org/hydro-facilities). It can also be found on the Town's website at: [www.kennebunkmaine.us/klpd](http://www.kennebunkmaine.us/klpd)

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

**A motion was made to go into executive session at 7:35 p.m.**

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

Upon coming out of executive session, there was nothing to report.

**13. ADJOURNMENT**

**A motion was made to adjournment the meeting at 9:00 p.m.**

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

  
Deborah Beal, Secretary  
Kennebunk Board of Selectmen

Date: 5-24-16