

TOWN OF KENNEBUNK

BOARD OF SELECTMEN MINUTES

July 12, 2016 - 6:15 P.M.

SPECIAL MEETING – 6:15 P.M.

Interview the following Candidate for Committees:

<u>Name</u>	<u>Committee</u>
Daniel Lyons	Comprehensive Plan & Zoning Ord. Update Comm. no terms

Note: Bob Metcalf, Chairman of the Comprehensive Plan & Zoning Ordinance Update Committee, recruited Dan Lyons to this committee because of his background and interest in the community. Bob noted Dan had provided support during the first plan in the 1990's as Chairman of the Planning Board; Dan also has a keen interest in transportation and bikeways.

DISCUSSION:

Daniel Lyons was interviewed. He said that he has been focused on traffic engineering and has interests in bikeways and transportation as stated above. Schulte said that now is a good time to work on the kind of interests that Lyons was referring to. Karytko added that the Comprehensive Plan and Zoning Ordinance Update Committee is full of good people but noted that it is not easy to be on the Committee. Lyons concurred with Karytko and added that he wants more young people to be involved with the things that he hopes to work on, also saying that many have made this point.

1. REGULAR MEETING – 6:30 P.M.

On July 12, 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 L. Blake Baldwin, Richard Morin, Edward Karytko, Daniel Boothby, Christopher Cluff, Shiloh Schulte and Deborah Beal.

Also in attendance were Town Manager, Barry Tibbetts, Finance Director, Joel Downs and Town Attorney, Bill Dale.

The Chair proceeded to the next item.

2. MINUTES

- a. May 24, 2016 Regular Meeting

DISCUSSION:

None.

There were no public comments.

A motion was made to approve the June 28, 2016 Regular Meeting Minutes.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

VOTE: 5 in favor, 2 abstained (Schulte and Baldwin). The motion passed.

The Chair proceeded to the next item.

3. ITEMS TO BE SIGNED

None.

The Chair proceeded to the next item.

4. PUBLIC HEARING(S)

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

**Jean Krull d/b/a Mainely Meatballs
for new Victulater License
located in Federal Jack's parking lot, 8 Western Avenue**

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

Fire Department/Codes Office: mobile vendor – inspected by the State; no local fire inspection required

Police Department: new license – nothing to report from police

DISCUSSION:

None.

There were no public comments.

A motion was made to postpone the hearing for Mainely Meatballs, indefinitely.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

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

The Chair proceeded to the next item.

5. PUBLIC COMMENTS

Rachel Phipps, from the public, spoke. She spoke about her attempts to be on the Economic Development Committee (EDC), noting that she was on the waiting list for four years. At the last meeting she was appointed to the Committee but was upset that the EDC sent an email to the Board requesting they hold off on the appointment. She said that the Town Manager never told her about the email. She then talked about the June 22nd EDC special meeting. She said that was the first time the EDC had ever held a special meeting (from her research). She noted attendance issues that someone on the EDC had, adding that that member moved to Kennebunkport. She wanted some clarification on the matter. Morin said that her questions would be better answered at the October 4th workshop which will specifically be on Committees. Phipps wants to know if the Town Manager knew that Ginny Griffith had attendance issues and moved to Kennebunkport. Phipps reviewed 5 years of EDC and Board of Selectmen minutes and couldn't find any discussion on rightsizing the EDC even though the email requesting the postponement of her appointment said that they had done so. Therefore, she believes that there was action taken on this matter outside of public meetings. Phipps said that people resigned from the Committee but she was still not put on the EDC. She wants

to know if there was any discussion (with the Town Manager, etc.) before the email to postpone her appointment was sent.

Blake Baldwin, who had been on the EDC, admitted that he had not followed all of the procedures noted in the Town Charter, adding that he did not engage in the reorganization of the committee as quickly as he should have. Baldwin said that he made mistakes of ignorance and negligent lack of initiative and did not lie or do anything to hurt Phipps. He promised Phipps that, as a Selectman, he will make sure that the Committees are better handled. He also promised that the Chairpersons will uphold the Town Charter and State law. Baldwin added that he will be a, "cautionary example," to those who don't follow the rules.

Phipps didn't agree that Baldwin was simply negligent because she said he had stated that there were no vacancies for the Committee when there really were. Baldwin stated that he did not know of any vacancies and said that he didn't think that Ginny Griffith missed a lot of meetings, adding that he believed her to have not moved to Kennebunkport seven months ago (as Phipps stated) but rather that she had moved there not too long ago.

Morin stated that Phipps would be the first to know the answers to her questions and that they will be addressed on October 4th, 2016.

Finally, John Costin, from the public, said that re-appointments and appointments seemed to happen efficiently for others and he thinks that saying that the Board of Selectmen will wait until the October 4th meeting to address this topic is pushing the matter aside.

The Chair proceeded to the next item.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

DISCUSSION:

Richard Morin introduced Blake Baldwin to the Board of Selectmen (Baldwin was just elected to the Board on June 14th).

The Chair proceeded to the next item.

7. TIME SENSITIVE BUSINESS

- a. Take up the Election of the 2016-17 Board of Selectmen Officers – Each year, at the first meeting in July, the Board elects its new officers for the coming year.

DISCUSSION:

A motion was made to nominate Richard Morin as Chairman of the Board of Selectmen (from July 1st, 2016 to June 30th, 2017).

MOVED: Karytko

SECONDED: Cluff

The Vice Chair asked if there was any other interest the Chairmanship. Discussion continued.

Baldwin suggested Cluff as Chairman because he wants more young people to be involved.

A motion was made to nominate Christopher Cluff as Chairman of the Board of Selectmen.

MOVED: Baldwin

SECONDED: Beal

Discussion continued.

Rachel Phipps, from the public, was upset that Beal was not nominated to be the Chairman since she is the longest standing Selectman. Phipps also said that Beal is the only woman on the Board.

Schulte told Phipps that he wanted to elect Beal as the Chair but thought that she was not going to continue on the Board of Selectmen. Beal said that she still has a year until she reaches the maximum amount of time one can serve as a Selectman in the Town of Kennebunk. Therefore, Schulte nominated her.

A motion was made to nominate Deborah Beal as Chairman of the Board of Selectmen.

MOVED: Schulte

SECONDED: Boothby

The Board proceeded to vote for Chairman via secret ballot. Town Clerk Merton Brown passed out ballots and privately counted the submissions.

Brown announced that Richard Morin has received the most votes for Chairman. Throughout the remainder of these minutes, previous Vice Chair Morin will be referred to as Chair.

The Board took up the election of Vice Chairman.

A motion was made to nominate Christopher Cluff as Vice-Chairman of the Board of Selectmen for the upcoming year.

MOVED: Karytko

SECONDED: Baldwin

A motion was made to nominate Deborah Beal as Vice-Chairman of the Board of Selectmen.

MOVED: Schulte

SECONDED: Boothby

The Board proceeded to vote for Vice Chairman via secret ballot. Town Clerk Merton Brown passed out ballots and privately counted the submissions. **Brown announced that Chris Cluff has received the most votes for Vice Chairman.**

The Board took up the election of Secretary.

A motion was made to nominate Deborah Beal as Secretary of the Board of Selectmen for the upcoming year.

MOVED: Karytko

SECONDED: Baldwin

MODIFICATIONS: None

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

The Chair proceeded to the next item.

- b. Review the Board of Selectmen By-Laws – With a newly elected member on the Board, the by-laws should be reviewed.

DISCUSSION:

None.

The Chair proceeded to the next item.

- c. Review the Board of Selectmen Code of Ethics

DISCUSSION:

None.

There were no public comments.

A motion was made to sign the Code of Ethics.

MOVED: Karytko

SECONDED: Cluff

MODIFICATIONS: None

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

The Chair proceeded to the next item.

8. OLD BUSINESS (2ND READING)

- a. Discuss a Park Use Ordinance – The draft Park Use Ordinance has been amended to identify the parks, define drone usage and place the setting of fees by the Board of Selectmen. The changes made (since the last meeting) are shown in red on the copy enclosed in the packet. This ordinance summarizes the park usage for the public and will assist staff with enforcement.

DISCUSSION:

Tibbetts said that there were some changes made to this Ordinance such as a section for drones.

Morin thinks that the changes to the Ordinance makes it easier to read.

Schulte wondered why item fourteen in the Park Ordinance (stating that firearms are not permitted in the parks) was removed. Tibbetts replied that such was the case because State law did not allow them to regulate firearms in parks. Such standards does not apply to the beach, however. Schulte also noted a problem that was had at Goose Rocks Beach in Kennebunkport (they struggled to regulate drones there).

Karytko wondered if clarification on the use of drones is necessary. Can drones not be launched from a park or can they simply not be flown over a park? He also wondered why drones were not permitted in parks. Tibbetts said that drones are not permitted in parks so both of the examples that Karytko used would be illegal.

Morin said that it should be stated that the Ordinance applies to the entire beach area too because at the time of this meeting such language was not included.

Baldwin added that drones are regulated under the FAA and was wondering what factor the FAA played in the Town of Kennebunk's regulation of drones. Do they have some authority in what should be regulated? Tibbetts said that he will research such and add in the necessary language into the Ordinance. Karytko added onto what Baldwin said, stating that they should add in language that matches the Federal Regulation.

Sandy Tillman, from the public, spoke, stating that she loves to watch Board of Selectmen meetings (for the Town of Kennebunk and Kennebunkport). She said that the Town of Kennebunkport was told that they could not regulate the use of drones so they put up a sign at Goose Rocks Beach which states that they would like it if people didn't fly drones overhead.

Schulte wanted to try to figure out what they will classify as a drone. Baldwin said that the FAA says that a drone is any such flying device that weighs over .55 pounds.

A motion was made to forward the proposed Park Use Ordinance to the Town attorney for review.

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

The Chair proceeded to the next item.

9. NEW BUSINESS (1ST READING)

- a. York County Public Works Mutual Aid Agreement – This mutual aid agreement between Public Works Departments of different towns affords municipalities the opportunity to share resources in an emergency, as necessary. The agreement defines the role of the participating communities.

DISCUSSION:

Tibbetts explained and then recommended that they participate in the agreement.

Karytko asked if the money can be used for things other than emergencies and Tibbetts said that it can.

Cluff wondered if this was for all communities in York County and Tibbetts said that it was.

Morin asked if they could overspend for emergencies and Tibbetts said that in the Town Charter there is a part that says that they can overspend one half of 1% of the operating Budget for emergencies.

Boothby asked why under the agenda item it says, "... To share resources in an emergency, as necessary." He felt like if they can use resources in non-emergencies they should take out the wordage that says that they will share resources in an emergency.

Beal was confused why they have to sign on the matter in the first place.

Answering Boothby regarding why they specifically say resources will be shared in an emergency Tibbetts said that they used such wordage because he has seen the resources spent in the past to help in emergencies.

Karytko thought that this agreement can possibly make towns rely on each other for certain equipment.

Schulte wants to make sure that there is not a conflict with the towns under this agreement (he wants to schedule the use of equipment).

A motion was made to move to a second reading on August 9th.

MOVED: Karytko

SECONDED: Schulte

MODIFICATIONS: None

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

The Chair proceeded to the next item.

- b. Discuss a Violation in the Resource Protection and Shoreland Overlay Districts on Great Hill Road – The Town’s Code Enforcement Officer issued a Notice of Violation for the cutting of vegetation on land adjacent to “Strawberry Island” that was cut during the late winter/early spring of this year (violation observed on February 23, 2016).

The properties involved are owned by the Kennebunk Land Trust (KLT) Tax Map 97, Lot 37 and Kennebunk Beach Improvement Association (KBIA) Tax Map 97, Lot 38. The properties are both located in the Resource Protection District (flood zone) also subject to Shoreland Overlay standards. The cutting was done in violation of Shoreland Zoning regulations within the Town’s Zoning Ordinance [Article 4, Section 1 E and Article 10, Section 3 D. (1) & (2) (d)], which strictly limit the amount of cutting that may occur within the Resource Protection and Shoreland Overlay Districts of the Town.

After an investigation of the activity, it was determined that the cutting of the vegetation was contracted solely by KLT. KBIA is included in the Notice of Violation as the cutting infraction incurred on their property as well, though it does not appear that they were a willing participant in the violation. For the purposes of an enforcement action, any party in violation is included in the Notice of Violation and then the Town may decide how to resolve the Land Use violation with each party. The parties may be subject to a consent agreement in lieu of court action and the Town may wish to assess penalties on an individual basis, depending on the level of involvement and nature of the violation.

According to KLT, Boiling Spring Landscape was contracted to cut the vegetation and did so in February of 2016. The cutting involved 5 to 6 foot tall beach roses that, as a result of the activity, were left at about 6 inches high. The area that was disturbed is approximately 12,000 square feet and had no original growth (trees) other than the beach roses. The Town did not witness the work, but based on our observation it does not appear to have been done with any heavy equipment, nor was there significant damage to the root structure.

A copy of the Notice of Violation has been provided to the KLT and to KBIA since they are the subject to the enforcement action.

Included in the packet were a copy of the Notice of Violation, a response letter from KLT, a response letter from Shepard & Read (Attorneys at Law on behalf of KBIA), a photo of the beach rose

vegetation in question, an aerial of the approximate extent of cutting, and a Tax Map depicting the approximate location of the property.

This item is being forwarded to the Board of Selectmen for options on how to proceed with enforcement action as a result of this violation. This land use violation can be remedied as an administrative action (consent agreement) or under the Maine Rules of Civil Procedure as an 80K Land Use violation, whereby the Town would attempt to have the violation and resulting enforcement action adjudicated at the District Court level. It has not been the practice of the Town to rush to court and the Town Attorney has often suggested the Town seek to remedy land use violations as an administrative matter, rather than rely on the Court system.

Paul Demers will be available at the meeting to discuss the situation, options to resolve the matter and answer any questions the Board may have.

DISCUSSION:

Code Enforcement Officer Paul Demers explained the violation. He elaborated on details such as the area of the violation which is also explained in the agenda item above (part 9.b). The area is thought to have been cut in late February and Demers guesses that it was done by hand (so at least the soil was not disturbed.). Part of the area is owned by the Kennebunk Land Trust (KLT), another by the Kennebunk Beach Improvement Association (KBIA) and the rest is a part of "Strawberry Island." Demers did say that the area is growing back.

The area is a frontal dune and the DEP told Demers that they may not have granted a permit if the violators applied for one.

Karytko asked if the violation had been done in the past. Schulte pitched in, saying that the letter makes it seem like this kind of pruning (done by the violators) is a normal practice. Demers said that he has never seen such pruning done in the area in question. He said that their Ordinance, which is similar to the DEP's Shoreland Zoning Rules, says that the bottom three feet can't be disturbed. Karytko also said that he thought this may have been done for a better view and asked for Demer's opinion on the whole matter. Demers said that the cutting was a violation and it was up to the Selectmen to decide what to do about it.

Cluff said that the Town was actually fined for something very similar.

Schulte felt as though this is not as bad as if trees were cut down and the soil was disturbed. He noted that the vegetation is already growing back. Schulte added his belief that they should give the violators a warning and if they do it again there is documentation of the first violation (the one being discussed under this agenda item).

Boothby said that Schulte made a good point but referenced a case where they gave someone a hefty fine. He wanted people to know that they have to play by the same rules. Boothby said that they should have been aware of what they were doing.

Karytko wondered about the amount of cutting one could do and why such rules are in place. Demers said that it was essentially so the root structure won't get damaged. There are other reasons too.

Morin questioned Demers, asking him if this was the first time that such cutting had been brought to his attention.

Beal asked Demers why one would cut the vegetation down to 6 inches if they knew that it would grow back. They could have just done a normal trimming. She wondered if they tried to cut it far enough so that it would not grow back. Demers said that he was not sure but that he knew it was a violation, nonetheless.

Baldwin wondered if the violator being the KLT makes a difference in this case because KLT has been a good organization

Schulte wanted to implement a better system for handing down punishments. He thought that it was weird to leave it up to the Board of Selectmen to decide how much a fine should be (there should be some kind of guideline).

Baldwin asked if the KLT had ever violated the rules before and Demers said that he believes that they have not (he has not observed such during his seventeen years at his current position).

Betsy Smith, from the public, said that this violation is much different than what the Town did. The Town bulldozed the area. She also said that pruning of Rosa Rogosa occurs a lot at the beach. Finally, Smith stated that the DEP really just cares that the bushes are still there to offer some kind of protection during storms.

Rachel Phipps, from the public, said that she is a member of the KLT and loves to donate to them but she does not have a lot of money to throw around. She wanted to give the KLT a simple warning because she thought that if they were fined it would essentially hurt the people who donated/donate to them.

Bill Dale, the Town Attorney, spoke about the options they have. He said that they could try to reach a consent agreement between both parties. If not, they could go to court which Dale thought to be expensive and time consuming, especially in a case like this. The good thing about giving out a fine, said Dale, is that if there is a repeat offense, the Town can simply increase the fine. He also wanted to make sure that the Town does not have to pay for something that was not their fault or their doing. Dale noted that it was not the KLT that did this but rather an agent of the KLT, thus the KLT can go after the agent (it is not up to the Town of Kennebunk). In other words, the KLT can get their agent to reimburse them. He wanted to make sure that the KBIA was not made out to be the, "Bad guys," to use his words. They own part of the property but it was not their agent that committed the violation. He said that there should be a fine (maybe \$500 or so) so that the taxpayers don't feel the burden.

Schulte was confused why there even needed to be a consent agreement. To use Schulte's words, "Either impose a fine or not." Demers, however, said that if the area does not continue to grow back, an agreement saying that they may have to be restored at a later date could be quite beneficial.

Morin said that an agreement also acknowledges that a violation occurred and that it is not to be done again.

Dale said that the Town should not overlook the actions of people just because they like them as individuals. He also warned about developers getting away with a profit from this type of violation. For example, if a developer does \$10,000 worth of damage they may make money off of such because perhaps they will increase the value of a lot by \$150,000 or so.

Baldwin asked if the Town Attorney is involved when there is a violation. Demers essentially said that it depends on the situation and Baldwin believes that the Town would not have to deal with the \$500 bill if they didn't need to have the assistance of the Town Attorney.

The director of the KBIA spoke. He thanked the Town for bringing this up. He said that KLT trimmed stuff on part of the KBIA's land before this incident. He said that the KBIA called them to tell them that they couldn't do such and the KLT promised that it would not happen again. The director of the KBIA wanted a consent agreement to be reached. He felt it was wrong to be known as doing something wrong though all they did was leave the vegetation there only to see it cut. Karytko asked the director if they hired an attorney and he said that they had.

Steve Bowley, from the public, spoke. He asked Demers why the area in question was cut. Demers said that the letter from the violators says that they did it to make the appearance of the area better. Bowley did not believe the violators and thought that the cutting occurred for the view.

Schulte asked why the KLT was not at this Board of Selectmen meeting and Demers said that he believed the Executive Director of the KLT to be on vacation. Morin wondered if they should wait to continue until the KLT could be before the Board and Beal wanted the contractor to meet with the Board as well.

Cluff agreed with Schulte's earlier comments that they need better guidelines for how much to fine people.

Rachel Phipps, from the public, spoke again and said that she was upset, as a donator to the KLT, that they did this. She didn't know all of this before tonight's meeting.

A motion was made to move this to a second reading at the next Board of Selectmen meeting (August 9th) with a draft of a consent agreement ready

MOVED: Cluff

SECONDED: Schulte

MODIFICATIONS: None

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

The Chair proceeded to the next item.

- c. Hear a Brief Presentation on Board of Selectmen Relations, Roles and Freedom of Access Act (FOAA) – The Town's attorney, Bill Dale, will be present to share the FOAA rules for Maine and how they apply to municipalities, elected and appointed officials, and staff. The presentation will include a discussion on Board relations and roles within the scope of the Town's Charter.

DISCUSSION:

The Town Attorney, Bill Dale, gave a presentation on everything listed in agenda item 9.c. He discussed that Board and Committee members are to be appointed for three years so there won't be new people at the same time. He said that there has been some difficulty with this (he believes so. He talked to the Town Manager about it. Also, he noted the concerns and questions that Phipps had at the beginning of the meeting regarding her non-appointment to the Economic Development Committee). One important note that Dale made was that the Charter states that the Board of Selectmen cannot vote on something in order to get an outcome that they want for their own benefit

or interests. Dale said that disclosing things is very important (the Board can vote on whether or not a particular Board member can be impartial on an issue. The person in question can also say if they can be impartial). If such a person does not disclose information than it may look bad and then someone could question if they were impartial on their vote. Also very important in the Town Charter is that Town Officials can't accept any valuable gifts from their venders.

He then elaborated on the Right to Know Law. He told Blake Baldwin (a newly elected official) that there is something online on the Secretary of State's website that has questions and answers for him to view in order to fulfill a requirement. Whenever there are three or more elected officials on a Board or Committee discussing an item it is considered a public meeting thus it must be done in public. He then was very honest and said that if people don't like these rules they shouldn't be a public official. Dale said that public officials must be very forthcoming to the public. There must be a notice of these meetings too. He said that the local newspapers need to know about the meetings. If the Town Manager does not do such Dale said it makes it tough for himself, as the Town Attorney, because he has to explain why the local newspapers couldn't be made aware of a meeting.

Cluff got confirmation from Dale that the law specifically says that three or more people meeting is considered a public meeting even though their Board has seven members so they can't do anything with three members anyway. Cluff used the following analogy: he and Karytko go to Cummings Market and see Schulte there. Would they be in violation of the law if such occurred?

Dale said that there are some situations where common sense can be applied. He said if they were talking about Town business they would be in violation of the law (unless they said something as simple as, "See you at the meeting tonight!"). Also, they would be violating the law if they were trying to sway a Board member to vote a certain way. Town business cannot be conducted by email. It must be done in public (it is the people's business). It must be disclosed if done in such a way. The Board can only talk about Town business in executive session and can't talk about anything other than what they told the public they were going to talk about in executive session.

Karytko wondered if he can get information from another Selectman if he wanted to inform himself on a certain topic that he has no idea about. Dale said that if it was only a discussion between two people it would not be considered a public meeting (there must be three Board members discussing for such classification to be applied) and thought that simply informing oneself on a topic would not be a violation of the law. He did say, however, that making a disclosure, or having a public drop box may be intelligent in case the Selectman giving information was wrong or out to get the other Selectman.

Schulte said that if communications between two Board members occurred via email it could perhaps need to be public and all of the Selectmen could see the conversations. Would this be a violation? Dale reiterated that common sense can be applied in such cases.

Rachel Phipps, from the public, said she was offended that Dale said she was grouching at the beginning of the meeting.

John Costin, from the public, spoke. He asked Dale what his advice to the Board of Selectmen was to keeping the minutes of executive sessions accurate and legitimate. Dale said that minutes of executive sessions is not required but it makes some sense. He said that some things can't be disclosed. Nothing can be voted on in executive session. Costin asked if stuff that is sensitive but

eventually won't be should be disclosed to the public. Some things from executive sessions must not be disclosed, said Dale, adding that some stuff will get leaked to the public.

Duke Harrington, from the Kennebunk Post, spoke. He hadn't seen subcommittee meetings on the Town website but others said that they are posted online. He also said that he had no idea that the Economic Development Committee had a special meeting on June 22nd. He wanted the press to be more easily alerted of such things as a special meeting. He also said that before going into executive session they must cite the chapter and verse that allows them to do such as well as the particular nature of the discussions about to occur in executive session. Finally, he said that no decisions can be made in executive session and argued that that meant even giving Dale any sort of instruction.

After that Karytko asked if they must be more specific about why they are going into executive session. Dale said that they don't need to disclose the negotiating or strategizing of something done in executive session but that it is better to say what the litigation, for example, is about, rather than simply saying that they will discussing pending litigation. The law is not clear on such, however. He disagreed with Duke that the Board can't tell Dale to see if a price is better than another. It would ruin the point of an executive session if such could not occur. If they discuss appealing something in executive session Dale thinks that they don't have to go back in public to vote on it. He said that some places do but that he saw no law stating that this was a requirement.

Schulte said that they should change what they say will be discussed in executive session. He noted that their description of what they will talk about in executive session is general. Dale said that it can be fixed a bit but too many details can't be disclosed. For example, if the Town wanted to buy a market they would not have to disclose that (they may not want people to know such). Schulte wondered if a majority disagreeing with a few people in executive session would be considered a vote. Dale said that it would be hard to determine but that someone could say one thing in executive session and another in public.

Harrington agreed with Dale and said that he was referring to if Dale was told to spend more funds (such should be public) not if he was told to negotiate. He knows that those discussions should not be disclosed to the public. He said that the Board should at least say the general topic of their discussions to be had in executive session.

Rachel Phipps, from the public, wondered why they go into executive session so frequently and pondered if there was a way for her to compare how often the Town of Kennebunk goes into executive session to another town. Schulte said that they can never decide anything in executive session so they must discuss it at the next meeting. Others agreed with him.

The Chair proceeded to the next item.

- d. Discuss Selectmen Liaisons to Committees Board members should review the list and indicate the committees they are interested in working with. Selectmen should not be expected to attend all committee meetings, but Selectmen should sign up for committees they expect to be able to attend on a quarterly or as-needed basis.

DISCUSSION:

Karytko wants to keep his current positions (on the Comprehensive Planning and Zoning Ordinance Update Committee, the West Kennebunk Village Committee, Site Plan Review Board and Mat Lanigan Bridge Advisory Committee).

Cluff was okay with the Budget Board but wanted to get off of the Downtown Committee (it conflicts with his schedule). Baldwin said he could go to the Downtown Committee meetings.

Schulte said that he was content with being on the Recreation Committee but that he has a schedule conflict on Wednesday nights.

Baldwin said that he will go to the Tree and Festival Committee's meetings.

Morin will continue to monitor the Planning Board meetings and go to the Lower Village Committee meetings.

A motion was made to make adjustments as discussed.

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

A motion was made to appoint Blake Baldwin to the Committee on Aging.

MOVED: Cluff
SECONDED: Karytko
MODIFICATIONS: None
VOTE: 7 in favor, 1 abstained (Baldwin). The motion passed.

The Chair proceeded to the next item.

- e. Discuss Selectmen Subcommittee Assignments – The subcommittees are listed at the bottom of the Selectmen Liaison spreadsheet. Subcommittees have no more than three members and meet as necessary.

DISCUSSION:

None.

A motion was made to appoint Blake Baldwin to the Finance Subcommittee, Communications Subcommittee and Social Services Subcommittee.

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

The Chair proceeded to the next item.

- f. Election of MMA's 2016-2018 Legislative Policy Committee –MMA's member municipalities have made their nominations for the 2016-18 Legislative Policy Committee. Last month, as you will recall, the Board nominated Richard Morin to represent Kennebunk in District 34. The deadline for retuning our ballot is August 5th.

Our district may vote for two candidates. You will notice there are two names on the ballot as well as a place for a write-in. The names are:

Richard Morin, Selectman, Town of Kennebunk
Larissa Crockett, Warrant and Finance Committee Chair, Town of Acton

After voting, a majority of the Board can sign the Ballot or the Board can designate the Town Manger to sign on their behalf.

DISCUSSION:

None.

A motion was made to vote for Richard Morin and Larissa Crockett to represent District 34 on MMA's Legislative Policy Committee.

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

A motion was made to authorize the Town Manager to sign the ballot on the Board's behalf.

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

The Chair proceeded to the next item.

g. Election of Maine Municipal Association's Vice President and Directors – In the packet was a Voting Ballot for MMA's Officers as well as a brief biographical sketch on each nominee. Deadline for voting is noon on Friday, August 12th.

- The first election is for the Vice-President, for a 1-year term. There is one person running for this seat.
- The second election is for Directors, for 3-year terms. There are three running and the Board needs to vote for three.

After voting, a majority of the Board can sign the Ballot or the Board can designate the Town Manger to sign on their behalf.

DISCUSSION:

None.

A motion was made to vote for Linda Cohen (Councilor, City of South Portland) for Vice President as well as James Gardner, Jr., (Town Manager, Town of Easton), Christine Landes (Town Manager, Town of Bethel), and Mary Sabins (Town Manager, Town of Vassalboro) for the three Director positions and to authorize the Town Manager to sign the ballet on the Board's behalf.

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

The Chair proceeded to the next item.

- h. Set a Workshop Date to Discuss Town Committees – As discussed at the last meeting, we tentatively set Tuesday, October 4th as the date to hold a workshop on committees, i.e. number of committees, number of members, terms of members, committee structure, etc. We would also invite committee members to the workshop to receive their input.

DISCUSSION:

None.

A motion was made to set a workshop date for Tuesday, October 4th at 6:30 p.m. to discuss Town Committees.

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

The Chair proceeded to the next item.

- i. Discuss Boards and Committees (resignations/appointments, if any)
- **Accept the Following Resignation(s):**
Teri Collard – CDBG Façade Advisory Committee, Resident Representative (no term)
 - **Appointment of Resident(s) being interviewed at the beginning of the meeting:**
Daniel Lyons, Comprehensive Plan & Zoning Ordinance Update Committee (no term)

DISCUSSION:

None.

A motion was made to accept the resignation of Teri Collard from CDBG Façade Advisory Committee and send a letter thanking her for her service.

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

A motion was made to appoint Daniel Lyons to the Comprehensive Plan and Zoning Ordinance Update Committee (no term).

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

The Chair proceeded to the next item.

- j. Discuss Any Other Business

None.

The Chair proceeded to the next item.

10. SELECTMEN'S COMMENTS

a. Subcommittee Reports (if any)

Finance signing occurred.

b. Individual Selectmen Comments

Selectman Baldwin:

- Looks forward to the next three years as a Selectman but said that he has a lot to learn. He was overwhelmed.

Selectman Beal:

- Mentioned panhandlers. Said not to give to them. You can tell them where to get food.
- Wanted to formally welcome Baldwin to the Board of Selectmen.

Selectman Morin:

- Looks forward to the next three years.
- Thanked the Board for allowing him to be the Chairman of the Board of Selectmen.

Selectman Boothby:

- Welcomed Blake Baldwin to the Board of Selectmen.

Selectman Cluff:

- Welcomed Blake Baldwin to the Board of Selectmen.
- Thanked the Board for allowing him to be the Vice-Chairman of the Board of Selectmen.

Selectman Schulte:

- Welcomed Blake Baldwin to the Board of Selectmen. Said that it was a great year working with Kevin Donovan, the previous Chairman of the Board of Selectmen. Schulte wished him luck.
- Said it was nice to be back in town after being gone for almost a month.
- Wanted to ask the Board if they wanted to consider creating an Ordinance on fireworks. He thinks such should be seriously considered and perhaps the Board should let the Town vote on it. Morin asked if they could have what Schulte said about fireworks on a future agenda item and invite the chief of police to discuss the topic.

Selectman Karytko:

- Only he and Beal were at the Sanford 4th of July parade.
- Was wondering about the progress on scales at the transfer station. Tibbetts said that they were waiting on them.
- Karytko wondered about the timeline on the scales.
- Discussed trash pickup (for 4th of July) and wondered if they have had a problem with late trash removal in the past. He wanted to make sure that such does not happen next year. Karytko wanted there to be a better schedule.
- West Kennebunk Family Fun Day will be on Saturday, August 6th
- Commended Public Works on repairs. The people are very happy.

- Thought that the Goodwill bins would be moved to the front of Public Works. They were concerned about people dropping things off in front of the Goodwill bin. People are dropping off things like televisions. There is a sign there (which doesn't seem to deter people) and a surveillance camera is supposed to be hooked up. Karytko does not know if the surveillance camera will help. They were wondering if they could have a fenced in area with a table and a chair, especially for the summertime.
- Wanted everyone to recycle. He said it helps the tipping fees as well as the environment.

The Chair proceeded to the next item.

11. TOWN MANAGER'S COMMENTS/NOTES

a. Upcoming Events and Workshops:

- Selectmen's Summer Meeting Schedule:

July 12	6:30 p.m.	July 26	<u>Canceled</u>
August 9	6:30 p.m.	August 23	<u>Canceled</u>

The regular meeting schedule (2nd and 4th Tuesday) will resume in September.

- **Tuesday, September 6** – Board of Selectmen Workshop on TIFs will be held at 6:30 p.m. on the third floor of the Town Hall.
- **Tentative: October 4** – Board of Selectmen Workshop on Committees

The data for the executive session was not available so the Board did not need to go into executive session. Tibbetts also welcomed Blake Baldwin to the Board.

The Chair proceeded to the next item.

13. ADJOURNMENT

A motion was made to adjourn the meeting at approximately 9:40 p.m.

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


 Deborah Beal, Secretary
 Kennebunk Board of Selectmen

Date: 8/9/16