

TOWN OF KENNEBUNK
BOARD OF SELECTMEN MINUTES
SEPTEMBER 13, 2016 - 6:15 P.M.

SPECIAL MEETING – 6:15 P.M.

Interview the following Candidate for Committees:

David Lee Hardwick Planning Board Vacancies: (1) Alternate 2017

DISCUSSION:

David Lee Hardwick was not present at the meeting (he arrived after the regular meeting began and was not interviewed).

REGULAR MEETING – 6:30 P.M.

1. CALL TO ORDER & THE PLEDGE OF ALLEGIANCE

On September 13, 2016, at 6:30 P.M., in Room 301 of the Town Hall, Richard Morin, 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 was Town Manager, Barry Tibbetts, and Finance Director, Joel Downs.

The Chair led everyone in reciting the Pledge of Allegiance.

The Chair proceeded to the next item.

2. MINUTES

- a. August 9, 2016 Regular Meeting
- b. August 16, 2016 Special Meeting (RSU 21 Cost-Sharing)

No quorum for this meeting – no vote is needed to accept the “notes” from meeting

- c. September 7, 2016 Special Meeting (Tour of 3 RSU 21 Building Renovation Sites)
There was no quorum - only 3 members attended. Notes from the meeting are enclosed; however, they do not require a vote to be accepted.

DISCUSSION:

Tibbetts noted a change that a resident (who had been at the August 9, 2016 Board of Selectmen meeting) wished to have made to the minutes. The change is described under “modifications” below, in the motion.

There were no public comments.

A motion was made to approve the meeting minutes from August 9, 2016 as amended.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: Under section 9 a. Instead of saying "It essentially listed things that she and her group want to have changed" the line shall read "It essentially listed things that she and her group initiated." In sum, change the wordage of the end of this line.

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

A motion was made to approve the meeting minutes from August 16, 2016.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

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

The Chair proceeded to the next item.

3. ITEMS TO BE SIGNED

- a. Items as Presented

A deed was signed before the meeting and is now in the hands of the Town Clerk.

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 discuss the following:

**David W. Cluff d/b/a Duffy's Tavern and Grill
Located at 4 Main Street
Renewal Malt, Spirituous, and Vinous Liquor License Application**

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

Fire Department: nothing found in the inspection that would interfere with the renewal of the license.

Police Department: no calls for service that would interfere with the renewal of the license.

DISCUSSION:

Cluff did not vote (and said he would not) on the motion below because he is an officer in the cooperation being cited in this agenda item.

There were no public comments.

A motion was made to approve the Renewal Malt, Spirituous, and Vinous Liquor License Application for David W. Cluff d/b/a Duffy's Tavern and Grill.

MOVED: Karytko
SECONDED: Schulte
MODIFICATIONS: None
VOTE: 6 in favor, 0 opposed, 1 abstention (Cluff). The motion passed.

The Chair proceeded to the next item.

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

**Sante Calandri, German Lucarelli and William Dee d/b/a Port of Italy Kennebunk
Located at 4 Western Avenue
New Malt, Spirituous and Vinous Liquor License Application
(current owners have added a partner)**

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

Fire Department: nothing found in the inspection that would interfere with the renewal of the license.

Police Department: no calls for service that would interfere with the renewal of the license.

DISCUSSION:

Tibbetts said that it was already inspected about 6 months ago but they need to change the license because the business added a new partner.

Cluff asked the Board if they cared if he voted because the business is a client of his. No one found it to be an issue so Cluff voted.

There were no public comments.

A motion was made to approve the New Malt, Spirituous and Vinous Liquor License Application for Sante Calandri, German Lucarelli and William Dee d/b/a Port of Italy Kennebunk.

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

The Chair proceeded to the next item.

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

**David Parisi d/b/a The Inn at English Meadows
Located at 141 Port Road
Renewal Malt, Spirituous, and Vinous Liquor License Application**

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

Fire Department: nothing found in the inspection that would interfere with the renewal of the license.

Police Department: no calls for service that would interfere with the renewal of the license.

DISCUSSION:

None.

There were no public comments.

A motion was made to approve the Renewal Malt, Spirituous and Vinous Liquor License Application for David Parisi d/b/a The Inn at English Meadows.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

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

The Chair proceeded to the next item.

- d. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comment on **proposed amendments to the Town of Kennebunk General Assistance Ordinance, Appendix A-D.**

Information on the proposed amendments is available in the Town Clerk's Office.

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

The Town last adopted the entire MMA model General Assistance Ordinance in 2013, which is still in effect. On a semi-regular basis, MMA incorporates legislative updates to the General Assistance Ordinance. We are operating under the most current version.

Each year the municipal officers approve and adopt the appendices to the General Assistance Ordinance.

An important piece to remember is that General Assistance is intended to provide immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. In some cases a household's "unmet need" (emergencies and/or unforeseen circumstances) may cause the amount of assistance to be greater than the maximums provided in the appendices. General Assistance Administrators use their discretion and have the ability to consider all of the variables for a household during the application process which may determine eligibility.

DISCUSSION:

Tibbetts explained some of the changes. The changes range anywhere from 8 cents to over \$70. He said that the larger changes appear to be made for larger households. He cited examples of such as well. He also explained that the State comes up with these numbers. He cited a recommendation to use these numbers from October 1, 2016 to September 30, 2017.

Morin got confirmation from Tibbetts that they have stayed with State recommendations over the years.

There were no public comments.

A motion was made to amend Appendices A-D of the Kennebunk General Assistance Ordinance.

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

The Chair proceeded to the next item.

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

To hear public comments on the Warrant for the Special Town Meeting (Referendum Questions) to be voted on at the November 8, 2016 Election.

Copies of the Warrant are available at the Town Clerk's Office.

DISCUSSION:

Rachel Phipps spoke. She believes that the questions seem meaningless without a note included with them. She finds it to be a waste of time to have people vote on something if they are not educated on what they are voting on. She feels like the absence of such a note does not allow citizens to make informed decisions as to which way to vote on a particular question.

Morin thinks that she has a good point but said that Beal made the same comment at the last meeting and they are forced to go with what they have right now (they can't change the wording of the referendum questions).

Albert Kolff acknowledged that he has been putting together numbers for citizens to review. He tried to, in one page, present to the Trustees (of the Kennebunk Light & Power District) a review of the numbers. He wants to make such public as soon as possible and offered people to ask him questions and suggested that he may be able to give more information at another meeting (a more detailed one).

John Costin was upset that there was support of the last Warrant Article about changing the number of rooms a Bed and Breakfast can rent out in certain areas. Some clarification was given to him.

Bob Georgitis, represents the "Save the Mousam" group. He drafted the three initiatives and said that they did not put financial numbers on them because the numbers are all over the place. He said that they have experts who say that the efficiency of the dams can be improved by replacing the turbans with new technologies. He thinks that the Kennebunk Light and Power District does not want to generate power from the dams because of costs. He said that a study of numbers (which usually are not complete for years) is required to understand which numbers are correct. He also said that the

questions were intended to see if the people want to go ahead with these issues. He noted tax shifts that would ensue if they did not "save the Mousam." Georgitis also noted the great amount of carbon they are saving by generating renewable power in Kennebunk.

Janice Hanson spoke about the question regarding adding fluoride to the public water supply to prevent tooth decay. She handed out multiple copies of a picture to the Board of Selectmen which features a man dressed in gear intended to prevent him from being harmed from an accident when handling the fluoride. She said that fluoride added to their drinking water comes from wet scrubbing of smoke stacks of the phosphate fertilizer industry. She noted that it is a toxic industrial waste product. She wants people to vote NO on this question in order to get fluoride out of the water supply.

Peter Ashby showed 51 years of data from the United States Geological Survey. He noted the importance of the river to the Town of Kennebunk. He cited the Kesslen shoe shop, saying that they had a generator placed under Duffy's Tavern in 1928 and noted that the shoe shop made over 3 million pairs of shoes in 1952 with the assistance of the generator. He feels as though if the 3 generators (the hydropower generators and turbines) are properly refurbished and maintained they will most likely be able to produce for another 20 or 30 years. Plus, the latest technology can be used. He hopes that the Board of Selectmen will start discussing amongst themselves as well as with the Kennebunk Light and Power District about the Mousam River.

Pam Jones commented on the wording of Article 4, Referendum Question 3 ("Shall fluoride be added to the public water supply for the intended purpose of reducing tooth decay?"), saying that it is misleading and not informative enough for the voters to make an informed vote. She believes that whether or not fluoride reduces tooth decay is not known for certain. So, the wording of the question makes it seem like the fluoride will definitely reduce tooth decay.

Merton Brown, the Town Clerk, said that the wording of the question is set in stone by State law so they can't change it.

Jones said that she knows the wording of the question can't be changed but wanted to object to the wording anyway.

Shawn Teague spoke in regard to the dams. He cited the news that a new destroyer for the Navy went down the Kennebec River about a week ago and happens to be the most technologically advanced warship in the world and was built by Bath Iron Works. He works for Bath Iron Works so he is proud that he was a part of the project. Teague mentioned that Bath Iron Works did not win the contract at first but rather Northrop Grumman did. Bath Iron Works got the contract from Northrop Grumman in the end because they had the will to get it. They also built the ship well even with difficulties. Teague said that the Selectmen had decided not to do anything previously because they wanted to see other things happen before getting involved. But now, said Teague, is the time for the Board to take action, noting that the dams are an important part of the Town. He wants the Board to take leadership.

Norm Labbe, Superintendent of the Kennebunk, Kennebunkport and Wells Water District, spoke about Article 4, Referendum Question 3. He said that this is the only wording that they can use for the question. He understands that the wording is slated one way.

The Chair proceeded to the next item.

5. PUBLIC COMMENTS

Merton Brown, the Town Clerk, spoke about the placement of political signs. Signs can be placed on public property 21 days before the election. Brown said that people should make sure they know where their signs are (whether they are on public or private property). He said that he has received many calls from people noting that signs are close to the line of public and private property. Also, no signs are allowed in planted areas.

Schulte asked about the regulations of signs on election day.

Brown responded to Schulte and said that there is a 250 foot limit from the front entrance of the Town Hall. He and a police officer usually go down on the morning of election day and take down any signs placed within the area where signs are forbidden. Brown said that he has a map of the perimeter of the range where signs are permitted and not permitted, available for people to review.

Robert Higgins, from the public, spoke about safety and the implementation of speed bumps. He has lived in Kennebunk since 1960 and on Woodside Drive since 1975. He was upset with the frequent speeding that he and others have seen on part of Woodside Drive (a straightaway). The speed limit on the road is 25 Miles per hour. He and neighbors have seen too many people going way over the speed limit. He was not aware that they have speed bumps in Kennebunk until about 2 months ago when he went down Pleasant Street near Dairy Queen and saw speed bumps. He called Town Hall and learned that to implement speed bumps, a petition has to be given to the residents of the particular neighborhood where you want to add speed bumps, and 51% of the people must provide their signatures. There are 29 households on his side of Woodside Drive so people from 15 households were needed to sign the petition. He and his neighbor got people from 22 houses to sign the petition (well over 50% of the households). After the petition was submitted to the Town it took almost a month before all three sections of speed bumps were placed on Woodside Drive. He feels as though that amount of time is too long for the implementation of speed bumps. After speed bumps were put on Woodside Drive, speed was reduced greatly. He thinks that the process can be better. He suggested a subcommittee composed of the Town Engineer, Human Resource Director, Highway Director, Town Manager (if his schedule allows him to be on such a subcommittee) and a Selectman (possibly Boothby due to his service with the Fire Department, etc). Higgins also wants to be on the subcommittee. Finally, he wishes to see an agenda item on this.

Karytko asked Tibbetts about the process of implementation of speed bumps and Tibbetts elaborated on it.

Beal asked where speed bumps are already placed in Kennebunk. She also asked how many speed bumps the Town of Kennebunk has at their disposal.

Tibbetts said that there are speed bumps on Woodside Drive, Pleasant Street and Chase Hill Road. This topic will be discussed in more detail at a later date.

Lionel Menard, from the public, spoke about Question #1 from the State regarding the legalization of marijuana. He wants to know what the Town plans to do with commercial production of marijuana products and the distribution of marijuana if the bill to legalize marijuana passes. He wants to see this

topic on the next agenda for the Board of Selectmen. He said that some may think that legalizing marijuana is not a big deal but cited what is happening in a city in Colorado. They are going to be voting to get out of the business, said Menard. He said that thousands signed a petition to get marijuana on the ballot in order to get it out of business. He cited one reason for such an appetite for change as being the safety of children and noted that the amount of children going to the hospital due to marijuana problems has increased in the referenced city (since the time marijuana was legalized there). He also referenced an increase of babies in that city, at the same hospital, being born with marijuana in their system since the time marijuana was legalized there. The crime rate in the cited city is also going up. Menard does not want Kennebunk to make the same mistake and called it a "quality of life" issue. He wants the Board of Selectmen to decide if they will allow pot shacks (stores) all across Town if marijuana is legalized.

Rachel Phipps, from the public, agreed with Robert Higgins that the issue of speed and safety should be on an agenda item. She believes that the Selectmen will get numerous requests for speed bumps once the video of this meeting is released. She wants to make it clear that everyone should drive slowly (ideally, 25 MPH,) in a neighborhood and mentioned that many only drive slowly in their own neighborhood because they know where all of the different hazards to one's driving are located.

Beal wants Tibbetts to put a price on the sets of speed bumps.

John Costin, from the public, spoke. He is confident that the time limit for public speakers is 5 minutes unless the Selectmen vote to lower the limit. Costin talked about state funding of public education and some failures of such funding (the state has not fulfilled all of the funding that citizens approved). He talked about a referendum this fall on the state ballot that creates a way to fund such. He also said that the Board of Selectmen can pass the resolution. He noted that in two weeks there is only an agenda item for executive session but wants the Selectmen to make sure that there is time available for public comment.

The Chair proceeded to the next item.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. Accept a Donation from Hans Olsen – In 2009, Hans Olsen made a donation to the Town to purchase a sign for the new George Shaw Memorial Walkway & Garden. This walkway was located between the former Mobil Station (now the Waterhouse Center) and the Sunoco Station on Main Street and was relocated as part of the Waterhouse Center construction. The sign was designed by Kennebunk artist Robin Swennes.

Due to the relocation of the walkway, adjustments to the landscaping, and age and condition of the sign, Mr. Olsen approached the Town recently and wanted to donate the necessary funds (\$195) to replace the sign. Staff have reviewed the sign design and identified a location for installation.

DISCUSSION:

Karytko asked if the replacement sign was going to have a different design from the original. Tibbetts assumed that the sign replicates what is already on the current sign.

There were no public comments.

A motion was made to accept the donation of \$195 from Hans Olsen for the George Shaw Memorial Walkway and Garden sign and send him a letter thanking him for his very kind donation.

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

The Chair proceeded to the next item.

7. TIME SENSITIVE BUSINESS

- a. Discuss the Award/Purchase of a PowerLOAD Device Rom Stryker Unit – Sole Source Bid
The Kennebunk Fire Rescue budgeted for a PowerLOAD device from Stryker Medical Corporation of Chicago IL in the Capital plan for this year (16-17). We have started the process to acquire this device and it is a sole supplier situation.

The quote for this device through Stryker is \$24,110. There is also an additional \$1,900 installation cost, but that would be paid to our ambulance vendor. Our budget is \$28,000 total.

The device is available through other vendors but the price would be the same as purchasing directly through the manufacturer. This falls under Section VI of the purchasing policy and needs Selectmen approval to move forward.

Budget Justifications/Status/Alternatives: The Power-LOAD™ cot fastener system lifts and lowers the cot into and out of the ambulance, reducing spinal loads and the risk of cumulative trauma injuries. This loading device replaces some of the last of the lifting that personnel have to do while loading a patient into the ambulance. The device is compatible with the lifting stretchers that we now use. It will reduce the possibility of spinal/back injuries and assist with the Town's liability through worker's compensation claims. This project will acquire one unit this budget cycle. The unit is ergonomically designed to reduce operator and patient injuries; Power-LOAD™ hydraulically lifts patients weighing up to 700 lbs. with the touch of a button. It also securely locks the stretcher in place and will sustain up to 25 G's of force during an accident. More information can be found at: <http://ems.stryker.com/assets/files/o/power-loadbrochure.pdf>

DISCUSSION:

Fire Chief Jeff Rowe spoke about the agenda item. He said that every piece of equipment used to handle patients (in terms of loading) is made by Stryker. This was a budget item and their budget was \$28,000 and this item is quoted at \$24,110 and an additional \$1,900 will be needed to pay another vendor to install it. The device is able to withstand a 25G force if an ambulance is in an accident, thus allowing a stretcher to not release from the bracket holding it down. The device can self-load up to 700 pounds.

Schulte thinks that the device sounds like a good thing to have and asked how Stryker is with servicing the equipment (since they use Stryker equipment).

Rowe said, among other things, that they have service contracts with all of their stretchers. Such contracts will be applied after about a 3-5 year warranty period.

Karytko asked why they decided to go through the manufacturer.

Rowe said that it is just simply a direct route. There is no one local. He also said that the price is the same either way.

Schulte asked why they budgeted \$28,000 for the equipment if the price was actually less.

Rowe responded, saying that it was the list price at the time.

There were no public comments.

A motion was made to purchase the PowerLOAD Device from Stryker Medical at a price of \$24,110.

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

The Chair proceeded to the next item.

- b. Take up the Following Election Items as Recommended by the Town Clerk for the November 8, 2016 Election
 1. Sign the Warrant for the Special Town Meeting for the November 8, 2016 Election.

DISCUSSION:

Merton Brown, Town Clerk, spoke about all of the items under this agenda item.

He said that he will have the Board of Selectmen sign the Warrant at the next meeting.

There were no public comments.

2. Confirm the Town Clerk's appointment of Mary Lou Nedeau as Warden for the November 8, 2016 Election.

DISCUSSION:

None.

There were no public comments.

A motion was made to approve Mary Lou Nedeau as the Warden for the November 8, 2016 Election as recommended by the Town Clerk.

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

3. Set the polling hours for 6:00 a.m. to 8:00 p.m. at the Edward C Winston Town Hall Auditorium for the November 8, 2016 Election.

DISCUSSION:

Merton Brown said that State law dictates him to open no earlier than 6:00 a.m.. They also have to close at 8:00 p.m.

There were no public comments.

A motion was made to set the polling hours for 6:00 a.m. to 8:00 p.m. at the Edward C Winston Town Hall Auditorium for the November 8, 2016 Election as recommended by the Town Clerk

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

DISCUSSION:

Merton Brown said that any time the Town Clerk requests additional voting hours, it must be approved by the Board. He also noted the significant amount of people who vote from nursing homes in the area.

Cluff asked when absentee voting starts and Merton said that it will start, for certain, on October 11, 2016 but he is hoping that it starts on October 7th, 2016.

Schulte thanked Merton for doing this.

There were no public comments.

4. Approve the following additional hours for voter registration and absentee voting for the November 8, 2016 Election:

Town Hall:

Saturday	10-29-2016	8:00 AM to 3:00 PM
Sunday	10-30-2016	8:00 AM to 3:00 PM
Monday	10-31-2016	7:00 AM to 9:00 PM
Tuesday	11-01-2016	7:00 AM to 9:00 PM
Wednesday	11-02-2016	7:00 AM to 9:00 PM
Thursday	11-03-2016	7:00 AM to 9:00 PM

(11-04-2016 through 11-08-2016 are absentee voting days for *special circumstances only*.)

Nursing Home Voter Registration and Absentee Voting Hours:

Tuesday	10-18-2016	Huntington Common	9:30 AM to 11:30 AM
Tuesday	10-18-2016	RiverRidge	1:00 PM to 2:00 PM
Wednesday	10-20-2016	Atria	9:30 AM to 11:30 PM
Thursday	10-21-2016	Bradford	10:00 AM to 11:00 AM
Thursday	10-21-2016	Kennebunk Nursing	12:00 PM to 1:00 PM

A motion was made to extend the additional hours for voter registration and absentee voting as listed above for the November 8, 2016 Election as recommended by the Town Clerk.

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

The Chair proceeded to the next item.

- c. Discuss Allowing an Overlimit Permit for the Mathew J. Lanigan Bridge Reconstruction Project The Maine Department of Transportation (MDOT) has requested the municipality to issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits over municipal roads.

Enclosed is the request from MDOT. The Board of Selectmen need to vote to allow this usage. MDOT requires performance and payment bonds from the awarded contractor, no additional bonding is necessary for the roads.

DISCUSSION:

Tibbetts said that most of the equipment will be transported on State roads such as Route 9 or Route 35 but in case they go on Kennebunk roads and damages result, this ensures that the Maine Department of Transportation will repair it.

Morin asked if this equipment will be transported in the spring.

Answering Morin, Tibbetts said that he does not believe so and Karytko said that construction is supposed to start around April 1st so he does not think that the equipment will be transported in the spring.

There were no public comments.

A motion was made to approve the Overlimit Permit pursuant to 29A MRSA §2382 for the duration of the Mathew J. Lanigan Bridge Project, which is estimated to be October 2016 to December 2017.

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 the Skate Park Status The Town voted in June of 2015, by citizen petition, not to locate the skate park at Parson's Field. The Town has received two inquiries from skate park companies that offer design/build services.

To bring the project back in focus, would the Board consider an ad-hoc committee to review and recommend a design/build firm for the Board's review and approval? The firm would then plan, design, and construct a skate park at the Factory Pasture Lane location.

DISCUSSION:

Schulte said that the Town already went through this process and he does not want to repeat things.

Tibbetts said that it has been a while since they had the public involved in this matter.

Schulte wants comments from people to be included in the process.

Beal does not want to pick up a vendor until they have their first meeting without them to avoid spending money on their time for things that have already been done.

Boothby thinks that they should establish a location first before doing anything.

Morin said that the proposal already states a location.

Schulte said that someone can bring a petition for a new location or the Board of Selectmen could propose a new Town question regarding the location of the skate park but a Town vote would have to wait until June 2017.

Karytko agrees with Schulte that they have already gone over this before and is not sure what else can be discussed.

Morin asked if they have had inquiries about this and Tibbetts said that two companies have contacted them.

Schulte asked if Town personnel will be doing this kind of work (the designs, etc.).

Morin asked if this has to go through site review and Tibbetts was not sure.

Rachel Phipps, from the public, asked if the Board of Selectmen have the ability to bring up the issue of the location.

Cluff feels as though they do because it was a non-binding vote.

Karytko added that the Board, at the time, went through many locations and this location was the only one that made sense.

Schulte believes that changing the location would have to go to the people for a vote.

Phipps believes that a committee would have to be formed on the matter or else no one will really have the ability to change the location of the skate park. She also feels like there should be some users of the skate park included in this process.

John Costin, from the public, spoke. He asked Town Engineer Chris Osterrieder if Factory Pasture Lane was number two on the list and Osterrieder said that it was. Osterrieder said that they looked at 10 sites. Costin feels as though the Factory Pasture Lane location is poor for a skate park. He suggested that a committee review the locations to see if they missed anything. He is concerned with building on a location without really knowing it.

Beal asked Osterrieder if there were other locations that have come up in the past two years (that would make the list). Osterrieder said that they have not been looking into new sites.

A man from the public spoke, saying that he passed out a flier earlier. He read part of it. It said that the Factory Pasture Lane location is not safe and that it is simply a bad location. He said that green space should never override the safety of children. He has been very close to the location for more than twenty years and listed some of the activities that occur there such as loud music from car stereos, drinking in the woods around the park, smoking, skateboarding at night, setting off fireworks at night, skateboarding down the middle of the street and so on. He also mentioned that the park is always littered with trash.

Karytko appreciates the comments but is not sure that the problems would go away if the park was moved to Parson's Field. He thinks that the same problems would ensue.

A motion was made to move to a second reading on October 11th.

MOVED: Schulte
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. Discuss a Consent Order Request for 54 Bayberry Avenue This was requested by Attorney Cadigan on behalf of the estate of David N. Barry to correct two setback violations on the property at 54 Bayberry Avenue. These violations were discovered during a recent boundary survey as part of a transfer of the property. This appears to be a violation by a previous owner that was inherited by Mr. Barry.

DISCUSSION:

Paul Demers, the Code Enforcement Officer, spoke about the agenda item. When the Barry's passed, a buyer was found and a survey was conducted. In the survey it was discovered that in the rear set back area there is a 5.4 foot setback violation. Also, on the right hand side of the estate there is a

setback violation of about 1.05 feet. The violation is in the Resource Protection Zone (which makes it slightly more scrutinized). The Attorney fees are \$350 and usually Attorney fees and staff time are looked at and a recommended fine of about \$500 is often given.

Paul Cadigan, from the public, spoke saying that there was no intentional conduct.

Among other things, Karytko asked what the options were besides giving approval.

Demers said that they can either go through with this process or move part of the structure.

Schulte asked if they will go forward with this and cover the Town's time and legal fees.

Demers said that Schulte was correct.

Karytko said that the Town messed up by not saying that the owners were not in the proper setback.

Demers responded to Karytko by saying that the Town is responsible to notify the applicants and that the applicants are responsible for the setbacks.

A motion was made to authorize the Code Enforcement Officer to sign this consent agreement with a \$500 fine to cover costs.

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

The Chair proceeded to the next item.

- a. Discuss the Economic Development Committee Restructuring At their committee meetings in August and September, the Economic Development Committee (EDC) discussed options for the restructuring of the committee.

At their September 1st meeting, the EDC voted on the following proposed committee structure:

- **11 members:**
 - 7 Regular members
 - 4 Alternate members
 - Of the 11 members, they would like to include representatives from the other three committees involved with economic issues:
 - Lower Village Committee
 - Downtown Committee
 - West Kennebunk Village Committee

AND

- **4 ex-officio members** (to continue to facilitate lines of communication that are important to the success of the community):
 - 3 Utility District Representatives
 - 1 Chamber of Commerce Representative

Currently, the committee consists of the following members:

- 8 Regular members, although 2 have indicated they may be resigning
- 3 vacancies for Regular members
- 2 vacancies for Alternate members
13 positions

AND

- 4 ex-officio members
 - 3 Utility District Representatives
 - 1 Chamber of Commerce Representative

See detailed list below:

COMMITTEE	MEMBERSHIP	EXPIRATION DATE (June 30)	VACANCIES
Economic	Robert Georgitis, Chair	2019	(1) 2018
Development	J. Steve Hrehovcik	2017	(2) 2017
Committee	Angus Macaulay	2019	(2) Alt. 2017
	Gary Dugas	2019	
	John Daamen	2019	
	William Macdonald	2017	
	Heather Harris	2018	
	Rachel Phipps	2018	
	Laura Dolce, Chamber of Commerce Rep. (Ex-officio)		
	Norm Labbe, KKWWD Rep. (ex-officio)		
	Michael Bolduc, KSD Rep. (ex-officio)		
	Todd Shea, KL&PD Rep. (ex-officio)		
Selectman Liaison	Christopher Cluff		

DISCUSSION:

Bob Georgitis, Chairman of the Economic Development Committee, spoke. He said that having 7 Regular members allows them to only need 4 to conduct business.

Rachel Phipps, from the public, said that herself and Bob Georgitis voted against the recommendation for different reasons. She feels as though they should have more than 4 people in order to make important votes. She is confused why they need 4 alternates. Who gets to fill an open vacancy out of the 4 alternate members? Phipps also believes that being “too big” is not a problem.

Morin asked if this was already voted on.

Phipps said that it was and that the vote was 4 in favor of the structure and 2 opposed to it.

Bob Georgitis wants to make the committee smaller. He wants to merge committees together.

Karytko said that going from 13 to 11 members is a decrease in members but Georgitis said that the number was at 7 members in the past.

Cluff realizes the logic of having alternate members but did not see why alternate members are needed on a non-binding committee.

A motion was made to move to a second reading on October 11th, which will allow time for further discussion at the Selectmen's October 4th workshop on committees.

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

The Chair proceeded to the next item.

- c. Discuss the Town's Board of Selectmen Strategic Plan In late June, the Board held a workshop with staff to review the survey results and identify the elements for developing a strategic plan. Our consultant, Don Jutton, from Municipal Resources Inc., has compiled that data and the information has been prioritized by the Board and staff. The results will be presented on Tuesday evening for further evaluation and discussions.

DISCUSSION:

Tibbetts explained the agenda item. He wants the Board of Selectmen to consider having a workshop on November 29, 2016 (Tuesday) and, at the same time, talk about the Strategic Plan and the upcoming budget.

Baldwin asked if there were members of the Board of Selectmen who did not participate in the survey.

Tibbetts said that 4 members did not participate in the survey.

There were no public comments.

A motion was made to open this back up to get more responses from the Board and hold a workshop on November 29, 2016 at 6:30 p.m. with all of the pre-work that will be delivered a week or so in advance.

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

The Chair proceeded to the next item.

- d. Discuss the RSU 21 Cost-Sharing Amendment Committee Results The RSU 21 Cost-Sharing Amendment Committee members representing Kennebunk, Dick Smith, Mike Mosher and Gayle Spofford, met with the State Facilitator and members of the committee representing the Towns of Kennebunkport and Arundel. The whole committee, after discussions, concluded that no changes were necessary to the existing Cost-Sharing Agreement. This agreement will come up for review again in five years.

No action necessary.

DISCUSSION:

Tibbetts explained the agenda item. Representatives went to two meetings and it was concluded that no changes would be made to the current formula for the next 5 years. The committee met and voted to not make any changes for 5 years out.

Morin suggested that someone bookmark a calendar to reconvene the committee in advance (sooner than 5 years from now).

Karytko said that he originally intended on opening the new debt but people explained to him why doing such is not wise.

There were no public comments.

The Chair proceeded to the next item.

- e. Designate a Municipal Official as Voting Delegate for the Maine Municipal Association Annual Business Meeting in October – MMA is requesting the Town designate an Official Voting Delegate (and alternate if the Town desires) to vote on behalf of the Town at the Annual Business Meeting held in conjunction with the MMA Annual Convention on October 5, 2016 at the Cross Insurance Center in Bangor at 1:30 p.m.

DISCUSSION:

None.

There were no public comments.

A motion was made to designate the Town Manager as the Town's Voting Delegate at the Maine Municipal Association's Annual Business Meeting in October.

MOVED: Karytko

SECONDED: Cluff

MODIFICATIONS: None

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

The Chair proceeded to the next item.

- f. Discuss the Upcoming Workshop in October for Committees The Board has set a workshop for October 4th to discuss Town committees. What information would the Board like for this session?

DISCUSSION:

Morin asked if this was already addressed.

Tibbetts said that he brought this up to see if the Board had anything they wanted to see for data and information.

Baldwin wants to know the number of committees, the number of people involved and what qualifies as good practices in other towns.

Morin asked the Board what they think about the following: the committees making recommendations.

Cluff agrees with Morin and said that the committees have to take ownership of how they conduct themselves and what their missions are and report back to the Board of Selectmen. He also said that he wants to review their policy on appointing people (interviewing people at the start of each Selectmen meeting does not seem to be effective according to Cluff).

Beal wants to see attendance.

Baldwin agrees with Cluff and said that some committees overlap and do the same work.

Karytko asked Baldwin for an example of an overlap within committees.

Baldwin cited the Downtown Committee and Festival Committee as overlapping. He said that both committees were looking for a horse and wagon and could not find them.

Boothby wondered how the committees are doing on their minutes and he was told that they are doing very well.

Tibbetts said that he will provide the Board with which committees have terms and which do not.

Morin said that he heard a comment that the Board must be televised even in a workshop because if they are doing the Town's business they should present such business to as many as possible and it is not always possible for people to come to each meeting. He thinks that the Board should take official action on this matter.

Baldwin heard the same thing as Morin.

Schulte said that having the problem of overlapping committees, in some ways, is good because it shows the high amount of people who want to help solve problems in the town of Kennebunk.

Baldwin agrees with Schulte that they have so many people who want to participate in our community but allowing unnecessary rivalries among committees is a problem. He thinks that people who want to volunteer and work should be provided opportunities by the Board of Selectmen, without having people within committees "bumping heads" with each other.

There were no public comments.

The Chair proceeded to the next item.

- g. Discuss the Selectmen's Outreach Sessions for the Remainder of 2016 Sessions are generally held on the 3rd Saturday of each month (excluding the summer months) at the Town Hall (3rd floor) from 8:30 a.m. to 10:30 a.m. These sessions provide residents with a chance to meet

and talk with Selectmen on a one-on-one basis. They are informal gatherings attended by two Selectmen.

We will need two Selectmen for each of the following dates (from 8:30 a.m. to 10:30 a.m.):

- Saturday, September 17th Selectmen _____ and _____
- Saturday, October 15th Selectmen _____ and _____
- Saturday, November 19th Selectmen _____ and _____
- Saturday, December 17th Selectmen _____ and _____

Watch our website (www.kennebunkmaine.us/calendars) for any changes in the schedule due to the weather, availability of Selectmen, etc.

DISCUSSION:

The Saturday, September 17, 2016 Selectmen Outreach Session is canceled.

Selectmen Schulte and Baldwin will attend the Saturday, October 15, 2016 Selectmen Outreach Session.

Selectmen Cluff and Morin will attend the Saturday, November 19, 2016 Selectmen Outreach Session.

Selectmen Boothby and Karytko will attend the Saturday, December 17, 2016 Selectmen Outreach Session.

Boothby wondered if these sessions will be televised.

Morin said that these sessions are not really official meetings but instead sessions to hear public comments, etc so he believes that the meetings don't need to be televised.

There were no public comments.

The Chair proceeded to the next item.

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

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

- David Lee Hardwick Planning Board Vacancy: (1) Alternate 2017

DISCUSSION:

Action will be scheduled for a later date since Hardwick (the applicant) was not present at this meeting.

There were no public comments.

The Chair proceeded to the next item.

i. Discuss Any Other Business

None.

There were no public comments.

10. SELECTMEN'S COMMENTS

a. Subcommittee Reports (if any)

Finance signing occurred.

The Ordinance Committee met. They talked about fireworks and other things.

b. Individual Selectmen Comments

Selectman Boothby:

- Said that so much work on the school has been done in such a short amount of time. He finds the progress to be quite amazing.
- The banquet for the responders was great.
- Congratulated the Firefighter of the year and the Police Officer of the year. He said that they have an amazing Fire and Police force.

Selectman Karytko:

- Went on the RSU-21 bus tour and thinks that a lot of progress has been done on the school. Everything looks like it is being done correctly.
- Asked about weighing material coming into the transfer station. Tibbetts said that additional information will be provided soon.
- Wished his grandson, Ryan, good luck in his running for student council in the 5th grade.

Selectman Schulte:

- Apologized for missing the tour of the schools. He had to teach.
- Said that the banquet for the responders was great and the stories were fascinating.
- The peaceful interaction between the two groups of responders shows how good Kennebunk's Fire and Police Departments are.

Selectman Cluff:

- None.

Selectman Morin:

- Asked if there is a way to systematically replay the videos of meetings. Tibbetts said that they will put information on the Town website regarding the times that videos will be played on television.
- Noted that they don't pre-record announcements anymore and wondered if they should reconsider this.

Selectman Beal:

- Fire/Police banquet hosted by Atria at the Town Hall was great. The food and everything else was very good.
- Saw some of the same people (who were at the Fire/Police banquet) at the Patriot riders ride. They left from the Buxton Fire Department and went to York high school where they had the Maine Federation of Firefighters Convention. The Maine POPS Concert Band was there. So were the Red Knights from Chapter Ten. They were all great.

Selectman Baldwin:

- The Festival committee wonders if some Selectmen can go to the festival, HarvestFest, on October 1st, 2016. They want to have a good turnout.
- The Festival Committee plans the Festival very well.

The Chair proceeded to the next item.

11. TOWN MANAGER'S COMMENTS/NOTES

a. Upcoming Events and Workshops:

- Saturday, September 17 – Selectmen Outreach Session will be held from 8:30 a.m. to 10:30 a.m. on the third floor of the Town Hall.
- Tuesday, September 27 – Board of Selectmen Meeting – The Town Manager is unavailable to attend this meeting, therefore the Board will take up the Town Manager's Contract (in executive session). This should be the only item on the agenda.
- Tuesday, October 4 – Board of Selectmen Workshop on Committees will be held at 6:30 p.m. on the third floor of the Town Hall.

b. Items Pending

- Park Use Ordinance will be discussed at a future meeting (most likely October 11th) – waiting for new ruling from FAA. This was scheduled for a second reading at the July 12th meeting.
- Public Services Travel Bus Bid – At the August 9th meeting, this was moved to a second reading. However, after future discussion, it was decided to re-bid this vehicle. This item should be ready for the October 11th agenda.

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)

A motion was made to go into executive session at approximately 9:01 p.m.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

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

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

The Chair proceeded to the next item.

13. ADJOURNMENT

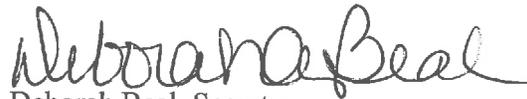
A motion was made to adjourn the meeting at approximately

MOVED:

SECONDED:

MODIFICATIONS:

VOTE:



Deborah Beal, Secretary
Kennebunk Board of Selectmen

Date: 10-11-16