

TOWN OF KENNEBUNK

BOARD OF SELECTMEN MINUTES

SEPTEMBER 27, 2016 - 6:30 P.M.

1. CALL TO ORDER & THE PLEDGE OF ALLEGIANCE

On September 27, 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 and Deborah Beal. Shiloh Schulte arrived after the vote was taken on Article 3.

Also in attendance were Finance Director, Joel Downs and Town Attorney Bill Dale. Town Manager Barry Tibbetts was absent; he had informed the Board previously that he was unable to attend the meeting.

The Chair led everyone in reciting the Pledge of Allegiance.

The Chair stated this was an abbreviated meeting, they would take some public comments and then move to executive session. The Chair stated the Town Manager was absent (due to illness). He then turned the microphone over to the Town attorney, Bill Dale, to explain the process for the meeting.

Attorney Dale stated a question came up regarding executive session, which he understands the motion may be amended from the previously posted version to being a specific one with regard to the incumbent Town Manager's rights and duties under his contract in such a way that it may implicate his rights to privacy. Attorney Dale has been in touch with the Town Manager and he has indicated "yes" he is willing to let the Board of Selectmen discuss his situation in executive session but "no" he does not want to do it in public or let members of the public in, all of which is his right under the right to know law.

Dale stated nothing done tonight will lead to any action; it might lead to an agenda item at your next meeting. At that time, public comment is welcome. Tonight, in fairness to Mr. Tibbetts, since he is not in attendance, no public comment should be taken in regard to him.

2. PUBLIC COMMENTS (comments relating to the contract will not be entertained)

Brenda Robinson – said she had two encounters in Kennebunk today that indicate what a wonderful town we have. While at a local business, she gave information about Kennebunk and maps of the Town to visitors who raved about how clean and beautiful the Town is (flowers and flags). Also, while at the Chamber office, people were commenting on how beautiful the Town is.

John Costin - raised several questions regarding public comments/executive session that were responded to by Attorney Dale. Mr. Costin was not satisfied with Mr. Dale's interpretation of the law and discussion ensued.

Bill Gallant - agrees to respect Mr. Tibbetts' rights.

3. EXECUTIVE SESSION(S)

- a. Discuss General Terms of a Town Manager's Contract, as applicable to Kennebunk with the Town Attorney - Title 1 M RSA Sec. 405(6)(A)

A motion was made to amend the agenda wording for the executive session to state: Discuss the Terms of the Incumbent Town Manager's Contract, as applicable to Kennebunk with the Town Attorney - Title 1 MRSA Sec. 405(6)(A) regarding the terms and conditions of his contract, where public disclosure would unreasonably intrude into his rights to privacy.

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

A motion was made to Discuss the Terms of the Incumbent Town Manager's Contract, as applicable to Kennebunk with the Town Attorney - Title 1 MRSA Sec. 405(6)(A) regarding the terms and conditions of his contract, where public disclosure would unreasonably intrude into his rights to privacy.

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

At this point, Selectman Schulte joined the meeting.

A motion was made to include the HR Director and Finance Director in the executive session.

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

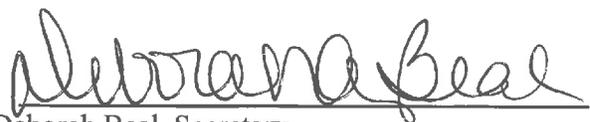
The Board adjourned to meeting room 306 for the executive session.

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

4. ADJOURNMENT

A motion was made to adjourn the meeting at approximately 7:45 p.m.

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



Deborah Beal, Secretary
Kennebunk Board of Selectmen

Date: 10-11-16