

TOWN OF KENNEBUNK

BOARD OF SELECTMEN MINUTES

OCTOBER 25, 2016 - 6:00 P.M.

REGULAR MEETING – 6:00 P.M.

1. Call to Order & The Pledge of Allegiance

On Tuesday, October 25th, 2016, at 6:00 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 Shiloh Schulte. Deborah Beal arrived shortly after the Board made a motion to go into executive session (Article 2). Also in attendance were Town Manager Barry Tibbetts, Human Resources Director Michael Pardue, and Town Attorney Bill Dale.

2. Executive Sessions

- a. Discuss with the Town Manager, Director of Human Resources, and Town Attorney the Employment Terms and Conditions of the Town Manager where premature public discussion of the same would likely violate his right to privacy – Title 1 MRSA Sec. 405(6)(A)
- b. Discuss with the Town Manager, Director of Human Resources, and Town Attorney the Possible Appointment of an Interim Town Manager and Related Terms and Conditions – Title 1 MRSA Sec. 405(6)(A)

A motion was made to go into executive session to discuss the above items.

MOVED: Cluff

SECONDED: Schulte

MODIFICATIONS: None

VOTE: 6 in favor, 0 opposed, 1 absent (Beal). The motion passed.

The Board left room 301 and began their executive session in room 306. Beal arrived a few moments after the Board entered executive session.

After the executive session, the Board reconvened in room 301 to resume the meeting.

The Chair led everyone in reciting the Pledge of Allegiance.

The Chair explained to the public that the Board had just met in executive session. The following motions were then made:

A motion was made to approve the amended Professional Services Contract for Barry Tibbetts as submitted, subject to a minor amendment by the Town attorney, ending June 30, 2017.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

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

A motion was made to approve the Town Manager Employment Agreement Contract as written for the interim period commencing December 5, 2016 and ending no later than June 30, 2018.

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

A motion was made to appoint Mr. Michael Pardue as the Town Manager for the interim period beginning on December 5, 2016.

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

The Chair noted that copies of the agreements are public documents and can be viewed if one wants to view such.

The Chair proceeded to the next item.

3. Minutes and Items to be Signed

- a. October 11, 2016 Regular Meeting
- b. Any Items as Presented

DISCUSSION:
None.

A motion was made to approve the meeting minutes of October 11, 2016.

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

The Chair stated that there were no items presented to be signed.

The Chair proceeded to the next item.

4. Public Hearings

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

**Pilothouse Inc. d/b/a Pilothouse Restaurant
Located at Harbor Lane
For a renewal Malt, Spirituous and Vinous Liquor License Application and
Renewal of a Special Amusement Permit**

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 Malt, Spirituous and Vinous Liquor License Application and Special Amusement Permit Application for Pilothouse Inc. d/b/a Pilothouse Restaurant.

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

Merrilee Paul and David Ross d/b/a Owen's Farmhouse
Located at 17 Main Street
For a renewal Malt 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 Malt and Vinous Liquor License Application for Merrilee Paul and David Ross d/b/a Owen's Farmhouse.

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:

Village Tavern d/b/a Village Tavern
Located at 110 Alfred Road
For a 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 Malt, Spirituous and Vinous Liquor License Application for Village Tavern d/b/a Village Tavern.

MOVED: Karytko
SECONDED: Cluff
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 comments on the **Proposed amendments to Town of Kennebunk Ordinance 6 6-1 entitled Street Vendors and Peddlers.**

Changes proposed would lower the fee for a food vendor at the Waterhouse Center from \$800.00 to \$500.00, and would allow a vendor to rent up to two spaces. The current ordinance allows for only one space.

DISCUSSION:

Tibbetts said that this issue was reviewed by the Selectmen Subcommittee and recommendations were made. He said the Board has to vote on this matter in order to make changes to this particular part of the Ordinance.

Karytko asked if anyone, who had been thinking about being a vendor at the Waterhouse Center, has said that they will be a vendor at the Waterhouse Center if the fee is dropped from \$800.00 to \$500.00. Merton Brown, Town Clerk, responded to Karytko's question by saying "yes."

There were no public comments.

A motion was made to lower the fee for a food vendor at the Waterhouse Center from \$800.00 to \$500.00 and allow a vendor to rent up to two spaces.

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

The Chair proceeded to the next item.

5. Public Comments

Brenda Robinson spoke about fireworks. She said that unexpected fireworks can affect veterans and people with autism. She said a schedule of fireworks seems reasonable to Robinson. This way, veterans and people with autistic children know when fireworks are going to go off. Perhaps they will use earplugs or go out of town during the time that fireworks are being set off. She said that the press can help them and that her proposal (to announce schedules of when fireworks will be set off) can be looked at as another way of thanking veterans for all that they've done for us.

Janice Hanson spoke next about the question asking if fluoride should be put in drinking water. She handed the Board of Selectmen a packet with recent history of fluoridation. She listed off such

history as well as health and environmental concerns. Hanson said that we only drink about 3% of the fluoridated water while the other 97% of the fluoridated water goes down drains, which goes into lakes, rivers and streams, areas where such water is prohibited by the EPA due to its toxic nature. Hanson also cited history from August 2005 that linked cancer with water fluoridation as well as other information.

Julie Garish spoke also spoke about the harmful effects of fluoridation. She said that she voted no on fluoride in 1975 when she lived in New York because it is a drug, toxic and because she didn't want a poison to be put into the water system. She said that people have to decide whether the benefits of fluoride in drinking water outweigh the risks of such added fluoride to our health. She said, among other things, that natural fluoride is already in our water. Therefore, why add more?

David Plass spoke about the Kennebunk twirlers. He said that the twirlers were denied their request for gym space for this winter by the district because of the ongoing construction at the school which has caused a shortage in time available at various facilities. Plass said that the district has a ranking system defined within their use of school facilities policy. School activities are ranked number one, ranked second are school related bodies, and ranked third are town agencies (including the Recreation Department). The district, this year, does not believe that the Kennebunk twirlers fit into any of the above mentioned categories. Use of the gym in the winter was given to school sports teams and Recreation Department programs, however. The twirlers are currently working with the district to see if any time in the gym can be given to them. Plass noted that the twirlers are losing hours of needed gym time that will hurt the program. Also, Plass said that the kids, district and community will suffer. Twirling has been in Kennebunk since 1939. Plass stated that people have been a part of the Kennebunk twirlers staff for several years. His wife, Susan, has directed the Kennebunk twirlers for 24 years. He explained how many athletes are supported by the program, no tryouts required or cuts made. He elaborated on the great amount of community service given by the Kennebunk twirlers. Plass said that, since 2005, the Kennebunk High School twirlers have been a school-sponsored club. An annual show is hosted by the Kennebunk twirlers, and all of the funds from such are given to a scholarship fund. He noted various places the twirlers perform at. Plass said that the director and coaches of the Kennebunk twirlers volunteer for the program and athletes pay dues, and fundraisers are held; all money raised is put into the program in order for it to "pay for itself."

Many twirlers spoke about the importance of the program and its (and their) commitment to the community. They were:

Reyna O'Brien, a Kennebunk twirler since 2014

Kaila Thomas, a senior at Kennebunk High School and a twirler for 10 years

Maura Ragnoursson, a twirler since the age of 3

Jocelyn Rocray, a senior at Kennebunk High School and a twirler since 1st grade

Alaina Helseltine, part of the program for 8 years

Sue Plass, Kennebunk twirlers coach, spoke. She thanked everyone for listening to them. She listed many things that she and the twirlers are involved with in the town (organizing and participating in all the parades that the Festival Committee, Downtown Committee and West Kennebunk Committee sponsor, working at craft tables, helping with pie eating contests, skating with kids at WinterFest, etc.) She is grateful that she has had the privilege to be on the Festival Committee and to be the director of the Kennebunk twirlers.

Schulte believes that it is great that people came up to speak about the Kennebunk twirlers, adding that so many are too scared to speak at the podium. He also noted that the speakers did a good job

relating why their program is helpful to the town. However, he wondered what they all were asking of the Board of Selectmen.

David Plass responded to Schulte. He said that their intent tonight was to get the Board of Selectmen to recognize the program (the twirlers). Also, he said that though their program may not fit into a certain definition needed to be noticed by a specific policy, the Board should realize how important the twirlers are. He said that they also want to be able to compromise and work together with other programs, such as ones with the Recreation Department.

Tibbetts said that he talked with the school district. They looked at the auditorium downstairs, but that it was booked for other program's activities. However, after the conversation with the school district, he came up with another location. Determinations are being made about whether or not space will be available at the location cited by Tibbetts. Sue Plass will hear word regarding the availability of the suggested location. Tibbetts also, just tonight, thought of another location, but said that he has to call the private business. Also, the school's Policy Committee will hear about this topic. This committee determines how rooms are used by various people due to their ranking system.

Baldwin said that he talked to Sue Plass prior to this meeting. Baldwin believes that the twirlers are annoyed that whenever superintendents change, the policy changes. He added that he thinks the twirlers made a strong case about why they are important in the community. He told them they did a good job.

Karytko agrees that the twirlers have been an integral part of the community. He does not like the fact that things seem to change with a new superintendent. He said that as a Board, and as a town, they need to support the organizations in Kennebunk. He said that they must represent the twirlers entirely throughout this process. He ended by saying if the school does not support them (the Board of Selectmen) then he won't support them (the school).

Beal tried to get confirmation from Tibbetts that they looked at Kennebunk Elementary School, Kennebunk Middle School and Kennebunk High School and it was deemed that there was no room available at any of these locations.

Tibbetts said that, as a town, they did not look at the cited locations because it is out of their control. He also said that they, as a town, have looked at the Town Hall auditorium and a few other sites. He is waiting to hear back from people at these "other sites."

Karytko asked if this is believed to be a short term problem. David Plass said that they believe the issue will go away soon. However, they are looking for a long-term position to be held by the district and town that makes it so the twirlers don't lose needed gym time.

Sue Plass said that she compromises all the time during basketball season and often moves the twirlers into the cafeteria. Therefore, she is annoyed that no one is compromising or sharing space.

On another topic, Merton Brown, Town Clerk, spoke about absentee voting. Brown said that this coming weekend, from 8am to 3pm, the office will be open to allow people to register to vote as well as to allow people to vote by absentee ballot. Then, next week, Monday through Thursday, the office will be open from 7am to 9pm. He assured the Board and the residents of Kennebunk that there is no fraud in Kennebunk in regard to the voting process. He said that there are checks and balances for the voting system and added that accusations of voter fraud in Kennebunk are insulting to the several (he

said 50 and more) election workers who work hard and long hours to make sure that the voting process is accurate, fair and free of fraud.

The Chair proceeded to the next item.

6. Acknowledgements/Announcements

a. Traffic Changes for Halloween (Monday, October 31) are as follows:

- Summer St. will be closed between Park St. and Depot St. from 5:00 P.M. to 9:00 P.M.
- Eastbound traffic will be detoured onto Park St., and westbound traffic will be rerouted down Depot St.
- There will be a police officer at both ends of the detour.
- This temporary road closure will take place to make it safer for trick-or-treaters and motorists alike.
- There will be no parking on Winter St. on either side during the detour.
- There will be parking limited to one side of Park St. from the intersection of Winter St. to Summer St.

DISCUSSION:

Beal said that there was a collection (of candy for the Summer Street homes) at Town Hall last year and she wondered if there was one this year or if they advertised for it.

The Chair proceeded to the next item.

7. Time Sensitive Business

- ### a. Discuss a Request by the Kennebunk Police Department for Officers to be Cross-Sworn as Deputies with the York County Sheriff's Office – Kennebunk Police requests the Board's approval to have officers cross-sworn as deputies with the York County Sheriff's Office. This is similar to their request for state-wide arrest powers that the Board granted on February 9, 2016, but allows the authority for Kennebunk officers to enforce traffic law throughout the county while operating as part of the regional Impaired Driving Task Force and Underage Drinking Task Force.

The previously granted state-wide authority only applies to enforcement of criminal laws, not traffic laws. Kennebunk's Police command staff, detectives and the officers assigned to those regional teams would be cross-sworn with York County Sheriff's Office and their commission with the county will run concurrent with their full-time law enforcement employment with the Kennebunk Police Department.

DISCUSSION:

Michael Nugent, Deputy Chief of Police in Kennebunk, offered to answer any questions the Board of Selectmen had and explained what they were requesting.

Karytko asked Nugent whether or not they have to approve this every year if they do so this year. Nugent said that the Board does not have to approve this every year if they chose to do so this year.

Lionel Menard, from the public, asked if the time commitment involved with this program is known. Nugent answered Menard, saying that it has been a while since the Impaired Driving Task Force and Underage Drinking Task Force has been able to operate. However, when it is able to operate, it does not impose anything on their regular scheduling. Therefore, this, if approved by the Board, will not conflict with their regular scheduling.

A motion was made to approve the Kennebunk Police Department's request to have officers cross-sworn as deputies with the York County Sheriff's Office.

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

The Chair proceeded to the next item.

- b. Discuss the Award/Purchase of a Backup Appliance from Quadbridge Inc. – Sole Source Bid – The IT Department budgeted \$44,000 for a replacement Server/Desktop Backup device. Rich Boucher, IT Director, performed a thorough analysis with the vendor, Quadbridge, Inc. comparing compatible products.

The closest matches, by features, are Barracuda and Unitrends. A summary of the quotes received is shown below:

Barracuda	\$110,196.83
Unitrends	\$34,445.98
DATTO SIRIS 3	\$12,119.66

Rich Boucher recommends Unitrends Backup Appliance (RC823S) for \$34,445.98. This pricing was extended to October 31, 2016 and includes free product installation and 3-day training, which the other two products did not include. Rich will be available at the meeting to answer any questions the Board may have.

DISCUSSION:

Rich Boucher, IT Director, spoke about this agenda item. He said that their old system is running out of space and he thinks it is 8 years old. He said that it is time for something else. Some repairs to the current system have been made, i.e. he replaced the motherboard on the unit with a repaired one. Boucher said that Unitrends is the best system one can get. Getting Unitrends allows Boucher to put backup data on a device of his choice. He said that they currently use Barracuda for firewalls and it is a great product but added that \$110,000.00 is very expensive. The DATTO SIRIS 3 unit does not allow him to offload information. Boucher ended by saying that the original quote for the Unitrends Backup Appliance (RC823S) that they received and budgeted for was \$44,000.00. Boucher was able to negotiate with the same group to reduce the price to the current price, \$34,445.98.

Schulte said that the offsite backup option would be cheaper but seems like it would bypass potential security problems with cloud backups. Boucher agreed with Schulte.

Boucher said that he has gone to many meetings and demos for the product that he seeks to purchase and he loves the product.

Morin asked if they have a budget for this purchase. Tibbetts answered Morin, saying that it was allocated in their budget for last year. Therefore, they have money available for this purchase.

There were no public comments.

A motion was made to purchase the Backup Appliance from Unitrends at a price of \$34,445.98.

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 Results of the Strategic Planning Survey – 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. Don will be in attendance to review the results. The "Total Group Rating" is the compilation of Selectmen and Department Manager ratings.

DISCUSSION:

Don Jutton, from Municipal Resources Inc., spoke. The Board of Selectmen were given information on the survey results. A spreadsheet shows the top 5 ratings on various subjects. Responses are from the Board of Selectmen and department managers. There are also consolidated ratings. For example, it is unanimous that roads (in regard to infrastructure priorities) are a number one priority. That is, Selectmen, department managers and, the group as a whole, think that roads are a number one priority in regard to infrastructure priorities. He also noted differences between the Selectmen who participated in the survey and department managers who participated in the survey in terms of what each group deems most important. Jutton asked if the Selectmen want to look more closely at the group ratings or at their own ratings as they move forward in the next part of the process.

Cluff said that he is fine with using the total group rating. He also said that the Selectmen are working with a good team so he sees no need to discount the others. Schulte agrees with Cluff.

Cluff asked Tibbetts if he needs input from anyone on the Board of Selectmen as he goes through this process. Tibbetts responded to Cluff, saying that he is thinking about having staff take the results from the total group rating. It may be good to see how these items may integrate into the existing budget over the upcoming years.

Morin asked if cost estimating can be done in a short period of time. Tibbetts responded to Morin, saying that they can determine a range.

Karytko asked how this will be integrated with the Comprehensive Plan currently being worked on. Tibbetts answered Karytko, saying that they originally were going to have a survey with Selectmen and staff but included the Comprehensive Plan questions in this process and opened such up to the public. He explained further.

Karytko said that the Comprehensive Plan Committee is going to try to get even more information from the public.

There were no public comments.

A motion was made to move this draft forward to have staff develop recommendations for the November 22nd meeting.

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

The Chair proceeded to the next item.

- b. Discuss Setting a Special Town Meeting Date for the Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs – To enact this Moratorium (which provides the Planning Board with time to draft an Ordinance), the Town will need to hold a Special Town Meeting. The proposed date for the Special Town Meeting is February 28, 2017. This date will provide for absentee voting.

The information provided in the Selectmen's packet defines the timeline to bring the Moratorium Ordinance to a vote in February, 2017 and subsequent Ordinance to a vote at the Annual Town Meeting in June, 2017.

DISCUSSION:

Schulte got clarification on a few things.

He was told that if this moratorium gets enacted on February 28, 2017, it is retroactive back to October 11, 2016.

There were no public comments.

A motion was made to set the Special Town Meeting date of February 28, 2017 to vote on the Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

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

The Chair proceeded to the next item.

9. New Business (1st Reading)

- a. Presentation of Division/Department Overviews – Division Directors will be presenting a 5-minute overview of significant accomplishments within their departments and identifying select goals and objectives they will be striving to attain in the coming months.

Overviews Scheduled for the October 25th Meeting

- Eric Labelle – Public Services (Public Works, Parks)
- Mathew Eddy – Economic Development
- Merton Brown – Town Clerk/Elections
- Tasha Pinkham – Recreation
- Michael Pardue – Human Resources

Overviews Scheduled for the November 8th Meeting

- Jill LeMay – Kennebunk Free Library
- Jeff Rowe – Fire/EMS
- Robert Mackenzie – Police
- Chris Osterrieder – Community Development (Planning, Codes, Community Dev.)
- Joel Downs – Finance Office (Finance, Tax Collection, Assessing, IT Dept., GA)

No motion is necessary.

DISCUSSION:

Tibbetts explained that Mathew Eddy went home sick. Therefore, Eddy will give his presentation at the November 8th Board of Selectmen meeting.

Eric Labelle, Director of Public Services, spoke first. He thanked the Board of Selectmen for approving the purchase of the paving machine. He said that the shoulder machine has been great. Their efficiency has improved greatly. He cited roads that have been completed as well as roads that will be improved very soon. Labelle said that they received bids for the crack ceiling. They plan on doing about 40,000 pounds of crack sealing this year. Crosswalks were added onto Summer Street. Moving on, all major equipment approved this year for Recreation and Public Works has been ordered, etc. They are repairing a lot of the plow equipment. Labelle also stated a major goal: to development an inventory of all assets in town. They want to have programs and schedules around redundant work or preventative maintenance work.

Karytko asked about crack sealing. Labelle answered Karytko, saying that they were originally thinking about doing 8,000 pounds of crack sealing (within their budget). He also explained different costs.

Schulte complimented the crew doing paving, etc.

Merton Brown, Town Clerk, spoke next. He said that since late August, the Town Clerk's office has spent much time on the election of November 8th. Since that time, they registered 390 new voters and by mid-day tomorrow, will have issued 2,500 absentee ballots. They also attended a 2-day session on voter tabulation machines and their upgrades and are feeling confident. Such upgrades make reporting easier. Aside from the election, people are still getting licenses such as marriage licenses. He said that they visited 5 health care facilities and allowed 168 people from such places to vote, over a 3 day period. A 26 page voter guide was made for voters. The warrants, sample ballots and the intent/content on all the state ballot questions are in the voter guide. He said that 1,000 voter guides have been given out to people. Brown hopes to meet with all the committees in the fall (and going into the winter) to talk to them about by-laws. New packets for new residents of Kennebunk are still being worked on by Brown. These packets will contain information on various things such as trash bags, etc. Brown and one other in the Clerk's office want to attend association sponsored

training sessions. He said that they have not been able to attend such meetings as much as they should in order to stay up to date with things.

Karytko asked Brown if he thinks they have enough equipment for the election. Brown said that they have 7 machines and he hopes for no lines. There are only 2 ballots.

Schulte appreciates what Brown is doing. He asked if the voter guide is available online. Brown said that the voter guide is indeed available online.

Tasha Pinkam, Director of Recreation, spoke next. She is thankful to her staff. The department, in addition to regular duties, programs and camps that they run, has been helping the Downtown Committee and the Festival Committee. For example, they have helped with SummerFest and HarvestFest. She talked about the Teen Center and community service. They held carwashes and yard sales, for example, earning \$1,160 and donating the money to the Animal Welfare Society. The teen program was evaluated. On September 23rd, her staff went to Kennebunk High School to allow students there to take a survey about the future of the Teen Center. They got 166 surveys back. Rated at the top, in terms of what the students at the high school want, are a few overnight trips throughout the year and vending machines that work. Pinkham said that they took out the broken vending machines. Also, the vending machines now have healthy options available such as popcorn, pretzels, veggie straws and juice waters. They also met on October 20th with middle school students. They will have a Middle School Advisory Board. New programs for the Teen Center were implemented. For example, parents can drop their kids off at the Teen Center for a date night on certain dates. A new program will go into effect this winter. Whenever there is a snow day, parents can drop their kids off at the Teen Center from 9-5 as long as they pre-register to do such. The Teen Center on such days will be fully staffed. Rugby and cricket games are planned. She cited many different activities. For example, last night they had their first Nerf Night. She guessed that they had about 32 kids in the auditorium for the event. They also had many new senior trips such as one to the Boston Aquarium. Listing goals, Pinkham said that they want to develop a plan to become more self-sufficient in all of their programs. They are making an inventory list. Finally, Pinkham said that a Halloween party is planned for Saturday, October 29th at Sea Road School from 1:30 P.M. to 4:30 P.M. The party is free.

Beal said that if full contact rugby is available, they have to make sure that disclaimers are signed, etc. due to how brutal the sport is. Pinkham said that touch rugby will be available, not full contact rugby.

Beal got confirmation from Pinkham that if someone registered in, perhaps October, to have their kid dropped off at the Teen Center on snow days, such a person will be guaranteed that their child can be dropped off on a snow day. Pinkham said that Beal was correct in her thinking. The fee is, she thinks, \$25, and covers 9a-5p with snacks provided.

Lastly, **Michael Pardue, Director of Human Resources**, spoke. He said that the leadership team is very good and that such is due to the culture that has been created here. He wants to make sure that strong team environments are present. He said that there must be good collaboration while they work together to advance the initiatives of the town. He said that they are very successful with such and will continue to be successful with doing such. Candidates for various positions have been vetted very well. People wanting to fill the Fire Captain position have gone through many examinations. Among other things, Pardue spoke about his presentation on preventing sexual harassment, etc. to the Fire Department. He also spoke about accomplished employees, a new Public Services Administrative Assistant, new Computer System Specialist and other staff members. There will be two Fire Captains and a new custodian as well.

The Chair proceeded to the next item.

- b. Discuss a Partial Fireworks Ban – The Selectmen’s Ordinance Subcommittee met to discuss options for a Fireworks Ordinance. The committee, by consensus, agreed that the Town may wish to enact a limited ordinance which allows for the use of fireworks on certain dates. The committee discussed the ability to possess fireworks in Kennebunk and allow for the transport to a location that allows fireworks, adjust the state's dates for fireworks, provide an education program, and install signage.

The subcommittee is asking the full Board whether a limited ordinance should be drafted for further consideration.

DISCUSSION:

Karytko asked if the towns with bans on fireworks have problems. For example, how well enforced are bans on fireworks in other towns?

Schulte said that, at the Subcommittee meeting, they looked at other towns that have ordinances on fireworks. He said that Kennebunk is surrounded by many towns that have some kind of ordinance on fireworks. Therefore, he thinks that problems can arise in Kennebunk. He also said that they looked at allowing fireworks on the fourth of July and perhaps another holiday.

Cluff said that he does not mind if they start to draft an ordinance on fireworks but said that he is hesitant to agree to a ban on fireworks. He is worried about the enforceability of a fireworks ban.

Beal said that the Police Chief stated that if they ban fireworks and people see fireworks in Kennebunk, the town has to pay to get rid of the fireworks. Such could be very expensive. She does not want to create an ordinance due to the fact that they do not enforce laws already on the books such as laws regarding allowable hours to set off fireworks.

Schulte said that the current regulations on fireworks are hard to enforce.

However, Beal said that the law can be made known. For example, they can put up signs at the beaches saying that fireworks are illegal at the beaches in Kennebunk. They also can make it known that fireworks can only be shot off on private property. She also cited that many people complain about fireworks being shot off at the beach.

Schulte said that the problems with fireworks is not mainly found at the beach.

Beal suggested initiating an education campaign before drafting any kind of ordinance on fireworks.

Boothby said that one of the rules that could be established could be, perhaps, no fireworks after 10 P.M. However, Beal said that they already have laws regarding the latest that fireworks can be set off (with time extensions around certain holidays). Therefore, they don’t even enforce state laws on fireworks.

Morin suggested amending the State Ordinance to hold property owners responsible if there is evidence of fireworks being present on their property which were set off beyond allowed hours to do such. He said that this may be a “stretch” but added that there are changes in wording that can be made to the existing laws on fireworks in Maine that can help.

Schulte said that an ordinance will be brought to the public to vote on if they choose to make one. He also said that many people who he has spoken to want to “get rid of fireworks” and many want a full fireworks ban.

Cluff asked the Deputy Police Chief Nugent if the Police Department has an opinion regarding which direction the Board of Selectmen should choose to go in. Nugent said that they don’t want possession of fireworks to be illegal because they don’t have a good way to dispose of fireworks.

Schulte said that Kennebunkport’s Ordinance on fireworks states that fireworks may be seized and turned over to the state of Maine. He asked the Deputy Chief Nugent whether or not police can seize fireworks if fireworks are not allowed to be set off but people can be in possession of them. Nugent responded to Schulte, saying that he believes they can under state law because state law specifies limitations such as an age requirement of 18 years old.

Boothby said that, if they go forward with an ordinance, they should make exceptions for weddings and other special occasions.

There were no public comments.

After the motion below was moved and seconded, Karytko added that he thinks what they are doing is the best direction to go in. However, he noted that because he does not live by the beach, he is not sure how bad the problem is. This is because fireworks seem to go off around the fourth of July and not much more than that where he lives.

A motion was made to allow the Ordinance Subcommittee to begin drafting a limited Fireworks Ordinance around holidays and with a permitting process for special occasions.

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

The Chair proceeded to the next item.

- c. Discuss Pay-As-You-Throw Program Funding Scenarios – In late spring, the Board asked the Energy Efficiency Committee (EEC) to review various options for funding the PAYT Program.

The EEC has met and made a recommendation, based on scenarios discussed by the Board. They recommend that in 2017, curbside collection be funded partly with bag fees and partly through the budget. They also recommend keeping the bag prices the same for 2017. After one year, they would like to have the program evaluated to determine if the bag prices should be adjusted.

DISCUSSION:

Cluff asked how “far under water” they are this year because they keep failing to act on this. Tibbetts answered Cluff, saying that he can get the numbers on such by the November 8th.

Karytko had a few concerns.

Schulte said that it is inaccurate to say that they are not acting on this. They are “working through it.”

Sharon Staz, from the public, who was representing the Energy Efficiency Committee, spoke. She said that red flags won't arise if they stick to the status quo.

Beal said that cashiers have been, for the most part, positive about reusable bags, etc.

Tibbetts said that numbers can be given to the Board and this discussion should be moved to the budget discussion.

The Chair proceeded to the next item.

- d. Discuss the Selectmen's Meeting Schedule for December – In December, the Board is scheduled to meet on December 13th and 27th. Does the Board still wish to hold their meeting on December 27th, so close to (and between) the holidays? Municipal Offices will be closed on Monday, December 26th for the Christmas holiday and Monday, January 2nd for the New Year's Day holiday.

DISCUSSION:

None.

A motion was made to cancel the December 27, 2016 Board of Selectmen Meeting.

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

The Chair proceeded to the next item.

- e. Discuss Board and Commissions (Resignations and Appointments, if any)

There were no resignations or appointments to discuss.

The Chair proceeded to the next item.

- f. Update (if any) on the Transition of the Town Manager

DISCUSSION:

Morin explained that two contracts have been voted on and accepted. Michael Pardue is going to be the Town Manager for an interim period from December 5, 2016 to no later than June 30, 2018.

The Chair proceeded to the next item.

- g. Discuss Any Other Business

There was no other business to be discussed by the Board of Selectmen.

The Chair proceeded to the next item.

10. Selectmen's Comments

a. Subcommittee Reports (if any)

The Board heard from the Ordinance Subcommittee, said Morin.

b. Individual Selectmen Comments

Selectman Baldwin:

- Attended a Selectmen Outreach Session with Schulte last Saturday and 5 people showed up. Nancy and Betsy came from the beach area and made a compelling presentation on parking concerns near the beach. He noted two other people who have expressed concern about parking near the beach. One man (Gerry Havaland) said that he won't come back to Kennebunk in the summer (after doing so for 50 consecutive years) because he is "tired of living in a Municipal parking lot." Therefore, Baldwin thinks that this problem should be looked into. He wants to see this topic on an agenda item for a future Board of Selectmen meeting.
- Baldwin and Schulte spent time with John and Rachel at the Selectmen's Outreach Session.
- Great to be on the Committee on Aging as it is being formed (it is still a very new committee).

Selectman Beal:

- Thanked the Fire Department and Police Department for the event that they held.
- She said that people should tell others to give them only one bag when they make various purchases.

Selectman Boothby:

- Apologized to John Costin for, to use Boothby's word, "blasting" him.
- Hard to encourage people to use re-usable bags because most don't realize that the option of a re-usable bag is present.
- The Dog Committee met and came up with 5 signs (to consolidate onto 1 sign) to put up at the beach. Such signs would state rules such as the fact that fireworks are not allowed on the beach.

Selectman Karytko:

- He is a liaison to the Site Plan Review Board and said that there will be a public hearing on November 3rd for the Garden Street Market Bowling alley. Traffic and noise may be discussed at this public hearing. Such is an intriguing project.
- Site Plan Review Board did a great job moving along a project. The owner of the project is very pleased.
- The Comprehensive Plan and Zoning Ordinance Update Committee will have a meeting tomorrow night. They want to find out how the residents want the town to progress.
- Chief Rowe and everyone else did a great job during Fire Prevention week.
- Congratulated the Kennebunk High School football team for being undefeated so far this season.
- Wished his wife a happy 70th birthday.

Selectman Schulte:

- Said that the Affordable Housing Committee has not met in a while. A resident showed up at Saturday's Selectmen's Outreach Session who wanted to see the committee meet again. Schulte wants to get the committee back together.
- Said that discussions on public comments at Selectmen meetings occurred at Saturday's Selectmen Outreach Session. He believes there is an agenda item on such at a future Board of Selectmen meeting.

Selectman Cluff:

None.

Selectman Morin:

- Apologized to the Board for getting a bit angry earlier in the meeting.

The Chair proceeded to the next item.

11. Town Manager's Comments/Notes

a. Upcoming Events and Workshops:

- **Tuesday, November 1** – Board of Selectmen Workshop on Salaries will be held at 6:30 p.m. on the third floor of the Town Hall.
- **Tuesday, November 29** – Board of Selectmen Workshop on the Strategic Survey and the Upcoming 2017-18 Budget will be held at 6:30 p.m. on the third floor of the Town Hall.

- b. Skate Park Committee – We are looking for 3 skaters and 4 residents to join this new committee. Interested residents should fill out a Committee Volunteer Form. Forms are available in the Town Manager's Office, Town Hall Lobby, and on our website at www.kennebunkmaine.us/committees. Forms are due no later than Thursday, November 3rd. A short meeting (15 minutes) will take place on Tuesday, November 8th at 6:15 p.m. on the 3rd floor of the Town Hall. **All applicants should attend.**
- c. Park Use Ordinance will be discussed at a future meeting – waiting to review new ruling from FAA. This was scheduled for a second reading at the July 12th meeting.
- d. Revisions to the Town Committee Process – The Selectmen met with committee members in a workshop session on October 4th to review items pertaining to Town committees (committee membership size, attendance, by-laws, etc.). We will be gathering committee suggestions for possible changes, which will then be forwarded to the Selectmen for review.
- e. Traffic Calming Policy – at the September 13th meeting, the Board heard from members of the public about speed bumps. Staff will be revisiting the Traffic Calming Policy to refine several aspects of the policy and application. The proposed amendments will be brought back to the Board for a discussion in November.

DISCUSSION:

Sharon Staz, from the public, wanted clarification on the makeup of the Skate Park Committee. She was wondering if people, included in Cluff's motion on the makeup of the committee, will be present at meetings. She was assured that such people will be at the meetings.

The Chair proceeded to the next item.

12. Adjournment

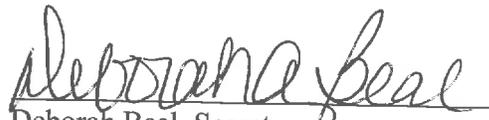
A motion was made to adjourn the meeting at approximately 9:08 P.M.

MOVED: Cluff

SECONDED: Baldwin

MODIFICATIONS: None

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



Deborah Beal, Secretary
Kennebunk Board of Selectmen

Date: 11/8/16