

TOWN OF KENNEBUNK
BOARD OF SELECTMEN
TUESDAY, FEBRUARY 9, 2016 – 6:15 P.M.
KENNEBUNK TOWN HALL
3rd FLOOR/ROOM 301
AGENDA

REGULAR MEETING – 6:15 P.M.

Interview the following Candidate for Committees:

Lisa Emmons

Downtown Committee

Vacancies: (1) Regular 2017
(1) Alternate 2017

REGULAR MEETING – 6:30 P.M.

1. Call to Order & The Pledge of Allegiance

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

2. Minutes (2-3 minutes)

- a. January 26, 2016 Regular Meeting

Budget Meetings - minutes will be available at the conclusion of the budget sessions

- b. February 2, 2016 Special Meeting (Budget Meeting 6:00 pm)
c. February 4, 2016 Special Meeting (Budget Meeting 6:00 pm)
d. February 6, 2016 Special Meeting (Budget Meeting 8:30 am)
e. February 11, 2016 Special Meeting (Budget Meeting 6:00 pm)
f. *Tentative/if needed meeting:* February 13, 2016 Special Meeting (Budget Meeting 8:30 am)
g. *Tentative/if needed meeting:* February 16, 2016 Special Meeting (Budget Meeting 6:00 pm)

3. Items to be Signed (3-5 minutes)

- a. Items as Presented

4. Public Hearing(s) - none

5. Public Comments (5-10 minutes)

6. Acknowledgements/Announcements (5 minutes)

- a. (Public Services) Recreation Department – Matthew Duplisea, Program Coordinator/Teen Center Supervisor, has submitted his resignation effective February 19. Matt has accepted a position with Biddeford Recreation as the Youth and Family Program Coordinator. Matt has been an intricate part of the expansion of the Teen Center activities and his input has been an important part of the growth of the programs offered by the department in his nine years of employment. We wish him the very best in his new position.

7. Time Sensitive Business

- a. Discuss 2016 EMS Ambulance Rates (5 minutes) – Each year, the Town reviews the rates charged for ambulance services. For 2016, the Fire Chief recommends maintaining the same rates as in 2015. With the fuel costs low and our current rates in the “middle range” of other communities, we feel the 2016 rates do not need to be adjusted.

The current rate schedule is attached. Chief Rowe will be present to answer any questions the Board may have.

MOTION: To approve the recommended EMS Ambulance Rates for 2016.

- b. Discuss a Request by the Energy Efficiency Advisory Committee for an Ordinance Regulating Single-Use Carryout Plastic Shopping Bags (15-20 minutes) – The Energy Efficiency Advisory Committee would like to present a possible ordinance on regulating single-use carryout plastic shopping bags. The draft Ordinance prepared by the Committee is attached for your review. Please note, it has not yet been reviewed by our attorney.

Members of the Committee will be in attendance to answer any questions the Board may have. Bella Rossborough, a 5th grade student at Sea Road School, will also be in attendance. As you may recall, Bella attended a meeting of the Board when this issue came up last spring. She has been attending the Energy Efficiency Committee’s meetings regularly and continues to be very interested in this issue (see attached newspaper article “Pupils seek plastic bag ban”). At the Sea Road School’s December Fair, Bella’s class took a vote on “Would you support a fee for the use of single-use plastic bags?” The results were:

- 166 adults voted: 143 in favor and 23 against
- 13 children voted: 11 in favor and 2 against

In November, York voters approved the first-in-the state ban on single-use plastic bags.

In July of 2014, the Committee came before the Board requesting a non-binding question be placed on the November ballot to determine if the voters were interested in supporting a proclamation charging 5¢ for single-use shopping bags. At that time, the Board did not support their request and this was not forwarded to a Town Meeting vote.

How would the Board like to proceed?

MOTION:

8. Old Business (2nd Reading)

- a. Discuss the Recreation Director Position (10-15 minutes) – Recreation Director, Brian Costello, will be retiring on April 22nd after 30 years of service with the Town. The discussion at the last meeting was to see what the interest level was with Arundel and Kennebunkport. After meeting with the two Town Managers, they felt the best solution going forward was to begin with “small steps” by working together on a few joint programs in the coming years.

My recommendation is to move forward with filling the Recreation Director position.

MOTION: To advertise the Recreation Director position.

- b. Discuss a Consent Agreement for 2 Marsh View Avenue (10-15 minutes) – The Board heard the presentation on this item at their meetings on December 8 and 22. This consent agreement is between the Town and the owners of 2 Marsh View Avenue, John and Jennifer McDonald regarding a violation in the fall of 2014 involving the unauthorized removal of trees in the Shoreland/Resource Protection districts as well as the removal of one tree on the neighboring property.

At the December 22nd meeting, the Board asked the Code Enforcement Officer, Paul Demers, for a revised plan, which is attached. Please note that the plan now only reflects the actual restoration that would be acceptable to address the violation. The plan is the result of numerous conversations with DEP-endorsed arborists that are familiar with the violation process in other communities. The plant types and sizes have been reviewed to provide sufficient buffer restoration and are spaced to provide optimum opportunity for them to survive and do well in the long term.

A copy of the consent agreement that was included in the last packet is also attached.

This item was moved to a February discussion at the property owner's request.

MOTION: To require the updated plan be implemented and a fine of \$_____ including attorney fees of \$_____ be assessed, and authorize the Code Enforcement Officer to sign the consent agreement.

- c. Discuss Various Special Events and Timing Thereof (10 minutes) – Kennebunk is host to approximately 40+ special events over the course of one year. Most events are either non-profit organizations or Town events; however, we are beginning to receive new requests from for-profit individuals/groups. A summary of all events held in 2015 is attached, providing insight into the potential conflicts by area and dates. Also attached is a listing of past road closures.

At the last meeting, the Board reviewed a draft policy to regulate these events. The summary addresses:

- Areas covered in Town
- Priority ranking of which application is first
- Restrictions for road events and number of events on any given weekend
- Number of events allowed within a given area (Lower Village, Downtown, West Kennebunk)
- Events cannot be reserved earlier than six months in advance
- All events must comply with the Special Events Application
- A nominal fee of \$25 would be charged for processing
- The number of participants that would trigger an application is now indicated
- Any road closure would be posted on the Town's website.

The draft policy has been revised further to include the items discussed at the last meeting.

MOTION:

- d. Discuss the Portland Symphony Orchestra (PSO) Event for July 28, 2016 (10-15 minutes) – As discussed at the January 12th meeting, a group of local residents would like to bring back the PSO this summer (Thursday, July 28th) at the Waterhouse Center. We have met with the co-chairs of the Festival Committee and they have given their committee's endorsement. The same format for the Main Street road closure used last year would be applied. There were no accidents, delays or reported issues during that event. Those attending felt the event was a success.

The “Music on Main Street” subcommittee will be responsible for all event fundraising and announcements. They would work under the Festival Committee. As we did last year, Main Street would need to be closed for the performance.

MOTION: To allow the PSO event on July 28th with the necessary traffic redirection.

- e. Discuss the Board of Selectmen’s Strategic Plan Survey (10 minutes) – Attached is a modified survey to include questions for the Comprehensive Plan and Zoning Ordinance Update Committee’s review/usage. These additional questions will allow the survey to have a dual usage.

MOTION: To approve the modified survey.

- f. Discuss the Workshop Tentatively Scheduled for March 15th Regarding the Dams (20 minutes) – Kennebunk Light & Power District will be holding a hydro meeting in mid March based on the Wright Pierce final report that is expected to be released in the latter part of February. A potential KLPD decision on the disposition of the dams may be made in late March or May. This timeframe still gives KLPD several months to prepare and analyze options prior to filing with FERC. KLPD has declined a joint meeting with Kennebunk Board of Selectmen at this time.

Since KLPD will not make the decision until late March or May, there is not enough time for a straw poll vote in June. The next option for a straw poll would be November. Depending on the outcome of a straw poll vote, an early winter vote by the legislative body may be necessary before the FERC filing date.

After KLPD’s initial decision (March/May), the Board could hold a workshop to discuss that decision and the Wright Pierce final report before making recommendations to KLPD for their consideration before the filing with FERC. Perhaps late May or June might be a better timeline for the workshop.

How would the Board like to proceed?

MOTION:

9. New Business (1st Reading)

- a. Discuss a Request by the Police Department to Obtain Statewide Arrest Powers (10 minutes) – Kennebunk PD is looking to obtain statewide arrest powers in order to reduce liability on officers when making arrests outside our jurisdiction. Kennebunk officers are occasionally put in a position where officers may have to make an arrest outside Kennebunk. This may involve our detectives, officers assigned to county-wide taskforce groups or other situations.

Statewide arrest powers, by state statute, must be confirmed by the Board of Selectmen. There are currently seven agencies within York County with this authority: Biddeford, Eliot, Kittery, Wells, Sanford, York and Ogunquit.

Why do we need this? Recently, several Kennebunk officers had county-wide arrest powers after being sworn in as special deputies. However, the Sheriff has since found an issue with the special deputy authorization and had to rescind all of the IDs and arrest powers. The York County Sheriff’s Office is looking into creating a Memorandum of Understanding to solve this, but the timeframe is unknown.

With statewide arrest powers, we would not have to be concerned with county-wide jurisdiction. Deputy Chief Nugent is familiar with this program and will make a presentation to the Selectmen at the meeting. Attached is a draft of the Statewide Arrest Powers and Procedures document provided by Deputy Chief Nugent.

MOTION: To move to a second reading on February 23rd.

- b. Allocate Additional TIF Operational Items (3-5minutes) – At the February 4th budget meeting, the Budget Board and Board of Selectmen identified the following two committees to be funded from the Route One North TIF:

Economic Development Committee	\$4,250.00
Downtown Committee	4,900.00
	\$9,150.00

The approved TIF Operational balance for 2016 is \$190,903; with the \$9,150.00 addition from the budget meeting, the new total would be \$200,053.

MOTION: To add the Economic Development Committee (\$4,250.00) and Downtown Committee (\$4,900.00) to the 2016 Operational TIF account.

- c. Discuss the Use of the Proceeds from the Sale of the 1973 Dodge Brush Truck (5-10 minutes) – Would the Board consider an alternative to placing the \$5,973.73 received from the sale of the 1973 Dodge truck into the general fund? The Fire Chief has requested using the funds to resolve an issue the Fire Department (Central Station) and the West Kennebunk Village Committee (Dorothy Stevens Community Center) have regarding their kitchen hood vents.

The existing hood vent at the Dorothy Stevens Community Center is too small for the facility. The West Kennebunk Village Committee has been looking for a larger hood vent system. The current stove and hood vent in the Central Fire Station bay kitchen is available. The Fire Department wants to place a new stove in their kitchen area and needs a smaller hood vent. The Chief would like to use the funds from the sale of the brush truck to hire a licensed installer to switch the hood vents.

Would the Board be willing to allow the monies from the sale of the truck to be used for this conversion versus being put in the general fund?

MOTION: To allow the \$5,973.73 to be applied toward the installation of vented hoods for the Dorothy Stevens Community Center and Central Station.

- d. Discuss Boards and Committees (resignations/appointments, if any) (2-3 minutes)

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

- Lisa Emmons Downtown Committee Vacancies: (1) Regular 2017
(1) Alternate 2016

If the Board wishes to make the appointment, the motion could be as follows:

MOTION: To appoint Lisa Emmons as a Regular member on the Festival Committee with a term expiring on June 30, 2017.

- e. Discuss Any Other Business (2-3 minutes)

10. Selectmen's Comments

- a. Subcommittee Reports (if any)
- b. Individual Selectmen Comments

11. Town Manager's Comments/Notes

- a. Budget Meetings dates for review of the 2016-17 proposed budget are as follows:

Meeting #1	Tuesday, February 2	6:00 pm to 9:00 pm
Meeting #2	Thursday, February 4	6:00 pm to 9:00 pm
Meeting #3	Saturday, February 6	8:30 am to 11:30 am
Meeting #4	Thursday, February 11	6:00 pm to 9:00 pm
Tentative - Meeting #5	Saturday, February 13	8:30 am to 11:30 am
Tentative - Meeting #6	Tuesday, February 16	6:00 pm to 9:00 pm
- b. Public Meeting Notice for Mathew J. Lanigan Bridge Replacement Meeting – Wednesday, February 10th at 6:00 p.m. in the Kennebunk High School Auditorium.

12. Executive Session(s)

- a. Discuss Pending Litigation with the Town Manager, Finance Director and Town Attorney - Title 1 MRSA Sec. 405(6)(E)
- b. 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)
- c. Discuss a Personnel Issue with the Town Manager, Finance Director, Human Resource Director and Public Services Director - Title 1 MRSA Sec. 405(6)(A)
- d. Discuss Salaries and Wages with the Town Manager, Finance Director and Human Resource Director - Title 1 MRSA Sec. 405(6)(A)

13. Adjournment