

**TOWN OF KENNEBUNK**  
**BOARD OF SELECTMEN**  
**TUESDAY, MARCH 22, 2016 – 6:30 P.M.**  
**KENNEBUNK TOWN HALL**  
**3<sup>rd</sup> FLOOR/ROOM 301**  
**AGENDA**

**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. March 8, 2016 Regular Meeting

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

- a. Items as Presented

**4. Public Hearing(s) (5-10 minutes)**

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

**Federal Jacks d/b/a Federal Jacks Brewpub Inc.**  
**Located at 2 Western Avenue**  
**For a renewal Malt, Spirituous and Vinous Liquor License**  
**And**  
**renewal for a Special Amusement Permit**

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

*Fire Department: no deficiencies noted in the annual inspection.*

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

***MOTION:** To approve the renewal Malt, Spirituous and Vinous Liquor License Application AND renewal Special Amusement Permit for Federal Jacks d/b/a Federal Jacks Brewpub Inc.*

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

**To Receive Public Comment on the 2016-2017 Municipal Budget  
for the Town of Kennebunk**

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

*Selectmen, Budget Board and staff have assembled a proposed budget for the coming year (July 2016 – June 2017). A PowerPoint presentation will be provided at Tuesday's meeting. This public hearing complies with the Town Charter.*

**5. Public Comments (5-10 minutes)**

**6. Acknowledgements/Announcements (5 minutes)**

**7. Time Sensitive Business**

a. Approve the CDBG Application for a Microenterprise Grant Discussed at the 3/8/16 Public Hearing (5 minutes) – At the last meeting, the Board held public hearings to discuss CDBG applications. The Board needs to vote to send the Microenterprise Grant application to the Department of Economic Development and Community Development (DECD).

1. Listed as Public Hearing 4h on the March 8<sup>th</sup> agenda – To discuss an application being submitted to the State of Maine CDBG program for a Microenterprise grant. The purpose of the request is to assist the following businesses with expansion, location, or rehabilitation activities: **We Care Drycleaners, Tom Joyal Freight House, Garden Street Market, Douglass Chancellor Meyers & Associates, Fitness Nuthouse, and Home Instead.** Funding for each business will be approximately \$25,000.

**MOTION:** To approve the submittal of the CDBG application for a Microenterprise grant to the Department of Economic and Community Development.

b. Take up the Following Election Items as Recommended by the Town Clerk for the June 14, 2016 State Primary and Municipal Election (5 minutes)

1. Confirm the Town Clerk’s appointment of May Lou Nedeau as the Warden.
2. Appoint the following as Election Clerks through June 30, 2018.

Eleanor Laude	Sue Brunelle	Sharon Cuneo	Susan Crowell
Dawne Tilton	Fred Trexler	Martha Hussey	Harriet Mill
Theresa Collard	Natalie Savage	Joan Carroll	Jane Obermeyer
Mary Lou Nedeau	Lynda Blunt	Linda Johnson	Terrance Beers
Mary Crimmins	Carol Whitten	Lynne Bridges	Rebecca Beers
Liz Walsh	June Huston	Pam Plummer	Tom Wolf
Laurette Dumas	Barbara Duffy	Marcia Cook	Ellen Wolf
Barbara Weeman	Trudy Weeman	Carrie Weeman	Betsy MacDonald
Craig MacDonald	Frank Nedeau	Slattery	

**RESOLVED:** To confirm the Town Clerk’s appointment of Mary Lou Nedeau as Warden for the June 14, 2016 State Primary and Municipal Election and appoint the Election Clerks noted above through June 30, 2018.

3. Set the polling hours from 6:00 a.m. to 8:00 p.m.
4. Establish the following additional hours that the Town Clerk’s Office will be open for voter registration and absentee balloting:

Saturday, June 4	11:00 a.m. to 4:00 p.m.
Sunday, June 5	11:00 a.m. to 4:00 p.m.
Monday, June 6	4:30 p.m. to 7:30 p.m.
Tuesday, June 7	4:30 p.m. to 7:30 p.m.
Wednesday, June 8	4:30 p.m. to 7:30 p.m.
Thursday, June 9	4:30 p.m. to 7:30 p.m.

**RESOLVED:** To set the polling hours from 6:00 a.m. to 8:00 p.m. and the additional hours for the Town Clerk’s office as noted above.

5. Nomination papers will be available for the following positions:

Board of Selectmen	(2) 3-year terms
RSU 21 Directors	(2) 3-year terms
Trustee KLP	(1) 3-year term
Trustee Sewer District	(2) 3-year terms

Beginning Monday, March 28<sup>th</sup>, nomination papers can be picked up in the Town Clerk’s Office and must be returned by Monday, May 2<sup>nd</sup> by 4:30 p.m. A minimum of 25 signatures is required. FMI, please contact the Town Clerk’s office at 604-1326.

c. Award the Town Hall Auditorium Solar Roller Window Shade Bids (10 minutes) – The Town recently requested bids for adding new roller window shades for the Town Hall Auditorium. The 10 main windows would have a shade operated by a chain clutch stainless steel mechanism. The project also included the cleaning, repairing and reinstallation of the existing swags/drapes (see attached RFP). A total of six bids were received and opened on February 22<sup>nd</sup>:

	<u>New Roller Shades</u>	<u>Clean Existing Swags</u>
• Well Dressed Interiors Kennebunk, ME	\$8,900.00	included in price
• Budget Blinds of So. Maine Kennebunk, ME	\$8,830.00	\$1,650.00
• Solarize Window Insulators Arundel, ME	\$7,000.00	included in price
• Color Concepts Bangor, ME	\$5,949.00	included in price
• Walker Specialties Braintree, MA	\$5,600.00	included in price
• Statewide Specialties, LLC Braintree, MA	\$3,810.00	Time/material (at Davis Bacon wage scale)

The low bidder did not meet specifications. They submitted a time and material request for the cleaning, repairing and reinstallation of the swags/drapes based on the Davis Bacon federal wage scale. The time and materials is an uncontrollable cost and could exceed the second low bid price. Walker Specialties, the second lowest bidder, is a manufacturer and has met the specifications of the RFP (blackout, fire retardant, and non-PVC solar shades; chain clutch mechanism with one continuous shade).

The recommendation is to award the bid to Walker Specialties at a price of \$5,600.00.

**MOTION:** To award the bid to Walker Specialties at a price of \$5,600.00.

## 8. Old Business (2<sup>nd</sup> Reading)

- a. Discuss a Request by the Energy Efficiency Advisory Committee for an Ordinance Regulating Single-Use Carryout Plastic Shopping Bags (5-10 minutes) – The Energy Efficiency Advisory Committee presented a draft ordinance on regulating single-use carryout plastic shopping bags. The proposed ordinance has been reviewed by the Selectmen’s Ordinance Subcommittee and Town attorney and was updated for the last meeting. The only item added to the ordinance since the last meeting is “Section 10 Amendments”, which allows the Selectmen to modify the ordinance in the future with a public hearing. See attached proposed ordinance. This ordinance bans single-use plastic bags with a thickness of less than 3 mils with an integral handle. The proposed Town Meeting warrant article is as follows:

Art. \_\_\_\_\_ Shall an ordinance entitled “Single-Use Plastic Carry Out Bag Ordinance” to eliminate the use of single-use carry out plastic bags by retail establishments engaged in the sale of food or other merchandise in the Town of Kennebunk be enacted?

A true copy of the complete text of the above-proposed ordinance is on file for public inspection in the Town Clerk’s office and will also be available for public inspection at the Annual Town Meeting to be held on June 14, 2016, prior to voting on the same.

**MOTION:** To schedule a public hearing on April 12<sup>th</sup>.

- b. Discuss the Town Meeting Warrant Article for the Discontinuance of the PAYT Trash Bags (10-15 minutes) – At the last meeting, the Board discussed the PAYT warrant article. The article needs to address three areas: changes to the Solid Waste, Pay As You Throw, Recycling and Residential Compost Ordinance, the budgetary impact, and the property tax levy limit. This will require two warrant article questions; one question can combine the ordinance changes and budgetary impact, while the property tax levy limit needs to be a separate question. The proposed Town Meeting warrant article is as follows:

Art. \_\_\_\_\_ Shall an Ordinance entitled “Amendment to Sec. 3-14 of the Town’s Solid Waste, Pay as You Throw, Recycling and Residential Compost Ordinance” be enacted to delete all references to “Pay As You Throw” and related provisions thereby eliminating the “pay per bag” trash program in Kennebunk, which shall raise and appropriate \$435,000 for the collection and disposal of the Town’s municipal solid waste and other related miscellaneous expenditures by assessment.

[Fiscal Note: If this ordinance amendment passes, the elimination of the “Pay as You Throw” program of trash collection (purchase of blue and purple trash bags) will result in an increase to the Town’s budget by \$435,000, which is the equivalent of (an approximate) \$.23 increase to the Town’s tax mil rate. On the other hand, if this ordinance amendment fails, the continuance of the “Pay as You Throw” trash program may require the price of bags to be increased by 35%.]

Note: This warrant article pertains to the Town’s blue and purple trash bags, not the Town’s new trash and recycling containers. The containers will continue to be used regardless of the outcome of the vote.

A true copy of the complete text of the above-proposed ordinance is on file for public inspection in the Town Clerk’s office and will also be available for public inspection at the Annual Town Meeting to be held on June 14, 2016, prior to voting on the same.

**MOTION:** To place this warrant article on the June 14, 2016 Town Meeting Warrant as presented.

## 9. New Business (1<sup>st</sup> Reading)

- a. Discuss Creating a New Committee on Aging (10-15 minutes) – Mr. Bevan Davies has requested the Board consider forming a new committee on aging (see attached letter). The committee could support the aging community with information on services, mass transportation and specialized transportation, affordable housing and at-home elder care. Currently “No Place Like Home” is a non-Town committee working to assist the elderly. How would the Board like to proceed?

**MOTION:** Move to a second reading.

- b. Discuss Awarding the Comprehensive Plan & Zoning Ordinance Update Project (10-15 minutes) – The Town released an RFP for consulting services to assist the Town Comprehensive Plan & Zoning Ordinance Update Committee in reviewing, analyzing and providing recommendations for improvements to current regulations. The Town received three bids. After the committee interviewed the candidates, they selected Southern Maine Planning & Development Commission (SMPDC) as they are most qualified to assist in this process. The total cost for services would be \$49,500.00. The Town has \$50,000.00 budgeted in the current budget. The attached memorandum defines the work plan and expenditures for services.

**MOTION:** To award the Comprehensive Plan & Zoning Ordinance Update contract to Southern Maine Planning & Development Commission at a price of \$49,500.00.

- c. Discuss the Street Sign Replacement Project (5 minutes) – The new street signs (for public and private identification of the roadways) are ready to be ordered. The Town has approved this purchase in the current budget. The original discussion was to have all street signs green in color.

After compiling the data and examining the usage further, staff and I recommend using the two-color distinction of green signs for public roads and blue signs for private roads, versus green signs for all roads. The color distinction would better aid staff and the public and is utilized in many other communities.

**MOTION:** To approve the two-color distinction of green for public roads and blue for private roads for the new Kennebunk street signs.

- d. Discuss Proposed Changes to Four Town Ordinances (10-15 minutes) – The following ordinances are being recommended for minor adjustments.

- **Section 3-14 – Solid Waste, Pay As You Throw, Recycling and Residential Compost Ordinance** – This ordinance has been amended to potentially reflect the discontinuation of the PAYT program. If the program is not discontinued by the voters in June, these changes would not be applied.

A public hearing is needed to receive public comment on the proposed changes. These changes do require a Town Meeting vote.

- **Section 4-7 – Property Tax Assistance Ordinance** – This ordinance has been amended to comply with current Maine State law. The program would apply to homeowners and renters with a \$300 cap. The program would only exist if funded by the Town. Currently, the balance in this fund is \$19,372.11.

A public hearing is needed to receive public comment on the proposed changes. These changes do require a Town Meeting vote.

- **Section 6-1 – Street Vendors and Peddlers** – This ordinance would have a new clarification inserted in Section 6-1.5.6 Location, which states: “Applicant shall comply with all local ordinances by permit of the Code Enforcement Officer.” This clarifies the need for vendors of proposed sites to meet setbacks and traffic/pedestrian safety regulations.

A public hearing is needed to receive public comment on the proposed changes. These changes do require a Town Meeting vote.

- **6-3 Victualer & Lodging Licenses** – Section 6-3.8 Exemptions (4<sup>th</sup> paragraph) of this ordinance clarifies farmers’ market requirements for a Victualer license.

Businesses participating in ~~the Kennebunk~~ a farmers’ market located in a Town approved location ~~the Town parking lot~~ are exempt from the requirements of this Ordinance during the hours the farmers’ market is in operation. (06-21-2011)

A public hearing is needed to receive public comment on the proposed changes. These changes do not require a Town Meeting vote; the changes can be approved at the Public Hearing, per the current Ordinance language.

The proposed amendments to the above Ordinances are attached for your review; items to be deleted are crossed through and new wording is underlined.

**MOTION:** To send the proposed changes to the Town Ordinances noted above to a Public Hearing on April 12<sup>th</sup>.

- e. Discuss Boards and Committees (resignations/appointments, if any) (2-3 minutes)
- f. 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. We want to hear from you! Complete our Online Survey (or paper version available at Town Hall). The Town is developing a strategic planning process to guide their future activities. The survey is divided into three sections:
  1. Strategic planning questions for the Board of Selectmen and Town Manager
  2. Comprehensive planning and land use questions for the Update Committee
  3. Demographic information about you to help us better understand trends in the community

Please take the time to participate in this important effort. Your comments and observations will be anonymous and we encourage you to be open and candid.

The online survey can be found on the homepage of the Town’s website (under News & Announcements) or at [www.kennebunkmaine.us/planningsurvey](http://www.kennebunkmaine.us/planningsurvey). Printed copies are also available at the Town Clerk’s Office. Surveys must be completed by April 15<sup>th</sup>.

- b. Wright Pierce Report/Dams – Kennebunk Light & Power District will hold their regular meeting on the third floor of the Kennebunk Town Office on Tuesday, March 29<sup>th</sup> at 6:00 p.m. as they have limited space at their facility. At this meeting, KLPD will review the Wright Pierce report regarding the dams. They will allow a limited time for citizen comments.
- c. Hear an Update on the New Program: Board of Selectmen Outreach Sessions – This new program begins on Saturday, March 19<sup>th</sup> and will be held at the Police Department (meeting room next to lobby) from 8:30 a.m. to 10:30 a.m.

Future sessions will be held on the 3<sup>rd</sup> Saturday of each month at the Town Hall (3<sup>rd</sup> floor) from 8:30 a.m. to 10:30 a.m.

These sessions will provide residents with a chance to meet and talk with Selectmen on a one-on-one basis. They will be informal gatherings attended by two Selectmen. Refreshments will be available.

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

## 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)
- b. Discuss Pending Litigation with the Town Manager, Finance Director, Community Development Director, and Town Attorney - Title 1 MRSA Sec. 405(6)(E)
- c. Discuss the Town Manager's Review with the Town Manager - Title 1 MRSA Sec. 405(6)(A)

## 13. Adjournment