

**TOWN OF KENNEBUNK**  
**BOARD OF SELECTMEN**  
**TUESDAY, APRIL 12, 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 22, 2016 Regular Meeting

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

- a. Items as Presented

**Take up Article 7.a. (out of order)**

Article 7.a. Confirm the Town Manager's Appointment of the Recreation Director

The Board will meet Tashia Pinkham, the new Director, and say goodbye to current Recreation Director Brian Costello, whose last day with the Town will be April 15<sup>th</sup>.

**4. Public Hearing(s) (10-15 minutes)**

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

**Peggy S. Liversidge d/b/a Kitchen Chicks Catering**  
**For a renewal Malt, Spirituous and Vinous Catering Liquor License Application**  
**Located at 4 Water Street**

*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 Catering Liquor License Application for Peggy S. Liversidge d/b/a Kitchen Chicks Catering.*

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

**Destination Catering**  
**For a Malt, Spirituous and Vinous Catering Liquor License Application**  
**Located at 35 Fletcher Street**

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 Catering Liquor License Application for Destination Catering.

- c. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following:

### **Amendments to the Pay As You Throw Ordinance**

**Proposed Town Meeting Warrant Article:**

**Art. \_\_\_\_ Shall an Ordinance entitled "Amendment to Section 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 copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk's Office and on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

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

The changes to the PAYT Ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

**MOTION:** To send the proposed changes to the Kennebunk Town Ordinances, Section 3-14 Solid Waste, Pay As You Throw, Recycling and Residential Compost Ordinance, to the Annual Town Meeting on June 14, 2016.

- d. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following:

### **LD 1 Property Tax Levy Limit**

**Proposed Town Meeting Warrant Article:**

**Art. \_\_\_\_ To see if the Town will vote to increase the Town's LD 1 property tax levy limit amount by \$435,000, but to be effective only if Article \_\_\_\_ above passes, eliminating the Town's Pay As You Throw solid waste program.**

*[Fiscal Note: The Town's LD 1 property tax levy limit will need to be increased by \$435,000 only if Article \_\_\_\_ eliminating the Pay As You Throw solid waste program is passed; otherwise, the LD1 limit will not be increased.]*

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

*This article needs to accompany the PAYT question and would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:*

**MOTION:** *To send the Town's LD 1 Property Tax Levy Limit question to the Annual Town Meeting on June 14, 2016.*

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

### **Amendments to the Property Tax Assistance Ordinance**

**Proposed Town Meeting Warrant Article:**

**Art. \_\_\_\_** Shall an ordinance entitled "Amendment to Section 4-7 of the Town's Property Tax Assistance Ordinance" be enacted to delete references to the State of Maine's repealed "Circuit Breaker Program" and to establish new eligibility requirements based on the State of Maine's new "Property Tax Fairness Credit," as well as a new amount of property tax assistance of \$300 or other prorated amount based on available funds?

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk's Office and on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

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

*The changes to the Property Tax Assistance Ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:*

**MOTION:** *To send the proposed changes to the Kennebunk Town Ordinances, Section 4-7 Property Tax Assistance Ordinance, to the Annual Town Meeting on June 14, 2016.*

- f. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following proposed new ordinance:

### **Single-Use Plastic Carry Out Bag Ordinance**

**Proposed Town Meeting Warrant Article:**

**Art. \_\_\_\_** Shall a new ordinance entitled "Single-Use Plastic Carry Out Bag Ordinance" be enacted 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?

(A copy of the proposed ordinance is available for review and inspection at the Town Clerk's Office and on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

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

*This new ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:*

**MOTION:** *To send the proposed new Single-Use Plastic Carry Out Bag Ordinance to the Annual Town Meeting on June 14, 2016.*

- g. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following:

**Amendments to the Street Vendors and Peddlers Ordinance**

***Proposed Town Meeting Warrant Article:***

**Art. \_\_\_\_ Shall an ordinance entitled “Amendment to the Town’s Street Vendors and Peddlers Ordinance” be enacted to revise the text of Section 6-1.5 Location and Section 6-1.13 Amendments as shown below?**

**Section 6-1.5**

**6.e. Applicant shall comply with all local ordinances and restrictions pursuant to the terms of any permit of the Code Enforcement Officer.**

**Section 6-1.13**

**The Board of Selectmen may, after public notice and hearing, amend this Ordinance and draft and adopt regulations implementing the terms of this Ordinance on any matter not expressly set forth herein or as otherwise provided by law.**

*Proposed additions to the text are underlined.*

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk’s Office and on the Town’s website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

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

*The changes to the Street Vendors and Peddlers Ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:*

**MOTION:** *To send the proposed changes to the Kennebunk Town Ordinances, Section 6-1 Street Vendors and Peddlers Ordinance, to the Annual Town Meeting on June 14, 2016.*

- h. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following proposed new ordinance:

**Pawnbrokers Ordinance**

***Proposed Town Meeting Warrant Article:***

**Art. \_\_\_\_ Shall a new ordinance entitled “Pawnbrokers Ordinance” be enacted to create regulations for the licensing and operation of pawnbrokers and related businesses in the Town of Kennebunk?**

(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office and on the Town’s website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

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

*This new ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:*

**MOTION:** *To send the proposed new Pawnbrokers Ordinance to the Annual Town Meeting on June 14, 2016.*

- i. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comments on the following:

**Amendments to the Victualer & Lodging Licenses Ordinance**

***Proposed Town Meeting Warrant Article:***

**Art. \_\_\_\_ Shall an ordinance entitled “Amendment to Sec. 6-3 of the Town’s Victualer & Lodging Licenses Ordinance” be enacted to revise the text of Section 6-3.8 as shown below?**

**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.**

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk’s Office and on the Town’s website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

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

*The changes to the Victualer & Lodging Licenses Ordinance can be approved at this public hearing and do not require a Town Meeting vote. If the Board wishes to approve the amendments, the motion could be as follows:*

***MOTION:*** To approve the Amendment to the Kennebunk Town Ordinances, Section 6-3 Victualer & Lodging Licenses Ordinance.

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

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

- a. Nominations Papers for the June 14<sup>th</sup> Election: Nomination papers are available for the following positions:

Board of Selectmen	2 seats, 3-year terms
RSU 21 Director	2 seats, 3-year terms
Trustee Kennebunk Light & Power District	1 seat, 5-year term
Trustee Kennebunk Sewer District	2 seats, 3-year terms

Nomination papers are available 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.

**7. Time Sensitive Business**

- a. Confirm the Town Manager’s Appointment of the Recreation Director (5 minutes) – The Town of Kennebunk is pleased to announce that Tashia Pinkham has been selected as the new Director of the Kennebunk Recreation Department.

Tashia received her degree in Recreation from the University of Southern Maine and has been in the recreation field for more than 20 years. She was previously employed by the YMCA, Town of Old Orchard Beach, and most recently served as the Director of the Buxton Recreation Department. Tashia is an avid outdoor adventurer who resides in Buxton with her husband and children.

We look forward to Tashia bringing her leadership, energy and commitment to the Kennebunk Recreation Department. She will begin her new position on April 13<sup>th</sup> at an annual salary of \$60,000. Per the Town Charter, the Board of Selectmen confirms the Town Manager’s appointment.

**MOTION:** To confirm the Town Manager’s Nomination of Tashia Pinkham as Recreation Director, effective April 13, 2016, for a term expiring on June 30, 2016 (date all Annual Appointments expire).

- b. Accept the Following Donation (2-3 minutes) – The Town received a \$150 donation from Cynthia Ward and John Brine in memory of Mary Ward to be applied to the Town’s Emergency Fuel Assistance Fund.

**MOTION:** To accept the donation and send a thank you letter for the generous donation.

- c. Discuss the 2016 One-Ton Dump Truck Bids (5 minutes) – In this year’s budget (2015-16), we allocated \$130,000 for two one-ton dump trucks. Bids specifications were sent out and the following bids were received:

Company	Bids
<b>Tri City Chrysler Dodge Jeep Ram</b>	Base Bid (per vehicle): \$65,452.00 ea.
Somersworth, NH	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Ram 3500 Reg. Cab 4x4, Model DD8L63	Add Alt. 1 (extended warranty) \$3,995.00
Body Manufacturer: 9’ Galion Godwin 2.5 to 3.7 yd. Stainless Steel dropside dump body Model 103UDS-9	
Location: Tri City Chrysler Dodge Jeep Ram, Somersworth, NH	
<b>Weirs Motor Sales</b>	Base Bid (per vehicle): \$61,729.00 ea.
Arundel, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: GMC Sierra 3500 TK36003	Add Alt. 1 (extended warranty) \$1,942.00
Body Manufacturer: 9’ Galion Model 103UDS-9	
Location: Weirs Motor Sales, Arundel	
<b>O’Connor’s GMC</b>	Base Bid (per vehicle): \$59,152.40 ea.
Augusta, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Chevrolet 3500HD, CK36003	Add Alt. 1 (extended warranty) \$1,295.00
Body Manufacturer: Rugby FDS-9-3SS/Tommy Gate G2-92-1650LD33	
Location: HP Fairfield, Scarborough	

The Public Services Director recommends accepting the low bid from O’Connor GMC at a price of \$59,152.50 per vehicle, without the extended warranty.

The complete bid specifications can be viewed on our website by following this [link](http://www.kennebunkmaine.us/DocumentCenter/View/4517) (or at [www.kennebunkmaine.us/DocumentCenter/View/4517](http://www.kennebunkmaine.us/DocumentCenter/View/4517)).

**MOTION:** To award the bid for two 2016 One-Ton Dump Trucks to the low bidder, O’Connor GMC, at a price of \$59,152.40 per vehicle, without the extended warranty.

- d. Discuss a Proposed Amendment to Zoning Ordinance Article 8, Section 6.B.7-3 Under the Accessory Use Called Renting of Rooms (5 minutes) – At the March 14, 2016 Planning Board meeting, the Planning Board held a public hearing on the attached zoning amendment request from John and Kathy Daamen (owners of the Waldo Emerson Inn at 108 Summer Street). At the

conclusion of the public hearing, they voted (4 in favor/ 1 opposed) to pass this proposed amendment on to the Board of Selectmen with a positive recommendation.

The proposed amendment will change the allowable number of rented rooms in a B& B located in the Suburban Residential Zone – from four rented rooms to six rented rooms.

This change would require a public hearing by the Board of Selectmen and a Town Meeting vote.

**MOTION:** To schedule a public hearing for April 26<sup>th</sup> to hear public comments on the proposed amendments to Article 8, Section 6.B.7-3 of the Zoning Ordinance.

- e. Review the Draft of the Annual Town Meeting Warrant (10-15 minutes) – The draft warrant for the June 14<sup>th</sup> Annual Town Meeting is attached for your review. It includes all monetary considerations and ordinance changes (including the amendment to Zoning Ordinance Article 8, Section 6.B.7-3, being discussed in the previous article). The zoning ordinance amendment would be removed from the final warrant, if, on April 26<sup>th</sup>, the Board chooses not to forward it to the Town Meeting.

Per our Charter, two public hearings are required for all warrant items. The first public hearing will be held on April 26<sup>th</sup>; the second one is scheduled for May 24<sup>th</sup>, along with the final budget public hearing.

**MOTION:** To schedule a public hearing on April 26<sup>th</sup> to hear public comments on the warrant articles.

- f. Countersign the RSU 21 Warrant and Notice of Election (3-5 minutes) – As Municipal Officers of the Town, you are obligated by State law to sign this Warrant and Notice of Election. As you are aware, by signing, it does not mean you are endorsing it. The document will be provided on Tuesday evening for your signatures. Please note that you must sign on the same line on all 10 copies.

**MOTION:** To countersign the RSU 21 Warrant and Notice of Election for the RSU 21 Budget Validation Referendum and Bond Referendum Election to be held on June 14, 2016.

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

- a. Discuss the Possibility of Televising Zoning Board of Appeals Meetings (5 minutes) – As you recall, we received a request to televise Zoning Board of Appeals (ZBA) meetings. At their March 21<sup>st</sup> meeting, the ZBA discussed the pros and cons of televising their meetings. A summary of that discussion is attached. Some concerns were raised about sensitive information discussed at disability variance hearings and disclosing other confidential information. Our attorney felt these issues could be addressed appropriately on a case by case basis.

The ZBA concluded with the following non-binding consensus regarding televising the ZBA meetings:

- 4 members thought it was not a bad idea
- 1 member was opposed to the idea

How would the Board like to proceed?

**MOTION:** To move to a second reading on April 26<sup>th</sup>.

- b. Discuss the Creation of a New Committee on Aging (5-10 minutes) – At the last meeting, the Board heard comments from residents on possible opportunities for serving the aging, which represents roughly 30% of the residents in Kennebunk.

The representatives interested in forming this committee met recently and provided the following guidelines for this new committee.

The committee would:

- gather relevant information pertaining to senior citizens residing in Kennebunk
  - medical services
  - recreation centers for seniors
  - senior residences, nursing homes, rehab centers, hospices
  - nursing services, physician/elder care specialists
  - private groups concerned with elder care
- establish a liaison with other Town committees and departments which have relevant concerns
  - Social Service/GA Department
  - Town Committees (Affordable Housing, Community Garden, Festival, Recreation, Planning Board)
- gather information from seniors and interested entities working on behalf of seniors, so that the committee might advise Town officials about issues of immediate concern

Additionally, the Board should consider what name this new committee will be called, i.e. Senior Resource Committee, Committee on Aging, Elder Committee, etc.

**MOTION:** To move to a second reading on April 26<sup>th</sup>.

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

- a. Discuss a Road Closure for a Special Event (9<sup>th</sup> Annual Kennebunk Beach Classic Road Race) on Sunday, June 5<sup>th</sup> (5-10 minutes) – The new Special Event Policy requires Board approval for road closures.

Attached is the application for The Center's (formerly The Senior Center at Lower Village) annual road race on June 5, 2016. According to the Police Department, they are requesting approval for the following road closures or delays. Note: There are no changes from previous years.

Sunday, June 5<sup>th</sup>

9:00AM:

Western Avenue would be closed to thru traffic from the intersection of Western Avenue & Boothby Road to the intersection of Western Avenue and Beach Avenue. (This is to allow for finish line on Western Avenue to be set up.)

Duration: Until the completion of the race, approximately 10:30AM +/- . Note: Local residents and vehicles leaving area businesses are allowed to go toward Wells on Western Avenue.

Eastbound traffic on Western Avenue at the intersection of Sea Road will be directed toward the beach. Duration: Until the completion of the race, 10:30AM +/-.

Local traffic on Western Avenue between Sea Road and Boothby Road, going toward Kennebunkport, will be directed down Boothby Road. Duration: Until the completion of the race, 10:30AM +/-.

9:30AM:

The race will start on Port Road by Port Hardware. Traffic will be stopped from the intersection of Coopers Corner to Port Hardware. Duration: 5 minutes +/-.

**MOTION:** To approve the road closure on June 5<sup>th</sup> as noted above.

- b. Discuss Nominating a Selectman to Represent Kennebunk on the York County Budget Committee (5 minutes) – The York County Budget Committee Caucus will be held on Wednesday, April 13<sup>th</sup> at 6:30 p.m. in the York County Government Building (Commissioners Meeting Room), 149 Jordan Springs Road in Alfred. We should consider nominating a Selectman to represent Kennebunk on this County Budget Committee as there is one vacant seat in our district, District #2, which includes Arundel, Biddeford, Kennebunk and Kennebunkport. Please note, our representative will still need to be elected at the Caucus taking place on April 13<sup>th</sup>. Fellow elected board members that wish to vote would need to attend the caucus.

**MOTION:** To nominate Selectman \_\_\_\_\_ to serve on the York County Budget Committee until March 30, 2019 (if elected at the April 13<sup>th</sup> Caucus).

- c. Discuss a Policy on Town Hall Flag Display (5 minutes) – Selectman Donovan was recently in a municipality that honored their deceased veterans with the American flag being flown at half-mast.

Does the Board wish to consider a flag policy honoring deceased veterans of Kennebunk? This would occur on the day of the funeral of the Kennebunk veteran.

**MOTION:** Move to a second reading on April 26<sup>th</sup>.

- d. Discuss the Dedication of the 2015 Annual Town Report (5 minutes) – Each year, the Town has the opportunity to honor those individuals who have committed a significant portion of their time and energy to the service of the Kennebunk community as committee members and/or employees.

We would like to dedicate the 2015 Annual Town Report to the following individuals who passed away in 2015 that served the community in various capacities.

### **In Memoriam**

C. Wesley Crowell Date of Death: 1/7/2015	Member of Board of Selectmen (1994-96) Charter Commission (2002-03) Comprehensive Implementation Committee (1992)
Richard F. Hogue Date of Death: 06/11/2015	Member of the Conservation Commission (1988-90)
E. Barbara Storer Date of Death: 10/12/15	Long-time Recording Secretary for the Conservation Commission and Shellfish Committee
Carolyn F. Walker Date of Death: 2/20/15	Ballot Clerk for many years

**MOTION:** To dedicate the 2015 Annual Town Report to C. Wesley Crowell, Richard F. Hogue, E. Barbara Storer and Carolyn F. Walker.

In years past, we have dedicated the report to residents/employees who passed away during the year. In the future, we would like to have the option to also include residents and/or employees who are still living that have made a significant contribution to the Town (i.e. employee retiring after a lengthy tenure or similar situation).

**MOTION:** To consider residents and/or employees who have passed away during that year or who are still living for the dedication of the Annual Town Report.

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

- Accept the Following Resignation:

Madeleine Tunison      Festival Committee – Regular 2018

**MOTION:** To accept the resignation of Madeleine Tunison from the Festival Committee and send a letter thanking her for her service.

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. **No later than April 15<sup>th</sup>**

We want to hear from you! Complete our Online Survey (or paper version available at Town Hall) Deadline is April 15<sup>th</sup>. 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. **April 16<sup>th</sup>**

Board of Selectmen Outreach Sessions – The next session will be held on Saturday, April 16<sup>th</sup> and will be held on the 3<sup>rd</sup> floor of the Town Hall from 8:30 a.m. to 10:30 a.m. This session will be hosted by Selectmen Debbie Beal and Shiloh Schulte.

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.

Sessions are generally 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. 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.

- c. Wright Pierce Report/Dams – On March 22, 2016, Kennebunk Light & Power District released the updated Wright Pierce Hydro Alternates Report regarding the dams. The report is posted on their website at: [www.klpd.org/hydro-facilities](http://www.klpd.org/hydro-facilities). It can also be found on the Town’s website at: [www.kennebunkmaine.us/klpd](http://www.kennebunkmaine.us/klpd).

## 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 Union Negotiations with the Town Manager, Finance Director, Human Resource Director and Director of Public Services - Title 1 MRSA Sec. 405(6)(D)]
- c. Discuss a Personnel Issue with the Town Manager and Finance Director - Title 1 MRSA Sec. 405(6)(A)]

## 13. Adjournment

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(MINUTES)

**TOWN OF KENNEBUNK**  
**BOARD OF SELECTMEN MINUTES**  
**TUESDAY, MARCH 22, 2016 – 6:30 P.M.**

**REGULAR MEETING**

**1. CALL TO ORDER**

On March 22, 2016, at 6:30 p.m., in Room 301 of the Town Hall, Kevin Donovan, 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 Kevin Donovan, Richard Morin, Edward Karytko, Christopher Cluff, Shiloh Schulte, Deborah Beal and Daniel Boothby.

Also present were Town Manager Barry Tibbetts and Finance Director Joel Downs.

**2. MINUTES**

March 8, 2016 Regular Meeting.

The Chair announced the item and asked for Town/Board input.

**A motion was made to accept the Minutes from the March 8, 2016 Regular Meeting.**

**MOVED:** Cluff

**SECONDED:** Karytko

**MODIFICATIONS:** None

**VOTE:** 5 in favor, 2 abstained (Donovan, Boothby). The motion carried.

The Chair proceeded to the next item.

**3. ITEMS TO BE SIGNED**

- a. Items as Presented

The Chair proceeded to the next item.

**4. PUBLIC HEARING(S)**

- a. The Chair opened a hearing to act on the following renewal Malt, Spirituous and Vinous Liquor License and Special Amusement Permit application:

**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.*

Tibbetts reported there were no deficiencies and recommends approving the renewal of the applications.

**A motion was made 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.**

**MOVED:** Cluff  
**SECONDED:** Schulte  
**MODIFICATIONS:** None  
**VOTE:** 7 in favor, 0 opposed. The motion carried.

The Chair proceeded to the next item.

b. The Chair opened a 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.*

**DISCUSSION:**

A slide presentation was reviewed of compiled information from the budget hearings. Tibbetts explained the Town Charter requires information from the budget hearings to be presented 70-90 days from the Annual Town Meeting and another 5-20 days before residents are asked to vote on it.

Tibbetts reviewed the pending considerations and explained the breakdown, such as the RSU, County and local utility district. The gross budget is \$12,651,000 and the net revenues budget is \$8,451,450, and assumes a separate article for PAYT. Operational services have a projected 3.2% increase in revenues and .7% increase in expenses.

Discussion of increasing the LD 1 tax levy limit to \$435,000 ensued. Tibbetts explained the LD1 limit on average has been \$225,000 and the Town has always been under the limit. He also stated that Legislative body-Town Meeting approval is needed to go over the limit. The projected tax bill allocation and the use of unassigned general fund balance by department was reviewed totaling \$954,000. There will be a bond issue for voters to consider regarding paving improvements to roads and infrastructure - bridges and drainage - at \$2,000,000 along with capital projects and vehicles at \$570,000, for a total of \$2,570,000.

The Board of Selectmen will need to submit the Order to the Town Clerk no later than April 26<sup>th</sup> in order to have it on the June ballot. Information will be posted on the web.

There were no public comments.

The Chair closed the public hearing portion and proceeded to the next item.

**5. PUBLIC COMMENTS**

None

The Chair proceeded to the next item.

**6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

None

The Chair proceeded to the next item.

**7. TIME SENSITIVE BUSINESS**

- a. Approve the CDBG Application for a Microenterprise Grant Discussed at the 3/8/16 Public Hearing– 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).

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.

**DISCUSSION:**

Mat Eddy, Economic Development Director, explained the deadline to submit formal applications is Friday. Karytko asked of the Town's investment time to this project. Eddy replied the Town has a responsibility to work with the applicants and the State on the grant applications. Eddy further explained the applicants are responsible for doing the work, which will be monitored by the Town. Morin asked about liability to the Town if a business misuses the funds. Eddy responded that the State could hold the Town responsible. Eddy explained the process of dispersing funds and how the work bids are selected. The Town is in charge of reimbursements to the State.

Resident Arline Poisson asked Eddy to give an example of a town that had had a problem. Eddy described an incident involving a community in northern Maine.

The Chair proceeded to the next item.

**A motion was made to approve the submittal of the CDBG application for a Microenterprise grant to the Department of Economic and Community Development.**

**MOVED:** Cluff

**SECONDED:** Karytko

**MODIFICATIONS:** None

**VOTE:** 7 approved, 0 opposed. The motion carried.

Morin requested Eddy to monitor and tally the time dedicated to this. Eddy replied he would get the information for the Board.

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

1. Confirm the Town Clerk's appointment of Mary Lou Nedeau as the Warden.

Merton Brown, Town Clerk, read the list of clerks.

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	Diane Howard	

DISCUSSION:

Brown read the above names with the addition of Diane Howard. He stated the State allows Town Clerks to add any additional clerks as he/she sees fit.

Brown asked the Board to set the polling hours as follows:

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.

There were no public comments.

**A motion was made 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 and also confirm the Town Clerk's appointment of Mary Lou Nedeau as Warden and the appointment of the Election Clerks as listed.**

**MOVED:**

Cluff

**SECONDED:**

Karytko

**MODIFICATIONS:**

None

**VOTE:**

7 in favor, 0 opposed. The motion carried.

Brown listed the following:

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) 5-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 and no more than 100. Brown recommends 35. FMI, please contact the Town Clerk's office at 604-1326.

The Chair proceeded to the next item.

- c. Award the Town Hall Auditorium Solar Roller Winder Shade Bids – 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 RFP included in the Board packet). 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.

**DISCUSSION:**

Tibbetts explained money was set aside in the budget to replace the shades in the Auditorium. It is currently difficult to see movies and presentation for meetings, especially in the summer. Tibbetts explained the lowest bid was disqualified and he recommends Walker Specialties who will manufacture them at their location. Schulte asked if additional types of materials for insulating were included in the requests. Tibbetts responded that he did not look at upgrades only basic functions of black out, flame retardant, and non-PVC.

**A motion was made to award the bid to Walker Specialties at a price of \$5,600.00.**

**MOVED:** Cluff

**SECONDED:** Beal

**MODIFICATIONS:** None

**VOTE:** 6 in favor, 1 opposed (Schulte). The motion carried.

The Chair proceeded to the next item.

**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 – 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. The proposed ordinance was included in the Board packet. 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 be available for public inspection at the Annual Town Meeting to be held on June 14, 2016, prior to voting on the same.

DISCUSSION:

Tibbetts described the Ordinance and explained stores will not be charged for using other types of bags, though stores may charge customers. Tibbetts explained the update to Section 10 which would allow the Town flexibility if minor amendments need to be made. Morin asked if an amendment would include eliminating Styrofoam. Tibbetts replied there is a possibility. Schulte believes it is important to define how much flexibility because people would be concerned with the Board making large changes. Schulte also asked if the ordinance would exclude businesses that are 5,000 ft feet or less, which was discussed at the previous meeting. Karytko mentioned he has received emails from business owners questioning the authority of the Town to regulate what businesses do. Using paper bags may place an undue burden on them. Karytko also asked if plastic bag recycling containers could be used and located at stores. Tibbetts replied the Town Charter gives the Town the right to enforce an ordinance. Tibbetts also replied that the sub-committee did discuss the use of recycling containers placed at stores but decided to encourage residents to use the carry-in bags. The Board discussed the possibility of providing reusable bags for sale at stores for the summer.

Dennis Anderson, member of the Energy Efficiency Committee, thanked the Board and wanted to know about the next steps. Cluff explained this would go to public hearings then a warrant article would be included on the June 14<sup>th</sup> ballot. Tibbetts stated the ordinance would take effect 4 months after the vote.

**A motion was made to schedule a public hearing on April 12<sup>th</sup>.**

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

The Chair proceeded to the next item.

b. Discuss the Town Meeting Warrant Article for the Discontinuance of the PAYT Trash Bags – 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 be available for public inspection at the Annual Town Meeting to be held on June 14, 2016, prior to voting on the same.

DISCUSSION:

Tibbetts brought back wording to reflect the ordinance changes and the budgetary impact. The tax levy component will be separate.

Resident Arline Poisson commented that eliminating PAYT will not get rid of plastic bags and she is not in favor. Resident Susan Petit explained how she and her husband have been recycling and they will continue if the PAYT is eliminated.

Karytko reminded the public that the more they recycle, the more costs will be kept down on the mil rate if the bags are eliminated.

**A motion was made to bring this item to a second reading on April 12<sup>th</sup> for clarification.**

**MOVED:** Cluff

**SECONDED:** Karytko

**MODIFICATIONS:** None

**VOTE:** 7 in favor, 0 opposed. The motion carried.

**9. NEW BUSINESS (1<sup>ST</sup> READING)**

- a. Discuss Creating a New Committee on Aging – Mr. Bevan Davies has requested the Board consider forming a new committee on aging (letter was included in the Board packet). 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?

DISCUSSION:

Tibbetts has received a proposal to form a new committee on aging and is bringing this to the Board. The new committee would provide information on services. Karytko mentioned that many people from "No Place Like Home" attended the Saturday Outreach Meeting. Karytko questioned adding another committee. Cluff would like to see their mission and goals for a new committee before approving. Morin is in favor of the committee and he is meeting with Molly Hoadley, of "No Place Like Home" to learn more about the agency. Schulte stated having many committees benefits the Town.

Resident Bevan Davies came to the podium and listed the goals and objectives of the new committee, such as advising of senior services, printed informational materials, geriatric physicians and medical services to aid people 50 and older.

Donovan likes the idea and believes it is worthwhile. Beal described her experience in obtaining help for a senior and she sees a need to have a resource for residents. As the committee gets going, Davies sees the committee having four to five members and he will send a copy of the mission and goals for the committee to Tibbetts for the Board. Karytko does not think the committee should fall under the Town. Tibbetts stated that most committees do get funding and it is based by need. Resident Arline Poisson believes it is a good idea because the town is 30% seniors and this will expand. Molly Hoadley, from No Place Like Home, described the services that they provide, mainly keeping people in their homes and providing assessments and she believes a committee would be beneficial to the citizens of the Town. Susan Petit, Executive Director of The Center in Lower Village, explained she is looking to have more people involved on the committee and explained that senior citizens are discriminated against. She applauds those who want to get this committee together.

**A motion was made to move this item to a second reading.**

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

The Chair proceeded to the next item.

- b. Discuss Awarding the Comprehensive Plan & Zoning Ordinance Update Project – 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 memorandum that was included in the Board packet defines the work plan and expenditures for services.

**DISCUSSION:**

Tibbetts explained that \$50,000 was set aside for this project. The specs went out to bid, three returned. Of the three, one did not qualify. The Comprehensive Plan & Zoning Ordinance Update Committee reviewed the bids and they are recommending Southern Maine Planning & Development Commission (SMPDC). SMPDC provided the most comprehensive services. The second bidder was specialized in graphics and mapping and they may use them for the graphics if the budget allows. Cluff asked if it is a fixed contract. Tibbetts replied that it was. Eddy gave a description of the principles and their experience.

There were no public comments.

**A motion was made to award the Comprehensive Plan & Zoning Ordinance Update contract to Southern Maine Planning & Development Commission at a price of \$49,500.00.**

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

The Chair proceeded to the next item.

- c. Discuss the Street Sign Replacement Project – 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.

DISCUSSION:

In order to comply with the E911 Compliance Rules, street signs will need to be changed. The Board had discussed having all signs one color. After discussions with staff, they would like to keep green for public and blue for private roads. This is a Federal mandate that is costing \$25,000 to enlarge the letters on sign to 4-inches.

There were no public comments.

**A motion was made to approve the two-color distinction of green for public roads and blue for private roads for the new Kennebunk street signs.**

**MOVED:** Cluff  
**SECONDED:** Schulte  
**MODIFICATIONS:** None  
**VOTE:** 7 in favor, 0 opposed. The motion carried.

- d. Discuss Proposed Changes to Four Town Ordinances – The following ordinances are being recommended for minor adjustments. Tibbetts explained the changes that were included in the Board packet. Handout shows strike outs. 4-7 has been amended and see changes that are required to be in compliance to State law.

Street ordinance and vendors. Needed to clarify to be able to applicant would comply with all the ordinances with the permit of the code enforcement officers. Mainly concerned with traffic flow.

- **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 Ordinance** – 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 Ordinance**– 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 ~~were included in the Board packet for your review; items to be deleted are crossed through and new wording is underlined.~~

DISCUSSION:

Tibbetts explained the above change to Victualer & Lodging Licenses was made so vendors selling at the farmers market would not need a ~~Victualer license~~ because they have an agricultural license that covers selling food. Removing the word “Kennebunk” and ~~using~~ on a “town approved location” was less specific to one group.

There were no public comments.

**A motion was made to send the proposed changes to the Town Ordinances noted above to Public Hearings on April 12<sup>th</sup>.**

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

The Chair proceeded to the next item.

- e. Discuss Boards and Committees (resignations/appointments, if any) - None

The Chair proceeded to the next item.

- f. Discuss Any Other Business - None

The Chair proceeded to the next item.

**10. SELECTMEN’S COMMENTS**

- a. Subcommittee Reports (if any)

Donovan mentioned documents were signed.

b. Individual Selectmen Comments

Selectman Morin

- There were eight people that came to the Board of Selectmen outreach meeting on Saturday from 8:30 – 11:00. Among the topics discussed were elder care, education, taxes, revitalization of the downtown district, TIF funds, PAYT and dams. He will send his summary notes to Kathy Nolette for documentation. Karytko added that a resident at the meeting pointed out the importance of the dams if there were a large fire. Karytko also mentioned the need of the ladder fire truck was also discussed by residents.
- The Police Officer involved in the motor vehicle accident is recovering.

Selectman Boothby

- He has had complaints from residents regarding trash on the side of the roads. Tibbetts suggested they call Jeanne Brooks at the Public Services Department.

Selectman Schulte

- Reminded residents that if PAYT is eliminated, they will pay for trash out of taxes and will be paying for others who do not recycle.
- Compliance with the current bags. He has asked Tibbetts what the fine is for people that have not been complying with bags. Tibbetts replied there have been approximately 30 households a week. He further explained the Town does not require a fine but the information is tracked and the trash will not be picked up if the noncompliance continues.

Selectman Beal

- None

Selectman Karytko

- Residents requested more notification of the weekly outreach meetings, perhaps included on the Chamber of Commerce's website.
- Attended the Sewer District Workshop. The District is looking at a vote in June of 2017.
- Attended Eggs and Issues at York County Community College and watched a presentation from Sanford on their economic development plan.

Selectman Cluff

- None

Selectman Donovan

- None

**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 Comprehensive planning and land use questions for the Update Committee Demographic information about you to help us better understand trends in the community.

2. 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. This will be televised and replayed and will be on Town Hall Streams for those who are unable to attend.
- 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)

**A motion was made to go into Executive Session at 8:35 p.m.**

**MOVED:** Donovan

**SECONDED:** Karytko

**MODIFICATIONS:** None

**VOTE:** 7 in favor, 0 opposed. The motion carried.

After coming out of Executive Session, the Board had nothing to report.

**13. ADJOURNMENT**

**A motion was made to adjourn the meeting at 9:45 p.m.**

**MOVED:** Donovan  
**SECONDED:** Karytko  
**MODIFICATIONS:** None  
**VOTE:** 7 in favor, 0 opposed. The motion carried.

\_\_\_\_\_  
Deborah Beal, Secretary  
Kennebunk Board of Selectmen

Minutes Approved: \_\_\_\_\_

DRAFT

4

PUBLIC  
HEARING

(c)

3-14 SOLID WASTE, ~~PAY AS YOU THROW~~, RECYCLING AND RESIDENTIAL COMPOST ORDINANCE

Section I: Title

This Ordinance shall be known as the Town of Kennebunk, Maine, Solid Waste, ~~Pay as you throw~~, Recycling and Residential Compost Ordinance.

Section II: Enabling Legislation

This Ordinance is enacted pursuant to the authority granted in 30-A M.R.S.A. Sections 3001 and 3002 and 38 M.R.S.A. Sections 1304-B and 1305.

Section III: Purpose

The purpose of this Ordinance is to protect the health, safety and welfare of the citizens of Kennebunk through the management of the collection, transportation and disposal of residential solid waste and recycling in accordance with the provisions of Title 38 M.R.S.A. § 1305, as amended .

Solid Waste Disposal:

The Town of Kennebunk has a statutory obligation to provide solid waste disposal services for domestic and commercial solid waste generated within the municipality and is authorized to provide such services for industrial waste and sewage treatment plant sludge, pursuant to 38 M.R.S.A Section 1305, Subsection 1.

Recycling:

To allow the Town to mandate the recycling of solid waste materials that do not require incineration or burial through its curbside collection service, to ensure that State goals regarding recycling are met and lessen degradation to the environment by reducing the volume of waste placed in the long-term disposal sites.

Section IV: Definitions

All terms not specifically defined herein shall have their ordinary meaning; words used in the present tense include the future and the plural includes the singular.

A) Acceptable Solid Waste: All solid wastes generated within the Town, including ordinary household, municipal, institutional and commercial wastes, as designated by the Municipal Officers in accordance with current disposal agreements, with the following exceptions:

1) Demolition or construction debris from building and roadway projects or locations;

- 2) Liquid wastes or sludges;
- 3) Abandoned or junk vehicles or parts or accessories from vehicles;
- 4) Hazardous waste, that is waste with inherent properties that make it dangerous to manage by ordinary means, including but not limited to: chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes and other wastes defined as hazardous by the State of Maine or the Resource Conservation and Recovery Act of 1976, as amended, or other federal, state or local laws, regulations, orders or other actions promulgated or taken with respect thereto.
- 5) Dead animals or portions thereof;
- 6) Pathological wastes, surgical and medical dressings;
- 7) Water treatment residues;
- 8) Tree stumps;
- 9) Tannery sludge;
- 10) Waste oil;
- 11) Ashes; and
- 12) Discarded 'white goods' including, but not limited to: freezers, stoves, refrigerators and washing machines.

B) Collection Facility: A building, container or designated area in which Acceptable Waste and Recyclables are deposited and temporarily stored for transshipment to the Town's designated Transfer/Recycling facilities.

C) Collection Unit: A single residential dwelling, or single commercial, industrial, institutional or municipal establishment, which produces Acceptable Waste and Recyclables within the Town of Kennebunk.

D) Commercial Waste: Acceptable waste that is non-residential and is picked up and disposed of by a private contractor.

E) Designated Disposal Facility: The facility designated by this Ordinance as the disposal facility for residential Solid Waste collected in a curbside collection program and pursuant to an existing agreement for collection and disposal services.

F) Disposal Facility: The facility designated by the Municipality as the storage and/or disposal site(s) for Unacceptable Waste and Recyclables.

G) Residential Compost: Acceptable Solid Waste generated by residential Collection Units that generally consists of decayed organic materials and has been designated by the Municipal Officers as acceptable pursuant to current agreements for collection and disposal of the same.

H) Large household furnishings: All large and/or bulky articles other than white goods actually used in the home and which equip it for living (chairs, sofas, tables, beds, carpets).

I) Municipality/Town: The Town of Kennebunk, Maine. J) Municipal Officers/Board: The Board of Selectmen.

~~K) Pay as you throw: A user fee system for disposal of municipal solid waste; also known as "pay per bag." The user fee plan promotes equity and fairness by linking the cost of waste disposal to the amount of waste actually generated by a person or household.~~

L) Recyclables: Solid Waste that is designated by the Municipal Officers pursuant to current disposal agreements as suitable for collection and disposal under this Ordinance, including, but not limited to, certain paper, cardboard, glass, plastics, aluminum, tin and steel products.

~~M) Refuse bags: Bags designed for the collection and storage of residential solid waste and approved by the Municipal Officers for such use.~~

N) Refuse containers: Containers designed for the collection and storage of Refuse Bags and Recyclables, as approved by the Municipal Officers and provided to residential Collection Units for such use. All containers shall be closed for pickup.

O) Solid Waste: Useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse. Solid waste shall not include septic tank sludge or agricultural or hazardous wastes. Collection and disposal of Solid Waste pursuant to this Ordinance shall be limited to Acceptable Solid Waste as defined herein and as determined by the Municipal Officers.

P) Transfer Station: The facility designated in Town Ordinance 3-16 that processes Acceptable Waste and Recyclables generated and collected in the municipality, but not collected as part of a curbside collection program or pursuant to an existing collection and disposal agreement.

Q) Unacceptable Solid Waste: All solid waste of the type municipalities are required to regulate by 38 M.R.S.A. Section 1305, as amended, that are excepted from the definition of Acceptable Waste and any other items as determined by the Board of Selectmen.

R) White goods (major appliances): Any large and/or bulky household mechanism (as a refrigerator, washer, dryer, stove, etc.) ordinarily operated by gas or electric current.

#### Section V: Designation

In accordance with the provisions of 38 M.R.S.A. Section 1304-B, the Municipal Officers hereby designate the Casella Waste facility located at 590 County Road in Westbrook, Maine as the facility for disposal of the Town's Solid Waste for the purposes cited in Section III of this Ordinance.

#### Section VI: Regulation of Acceptable Waste, Recyclables and Residential Compost

The accumulation, collection, transportation and disposal of Acceptable Waste, Recyclables and Residential Compost generated within the Municipality shall be regulated in the following manner:

##### A) Acceptable Solid Waste and Recycling Collection Provided

The Town of Kennebunk shall establish a system of regular curbside collection of Acceptable Solid Waste and single stream recycling materials for transportation to and disposal at the Designated Disposal Facility. Collection shall consist of once per week curbside collection of all Acceptable Solid Wastes and Recyclable Materials, from Collection Units as determined by the Board of Selectmen and pursuant to the requirements of this Ordinance.

##### B) Acceptable Residential Compost

The Town will authorize one licensed vendor for Residential Compost to be collected. Collection shall consist of once per week curbside collection of acceptable composting items in approved containers. The authorized vendor will provide a subscription service to residents as approved by the Board of Selectmen. Said subscription service shall be optional and paid for solely by residents who elect to use the service.

##### C) Solid Waste Disposal

The Town of Kennebunk shall control the collection of residential acceptable wastes, its transportation and its delivery to the Designated Disposal Facility to gain management control over acceptable wastes. Collection Units shall provide acceptable wastes generated within the Town of Kennebunk in accordance with the collection schedule, as established by the Board of Selectmen, in order to ensure a supply of such wastes to the Designated Disposal Facility.

##### D) Solid Waste, Recycling and Residential Compost Containers

It shall be the responsibility of each and every Collection Unit to use those containers made available through the Town and its vendors as approved by the Board of Selectmen.

The Town will provide Refuse Containers for the collection and disposal of Acceptable Solid Waste and Recycling as determined necessary and appropriate by the Municipal Officers pursuant to existing agreements for curbside collection and disposal of the same.

The designated vendor will provide Containers for the collection and disposal of Residential Compost to those who subscribe to its paid service.

#### E) Specification for Refuse Bags and Containers

Acceptable Solid Waste set out for curbside collection by the Town's designated vendor shall be placed in Town-approved ~~Refuse Bags in Town-approved Refuse~~ Containers as determined by the Board of Selectmen.

Recyclable Materials set out for curbside collection by the Town's designated vendor shall be placed in Town-approved Refuse Containers as determined by the Board of Selectmen.

No Refuse Containers shall be filled to a weight in excess of that determined by the Board of Selectmen. In no case shall the Town pick up any garbage or rubbish placed in paper bags, unapproved bags or containers, or any other container such as corrugated cardboard or paperboard boxes.

Town of Kennebunk public trash receptacles shall not be subject to the size and weight limitations of this subsection.

Residential Compost set out for subscription curbside collection shall be placed in Town-approved containers as provided by the Town's designated vendor and determined by the Board of Selectmen.

#### F) Limitation on Quantity of Refuse Containers

There is ~~no~~ a limit to the number of Town-authorized ~~Refuse bags containers~~ that can be collected. Each resident will be assigned a one Refuse Container for the disposal of Acceptable Solid Waste materials and a one Refuse Container for Recyclable Materials. The resident may request one additional recycling container. These containers are the property of the Town. Each participant in the Residential Compost subscription service will be provided a container by the vendor and shall be subject to the vendor's rules and regulations regarding use of that container.

Each resident should exercise care in maintaining and using their container. The container is the property of the Town and cannot be sold, misused or taken out of Kennebunk. Residents are responsible for any misuse. Should a container be destroyed by natural causes or by the Town's snow plow operations, it will be repaired or replaced.

G) Time for Setting Out Solid Waste, Recyclable Materials and Residential Compost Containers shall be allowed to be put out for collection 24 hours preceding collection. Collection begins at 6:00 a.m. each collection day and the town will not make return trips for containers not put out prior to the actual pick up time. Containers must be removed from the curb or town right of way the same day as collection. Non-compliance may result in a fine/penalty authorized by the Board of Selectmen.

Residential compost containers shall be set out only on the day of collection and removed as soon as possible following collection, but not later than the end of the same day.

#### H) Collection Refused

The Town may refuse to collect any Solid Waste and/or Recyclable Materials not placed in approved Refuse Containers, which have been put out for collection in a manner that does not comply with the requirements of this Ordinance. Any Solid Waste or Recyclable Materials that have spilled from containers or have been pulled from containers by animals will not be picked up by the Town or its vendor and the person placing such items out shall clean up and dispose of the items properly, within eight (8) hours of the time of collection.

The vendor may refuse to collect any Residential Compost items not placed in an approved container, which has been put out for collection in a manner that does not comply with the requirements of this ordinance or exceeding the weight limit for picking up the container.

#### I) Containers to be Properly Located for Collection

Containers placed for collection shall be located as close to the curb or paved portion of the street as practicable but shall not be placed within the paved street portion of any street or right-of-way. All containers must have the front (serial #) of the container facing the street.

#### J) Authority of Municipal Officers

The Municipal Officers may establish such further rules and regulations governing the collection of Solid Waste, Recyclable Materials and Residential Compost not inconsistent with the provisions of this Ordinance.

## K) Holidays

If a holiday falls on the scheduled collection day for a collection route/zone, the Solid Waste, Recyclable Materials or Residential Compost of such route/zone will be collected on the holiday or a make-up day as designated by the Public Services

Director.

L) No person shall place commercial or household Solid Waste, Recyclable Materials or Residential Compost in or around public trash receptacles. The Owner(s) of the business or residence where the solid waste originated shall be deemed responsible for illegal placement of solid waste items. (06-09-2004)

## Section VII: Regulation of Unacceptable Waste

The accumulation, collection, transportation and disposal of unacceptable waste generated within the municipality shall be regulated in the following manner:

A) To be collected, transported and disposed of at generator's expense:

1) Demolition or construction debris from building and roadway projects or

locations;

2) Liquid wastes or sludges;

3) Abandoned or junk vehicles or parts or accessories from vehicles; 4)

Hazardous waste;

5) Dead animals or portions thereof;

6) Pathological wastes and medical and surgical dressings;

7) Water treatment residues;

8) Tree stumps;

9) Tannery sludge;

10) Ashes; and

11) any other items as determined by the Board of Selectmen.

B) Transfer and recycling shall also take place at the Transfer Station located next to the Town garage and identified in Ordinance 3-16, unless an alternate transfer station is designated by the Board of Selectmen.

The following shall be received for recycling at the Transfer Station and at curbside collection, if indicated: (some items may be subject to a fee):

1) Newspapers, magazines, junk mail, telephone books, books, glossy paper, mixed paper, or any item made from a paper fiber derivate (curbside collection also);

2) Corrugated cardboard (curbside collection also);

- 3) White, green and brown glass (no caps) (curbside collection also);
  - 4) Aluminum and tin containers (curbside collection also);
  - 5) #1 - #7 HDPE and PET plastic containers (curbside collection also);
  - 6) 'White goods' subject to a fee set by the Board of Selectmen;
  - 7) Demolition or construction debris from building and roadway projects or locations;
  - 8) Waste oil;
  - 9) Scrap metal; and
  - 10) Any item designated by the Board of Selectmen.
- 11) A swap table (or designated area) as determined by the Selectmen shall be available under the supervision of the vendor managing the Transfer/Recycling Facility.
- C) There shall be a designated area for leaf and yard waste, subject to a fee set by order of the Board of Selectmen
- D) Brush not exceeding 4" in diameter, subject to a fee set by order of the Board of Selectmen.
- E) Operating hours for the Transfer Station will be set by order of the Board of Selectmen and posted.
- F) The Board of Selectmen may modify this list as needed.
- G) The Board of Selectmen shall set fees for the items listed above and any other items that it may designate in the future.

#### Section VIII: Exempted Waste

The following categories of waste shall be exempted from regulation by the Ordinance:

- 1) Materials from manufacturing, processing or packaging operations which are segregated from solid waste and salvaged for alternate use or reuse by the generator or sold to third parties.
- 2) Glass, metal or other noncombustible materials which are separated from Acceptable Waste by the generator as part of a recycling program.

3) Cardboard, paper or other combustible materials which are separated from Acceptable Waste by the generator as part of a recycling program.

#### Section IX: Administration

This Ordinance shall be administered by the Municipal Officers. Their powers and duties are as follows:

- 1) To adopt reasonable rules and regulations as needed to enforce this Ordinance.
- 2) To consider all license applications pursuant to Section X of this Ordinance and to grant or deny each application within thirty (30) days after receipt of a completed application at the Municipal Offices or within such other time, as the Municipal Officers and the applicant shall agree is reasonable.
- 3) To review any alleged violation of this ordinance, and to impose appropriate penalties therefore after notice and hearing as required by this ordinance.
- 4) To institute necessary proceedings, either legal or equitable, to enforce this ordinance.
- 5) To approve reasonable fees for waste accepted at the Town's Transfer Station. Said fees to be established by the Town's designated vendor responsible for operating the Transfer Station based on the cost of staffing the facility, storing, handling, transporting and disposal of the waste. (ADDED 11-21-1989)

#### Section X: Licensing

1) No person, firm or corporation shall accumulate, collect, store, transport or dispose of Acceptable Waste or Unacceptable Waste generated within the Municipality without obtaining a license from the Municipal Officers, except that a person, firm or corporation that accumulates, collects, stores, transports or disposes of less than 8 tons per month of its own waste shall not be required by this section to obtain such a license.

2) Any person, firm or corporation required by this ordinance to obtain a license shall make application to the Municipal Officers, providing the information required. Each

initial application shall be accompanied by an annual, non-refundable application fee as set by the Board of Selectmen's fee schedule.

3) The application shall contain all information required by Municipal Officers, including but not limited to a description of the activity(ies) engaged in, e.g.,

collection, transporting, or disposal of Acceptable and/or Unacceptable Waste; type and amount of waste handled in each service area; description of the facility(ies) operated and used; and equipment inventory, including for vehicles a description - the make, model and year of each vehicle used for the collection or transportation of solid waste. All information provided shall be revised annually upon application for license renewal. If the Municipal Officers determine the application is incomplete, they shall notify the applicant in writing of the specific information necessary to complete it. The Municipal Officers shall be informed immediately in writing of any changes in or additions to equipment, including vehicles.

4) An applicant for a license under this section shall demonstrate that it meets the following criteria:

a) Financial capacity to perform as proposed in the application.

b) Technical capacity (including vehicles and other equipment) to perform as proposed in the application and as required under this ordinance.

c) Adequate liability, collision and workers' compensation insurance coverage.

d) Safety record (including compliance with state and local motor vehicle laws, ordinances and regulations) so as not to be a danger to public health, safety and welfare.

5) Licenses shall not be transferable. In the event of an emergency or vehicle breakdown, a licensee shall be issued a special license for a satisfactory replacement vehicle, upon furnishing of all information required for a licensed vehicle.

6) All licenses shall expire one (1) year from the date of issue unless otherwise stated on the license or revoked or suspended sooner in accordance with the provisions of this ordinance.

7) The annual license fee for each vehicle licensed or for each applicant licensed for activities not involving the transport of solid waste shall be as set by the Board of Selectmen' fee schedule. License fees shall not be refunded in the event that a license is suspended or revoked. (06-12-2002)

8) In the event the Municipal Officers deny a license application, they shall notify the applicant in writing and shall state the reasons for the denial. The applicant may request a public hearing in accordance with the procedures in Section XII.

9) Cover and secure all loads for transportation.

Section XI: Suspension or Revocation

Any license issued may be suspended or revoked by order of the Municipal Officers after benefit of a hearing in accordance with the procedures in Section XII, for the following causes:

- 1) Violation of this ordinance.
- 2) Violation of any provision of any state or local law, ordinance, code or regulation,

which relates directly to the provisions of this ordinance.

- 3) Violation of any license condition(s).
- 4) Falsehoods, misrepresentations or omissions in the license application.

#### Section XII: Hearings

1) Anyone denied a license pursuant to Section X or whose license is suspended or revoked pursuant to Section XI shall be entitled to a hearing before the Kennebunk Zoning Board of Appeals, if such request is made in writing within ten (10) days of the denial, suspension or revocation.

2) Such hearings shall be held within thirty (30) days after receipt of the written request for a hearing.

3) The licensee or applicant shall be notified, in writing, as to the time and place of the hearing at least ten (10) days prior to the hearing date. The applicant or licensee has the right to be represented by counsel, to offer evidence and to cross-examine witnesses.

4) A determination shall be made by the Zoning Board of Appeals within ten (10) days after the conclusion of the hearing, and notice of the decision shall be served upon the applicant or licensee by registered mail, return receipt requested.

5) The Zoning Board of Appeals' final determination relative to the denial or suspension or revocation of a license and the period of suspension or revocation shall take effect as provided in the notice but no later than ten (10) days after the date notice of such final determination has been mailed by registered mail, return receipt requested, to the applicant and shall be conclusive. Notice of the final determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in this ordinance.

6) Any controversy or claim arising out of or relating to the Zoning Board of Appeals' determination shall be directly reviewable by Superior Court pursuant to M. R. Civ. P., Rule 80B.

### Section XIII: Enforcement

1) All provisions of this ordinance are enforceable by duly authorized police officers or

the Municipal Officers.

2) Any person who violates any provision of this ordinance is subject to arrest and if convicted, to punishment as provided in Section XIV.

3) Whenever the Municipal Officers determine that there has been a violation by virtue of noncompliance, they shall give notice of such violation to the person(s) responsible by personal service or by registered mail, return receipt requested.

a) The citation shall include a statement of reasons and shall allow reasonable time for performance of any act it requires.

b) The citation may contain an outline of remedial action, which, if taken, will effect compliance.

c) The citation shall state that unless corrections are made within the allotted time, the violation is subject to prosecution and/or to license revocation or suspension pursuant to the provisions of this ordinance.

### Section XIV: Penalties

1) Criminal penalties: any person who violates this ordinance shall be guilty of a

Class E crime for each violation.

2) Civil penalties: any person, firm or corporation who violates this ordinance shall be subject to a civil penalty, payable to the Municipality, as set by the Board of Selectmen's fee schedule for each violation. Each day of violation shall be considered a separate violation. Such person, firm or corporation shall also be liable for court costs and reasonable attorney fees incurred by the Municipality.

### Section XV: Conflict and Severability

1) The provisions of this law shall supersede all other local laws, ordinances,

resolutions, rules or regulations contrary thereto, or in conflict therewith.

2) The provisions of this ordinance shall be severable and if any phrase, clause, sentence or provision, or the application thereof to any person or circumstances shall

be held invalid, the remainder of this ordinance and the application thereof shall not be affected thereby.

Section XVI: Amendment

This ordinance may be amended in the same manner as any other ordinance of the Municipality, subject to the contractual obligations outlined in the contract between the Municipality and the solid waste facility.

The Board of Selectmen may, after public notice and hearing, amend this Ordinance and draft and adopt regulations implementing the terms of this Ordinance on any matter not expressly set forth herein or as otherwise provided by law.

Section XVII: Effective Date

This Ordinance shall become effective on the date of adoption by Town vote. Any person, firm or corporation required to obtain a license hereunder shall have sixty (60) days from the date of adoption of this ordinance to secure such license, which shall become effective on the date specified therein.

Section XVIII: Fees

Fees shall be as shown on a fee schedule set by vote of the Board of Selectmen each year, after notice and hearing. (06-12-2002)

ADOPTED 06-23-1987; AMENDED 06-12-2002; 06-09-2004; 06-16-2005; 06-21-2011; 03- 24-2015

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## 4-7 PROPERTY TAX ASSISTANCE ORDINANCE

### 4-7.1 Purpose

The purpose of this Ordinance is to establish a program (the “Program”) to provide property tax assistance to persons 62 years of age and over who reside in the Town of Kennebunk. Under this Program, the Town of Kennebunk will provide supplemental tax credit to those individuals who qualify as Kennebunk resident beneficiaries of the State of Maine Residents Property Tax Program pursuant to 36 M.R.S.A. 5219-KK of the Maine Revised Statutes and who meet the criteria established by this Ordinance.

### 4-7.2 Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person and that person’s dependents as a home.

Income: Is the previous year’s U.S. form 1040 tax return “adjusted gross income”.

Owners of Record: Shall be as of April 1 preceding the July 1 deadline application.

Qualifying applicant: A qualifying applicant is a person who is determined by the Town Manager or designee, after review of a complete application under Section 4 of this Ordinance, to be eligible for a property tax credit payment under the terms of this Ordinance.

### 4-7.3 Criteria for Participation

In order to participate in the Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 62 years of age or more at the time of application.
- b. The applicant shall have a homestead in the Town of Kennebunk at the time of the application and for the entire year prior to the date of application.
- c. The applicant has received a refund under the provisions of 36 M.R.S.A. 5219-KK State (“Property Tax Fairness Credit”).
- d. The applicant shall have applied for the Maine Homestead Exemption.

#### 4-7.4 Application and Payment Procedures

Any person seeking to participate in the Program shall submit a written request to the Town Manager no later than July 1<sup>st</sup>. Applications are required every year to participate in this Program. The Town Manager or designee shall provide an application form for the Program, which shall include, at a minimum, the applicant's name, homestead address and contact information. Attached to all applications shall be proof and dollar amount (copy of check) of State Refund under 36 M.R.S.A. 5219-KK State ("Property Tax Fairness Credit"). The Town Manager or designee shall review and determine if the application is complete and accurate, and if the applicant is otherwise eligible to participate in the Program. The Town Manager or designee shall notify an applicant if an application is determined to be incomplete and identify any missing information. The Town Manager's or designee's decision on eligibility to participate in the Program shall be final.

#### 4-7.5 Determination of Eligibility and Amount of Assistance

If the Town Manager or designee determines that the applicant is eligible to participate in the Program, he shall determine the total amount of such assistance to be provided. Eligibility shall be the lesser of the following amounts:

- a. 25% of the amount of the refund awarded by the State to the applicant under 36 M.R.S.A. 5219-KK State ("Property Tax Fairness Credit");
- b. \$300.00; or
- c. A prorated amount of the available monies in the Program fund established under Section 6 of this Ordinance. If funds are not available in the Program fund to fully fund eligible applications under subsection a or b above, the Town Manager or designee shall reduce payments in accordance with Section 6 of this Ordinance. .

Under no circumstances shall the refund from the Maine State's "Property Tax Fairness Credit" combined with the Town's assistance under this ordinance exceed the taxes for the property.

The Town Manager or designee shall report to the Board of Selectmen at its first meeting after September 30<sup>th</sup> each year the projected payments and number of eligible applicants requesting assistance for the Program fund.

#### 4-7.6 Program Fund – Limitations Upon Payments

Payments under the Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund the year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying

applicants under this Ordinance, payments shall be limited to the amounts available in the Fund and applied proportionately. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

#### **4-7.7 Creation of the Program Fund**

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Board of Selectmen shall request the annual town meeting to appropriate monies from the general fund or other sources to support this Program. Any surplus monies available after all payments have been made shall remain in the dedicated account hereby established for this Program and shall not lapse into the Town's undesignated fund balance.

#### **4-7.8 Timing of Payments**

A person who qualifies for payment under this Program shall have the full amount (or pro-rated amount if inadequate funds are available) applied to the tax bill no later than the October payment for the year in which participation is sought.

#### **4-7-9 Limitations upon payments**

Only one qualifying applicant per household shall be entitled to payment under the Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney in fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Town Manager or designee shall be disbursed to another member of the household as determined by the Town Manager or designee. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.

#### **4-7-10 Amendments**

**The Board of Selectmen may, after public notice and hearing, amend this Ordinance and draft and adopt regulations implementing the terms of this Ordinance on any matter not expressly set forth herein or as otherwise provided by law.**

ADOPTED 06-13-2007  
AMENDED 06-11-2008  
AMENDED 06-21-2011  
AMENDED \_\_\_\_-2016

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**Single-Use Plastic Carry Out Bag Ordinance**

**Town of Kennebunk, Maine**

**Draft: March 8, 2016**

## **SECTION 1. PURPOSE AND INTENT**

The production and use of single-use plastic carry-out bags have significant impacts on the marine and land environment of all coastal communities that outweigh their usefulness to the public. These impacts include, but are not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land and marine environment; imposing an unnecessary burden on our solid waste management; clogging our storm water drainage systems; and requiring the use of non-renewable fossil fuels for manufacture.

Voluntary efforts to control the use of single-use plastic carry out bags have had minimal effect to date.

The Town of Kennebunk strives to conserve resources; reduce greenhouse gas emissions, waste and litter; and to protect the quality of life for the Town's residents and visitors.

The purpose of this ordinance is to eliminate the usage of single-use carry out plastic bags by all Retail Establishments in the Town of Kennebunk.

## **SECTION 2. AUTHORITY**

This Ordinance is adopted pursuant to the Town's Home Rule Authority granted under Art. VIII, Pt. 2, Sec. 1 of the Maine Constitution and Title 30-A M.R.S. §3001 of the general laws of Maine.

## **SECTION 3. DEFINITIONS**

Customer: Any person obtaining food or merchandise at or from a Retail Establishment.

Food: Any nutritious substance that is intended for eating and drinking either in its original form or that is prepared in any manner for the same; however, food does not include produce, meat, lobsters, fish or bulk foods to the extent those products are contained within handle-less plastic bags solely used for protection of the food or for containing potential contamination of those foods or other foods in contact therewith.

Merchandise: Goods or articles that are bought and sold between a retailer and a customer for use or consumption. Merchandise does not include dry cleaning, newspapers or wet items to the extent those items are contained within handle-less plastic bags solely used for protection of the items contained therein.

Recyclable Paper Bag: Paper bags that are accepted for recycling by the Town of Kennebunk's curbside recycling program.

Retail Establishment: Any commercial enterprise engaged in the sale of food or merchandise including, but not limited to, grocery and convenience stores, markets, pharmacies, restaurants, take-out food purveyors, seasonal and temporary businesses and other merchandise retailers. Nonprofit and religious organizations are not considered Retail Establishments.

Reusable Bag: A bag with handles that is specifically designed and manufactured to withstand repeated uses over a period of time, is made from a material that can be cleaned and disinfected regularly and is at least 3 mils thick if made from plastic.

Single-Use Plastic Carry Out Bag: Plastic bag with a thickness of less than 3 mils (3/1000 of an inch) with an integral handle provided at check-out for the purpose of transporting food or merchandise out of the Retail Establishment.

#### **SECTION 4. STANDARDS**

Every Retail Establishment located in the Town of Kennebunk shall comply with this Ordinance.

- A. No Single-Use Plastic Carry-Out Bag shall be distributed, either with or without charge, to a Customer, at any Retail Establishment located in the Town of Kennebunk.
- B. Customers are encouraged to bring their own Reusable Bags to Retail Establishments, which may choose to give customers a rebate, discount or other incentive for such.
- C. Retail Establishments may provide Customers with Recyclable Paper Bags or Reusable Bags, with or without a charge, as the Retail Establishments so desire.

#### **SECTION 5. EXCEPTIONS**

- A. Single use plastic bags, without handles, used to contain dry cleaning, newspapers, wet items, and to protect produce, meat, seafood and other bulk foods from damage or contaminating other items are permissible.
- B. Nonprofit organizations or religious institutions are exempt from the provisions of this Ordinance.

#### **SECTION 6. ADMINISTRATION AND ENFORCEMENT**

- A. The Town Manager or his designee shall have the authority to administer and enforce this Ordinance.
- B. If it is determined that a violation has occurred, the Town Manager or his designee shall issue a written warning to the Retail Establishment for the initial violation. If an additional violation occurs after a written warning has been issued, the Town Manager or his designee shall issue a written notice of violation (“NOV”) and shall impose a penalty against the Retail Establishment. The penalty associated with each written notice of violation shall be established by the Board of Selectmen annually and set forth in the Board’s Fine Schedule, available in the Town Clerk’s office and on the Town’s electronic web site.
- C. No more than one penalty shall be imposed upon a Retail Establishment within a 7-day period.
- D. A Retail Establishment shall have 15 days following receipt of a written notice of violation to pay the penalty.

#### **SECTION 7. APPEALS**

Any decision, action, or inaction pertaining to this Ordinance may be appealed to the Maine Superior Court (York Cty.). Any appeal must be filed within 30 days of the date of the written warning or NOV issued.

#### **SECTION 8. EFFECTIVE DATE**

This ordinance shall take effect four (4) months following the date of adoption by the voters to allow Retail Establishments time to make necessary adjustments to bring operations into compliance with the law.

**SECTION 9. SEVERABILITY**

Should any portion of this Ordinance be held invalid by a court of competent jurisdiction, this shall not affect the validity of remaining portions of this Ordinance.

**SECTION 10. AMENDMENTS**

The Board of Selectmen may, after public notice and hearing, amend this Ordinance and draft and adopt regulations implementing the terms of this Ordinance on any matter not expressly set forth herein or as otherwise provided by law.

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## 6-1 STREET VENDORS AND PEDDLERS

### 6-1.1: Definitions

1. *“Eating Establishment”* as used herein shall include any place where food or drink is prepared and served, or served to the public for consumption on the premises, or catering establishments, or establishments preparing foods other than in original sealed packages, such as hotels, motels, boarding homes, restaurants, take-out restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, sandwich shops, soda fountains, bars, cocktail lounges, night clubs, industrial feeding establishments, retail frozen dairy product establishments, airports, parks, theaters, recreational camps, youth camps or any other catering or nonalcoholic drinking establishments or operations where food is prepared and served or served for consumption on the premises, or catering establishments where food is prepared, or where foods are prepared for sale other than in original sealed packages.
2. *“Mobile Vending Unit”* as used herein shall mean a mobile vehicle, cart or stand designed and constructed to transport, prepare, sell or serve food at a number of sites and capable of being moved from its serving site at any time.
3. *“Non-profit Street Vendor”* as used herein shall mean a Street Vendor who operates solely on behalf of bonafide charitable, service, religious, municipal organizations or agencies, or youth sports or similar school booster groups or agencies located within Kennebunk, as well as any person, firm, corporation, association, club, partnership or society operating as part of or associated with an event sponsored by the Town of Kennebunk such as the Kennebunk Farmers’ Market.
4. *“Peddler”* as used herein shall include any person, having no established or fixed place of business in Kennebunk, selling or offering for sale tangible commodities other than food products from any public street, other publicly owned or controlled space within Kennebunk, and where delivery is made at the time of sale.
5. *“Person”* as used herein shall include the singular and the plural, and shall also mean and include any person, firm or corporation, association, club, partnership or society.
6. *“Resident”* as used herein shall mean a person whose domicile is in Kennebunk, Maine.
7. *“Street Vendor”* as used herein shall mean a seller of any foods or non-alcoholic beverages for immediate consumption from a cart, stand, display

or vehicle stationed at a specified and approved location on a public street, sidewalk or public place. Such location shall be established and approved as provided by this Section.

8. “*Town*” as used herein shall mean Kennebunk, Maine.
9. “*Victualer*” as used herein shall mean a person who serves food or drink prepared for consumption on the premises by the public, either as a Street Vendor or at an Eating Establishment.
10. “*Waterhouse Center Zone*” as used herein shall include all privately owned property, public streets, sidewalks, parking lots and other publicly owned or controlled spaces within 300 feet from any property line of 51 Main Street, the Waterhouse Center Pavilion property.

### **6-1.2: License Required**

It shall be unlawful for any person to engage in the business of Peddler or Street Vendor as defined in Section 6-2.1 of this Ordinance within the corporate limits of Kennebunk without first obtaining a license therefor from the Town Clerk, Town Manager or other designee appointed by the Municipal Officers as provided herein. Street Vendors licenses shall be issued for the sale of food items only, and those food items shall be primarily intended to be consumed at the time of purchase. Any distribution of free product samples shall be limited to samples of food for sale at that cart. Peddlers’ licenses shall be issued for the sale of all other tangible goods.

The requirements of this Ordinance shall not apply to participation by a Street Vendor or Peddler in any Town-sponsored event including, but not limited to, the “Harvest Fest,” “Winter Fest,” “May Day,” and “Old Home Week.” Participation by Street Vendors and Peddlers in Town-sponsored events shall be reviewed and approved annually by a committee appointed by the Board of Selectmen. The requirements of this Ordinance shall also not apply to participation in the Kennebunk Farmers’ Market or the Kennebunk Downtown Artisans’ and Crafters’ Market; provided, however that a Street Vendor or Peddler licensed to operate pursuant to this Ordinance shall not be precluded by these events.

### **6-1.3: Application Requirements and Licensing Procedures**

1. Applications for licenses under this Ordinance must be made by the Street Vendor or Peddler each calendar year in which the Street Vendor or Peddler desires to operate. Applications for Street Vendor’s and Peddler’s licenses in the Waterhouse Center Zone must be submitted on or before

January 31 of each calendar year, or as otherwise required and duly noticed by the Board of Selectmen for the license year immediately following the adoption of this Ordinance. The applicant shall file with the Town Clerk a sworn or affirmed application in writing on a form to be furnished by the Town Clerk, which shall require the following information:

- a. Name of the applicant including company, corporation, d/b/a, and the name of all persons associated with or who will be conducting business with the applicant pursuant to the license;
- b. Address of the applicant and any related business entities. There must be a local and legal address for receipt of notices. In the event of change of either address, the applicant is obligated to notify the Town Clerk immediately;
- c. A brief description of the types of goods or food and/or beverages to be sold by the applicant;
- d. Evidence of current licenses and registrations held by the applicant as may be required by the State of Maine in connection with applicant's sales;
- e. A description of the proposed location of the applicant's sales. The inclusion of this information on an application shall not be deemed a guarantee of that location and all locations of Street Vendors and Peddlers shall be subject to the approval of the Board of Selectmen;
- f. If a vehicle is to be used in connection with the Street Vendor's or Peddler's sales, a description of the same, together with license number or other means of identification;
- g. A statement as to whether the applicant has been convicted of any crime or violation of any municipal ordinance, including the denial, suspension or revocation of a Street Vendor's or Peddler's license within the last five years and details of the same;
- h. A photograph of any vehicle, Mobile Vending Unit or other display to be used in the operation of the business and a description of materials, measurements, appurtenances, signs, awnings, umbrellas, fuel, refrigeration, water supply and colors associated with the vehicle or display to indicate compliance with the performance standards listed in Section 6-2.7 below. Specific measurements, designs and locations

of the vehicle, Mobile Vending Unit and all appurtenances, including detached items, shall be submitted.

- i. A sketch showing the proposed location of a Street Vendor or Peddler other than those located within the Waterhouse Center Zone or as otherwise assigned by the Selectmen, its measurements and all appurtenances, and the relationship of all of the above features to all site features of the immediate area including, but not limited to, sidewalks, driveways, buildings, landscaping, paths, signs and utilities.
  - j. Any other information, as may be required by the Town Clerk, Town Manager or other designee appointed by the Municipal Officers, which directly relates to the safe and healthy operation of the licensed Street Vendor or Peddler.
2. A non-refundable application fee in an amount set forth in the fee schedule set by vote of the Municipal Officers shall accompany each application and a license fee in an amount set forth in the fee schedule set by the vote of the Municipal Officers shall be paid to the Town Clerk upon approval of the license.
3. The Town Clerk, Town Manager or other designee appointed by the Municipal Officers shall approve a license as provided in this Ordinance based on review of the application and related materials, unless he or she finds that any or all of the following apply:
  - a. The application was not complete or contains false or misleading information; or
  - b. The application and/or requested license are not fully in compliance with the requirements of this Ordinance or any other applicable laws.
4. After the approval of licenses by the Town Clerk, Town Manager, or other designee, licenses shall be issued subject to the lottery provisions outlined in Section 6-2.4 below, where applicable, and upon submission of the following:
  - a. A copy of the certificate of insurance required by Section 6-2.6.1;
  - b. The location desired by the Street Vendor or Peddler;
  - c. For Street Vendors only, a valid victualer's license. In the event a victualer's license is not approved or renewed by the State of Maine or the Town, then the

Street Vendor's license shall not be issued or, if previously issued, shall no longer be valid; and

- d. For Street Vendors only, a valid license issued by the State of Maine Department of Human Services for food service.
5. Street Vendor and Peddler licenses shall be valid for one year and shall be renewed annually upon application of the license holder, subject to the application and review requirements of Section 6-2.3. The location of Street Vendors and Peddlers shall be assigned and/or approved by the Municipal Officers upon renewal each year and may be subject to a rotation.
6. Any person who has held a Street Vendor or Peddler license under this Ordinance for seven (7) consecutive renewal terms shall not be issued an eighth renewal license, but may apply as a new applicant.
7. Street Vendor and Peddler licenses shall not be subleased or assigned to any party and shall only be valid for use for the location and operations approved by the Town Clerk or Town Manager for that applicant; provided, however, that employees or alternate operators of the applicant's business may conduct the applicant's business in the same location and under the same conditions as approved by the license on behalf of the applicant.

#### **6-1.4: Annual Lottery for Street Vendors in the Waterhouse Center Zone**

1. After the Town Clerk, Town Manager or other designee has approved the license applications for Street Vendors and Peddlers in the Waterhouse Center Zone, the Town Clerk, Town Manager or other designee shall conduct a public lottery to assign Street Vendor and Peddler licenses and locations in the Waterhouse Center Zone no later than the first meeting of the Board of Selectmen in February of each calendar year, or as otherwise scheduled and duly noticed by the Board of Selectmen for the license year immediately following the adoption of this Ordinance. At least 14 days before the lottery, the Town Clerk shall mail written notice of the time and place of the lottery to each approved Street Vendor and Peddler applicant and shall post and publish public notice of the same.
2. The Town shall issue no more than four (4) Street Vendor licenses each year within the Waterhouse Center Zone, but may issue less than four (4) Street Vendor licenses in that zone if the Municipal Officers

determine by majority vote when establishing the designated locations pursuant to Section 6-2.5.4 prior to the timeframe specified therein that it is in the best interest of public health and safety. For any year in which Street Vendor licenses are available, the public lottery process as outlined in Section 6-2.4 above shall apply.

3. The Town shall issue a number of Peddler licenses each year within the Waterhouse Center Zone to be determined by majority vote of the Board of Selectmen on or before the first meeting of the Board of Selectmen in February of each year pursuant to the requirements of Section 6-2.5.4 in addition to the consideration of approved Street Vendor locations within the Waterhouse Center Zone.

4. One additional Street Vendor or Peddler license shall be reserved each year for use by Non-profit Street Vendors or Peddlers within the Waterhouse Center Zone. Non-profit Street Vendors or Peddlers may apply to the Town Clerk, Town Manager or other designee on an application form to be provided by the Town Clerk for the use of the designated Non-profit Street Vendor or Peddler space once per calendar year or more frequently as permitted by majority vote of the Board of Selectmen upon request of the Non-profit Street Vendor or Peddler. All Non-profit Street Vendors and Peddlers using the designated location shall provide the Town Clerk's Office with a report of activities conducted at these locations within 30 days after the event. Failure to comply with this provision may result in forfeiture of the right to use the location again during the calendar year and following.

5. Those approved Street Vendor and Peddler applicants who are present at the lottery in person or by agent acting under written authority may select their own locations from the pre-approved locations provided in the order in which their names are drawn. Approved Street Vendor and Peddler applicants who are not present will be assigned locations at random by the Municipal Officers or its designee.

6. Issued licenses shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee, the kind of goods to be sold thereunder, the date of issuance, and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Town Clerk shall keep a permanent record of all licenses issued.

7. In the event that Street Vendor and/or Peddler locations in the Waterhouse Center Zone remain unassigned after the lottery is held, or in the event that assigned Street Vendor and/or Peddler locations are subsequently abandoned or relinquished during the applicable calendar

year, the Town Clerk may accept additional applications for Street Vendor and/or Peddler licenses on a first come, first served basis and may forward qualified applications to the Municipal Officers for final action. The Municipal Officers or the Town Clerk shall grant new or renewal licenses to qualified applicants who have satisfied the requirements set forth in Section 6-2.3.

#### **6-1.5: Location**

1. Peddlers and Street Vendors may establish a location on a private lot, or request a location on a publicly owned or controlled space only within the following Districts: Downtown Business District (DB); Lower Village Business District (LVB); Suburban Commercial (SC); Business Park (BP); Industrial District (I); York Street Mixed Residential and Commercial Use District (MRCU); West Kennebunk Village Mixed Use District (WKV); Upper Square (US), Village Residential (VR).
2. Street Vendors shall be prohibited within the Coastal Residential Zoning District and the Resource Protection Zone abutting Beach Ave. and Great Hill Road.
3. An applicant for a Street Vendors or Peddlers license shall specify the location where he or she proposes to locate. All locations shall be subject to the approval of the Town Clerk, Town Manager or other designee appointed by the Municipal Officers.
4. The Municipal Officers shall designate all Street Vendor locations within the Waterhouse Center Zone for each license year no later than February 1 of the license year or at such other time as may be necessary and appropriate by the Board of Selectmen prior to issuing licenses for the license year immediately following the adoption of this Ordinance. Street Vendors shall not be permitted in any location other than those approved by the Municipal Officers for that year. When determining Street Vendor locations, the Municipal Officers shall consider whether the Street Vendor would create a nuisance, blight, safety, or public health hazard; significantly impede or interfere with the free and reasonable movement of motor vehicles, bicyclists, or pedestrians upon Town ways, crosswalks, pathways, or sidewalks; or impair safe sight distances for turning vehicles from such Town ways or sidewalks in and out of private ways and parking areas.
5. The Municipal Officers shall have the authority to relocate existing Street Vendor and Peddler locations at any time if the Police Chief determines that they create safety hazards or as determined necessary by the Municipal Officers for Town-sponsored events such as "Harvest

Fest,” “Winter Fest,” “May Day,” and “Old Home Week.” The Municipal Officers reserve the right to relocate and/or prohibit Street Vendors and Peddlers during any regularly-scheduled, annual Town-sponsored event or other Town-sponsored or private events to be held in the Waterhouse Center Zone when the proposed location would create a nuisance, blight, safety, or public health hazard; significantly impede or interfere with the free and reasonable movement of motor vehicles, bicyclists, or pedestrians upon Town ways, crosswalks, pathways, or sidewalks; or impair safe sight distances for turning vehicles from such Town ways or sidewalks in and out of private ways and parking areas. The Town Clerk shall provide approved Street Vendors and Peddlers with a list of these events and any corresponding blackout dates each year; provided, however, that this list is subject to change.

6. Locations of Street Vendors and Peddlers may be denied if:
  - a. The proposed location would create a nuisance, blight, safety, or public health hazard;
  - b. The proposed location would significantly impede or interfere with the free and reasonable movement of motor vehicles, bicyclists, or pedestrians upon Town ways, crosswalks, pathways, or sidewalks, or impair safe sight distances for turning vehicles from such Town ways or sidewalks in and out of private ways and parking areas;
  - c. The proposed location does not meet ADA standards or sidewalk clearance; or
  - d. The requested location is within the Historic District and a certificate of appropriateness from the Historic Preservation Committee has not been issued
  - e. Applicant shall comply with all local ordinances by permit of the Code Enforcement Officer.

7. The Municipal Officers shall have the authority to issue one additional license to a Street Vendor or Peddler that desires to participate in an event sponsored by a non-profit or charitable organization; provided that the Street Vendor or Peddler submit a proposal to the Municipal Officers which designates a portion of the Street Vendor’s or Peddler’s sales to the organization sponsoring that event. Applications shall be submitted in accordance with this Ordinance; provided, however, that applications may be submitted at any time during the year and the associated fees shall be established by the Municipal Officers as set forth in the fee schedule.

### **6-1.6: General Provisions**

1. Street Vendors and Peddlers shall maintain in full force and effect at all times a policy of comprehensive public liability insurance with limits of not less than one million dollars (\$1,000,000), naming the Town of Kennebunk as additional named insured. A certificate of insurance must be provided before a Street Vendors or Peddlers license is issued.
2. Street Vendors and Peddlers may operate on publicly owned or controlled property in the Waterhouse Center Zone within the hours of 7:00 am – 10:00 pm Monday – Saturday and 9:00 am – 10:00 pm Sunday, local prevailing time, in conformance with all provisions of the Town's Noise Control Ordinance, Section 3-19. Street Vendors and Peddlers may operate on private property within the Waterhouse Center Zone only after 10:30 pm. Street Vendors and Peddlers in all other approved locations shall not be limited by the hours of operation set forth in this paragraph.

### **6-1.7: Performance Standards**

1. A Street Vendor or Peddler shall not operate in a way that would restrict or interfere with ingress to or egress from any building, abutting parcel or public place or obstruct adequate access by fire, police or sanitation vehicles, and shall not interfere with pedestrian flow on the sidewalk.
2. All utilities shall be provided through a service area as designated by the Town, and all connections shall be determined secured and safe by inspection of the Town's designated official. Street Vendors and Peddlers in the Waterhouse Center Zone shall not be permitted to utilize generators unless expressly permitted and approved by the Municipal Officers on the basis that they will not create a noise nuisance.
3. The operations area shall be kept clean and free of litter. Public trash receptacles on the street shall not be used by Street Vendors or Peddlers. All trash shall be disposed of in conformance with the Town's Rubbish Ordinance, Section 3-2.

### **6-1.8: Mobile Vending Units**

1. The design and appearance of all Mobile Vending Units shall conform to the following specifications:
  - a. Materials: Mobile Vending Units may be commercial construction or individually constructed. All carts shall be made of solid, durable materials.

- b. Color: Neon and fluorescent as predominant colors are prohibited.
- c. Shape: "Theme" carts or stands, such as one in the shape of hot dogs, are prohibited.
- d. Size: Maximum dimensions of a Mobile Vending Unit located in certain designated spaces within the Waterhouse Center Zone shall cover no greater than 80 square feet. Maximum height of the Mobile Vending Unit located in certain spaces within the Waterhouse Center Zone as designated by the Municipal Officers shall be ten (10) feet from the top of the Mobile Vending Unit to the bottom of the Mobile Vending Unit where it (or its wheels) touches the ground. No signs, awnings or canopies shall be permitted to protrude from the Mobile Vending Unit in excess of two feet of these dimensions in any direction. All other Mobile Vending Units shall be limited in size only as required for the purposes of public safety pursuant to their approved locations.

2. Awnings and umbrellas shall be free standing without the use of poles, constructed of a non-rigid, flame retardant fabric such as, but not limited to, canvas, rip stop nylon or soft plastic.

3. The hitch shall be visually identified for safety purposes with a wrapper, bicycle type flag or other similar unobtrusive identifying device such as a cone which does not obstruct the clear area and which meets the requirements of the federal Americans with Disabilities Act.

4. Mobile Vending Units are allowed the following signs subject to the following requirements.

- a. No more than two (2) signs, including lettering on an umbrella or awning, are permitted on each Mobile Vending Unit. In addition, one menu board is permitted and shall be no larger than six (6) square feet.
- b. Each sign shall be secured to the cart and shall not extend in any direction beyond the maximum measurements of the cart as outlined in Section 6-2.7.1(d) above.
- c. Each sign face shall be counted as one sign.

- d. Free standing signs are allowed per the sign ordinance (sandwich boards limited to 12 square feet).
  - e. Sign design shall be in accordance with Article 10, Section 7 of the Town's Zoning Ordinance.
  - f. Digital signage shall be prohibited.
5. Mobile Vending Unit lighting shall conform to the following requirements:
- a. Lighting shall not increase the light level at the perimeter of the operations area by more than 5 foot candles above the ambient light level. However, total maximum lighting at the perimeter of the operations area shall not exceed fifteen (15) foot candles.
  - b. Light sources shall be aimed or shielded so that the light projects downward and in no case shall the angle be less than 20 degrees below horizontal.
6. Items, except for those located on the Mobile Vending Unit, are limited to the following: one trash receptacle and one recycling receptacle. These items shall be located immediately adjacent to or under the Mobile Vending Unit. An unobstructed walkable path around the Mobile Vending Unit and a sufficient area in which customers may safely queue when ordering and waiting for food must be provided.
7. No animals shall be attached to the cart except for guide animals.
8. No amplified sound, such as music, shall be permitted from any Mobile Vending Unit. Street Vendors and Peddlers shall not shout, call out or hail motorists or passersby in a loud voice or by approaching or otherwise hawking goods.
9. The Mobile Vending Unit shall meet all local, state and national fire, safety and health codes.
10. Each Mobile Vending Unit shall display its valid State and local food service, victualer's and Street Vendors licenses in a visible location.
11. Mobile Vending Units located within the Waterhouse Center Zone under the canopy of the Waterhouse Center may be subject to additional regulations as determined necessary and appropriate generally for such units by the Board of Selectmen for the public health and safety including, but not limited to, a prohibition on the use of propane, charcoal or other

fuel sources for cooking under the canopy or certain provisions to prevent units from leaking on the floor of the Waterhouse Center.

#### **6-1.9: Revocation of License**

1. Licenses issued under the provisions of this Ordinance may be revoked by the Municipal Officers after notice and hearing for any of the following causes:
  - a. Fraud, misrepresentation or false statement contained in the application for license;
  - b. Fraud, misrepresentation, or false statement made in the course of carrying on his or her business as a peddler;
  - c. Any violation of this Ordinance;
  - d. Conviction of any crime or misdemeanor involving moral turpitude;  
or
  - e. Conducting the business of peddling in any unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.
2. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at the licensee's legal address at least five (5) days prior to the date set for hearing.

#### **Section 6-1.10: Expiration of License**

All licenses issued under this Ordinance shall expire one year from the date of issuance. Licenses issued in the first year following adoption of this Ordinance shall be valid from the date of issuance through January 31, 2016.

#### **Section 6-1.11: Appeal**

Any person aggrieved by the action of the Town Clerk or Town Manager in the disapproval of an application or location as provided in Section 6-2.3 and 6-2.4 of this Ordinance shall have the right of appeal to the Municipal Officers.

Such appeal shall be taken by filing with the Board of Selectmen within fourteen (14) days after notice of the action complained of has been mailed to such person's legal address, a written statement setting forth fully the grounds for the appeal. The Board of Selectmen shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in Section 6-2.4 of this Ordinance for notice of hearing on revocation. The decision and order of the Board of Selectmen on such appeal shall be final and conclusive. Any person aggrieved by the action of the Municipal Officers shall have the right to appeal to Superior Court within 30 days of said action.

### **Section 6-1.12: Enforcement & Penalties**

1. This Ordinance shall be enforced by the Town's Code Enforcement Officer or his or her designee.
2. Any person aggrieved by a decision of the Code Enforcement Officer shall have the right to appeal that decision to the Board of Appeals. An appeal must be filed in writing with the CEO within ten (10) days after the "date of issuance" inscribed by the Code Enforcement Officer on a written notice of decision sent to the alleged violator.
3. Any person violating this ordinance shall commit a civil violation, punished by:
  - a. For the first offense, a civil penalty of \$100 per day per occurrence;
  - b. For the second violation, revocation of the license by the Municipal Officers.

### **Section 6-1.13: Amendments**

The Board of Selectmen may, after public notice and hearing, amend this Ordinance and draft and adopt regulations implementing the terms of this Ordinance on any matter not expressly set forth herein or as otherwise provided by law.

PASSED 03-05-1923; AMENDED 06-12-2002; AMENDED 06-21-2011;  
AMENDED 12-09-2014

4

PUBLIC  
HEARING

(h)

## **Proposed Ordinance Town of Kennebunk**

### **Pawnbrokers**

#### DEFINITIONS

The following words and phrases, when used in this chapter, will have the meanings respectively ascribed to them:

#### **Pawnbroker**

Any person whose business or occupation is to take or receive, by way of pledges, pawn or exchange, any goods, wares or merchandise, or any kind of personal property whatsoever, as security for the repayment of money loaned thereon at a stipulated rate of interest or at a stipulated amount of repayment, or who purchases any such property on condition of reselling the same to the seller thereof or his assignee at a stipulated price. The definition will not apply to banking institutions, brokerage houses, members of the stock exchanges, or persons who make loans exclusively upon stocks, bonds, bills of lading, warehouse receipts, mortgages, contracts, commercial paper, or other written or printed evidence of ownership of property or of indebtedness to the holder or owner of any such security.

#### **Permanent Place of Business**

Any building or other permanently affixed structure, including a home residence, which is owned or held under a twelve-month or longer lease or rental agreement at the time business is commenced and is used in whole or in part for the purpose of engaging in the sale of secondhand goods.

#### PURCHASE FROM MINOR

A pawnbroker will not either directly or indirectly purchase or receive, by way of barter or exchange, any goods or articles of value from a person who has not attained the age of 18 except when said minor shall be accompanied by a parent or legal guardian who shall sign the transaction record in person before said dealer or collector.

#### RECORDS

- A. Pawnbrokers – Every pawnbroker, at the time of receiving any article pawned, pledged or received in exchange, or any other article or consideration, shall give the pawner a statement that the pawnbroker will return the article at a stipulated price which shall be computed in accordance with the requirements of 30-A M.R.S.A. Ch. 183, Subchapter VI, and shall complete in duplicate a sworn statement, forms for which shall be furnished by the Police Chief detailing the proven identity of the seller, including full name, date of birth, sex and address and type of identification of the person with whom the transaction is being made. If

the identity of the seller cannot be proven, no transaction may occur. The pawnbroker shall record the day, month, year and hour when the transaction took place and a full, accurate and detailed description, including all distinguishing marks, brand name, model number, serial number and color, of each article so pawned, pledged or exchanged so as to make its identification certain and plain and the fair market value thereof and the price paid by the licensee and the source from which and the time when the pawnbroker, pledger or vendor procured the same and cause such statement to be signed and sworn in duplicate by the person with whom such transaction has been made. The pawnbroker shall deliver or cause to be delivered at the Criminal Investigation Division of the Kennebunk Police Department a copy of the record, as soon as possible, but no later than 72 hours after completion of the transaction. Said dealer shall retain a copy of the record at his local place of business, which, along with any article therein listed, may be inspected by any duly authorized police officer. All items taken in by the dealer shall be photographed by said dealer and all such photographs will be kept by the dealer for a period of 6 months and made available to any authorized police officer. No article so purchased shall be sold, changed, or altered in its appearance or otherwise for thirty days after the purchase thereof except with the written consent of the Town of Kennebunk's Chief of Police, but in no case within 72 hours after said purchase. The pawnbroker shall retain the other copy of the record on file for a period of not less than two years, during which time the record may be inspected at any reasonable time by a law enforcement officer. Said dealer shall employ the use of electronic surveillance equipment to visually record transactions and make any/all surveillance footage available to any authorized police officer.

#### POSTING OF LAWS; DISPLAY OF SIGN

Every pawnbroker shall post in a conspicuous location within the place of business a copy of the applicable statutes of the State of Maine and a copy of this chapter and will further display within the place of business a sign, legible inscribed in large letters in the English language, with the name and occupation of the pawnbroker.

#### STATE LAW TO APPLY

Except to the extent that this chapter contains a contrary provision, all provision of 30-A M.R.S.A. §§3960 to 3964-A and 3901 shall be additional requirements to the provisions of this chapter.

#### LICENSE REQUIRED; VIOLATIONS AND PENALTIES

No person will engage in the business of pawnbroker without first obtaining a license issued by the Town of Kennebunk for such activity. Any person who violates the provisions of this chapter commits a civil infraction for which a maximum penalty of \$50 for each occurrence will be imposed. For the purpose of this chapter, each day any person operates contrary to the

provisions of this chapter is a separate violation. The Board of Selectmen shall have the authority to adjust this licensing fee as necessary.

APPLICATION OF LICENSE

Application for a license for pawnbroker will be made to the Town Clerk, with payment of the fee, and in accordance with the procedures set forth in the Code of the Town of Kennebunk. No license shall be issued to any person unless all buildings and properties to be used in connection with the licensed activity are in compliance with applicable zoning, building and fire safety codes.

DISQUALIFICATION

A license will not be used to any person who is not of good moral character. For purposes of this section, an applicant shall be deemed not to satisfy this standard if he or she has been convicted with the last 10 years of a crime carrying a maximum term of imprisonment of more than one year.

EXCLUSIONS

Specifically excluded from the provision of this chapter are the following:

- A. Purchases from private residences by citizens not engaged in a dealer-type business.

INSPECTIONS

- A. The Chief of Police or any officer authorized by him may, at any time, enter upon any premises used by a licensed pawnbroker for the purposes of his business to ascertain how he conducts his business and examine all articles taken in pawn or kept or stored in or upon said premises and all books and inventories relating thereto.
- B. Every such pawnbroker, his clerk, agent, servant or other person in charge of the premises shall exhibit to such officer on demand any or all such articles, books and inventories.

LICENSE FEES AND AMENDMENTS

The Board of Selectmen may, after public notice and hearing, amend this Ordinance and draft and adopt regulations implementing the terms of this Ordinance on any matter not expressly set forth herein or as otherwise provided by law.

To be established by the Board of Selectmen.

# 4

## PUBLIC HEARING

### (i)

## 6-3 VICTUALER & LODGING LICENSES

### 6-3.1 Definitions

The following definitions (as found in Title 22 M.R.S.A., Section 2491) shall have the following meanings for use in this Ordinance.

**Camping Area** - "Camping area" means, in addition to the general accepted interpretations, seashore resorts, lakeshore places, picnic and lunch grounds or other premises where tents or recreational vehicles are permitted to be parked for compensation either directly or indirectly.

**Catering Establishments** - "Catering establishments" means any kitchen or similar place in which food or drink is prepared for sale or service elsewhere or for service on the premises during special catered events.

**Cottage** - "Cottage" means a single structure where sleeping accommodations are furnished to the public as a business for a day, week, or month, but not for more than the entire summer season.

**Culinary Tasting Event** – "Culinary tasting event" means an activity in which food and/or drink is prepared for on-site consumption in a very limited amount by any one individual for sampling and/or comparison purposes only and not meant as a full meal.

**Eating And Lodging Places Or Lodging Place** - "Eating and lodging place" or "lodging place" means every building or structure or any part thereof kept, used as, maintained as, advertised as or held out to the public to be a place where eating and sleeping or sleeping accommodations are furnished to the public as a business, such as hotels, motels, guest homes, bed and breakfasts and cottages.

**Eating Establishment** - "Eating establishment" means any place where food or drink is prepared and served or served to the public for consumption on the premises or catering establishments, or establishments dispensing food from vending machines, or establishments preparing foods for vending machines dispensing foods other than in original sealed packages, such as hotels, motels, boarding homes, restaurants, mobile eating places, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, sandwich shops, soda fountains, bars, cocktail lounges, night clubs, roadside stands, industrial feeding establishments, private or public institutions routinely serving food, retail frozen dairy product establishments, airports, parks, theaters, vacation camps or any other catering or non-alcoholic drinking establishments or operations where food is prepared and served or served for consumption on the premises, or catering establishments where food is prepared, or

where foods are prepared for vending machines dispensing food other than in original sealed packages.

**Farm and Food products** – Any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits and fruit products, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, firewood and Christmas trees. (06-21-2011)

**Farmers' Market** – A building, structure or place used by two (2) or more farmers for the direct sale of farm and food products to consumers. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 75% of the product offered by that person was grown or processed by that person or under that person's direction. A product not grown or processed by that person must have been purchased directly from another farmer. (06-21-2011)

**Mobile Eating Place** - "Mobile eating place" means a mobile vehicle designed and constructed to transport, prepare, sell or serve food at a number of sites and capable of being moved from its serving site at any time.

**Vending Machine Establishment** - "Vending machine establishment" means any establishment preparing foods for vending machines dispensing foods other than in original sealed packages.

**Vending Machine** - "Vending machine" shall mean any self-service device offered for public use, which, upon insertion of a coin, coins, or token by other similar means, dispenses unit servings of food without the necessity of replenishing the device between vending operations.

**Retail Frozen Dairy Product Establishment** - "Retail frozen dairy product establishment" means any place, premise or establishment and any part thereof where frozen dairy products, such as ice cream, frozen custard, ice milk, sherbet, ices and related food products are prepared for consumption on or off premises.

### 6-3.2

Any person, corporation, firm or co-partnership operating or managing any eating establishment or lodging place in the Town must be licensed to do so by the Maine Department of Health and Human Services. (06-21-2011)

### 6-3.3

No person, corporation, firm or co-partnership shall operate as an eating establishment without first obtaining a victualer license from the Municipal Officers of the Town of Kennebunk. Said victualer license shall not be granted without proof that the applicant possesses or is in the process of obtaining an applicable state license.

A copy of said license or approved document by a state inspector must be submitted for all renewals with the application for a victualer license before a victualer license will be issued. (2-24-2010)

Victualer licenses will set forth the maximum number of seats permitted for each licensee. Licensees must comply with the seating capacity requirements contained in the Town victualer license, regardless of whether a conflicting number exists in state license applications, approvals or other documents. Failure to comply with the seating capacity limitations contained in the victualer license shall be grounds for license revocation under this Ordinance. (06-21-2011)

#### **6-3.4**

No person, corporation, firm or co-partnership shall operate as an innkeeper, tavernkeeper or lodging house without first obtaining a lodging license to do so from the Lodging Licensing Board of Kennebunk, in accordance with Title 30-A, M.R.S.A., Sections 3811-3812, as well as any applicable state licenses.

All victualer and lodging licenses are site-specific. Each site requires a separate license. Any change in site location requires a new application by the owner of said business from the Town Clerk's office.

#### **The Fees for victualer and lodging licenses are in the Fee Schedule:**

- 1.) Victualer License \* \*\*
  - a) Culinary Tasting Event
  - b) Mobile Eating Place
  - c) All other Eating Establishments

- 2.) Lodging (Innkeeper) License \* \*\*

\* Fees shall be as shown on a fee schedule set by vote of the Board of Selectmen each year, after notice and hearing. (06-12-2002)

\*\* For new applications the fee may be set by the Board of Selectmen. (2-24-2010)

#### **6-3.5 Issuance and Revocation/Suspension of Licenses**

A) Victualer Licenses. The Municipal Officers shall hold a Public Hearing within thirty (30) days following the Town Clerk's receipt of a completed application and payment of appropriate fee(s). The Municipal Officers, called the "Victualer Licensing Board," shall meet on a date and at a time and place in said Town, which they shall appoint, by posting notices in at least two (2) public places, at least seven (7) days prior to the meeting, stating the purpose for the meeting. Notwithstanding any contrary provision of this Ordinance, the Town Clerk or designee, and the Town Manager or designee shall have the authority to issue renewal licenses under this Ordinance, provided that a license has not been suspended or revoked during the prior license year. If a license has been suspended or revoked during the prior license year, the renewal license application shall be reviewed by the Licensing Board. (06-14-06; 2-24-2010; 06-21-2011)

A victualer license shall be granted if the property in question complies with all federal, State, and local laws and the applicant demonstrates that the victualer's premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety or welfare. (06-21-2011)

All victualer licenses shall expire on May 31 annually; provided however, that any license issued after March 1 shall be valid until May 31 of the following year. The Town Clerk shall notify all currently licensed establishments of the need to renew. Victualer licenses must be displayed for the public on the premises. (06-21-2011)

A victualer's license may, after notice and public hearing, be suspended or revoked by the Victualer Licensing Board for non-compliance with local and state laws and regulations. (06-21-2011)

When the Town Manager or designee believes a victualer license should be suspended or revoked, he shall notify the Victualer Licensing Board and it shall give notice of a public hearing in the same manner as set forth above to decide whether such suspension or revocation shall be ordered. (2-24-2010; 06-21-2011)

Whenever, upon inspection, conditions are found that violate this Ordinance or regulations adopted thereunder, or which may endanger the life, health or safety of persons patronizing any victualer established under this Ordinance, the Code Enforcement Officer or designee may request an emergency suspension of the victualer license issued and shall provide a copy of the notice in the same or faster means to the licensee. The Victualer Licensing Board may grant such an emergency suspension subject to reinstatement following a public hearing before the Board if cause is not shown by the Code Enforcement Officer or designee. (06-21-2011)

A licensed victualer may, at any time after the suspension of the license, make application in writing for the reinstatement of the license to the Town Clerk and such application shall be submitted to the victualer Licensing Board for action. (06-21-2011)

B) Lodging Licenses. The Municipal Officers shall act as the Town's Lodging Licensing Board and shall have the authority to grant, deny, suspend or revoke any lodging license in accordance with state law, as set forth in Title 30-A M.R.S.A., Sections 3811-3814. The Lodging Licensing Board shall meet annually during the month of May on a date and at a time and place in the Town that they determine or at any other time if necessary. At least seven (7) days before the meeting, the Board must post notices stating the purpose of the meeting in at least two (2) public places in the Town. The Lodging Licensing Board shall license as many persons of "good moral character" as will not adversely affect the public and general welfare. A lodging license shall be granted if the property in question complies with all federal, state, and local laws and the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare. The license must specify the building in which the business will be conducted and any licensing restrictions and regulations that the Lodging Licensing Board considers necessary. (06-21-2011)

The Lodging Licensing Board may revoke or suspend any lodging license in accordance with state law. A lodging license may not be revoked or suspended until an investigation and hearing have taken place and the licensee has been afforded his/her due process under the law. (06-21-2011)

All lodging licenses must be displayed for the public on premises and shall expire one year after issuance. The Town Clerk shall notify all currently licensed establishments of the need to renew. (06-21-2011)

C) No license shall be transferred or assigned by the business operator. The business operator must be the licensee. (06-21-2011)

D) The issuance of the licenses provided for in this section of the ordinance does not provide exemption from other local laws, ordinances or regulations. (2-24-2010)

E) A temporary victualer license may be approved by the Town Manager or designee, provided that the applicant has no prior safety violations. Such a temporary license shall be valid for no more than thirty (30) days and shall be reviewed by the Board of Selectmen before the expiration of that time period at a duly noticed public hearing held in accordance with the licensing procedures set forth above. (06-21-2011)

### **6-3.6 Right to Enter Premises**

The Town Manager or designee has the right, without an administrative inspection warrant, to enter upon and into the premises of any establishment licensed pursuant to this section of the Town Ordinances where he or she has reason to believe there is an immediate threat to the health, safety or general welfare of the public at large. (2-24-2010)

### **6-3.7 Fines and Penalties**

Any person, corporation, firm or co-partnership that operates any eating establishment, eating and lodging place, lodging place or camping area without first obtaining a license as required by this Ordinance shall be punished, upon adjudication, by a fine as set by the Board of Selectmen's fee schedule, and upon a second or subsequent adjudication, shall be punished by a fine as set by the Board of Selectmen's fee schedule. Each day any such person, corporation, firm or co-partnership operates without obtaining a license constitutes a separate offense.

### **6-3.8 Exemptions**

Private homes shall not be deemed or considered lodging places and subject to a license where not more than 3 rooms are let. A license shall not be required from any boarding care facilities or children's homes, which are licensed by the state.

Stores or other establishments, where food or drink is sold for consumption from the original containers, and which are not classified as an eating establishment, do not have tables, chairs, glasses or other utensils provided in connection with such sale, shall not be considered eating establishments within the meaning of this Ordinance. At such establishments, straws or spoons may be provided to aid in the consumption of such food and drink, provided they shall be supplied in original individual single service sterile packages. (2-24-2010; 06-21-2011)

Nonprofit organizations including, but not limited to, churches, 4-H clubs, scouts, schools and agricultural societies shall be exempt from this Ordinance's rules and regulations relating to dispensing foods and non-alcoholic beverages at not more than 12 public events or meals within one calendar year.

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)

### **6-3.9 Special Events**

Businesses that currently hold appropriate licenses from the state Department of Health and Human Services may apply for a Town victualer license to sell at

special events for example, but not limited to: May Day, Concert in the Park, August Sidewalk Sales Days, Christmas Prelude, or any other public event on public or town owned property.

Applicants must provide their valid state licenses to the Town Clerk's Office in advance of the event. The application submitted to the Town Clerk's Office must include a copy of the current, valid state licenses (if not on file with the Clerk's Office) and payment of the fee as set by the Board of Selectmen.

A) For currently licensed Kennebunk businesses:

See the Fee Schedule for a 1 or 2 day event.

See the Fee Schedule for 3 days or more, but no more than 30 day event

A business is allowed up to two (2) remote locations within the designated event area, provided the vendor has an existing Kennebunk victualer license.

B) For all other businesses not holding a Kennebunk victualer license:

See the Fee Schedule for the Fee, per event

All other applicable provisions of the Victualer & Lodging License Ordinance govern the issuance of any license. (2-24-2010; 06-21-2011)

### **6-3.10 Outdoor Dining Permits**

The outdoor expansion of any eating establishment onto a street, way or public place in the Town shall require an outdoor dining permit issued pursuant to rules and regulations established by the Board of Selectmen. Among other requirements, outdoor dining permit applicants shall provide proof of insurance and ensure ADA compliance. (06-21-2011)

### **6-3.11 Fees**

Fees shall be as shown on a fee schedule set by vote of the Board of Selectmen each year, after notice and hearing. (06-12-2002)

### **6-3.12 Administrative / Housekeeping Adjustments**

The Board of Selectmen shall have the authority, after public notice and hearing, to draft and adopt regulations implementing the terms of this ordinance on any matter not otherwise expressly provided for herein or otherwise by law. (2-24-2010)

ADOPTED JUNE 15, 1994; AMENDED 06-12-2002; 06-09-2004, 06-14-06;  
AMENDED 02-24-2010; AMENDED 06-21-2011

7.c

# BID OPENING

**Bid Subject:** (2) 2016 One Ton Dump Truck (purchase of)

**Date & Time:** April 5, 2016 at 2:30 p.m.

**Location:** Town Manager's Outer Office

**In Attendance:**

Town Manager or Finance Director: Barry Tibbetts  
 Division Director or Municipal Employee: Eric Labelle, Kathy Nolette

**Bids Received:**

Company	Bids
<b>Tri City Chrysler Dodge Jeep Ram</b>	Base Bid (per vehicle): \$65,452.00
Somersworth, NH	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Ram 3500 Reg. Cab 4x4, Model DD8L63	Add Alt. 1 (extended warranty) \$3,995.00
Body Manufacturer: 9' Galion Godwin 2.5 to 3.7 yd. Stainless Steel dropside dump body Model 103UDS-9	
Location: Tri City Chrysler Dodge Jeep Ram, Somersworth, NH	
<b>Weirs Motor Sales</b>	Base Bid (per vehicle): \$61,729.00
Arundel, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: GMC Sierra 3500 TK36003	Add Alt. 1 (extended warranty) \$1,942
Body Manufacturer: 9' Galion Model 103UDS-9	
Location: Weirs Motor Sales, Arundel	
<b>O'Connor's GMC</b>	Base Bid (per vehicle): \$59,152.40
Augusta, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Chevrolet 3500HD, CK36003	Add Alt. 1 (extended warranty) \$1,295.00
Body Manufacturer: Rugby FDS-9-3SS/Tommy Gate G2-92-1650LD33	
Location: HP Fairfield, Scarborough	

**Recommendation:**

The Public Services Director recommends accepting the low bid from O'Connors GMC of \$59,152.40 per vehicle, without the extended warranty.

**Award:**

The award will be discussed at the Selectmen's meeting on April 12, 2016.

7.d.

## **Proposed Amendment to Zoning Article 8, Section 6**

The proposed language to be added is shown with underlines and language to be deleted is shown with ~~strikethroughs~~ on attached amendment.

**Section 6. Suburban Residential (SR)**

**A. Purpose**

The purpose of the Suburban Residential District is to acknowledge and respect an established pattern of residential development, predominantly on one- and two-acre lots, such as exists along the Sea Road and Route 35 corridors between Kennebunk Village and Lower Village. The intention of the district is to allow additional development that (a) is harmonious with the established neighborhoods in these areas, (b) can safely coexist with the rural and suburban landscape of these areas, including wooded lands, adjacent wetlands, and a gently rolling topography and roadways that are fitted to that topography, and (c) will not unduly change the historic character of segments of these areas. The Comprehensive Plan recognized that public sewer lines serve portions of the Suburban Residential District and may be extended to other parts of the district to replace failing septic systems on poor soils; but the Plan's intention for the district is to maintain a relatively low density of development as a break between the more intensely developed Kennebunk Village and Lower Village.

**B. Permitted Uses**

The following uses are permitted in the Suburban Residential District:

1. The following resource protection uses:
  - 1-1 Forest management
  - 1-2 Harvesting of wild crops
2. The following resource production uses:
  - 2-1 Agriculture
  - 2-2 Horticulture
  - 2-3 Keeping of horses
  - 2-4 Timber harvesting
3. The following residential uses:
  - 3-1 Single family detached dwellings
  - 3-2 Accessory apartments
  - 3-3 Two-family dwellings
  - 3-4 Multifamily dwellings, with no more than six units per building
  - 3-5 Multifamily lots
4. The following institutional uses:
  - 4-1 Cemeteries
5. The following recreation and marine uses:
  - 5-1 Outdoor recreation
6. The following utility uses:
  - 6-1 Essential services
7. The following accessory uses:
  - 7-1 Accessory uses and buildings
  - 7-2 Home occupations
  - 7-3 Renting of rooms, not to exceed ~~four~~ **six rented** rooms

7.e.

**WARRANT FOR THE  
ANNUAL TOWN MEETING  
JUNE 14, 2016**

To Barbara Duffy, a resident of the Town of Kennebunk in the County of York and State of Maine:

**GREETINGS:**

In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the said Town of Kennebunk, qualified by law to vote in Town affairs, to assemble in the Edward C. Winston Town Hall Auditorium of said Town on Tuesday, the 14<sup>th</sup> day of June, A.D. 2016 at six (6:00) o'clock in the forenoon, then and there to act on the articles listed below.

The polls will open as soon as Article 1 has been acted upon and will remain open to vote on Articles 2 through \_\_\_ until eight (8:00) o'clock in the evening.

The Registrar hereby gives notice that the Town Clerk's Office will be open for the purpose of registering voters and correcting a list of voters on Monday, June 6, 2016, Tuesday, June 7, 2016, Wednesday, June 8, 2016 and Thursday, June 9, 2016 from 8:00 a.m. to 7:30 p.m. The Registrar will be in the Edward C. Winston Town Hall Auditorium on Election Day, June 14, 2016, until the closing of the polls to register voters and to correct names and addresses.

**Article 1:** To choose a Moderator to preside at said meeting.

**Article 2:** To choose, by ballot, the following Town Officials, namely, Two Selectmen, for three years; Two RSU # 21 Board of Directors, for three years; One Trustee for the Kennebunk Light & Power District, for five years; and Two Trustees for the Kennebunk Sewer District, for three years.

**Article 3: Referendum Question 1:** To see if the Town will vote to appropriate \$12,216,550 for General Government Services (Selectmen, Town Clerk's Office, Assessor's Office, Town Manager's Office, Office/Administration, Community Development Division, Town Hall Maintenance, Computer Department, Social Services, Employee Benefits, Operational Contingency, Kennebunk Free Library, Boards and Commissions, and Agencies), Public Safety (Police/Communications, Harbormaster, Fire, Ambulance, Lifeguards, and Civil Emergency Preparedness), Public Services (Highway, Recycling, Solid Waste, Hydrants and Street Lights, Parks, Recreation, and Recreation Facilities), and Debt Service (principal and interest of bond & lease/purchase payments) with \$4,100,100 to be funded from estimated revenues, \$100,000 from unassigned general fund balance ("surplus"), and \$8,016,450 to be raised by assessment.

(Information regarding the proposed operational budget as listed above is on file and may be reviewed in the Town Clerk's office and on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

Selectmen recommend acceptance of this article by a majority vote. (Selectmen did not vote for their own budget.)

Budget Board recommends acceptance of this article by a majority vote, except for Lifeguards (Budget Board voted for an amount \$1,000 lower than the Board of Selectmen).

**YES  
NO**

**Article 4: Referendum Question 2:** To see if the Town will vote to transfer from the unassigned general fund balance ("surplus") the sum of \$854,080 and to appropriate the same for the purchase, rental and repair of capital vehicles and equipment; Town Hall and Fire Department Central Station insulation projects; road cracksealing, gravel, culvert and basin projects; capital improvements and equipment reserves; reserves to be used to reduce current and future debt service; and to reduce the Pay-As-You-Throw solid waste enterprise fund deficit balance.

(A listing of the proposed capital projects, equipment and vehicles, transfers to capital and reserve accounts, transfer to capital assets and projects, and transfer to the Pay-As-You-Throw solid waste enterprise fund is on file and may be reviewed in the Town Clerk's office and on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

Selectmen recommend acceptance of this article by a vote of 7 in favor, 0 opposed.

Budget Board recommends acceptance of this article by a vote of 4 in favor, 3 absent.

**YES  
NO**

**Financial Statement for Article 4 Referendum Question** The issuance of bonds by the Town of Kennebunk is one of the ways in which the Town borrows money for certain purposes. The following is a summary of the bonded indebtedness of the Town of Kennebunk as of April 2, 2016.

Bonds Now Outstanding and Unpaid	\$11,609,000
Interest to be Repaid on Outstanding Bonds	<u>\$ 1,883,872</u>
Total to be Repaid on Bonds Outstanding	<u>\$13,492,872</u>

Additional Bonds to be Issued if Approved by Voters:

**Article 4**, For road paving, drainage and bridge repair or replacement and other capital improvement projects; a Public Services plow/dump truck, a Fire/EMS Department ambulance, two (2) Recreation Department buses, and a computer network back-up system. \$ 2,570,000

Estimate of Potential New Interest on Such Additional Bonds:

**Article 4**, For road paving, drainage and bridge repair or replacement and other capital improvement projects; a Public Services plow/dump truck, a Fire/EMS Department ambulance, two (2) Recreation Department buses, and a computer network back-up system. \$ 378,062

Total Additional Bonds to be Issued and Estimated Interest if Approved by Voters: \$2,948,062

When money is borrowed by issuing bonds, the Town must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued and the total cost of principal and interest to be paid at maturity.

/s/ \_\_\_\_\_  
Joel E. Downs,  
Treasurer, Town of Kennebunk

**Article 5: Referendum Question 3:** To see if the Town will vote to approve a general obligation bond borrowing, short-term note borrowings or lease/purchase agreements, of up to \$2,570,000, or combination thereof as determined by the Board of Selectmen, for the purpose of financing expenditures for road paving, drainage and bridge repair or replacement and other capital improvement projects; a Public Services plow/dump truck, a Fire/EMS Department ambulance, two (2) Recreation Department buses, and a computer network back-up system, hereby authorized, with the bonds and notes to be issued with or without call provisions and with such dates, maturities, denominations, interests rate(s), redemption provisions and other details as the Municipal Officers shall determine (total estimated debt service of \$2,948,062 of which principal is \$2,570,000 and estimated interest at 3.25% over 10 years is \$378,062) and to accept any monetary or in-kind donations and grants for these assets or projects.

*Note: The bonds to be issued, if approved by the voters, may have a first-year bond payment (principal and interest) estimated to be \$400,480, starting in fiscal year 2017-18, depending when the bonds are issued. The average annual bond payment (principal and interest) over the 10-year term is estimated to be \$294,806 per year.*

(Information regarding the proposed road paving, drainage and bridge repair or replacement and other capital improvement projects; a Public Services plow/dump truck, a Fire/EMS Department ambulance, two (2) Recreation Department buses, and a computer network back-up system is on file and may be reviewed in the Town Clerk's office and on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

Selectmen recommend acceptance of this article by a vote of 6 in favor, 1 opposed.

Budget Board recommends acceptance of this article by a vote of 4 in favor, 3 absent.

YES  
NO

**Article 6: Referendum Question 4:** Shall an Ordinance entitled "Amendment to Section 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 will result in an increase to the Town’s budget of approximately \$435,000, which is the approximate equivalent of a \$0.23 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” program will nonetheless 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 copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk’s Office and on the Town’s website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

Selectmen recommend acceptance of this article by a vote of 5 in favor, 2 opposed.

Budget Board recommends acceptance of this article by a vote of 4 in favor, 3 absent.

YES  
NO

**Article 7: Referendum Question 5:** To see if the Town will vote to increase the Town’s LD 1 property tax levy limit amount by \$435,000, but to be effective only if Article 6 above passes, eliminating the Town’s Pay as You Throw solid waste program.

*Fiscal Note: The Town’s LD 1 property tax levy limit will need to be increased by \$435,000 only if Article 6 eliminating the Pay as You Throw solid waste program is passed; otherwise, the LD1 limit will not be increased.*

Selectmen recommend acceptance of this article by a vote of \_\_\_ in favor, \_\_\_ opposed.

Budget Board recommends acceptance of this article by a vote of \_\_\_ in favor, \_\_\_ absent.

YES  
NO

**Article 8: Referendum Question 6:** Shall an ordinance entitled “Amendment to Sec. 4-7 of the Town’s Property Tax Assistance Ordinance” be enacted to delete references to the State of Maine’s repealed “Circuit Breaker Program” and to establish new eligibility requirements based on the State of Maine’s new “Property Tax Fairness Credit,” as well as a new amount of property tax assistance of \$300 or other prorated amount based on available funds?

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk’s Office and on the Town’s website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

Selectmen recommend acceptance of this article by a vote of \_\_\_ in favor, \_\_\_ opposed.

YES  
NO

**Article 9: Referendum Question 7:** Shall a new ordinance entitled “Single-Use Plastic Carry Out Bag Ordinance” be enacted 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?

(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office and on the Town’s website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

Selectmen recommend acceptance of this article by a vote of \_\_\_ in favor, \_\_\_ opposed.

YES  
NO

**Article 10: Referendum Question 8:** Shall an ordinance entitled “Amendment to the Town’s Street Vendors and Peddlers Ordinance” be enacted to revise the text of Section 6-1.5 Location and Section 6-1.13 Amendments as shown below?

Section 6-1.5

6.e. Applicant shall comply with all local ordinances and restrictions pursuant to the terms of any permit of the Code Enforcement Officer.

Section 6-1.13

The Board of Selectmen may, after public notice and hearing, amend this Ordinance and draft and adopt regulations implementing the terms of this Ordinance on any matter not expressly set forth herein or as otherwise provided by law.

Proposed additions to the text are underlined.

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk's Office and on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

Selectmen recommend acceptance of this article by a vote of \_\_\_ in favor, \_\_\_ opposed.

YES  
NO

**Article 11: Referendum Question 9:** Shall a new ordinance entitled "Pawnbrokers Ordinance" be enacted to create regulations for the licensing and operation of pawnbrokers and related businesses in the Town of Kennebunk?

(A copy of the proposed ordinance is available for review and inspection at the Town Clerk's Office and on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

Selectmen recommend acceptance of this article by a vote of \_\_\_ in favor, \_\_\_ opposed.

YES  
NO

**Placeholder** – if Selectmen vote to send this item to the Town Meeting (public hearing will be held on 4/26/16)

**Article 12: Referendum Question 10:** Shall an ordinance entitled "Kennebunk Zoning Ordinance be enacted to revise the text of Section 6.B.7-3 as shown below?

*Permitted Uses: The following accessory uses: Renting of rooms, not to exceed six rented rooms.*

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk's Office and on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us).)

Selectmen recommend acceptance of this article by a vote of \_\_\_ in favor, \_\_\_ opposed.

YES  
NO

HEREOF FAIL NOT to make due service of this warrant and return of your doings thereon, at the time and place of said meeting.

GIVEN UNDER OUR HANDS at Kennebunk, Maine in the County of York and State of Maine the 10th day of May in the year of Our Lord Two Thousand and Sixteen.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
A majority of the Municipal Officers of  
Kennebunk, Maine.

Attest: A True Copy:

\_\_\_\_\_  
Merton Brown, Town Clerk

**RESIDENT'S RETURN**

Pursuant to the within warrant, to me directed, I have notified and warned the Inhabitants of the Town of Kennebunk, in the County of York and State of Maine, qualified by law to vote in Town affairs, to assemble at the time and place and for the purpose within named by posting up on the 11th day of May 2016 one attested copy of the within warrant in the Town Hall Lobby and on the Town's website [[www.kennebunkmaine.us](http://www.kennebunkmaine.us)], all being public and conspicuous places in the Town of Kennebunk, Maine.

\_\_\_\_\_  
Barbara Duffy, Kennebunk Resident

8.a.

Chairman Macdonald opened a Board discussion regarding televising future ZBA meetings as requested by a representative of the Lower Village Committee, highlights included:

- A video record is very helpful in reconstruction of minutes because speaker identification is much easier than with audio only reconstruction (Trexler);
- Kennebunk committees that currently utilize video records include (Demers):
  - o Board of Selectmen;
  - o Planning Board; and
  - o Site Plan Review Board.
- Sensitive item such as ADA issues would not be appropriate for video recording (Demers);
- Stopping and starting the video during a meeting to exclude sensitive issues would be cumbersome (Demers);
- The final decision of which committees will be video recorded ultimately rests with the Board of Selectmen (Demers);
- Disability variances hearings could be deemed exempt from video recording (Rachin);
- Video recording enables residents to view the proceedings live, or at a later date, when they can't attend the meetings (Macdonald);
- With the exception of the Zoning Board of Appeals, only Boards with binding decisions are televised, stopping the recording during the procedure might invoke a legal challenge (Morin);
- Many resident do not understand that the ZBA's decisions are final, televising the proceedings may encourage agreement or disagreement which the public may want to inappropriately discuss with Board members after a decision is rendered (Macdonald);
- Residents may be reluctant to testify before the Board if they know that the proceedings will be televised (Passerman);
- Televising the proceedings may inadvertently disclose one's identity or address that should remain confidential due to a court order (Atwood);

Chairman Macdonald asked Morin if the Board of Selectmen has considered the issue prior to this discussion or are the Selectmen waiting to hear the ZBA's opinion.

Morin replied that the Board of Selectmen is waiting to hear from the ZBA; but, this issue has been brought before the BOS several times by another Board member who has expressed interest because of the nature of the ZBA's business. Morin added that, in the past, video recording has been restricted to binding boards only because of the monetary impact; however, he is not sure how the ZBA, also being a binding board, has avoided it.

A discussion developed regarding the use of "Executive Session" during a hearing to exclude the public, highlights included:

- Public matters cannot be discussed during ES; and
- Decisions cannot be made during ES.

The discussion concluded with a non-binding consensus of the Board as follows:

- 4 thinking it is not a bad idea; and
- 1 opposed.

8.b.

## **Proposal for the Committee on Aging**

The committee would first gather all relevant information pertaining to senior citizens residing in Kennebunk.

- Medical services
- Senior residences
- Recreation centers for seniors
- Names of physicians and their specialties
- Nursing homes
- Rehabilitation centers
- Nursing services
- Elder care specialists
- Hospices
- Private groups concerned with elder care

Secondly, we would establish a liaison with other Town of Kennebunk committees and departments which have relevant concerns.

- Social services department
- Affordable housing committee
- Community garden committee
- Festival committee
- Planning board
- Recreation committee

Thirdly, the committee would gather information from seniors and interested entities working on behalf of seniors, so that we might advise the Town of Kennebunk about issues of immediate concern.

Submitted by: Bevan Davies  
March 26, 2016

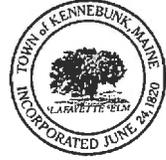
9.a



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## Kennebunk Police Department Memorandum

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**To: Board of Selectman**

**From: Sgt. A. Belisle**

**Subject: "Senior Center Road Race" road closures**

**Date: 4/04/2016**

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On Sunday, June 5, 2016, the "Senior Center" is hosting its annual road race. They are requesting approval for the following road closures or delays. Note: There are no changes from previous years.

9:00AM:

Western Avenue would be closed to thru traffic from the intersection of Western Avenue & Boothby Road to the intersection of Western Avenue and Beach Avenue. (This is to allow for finish line on Western Avenue to be set up.)

Duration: Until the completion of the race, approximately 10:30AM +/- . Note: Local residents and vehicles leaving area businesses are allowed to go toward Wells on Western Avenue.

Eastbound traffic on Western Avenue at the intersection of Sea Road will be directed toward the beach. Duration: Until the completion of the race, 10:30AM +/- .

Local traffic on Western Avenue between Sea Road and Boothby Road, going toward Kennebunkport, will be directed down Boothby Road. Duration: Until the completion of the race, 10:30AM +/- .

9:30AM:

The race will start on Port Road by Port Hardware. Traffic will be stopped from the intersection of Coopers Corner to Port Hardware. Duration: 5 minutes +/- .

COPY

Town of Kennebunk, Maine

In Color

Special Event Application

4 officers

Event Name: 9th Annual Kennebunk Beach Classic Road Race

Event Date: SUNDAY, JUNE 5, 2016

Date Received: 1/11/16

Office Use Only:

Are there any other events occurring on this date? Yes \_\_\_\_\_ No

If yes, please list event name \_\_\_\_\_

Event start time \_\_\_\_\_ Event end time \_\_\_\_\_ # of people expected \_\_\_\_\_

COPY

Police: Is the electronic message board needed for this event? Yes \_\_\_\_\_ No

Public Services: Is the message board available for this event? Yes \_\_\_\_\_ No

If yes, Date to go up \_\_\_\_\_

Date to take down \_\_\_\_\_

Language to be used on sign:

Special Event Permit Approval Signatures\*\*

\*\*This form must be completed within 5 business days from the date received and given to the Town Manager for final approval.

Recreation Director Bud Galt

1/11/16  
Date

Police Chief Sgt. A. Belisle

1/18/16  
Date

Public Works Director \_\_\_\_\_

Date

Town Clerk M. Bin

1-11-16  
Date

Code Enforcement Officer Paul A. Demers

1/11/16  
Date

Fire Chief \_\_\_\_\_

Date

Rescue Chief \_\_\_\_\_

Date

Town Manager \_\_\_\_\_

Date

\*\*This form must be completed within 5 business days from the date received and given to the Town Manager for final approval.

# Town of Kennebunk, Maine



## Special Event Application

Persons requesting to hold a Special Event in the Town of Kennebunk must complete and submit a "Special Event Application" and submit the application to the Parks and Recreation Department preferably at least sixty (60) days prior to the requested event date. The Town requires a minimum of ten (10) business days to process the application.

For purposes of this application, a "Special Event" shall be defined to mean: Any activity which occurs upon public or private property that will affect the standard and ordinary use of Town-owned property, public streets, rights-of-way or sidewalks, and/or which requires additional levels of town services. This includes, but is not limited to, fairs, festivals, carnivals, sporting events, foot races/walks, bike-a-thons, markets, parades, exhibitions, auctions, dances, and motion picture filming. Special Events do not include: regular park activities, functions held on school properties that are sponsored by the school district, or regular work being performed by Town agencies.

### 1) Event Information

Date of Event SUNDAY, JUNE 5, 2016

Name of Event 9th ANNUAL KENNEBUNK BEACH CLASSIC

Location of Event 175 POND RD, KENNEBUNK ALSO BEACH AVE, Boothby Rd, AND RTE 9, KENNEBUNK

Start Time of Set Up 7:30 A.M.

Start Time of Event 9:30 A.M.

Finish Time 11:00 A.M.

Description of Event 5K ROAD RACE AND WALK

Estimated # of Participants 300

Estimated Attendance 450 including participants

Mailing Address: 1 Summer Street, Kennebunk, ME 04043

Website Address: <http://www.kennebunkmaine.us/>

E-Mail: [bcostello@kennebunkmaine.us](mailto:bcostello@kennebunkmaine.us)



Will food be served or sold? Yes  No \_\_\_\_\_ If yes what? Muffins, bagels, Fruit, Bottled Water

Will anything else be distributed or sold? Yes  No \_\_\_\_\_  
If yes what? IF WE HAVE EXTRA T-SHIRTS WE MAY SELL A FEW. THEY ARE FREE TO PARTICIPANTS.

What equipment, materials, displays and the like will you bring on site? \_\_\_\_\_

Will you use signs or banners? Yes  No \_\_\_\_\_  
If yes, how many? 1 Size(s) 2 1/2' x 20'  
Is there a need for portable restrooms? Yes  No \_\_\_\_\_  
THEY ARE RENTED AND PLACED IN PARKING LOT.

2) Organization Information

Name of Organization THE CENTER  
Address 175 PORT ROAD, HENNERBUNK, ME 04043

Business Telephone 967-8514 Fax   
E-mail director@seniorcenterhennerbunk.org  
Is this an annual event? Yes If so, how many years has it been run? 24  
Are you a non-profit organization? Yes  No \_\_\_\_\_  
Do you have a 501(c)(3)? Yes  No \_\_\_\_\_  
501(c)(3) Number Copy of Designation letter Attached

3) Contact Person/Event Coordinator

Name SUSAN PETTIT  
Address THE CENTER  
175 PORT Rd HENNERBUNK ME 04043  
Telephone 967-8514 Cellular \_\_\_\_\_  
E-mail director@seniorcenterhennerbunk.org  
Relation to above organization EXECUTIVE DIRECTOR

4) Type of Event

Festival / Fair  
 Race / Walk / Bike Ride  
Concert  
Parade / March  
Other-please clarify \_\_\_\_\_

If held in the past, is this event changing this year? Yes \_\_\_\_\_ No   
If so, how? \_\_\_\_\_

Will there be entertainment? Yes X No \_\_\_\_\_ If yes, please list location, times, who, live and the like:

Pre-recorded music will be played intermittently - Not constantly, in our parking lot

5) General Service Questions

5.A Department of Public Works

Is the use of barricades necessary/requested for this event? Yes \_\_\_\_\_ No X  
If yes, number needed \_\_\_\_\_

Will it be necessary to cover street and/or parking signs or post No Parking signs for this event? Yes X No \_\_\_\_\_ If yes, please note on diagram to be attached or shown on the reverse side of this page: NO PARKING "SIGNS" would help  
What is your plan for cleanup and debris disposal for this event?

FOR OVER 20 YEARS WE HAVE MANAGED THE PROCESS WITH VOLUNTEERS - NEVER A COMPLAINT

Is any other Public Works assistance anticipated? Yes \_\_\_\_\_ No X  
If yes, please describe \_\_\_\_\_

5.B Parks and Recreation Department

Will this event take place in a Town park or on Town property? Yes X No \_\_\_\_\_  
If yes, where? TOWN ROADS Who have you spoken with in the Recreation Department? NO ONE

Is the Use of the Town of Kennebunk Parks and Fields Request Form signed and enclosed? Yes \_\_\_\_\_ No X

Is any Parks and Recreation assistance needed? Yes \_\_\_\_\_ No X  
NOT REQUIRED OR NEEDED

5.C Fire Department / Rescue

Will the Fire Department/Rescue have access to all sites at all times in the event of an emergency? Yes X No \_\_\_\_\_

Will you have First Aid or medical staff present? Yes X No \_\_\_\_\_

If so, who and qualifications TOWN RESCUE HAS ALWAYS PROVIDED AN AMBULANCE

Will there be any use of fire such as a bonfire? Yes \_\_\_\_\_ No X AT THE FINISH LINE  
If yes, the applicant must obtain a fire permit from the Fire Department and attach a copy of the permit to this application.

5.D Police Department

Is there a need for traffic control for this event? Yes X No \_\_\_\_\_

Is there a need for crowd control for this event? Yes \_\_\_\_\_ No X

If you answered yes to any of the above questions from 5D (Police Dept), you must contact the Police Dept at 985-6121 prior to filling out the required attached Police Scheduling Detail.

**6) Site Plan Sketch of Special Event (Completed by Event Coordinator)**

Please provide the following information, if applicable: (attach a separate map if necessary)

- General Map of Vendor Locations
- Street Closures/Parking Information Locations
- Location of Event Coordinator's Booth
- Location of Garbage Can
- Location of Water/Electricity Source
- Location of Loudspeakers/Rest Facilities
- Location of Tents/Stages/Grandstands

**7) Indemnification and Release Provisions: Applicant must provide a Certificate of Liability Insurance with the minimum amount insurance being one million dollars (\$1,000,000.00). The following wording must be put in under DESCRIPTION OF OPERATIONS: *The Town of Kennebunk is an additional insured as respects to (name of event) being held on (date(s) of event) being held by (name of insured)***

In consideration for being permitted to use any Town of Kennebunk facility(ies) and/or rights-of-way, the applicant agrees to defend, indemnify and hold harmless the Town, its officers, employees, and insurers, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the Town facilities and/or rights-of way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the Town, its officers, or its employees, or from any other cause whatsoever.

**8) Municipal Services and Materials**

The Town reserves the right to require municipal services as reasonably deemed necessary by Town staff. If Town materials/equipment, other than motorized vehicles, are needed for the event, a deposit will be required, with the deposit based on the cost of materials/equipment borrowed (up to \$250).

**Applicant's Statement of Agreement:**

Everything I have stated on this agreement is correct to the best of my knowledge and I have authority on behalf of the firm or agency holding this event to commit it to the statements contained herein. This permit, if granted, is not transferable and is revocable at any time at the discretion of the Town of Kennebunk.

Applicant Signature: Mark W. Pettit Date: 01-11-15

Title: Executive Director

**Guidelines for events:**

- Applicant shall comply with all State of Maine and Town ordinances
- Participants shall use sidewalks and crosswalks where appropriate
- Any trash generated during the event must be collected by the applicant before the end of the event
- Proper advance notifications of persons living and residing within the affected area shall occur



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
1/11/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Kennebunk Savings Insurance 50 Portland Road PO Box 770 Kennebunk ME 04043		<b>CONTACT NAME:</b> Kimberly Whitmore CPCU <b>PHONE (A/C, No., Ext):</b> (207) 985-2941 <b>FAX (A/C, No.):</b> (207) 985-3122 <b>E-MAIL ADDRESS:</b> kim.whitmore@kennebunksavings.com	
<b>INSURED</b> The Center At Lower Village, DBA: Senior Center at c/o Susan Pettit 175 Port Road Kennebunk ME 04043		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Hanover Insurance Co <b>NAIC #:</b> 22292 <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

**COVERAGES** **CERTIFICATE NUMBER:** Master 15 - 16 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL ISUR INSD	POLICY NO	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	ZHPB16028511	6/20/2015	6/20/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> HIRED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED. RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 The general liability policy includes an additional insured endorsement that provides additional insured status to the certificate holder with regard to the Kennebunk Beach Classic, being held on June 5, 2016.

**CERTIFICATE HOLDER****CANCELLATION**
 Town of Kennebunk  
 1 Sumner Street  
 Kennebunk, ME 04043

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

K Whitmore CPCU/MALIN

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**KENNEBUNK POLICE DEPARTMENT**  
**DETAIL REQUEST/SCHEDULING/PAYROLL**  
**SHEET**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**OFFICE USE ONLY**  
 POSTED ON BOARD  
 SCHEDULED  
 IN IMC

This form can be dropped off at the Police Department or faxed to 207-985-8769 for processing

DATE: June 5 (Sunday) RECEIVED BY: M. Fagererson IMC CALL # \_\_\_\_\_

DETAIL FOR: Kennebunk Beach Classic Road Race

GENERAL DUTY       TRAFFIC CONTROL DUTY       SECURITY DUTY

HOW MANY OFFICERS: 4      HOW MANY CRUISERS: \_\_\_\_\_

TRAFFIC CONTROL DEVICES NEEDED (BARRICADES, CONES, SIGNS): \_\_\_\_\_

DATE	DAY	HOUR(S)
<u>6/5/16</u>	<u>Sunday</u>	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

LOCATION TO REPORT: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

DETAIL REQUESTED BY: Susan Pettit

CONTACT PERSON: SAME  OTHER:  \_\_\_\_\_

TELEPHONE NUMBER FOR CONTACT PERSON: 967-8514

BILL TO: The Center  
175 Port Rd  
Kennebunk, ME 04043  
Attn: Susan Pettit

For events on any town owned property, an application must be obtained from Parks & Recreation before we can approve a request for a detail officer.  
 Signed copy of Facility Request Form shown on: \_\_\_\_\_ KPD Initials \_\_\_\_\_

\*TO AVOID BEING CHARGED: TOWN/SCHOOL DETAILS REQUIRE 4 HOUR CANCELLATION NOTICE, ALL OTHER DETAILS REQUIRE 8.

<input type="checkbox"/> Detail Rate	<b>Public</b>	<b>Private</b>	<b>Minimum</b>
<input type="checkbox"/> Detail Rate With Cruiser	\$40.00 p/hr	\$50.00 p/hr	4 hours
	\$45.00 p/hr	\$55.00 p/hr	4 hours

## SENIOR CENTER ROAD RACE

**Senior Center Road Race: June 5, 2016**

**Detail Hours: 0730-1130**

**Start time of the race is 9:30A.M..**

**Course Information:** The start line for the race is on Port Road in front of Port Hardware / Kennebooks. The race goes down Port Road onto Beach Avenue and continues until they reach Boothby Road. The runners turn right onto Boothby Road and then right again onto Western Avenue. They continue on Western Avenue until they reach the timing booth (finish line). The timing booth is set-up in front of Kennebunk Beach Realty on Western Avenue.

**Equipment needed and location:** \*Two barricades and 3 cones need to be dropped off at the Coopers Corner intersection. The barricades will need detour signs & arrows attach to direct traffic up Port Road or towards the beach. The cones should be placed in between the barricades. \*\* A barricade will need to be left at the intersection of Western Ave. and Boothby Road. A detour sign & arrow needs to be attached to send cars coming from the Wells direction down Boothby Road. All available cones should be left at this location to divide the road so as to keep the runners on the right hand side. Cones can be placed on the center line. \*\*\* A barricade with a detour sign & arrow attached needs to be left at the intersection of Western Ave. and Sea Road. The barricade needs to be placed on Western Ave. directing cars to turn right onto Sea Road towards the beach.

**Assignment locations for the race:**

**Officer #1**

1. Before the start of the race, a cruiser needs to be parked on Port Road at the top of the hill by the English Meadows Inn to **slow down traffic** as they enter the

Lower Village area. The officer assigned to this post **will** also need to **stop traffic** when notified that the runners are lining up in the road. The start of the race is in front of Port Hardware / Kennebooks (former). Once the race starts you'll need to follow the runners down the hill until you come to the entrance of Village Market Place. Turn into Village Market Place and proceed to the intersection of Western Ave. and Boothby Road. There you will assist with traffic, making sure no vehicles go towards Cooper's Corner on Western Ave. until the race has completed. You'll also need to make sure that no traffic cones block or keep the lead cruiser from making the turn onto Western Avenue. Either yourself or one of the volunteers may need to escort people to their residence if they live in area that is closed. All cars turning onto Boothby Road need to be told that there are runners in the road ahead.

Officer #2

2. The lead cruiser "officer" needs to confirm the start time of the race and be in position and ready to go at that time. The lead officer will also need to notify the officer assigned to Cooper's Corner, as to when to shut down. All traffic is usually stopped about 2 to 3 minutes before the race begins. (Note: Port Road from Cooper's Corner to the start location of the race needs to be cleared of moving traffic before the race begins to avoid any accidents involving the runners.) The lead cruiser will stay ahead of the lead runner following the course as outline above. The lead officer will also notify the other officers assigned to the detail, his location along the course. Once the lead runner has finished the race, the lead cruiser will then check the course making sure all the runners are in before opening up Western Avenue.

Officer #3

3. This officer is assigned to the intersection of Western Avenue and Port Road. (Coopers Corner) Barricades need to be put in place about 15 Minutes before the start of the race preventing any cars from going towards Wells on Western Avenue. There should be two barricades with detour signs hanging on them to direct car towards Beach Ave. or up Port Road (Check with the Race Timer Person to confirm when he needs it shut down. Some Timing Companies do not want

cars driving over their timing mats and others don't seem to care. Remember, that once you are told the race will be starting within two or three minutes, no cars will be allowed up Port Road. Once the race starts; no cars are allowed to go in either direction until the last runner has cleared the intersection and is on Beach Avenue.

Officer #4

4. This officer is assigned to the intersection of Western Avenue and Sea Road. If possible, this intersection should be closed about 5 minutes before Coopers Corner is shut down. A barricade will need to be put in place, with a detour sign & arrow attached, directing cars to go down Sea Road towards Mothers Beach. Local traffic on Western Ave. will be allowed to go as far as the Boothby Road intersection on Western Avenue.

9.b.

Clifford "Cliff" Emery  
Interim Chairman  
York County Budget Committee  
12 Blueberry Lane  
Buxton, ME 04093  
Telephone: 207-807-4111

John J. Sylvester  
Secretary  
York County Budget Committee  
142 Waterboro Road  
Alfred, ME 04002  
Telephone: 207-432-1457

SUBJECT: COUNTY BUDGET COMMITTEE CAUCUSES  
DATE: March 21, 2016

---

The caucuses to elect municipal and public representatives to membership on the York County Budget Committee are scheduled for **Wednesday, April 13, 2016 at 6:30 P.M. in the York County Government Building (Commissioners Meeting Rm.) ,149 Jordan Springs Road, Alfred, ME.**

In order for the caucuses to be successful, Elected Officials from the twenty nine (29) cities and towns in the county should plan to attend. Only Elected Municipal Officials can vote to seat Budget Committee Members.

There are five (5) Districts in the County of York. Each district has two (2) elected municipal officials and one (1) member from the public for a total of three (3) members in each district and fifteen (15) members county-wide (5 districts x 3 members each = 15).

Attached is a copy of the districts with the listing of the municipalities in each. A second attachment lists the vacancies in each district and the length of term for each. The statute requires that only one (1) member can be elected from each town. A copy of the statute explaining the process is also attached.

Please make every effort to attend.

Thank you for your consideration.

**COUNTY OF YORK**  
**BUDGET COMMITTEE**

**DISTRICT # 1**

ACTON, BERWICK, CORNISH, LEBANON, LIMERICK, LIMINGTON  
NEWFIELD, NORTH BERWICK, PARSONSFIELD & SOUTH BERWICK

VACANT	Public	Term expires 3-30-17
Don Murphy-Parsonsfeld	Elected	Term expires 3-30-18
VACANT	Elected	Term expires 3-30-19

**DISTRICT #2**

ARUNDEL, BIDDEFORD, KENNEBUNK & KENNEBUNKPORT

David James – Kennebunkport	Public	Term expires 3-30-17
Marc Lessard	Elected	Term expires 3-30-18
→ VACANT	Elected	Term expires 3-30-19

**DISTRICT #3**

BUXTON, DAYTON, HOLLIS, OLD ORCHARD BEACH & SACO

Clifford Emery – Buxton	Elected	Term expires 3-30-17
VACANT	Elected	Term expires 3-30-18
VACANT	Public	Term expires 3-30-19

**DISTRICT #4**

ALFRED, LYMAN, SANFORD, SHAPLEIGH & WATERBORO

VACANT	Elected	Term expires 3-30-17
VACANT	Elected	Term expires 3-30-18
VACANT	Public	Term expires 3-30-19

**DISTRICT #5**

ELIOT, KITTERY, OGUNQUIT, WELLS & YORK

David Barton – Ogunquit	Elected	Term expires 3-30-17
Richard Clark	Elected	Term expires 3-30-18
VACANT	Public	Term expires 3-30-19

**COUNTY OF YORK**  
**COUNTY COMMISSIONERS**

**DISTRICT # 1**

ACTON, BERWICK, CORNISH, LEBANON, LIMERICK, LIMINGTON  
NEWFIELD, NORTH BERWICK, PARSONSFIELD & SOUTH BERWICK

**Commissioner Sallie Chandler**

3 Chandler Road, Lebanon, ME 04027

457-2197

salliebc@metrocast.net – schandler@co.york.me.us

Term expires: 12-31-18

**DISTRICT #2**

ARUNDEL, BIDDEFORD, KENNEBUNK & KENNEBUNKPORT

**Commissioner Richard R. Dutremble**

6 Alison Avenue, Biddeford, ME 04005

283-9230

rdutremble@biddefordmaine.org – rdutremble@co.york.me.us

Term expires: 12-31-18

**DISTRICT #3**

BUXTON, DAYTON, HOLLIS, OLD ORCHARD BEACH & SACO

**Commissioner Marston D. Lovell**

51 Nott Street, Saco, ME 04072

282-2722 or 590-3800 (cell)

lovell4commissioner@lovellfamily.us or mdlovell@co.york.me.us

Term expires: 12-31-18

**DISTRICT #4**

ALFRED, LYMAN, SANFORD, SHAPLEIGH & WATERBORO

**Commissioner Michael J. Cote**

P.O. Box 142, Shapleigh, ME 04076

793-2497

mikesewingmachines@metrocast.net – mjcote@co.york.me.us

Term expires: 12-31-16

**DISTRICT #5**

ELIOT, KITTERY, OGUNQUIT, WELLS & YORK

**Commissioner Gary A. Sinden**

790 Main Street, Eliot, ME 03903

332-0301

gary@eliotme.com – gsinden@co.york.me.us

Term expires: 12-31-16

# Maine Revised Statutes

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**§827**

**Title 30-A:**

**§832**

## MUNICIPALITIES AND COUNTIES

**HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

**Part 1: COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

**Chapter 3: COUNTY BUDGET AND FINANCES**

**HEADING: PL 1987, C. 737, PT. A, §2 (RP)**

**Subchapter 1: TAX ASSESSMENT AND BUDGET**

**PROCESS HEADING: PL 1991, C. 204, §1 (RPR)**

**Article 6-A: YORK COUNTY BUDGET COMMITTEE**

**HEADING: PL 1993, C. 623, §1 (NEW)**

### **§831. Committee established**

There is established the York County Budget Committee, referred to in this article as the "budget committee," to carry out the purposes of this article. As used in this article, "county commissioners" means the county commissioners of York County and "county" means York County. [1993, c. 623, §1 (NEW).]

SECTION HISTORY  
1993, c. 623, §1 (NEW).

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### **§832. Membership**

The budget committee consists of 15 voting members and one nonvoting member selected as follows. [1993, c. 623, §1 (NEW).]

**1. Municipal and public representatives.** No later than 100 days before the end of the county's fiscal year, elected municipal officials within each commissioner district shall caucus and elect representatives to the budget committee from that district for terms as provided in paragraph A. There must be 3 members from each commissioner district, 2 of whom are elected municipal officials and one of whom is a public representative. No more than one member may represent the same municipality at a time.

**A. Members shall serve for 3-year terms, except that initially each district caucus shall select one member for a one-year term, one member for a 2-year term and one member for a 3-year term. If a committee member ceases to be a municipal officer or official during the term of membership, the committee member shall resign the membership and the next district caucus shall elect a qualified municipal officer or official to fill the membership for the remainder of the unexpired term.** [1993, c. 623, §1 (NEW).]

[ 2007, c. 663, §14 (AMD) .]

**2. Legislative member.** No later than 100 days before the end of the county's fiscal year, the York County legislative delegation shall elect one of the delegation's members to serve as a nonvoting member on the budget committee.

[ 2007, c. 663, §14 (AMD) .]

**3. Committee chair.** The budget committee shall select its own chair each year.

[ 1993, c. 623, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 623, §1 (NEW). 2007, c. 663, §14 (AMD).

### **§833. Budget procedures**

**1. Budget procedures.** The county commissioners shall submit itemized finance estimates in the form of a budget to the budget committee no later than 60 days before the end of the county's fiscal year.

[ 1993, c. 623, §1 (NEW) .]

**2. Budget review process.** The budget committee shall review the itemized estimated budget prepared by the county commissioners, together with any supplementary material prepared by the head of each county department or provided by any independent board or institution or another governmental agency. The budget committee shall prepare a proposed budget and may increase, decrease or alter the estimated budget as long as:

A. The budget committee enters into its minutes an explanation for any suggested change in the estimated expenditures and revenues as initially presented by the county commissioners; and  
[1993, c. 623, §1 (NEW).]

B. In the proposed budget, the total estimated revenues, together with the amount of county tax to be levied, equal the total estimated expenditures. [1993, c. 623, §1 (NEW).]

[ 1993, c. 623, §1 (NEW) .]

**3. Public hearing.** The budget committee shall hold a public hearing in the county on the proposed budget before the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing must be given in all newspapers of general circulation within the county at least 10 days before the hearing. Written notice and a copy of the proposed budget must be sent by mail, or delivered in person, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officials of the proposed budget.

[ 1993, c. 623, §1 (NEW) .]

**4. Adoption of budget; tax levy.** After the public hearing is completed, the budget committee shall adopt a final budget and transmit that budget to the county commissioners.

A. The budget adopted by the budget committee may be changed only by a majority vote of the county commissioners and a majority vote of all elected members of the budget committee. Those actions are final and are not subject to further action by either the county commissioners or the budget committee. [1993, c. 623, §1 (NEW).]

B. The budget adopted and changed under this subsection is the final authorization for the assessment of county taxes and the county tax authorized is apportioned and collected in accordance with section 706. [1993, c. 623, §1 (NEW).]

[ 1993, c. 623, §1 (NEW) .]

SECTION HISTORY

1993, c. 623, §1 (NEW).

**§834. Interim budget**

If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget which may not exceed 80% of the previous year's budget. [1993, c. 623, §1 (NEW).]

SECTION HISTORY

1993, c. 623, §1 (NEW).

**§835. Filing of final budget**

The budget committee shall file a copy of the final budget with the State Auditor on forms approved by the Office of the State Auditor. The State Auditor shall retain the forms for 3 years. [1993, c. 623, §1 (NEW); 2013, c. 16, §10 (REV).]

SECTION HISTORY

1993, c. 623, §1 (NEW). 2013, c. 16, §10 (REV).

**§836. Review**

The joint standing committee of the Legislature having jurisdiction over state and local government matters may review the operation of the budget committee before February 1, 1997 and, if it determines necessary, introduce legislation to amend or repeal this article. If the committee fails to act, this article continues in effect. [1993, c. 623, §1 (NEW).]

SECTION HISTORY

1993, c. 623, §1 (NEW).