

**TOWN OF KENNEBUNK
BOARD OF SELECTMEN
TUESDAY, APRIL 26, 2016 – 6:15 P.M.
KENNEBUNK TOWN HALL
3rd FLOOR/ROOM 301
AGENDA**

SPECIAL MEETING – 6:15 P.M.

Interview the following Candidate for Committees:

Lorraine Burr

Downtown Committee

Vacancies: (2) Alternate 2016

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. April 12, 2016 Regular Meeting

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

- a. Items as Presented

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:

**Boulangerie, LLC d/b/a Boulangerie
Located at 5 Nason's Court
For a renewal Malt and Vinous Liquor License Application**

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 and Vinous Liquor License Application for Boulangerie, LLC d/b/a Boulangerie.

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

**Ports of Italy The Kennebunks d/b/a Ports of Italy
Located at 4 Western Avenue
For a renewal Malt, Spirituous, and Vinous Liquor License Application**

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

Fire Department: no deficiencies noted in the annual inspection.

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

MOTION: To approve the renewal Malt, Spirituous and Vinous Liquor License Application for Ports of Italy The Kennebunks d/b/a Ports of Italy.

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

**Old Vines Wine Bar d/b/a Old Vines Wine Bar
For a new Special Amusement Permit
Located at 173 Port Road**

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

Fire Department: Due to the renovations currently underway, the facility is not ready for a Fire & Life Safety Inspection. The Fire Chief's recommendation is to issue the licenses and hold until the following have occurred: Code Enforcement Officer's final inspection and Fire Department's Fire & Life Safety Inspection.

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

MOTION: To approve the new Special Amusement Permit for Old Vines Wine Bar d/b/a Old Vines Wine Bar, pending final inspection by the Code Enforcement Officer and Fire Department.

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

**Proposed Zoning Ordinance Amendment-Art. 8, Section 6.B.7-3,
under the accessory use called Renting of Rooms**

Proposed Town Meeting Warrant Article:

Art. ____ 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.)

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

The changes to Art. 8, Section 6.B.7-3, under the accessory use called Renting of Rooms, 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 Zoning Ordinance-Art. 8, Section 6.B.7-3, under the accessory use called Renting of Rooms, to the Annual Town Meeting on June 14, 2016.

NOTES REGARDING PUBLIC HEARINGS E & F (PAY-AS-YOU-THROW AND LD1) BELOW:

At the Selectmen's meeting on April 12th, the public hearings below (regarding PAYT and LD1 Property Tax Levy Limit) were held.

PAYT: The Board of Selectmen voted not to send the PAYT question to the Annual Town Meeting on June 14, 2016, while the Budget Board, at an earlier meeting that evening, voted to send the PAYT question to the Annual Town Meeting.

LD1 Property Tax Levy Limit: The Board of Selectmen declined to vote on this question, while the Budget Board, at an earlier meeting that evening, voted to send the LD1 Property Tax Levy Limit question to the Annual Town Meeting.

After consulting with the Town attorney about the PAYT question as written, the following was determined:

- The PAYT question cannot go forward solely on a Budget Board recommendation since the question involves both a policy (Ordinance amendment) and funding.
- The Selectmen could reverse the prior decision (of April 12), which would keep the question on the ballot
- The Selectmen could make no further changes
- The Selectmen could send a non-binding question to the voters concerning this topic

The Town attorney will be present to discuss the options with the Board of Selectmen and Budget Board, who have been invited to the meeting for this discussion.

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

A continuation of the discussion regarding the Pay As You Throw program.

Additional information is available in the Town Clerk's Office.

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

Below is information from the April 12th Public Hearing:

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.)

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

A warrant article for the 2016 Annual Town Meeting regarding LD #1 property tax Levy limit.

Additional information is available in the Town Clerk's Office.

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

Below is information from the April 12th Public Hearing:

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.]

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

To hear public comment on the proposed warrant articles for the 2016 Annual Town Meeting.

The draft of the warrant is attached for your review.

5. Public Comments (5-10 minutes)

6. Acknowledgements/Announcements (5 minutes)

- a. Nominations Papers for the June 14th 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 2nd 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. Award the Wayfinding Signage Bids (5-10 minutes) – The Town began the process of identifying wayfinding signage within Kennebunk in 2014. The goals were to:

- Welcome all to Kennebunk
- Present our three district villages and shopping areas
- Promote shopping, dining, and entertainment opportunities within Town

- Guide visitors to places of interest
- Have signage that identifies Kennebunk in a consistent manner which also informs and directs visitors.

The Town received the following four bids for the wayfinding signage:

Company	A Signs & Install	B Signs Only (price include in A)	C Fire/Police Building Signs	Total A & C
Rising Revolution Studio Shapleigh, ME	\$ 20,246.65	\$ 8,961.65	\$ 6,942.80 \$3,471.40/each	\$ 27,189.45
Creative Impressions Norcross, GA	\$ 27,680.00	\$ 11,980.00	\$ 8,900.00 \$4,450.00/each	\$ 36,580.00
Prevost Signs Kennebunk, ME	\$ 23,465.50		\$ 5,570.50 \$2,785.25/each	\$ 29,036.00
W.S. Sign Design Corp. Springfield, MA	\$ 16,991.11	\$ 9,969.31	\$ 5,165.00 \$2,582.50/each	\$ 22,156.11

The low bidder is W.S. Sign Design Corp. of Springfield, MA. The budget for the wayfinding signage, item A, which includes the signs and installation, would come from the Route One/Downtown TIF. Item C, which replaces the Fire and Police building signs, would come from the Police and Fire Department budgets.

MOTION: To award the Wayfinding Sign Bid to W.S. Sign Design Corp. for \$16,991.11, to be funded from the Route One/Downtown TIF.

MOTION: To award the Fire and Police Department Building Identification Sign Bid to W.S. Sign Design Corp. for \$5,165.00, to be funded from the Fire and Police Department's current budgets.

- b. Discuss the Road Closures for the Month of May 2016, Associated with Special Event Applications (5-10 minutes) The new Special Event Policy requires Board approval for road closures. According to the Police Department, they are requesting approval for the following road closures or delays. Note: There are no changes from previous years.

- **May 14, 2016: Run For The Homeless**
This 5K race begins at Mother's Beach and has a start time of 9:00 A.M. Beach Avenue will be closed to thru traffic from the intersection of Beach Avenue and Woodland Avenue to the intersection of Beach Avenue and Boothby Road. (This is to allow for safe passage of the runners crossing the roadway to the finish line and spectators gathered in the area.)
Duration: Until the completion of the race, 10:30 A.M. +/- (start time of 9:00 A.M.)

- **May 15, 2016: Maine Coast Marathon**

This race begins at the Kennebunk High School and has a start time of 7:30 A.M.

Fletcher Street will be closed to thru traffic from the intersection of Fletcher Street & Ross Road to the intersection of Fletcher Street & Main Street.

Duration: Approximately 15 minutes (start time of 7:30 A.M.)

- **May 22, 2016: Cocoon's Day Care "Race to Educate"**

This 5K & 10K race begins in front of the Waterhouse Center and has a start time of 10:00 A.M. Main Street northbound will be closed twice for approximately 2 minutes to allow the start of each race. The finish line is at the end of Grove Street. Grove Street will be closed for a distance of 100 feet from the intersection of Main Street. Vehicle traffic will be allowed to go behind the Kennebunk Inn and into the municipal parking lot behind Perfectos.

Duration: Until the end of both races, 12:30 P.M. +/- (start time of 10:00 A.M.)

MOTION: To approve the road closure for May as noted above.

In the future, would the Board like to see these only when there is a full road closure, as opposed to a single lane closure? If so, the Board should take a vote stating this.

- c. Approve the CDBG Application for a Economic Development Program for Gymnation Discussed at the 3/8/16 Public Hearing (5-7 minutes) – At the March 9th meeting, the Board held public hearings to discuss CDBG applications. The Board needs to vote to send the Economic Development Program application for **Gymnation** to the Department of Economic Development and Community Development (DECD).

Listed as Public Hearing 4.i on the March 8th 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 **Gymnation** with gap financing of \$120,000 to develop a new home, with a new structure and equipment along Route 1 south, adjacent to Garret Pillsbury.

Monies will be used for the purchase of new equipment. This move is necessitated by the demolition of their present building on Water Street for use in the future Sewer Treatment Expansion Project. The application is for \$120,000. Total project costs will be in excess of \$1.3 million.

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

8. Old Business (2nd Reading)

- a. Discuss the Creation of a New Committee on Aging (5-7 minutes) – At the last meeting, the Board discussed the creation of this new committee. Our current committees range in size from three to eleven members. The majority of committees have five regular members and two alternate members, for a total of seven.

With new committees, we advertise on Channel 5, on our website and send a news brief to the local reporters, seeking members. Based on the interest received, the Board could then decide on the number of committee members. On several committees, we have also have ex-officio members.

This new committee may be aided by representatives from the Chamber of Commerce and the Town's Social Services and Planning Office.

The following was provided at the last meeting concerning the focus of the 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

Once the committee is established, committee members could recommend a name for the committee.

MOTION: To advertise for the formation of a new committee focusing on seniors, with interested members meeting briefly with the Selectmen at 6:15 p.m. at the May 24th meeting.

- b. Discuss a Policy on Town Hall Flag Display (5 minutes) – At the last meeting, the Board discussed the possibility of a new policy honoring deceased veterans of Kennebunk. This would entail flying the American Flag at half-mast on the day of the veteran's funeral or burial. The policy also allows the flag to be flown at half-mast for others as designated by the Selectmen. Attached is a draft of the Flag Policy.

MOTION: To approve the proposed Flag Policy.

9. New Business (1st Reading)

- a. Discuss the TIF Priority Rankings (10-15 minutes) – In January, the Board discussed the usage of TIF funds with the Economic Development Committee (EDC). At that time, the Board asked the EDC to refine the priorities, identify costs and provide further explanation of the projects.

The Economic Development Committee has reviewed all three TIF Districts and the various capital improvements for each area. During this review, the EDC identified a number of adjacent roadways which could be included for improvements, thusly reducing some road improvements in the current program listing. The document also lists out the necessary capital improvements to support existing and new businesses and possible expansions.

EDC members will be present to discuss this detailed plan.

MOTION: To move to a second reading on April 26th.

- b. Discuss the Usage of the Town's Portion of the Garden Street Parking Lot for the Kennebunk Farmers' Market (5-7 minutes) – The Kennebunk Farmers' Market has requested to use the Town's portion of the Garden Street Parking Lot from May Day (May 7th) to mid-November. This would entail using the lot for 30 Saturdays from 7:30 a.m. to 1:30 p.m. They will clean the lot when finished each week, provide their own portable toilets and storage area (the storage area will be a neighboring private property).

FYI, each artisan or crafter at the Waterhouse Center pays a yearly fee of \$100 (\$50 for rental and insurance and \$50 for promotion of the Waterhouse Center) and covers the time period of May to October.

If the Board is inclined to charge a fee to the Farmers' Market, it should be included in the motion below.

MOTION: To allow the Kennebunk Farmers' Market use of the Town's portion of the Garden Street Parking Lot from May 7th to mid-November of 2016 during the hours of 7:30 a.m. to 1:30 p.m.

- c. Discuss the Memorial Day Parade and Veterans Appreciation Concert (5-7 minutes) – The Town's Memorial Day Parade will be held on Monday, May 30th beginning at 2:00 p.m. The Town generally closes Main Street for the duration of the parade from 2:00 p.m. to 3:00 p.m. ±

This year, a free Memorial Day Veterans Appreciation Concert will be held at the Waterhouse Center after the parade. The concert features the Don Campbell Band with a special tribute to local veterans. Depending on the concert attendees, the Town may need to extend the road closure (after the parade) or restrict the area for no parking (from Grove Street to Nason's Court on the Waterhouse Center side) using barricades to prevent parking. This restrictive parking would allow for an overflow from the concert, if necessary. Should the overflow area not be sufficient, the Police would redirect traffic as necessary.

MOTION: To extend the road closure and restrict parking near the Waterhouse Center, if necessary, as noted above for the Memorial Day Veterans Appreciation Concert with Police redirecting traffic for public safety as needed.

- d. Discuss Applying Kennebunk's RSU 21 IUUAL MainePERS Distribution (5-10 Minutes) – At the Board of Selectmen's regular meeting on April 28, 2015, the Board voted to allow the Town Manager and Finance Director to determine when to apply the distribution of \$731,679 over the next four years. The goal of this was to lessen the increase of the RSU 21 assessment to the Town of Kennebunk due to the school renovation bonds issued last fall. The focus last year was on the assessments for FY2017, 2018 and 2019. However, the RSU's debt service payments for its 2015 general obligation bonds are greatest during FY2019 through 2023 – five years (see schedule enclosed).

Three scenarios have been calculated for applying the distribution:

- A) a three-year straight-line allocation during FY2017 through FY2019;
- B) a three-year proportional allocation during FY2017 through FY2019; or
- C) a five-year allocation that levels the estimated debt service assessment to approximately \$2,009,084 during FY2019 through FY2023.

(See spreadsheet enclosed.)

No motion is required if scenario A or B is preferred. The following motion is required if the Board prefers scenario C.

MOTION: To request the RSU 21 Board to apply Kennebunk's IUUAL MainePERS distribution to Kennebunk's annual assessment as outlined as option C.

- e. Set the Date for Candidates' Night (5 minutes) – With the upcoming election for municipal officers, we have four potential candidates (at this time) for two seats on the Board of Selectmen. As of this writing (April 22), not all have returned their papers, however the deadline is not until Monday, May 2 at 4:30 p.m.

Would the Board like to host a Candidates' Night for those running for Selectmen? A possible date would be Wednesday, May 18th at 6:30 p.m. We would find a facilitator for this event and it would be televised and streamed live as we do with our other meetings.

MOTION: To schedule the Candidates' Night for Wednesday, May 18th at 6:30 p.m. for candidates running for the Board of Selectmen.

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

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

- Lorraine Burr Downtown Committee Vacancies: (2) Regular 2016

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

MOTION: To appoint Lorraine Burr as an Alternate member on the Downtown Committee with a term expiring on June 30, 2016 (when all other alternate positions expire).

- g. 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. **Note: Survey Deadline Extended to May 31st**
We want to hear from you! Complete our Online Survey (or paper version available at Town Hall) Deadline extended to May 31st! 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. Printed copies are also available at the Town Clerk's Office. Surveys must be completed by May 31st.

b. **May 21st**

Board of Selectmen Outreach Sessions – The next session will be held on Saturday, May 21st and will be held on the 3rd floor of the Town Hall from 8:30 a.m. to 10:30 a.m. This session will be hosted by Selectmen Cluff and (TBD).

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 3rd Saturday of each month at the Town Hall (3rd floor) from 8:30 a.m. to 10:30 a.m. Watch our website (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. It can also be found on the Town's website at: 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 Pending Litigation with the Town Manager and Finance Director - Title 1 MRSA Sec. 405(6)(E)

13. Adjournment