

**TOWN OF KENNEBUNK**  
**BOARD OF SELECTMEN**  
**TUESDAY, MAY 24, 2016 – 6:15 P.M.**  
**KENNEBUNK TOWN HALL**  
**3<sup>rd</sup> FLOOR/ROOM 301**  
**AGENDA**

**SPECIAL MEETING – 6:15 P.M.**

**Interview the following Candidates for the new Committee on Aging:**

Edward Trainer	Barbara Yates	Donna Curtis-Binette
Bevin Davies	Christina Bronzetti	Marti Hess-Pomber
S. Sassy Smallman	Susan LeBlanc Malley	(unable to attend interview)
Susan Pettit	Alice White	

**Other Committee Considerations:**

- Edward Trainer has attended all the Comprehensive Plan & Zoning Ordinance Update Committee meetings. The Committee would like to have him appointed to the committee as a Resident Representative.
- Sandy Tillman, one of the West Kennebunk community gardeners would like to become a Community Garden Committee “Associate Member”. The Community Garden Committee’s by-laws allows for this position. The Chairman, Leslie Lindgren, is requesting the Selectmen appoint her to this position. FYI, Ms. Tillman was a Community Garden Committee member in 2013 and is familiar with the committee’s mission.
- Thomas Wellman is interested in joining the Budget Board. He is unable to attend this meeting; however, the Board should be familiar with Tom Wellman, who is a former Selectman.

These three appointments will be taken up at the end of the meeting under Boards and Committees (resignations/appointments).

**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. May 10, 2016 Regular Meeting

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

- a. Items as Presented

#### 4. Public Hearing(s)

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

**Elio Qirushi d/b/a Toppings Pizza  
located at 8 York Street  
for a renewal Malt Liquor License**

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

*Fire Department: nothing found in the inspection that would interfere with the renewal of the license.*

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

**MOTION:** To approve the renewal Malt Liquor License for Elio Qirushi d/b/a Toppings Pizza.

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

**M & J Resort Corp d/b/a Kings Port Inn  
located at 18 Western Avenue  
for a renewal Malt, Spirituous and Vinous Liquor License**

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

*Fire Department: nothing found in the inspection that would interfere with the renewal of the license.*

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

**MOTION:** To approve the renewal Malt, Spirituous and Vinous Liquor License for M&J Resort Corp d/b/a Kings Port Inn.

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

**Merrilee and David Paul d/b/a 50 Local  
for a renewal Malt, Spirituous and Vinous Liquor License  
located at 50 Main Street**

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

*Fire Department: nothing found in the inspection that would interfere with the renewal of the license.*

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

**MOTION:** To approve the renewal Malt, Spirituous and Vinous Liquor License for Merrilee and David Paul d/b/a 50 Local.

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

**Knight Co, LTD d/b/a Beach Dawgs Hot Dogs  
located at 2 Harbor Lane  
for a NEW Victualer License**

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

*Fire Department: mobile vendor – inspected by the State; no local fire inspection required*

*Police Department: new license – nothing to report from police*

**MOTION:** To approve the new Victualer License for Knight Co, LTD d/b/a Beach Dawgs Hot Dogs.

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

**Kylie Raymond d/b/a The Spirit Restaurant  
located at 4 Harbor Lane  
for a NEW Special Amusement permit**

**KYICK Charters, LLC d/b/a The Spirit Restaurant  
located at 4 Harbor Lane  
for a Victualer License**

**KYICK Charters, LLC d/b/a The Spirit Restaurant  
located at 4 Harbor Lane  
for a Malt Spirituous and Vinous Liquor License**

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

*Fire Department and Code Enforcement Office: The Fire Chief's and Code Officers recommendation is to issue the licenses subject to the following: Code Enforcement Officer's issuance of all required permits and final inspection and Occupancy Permit issuance, as well as the Fire Department's Fire & Life Safety Inspection. We are in continued communication with the applicant and his architect to develop a plan to comply with all State and local codes.*

*Police Department: new license – nothing to report from police*

**MOTION:** *To issue the above three licenses for The Spirit Restaurant subject to the following: Code Enforcement Officer's issuance of all required permits and final inspection and Occupancy Permit issuance, as well as the Fire Department's Fire & Life Safety Inspection.*

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

**The 2016 Annual Town Meeting Warrant  
which includes the FY 2016-2017 Municipal Budget**

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

The Warrant is attached for your review.

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

- *The Warrant articles and Budget amounts cannot be changed.*
- *This public hearing is to answer questions the public may have.*
- *No vote is needed.*

- g. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to take public comment on a proposal to seek interim relief from the Maine Superior Court regarding the use(s) that may be made this summer of the so-called Marina Lot, located at or about 2 & 4 Doanes Wharf in the Lower Village. The purpose of seeking such interim relief from the Court is to allow some practical use(s) of the property for the summer of 2016 until the pending Superior Court appeal from the recent ZBA decision on the same is resolved.

**Note: The discussion for this public hearing may be delayed until the arrival of the Town Attorney, at approximately 7:30 pm.**

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

**6. Acknowledgements/Announcements (5-10 minutes)**

- a. Reminder – Upcoming Annual Town Meeting, Primary Election and RSU 21 Budget Validation Election:

**Tuesday, June 14<sup>th</sup> from 6:00 a.m. to 8:00 p.m. in the Town Hall Auditorium**

The Warrant for the Annual Town Meeting with backup documentation can be viewed in the Town Clerk’s Office and on our website (see election information in the center bar of our home page or check the homepage calendar for June 14<sup>th</sup>). The Warrant can be viewed, under Public Hearing #4f.

Absentee voting is now available. If you have any questions, please feel free to call the Town Clerk’s office at 985-2102 x 1326.

- b. Community Garden Committee Presentation (15 minutes) – Community Garden Chairperson Leslie Lindgren will be offering a brief update on the status of the community garden. The presentation will include a short history of the past seven growing seasons as well as on-going plans for the gardens.

**7. Time Sensitive Business**

- a. Appoint Members to the New Committee on Aging (5-7 minutes) – At the last meeting, the Board formed this new committee, which would begin to address the needs for Kennebunk’s senior residents. We advertised for volunteer committee members and potential members were interviewed at the beginning of the meeting. Those interested in being appointed to the committee are:

Edward Trainer	Barbara Yates	Donna Curtis-Binette
Bevin Davies	Christina Bronzetti	Marti Hess-Pomber
S. Sassy Smallman	Susan LeBlanc Malley	(unable to attend interview)
Susan Pettit	Alice White	

The Board should decide on how many members this committee would have. In addition to the residents who submitted their names for this committee, the committee may be aided by representatives from the Chamber of Commerce as well as Town staff representatives from Social Services, Planning, and the Police Department. All Town staff would serve as ex-officio members.

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.

**MOTION:** To appoint the following ad hoc (ex-officio) members to the committee:

- Representative from the Chamber of Commerce
- Karen Winton, General Assistance Administrator
- Judy Bernstein, Town Planner
- Representative from the Police Department

**MOTION:** To set the number of committee members at \_\_\_ for the new Committee on Aging (excluding ad hoc members).

If it would help, the Board could be provided with a list of names (ballot) of those that submitted volunteer forms to aid them in voting. For example, if the Board sets the number of members at seven, the seven applicants with the most votes would serve on the committee. The voting would be

by secret ballot and only the top seven names would be read (not the votes received) or the Board could simply appoint all 10 volunteers to the committee.

**MOTION:** To appoint the following members to the new committee:

(method of choosing members to be decided at the meeting)

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

- a. Discuss Amending the Parking Ordinance on High Street and Route One South (York Street) (5 minutes) – At the last meeting, the Board heard information on amending the parking ordinance to accommodate a 30-minute parking allowance for walk-in customers (in front of Cherie’s Bakery at 7 High Street). The enclosed map indicates additional potential 30-minute parking locations on Route One South/York Street beginning at the intersection of High Street/York Street up to Friend Street/York Street on the southwesterly side.

The current ordinance, with the proposed amendment, is as follows:

### 2-2 Limited Parking, 2-1

**N) High Street:** Parking on High Street from York Street to Friend Street (where designated) shall be limited to 2 hours between the hours of 8:00 AM and 6:00 PM: excluding the designated parking space at 7 High Street which shall be a 30-minute allowance.

The proposed amendment for Route One/York Street is as follows:

### 2-2 Limited Parking, 2-1

**M) York Street:** Beginning 50 ft. from the intersection of High Street and York Street heading southwesterly to Friend Street, parking shall be 30 minutes. Heading northeasterly on the opposite side of the street beginning at Friend Street to the intersection of High Street and York Street, the parking shall be limited to 2 hours between the hours of 8:00 AM and 6:00 PM.

**MOTION:** To send the proposed changes to a Public Hearing on June 14<sup>th</sup>.

- b. Discuss Amending the Policy for Placing Minutes on the Town’s Website (5-7 minutes) – At the previous meeting, the Board discussed modifying the current policy on “Placing Meeting Minutes on the Website”.

After further discussions at the last meeting, the proposed amendments are shown below:

### Policy for Placing Meeting Minutes on the Town’s Website

3. All minutes for Town binding committees must be filed with the Town Clerk’s office in their final, approved form with the necessary signature(s) and date of approval ~~on that final form~~ within ~~two weeks~~ 30 days of being accepted the original meeting date. An additional 30 days may be extended for meetings that are exceptionally long or complicated with notice to the Town Clerk.

All minutes for Town non-binding committees must be filed with the Town Clerk's office in their final form within ~~two weeks~~ 45 days of the ~~date of approval~~ original meeting date.

- a. For most boards, commissions, or committees the signature(s) will be that of the secretary of the board, the chairperson or a majority of the board, commission or committee.

The full policy (with amendments) is attached.

**MOTION:** To amend the Policy for Placing Meeting Minutes on the Town's Website as shown above.

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

- a. Update the Special Event Policy (5 minutes) – In reviewing the procedures for the special events held in Kennebunk and the process currently used for the collection of payment for Town services provided, I am recommending additional language be added to the policy for the pre-pay of any Town-required services.

The language added to page three of the policy would be as follows:

T. Should any road closure or Town department assistance be noted through the application process, the Town will require payment in advance for services of Police, Fire and Public Services (Public Works) based on the Town's estimate, before the permit will be issued.

With the weather getting nicer, special event applications are coming in quite rapidly; therefore, we would like to approve this minor change at this meeting.

**MOTION:** To update the Special Event Policy with the addition of item T (as noted above).

- b. Set the Date for the Committee Volunteer Appreciation BBQ – We have selected Wednesday, June 22<sup>nd</sup> as the date of the committee volunteer appreciate BBQ. This year's event will be held at the Waterhouse Center, beginning at 5:30 p.m. Invitations will be mailed shortly.

**MOTION:** To set the Date for the Committee Volunteer Appreciation BBQ for Wednesday, June 22<sup>nd</sup>.

- c. Discuss Upcoming Workshops (3-5 minutes)

1. At the next meeting (June 14<sup>th</sup>), the Board will be presented with the results of the portion of the recent survey for strategic planning. To move forward with the strategic planning process and include any newly elected officials, a 3.5 hour work session on Saturday, June 18<sup>th</sup> (from 8:30 a.m. to noon) is recommended. This would allow the new Selectman(men) to participate.

The Selectmen Outreach Session for June (to be held on June 18) will be canceled.

**MOTION:** To schedule a Workshop on Strategic Planning for Saturday, June 18<sup>th</sup> at 8:30 a.m.

2. To set a workshop to discuss the TIF program on Tuesday, June 21<sup>st</sup>. Items to be discussed include valuation changes from inception, boundary examination, long-term project prioritization, and income projections.

**MOTION:** To schedule a Workshop for Tuesday, June 21<sup>st</sup> at 6:30 p.m. for a Workshop on TIFs.

d. Discuss Boards and Committees (resignations/appointments, if any) (3-5 minutes)

- **Accept the Following Resignation(s):**

- Kathryn Susan Leathers, Dog Advisory Committee (no term)

**MOTION:** To accept the resignation of Kathryn Susan Leathers from the Dog Advisory Committee and send a letter thanking her for her service.

- **Appointment of Residents for various committees:**

- Edward Trainer  
Comprehensive Plan & Zoning Ordinance Update Committee as a Resident Rep. (no term)
- Sandy Tillman  
Community Garden Committee “Associate Member” (no term)
- Thomas Wellman  
Budget Board (Regular 2018)

If the Board wishes to make the appointments, the motions could be as follows:

**MOTION:** To appoint Edward Trainer as a Resident Representative (no term) on the Comprehensive Plan & Zoning Ordinance Update Committee as a Resident Representative.

**MOTION:** To appoint Sandy Tillman as an Associate Member (no term) on the Community Garden Committee.

**MOTION:** To appoint Thomas Wellman as a Regular Member on the Budget Board with a term expiring in 2018.

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

## 10. Selectmen’s Comments

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

## 11. Town Manager’s Comments/Notes

- a. **Saturday, May 21 – Board of Selectmen Outreach Session** – The next session will be held on Saturday, May 21<sup>st</sup> on the 3<sup>rd</sup> floor of the Town Hall from 8:30 a.m. to 10:30 a.m. Selectmen Cluff and Morin will host this session.

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.

- b. **Monday, May 30 – Memorial Day Parade 2:00 pm – Main Street**  
Veterans Appreciation Concert (after parade, approx. 3:00 pm) –Waterhouse Center (all are welcome!)

This year, a free Memorial Day Veterans Appreciation Concert will be held at the Waterhouse Center. The concert features the Don Campbell Band with a special tribute to local veterans. Please join us for this special concert. This year marks the 150<sup>th</sup> Anniversary of the celebration of Memorial Day (1866-2016).

- c. **Tuesday, May 31 – Survey Deadline**

We want to hear from you! Complete our Online Survey (or paper version available at Town Hall) Deadline extended to May 31<sup>st</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.

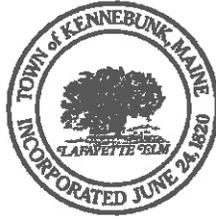
The online survey can be found on the homepage of the Town's website (under News & Announcements) or at [www.kennebunkmaine.us/planningsurvey](http://www.kennebunkmaine.us/planningsurvey). Printed copies are also available at the Town Clerk's Office. Surveys must be completed by May 31<sup>st</sup>.

## 12. Executive Session(s)

- a. Discuss an Economic Development Matter with the Town Manager, Economic Development Director, Finance Director and Community Development 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 and Human Resource Director - Title 1 MRSA Sec. 405(6)(E)

## 13. Adjournment

Special  
Meeting  
6:15 p.m.  
(interviews)



**Committee Volunteer Form**  
(please type or print clearly)

Full Name EDWARD STONE TRAINER

Street Address KENSINGTON DRIVE, KENNEBUNK ME 04043

Mailing Address (if different from street address) \_\_\_\_\_

Daytime Phone # \_\_\_\_\_ Cell Phone # \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

I wish to be considered for appointment to the: AGING  
Committee

(Check one or both):

Regular Membership Status (3-year term)

or

Alternate Membership Status (1-year term)   
(Alternates vote if Regular member absent)

**Town Use Only:**

Committee: \_\_\_\_\_

Membership: Regular or Alternate

Term ends: \_\_\_\_\_

Do you currently serve on any Town committee? NO

If so, please list the committee and the number of years of service \_\_\_\_\_

Occupation PUBLIC HEALTH ADMINISTRATION / ELDER SERVICES

Employer RETIRED

List any civic organizations to which you belong: ROTARY CLUB, NO PLACE  
LIFE HOME

Please complete questions on back of this form

1. Do you have any questions about what the committee does or its mission?

I was involved in preparing the proposal. I see its primary functions as liaise & advise

2. Do you have any practical experience or formal education that would be related to the committee?

I recently retired as Director of Health Aging at the Southern Maine Agency on Aging (SMAA) where my responsibilities included directing the nutrition & physical activity programs & representing SMAA with relevant organizations & groups in York County.

3. Why would you like to be on the committee?

My <sup>professional</sup> experience & interests, being a senior myself, & loving this town that my mother's family settled down in during the 18<sup>th</sup> century.

4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee.

YES

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

NO

6. Do you have anything you would like to add?

I have a doctorate in public health & long experience internationally, which gave me strong planning & bridge building (fence mending) skills. I regularly attend the Camp Plan Update Committee meetings & learn more about our current & future issues.

SIGNATURE: Edward J. Trauer

Thank you for volunteering to serve your community.

Please return form by (1) mailing or dropping off to the Town Manager's Office, 1 Summer Street, Kennebunk, ME 04043, (2) emailing to [knolette@kennebunkmaine.us](mailto:knolette@kennebunkmaine.us), or (3) faxing to: 207-985-4609.

The Board of Selectmen will consider all applications. Once the form has been submitted to the Town Manager's office, an informal meeting will be set up for you to meet the Selectmen. The Selectmen like to meet all candidates before appointing them to committees. Please note that not all committees currently have openings; however, vacancies occur on a regular basis. If the committee you wish to serve on does not have an opening at this time, you may still submit the form and your name will be placed on a waiting list. You will be notified when an opening occurs on that committee.

Thank you for considering serving the Town on one of the many Town committees.

**From:** noreply@civicplus.com  
**Sent:** Monday, May 02, 2016 2:15 PM  
**To:** Kathy Nolette  
**Subject:** Online Form Submittal: Committee Volunteer Form

## Committee Volunteer Form

### Step 1

Town of Kennebunk, Maine

Committee Volunteer Form

First Name Bevan  
Last Name Davies  
Street Address Port Road  
Mailing Address Port Road

Daytime Phone #

Cell Phone #

E-Mail Address

Board/Committee/Commission I wish to be considered for  
appointment to: Committee on Aging

### Step 2

Term and Membership Status Regular Membership Status (3-year term)

Do you currently serve on any  
Town Committee? no

If so, please list the committee. Not currently serving

Years of Service Not currently serving

Occupation Retired

Employer Retired

List any Civic Organizations  
to which you belong: Democratic party

### Step 3

- |   |                                 |
|---|---------------------------------|
| 1. Do you have any questions about what the committee does or its mission?  | No                              |
| 2. Do you have any practical experience or formal education that would be related to the committee?   | Yes                             |
| 3. Why would you like to be on the committee?   | I proposed this originally.     |
| 4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee. | Yes                             |
| 5. Do you have any conflict of interest that might involve either direct or indirect financial gain or other gain?  | No                              |
| 6. Do you have anything you would like to add?  | I'm looking forward to serving. |

Thank you for volunteering to serve your community.

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## Kathy Nolette

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**From:** noreply@civicplus.com  
**Sent:** Monday, May 02, 2016 2:51 PM  
**To:** Kathy Nolette  
**Subject:** Online Form Submittal: Committee Volunteer Form

### Committee Volunteer Form

#### Step 1

Town of Kennebunk, Maine

Committee Volunteer Form

First Name Sassy  
Last Name Smallman  
Street Address Florence circle  
Mailing Address same  
Daytime Phone #  
Cell Phone #  
E-Mail Address

Board/Committee/Commission I wish to be considered for appointment to: Committee on Aging

#### Step 2

Term and Membership Status Regular Membership Status (3-year term)  
Do you currently serve on any Town Committee? no  
If so, please list the committee. Not currently serving  
Years of Service Not currently serving  
Occupation Retired college professor  
Employer USNH  
List any Civic Organizations to which you belong: Served as original chair of the energy advisory committee for the Town of Kennebunk. A long-time volunteer and fundraiser for the York County Shelter Programs. Publicized environmental documentary films at the Kennebunk FPUU.

### Step 3

- |   |  |
|---|--|
| 1. Do you have any questions about what the committee does or its mission?  | No.  |
| 2. Do you have any practical experience or formal education that would be related to the committee?   | I have an M.A. in English and a doctorate in communication, have published 4 books, been a book editor, newspaper reporter and college journalism professor. |
| 3. Why would you like to be on the committee?   | As the town's population ages I think the special problems that come with aging--health, isolation, need to be part of a group--should be considered.        |
| 4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee. | I could attend at least 75% of the meetings.   |
| 5. Do you have any conflict of interest that might involve either direct or indirect financial gain or other gain?  | No.  |
| 6. Do you have anything you would like to add?  | So glad the Town is starting this committee!   |

Thank you for volunteering to serve your community.

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# Kathy Nolette

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**From:** noreply@civicplus.com  
**Sent:** Monday, May 02, 2016 3:17 PM  
**To:** Kathy Nolette  
**Subject:** Online Form Submittal: Committee Volunteer Form

## Committee Volunteer Form

### Step 1

Town of Kennebunk, Maine

Committee Volunteer Form

First Name	Susan
Last Name	Pettit
Street Address	Hall Street
Mailing Address	Kennebunk, ME 04043
Daytime Phone #	
Cell Phone #	
E-Mail Address	<a href="mailto:director@seniorcenterkennebunk.org">director@seniorcenterkennebunk.org</a>
Board/Committee/Commission I wish to be considered for appointment to:	Other

### Step 2

Term and Membership Status	Regular Membership Status (3-year term)
Do you currently serve on any Town Committee?	no
If so, please list the committee.	Not currently serving
Years of Service	Not currently serving
Occupation	Executive Director - Senior Center
Employer	Senior Center at Lower Village
List any Civic Organizations to which you belong:	None

### Step 3

- |   |   |
|---|---|
| 1. Do you have any questions about what the committee does or its mission?  | I have no questions at this time. I am applying to be on the Committee on Aging. It was not in the drop down box of committees.                                 |
| 2. Do you have any practical experience or formal education that would be related to the committee?   | I have been working with Seniors since 2001. For the past 10 years I have been the Executive Director of the Senior Center at Lowe Village.                     |
| 3. Why would you like to be on the committee?   | I have a passion for the Senior population and care deeply about things that affects their lives.   |
| 4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee. | I feel certain I can meet the required commitments.   |
| 5. Do you have any conflict of interest that might involve either direct or indirect financial gain or other gain?  | I don't think so.   |
| 6. Do you have anything you would like to add?  | I am so proud that my community is taking steps toward the future for our again population. I have lived in Kennebunk over 60 years. I am one of these seniors. |

Thank you for volunteering to serve your community.

The Board of Selectmen will consider all applications. Once the form has been submitted to the Town Manager's Office, an informal meeting will be set up for you to meet the Selectmen. The Selectmen like to meet all candidates before appointing them to committees. Please note that not all committees have openings; however, vacancies occur on a regular basis. If the committee you wish to serve on does not have an opening at this time, you may still submit the form and your name will placed on a waiting list. You will be notified when an opening occurs on the committee. Thank you for considering serving the Town on one of the many Town committees.

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**From:** noreply@civicplus.com  
**Sent:** Tuesday, May 03, 2016 1:11 PM  
**To:** Kathy Nolette  
**Subject:** Online Form Submittal: Committee Volunteer Form

## Committee Volunteer Form

### Step 1

Town of Kennebunk, Maine

Committee Volunteer Form

First Name Barbara

Last Name Yates

Street Address Colonial Drive

Mailing Address Colonial Drive

Daytime Phone #

Cell Phone #

E-Mail Address none

Board/Committee/Commission I wish to be considered for appointment to: Committee on Aging

### Step 2

Term and Membership Status Regular Membership Status (3-year term)

Do you currently serve on any Town Committee? no

If so, please list the committee. Not currently serving

Years of Service Not currently serving

Occupation Retired Deputy Town Clerk

Employer Town of Kennebunk

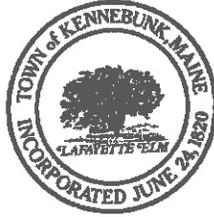
List any Civic Organizations to which you belong: Kennebunk Police Department - Police Academy

### Step 3

- |   |   |
|---|---|
| 1. Do you have any questions about what the committee does or its mission?  | no  |
| 2. Do you have any practical experience or formal education that would be related to the committee?   | I'm 85 years old and try to keep up with Town matters.  |
| 3. Why would you like to be on the committee?   | I'm interested in my town and feel I have experience as a previous town employee and retired member of the community that I can offer to the committee.                     |
| 4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee. | yes. I am able to attend meetings during the day but I do not drive at night.   |
| 5. Do you have any conflict of interest that might involve either direct or indirect financial gain or other gain?  | no  |
| 6. Do you have anything you would like to add?  | I worked for the Town of Kennebunk, beginning in the late 70's and worked until 2010. I am familiar with the Town and would like to give back to the community in some way. |

Thank you for volunteering to serve your community.

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✓  
6:15  
5/24/16

**Committee Volunteer Form**  
(please type or print clearly)

Full Name Christina J. Bronzetti

Street Address \_\_\_\_\_

Mailing Address (if different from street address) Kennebunk

Daytime Phone # \_\_\_\_\_ Cell Phone # \_\_\_\_\_

E-Mail Address \_\_\_\_\_

I wish to be considered for appointment to the: New Committee on Aging  
Committee

(Check one or both):

Regular Membership Status (3-year term) \_\_\_\_\_

or

Alternate Membership Status (1-year term)  \_\_\_\_\_  
(Alternates vote if Regular member absent)

<b><u>Town Use Only:</u></b>
Committee: _____
Membership: Regular or Alternate
Term ends: _____

Do you currently serve on any Town committee? no

If so, please list the committee and the number of years of service \_\_\_\_\_

Occupation CRMA/CNA/PSS - worked c̄ elderly for number of years

Employer n/a (past Huntington Commons, St. Joseph's Convent, Home Instead, etc)

List any civic organizations to which you belong: \_\_\_\_\_

**Please complete questions on back of this form**

1. Do you have any questions about what the committee does or its mission?

2. Do you have any practical experience or formal education that would be related to the committee?

Closely worked with senior citizens as nursing was my profession. Having witnessed needs of elderly both medicare, etc, I feel I could speak to the needs and

3. Why would you like to be on the committee?

I love senior citizens and believe they are assets to all of our communities. <sup>benefits of any said services.</sup>

4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee.

Yes. Will need more information however.

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

Absolutely not.

6. Do you have anything you would like to add?

SIGNATURE:



Thank you for volunteering to serve your community.

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Thank you for considering serving the Town on one of the many Town committees.

**From:** noreply@civicplus.com  
**Sent:** Friday, May 06, 2016 2:52 PM  
**To:** Kathy Nolette  
**Subject:** Online Form Submittal: Committee Volunteer Form

## Committee Volunteer Form

### Step 1

Town of Kennebunk, Maine

Committee Volunteer Form

First Name	Susan LeBlanc
Last Name	Malley
Street Address	alewive Road Kennebunk
Mailing Address	Alewive Road Kennebunk
Daytime Phone #	
Cell Phone #	
E-Mail Address	

Board/Committee/Commission I wish to be considered for appointment to: Committee on Aging

### Step 2

Term and Membership Status	Alternate Membership Status (1-year term)
Do you currently serve on any Town Committee?	no
If so, please list the committee.	Not currently serving
Years of Service	Not currently serving
Occupation	caregiver for the elder
Employer	self
List any Civic Organizations to which you belong:	none

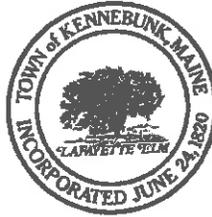
### Step 3

- |   |  |
|---|--|
| 1. Do you have any questions about what the committee does or its mission?  | no   |
| 2. Do you have any practical experience or formal education that would be related to the committee?   | I work locally helping the elderly.  |
| 3. Why would you like to be on the committee?   | I see a need for involvement from the town / citizens to reach out and help these individuals that need care/help within our town. |
| 4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee. | yes  |
| 5. Do you have any conflict of interest that might involve either direct or indirect financial gain or other gain?  | no   |
| 6. Do you have anything you would like to add?  | no   |

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Email not displaying correctly? [View it in your browser.](#)



**Committee Volunteer Form**  
(please type or print clearly)

Full Name Alice E. White

Street Address FOX RUN RD KENNEBUNK ME.

Mailing Address (if different from street address) \_\_\_\_\_

Daytime Phone # \_\_\_\_\_ Cell Phone # \_\_\_\_\_

E-Mail Address \_\_\_\_\_

I wish to be considered for appointment to the: Committee on Aging  
Committee

(Check one or both):

Regular Membership Status (3-year term)   
or  
Alternate Membership Status (1-year term)   
(Alternates vote if Regular member absent)

<b>Town Use Only:</b>
Committee: _____
Membership: Regular or Alternate
Term ends: _____

Do you currently serve on any Town committee? No

If so, please list the committee and the number of years of service \_\_\_\_\_  
None since April 2016

Occupation Retired Farmer + Developer (Commercial Real Estate)  
Employer Nash

List any civic organizations to which you belong: NRCM / Maine bicycle coalition, Falmouth Food Bank

**Please complete questions on back of this form**

1. Do you have any questions about what the committee does or its mission?

*Yes, but I understand its main mission is to support our aging citizens.*

2. Do you have any practical experience or formal education that would be related to the committee?

*Yes, I have volunteered at a free clinic & food pantry. Also worked w/ Agency on Aging 'Safe Meds for Maine'*

3. Why would you like to be on the committee?

*To help seniors be able to use our town & county services and so they have services to remain in their home.*

4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee.

*I think so.*

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

*No.*

6. Do you have anything you would like to add?

*I have recently had to leave my home & understand some of the challenges of aging.*

SIGNATURE:

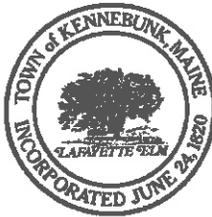
*Alvin E. White*

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Thank you for considering serving the Town on one of the many Town committees.



**Committee Volunteer Form**  
(please type or print clearly)

Full Name Donna R Curtis Binette

Street Address Alfred Rd, Kennebunk

Mailing Address (if different from street address) \_\_\_\_\_

<sup>Home</sup>  
~~Daytime~~ Phone # \_\_\_\_\_

Cell Phone # \_\_\_\_\_

E-Mail Address \_\_\_\_\_

I wish to be considered for appointment to the: Committee on aging  
Committee

(Check one or both):

Regular Membership Status (3-year term)

or

Alternate Membership Status (1-year term) \_\_\_\_\_  
(Alternates vote if Regular member absent)

<b><u>Town Use Only:</u></b>
Committee: _____
Membership: Regular or Alternate
Term ends: _____

Do you currently serve on any Town committee? NO

If so, please list the committee and the number of years of service \_\_\_\_\_

Occupation pt hairdresser

Employer self

List any civic organizations to which you belong: \_\_\_\_\_

1. Do you have any questions about what the committee does or its mission?

is this committee targeting any specif  
social/economic group?

2. Do you have any practical experience or formal education that would be related to the committee?

I do not have a degree in geriatrics field  
but for most of my life I have been taking  
care of this population in one way or another.

3. Why would you like to be on the committee?

I would like to be the voice for those that  
cannot, or do not know how to advocate for them  
selves.

4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee.

yes I am aware

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

The only possible thing that could happen  
is that someone would be aware that  
I could come to their home to do their hair.

6. Do you have anything you would like to add?

SIGNATURE: \_\_\_\_\_

Donna R Carter Binette

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Thank you for considering serving the Town on one of the many Town committees.



**Committee Volunteer Form**  
(please type or print clearly)

Full Name Marti Hess-Pomber

Street Address Shiretowne Common Dr. Kennebunk

Mailing Address (if different from street address) n/a

Daytime Phone # \_\_\_\_\_ Cell Phone # \_\_\_\_\_

E-Mail Address \_\_\_\_\_

I wish to be considered for appointment to the: Aging  
Committee

(Check one or both):

Regular Membership Status (3-year term)

or

Alternate Membership Status (1-year term)   
(Alternates vote if Regular member absent)

<b><u>Town Use Only:</u></b>
Committee: _____
Membership: Regular or Alternate
Term ends: _____

Do you currently serve on any Town committee? No

If so, please list the committee and the number of years of service \_\_\_\_\_

Occupation Retired

Employer n/a

List any civic organizations to which you belong: \_\_\_\_\_

Please complete questions on back of this form

1. Do you have any questions about what the committee does or its mission?

No

2. Do you have any practical experience or formal education that would be related to the committee?

Experience w/ care of parent

3. Why would you like to be on the committee?

Since the state of ME has the oldest population it is an area that deserves <sup>my</sup> attention

4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee.

Not aware of time involved

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

SIGNATURE:

Martina B. Hess-Joules

Thank you for volunteering to serve your community.

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Thank you for considering serving the Town on one of the many Town committees.

2

(MINUTES)

**TOWN OF KENNEBUNK**

**BOARD OF SELECTMEN MINUTES**

**MAY 10, 2016 – 6:00 P.M.**

**SPECIAL MEETING – 6:15 P.M.**

**Interview the following Candidates for Committees:**

		<u>Vacancies</u>
Amy Eileen Tyson	Downtown Committee	(1) Alternate 2016
Paul Bevacqua	Historic Preservation Commission	(1) Alternate 2016

The Candidates discussed the reasons for their interest in joining the committees. Candidate Bevacqua lives on Summer Street in the Historic District. When asked, he explained he has had positive experiences and seen negative ones involving his neighbors. Candidate Tyson is a business owner and believes she can add to the committee. Vice-Chair Morin reminded the candidates that the positions are alternates and they will be informed after the vote later in the meeting.

**REGULAR MEETING**

On May 10, 2016, at 6:30 p.m., in Room 301 of the Town Hall, Richard Morin Vice-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 Richard Morin, Edward Karytko, Daniel Boothby, Christopher Cluff, Shiloh Schulte and Deborah Beal. Absent was Chairman Kevin Donovan.

Also in attendance was Town Manager Barry Tibbetts and Finance Director Joel Downs,

**1. MINUTES**

**a. April 26, 2016 Regular Meeting**

There was no Board/Public input or comments.

**A motion was made to accept the Minutes from the April 26, 2016 Regular Meeting.**

**MOVED:** Cluff

**SECONDED:** Karytko

**MODIFICATIONS:** None

**VOTE:** 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

**2. ITEMS TO BE SIGNED**

All signatures have been completed.

The Vice-Chair proceeded to the next item.

3. PUBLIC HEARING(S) –

None.

The Vice-Chair proceeded to the next item.

4. PUBLIC COMMENTS

Fire Chief Rowe came to the podium and announced a celebration for National Emergency Medical Services Week will be held on May 21<sup>st</sup> from 9:00 – 2:00 at the Waterhouse Center. He handed out a flyer and mentioned the information can be found on the website.

The Vice-Chair proceeded to the next item.

5. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

- a. Candidates on the June 14<sup>th</sup> Ballot - Nomination papers have been returned and the following candidates will be on the ballot for the June 14, 2016 Annual Town Meeting Election.

Nominations candidates are selectmen 2 open

Selectmen, 2 seats, 3-year terms

Baldwin, L. Blake  
Cahoon, Thomas J.  
Morin, Richard A.  
Ward, William A. Jr.

RSU #21, 2 seats, 3-year terms.

Merton read through the following:

Fadiman, Matthew R.  
Kahn, Emily L.

Trustee, Kennebunk Light and Power District, 1 seat, 5-year term

Bartilucci, Daniel  
Jordan, Michael L.

Trustee, Kennebunk Sewer District, 2 seats, 3-year terms

Brockway, Wayne A.  
Sharood, Edward R.

DISCUSSION:

Town Clerk, Merton Brown, announced the community yard sale will be held on Sunday, May 15<sup>th</sup> from 8:00 – 2:00.

Brown went over the nomination papers for the above mentioned candidates for the June 14<sup>th</sup> election. Absentee balloting will begin around May 18<sup>th</sup> and he will give an update at the next Board meeting.

The Vice-Chair proceeded to the next item.

- b. RSU #21 District Budget Meeting will be held on Tuesday, May 17, 2016 at 7:00 p.m. at the Kennebunk Elementary School. This meeting is a requirement of State law before the final vote is taken at the June Town Meeting concerning the School District's proposed budget for 2016-17.

The Vice-Chair proceeded to the next item.

- c. York County Firefighter of the Year – On Saturday April 9, 2016, the York County Firefighters Association (YCFFA) held its annual firefighter awards banquet at the York Beach Fire Department. Over 80 firefighters attended the event. Each year, the YCFFA solicits nominations for Firefighter of the Year in two categories, heroism and public service. This year our own Firefighter, Shane Enger, was nominated and chosen for the 2015 Heroism award.

Firefighter Enger was nominated for his efforts while attempting to rescue an occupant trapped on the second floor at a structure fire at 305 Cat Mousam Road on June 22, 2015. Fire conditions in that room at the time he entered were doubtful at best, as flashover conditions were eminent. His efforts that morning were unsuccessful, however, that does not diminish the great personal risk he took in his attempt to rescue another.

For those reasons, Kennebunk Fire Rescue was proud to nominate Firefighter Shane Enger for the York County Firefighters, *Firefighter of the Year Award for 2015*.

Congratulations to Firefighter Shane Enger on his well deserved nomination and award!

DISCUSSION:

Morin thanked Fireman Enger for his great effort.

The Vice-Chair proceeded to the next item.

- d. Thank you to Carolyn Hughes – Carolyn Hughes, our Human Resource Director since September, 2014, has submitted her resignation. Carolyn will be embarking on a private consulting business. We wish her the very best in her new endeavor and thank her for her dedicated service to the Town.

The Vice-Chair proceeded to the next item.

**6. TIME SENSITIVE BUSINESS**

- a. Confirm the Town Manager's Appointment of Michael Pardue as Interim Human Resource Director– As noted in the previous article, our current Human Resource Director, Carolyn Hughes, submitted her resignation. Carolyn's last day was May 6<sup>th</sup>.

To ensure continuity, the Town Manager is recommending the confirmation of Michael Pardue as the Town Manager's appointment as Interim HR Director. Mike will be on staff 37.5 hours per week as a contracted employee until a decision on how to proceed is determined.

Mike is well versed in municipal operations and employee resource management and will bring a depth of knowledge to the position. He has worked closely with most of the Town's departments and was Interim Public Services Director from January to July 2015. He also has an extensive background in municipal consulting. His rate of pay will be \$37.50 per hour.

DISCUSSION:

Tibbetts believes bringing Michael Pardue on will bring a nice component for the staff. He explained the plan is to bring Mr. Pardue in for continuity and consultation for 5 to 6 weeks and decide how to proceed before hiring a new HR Director.

There were no public comments.

**A motion was made to confirm the Town Manager's appointment of Michael Pardue as Interim Human Resource Director.**

<b>MOVED:</b>	Cluff
<b>SECONDED:</b>	Karytko
<b>MODIFICATIONS:</b>	None
<b>VOTE:</b>	6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

- b. Sign the June 14, 2016 Annual Town Meeting Warrant – Included in the Board packet is the final warrant for the 2016 Annual Town Meeting. The Board needs to sign the warrant.

There were no public comments.

The Board signed the warrant. No motion or further action was required.

The Vice-Chair proceeded to the next item.

- c. Discuss Harvesting Alewives in the Town for the 2016 Season – We received a letter from the Department of Marine Resources requesting the Board vote on the right to harvest alewives. Their suggested motion below gives harvesting rights to individuals and prohibits commercial harvesting.

This used to be voted on (annually) at the June Town Meeting. A few years ago, the authority was delegated from the voters to the Board of Selectmen.

DISCUSSION:

Merton Brown explained the State law which gives the Town the right to control the harvesting and Kennebunk's history is the same. Harvesting to sell would require a license. The Warden's Office is in charge of enforcing the law. Beal has spoken to local fisherman and observed a harvesting. She believes it is a good thing to give back for local independent fisherman.

There were no public comments.

**A motion was made to retain the Alewife harvest rights for individuals and keep closed for commercial harvesting for conservation for 2016.**

**MOVED:** Schulte  
**SECONDED:** Karytko  
**MODIFICATIONS:** None  
**VOTE:** 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

**7. OLD BUSINESS (2<sup>ND</sup> READING)**

None.

The Vice-Chair proceeded to the next item.

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

- a. Discuss Amending a Portion of the Parking Ordinance on High Street in Front of Cherie's Bistro The current one parking space in front of Cherie's Bakery at 7 High Street has a 2-hour limit. In discussions with Paul Flaherty and Cherie Davis, their request was to amend this to 30 minutes. Should the Board agree, a Public Hearing would be required before any amendments could be considered.

The current ordinance is 2-2 Limited Parking, 2-1:

**N) High Street:** Parking on High Street from York Street to Friend Street (where designated) shall be limited to 2 hours between the hours of 8:00 AM and 6:00PM.

**DISCUSSION:**

Tibbetts added 30-minute parking to also include a small portion of York Street in front of New Morning Natural Foods. He explained it is more appropriate for that area and would be on one side only. Businesses that are affected would be spoken with ahead of the change.

Paul Flaherty, owner of Cherie's, explained why 30-minutes parking would be beneficial. Cherie's also provides long-term parking in the back of the business. The Board discussed negative impact of this change on other the businesses such as the doctor's office next door. Tibbetts reminded the Board it is for one spot only. The Board decided this will go to a second reading.

There were no public comments.

**A motion was made to move to a second reading and schedule a public hearing on May 24, 2016.**

**MOVED:** Karytko  
**SECONDED:** Cluff  
**MODIFICATIONS:** None  
**VOTE:** 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

- b. Discuss Amending the Policy for Placing Minutes on the Town's Website – Recently, a resident contacted Selectman Boothby about not being able to view committee meeting minutes (in some cases going back a few months).

One issue seems to be that some boards desire to have all members who were present at the initial meeting approve and sign the minutes. This causes delays if the members who were present at the initial meeting are not present at the meeting when the minutes are being approved and signed.

Another issue is that it is difficult to complete minutes of lengthy meetings (Planning Board recently had minutes that were 45 page long) in a one week turn-around time in order to enclose them in the next meeting's packet. This is compounded by the fact that their next meeting would be occurring and those minutes also need to be processed.

The Town does have a policy on the approval and posting of meeting minutes. On February 9, 2010, the Board approved a policy regarding "Placing Meeting Minutes on Website", which is enclosed.

Section 3 and 3.a in the policy regarding the approval of minutes (for binding and non-binding committees) reads as follows:

3. All minutes for Town binding committees must be filed with the Town Clerk's office in their final, approved form with the necessary signatures and date of approval on that final form within two weeks of being accepted.

All minutes for Town non-binding committees must be filed with the Town Clerk's office in their final form within two weeks of the date of approval.

- a. For most boards, commissions, or committees the signature(s) will be that of the secretary of the board, the chairperson or a majority of the board, commission or committee.

Proposed amendment:

3. All minutes for Town binding committees must be filed with the Town Clerk's office in their final, approved form with the necessary signature(s) and date of approval ~~on that final form~~ within ~~two weeks~~ 30 days of being accepted the original meeting date. An additional 30 days may be extended for meetings that are exceptionally long or complicated.

All minutes for Town non-binding committees must be filed with the Town Clerk's office in their final form within ~~two weeks~~ 30 days of the date of approval the original meeting date. An additional 30 days may be extended for meetings that are exceptionally long or complicated.

- a. For most boards, commissions, or committees the signature(s) will be that of the secretary of the board, the chairperson or a majority of the board, commission or committee.

We should also remind Committee Chairmen of the language listed in item 3.a. and ask them to amend their committee's by-laws if they require all members to approve and sign minutes. A chairperson, vice-chairperson, or secretary's signature is acceptable.

**DISCUSSION:**

Tibbetts explained that the submissions of approved minutes from committees are taking too long and, therefore, is requesting to have this improved by implementing a 30-day timeline. He stated there may be exceptions such as long meetings. Boothby commented that it is important to get the minutes in and suggested having an exception or written permission from the Town Manager or the Town Clerk.

Betsy Smith, member of the Lower Village Committee, suggested making the timeline 45 days. Natalie Burns, one of the Town's attorneys, explained the concern is mainly with the Planning Board, Board of Appeals and Site Plan Review Board because it is problematic in the appeal process. People who are appealing have a set time to do so and the minutes must be approved. Merton Brown suggested using the audios, which are available after the meetings.

**A motion was made to move to a second reading on May 24<sup>th</sup> and notify all Committee Chairmen of the proposed amendment to the Policy.**

**MOVED:** Cluff  
**SECONDED:** Karytko  
**MODIFICATIONS:** None  
**VOTE:** 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

- c. Discuss a Request to Waive the Beach Parking Permit Requirements for KBIA – We received a request from Elizabeth Lapointe, Events Coordinator for KBIA, to waive the beach parking permit requirements to allow the attendees and volunteers of their July 10<sup>th</sup> Road Race access to park at Mother's Beach. In prior years, this waiver has been approved.

They are requesting to have the permit requirements waived for the following event:

**Sunday, July 10 - A Day at the Beach, 5K Road Race  
6:00 a.m. to 12:00 p.m. at Mother's Beach only  
(to accommodate registration and road race)**

**DISCUSSION:**

Tibbetts explained the need to accommodate is for those, such as volunteers, who will be at the event earlier and stay later after the race.

There were no public comments.

**A motion was made to waive the beach parking permit requirements for KBIA's "A Day at the Beach" Road Race on July 10<sup>th</sup> from 6:00 a.m. to noon at Mother's Beach only.**

**MOVED:** Cluff  
**SECONDED:** Karytko  
**MODIFICATIONS:** None  
**VOTE:** 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

d. Discuss Boards and Committees (resignations/appointments, if any)

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

- |                    |                             |                    |
|--------------------|-----------------------------|--------------------|
| ○ Amy Eileen Tyson | Downtown Committee          | (1) Alternate 2016 |
| ○ Paul Bevacqua    | Historic Preservation Comm. | (1) Alternate 2016 |

There were no public comments.

A motion was made to appoint Amy Eileen Tyson as an Alternate member on the Downtown Committee with a term expiring on June 30, 2016 (when all other alternate positions expire) and Paul Bevacqua as an Alternate member on the Historic Preservation Commission with a term also expiring on June 30, 2016, and they will be reappointed again in June.

**MOVED:** Karytko  
**SECONDED:** Cluff  
**MODIFICATIONS:** None  
**VOTE:** 6 in favor, 1 absent (Donovan). The motion carried.

The Vice-Chair proceeded to the next item.

e. Discuss Any Other Business  
None

The Vice-Chair proceeded to the next item.

9. SELECTMEN'S COMMENTS

a. Subcommittee Reports

An executive subcommittee will meet after the June 14<sup>th</sup> election to discuss PAYT. Schulte would like to revisit the proposals the PAYT subcommittee discussed earlier in the year. Karytko requested Joel Downs have an indication of the cost for the Town to implement a billing process for lifting fees.

The Vice-Chair proceeded to the next item.

b. Individual Selectmen Comments

Selectman Beal

- May Day – She was able to attend, for the first time, the May Day celebration that was held on Saturday and had a wonderful time. It was great to see the community involved.

Selectman Schulte

- May Day – Also attended the May Day celebration and had a great time. The Committee did a great job!

Selectman Cluff

- Linda Johnson and her team did a great job with the May Day celebration.
- Noted he saw a story on channel 6 about the Senior Center's fish program (their transportation program) and its success. Suggests that the new committee on aging will most likely address this story.

Selectman Boothby

No comments.

Selectman Morin

No comments.

Selectman Karytko

- He was unable to attend the May Day celebration.
- Did get yelled at about road paving.
- He attended Coffee with the Chiefs and thought it went well. The discussion focused on drugs and Chiefs Rowe and MacKenzie did a great job.
- West Kennebunk Family Fun Days – he has heard complaints regarding renting Masonic Hall.
- The potholes are beginning to be patched. He asked about the timeline on crack sealing Tibbetts mentioned he will look into this. Karytko believes hiring an outside contractor would be a good idea.
- If people have flags that they would like disposed of, the American Legion will take them. They will be holding a small ceremony to dispose of them on July 4<sup>th</sup>.
- Asked about the rules for signs on public property. Attorney Burns explained the new Supreme Court decision and advised leaving the signs that are on public property unless there is a safety issue.
- Recycling - everyone do what you can to recycle.
- Thanked the police department for accepting 15 rifles from the American Legion.
- There is a budget and the ultimate responsibility is on the people out there who are voting. Beal mentioned 72 percent of the tax bill is for the schools.

The Vice-Chair proceeded to the next item.

**10. TOWN MANAGER'S COMMENTS/NOTES**

- a. **May 18 – Candidates Night for Candidates Running for Two Positions on the Board of Selectmen – Wednesday, May 18<sup>th</sup> at 6:30 p.m., 3<sup>rd</sup> floor of the Town Hall.**

The candidates running for the two seats on the Board of Selectmen are L. Blake Baldwin, Thomas Cahoon, Richard Morin, and William Ward, Jr.

Members of the public can attend the Candidates' Night in person at the Town Hall, view it live on digital Cable TV Channel 5, or stream it live (or watch it later) at [www.townhallstreams.com](http://www.townhallstreams.com). It will also be re-broadcast on Channel 5 periodically until Election Day, June 14<sup>th</sup>.

- b. **May 21 – Board of Selectmen Outreach Sessions** – The next session will be held on Saturday, May 21<sup>st</sup> on the 3<sup>rd</sup> floor of the Town Hall from 8:30 a.m. to 10:30 a.m. Selectmen Cluff and Morin will host this session.

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. **May 30 – Memorial Day Parade 2:00 p.m. – Main Street**  
**Veterans Appreciation Concert (after parade) – Waterhouse Center (all are welcome!)**

This year, a free Memorial Day Veterans Appreciation Concert will be held at the Waterhouse Center. The concert features the Don Campbell Band with a special tribute to local veterans. Please join us for this special concert. This year marks the 150<sup>th</sup> Anniversary of the celebration of Memorial Day (1866-2016). Concert will last about 1 ½ hours.

- d. **May 31 – Survey Deadline**

We want to hear from you! Complete our Online Survey (or paper version available at Town Hall) Deadline extended to May 31<sup>st</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 May 31<sup>st</sup>.

- e. **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)

The Vice-Chair proceeded to the next item.

**11. 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, Director of Community Development, Finance Director and Town Attorney - Title 1 MRSA Sec. 405(6)(E)

**A motion was made to go into executive session at 7:35 p.m.**

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

Upon coming out of executive session, there was nothing to report.

**12. ADJOURNMENT**

**A motion was made to adjournment the meeting at 9:00 p.m.**

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

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

Date: \_\_\_\_\_

4

PUBLIC  
HEARING

(f)

**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 10 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 \$4,096,100 to be funded from estimated revenues, \$100,000 from unassigned general fund balance ("surplus"), \$4,000 from restricted trust fund balance, 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, on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us), or at the polling place prior to voting.)

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.

**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, on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us), or at the polling place prior to voting.)

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 5 Referendum Question 3:** 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:

**Referendum Question 3**, 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:

**Referendum Question 3**, 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, on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us), or at the polling place prior to voting.)

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 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, on the Town’s website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us), or at the polling place prior to voting.)

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

YES  
NO

**Article 7: Referendum Question 5:** 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, on the Town’s website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us), or at the polling place prior to voting.)

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

YES  
NO

**Article 8: Referendum Question 6:** Shall an ordinance entitled “Amendments 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, on the Town’s website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us), or the polling place prior to voting.)

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

YES  
NO

**Article 9: Referendum Question 7:** 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, on the Town’s website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us), or at the polling place prior to voting.)

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

YES  
NO

**Article 10: Referendum Question 8:** 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, on the Town's website at [www.kennebunkmaine.us](http://www.kennebunkmaine.us), or at the polling place prior to voting.)

Selectmen recommend acceptance of this article by a vote of 7 in favor, 0 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 10<sup>th</sup> 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



# Town of Kennebunk

FY 2016–2017

Proposed Budget as Reviewed by the  
Board of Selectmen  
and Budget Board

Final Public Hearing: May 24, 2016

## **Mission Statement**

**Our mission is to provide the citizens of Kennebunk with excellent services in the most efficient and effective manner possible which enhances the quality of life.**

# Pending Considerations

- RSU: FY16-17 Preliminary Budget
- RSU: New facilities = New debt service
- York County: FY16-17 Budget
- State funding on municipal programs
  - Revenue Sharing, Local Road Asst, etc.
- Town utilities – future projects
  - KSD (new plant), KLPD (dams), & KKWWD

# Proposed Budget FY16-17

Gross Budget \$12,216,550 ( 4.0% increase, \$474,077)

Net Budget \$8,016,450 ( 4.5% increase, \$344,727)

*...after using \$100,000 general fund balance to reduce assessment for debt service.*

## Operational (no reduction in services)

> Revenues: 3.2% increase (from increased excise taxes \$75k, non-resident beach parking permits \$25k, and other misc revenues)

> Expenses: 0.7% increase fixed expenses, contractual obligations, 1.5% wage increase, etc.

3.8% additional manpower: one IT assist,  
one PS truck driver, two FD lieutenants

Capital Improvements/Projects & Equipment ---- Total \$3,424,080

# Town of Kennebunk Referendum Question 1 FY2016-2017 Budget Summary

<u>Classification</u>	<u>Expense</u>	<u>Estimated Revenues, Excise Tax (E), &amp; Reserve (R)</u>	<u>General Fund Balance ("surplus")</u>	<u>Proposed Net Tax Assessment</u>
<b>General Government Services</b>	\$4,078,301	\$496,100		\$3,582,201
<b>Public Safety</b>	3,839,092	855,000 \$1,975,000 (E)		1,009,092
<b>Public Services</b>	2,985,338	770,000		2,215,338
<b>Debt Service (principal &amp; int)</b>	760,000		100,000	660,000
<b>Library</b>	553,819	4,000 (R)		549,819
<b>TOTAL - Referendum Question 1</b>	<u>\$12,216,550</u>	<u>\$4,100,100</u>	<u>\$100,000</u>	<u>\$8,016,450</u>
	(A)	(B)	(C)	= (A) - (B) - (C)

# LD 1 Municipal Property Tax Levy Limit FY16-17

	Based on FY15-16 Actual	Based on FY16-17 Estimates
Proposed FY16-17 Gross Budget	\$12,216,550	\$12,216,550
Minus Total Deductions FY15-16 Certificate of Assessment	(\$4,871,853)	
Minus Total Estimated Deductions for FY16-17		(\$4,827,018)
FY16-17 Estimated Municipal Property Tax Levy	\$7,344,697	\$7,389,532
FY16-17 Municipal Property Tax Levy Limit	\$7,577,302	\$7,577,302
<b>Amount FY16-17 Proposed Under LD 1 Limit</b>	<b>(\$232,605)</b>	<b>(\$187,770)</b>

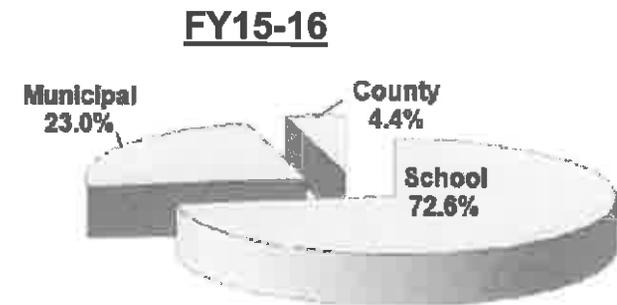
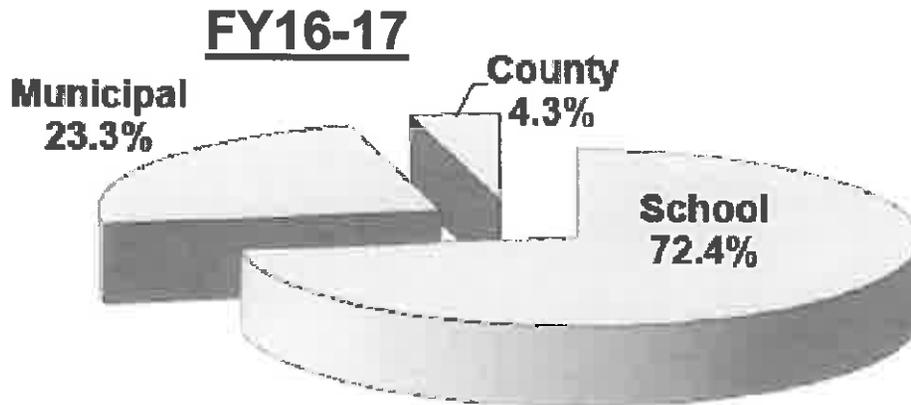
# Manpower Changes FY16-17

- IT Dept – one full-time IT assistant
- Public Services (highway & parks) – one full-time truck driver and 1,040 hr part-time (interns)
- Fire Dept – two full-time lieutenants and two summer part-time (interns)
- Emergency Management – two assistants (\$500/assistant)

# Projected Tax Bill Allocation

***Projected Town rate impact for FY16-17 budget:  
\$0.21 / \$1000 (\*) = 1.4% increase on \$15.30 FY15-16 rate***

FY16-17 Projected Allocation - Typical Home		
<u>Breakdown</u>	<u>Rate</u>	<u>\$250,000 Home</u>
RSU 21 (as of 5/17/2016)	\$11.59	\$2,898
York County	0.68	\$170
Kennebunk (FY16 is \$3.52)	3.73	\$933
<i>FY16 is \$15.30; 4.6% incr</i>	<u>\$16.00</u>	<u>\$4,000</u>



\* Includes \$100,000 of surplus applied to the budget.

# Uses of Unassigned General Fund Balance

> Capital Projects, Vehicles, Equipment & Reserves for Projects and Equipment	\$452,080
> Reserve for Future Debt Service Payments	\$240,000
> Budget Board Capital Reserve Account	\$50,000
> Board of Selectmen Capital Reserve Account	\$25,000
> Transfer to Enterprise Fund - Pay-As-You-Throw - Estimated Deficits for FY2016	<u>\$87,000</u>
Subtotal – separate warrant article/referendum question	\$854,080
> Reduce Budgeted FY16-17 Debt Service Payments – budget warrant article/referendum question	<u>\$100,000</u>
Total Gen Fund Balance to be Committed	\$954,080
<i>(Estimated total General Fund Balance available in excess of GF Policy: \$959,835.)</i>	

## Use of Unassigned General Fund Balance

Police - Vehicle - Patrol Car (rotating 3 shifts)	\$36,000	Parks - Equipment - Mower - 60 inch	\$11,000
Police - Vehicle - CID Car	\$27,000	Recreation - Equipment - Non-Resident Beach Parking Permit Kiosk - Qty 1	\$9,000
Police - Equipment - Mobile Data Terminals - in- car computers - Qty 3	\$15,600	Computers - Computers - Backup Sys Off-site	\$10,000
Police - Equipment - Lightweight Tactical Ballistic Vests - Qty 12	\$13,800	Gen Gov't - Equipment - Cable Broadcast Equipment - Cameras & Switches	\$20,000
Police - Equipment - .223 Semi-automatic Rifles - w/ optics & racks - Qty 8	\$11,480	Gen Gov't - Equipment - Cable Broadcast Equipment - Audio	\$10,000
Police - Equipment - Jamar Radar Information Recording - Qty 2	\$8,200	Gen Gov't - Equipment - Video / Web Cams - Town Garage & Teen Center	\$25,000
EMS - Equipment - Power Load Device / Stretcher	\$28,000	Town Hall - Facilities - Fire Admin Office Insulation (Under Auditorium)	\$10,000
Public Works - Infrastructure - Crack Seal Roads	\$100,000	<b>Subtotal - Vehicles, Equipment &amp; Projects</b>	<b>\$452,080</b>
Public Works - Infrastructure - Road - Crushed Gravel - Misc Projects	\$15,000	Other - Unclassified - Budget Board Capital Improvements Fund	\$50,000
Public Works - Infrastructure - Road - Culverts & Basins - Misc Projects	\$15,000	Other - Unclassified - Board of Selectmen Capital Reserve Fund	\$25,000
Public Works - Infrastructure - Other Park & Field Repair	\$15,000	Other - Unclassified - PAYT Deficit for FY15-16 (6/30/2016)	\$87,000
Public Works - Equipment - Backhoe - Repair	\$22,000	General Gov't - Debt Service - Apply Surplus to Future Debt Service	\$240,000
Public Works - Equipment - Rubber Tire Excavator (3 month rental)	\$15,000	<b>Subtotal - Other</b>	<b>\$402,000</b>
Public Works - Equipment - Pavement Grinder (24")	\$20,000		
Public Works - Equipment - Shoulder Machine (Used -> Upgrade to New Add'l)	\$15,000	<b>General Gov't - Debt Service - Apply to FY16-17</b>	<b>\$100,000</b>
<b>Total - Proposed spending of unassigned general fund balance</b>			<b>\$954,080</b>

Separate warrant article for use of fund balance.

# New Debt Proposed

(Bonds/Leases/Notes)

## Capital Projects, Vehicles & Equipment to be Funded

### Infrastructure

Public Works - Infrastructure - Roads	\$1,500,000
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Public Works - Infrastructure - Bridges & Drainage	\$500,000
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<b>(Ten-year term, 3.25% interest rate: Average debt service: \$235,000/year)</b>	<b>\$2,000,000</b>
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### Vehicles & Equipment

EMS - Vehicle - Rescue / Ambulance (replacement)	\$220,000
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Public Works - Vehicle - Single Axle Dump/Plow Truck	\$170,000
--	-----------

Recreation - Vehicle - Bus - replacement (72 passenger)	\$88,000
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Recreation - Vehicle - 15 Passenger Mini-Bus - van replacement	\$48,000
--	----------

Computers - Computers - Backup System Hardware (replacement)	\$44,000
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<b>(Five-year term, 3.25% interest rate: Average debt service: \$125,000/year)</b>	<b>\$570,000</b>
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<b>Total Proposed New Debt</b>	<b><u>\$2,570,000</u></b>
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Separate warrant article for bond authorization.

# Budget Timeline

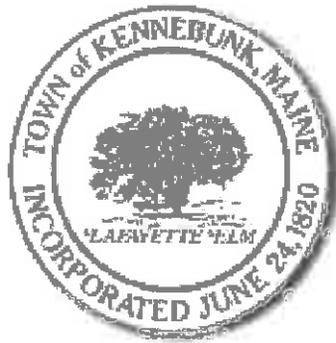
## Timeline for the Town Meeting by Referendum Questions

- Town Meeting Referendum Date      Tuesday, June 14th
- Warrant Posted      Wednesday, May 11th
- Ballot Ordered (no later than)      Wednesday, April 27th
- Absentee Ballots Available      Monday, May 16th
- Warrant signed by BOS      Tuesday, May 10th

## Public Hearings Dates Necessary per Charter

- ✓ 70-90 Days prior – BOS meeting on March 22nd
- ✓ 7-20 Days prior – BOS meeting on May 24th

BOS order to the Town Clerk no later than Tuesday April 26th



# Town of Kennebunk

FY 2016-2017 Proposed Budget

More information is available at  
[www.kennebunkmaine.us](http://www.kennebunkmaine.us) and at  
the Town Clerk's Office as of  
April 8, 2015.

4

PUBLIC  
HEARING

(g)

STATE OF MAINE  
YORK, ss.

SUPERIOR COURT  
Docket No. CV-15-480

BR2, LLC, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 INHABITANTS OF THE TOWN OF )  
 KENNEBUNK, THE ZONING BOARD )  
 OF APPEALS OF THE TOWN OF )  
 KENNEBUNK, and PAUL DEMERS, )  
 )  
 Defendants )

**DEFENDANTS' CONSENTED TO  
MOTION FOR INTERIM RELIEF  
Town Atty revd 4-29-16 and 5-2-16**

NOW COME the Town of Kennebunk Defendants (“Defendants”), by and through counsel, and propose a consent order for interim relief in this action. In support of this Motion, Defendants assert the following:

1. As set forth in greater detail in the Complaint, this action concerns the use of adjoining lots or parcels of real property (the “Marina Lot” and the “Restaurant Lot”), located in Kennebunk at 2 and 4 Doane’s Wharf Road, which two lots are owned or controlled by the same persons. Their common lot line is also the dividing line on the Town’s Zoning Map between different zoning districts, such that not all of the uses allowed under the Kennebunk Zoning Ordinance on the Restaurant Lot are allowed on the Marina Lot and *vice versa*.

2. The primary legal issue in this action is whether Plaintiff is entitled to use the Marina Lot for overflow automobile parking from the Restaurant Lot, an accessory use not allowed as a matter of right under the Zoning Ordinance.

3. On February 23, 2016, the parties engaged in a day-long mediation session and reached a tentative settlement agreement that would allow a potential resolution of the current litigation to be put to the Kennebunk voters as a “contract zone amendment,” as a Town meeting referendum vote as required by the Town Charter, as soon as reasonably possible. The parties

had hoped that vote could be held at the annual Town meeting this June, but it soon became apparent that that date was impracticable given the various public notices and public hearings required by law, and so the parties are now looking to put the proposed contract zone amendment before the voters at a special Town meeting to be held concurrently with the general elections set for this fall, on November 8. Under the Town's Charter, all land use ordinance amendments, including this proposed contract zone amendment, must be voted on by referendum ballot.

4. In the interim, the parties have agreed to ask the Court for temporary relief in advance of a more comprehensive, proposed contract zoning amendment to be acted on by the voters at a special Town meeting to be conducted concurrently with the November 8, 2016 general election. —This interim relief is designed solely for the up-coming, and likely very busy, 2016 summer tourist season, which always serves to aggravate the automobile parking situation, which is at the heart of this action, in this area of Kennebunk. This interim relief is intended to be without prejudice to either side in this action and is subject to the following restrictions:

- a. overflow automobile parking from the Restaurant Lot for thirty (30) cars, either self-serve or valet, is be allowed on the Marina Lot (plus two (2) additional parking spots for the existing single family house on the Marina Lot); thirty-two (32) is the total number of cars allowed on the Marina Lot;
- b. entrance to the Marina Lot must be either barricaded or gated, *e.g.*, a gate that is key-card or otherwise controlled, in such a fashion as to all but diminish or substantially reduce through traffic from Beach Avenue to Western Avenue through the two lots (public service emergency vehicles and over-sized deliveries excepted) although vehicular traffic from Beach Ave to and from the marina use on the Marina Lot is allowed;
- c. no outdoor special event activities would be allowed on the Marina Lot other than ones directly related to a boat tied up at the marina;
- d. no incidental sales or rentals of small boats, kayaks or canoes on the Marina Lot, provided, the marina may have for sale up to four large boats in the water;
- e. no whale watch boats or harbor cruise boats, or similar day-tripper boat uses would be allowed on the Marina Lot or to be serviced in any way from the Marina Lot except so-called "6 pack" day trip, marine licensed boats (no more than 6 guests), for which both the guests' and the boat

- operators' cars will count against the 32 parking spots described in paragraph 4(a) above;
- f. this interim relief shall expire at the end of the day on Tuesday, November 8, 2016.

The undersigned has conferred with counsel for Plaintiff, who joins in this motion.

WHEREFORE, for the reasons set forth above, Defendants respectfully request that the Court provide the interim relief requested herein and set forth in the proposed order submitted herewith.

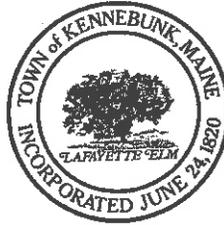
DATED at Portland, Maine this \_\_\_ day of May, 2016.

By: \_\_\_\_\_  
William H. Dale, Bar No. 408

*Attorney for Defendants Town of Kennebunk,  
Zoning Board of Appeals, and Paul Demers*

JENSEN BAIRD GARDNER & HENRY  
Ten Free Street  
P.O. Box 4510  
Portland, ME 04112  
(207) 775-7271

# Town of Kennebunk, Maine



Christopher J. Osterrieder, P.E.  
Director of Community Development // Town Engineer  
Tel. 207-985-2102 Ext. 1337  
Fax (207) 985-4609  
E-mail: [costerrieder@kennebunkmaine.us](mailto:costerrieder@kennebunkmaine.us)

## MEMO

---

To: Barry Tibbetts, Town Manager

C: Paul Demers, Code Enforcement Officer  
Judy Bernstein, Town Planner  
William Dale, Esq., Town Attorney

From: Christopher J. Osterrieder, P.E.  
Director of Community Development // Town Engineer

Date: May 20, 2016

Re: BR2, LLC - #2 & 4 Doanes Wharf - current property uses (post ZBA decision)  
and possible development scenarios

The current legal uses for the property located at 2 & 4 Doanes Wharf Road (Map 88 Lot 66 & 67) are defined by the Kennebunk Zoning Board of Appeals (ZBA) decision of November 30, 2015. The property is located in the Coastal Residential (CR), Resource Protection (RP) and Shoreland Overlay (SZ) zones.

After a multiple meeting review in October and November 2015, the ZBA interpreted that the property has a legal marina and single-family dwelling. Both uses are allowable uses in the Coastal Residential and Resource Protection Zone.

The limitations on new development are defined by the type of uses (Article 2 - Zoning Definitions), performance standards (Article 10) and district regulations (Article 8). Portions of some uses may be considered legally non-conforming and the ability to further develop within or modify non-conformity is regulated in the Zoning Ordinance under *Article 5 - Non-conformance*.

Any reference to the word "Article" in this memorandum is in reference to the Town of Kennebunk Zoning Ordinance, which is available for review in the Community Development, Planning & Codes office located at the Kennebunk Town Hall or online at <http://www.kennebunkmaine.us/index.aspx?nid=380>.

Subsequent to the issuance of Building Permit #88-62 in 1988, the property(s) have not gone through any formal regulatory board review (Site Plan Review or Planning Board) and do not have specific conditions attached that define review of amendments or future changes. The legal uses established by the ZBA in November of 2015 primarily focused on the marina and a single-family dwelling. The ZBA in its deliberation decided to establish baseline uses and associate parking with each. These uses include:

Marina	16 spaces
Marina employees	2 spaces
Tradesmen associated with Marina	2 spaces
Single-family dwelling	2 spaces
<b>Total Site Parking</b>	<b>22 spaces</b>

There are several uses that are permitted or special exception uses in the Resource Protection Zone (*Article 8 Section 1*) and Coastal Residential Zone (*Article 8 Section 5*), which are identified in *Article 8 – District Regulations* of the Zoning Ordinance for each respective district. These uses include:

- Outdoor recreation (fishing, hunting, hiking or cross-country skiing) - SPECIAL EXCEPTION in RP (*Article 8 - Section 1.C.4-1*)
- Temporary and permanent piers docks & wharfs - SPECIAL EXCEPTION in RP (*Article 8 - Section 1.C.4-2*)
- Marinas - SPECIAL EXCEPTION in RP (*Article 8 - Section 1.C.4-3*)
- Single-family detached dwellings - PERMITTED USE in CR (*Article 8 - Section 5.B.3-1*)
- Accessory uses and building - PERMITTED USE in CR (*Article 8 - Section 5.B.5-1*)
- Home Occupations - PERMITTED USE in CR (*Article 8 - Section 5.B.5-2*)
- Recreational Fishing and Boating Services - SPECIAL EXCEPTION in CR (*Article 8 - Section 5.C.4-4*)

Any of these uses, which have not been currently recognized by prior approval, would then require review by the appropriate review authority (Building Inspector/Code Enforcement Officer, Planning Board or Site Plan Review).

It is expected that the standards for *Article 11 - Site Plan Review* will be applicable when considering what aspects may be subject to review (changes in use, expansion, etc.).

Other new uses that may be permissible that are identified in the applicable section of the District Regulations (see bulleted items above, e.g.) may require Planning Board Review in lieu of Site Plan Review - the Code Officer and Town Attorney may need to interpret which Board would get jurisdiction.

In reviewing *Article 11 - Site Plan Review Section 3 - Applicability of Site Plan Review*, there are specific standards for development activities that would trigger review. These include:

- New construction of 1,000 square feet of non-residential building (*Article 11 - Section 3.A.1*)
- Enlargement of nonresidential building and accessory building if total floor areas exceeds 1,000 square feet in a five year period (*Article 11 - Section 3.A.2*)
- Conversion of an existing building or part thereof from residential use to a non-residential use if the total area affected exceeds 1,000 square feet (*Article 11 - Section 3.A.3*)
- Conversion within an existing non-residential use to another nonresidential use if the change of class or conversion results in any of the following (*Article 11 - Section 3.A.4*):
  - Enlargement of the building footprint
  - An increase of 3 or more required parking spaces (per *Article 10 Section 9 - Off-street Parking*) compared with the previous use of the site
  - A 10% or greater increase in traffic generation per ITE Trip Generation Manual
  - A change of use involving 5,000 square or more of floor area
- Paving, stripping, removal of earth materials or grading or regarding of areas if such activity alone or in combination of building construction disturbs land area of 10,000 square feet or more within a 5 year period (*Article 11 - Section 3.A.5*)
- Paving that covers 5,000 square feet or more of surface area or that in combination with building or buildings covers 70% or more of a lot area (*Article 11 - Section 3.A.6*)
- Construction enlargement or extension or permanent piers, docks or wharves, seawalls and breakwaters, except those that are accessory to a single-family or two-family dwelling (*Article 11 - Section 3.A.7*)
- Marinas (*Article 11 - Section 3.A.8*)
- Reconfiguration of off-street parking in accordance with Article 10 Section 9.C (*Article 11 - Section 3.A.9*)

The current single-family dwelling located on the property was allocated two parking spaces as part of the ZBA decision of November 2015. A single-family dwelling is a permitted use in the Coastal Residential zone and a special exception in Resource

Protection (though it must be in conformance with *Article 7 – Special Exception*). There are certain uses that are exempt from Site Plan Review and these are outlined in *Article 11 Section 3.B*, of which single-family dwellings are one of these exemptions.

The parking requirements listed in *Article 10 Section 9 - Off-street Parking* are minimums for the defined use (*Article 10 Section 9.C.6*). If the single-family dwelling were to be rented then the requisite parking that could be allotted to the use could be the current 2 (per ZBA decision) plus any additional required for the rental since that would be associated with the single-family dwelling and therefore exempt from Site Plan Review. The Code Enforcement Officer has indicated that there may be other building and fire code requirements that necessitate sprinkling of the building if more than three rooms are to become available for rent. If the building is not sprinkled then it could still be rented and possibly allow for an additional three parking spaces (17 spaces). (This should be verified by the Code Enforcement Officer).

The marina facility has 16 spaces assigned per the allowed 16 slips (1 space per slip - reference *Article 10 Section 9.6.e*). Any additional slips would require additional parking spaces at the same ratio of 1 space per slip. The Code Enforcement Officer would have to review any proposal for additional slips to determine if the Site Plan Review applicability thresholds (*Article 11 - Section 3.A.7*) are triggered. If it was determined that Site Plan Review is required, the Town Planner will then need to review and make a determination if this could be reviewed under Staff Review or the full Site Plan Review Board. Note that *Article 11 Section 5.2.E.1* contains a provision to refer minor site plan applications to the full Site Plan Review Board if the project is one “that will generate significant public interest, either in the neighborhood where the project is located, or on a Town-wide basis.” It is more probable than not that most activities contemplated for use on this property (regardless of size or extent) are going to “generate significant public interest in the neighborhood that it is located” and review before the full Site Plan Review Board should be anticipated.

The ZBA decision of November 2015 allocates 2 parking spaces for employees (presumably one per employee) to operate the marina. The assignment of parking spaces appears to have been arrived at without any representation by either the marina operator (BR1, LLC), the property owner (BR2, LLC) or the Town as to the extent of employees necessary to operate the facility. If the marina operator were to indicate that a marina of this size has more specific employee requirements necessary to operate this facility (security, marina manager, dock master, dock hands, etc.), the ordinance would not require the provision of additional parking, though if there were parking available, the addition of these employees would not constitute an expansion of marina operations. The ZBA assignment of 2 parking spaces for marina employees appears to be subjective in that it was not based on any information referenced in the Zoning Ordinance or by the appellant (BR2, LLC) or the appellee (Town of Kennebunk). The operator of the marina may have a need for parking different from what was assigned by the ZBA. Depending on the extent of that need, additional spaces for employee parking would not be considered inordinate. (7 - 11 spaces)

The ZBA decision of November 2015 also allocates 2 parking spaces for tradesmen who may work at or on the facility. The ZBA decision did not make the specific distinction whether these were to be employees of the marina or contractors. *Article 2* of the Zoning Ordinance has a definition of Tradesmen Shop, which by its definition would suggest that this does not have to be an accessory use to the marina. The factual or practical support for the assignment of parking by the ZBA is a little unclear in that neither the appellant nor the appellee specifically identified the number of tradesmen that historically or currently intend to work on the property or the extent of the property that was utilized for this activity. This activity has been considered a historical use related to the site, per the ZBA decision. The need to perform maintenance or repair activities utilizing more than 2 tradesmen is not likely to be viewed as an expansion of the marina operations, nor is this something that is readily monitored by the Town as part of any business activity. The Town does not have any position as to whether the 2 parking spaces for tradesmen is accurate or suitable for the needs of the facility or to the extent and time which they may be present at the facility. (11-7 Spaces)

In reviewing the property with the Code Enforcement Officer, it was also noted that the use of the property by the owner for personal reasons is not something contemplated by the ordinance.

The single-family dwelling also could allow for a Home Occupation, which is a permitted use in the Coastal Residential Zone (CR) as long as it complies with *Article 2 - Definitions, Article 8 Section 5.B.5-2* and *Article 10 Section 14 - Home Occupations*. A Home Occupation would require a permit from the Code Enforcement Officer.

The property has a developed gravel parking area, which, although undefined in terms of parking stall delineation, appears that it could accommodate approximately 30 spaces and still comply with the dimensional requirements of *Article 10 - Performance Standards* and *Article 11 - Site Plan Review* for off-street parking areas. The creation of this gravel area appears to have occurred as part of the historical marina related activity and has not undergone any formal site plan review. The lack of formal site plan review associated with this gravel area, would preclude it from requiring site plan review if the parking area were to be formally configured, as there is no configuration of a defined parking plan or other uses of this area on record.

Changes in parking on the property that are related to the currently approved uses as defined by the ZBA decision and do not trigger the applicability of *Article 11 - Site Plan Review*, would likely be accepted as a component of the existing uses and not an expansion, as long as they remain within the developed gravel area. This could include guests of the single-family dwelling (undefined), tenants of the single-family dwelling beyond the 2 assigned vehicles to the single-family dwelling (undefined), guests of the marina (undefined), persons interested in yacht sales (undefined), staff of the marina beyond the 2 assigned vehicles to marina employees (undefined).

Based on this review, there are several other uses that are allowable under the Zoning Ordinance either as a Permitted Use (Accessory Use and Building; Home Occupations -

Coastal Residential Zone) or as a Special Exception (Recreation and Marine uses - Resource Protection Zone; Day Cares, Recreation and Marine Uses, Recreational Fishing and Boating Services - Coastal Residential Zone).

The ZBA did not specifically state the extent to which any recreational fishing and boating services may occur. The extent to which Uninspected Passenger Vessels (UPV) - 6 Passengers (6 Packs) charter fishing vessels historically used the marina is unclear, this needs to be further reviewed. If it can be ascertained that this use occurred or was permitted as part of a prior approval, then this use may be allowed and parking would need to be provided in accordance with *Article 10 Section 9.C.6.e.(vii)* (1 space per 4 participants).

Article 2 of the Zoning Ordinance contains a definition of a Marina, which specifically identifies the probability of sales of boats. The Findings of Fact of the ZBA hearing (FOF #9) indicate that the owner intended to conduct marine craft sales. The ZBA determination that this is a Marina leads the Town to view all activities that meet the definition of a Marina as currently permissible (*ZBA Conclusion of Law 1.e*). *Article 10 Section 9.C.6.e.(v) - Marine Sales Services* requires 3 spaces per use or 3 spaces per 1,000 square feet whichever is greater. The definition of a marina contained in Article 2 of the Zoning Ordinances suggests that sales of boats are part of the principal use of a marina. It would not be unexpected that if the marina operator wishes to engage in sales of boats that 3 parking spaces may be provided for this use (in addition to the 16 spaces for the slips) (+ 3 spaces).

At this time it is entirely plausible that there could be uses on the property that would have a demand for parking associated with 30-32 vehicles that would be related to uses deemed to be legal as part of the November 2015 ZBA decision. The 30-32 parking spaces may be necessary for uses that would not be considered an expansion of operations and if situated on an already developed area (gravel parking lot) would not trigger Site Plan Review development thresholds. It is possible that the property owner could utilize the property in a manner consistent with the ZBA decision and have additional parking on the property in accordance with the uses, without expansion.

The last paragraph of the ZBA decision includes the statement:

*"Except as expressly provided above, the ZBA further determines BR2 may otherwise make all parking uses permitted by the Ordinance in the Coastal-Residential Zone for its own property, provided all other ordinance requirements are met, including, without limitation, the restrictions contain in the Ordinance's definition of the term "accessory uses", and nothing in this Decision provides to the contrary."*

Given that the Town did a cursory review of the gravel area and anticipated that it could accommodate 30 parking spaces and comply with the dimensional standards for parking, anything beyond the 30 spaces should undergo some form of review in accordance with

*Article 10 Section 9.C - Off-street Parking Plan Review Procedure by Applicable Authority.*

The property has not forfeited the right to pursue any development activities currently identified as a permitted use or special exception use in the zoning district(s) in which the property is located. Nor has it forfeited the right to pursue a zoning change or zoning amendment as outlined in *Article 13 – Amendment and other Legal Provisions*. Any review of potential development on the property will need to recognize the legal non-conformity (development protections) of the property as well as all other applicable standards of the ordinance.

The purpose of this memorandum is to provide some definition of the recognized legal uses on the property per the ZBA decision, as well as identify that the property has a series of variable uses that may occur. There have been many inquiries as to the possible current and future uses of this piece of property and it is premature to attempt to outline all of these scenarios and the probable implications of any development proposal without a formal plan(s).

Please call me at 207-985-2102 (x1337) if you have any questions.

8.a.



Google

Map data ©2016 Google 50 ft



8.b.

# TOWN OF KENNEBUNK

## Policy for Placing Meeting Minutes on the Town's Website

In the pursuit of keeping the public informed concerning the conducting of various Town appointed Boards, Commissions and Committees, we, the Board of Selectmen, hereby approve the following policy:

1. All minutes for Town binding committees must be typed or computer generated in Microsoft compatible format.
2. All minutes for Town binding committees must be prepared and submitted to the respective board, commission or committee within a reasonable length of time following the meeting for approval of the board, commission or committee.
3. All minutes for Town binding committees must be filed with the Town Clerk's office in their final, approved form with the necessary signature(s) and date of approval on that final form within two weeks 30 days of being accepted the original meeting date. An additional 30 days may be extended for meetings that are exceptionally long or complicated with notice to the Town Clerk.

All minutes for Town non-binding committees must be filed with the Town Clerk's office in their final form within two weeks 45 days of the date of approval original meeting date.

- a. For most boards, commissions, or committees the signature(s) will be that of the secretary of the board, the chairperson or a majority of the board, commission or committee.
4. Upon receipt of the approved minutes, the Town Clerk or designee will scan the document into the computer and place them on the Town of Kennebunk's website. The clerk will then file the signed, original copy in the respective minute binder.
5. The minutes will then be posted on the Town of Kennebunk's website in a PDF file format within five (5) business days of receipt of said minutes.

Minutes posted on the website will remain for a one (1) year period. Minutes are always available in the Town Clerk's office.

**Town Clerk, January, 2010**  
**Approved by Selectmen: 2/9/10**  
**Proposed Amendments: 5/10/16 & 5/24/15**

9.a

# TOWN OF KENNEBUNK

## SPECIAL EVENT POLICY

### **1. Purpose:**

The purpose of this policy is to evaluate any Special Event to avoid and minimize impacts on the general health and welfare of the citizens of the Town of Kennebunk. The use of public ways and Town owned properties need to be properly scheduled to ensure availability of resources to properly manage the special event and minimize impacts to the general public.

### **2. Applicability:**

The following activities shall be subject to the Special Event policy:

- A. Any event held on public property that will involve more than 100 people for a duration longer than 2 hours
- B. Any event that will occur within a public way or will affect the flow of traffic or access by emergency vehicles
- C. Any event that will utilize Town facilities (Edward Winston Auditorium, Dorothy Stevens Center, Waterhouse Center, etc.) and may require reservation or support services

### **3. Exemption from Permit Requirements:**

Any event that is sponsored by a Town Department (Recreation, Police, Fire, etc.), Committee or group that has been reviewed and approved to operate Town facilities (athletic organizations) shall be exempt from obtaining a Special Event permit.

### **4. Scheduling:**

- A. All Special Event permits applications should be filed at least 45 days in advance of the proposed event and in general, Special Events should not be scheduled more than six months in advance of the proposed event. Exceptions must be approved by the Town Manager.
- B. For any event that involves the use of a public way, Town park or facility, priority will be given to the following organizations/groups:
  1. Town Sponsored Events (including those in conjunction with Waterhouse Events)
  2. RSU #21, Kennebunk Free Library and Kennebunk Utility Districts
  3. Non-profit Community Organizations
  4. Private and Commercial Events

### **5. Review Process:**

- A. All Special Events requiring a permit shall fill out a Special Event permit application which will be reviewed by Town departments (Police, Fire-Rescue, Code Enforcement, Recreation, and Administration)
- B. Permit applications should be obtained from the Recreation Department and they will serve as the point of contact through the application process
- C. Any Special Event that may occur simultaneously or in close proximity to an annually recurring Town Sponsored Event (May Day, Old Home Week, West Kennebunk Family Fun Day, Tree Lighting, Christmas Prelude, etc.) may require additional review by the respective sponsoring committee. Longer permit review may be necessary based on committee meeting schedules.

# TOWN OF KENNEBUNK SPECIAL EVENT POLICY

D. Special Events that may utilize public ways, Town facilities or have the potential to impact Town services over multiple days may be subject to an enhanced review process that will include the following:

1. submission of a detailed operation and management plan that addresses such aspects as:

- a. traffic control plan
- b. parking management plan
- c. solid waste collection and disposal
- d. sanitary facilities
- e. community outreach (public meeting and abutter notification)
- f. any other items related to Public Safety & Health

2. assessment of any costs incurred by the Town related to the review of the application

3. approval by the Board of Selectmen

## 6. General Requirements:

A. A public way is defined in the Town of Kennebunk ordinance as “any public street, highway or sidewalk, any private/way public easement laid out or existing under Maine Law or under the control of any Town department or official.”

B. Town owned facilities shall include all facilities owned and maintained by the Town of Kennebunk available for public use exclusive of fee.

C. **A fee in the amount of \$25.00** shall be submitted with each Special Event Application. The fee will be refunded only if the Town does not approve the application.

Note: the following groups are exempt from this requirement:

1. Town Sponsored Events (including those in conjunction with Waterhouse Events)
2. RSU #21, Kennebunk Free Library and Kennebunk Utility Districts

D. All materials included in a Special Event permit application shall be binding upon the special event organizer and those who coordinate and operate the event. It shall be the responsibility of the Special Event permit applicant to provide all of this information to the entity responsible for operating and coordinating the event.

E. A Special Event permit shall not be issued until the application has been reviewed and approved by the appropriate Town Staff and the contact person has been notified.

F. Any Special Event that will impact the use of any public way shall be limited to no more than one event on the same weekend within the same area of Town. For the purpose of this policy the Town shall designate the three main areas as Downtown, Lower Village and West Kennebunk. In the event that it is not clear which area the event is located, the Special Event will be assigned to the nearest geographic that is likely to be impacted by the event activities.

G. The use of Town facilities for any Special Event should limit the impact to the residents.

H. Scheduling for the use of the Waterhouse Center will be handled through the Recreation Dept. (207-604-1335). A separate and additional application is necessary for the use of that facility.

I. **A Certificate of Insurance will be required for all Special Events, excluding events held by the Town. The Certificate of Liability Insurance must state under Description of Operation: Town of Kennebunk is an Additional Insured regarding the (must put in title of event) being held in Kennebunk, Maine. One million dollars (\$1,000,000.00) will be considered the minimum amount of liability coverage acceptable to the Town. Non-profit community organizations will be required to sign an agreement holding the Town harmless for liability resulting from the activity taking place on Town property. Governmental entities (i.e. RSU #21 and local Utility Districts) will be exempt from this requirement.**

# TOWN OF KENNEBUNK SPECIAL EVENT POLICY

- J. All Special Events shall comply with all applicable Town Ordinances in particular the following ordinances:
1. Section 1 – Kennebunk Zoning Ordinance, Article 10 Performance Standards, Section 7 (Sign Permits)
  2. Section 2 – Ordinances Relating to Roadways, Rivers & Traffic
  3. Section 3 – Ordinances Relating to Public Safety and Health
- K. Any decorations or equipment used in association with the event must comply with all current applicable Fire Codes. All supplies/equipment must be flame retardant and stored per Fire Code. If there are any questions regarding this code, please contact the Fire Department (207-604-1340).
- L. It is the responsibility of the Special Event organizer to coordinate and arrange for all set up and tear down work. The duration of the event should include all time that the use of Town facilities or public way is impacted by the event, which includes set-up, removal and clean-up operations. All activities associated with the Special Event shall be outlined in the Special Event application and subject to review by Town Staff.
- M. The Special Event organizer must supply all necessary equipment for the safe and functional operation of the event. All equipment and materials associated with the Special Event (including refuse) must be removed at the end of the event, unless given prior written approval from the Recreation Department. All requests must be made in writing and reviewed as part of the Special Event application process.
- N. The Town will not store materials indefinitely and may dispose of any residual materials. Any equipment left on premise after the event without prior approval may be assessed a storage/handling fee which will be deducted from the deposit.
- O. There shall be no taping, stapling, nailing or hanging up of any posters, banners or these types of promotional activities on any utility poles, walls, posts, windows or doors unless approved by the entity of ownership in writing. Cost associated to repair any damage from these postings is the responsibility of the Special Event organizer and may be subject to any violation of legal statutes.
- P. Failure to comply with the terms of a Special Event application approval or deviation from the approval without the consent of a designated Town official may prohibit the event and/or special event organizer from future events.
- Q. Any entity representing itself as a non-profit organization should be able to produce evidence of non-profit status upon request.
- R. Any special event application that is denied or may appear before the Board of Selectmen to appeal this denial.
- S. A copy of the Special Event application form and permit will be kept on file with the Recreation Department and available for inspection to the public. The Special Event organizer will be required to maintain a copy of the permit application and any approval and subsequent conditions.
- T. Should any road closure or Town department assistance be noted through the application process, the Town will require payment in advance for services of Police, Fire and Public Services (Public Works) based on the Town's estimate, before the permit will be issued.**

**APPROVED: 2016-02-09**

**PROPOSED AMENDMENT: 2016-05-24**

**TOWN OF KENNEBUNK  
SPECIAL EVENT POLICY**

**TOWN OF KENNEBUNK  
RELEASE AND INDEMNITY AGREEMENT**

In consideration of the permission given to the undersigned by the Town of Kennebunk, allowing use of Town Property for the following date(s) \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_ (name of organization/ renter), the undersigned, does forever release, discharge and covenant to hold harmless the Town of Kennebunk and any other person or agent of said Town charged or chargeable with responsibility or liability for the use of the Town Property, their heirs, administrators, executors, successors and assigns, from any and all claims, demands, damages, costs, expenses, loss of services, actions and causes of action, arising out of any act or occurrence up to the present time, and particularly on account of all personal injury, disability, property damage, loss or damages of any kind sustained or that may hereafter be sustained, in consequence of the use by \_\_\_\_\_ (name of organization/ renter) of said Town Land on the date(s) above specified.

The undersigned agrees, as a further consideration and inducement for this release and indemnity agreement, that it shall apply to all known, all unknown and any and all unanticipated injuries and damages directly and indirectly resulting from the use of Town Land, as well as to those, which are presently foreseeable.

\_\_\_\_\_  
**Signature of Responsible Party**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name of Responsible Party**

\_\_\_\_\_  
**Address of Responsible Party**

\_\_\_\_\_  
**Phone Number of Responsible Party**