

**TOWN OF KENNEBUNK
BOARD OF SELECTMEN
TUESDAY, JUNE 14, 2016 – 6:30 P.M.
KENNEBUNK TOWN HALL
3rd FLOOR/ROOM 301
AGENDA**



REGULAR MEETING – 6:30 P.M.

1. Call to Order & The Pledge of Allegiance

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

2. Minutes (2-3 minutes)

- a. May 24, 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:

**Toroso, LLC d/b/a Toroso
located at 149 Port Road for a
new Special Amusement Permit
new Victualer License
new Malt, Spirituous, and Vinous Liquor License**

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

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

Police Department: new license – nothing to report from police

MOTION: To approve the new Special Amusement Permit, new Victualer License and new Malt, Spirituous, and Vinous Liquor License for Toroso, LLC d/b/a Toroso, contingent on final inspections by the Code Office and Fire Department and the issuance of the Certificate of Occupancy Permit.

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

**Pizza On The Fly, LLC d/b/a Fire and Company
located at 102 York Street
for a new Victualer License**

**(This is a catering food preparation location, not a public restaurant;
they are operating this location as a central kitchen for an established catering company)**

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

Fire Department/Codes Office: food inspection by the State Health Inspector has been completed

Police Department: new license – nothing to report from police

MOTION: To approve the new Victualer License for Pizza On The Fly, LLC d/b/a Fire and Company.

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

**Ryan Cary d/b/a Fire and Company
located at 102 York Street
for a new Qualified Catering Liquor License**

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

Fire, Codes and Police recommendations: see previous public hearing

MOTION: To approve the new Qualified Catering Liquor License for Ryan Cary d/b/a Fire and Company.

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

**Webhannet Golf Club d/b/a Webhannet Golf Club
located at 26 Golf Club Drive
for a renewal Malt, Spirituous and Vinous Liquor License**

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

Fire Department/Codes Office: 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 Webhannet Golf Club d/b/a Webhannet Golf Club.

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

**Berry'd Treasures LLC d/b/a Berry'd Treasures
located at 22A Main Street
for a new Victualer License (ownership changed)**

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

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

Police Department: new license – nothing to report from police

MOTION: To approve the new Victualer License for Berry'd Treasures LLC d/b/a Berry'd Treasures.

- f. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to act on the following Proposed Changes to Town of Kennebunk Ordinances Section 2:

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.

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

The changes to Section 2, 2-2 Limited Parking 2-1, can be approved at this public hearing and do not require a Town Meeting vote. If the Board wishes to approve the amendments, the motion could be as follows:

***MOTION:** To approve the changes to Section 2, 2-2 Limited Parking 2-1 as noted above.*

5. Public Comments (5-10 minutes)

6. Acknowledgements/Announcements (5-10 minutes)

7. Time Sensitive Business

8. Old Business (2nd Reading)

- a. Discuss the Strategic Plan Survey Results (20-25 minutes) – Don Jutton from Municipal Resources Inc. will be present to share the results of the recent survey and discuss the next steps for developing the strategic plan.

No motion is necessary.

- b. Discuss a Preliminary Review of the Road Rating System (10-15 minutes) – The road rating system has been reviewed by staff. An updated list includes (1) road improvements for this coming year, (2) identification of roads to receive crack sealing and (3) a potential listing of roads to receive improvements in the future. Staff will present the details at the meeting. Selectman Schulte will not be at the June 28th meeting and wanted to be a part of this discussions. Therefore, the second reading for this discussion should be held on July 12th meeting.

MOTION: To send to a second reading on July 12th.

9. New Business (1st Reading)

- a. Presentation of Division/Department Overviews (25 minutes) – Division Directors will be presenting a 3-5 minute overview of significant accomplishments within their departments over the past fiscal year and identifying select goals and objectives they will be striving to obtain during the next fiscal year.

Overviews Scheduled for the June 14th Meeting

- Eric Labelle – Public Services (Public Works, Parks, Recreation)
- Chris Osterrieder – Community Development (Planning, Codes, Community Development)
- Jill LeMay – Kennebunk Free Library
- Michael Pardue – Human Resources

Overviews Scheduled for the June 28th Meeting

- Merton Brown – Town Clerk/Elections
- Jeff Rowe – Fire/EMS
- Robert Mackenzie – Police
- Joel Downs – Finance Office (Finance, Tax Collection, Assessing, IT Dept., GA)

No motion is necessary.

- b. Discuss Nominations to MMA's Legislative Policy Committee (3-5 minutes) – We recently received the attached information from Maine Municipal Association (MMA) regarding the nomination of community members to serve on the Legislative Policy Committee (LPC).

MMA takes its direction on all questions regarding the goings-on at the State House in Maine from the 70 elected and appointed municipal officials who are chosen by their peers to serve on MMA's LPC.

Our district (Senate District #34) is comprised of Acton, part of Berwick, Kennebunk, Lebanon, North Berwick and Wells. Kennebunk and the other municipalities in this district are entitled to nominate a representative (elected or appointed municipal official) to the LPC.

Nomination forms (including a LPC Nominee Biography) must be received by MMA no later than **June 21st at 5:00 p.m.**

Once all the nominations are in, a ballot will be mailed to each municipality where two municipal officials will be elected from each of Maine's 35 Senate Districts.

Kennebunk can choose to nominate a municipal official; however, we are not required to do so.

If the Board wishes to nominate a representative, the motion could be as follows:

MOTION: To nominate _____ as Kennebunk's representative to the MMA Legislative Policy Committee.

- c. Discuss the Selectmen's Summer Meeting Schedule (3-5 minutes) – In past years we have cancelled the Selectmen's second meeting in July and August to accommodate staff and board member vacation schedules. This would be the recommendation again for the coming summer. The meeting dates to cancel would be July 26 and August 23.

MOTION: To cancel the July 26 and August 23 Selectmen's meetings and schedule any special meetings as needed.

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

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

- JoAnn Lapoint Recreation Committee – Regular 2018
- Dawn Stevens West Kennebunk Village Committee – Regular 2018

MOTION: To accept the resignations of JoAnn Lapoint from the Recreation Committee and Dawn Stevens from the West Kennebunk Village Committee and send letters thanking them for their service.

- e. Take Up the Annual Town Manager Appointments (5 minutes) – Below you will find the Town Manager’s Nominations for Annual Appointments for the period of July 1, 2016 to June 30, 2017. Confirmation from the Board is required.

TOWN MANAGER'S APPOINTMENTS (1 YEAR) 7-1-16 to 6-30-17	
Finance Director, Deputy Tax Collector, Treasurer	Joel Downs
Acting Town Manager	Joel Downs
Police Chief	Robert MacKenzie
Fire Chief	Jeffrey Rowe
CEP Director	Jeffrey Rowe
Tax Assessor	Daniel Robinson
Director of Human Resources	Michael Pardue
Director of Public Services	Eric Labelle
Road Commissioner	Eric Labelle
Recreation Director	Tasha Pinkham
General Assistance Agents	Barry Tibbetts, Joel Downs, Kris Fogg, Karen Winton
Director of Information Services	Richard Boucher
Community Development Director	Christopher Osterrieder
Town Engineer	Christopher Osterrieder
Town Planner	Judith Bernstein
Code Enforcement Officer	Paul Demers
Building Inspector	Paul Demers
Plumbing Inspector	Paul Demers
Alternate Building Inspector	Brian Paul
Alternate Plumbing Inspector	Brian Paul
Alternate Building Inspector	Wayne Mathews
Alternate Plumbing Inspector	Wayne Mathews
Electrical Inspector	James Nichols
Alternate Electrical Inspector	William Clark
Alternate Electrical Inspector	Marc Lamontagne
Harbormaster	Raymond Billings
Shellfish Warden	Russell W. Brown
Town Historian	Stephen Spofford
Tree Warden	Wayne Cutting
Constables	Christopher Russell, Michael Tucci, Eric O'Brien

Note: The Town Clerk was appointed in November of 2015 for three years (through 2018) and therefore is not listed above.

MOTION: To confirm the Town Manager’s Nominations listed above for the 2016-2017 Annual Appointments.

TOWN MANAGER'S APPOINTMENTS (3 YEAR) 7-1-16 to 6-30-19	
Health Officer	John Brady
Assistant Health Officer	Paul Demers

MOTION: To confirm the Town Manager’s Nominations of John Brady as Health Officer and Paul Demers as Assistant Health Officer each for a three-year term.

- f. Take up the Annual Board Re-Appointments (10-15 minutes) – The board members up for re-appointment have terms expiring on June 30, 2016. These are Regular members (3-year terms), Alternate members (1-year terms), and Youth members (1-year terms).

Below is a list showing members that:

- (1) wish to be re-appointed
- (2) are not seeking re-appointment
- (3) should be moved up from Alternate to Regular positions

→ **1. The following members have stated they DO wish to be re-appointed:**

COMMITTEE	MEMBER	Regular (3 -yr.) Alternate (1-yr.) Youth (1-yr.)	# of meetings from minutes on file Sept.'15-Feb.'16 (6 mos.)	# of meetings attended
Board of Assessment Review	Richard B. Smith	Regular 3-yr. (no meetings Sept-Feb but attended 2 of 2 before)		
Budget Board	John Costin	Regular 3-yr.	6	6
Budget Board	Thomas Wiggins	Regular 3-yr.	6	4
Cons. & Open Space Planning Comm.	Nicholas Branchina	Regular 3-yr.	12	12
Downtown Committee	Arlene L. Salvati	Regular 3-yr.	5	3
Downtown Committee	Lorraine Burr	Alternate 1-yr.	new member	1 of 1
Downtown Committee	Amy Tyson	Alternate 1-yr.	new member	n/a
Economic Dev. Committee	Robert Georgitis	Regular 3-yr.	6	6
Economic Dev. Committee	Angus Macaulay	Regular 3-yr.	6	4
Economic Dev. Committee	Gary Dugas	Regular 3-yr.	6	6
Economic Dev. Committee	John Daamen	Regular 3-yr.	6	6
Energy Efficiency Adv. Comm.	Scott Negley	Regular 3-yr.	1	1
Festival Committee	Lynne Abelson,	Regular 3-yr.	4	4
Festival Committee	Patricia A. Nicholas	Regular 3-yr.	4	4
Festival Committee	Samantha Abelson	Youth 1-yr.	4	4
Historic Preservation Comm.	Maureen Adams Weaver	Regular 3-yr.	7	5
Historic Preservation Comm.	Barbara Fleshman	Alternate 1-yr.	7	5
Historic Preservation Comm.	Paul Bevacqua	Alternate 1-yr.	7	6
Lower Village Committee	Elizabeth Smith	Regular 3-yr.	7	6
Planning Board	Robert B. Metcalf	Regular 3-yr.	11	9
Planning Board	Matthew Randall	Regular 3-yr.	11	9
Planning Board	Janice Vance	Alternate 1-yr.	11	11
Recreation Committee	Jonathan Whitehouse	Regular 3-yr.	5	1
Recreation Committee	Eddie St. John	Regular 3-yr.	5	4
Recreation Committee	John Hackett	Alternate 1-yr.	5	5
Recreation Committee	Julia Milligan	Alternate 1-yr.	4	3
Site Plan Review Board	Matthew Fagginger-Auer	Regular 3-yr.	3	2
Site Plan Review Board	Kristi Kenney	Alternate 1-yr.	3	3
Tree Committee	Boyd A. Swenson	Regular 3-yr.	1	0
West Kennebunk Village Comm.	Brenda L. Spulick	Regular 3-yr.	4	4
West Kennebunk Village Comm.	Raymond Ingalls	Regular 3-yr.	4	1
Zoning Board of Appeals	Douglas Gallagher	Regular 3-yr.	4 meetings (Sept. '15 to Mar.'16)	2
Zoning Board of Appeals	Leah B. Rachin	Alternate 1-yr.	4 meetings (Sept. '15 to Mar.'16) Did not attend 3 of those meetings due to a conflict of interest	1
Zoning Board of Appeals	James Atwood	Alternate 1-yr.	New member (Feb.) Did attend March meeting	1

MOTION: To appoint the Regular members listed above with new three-year terms expiring on June 30, 2019, to appoint the Alternate members listed above with new one-year terms expiring on June 30, 2017, and to appoint the Youth member listed above with new one-year term expiring on June 30, 2017.

→ **2. The following members have stated they DO NOT wish to be re-appointed:**

COMMITTEE	MEMBER	Regular, Alternate or Youth	Any Alternates to move up?
Affordable Housing Committee	Wayne E. Berry	Regular 3-yr.	No
Budget Board	Peter Marshall	Regular 3-yr.	No
Downtown Committee	Tucker Smith	Regular 3-yr.	Yes, see below
Downtown Committee	Amy Tyson	Alternate 1-yr.	n/a
Energy Efficiency Adv. Committee	Robert Wuerthner	Regular 3-yr.	No
Recreation Committee	Eric Aiken	Youth 1-yr.	n/a
River Committee	Peter W. Donovan	Regular 3-yr.	Yes, see below
Zoning Board of Appeals	Jens-Peter W. Bergen (recently moved to Arundel)	Regular 3-yr.	No

MOTION: To send a letter to the above committee members that did not wish to be re-appointed thanking them for their service to the Town.

→ **3. The following Alternate members can be MOVED UP to Regular member positions:**

COMMITTEE	MEMBER	NOTES	# of meetings from minutes on file Sept.'15-Feb.'16 (6 mos.)	# of meetings attended
Downtown Committee	Lorraine Burr	Move up to Regular to fill position vacated by Tucker Smith who is not seeking re-appointment	new member	1 of 1
Recreation Committee	Judy Milligan	Move up to Regular to fill position vacated by <u>resignation</u> of JoAnn Lapoint (previous article)	5	4
River Committee	Charles Barker	Move up to Regular to fill position vacated by Peter Donovan who is not seeking re-appointment	New member (2/23/16) 4 meetings (Feb.-May)	4

MOTION: To appoint:

- Lorraine Burr as a Regular Member on the Downtown Committee with a term expiring in 2019,
- Judy Milligan as a Regular member on the Recreation Committee with a term expiring in 2018 (to fill remainder of JoAnn Lapoint's 3-year term), and
- Charles Barker as a Regular member on the River Committee with a term expiring in 2019.

Note: Interest in Possible Upcoming Committee Vacancies: We have been contacted by the following individuals that are interested in vacancies that may be occurring on committees:

- Budget Board, Heather McLaughlin – a vacancy will occur on the Budget Board when Peter Marshall’s 3-year term expires at the end of June. Peter is not seeking re-appointment to the regular member position on the Budget Board. Heather has submitted a Volunteer Committee Form and is scheduled to be interviewed on June 28th for this position.
- Recreation Committee, Olivia Aiken – a Youth member vacancy (1-year term/2017) will occur when Erik Aiken’s term on the Recreation Committee expires at the end of June. Erik will be attending college in the fall. Erik’s sister, Olivia, who attends Kennebunk High School, has submitted her Volunteer Committee Form. She is scheduled to be interviewed on June 28th for this position.
- Economic Development Committee, Rachel Phipps – a vacancy (remainder of the 3-year term expiring in 2018) will occur if Blake Baldwin is elected to the Board of Selectmen on June 14th. Rachel submitted her Volunteer Committee Form on July 17, 2012 and has been on a waiting list since then. She may be scheduled to be interviewed on June 28th, depending on the outcome of the election.

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

10. Selectmen’s Comments

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

11. Town Manager’s Comments/Notes

a. **Upcoming Events and Workshops:**

- **Wednesday, June 15** – Board of Selectmen Outreach Session – The next session will be held on June 15th on the 3rd floor of the Town Hall in Room 306 from 6:00 p.m. to 8:00 p.m. Selectmen Beal and Boothby will host this session. These sessions will provide residents with a chance to meet and talk with Selectmen on a one-on-one basis. These are informal gatherings attended by two Selectmen. Refreshments will be available. Please note, the Outreach Sessions are generally held on the 3rd Saturday of each month at 8:30 a.m. Please watch our website for adjustments to the schedule (as was done with this session!).
- **Tuesday, June 21** – Workshop on Strategic Planning will be held at 6:30 p.m. on the third floor of the Town Hall.
- **Wednesday, June 22** – Appreciation BBQ for Committee Members will be held at the Waterhouse Center (rain or shine) beginning at 5:30 p.m. **RSVPs are requested** (email or call Kathy in the Town Manager’s office if you haven’t already done so).
- **Tuesday, September 6** – Workshop on TIFs will be held at 6:30 p.m. on the third floor of the Town Hall.

b. Update on the Dedication of the 2015 Annual Town Report – On April 12th, the Board approved the list of four residents for the dedication of the 2015 Town Report. As we were getting ready to publish the report, we realized two others members of the community were not included: Joseph V. Cummings, served on the Board of Selectmen from 1980-83 and was well known as the owner of Cummings Market and Hazel N. Jones, who worked as a ballot clerk for many years. Since time was of the essence, we adjusted the list to include Joseph Cummings and Hazel Jones. The other citizens the report was dedicated to are: C. Wesley Crowell, Richard F. Hogue, E. Barbara Storer and Carolyn F. Walker.

12. Executive Session(s)

- a. Discuss an Economic Development Matter with the Town Manager 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).

13. Adjournment