

**TOWN OF KENNEBUNK
BOARD OF SELECTMEN
TUESDAY, SEPTEMBER 13, 2016 – 6:15 P.M.
KENNEBUNK TOWN HALL
3rd FLOOR/ROOM 301
AGENDA**

SPECIAL MEETING – 6:15 P.M.

Interview the following Candidate for Committees:

David Lee Hardwick

Planning Board

Vacancies: (1) Alternate 2017

Note:

Interviews for residents wishing to serve on non-binding committees will be scheduled after the Selectmen's Workshop on October 4th. The Workshop will review Town committees: number of, size of, attendance at, etc.

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. August 9, 2016 Regular Meeting
- b. August 16, 2016 Special Meeting (RSU 21 Cost-Sharing)

No quorum for this meeting – no vote is needed to accept the “notes” from meeting

- c. September 7, 2016 Special Meeting (Tour of 3 RSU 21 Building Renovation Sites)
There was no quorum - only 3 members attended. Notes from the meeting are enclosed; however, they do not require a vote to be accepted.

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

- a. Items as Presented

4. Public Hearing(s) (20 minutes)

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

**David W. Cluff d/b/a Duffy's Tavern and Grill
Located at 4 Main Street
Renewal Malt, Spirituous, and Vinous Liquor License Application**

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 Application for David W. Cluff d/b/a Duffy's Tavern and Grill.

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

**Sante Calandri, German Lucarelli and William Dee d/b/a Port of Italy Kennebunk
Located at 4 Western Avenue
New Malt, Spirituous and Vinous Liquor License Application
(current owners have added a partner)**

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 New Malt, Spirituous and Vinous Liquor License Application for Sante Calandri, German Lucarelli and William Dee d/b/a Port of Italy Kennebunk.*

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

**David Parisi d/b/a The Inn at English Meadows
Located at 141 Port Road
Renewal Malt, Spirituous, and Vinous Liquor License Application**

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 Application for David Parisi d/b/a The Inn at English Meadows.*

- d. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to hear public comment on **proposed amendments to the Town of Kennebunk General Assistance Ordinance, Appendix A-D.**

Information on the proposed amendments is available in the Town Clerk's Office.

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

The Town last adopted the entire MMA model General Assistance Ordinance in 2013, which is still in effect. On a semi-regular basis, MMA incorporates legislative updates to the General Assistance Ordinance. We are operating under the most current version.

Each year the municipal officers approve and adopt the appendices to the General Assistance Ordinance. Enclosed for your review are the individual appendices (A-D need approval by the Board) and a GA Summary Sheet, which does not have to be adopted but is included as a reference tool.

An important piece to remember is that General Assistance is intended to provide immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. In some cases a household's "unmet need" (emergencies and/or unforeseen circumstances) may cause the amount of assistance to be greater than the maximums provided in the appendices. General Assistance Administrators use their discretion and have the ability to consider all of the variables for a household during the application process which may determine eligibility.

MOTION: *To amend Appendices A-D of the Kennebunk General Assistance Ordinance.*

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

To hear public comments on the Warrant for the Special Town Meeting (Referendum Questions) to be voted on at the November 8, 2016 Election.

Copies of the Warrant are available at the Town Clerk's Office.

5. Public Comments (5-10 minutes)

6. Acknowledgements/Announcements (5 minutes)

- a. Accept a Donation from Hans Olsen – In 2009, Hans Olsen made a donation to the Town to purchase a sign for the new George Shaw Memorial Walkway & Garden. This walkway was located between the former Mobil Station (now the Waterhouse Center) and the Sunoco Station on Main Street and was relocated as part of the Waterhouse Center construction. The sign was designed by Kennebunk artist Robin Swennes.

Due to the relocation of the walkway, adjustments to the landscaping, and age and condition of the sign, Mr. Olsen approached the Town recently and wanted to donate the necessary funds (\$195) to replace the sign. Staff has reviewed the sign design and identified a location for installation.

MOTION: To accept the donation of \$195 from Hans Olsen for the George Shaw Memorial Walkway & Garden sign and send him a letter thanking him for his very kind donation.

7. Time Sensitive Business

- a. Discuss the Award/Purchase of a PowerLOAD Device Rom Stryker Unit – Sole Source Bid (5-10 minutes) – The Kennebunk Fire Rescue budgeted for a PowerLOAD device from Stryker Medical Corporation of Chicago IL in the Capital plan for this year (16-17). We have started the process to acquire this device and it is a sole supplier situation.

The quote for this device through Stryker is \$24,110. There is also an additional \$1,900 installation cost, but that would be paid to our ambulance vendor. Our budget is \$28,000 total.

The device is available through other vendors but the price would be the same as purchasing directly through the manufacturer. This falls under Section VI of the purchasing policy and needs Selectmen approval to move forward.

Budget Justifications/Status/Alternatives: The Power-LOAD™ cot fastener system lifts and lowers the cot into and out of the ambulance, reducing spinal loads and the risk of cumulative trauma injuries. This loading device replaces some of the last of the lifting that personnel have to do while loading a patient into the ambulance. The device is compatible with the lifting stretchers that we now use. It will reduce the possibility of spinal/back injuries and assist with the Town's liability through worker's compensation claims. This project will acquire one unit this budget cycle. The unit is ergonomically designed to reduce operator and patient injuries; Power-LOAD™ hydraulically lifts patients weighing up to 700 lbs. with the touch of a button. It also securely locks the stretcher in place and will sustain up to 25 G's of force during an accident. More information can be found at: <http://ems.stryker.com/assets/files/o/power-loadbrochure.pdf>

MOTION: To purchase the PowerLOAD Device from Stryker Medical at a price of \$24,110.

b. Take up the Following Election Items as Recommended by the Town Clerk for the November 8, 2016 Election (5-10 minutes)

1. Sign the Warrant for the Special Town Meeting for the November 8, 2016 Election.

MOTION: To sign the Warrant for the Special Town Meeting for the November 8, 2016 Election.

2. Confirm the Town Clerk's appointment of Mary Lou Nedeau as Warden for the November 8, 2016 Election.

MOTION: To confirm the Town Clerk's appointment of Mary Lou Nedeau as Warden for the November 8, 2016 Election as recommended by the Town Clerk.

3. Set the polling hours for 6:00 a.m. to 8:00 p.m. at the Edward C Winston Town Hall Auditorium for the November 8, 2016 Election.

MOTION: To set the polling hours for 6:00 a.m. to 8:00 p.m. at the Edward C Winston Town Hall Auditorium for the November 8, 2016 Election as recommended by the Town Clerk.

4. Approve the following additional hours for voter registration and absentee voting for the November 8, 2016 Election:

Town Hall:

Saturday	10-29-2016	8:00 AM to 3:00 PM
Sunday	10-30-2016	8:00 AM to 3:00 PM
Monday	10-31-2016	7:00 AM to 9:00 PM
Tuesday	11-01-2016	7:00 AM to 9:00 PM
Wednesday	11-02-2016	7:00 AM to 9:00 PM
Thursday	11-03-2016	7:00 AM to 9:00 PM

(11-04-2016 through 11-08-2016 are absentee voting days for *special circumstances only*.)

Nursing Home Voter Registration and Absentee Voting Hours:

Tuesday	10-18-2016	Huntington Common	9:30 AM to 11:30 AM
Tuesday	10-18-2016	RiverRidge	1:00 PM to 2:00 PM
Wednesday	10-20-2016	Atria	9:30 AM to 11:30 PM
Thursday	10-21-2016	Bradford	10:00 AM to 11:00 AM
Thursday	10-21-2016	Kennebunk Nursing	12:00 PM to 1:00 PM

MOTION: To extend the additional hours for voter registration and absentee voting as listed above for the November 8, 2016 Election as recommended by the Town Clerk.

- c. Discuss Allowing an Overlimit Permit for the Mathew J. Lanigan Bridge Reconstruction Project (5-10 minutes) – The Maine Department of Transportation (MDOT) has requested the municipality to issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits over municipal roads.

Enclosed is the request from MDOT. The Board of Selectmen needs to vote to allow this usage. MDOT requires performance and payment bonds from the awarded contractor, no additional bonding is necessary for the roads.

MOTION: To approve the Overlimit Permit pursuant to 29A MRSA §2382 for the duration of the Mathew J. Lanigan Bridge Project, which is estimated to be October 2016 to December 2017.

8. Old Business (2nd Reading)

- a. Discuss the Skate Park Status (10-15 minutes) – The Town voted in June of 2015, by citizen petition, not to locate the skate park at Parson’s Field. The Town has received two inquiries from skate park companies that offer design/build services.

To bring the project back in focus, would the Board consider an ad-hoc committee to review and recommend a design/build firm for the Board’s review and approval? The firm would then plan, design, and construct a skate park at the Factory Pasture Lane location.

MOTION: To move to a second reading on October 11th.

9. New Business (1st Reading)

- a. Discuss a Consent Order Request for 54 Bayberry Avenue (10-15 minutes) – This was requested by Attorney Cadigan on behalf of the estate of David N. Barry to correct two setback violations on the property at 54 Bayberry Avenue. These violations were discovered during a recent boundary survey as part of a transfer of the property. This appears to be a violation by a previous owner that was inherited by Mr. Barry. Attached for your review is a memo from Paul Demers, Codes Officer regarding this matter as well as a packet of information from Attorney Paul Cadigan, representing the applicant.

MOTION:

- b. Discuss the Economic Development Committee Restructuring (5-10 minutes) – At their committee meetings in August and September, the Economic Development Committee (EDC) discussed options for the restructuring of the committee.

At their September 1st meeting, the EDC voted on the following proposed committee structure:

- **11 members:**
 - 7 Regular members
 - 4 Alternate members

 - Of the 11 members, they would like to include representatives from the other three committees involved with economic issues:
 - Lower Village Committee
 - Downtown Committee
 - West Kennebunk Village Committee

AND

- **4 ex-officio members** (to continue to facilitate lines of communication that are important to the success of the community):
 - 3 Utility District Representatives
 - 1 Chamber of Commerce Representative

Currently, the committee consists of the following members:

- 8 Regular members, although 2 have indicated they may be resigning
- 3 vacancies for Regular members
- 2 vacancies for Alternate members
13 positions

AND

- 4 ex-officio members
 - 3 Utility District Representatives
 - 1 Chamber of Commerce Representative

See detailed list below:

COMMITTEE	MEMBERSHIP	EXPIRATION DATE (June 30)	VACANCIES
Economic Development Committee	Robert Georgitis, Chair	2019	(1) 2018
	J. Steve Hrehovcik	2017	(2) 2017
	Angus Macaulay	2019	(2) Alt. 2017
	Gary Dugas	2019	
	John Daamen	2019	
	William Macdonald	2017	
	Heather Harris	2018	
	Rachel Phipps	2018	
	Laura Dolce, Chamber of Commerce Rep. (Ex-officio)		
	Norm Labbe, KKWWD Rep. (ex-officio)		
Selectman Liaison	Michael Bolduc, KSD Rep. (ex-officio)		
	Todd Shea, KL&PD Rep. (ex-officio)		
	Christopher Cluff		

MOTION: To move to a second reading on October 11th, which will allow time for further discussion at the Selectmen’s October 4th workshop on committees.

- c. Discuss the Town’s Board of Selectmen Strategic Plan (25-30 minutes) – In late June, the Board held a workshop with staff to review the survey results and identify the elements for developing a strategic plan. Our consultant, Don Jutton, from Municipal Resources Inc., has compiled that data and the information has been prioritized by the Board and staff. The results will be presented on Tuesday evening for further evaluation and discussions.

MOTION: To move to a second reading on October 11th.

- d. Discuss the RSU 21 Cost-Sharing Amendment Committee Results (5-10 minutes) – The RSU 21 Cost-Sharing Amendment Committee members representing Kennebunk, Dick Smith, Mike Mosher and Gayle Spofford, met with the State Facilitator and members of the committee representing the Towns of Kennebunkport and Arundel. The whole committee, after discussions, concluded that no changes were necessary to the existing Cost-Sharing Agreement. This agreement will come up for review again in five years.

No action necessary.

- e. Designate a Municipal Official as Voting Delegate for the Maine Municipal Association Annual Business Meeting in October – MMA is requesting the Town designate an Official Voting Delegate (and alternate if the Town desires) to vote on behalf of the Town at the Annual Business Meeting held in conjunction with the MMA Annual Convention on October 5, 2016 at the Cross Insurance Center in Bangor at 1:30 p.m.

MOTION: To designate the Town Manager as the Town’s Voting Delegate.

- f. Discuss the Upcoming Workshop in October for Committees (5-10 minutes) – The Board has set a workshop for October 4th to discuss Town committees. What information would the Board like for this session?
- g. Discuss the Selectmen’s Outreach Sessions for the Remainder of 2016 (5-10 minutes) – Sessions are generally held on the 3rd Saturday of each month (excluding the summer months) at the Town Hall (3rd floor) from 8:30 a.m. to 10:30 a.m. These sessions provide residents with a chance to meet and talk with Selectmen on a one-on-one basis. They are informal gatherings attended by two Selectmen.

We will need two Selectmen for each of the following dates (from 8:30 a.m. to 10:30 a.m.):

- Saturday, September 17th Selectmen _____ and _____
- Saturday, October 15th Selectmen _____ and _____
- Saturday, November 19th Selectmen _____ and _____
- Saturday, December 17th Selectmen _____ and _____

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

- h. Discuss Boards and Committees (resignations/appointments, if any) (2-3 minutes)
 - **Appointment of Applicant being interviewed at the beginning of the meeting:**
 - o David Lee Hardwick Planning Board Vacancy: (1) Alternate 2017

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

MOTION: To appoint David Lee Hardwick as an Alternate member on the Planning Board with a term expiring on June 30, 2017 (when all other alternate positions expire).

- i. 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:**
 - **Saturday, September 17** – Selectmen Outreach Session will be held from 8:30 a.m. to 10:30 a.m. on the third floor of the Town Hall.
 - **Tuesday, September 27** – Board of Selectmen Meeting – The Town Manager is unavailable to attend this meeting, therefore the Board will take up the Town Manager’s Contract (in executive session). This should be the only item on the agenda.

- **Tuesday, October 4** – Board of Selectmen Workshop on Committees will be held at 6:30 p.m. on the third floor of the Town Hall.

b. Items Pending

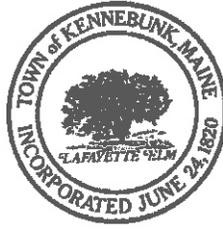
- Park Use Ordinance will be discussed at a future meeting (most likely October 11th) – waiting for new ruling from FAA. This was scheduled for a second reading at the July 12th meeting.
- Public Services Travel Bus Bid – At the August 9th meeting, this was moved to a second reading. However, after future discussion, it was decided to re-bid this vehicle. This item should be ready for the October 11th agenda.

12. Executive Session(s)

- a. Discuss an Economic Development Matter with the Town Manager, Economic Development Director and Finance Director regarding an economic development matter where premature disclosure of the same would prejudice the competitive bargaining position of the Town relative to the same - Title 1 MRSA Sec. 405(6)(C)

13. Adjournment

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



✓ 6:15 pm

9/13/16

(originally applied to be on committee 7/31/12)

Committee Volunteer Form
(please type or print clearly)

Full Name DAVID LEE HARROWICK

Street Address KINGS LANE, KENNEBUNK
MT, 04043

Mailing Address (if different from street address) _____

Daytime Phone # _____ Cell Phone # _____

E-Mail Address _____

I wish to be considered for appointment to the: PLANNING BOARD
Committee

(Check one or both):

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

<u>Town Use Only:</u>
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 SEMI-RETIRED ENTREPRENEUR

Employer SELF

List any civic organizations to which you belong: _____

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?

PRACTICAL EXPERIENCE AS AN
ENGINEER AND CEO. EDUCATED
IN PHYSICS AND MATH

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

TO HELP THE TOWN I HAVE
COMB TO LOVE.

4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings?

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?

NO

SIGNATURE:



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, 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.

2

(MINUTES)

TOWN OF KENNEBUNK
BOARD OF SELECTMEN MINUTES

AUGUST 9, 2016 - 6:15 P.M.

SPECIAL MEETING – 6:00 P.M.

Interview the following Candidates for Committees:

Committee on Aging: no current vacancies - The committee was informed of Judith Metcalf's interest in joining the committee and felt that with her medical experience in geriatrics, she would be a good addition to the committee.

- Judith Metcalf

Conservation & Open Space Planning Commission: Vacancies: (1) Reg. 2017, (1) Reg. 2019, (2) Alt. 2017

- Todd Bridgeo

Comprehensive Plan & Zoning Ordinance Update Committee: no current vacancies, although the committee would like to add two student representatives.

- Joseph E. Bergeon (KHS student, resident of Kennebunk)
- Kyle Ryan (KHS student, resident of Kennebunkport)

RSU 21 Cost-Sharing Amendment Committee: To represent Kennebunk, we are appointing (1) RSU 21 Director from Kennebunk and (2) At-Large members from Kennebunk – this new committee is being discussed in further detail later in the agenda.

- Michael Mosher Director Member (1 Director vacancy)
- Richard Smith At-Large Member (2 At-Large vacancies)
- Lionel Menard At-Large Member (2 At-Large vacancies)
- Gayle Asmussen Spofford * At-Large Member (2 At-Large vacancies)

* Gayle Asmussen Spofford's Committee Volunteer Form was received 8/8/16 (after agenda was posted)

DISCUSSION:

The candidates spoke as to why they wanted to be on various committees.

These three appointments will be taken up later in the agenda.

1. REGULAR MEETING – 6:30 P.M.

On August 9, 2016, at 6:30 P.M., in Room 301 of the Town Hall, Richard Morin, 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 L. Blake Baldwin, Richard Morin, Edward Karytko, Daniel Boothby, Christopher Cluff, Shiloh Schulte and Deborah Beal.

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

The Chair proceeded to the next item.

2. MINUTES

- a. July 12, 2016 Regular Meeting

DISCUSSION:

Baldwin said that he said (at the July 12 Board Meeting) that his mistakes were “of ignorance and negligent lack of initiative” but that he never said that he was, “Negligent,” as the Minutes from the July 12, 2016 Board of Selectmen Meeting states. This change should be made.

Baldwin also gave a shout out to Nancy Galloway (as he put on the Festival Committee cap that they are thinking of using).

There were no public comments.

A motion was made to approve the July 12, 2016 Regular Meeting Minutes.

MOVED: Cluff
SECONDED: Karytko
MODIFICATIONS: Change the wordage of Baldwin’s comments.
VOTE: 7 in favor, 0 opposed. The motion passed.

The Chair proceeded to the next item.

3. ITEMS TO BE SIGNED

None.

The Chair proceeded to the next item.

4. PUBLIC HEARING(S)

DRAFT

- a. The Municipal Officers of the Town of Keenebunk will hold a Public Hearing to discuss the following:
**Sarlo Enterprises, LLC d/b/a Aroma Joe’s
NEW Victualer License Application
Located at 76 Portland Road**

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

DISCUSSION:

Karytko asked if the Town Engineer has to sign off on anything and Tibbetts responded that the Town Engineer does not; only the Code Officer and Fire Chief need to sign. Karytko also expressed concern about water intrusion in the area.

There were no public comments.

A motion was made to approve the new Victualer License Application for Sarlo Enterprises, LLC d/b/a Aroma Joe’s, contingent upon final inspections by the Code Office and Fire Department and the issuance of the Certificate of Occupancy Permit.

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

The Chair proceeded to the next item.

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

A Proposed Amendment to Zoning Article 10, Section 18 regarding Keeping of Horses

A copy of the proposed amendment is on file and may be reviewed in the Town Planner's and the Town Clerk's Office.

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

The changes to Zoning Article 10, Section 18 (Keeping of Horses) would require a Town Meeting vote.

DISCUSSION:

Karytko asked Tibbetts what the intent was in changing the Ordinance.

Schulte said that he believes the reason for the change is so that there does not have to be a limit on the number of horses as long as people have enough room for additional horses. Tibbetts said that Schulte was correct. There are limits on the number of horses one can have in a residential zone but not in a rural zone (as long as people in a rural zone meet the space requirements needed in order to add horses onto their property).

There were no public comments.

A motion was made to send the proposed changes to the Kennebunk Zoning Ordinance - Article 10, Section 18 to the Special Town Meeting on November 8, 2016.

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

The Chair proceeded to the next item.

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

To hear public comment regarding the Proposed Amendment to Zoning Article 8, Sections 3, 4 and 7, regarding number of rental rooms permitted in B&B's in the Village Residential, Rural Conservation and Rural Residential Zoning Districts and Article 10, Sections 9 and 17 regarding the performance standards applicable to such Lodging uses.

A copy of the proposed amendment is on file and may be reviewed in the Town Planner's and the Town Clerk's Office.

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

The changes to Zoning Article 8, Sections 3, 4 and 7 (number of rental rooms permitted in B&B's in the Village Residential, Rural Conservation and Rural Residential Zoning Districts) and Article 10, Sections 9 and 17 (performance standards applicable to such Lodging uses) would require a Town Meeting vote.

DISCUSSION:

Morin got confirmation from Tibbetts that the Planning Board met last night and didn't have any issues with this matter.

Cluff asked if this will come back to them next year because they excluded another zone and Tibbetts said that he was unsure but assumed that the Planning Board looked at the zones that were most appropriate for the change.

Schulte asked what zone was approved at the June town meeting and he was told that it was the Suburban/Residential zone. He wondered if parking noise has been deemed an issue by the Planning Board or others and he was told by Tibbetts that it has not.

Karytko asked which zones were left out.

Paul Demers, The Code Enforcement Officer, responded to Karytko's question.

Schulte thinks that this should be extended to all zones and wondered why it has to sound or be so complicated.

Demers said that some zones would not have rooms rented.

Cluff said that he does not want to be here next year because they forgot about a zone.

Morin asked if Cluff was saying that the wording should be changed to be inclusive and Cluff said that he is content with the wording if they feel that the wording is inclusive.

Schulte is okay with the wording too as long as it includes everything that will potentially come forward.

Demers said that everything will be reviewed anyway.

Baldwin thinks that this matter will come back. He thinks that the Historic Preservation Committee will have a say on the topic. He also said that Bed and Breakfast places usually need 8 rooms. He thinks that the number of rooms in a Bed and Breakfast place will go from 4 to 6 and then to 8 to make them, "Saleable," to quote Baldwin.

Gayle Spofford, from the public, spoke. She asked if a Bed and Breakfast would have to be sprinkled if they had an accessory apartment with cooking facilities and wanted to rent out the maximum amount of rooms.

Paul Demers said that the State has enacted International Building Codes. If you have 3 or more, unrelated people by blood or marriage, living or sleeping in your home for a fee, it constitutes a Bed and Breakfast that must be reviewed by the State. He said that the whole building would have to be sprinkled for four or more people.

Spofford asked if a Bed and Breakfast in the Historic Overlay District that wants an "Outside egress" will have to get a certificate of Appropriateness; Demers said that they would have to. Spofford also inquired about sign sizes. In other words, will some people be able to have a larger sign because of where they are located? Demers said that it depends on where a business is located. For example, one can have a larger sign in the Lower Village than in Suburban/Residential.

A motion was made to send the proposed changes to the Kennebunk Zoning Ordinance – Article 8, Sections 3, 4 and 7 and Article 10, Sections 9 and 17 to the Special Town Meeting on November 8, 2016.

MOVED: Karytko

SECONDED: Cluff

MODIFICATIONS: None

VOTE: 7 in favor, 0 opposed. The motion passed.

The Chair proceeded to the next item.

5. PUBLIC COMMENTS

Merton Brown, Town Clerk, got a letter from the Secretary of State's office which said that the fluoride supporters, who had been collecting petitions, gave their petitions to the Secretary of State's office because it included 7 towns (the complete towns of Kennebunk, Kennebunkport, Wells, Arundel and Ogunquit and parts of York and Biddeford). They needed 3,063 signatures and they got 3,249. Therefore, a question on the removal of fluoride from the water system will be on the November ballot.

Karytko asked Merton if this will add any additional costs to the Town. Merton said that they pay for the ballot but not for the actual, "Content," to use his words, of the ballot.

Beal said that she first learned about this by reading a flashing sign. She wondered if there is any other way that they are getting the word out about this topic. She mentioned that there is a fluoride forum this Friday night at 7 P.M. at the Kennebunk Town hall.

The Chair proceeded to the next item.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

None.

The Chair proceeded to the next item.

7. TIME SENSITIVE BUSINESS

DRAFT

- a. Set the Tax Rate for 2016-2017 – The Assessor, Dan Robinson, has completed the valuation updates and is preparing to finalize the mil rate. Dan will be providing the three choices for the tax rate at the meeting.

DISCUSSION:

Dan Robinson, the Assessor, spoke in regard to the Tax Rate. The 3 proposed rates (Mill Rates) were \$15.90 with an overlay of \$386,603, \$15.95 with an overlay of \$487,493 and \$16.00 with an overlay of \$588,385.

Karytko mentioned that when Joel Downs, the Finance Director, was asked what he could work with, he said that he can work with pretty much anything he is told. Karytko then asked Joel Downs if such is still his answer as to what he can work with. Downs essentially said that they all have already gone over the numbers. Karytko asked if there were any problems with them accepting the lower overlay from last year and Downs said that issuing bonds helps a lot (they did this). They had a cash flow that was fine.

Gayle Spofford spoke again, asking about road work on Summer Street, wondering when repairs will be made. She also wondered if anything done with the Mill Rate will have an impact on the project that she was referring to (the repairs on Summer Street).

Tibbetts said that it should be addressed in the years of 2017-2018 or 2018-2019, depending on when the Maine DOT MPI program is available. Tibbetts believes that it will most likely be in 2018-2019.

A motion was made to set the Tax Rate for 2016-2017 at \$15.90.

MOVED: Karytko
SECONDED: Boothby
MODIFICATIONS: None

VOTE: 7 in favor, 0 opposed. The motion passed.

The Chair proceeded to the next item.

b. Set Tax Due Dates and Interest Rates – The proposed property tax due dates for the coming year should be October 7, 2016 and April 7, 2017. The maximum allowed interest rate by state law for overdue tax balances for the coming year is 7%. Last year, we set the rate at the maximum.

DISCUSSION:

Cluff asked if there was significance to the dates listed above. Downs said that they were both on the first Friday of the months stated above (October and April).

Karytko mentioned that they have been keeping the rate at 7% for the past 7 years or so. Cluff said that 7% is the State maximum and they usually go with the State maximum. Karytko also said that they have gone below 7% before.

There were no public comments.

A motion was made to set the Tax Due Dates for October 7, 2016 and April 7, 2017 with the interest rate on overdue tax balances at 7%.

MOVED:

SECONDED:

MODIFICATIONS:

VOTE:

Cluff
Karytko
None
7 in favor, 0 opposed. The motion passed.

DRAFT

The Chair proceeded to the next item.

c. Discuss Awarding the Following Bids: For each of the following bids, the specifications and bid opening sheets are included in the packet, under a separate file, due to the size.

1. Fire – Sale of One (Used) Boat Trailer – The Town received two bids for the sale of the Fire Department’s used boat trailer.

- John Costin & Rachel Phipps \$150.00
Kennebunk, ME
- Turnbuckle Youth Program \$150.00
A 501c3 Educational non-profit
Old Orchard Beach, ME

Both bids were for \$150.00. One bid was from a Kennebunk couple while the other was submitted by a Youth Program from OOB. How would the Board like to proceed?

DISCUSSION:

None.

There were no public comments.

A motion was made to award the bid for the used boat trailer to Turnbuckle Youth Program for \$150.

MOVED:

Cluff

SECONDED:

Schulte

MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed. The motion passed.

The Chair proceeded to the next item.

2. Police – One (New) 2017 Ford Explorer Police Package Vehicle - We received one bid for the purchase of one 2017 Ford Explorer Police Utility Vehicle.

- Arundel Ford, Arundel, ME \$28,108.00

We have budgeted \$36,000 for this purchase. The Police Chief is recommending the bid of Arundel Ford at a price of \$28,108.00.

DISCUSSION:

Karytko asked what a Police package vehicle is. Tibbetts said that it usually includes many extra features such as a large radiator, a better suspension system, etc.

There were no public comments.

A motion was made to award the 2017 Ford Explorer Police Package Vehicle bid to Arundel Ford at the price of \$28,108.00.

MOVED:
SECONDED:
MODIFICATIONS:
VOTE:

Cliff
Karytko
None
7 in favor, 0 opposed. The motion passed.

DRAFT

The Chair proceeded to the next item.

3. Police – One (Used) 2014, 2015 or 2016 Program Vehicle (SUV) - We received the following bids for the purchase of one 2014, 2015 or 2016 Police Program Vehicle:

Quirk Chevrolet, 100 Brighten Ave., Portland, ME

- | | | |
|----------------------------|--------------|----------|
| 1. 2016 Chevrolet Traverse | 6,731 miles | \$37,283 |
| 2. 2015 Chevrolet Traverse | 20,727 miles | \$31,283 |
| 3. 2015 Chevrolet Traverse | 28,291 miles | \$26,838 |

Portsmouth Ford Used Car Center, 180 Mirona Rd, Portsmouth, NH

- | | | |
|-----------------------|--------------|----------|
| 1. 2016 Ford Explorer | 11,715 miles | \$35,030 |
|-----------------------|--------------|----------|

Starkey Ford, Inc., P.O. Box 37, York, ME

- | | | |
|-------------------------------|--------------|----------|
| 1. 2013 Ford Edge SEL | 18,563 miles | \$23,995 |
| 2. 2013 Ford Explorer Limited | 21,370 miles | \$29,335 |

Weirs Motor Sales, 1513 Portland Road, Arundel, ME

- | | | |
|--------------------|--------------|----------|
| 1. 2014 GMC Acadia | 14,058 miles | \$24,900 |
|--------------------|--------------|----------|

Arundel Ford, 1561 Portland Road, Arundel, ME

- | | | |
|-----------------------|--------------|----------|
| 1. 2014 Ford Edge SEL | 36,018 miles | \$23,800 |
| 2. 2013 Ford Edge SEL | 39,826 miles | \$22,500 |

The Police Chief recommends awarding the bid for the 2013 Ford Edge SEL to Starkey Ford Inc., at a price of \$23,995.

DISCUSSION:

Schulte asked for the amount budgeted for this item.

Tibbetts said that they budgeted \$27,000 for this item.

Boothby wondered why they didn't want to buy these cars from a more local place.

Police Chief, Mackenzie, answered Boothby's question. He said that they simply went with the one that will be the best for them.

Karytko asked if these vehicles were police ready or not.

Mackenzie answered Karytko by saying that these are not but that the vehicle they want to get is for the detective.

Beal said she is not happy with the choice of getting a 2013 vehicle instead of a newer one.

Mackenzie said that he believes the book value for the 2013 Ford Edge SEL is either \$25,000 or \$26,000 (they are going to bid \$23,995 for the vehicle).

Beal does not agree with the purchase.

Morin wondered if there is a benefit to staying with Ford products.

Mackenzie responded to Morin saying that he believes so and that he is not ready to, "Go toward Chevy," to use his words, as he believes that their reliability is not as good as Ford's.

Karytko mentioned that it is difficult because the Selectmen get to second guess the numbers and mileage, etc. and they have not even checked out the vehicles. He does, however, understand Beal's point.

Beal said that it is a big jump to go from detective cars to detective SUV's. Mackenzie said that the main reason for a bigger car is for various equipment. He was asked how long these vehicles can be kept for. Mackenzie said that they generally keep them for at least 6 years as they receive less wear and tear than their patrol cars.

There were no public comments.

A motion was made to award the bid to Starkey Ford Inc. for the 2013 Ford Edge SEL at the price of \$23,995.

MOVED: Karytko

SECONDED: Cluff

MODIFICATIONS: None

VOTE: 5 in favor, 2 opposed (Beal and Boothby). The motion passed.

The Chair proceeded to the next item.

- 4. Public Services – One (New) 2016 or 2017 24 Inch Coldplaner-Asphalt Grinder - We received eight bids for this purchase. They ranged from \$15,450.00 to \$21,799.00 (with the exception of one bid that came in at \$62,990.00 from a vendor in Utah!).**

Company	Bids
1. Milton Cat	Base Bid (per vehicle): \$15,450.00
Scarborough, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Erskin Attachments CP24 Teeth: \$18.16 ea. uses 60 teeth	Add Alt. 1 (extended warranty) \$0.00 extended coverage available
2. Milton Cat	Base Bid (per vehicle): \$21,799.00
Scarborough, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Caterpillar PC306B Teeth: \$6.35 ea. uses 60 teeth Teeth: \$6.70 ea. uses 60 teeth	Add Alt. 1 (extended warranty) \$0.00 extended coverage available
3. HP Fairfield	Base Bid (per vehicle): \$18,950.00
Scarborough, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: 2017 Bradco HP600 Teeth: \$488 for 47 teeth	Add Alt. 1 (extended warranty) \$0.00 extended coverage available
4. Beauregard	Base Bid (per vehicle): \$18,845.00
Scarborough, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Case HP24 Teeth:	Add Alt. 1 (extended warranty) \$0.00 extended coverage available
5. Chadwick-Baross	Base Bid (per vehicle): \$21,124.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Bradco HP600 Teeth: extra teeth bits \$1,124.00 Control handle kit \$1,202.00	Add Alt. 1 (extended warranty) \$0.00 extended coverage available
6. Asphalt Zipper	Base Bid (per vehicle): \$62,990.00
American Fork, UT	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Asphalt Zipper A2-200 Teeth:	Add Alt. 1 (extended warranty) \$7,200.00 extended coverage available
7. Ambrose Equip. Co.,	Base Bid (per vehicle): \$20,600.00
Plainville, MA	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Bradco HP600 Teeth:	Add Alt. 1 (extended warranty) \$0.00 extended coverage available
8. MB Tractor & Equip.	Base Bid (per vehicle): \$15,575.00
Eliot, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Road Hog CP24G5 Teeth:	Add Alt. 1 (extended warranty) \$3,500.00 extended coverage available

We have budgeted \$30,000 for this purchase. The Director of Public Services is recommending the bid from MB Tractor & Equip. for the Road Hog CP24G5 at a price of \$15,575.00, without the extended warranty.

DISCUSSION:

Schulte asked about the equipment and Tibbetts said that it is brand new and staff has reviewed it and deemed it to give them the best outcome.

Karytko asked if they were going to get a 1 year extended warranty. Eric Labelle, the Director of Public Services, said that there is no warranty for the vehicle.

Karytko asked Labelle if he is, "Comfortable," to quote Karytko, with the place that they plan on getting the vehicle from and Labelle said that he is.

There were no public comments.

A motion was made to award the 24 Inch Coldplaner-Asphalt Grinder bid to MB Tractor & Equip. for the Road Hog CP24G5 at the price of \$15,575.00.

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

The Chair proceeded to the next item.

5. Public Services – One (New) 2016 or 2017 Road Shouldering Machine - We received one bid for this purchase:

Company	Bids
Ambrose Equip. Co.	Base Bid (per vehicle): \$34,000.00
Plainville, MA	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Road Widener FH Model-R/H	Add Alt. 1 (extended warranty) \$0.00 extended coverage available

We have budgeted \$35,000 for this purchase. The Director of Public Services is recommending the bid from Ambrose Equip. Co. for the Road Widener FH Model R/H at a price of \$34,000.00.

DRAFT

DISCUSSION:

Morin got confirmation that this is the equipment that was discussed a year ago, finally coming to the forefront.

Karytko asked when it is believed that they will receive this equipment. It usually takes about 6 to 8 weeks, said Tibbetts. Eric Labelle said that they tried to arrange to get it within 60 days but some of the equipment has to be built. So, it can take over 9 months or so.

There were no public comments.

A motion was made to award the Road Shouldering Machine bid to Ambrose Equip. Co. for the Road Widener FH Model-R/H at the price of \$34,000.00.

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

The Chair proceeded to the next item.

6. Public Services – One (New) 2016 or 2017 Single Axle Dump Truck - We received eight bids for this purchase, which ranged from \$162,170.00 to \$170,089.00.

Company	Bids
1. O'Connor Motor Co.	Base Bid (per vehicle): \$170,089.00
Portland, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Western Star 4700 SF	Add Alt. 1 (extended warranty) \$7,018.00
Body Manufacturer: Everest	

2. O'Connor Motor Co.	Base Bid (per vehicle):	\$167,450.00
Portland, ME	Deduct Alt. 1 (allowance for trade-in)	n/a
Make/Model: Western Star 4700 SF	Add Alt. 1 (extended warranty)	\$7,018.00
Body Manufacturer: Viking Cleaves		
3. Portland North	Base Bid (per vehicle):	\$169,864.00
Falmouth, ME	Deduct Alt. 1 (allowance for trade-in)	n/a
Make/Model: Int'l 7400 SFA 4x2	Add Alt. 1 (extended warranty)	\$5,200.00
Body Manufacturer: Everest SDS 10' SS		
4. Portland North	Base Bid (per vehicle):	\$167,215.00
Falmouth, ME	Deduct Alt. 1 (allowance for trade-in)	n/a
Make/Model: Int'l 7400 SFA 4x2	Add Alt. 1 (extended warranty)	\$5,200.00
Body Manufacturer: Viking Proline PL1011SD SS		
5. Freightliner of Me.	Base Bid (per vehicle):	\$169,313.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	n/a
Make/Model: Western Star 4700	Add Alt. 1 (extended warranty)	\$4,458.00
Body Manufacturer: Everest SS10		
6. Freightliner of Me.	Base Bid (per vehicle):	\$166,674.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	n/a
Make/Model: Western Star 4700	Add Alt. 1 (extended warranty)	\$4,458.00
Body Manufacturer: Viking Cleaves SS		
7. Freightliner of Me.	Base Bid (per vehicle):	\$164,809.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	n/a
Make/Model: Freightliner 108SD	Add Alt. 1 (extended warranty)	\$4,901.00
Body Manufacturer: Everest SDS 10' SS		
8. Freightliner of Me.	Base Bid (per vehicle):	\$162,170.00
Westbrook, ME	Deduct Alt. 1 (allowance for trade-in)	n/a
Make/Model: Freightliner 108SD	Add Alt. 1 (extended warranty)	\$4,901.00
Body Manufacturer: Viking Cleaves PL1011 SS		

We have budgeted \$170,000 for this purchase. The Director of Public Services is recommending the bid from Freightliner of Me. for the Viking Cleaves SS Western Star 4700, with no extended warranty, at a price of \$166,674.00.

DISCUSSION:

Karytko noted that on two vehicles they are not getting an extended warranty and asked if everyone is okay with this.

Tibbetts said that they are. It doesn't seem worth the money to get an extended warranty because it is a brand new vehicle. Tibbetts also said that the truck they are replacing is from 1999 (they have gotten good life out of their equipment).

There were no public comments.

A motion was made to award the Single Axle Dump Truck to Freightliner of Me. for the Viking Cleaves SS Western Star 4700 at the price of \$166,674.00.

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

The Chair proceeded to the next item.

7. Public Services/Recreation – One (New) 2016 or 2017 (14) Passenger Van - We received the following bids for this purchase:

Company	Bids
W.C. Cressey & Son, Inc.	Base Bid (per vehicle): \$52,000.00
Kennebunk, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Express or Savannah	
Body Manufacturer: GM 33803	Add Alt. 1 (extended warranty) \$1,500.00-\$2,000.00 depends on coverage
W.C. Cressey & Son, Inc.	Base Bid (per vehicle): \$54,176.00
Kennebunk, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Express or Savannah	
Body Manufacturer: GM 33803	Add Alt. 1 (extended warranty) \$1,500.00-\$2,000.00 depends on coverage

We have budgeted \$48,000 for this purchase. The Director of Public Services is recommending the bid from W.C. Cressey & Son, Inc. at a price of \$54,176.00, without the extended warranty. The bid for \$52,000.00 did not meet our bid specifications.

DISCUSSION:

Tibbetts explained that they looked at the Capital Expenditure Budget prior to this meeting and they have a balance of \$3,741.

Morin wondered why the prices on trucks changed heavily. Eric Labelle said that they made modifications to the specs which may have affected the price.

There were no public comments.

A motion was made to award the (14) Passenger Van bid to W.C. Cressey & Son, Inc. at the price of \$54,176.00 with the difference of the budgeted amount and the awarded price amount coming from the truck and bus reserve.

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

The Chair proceeded to the next item.

8. Public Services/Recreation – One (New) 2016 or 2017 Travel Bus - We received the following bids for this purchase:

Company	Bids
W.C. Cressey & Son, Inc.	Base Bid (per vehicle): \$95,287.00
Kennebunk, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Body Manufacturer: Freightliner Chassis, Thomas Body	Add Alt. 1 (extended warranty) \$2,550.00-\$3,600.00 depends on coverage
W.C. Cressey & Son, Inc.	Base Bid (per vehicle): \$107,717.00
Kennebunk, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Body Manufacturer: Freightliner Chassis, Thomas Body	Add Alt. 1 (extended warranty) \$2,550.00-\$3,600.00 depends on coverage
O'Connor GMC	Base Bid (per vehicle): \$97,582.00
Portland, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Chevrolet 3500HD, CK36003	Add Alt. 1 (extended warranty) \$0
Body Manufacturer: Blue Bird BBCV 3310	

The first bid from W.C. Cressey & Son, Inc. for \$95,287.00 did not meet our bid specifications.

We have budgeted \$100,000 for this purchase. The Director of Public Services is recommending the bid from O'Connor GMC for the Chevrolet 3500HD at a price of \$97,582.00.

MOTION: To award the Travel Bus bid to O'Connor GMC for the Chevrolet 3500HD at a price of \$97,582.00.

DISCUSSION:

Tibbetts said that they want more time to review this bid because of different things such as specs, etc. and suggested postponing the bid award until September 13th.

There were no public comments.

A motion was made to table this bid award until the September 13th meeting.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

VOTE: 7 in favor, 0 opposed. The motion passed.

The Chair proceeded to the next item.

8. OLD BUSINESS (2ND READING)

- a. York County Public Works Mutual Aid Agreement –This mutual aid agreement allows Towns within York County to share equipment/resources during emergencies as well as non-emergencies. The agreement defines the role of the participating communities.

DISCUSSION:

None.

There were no public comments.

A motion was made to approve the York County Public Works Mutual Aid Agreement.

MOVED: Cluff

SECONDED: Karytko

MODIFICATIONS: None

VOTE: 7 in favor, 0 opposed. The motion passed.

The Chair proceeded to the next item.

b. Discuss a Violation in the Resource Protection and Shoreland Overlay Districts on Great Hill Road – As you are aware, the Town’s Code Enforcement Officer issued a Notice of Violation for the cutting of vegetation on land adjacent to “Strawberry Island” that was cut during the late winter/early spring of this year (violation observed on February 23, 2016). Properties involved were owned by Kennebunk Land Trust (KLT) Tax Map 97, Lot 37 and Kennebunk Beach Improvement Association (KBIA) Tax Map 97, Lot 38.

This item is being forwarded to the Board of Selectmen for options on how to proceed with enforcement action as a result of this violation. This land use violation can be remedied as an administrative action (consent agreement) or under the Maine Rules of Civil Procedure as an 80K Land Use violation, whereby the Town would attempt to have the violation and resulting enforcement action adjudicated at the District Court level. It has not been the practice of the Town to rush to court and the Town Attorney has often suggested the Town seek to remedy land use violations as an administrative matter, rather than rely on the Court system.

Town Staff has met with representatives from KLT and KBIA. Should the Board consider imposing a fine, perhaps the fine could be applied to the Open Space Fund account, for future land preservation.

Paul Demers will be available at the meeting to answer any questions the Board may have.

DISCUSSION:

Tibbetts said that the Town Attorney fees were \$957.50. The Town Attorney did not want to change the wording of the current consent agreement. Tibbetts also said the KLT has been very cooperative and asked what the Board wanted to do.

Boothby said that there is no mention of cutting on private property and it annoyed him (and Beal noted that this was the second time that this occurred).

Schulte said that this makes KLT reimburse KBIA for legal fees.

Beal feels like there is no real penalty for KLT.

Boothby said that he would be very mad if it was his property being trespassed on and Beal agreed.

Karytko said that others have done the same thing and have been fined. Therefore, he thinks that not fining them leaves a bad precedent. He thinks that there must be a fine.

Baldwin said that he believes that they struggle with the range of fines (they somewhat make it up on the spot). He mentioned criminal law, saying that they have sentencing guidelines that are applicable to various crimes. He believes that there must be some guidelines in place that will help them fine people for bad behavior.

Tibbetts said if they imposed a fine they should set it aside for future land purchases for open space and conservation. He went over the numbers, stating that the money for the property restoration is estimated at \$10,554 and survey expenses are \$2,200. The out of pocket money is for the legal fees, the KBIA, the Town of Kennebunk and the survey cost.

Paul Demers said that the legal fees for the KBIA Attorney were \$2,287.50.

Arlene Poisson, from the public, spoke. She asked what the Maine Department of Environmental Protection thought about the matter, knowing that they have jurisdiction over the Shore Land Protection Zone (where the violation took place).

Demers answered Poisson, saying that the Maine Department of Environmental Protection has been working independently with the KLT. He said that there was a citation to them to communicate. Demers said that they have been communicating.

Poisson said that the Town received a fine from the Maine Department of Environmental Protection for similar activity in the same area. She wondered if they were communicating with the Town about it. She said that she agreed with the Selectmen who talked about imposing fines, noting that private landowners receive fines for this same type of violation. She wants a fine to be imposed.

Steve Bowley, from the public, wondered if they included the time for Paul Demers.

Tom Wellman, from the Kennebunk Land Trust, spoke. He said that they wanted to publicly apologize (and did at this meeting) to the Town and to KBIA for what happened.. However, he wanted to make it known that the purpose for pruning the plants was for the health of the plants and that they did not dig it up (he said he has pictures to prove this). They plan to leave the area alone to allow the plants to continue to grow. He was aware of the point of a fine: they did not contact the neighbor and did not follow the rules of the Town. But, he emphasized that the property is in great condition right now and has not been harmed by any actions that they took.

Karytko agreed with Tom Wellman, stating that the property looks fine. However, Karytko said that the Board is trying to be fair to everyone in Town.

Beal asked Wellman if the area being cut so far down serves as a type of, "Erosion barrier". She wondered what would happen to the area if they had a flood, etc.

Wellman said that the roots were still in the soil (ready to protect against bad weather). He even said that there are most likely more roots there now because of the pruning done.

A motion was made to approve the consent agreement with a fine of \$500 plus Attorney's fees with the restoration funds to be held by the Town for 2 years with the \$500 to be applied to the Open Space Funds Account for future land preservation.

MOVED: Cluff
SECONDED: Schulte
MODIFICATIONS: None
VOTE: 6 in favor, 1 opposed (Karytko). The motion passed.

The Chair proceeded to the next item.

9. NEW BUSINESS (1ST READING)

- a. Discuss a Citizen Petition Regarding the Dams for three Non-Binding Questions to be Included on the Referendum Ballot for the 11-08-2016 General Election – Attached is the petition that was received this week. The Town Clerk has verified 450 signatures, which exceeds the required number of 422. The Charter requires the number of signatures to meet or exceed 7% of those that voted in the last gubernatorial election. With the required signatures having been met, the question qualifies to be on the November Town Meeting warrant. The questions would be on the warrant as written on the petition (changes to the questions are not permissible):

“Do you favor the Kennebunk Light and Power District continuing to invest in hydropower generation facilities along the Mousam River?”

“Do you want the opportunity to vote on any, and/or all of the following questions before the Trustees of the Kennebunk Light and Power District make a final decision on them: whether the Dane Perkins Dam, Twine Mill Dam, and/or Kesslen Dam should continue to generate hydropower, remain in place, and/or be removed?”

“Do you favor the Town of Kennebunk maintaining and improving the existing conditions along the Mousam River, in particular, mill pond areas and water levels sufficient to allow the continuation of existing recreational activities, by keeping the Dane Perkins, Twine Mill, and Kesslen Dams in place, the ~~the~~ not said dams continue to generate hydropower?”

DRAFT

DISCUSSION:

Town Clerk, Merton Brown, talked about the questions on the citizen petition. The first question (from the questions stated above, going from top to bottom) received 800 signatures and 450 of them were verified and they needed 422. The second question received 894 signatures and 450 of them were validated. The third question received 953 signatures and 450 of them were verified.

Morin received confirmation that they are obligated to move this. Merton said that they were (under Charter).

Karytko said that he remembers that the Board denied putting something like this forward and said that he never wants to let that happen again.

Robert Georgitis, from the public, spoke. He is on the committee for, “Save the Mousam.” The group was created in the past year in response to the KLP. He said that they collected 2,600 signatures in only two weeks. He is not sure that there needs to be a public hearing but they will be prepared to present at one if it is deemed necessary.

Cluff wondered if there were any additional questions that they wanted to add regarding this topic pertaining to information that they may want from their point of view.

Beal said that she would have, “attached a price tag to them”.. She also noted that they can’t change the questions.

Cluff said that they can’t change the questions but that they can add questions.

Karytko talked about the expenses that the taxpayers will have to pay for any of these questions. But, to figure out such expenses would be nearly impossible before September 13th.

Schulte believes that the answers to these questions (especially the 3rd question) will change dramatically depending on the costs.

Beal said that she brought up the money aspect of all of this because she doesn't want people to vote without having all of the information (such as information about costs).

Tom Murphy, from the public, spoke. He said that it is great when citizens have the constitutional right to petition. He said that there was a straw ballot on a skateboard park which was accepted by a strong majority, but noted that he has not seen much movement on the implementation of a skateboard park. He went over the questions to be presented and noted frustration. He mentioned that a lot of people are very pleased that they have a chance to vote on these questions. He also said that it has been tough to get the attention of the Trustees. He said that an online poll or petition was ignored. Signs were ignored too.

Donna Teague, from the public and apart of, "Save the Mousam," spoke. She said that she wrote a note to the Trustees and she read it aloud to the Selectmen tonight. It essentially listed things that she and her group want to have changed. It also notes the support that they have. She wants the Board of Selectmen to send a letter to KLPD (Kennebunk Light and Power District) that says to table a formal filing of a NOI until the people have been able to vote in November and until the community is well-educated on the matter.

Bill Pasquill, from the public, spoke. Morin said that he was to be the last one to speak as he did not want the evening to be completely spent talking about the dams. Pasquill completely agreed with Morin. He said that there are indeed a lot of issues to be discussed. But, he said that attacking people who have different opinions does not help.

A motion was made to send these questions as written on the citizen petition to the November 8, 2016 Town Meeting warrant.

MOVED:

SECONDED:

MODIFICATIONS:

VOTE:

DRAFT
Karyth
Cluff
None

6 in favor, 1 opposed (Beal). The motion passed.

The Chair proceeded to the next item.

- b. Discuss a Possible Consumer Fireworks Ordinance – The Police Department has provided a list of the surrounding communities that have complete fireworks bans (4), partial fireworks bans (5), and no fireworks ordinance (13). They have also included a graph depicting the complaints received since 2012. Fire Chief Jeff Rowe indicated they have not logged any fireworks-related injuries from 2000 to the present time.

If the Town wishes to restrict fireworks, this would need to be accomplished with a local ordinance, which would require a Town vote. Police Chief MacKenzie and Fire Chief Rowe will be available to answer any questions the Board may have.

Also included in the packet is the State of Maine's "General Guide to Consumer Fireworks Use", which provides the guidelines (per Maine Public Law Chapter 416) to communities that have no ordinance restricting or prohibiting the use of consumer fireworks in their community.

This item was introduced at the last meeting by Selectmen Schulte and Morin.

How would the Board like to proceed?

DISCUSSION:

Schulte wanted to hear from the Fire and Police Chief regarding the concept of an ordinance and how effective they think it would be.

Police Chief Mackenzie cited a graph that the Selectmen have that depicts fireworks complaints back to 2012. He said that the number of complaints have gone down every year. He was glad to see such. 2012 was the year that fireworks were allowed to be used and possessed. He could not obtain the data for fireworks complaints before 2012 due to the way that it was arranged in their system (it was only listed as a noise complaint, thus going through every single noise complaint to find one that was specifically a complaint regarding fireworks would take an extremely long time). He is not sure how much an Ordinance on fireworks will help.

Schulte said that he stopped making complaints about fireworks because he knew that nothing could really be done about it.

Baldwin agrees with Schulte. He said that the public knows that nothing can be done.

Mackenzie said that even when fireworks were illegal they would often get to a place and fireworks were no longer going off or people would say that they had no idea where the fireworks were coming from (even if they were the ones setting them off). Thus, the police could do nothing about it then either.

Cluff pondered whether or not an Ordinance, which would take time and energy to create, will have any positive impact at all.

Mackenzie also said that an Ordinance may make people expect the police to, "Fix it," to reference his words.

Schulte wondered about the situation in Kennebunkport, noting that they have an Ordinance against fireworks. He feels as though he hears a lot of people who don't want to hear or be annoyed by fireworks and he wouldn't mind letting the people vote on the matter.

Baldwin again agreed with Schulte, adding that many people complain that their dogs go crazy when they hear fireworks.

Morin said that he understands that an Ordinance may not be able to be completely enforceable but added that it may at least subdue some of the abuses.

Mackenzie said that it may make sense to coordinate a fire class day with the Fire Department if an Ordinance is enacted.

Beal does not want to create an Ordinance. She thinks that there are few complaints, no injuries and that people are using them responsibly. She is, "In favor of education and enforcement". She said that it does bother her that the Dog Committee has to fill up bags of fireworks residue on the beach because fireworks usage should only be on one's own property. She went on to say that she would be all for a sign at the beach that says that fireworks are prohibited at the beach (or at other Town-owned areas). She feels as though an Ordinance on fireworks cannot be enforceable.

Schulte said that having a sign is similar to having an Ordinance. He said fireworks can annoy a lot of people in the area that fireworks are being set off.

Boothby is a liaison to the Dog Committee and, though the Committee has not voted on it, they are overwhelmingly in favor of some kind of Ordinance on fireworks.

Cluff said that the Parks Ordinance includes the beaches and in this particular Ordinance fireworks are stated to be illegal in parks and on beaches.

Karytko said that many people from out of state (tourists, family members, etc.) come to Maine on vacation. He noted that a lot of these people don't know a thing about safety in regard to using fireworks.

Cluff said that most fireworks are used around the 4th of July so prohibiting them around the holidays seems weird. He feels like it is an, "All or nothing," to use his words, situation in regard to putting an Ordinance on fireworks in place.

Fire Chief Rowe spoke. He reiterated what Mackenzie said, saying that an Ordinance on fireworks is tough to enforce. He said that in this community there are not too many injuries and even said that throughout his career he has seen more injuries ensued on people lighting fireworks professionally as opposed to some random person. He went on to say that unsafe usage of fireworks could be prevented.

Schulte said that it is most likely a matter of time before there are injuries but Rowe said that an Ordinance would not really help prevent such.

Morin didn't think that this is about safety but rather about annoyance.

Merton Brown, the Town Clerk, said that people really are trained not to complain because they know that nothing can be done, adding that he has received so many calls where the first question one on the other line asks is, "Is there an Ordinance on fireworks?"

Schulte thinks that an Ordinance should be made and given to the public to vote on.

There were no public comments.

A motion was made to refer this issue to the Ordinance Sub Committee.

MOVED:

SECONDED:

MODIFICATIONS:

VOTE:

DRAFT
Schulte
Baldwin

None

5 in favor, 2 opposed (Cluff and Beal). The motion passed.

The Chair proceeded to the next item.

- c. Discuss RSU 21 Cost-Sharing Agreement – The cost-sharing agreement between Arundel, Kennebunk and Kennebunkport approved in 2012, called for a 5-year and a 10-year review from inception. This is the fifth year (FY2016-17) and falls within the parameters for a meeting to discuss the agreement.

The Town needs to appoint three members for this review; one Kennebunk School Board member and two At-Large residents.

The Committee will be meeting on August 10th at 6:00 p.m. and August 17th at 6:00 p.m. If a third meeting were needed, that would be held on August 24th at 6:00 p.m. Meetings are open to the public and will be held at the Kennebunk Elementary School in Room A102.

As indicated during the Special Meeting at the beginning of this meeting, Michael Mosher has offered to represent the Town as the School Board member and Richard Smith and Lionel Menard have expressed interest in serving as the two At-Large members.

Please note, there are now 3 members seeking the 2 At-Large positions.

DISCUSSION:

Cluff asked if they had to give them any direction.

Gayle Spofford, from the public, spoke. She has some concerns but was hesitant to bring them up at a public meeting. She was not sure what the easiest way for the Selectmen to give them direction was. She said that a Selectman had mentioned possibly having a few Selectmen meet with them.

Discussions on whether or not such discussions should be conducted in public or in private occurred.

Boothby wants the negotiations, etc. to be done in public but Spofford said that such would be difficult and suggested going into executive session.

Arlene Poisson, from the public, spoke, stating that she believes that these discussions should be open to the public.

Selectmen explained why they believe the discussions should be held in private.

A motion was made to appoint Michael Mosher to the Director position and Richard Smith and Gayle Spofford to the two At-Large positions on the RSU 21 Cost-Sharing Amendment Committee (no terms).

MOVED: Karytko

SECONDED: Cluff

MODIFICATIONS: None.

VOTE: 7 in favor, 0 opposed. The motion passed.

DRAFT

The Chair proceeded to the next item.

- d. Discuss New Positions Approved at the Annual Town Meeting– The community approved the funding of three new positions this past June at the Annual Town Meeting. Staff will be present to share additional information (being compiled) on the work duties, staffing changes, outstanding projects, alternate growth skills, maintenance and outsourcing of services that potentially could be brought in-house.

The purpose of this discussion is to ensure the vision for these positions is shared by the Board and staff moving forward.

DISCUSSION:

Baldwin did not include himself in the beginning of these discussions because they involved his business.

Tibbetts explained that they want to try to see where they can blend/combine certain people or skills to increase productivity. He said that there are actually four new positions, not three. He apologized for the error. Tibbetts explained the computer system first, saying that they outsourced services with Winxnet for their infrastructure on their servers. They also outsource for microwave technology. This helps with their police software. Moving on, Tibbetts said that they outsource their Town Hall Streams (where one can find video of a Kennebunk Board of Selectmen meeting). He also talked about Video Creations (owned by Blake Baldwin) which does the videos for meetings in Kennebunk such as the Board of Selectmen meetings. Finally, Tibbetts said that they outsource work done on software. They spend about \$5,000 a year on Winxnet and about \$6,000 or \$7,000 on the microwave technology. They spend \$250 a month on Town Hall Streams and about \$14,000 for video production.

Schulte wondered why it takes five hours to submit a Town Hall Stream. Tibbetts said that someone has to actually stand by to make sure that the material is getting onto CD's.

Cluff thinks that not outsourcing is a good thing but that they should deal with the most expensive things first.

Morin wants to save the most money possible. He thinks that looking at the redistribution of work could save money (one employee could do multiple things in order to prevent the Town the need to hire another employee).

Tibbetts also explained that the truck driver position is deemed necessary.

Finally, Tibbetts said that the two Fire Captain positions will enable them to have more supervision and coverage, "24/7". He went on to say that they are ready to start the interviewing process.

The Chair proceeded to the next item.

- e. Discuss/Hear an Update on the Waterhouse Center Floor Improvements – The Waterhouse Center floor improvements are nearly complete. The new floor coating is an outdoor surface product similar to a tennis court surface made for concrete. The coating will enable better youth/elder activities with less impact on the joints of participants. The coating will be green with appropriate white lines and this coating will allow for more activities. The material cost of \$3,400 and applicator cost of \$1,200 was contributed by the Waterhouse Youth Foundation. The work to apply the coating is estimated at \$2,500, and will come from our Public Services Division budget, and should be completed within a week. Outsourcing this job was estimated to be \$10,000+/-, with the Town still doing some of the work.

This article was requested by Selectman Karytko.

DRAFT

DISCUSSION:

Karytko said that he didn't know that they were paying for this and wondered how it all started.

Cluff said that Karytko probably doesn't know a lot about what people around us are doing and wondered if one would have to know everything.

Karytko responded to Cluff, saying that if the taxpayers had to pay for it then yes. He asked why the project is so important and wondered how much they were spending on it. He was annoyed with the part of the costs for the application of the coating because when he had questioned before about what the Waterhouse Center would cost the Town's taxpayers he was told that it would cost them nothing.

Cluff got confirmation that the Pickle ball games are done at the Waterhouse Center and are run by the Recreation Department, thus one can look at this as a recreation expense.

Karytko, however, said that there are 4 Pickle ball courts set up at the West Kennebunk tennis courts so why would they need to do such at the Waterhouse Center? He feels like many things are not getting done in the Town because they are spending too much time with the Waterhouse Center.

Tibbetts responded to Karytko. He said that the Waterhouse Center is used year round and is owned by the Town. He said that he feels as though the deal made with the Waterhouse Center is fair on this matter.

Karytko wondered how many people would have to be hired before he is able to see improvements to the roads. He said that the people of Kennebunk want to see improvements to infrastructure and to him that means the roads not signs, etc.

Cluff responded to Karytko by saying that buildings are included in the category of infrastructure.

Boothby said that Karytko made some very good points and thinks that they should know about things like this because he didn't even know about it.

Cluff does not want to scrutinize and know absolutely every step taken by someone like Tibbetts.

Schulte wondered if the Waterhouse Youth Foundation funds the snow removal of the skating area or if they only fund the maintenance on the ice. Tibbetts said that they only fund the maintenance of the ice. Therefore, Schulte concluded that this is another cost to them.

Morin wondered why this matter is not considered a part of the Family and Children's Youth and questioned the expenses.

Karytko said that he does not want to make decisions on matters that have missing information.

Morin said that he thinks there is a line that is blurred as to what is covered and what is not. He wonders if they can use the Finance committee or some other people to report out what is going on in terms of spending. He said he talked to Karytko about this.

Baldwin asked if the expenses for the Waterhouse Center are in the Town Budget and it was said that it is not. Baldwin believes that it should be. Others agreed.

Schulte wants to know how much they spend on other facilities so they can see how such numbers match up with the amount of money spent on the Waterhouse Center.

Arlene Poisson, from the public, spoke, saying that she believes that many would agree that the Waterhouse Center has been a source of much enjoyment but also said that she agreed with what Karytko said about things that they already have not been taking care of. She was confident that the Foundation funds will be used for its use in the winter so she asked why the costs for these activities would come out of those funds.

Joel Downs, the Finance Director, spoke. He went over the uses of different accounts.

Steve Bowley, from the public, spoke. He was confused how the Town can determine the proper amount of manpower needed for a given project if they don't keep track of how long things take, etc.

Schulte said that he thought that a previous Board had implemented some kind of a tracking system.

The Human Resources Director said that the new tracking system has not been implemented yet.

The Finance Committee will discuss this further.

The Chair proceeded to the next item.

- f. Hear an Update on Roads to be Improved – The current listing of roads to be improved this fall is a combination of roads from the previous budgetary cycle and new budget allocations.

Name of Road	Fall	Spring 2017	New/Old Budget
Boothby Road	X		O
Bourne Street	X		O
Dutcher Lane	X		N
Emmons Road	X		O
Holland Road		X	N

Southgate Road	X		N
Thompson Road	X		O
Woodhaven Drive		X	N
Woodland Avenue	X		O
Valley Avenue	X		N
Route One Drainage	X		O
Eastern Trail	X		O
Central Fire Station Catch Basin	X		O
Plummer Lane	X		O
Caly Hollow Culvert	X		O
Cross Street, Wallace Street Traffic	X		O
Crack Sealing (17.37 miles)	X		O

This article was requested by Selectman Karytko.

DISCUSSION:

Karytko asked how much they budgeted for the roads. About \$2 million was the answer. He was a bit confused as to how the total came to \$2 million.

Tibbetts explained and said that a new listing will be given in the spring that will add more roads.

Schulte asked if there were any changes to the list from the last one.

Chris Osterrieder, the Town Engineer, explained that only a few of the dates may vary.

There were no public comments.

The Chair proceeded to the next item.

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

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

Virginia Brooks Griffith – Economic Development Committee, Regular 2017

DISCUSSION:

None.

There were no public comments.

A motion was made to accept the resignation of Virginia Brooks Griffith from the EDC and send a letter thanking her for her service.

MOVED: Morin
SECONDED: Karytko
MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed. The motion passed.

The Chair proceeded to the next item.

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

<u>Applicant</u>	<u>Committee</u>	<u>Vacancies</u>
Judith Metcalf	Committee on Aging	no vacancies. If the Board wishes to appoint Judith, the appointment could be to a term of 2019, 2018 or 2017. Our current membership consists of 4 members with terms expiring in 2019, 3 expiring in 2018, and 3 expiring in 2017.
Todd Bridgeo	Cons. & Open Space Planning Comm.	(1) Reg. 2017, (1) Reg. 2019, (2) Alt. 2017
Joseph E. Bergeon	Comp. Plan & Zoning Ord. Update Comm.	no vacancies (comm. is seeking 2 student reps.)
Kyle Ryan (non-res.)	Comp. Plan & Zoning Ord. Update Comm.	no vacancies (comm. is seeking 2 student reps.)

DISCUSSION:

Cluff wondered if they should talk about committees.

Schulte said that he thinks that it is a good discussion to have but that the Committee on Aging is new and seems to be at the appropriate size and Judith is a good candidate for the committee.

Morin agreed with Schulte.

A motion was made to appoint Judith Metcalf to the Committee on Aging with a term expiring in 2018.

MOVED:

Karstke

SECONDED:

Schulte

MODIFICATIONS:

None

VOTE:

7 in favor, 0 opposed. The motion passed.

A motion was made to appoint Todd Bridgeo as a Regular Member on the Conservation & Open Space Planning Commission for a term expiring in 2019.

MOVED:

Schulte

SECONDED:

Baldwin

MODIFICATIONS:

None

VOTE:

7 in favor, 0 opposed. The motion passed.

A motion was made to appoint Joseph Bergeon and Kyle Ryan as Student Representatives on the Comprehensive Plan & Zoning Ordinance Update Committee (no terms).

MOVED:

Boothby

SECONDED:

Beal

MODIFICATIONS:

None

VOTE:

7 in favor, 0 opposed. The motion passed.

The Chair proceeded to the next item.

h. Discuss Any Other Business

The Selectmen decided to meet on August 16th at 6 PM and to go into executive session to talk about negotiations.

10. SELECTMEN'S COMMENTS

a. Subcommittee Reports (if any)

Signing occurred.

b. Individual Selectmen Comments

Selectman Baldwin:

- Downtown Committee met and is going to try to leverage the new traffic (foot) that is being generated by the trolleys at the Waterhouse Center.
- Had his first meeting with the Festival Committee. The Committee is geared toward HarvestFest.
- Created a video of the West Kennebunk Family Fun day and it is online on the Facebook page called, "Video creations."

Selectman Beal:

- None.

Selectman Morin:

- None.

Selectman Boothby:

- Concert from the Portland Symphony was great even though it rained.
- Wondered if there can be a presentation by the school at the next meeting which shows where the school is at. Tibbetts said that he can coordinate it. He also said they may have the Selectmen go on a tour of the school.

Selectman Cluff:

- None.

Selectman Schulte:

- West Kennebunk Family Fun Day was great (he brought his kids).
- Wants to talk about drones in the future.
- Had a good time at the Portland Symphony event (once they realized that they would be soaked).

Selectman Karytko:

- Said that the Family Fun Day in West Kennebunk was very successful. Morin, Baldwin, Beal, Schulte and Karytko went.
- Was asked a question by a resident about limiting the time on parks and beaches.
- Some people in the Lower Village are being sued by the Forsleys.
- Wondered about progress on the skateboard park. Tibbetts said that it will be discussed at the September 13th, 2016 Board of Selectmen meeting.
- Said that it was dark in the back of the police station. He thinks that there should be some kind of lighting there. Baldwin agreed, saying that he thinks that the police chief, Mackenzie, tried to get lighting there before. The police chief was at this meeting and said that he was in support of lighting (he was in support of such before too) at the police station.

The Chair proceeded to the next item.

11. TOWN MANAGER'S COMMENTS/NOTES

a. Upcoming Events and Workshops:

- Summer Meeting Schedule: The August 23rd Selectmen's Meeting has been Canceled – The next regular meeting will be held on September 13th.
- Tuesday, September 6 – Board of Selectmen Workshop on TIFs will be held at 6:30 p.m. on the third floor of the Town Hall.
- Tuesday, October 4 – Board of Selectmen Workshop on Committees will be held at 6:30 p.m. on the third floor of the Town Hall.

b. Items scheduled for a 2nd Reading (at the 7/12/16 meeting) will be discussed at a future meeting:

- Park Use Ordinance (September 13th)

DISCUSSION:

Tibbetts asked the Selectmen to email him questions or data that they want before the Workshop on TIFs.

12. EXECUTIVE SESSION(S)

- a. Discuss an Economic Development Matter with the Town Manager, Economic Development Director and Finance Director regarding an economic development matter where premature disclosure of the same would prejudice the competitive bargaining position of the Town relative to the same - Title 1 MRSA Sec. 405(6)(C)

A motion was made to go into executive session at approximately 10:04 P.M.

MOVED:

SECONDED:

MODIFICATIONS:

VOTE:

DRAFT

Martin

Cluff

None

7 in favor, 0 opposed. The motion passed.

Upon coming out of executive session, the Board stated they had nothing to report.

13. ADJOURNMENT

A motion was made to adjourn the meeting at approximately

MOVED:

SECONDED:

MODIFICATIONS:

VOTE:

Deborah Beal, Secretary
Kennebunk Board of Selectmen

Date: _____

TOWN OF KENNEBUNK
BOARD OF SELECTMEN MINUTES

AUGUST 16, 2016 – 6:30 P.M.

1. CALL TO ORDER

On August 16, 2016, at 6:30 p.m., in Room 306 of the Town Hall, Richard Morin, Chairman of the Board of Selectmen for the Town of Kennebunk, called to order a Special Meeting of the Board of Selectmen. Present were Selectmen Richard Morin, Edward Karytko, Deborah Beal, Christopher Cluff, Daniel Boothby and Blake Baldwin. Shiloh Schulte was absent.

Also present was the Finance Director, Joel Downs.

2. EXECUTIVE SESSION

Discuss RSU Cost Sharing Agreement with Cost-Sharing Committee and the Finance Director - Title 1 MRSA Sec. 405(6)(D)

It was on a motion by Cluff, seconded by Karytko, with 5 in favor, 1 opposed (Boothby), 1 absent (Schulte),

RESOLVED: To go into executive session to discuss the RSU Cost Sharing Agreement with the Finance Director, Joel Downs, and the following RSU Cost Sharing Amendment Committee members: Gayle Spofford, Richard Smith, and Michael Mosher.

Upon coming out of executive session, the Board had nothing to report.

3. ADJOURNMENT

It was on a motion by Cluff, seconded by Morin, with 6 in favor, 1 absent (Schulte),

RESOLVED: To adjourn the Special Meeting.

The meeting was adjourned at 6:55 p.m.

Deborah Beal, Secretary
Kennebunk Board of Selectmen

Minutes approved: _____

MEETING NOTES

This agenda was posted in case a majority of the Kennebunk Selectmen attended this Special Meeting.

A quorum was not reached as only 3 members were present.

TOWN OF KENNEBUNK

BOARD OF SELECTMEN MINUTES (NOTES)

KENNEBUNK ELEMENTARY SCHOOL – PARKING LOT (177 ALEWIVE ROAD, KENNEBUNK)

SEPTEMBER 7, 2016 – 6:00 P.M.

ATTENDANCE

On Wednesday, September 7, 2016 at 6:00 p.m., at the Kennebunk Elementary School (Parking Lot), the following Kennebunk Selectmen were present: Edward Karytko, Daniel Boothby and Blake Baldwin.

Absent were: Shiloh Schulte, Debbie Beal, Christopher Cluff, and Richard Morin.

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

Also present were representatives from the Towns of Kennebunkport and Arundel as well as RSU 21 representatives.

RSU 21 BUILDINGS TOUR

The tour (by school bus) of the three building projects (Kennebunk High School in Kennebunk, Mildred L. Day School in Arundel and Consolidated School in Kennebunkport) departed from Kennebunk Elementary School at 6:00 p.m. with various officials from the Towns of Kennebunk, Kennebunkport, and Arundel as well as representatives of RSU 21.

Each building tour lasted approximately 35 minutes and began at KHS, then Mildred L. Day School and finally Consolidated School.

The tour ended back at Kennebunk Elementary School at approximately 8:15 p.m.

4

PUBLIC
HEARING

(d)



Office for Family Independence
19 Union Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 624-4168
Toll Free: 1-800-442-6003
Fax (207) 287-3455

TO: Municipal Officials/Welfare Directors/General Assistance Administrators

FROM: Ian Miller, General Assistance Program Manager

RE: 2016 – 2017 General Assistance Ordinance Maximums

DATE:

Enclosed please find the following items:

- MMA's new (October 1, 2016–September 30, 2017) “**General Assistance Ordinance Appendix**” (A - D).
- “**GA Maximums Summary Sheet**” which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The “summary” does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA.
- “**GA Maximums Adoption Form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS. (*see “Filing of GA Ordinance and/or Appendices” below for further information*).

Appendix A - D

The enclosed Appendices A - D have been revised for your municipality’s General Assistance Ordinance. These new Appendices, **once adopted**, should replace the existing Appendices A – D. Even if you have already adopted MMA's model General Assistance Ordinance, **the municipal officers must approve/adopt the new Appendices yearly.**

The Adoption Process

The municipal officers (i.e., selectpersons/council) adopt the local **General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices ***after notice and hearing***. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

Filing of GA Ordinance and/or Appendices

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. *(For a copy of the GA model ordinance, please call MMA's Publication Department, or visit their web site www.memun.org).* In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums.

GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from October 1, 2016 to September 30, 2017.

APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
	734	860	1,065	1,439	1,460	1,535

NOTE: For each additional person add \$75 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	45.20	194.36
2	89.60	385.28
3	119.80	515.14
4	151.00	649.30
5	194.90	838.07
6	233.90	1,005.77
7	257.20	1,105.93
8	283.00	1,216.90

NOTE: For each additional person add \$149 per month.

APPENDIX C - HOUSING MAXIMUMS

<u>Number of Bedrooms</u>	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	133	570	156	671
1	155	666	184	790
2	193	828	228	982
3	269	1,156	313	1,344
4	269	1,156	314	1,349

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water:*** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water:*** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.08	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

FOR MUNICIPAL USE ONLY

GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	703	777	981	1,227	1,437
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	596	673	836	1,082	1,254
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	575	678	855	1,086	1,241
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	838	975	1,220	1,638	1,717
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	967	1,011	1,316	1,693	2,070
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	750	796	1,058	1,542	1,759

Appendix A

Effective: 10/01/16-09/30/17

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	769	851	986	1,302	1,581
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	734	860	1,065	1,439	1,460

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	609	624	750	948	1,037
Franklin County	636	662	783	973	1,383
Hancock County	653	737	936	1,231	1,277
Kennebec County	612	663	846	1,075	1,141
Knox County	743	745	916	1,172	1,299
Lincoln County	672	743	935	1,163	1,379
Oxford County	572	621	761	1,040	1,325
Piscataquis County	583	663	817	1,035	1,106
Somerset County	665	694	824	1,119	1,122
Waldo County	655	741	876	1,191	1,266
Washington County	584	633	752	957	1,159

* Please Note: Add \$75 for each additional person.

Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan.

Number in Household	Weekly Maximum	Monthly Maximum
1	45.20	194.36
2	89.60	385.28
3	119.80	515.14
4	151.00	649.30
5	194.90	838.07
6	233.90	1,005.77
7	257.20	1,105.96
8	283.00	1,216.90

Note: For each additional person add \$149 per month.

GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should **ONLY consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	111	476	129	556
1	111	476	131	565
2	130	558	159	682
3	167	718	202	870
4	177	762	220	947
<u>Franklin County</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	117	503	136	583
1	117	503	140	603
2	137	591	166	715
3	173	743	208	895
4	258	1,108	301	1,293
<u>Hancock County</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	114	489	137	590
1	126	543	155	667
2	163	699	198	853
3	220	948	264	1,136
4	220	948	271	1,166
<u>Kennebec County</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	104	448	128	549
1	109	469	138	593
2	142	609	177	763
3	184	792	228	980
4	186	801	240	1,030

Appendix C
Effective: 10/01/16-09/30/17

Non-Metropolitan FMR Areas

Knox County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	135	579	158	680
1	135	579	158	680
2	158	679	194	833
3	207	889	250	1,077
4	223	959	276	1,188
Lincoln County				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	513	142	609
1	128	549	157	673
2	162	698	198	852
3	205	880	248	1,068
4	242	1,039	295	1,268
Oxford County				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	95	408	118	509
1	101	427	128	551
2	122	524	158	678
3	176	757	220	945
4	229	985	282	1,214
Piscataquis County				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	104	447	123	530
1	116	500	140	604
2	144	621	174	749
3	186	798	222	956
4	192	824	236	1,016
Somerset County				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	120	517	141	606
1	121	519	147	631
2	143	615	175	753
3	202	869	241	1,038
4	202	869	241	1,038

Non-Metropolitan FMR Areas

<u>Waldo County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	116	497	138	592	
1	127	547	156	671	
2	149	639	184	793	
3	211	908	255	1,096	
4	215	926	269	1,155	
<u>Washington County</u>					
<u>Washington County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	98	420	121	521	
1	102	439	131	563	
2	120	515	156	669	
3	157	674	200	862	
4	191	819	244	1,048	

Metropolitan FMR Areas

<u>Bangor HMFA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	125	539	149	640	
1	135	583	164	707	
2	173	744	209	898	
3	219	944	263	1,132	
4	255	1,097	308	1,326	
<u>Penobscot Cty. HMFA</u>					
<u>Penobscot Cty. HMFA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	101	432	124	533	
1	111	479	140	603	
2	139	599	175	753	
3	186	799	230	987	
4	213	914	266	1,143	
<u>Lewiston/Auburn MSA</u>					
<u>Lewiston/Auburn MSA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	96	411	119	512	
1	112	484	141	608	
2	144	618	180	772	
3	187	803	230	991	
4	210	901	263	1,130	

Appendix C
Effective: 10/01/16-09/30/17

Metropolitan FMR Areas

<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	157	674	180	775
1	182	781	210	905
2	229	983	264	1,137
3	315	1,355	359	1,543
4	320	1,377	373	1,606
<u>York/Kittery/S. Berwick HMFA</u>				
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	187	803	210	904
1	190	817	219	941
2	251	1,079	287	1,233
3	328	1,410	372	1,598
4	402	1,730	456	1,959
<u>Cumberland Cty. HMFA</u>				
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	136	586	160	687
1	140	602	169	726
2	191	821	227	975
3	293	1,259	337	1,447
4	330	1,419	383	1,648
<u>Sagadahoc Cty. HMFA</u>				
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	141	605	164	706
1	153	657	182	781
2	174	749	210	903
3	237	1,019	281	1,207
4	289	1,241	342	1,470
<u>York Cty. HMFA</u>				
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	133	570	156	671
1	155	666	184	790
2	193	828	228	982
3	269	1,156	313	1,344
4	269	1,156	314	1,349

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water*:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water*:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.08	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

FOR MUNICIPAL USE ONLY

**GENERAL ASSISTANCE ORDINANCE
APPENDICES A-D
2016-2017**

The Municipality of _____ adopts the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2016—September 30, 2017. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

(Print Name)

(Signature)

4

PUBLIC
HEARING

(e)

**WARRANT FOR SPECIAL TOWN MEETING
TOWN OF KENNEBUNK
NOVEMBER 8, 2016**

To Carrie Weeman, a resident of the Town of Kennebunk, you are hereby required to notify and warn the inhabitants of the Town of Kennebunk, County of York and State of Maine, qualified by law to vote in Town affairs, to assemble in the Edward C. Winston Auditorium in said Town on Tuesday, November 8, 2016, A.D., at six (6:00) o'clock in the morning then and there to act on the following articles:

ARTICLE 1:

To choose a Moderator to preside at said meeting.

ARTICLE 2: Referendum Question 1

Shall an ordinance entitled "2016 Amendment to the Kennebunk Zoning Ordinance to revise the text in Art. 10, Sec. 18 regarding Keeping of Horses" be enacted?

Board of Selectmen recommends approval.

(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, and at the polling place prior to voting.)

ARTICLE 3: Referendum Question 2

Shall an ordinance entitled "2016 Amendment to the Kennebunk Zoning Ordinance to revise the text in Art. 8 regarding the number of Rental Rooms Permitted in Certain B & B's in the Village Residential, Rural Conservation and the Rural Residential Zoning Districts and to revise the text in Art. 10 re Performance Standards for the same" be enacted?

Board of Selectmen recommends approval.

(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, and at the polling place prior to voting.)

ARTICLE 4: Referendum Question 3

A CITIZEN INITIATED PETITION QUESTION

Shall fluoride be added to the public water supply for the intended purpose of reducing tooth decay?

ARTICLE 5: Referendum Question 4

A NON-BINDING CITIZEN INITIATED PETITION QUESTION

Do you favor the Kennebunk Light and Power District continuing to invest in hydropower generation facilities along the Mousam River?

ARTICLE 6: Referendum Question 5

A NON-BINDING CITIZEN INITIATED PETITION QUESTION

Do you favor the Town of Kennebunk maintaining and improving the existing conditions along the Mousam River, in particular, mill pond areas and water levels sufficient to allow the continuation of existing recreational activities, by keeping the Dane Perkins, Twine Mill, and Kesslen Dams in place, whether or not said dams continue to generate hydropower?

ARTICLE 7: Referendum Question 6

A NON-BINDING CITIZEN INITIATED PETITION QUESTION

Do you want the opportunity to vote on any, and/or all of the following questions before the Trustees of the Kennebunk Light and Power District make a final decision on them: whether the Dane Perkins Dam, Twine Mill Dam, and/or Kesslen Dam should continue to generate hydropower, remain in place, and/or be removed?

7.c



STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0016

*Rec'd 7/18/10
 M. Brown*

Paul R. LePage
 GOVERNOR

David Bernhardt
 COMMISSIONER

Merton Brown, Clerk
 Town of Kennebunk
 1 Summer St
 Kennebunk, ME 04043-1897

Subject: Mathew J. Lanigan Bridge
 Project No: 022504.00
 Town of Kennebunk & Kennebunkport

Dear Mr Brown:

The Maine Department of Transportation will soon solicit quotes for the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers*". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

George M.A. Macdougall
 Contracts & Specifications Engineer
 Bureau of Project Development

Return this AGREEMENT, when completed, to:

Maine Department of Transportation
ATTN.: George Macdougall, Contracts & Specifications Engineer
#16 State House Station, Child Street
Augusta, Maine 04333-0016

Project: 022504.00
Location: Route 9

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of Kennebunk** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to haul non-divisible overlimit loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overlimit loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

TOWN OF KENNEBUNK
By the Municipal Officials

SPECIAL PROVISION 105
CONSTRUCTION AREA

A Construction Area located in the **Town of Kennebunk** and **Kennebunkport** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in the town of Kennebunk and Kennebunkport, York County on Route 9 road over the Kennebunk River.
- (b) (Western Avenue) over the Kennebunk River station 48+00.00 to station 51+50.00 of the construction plus approaches.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.”

The Municipal Officers for the **Town of Kennebunk** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

GENERAL GUIDANCE

CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

However, in this case we're dealing with *Construction Permits* involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit "*for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation*". According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.

Frequently Asked Questions:

A. Why sign the document in advance of the actual construction contract?

Response: There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

B. Different roads may require different levels of scrutiny. How is a posted road handled?

Response: Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of a Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permit are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

SPECIAL PROVISION 105
OVERLIMIT PERMITS

Title 29-A § 2382 MRSA Overlimit Movement Permits.

- 1. Overlimit movement permits issued by State.** The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation
- 2. Permit fee.** The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
- 3. County and municipal permits.** A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality
- 4. Permits for weight.** A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.
- 5. Special mobile equipment.** The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.
- 6. Scope of permit.** A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.
- 7. Construction permits.** A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:
 - A. Must be procured from the municipal officers for a construction area within that municipality;
 - B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:
 - (1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

9. Pilot vehicles. The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

9-A. Police escort. A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

11. Violation. A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

PL 1993, Ch. 683, §A2 (NEW).
PL 1993, Ch. 683, §B5 (AFF).
PL 1997, Ch. 144, §1,2 (AMD).
PL 1999, Ch. 117, §2 (AMD).
PL 1999, Ch. 125, §1 (AMD).
PL 1999, Ch. 580, §13 (AMD).
PL 2001, Ch. 671, §30 (AMD).
PL 2003, Ch. 166, §13 (AMD).
PL 2003, Ch. 452, §Q73,74 (AMD).
PL 2003, Ch. 452, §X2 (AFF).

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207- _____ ; fax: 207- _____

APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF _____ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207-_____ ; fax: 207-_____

APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS

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PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

BOND # _____

Date: _____

MUNICIPAL CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) _____
 _____ and the Municipality of _____, as
 principal, and _____,
 _____, a corporation duly organized under the laws of the State of _____ and having a
 usual place of business _____,
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of
 _____ in the sum of
 _____ and 00/100 Dollars (\$ _____)
 to be paid said Treasurer of the Municipality of _____ or
 her/his successors in office, for which payment well and truly to be made, Principal and
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in
 the Contract to construct Project Number _____ in the Municipality of
 _____ promptly and faithfully performs the Contract,
 without damage to the municipal ways, other than normal wear and tear; then this
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way
 beyond normal wear and tear, in the construction of the above project through the use of
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond
 may be used to guarantee that the contractor either repairs or pays for the damage caused
 by the use of its equipment or trucks. The degree of damage beyond normal wear and
 tear will be determined by municipal officials with the assistance of the Maine
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this day of, 20.....

WITNESS:

Signature.....
Print Name Legibly
.....

SIGNATURES:
CONTRACTOR:

.....
Print Name Legibly
.....

WITNESS:

Signature.....
Print Name Legibly

SIGNATURES SURETY:

Signature.....
Print Name Legibly

NAME OF LOCAL AGENCY:
ADDRESS
TELEPHONE

NAME OF SURETY
SURETY ADDRESS:.....

BOND # _____

BOND # _____

Date: _____

MUNICIPAL CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) _____
 _____ and the Municipality of _____, as
 principal, and.....
 , a corporation duly organized under the laws of the State of and having a
 usual place of business
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of
 _____ in the sum of
 _____ and 00/100 Dollars (\$ _____)
 to be paid said Treasurer of the Municipality of _____ or
 her/his successors in office, for which payment well and truly to be made, Principal and
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However, if the Principal designated as Contractor causes damage to any municipal way
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 legal weight, legal dimension trucks or equipment; or overweight or over-dimension
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond
 may be used to guarantee that the contractor either repairs or pays for the damage caused
 by the use of its equipment or trucks. The degree of damage beyond normal wear and
 tear will be determined by municipal officials with the assistance of the Maine
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this day of, 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly

Print Name Legibly

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly

Print Name Legibly

NAME OF LOCAL AGENCY:

ADDRESS

TELEPHONE

NAME OF SURETY

SURETY ADDRESS:.....

BOND # _____

9.a

Kathy Nolette

From: Paul Demers
Sent: Tuesday, September 06, 2016 8:48 AM
To: Kathy Nolette
Subject: FW: Selectmen's meeting agenda - Consent Order
Attachments: 54 Bayberry Ave.pdf; Stipulation of Parties - Barry.pdf; Consent Judgment- Barry.pdf

Memo to: Barry Tibbetts, Town Manager

From: Paul A. Demers, Code Officer

Re: Request for Administrative Consent Agreement for a setback violation at 54 Bayberry Extension.

I have received a request for Attorney Paul Cadigan on behalf of the Estate of David N. Barry to correct an "old" setback issue on their property. The violations appear to originate from the actions of the original owner (1971 construction) and not the Estate or Mr. Barry. There are 2 noted setback violations, 1.05 feet for the garage to a side setback and 5.24 feet for a deck structure also to a side setback.

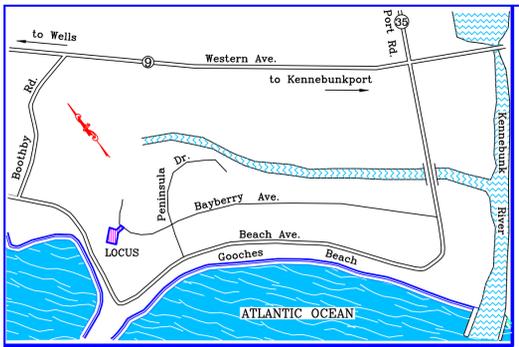
Upon inspection by this office, both appear to be from original construction and nothing recently constructed. The garage was included in the original building permit application and was shown to meet the required setback (which were the same as the current 20 foot side setback requirement. The deck was not shown on the original permit, but it was constructed in a manner that would support its history and may not have been required to be permitted in the early 70's. While the setback violations are minor they would not qualify for a variance thru the ZBA as they are the "result of action taken by a prior owner" which would disqualify them in this case.

In my opinion neither of the violations were intentional and did not appear to be cause for significant neighborhood interest as there is no record of any complaint history. A professional boundary survey of this site was included in the submission package from the attorney. The plan and associated legal documents were provided meeting the general standards of the Consent agreement procedure and reviewed by the Town Attorney who has approved same for content. We have reviewed the package and also concur that this is the proper avenue for this property to take to resolve the matter.

At this point the owners would have 2 immediate choices to resolve the issue. The first is to remove all items in violation and satisfy the setback requirements, but this would not be practical with respect to the existing structure and its use. The second is the process before us now and that would allow the continued use in their present form subject to stipulations included in the document. The major components being, no increase in the structure that does not comply with the ordinance, should the structure be damaged or destroyed it may only be replaced with a structure that meets whatever standards are in place at that time. The owners would continue to be able to maintain or sell the property without limitation except for those noted above.

This would be a standard procedure for this type of older previously undetected violation and would result in the document being recorded in the registry of deeds for future owners to be aware. At this point, should the Town agree with the proposal, the owners attorney would complete the forms with an authorized signature by the Codes Officer and file at the registry of deeds. Additionally this would be subject to potential fines that would be at the Boards discretion. To date the Town attorney has generated a bill of \$350 and the codes staff has an estimated 4 hours of time dedicated to the request. Past practice for this type of violation/correction has been to allow the agreement to proceed and fine the applicant for the cost incurred in the process (typically \$500).

I will be available to address this matter with the Board of Selectmen as well as attorney Cadigan on behalf of the Estate.



LOCUS DEED REFERENCE:

Deed: Book 2659, Page 136
 Probate Abstract: Book 17177, Page 104
 Owner of Record: Estate of David N. Barry (Michael P. Barry, Personal Representative)

LOT COVERAGE CALCULATIONS:

Shoreland Zone	
Total Lot Area	= 19003 s.f. (0.43 ac.)
Building to Overhang	= 2322 s.f.
Driveway	= 2031 s.f.
Steps/Patio/Walks	= 328 s.f.
Deck	= 193 s.f.
Misc.	= 21 s.f.
Total Lot Coverage	= 4895 s.f.
Lot Coverage = 4895 / 19003 = 25.75%	

PLAN REFERENCES:

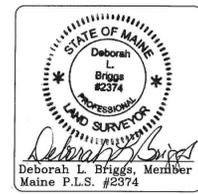
- "Lot Plan of Seabreeze Acres, Kennebunk Beach, Maine, Section No. 5", dated December 1967 by Thomas Ober, recorded in the York County Registry of Deeds (YCRD) in Plan Book 49, Page 13.
- "Plan Showing a Proposed Conveyance of Land, Seabreeze Acres Development Corp. to Cape Arundel Land Co., Kennebunk Beach, Maine" dated January 24, 1968, by Libby & Dow, Engineers, recorded in the YCRD in Plan Book 47, Page 39.
- "Plan Showing a Taking of a Portion of the Lands of Leslie Edcomb and Portion of the Lands of Owner Unknown By The Kennebunk Sewer District, Kennebunk, Maine" dated Dec. 12, 1958, by Libby & Dow, Engineers, recorded in the YCRD in Plan Book 27, Page 53.
- "Standard Boundary Survey of Lot 84, Seabreeze Acres, Section 5, Lying Within The Town Of Kennebunk, York County, Maine, for Santi Freni" dated April 29, 1986, by Morton & Rose Associates, recorded in the YCRD in Plan Book 150, Page 43.
- "Standard Boundary Survey, 167 Beach Ave., Kennebunk Beach, Maine, Owned by Kathlyn G. Logan" dated Aug. 5, 2005, by Lower Village Survey Co.
- "Plan Showing a Survey of Land for Terence P. Logan and Kathlyn G. Logan, Kennebunk, Maine" revised date March 16, 1982, by Middle Branch Engineering Land Surveyors and recorded in the YCRD in Plan Book 121, Page 7.
- "Plan Showing a Survey of Land for Terence P. Logan and Kathlyn G. Logan, Kennebunk, Maine" revised date April 15, 1983, by Middle Branch Engineering & Land Surveyors, recorded in the YCRD in Plan Book 119, Page 23.
- "Plan of Cottage Sites at Kennebunk Beach, Maine, Property of D.S. Farnham" by E.C. Jordan, C.E., recorded in the YCRD in Plan Book 3, Page 31.
- "Flood Insurance Rate Map - Town of Kennebunk, Maine, York County - Community Panel #230151-0015C.
- "Coastal Sand Dune Geology, Middle Beach, Mothers Beach, Kennebunk, Maine" by Stephen M. Dickson, Open-File # 11-92, 2011, recorded with Maine Geological Survey, Department of Conservation, 22 State House Station, Augusta, Maine 04333.

NOTES:

- The locus parcel is identified on the Town of Kennebunk Tax Assessors Map 93 as Lot 53, and is located entirely in the Resource Protection District. Space and bulk standards in the Resource Protection District are as follows:
 Minimum Net Lot Area = 40,000 s.f.
 Minimum Lot Width = 100 feet
 Minimum Building Setbacks
 Front Yard = 25 feet
 Side Yard = 20 feet
 Rear Yard = 40 feet
 Maximum Lot Coverage = 20%
 Maximum Height = 35 feet
- The surveyed premises contains 19,003 square feet (0.43 Acre).
- Elevations shown are based on RM 23 (Elevation 12.34' NGVD 1929) as shown on Plan Ref. 9. High Water line shown (Elevation 7.1') was field located on March 18, 2016.
- Flood lines shown are scaled only per Plan Ref. 9. Coastal Sand Dune lines shown are scaled only per Plan Ref. 10.
- The boundary of the locus parcel along Bayberry Ave. is the apparent right-of-way line based on monumentation found and Plan Ref. 1.
- The locus parcel is subject to a 40-foot wide sewer easement granted by deed from The Seaside House to Kennebunk Sewer District dated October 14, 1963, recorded in Book 1571, Page 359. Overhead utility lines and poles are also located within said 40-foot wide easement.
- The location of nearby property lines are shown as dashed lines. These lines are intended to show the approximate relationship to the locus parcel only.
- Prior to any construction activities the location of setback lines shown should be verified by the local code enforcement officer to determine compliance with all applicable building requirements.
- This plan has been prepared according to the Standards of Practice adopted by the State of Maine Board of Licensure for Professional Land Surveyors with the following exceptions:
 - No written report prepared
 - No new deed description prepared

LEGEND :

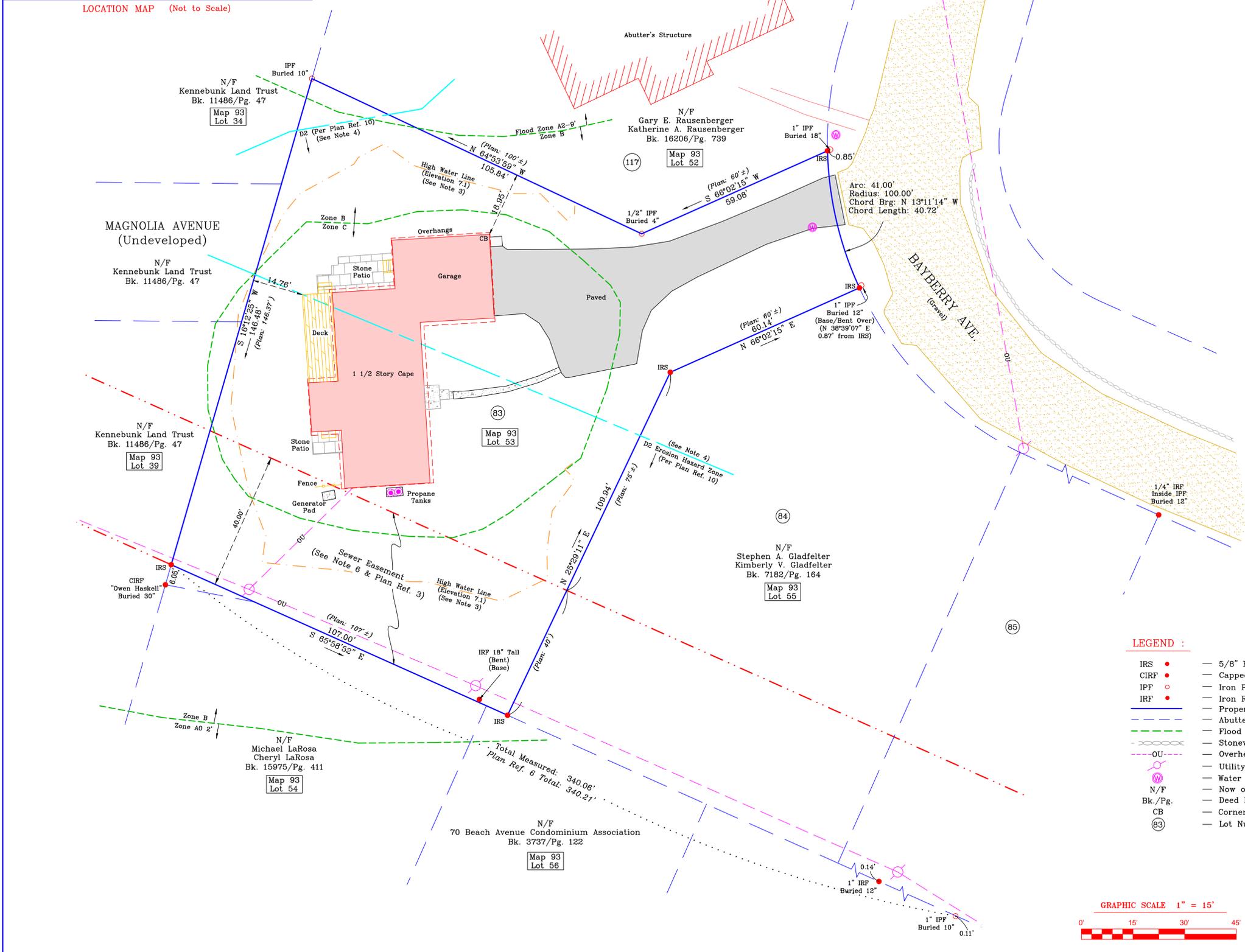
- IRS ● 5/8" Rebar w/Survey Cap #2374 Set
- CIRF ● Capped Iron Rod Found
- IPF ○ Iron Pipe Found
- IRF ○ Iron Rod Found
- Property Line
- - - Abutter Approximate Property Line
- - - Flood Zone Boundary Per Plan Ref. 9
- Stonewall
- - - Overhead Utilities
- Utility Pole
- Water Shutoff
- Now or Formerly
- Deed Book & Page
- Corner Board of Building
- Lot Number Per Plan Ref. 1



LOWER VILLAGE SURVEY CO.
 13 Western Avenue Kennebunk Maine
 Mailing Address: P.O. Box 2625, Kennebunkport, ME 04046
 Phone: 207-967-3545 e-mail: info@lowervillagesurveyco.com

BOUNDARY RETRACEMENT SURVEY AND SITE PLAN OF PROPERTY AT
 54 BAYBERRY AVENUE, KENNEBUNK, MAINE
 OWNED BY
Estate of David N. Barry
 Mailing address: Michael P. Barry, Personal Representative
 9 Drury Lane, West Hartford, CT 06117

DATE: MAY 18, 2016 54 BAYBERRY FILE #116-10 ROTATION 0°right FIELD BK 467-12
 LAND SURVEYORS ** FORESTERS ** WETLAND DELINEATORS



STATE OF MAINE
YORK, ss.

TENTH DISTRICT COURT
Div. of Eastern York
Civil Docket No. _____

TOWN OF KENNEBUNK,

Plaintiff

v.

ESTATE OF DAVID N.
BARRYESTATE OF DAVID N.
BARRY

Defendant

**STIPULATION OF THE
PARTIES TO CONSENT
JUDGMENT**

NOW COME the parties in the above-captioned matter and STIPULATE AND AGREE to a Consent Judgment as follows:

1. Defendant, ESTATE OF DAVID N. BARRY, owns certain residential property located at 54 Bayberry Avenue, Kennebunk, Maine, and further identified on the Kennebunk Assessor's Map as Tax Map 93, Lot 53; said property is further described by deed recorded in the York County Registry of Deeds in Book 2659, Page 136, dated May 29, 1980. (See Exhibit A attached hereto). David N. Barry died on December 26, 2015.

2. This matter has been filed pursuant to 30-A M.R.S.A., §4452 and M.R.Civ.P. 80K for enforcement of land use ordinances.

3. Both parties consent to the filing of the Complaint in this matter pursuant to M.R.Civ.P. 80K and waive any requirements of service of process, formal citation, and any other jurisdictional issues; it is the intent of the parties to fully vest this Court with jurisdiction over the matters contained herein.

4. Defendant had the 54 Bayberry Avenue property surveyed on May 23, 2016 and learned that the residential structure on the property is so close to the sideline of an abutter at the attached garage as to violate the 20 foot side yard setback requirements and so close to the sideline of an undeveloped paper street at the deck and stone patio as to also violate the 20 foot side yard setback.

5. A predecessor in title developed the property under a Building Permit dated December 7, 1970. The property was then classified under the Town's 1968 Ordinance as being in the Coastal Residential District. A subsequent Building Permit dated July 5, 1973 that showed the attached garage to be 15 feet from the side lot line was granted.

6. The 2016 survey showed that the sideline closest to the deck and stone patio abuts an undeveloped street identified as Magnolia Avenue which the owners of 54 Bayberry Avenue may have had certain rights to under state law at the time of the construction.

7. David N. Barry, the decedent, and Mary A. Barry, his late wife, purchased the property in 1980.

8. This Stipulation does not cause the structure on the Property to become a legally existing, nonconforming structure. This Stipulation also does not authorize any future additions or alterations to any building on the Property that do not comply with the applicable provisions of the Kennebunk Zoning Ordinance in effect at the time that such work occurs. It is the intent of this Stipulation that the portion of the existing structure that violates the setback provision of the Zoning Ordinance be allowed to remain in place in its current location, but shall not otherwise be enlarged or altered without complying with the applicable Ordinance requirements.

9. Defendant agrees to pay the combined amount of \$_____ for Town Attorney's fees and fine.

10. Plaintiff agrees to, and hereby does, relinquish its right further to prosecute the Defendant, its successors and assigns, for the aforesaid violation of the Town of Kennebunk Zoning Ordinance; provided, however, that if Defendant, or its successors or assigns, shall

breach or otherwise fail to meet the terms of this Stipulation, Plaintiff may institute appropriate Court proceedings to enforce the provisions of the Kennebunk Zoning Ordinance and/or this Stipulation and the ensuing Order, and shall be entitled to monetary penalties, as well as injunctive relief. In any such enforcement action, Plaintiff shall be entitled to its court costs and attorney's fees.

11. This Stipulation, and ensuing Order, shall be binding upon both Plaintiff and Defendant, their successors and assigns, and shall be duly recorded in the York County Registry of Deeds.

Dated this ___ day of July, 2016.

TOWN OF KENNEBUNK

By:

By: Paul A. Demers
Its: Code Enforcement Officer

Paul W. Cadigan, attorney for
ESTATE OF DAVID N. BARRY
62 Portland Road, Suite 7
Kennebunk, ME 04043
(207) 985-5600

STATE OF MAINE
YORK, ss.

TENTH DISTRICT COURT
Div. of Eastern York
Civil Docket No. _____

TOWN OF KENNEBUNK,)
)
Plaintiff)
)
v.)
)
ESTATE OF DAVID N. BARRY)
)
Defendant)
)
)
)

CONSENT JUDGMENT

THIS matter came before the Court on Plaintiff's Complaint for Relief under Rule 80K of the Maine Rules of Civil Procedure. By the Consent of the parties, it is hereby ordered and adjudged that a residential structure exists on the Defendant's property located at 54 Bayberry Avenue, Kennebunk, Maine (Tax Map 93, Lot 53) which violates a municipal side yard setback requirement. The Town and the Defendant have agreed that the residential structure need not be removed and may remain in its current location, and the parties hereto consent to the following ORDER, reciting as grounds therefore the following facts:

1. Property Owner owns certain real property (hereinafter referred to as "Property") located at 54 Bayberry Avenue as depicted on the Kennebunk Assessors Map 93, Lot 53, and also as identified as a deed recorded in the York County Registry of Deeds in the following Book and Page: Book 2659, Page 136.

2. The Property is located in the Resource Protection District and Shoreland Overlay Zone. When first constructed upon, the property was located in the Coastal Residential District.

3. There is one building presently on the Property, a residential structure with attached garage.

4. A 2016 survey of the Property demonstrated that the residential structure on the Property is located 18.95 feet (attached garage) and 14.76 feet (deck and stone patio) within the required 20 foot side yard setback area.

5. The residential structure and garage has existed on the property since 1971 and the deck and patio were constructed in the late 1970's, prior to David N. Barry and Mary A. Barry acquiring the property in 1980.

It is ORDERED as follows:

1. The residential structure, garage, deck and patio on the Property need not be removed and may remain in its current location, in accord with the Stipulation to Consent Judgment signed by the parties and incorporated into this Order.

2. The Defendants shall pay to the Town of Kennebunk the amount of \$_____ within 30 days of the date hereof, which amount shall be for the Town's Attorney's fees, with any balance to be a fine.

3. The Clerk is directed pursuant to M.R. Civ. P. 79(a) to enter this Order on the Civil Docket by notation incorporating it by reference.

DATED: _____, 2016

Judge, District Court

PROCEDURES FOR CONSIDERATION OF ADMINISTRATIVE CONSENT AGREEMENTS

1. Long-term violations.

Description: This type of violation is one that results from a failure many years ago to comply with existing zoning requirements. These violations occur because it was not common practice to have a surveyor review the location of the structure in relation to the lot lines. Because a structure was not built in accordance with applicable zoning, it is not a “grandfathered” structure that is entitled to protections as a “lawfully nonconforming” structure. These violations are often identified by a mortgage inspection plan done as part of a proposed sale of property or refinancing of a mortgage. The violations are usually setback violations.

Procedure:

- a. The owner, prospective purchaser or representative of either contacts the Code Enforcement Officer (CEO).
- b. The CEO reviews the information and asks for any required additional information, including a survey of the property showing the precise boundaries and setbacks. The CEO explains the process for an Administrative Consent Agreement (ACA). The CEO will also explain that the applicant may pay a fine and will be expected to reimburse the Town for its costs, including any attorney’s fees incurred in the drafting or review of the ACA.
- c. The CEO works with the applicant to develop a draft, consulting with the Town Manager, Director of Community Development, Town Attorney and/or Town Planner as may be appropriate.
- d. The ACA will include, at a minimum, the following information:
 - (1) The name of the owner(s) of the property.
 - (2) The address of the property.
 - (3) The tax map and lot number.
 - (4) A description of the violation.
 - (5) A brief explanation of the violation.
 - (6) A blank for the amount of fine and attorney’s fees (which may be assessed as a combined amount).
 - (7) Appropriate language allowing the violation to remain in place, with the Town releasing its right to bring an enforcement action concerning the identified violation.
 - (8) A statement that any changes to the property and the violation area must comply with the zoning and land use requirements in effect at the time that the change is sought.
 - (9) A requirement that the ACA be recorded in the York County Registry of Deeds.

(10) Any other provisions appropriate based upon the nature of the violation.

(11) Any required attachments, such as a reduced-size property survey.

e. The CEO and Town Manager will present the request for ACA and draft to the Board of Selectmen for consideration at a BOS meeting.

f. Staff will provide notice to abutting property owners about the proposed ACA and the BOS meeting at which it will be discussed.

g. The BOS will review and discuss the proposed ACA at a public meeting. Public comment should be allowed on the proposed ACA.

h. The BOS will then vote whether to authorize the ACA and, if so, on the amount of fines and/or fees to be imposed.

i. The ACA will be signed by the parties and recorded in the Registry of Deeds.

2. Newer violations.

Description: This type of violation may be one current owner or by an immediate prior owner. It may involve a setback violation, construction without required permits, or improper cutting or clearing in the shoreland zone. These violations may need action to bring a property into compliance or to remediate a condition in violation in addition to the imposition of a fine and payment of attorney's fees. This type of ACA may seek to resolve issues raised in a Notice of Violation issued by the CEO. In these cases there are two additional issues to be considered that are not raised with older violations. The first is whether it would be inappropriate to allow a structure that was not built in conformance with ordinance or code requirements.

The procedures for this type of ACA will be similar, with the following additional considerations:

a. Any proposed resolution of a shoreland zoning violation should be reviewed with the appropriate personnel at the Maine Department of Environmental Protection to ensure that DEP does not later determine that the Town has failed to meet its obligations to enforce shoreland zoning requirements.

b. Each request must be considered on its own merits. The decision to grant a specific type of ACA in one case, or to allow a violation to remain in place, does not set a precedent for any future request.

c. In determining the appropriate remedy and/or fine, the BOS should consider whether the violation occurred knowingly, the amount of environmental damage that may have occurred or that may continue to occur, and whether a property owner has been responsible for other land use violations in the past.

- d. In the event that a property owner and the BOS are unable to reach agreement on the terms of an ACA, the Town may then pursue an enforcement action in court.
- e. In cases where the Town requires a consultant to assist in determining the amount of remediation required or in monitoring the remediation, reimbursement of those costs should be included in the ACA.
- f. Some cases may also require an ACA with a contractor, depending upon the nature of the violation.

APPROVED BY BOARD OF SELECTMEN: 2015-09-08

9.b.

Kathy Nolette

From: Robert Georgitis
Sent: Wednesday, September 07, 2016 6:35 PM
To: Barry Tibbetts
Cc: Kathy Nolette
Subject: EDC Membership

Barry,

At our August meeting of the EDC we discussed my letter to the Board of Selectmen regarding the "right sizing" of the EDC committee. There was a fair amount of discussion then, probably as much from the members of the public as from committee members in attendance, there wasn't as much consensus. Unlike a Planning or Zoning Board, there is no set minimum or maximum for the committee size by Charter as it appears we are a standing committee. So I asked everyone to think about it and revisit it at our September meeting.

After more discussion about the merits of larger vs. smaller (I did share with everyone that it was a 7 member board when I was asked to join 12 years ago) the talk focused on how many were needed to constitute a quorum to hold a meeting which is affected by the number of non-alternate members. The result was that a motion was made and voted to have 7 full members, 4 alternates. Of the 11 members we would like a representative from the other 3 committees involved with economic issues, namely Lower Village, Downtown and West Kennebunk Village committees. We would also like to continue to have the utility districts and Chamber of Commerce continue as ex-officio members to facilitate lines of communication that are so important to the success of our community.

As I understand it we have 2 resignations, Ginny Griffith and Bill Macdonald, and you may soon expect a third from Angus Macaulay. With such a large turnover I expect there may be some extra time spent on bringing the new members up to speed with where we have been, where we are and where we hope the community will go with helping retain and expand our existing businesses and attracting new ones.

Bob

Robert W. Georgitis, EDC Chairman

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9.d.

RSU # 21 Cost Sharing Committee



BASELINE INFORMATION

Facilitator Role



- **Defined in Title 20-A; section 1704 of MRS**
- **Duties to include:**
 - Presentation of information relative to cost sharing in the RSU
 - Depiction of current cost-share method
 - Solicitation and summarization of concerns regarding the present method
 - Development of a plan of action for consideration

Administrative Staff Roles



- To provide meeting space and materials
- To respond to requests (from facilitator) for information
- To represent the best interests of students
- To assist with the keeping and publishing of minutes of the meetings and other information that is involved in the process

Committee Member Roles



- To be present at the meetings of the Committee and to participate fully
- To cast necessary votes as they arise
- To be respectful of each member of the committee
- To conduct the business of the Committee at the meeting

Current Cost Share Method



- Review required in 2017 by original agreement
- Required local share for each community is calculated by the DOE using the ED. 279
- Additional local share is determined based 90% on State valuation and 10% on student population
- For FY 17, the average of the valuations for 2013-2014-2015 were used
- Methods vary for sharing costs of local debt – not under consideration for this process

FY 17 Community Shares



- **Total Local Required \$25,798,600**

⊙ Arundel	\$3,447,405	13.36%
⊙ Kennebunk	\$17,546,338	68.01%
⊙ K- Port	\$4,804,857	18.62%

Additional Local Funds



- **Total required in FY 17 \$7,588,085**
 - Based on 90% valuation and 10% pupil population
 - Arundel \$812,538 10.71%
 - Kennebunk \$3,832,951 50.51%
 - K- Port \$2,942,596 38.78%

Additional Local Fund History



• FY	Arundel	Kennebunk	K-Port
• 17	\$812,588	\$3,832,959	\$2,942,596
• 16	\$768,460	\$3,616,205	\$2,781,205
• 15	\$748,100	\$3,520,646	\$2,695,319
• 14	\$678,464	\$3,195,060	\$2,429,078

Pupil Enrollment History



• FY	Arundel	Kennebunk	Kennebunkport
• 17	570	1581	397
• 16	566	1615	399
• 15	575	1646	409
• 14	418	1638	418

Possible Cost Share Factors



- Number of resident pupils
- Fiscal capacity of each municipality
- Any combination of the above
- Any other formula approved by the legislature
- Any other factor or combination of factors that can or may not include the first two

End Results of Committee Work



- **If Agreement on a plan is reached:**
 - A referendum must be held in each of the towns to approve the recommendation of the committee
 - Option of the committee is to make no change
- **If the committee is unable to reach agreement**
 - A knowledgeable third party is selected by RSU
 - Person prepares a summary of work to date
 - Prepares a recommendation for cost sharing
 - Presents this to the Committee
 - Committee presents this to the public along with any alternatives for a referendum vote

9.e.



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

MEMORANDUM

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Stephen W. Gove, Executive Director

DATE: September 1, 2016

SUBJECT: Voting Credentials for MMA Annual Business Meeting

The Maine Municipal Association Annual Business Meeting is being held in conjunction with the MMA Annual Convention and will take place on **Wednesday, October 5, 2016, at 1:30 p.m. in Ballroom 5 at the Cross Insurance Center in Bangor, Maine.** The MMA Bylaws entitle each member community to one (1) voting representative.

Enclosed please find the *MMA Voting Delegates Credential Form* on which the municipal officers may designate their municipality's voting representative and alternate. We have also attached the Proposed Agenda for the MMA Annual Business Meeting for your reference. The current MMA Bylaws as adopted in 2013 will be available at the MMA Annual Business Meeting or may be viewed on the MMA website at

<http://www.memun.org/public/MMA/Gov/bylaws.pdf>.

Please note that the MMA Executive Committee is not putting forth any proposed amendments to the MMA bylaws for this year. If you plan to be at the MMA Annual Convention and would like to have a Voting Delegate represent your municipality, please complete the MMA Voting Delegate Credential Form and return to our office by **Tuesday, October 4, 2016** or bring it with you to the MMA Annual Business Meeting. We have provided a self-addressed, self-stamped envelope for your convenience.

We look forward to seeing you at this year's MMA Annual Convention in the City of Bangor. If you have any questions on this information, please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or in the Augusta area at 623-8428.

**Maine Municipal Association
Annual Business Meeting
Wednesday, October 5, 2016
1:30 – 2:15 p.m.
Cross Insurance Center, Bangor, Maine
Ballroom 5**

PROPOSED AGENDA

1. **Introductions and Welcoming Remarks** – MMA President Stephan Bunker
(Selectperson, Town of Farmington)
2. **Approval of 2015 MMA Annual Business Meeting Minutes** – Stephan Bunker
3. **MMA President’s Report** – Stephan Bunker
4. **Update on Development of MMA’s Legislative Agenda** – Laurie Smith, MMA
Vice President and Chair of Legislative Policy Committee
5. **Announcement of Election Results for MMA Executive Committee and
Introduction of New Executive Committee Members** – Stephan Bunker
6. **Executive Director’s Report** - Stephen Gove, MMA Executive Director
7. **Other Business** (*comments from the floor*)
8. **Adjournment**

**MAINE MUNICIPAL ASSOCIATION
VOTING DELEGATE CREDENTIALS**

_____ is hereby designated as the official Voting Delegate and
(name)
_____ as the alternate voting delegate for _____
(name) (municipality)
to the Maine Municipal Association Annual Business Meeting which is scheduled to be held,
Wednesday, October 5, 2016, 1:30 p.m., at the Cross Insurance Center, Bangor Maine.

The Voting Delegate Credentials may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ Municipality: _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Name: _____ Position: _____

Or Signed by a Majority of Municipal Officers:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please return this form no later than **Tuesday, October 4, 2016** or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

***MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: 207-626-3358***