TOWN OF KENNEBUNK

BOARD OF SELECTMEN

TUESDAY, MARCH 8, 2016 – 6:15 P.M.

KENNEBUNK TOWN HALL

3rd FLOOR/ROOM 301

AGENDA

SPECIAL MEETING – 6:15 P.M.

Interview the following Candidate(s) for Committees:

Robert C. Danzilo	River Committee	Vacancy: (1) Non-Resident, Joint Member w/ Kennebunkport (Regular 2019)

Mr. Danzilo has attended the Kennebunk River Committee meetings and was encouraged to apply for the non-resident, joint position.

Mr. Danzilo is a resident of Arundel. The Interlocal Agreement for the Kennebunk River Committee (with the Town of Kennebunkport) states the non-resident member shall be appointed jointly by both Boards of Selectmen and shall be a resident of a municipality other than either of the party municipalities and someone who demonstrates an interest in the functioning and success of the River. Mr. Danzilo qualifies for this position and the River Committee endorses his appointment.

The Kennebunkport Board of Selectmen met with Mr. Danzilo on February 25th and appointed him to this joint, non-resident position.

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. February 23, 2016 Regular Meeting

   Budget Meetings - minutes will be available for the next regular meeting
   b. February 2, 2016 Special Meeting (Budget Meeting 6:00 pm)
   c. February 4, 2016 Special Meeting (Budget Meeting 6:00 pm)
   d. February 6, 2016 Special Meeting (Budget Meeting 8:30 am)
   e. February 11, 2016 Special Meeting (Budget Meeting 6:00 pm)
   f. February 13, 2016 Special Meeting (Budget Meeting 8:30 am)
   g. February 16, 2016 Special Meeting (Budget Meeting 6:00 pm)

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

4. Public Hearing(s) (5-10 minutes)

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

SUPHAB, Inc d/b/a Mekhong Thai Restaurant
Located at 35 Western Avenue
For a <u>renewal</u> Malt, Spirituous and Vinous Liquor License Application

<u>Town Manager's Note (not part of the public hearing notice):</u>
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 SUPHAB, Inc. d/b/a Mekhong Thai Restaurant.

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

Sebago Brewing Company d/b/a Sebago Brewing Company
Located at 65 Portland Road
For a <u>renewal</u> Malt, Spirituous and Vinous Liquor License Application

<u>Town Manager's Note (not part of the public hearing notice):</u>
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 Sebago Brewing Company, d/b/a Sebago Brewing Company.

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

Richard Taranto d/b/a Old Vines LLC
Located at 173 Port Road
For a <u>renewal</u> Malt, Spirituous and Vinous Liquor License Application

<u>Town Manager's Note (not part of the public hearing notice):</u>
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 Richard Taranto d/b/a Old Vines LLC.

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

Joseph Ryan d/b/a Ryan's Corner House
Located at 17 Western Avenue
For a <u>renewal</u> Malt, Spirituous and Vinous Liquor License Application

<u>Town Manager's Note (not part of the public hearing notice):</u>
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 Joseph Ryan d/b/a Ryan's Corner House.

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

Denise Rubin d/b/a On The Marsh
Located at 46 Western Avenue
For a renewal Malt, Spirituous and Vinous Liquor License Application
AND
renewal of a Special Amusement Permit

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 and Special Amusement Permit for Denise Rubin d/b/a On The Marsh***.**

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

J. Steven Kingston d/b/a The Clam Shack
Located at 2 Western Avenue
For a renewal Malt and Vinous Liquor License Application

Town Manager's Note (not part of the public hearing notice):
→ ***Fire Department: annual inspection will take place on Monday, 3/7; will report at 3/8 meeting.***
Police Department: no calls for service that would interfere with the renewal of the license.

MOTION: To approve the renewal Malt and Vinous Liquor License Application for J. Steven Kingston d/b/a The Clam Shack.

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

To discuss an application being submitted to the State of Maine CDBG program for an Economic Development Program grant. The purpose of the request is to assist **Fire N Brew** with $250,000 of gap financing to construct a new production plant in Kennebunk. Public comments will be solicited at this Hearing and will be submitted as part of the application's required documentation.

All persons wishing to make comments or ask questions about the proposal are invited to attend this Public Hearing. Comments may be submitted in writing to: Mat Eddy, Economic Development Director at 1 Summer Street, Kennebunk, ME 04043 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the Town's programs or services, please call Merton Brown, Town Clerk at 207-604-1326 so that accommodations can be made.

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

To discuss an application being submitted to the State of Maine CDBG program for a Microenterprise grant. The purpose of the request is to assist the following businesses with expansion, location, or rehabilitation activities: **We Care Drycleaners, Tom Joyal Freight House, Garden Street Market, Douglass Chancellor Meyers & Associates, Fitness Nuthouse, and Home Instead**. Funding for each business will be approximately $25,000.

Public comments will be solicited at this Hearing and will be submitted as part of the application's required documentation.

All persons wishing to make comments or ask questions about the proposal are invited to attend this Public Hearing. Comments may be submitted in writing to: Mat Eddy, Economic Development Director at 1 Summer Street, Kennebunk, ME 04043 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the Town's programs or services, please call Merton Brown, Town Clerk at 207-604-1326 so that accommodations can be made.

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

To discuss an application being submitted to the State of Maine CDBG program for an Economic Development Program grant. The purpose of the request is to assist **Gymnation** with gap financing of $120,000 to develop a new home, with a new structure and equipment along Route 1 south, adjacent to Garret Pillsbury. Public comments will be solicited at this Hearing and will be submitted as part of the application's required documentation.

All persons wishing to make comments or ask questions about the proposal are invited to attend this Public Hearing. Comments may be submitted in writing to: Mat Eddy, Economic Development Director at 1 Summer Street, Kennebunk, ME 04043 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the Town's programs or services, please call Merton Brown, Town Clerk at 207-604-1326 so that accommodations can be made.

5. Public Comments (5-10 minutes)

6. Acknowledgements/Announcements (5 minutes)

a. Accept the Following Donation – The Town recently received a $250 donation from The Patriot Riders of America-Maine Chapter One from their annual Chili Cook-off. They requested their donation be applied to the Town's Emergency Fuel Assistance Fund.

MOTION: To accept the donation from the Patriot Riders of America-Maine Chapter One and send a letter thanking them for the generous donation.

b. Accept a Grant on Behalf of the Community Garden Committee – The Community Garden Committee is the recipient of a Kitchen Gardeners International/SeedMoney Grant in the amount of $860.60. The award included a "Donation" of $460.60 and a Merit Grant of $400.00. The Merit Grant is significant as the Kennebunk Community Garden was one of only 50 gardens chosen from a field of 450 applicants.

About the Program/Grant:

- Kitchen Gardeners International (KGI) is a non-profit community of over 30,000 people who are growing food and helping others to do the same.
- The SeedMoney Garden Grants Program is a fundraising portal for non-profit food garden projects such as community and school gardens and other garden projects serving people in need. They offer traditional crowdfunding tools as well as the possibility to receive challenge grants.

This is the third year in a row that the Committee has been awarded grants from this program.

Congratulations to the Community Garden Committee on your hard work and outstanding efforts in serving the community. Kennebunk is fortunate to have a dedicated group of volunteers working on behalf of our most vulnerable residents. Thank you!

MOTION: To accept the grant in the amount of $860.60 from the Kitchen Gardeners International/SeedMoney organizations.

7. Time Sensitive Business

8. Old Business (2nd Reading)

a. Discuss a Request by the Energy Efficiency Advisory Committee for an Ordinance Regulating Single-Use Carryout Plastic Shopping Bags **(10-15 minutes) –** At the meeting on February 9th, the Energy Efficiency Advisory Committee presented a draft ordinance on regulating single-use carryout plastic shopping bags. The proposed ordinance was reviewed by the Selectmen's Ordinance Subcommittee and the Town attorney. An updated draft is attached for your review.

This ordinance bans single-use plastic bags with a thickness of less than 3 mils with an integral handle.

MOTION: To send to a second reading.

b. Discuss the Sale of the Route One South (Rest Area) Property **(10-15 minutes)** –
Information from last meeting: The Board has discussed the disposition of the Route One South Rest Area property with the discussion centered on turning the property from a tax idle parcel to a taxable parcel with business growth.

The June 10, 2014 Town Meeting vote authorized the Board to sell the 14 acre Rest Area property and to seek re-development proposals for that land, subject to such conditions as the Board of Selectmen deems in the Town's best interests of the Town (see attached warrant article).

One proposal was received in response to the attached RFP, which was sent out in late August. The project was not awarded, based on the proposed use that was submitted, which did not meet the desired goals of the EDC.

The best option for that property was submitted by Benjamin Meggs (see attached P&S agreement) who will bring in a light manufacturing operation toward the rear of the property and retail/office space in the front. The building will be 20,000 sq. ft. in the initial phase with future buildouts.

Our attorney will complete the final P&S Agreement by Monday.

MOTION: To sell the parcel under the terms identified in the Purchase and Sale agreement.

9. New Business (1st Reading)

a. Discuss the PAYT Bag Program **(10 minutes)** – Selectman Karytko requested this item be placed on the agenda. He would like to discuss what date should be used if residents at the June Town Meeting vote to discontinue the use of the blue and purple (PAYT) Town trash bags.

The initial timeline was for a July 1st effective date. To achieve this timeline, the Town should mail a letter in May informing the residents of the upcoming vote and projected bag pricing (if the bags are not eliminated). If the warrant article (to discontinue the use of the bags) is approved, I would recommend the effective date should remain July 1st.

MOTION: If the PAYT program is discontinued, the changes would be effective July 1, 2016.

b. Discuss an Informal Facilitated Discussion on the Mousam River Dams Removal **(5 minutes)** – Mr. David Wayne, a resident of Kennebunk and a professional facilitator, has offered to meet with a limited number of representatives from the various groups involved with the river to identify common ground on the dams issue. Members of "Save the Mousam" and "Free the Mousam", staff from the Town and KLPD, and a group of neutral Townspeople would be the focus. These sessions would not be binding to the Town, KLPD or any group.

Mr. Wayne will be in attendance to share the process with the Board.

MOTION: To send to a second reading.

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

- Accept the Following Resignation(s):

Lia Langeveld Downtown Committee – Alternate 2016

MOTION: To accept the resignation of Lia Langeveld from the Downtown Committee and send a letter thanking her for her service.

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

Robert C. Danzilo River Committee Vacancy: (1) Non-Resident, Joint Member w/ Kennebunkport (Regular 2019)

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

MOTION: To appoint Robert Danzilo to the River Committee's Regular Non-Resident (Joint Member with Kennebunkport) position with a term expiring on June 30, 2019.

d. 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. New Program – Board of Selectmen Outreach Sessions – This new program will begin on Saturday, March 19th and will be held on the 3rd floor of the Town Hall from 8:30 a.m. to 10:30 a.m. Future sessions will be held on the 3rd Saturday of each month, same location, same time.

These sessions will provide residents with a chance to meet and talk with Selectmen on a one-on-one basis. They will be informal gatherings attended by two Selectmen. Refreshments will be available.

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

b. Information from the Town Clerk's office regarding the June 14th Election – Nomination papers will be available on March 28th for the following positions:

Board of Selectmen	(2) 3-year terms
RSU 21 Directors	(2) 3-year terms
Trustee KLP	(1) 3-year term
Trustee Sewer District	(2) 3-year terms

Beginning Monday, March 28th, nomination papers can be picked up in the Town Clerk's Office and must be returned by Monday, May 2nd by 4:30 p.m. A minimum of 25 signatures is required. FMI, please contact the Town Clerk's office at 604-1326.

c. Gooch's Beach Makes National Geographic's "Ten Beaches to Visit Now" list! – Information is posted on our website at: www.kennebunkmaine.us/news. Check it out!

12. Executive Session(s)

a. Discuss Pending Litigation with the Town Manager, Finance Director and Town Attorney - Title 1 MRSA Sec. 405(6)(E)

13. Adjournment

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

Kathy Nolette

From: noreply@civicplus.com
Sent: Tuesday, February 16, 2016 8:49 PM
To: Kathy Nolette
Subject: Online Form Submittal: Committee Volunteer Form

Committee Volunteer Form

Step 1

Town of Kennebunk, Maine

Committee Volunteer Form

First Name	Robert
Last Name	Danzilo
Street Address	10 Indian Acres Drive, Arundel, ME 04046
Mailing Address	10 Indian Acres Drive, Arundel, ME 04046
Daytime Phone #	
Cell Phone #	
E-Mail Address	
Board/Committee/Commission I wish to be considered for appointment to:	River Committee

Step 2

Term and Membership Status	Regular Membership Status (3-year term)
Do you currently serve on any Town Committee?	no
If so, please list the committee.	Not currently serving
Years of Service	Not currently serving
Occupation	Owner/Operator Rugosa Lobster Tours
Employer	Rugosa Tours Inc.
List any Civic Organizations to which you belong:	Board Member of Pecha Kucha Artist Consortium

Step 3

1. Do you have any questions about what the committee does or its mission?	No. I understand the committee's function and purpose. I know most of the members on the committee and I have been asked to apply.
2. Do you have any practical experience or formal education that would be related to the committee?	I am a professional mariner and have lived on and currently work on the River.
3. Why would you like to be on the committee?	I am very much aware of the importance of the vitality and health of our river and what it means to the town as a valuable resource. I would like to be a part of keeping it safe ands healthy for all our visitors and residents.
4. Are you aware of the time involved and would you be able to attend, at the minimum, 75% of all committee meetings? Please note: Failure to attend three regular meetings in a row or 25% of all meetings in a six-month period may result in forfeiture of your position on the committee.	Yes. I am.
5. Do you have any conflict of interest that might involve either direct or indirect financial gain or other gain?	No, I do not.
6. Do you have anything you would like to add?	I would consider it an honor to be part of this committee.

Thank you for volunteering to serve your community.

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

Email not displaying correctly? View it in your browser.

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(MINUTES)

TOWN OF KENNEBUNK

BOARD OF SELECTMEN MINUTES

FEBRUARY 23, 2016 – 6:15 P.M.

SPECIAL MEETING

Charles Barker	River Committee	Vacancies: (1) Alternate 2016

The candidate appeared before the Board and answered questions pertaining to background and relevant experience. Mr. Barker has informed the Board that he has attended a couple of the Kennebunk River Committee meetings and was encouraged to apply for the alternate position. The committee endorses his appointment.

Rick Roberts, River Committee Chair, was present and described the duties and objectives of the committee.

REGULAR MEETING

1. CALL TO ORDER

On February 23, 2016, at 6:30 p.m., in Room 301 of the Town Hall, Kevin Donovan, Chairman of the Board of Selectmen for the Town of Kennebunk, called to order the Regular Meeting of the Board of Selectmen. Present were Selectmen Kevin Donovan, Ed Karytko, Dick Morin, Dan Boothby, Chris Cluff, Shiloh Schulte and Deborah Beal.

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

The Chair led everyone in the Pledge of Allegiance.

2. MINUTES

a. February 9, 2016 Regular Meeting

Budget Meetings - minutes will be available for the next regular meeting
b. February 2, 2016 Special Meeting (Budget Meeting 6:00 pm)
c. February 4, 2016 Special Meeting (Budget Meeting 6:00 pm)
d. February 6, 2016 Special Meeting (Budget Meeting 8:30 am)
e. February 11, 2016 Special Meeting (Budget Meeting 6:00 pm)
f. February 13, 2016 Special Meeting (Budget Meeting 8:30 am)
g. February 16, 2016 Special Meeting (Budget Meeting 6:00 pm)

There were no public comments.

A motion was made to approve the minutes from the February 9, 2016 Regular Meeting.

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

The Chair proceeded to the next item.

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3. ITEMS TO BE SIGNED NONE

4. PUBLIC HEARING(S)

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

Jing Huang Dong d/b/a Jai Mei Le Wah Restaurant Inc.
Located at 60 Portland Road
For a renewal Malt, Spirituous and Vinous Liquor License Application

Town Manager's Note (not part of the public hearing notice):
Fire Department: no deficiencies noted in the annual inspection.
Police Department: no calls for service that would interfere with the renewal of the license.

A motion was made to approve the renewal Malt, Spirituous and Vinous Liquor License Application for Jing Huang Dong d/b/a Jai Mei Le Wah Restaurant Inc.

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

b. The Chair opened a hearing to act on the following new Malt, Spirituous and Vinous Liquor License application:

Amato's Sandwich Shops, Inc. d/b/a Amato's
Located at 48 Portland Road, Suite 2
For a new Victualer License Application

Information is available in the Town Clerk's Office.

Town Manager's Note (not part of the public hearing notice):
Fire Department: Due to the new construction currently underway, the facility is not ready for a Fire & Life Safety Inspection. The Fire Chief's recommendation is to issue the license and hold it 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 business – nothing to report from police

DISCUSSION:
Tibbetts informed the Board on the information regarding the construction schedule for this business and he is recommending the Board give its approval subject to the final inspection. Tibbetts further explained the timing of filing and approving now would mean the owner would not have to re-file and pay an additional fee.

A motion was made to issue a new Victualer License Application for Amato's Sandwich Shops, Inc. d/b/a Amato's with the Fire Department's recommendation to hold it until the Code Enforcement Officer's final inspection and Occupancy Permit and the Fire Department's Fire & Life Safety Inspection.

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

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The Chair proceeded to the next item.

5. PUBLIC COMMENTS

Lieutenant Eric O'Brien gave an update on the police officer who was injured in a car accident last week. Donovan asked O'Brien to let her know the Board was asking about her.

The Chair proceeded to the next item.

6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS

a. Accept a Donation for the Fire Rescue Department – The Town recently received a $10.00 donation to the Fire Rescue Department from St. Andre Health Care Facility in memory of Alice May (Marvin) Clunie.

A motion was made to accept the donation from St. Andre Health Care Facility and send a letter thanking them for their thoughtful donation.

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

The Chair proceeded to the next item.

b. Town Bond Ratings – The Town is in the process of issuing bonds that were authorized at the June 2014 and June 2015 Annual Town Meetings. As part of the bond issue, the Town's bond ratings are thoroughly analyzed by Standard & Poor's (S&P) and Moody's; this includes review of current financial statements, reserve positions, community long-term stability, potential for future growth, and overall management of the Town.

Citing a strong economy, strong management, and strong budgetary performance resulting in multiple operating surpluses leading to strong reserve levels, S&P reaffirmed our current rating of 'AAA', while Moody's upgraded our rating from 'Aa2' to 'Aa1'.

Our bond advisor estimates that our interest rates for the 2016 bonds to be issued on March 1, 2016 are lower by about 25 to 35 basis points had our ratings been at 2010 levels, saving the Town approximately $45,000 over the life of these new bonds.

Town of Kennebunk Rating History

	2003	2004	2007	2010	2013	2016
S&P	AA-	AA	AA	AA+	AAA	AAA
Moody's	A1	A1	Aa3	Aa3	Aa2	Aa1

This is an impressive achievement for the Town and would not be possible without a great team and supportive community.

The full reports from the rating agencies were enclosed in the packet.

There was no public comment.

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DISCUSSION:
Donovan thanked Tibbetts and Downs for their effort and hard work to achieve this rating.

The Chair proceeded to the next item.

c. Candice Simeoni Recognition – On Thursday, February 11th, Candice Simeoni was recognized by the Maine State Senate for being named Kennebunk Post's Great Person of 2015. She was recognized for her work with the Citizen's Police Academy in both Kennebunk and previously in Eliot. She is a self-defense instructor, been a counselor at Camp Postcard for needy and troubled teens and organizes a coat drive for the elderly. Candice is also a child safety seat technician, chairs the York County Elder Abuse Task Force, is a leader in its Lifelong Wish program and she is a baker for Icing Smiles where she bakes cakes for terminally ill children.

We are so proud of Candice and all of her continued successful accomplishments! Please join us in congratulating Candice and thanking her for all she does for the community.

DISCUSSION:
Donovan expressed his thanks to Candice Simeoni for all her hard work.

There was no public comment.

The Chair proceeded to the next item.

7. TIME SENSITIVE BUSINESS

a. Note: This item was not on the agenda:
Replacement of Police Cruiser – There was an accident on February 13th involving a police cruiser, where an officer was injured. The Police Chief received word today (February 23rd) that the vehicle will be totaled by the insurance company. Action needs to be taken to replace the vehicle as soon as possible because there is an eight week wait time after placing the order for a replacement vehicle.

DISCUSSION:
Tibbetts and Chief Mackenzie looked at the bids from the previous purchase of vehicles, which was approximately a year ago. The cost of a new cruiser has increased by $525, which was the lowest bid from Arundel Ford. Tibbetts explained that the vehicle is totaled and the insurance company has the worth at $22,775 – a difference of $6,215 from the purchase price. Tibbetts stated that they have not yet settled with the insurance company. Tibbetts would like to move forward with a decision to purchase a new vehicle now because it will take eight weeks for delivery. Cluff asked about the standard practice of going out to bid. Tibbetts explained they have carried forward prices from other items in the past and he believes this is a fair pricing procedure. He further explained that the vehicles are rotated out every five years.

There were no public comments.

A motion was made to purchase a replacement cruiser for $28,990 from Arundel Ford using the insurance settlement and make up the difference if necessary.

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

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The Chair proceeded to the next item.

b. Discuss the Closing of Certain Town Ways to Heavy Loads beginning February 29th – Each year, the Town posts certain roads closed to any non-exempt vehicle or combination of vehicles registered for a gross weight of over 23,000 pounds. This is done to protect our roads as the frost levels are changing.

The following roads will need to be closed to such traffic commencing on February 29th and will remain closed until at least April 30th unless otherwise posted. Any violation of the rules is a traffic infraction punishable by a fine of not less than $250.

Alfred Road (Warrens Way to Cole Road)	Cole Road	Durrells Bridge Road
Downing Road	Harriseckett Road	Heath Road
Middle Road	Mill Street	Old Falls Road
Old Port Road	Perkins Lane	Ross Road
Thompson Road		

Home Heating Fuel Delivery Trucks, Municipal Vehicles and Solid Waste Collection Trucks are exempt from Posted Road regulations. The posting shall remain in force except when the way is solidly frozen. The highway is considered solidly frozen only when the air temperature is 32 degrees F. or below and no water is showing in the cracks in the road. Both conditions must be met. Arundel and Kennebunkport will be closing their town ways to heavy loads beginning on February 29th as well.

DISCUSSION;
Schulte asked if the road closing will be stopped if the winter continues to be mild. Donovan replied that the posting could be pulled. Karytko asked for clarification for closing these particular roads. Tibbetts explained the winter season produces frost heaves and heavy trucks that drive over the roads damages them. The roads were chosen because they are connecting routes and are used as shortcuts.

There were no public comments.

A motion was made to close the above roads from February 29th until as cleared by the Town's Director of Public Services.
MOVED: Cluff
SECONDED: Schulte
MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed. The motion carried.

The Chair proceeded to the next item.

8. OLD BUSINESS (2ND READING)

a. Discuss the Board of Selectmen's Strategic Plan Survey – The Comprehensive Plan & Zoning Ordinance Update Committee has finalized their recommendations for the survey. The survey length is now five pages and was included in the Board packet.

DISCUSSION:
Tibbetts explained the Strategic Plan and Comprehensive Plan & Zoning surveys were combined and have been adjusted. The Comprehensive Plan & Zoning Ordinance and Update Committee has reviewed and

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approved the changes to their survey. MRI is the vendor who will process the survey and is fine with it. Tibbetts stated that they are looking to send it out in mid-March and the deadline will be mid-April. Paper copies of the survey will be at the Town Clerk's office and a notice will be in the newsletter, the Town's website and on television. Tibbetts is also requesting the press for help. Schulte suggested drop down menus when filling out online. Mat Eddy, Economic Development Director, stated that he will ask MRI to provide that feature. Karytko stated his concern with the public's interpretation of questions regarding providing services because they may not realize it could mean tax increases. Schulte explained that the survey only asks for opinions.

There were no public comments.

A motion was made to place the survey information on our website and have paper copies available at the Town Hall once the tax bills have been mailed.

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

The Chair proceeded to the next item.

9. NEW BUSINESS (1ST READING)

a. Discuss the Sale of the Route One South (Rest Area) Property – The Board has discussed the disposition of the Route One South Rest Area property with the discussion centered on turning the property from a tax idle parcel to a taxable parcel with business growth.

The June 10, 2014 Town Meeting vote authorized the Board to sell the 14 acre Rest Area property and to seek re-development proposals for that land, subject to such conditions as the Board of Selectmen deems in the Town's best interests of the Town (see warrant article included in the Board packet).

One proposal was received in response to the RFP (a copy was included in the Board packet), which was sent out in late August. The project was not awarded, based on the proposed use that was submitted, which did not meet the desired goals of the EDC.

Recently, the Town, through our Economic Development Director, has received a couple of proposals. The best option for that property was submitted by Benjamin Meggs (see P&S agreement, which was included in the Board packet) who will bring in a light manufacturing operation toward the rear of the property and retail/office space in the front. The building will be 20,000 sq. ft. in the initial phase with future buildouts.

DISCUSSION:
Mat Eddy, Economic Development Director, explained that there have been two RFP's for this property in the past. A formal proposal from Benjamin Meggs has been received. Eddy explained that the purchase price is $115,000 and the Purchase & Sale agreement has not been formalized. He mentioned the Town needs to do a vernal pool assessment and an appraisal of the property. If the appraisal comes in higher, there will be renegotiations. Cluff asked about a clause in the Purchase and Sale agreement regarding the purchaser's obligations. Eddy explained the permitting process and that construction is required to begin within two years of the sale. Tibbetts stated that of the 14 acres, only 5 to 6 are developable because of wetlands. The buyer will be responsible for the realtor's commission. Board members discussed the

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environmental statements. Eddy explained if cleanup is necessary, the funding can come from grant monies. Schulte asked about additional contamination from the proposed manufacturing business. Benjamin Meggs came to the podium and explained the manufacturing business will consist of rigging out boats that are brought in and he is not anticipating any boats being built on the property. Beal asked about the height of the wires on the roadway. Tibbetts replied that the wires have been raised.

There were no public comments.

A motion was m move this item to a second reading on March 8, 2016.

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

The Chair proceeded to the next item.

b. Discuss Board of Selectmen Outreach Sessions – Selectman Morin has a proposal to allocate a 2-hour block of time on Saturday mornings for Selectmen hours with the public. These would be off camera, casual discussions and potentially held weekly on Saturday morning from 8 or 9 a.m. to 10 or 11 a.m. Sessions would include two Selectmen and would be publicized for the public.

DISCUSSION:
Board members stated they like the idea of holding outreach sessions and discussed having rotating shifts. Morin stated that he was looking at monthly not weekly meetings and, if needed, can add more if necessary. Morin has heard from people about their uneasiness of being on television at the podium. It was determined that this item does not need to go to a second reading. Tibbetts suggested holding the meetings the third Saturday of every month and the Board agreed. Board members would like to hold the meetings at 8:00 or 9:00. Tibbetts will send an email with different dates to Board members so they can finalize the schedule, then it will be published. Schulte suggested bringing in refreshments.

There were no public comments.

A motion was made to set sessions for the 3rd Saturday of every month with the schedule and time to be determined.

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

c. Discuss Quarterly Budget and Financial Review Workshops – Some Board members have indicated a desire to review and identify necessary budgetary items earlier in the budget year. These proposed quarterly workshops would also allow for staff input on the status of budgetary and financial positions.

If this were instituted, the first quarterly meeting would be held in late July or August. How would the Board like to proceed?

DISCUSSION:
Donovan likes the idea of sitting down with department heads to find out where their needs lie. This would give the Board a good idea of their needs before the budget season. Donovan also mentioned the Budget

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Board will be invited. Tibbetts will reach out to the Budget Board, consolidate a process and give all department heads a list of what is needed. Donovan would like to see the workshops televised. Board members decided to vote on this tonight, therefore, there is no need for a second reading.

There were no public comments.

A motion was made to host quarterly budget review workshops with the first meeting set in July.
MOVED: Cluff
SECONDED: Karytko
MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed. The motion carried.

The Chair proceeded to the next item.

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

- **Appointment of Resident being interviewed at the beginning of the meeting:**
  - Charles Barker Kennebunk River Committee Vacancies: (1) Alternate 2016

There were no public comments.

A motion was made to appoint Charles Barker as an Alternate member on the Kennebunk River Committee with a term expiring on June 30, 2016.
MOVED: Karytko
SECONDED: Cluff
MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed. The motion carried.

The Chair proceeded to the next item.

e. Discuss Any Other Business

Tibbetts has spoken with staff regarding scheduling Selectmen tours of their department. Tibbetts will have Kathy Nolette send out an email and coordinate dates and times.

Tibbetts was approached by a resident, who is a professional mediator/facilitator, regarding a sit down meeting with the Save the Mousam River and Free the Mousam River committees to discuss options after KPLD has announced their decision. This will be at no cost to the Town. Schulte suggested inviting other groups that will be affected by KPLD's decision for representation. Tibbetts recommends this meeting take place before the decision is announced in May. Tibbetts explained it would be beneficial for the Town to be a part of the process early and hearing suggestions from this meeting will give the Town more time to work through issues The Board would like to meet and hear the mediator's concept. Tibbetts will invite him to the March 8th meeting if he is available. If not, he will invite him to the March 22nd meeting.

The Chair proceeded to the next item.

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10. SELECTMEN'S COMMENTS

a. Subcommittee Reports

The bonds have been signed.

Schulte, Boothby and Beal participated in an Ordinance Subcommittee meeting regarding plastic shopping bags. Schulte reported that there was good discussion regarding the potential plastic bag ordinance.

b. Individual Selectmen Comments

Selectman Schulte
- None

Selectman Boothby
- Reminded Board members that they need to have goals for each department, including the Town Manager. After a brief discussion, Donovan suggested this as an item for executive session with no special meeting needed.

Selectman Cluff
- None

Selectman Karytko
- If trash expense goes to the mill rate, important that people recycle to keep fees down.
- Asked Chris Osterrieder, Town Engineer, when his road plan will take place. Osterrieder replied that he will begin in June.
- Asked Downs about LD1's recalculation. Downs replied that he has not had a chance to look at that because he is working on the tax bills.
- When the Board did Tibbetts' annual review in December, they discussed holding quarterly meetings. Donovan suggested holding the first in an executive session at the second meeting in March.
- Asked if the job posting for a working supervisor at Public Works been done. Tibbetts replied that it should happen in a week or so.
- He attended the Arundel Selectmen's meeting and there was discussion of scenarios of pulling out of RSU. He is concerned about the affect this will have on Kennebunk if Arundel withdraws from the school construction project. Board members discussed Arundel's responsibility if they pull out of RSU. Beal stated that they will need to buy their way out. Tibbetts stated that he heard the groundbreaking ceremony will be held in April. Karytko heard the groundbreaking ceremony would be on March 8th. Tibbetts will double-check the date.

Selectman Beal
- None

Selectman Morin
- Hopes the people will take advantage of the Saturday meetings and asked the public to please stop by.
- Described the condition of a state road he had driven on recently, which was very bad compared to Kennebunk's roads.

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Selectmen Donovan

- Have had people reach out to him with support after a comment made at a recent meeting. Donovan understands it was an opinion and he had already made the decision not to run for his position on the Board in July.

The Chair proceeded to the next item.

11. TOWN MANAGER'S COMMENTS/NOTES

Merton Brown, Town Clerk described the voter registration drive at the High School that day. He attended with the town clerks from Arundel and Kennebunkport to register 17 year-olds who will be 18 by the November election. He registered 27, of which the majority were democrats. They were very impressed with how polite and knowledgeable the students were. The Republican caucus will take place on Saturday, March 5th at the Biddeford Middle School. This will be for York County voters, except for Limington. Doors open at noon and the caucus begins at 2:30 p.m. Brown will be available from 1:30 – 2:30 p.m. The Democratic caucus will take place the following day at the Kennebunk Middle School for voters in Kennebunk, Kennebunkport and Arundel. Doors open at noon and the caucus begins at 1:00 p.m. Brown will be at this from 12:00 – 1:00 p.m.

The Chair proceeded to the next item.

12. EXECUTIVE SESSION(S)

a. Discuss Pending Litigation with the Town Manager, Finance Director and Town Attorney - Title 1 MRSA Sec. 405(6)(E)

A motion was made to go into Executive Session at 7:50 p.m.
MOVED: Donovan
SECONDED: Cluff
MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed. The motion carried.

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

13. ADJOURNMENT

A motion was made to adjourn the meeting at 8:40 p.m.
MOVED: Donovan
SECONDED: Cluff
MODIFICATIONS: None
VOTE: 7 in favor, 0 opposed. The motion carried.

_____
Deborah Beal, Secretary
Kennebunk Board of Selectmen

Minutes Approved: _____

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TOWN OF KENNEBUNK

BOARD OF SELECTMEN AND BUDGET BOARD

JOINT MEETING MINUTES

SPECIAL MEETING – FEBRUARY 2, 2016

1. CALL TO ORDER

On Tuesday, February 2, 2016 at 6:00 p.m., Kevin Donovan, Chairman of the Board of Selectmen, called to order a Special Meeting of the Board of Selectmen (BoS) of the Town of Kennebunk. Peter Marshall, Chairman of the Budget Board (BB), called to order a meeting of the Budget Board of the Town of Kennebunk. Present were Selectmen Donovan, Boothby, Beal, Cluff, Karytko, Morin, and Schulte. Budget Board members present were Marshall, Burnham, Costin, Dwight, Searles, Ward and Wiggins. Also present were Town Manager Tibbetts and Finance Director Downs.

The Town Manager presented a PowerPoint Presentation on the overall proposed FY16-17 budget and significant changes. The Finance Director reviewed FY16-17 budgeted revenues, and other topics.

2. TO DISCUSS THE FY2016-17 PROPOSED BUDGET

The two Boards discussed budget items and the following votes were taken:

Department / Division	Amount as Voted	Budget Board	Selectmen	Notes
		Votes represent: in favor / opposed / absent / abstention		
Unbudgeted Requests		no vote	no vote	None presented
Selectmen	$30,928	7/0/0/0		Selectmen did not vote on their own budget
Town Manager	$243,855	7/0/0/0	4/3/0/0	BoS Cluff, Karytko, Morin opposed
Assessor	$182,847	7/0/0/0	7/0/0/0	
General Government & Admin.	Amendment $4,000 reduction	1/6/0/0	no vote	Eliminate Volunteer Recognition of $4,000 BB Costin in-favor; motion failed
General Government & Admin.	$631,834	7/0/0/0	5/2/0/0	BoS Karytko, Morin opposed
General Assistance	$46,770	7/0/0/0	7/0/0/0	
Town Hall	$169,101	7/0/0/0	7/0/0/0	
Computer / Information Technology	$238,171	4/2/0/1	4/3/0/0	BB Costin, Wiggins opposed, BB Searles abstained; BoS Cluff, Karytko, Morin opposed

Note: All above amounts to be presented in the June 2016 Annual Town Meeting budget referendum warrant articles may be adjusted slightly for changes to wages and salaries that will be approved separately by the Board of Selectmen.

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3. ADJOURNMENT

There being no further business to come before the Boards at this time, the Boards adjourned at 9:00 p.m.

_____	_____
Kennebunk Budget Board	Kennebunk Board of Selectmen
Date Minutes Approved: _____	Date Minutes Approved: _____

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TOWN OF KENNEBUNK

BOARD OF SELECTMEN AND BUDGET BOARD

JOINT MEETING MINUTES

SPECIAL MEETING – FEBRUARY 4, 2016

1. CALL TO ORDER

On Thursday, February 4, 2016 at 6:00 p.m., Kevin Donovan, Chairman of the Board of Selectmen, called to order a Special Meeting of the Board of Selectmen (BoS) of the Town of Kennebunk. Peter Marshall, Chairman of the Budget Board (BB), called to order a meeting of the Budget Board of the Town of Kennebunk. Present were Selectmen Donovan, Boothby, Beal, Cluff, Karytko, Morin, and Schulte. Budget Board members present were Marshall, Burnham, Costin, Dwight, Searles, Ward and Wiggins. Also present were Town Manager Tibbetts and Finance Director Downs.

2. TO DISCUSS THE FY2016-17 PROPOSED BUDGET

The two Boards discussed budget items and the following votes were taken:

Department / Division	Amount as Voted	Budget Board	Selectmen	Notes
	Votes represent in favor / opposed / absent / abstention			
Town Clerk & Ballot Clerks	$138,769	6/0/1/0	7/0/0/0	BB Ward absent (temporarily)
Community Development	$350,196	6/0/1/0	6/1/0/0	BB Ward absent (temporarily); BoS Karytko opposed
Boards & Committees	$53,843	0/7/0/0		BB all opposed, motion failed
Boards & Committees	$44,693	5/2/0/0	7/0/0/0	BB Dwight, Searles opposed
Agencies	$32,100	7/0/0/0		
Agencies	BB motion to reconsider prior motion	6/1/0/0		BB Wiggins opposed
Agencies	$33,100	2/5/0/0	3/4/0/0	BB Costin, Searles in favor; BoS Beal, Morin, Schulte in favor; motions failed
Agencies	$32,100		7/0/0/0	
Kennebunk Free Library	$553,819	7/0/0/0	6/1/0/0	BoS Karytko opposed
Police Division Police & Communications	$2,123,712	7/0/0/0	7/0/0/0	
Police Division Harbormaster	$16,524	7/0/0/0	7/0/0/0	
Fire and EMS Division: Fire	$751,807	3/4/0/0		BB Burnham, Dwight, Ward in favor; motion failed
Fire and EMS Division: Fire	$657,907	5/1/0/1		BB Ward opposed, BB Dwight abstained
Fire and EMS Division: Fire	$751,807		6/1/0/0	BoS Karytko opposed

Note: All above amounts to be presented in the June 2016 Annual Town Meeting budget referendum warrant articles may be adjusted slightly for changes to wages and salaries that will be approved separately by the Board of Selectmen.

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3. ADJOURNMENT

There being no further business to come before the Boards at this time, the Boards adjourned at 9:10 p.m.

_____	_____
Kennebunk Budget Board	Kennebunk Board of Selectmen
Date Minutes Approved: _____	Date Minutes Approved: _____

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TOWN OF KENNEBUNK

BOARD OF SELECTMEN AND BUDGET BOARD

JOINT MEETING MINUTES

SPECIAL MEETING – FEBRUARY 6, 2016

1. CALL TO ORDER

On Saturday, February 6, 2016 at 8:30 a.m., Kevin Donovan, Chairman of the Board of Selectmen, called to order a Special Meeting of the Board of Selectmen (BoS) of the Town of Kennebunk. Peter Marshall, Chairman of the Budget Board (BB), called to order a meeting of the Budget Board of the Town of Kennebunk. Present were Selectmen Donovan, Boothby, Beal, Cluff, Karytko, Morin, and Schulte. Budget Board members present were Burnham, Costin, Dwight, Marshall, Searles, Ward and Wiggins. Also present were Town Manager Tibbetts and Finance Director Downs.

2. TO DISCUSS THE FY2016-17 PROPOSED BUDGET

The two Boards discussed budget items and the following votes were taken:

Department / Division	Amount as Voted	Budget Board	Selectmen	Notes
	Votes represent: in favor / opposed / absent / abstention			
Public Services Division: Recreation, Recreation Facilities	$870,700	7/0/0/0	7/0/0/0	
Fire and EMS Division: EMS	$891,987	5/2/0/0	6/0/1/0	BB Marshall, Wiggins opposed; BoS Karytko absent (temporarily)
Fire and EMS Division: Civil Emergency Preparedness	$6,446	6/1/0/0	7/0/0/0	BB Marshall opposed
Fire and EMS Division: Lifeguards	$47,634	7/0/0/0		
Fire and EMS Division: Lifeguards	$48,634		7/0/0/0	
Public Services Division: Hydrants & Lights	$460,751	7/0/0/0	7/0/0/0	

Note: All above amounts to be presented in the June 2016 Annual Town Meeting budget referendum warrant articles may be adjusted slightly for changes to wages and salaries that will be approved separately by the Board of Selectmen.

3. ADJOURNMENT

There being no further business to come before the Boards at this time, the Boards adjourned at 11:40 a.m.

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_____ _____

Kennebunk Budget Board — Kennebunk Board of Selectmen

Date Minutes Approved: _____ Date Minutes Approved: _____

TOWN OF KENNEBUNK

BOARD OF SELECTMEN AND BUDGET BOARD

JOINT MEETING MINUTES

SPECIAL MEETING – FEBRUARY 11, 2016

1. CALL TO ORDER

On Thursday, February 11, 2016 at 6:00 p.m., Kevin Donovan, Chairman of the Board of Selectmen, called to order a Special Meeting of the Board of Selectmen (BoS) of the Town of Kennebunk. Peter Marshall, Chairman of the Budget Board (BB), called to order a meeting of the Budget Board of the Town of Kennebunk. Present were Selectmen Donovan, Beal, Boothby, Cluff, Karytko, and Schulte. Selectman Morin arrived at 6:30 p.m. Budget Board members present were Marshall, Burnham, Costin, Dwight, Searles, Ward and Wiggins. Also present were Town Manager Tibbetts and Finance Director Downs.

2. TO DISCUSS THE FY2016-17 PROPOSED BUDGET

The two Boards discussed budget items and the following votes were taken:

Department / Division	Amount as Voted	Budget Board	Selectmen	Notes
	Votes represent in favor / opposed / absent / abstention			
Public Services Division: Highway & Parks	$1,353,272	6/1/0/0	5/1/0/1	BB Wiggins opposed; BoS Karytko opposed, BoS Morin abstained
Public Services Division: Recycling Hazardous Waste Day	$291,615 $9,000	7/0/0/0	7/0/0/0	
Employee Benefits & Payroll Taxes	$1,969,032	4/3/0/0	6/1/0/0	BB Marshall, Searles, Wiggins opposed; BoS Karytko opposed
Debt Service	$760,000	no vote	no vote	Discussion only
Fire and EMS Division: Fire	$657,907	4/3/0/0		BB motion to reconsider its original vote on 2/4/2016: BB Marshall. Searles, Wiggins opposed
Fire and EMS Division: Fire	$751,807	4/3/0/0		BB Marshall, Searles, Wiggins opposed

3. ADJOURNMENT

There being no further business to come before the Boards at this time, the Boards adjourned at 8:11 p.m.

Kennebunk Budget Board

Kennebunk Board of Selectmen

Date Minutes Approved: _____

Date Minutes Approved: _____

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TOWN OF KENNEBUNK

BOARD OF SELECTMEN AND BUDGET BOARD

JOINT MEETING MINUTES

SPECIAL MEETING – FEBRUARY 13, 2016

1. CALL TO ORDER

On Saturday, February 13, 2016 at 8:35 a.m., Kevin Donovan, Chairman of the Board of Selectmen, called to order a Special Meeting of the Board of Selectmen (BoS) of the Town of Kennebunk. John Costin, Vice Chairman of the Budget Board (BB), called to order a meeting of the Budget Board of the Town of Kennebunk. Present were Selectmen Donovan, Boothby, Beal, Karytko, Morin, and Schulte. Selectman Cluff was absent; Selectman Boothby left at 11:50 a.m. Budget Board members present were Costin, Burnham, Searles, and Ward; members Dwight, Marshall and Wiggins were absent. Also present were Town Manager Tibbetts and Finance Director Downs.

2. TO DISCUSS THE FY2016-17 PROPOSED BUDGET

The two Boards discussed budget items; no votes were taken.

Department / Division	Amount as Voted	Budget Board	Selectmen	Notes
		Votes represent: in favor / opposed / absent / abstention		
Capital & Other Uses of Unassigned General Fund Balance: **Total Vehicles, Equipment & Projects** **1> From Budget Board capital account** **2> From unassigned general fund balance** **3> From general obligation bonds or other borrowing as recommended by staff** **Total**	$46,336 $954,080 $2,570,000 $3,470,416	no vote	no vote	Discussion only on all items listed on the attached, as well as the proposed paving program.

The attached detail listing is incorporated into these minutes by reference.

3. ADJOURNMENT

There being no further business to come before the Boards at this time, the Boards adjourned at 12:20 p.m.

Kennebunk Budget Board

Kennebunk Board of Selectmen

Date Minutes Approved: _____

Date Minutes Approved: _____

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PROPOSED

Town of Kennebunk		Handout - 2/13/2016					A = C + D + E + F + G				
PROPOSED Capital Projects, Vehicles & Equipment				A	B		C	D	E	F	G
FY16-17				FY16-17			Method of Payment				
Line	Type	Division/ Department	Description	FY16-17 AMOUNT	ITEMS DEFERRED	PRIORITY	Budget Board Fund	Unassigned Reserves	Gen Fund Bonds / Leases (Gen Fund)	Gen Fund Bonds / Leases (WK-U TIF)	Existing Debt Service - Appropriation / Taxation
1		**POLICE DEPARTMENT**									
2	Vehicle	Police	Patrol Car (rotating 3 shifts)	$36,000		2		$36,000			
3	Vehicle	Police	CID Car	$27,000		5		$27,000			
4	Equipment	Police	Mobile Data Terminals - in-car computers - Qty 3	$15,600		4		$15,600			
5	Equipment	Police	Lightweight Tactical Ballistic Vests - Qty 12	$13,800		1		$13,800			
6	Equipment	Police	.223 Semi-automatic Rifles - w/ optics & racks - Qty 8	$11,480		3		$11,480			
7	Equipment	Police	Jamar Radar Information Recording - Qty 2	$8,200		10		$8,200			
8	Equipment	Police	Stinger Spike Mats - pursuit termination - Qty 7	$3,314		9	$3,314				
9	Equipment	Police	Dual Band Police Radio - for supervisor's car	$3,314		7	$3,314				
10	Equipment	Police	VHF Portable Radios - Qty 4	$2,658		8	$2,658				
11	Equipment	Police	Desktop Computers - Three (3) Units	$2,250		6	$2,250				
12			**Total Police**	**$123,616**		-	**$11,536**	**$112,080**	**$0**	**$0**	**$0**
13											
14		**FIRE DEPARTMENT**									
15	Vehicle	Fire	Tank 2		$260,000						
16	Vehicle	Fire	Fire Rescue Equipment Vehicle		$100,000						
17	Equipment	Fire	PPV Fan - Engine 4	$2,100		5	$2,100				
18	Equipment	Fire	Ventilation Saw - Washington Hose	$2,200		4	$2,200				
19	Equipment	Fire	Compressor Upgrade - West K Station	$5,000		1	$5,000				
20	Building	Fire	Overhead Door Windows - West K Station	$2,500		2	$2,500				
21	Equipment	Fire	Fitness Equipment - Central Station	$8,000		3	$8,000				
22			**Total Fire Department**	**$19,800**		-	**$19,800**	**$0**	**$0**	**$0**	**$0**
23											
24		**EMS / AMBULANCE**									
25	Vehicle	EMS	Rescue / Ambulance (replacement)	$220,000		1			$220,000		
26	Equipment	EMS	Power Load Device / Stretcher	$28,000		2		$28,000			
27			**Total EMS / Ambulance**	**$248,000**		-	**$0**	**$28,000**	**$220,000**	**$0**	**$0**
28											
29		**EMERGENCY MANAGEMENT**		*None for FY16-17*							
30	Facilities	EMA									
31			**Total Emergency Management**	**$0**		-	**$0**	**$0**	**$0**	**$0**	**$0**
32											

PROPOSED

Town of Kennebunk		Handout - 2/13/2016					A = C + D + E + F + G				
PROPOSED Capital Projects, Vehicles & Equipment				A	B		C	D	E	F	G
FY16-17				FY16-17			Method of Payment				
Line	Type	Division/ Department	Description	FY16-17 AMOUNT	ITEMS DEFERRED	PRIORITY	Budget Board Fund	Unassigned Reserves	Gen Fund Bonds / Leases (Gen Fund)	Gen Fund Bonds / Leases (WK-U TIF)	Existing Debt Service - Appropriation / Taxation
33		**PUBLIC SERVICES DIVISION (Highway & Parks)**									
34	Vehicle	Public Works	Single Axle 5-Ton Dump/Plow Truck	$170,000					$170,000		
35	Equipment	Public Works	Backhoe - Repair	$22,000				$22,000			
36	Equipment	Public Works	Rubber Tire Excavator (3 month rental)	$15,000				$15,000			
37	Equipment	Public Works	Chipper - defer		$68,000						
38	Equipment	Public Works	Pavement Grinder (24")	$20,000				$20,000			
39	Equipment	Parks	Mower - 60 inch	$11,000				$11,000			
40	Equipment	Public Works	Shoulder Machine (Used -> Upgrade to New Add'l)	$15,000				$15,000			
41			**Total Highway & Parks**	**$253,000**		-	**$0**	**$83,000**	**$170,000**	**$0**	**$0**
42											
43		**PUBLIC SERVICES DIVISION (Recreation)**									
44	Vehicle	Recreation	Bus - replacement (72 passenger)	$88,000					$88,000		
45	Vehicle	Recreation	15 Passenger Mini-Bus - van replacement	$48,000					$48,000		
46			**Total Recreation**	**$136,000**		-	**$0**	**$0**	**$136,000**	**$0**	**$0**
47											
48		**GENERAL GOVERNMENT**									
49	Equipment	Recreation	Non-Resident Beach Parking Permit Kiosk - Qty 1	$9,000				$9,000			
50	Computers	Computers	Backup Sys Hardware w/Cloud & User Workstations	$60,000			$6,000	$10,000	$44,000		
51	Equipment	Gen Gov't	Cable Broadcast Equipment - Cameras & Switches	$20,000				$20,000			
52	Equipment	Gen Gov't	Cable Broadcast Equipment - Audio	$10,000				$10,000			
53	Projects	Planning	Town Projects / Surveys	$5,000			$5,000				
54	Equipment	Gen Gov't	Video / Web Cams - Town Garage & Teen Center	$25,000				$25,000			
55	Software	Gen Gov't	ICM to Payroll System Bridge	$4,000			$4,000				
56	Facilities	Town Hall	Fire Admin Office Insulation (Under Auditorium)	$10,000				$10,000			
57			**Total General Government**	**$143,000**		-	**$15,000**	**$84,000**	**$44,000**	**$0**	**$0**
58											
59	**SUBTOTAL - Vehicles, Equipment, Special Projects, etc.**			**$923,416**		-	**$46,336**	**$307,080**	**$570,000**	**$0**	**$0**
60											
61	**PUBLIC SERVICES DIVISION ROADS**										
62	Infrastructure	Public Works	Roads	$1,600,000				$100,000	$1,500,000		
63	Infrastructure	Public Works	Road - Crushed Gravel - Misc Projects	$15,000				$15,000			
64	Infrastructure	Public Works	Road - Culverts & Basins - Misc Projects	$15,000				$15,000			
65											
66			**Total Roads**	**$1,630,000**		-	**$0**	**$130,000**	**$1,500,000**	**$0**	**$0**
67											
68	**PUBLIC SERVICES DIVISION SIDEWALKS**										
69	Infrastructure	Public Works	Sidewalk								
70			**Total Sidewalks**	**$0**		-	**$0**	**$0**	**$0**	**$0**	**$0**

Replacement local backup system $44,000
- and -
Off-site (WK Fire Stn) backup system $10,000
("Cloud" alternative)

PROPOSED

Town of Kennebunk		Handout - 2/13/2016					A = C + D + E + F + G				
PROPOSED Capital Projects, Vehicles & Equipment				A	B		C	D	E	F	G
FY16-17				FY16-17			Method of Payment				
Line	Type	Division/ Department	Description	FY16-17 AMOUNT	ITEMS DEFERRED	PRIORITY	Budget Board Fund	Unassigned Reserves	Gen Fund Bonds / Leases (Gen Fund)	Gen Fund Bonds / Leases (WK-U TIF)	Existing Debt Service - Appropriation / Taxation
71											
72	**PUBLIC SERVICES DIVISION DRAINAGE & BRIDGE**										
73	Infrastructure	Public Works	Drainage, Bridge & Other Projects	$500,000					$500,000		
74			**Total Drainage**	**$500,000**		-	**$0**	**$0**	**$500,000**	**$0**	**$0**
75											
76	**PUBLIC SERVICES DIVISION OTHER INFRASTRUCTURE**										
77	Infrastructure	Public Works	Other Park & Field Repair	$15,000				$15,000			
78											
79			**Total Other Infrastructure Projects**	**$15,000**		-	**$0**	**$15,000**	**$0**	**$0**	**$0**
80											
81			**TOTAL**	**$3,068,416**			**$46,336**	**$452,080**	**$2,570,000**	**$0**	**$0**
82											
83		**UNCLASSIFIED**									
84	Unclassified	Other	Budget Board Capital Improvements Fund	$50,000	**Balance is $98,659.11 (at 12/31/15)**			$50,000			
85	Unclassified	Other	Board of Selectmen Capital Reserve Fund	$25,000	**Balance is $74,974.84 (at 12/31/15)**			$25,000			
86	Unclassified	Other	PAYT Deficit for FY15-16 (6/30/2016)	$87,000				$87,000			
87	Debt Service	General Gov't	Apply Surplus to Future Debt Service	$240,000				$240,000			
88											
89			**Total Unclassified**	**$402,000**		-	**$0**	**$402,000**	**$0**	**$0**	**$0**
90											
91	**TOTAL Before Debt Service**			**$3,470,416**		-	**$46,336**	**$854,080**	**$2,570,000**	**$0**	**$0**
92											
93	Debt Service	General Gov't	Bond Notes & Lease Payments	$760,000				**$100,000**			**$660,000**
94											
95	**GRAND TOTAL**			**$4,230,416**		-	**$46,336**	**$954,080**	**$2,570,000**	**$0**	**$660,000**
=											

TOWN OF KENNEBUNK

BOARD OF SELECTMEN AND BUDGET BOARD

JOINT MEETING MINUTES

SPECIAL MEETING – FEBRUARY 16, 2016

1. CALL TO ORDER

On Tuesday, February 16, 2016 at 6:00 p.m., Kevin Donovan, Chairman of the Board of Selectmen, called to order a Special Meeting of the Board of Selectmen (BoS) of the Town of Kennebunk. Bill Ward, Vice Chairman of the Budget Board (BB), called to order a meeting of the Budget Board of the Town of Kennebunk. Present were Selectmen Donovan, Beal, Boothby, Cluff, Karytko, Morin, and Schulte. Budget Board members present were Costin, Burnham, Searles, and Ward; members Dwight, Marshall and Wiggins were absent. Also present were Town Manager Tibbetts and Finance Director Downs.

2. TO DISCUSS THE FY2016-17 PROPOSED BUDGET

The two Boards discussed budget items and the following votes were taken:

Department / Division	Amount as Voted	Budget Board	Selectmen	Notes
	Votes represent: in favor / opposed / absent / abstention			
To authorize the spending of up to $46,336 from the Budget Board capital fund account for assets and projects as presented and listed. (detail attached)	$46,336	4/0/3/0	n/a	BB Dwight, Marshall, Wiggins absent BoS does not vote.
FY16-17 Debt Service Payments – **1> From FY16-17 tax appropriation** **2> From unassigned general fund balance (surplus)** **Total**	$660,000 $100,000 $760,000	4/0/3/0		BB Dwight, Marshall, Wiggins absent
To transfer unassigned general fund balance for the following: **1> Vehicles, equipment & projects capital accounts** **2> Budget Board capital account** **3> Board of Selectmen capital reserve account** **4> Eliminate estimated PAYT deficit as of June 30, 2016** **5> Reserve for future debt service payments.** **Total** **(detail attached)**	$452,080 $50,000 $25,000 $87,000 $240,000 $854,080	4/0/3/0		BB Dwight, Marshall, Wiggins absent

DRAFT

Department / Division	Amount as Voted	Budget Board	Selectmen	Notes
	Votes represent: in favor / opposed / absent / abstention			
To issue general obligation bonds or other borrowing as recommended by staff for $2,570,000 for the purchase and acquisition of assets and projects. (detail attached)	$2,570,000	4/0/3/0		BB Dwight, Marshall, Wiggins absent
FY16-17 Debt Service Payments – **1> From FY16-17 tax appropriation** **2> From unassigned general fund balance (surplus)** **Total**	$660,000 $100,000 $760,000		6/1/0/0	BoS Karytko opposed
To transfer unassigned general fund balance for the following: **1> Vehicles, equipment & projects capital accounts** **2> Budget Board capital account** **3> Board of Selectmen capital reserve account** **4> Eliminate estimated PAYT deficit as of June 30, 2016** **5> Reserve for future debt service payments.** **Total (detail attached)**	$452,080 $50,000 $25,000 $87,000 $240,000 $854,080		7/0/0/0	
To issue general obligation bonds or other borrowing as recommended by staff for $2,570,000 for the purchase and acquisition of assets and projects. (detail attached)	$2,570,000		6/1/0/0	BoS Karytko opposed
To eliminate the Pay-As-You-Throw (PAYT) trash program and include the cost of municipal solid waste disposal, estimated to be $435,000 for FY16-17 into the municipal appropriation general fund budget.	$435,000		5/2/0/0	BoS Beal, Schulte opposed

DRAFT

Department / Division	Amount as Voted	Budget Board	Selectmen	Notes
	Votes represent: in favor / opposed / absent / abstention			
To establish a separate June 2016 annual town meeting warrant article on whether to eliminate PAYT (previous motion).			7/0/0/0	
To eliminate the Pay-As-You-Throw (PAYT) trash program and include the cost of the program, estimated to be $435,000 for FY16-17 into the municipal appropriation general fund budget and establish a separate warrant article on this question.	$435,000	4/0/3/0		BB Dwight, Marshall, Wiggins absent

The attached detail listing is incorporated into these minutes by reference.

3. ADJOURNMENT

There being no further business to come before the Boards at this time, the Boards adjourned at 8:07 p.m.

DRAFT

Kennebunk Budget Board

Date Minutes Approved: _____

Kennebunk Board of Selectmen

Date Minutes Approved: _____

PROPOSED

Town of Kennebunk		Handout - 2/13/2016					A = C + D + E + F + G				
PROPOSED Capital Projects, Vehicles & Equipment				A	B		C	D	E	F	G
FY16-17				FY16-17			Method of Payment				
Line	Type	Division/ Department	Description	FY16-17 AMOUNT	ITEMS DEFERRED	PRIORITY	Budget Board Fund	Unassigned Reserves	Gen Fund Bonds / Leases (Gen Fund)	Gen Fund Bonds / Leases (WK-U TIF)	Existing Debt Service - Appropriation / Taxation
1		**POLICE DEPARTMENT**									
2	Vehicle	Police	Patrol Car (rotating 3 shifts)	$36,000		2		$36,000			
3	Vehicle	Police	CID Car	$27,000		5		$27,000			
4	Equipment	Police	Mobile Data Terminals - in-car computers - Qty 3	$15,600		4		$15,600			
5	Equipment	Police	Lightweight Tactical Ballistic Vests - Qty 12	$13,800		1		$13,800			
6	Equipment	Police	.223 Semi-automatic Rifles - w/ optics & racks - Qty 8	$11,480		3		$11,480			
7	Equipment	Police	Jamar Radar Information Recording - Qty 2	$8,200		10		$8,200			
8	Equipment	Police	Stinger Spike Mats - pursuit termination - Qty 7	$3,314		9	$3,314				
9	Equipment	Police	Dual Band Police Radio - for supervisor's car	$3,314		7	$3,314				
10	Equipment	Police	VHF Portable Radios - Qty 4	$2,658		8	$2,658				
11	Equipment	Police	Desktop Computers - Three (3) Units	$2,250		6	$2,250				
12			**Total Police**	**$123,616**		-	**$11,536**	**$112,080**	**$0**	**$0**	**$0**
13											
14		**FIRE DEPARTMENT**									
15	Vehicle	Fire	Tank 2		$260,000						
16	Vehicle	Fire	Fire Rescue Equipment Vehicle		$100,000						
17	Equipment	Fire	PPV Fan - Engine 4	$2,100		5	$2,100				
18	Equipment	Fire	Ventilation Saw - Washington Hose	$2,200		4	$2,200				
19	Equipment	Fire	Compressor Upgrade - West K Station	$5,000		1	$5,000				
20	Building	Fire	Overhead Door Windows - West K Station	$2,500		2	$2,500				
21	Equipment	Fire	Fitness Equipment - Central Station	$8,000		3	$8,000				
22			**Total Fire Department**	**$19,800**		-	**$19,800**	**$0**	**$0**	**$0**	**$0**
23											
24		**EMS / AMBULANCE**									
25	Vehicle	EMS	Rescue / Ambulance (replacement)	$220,000		1			$220,000		
26	Equipment	EMS	Power Load Device / Stretcher	$28,000		2		$28,000			
27			**Total EMS / Ambulance**	**$248,000**		-	**$0**	**$28,000**	**$220,000**	**$0**	**$0**
28											
29		**EMERGENCY MANAGEMENT**		*None for FY16-17*							
30	Facilities	EMA									
31			**Total Emergency Management**	**$0**		-	**$0**	**$0**	**$0**	**$0**	**$0**
32											

PROPOSED

Town of Kennebunk		Handout - 2/13/2016					A = C + D + E + F + G				
PROPOSED Capital Projects, Vehicles & Equipment				A	B		C	D	E	F	G
FY16-17				FY16-17			Method of Payment				
Line	Type	Division/ Department	Description	FY16-17 AMOUNT	ITEMS DEFERRED	PRIORITY	Budget Board Fund	Unassigned Reserves	Gen Fund Bonds / Leases (Gen Fund)	Gen Fund Bonds / Leases (WK-U TIF)	Existing Debt Service - Appropriation / Taxation
33		**PUBLIC SERVICES DIVISION (Highway & Parks)**									
34	Vehicle	Public Works	Single Axle 5-Ton Dump/Plow Truck	$170,000					$170,000		
35	Equipment	Public Works	Backhoe - Repair	$22,000				$22,000			
36	Equipment	Public Works	Rubber Tire Excavator (3 month rental)	$15,000				$15,000			
37	Equipment	Public Works	Chipper - defer		$68,000						
38	Equipment	Public Works	Pavement Grinder (24")	$20,000				$20,000			
39	Equipment	Parks	Mower - 60 inch	$11,000				$11,000			
40	Equipment	Public Works	Shoulder Machine (Used -> Upgrade to New Add'l)	$15,000				$15,000			
41			**Total Highway & Parks**	**$253,000**		-	**$0**	**$83,000**	**$170,000**	**$0**	**$0**
42											
43		**PUBLIC SERVICES DIVISION (Recreation)**									
44	Vehicle	Recreation	Bus - replacement (72 passenger)	$88,000					$88,000		
45	Vehicle	Recreation	15 Passenger Mini-Bus - van replacement	$48,000					$48,000		
46			**Total Recreation**	**$136,000**		-	**$0**	**$0**	**$136,000**	**$0**	**$0**
47											
48		**GENERAL GOVERNMENT**									
49	Equipment	Recreation	Non-Resident Beach Parking Permit Kiosk - Qty 1	$9,000				$9,000			
50	Computers	Computers	Backup Sys Hardware w/Cloud & User Workstations	$60,000			$6,000	$10,000	$44,000		
51	Equipment	Gen Gov't	Cable Broadcast Equipment - Cameras & Switches	$20,000				$20,000			
52	Equipment	Gen Gov't	Cable Broadcast Equipment - Audio	$10,000				$10,000			
53	Projects	Planning	Town Projects / Surveys	$5,000			$5,000				
54	Equipment	Gen Gov't	Video / Web Cams - Town Garage & Teen Center	$25,000				$25,000			
55	Software	Gen Gov't	ICM to Payroll System Bridge	$4,000			$4,000				
56	Facilities	Town Hall	Fire Admin Office Insulation (Under Auditorium)	$10,000				$10,000			
57			**Total General Government**	**$143,000**		-	**$15,000**	**$84,000**	**$44,000**	**$0**	**$0**
58											
59	**SUBTOTAL - Vehicles, Equipment, Special Projects, etc.**			**$923,416**		-	**$46,336**	**$307,080**	**$570,000**	**$0**	**$0**
60											
61	**PUBLIC SERVICES DIVISION ROADS**										
62	Infrastructure	Public Works	Roads	$1,600,000				$100,000	$1,500,000		
63	Infrastructure	Public Works	Road - Crushed Gravel - Misc Projects	$15,000				$15,000			
64	Infrastructure	Public Works	Road - Culverts & Basins - Misc Projects	$15,000				$15,000			
65											
66			**Total Roads**	**$1,630,000**		-	**$0**	**$130,000**	**$1,500,000**	**$0**	**$0**
67											
68	**PUBLIC SERVICES DIVISION SIDEWALKS**										
69	Infrastructure	Public Works	Sidewalk								
70			**Total Sidewalks**	**$0**		-	**$0**	**$0**	**$0**	**$0**	**$0**

Replacement local backup system $44,000
- and -
Off-site (WK Fire Stn) backup system $10,000
("Cloud" alternative)

PROPOSED

Town of Kennebunk		Handout - 2/13/2016					A = C + D + E + F + G				
PROPOSED Capital Projects, Vehicles & Equipment				A	B		C	D	E	F	G
FY16-17				FY16-17			Method of Payment				
Line	Type	Division/ Department	Description	FY16-17 AMOUNT	ITEMS DEFERRED	PRIORITY	Budget Board Fund	Unassigned Reserves	Gen Fund Bonds / Leases (Gen Fund)	Gen Fund Bonds / Leases (WK-U TIF)	Existing Debt Service - Appropriation / Taxation
71											
72	**PUBLIC SERVICES DIVISION DRAINAGE & BRIDGE**										
73	Infrastructure	Public Works	Drainage, Bridge & Other Projects	$500,000					$500,000		
74			**Total Drainage**	**$500,000**		-	**$0**	**$0**	**$500,000**	**$0**	**$0**
75											
76	**PUBLIC SERVICES DIVISION OTHER INFRASTRUCTURE**										
77	Infrastructure	Public Works	Other Park & Field Repair	$15,000				$15,000			
78											
79			**Total Other Infrastructure Projects**	**$15,000**		-	**$0**	**$15,000**	**$0**	**$0**	**$0**
80											
81			**TOTAL**	**$3,068,416**			**$46,336**	**$452,080**	**$2,570,000**	**$0**	**$0**
82											
83		**UNCLASSIFIED**									
84	Unclassified	Other	Budget Board Capital Improvements Fund	$50,000	**Balance is $98,659.11 (at 12/31/15)**			$50,000			
85	Unclassified	Other	Board of Selectmen Capital Reserve Fund	$25,000	**Balance is $74,974.84 (at 12/31/15)**			$25,000			
86	Unclassified	Other	PAYT Deficit for FY15-16 (6/30/2016)	$87,000				$87,000			
87	Debt Service	General Gov't	Apply Surplus to Future Debt Service	$240,000				$240,000			
88											
89			**Total Unclassified**	**$402,000**		-	**$0**	**$402,000**	**$0**	**$0**	**$0**
90											
91	**TOTAL Before Debt Service**			**$3,470,416**		-	**$46,336**	**$854,080**	**$2,570,000**	**$0**	**$0**
92											
93	Debt Service	General Gov't	Bond Notes & Lease Payments	$760,000				**$100,000**			**$660,000**
94											
95	**GRAND TOTAL**			**$4,230,416**		-	**$46,336**	**$954,080**	**$2,570,000**	**$0**	**$660,000**
=											

4

PUBLIC HEARING (g)

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

APPLICATION PACKAGE REQUIREMENTS:

- ☐ Economic Development Program Application with original signatures
- ☐ Problem Statement, Proposed Solution and Citizen Participation descriptions (maximum of six (6) 8 ½ x 11 consecutively numbered sheets of paper)
- ☐ Community Benefit Worksheet **(if applicable)**
- ☐ Retail Business conditions with original signatures **(if applicable)**
- ☐ Job Creation Assurances and Baseline Employment Summary with original signatures
- ☐ Job descriptions for all jobs to be created
- ☐ Matching Funds Table
- ☐ Budget Summary
- ☐ Consumer Credit Authorization
- ☐ Financial Summary Statement **(if applicable)**
- ☐ Documentation of public hearing notice, minutes (which must include narrative of hearing including person's asking and answering questions, responses to questions, etc.) and attendance list
- ☐ Documentation of Local Legislative Body Approval

FINANCIAL DOCUMENTATION REQUIREMENTS:

- ☐ Business' Federal tax return for the years **2015, 2014 and 2013** and/or complete accountant prepared financial statements (income statement and balance sheet and notes)
- ☐ Interim financial statements (if the most recent financial information is older than 90 days)
- ☐ Personal Financial Statement <u>and</u> Federal Income Tax Returns for the years **2015, 2014 and 2013** of all owners and guarantors with 20% or more ownership. If an owner or guarantor does not file federal income tax returns, please state such and why, and provide audited or accountant-prepared income statements and balance sheets for the last three years, and if the information is older than 90 days, include current internal income statement(s) and balance sheet(s) for the years(s) for which audited or accountant-prepared statement(s)/balance sheet (s) are not available. In any event, a current balance sheet and YTD income statement must be supplied.
- ☐ Company business plan and/or financial documents which must include pro forma balance sheets, income statements and monthly cash flow statements with supporting assumptions for at least the period required for job creation. Identify the person preparing them, their expertise and experience in the particular business area involved, and state the assumptions on which income projections are based.
- ☐ Signed commitment letters from all financing sources indicated as providing match funding for the project. Letters of Commitment must include the amount of funds committed to the project, the use of those funds and the terms and conditions under which the funds are being committed. Business/owner/partner committing personal matching funds must provide documentation (i.e., bank statement) showing that cash exists and is accessible at time of application.
- ☐ Amount of capital to be invested including name of each investor; amount of investment and written documentation or confirmation of commitment for each investor
- ☐ Opening day balance sheet showing all capital and debt
- ☐ Documentation of expertise or expertise of all involved parties
- ☐ Evidence of potential sources of revenue adequate to allow evaluation from the standpoint of likelihood and magnitude, and copies of any contract(s) anticipated to generate revenue

An original and one set of application and required financial documentation must be provided as well as three copies of the application package only. If the application and financial documentation package does not contain all of the required documentation it will be deemed an <u>incomplete</u> application and will not be scored. Do not include any material not specifically requested in the above checklist. If supplemental information is needed it will be requested by the Office of Community Development.

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
COVER SHEET AND CERTIFICATIONS
Economic Development Program

Please note that all information requested in this application must be included for the application to be considered complete. Please refer to Page 8 for the Economic Development Program Application Package Requirements. The Office of Community Development (OCD) will only process complete applications. All materials submitted to OCD in connection with your EDP application shall become the property of OCD, unless otherwise requested and shall be retained or destroyed in accordance with OCD's file retention policy.

I. APPLICANT MUNICIPALITY INFORMATION

Municipality: Town of Kennebunk
County: York

Mailing Address: 1 Summer Street
State: Me.
Zip Code+4: 04043

Manager/Contact Person: Mathew Eddy E-Mail: Meddy@kennebunkmaine.us

Phone: 604-1366
Fax:985-4609

Applicant Municipality DUNS (Dunn & Bradstreet) #:097729446
(visit http://fedgov.dnb.com/webform if business needs to obtain a number)

II. APPLICANT BUSINESS INFORMATION

Legal Name of Business: Hidden Cover Brewery

Legal Address of Business where jobs will be created and/or retained: 73 Mile Road, Wells (present address)

Town/City: Kennebunk State: Me Zip Code: 04090
County: York

Manager/Contact Person: Richard Varano

Phone:
Fax:

Email: 'rvarano@maine.rr.com' Website: http://www.hiddencovebrewingcompany.com/beer-locator/

Please check if you x Own ☐ Lease ☐ Rent note: Wells unable to accept new Concerns the new property

Square Feet: 26,000s.f. Monthly Payment: Replaced by New Facility X Yes ☐ No

Federal Employer Identification Number: 20-0904857 _ (of applicant business)

Applicant Business DUNS (Dunn & Bradstreet) #:
(visit http://fedgov.dnb.com/webform if business needs to obtain a number)

Is the Applicant Business currently in bankruptcy proceedings? ☐ Yes x No
Has the Applicant Business or any owner of more than 20% of the Applicant Business been in bankruptcy proceedings in the last ten years? ☐ Yes x No
If the answer to either of the above is "Yes," please give particulars, including the court location and docket # of the proceedings.

Type of Entity: ☐ C Corp X S Corp ☐ Sole Proprietorship ☐ Partnership
☐ Limited Liability Company (list "type"): ☐ Other (list):

State of Organization:

III. BUSINESS OWNERSHIP (attach additional sheets as necessary)

Name and Title: Richard Varano

% of Ownership:100%

Legal Address:73 Mile Road, Wells

Annual Compensation: $10,000

Name and Title

% of Ownership:

Legal Address:

Annual Compensation

IV. PROPOSED SOURCES AND USES OF FINANCING

Sources:	Amount:	Uses:	Amount:
Bank	1,800,000	Building equipment	$1,800,000
Owner Cash Contribution	$200,000	Building equipment	$200,000
CDBG	$250,000	equipment	$250,000
Other Saco Biddeford Dev. corp.			$
Total Project Cost	**$ 2,250,000**	**Total Project Cost**	**$2,250,000**

V. PROPOSED COLLATERAL

Available to secure job creation or job retention connected with the grant of CDBG funds in the event DECD elects to secure such requirement/repayment with assets of the Applicant business for a term of up to five years; to secure CDBG Economic Development Program Funds

Type/ Description	Existing Lienholder	Outstanding Balance	Available Collateral
73 Mile Road, building, tasting room, equipment	Varano	?	$800,000

VI. SUMMARY OF BUSINESS EMPLOYMENT AND BENEFITS

Current Employment: Full-Time # _____ Part-Time# _____

Projected Employment Increases Over Next 12 Months:
Full-Time # __9_____ Part-Time #_____

Minimum Starting Hourly Wage: Full-Time $ 12.00+ Part-Time $ _____

In determining CDBG National Objective compliance with job creation/retention only **Permanent** jobs may be counted; temporary jobs may not. Full time jobs require a worker to work at least 1750 hours per year. Part time jobs require a worker to work at least 875 hours but less than 1750 hours per year. Part-time jobs **must** be converted to Full Time Equivalents (FTE). A FTE is defined as two part time jobs. **Seasonal** jobs may count only if the seasonal job lasts long enough and provides sufficient income to be considered the employee's principal occupation. (Contact OCD prior to counting seasonal jobs towards LMI benefit.) **All** permanent jobs created by the project must be counted, regardless of funding source(s). Jobs indirectly created by the project (i.e., remote location, "trickle down" jobs) do not count.

Number of positions to be created as part of this development project by job classification identifiers:

1. Managerial/Officer _1__ 2. Professional _3__ 3. Technical ____ 4. Sales ____
5. Clerical/Office ___ 6. Craftworker ___ 7. Operatives ____ 8. Laborer 5____
9. Service Worker ___

Occupation/ Job Title	Hire Date	# of Jobs	Annual Earnings	Total Payroll

F/T Workers Benefits (check if applicable)

Paid Holidays X Paid Sick Days ☐ Retirement/Profit Sharing ☐ Life Insurance ☐

Paid Vacation X Health Insurance ☐ Dental Insurance ☐ Child Care ☐

Health Insurance for Employees: % of Employee Benefits ___%

VII. SUMMARY OF BUSINESS EMPLOYMENT AND BENEFITS (continued)

Type of Investment	Description	Cost
Employee Training		$
Other:		$
Other:		$

VIII. DISCLOSURE

Check the public purpose (all that apply) that will be met through CDBG support of this development project:

X Job Creation	☐ Capital Investment
☐ Job Retention	☐ Training Investment
☐ Tax Base Improvement	☐ Other (list):

Check whether applicant is current on all taxes owed the State of Maine: ☐ Yes ☐ No
If no, please explain and itemize any and all deficiencies.

IX. CERTIFICATION BY AUTHORIZED OFFICIAL OF MUNICIPALITY AND BUSINESS

1. State Certifications

a. To the best of my knowledge and belief, the information in this Application is true and correct:

b. the governing body of the applicant has duly endorsed the document;

c. the proposed project has been reviewed and it complies with the Community's comprehensive plan and/or applicable state and local land use requirements;

d. will work with the Office of Community Development to develop a detailed project if it receives a conditional award; and

e. will comply with all applicable State laws and regulations.

2. Federal Certifications

a. will take actions to affirmatively further fair housing and implement CDBG activities in compliance with Title VI of the Civil Rights Act of l964 and Title VIII of the Civil Rights Act of 1968;

b. will not attempt to recover capital costs for the construction of public improvements, assisted in whole or in part with CDBG funds, by charging special assessments or fees against properties owned and occupied by persons of low and moderate income, including any fee, charge or assessment made as a condition of obtaining access to such public improvements, unless:

(i) CDBG funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than CDBG funds; or

(ii) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, and the applicant certifies that it lacks sufficient CDBG funds to comply with the requirements of clause (i) above.

c. prior to expenditure of CDBG funds, it will establish a local community development plan that identifies the Community's housing and community development needs, including the needs of low and moderate income, and the activities to be undertaken to meet them;

d. will provide in a timely manner for citizen participation, public hearings, and access to information with respect to the Maine CDBG Program and the proposed local CDBG project/program. Indicate in public notices and at public hearings that the State program is competitive, the maximum grant amount that can be requested, and the general type of activities contained in the proposed local program. Also announce in public notices the availability of the local program plan/application, describe the Community's previous CDBG performance (if any), and how the Community will collect, consider and maintain all oral and written comments received on the proposal;

e. will adopt and follow a residential anti-displacement and relocation assistance plan which complies with Section 104 (d) of the Housing and Community Development Act of 1974, as amended, that at a minimum provides for the replacement of all low/moderate income dwelling units that are demolished or converted to a non-LMI housing use as a direct result of CDBG assistance, and a relocation assistance component;

f. is not listed on U. S. Department of Labor's Debarred and Suspended Contractor's List and will not employ contractors or subcontractors on this list;

g. will comply with the requirements of Section 319 of Public Law 101-121 regarding government-wide restrictions on lobbying; and

h. with the exception of administrative or personnel costs, it will verify that no person who is an employee, agent, consultant, officer, or elected official or appointed official of state or local government or of any designated public agencies, or subrecipients which are receiving CDBG funding may obtain a financial interest or benefit, have an interest in or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect to CDBG activities, per 24 CFR Part 570.611.

i. Jobs created/retained must be in the community applying for the EDP award, new jobs to that community and not associated with any other branches of the assisted business located in another community.

j. Transfer positions cannot be counted toward the job creation/retention requirements.

k. All projects must document that at a minimum, 51% of all jobs created or retained as a result of the funded activity must be taken/held by persons of low and moderate income as defined by HUD.

l. The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applications on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract); and because all or parts of the applicant's income is derived from any public assistance program; or because the applicant has, in good faith, exercised any rights under the Consumer Credit Protect Act. The federal agency that administers compliance with this law concerning this creditor is the Federal Trade Commission. If a person believes that he or she was denied assistance in violation of this law, they should contact the Federal Trade Commission, Washington DC 20580.

m. I/We understand that by signing this application I/We authorize the Maine Office of Community

Development (OCD) to make inquiries as needed to verify the accuracy of the information and to determine creditworthiness. I/We certify the information is true and accurate and is provided for the purpose of obtaining a grant and/or loan. OCD will maintain the confidentiality of this information and it will not be released without authorization.

3. CDBG Program Certifications.

The Municipality certifies that (1) it is capable of investigating the Applicant Business and the proposed Development Project to determine that the job creation and/or job retention requirements can be met, (2) it has investigated the Applicant Business and the proposed Development Project and determined that the job creation and/or job retention requirements can be met, (3) the EDP assistance to the Applicant Business is for a Development Project that is necessary and appropriate, (4) the EDP assistance to be provided is commensurate with the community benefits that will accrue from the Development Project, and (5) the Municipality will comply with the documentation requirements for jobs created and/or jobs retained and are cognizant of the requirements that should the intended Job Creation/Retention National Objective of the CDBG program; (6) understand that DECD may elect to secure such requirement/repayment with assets of the Applicant Business for a term of up to five years should this project be approved for funding; and (7) it and the applicant fully understand that DECD may deduct from the amount of any Grant the cost of legal fees associated with the review, underwriting and securing of collateral should this project be approved for funding.

4. Liabilities:

The borrower has no liabilities except as contemplated by this grant and/or loan agreement and fully disclosed in the borrower's financial records as presented to the Government (in your case, DECD). Such financial records are true and correct. No data was withheld and no material adverse change in the borrower's financial position has occurred which would adversely effect such statements. The borrower's assets are not less than its liabilities as determined in accordance with generally accepted accounting principles and the borrower is solvent.

5. Litigation and Taxes:

There are no actions, suits or proceedings pending or, to the knowledge of the borrower, threatened against or affecting the borrower at law or in equity before any court or administrative officer or agency which might result in any material adverse change in the business or financial condition of the borrower. The borrower is not in default (a) in the payment of any taxes levied or assessed against it or any of its assets or (b) under an applicable statute, rule, order, decree, writ, injunction or regulation of any governmental body (including any court).

Signature of Municipal Official:	Name: Barry Tibbetts
Date:	Title: Town Manager
Signature of Business Representative:	Name: Richard Varano
Date:	Title: Owner

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

COMMUNITY BENEFIT WORKSHEET

Local Fiscal Improvement:

What percent of value to the total value is the municipal assessment? __TBD

1. Assessed value of land prior to improvements
2. Assessed value of buildings prior to improvements $0
3. Total assessed value (1+2)
4. Estimated total assessed value following improvements $
5. Estimated tax based on #4 $
6. Current tax $
7. Anticipated net tax increase (#5 - #6) $

The above figures were obtained through (check all that are applicable)

X Town Records
X Assessments
☐ Appraisals
X Construction estimates

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

GRANTEE/BUSINESS ASSURANCES - JOB CREATION

The Business (as identified below), having applied for funding from the Municipality (as identified below) through the Maine Community Development Block Grant (CDBG) Program agrees to create a minimum of 4 new jobs above the employment baseline within a 12 month period from time of CDBG EDP application the deadline date for which will be stated in the CDBG contract between the Municipality and the State of Maine. The Business also agrees that at least 51% of the new full-time and full-time equivalent jobs must be taken by qualified low-to-moderate income (LMI) persons in compliance with the Maine CDBG program rules, regulations and policies. The Business will verify the job creation achievements and assist the Municipality in compiling the appropriate documentation as required by the Maine CDBG Program.

In determining CDBG National Objective compliance with job creation only **Permanent** jobs may be counted; temporary jobs may not. Full-time jobs require a worker to work at least 1750 hours per year. Part-time jobs require a worker to work at least 875 hours but less than 1750 hours per year. Part-time jobs **must** be converted to Full-Time Equivalents (FTE). An FTE is defined as two part time jobs. **Seasonal** jobs may count only if the seasonal job lasts long enough and provides sufficient income to be considered the employee's principal occupation. (Contact OCD prior to counting seasonal jobs towards LMI benefit.) **All** permanent jobs created by the project must be counted, regardless of funding source(s). Jobs indirectly created by the project (i.e., remote location, "trickle down" jobs) do not count.

It is understood by the Business and the Municipality that, in the event the job creation goals are not met within the prescribed time frame and according to the regulations of the State of Maine Community Development Block Grant Program, the State of Maine will exercise its right and seek repayment from the Municipality in accordance with the contract provisions and the Municipality may exercise its rights and seek repayment in accordance with the default provisions contained in any agreement it may have with the Business.

Having read and fully understanding the requirements set forth in this agreement, the undersigned agree to the job creation requirements contained herein, and to comply with all regulations of the U.S. Department of Housing and Urban Development and the State of Maine governing this program including submission of quarterly status reports regarding job creation benefit.

Signature of Municipal Official:	Name: Barry Tibbetts
Date:	Title: Town Manager
Signature of Business Representative:	Name: Richard Varano
Date:	Title: Owner

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

JOB CREATION BASELINE EMPLOYMENT SUMMARY

Name of Business to be Assisted:	Hidden Cove Brewery

Job Title*	Job Class*	Full Time (Place X)	Part Time (Place X)	# Currently Employed	# to be Created	Base Wage ($)	Fringe Benefits ($/ value)
Technicians	7	Kennebunk	2016		$16.90	tbd	tbd
Master Brewer	1	Kennebunk	2016	$27.00	$35.00	tbd	tbd
Manager/Owner/Sales	1	Kennebunk	N/A	$36.00	$47.00		

*** Attach a job description for each job title for which a position will be created and use the attached job category definition numbers outlined in Appendix A of this application to indicate job class.**

Signature of Human Resources Officer

Date

Printed Name and Title

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

Matching Funds Table
(Include Fully Secured Cash Commitments Only)

Funding Source	Grant/Loan	Amount	Terms of borrowing or bond sale
KSB	loan	$1,800,000	tbd
CDBG	grant	$250,000	
Owner Cash		$200,000	Secured land,equipment
	TOTAL:	**$2,250,000**	

Letters of Commitment for all Matching Funds listed must be attached to this table.

Submit a copy of this Matching Funds Table and all letters of commitment with the original and all four copies of the application.

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

Budget Summary (Include All Sources)

Cost Category	Column 1 CDBG	Column 2 Local	Column 3 State	Column 4 Utility	Column 5 Federal	Column 6 Other	Column 7 Total
Acquisition (if allowable)						$150,000	$150,000
Clearance/Demolition							
Site Improvements	$200,000						$200,000
New Building Construction	$1,000,000						$1,000,000
Building Renovations							
Water/Sewer Improvements/Drainage							
Lighting							
Roads & Streets							
Parking							
Utility Lines/Fiber Optics							
Rail Lines & Spurs							
Equipment	$800,000						800,000
Inventory							
Fixtures							
Working Capital							
Professional Fees							
Legal Expenses							
Inspection							
Architectural/Engineering							
Other (List)							
1.							
TOTAL COSTS	$2,000,000					$150,000	$2,250,000

Directions for Completing Budget Summary

For each applicable cost in the Cost Category column, list the projected dollar amount for all applicable funding sources in columns 1-6.
List the total dollar amount for each cost category in column 7, Total
Enter the sum of all Totals in column 7 in the TOTAL COSTS box directly under column 7.
Submit a copy of this Summary with the original and *the four copies* of the application.

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

CONSUMER CREDIT AUTHORIZATION

To be completed

You have submitted a request to the Department of Economic and Community Development (DECD) to provide financing through the Office of Community Development administered Community Development Block Grant Program.

The DECD designee's procedure for reviewing this kind of request include the purchase and review of credit reports, which include information on both the Business, and primary principals of businesses. A primary principal is any person having an ownership interest in the company of twenty percent (20%) or more. Prior to ordering these reports the DECD must have written permission from each primary principal. Please sign below acknowledging notification of the DECD's intent to order consumer credit information in the Business and/or your name and providing your permission to do so.

The DECD will not proceed with review of the financing request without these reports. Therefore, this form must be signed by all applicable individuals and included with your application.

Thank you in advance for your cooperation.

The undersigned acknowledges the above and gives permission to DECD and/or its designee to acquire any consumer credit information or reports it requires in connection with the above referenced application for financing assistance.

Signature:	Printed Name:
Title:	Date:
Ownership Percentage:	Social Security Number:

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

FINANCIAL SUMMARY STATEMENT
(not required for municipally owned projects)

Provide the following information on the current obligation of the Business to be assisted for the following:

Current Debt	Debt Holder	Rate/Term	Payment	Collateral
Awaiting summary				

Proposed new obligations of the Business after EDP assistance:

Proposed Debt	Debt Holder	Rate/Term	Payment	Collateral

APPENDIX A

Responses to Questions

Problem Statement Maximum of 40 points:

Scope (15 points) Hidden Cove is required to move. Presently located in Wells, the Sewer Treatment district in Wells has told the business that they can not expand in Wells because the treatment system is unable to handle the flow from the Brewery. In addition, the business is poised to expand in the New England area, with potential contracts for distribution in all states. Production must increase, which required an expansion of both the physical facility and the equipment. The Owner, which is a husband and wife team with extensive restaurant and brewing experience, live in Kennebunk and want to move the business to their home base community.

The expansion will result in the business growing from presently 3 people, some part-time, to a full time operation with a need for distribution facilities. The present operation is a brew-pub/tasting facility which has found reasonable success in the distribution market. Their growth and business model has therefore changed. The result will be an increase to roughly 7 new full time jobs, or the business closing within its present facilities in Wells.

Hidden Cove represents a solid business for diversification within the locally produced sector that can feed into the local foods and tourist sector. The new location will permit wholesale distribution, greater production and continued tasting. The proposed location in the exit 25 area (the business park) is a central location for that purpose and will assist the community in building out the park.

Impact (10 points) With the exception of the owner and brewer, the full time workers created on line will be drawn predominantly from the low and moderate income sector. The brewer and owner are in place, they have been using part time workers for their present brew pub based business.

The proposal is consistent with the following strategies from the Strategic Economic Development Action Plan (SEDAP) for Kennebunk:

- Local Food Industry: Link the developments of the food, arts industry and non-profit cultural industry into a tourism attraction strategy.
- Alternative Industries: Using our existing cluster base, work to identify other clusters that would fit our existing model and help them grow here in Kennebunk.
- Central Access to Turnpike: Take advantage of our location and central access to the turnpike.

Hidden Cove, new to Kennebunk, will assist present business activity by bringing a needed extension of the local restaurant/tourist industry while also creating manufacturing positions in the community. At the same time, the preferred location will assist the community in building out the present William Arthur business park. The tax impact is expected to add roughly $2,000,000 to the existing tax base, support an existing TIF district created to expand investment in the community, and add $31,000 to the revenue base.

Need (15 points) The community, to this point, has tapped its resources to handle a project of this magnitude. It certainly grew well beyond qualifying for the microenterprise fund and exceeded the availability of TIF funds to complete this project (this is the Alfred Road TIF, which is presently developing a revenue flow, but is dependent on new businesses to complete infrastructure improvement in the park itself). The community has invested over $450,000 for Sewer line extensions ($300,000 in CDBG funds) and $450,000 for water line extensions ($300,000 in CDBG funds and over $1.5 million in associated community infrastructure improvements) to serve properties in the community. The community has been working with the business to close the gap in financing to make this project happen. Even with equity invested by the business, there remains a roughly $250,000 gap.

Kennebunk has proven its ability to use a mixture of resources wisely to increase job development in the community. Northeast coating doubled its size (as a result of changes in infrastructure) adding roughly 30 jobs and is planning on a second expansion as a result of investment. Pillsbury Garrett was purchased by a new owner, and has added roughly 10 new jobs and an oil and propane delivery company. Hancock Lumber, in the same area, is completing a $ expansion (facilitated by town improvements) and adding up to 10 new employees. The core community economic development and TIF program, including CDBG, MDOT and TIF investments has invested over $9 million dollars in funds in the past few years, have counted almost 700 new jobs over a longer period of investment, returning generally 1 job per $11,000 of investment and $8,000 in new value for every $1 of new TIF dollars; much of this new value is slated for new investment in various infrastructure projects. (A list of companies can be provided upon request; see SEDAP, Measuring our Success: Benchmarks on the Town Web site).

<u>Solution Maximum of 40 points:</u>
Project Description (15 points)

The business would construct a new wholesale and manufacturing facility in the business park area. The community would in turn invest a combination of TIF funds and EDA grant monies to complete related road, sewer, and water improvements, consistent with a long standing plan outlined in the Alfred Road TIF.

Acquisition and development would include the following:

- Movement of existing brewing equipment from Wells to Kennebunk;
- Investment in new equipment to expand production;
- Purchase of a lot in the Exit 25 area to construct a new structure to house the facility; and,
- Expansion of wholesale and delivery operations to extend throughout southern Maine.

These improvements will allow Hidden Cove to continue to exist in the region, permit it to expand its production capacity, and create a very new and solid business in Kennebunk with ties to the local foods and tourism industry.

The owner expects to move two existing jobs and create as many as 7 additional full time jobs once new production is begun. All new jobs are expected to draw from the low and moderate income pool in the region.

The project will draw on the EDP funds to close an existing gap estimated to be approximately $250,000. The location for the facility is in the Exit 25 area of Kennebunk, our business park/industrial area.

The company has not been able to meet new orders in its present location, both because of the production capacity and the limited ability of the Wells Sewer district to accept additional flow.

Effect on Assisted Business (10 points)

As has been well documented, the micro-brew industry in Maine is growing. Maine has been ranked by any number of publications as one of the top 10 States (and Portland as a lead community) in the country in terms of local brewing, taste, and establishments. Kennebunk, as a secondary market to Portland and having its own well established foodie and brewing industry (Shipyard, Sebago Brewing, etc.) provides a sound base for Hidden Cove. The industry is competitive. Hidden Cove has identified, through its own market research, an extensive market throughout New England that can be reached. However, it's presently facilities are limited; this new location would allow them to reach that market while adding to the ambiance and choice in Kennebunk.

Describe the market including identification of competitors: to be provided by owner.

Project Timeline and Feasibility (15 points)

Project timeline is roughly six months from grant approval. The remainder of the schedule is dependent on securing the permanent location and will be described prior to the May 15 submittal.

<u>Citizen Participation Maximum of 20 points</u>: to be completed after hearing

Public Hearing Process (10 points)

Describe how citizen participation contributed to the actual development of this application, including how the required public hearing contributed to the process. **(Submit a public hearing record consisting of the published public hearing notice, hearing minutes, and attendance list with the original and all three copies of the application.)**

Business/Local Involvement (10 points) to be completed after hearing

Outline other input from businesses, chambers of commerce, development organizations, local groups and individuals have had in increasing the citizen participation process for the proposed project.

Highlight how the use of any media (TV, radio, newspapers, etc.) increased public awareness and participation in the EDP project.

<u>Business Friendly Community Designation Bonus</u> – 3 bonus points will be assigned to an applicant community who has been certified as a Business-Friendly Community at the time of receipt of the EDP application.

THIS MATERIAL IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST

BY CONTACTING:

OFFICE OF COMMUNITY DEVELOPMENT
111 SEWALL STREET, 3RD FLOOR
59 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0059
TELEPHONE (207) 624-7484
TTY: 1-800-437-1220

ALSO AVAILABLE ON THE OFFICE OF COMMUNITY DEVELOPMENT WEB SITE:

www.maine.gov/decd/meocd/cdbg

The Maine State CDBG Program is Funded by:

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

4

PUBLIC HEARING

(h)

Micro-Enterprise Assistance Grant Program Application Checklist & Packaging Requirements

Use this to make sure your Application contains all required submissions and is packaged in the proper order!

A complete original application consists of the following items packaged in this exact order. The four copies minus the Cover Sheet and Activity Designation Sheet must also be packaged in the same order starting with the Required Responses.

- ☐ **Cover Sheet with original signature;**
- ☐ **Activity Designation Sheet;**
- ☐ **Required Responses to the Impact, Development Strategy and Citizen Participation sections. (Maximum of four (4) pages);**
- ☐ **Budget Summary;**
- ☐ **Public hearing record including the published public hearing notice, attested hearing minutes and attendance list – Notice must comply with sample notice contained on page 16 of this application package**
- ☐ **Mandatory attachment documenting *cost estimates and projected program timeline.***

Incomplete or improperly packaged applications will not be reviewed.

Include only materials requested by OCD; do not provide additional attachments!

Community Development Block Grant
Micro Enterprise Assistance Grant Program

Budget Summary (Include Cash & In-Kind)

Cost Category	Column 1 CDBG	Column 2 Local	Column 3 State	Column 4 Utility	Column 5 Non-CDBG Federal	Column 6 Other	Column 7 Cost Category Total
MEGrants/Loans							
Façade Grants							
Architect							
Administration							
Other (List)							
1.							
2.							
3.							
TOTAL COSTS							

Directions for Completing Budget Summary

1. For each applicable cost (cash and in-kind) in the Cost Category column, list the projected dollar amount for all applicable funding sources in columns 1-6.
2. List the total dollar amount for each cost category in column 7, Cost Category Total
3. Enter the total of all Cost Category amounts in column 7 in the TOTAL COSTS box directly under column 7.
4. **Submit a copy of this Budget Summary with the original and all four copies of the application.**

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
COVER SHEET AND CERTIFICATIONS

Micro-Enterprise Assistance Grant Program

A. Applicant Identification

Applicant:	Town of Kennebunk		
Address:	1 Summer Street		
Town/City/County:	Kennebunk		
Zip Code + Four:	04043		
Chief Executive Officer:	Barry Tibbetts		
Phone Number:	985-2102	**E-mail:**	btibbetts@kennebunkmaine.us
Contact Person:	Mathew Eddy		
Phone Number:604-1366		**E-mail:**	meddy@kennebunkmaine.us
Census Tract(s) Where Proposed MEA Activities will occur:280.02			

DUNS #:	Town or City DUNS (Dunn & Bradstreet) #: *This must be the **city or town number**, not the Police Department, and not the Sewer or Water District.* (visit http://fedgov.dnb.com/webform.if applicant needs to obtain a number)

B. The Applicant Certifies That:

1. State Certifications

a. To the best of my knowledge and belief, the information in this Application is true and correct:

b. the governing body of the applicant has duly endorsed the document;

c. the proposed project has been reviewed and it complies with the Community's comprehensive plan and/or applicable state and local land use requirements;

d. it will work with the Office of Community Development to develop a detailed project if it receives a conditional award; and

e. it will comply with all applicable State laws and regulations.

2. Federal Certifications

a. it will take actions to affirmatively further fair housing and implement CDBG activities in compliance with Title VI of the Civil Rights Act of I964 and Title VIII of the Civil Rights Act of 1968;

b. it will not attempt to recover capital costs for the construction of public improvements, assisted in whole or in part with CDBG funds, by charging special assessments or fees against

properties owned and occupied by persons of low and moderate income, including any fee, charge or assessment made as a condition of obtaining access to such public improvements, unless:

(i) CDBG funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than CDBG funds; or
(ii) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, and the applicant certifies that it lacks sufficient CDBG funds to comply with the requirements of clause (i) above.

c. prior to expenditure of CDBG funds, it will establish a local community development plan that identifies the Community's housing and community development needs, including the needs of low and moderate income, and the activities to be undertaken to meet them;

d. it will provide in a timely manner for citizen participation, public hearings, and access to information with respect to the Maine CDBG Program and the proposed local CDBG project/program. Indicate in public notices and at public hearings that the State program is competitive, the maximum grant amount that can be requested, and the general type of activities contained in the proposed local program. Also announce in public notices the availability of the local program plan/application, describe the Community's previous CDBG performance (if any), and how the Community will collect, consider and maintain all oral and written comments received on the proposal;

e. it will adopt and follow a residential anti-displacement and relocation assistance plan which complies with Section 104 (d) of the Housing and Community Development Act of 1974, as amended, that at a minimum provides for the replacement of all low/moderate income dwelling units that are demolished or converted to a non-LMI housing use as a direct result of CDBG assistance, and a relocation assistance component;

f. it is not listed on U. S. Dept of Labor's Debarred and Suspended Contractor's List and will not employ contractors or subcontractors on this list;

g. it will comply with the requirements of Section 319 of Public Law 101-121 regarding government-wide restrictions on lobbying; and

h. with the exception of administrative or personnel costs, it will verify that no person who is an employee, agent, consultant, officer, or elected official or appointed official of state or local government or of any designated public agencies, or subrecipients which are receiving CDBG funding may obtain a financial interest or benefit, have an interest in or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect to CDBG activities, per 24 CFR Part 570.611.

Signature of Chief Executive Officer	Name of Community	Date: mm/dd/year

MICRO-ENTERPRISE ASSISTANCE GRANT PROGRAM ACTIVITY DESIGNATION SHEET

1. **Activity Declaration**

a. List the activities you will be doing in your proposed project: façade improvements, small business assistance

2. **MEA Grant Funds Requested**

X Micro-Enterprise Grant/Loan

Amount Requested:$50,000

X Business Façade Grants

Amount Requested: $100,000

Total Requested: $150,000

2. **Multi-Jurisdictional Declaration**

a. Is this a multi-jurisdictional project? __ Yes _x_ No

b. If yes, which local government has been designated as the lead applicant?

_____

c. If yes, list all participating or benefiting local governments. _____

_____

NOTE: Remember all participating or benefiting local governments must sign the Cover Sheet Certification Form.

Public Hearing Notice to Comply with Title VI Requirements

1. **Impact (40 points)** describes the community problems or needs the applicant wishes to address with MEA assistance. The following rating criteria will be used:

State the problem and explain how it negatively impacts the local economy. – 30 points

The businesses needing assistance are located in three separate areas of town. Four of the buildings have evidence of spot blight and in one case has been a persistent vacancy but has a lot of potential if enhanced. All 4 are located in the Downtown area, although one is adjacent to the new/old train station. Of the two companies one wants to move their company from Missouri to Maine and will create at least three low and moderate income jobs and another requires equipment purchase; he is an eligible low income business owner whose business needs a significant upgrade to remain in competition. As in the past, each project cannot move forward and will result in dilapidated conditions, a continued vacancy or entrepreneur dreams not coming to fruition. Removal of spot blight and a filled vacancy demonstrates a return on investment of the Town's second and third infrastructure enhancements conducted in 2014 and 2015. Spot blight conditions fragment the pedestrian experience and leave a visitor with a negative impression. Gaps in aesthetics as well as the presence of a continuous vacancy particularly in an area where façade enhancements have taken place, discourages visitors from parking their cars and walking this part of Main Street. Continued visioning meetings have shown the importance of protecting "eye candy" properties which include most of these projects (the Joyal project, for example, is opposite our new train station and loading ramp to be constructed in 2017). Business/job creation means more employees will frequent local shops and eateries that rely on foot-traffic year round. The additional employees will be especially helpful during the shoulder season from October –April when there are fewer visitors and when our "shop local" concept is needed more than ever for existing businesses to survive until the next season. Without enhancements, the community misses out on having viable much needed retail and eating places from opening and staying open in Downtown. Currently, what would be ideal retail/eating spaces on Main Street are being occupied by financial and professional offices. The Town seeks to assist businesses that offer retail and eating opportunities in order to encourage a more diverse economy and a true one-stop shopping opportunity for the community. Without this, the community will seek out the malls in Biddeford and/or S. Portland to do their shopping (as recent surveys suggest they do because of lack of local choice) where they can get all their needs met at one location. Kennebunk is on an upswing but still needs financial support to provide the similar one stop experience as that of the malls. Not supporting these businesses also impacts the local economy by losing tax revenue The Town misses out on import dollars and the possibility of newcomers visiting again or encouraging their family/friends to visit Kennebunk. Enhancements also offer a chance to capture traffic off Route 1 and Route 9 which can swell from 15,000 to 30,000 cars a day.

Explain why MEA funds are necessary for the project; describe efforts to secure other grant or loan funds, and tell why they are not are available locally to assist – 10 points

The Town cannot assist in business development because TIF revenue is only used for infrastructure (except in the downtown zone). Revolving loan funds are limited. Applicants have significant fund gaps that must be closed if they are to move forward. While recovery from the recession continues, financing has been increasingly restrictive. Other sources such as ME Efficiency or SBDA are minimal and cannot help applicants who have good business plans but lack the necessary equity to move forward (much of that equity lost in this recent recession). Applicants have some savings and/or loans but need the grant funds to close the gap.

2. **Development Strategy (40 points)** presents solutions to the problems identified in the Impact section. The following rating criteria will be used:

Provide Identification and description of potential business grant/loan applicants and their needs – 15 points

- **We Care Drycleaners:** The owners, Ed and Chong-Ye Arnold have wanted to enhance this building for five years now. The front portion houses their dry-cleaning business and is aesthetically pleasing however the side and rear portion is completely opposite. Its cinderblock façade, cracked windows, chipped paint, gathered debris and overall spot blight conditions do not entice anyone to rent/lease this space in Downtown and retail spaces are desperately needed in this part of Main Street. An enhanced façade will lead to someone renting/leasing the space and creating another viable business in Downtown, Several possible retail tenants are in discussion.
- **Tom Joyal at Old House Parts:** This is a rehab of the freight House structure in the downtown (spot blight). Request is $25,000 for façade improvements. As pictures suggest, this is presently a very poor image for both Kennebunk and the Downeaster to portray to those disembarking from the train. Fortunately, Mr. Joyal is also a renovator of historic structures, so the improvements to the front and side façade will be very attractive.
- **Garden Street Market:** Conversion of a vacant (spot blight) building to a bowling alley/entertainment center, including a restaurant, 10 alleys, stage, and other amenities, there will be Low mod job creation. The $25,000 CDBG request will be combined with bank financing, likely with a FAME or SBA 504 guarantees, a $100,000 equity infusion by the three owners, investment by the leaseholders (Hannaford) and ultimately purchase of the building by the present owner for a total project cost of roughly $2.3 million. The facility will become an important 4 season destination serving the local population and tourists visiting during the peak season.
- **Douglas Chancellor Meyers & Associates:** Relocation from St. Louis to here. $25,000 for capital equipment and the creation of 3-4 low/moderate income jobs. This is a company now owned by the Douglass's, a husband and wife team (previous owners were bought out). The wife is originally from the northeast, so to move back, they are relocating their existing company from Missouri to Maine. This is a high end, internet based collection agency with a specialty in broadband based searches. They would leave a portion of the company in Missouri, but bring the headquarters here; they are presently looking at a vacant downtown, second story office space. At the outset, they will add 3-4 low to moderate income employees.
- **Fitness Nuthouse:** Downsizing of business and purchase of new capital equipment to upgrade Physical training facility will permit this business to remain open. The owner is low/Mod income, with one new employee possible. The $25,000 investment, plus a private equity investment is intended to upgrade existing equipment and help them remain in their present location. No ongoing capital support is being requested.
- **Home Instead:** This will involve façade improvements to downtown business including siding, windows, and some structural improvements for ADA accessibility (spot blight). We are proposing $25,000 grant with at least a $25,000 in additional funds to come from the owner. While the focus is on windows and rear siding issues, we intend to make some ADA improvements to the side and rear of the building. This is critical, in that the primary service provided by the company is to seniors and their families. While there are no on-going visits to the building, there is often an initial meeting designed to develop a program for the family that is held at the building; access now is very difficult. Home Instead is one of several such assistance businesses in Kennebunk, one of the fastest growing sectors in the this and a major community development focus for Kennebunk.

Provide a project timeline; list activities or actions completed to date. – 10 points

- **March 8, 2015:** Public Hearing
- **March 29, 2015:** Grant application submission deadline
- **February 2015:** LMI business owners confirmed by CDBG Staff
- Spot Blight designations completed
- State Historic Preservation Office clearance
- **April 2015:** Grant announcement (hopefully in our favor)
- **May 2015/ June 2015:** Phase 2 (ERR, Ads etc…)
- **June 2015:** Go out to bid (when applicable)
- **June 2015:** Contracts established with applicants
- **Summer/ Fall 2015:** Projects commence
- **Winter 2015:** All projects completed

(You must submit an attachment documenting cost estimates and projected program timeline.)

3. Citizen Participation (20 points) describes how citizens, businesses, community groups and project beneficiaries participated in identifying the problems and solutions included in this application. **(to be completed after public hearing)**

Effective use of any media (newspapers, radio, TV, etc.). – 5 points

This grant application was discussed on public access channel and stories were published in the Kennebunk Post and the York County Coast Star. The concepts for the project were presented at public meetings before the EDC and the Board of Selectmen. The Town's EDC promotional brochures also mention CDBG. Presentations to Selectmen were conducted various times and all were publicized on the Town's public access channel. CDBG was prominent in all our posters at past MEREDA conferences catering to realtors, appraisers, other communities and investors.

Relevance of listed meeting/hearing activities/comments (not counting required public hearing) in application and project development. – 5 points

Businesses have seen the improvements made possible by CDBG grants so they asked the town to submit an application on their behalf. The community still has an additional three businesses in the queue, should any of these businesses falter. In other cases, community members came in and suggested buildings to consider and Staff contacted those directly. Staff met with Town Manager, EDC, Downtown Committee and Economic Development Director to verify which program would make the most impact. Staff took drives to see which areas could benefit from potential funding. After much discussion, a list was developed and all possible grants were reviewed, this program being the most appropriate for everyone's needs.

Involvement of downtown and local businesses, Chambers of Commerce, development groups or other business related organizations in development of the application and project. – 5 points

Staff created a list of grants available from State and Federal sources including amounts, eligible activities and deadlines. The Town's Economic Development Director shared the list with the Economic Development Committee while the Community Development Director shared the list with Town Manager followed by the Downtown Committee. During drives and walks, areas were identified. This was followed by site visits by either the Economic Development Director or the Community Dev. Director. Both were then able to determine who would qualify for this grant, work proposed, costs, and timelines. Once the list was confirmed, development of the application and projects commenced. This type of assistance is also identified on the Town's web site and through informational pieces developed by staff.

How other local resources (cash and in-kind) are directly related to the project. – 5 points

The Town just spent under $1 million in Phase 2 of the Downtown revitalization which replaced bituminous sidewalk with granite curbing, brick paver, landscaped areas, improved lighting and streetscapes like furniture and trash receptacles. It is now working on phase 3 of the downtown (upped square), route 1 north (landscape and sidewalk improvements) and Route 1 south (buy local program, drainage studies prior to infrastructure rehab; sewer and water now in place through two previous CDBG grants). Most businesses in this application are in this area and will take advantage of previous and future local investments by the community. A significant outcome of these joint, concerted investments is a continued decline in vacancies since 2011—demonstrating ongoing investment in private resources by local business, new and old alike.

Business Friendly Community Designation Bonus – 3 bonus points will be assigned to each applicant community designated as a Business Friendly Community.

We were certified back in 2012.

4

PUBLIC HEARING (i)

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

APPLICATION PACKAGE REQUIREMENTS:

- ☐ Economic Development Program Application with original signatures
- ☐ Problem Statement, Proposed Solution and Citizen Participation descriptions (maximum of six (6) 8 ½ x 11 consecutively numbered sheets of paper)
- ☐ Community Benefit Worksheet **(if applicable)**
- ☐ Retail Business conditions with original signatures **(if applicable)**
- ☐ Job Creation Assurances and Baseline Employment Summary with original signatures
- ☐ Job descriptions for all jobs to be created
- ☐ Matching Funds Table
- ☐ Budget Summary
- ☐ Consumer Credit Authorization
- ☐ Financial Summary Statement **(if applicable)**
- ☐ Documentation of public hearing notice, minutes (which must include narrative of hearing including person's asking and answering questions, responses to questions, etc.) and attendance list
- ☐ Documentation of Local Legislative Body Approval

FINANCIAL DOCUMENTATION REQUIREMENTS:

- ☐ Business' Federal tax return for the years **2015, 2014 and 2013** and/or complete accountant prepared financial statements (income statement and balance sheet and notes)
- ☐ Interim financial statements (if the most recent financial information is older than 90 days)
- ☐ Personal Financial Statement and Federal Income Tax Returns for the years **2015, 2014 and 2013** of all owners and guarantors with 20% or more ownership. If an owner or guarantor does not file federal income tax returns, please state such and why, and provide audited or accountant-prepared income statements and balance sheets for the last three years, and if the information is older than 90 days, include current internal income statement(s) and balance sheet(s) for the years(s) for which audited or accountant-prepared statement(s)/balance sheet (s) are not available. In any event, a current balance sheet and YTD income statement must be supplied.
- ☐ Company business plan and/or financial documents which must include pro forma balance sheets, income statements and monthly cash flow statements with supporting assumptions for at least the period required for job creation. Identify the person preparing them, their expertise and experience in the particular business area involved, and state the assumptions on which income projections are based.
- ☐ Signed commitment letters from all financing sources indicated as providing match funding for the project. Letters of Commitment must include the amount of funds committed to the project, the use of those funds and the terms and conditions under which the funds are being committed. Business/owner/partner committing personal matching funds must provide documentation (i.e., bank statement) showing that cash exists and is accessible at time of application.
- ☐ Amount of capital to be invested including name of each investor; amount of investment and written documentation or confirmation of commitment for each investor
- ☐ Opening day balance sheet showing all capital and debt
- ☐ Documentation of expertise or expertise of all involved parties
- ☐ Evidence of potential sources of revenue adequate to allow evaluation from the standpoint of likelihood and magnitude, and copies of any contract(s) anticipated to generate revenue

An original and one set of application and required financial documentation must be provided as well as three copies of the application package only. If the application and financial documentation package does not contain all of the required documentation it will be deemed an incomplete application and will not be scored. Do not include any material not specifically requested in the above checklist. If supplemental information is needed it will be requested by the Office of Community Development.

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
COVER SHEET AND CERTIFICATIONS
Economic Development Program

Please note that all information requested in this application must be included for the application to be considered complete. Please refer to Page 8 for the Economic Development Program Application Package Requirements. The Office of Community Development (OCD) will only process complete applications. All materials submitted to OCD in connection with your EDP application shall become the property of OCD, unless otherwise requested and shall be retained or destroyed in accordance with OCD's file retention policy.

I. APPLICANT MUNICIPALITY INFORMATION

Municipality: Town of Kennebunk
County: York

Mailing Address: 1 Summer Street
State: Me.
Zip Code+4: 04043

Manager/Contact Person: Mathew Eddy E-Mail: Meddy@kennebunkmaine.us

Phone: 604-1366
Fax:985-4609

Applicant Municipality DUNS (Dunn & Bradstreet) #:097729446
(visit http://fedgov.dnb.com/webform if business needs to obtain a number)

II. APPLICANT BUSINESS INFORMATION

Legal Name of Business: Kennebunk Gymnastic and Sport, Inc.

Legal Address of Business where jobs will be created and/or retained: One Gerardi (TEMP); new is 117 York Street

Town/City: Kennebunk
State: Me
Zip Code: 04043
County: York

Manager/Contact Person: Carol Dickinson

Phone: 985-6621
Fax:985-6099

Email: cdgymnation@gwi.net
Website: http://www.gymnationsport.com/

Please check if you x Own ☐ Lease ☐ Rent note: rented recently but are being evicted because of demolition of the building; this app. Concerns the new property

Square Feet: 26,000s.f. Monthly Payment: Replaced by New Facility X Yes ☐ No

Federal Employer Identification Number: 20-0904857 _ (of applicant business)

Applicant Business DUNS (Dunn & Bradstreet) #:
(visit http://fedgov.dnb.com/webform if business needs to obtain a number)

Is the Applicant Business currently in bankruptcy proceedings? ☐ Yes x No
Has the Applicant Business or any owner of more than 20% of the Applicant Business been in bankruptcy proceedings in the last ten years? ☐ Yes x No
If the answer to either of the above is "Yes," please give particulars, including the court location and docket # of the proceedings.

Type of Entity: ☐ C Corp X S Corp ☐ Sole Proprietorship ☐ Partnership
☐ Limited Liability Company (list "type"): ☐ Other (list):

State of Organization:

III. BUSINESS OWNERSHIP (attach additional sheets as necessary)

Name and Title: Carol Dickenson

% of Ownership:50%

Legal Address:46 Wildes District Road Kennebunkport, Maine

Annual Compensation: $20,256

Name and Title: Brenda Plante

% of Ownership:50%

Legal Address: 49 Vista Drive Dayton, Maine

Annual Compensation: $20,256

IV. PROPOSED SOURCES AND USES OF FINANCING

Sources:	**Amount:**	**Uses:**	**Amount:**
Bank	$1,100,000		
Owner Cash Contribution	$150,000		$
CDBG	$120,000		$
Other Saco Biddeford Dev. corp.	$100,000		$
Total Project Cost	**$ 1,470,000**	**Total Project Cost**	**$**

V. PROPOSED COLLATERAL

Available to secure job creation or job retention connected with the grant of CDBG funds in the event DECD elects to secure such requirement/repayment with assets of the Applicant business for a term of up to five years; to secure CDBG Economic Development Program Funds

Type/ Description	Existing Lienholder	Outstanding Balance	Available Collateral
Property		0	$150,000

VI. SUMMARY OF BUSINESS EMPLOYMENT AND BENEFITS

Current Employment: Full-Time # _____ Part-Time# _____

Projected Employment Increases Over Next 12 Months:
Full-Time # __3_____ Part-Time #_____

Minimum Starting Hourly Wage: Full-Time $ _____ Part-Time $ _____

In determining CDBG National Objective compliance with job creation/retention only **Permanent** jobs may be counted; temporary jobs may not. Full time jobs require a worker to work at least 1750 hours per year. Part time jobs require a worker to work at least 875 hours but less than 1750 hours per year. Part-time jobs **must** be converted to Full Time Equivalents (FTE). A FTE is defined as two part time jobs. **Seasonal** jobs may count only if the seasonal job lasts long enough and provides sufficient income to be considered the employee's principal occupation. (Contact OCD prior to counting seasonal jobs towards LMI benefit.) **All** permanent jobs created by the project must be counted, regardless of funding source(s). Jobs indirectly created by the project (i.e., remote location, "trickle down" jobs) do not count.

Number of positions to be created as part of this development project by job classification identifiers:

1. Managerial/Officer ___ 2. Professional _3__ 3. Technical ____ 4. Sales ____
5. Clerical/Office ___ 6. Craftworker ___ 7. Operatives ____ 8. Laborer ____
9. Service Worker ___

Occupation/ Job Title	Hire Date	# of Jobs	Annual Earnings	Total Payroll

F/T Workers Benefits (check if applicable)

Paid Holidays X Paid Sick Days ☐ Retirement/Profit Sharing ☐ Life Insurance ☐

Paid Vacation X Health Insurance ☐ Dental Insurance ☐ Child Care ☐

Health Insurance for Employees: % of Employee Benefits ___%

VII. SUMMARY OF BUSINESS EMPLOYMENT AND BENEFITS (continued)

Type of Investment	Description	Cost
Employee Training		$
Other:		$
Other:		$

VIII. DISCLOSURE

Check the public purpose (all that apply) that will be met through CDBG support of this development project:

X Job Creation	☐ Capital Investment
☐ Job Retention	☐ Training Investment
☐ Tax Base Improvement	☐ Other (list):

Check whether applicant is current on all taxes owed the State of Maine: ☐ Yes ☐ No
If no, please explain and itemize any and all deficiencies.

IX. CERTIFICATION BY AUTHORIZED OFFICIAL OF MUNICIPALITY AND BUSINESS

1. **State Certifications**

a. To the best of my knowledge and belief, the information in this Application is true and correct:

b. the governing body of the applicant has duly endorsed the document;

c. the proposed project has been reviewed and it complies with the Community's comprehensive plan and/or applicable state and local land use requirements;

d. will work with the Office of Community Development to develop a detailed project if it receives a conditional award; and

e. will comply with all applicable State laws and regulations.

2. **Federal Certifications**

a. will take actions to affirmatively further fair housing and implement CDBG activities in compliance with Title VI of the Civil Rights Act of l964 and Title VIII of the Civil Rights Act of 1968;

b. will not attempt to recover capital costs for the construction of public improvements, assisted in whole or in part with CDBG funds, by charging special assessments or fees against properties owned and occupied by persons of low and moderate income, including any fee, charge or assessment made as a condition of obtaining access to such public improvements, unless:

(i) CDBG funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than CDBG funds; or

(ii) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, and the applicant certifies that it lacks sufficient CDBG funds to comply with the requirements of clause (i) above.

c. prior to expenditure of CDBG funds, it will establish a local community development plan that identifies the Community's housing and community development needs, including the needs of low and moderate income, and the activities to be undertaken to meet them;

d. will provide in a timely manner for citizen participation, public hearings, and access to information with respect to the Maine CDBG Program and the proposed local CDBG project/program. Indicate in public notices and at public hearings that the State program is competitive, the maximum grant amount that can be requested, and the general type of activities contained in the proposed local program. Also announce in public notices the availability of the local program plan/application, describe the Community's previous CDBG performance (if any), and how the Community will collect, consider and maintain all oral and written comments received on the proposal;

e. will adopt and follow a residential anti-displacement and relocation assistance plan which complies with Section 104 (d) of the Housing and Community Development Act of 1974, as amended, that at a minimum provides for the replacement of all low/moderate income dwelling units that are demolished or converted to a non-LMI housing use as a direct result of CDBG assistance, and a relocation assistance component;

f. is not listed on U. S. Department of Labor's Debarred and Suspended Contractor's List and will not employ contractors or subcontractors on this list;

g. will comply with the requirements of Section 319 of Public Law 101-121 regarding government-wide restrictions on lobbying; and

h. with the exception of administrative or personnel costs, it will verify that no person who is an employee, agent, consultant, officer, or elected official or appointed official of state or local government or of any designated public agencies, or subrecipients which are receiving CDBG funding may obtain a financial interest or benefit, have an interest in or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect to CDBG activities, per 24 CFR Part 570.611.

i. Jobs created/retained must be in the community applying for the EDP award, new jobs to that community and not associated with any other branches of the assisted business located in another community.

j. Transfer positions cannot be counted toward the job creation/retention requirements.

k. All projects must document that at a minimum, 51% of all jobs created or retained as a result of the funded activity must be taken/held by persons of low and moderate income as defined by HUD.

l. The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applications on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract); and because all or parts of the applicant's income is derived from any public assistance program; or because the applicant has, in good faith, exercised any rights under the Consumer Credit Protect Act. The federal agency that administers compliance with this law concerning this creditor is the Federal Trade Commission. If a person believes that he or she was denied assistance in violation of this law, they should contact the Federal Trade Commission, Washington DC 20580.

m. I/We understand that by signing this application I/We authorize the Maine Office of Community Development (OCD) to make inquiries as needed to verify the accuracy of the information and to determine

creditworthiness. I/We certify the information is true and accurate and is provided for the purpose of obtaining a grant and/or loan. OCD will maintain the confidentiality of this information and it will not be released without authorization.

3. CDBG Program Certifications.

The Municipality certifies that (1) it is capable of investigating the Applicant Business and the proposed Development Project to determine that the job creation and/or job retention requirements can be met, (2) it has investigated the Applicant Business and the proposed Development Project and determined that the job creation and/or job retention requirements can be met, (3) the EDP assistance to the Applicant Business is for a Development Project that is necessary and appropriate, (4) the EDP assistance to be provided is commensurate with the community benefits that will accrue from the Development Project, and (5) the Municipality will comply with the documentation requirements for jobs created and/or jobs retained and are cognizant of the requirements that should the intended Job Creation/Retention National Objective of the CDBG program; (6) understand that DECD may elect to secure such requirement/repayment with assets of the Applicant Business for a term of up to five years should this project be approved for funding; and (7) it and the applicant fully understand that DECD may deduct from the amount of any Grant the cost of legal fees associated with the review, underwriting and securing of collateral should this project be approved for funding.

4. Liabilities:

The borrower has no liabilities except as contemplated by this grant and/or loan agreement and fully disclosed in the borrower's financial records as presented to the Government (in your case, DECD). Such financial records are true and correct. No data was withheld and no material adverse change in the borrower's financial position has occurred which would adversely effect such statements. The borrower's assets are not less than its liabilities as determined in accordance with generally accepted accounting principles and the borrower is solvent.

5. Litigation and Taxes:

There are no actions, suits or proceedings pending or, to the knowledge of the borrower, threatened against or affecting the borrower at law or in equity before any court or administrative officer or agency which might result in any material adverse change in the business or financial condition of the borrower. The borrower is not in default (a) in the payment of any taxes levied or assessed against it or any of its assets or (b) under an applicable statute, rule, order, decree, writ, injunction or regulation of any governmental body (including any court).

Signature of Municipal Official:	Name: Barry Tibbetts
Date:	Title: Town Manager
Signature of Business Representative:	Name: Carol Dickenson
Date:	Title:Owner/Director

COMMUNITY BENEFIT WORKSHEET

Local Fiscal Improvement:

What percent of value to the total value is the municipal assessment? __.012%

1. Assessed value of land prior to improvements	$235,100
2. Assessed value of buildings prior to improvements	$0
3. Total assessed value (1+2)	$235,100
4. Estimated total assessed value following improvements	$1,335,100
5. Estimated tax based on #4	$ 20,694
6. Current tax	$ 3643
7. Anticipated net tax increase (#5 - #6)	$17,052

The above figures were obtained through (check all that are applicable)

X Town Records
X Assessments
☐ Appraisals
X Construction estimates

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

GRANTEE/BUSINESS ASSURANCES - JOB CREATION

The Business (as identified below), having applied for funding from the Municipality (as identified below) through the Maine Community Development Block Grant (CDBG) Program agrees to create a minimum of 4 new jobs above the employment baseline within a 12 month period from time of CDBG EDP application the deadline date for which will be stated in the CDBG contract between the Municipality and the State of Maine. The Business also agrees that at least 51% of the new full-time and full-time equivalent jobs must be taken by qualified low-to-moderate income (LMI) persons in compliance with the Maine CDBG program rules, regulations and policies. The Business will verify the job creation achievements and assist the Municipality in compiling the appropriate documentation as required by the Maine CDBG Program.

In determining CDBG National Objective compliance with job creation only **Permanent** jobs may be counted; temporary jobs may not. Full-time jobs require a worker to work at least 1750 hours per year. Part-time jobs require a worker to work at least 875 hours but less than 1750 hours per year. Part-time jobs **must** be converted to Full-Time Equivalents (FTE). An FTE is defined as two part time jobs. **Seasonal** jobs may count only if the seasonal job lasts long enough and provides sufficient income to be considered the employee's principal occupation. (Contact OCD prior to counting seasonal jobs towards LMI benefit.) **All** permanent jobs created by the project must be counted, regardless of funding source(s). Jobs indirectly created by the project (i.e., remote location, "trickle down" jobs) do not count.

It is understood by the Business and the Municipality that, in the event the job creation goals are not met within the prescribed time frame and according to the regulations of the State of Maine Community Development Block Grant Program, the State of Maine will exercise its right and seek repayment from the Municipality in accordance with the contract provisions and the Municipality may exercise its rights and seek repayment in accordance with the default provisions contained in any agreement it may have with the Business.

Having read and fully understanding the requirements set forth in this agreement, the undersigned agree to the job creation requirements contained herein, and to comply with all regulations of the U.S. Department of Housing and Urban Development and the State of Maine governing this program including submission of quarterly status reports regarding job creation benefit.

Signature of Municipal Official:	Name: Barry Tibbetts
Date:	Title: Town Manager
Signature of Business Representative:	Name: Carol Dickenson
Date:	Title: Owner/Director

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

JOB CREATION BASELINE EMPLOYMENT SUMMARY

Name of Business to be Assisted:	Kennebunk gymnastics and sports

Job Title*	Job Class*	Full Time (Place X)	Part Time (Place X)	# Currently Employed	# to be Created	Base Wage ($)	Fringe Benefits ($/ value)
Instructors	2	x		18	4	tbd	tbd

*** Attach a job description for each job title for which a position will be created and use the attached job category definition numbers outlined in Appendix A of this application to indicate job class.**

Signature of Human Resources Officer

Date

Printed Name and Title

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

Matching Funds Table
(Include Fully Secured Cash Commitments Only)

Funding Source	Grant/Loan	Amount	Terms of borrowing or bond sale
Norway Savings	loan	1,100,000	tbd
Saco Biddeford Dev.	loan	100,000 (tbd)	tbd
CDBG	grant	120,000	
Owner Cash		150,000	Secured land
	TOTAL:	**$1,470,000**	

Letters of Commitment for all Matching Funds listed must be attached to this table.

Submit a copy of this Matching Funds Table and all letters of commitment with the original and all four copies of the application.

INSTRUCTIONS FOR COMMITMENT LETTERS

Economic Development Program applicants must provide sufficient evidence that all other financial commitments are in place for this project. To meet this requirement, letters of commitment must be submitted with the application and must include the following elements as appropriate to the type of project being considered:

1. The individual signing the commitment letter must identify their authority to commit the resources necessary to this proposal and provide documentation of same.

2. Indication that the loan has been approved by the individuals or committees, corporate board etc., empowered to lend the stated commitment and provide documentation of same.

3. Indication that the institution/entity will lend the funds subject to any conditions such as:
   - Loan amount
   - Term of loan
   - Loan interest rate
   - Guarantee and insurance requirements
   - Collateral or security for loan
   - Use of loan funds
   - Expiration date of commitment
   - Reasons why additional funds will not be provided
   - Business/owner/partner committing personal matching funds must provide documentation (i.e., bank statement) showing that cash exists and is accessible at time of application

Commitments from public financing sources must approximate as closely as possible the content of a commitment letter from a private financial source. If the public source requires a formal acceptance of the loan or grant conditions, an executed acceptance notice must be included with the commitment letter.

Repayment Proposal
Describe the method used to determine repayment terms. Provide a summary of the process followed to calculate justification for Economic Development Program financing, including but not limited to loan rate and term by referring to financial information included in the Program application.

Equity
For applicants who have committed equity in the project explain the nature of the equity injection, particularly the conditions for its use and repayment. Include as a commitment letter as described for commitments.

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

Budget Summary (Include All Sources)

Cost Category	Column 1 CDBG	Column 2 Local	Column 3 State	Column 4 Utility	Column 5 Federal	Column 6 Other	Column 7 Total
Acquisition (if allowable)						$150,000	$150,000
Clearance/Demolition							
Site Improvements	$200,000						$200,000
New Building Construction	$1,000,000						$1,000,000
Building Renovations							
Water/Sewer Improvements/Drainage							
Lighting							
Roads & Streets							
Parking							
Utility Lines/Fiber Optics							
Rail Lines & Spurs							
Equipment	$20,000						$120,000
Inventory							
Fixtures							
Working Capital							
Professional Fees							
Legal Expenses							
Inspection							
Architectural/Engineering							
Other (List)							
1.							
TOTAL COSTS	$1,320,000						$1,470,000

Directions for Completing Budget Summary

For each applicable cost in the Cost Category column, list the projected dollar amount for all applicable funding sources in columns 1-6.
List the total dollar amount for each cost category in column 7, Total
Enter the sum of all Totals in column 7 in the TOTAL COSTS box directly under column 7.
Submit a copy of this Summary with the original and *the four copies* of the application.

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Application

CONSUMER CREDIT AUTHORIZATION

You have submitted a request to the Department of Economic and Community Development (DECD) to provide financing through the Office of Community Development administered Community Development Block Grant Program.

The DECD designee's procedure for reviewing this kind of request include the purchase and review of credit reports, which include information on both the Business, and primary principals of businesses. A primary principal is any person having an ownership interest in the company of twenty percent (20%) or more. Prior to ordering these reports the DECD must have written permission from each primary principal. Please sign below acknowledging notification of the DECD's intent to order consumer credit information in the Business and/or your name and providing your permission to do so.

The DECD will not proceed with review of the financing request without these reports. Therefore, this form must be signed by all applicable individuals and included with your application.

Thank you in advance for your cooperation.

The undersigned acknowledges the above and gives permission to DECD and/or its designee to acquire any consumer credit information or reports it requires in connection with the above referenced application for financing assistance.

Signature:	Printed Name:
Title:	Date:
Ownership Percentage:	Social Security Number:

FINANCIAL SUMMARY STATEMENT
(not required for municipally owned projects)

Provide the following information on the current obligation of the Business to be assisted for the following:

Current Debt	Debt Holder	Rate/Term	Payment	Collateral
Awaiting summary				

Proposed new obligations of the Business after EDP assistance:

Proposed Debt	Debt Holder	Rate/Term	Payment	Collateral

APPENDIX A

Responses to Questions

Problem Statement Maximum of 40 points:

Scope In early, 2014, after successfully implementing a previous, smaller CDBG grant, Gymnation and a co-tenant, Cross-fit, were informed that they would need to vacate the building by the end of summer,2016 (after a series of interventions by the community and following negotiations). The owner, the Kennebunk Sewer District, a separate community entity operating under a different charter, will need to demolish the structure to make way for an EPA/DEP required sewer treatment plan update and expansion (costing the district roughly $20 million). The Gymnation space will be needed for new buildings housing offices and maintenance facilities, as those existing spaces will be used for the treatment facility.

Since that news, the Town has worked with the Crossfit and Gymnation to find a new location within the community. There future plans, before this announcement, included the development of a new facility capable of hosting regional and national competitions, in both Crossfit and Gymnastics. Gymnation has both boys and girls successfully competing in the national Junior Olympics Movement. Crossfit has a similar potential. The community was highly concerned with two basic issues: the loss of the two entities would result in a loss of over 20 jobs, two very successful businesses, and an important institution of learning and athletic movement critical to the health of the community. Secondly, the growth of the two entities was extremely promising in attracting visitors to the communities in a sanctioned competitive venue that would help soften the impact of the tourist shoulder seasons. In essence, both the loss of jobs and a loss in job growth potential.

These losses seem critical to the community's Strategic Economic and Development Action Plan (SEDAP): "Ensure and market recreation activities available in the region... as part of a creative economic attraction...and... Build on the success of community events and places designed to serve our citizens as an attraction to visitors and those interested in locating here in Kennebunk.

Impact (10 points). In the spring of last year, a CDBG based survey was conducted of the employee base at Gymnation to assess whether this was a job retention program. While we failed to meet the 50% requirement, we did find that just under 50% of the employees at Gymnation are low and moderate income households and would be directly impacted should the operation close. Beyond this direct impact, Gymnation provides an important niche in a growing health care related industry. They are the only business that combines a full range of day care support and evening gymnastics training. The daytime activities provide an education foundation for pre K and post school programs, while built around a variety of physical development activities. In combination with Crossfit, also unique in its training approach, Gymnation reaches out to a vast array of locals to provide this array of services—without them, we would have a hole in a day care and physical training system.

Beyond that, the building that Gymnation is in presently is assessed at $1,029,900 and pays approximately $15,963.45 in taxes annually. With its conversion to a non-taxable sewer district use, that revenue is lost. Gymnation would make this up with a subsequent increase in revenue through the development of its new location on Route 1 of approximately $17,000.

Need (15 points) the community, to this point, has tapped its resources to handle a project of this magnitude. It certainly grew well beyond qualifying for the microenterprise fund and exceeded the availability of TIF funds to complete this project (this is the Route 1 TIF, which has three projects before this one that have not been able to be funded yet, based on existing revenue flow). The community has invested over $450,000 for Sewer line extensions ($300,000 in CDBG funds) and $450,000 for water line extensions ($300,000 in CDBG funds and over $1.5 million in associated community infrastructure improvements) to serve properties in the location area, thus permitting this project to move forward. The community has been working with the business to close the gap in financing to make this project happen. As the Proforma suggests, with primary and secondary financing, as well as equity associated with the purchase of the property, there remains a roughly $150,000 gap. This is after roughly 100% plan development and a number of tweaks, based on cost, made during the planning board process.

Kennebunk has proven its ability to use a mixture of resources wisely to increase job development in the community. Along this area of Route 1 South, Northeast coating doubled its size (as a result of changes in infrastructure) adding roughly 30 jobs and is planning on a second expansion. Pillsbury Garrett was purchased by a new owner, and has added roughly 10 new jobs and an oil and propane delivery company. Hancock Lumber, in the same area, is completing a $ expansion (facilitated by town improvements) and adding up to 10 new employees. The core community economic development and TIF program, including CDBG, MDOT and TIF investments has invested over $9 million dollars in funds in the past few years, have counted almost 700 new jobs over a longer period of investment, returning generally 1 job per $11,000 of investment and $8,000 in new value for every $1 of new TIF dollars; much of this new value is slated for new investment in various infrastructure projects. (A list of companies can be provided upon request; see SEDAP, Measuring our Success: Benchmarks on the Town Web site).

Solution

Project Description. EDP funds of $120,000 will be used to construct a new location and permanent home for Gymnation. The project will be constructed on York Street (Route 1 south) just north of the Wells border, on an undeveloped site that will be served by sewer, water and electrical utilities. It is roughly 1 mile from the downtown and associated services (hotels, restaurants, nearby schools). The construction includes a 255'*102" wide gymnastics and fitness area. Specialized construction will include specially designed pits for gymnastics, high ceilings, superior superstructure in the roof to support equipment, various classrooms and gymnastics equipment (most of it an upgrade over existing, although the previous special needs and youth equipment funded with CDBG will be moved to the site), as well as other support features (offices, showers, locker rooms, etc.).

EDP funds, in this case will be focused on the purchase of new equipment to outfit the new facilities. The new arrangements, with specially constructed pits and performing surfaces, will require the replacement of most of the old equipment. (list of equipment to be provided once final).

Clearly, the new building solves the most basic of issues, a need for a new permanent home. However, the new facility, with an opportunity to design the center correctly, will be a place for regional competition and will meet the extensive requirements of the Junior Olympics (https://usagym.org/docs/Women/Rules/Rules%20and%20Policies/09-10RulesPolicies_77-

82.pdf). This will not only permit superb training conditions for local athletes (for example, the present bar exercises lack maximum height clearances while the runways are less than adequate), but will allow the owners to enter the facility into competitions on a local, regional and national level, further expanding the sources of revenue to pay for the facility and its operations.

There is an anticipation of 4 new jobs to be created. Based on a survey of existing employees and the fact that these instructors are likely to be trained and entry level, it is anticipated that all may meet the low and moderate income requirements of the CDBG program.

EDP funds are part of an overall financing project estimated at this time to be $1,470,000. $120,000 of EDP funds will be focused on the purchase and installation of specialized equipment. This is both it will be easier to account for the equipment as part of the CDBG process and because it will necessarily follow the construction of the building. From a timing perspective related to the CDBG environmental review process, this will help us meet the opening requirement that is now slated for fall, 2016.

Effect on Assisted Business the new project achieves two critical needs. First, it provides a new home for Gymnation, which will be evicted this year at some point. There are no structures in the area than can come close to meeting the specialized needs of the facility. There are some lesser sites in the region; however, major renovation costs would be required to establish a permanent location for the facility. In addition, the owners see Kennebunk as the core of their market (south coastal Maine); leaving this location will likely drive business down by reducing potential consumers.

Because there are no existing structures, a build to suit option is essential. The specific requirements, both from a technical and safety perspective, are difficult to meet in a conventional industrial or mill building. Distance, height, pit depths, the centralized nature of the event itself, work best when the facility is built new to existing standards.

The combination of these two that will be met with a new facility which will permanently retain 18 positions, the positions at Crossfit (with over 300 members, Crossfit hires contractors for trainers, which are not counted here for CDBG purposes), and at least 4 new positions in the 12 month period. Further growth is anticipated, especially related to the event potential that the new facility will have.

Give me a paragraph--

> Describe the market including identification of competitors, price structure, resource availability, operating/manufacturing costs, transportation costs, demand, and other factors influencing the marketability of the product or service proposed.
> Identify all project risks and the extent of those risks.

Project Timeline and Feasibility (15 points)

By necessity, the project is anticipated to be completed within a 6 month window from the time the grant is approved. Some flexibility for extending their stay for a few months may be possible, but also at significant cost to the tenants. And, an extension is not guaranteed. The project is presently moving through the local review process. State Fire marshals' Office

approval will also be required and is proceeding. Approvals are anticipated for the beginning of April with a contractor already having been identified (_____)

Construction of the building is expected to begin sometime in May or June. Utilities will be connected to the building in July. Final rough out of the building is to be completed in august; at the same time equipment will be ordered and installed in august and September. A rough opening is anticipated for September or the first of October.

Citizen Participation Maximum of 20 points: to be completed after hearing

Public Hearing Process (10 points)

Describe how citizen participation contributed to the actual development of this application, including how the required public hearing contributed to the process. **(Submit a public hearing record consisting of the published public hearing notice, hearing minutes, and attendance list with the original and all three copies of the application.)**

Business/Local Involvement (10 points) to be completed after hearing

Outline other input from businesses, chambers of commerce, development organizations, local groups and individuals have had in increasing the citizen participation process for the proposed project.

Highlight how the use of any media (TV, radio, newspapers, etc.) increased public awareness and participation in the EDP project.

Business Friendly Community Designation Bonus – 3 bonus points will be assigned to an applicant community who has been certified as a Business-Friendly Community at the time of receipt of the EDP application.

APPENDIX B

JOB CATEGORY DEFINITIONS AND CLASS NUMBERS

1. **Officials and Managers** – Occupants requiring administrative personnel who set broad policies, exercise overall responsibility of execution of these policies, and individual departments or special phases of a firm's operations. This includes: Officials, Executives, middle management, plant managers and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, and kindred workers.

2. **Professional** – Occupants requiring either college graduation or experience of such kind and amount as to provide a comparable background includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, professional and labor relations workers, physical scientists, physicians, social scientists, teachers, and kindred workers.

3. **Technicians** – Occupants requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post-high school education such as is offered in many technical institutions and junior colleges, or through equivalent on the job training. This includes: computer programmers and operators, drafters, engineering aides, junior engineers, mathematic aides, licensed practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic, physical science) and kindred workers.

4. **Sales** – Occupants engaging wholly or primarily in direct selling. This includes: advertising agenda and sales workers; insurance agents and brokers; real estate agents and brokers; sales workers, demonstrators and retail sales workers; and sales clerks, grocery clerks and cashiers; and kindred workers.

5. **Office and Clerical** – Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting the products is included. This includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office helpers, office machine operators, shipping and receiving clerks, stenographers, typists, and secretaries, telegraph and telephone operators, and kindred workers.

6. **Craft Worker (skilled)** – Manual workers of relatively high level having a thorough and knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. This includes: the building trades, hourly paid supervisors and lead operators (who are not members of management), mechanic and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors, and kindred workers.

APPENDIX B (continued)

7. **Operatives (semi-skilled)** – Workers who operate machines or other equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. This includes: apprentices (auto mechanics, plumbers, electricians, machinists, mechanics, building trades, metal working trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, dress makers and sewers (except factory), dryer's furnaces workers, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (except construction and maintenance), photographic process workers, boiler tenders, truck and tractor drivers, weavers (textile), welders and flame metals workers, and kindred workers.

8. **Laborers (unskilled)** – Workers in manual occupations which generally require no special training perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. This includes: garage laborers; car washers and greasers; gardeners (except farm) and ground keepers; stevedores; wood

choppers; laborers performing lifting, digging, mixing loading, and pulling operations; and kindred workers.

9. **Service workers –** Workers in both protective and non-protective service occupations. This includes attendants (hospital and other institutions, professional and personal service, including nurses' aides and orderlies), barbers, chair workers and cleaners, cooks (except household), counter and fountain workers, elevator operators, firefighters and fire protection guards, door keepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, and kindred workers.

APPENDIX C

SAMPLE PUBLIC HEARING NOTICE TO COMPLY WITH TITLE VI REQUIREMENTS

Public Hearing Notice

The City/Town of _____

The City/Town of _____ will hold a Public Hearing on ___(date)___, at (time) , at the __(location)_ to discuss an application being submitted to the State of Maine CDBG program for a __(specific name of grant program) . The purpose of the request is to (state purpose) _____. Public comments will be solicited at this Hearing and will be submitted as part of the application's required documentation.

All persons wishing to make comments or ask questions about the proposal are invited to attend this Public Hearing. Comments may be submitted in writing to: _(name of contact, address)_ at any time prior to the Public Hearing. TDD/TTY users may call __(list local TTY number or 711) . If you are physically unable to access any of the City's/Town's programs or services, please call __(list local contact and phone number), so that accommodations can be made.

EQUAL HOUSING OPPORTUNITY

APPENDIX D

SAMPLE COUNCIL RESOLUTION

WHEREAS, the **Town/City** of _____ wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the Town/City of _____ is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

NOW THEREFORE, be it resolved by the Council of the Town/City of _____ that the Town/City Manager (or other local government official or officer):

1) Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine's CDBG Program:

   Program: _____ Amount: _____

   To the Department of Economic and Community Development on behalf of the Town/City of _____, substantially in the form presented to this council;

2) Is authorized to make assurances on behalf of the Town/Cityof _____ required as part of such applications, and

3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the Town/City of _____ and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

DATE ENACTED: _____ **Municipal Seal**

AUTHORIZED SIGNATURES

Name	**Date**
Name	**Date**
Name	**Date**
Name	**Date**
Name	**Date**

APPENDIX E

SAMPLE TOWN MEETING WARRANT ARTICLE

Date: _____

Shall the Town/City of _____ vote to approve a Community Development Block Grant application(s) for the following program(s) and dollar amounts:

Program: _____ Amount: _____

and to submit same to the Department of Economic and Community Development and if said program is approved, to authorize the municipal officers to accept said grant funds, to make such assurances, assume such responsibilities, and exercise such authority as are necessary and reasonable to implement such programs.

Furthermore, the Town/City of _____ is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program.

MUST BE SUBMITTED AS A TRUE DOCUMENT COPY WITH CERTIFIED SIGNATURE(s)

A "BLANKET" WARRANT ACCEPTING ALL STATE OR FEDERAL FUNDS IS NOT ACCEPTABLE.

THIS MATERIAL IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST

BY CONTACTING:

OFFICE OF COMMUNITY DEVELOPMENT
111 SEWALL STREET, 3RD FLOOR
59 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0059
TELEPHONE (207) 624-7484
TTY: 1-800-437-1220

ALSO AVAILABLE ON THE OFFICE OF COMMUNITY DEVELOPMENT WEB SITE:

www.maine.gov/decd/meocd/cdbg

The Maine State CDBG Program is Funded by:

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

8.a.

Single-Use Plastic Carry Out Bag Ordinance

Town Atty suggested edits 03-04-16

Town of Kennebunk, Maine

Draft: March 8, 2016

SECTION 1. PURPOSE AND INTENT

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

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

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

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

SECTION 2. AUTHORITY

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

SECTION 3. DEFINITIONS

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

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

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

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

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

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

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

SECTION 4. STANDARDS

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

A. No Single-Use Plastic Carry-Out Bag shall be distributed, either with or without charge, to a Customer, at any Retail Establishment located in the Town of Kennebunk.

B. Customers are encouraged to bring their own Reusable Bags to Retail Establishments, which may choose to give customers a rebate, discount or other incentive for such.

C. Retail Establishments may provide Customers with Recyclable Paper Bags or Reusable Bags, with or without a charge, as the Retail Establishments so desire.

SECTION 5. EXCEPTIONS

A. Single use plastic bags, without handles, used to contain dry cleaning, newspapers, wet items, and to protect produce, meat, seafood and other bulk foods from damage or contaminating other items are permissible.

B. Nonprofit organizations or religious institutions are exempt from the provisions of this Ordinance.

SECTION 6. ADMINISTRATION AND ENFORCEMENT

A. The Town Manager or his designee shall have the authority to administer and enforce this Ordinance.

B. If it is determined that a violation has occurred, the Town Manager or his designee shall issue a written warning to the Retail Establishment for the initial violation. If an additional violation occurs after a written warning has been issued, the Town Manager or his designee shall issue a written notice of violation ("NOV") and shall impose a penalty against the Retail Establishment. The penalty associated with each written notice of violation shall be established by the Board of Selectmen annually and set forth in the Board's Fine Schedule, available in the Town Clerk's office and on the Town's electronic web site.

C. No more than one penalty shall be imposed upon a Retail Establishment within a 7-day period.

D. A Retail Establishment shall have 15 days following receipt of a written notice of violation to pay the penalty.

SECTION 7. APPEALS

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

SECTION 8. EFFECTIVE DATE

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

SECTION 9. SEVERABILITY

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

Maine Revised Statutes

Title 38: WATERS AND NAVIGATION

Chapter 16: SALE OF CONSUMER PRODUCTS AFFECTING THE ENVIRONMENT

§1605. Plastic bags; recycling

A retailer may use plastic bags to bag products at the point of retail sale only if the retailer: [1991, c. 475, §1 (RPR).]

1. Location. Locates inside the store or within 20 feet of the main entrance to the store a receptacle for collecting any used plastic bags; and

[1991, c. 475, §1 (NEW) .]

2. Recycles. Ensures that the plastic bags collected are recycled or delivered to a person engaged in recycling plastics.

[1991, c. 475, §1 (NEW) .]

SECTION HISTORY
1989, c. 585, §E35 (NEW). 1991, c. 475, §1 (RPR).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) • 7 State House Station • State House Room 108 • Augusta, Maine 04333-0007

Page composed on 01/05/2016 01:06:01.

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Resolve, To Convene a Work Group To Design and Implement a Statewide Disposable Checkout Bag Reduction Campaign, with Benchmarks

Whereas, the State has adopted a solid waste management hierarchy that places waste reduction and reuse above recycling as preferred management systems for solid waste; and

Whereas, the State has been an advocate of policies that reduce litter and enhance the natural beauty of the State; and

Whereas, the use of disposable checkout bags consumes valuable natural resources in their production, increases waste generation and contributes to litter; and

Whereas, state law designates recycling requirements for retail establishments that distribute plastic bags; and

Whereas, grocers and retailers in the State recognize resource limitations and they understand the leadership role they play in participating in public awareness programs and adopting programs that can generate environmental benefits; and

Whereas, grocers and retailers in the State have been promoting and encouraging the use of reusable checkout bags for the transport of products and goods from their stores; and

Whereas, this legislation establishes a process to review current law and recycling practices and to establish effective and innovative approaches to reduce the use and increase the recycling of disposable checkout bags; now, therefore, be it

Sec. 1 Convene work group. Resolved: That the Executive Department, State Planning Office shall establish a work group, through a partnership with state agencies and other appropriate entities, to work together towards a viable solution to the checkout bag issue to achieve environmental benefits, maintain financial viability for manufacturers and retailers and avoid cost impacts for consumers; and be it further

Sec. 2 Participants. Resolved: That the Executive Department, State Planning Office shall invite representatives of the following agencies, organizations and businesses to participate in the work group:

1. Department of Environmental Protection;
2. Maine Grocers Association;
3. Maine Merchants Association;
4. Maine Oil Dealers Association;
5. Maine State Chamber of Commerce;
6. Natural Resources Council of Maine;

7. American Chemistry Council;

8. A grocery chain with a large number of stores in the State;

9. A retail store chain with a large number of stores in the State; and

10. Other entities as appropriate; and be it further

Sec. 3 Duties. Resolved: That the work group shall:

1. Assess existing recycling infrastructure capacities within the State;

2. Design a regional pilot program that includes an assessment of current state law governing waste reduction, including, in particular, an assessment of technical assistance available to municipalities and businesses in those municipalities;

3. Create a memorandum of understanding with guiding principles, recycling goals and benchmarks for the overall reduction of disposable checkout bag distribution and waste;

4. Design a statewide promotional media campaign; and

5. Identify funding needs, resources and partners; and be it further

Sec. 4 Existing resources. Resolved: That the duties described in section 3 must be completed within existing resources of the Executive Department, State Planning Office; and be it further

Sec. 5 Report; authority to submit legislation. Resolved: That, by January 15, 2010, the work group shall submit a report relating to the subject matter of this resolve to the Joint Standing Committee on Natural Resources. The report must include findings, recommendations and draft legislation to implement the recommendations. The Joint Standing Committee on Natural Resources may report out legislation relating to the report to the Second Regular Session of the 124th Legislature.

124th Maine Legislature, First Regular Session

An Act To Promote the Accessibility and Use of Reusable Bags

LD 622, HP 436

Fiscal Status No Fiscal Impact

Final Disposition Ought Not to Pass Pursuant To Joint Rule 310, Mar 26, 2009

Amendments to LD 622

Status In Committee

Referred to Committee on Business, Research and Economic Development **on** Feb 17, 2009.

Latest Committee Action: Reported Out, Mar 20, 2009, ONTP

Latest Committee Report: Mar 20, 2009

Public Hearings

Tuesday, March 10, 2009 2:30 PM, Room 208, Cross Office Building

Work Sessions

Thursday, March 19, 2009 9:00 AM, Room 208, Cross Office Building

Committee Docket

Date	Action	Result
Mar 19, 2009	Work Session Held	
Mar 19, 2009	Voted	ONTP
Mar 20, 2009	Reported Out	ONTP

Divided Reports

No Divided Reports.

Bill Sponsors

Presented by Representative Knapp of Gorham.

Cosponsored by Senator Simpson of Androscoggin and Representative Bolduc of Auburn, Representatives Duchesne of Hudson, Sanborn of Gorham, Tilton of Harrington, Welsh of Rockport.

Affected Statute Titles and Sections

Title	Section	Subsection	Paragraph	Effect	Law Type	Chapter
38	1611			NEW	Public Law	0

House Docket

Date	Action	Result	Roll Call	Debate	Yea	Nay	Abs

Feb 17, 2009	Introduced	INTRODUCED - PREVAILS
Feb 17, 2009	Referred to Committee	REFERRED TO COMMITTEE BRED - PREVAILS
Mar 26, 2009	Pursuant to Joint Rule 310	PURSUANT TO JOINT RULE 310 ONTP - PREVAILS

Senate Docket

Date	Action	Result	Roll Call	Debate	Yea	Nay	Abs
Feb 17, 2009	Referred in Concurrence	REFERRED IN CONCURRENCE BRED - PREVAILS					
Mar 26, 2009	Pursuant to Joint Rule 310	PURSUANT TO JOINT RULE 310 ONTP - PREVAILS					

Need a paper copy? Contact the Document Room at 287-1408 or send an e-mail with the LD or Paper number, Item number and a mailing address to webmaster_house@legislature.maine.gov.

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tty: (207) 287-6826

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An Act To Promote the Accessibility and Use of Reusable Bags

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1611 is enacted to read:

§ 1611. Cloth bags

A retailer who has 30,000 square feet or more of retail sales area shall provide a bag made out of cloth or other durable fabric to bag products at the point of retail sale to a customer at the request of that customer and at no charge to the customer at least twice a year.

SUMMARY

This bill requires a retailer who has 30,000 square feet or more of retail sales area to provide a bag made out of cloth or other durable fabric to bag products at the point of retail sale to a customer at the request of that customer and at no charge to the customer at least twice a year.

State Plastic and Paper Bag Legislation

1/22/2015

Fees, Taxes and Bans | Recycling and Reuse

States are continuing to consider strategies to reduce the number of plastic carry-out bags from grocery st retail outlets. Some states are targeting paper bags as well. Regulating bags can mitigate harmful impacts rivers, lakes and the wildlife that inhabit them. Reducing bag use can also relieve pressure on landfills and management.

Bans and Fees

In August 2014, California became the first state legislature to enact legislation imposing a statewide ban (plastic bags at large retail stores. Governor Jerry Brown signed the bill into law on September 30. The ban on July 1, 2015.

In addition, there will be a 10 cent minimum charge for recycled paper bags, re bags, and compostable bags at certain locations. A detailed summary of the la below. In addition to California, a de facto statewide ban exists in Hawaii as all populous counties in the state prohibit non-biodegradable plastic bags at checl paper bags containing less than 40 percent recycled material. Bans in Kauai, M Hawaii counties took effect between 2011 and 2013. Retailers in Honolulu Cou July 1, 2015, to make the change.

In 2009, the District of Columbia enacted a law to ban the distribution of dispos recyclable plastic carry-out bags and set a fee of 5 cents for distribution of all c disposable bags.

In 2009, North Carolina banned plastic bags for the Outer Banks region, a chain of barrier islands off its cc in 2011, the state passed legislation to temporarily suspend that ban due to a tornado that hit Dunn, North which is the major distribution center for paper bags in the area. The ban has yet to be restored.

2014 Legislation Summary

As mentioned above, California lawmakers passed the first statewide plastic bag ban in the United States Senate Bill 270 was signed by the governor on September 30, 2014. Legislation is pending in New Jersey Rico that would also ban single-use bags. New Jersey legislators are also considering a $0.05 fee on disp bags offered at the point of sale.

Recycling Programs and Requirements

States have continued to propose and enact legislation relating to labeling, recycling, and reusing plastic b California passed legislation that requires manufacturers of compostable plastic bags to ensure that the ba and easily identifiable from other bags. That same year, Delaware enacted an At-Store Recycling Program legislation encourages the use of reusable bags, requires stores to establish an at-store recycling program an opportunity for customers of the store to return clean plastic bags, requires that plastic carry-out bags d

recycling message and provides fines and penalties for noncompliance. Illinois passed similar legislation, t
and Film Recycling Act, in 2012, but it was vetoed by the Governor.

Energy and Environment Legislation Tracking Database

Enacted Plastic and Paper Bag Legislation

Enacted Plastic Bag State Legislation Summaries

California

Statewide Ban on Single-Use Carryout Bags (2014 CA S 270)

Prohibits certain large stores, as of July 1, 2015, from providing a single-use plastic carryout bag to a custo
specified exceptions. Prohibits a store from selling or distributing a recycled paper bag, reusable plastic ba
compostable bag at the point of sale unless the store makes that bag available for purchase for at least $0
conditions are met. The ban does not apply to handle-less plastic bags used to protect meat and produce
or contaminating other purchased items. After July 1, 2016, these prohibitions and requirements will take e
smaller stores such as convenience food stores. Revenue will be retained by the store to offset costs asso
providing recycled or reusable bags and complying with other provisions of the law. Persons or entities tha
law may be subject to civil penalties imposed by the city, county or state of California.

Requires reusable grocery bags sold to customers at the point of sale to be made by a certified producer a
certain criteria with regard to the bag's durability, material, labeling and heavy metal content. In addition to
requirements, a reusable bag made from plastic film, as opposed to other natural or synthetic fibers, must
benchmarks for recycled material content by 2016 and 2020. Beginning July 1, 2015, bags made from plas
not be sold or distributed unless certified by a third party entity. Applications for certification must include s
information that verifies, among other things, the incorporation of clean postconsumer recycled material.

Declares that it occupies the whole field of regulation of reusable grocery bags, single-use carryout bags, a paper bags and prohibits a local public agency from enforcing or implementing an ordinance, resolution, re rule adopted on or after September 1, 2014, relating to those bags, against a store unless expressly autho local public agency that has adopted such an ordinance prior to September 1, 2014, to continue to enforce implement that ordinance or other type of regulation, but preempts any amendments other than to increas charge at covered stores.

A sum of $2,000,000 is appropriated from the Recycling Market Development Revolving Loan Subaccount Department of Resources Recycling and Recovery to provide loans for the creation and retention of jobs a activity in California for the manufacture and recycling of plastic reusable grocery bags that use recycled c (09/30/2014 - Enacted)

Compostable or Marine Degradable Plastic Bags (2010 CA S 228)
Requires a manufacturer of a compostable plastic bag to ensure that the bag is readily and easily identifial bags. Prohibits a compostable plastic bag sold in the state from displaying a chasing arrow resin identifica recycling type of symbol in any form. Requires a manufacturer to comply with these requirements only to t labeling requirements do not conflict with federal requirements. (09/28/2010 - Enacted)

Recycling: Plastic Products (2012 CA S 567)
Prohibits the sale of a plastic product labeled as compostable, home compostable, or marine degradable u standard specifications or a specified standard, or the plastic product is labeled with a qualified claim and t product meets that standard. Prohibits the sale of a plastic product that is labeled as biodegradable, degra decomposable, or as otherwise specified. Provides for a civil penalty for a violation. Provides for the contir plastic bag labeling provisions. (10/08/2011 - Enacted)

At-Store Recycling Program (2006 CA A 2449)
Retail stores must adopt an at-store recycling program. Plastic bags used at retailers must have clearly pri Return to a Participating Store for Recycling" on the bag. Retailers must also make reusable bags availabl by the customer, in lieu of plastic bags. (Repealed January 1, 2020)

Delaware

At Store Recycling Program (2009 DE H 15; Amended by 2014 DE H 198)
Encourages the use of reusable bags by consumers and retailers, requires a store to establish an at-store program that provides an opportunity for a customer of the store to return clean plastic bags, requires all p bags to display a recycling message, requires stores to maintain records of collection and recycling of plas prohibits imposition of a plastic bag fee upon a compliant store, provides for fines and penalties. (08/17/20

Recycling Program (2012 DE SCR 24)
Requests a report and suggestions for improvement on the at-store recycling program of plastic carryout b purpose of improving the program and bettering the environment. (06/29/2011 - Enacted)

District of Columbia

Anacostia River Clean Up and Protection Act (2010 DC B 150)

Protects the aquatic and environmental assets of the District of Columbia, to ban the use of disposable no plastic carryout bags, to establish a fee on all other disposable carryout bags provided by grocery stores, liquor stores, restaurants, and food vendors, to give the Mayor the authority to implement rules and procec

the fee, to establish a non-lapsing recurring Anacostia River Cleanup and Protection Fund. (09/23/2009 - E

Maine

Checkout Bags (2010 ME S 131)

Convenes a work group, through a partnership with state agencies and other appropriate entities, to work towards a viable solution to the checkout bag issue to achieve environmental benefits, maintain financial v manufacturers and retailers and avoid cost impacts for consumers, provides for a report to the legislature. Enacted)

Recycling Plastic Bags (1991 ME LD 1166)
Retailers may only provide customers with plastic bags if there is a receptacle to collect used plastic bags feet of the entrance and all the plastic bags collected are then recycled.

New York

Plastic Bag Reduction, Reuse and Recycling Act (2008 NY A 11725)
Retailers of stores are to establish in-store recycling programs that provide an opportunity for the custome clean plastic carryout bags to be recycled. The plastic carryout bags provided by the store must have print "Please return to a Participating Store for Recycling."

North Carolina

Plastic Bag Use (2010 NC S 1018)

Reduces plastic and non-recycled paper bag use on North Carolina's outer banks (a sea turtle nesting are subject to G.S. 130A-309.102 shall display a sign in a location viewable by customers containing the follov [county name] County discourages the use of single-use plastic and paper bags to protect our environmen litter and greenhouse gases. We would appreciate our customers using reusable bags, but if you are not a recycled paper bag will be furnished for your use." Please see additional NC bills for identical language re of plastic bags and fines. (06/24/2009 - Enacted)

Plastic Bag Management (2011 NC S 146)
Suspends the ban on plastic bags in certain coastal areas due to a disruption in the supply of paper bags l severe tornados. The major distribution center for paper bags used by retailers in the areas subject to the located in Dunn, NC, but was severely damaged and rendered unusable by the tornados of April 16, 2011 Assembly finds that the suspension of the requirement until the supply chain for paper bags is restored is i interest. This act becomes effective April 16, 2011. (04/20/2011 - Enacted)
**Suspends the above bill.

Rhode Island

Promotion of Paper Bag Usage (2008 RI S 2565)
To decrease use of plastic bags, this legislation promotes the use of paper bags by retailers. Retail establi offer the use of a paper bag to the consumer. Every retail establishment that provides customers with plas provide conveniently located receptacles where customers can return their clean and dry plastic bags to b Failure to comply with these laws is punishable with fines up to $500.

The box allows you to conduct a full text search or use the dropdown menu option to select a state.

Reset Select a State

2014-15 PENDING STATE LEGISLATION SUMMARIES

State	Bill and Author	Summary
New Jersey	SB 563 – Turner 01/14/2014	Requires stores to impose a $0.05 fee for each disposable carryout bag offered at the point of sale. The store would reta the remaining $0.04 to the Department of Environmental Protection for programs to improve water quality. Allows stores voluntary carryout bag credit program, where a customer would receive a $0.05 credit for each bag provided. These pro convenience stores, bakeries, drugstores, supermarkets, liquor stores and restaurants. Beginning in 2015, stores would providing a disposable carryout bag unless the carryout bag is recyclable.
	AB 1367 – Stender 01/16/2014	
	AB 1345 – Stender 01/16/2014	Requires retail store operators to establish in-store recycling programs that provide opportunities for customers to return bags.
	SB 1462 – Greenstein 02/27/2014	
	AB 2670 – McKeon 02/20/2014	Requires retail stores to restrict the use of non-compostable plastic bags by 50 percent of the current volume by Noveml ban all non-compostable plastic bags from use in the state by December 31, 2016.
Puerto Rico	SB 144 - Rivera Schatz 1/14/2103	This bill would prohibit the use, manufacture, importation, distribution and sale of disposable plastic bags starting in Janu they are manufactured to be biodegradable.

Source: *NCSL*

8.b.

YES	1,785
NO	339

Referendum Question 5: Shall an ordinance entitled "2014 Amendments to the Harbor Ordinance" be enacted?

YES	1,609
NO	411

Referendum Question 6: To see if the Town will vote to authorize the Board of Selectmen to accept enforcement rights created by a document entitled "Declaration of Protective Covenants and Restrictions-Property of Kennebunk Land Trust-"Alewife Annex Preserve" (Map 003 Lot 010)," which Declaration grants the Town the right but not the obligation to enforce certain restrictive covenants concerning the use and maintenance of the Land Trust's Alewive Annex Preserve property, as further set forth in the attached Declaration of Protective Covenants and Restrictions, and to execute said Declaration on behalf of the Town.

YES	1,774
NO	439

Referendum Question 7: Shall an ordinance entitled "2014 Amendments to the Town's Zoning Ordinance to Adopt Changes to Article 10, Section 9 'Off-Street Parking'" be enacted?

YES	1,284
NO	788

Referendum Question 8: To see if the Town will vote to authorize the Board of Selectmen to sell that certain lot or parcel of land, commonly known as the Route One South Rest Area, located on the generally easterly side of Route One in South Kennebunk (approximately 14 acres in size; currently Assessor's map 059, Lot 34), and in connection therewith to see re-development proposals for that land, subject to such conditions as the Board of Selectmen deems in the Town's best interests.

[Explanatory Note: Roughly half the site is wetlands and the balance is currently used as a roadside rest area and winter-time snow dump. Conditions to be imposed by the Board will likely require a formal appraisal to determine the land's fair market value; a requirement to design and show a re-development plan to be built out within two years, such that price will not necessarily be the sole determining factor in the subsequent RFP award.]

YES	1,708
NO	545

Referendum Question 9: Shall the Town vote to amend the Kennebunk Zoning Ordinance (both map and text) by enacting the so-called Western Avenue Contract Zone, all as more particularly shown on the fragmentary map attached and the Contract Zoning Agreement between Seagrass Lane, LLC and the Town of Kennebunk on file in the Town Clerk's Office?

YES	1,534
NO	613

Town Meeting
6-10-14

KENNEBUNK REST AREA – ROUTE ONE SOUTH
Request for Proposals

August 18, 2015

BACKGROUND AND CONTEXT

The Rest Area on Route 1 south was identified during a property search for prospective businesses in need of space. The rest area is used lightly, primarily as a snow dump. The property consists of 14 acres; 4-5 acres are developable, the rest is, for the most part, wetland. The lot layout could serve as many as two businesses, provide access to rear property and be developed in conjunction with the Webhannet Place property, next door. As part of the land's redevelopment plan, a usable vehicular access way to the rear is preferred.

The concept of selling the property was presented to the Board of Selectmen in the spring of 2014. The decision to sell was put on the ballot in June of 2014 and approved by Kennebunk voters at that time. This RFP is the community's first entry into the market to gauge interest in this property.

COMMUNITY OBJECTIVES

Kennebunk's objectives are as follows:

1. sell the property to generate funds that can be used for other development projects;
2. assure potential access to rear properties;
3. assure that the contemplated use for the property is supportive of the goals of the comprehensive plan;
4. that the buyer of the site has the financial capacity and proven experience to bring the proposed project to consummation as efficiently as prudently possible;
5. that the project will create and or retain jobs within the community; and finally
6. that the buyer is sensitive to the environmental issues of the site and designs it appropriately.

This Request for Proposals (RFP) encourages proposals that will achieve the above objectives of the community while also maintaining community support for the project.

SITE DESCRIPTION

- the lot consists of 14.3 acres
- present use includes 300 s.f. of rest rooms (portable toilets) and an active snow dump permitted by the Town
- the site includes vernal pools with approved, established setbacks, as well as other wetland areas
- there are approximately 4-5 developable acres on the site
- there already exists 24,933 square feet of approved impervious surface
- the lot lies within the York Street Mixed Residential and Commercial Use District (MRCU)
- is listed on the Town's records as Town Tax Map 59, Lot 34

The lot is surrounded on all sides by existing commercial development. Residential development is well to the southeast of the property. A legal right of way for vehicular access to rear land shall be considered as part of this proposal.

ENVIRONMENTAL CONSTRAINTS

The lot was part of a larger wetland study, which is on file with the Town Office. There is also additional information that can found on file associated with the development of the snow dump, including a formal wetland delineation completed by Woodlot Alternatives as part of the approval of that use. A map of the site is attached. Each proposer is responsible for conducting his or her own "due diligence" regarding same.

UTILITIES

All typical urban utilities are available to the property for development. This shall be the responsibility of the Buyer to confirm in a more substantive due diligence investigation. There exists public water, sewer, and power. No gas is available at the site.

TRANSACTION STRUCTURE

The community is open to a variety of structures, but prefers a simple purchase and sale agreement. The community will enter into a written agreement to purchase with the selected developer and will impose deadlines for appropriate approvals (e.g. local application approvals, financing commitments) to insure that the project is completed within a two year period. The date for that final completion will be set when the agreement to purchase is signed. Final transfer of the property shall be by quitclaim deed.

PROPOSAL REQUIREMENTS & REVIEW PROCESS

PROPOSER'S RESPONSIBILITIES

The selected proposer will be responsible for payment of all costs and expenses in connection with the project including, but not limited to: any and all costs associated with putting together a response to this RFP; costs associated with securing necessary entitlements and environmental documentation; demolition, ground clearing, site preparation, and construction of new buildings; maintenance; underground utilities; insurance and taxes; permits and inspection fees; costs and mitigation fees associated with the development including school fees; and architectural, environmental, engineering, and other related work. Proposer will be responsible for all brokerage fees, if any.

The selected proposer will be required to:

- select the necessary multi-disciplinary team;
- coordinate the local approval process;
- obtain all necessary entitlements and permits;
- manage the work effort of the entire entitlement team, the architect, land planner, civil and other engineers, etc.

All proposals will have five (5) required sections and in the order as set forth below. Please label each section and number all pages.

SECTION 1 – LETTER OF INTENT
SECTION 2 – DEVELOPMENT PROGRAM
SECTION 3 – PROJECT TIMETABLE AND CRITICAL ENTITLEMENT ISSUES
SECTION 4 – KEY TEAM MEMBERS, PAST EXPERIENCE, AND FINANCIAL INFORMATION
SECTION 5 – STATEMENT OF FINANCIAL QUALIFICATIONS

A team of the Finance Committee, Town Manager, Finance Director and Economic Development Director will select the final developer. The RFPs will be scored, based on a 100 point system, as follows:

- Development Program: 40 points
- Project Timetable: 10 points
- Critical Review Issues: 10 points
- Team members and Information: 20 points
- Financial Qualifications: 20 points

At the end of the review process, the selection committee shall make a recommendation to the Board of Selectmen at a public meeting, where they will vote to make the final award to the chosen developer.

SECTION 1 – LETTER OF INTENT

This section shall include the proposal contact and responsible party information. Identify the lead proposing entity, and list the key team members (see Section 5). Set forth the scale of the development program, and summarize the critical elements of expected project timeline. Any other critical information can be summarized in this section. The letter of intent will include the following:

- **Purchase Price:** $_____, payable in full in cash at Closing, less deposits, as described below.
- **Close of Escrow:** Shall occur _____ (number of months from the Effective Date of the Agreement).
- **Initial Deposit:** Buyer will make an initial deposit of $_____ at the time a definitive Option and Purchase Agreement is agreed upon and executed, which funds will be immediately released to the Town, and is non-refundable under any and all circumstances, but applicable to the Purchase Price.

SECTION 2 – DEVELOPMENT PROGRAM

This section shall include a narrative description of the architectural and land planning theme for the project. Identify the planned improvements including the number of buildings by use, the estimated square footage devoted to each building and use, the approximate building footprints, the proposed unit mix with average unit sizes, amenities, parking, and public uses, if any. Initial drawings would be helpful, but not necessary.

SECTION 3 – PROJECT TIMETABLE AND CRITICAL REVIEW ISSUES

This section shall include a general development timetable showing the various planning and entitlement steps, duration, estimated starting period, and any phasing contemplated. *As to acquiring the reviews necessary for execution of the proposed development plan, please provide a narrative description of the issues the proposer has identified as critical for the property.*

SECTION 4 – KEY DEVELOPMENT TEAM MEMBERS, PAST EXPERIENCE, AND FINANCIAL INFORMATION

Provide the following information for each key member of the development team. It is anticipated that key members would include *the buyer/business, the* architect and/or land planner, entitlements counsel, equity partner, and other key members. Other team members such as civil engineer, traffic planner, or landscape architect, may be identified if the proposer believes that to do so would enhance his proposal, but there is no requirement to do so.

Specifically, provide the following information for each key team member:

- *Business name, location, website (if applicable)*
- Project Manager and key participants for this project, with resumes
- History of relationship with Kennebunk, if any
- Experience *with activities similar to the* project proposed with reference contacts
- Experience with public entities, preferably public land owners
- Identify all other projects in which the principals have been involved in York County.

SECTION 5 – STATEMENT OF FINANCIAL QUALIFICATIONS

Provide the following information:

- Is the *business a* subsidiary of, or affiliated with, any other corporation, corporations, partnerships or firms? If so, please specify. If the business is a subsidiary, please indicate the extent to which the parent entity will guarantee performance by the subsidiary;
- Has the business entity or its officers, principal members, shareholders or investors, or any of its parent, subsidiary or affiliated entities or other interested parties been adjudged bankrupt, either voluntary or involuntarily, within the past ten years? If so, explain; and
- Is there pending litigation against *the business* entity or its officers, principal members, shareholders or investors, or any parent, subsidiary or affiliated entities or other interested parties other than minor personal injury suits involving claims under $250,000? If so, explain.

  Item(s) submitted should be sufficient to permit the Town to determine the proposer's financial capacity for undertaking the development project and operating the facilities. The proposer may wish to mark the financial statements, as "CONFIDENTIAL" or "PROPRIETARY." As such, it will be treated as confidential by the Town to the full extent permitted by law.

SUBMISSION FORMAT, SCHEDULE, AND EVALUATION PROCESS

The proposer shall submit one (1) original and four (5) hard copies of a Proposal Package in 8.5" x 11" format, with one (1) copy unbound for ease of reproduction. The complete Proposal Package shall also be submitted digitally (PDF format is acceptable). The inclusion of large-scale drawings and exhibits is discouraged; if included, these shall be limited to no more than three (3) such pages in 11" x 17" format. Proposals must be organized according to the previous section, and must include at least the requested information.

Responses must be submitted no later than 2:30 pm, Wednesday, October 21st, to the Town Manager's office, Town of Kennebunk, 1 Summer Street, Kennebunk, ME 04043.

The Town contact person for all matters regarding this RFP is:

Mathew Eddy
604-1366
Meddy@kennebunkmaine.us

All correspondence regarding the RFP process must be in writing or by email.

EVALUATION PROCESS

The initial review will compare all proposals for compliance with the submission requirements. Any proposals with significant omissions may be rejected and the proposers will be notified of their failure to comply with the requirements of the RFP process. The Town reserves the right to request that proposers bring their submissions into compliance within a very short time period after such notification.

The Selection Committee shall review the proposals and request written clarification from proposers, if necessary. The review process may include requests for clarifications and one or more presentations by the proposers. At the conclusion of the review process, the Selection Committee will make a recommendation to the Board of Selectmen to select one proposer with whom to enter into an Option and Purchase Agreement. The Town reserves the right to terminate this process at any point prior to the selection of a proposer, and solicitation of proposals in no way obligates the Town to proceed with any agreement or development.

EVALUATION CRITERIA

Using the scoring system identified above, the town will consider the following general criteria in their review:

- Town Objectives as detailed herein;
- Proposer experience and reputation;
- Impact on the Town's ability to enhance long-term fiscal sustainability;
- Project quality;
- Design and construction capability and sensitivity to *environmental issues*;
- Project management capability, with a special emphasis on positive community engagement;
- Experience in public/private projects.

RFP EXHIBITS

Exhibit A: Property Aerial