

TOWN OF KENNEBUNK
BOARD OF SELECTMEN
TUESDAY, APRIL 12, 2016 – 6:30 P.M.
KENNEBUNK TOWN HALL
3rd FLOOR/ROOM 301
AGENDA

REGULAR MEETING – 6:30 P.M.

1. Call to Order & The Pledge of Allegiance

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

2. Minutes (2-3 minutes)

- a. March 22, 2016 Regular Meeting

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

- a. Items as Presented

Take up Article 7.a. (out of order)

Article 7.a. Confirm the Town Manager's Appointment of the Recreation Director

The Board will meet Tashia Pinkham, the new Director, and say goodbye to current Recreation Director Brian Costello, whose last day with the Town will be April 15th.

4. Public Hearing(s) (10-15 minutes)

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

Peggy S. Liversidge d/b/a Kitchen Chicks Catering
For a renewal Malt, Spirituous and Vinous Catering Liquor License Application
Located at 4 Water Street

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

Fire Department: no deficiencies noted in the annual inspection.

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

***MOTION:** To approve the renewal Malt, Spirituous and Vinous Catering Liquor License Application for Peggy S. Liversidge d/b/a Kitchen Chicks Catering.*

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

Destination Catering
For a Malt, Spirituous and Vinous Catering Liquor License Application
Located at 35 Fletcher Street

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

Fire Department: no deficiencies noted in the annual inspection.

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

MOTION: To approve the renewal Malt, Spirituous and Vinous Catering Liquor License Application for Destination Catering.

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

Amendments to the Pay As You Throw Ordinance

Proposed Town Meeting Warrant Article:

Art. ____ Shall an Ordinance entitled "Amendment to Section 3-14 of the Town's Solid Waste, Pay as You Throw, Recycling and Residential Compost Ordinance" be enacted to delete all references to "Pay As You Throw" and related provisions thereby eliminating the "pay per bag" trash program in Kennebunk, which shall raise and appropriate \$435,000 for the collection and disposal of the Town's municipal solid waste and other related miscellaneous expenditures by assessment.

[Fiscal Note: If this ordinance amendment passes, the elimination of the "Pay As You Throw" program of trash collection (purchase of blue and purple trash bags) will result in an increase to the Town's budget by \$435,000, which is the equivalent of (an approximate) \$.23 increase to the Town's tax mil rate. On the other hand, if this ordinance amendment fails, the continuance of the "Pay as You Throw" trash program may require the price of bags to be increased by 35%.]

Note: This warrant article pertains to the Town's blue and purple trash bags, not the Town's new trash and recycling containers. The containers will continue to be used regardless of the outcome of the vote.

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk's Office and on the Town's website at www.kennebunkmaine.us.)

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

The changes to the PAYT Ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

MOTION: To send the proposed changes to the Kennebunk Town Ordinances, Section 3-14 Solid Waste, Pay As You Throw, Recycling and Residential Compost Ordinance, to the Annual Town Meeting on June 14, 2016.

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

LD 1 Property Tax Levy Limit

Proposed Town Meeting Warrant Article:

Art. ____ To see if the Town will vote to increase the Town's LD 1 property tax levy limit amount by \$435,000, but to be effective only if Article ____ above passes, eliminating the Town's Pay As You Throw solid waste program.

[Fiscal Note: The Town's LD 1 property tax levy limit will need to be increased by \$435,000 only if Article ____ eliminating the Pay As You Throw solid waste program is passed; otherwise, the LD1 limit will not be increased.]

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

This article needs to accompany the PAYT question and would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

MOTION: *To send the Town's LD 1 Property Tax Levy Limit question to the Annual Town Meeting on June 14, 2016.*

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

Amendments to the Property Tax Assistance Ordinance

Proposed Town Meeting Warrant Article:

Art. ____ Shall an ordinance entitled "Amendment to Section 4-7 of the Town's Property Tax Assistance Ordinance" be enacted to delete references to the State of Maine's repealed "Circuit Breaker Program" and to establish new eligibility requirements based on the State of Maine's new "Property Tax Fairness Credit," as well as a new amount of property tax assistance of \$300 or other prorated amount based on available funds?

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk's Office and on the Town's website at www.kennebunkmaine.us.)

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

The changes to the Property Tax Assistance Ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

MOTION: *To send the proposed changes to the Kennebunk Town Ordinances, Section 4-7 Property Tax Assistance Ordinance, to the Annual Town Meeting on June 14, 2016.*

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

Single-Use Plastic Carry Out Bag Ordinance

Proposed Town Meeting Warrant Article:

Art. ____ Shall a new ordinance entitled "Single-Use Plastic Carry Out Bag Ordinance" be enacted to eliminate the use of single-use carry out plastic bags by retail establishments engaged in the sale of food or other merchandise in the Town of Kennebunk?

(A copy of the proposed ordinance is available for review and inspection at the Town Clerk's Office and on the Town's website at www.kennebunkmaine.us.)

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

This new ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

MOTION: *To send the proposed new Single-Use Plastic Carry Out Bag Ordinance to the Annual Town Meeting on June 14, 2016.*

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

Amendments to the Street Vendors and Peddlers Ordinance

Proposed Town Meeting Warrant Article:

Art. ____ Shall an ordinance entitled “Amendment to the Town’s Street Vendors and Peddlers Ordinance” be enacted to revise the text of Section 6-1.5 Location and Section 6-1.13 Amendments as shown below?

Section 6-1.5

6.e. Applicant shall comply with all local ordinances and restrictions pursuant to the terms of any permit of the Code Enforcement Officer.

Section 6-1.13

The Board of Selectmen may, after public notice and hearing, amend this Ordinance and draft and adopt regulations implementing the terms of this Ordinance on any matter not expressly set forth herein or as otherwise provided by law.

Proposed additions to the text are underlined.

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk’s Office and on the Town’s website at www.kennebunkmaine.us.)

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

The changes to the Street Vendors and Peddlers Ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

MOTION: *To send the proposed changes to the Kennebunk Town Ordinances, Section 6-1 Street Vendors and Peddlers Ordinance, to the Annual Town Meeting on June 14, 2016.*

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

Pawnbrokers Ordinance

Proposed Town Meeting Warrant Article:

Art. ____ Shall a new ordinance entitled “Pawnbrokers Ordinance” be enacted to create regulations for the licensing and operation of pawnbrokers and related businesses in the Town of Kennebunk?

(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office and on the Town’s website at www.kennebunkmaine.us.)

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

This new ordinance would require a Town Meeting vote. If the Board wishes to send this to the Annual Town Meeting on June 14, 2016, the motion could be as follows:

MOTION: *To send the proposed new Pawnbrokers Ordinance to the Annual Town Meeting on June 14, 2016.*

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

Amendments to the Victualer & Lodging Licenses Ordinance

Proposed Town Meeting Warrant Article:

Art. ____ Shall an ordinance entitled “Amendment to Sec. 6-3 of the Town’s Victualer & Lodging Licenses Ordinance” be enacted to revise the text of Section 6-3.8 as shown below?

Businesses participating in ~~the Kennebunk~~ a farmers’ market located in a Town approved location ~~the Town parking lot~~ are exempt from the requirements of this Ordinance during the hours the farmers’ market is in operation.

(A copy of the proposed ordinance amendments is available for review and inspection at the Town Clerk’s Office and on the Town’s website at www.kennebunkmaine.us.)

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

The changes to the Victualer & Lodging Licenses Ordinance can be approved at this public hearing and do not require a Town Meeting vote. If the Board wishes to approve the amendments, the motion could be as follows:

***MOTION:** To approve the Amendment to the Kennebunk Town Ordinances, Section 6-3 Victualer & Lodging Licenses Ordinance.*

5. Public Comments (5-10 minutes)

6. Acknowledgements/Announcements (5 minutes)

- a. Nominations Papers for the June 14th Election: Nomination papers are available for the following positions:

Board of Selectmen	2 seats, 3-year terms
RSU 21 Director	2 seats, 3-year terms
Trustee Kennebunk Light & Power District	1 seat, 5-year term
Trustee Kennebunk Sewer District	2 seats, 3-year terms

Nomination papers are available in the Town Clerk’s Office and must be returned by Monday, May 2nd by 4:30 p.m. A minimum of 25 signatures is required. FMI, please contact the Town Clerk’s office at 604-1326.

7. Time Sensitive Business

- a. Confirm the Town Manager’s Appointment of the Recreation Director (5 minutes) – The Town of Kennebunk is pleased to announce that Tashia Pinkham has been selected as the new Director of the Kennebunk Recreation Department.

Tashia received her degree in Recreation from the University of Southern Maine and has been in the recreation field for more than 20 years. She was previously employed by the YMCA, Town of Old Orchard Beach, and most recently served as the Director of the Buxton Recreation Department. Tashia is an avid outdoor adventurer who resides in Buxton with her husband and children.

We look forward to Tashia bringing her leadership, energy and commitment to the Kennebunk Recreation Department. She will begin her new position on April 13th at an annual salary of \$60,000. Per the Town Charter, the Board of Selectmen confirms the Town Manager’s appointment.

MOTION: To confirm the Town Manager’s Nomination of Tashia Pinkham as Recreation Director, effective April 13, 2016, for a term expiring on June 30, 2016 (date all Annual Appointments expire).

- b. Accept the Following Donation (2-3 minutes) – The Town received a \$150 donation from Cynthia Ward and John Brine in memory of Mary Ward to be applied to the Town’s Emergency Fuel Assistance Fund.

MOTION: To accept the donation and send a thank you letter for the generous donation.

- c. Discuss the 2016 One-Ton Dump Truck Bids (5 minutes) – In this year’s budget (2015-16), we allocated \$130,000 for two one-ton dump trucks. Bids specifications were sent out and the following bids were received:

Company	Bids
Tri City Chrysler Dodge Jeep Ram	Base Bid (per vehicle): \$65,452.00 ea.
Somersworth, NH	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Ram 3500 Reg. Cab 4x4, Model DD8L63	Add Alt. 1 (extended warranty) \$3,995.00
Body Manufacturer: 9’ Galion Godwin 2.5 to 3.7 yd. Stainless Steel dropside dump body Model 103UDS-9	
Location: Tri City Chrysler Dodge Jeep Ram, Somersworth, NH	
Weirs Motor Sales	Base Bid (per vehicle): \$61,729.00 ea.
Arundel, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: GMC Sierra 3500 TK36003	Add Alt. 1 (extended warranty) \$1,942.00
Body Manufacturer: 9’ Galion Model 103UDS-9	
Location: Weirs Motor Sales, Arundel	
O’Connor’s GMC	Base Bid (per vehicle): \$59,152.40 ea.
Augusta, ME	Deduct Alt. 1 (allowance for trade-in) n/a
Make/Model: Chevrolet 3500HD, CK36003	Add Alt. 1 (extended warranty) \$1,295.00
Body Manufacturer: Rugby FDS-9-3SS/Tommy Gate G2-92-1650LD33	
Location: HP Fairfield, Scarborough	

The Public Services Director recommends accepting the low bid from O’Connor GMC at a price of \$59,152.50 per vehicle, without the extended warranty.

The complete bid specifications can be viewed on our website by following this [link](http://www.kennebunkmaine.us/DocumentCenter/View/4517) (or at www.kennebunkmaine.us/DocumentCenter/View/4517).

MOTION: To award the bid for two 2016 One-Ton Dump Trucks to the low bidder, O’Connor GMC, at a price of \$59,152.40 per vehicle, without the extended warranty.

- d. Discuss a Proposed Amendment to Zoning Ordinance Article 8, Section 6.B.7-3 Under the Accessory Use Called Renting of Rooms (5 minutes) – At the March 14, 2016 Planning Board meeting, the Planning Board held a public hearing on the attached zoning amendment request from John and Kathy Daamen (owners of the Waldo Emerson Inn at 108 Summer Street). At the

conclusion of the public hearing, they voted (4 in favor/ 1 opposed) to pass this proposed amendment on to the Board of Selectmen with a positive recommendation.

The proposed amendment will change the allowable number of rented rooms in a B& B located in the Suburban Residential Zone – from four rented rooms to six rented rooms.

This change would require a public hearing by the Board of Selectmen and a Town Meeting vote.

MOTION: To schedule a public hearing for April 26th to hear public comments on the proposed amendments to Article 8, Section 6.B.7-3 of the Zoning Ordinance.

- e. Review the Draft of the Annual Town Meeting Warrant (10-15 minutes) – The draft warrant for the June 14th Annual Town Meeting is attached for your review. It includes all monetary considerations and ordinance changes (including the amendment to Zoning Ordinance Article 8, Section 6.B.7-3, being discussed in the previous article). The zoning ordinance amendment would be removed from the final warrant, if, on April 26th, the Board chooses not to forward it to the Town Meeting.

Per our Charter, two public hearings are required for all warrant items. The first public hearing will be held on April 26th; the second one is scheduled for May 24th, along with the final budget public hearing.

MOTION: To schedule a public hearing on April 26th to hear public comments on the warrant articles.

- f. Countersign the RSU 21 Warrant and Notice of Election (3-5 minutes) – As Municipal Officers of the Town, you are obligated by State law to sign this Warrant and Notice of Election. As you are aware, by signing, it does not mean you are endorsing it. The document will be provided on Tuesday evening for your signatures. Please note that you must sign on the same line on all 10 copies.

MOTION: To countersign the RSU 21 Warrant and Notice of Election for the RSU 21 Budget Validation Referendum and Bond Referendum Election to be held on June 14, 2016.

8. Old Business (2nd Reading)

- a. Discuss the Possibility of Televising Zoning Board of Appeals Meetings (5 minutes) – As you recall, we received a request to televise Zoning Board of Appeals (ZBA) meetings. At their March 21st meeting, the ZBA discussed the pros and cons of televising their meetings. A summary of that discussion is attached. Some concerns were raised about sensitive information discussed at disability variance hearings and disclosing other confidential information. Our attorney felt these issues could be addressed appropriately on a case by case basis.

The ZBA concluded with the following non-binding consensus regarding televising the ZBA meetings:

- 4 members thought it was not a bad idea
- 1 member was opposed to the idea

How would the Board like to proceed?

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

- b. Discuss the Creation of a New Committee on Aging (5-10 minutes) – At the last meeting, the Board heard comments from residents on possible opportunities for serving the aging, which represents roughly 30% of the residents in Kennebunk.

The representatives interested in forming this committee met recently and provided the following guidelines for this new committee.

The committee would:

- gather relevant information pertaining to senior citizens residing in Kennebunk
 - medical services
 - recreation centers for seniors
 - senior residences, nursing homes, rehab centers, hospices
 - nursing services, physician/elder care specialists
 - private groups concerned with elder care
- establish a liaison with other Town committees and departments which have relevant concerns
 - Social Service/GA Department
 - Town Committees (Affordable Housing, Community Garden, Festival, Recreation, Planning Board)
- gather information from seniors and interested entities working on behalf of seniors, so that the committee might advise Town officials about issues of immediate concern

Additionally, the Board should consider what name this new committee will be called, i.e. Senior Resource Committee, Committee on Aging, Elder Committee, etc.

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

9. New Business (1st Reading)

- a. Discuss a Road Closure for a Special Event (9th Annual Kennebunk Beach Classic Road Race) on Sunday, June 5th (5-10 minutes) – The new Special Event Policy requires Board approval for road closures.

Attached is the application for The Center's (formerly The Senior Center at Lower Village) annual road race on June 5, 2016. According to the Police Department, they are requesting approval for the following road closures or delays. Note: There are no changes from previous years.

Sunday, June 5th

9:00AM:

Western Avenue would be closed to thru traffic from the intersection of Western Avenue & Boothby Road to the intersection of Western Avenue and Beach Avenue. (This is to allow for finish line on Western Avenue to be set up.)

Duration: Until the completion of the race, approximately 10:30AM +/- . Note: Local residents and vehicles leaving area businesses are allowed to go toward Wells on Western Avenue.

Eastbound traffic on Western Avenue at the intersection of Sea Road will be directed toward the beach. Duration: Until the completion of the race, 10:30AM +/-.

Local traffic on Western Avenue between Sea Road and Boothby Road, going toward Kennebunkport, will be directed down Boothby Road. Duration: Until the completion of the race, 10:30AM +/-.

9:30AM:

The race will start on Port Road by Port Hardware. Traffic will be stopped from the intersection of Coopers Corner to Port Hardware. Duration: 5 minutes +/-.

MOTION: To approve the road closure on June 5th as noted above.

- b. Discuss Nominating a Selectman to Represent Kennebunk on the York County Budget Committee (5 minutes) – The York County Budget Committee Caucus will be held on Wednesday, April 13th at 6:30 p.m. in the York County Government Building (Commissioners Meeting Room), 149 Jordan Springs Road in Alfred. We should consider nominating a Selectman to represent Kennebunk on this County Budget Committee as there is one vacant seat in our district, District #2, which includes Arundel, Biddeford, Kennebunk and Kennebunkport. Please note, our representative will still need to be elected at the Caucus taking place on April 13th. Fellow elected board members that wish to vote would need to attend the caucus.

MOTION: To nominate Selectman _____ to serve on the York County Budget Committee until March 30, 2019 (if elected at the April 13th Caucus).

- c. Discuss a Policy on Town Hall Flag Display (5 minutes) – Selectman Donovan was recently in a municipality that honored their deceased veterans with the American flag being flown at half-mast.

Does the Board wish to consider a flag policy honoring deceased veterans of Kennebunk? This would occur on the day of the funeral of the Kennebunk veteran.

MOTION: Move to a second reading on April 26th.

- d. Discuss the Dedication of the 2015 Annual Town Report (5 minutes) – Each year, the Town has the opportunity to honor those individuals who have committed a significant portion of their time and energy to the service of the Kennebunk community as committee members and/or employees.

We would like to dedicate the 2015 Annual Town Report to the following individuals who passed away in 2015 that served the community in various capacities.

In Memoriam

C. Wesley Crowell Date of Death: 1/7/2015	Member of Board of Selectmen (1994-96) Charter Commission (2002-03) Comprehensive Implementation Committee (1992)
Richard F. Hogue Date of Death: 06/11/2015	Member of the Conservation Commission (1988-90)
E. Barbara Storer Date of Death: 10/12/15	Long-time Recording Secretary for the Conservation Commission and Shellfish Committee
Carolyn F. Walker Date of Death: 2/20/15	Ballot Clerk for many years

MOTION: To dedicate the 2015 Annual Town Report to C. Wesley Crowell, Richard F. Hogue, E. Barbara Storer and Carolyn F. Walker.

In years past, we have dedicated the report to residents/employees who passed away during the year. In the future, we would like to have the option to also include residents and/or employees who are still living that have made a significant contribution to the Town (i.e. employee retiring after a lengthy tenure or similar situation).

MOTION: To consider residents and/or employees who have passed away during that year or who are still living for the dedication of the Annual Town Report.

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

- Accept the Following Resignation:

Madeleine Tunison Festival Committee – Regular 2018

MOTION: To accept the resignation of Madeleine Tunison from the Festival Committee and send a letter thanking her for her service.

f. 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. **No later than April 15th**

We want to hear from you! Complete our Online Survey (or paper version available at Town Hall) Deadline is April 15th. The Town is developing a strategic planning process to guide their future activities. The survey is divided into three sections:

1. Strategic planning questions for the Board of Selectmen and Town Manager
2. Comprehensive planning and land use questions for the Update Committee
3. Demographic information about you to help us better understand trends in the community

Please take the time to participate in this important effort. Your comments and observations will be anonymous and we encourage you to be open and candid.

The online survey can be found on the homepage of the Town's website (under News & Announcements) or at www.kennebunkmaine.us/planningsurvey. Printed copies are also available at the Town Clerk's Office. Surveys must be completed by April 15th.

b. **April 16th**

Board of Selectmen Outreach Sessions – The next session will be held on Saturday, April 16th and will be held on the 3rd floor of the Town Hall from 8:30 a.m. to 10:30 a.m. This session will be hosted by Selectmen Debbie Beal and Shiloh Schulte.

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

Sessions are generally held on the 3rd Saturday of each month at the Town Hall (3rd floor) from 8:30 a.m. to 10:30 a.m. Watch our website (www.kennebunkmaine.us/calendars) for any changes in the schedule due to the weather, availability of Selectmen, etc.

- c. Wright Pierce Report/Dams – On March 22, 2016, Kennebunk Light & Power District released the updated Wright Pierce Hydro Alternates Report regarding the dams. The report is posted on their website at: www.klpd.org/hydro-facilities. It can also be found on the Town’s website at: www.kennebunkmaine.us/klpd.

12. Executive Session(s)

- a. Discuss an Economic Development Matter with the Town Manager, Economic Development Director and Finance Director regarding an economic development matter where premature disclosure of the same would prejudice the competitive bargaining position of the Town relative to the same - Title 1 MRSA Sec. 405(6)(C)
- b. Discuss Union Negotiations with the Town Manager, Finance Director, Human Resource Director and Director of Public Services - Title 1 MRSA Sec. 405(6)(D)]
- c. Discuss a Personnel Issue with the Town Manager and Finance Director - Title 1 MRSA Sec. 405(6)(A)]

13. Adjournment