

**TOWN OF KENNEBUNK
BOARD OF SELECTMEN
TUESDAY, MARCH 26, 2013 – 6:15 P.M.
KENNEBUNK TOWN HALL – 3rd FLOOR/ROOM 301
AGENDA**

SPECIAL MEETING – 6:15 P.M.

Interview the following Candidate(s) for the Energy Efficiency Committee:

<u>Name</u>	<u>Committee</u>	<u>3 Vacancies</u>
Ellen Harford	Energy Efficiency Committee	2 Regular (2015) 1 Regular (2014)
Janice Hanson	Energy Efficiency Committee	2 Regular (2015) 1 Regular (2014)
Daniel Lord	Energy Efficiency Committee	2 Regular (2015) 1 Regular (2014)

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 5, 2013 Special Meeting/Budget Meeting
- b. February 7, 2013 Special Meeting/Budget Meeting
- c. February 21, 2013 Special Meeting/Budget Meeting
- d. March 12, 2013 Regular Meeting
- e. March 14, 2013 Special Meeting/Budget Meeting

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

- a. Items as Presented

4. Public Hearing(s)

- a. The Municipal Officers of the Town of Kennebunk will hold a Public Hearing to act on the following renewal of a Malt, Spirituous and Vinous Restaurant Liquor License Application:

Sebago Brewing Company d/b/a **SEBAGO BREWING COMPANY**
Located at 65 Portland Road

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

MOGO Holdings, LLC d/b/a **PEDRO'S**
Located at 181Port Road

6. Acknowledgements/Announcements

- a. Donation – Recently, Police Chief Robert MacKenzie was selected as coordinator for York County's prosecutorial district's Underage Drinking Taskforce, through Maine's Enforcing Underage Drinking Laws Initiative, (EUDL). With this position, Chief MacKenzie will be paid a stipend of \$2,000 from a grant through the US Department of Justice. Chief MacKenzie would like to donate these funds to the Town of Kennebunk, and has requested that this donation be used to purchase a laptop computer for his use as the Town's police chief.

MOTION: To accept the donation from Chief MacKenzie and use the funds to purchase a laptop computer.

- b. Reminder of the Upcoming Election - March 26, 2013 – Your vote is important! Residents will be voting on:

Town Election: vote to amend the Solid Waste Handling Agreement

(with the closing of the MERC facility, it is necessary to amend the balance of the existing agreement's term through June 30, 2025).

RSU 21 Election: vote on the method of sharing costs in RSU 21

Impact of the Proposed Cost-Sharing Agreement

- **Voting “Yes” will reduce your upcoming tax bills.** Based on current projections, a YES vote will drop the Town's tax rate by about 20 cents this coming year. For the average homeowner with a house valued at \$250,000, this is a savings of \$50 on your annual tax bill. For more information on how Kennebunk will benefit from this, go to our website and click on “In the Spotlight”.
- **Detailed information** can be viewed in the Town Clerk's office and on our website (www.kennebunkmaine.us). **On our home page, click on “In the Spotlight”.**
- **Please vote “to support” these amendments.**

- c. Reminder of Town and State Tax Programs:

- **State of Maine Property Tax and Rent Refund (by May 31, 2013)**

Don't forget to fill out an application for the Maine Residents Property Tax and Rent Refund Program.

The application period for the 2012 program (for refunds of property tax assessed and rent paid during 2011) began August 1, 2012 and ends May 31, 2013.

Applications and instructions may be downloaded from the Maine Revenue Services website at: <http://www.maine.gov/revenue/forms/tnr/tnr.htm>. Applications must be filed with the State by May 31, 2013.

- **2013 Property Tax Assistance Applications (by July 1, 2013)**

Forms are available at the Town Hall and on our website (under "Departments, then Finance and Tax Collection"). This program is for Kennebunk residents, age 62 years or older, who have applied for and received the Maine Residents Property Tax and Rent Refund "Circuit Breaker" Program. If you have any questions, please contact the Tax Collector's Office at 985-2102 x 1606. Applications must be filed by July 1, 2013.

7. Time Sensitive Business

- a. Discuss a Consent Agreement for Andrea Ettinger at 5 Meadow Drive to Correct a Setback Violation (10 minutes) – The attached information is a request to the Board of Selectmen for a consent agreement to legally correct a setback error made in 1984 on Meadow Drive. The request is from the owner, Andrea Ettinger, so she may sell her home.

The violation occurred as a result of an error in the original construction placement of the house in December, 1984. At that time, the original owner/builder, Charles P. Maranhos, submitted a site plan indicating a front setback of 60 feet (20 feet setback requirement) and the building was actually constructed at 6.22 feet. This is a violation of 13.78 feet of the required 20 foot setback. Additionally, the building's current location is at about 50 feet from the edge of the marsh area associated with the Mousam River, which requires a 100 foot setback. This is a violation of 50 feet.

As a result of the details above, the only reasonable alternative to this and future owners would be a consent agreement between the Town and the owner. Based on the details provided, CEO Demers would recommend that a consent agreement be granted with a fine equal to the approximate cost incurred by the Town to review (and process); which would be approximately \$500. The stipulations in the agreement do limit the property to little or no future expansion of the existing structure that would violate current zoning standards. The applicant would still be required to submit to the court and record the final documents. The Board may determine the fine for the violation, but historically, if the violator was a prior owner and not the "unaware subsequent purchaser", that fine has typically been the cost incurred by the Town.

Attached is the drawing provided by the owner. The normal recording documentation, provided by the owner's attorney, have been reviewed and approved by our attorney.

Paul Demers will be in attendance at Tuesday's meeting along with representatives for Ms. Ettinger to answer any questions that may arise.

MOTION: To approve the Consent Agreement for Andrea Ettinger at 5 Meadow Drive and assess a fine of \$_____.

- b. Discuss an Offer from Bibber Memorial Chapel to Clean the Civil War Memorial as Part of their 75th Anniversary Celebration (3-5 minutes) – We received an offer from Douglas Bibber of Bibber Memorial Chapel to clean the Civil War Memorial, located on Main Street beside the Kennebunk Savings Bank. In planning their anniversary celebration, they were looking for a way to thank the community for its support over the years. Since the park is in the center of the town and we are in the period marking the 150th anniversary of the Civil War, they felt this would be a worthwhile endeavor. They would like to accomplish this task by Memorial Day.

Doug has over 20 years experience in cleaning monuments, including the Civil War monument in Thomaston. They are fully insured and are associated with Collette Monuments in Lewiston should any issues arise that need to be addressed.

MOTION: To accept the generous offer from Bibber Memorial Chapel to clean the Civil War Memorial on Main Street and thank them for donating their time, effort, and resources for this project.

8. Old Business (2nd Reading)

- a. Discuss the 51 Main Street Lot Usage Regarding the Tuesday Night Market (Artisans & Farmers' Market) (5 minutes) –Attached are the modified set of rules for vendors using 51 Main Street for the Tuesday Night Market. The recommended changes, pertaining to use of electrical outlets, providing general liability insurance, vehicle parking, and applying these rules to Rotary and Lafayette Parks have been included in the attached rules. The document title was also adjusted.

MOTION: To make the changes to the Kennebunk Downtown Artisans & Farmers' Market Rules for 51 Main Street, Rotary Park, and Lafayette Park.

- b. Discuss the Healthy Maine Streets Program (10 minutes) – Kennebunk is one of twenty communities invited to participate in the pilot “Healthy Maine Streets Program”. This program is a collaboration between the Maine Downtown Center and MCD (Medical Care Development) Public Health made possible by a \$1.64 million grant through the U.S. Department of Human Services' Community Transformation Grants.

Downtowns are the focus of this grant program because they are the heart and soul of small town centers. The goal is to create a wellness program that is shared by the small businesses from all three village centers that will participate in this program. At least ten businesses are needed to participate in this program. There is no charge to participate; in fact, we will have access to grant funds over the next two years.

The end result is that whatever is created as part of the wellness program, will branch out into the rest of the community. This helps create Kennebunk into a healthier and more vibrant place to live, work and play. We are meeting with the fitness clubs in town to request their assistance in the effort to get Kennebunk more healthy. Currently, these business are willing to participate:

Cross Fit
Danceworks
Duffy's Tavern & Grill
Gymnation
Kennebunk Savings Bank
Kennebunk Village Pharmacy
New Morning Natural Foods
Bergen & Parkinson
Wallingford Farms

**There are other businesses
that are considering
joining this program**

A memo from Caroline Segalla, Director of Community Development, Planning and Codes, the Letter of Agreement, and a Power Point printout are attached for your reference.

MOTION: To accept the grant and to promote the program.

- c. Discuss Possible Parking Changes on Twine Mill Road and Maple Avenue (5-10 minutes) – The Safety Committee has reviewed the on-street parking around the West Kennebunk Village Center and the Village Tavern Restaurant. The Village Tavern is a new restaurant that has been very popular since it opened late last year. The owners have been very conscientious of the parking situation and have done a good job managing the parking.

The Safety Committee’s memo and map are attached. They recommend the following parking restrictions to ensure safe pedestrian and vehicular traffic flow.

- Maple Avenue be posted “**No Parking**” on either side from the intersection of Twine Mill Road to the end of Maple Avenue.
- Twine Mill Road be posted “**No Parking**” from the intersection of Maple Avenue on the easterly side. On the westerly side, “**No Parking 300 ft.**” after the intersection of Maple Avenue and Twine Mill Road.

MOTION: To approve the parking recommendations as listed above.

- d. Discuss the Purchase of Trash and Recycling Receptacles for the Three Village Centers (5-10 minutes) –The pricing (with proposed locations) of new and additional trash and recycling receptacles for each of the three village centers (WK, LV, Downtown) is attached for your review. Currently, we have receptacles in each village area. Additional receptacles are needed to continue managing trash and recyclables. These items would be paid from TIF funds.

MOTION: To approve the purchase of the trash and recycling receptacles for the three village centers.

- e. Discuss the Temporary Street Banner Policy (5-10 minutes) –Attached are letters from the Messiah Christian Church, Seashore Trolley Museum, Child Abuse Prevention Council of York County (Kids Free to Grow), and an email from Ralph Austin indicating requests to allow various exemptions to the new policy. The current banner policy is also attached. For your reference, information from abutting towns is listed below:

Kennebunkport	<ul style="list-style-type: none"> • One location: Dyke Road near Goose Rocks • Event must be occurring in Kennebunkport or is sponsored or co-sponsored by the Town of School District
Wells	<ul style="list-style-type: none"> • Town groups are allowed to hang banners • Groups that hang banners must be groups within the Town
Arundel	<ul style="list-style-type: none"> • The Town has no structures for hanging banners
Lyman	<ul style="list-style-type: none"> • The Town has no structures for hanging banners

Selectman Ward requested this item be placed back on the agenda for further discussion.

MOTION:

- f. Discuss the 2013 TIF District Projects/Expenses (5-10 minutes) – At the February 12th meeting, the Board approved the 2013 TIF District Projects/Expenses. Attached is the approved spreadsheet along with meeting minutes of that discussion. Selectman Morin requested this item be placed back on the agenda for further discussion.

MOTION:

9. New Business (1st Reading)

- a. Discuss a Mutual Aid Agreement for York County (2-3 minutes) – The York County Emergency Management Agency recently drafted a County-wide Mutual Aid Agreement for the 26 towns and 3 cities in York County. The purpose of the Agreement is to provide for the establishment and implementation of a Regional Mutual Aid Agreement

for disaster preparedness and disaster response in case of a disaster that may prove too great for any one municipality to deal with unassisted. The Agreement shall be in effect for one (1) year and shall automatically renew in successive one (1) year terms.

The Fire Chief is recommending approval of the Agreement, which is attached for your review.

MOTION: To approve the Mutual Aid Agreement for York County.

- b. Set a Special Meeting Date with Kennebunk Light & Power District to Discuss the River Dam Relicensing (2-3 minutes) – Sharon Staz, General Manager of the KLPD, has requested a special meeting (in executive session) to discuss the river dam relicensing. The requested date is Tuesday, April 16th on the 3rd floor of the Town Office at 6:30 p.m.

MOTION: To Set a Special Meeting for Tuesday, April 16th at 6:30 p.m.

- c. Approval of 2013-14 Salaries (3-5 minutes) – The attached summary indicates the recommended salaries for the 2013-14 budget year.

MOTION: To approve the recommended 2013-14 salaries.

- d. Discuss the Printing of the Annual Town Report (5-10 minutes) – Each year we print 1,000 copies of the Annual Town Report at a cost of approximately \$4,500. This does not include staff time and resources to prepare the document to be print ready. We also post the entire report on our website (the last report can be found on the “About Kennebunk” button on our home page).

I am proposing that we: (1) continue to post the report digitally on our website and make several copies available for the Library, Utility Districts, and Town Hall usage and (2) discontinue the printing of bound book. We could have a minimum number of printed copies available at the Town Hall (reproduced on the office copier, as needed), should a resident desire a copy.

MOTION: To discontinue the printing of the bound Annual Town Report book, continue to post digitally on our website, and make printed copies available upon request.

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

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

<u>Name</u>	<u>Committee</u>	<u>3 Vacancies</u>
Ellen Harford	Energy Efficiency Committee	2 Regular (2015) 1 Regular (2014)
Janice Hanson	Energy Efficiency Committee	2 Regular (2015) 1 Regular (2014)
Daniel Lord	Energy Efficiency Committee	2 Regular (2015) 1 Regular (2014)

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

MOTION: To appoint _____ and _____ as Regular Members on the Energy Efficiency Committee with terms expiring in 2015 and to appoint _____ as a Regular Member on the Energy Efficiency Committee with a term expiring in 2014.

f. Discuss Any Other Business (if any) (2-3 minutes)

10. Selectmen's Comments

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

11. Town Manager's Comments/Notes

- a. Update on LD 596 – This was presented to the Environmental and Natural Resources Committee last week. After discussion with the committee, Augusta DEP officials, and subsequently with Southern Maine DEP officials, I believe the vista piers will not need this special legislation. Basically, the vistas will be incorporated into a fishing and small kayak/canoe docking/launching pier. This capability will qualify each vista as a functional pier and will be allowed. The proposed legislation has been modified to accommodate a potential river deck in the Downtown Revitalization Project area when the river is abutting an old mill building. This approach would work for Duffy's Tavern.
- b. Policy on Board Reappointments – comments are being sought from Town committees (through the Selectmen Liaisons) for a discussion at a future Selectmen's meeting.
- c. Consolidation of Committees – comments are being sought from Town committees for a discussion at a future Selectmen's meeting.

12. Executive Session

- a. Executive Session - Title 1 MRSA Sec. 405(6)(C), to enter into executive session to confer 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.

13. Adjournment