

**TOWN OF KENNEBUNK
BOARD OF SELECTMEN
TUESDAY, MARCH 28, 2017 – 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:

		<u>Vacancies:</u>
Pat Schwebler	Committee on Aging	(3) Regular: 2017, 2018, 2019
Susan Aubuchon	Committee on Aging	(3) Regular: 2017, 2018, 2019
Terrence M. Vaughan	Committee on Aging	(3) Regular: 2017, 2018, 2019
Laura Snyder Smith*	Downtown Committee	(3) Regular: 2017, 2018, 2019; (1) Alt. 2017

*Laura is unable to attend the interview; however, she has been attending the Downtown Committee meetings for the past two years. The Downtown Committee Liaison, Blake Baldwin, would like the Board to consider her appointment at this time. A letter to the Board and her committee volunteer form are included in the packet along with the other applicant forms.

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 15, 2017 Regular Meeting (meeting moved from March 14th due to the storm)
- b. March 22, 2017 Special Meeting (tour of KHS/renovation project)

3. Items to be Signed (2-3 minutes)

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

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

**Kitchen Chicks Catering LTD d/b/a Kitchen Chicks Catering
For a Malt, Spirituous and Vinous Liquor License Application
Located at 41 Water Street**

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: catering company – nothing to report from police

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

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

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

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: catering company – nothing to report from police

MOTION: *To approve the Malt, Spirituous and Vinous Liquor License Application for Destination Catering d/b/a Destination Catering.*

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

**JSK Group LLC d/b/a The Clam Shack
For a Malt and Spirituous Liquor License Application
Located at 2 Western Avenue**

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 Malt and Spirituous Liquor License Application for JSK Group LLC d/b/a The Clam Shack.*

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

To hear public comment on the 2017-2018 Municipal Budget for the Town of Kennebunk

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

Selectmen, Budget Board and staff have assembled a proposed budget for the coming year (July 2017– June 2018).

A draft of the warrant articles pertaining to the budget is included in the packet. A PowerPoint presentation will be provided at Tuesday's meeting. This public hearing complies with the Town Charter.

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

**Extending the Moratorium Ordinance on
Retail Marijuana Establishments and Retail Marijuana Social Clubs
for an additional 180 days (from 04-09-2017 to 10-06-2017)**

The Board of Selectmen has authority to extend by voting in the affirmative following this public hearing.

Additional information may be obtained in the Town Clerk's Office.

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

The Moratorium Ordinance is included in the packet

MOTION: *That the Marijuana Moratorium Ordinance, first enacted by the Kennebunk Town meeting on February 28, 2017, be, and hereby is, extended for an additional 180 days (to October 6, 2017) from its original expiration date (April 9, 2017) as the underlying public policy issues and the study thereof and work on ordinance amendments to deal with the same both remain pending.*

5. Public Comments (5-10 minutes)

6. Acknowledgements/Announcements

a. Accept the Following Donations (5 minutes):

1. Donation to the Police Department – Judy Coen and Mary Lou Nedeau are residents of Kennebunk, members of Kennebunk’s Volunteers in Police Services, and alumni of our Kennebunk Citizen Police Academy. They are also members of the Piscataqua Obedience Club.

Over the last few years, this club has donated universal microchip scanners to Animal Control Officers and Police Departments in the Seacoast area. Judy recently discovered that Kennebunk does not have a microchip scanner. Through Judy’s initiative, the Piscataqua Obedience Club has generously donated a Datamars Compact Universal Microchip Scanner/Reader to benefit our Town.

The Police Department is honored to have been selected to receive this piece of equipment. They will now be able to “scan” recovered dogs and cats for microchips in an effort to reunite them with their owners. The Town of Kennebunk would like to thank Judy and Mary Lou, and all who are part of the Piscataqua Obedience Club for their generous donation.

MOTION: To accept the donation of a microchip scanner from the Piscataqua Obedience Club and send a letter thanking them for this donation.

2. Donation to the Fire Rescue Department – The Kennebunk Fire Rescue Department recently received a donation of \$400.00 from John White and Mary Daley.

MOTION: To accept the donation from John White and Mary Daley and send a letter thanking them for their generosity.

- b. Town Manager Announcement: Staff Resignation – It is with mixed emotion that I announce the resignation of Public Services employee Todd Toussaint. Although I am saddened that Todd is leaving us, I am thrilled he has the chance to pursue other opportunities. Todd has steadfastly served the Town of Kennebunk for nearly 27 years. During those years he has demonstrated excellent interpersonal and leadership skills. Todd always brought a sense of humor to the job, while insuring the job was completed in a timely and professional manner. These are skills and traits that will be sorely missed by us all. Please join me in wishing Todd well in his future endeavors.

c. Take up the Following Election Items as Recommended by the Town Clerk for the June 13, 2017 State Municipal Election (5-7 minutes)

1. Confirm the Town Clerk’s appointment of May Lou Nedeau as the Warden.
2. Set the polling hours from 6:00 a.m. to 8:00 p.m.
3. Establish the following additional hours that the Town Clerk’s Office will be open for voter registration and absentee balloting:

Saturday, June 3	11:00 a.m. to 4:00 p.m.
Sunday, June 4	11:00 a.m. to 4:00 p.m.
Monday, June 5	4:30 p.m. to 7:30 p.m.
Tuesday, June 6	4:30 p.m. to 7:30 p.m.
Wednesday, June 7	4:30 p.m. to 7:30 p.m.
Thursday, June 8	4:30 p.m. to 7:30 p.m.

RESOLVED: To confirm the Town Clerk’s appointment of Mary Lou Nedeau as Warden for the June 13, 2017 State Municipal Election, set the polling hours from 6:00 a.m. to 8:00 p.m. and establish the additional hours for the Town Clerk’s office as noted above.

4. Reminder: Nomination papers are available for the following positions:

Board of Selectmen	(2) 3-year terms
RSU 21 Directors	(2) 3-year terms
Kennebunk Light & Power District	(1) 5-year term
Kennebunk Sewer District	(1) 3-year term
Kennebunk, K'Port & Wells Water District	(1) 3-year term

Nomination papers are available in the Town Clerk’s Office and must be returned by Monday, May 1st, no later than 4:30 p.m. A minimum of 25 signatures is required. FMI, please contact the Town Clerk’s office at 604-1326.

No action required.

7. Time Sensitive Business

a. Discuss Boards and Committees (resignations and/or appointments) (5-10 minutes)

- **Appointment of Residents being interviewed at the beginning of the meeting:**

<u>Applicant</u>	<u>Committee</u>	<u>Vacancies</u>	<u>Date Received</u>
Pat Schwebler	Committee on Aging	(3) Regular: 2017, 2018, 2019	March 1 st
Susan Aubuchon	Committee on Aging	(3) Regular: 2017, 2018, 2019	March 10 th
Terrence M. Vaughan	Committee on Aging	(3) Regular: 2017, 2018, 2019	March 20 th
Laura Snyder Smith	Downtown Committee	(3) Regular: 2017, 2018, 2019; (1) Alt. 2017	March 3 rd

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

MOTION: To appoint the following residents to committees:

- Pat Schwebler, Regular Member on Committee on Aging, term expiring on June 30, 2019
- Susan Aubuchon, Regular Member on Committee on Aging, term expiring on June 30, 2018
- Terrence Vaughan, Regular Member on Committee on Aging, term expiring on June 30, 2017
- Laura Snyder Smith, Regular Member on Downtown Committee, term expiring on June 30, 2019

8. Old Business (2nd Reading)

9. New Business (1st Reading)

a. Discuss a Consent Agreement for 3 Shape Drive (10 minutes) – The Town has been notified that a property located at 3 Shape Drive (Map 38, Lot 25) has a setback violation and parking that is located partially within the Shape Drive Right-of-Way. These deficiencies were discovered as part of the due diligence undertaken prior to the sale of the property.

The current property owner (Medical Group, LLC) wishes to resolve the violation. After reviewing with the Code Officer and Town Counsel, a Consent Agreement has been drafted for consideration by the Board of Selectmen. The property has previously undergone Site Plan Review and the building setback violation results from a survey error. The property was developed according to the approved plan. The parking that is located partially within the Right-of-Way does not affect the operations or management of the public Right-of-Way. The Consent Agreement has language

incorporated within that indemnifies the Town for any liability associated with the use of these spaces.

Staff has worked with the property owner and Town Counsel in developing the Consent Agreement. The nature of this issue suggests a fine is NOT warranted. The majority of staff time associated with this matter occurred during the available “counter time” of the Code Officer, though there was an additional hour of time that was spent reviewing the final draft. Staff recommends that the property owner, (Medical Group, LLC), be responsible for any costs of the Town Attorney related to this agreement.

MOTION: To authorize the Town Manager to sign the Consent Agreement and have the property owner reimburse the Town for the Attorney-related fees incurred as a result of this Agreement.

- b. Discuss the Pasture Bridge Replacement Project through the MDOT's Low Use/Redundant Bridge Program (10 minutes) – MDOT WIN 22242.00 - Pasture Bridge Replacement Project - Pasture Bridge is a locally owned (Town owned) bridge located on Emmons Road and crosses Ward Brook on the westerly end of Emmons Road. This bridge currently has a posted weight restriction and has previously been identified as part of the Federal Bridge Inspection process as deficient in several areas. Although this bridge is locally owned and is considered a low use or redundant bridge, the Maine DOT has agreed to provide funding assistance (a maximum of \$200,000) through its Low Use Redundant Bridge (LURB) program.

In FY2015/16, the Town appropriated funds to support the design and construction of a replacement bridge. That design has been completed, reviewed and approved by Maine DOT which has successfully made this available for Maine DOT funding. In order to secure the funding from Maine DOT, they require that the Town enter into a Project Agreement, which is typical of most state projects that involve a local funding match. The Town has executed similar agreements with the Maine DOT and pending execution of this, the project is prepared to advance to construction, possibly as early as the summer of 2017.

Staff has reviewed the agreement and recommends execution of the document as drafted so that we can leverage the available funding and advance the project.

MOTION: To authorize the Town Manager to sign the Maine DOT Low Use/Redundant Bridge Program Agreement regarding the Pasture Bridge Replacement (WIN 22242.00).

- c. Discuss the MMA's Legislative Policy Committee (5 minutes) – Chairman Morin currently serves as the Town's representative to Maine Municipal Association's Legislative Policy Committee. In the spirit of succession planning, he is seeking another interested Board member that may wish to serve as the future district representative to the LPC upon the expiration of his term.

No motion is necessary.

- 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. Update on the Lanigan Bridge Project – The Lanigan Bridge remains closed to traffic and work continues to progress and remain on schedule. No further night work is contemplated and the previous night work was accomplished safely and on schedule. The project has weekly progress meetings where the work schedule and issues are discussed and addressed. MDOT and the contractor continue to engage and work with staff and local individuals to address concerns related to signage, access and public awareness.

12. Executive Session

- a. Discuss Police Union Negotiations with the Town Manager and Finance Director - Title 1 MRSA Sec. 405(6)(D)]

13. Adjournment