

**TOWN OF KENNEBUNK
BOARD OF SELECTMEN**

TUESDAY, AUGUST 13, 2019 – 5:00 P.M.

**KENNEBUNK TOWN HALL
3rd FLOOR/ROOM 301**

REGULAR MEETING AGENDA

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE
2. EXECUTIVE SESSION
 - a. **Discuss an Economic Development Matter** with the Town Manager, Finance Director, Director of Community Development and Town Legal Counsel 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 Matters of Litigation** with the Town Manager, Finance Director, Director of Community Development and Town Legal Counsel - Title 1 MRSA Sec. 405(6)(E).

MOTION: To enter into executive session, with the Town Manager, Finance Director, Director of Community Development and Town Legal Counsel to discuss:

- Economic Development Matters, pursuant to Title 1 MRSA Sec. 405(6)(C) and
- Matters of Litigation, pursuant to Title 1 MRSA Sec. 405(6)(E)

It is estimated that the meeting will resume at 6:30 p.m.

3. APPROVAL OF MINUTES, ITEMS TO BE SIGNED
 - a. July 16, 2019 Regular Meeting
- [Please refer to supporting material \(PDF\)](#)*
4. PUBLIC HEARINGS
 5. PUBLIC COMMENTS
 6. ACKNOWLEDGEMENTS/ANNOUNCEMENTS
 - a. **Accept the Following Donations:**

1. **West Kennebunk Family Fun Day:**

- \$300.00 from George (Ted) Hissong, Jr. for the West Kennebunk Family Fun Day.

MOTION: To accept the donation and send a letter to Mr. Hissong thanking him for his donation.

2. Police Department:

- \$1,000.00 from an anonymous donor for the Police Department in appreciation of their service. The Police Department would like to utilize these funds for officer safety equipment, such as bullet proof vests or other needs that arise in the near future.

The same donor has donated a new 43" Flat Screen Smart TV for the Police Department which will allow for the dissemination of pertinent information to people in the lobby.

MOTION: To accept the donations and designate the \$1,000.00 designated for officer safety equipment.

- \$1,000.00 from an anonymous donor for the Police Department in appreciation for their service. The donor would like to utilize these funds toward body camera mounts so each officer has a mount on their uniform. Officers currently need to take the mounts off at the end of their shift which has been found to be very inconvenient. This donation will provide a mount for each officer. This donation came forward during our National Night Out event, held on August 7, 2019.

MOTION: To accept the donation and designate the funds to be used for officer safety equipment.

3. Parks & Recreation Department:

- Donation of a Beach Wheelchair by the Smile MASS Beach Wheelchair Program, which believes everyone deserves a day at the beach, and we do too. The P&R Department was able to meet the criteria outlined in the contract for the donation and are now pleased to accept this Beach Wheelchair from SMILE MASS. Chair is able to go into the water.

Please call the P&R Department (604-1335) if you wish to reserve this floating wheelchair.

MOTION: To accept the donation from Smile MASS Beach Wheelchair Program and send a letter thanking them for their generosity.

- b. **SHAPE Award** – The Town of Kennebunk has once again been awarded the Department of Labor’s SHAPE award. The Safety and Health Award for Public Employers (SHAPE) recognizes public sector employers who maintain an exemplary safety and health management system. Acceptance into SHAPE by the Maine Department of Labor, Bureau of Labor Standards is an achievement that distinguishes organizations as a model for workplace safety and health. Kennebunk is one of a few select communities that continue to hold this designation.

We are proud of this designation and applaud Town personnel for their commitment to meeting the high standards required for this highly acclaimed recognition. Congratulations!

[Please refer to supporting material \(PDF\)](#)

- c. **Deputy Town Clerk Carrie Weeman Recognized** – On July 19th, Deputy Town Clerk Carrie Weeman, graduated from the New England Municipal Clerks Institute following her successful completion of an intensive three-year (one week each year) program of continuing education. The purpose of this training is to assist Municipal Clerks in developing and maintaining the high level of administrative expertise needed for the successful operation of increasingly complex municipal governments. The Institute is held at Plymouth State College in Plymouth, New Hampshire, with participants coming from throughout New England. This is a remarkable achievement for someone who has been a municipal employee for just over three years. The majority of the cost of this program was paid through scholarships.

Congratulations, Carrie!

7. TIME SENSITIVE BUSINESS & STAFF PRESENTATIONS

- a. **Update from the Police Department Regarding Traffic Enforcement Efforts** – Representatives of the Kennebunk Police Department will provide an overview of their approach to traffic enforcement efforts designed to address concerns.
- b. **Set the Tax Rate for 2019-2020** – The Assessor, Dan Robinson, is completing the valuation updates and finalizing the mil rate. Dan will be providing the choices for the tax rate at the meeting.

MOTION: To set the Tax Rate for 2019-2020 at \$_____.

- c. **Set Tax Due Dates and Interest Rates** – The property tax due dates for the coming year should be October 4, 2019 and April 3, 2020. The maximum allowed interest rate by state law for delinquent taxes for the coming year is 9%. Last year, we set the rate at the maximum, which was 8%.

[Please refer to supporting material \(PDF\)](#)

MOTION: To set the Tax Due Dates for October 4, 2019 and April 3, 2020 with the interest rate on delinquent taxes at 9%.

- d. **Discuss a Administrative Consent Agreement for 15 Mill Street** – The Code Enforcement Officer has been working with the representative of Virginia Ricker and Donna Horne (property owners) to resolve certain violations of the Town’s Zoning Ordinance associated with the property located at 15 Mill Street. Staff has worked with the property owners’ realtor, legal counsel and the Town’s legal counsel to review options for mitigating this situation and development of the Administrative Consent Agreement.

The property was split in 1987 as a division of land. During this process, the prior property owner provided information to the Code Officer at the time, and inquired about zoning compliance. The Code Officer had indicated the division of land would comply with zoning as presented to him. The information presented turned out to be erroneous and resulted in the creation of two parcels which were insufficient in size to comply with zoning, due to one being a two-family dwelling.

At this time, the Board is being asked to consider only the recovery of all expended legal fees.

Code Officer, Paul Demers, will be on hand to answer any questions the Board may have.

[Please refer to supporting material \(PDF\)](#) to include memo from the Director of Community Development, Draft Administrative Consent Agreement, and the Town's Procedures for Consideration of Administrative Consent Agreements.

MOTION: To authorize the Town Manager to execute the Administrative Consent Agreement.

8. OLD BUSINESS

9. NEW BUSINESS

- a. **Hear an Update from the Connectivity Workgroup** – Economic Development Committee Vice-Chair Jonathan Johnson will brief the Board on the to-date efforts of the Connectivity Workgroup.
- b. **Discuss Possible Location of Skatepark Features** – Representative(s) of the Skatepark Committee have asked to present the idea of having two “ramp-type features” installed at Parsons Field.

MOTION: (if needed)

- c. **Discuss a Road Acceptance Request for Howard Farm Subdivision** – Dan & Greer Higgins have developed a subdivision that was reviewed and approved by the Kennebunk Planning Board in June of 2016 in accordance with the Land Use Ordinance as well as the Street Design and Construction Ordinance. The developer has presented the requisite materials outlined in Section 8.4.2 of the Street Design and Construction Ordinance for the proposed road acceptance of Higgins Drive in the Howard Farm subdivision. The road is located off Thompson Road on the northerly end toward Alewife Road.

The work was inspected by the Town Engineer during construction and has been determined to comply with the standards set forth in the Ordinance and has submitted the necessary information. Road acceptances must be approved by a Town Meeting vote.

MOTION: To send the Road Acceptance Request for Higgins Drive to a public hearing on September 10, 2019 to receive public comment and to place a warrant article before the next Town Meeting to act on this request.

- d. **Discuss a Road Acceptance Request for LEB Subdivision** – LEB, LLC has developed a subdivision that was reviewed and approved by the Kennebunk Planning Board in June of 2017 in accordance with the Land Use Ordinance as well as the Street Design and Construction Ordinance. The developer has presented the requisite materials outlined in Section 8.4.2 of the Street Design and Construction Ordinance for the proposed road acceptance of Flagship Circle in the LEB subdivision. The road is located off Ross Road just east of Emmons Road.

The work was inspected by the Town Engineer during construction and has been determined to comply with the standards set forth in the Ordinance and has submitted the necessary information. Road acceptances must be approved by a Town Meeting vote.

MOTION: To send the Road Acceptance Request for Flagship Circle to a public hearing on September 10, 2019 to receive public comment and to place a warrant article before the next Town Meeting to act on this request.

- e. **Discuss the Purchase of Property Located at 15 Portland Road** – As part of its strategic planning and visioning for future municipal building and service delivery needs, the Town has been provided the opportunity to purchase an approximately 5.1 acre parcel of land located at 15 Portland Road in Kennebunk, Maine, identified as Tax Map 6, Lot 35, and as more particularly described in a deed to Seller from Christian L. Barner, Paige S. Hill and Keybank National Association, as Co-Trustees of the Geraldine K. Waterhouse Revocable Trust u/a dated September 24, 2008, as amended, said deed dated July 27, 2017 and recorded in the York County Registry of Deeds in Book 17537, Page 350 (the "Property").

The total purchase price for the Property has been established at Seven Hundred Sixty-Five Thousand and 00/100 Dollars (\$765,000.00). The presented purchase price was determined following a June 4, 2019 "Real Estate Appraisal Report" performed by Mainland Consultants of Portland, ME. The herein described property consists of "a single-family residence on a 1.5 acre land parcel and 3.6 acres of adjacent land."

The purchase of this building and related land will afford the Town the opportunity to relocate and/or consolidate future municipal needs and services to include, but not be limited to, buildings, facilities, and parking.

Before moving this to a Town Meeting vote, the Board needs to hold a public hearing.

MOTION: To send this item to a public hearing on September 10, 2019 to receive public comment and to place a warrant article before the next Town Meeting to act on this request.

- f. **Discuss Approving Residents of Kennebunkport to Use the Town's Recycling Center** – The Town of Kennebunkport has requested that their residents be permitted to use, on a trial basis, the Kennebunk Recycling Center located at 36 Sea Road. Town Manager Pardue has discussed this request with representatives from CPRC Management Company, LLC., the firm that operates the Town's Recycling Center. CPRC management has expressed support for this proposed regional initiative, citing that the added use envisioned would have little to no impact on their current operation.

If the Board supports advancing this request, the motion could be as follows:

MOTION: To support the request of the Town of Kennebunkport to use Kennebunk's Recycling Center on a trial period (through the end of 2019), at which time this initiative will be evaluated by the two towns.

- g. **Discuss a Three-Year Dispatch Agreement with Sanford Regional Communications Center** – The Town's Agreement with the City of Sanford for dispatch services is due to expire on June 30, 2020. Sanford Regional Communications Center Director William R. Tower III has provided the Town with a new three-year Agreement for said services. The proposed Agreement begins on July 1, 2020 and expires June 30, 2023. The terms and conditions of this agreement mirror that of the current one-year Agreement, aside from the proposed pricing structure, which is being finalized at this time. As this is a multi-year Agreement, the Town's legal counsel advises this matter must receive legislative body approval, therefore it is requested the Board consider advancing this matter to a public hearing on September 10, 2019, prior to which the proposed pricing structure will be finalized.

Before moving this to a Town Meeting vote, the Board needs to hold a public hearing.

MOTION: To send this item to a public hearing on September 10, 2019 to receive public comment and to place a warrant article before the next Town Meeting to act on this request.

- h. **Discuss Selecting an Alternate Member for MMA's Legislative Policy Committee** – On June 26, 2018, William Ward, Jr. was elected to a two year term (2018-2020) on Maine Municipal Association's Legislative Policy Committee to represent Kennebunk in District 34. Richard Morin was the Town's alternate member. With Mr. Morin no longer serving on the Board of Selectmen, is there a member of the Board who would be willing to serve in Mr. Ward's absence as needed.

MOTION: (if needed)

- i. **Discuss Any Other Business**

10. BOARD OF SELECTMEN COMMENTS

- a. **Subcommittee Reports**
b. **Individual Selectmen Comments**

11. TOWN MANAGER ANNOUNCEMENTS

- a. **Tuesday, September 10th** – Next regular meeting of the Board of Selectmen
b. **Tuesday, September 17th** – Proposed date for Joint Workshop with Kennebunk Sewer District
c. **Saturday, September 21st** – Selectmen Outreach Session, 8:30-10:30 a.m. *We are seeking two Selectmen to host this session.*
d. **Thursday, September 26th** – Jensen Baird Gardner & Henry Municipal Client Seminar, 5:30 p.m., So. Portland
e. Update on the RFQ for Public Services Facility.
f. Initiatives intended to expand communication between the Town and RSU 21.

12. EXECUTIVE SESSION

13. ADJOURNMENT