

**Board of Selectmen Meeting
Village Fire Station – 32 North Street
September 13, 2018 – 6:00 PM**

Minutes of the Selectmen's Meeting of September 13, 2018

Selectmen Attending: Stuart Barwise, Patrick A. Briggs, Allen Daggett, Edward W. Hutchins II, and Sheila Matthews-Bull

Others: Tom Bradbury, Michael Claus, Bill Dugan, Jay Everett, Jim Fitzgerald, Orin Frink, David James, Paul Jessel, David Kling, Kevin McDonnell, Sue Ellen McDonnell, Arlene McMurray, Tracey O'Roak, Nina Pearlmutter, Craig Sanford, Chris Simeoni, Laurie Smith, Sue Ellen Stavrand

1. Call to Order.

Chair Hutchins called the meeting to order at 6:01 PM.

2. Approve the August 23, 2018, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the August 23, 2018, selectmen meeting minutes. **Vote:** 4-0-1/Selectmen Hutchins abstained because was not at that meeting.

3. Consider amending the August 9, 2018, selectmen meeting minutes.

It was pointed out that the August 9, 2018, selectmen meeting minutes were not clear about what the intern was working on and might lead one to believe that the Conservation Commission is working on a Pesticide Ordinance; when, in fact, it was only researching the successes, failures, and enforcement issues of towns that have a Pesticide Ordinance. The minutes also made it appear that the Commission was involved in septic system inspections, when it was actually Maine Healthy Beaches.

Motion by Selectman Barwise, seconded by Selectmen Matthews-Bull, to amend the August 9, 2018, selectmen meeting minutes as stated above. **Vote:** 5-0.

4. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).

Orin Frank asked the Board if it could post the longitude and latitude of the town on the town's homepage.

Nina Pearlmutter mentioned she was setting up a weather station for Weather Underground which is located between the 15th hole and the 16th tee of the Arundel Golf Course.

Also, Ms. Pearlmutter was concerned about the number of dock applications being approved by the Selectmen and Planning Board. She said the docks are changing the character of the town and asked the Board to consider the charac-

ter of the area and where it will allow docks in terms of scenic views and environment. She said docks interfere with the wildlife. She suggested perhaps amending the Land Use Ordinance.

5. Sign the November 2018 Special Town Meeting Warrant.

Town Manager Laurie Smith read the Questions for the November 6, 2018, Special Town Meeting which were reviewed by the town attorney:

1. Enactment of Moratorium Ordinance regarding retail medical marijuana caregiver storefronts.
2. Amendment to the Waterfront Ordinance.
3. Amendment to the Victualer's Licensing Ordinance.
4. Amendment to the Wireless Telecommunications Ordinance and Land Use Ordinance.
5. Acceptance of gift.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to sign the Special Town Meeting Warrant. **Vote:** 5-0.

6. Approve Certification of Proposed Ordinances.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the certification of proposed Moratorium Ordinance regarding retail medical marijuana caregiver storefronts. **Vote:** 5-0.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the certification of proposed revisions to the Waterfront Ordinance. **Vote:** 5-0.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the certification of proposed revisions to the Victualer's Licensing Ordinance. **Vote:** 5-0.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the certification of proposed revisions to the Wireless Telecommunications Ordinance. **Vote:** 5-0.

7. Status report from the Housing Committee.

Selectman Briggs, who is also chair of the Housing Committee, introduced the committee members: Bill Dugan, Jim Fitzgerald, Patrick Clancy, and David Kling, and Werner Gilliam.

Pat Clancy, David Kling, and Bill Dugan reported on the status of the Housing Committee's research. See Exhibit A.

The committee requested the establishment of a Housing Trust independent from the town and asked for financial support.

Selectman Briggs added that the town is fortunate to have such talented individuals on the committee who were able to accomplish so much in such a short time.

Motion by Selectmen Barwise, seconded by Selectmen Daggett, to authorize the town to provide financial support to the Housing Trust not to exceed \$15,000.

Vote: 5-0.

8. Consider the sewer abatement request for Sara Young.

Michael Claus, director of public works, said they reviewed Sara Young's abatement request and determined that she is entitled to a refund of \$311.03.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the sewer abatement of \$311.03 for Sara Young. **Vote:** 5-0.

9. Consider appointment to the ZBA.

Sue Ellen Stavrand and Kevin McDonnell applied for the ZBA and spoke to the Board about their interest in serving the town.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to appoint Kevin McDonnell to the ZBA for a term expiring in July 2021. **Vote:** 5-0.

10. Discuss E-911 addressing.

Fire Chief Jay Everett explained that it is important for the police, fire, and rescue to be able to find the house location when there is an emergency. He said there are a lot of houses that do not have address numbers on them. He also stated they have been working on renumbering Wildwood Avenue, Kings Highway, and Sandpoint Road and, he will have an official notice by mid-October. The date to start with the readdressing is April 15 to allow for uninterrupted mail and package deliveries through the holidays, and it will be early enough for summer rentals.

11. Consider replacement of the 2014 Dodge Charger police travel car with a 2015 Ford Escape.

Police Chief Craig Sanford explained that the 2014 Dodge Charger was totaled in an accident this summer. He will keep the 2010 Ford Escape for now and replace it later. He recommends purchasing the 2015 Ford Escape from Key Ford in York at a price of \$16,200. He plans to pay for this with the \$9,495 from the insurance buyout and \$950 from carry-over money. The remainder will come from the Picavet monies.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to approve the purchase of a 2015 Ford Escape from Key Ford at a cost of \$16,200. **Vote:** 5-0.

12. Sign the municipal valuation return.

Motion by Selectman Briggs, seconded by Selectmen Daggett, to sign the municipal valuation return. **Vote:** 5-0.

13. Accept the 2019 salt bid from Morton Salt for \$54.85 per ton delivered.

Mr. Claus received a bid from Morton Salt for \$54.85 per ton delivered.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to award the salt bid to Morton Salt for \$54.85 per ton delivered. **Vote:** 5-0.

14. Consider sewer extension at Binnacle Hill.

Mr. Claus recommended not to take possession of the sewer extension at Binnacle Hill because it is in a private way.

Motion by Selectmen Matthews-Bull, seconded by Selectman Daggett, to not bring this unconditional gift of the sewer extension at Binnacle Hill to the voters. **Vote:** 5-0.

15. Accept street opening permit for JTJ Development, 3 Pier Rd., to install drain line for basement drainage.

Motion by Selectmen Matthews-Bull, seconded by Selectman Daggett, to accept the street opening permit for JTJ Development with the condition that the homeowner get an easement to go across abutting property and a bond is submitted in

case any pavement is cut and repaired. **Vote:** 5-0.

16. Accept street opening permit for TH Enterprises, L.L.C., 51 Langsford Rd., to install underground power to residence.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to accept the street opening permit for TH Enterprises, L.L.C., 51 Langsford Rd., to install underground power to residence on the condition that the owner contracts to repair the sidewalk cut, and overlay the sidewalk with ¾" pavement from the cut to the end of the sidewalk. **Vote:** 5-0.

17. Consider joining Raising the Floor Coalition for minimum/low receivership school districts.

Ms. Smith reported that this coalition was created to develop a more equitable state funding formula.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to not join the Raising the Floor Coalition for minimum/low receivership schools. **Vote:** 5-0.

18. Accept the \$1,000 donation from the Steele Irrevocable Trust to the nurses general account.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to accept the \$1,000 donation from the Steel Irrevocable Trust to the nurses general account. **Vote:** 5-0

19. Accept \$50.00 donation in memory of Agnes Steele from the Goose Rocks Beach Fire Company to the nurses general account.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to accept the \$50 donation in memory of Agnes Steele from the Goose Rocks Beach Fire Company to the nurses general account. **Vote:** 5-0.

20. Authorize the School Resource Officer Agreement with the Town of Arundel.

Motion by Selectman Barwise, seconded by Selectman Briggs, to accept the \$50 donation in memory of Agnes Steel from the Goose Rocks Beach Fire Company to the nurses general account. **Vote:** 5-0.

21. Other business.

Selectman Briggs announced that Werner Gilliam is receiving a 2018 Municipal Employee Award from the Chamber of Commerce tonight and wished him well.

Selectman Hutchins reminded everyone to attend Special Town Meeting on September 19.

22. Approve the September 13, 2018, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to approve the September 13, 2018, Treasurer's Warrant. **Vote:** 5-0.

23. Executive Session pursuant to 1 M.R.S.A. Section 405 (6)(c) regarding discussion or consideration of the acquisition of real property.

Motion by Hutchins, seconded by Selectman Barwise, to go into executive session pursuant to 1 M.R.S.A. Section 405 (6)(c) regarding discussion or consideration of the acquisition of real property and pursuant to MRSA 1, §405-6D to discuss union negotiations. **Vote:** 5-0.

The Board went into executive session at 7:15 PM.

24. Executive session pursuant to MRSA 1, §405-6D to discuss union negotiations.

The Board came out of executive session at 8: 23 PM.
No action was taken.

25. Adjournment.

Motion by Selectman Barwise, seconded by Selectman Briggs, to adjourn. **Vote:** 5-0.

The meeting adjourned at 8:23 PM.

Submitted by Arlene McMurray
Administrative Assistant

SEPT. 13, 2018

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EXHIBIT A

KENNEBUNKPORT HOUSING INITIATIVE

Produced by the Kennebunkport Housing Committee

HOUSING INITIATIVE UPDATE: SEPTEMBER, 2018

INTRODUCTION

In response to the "Housing Needs and Assessment Study", the Board of Selectmen appointed a Housing Committee to look at possible ways to address the housing component of the problems Kennebunkport faces with a declining year-round population. With input from that study, Town Staff, the Kennebunkport Board of Selectmen (BOS), individual citizens and other affordable housing programs in Maine, the Housing Committee has been working to determine how best to provide or cause to be provided enough affordable housing in the long term which will assure that the number of key groups that would live year-round in Kennebunkport are served:

- A. Families with children attending Consolidated School - I.e., families with, or likely to have, young children.
- B. People of modest incomes like town workers, teachers, first responders (volunteer and otherwise), lobstermen, civic volunteers and others whose presence is important to the functioning and character of the Town.
- C. Current senior residents who wish to downsize and remain living in Kennebunkport.

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HOUSING COMMITTEE PRELIMINARY FINDINGS:

- The housing initiative should seek to provide housing that is affordable for families and individuals in a wide range of with annual incomes: from the mid-\$20s/low \$30s to those nearer \$100 thousand. Beyond the \$100,000 level, families are reasonably served by at present market priced homes in Kennebunkport.

Examples of typical wages for Kennebunkport families in need of housing:

<u>Family Size</u>	<u>Adults</u>	<u>Children</u>	<u>Typical Wages (000)</u>	<u>Typical Professions</u>
4	2	2	\$38 to \$43	Teacher/Real Estate Broker
5	2	3	\$57	Construction Supervisor
2	1	1	\$27	Retail
2	2	0	\$36	Retired

For a more complete list of Family Sizes/Wages/Occupations and the Average Median Income for each occupation, please refer to **Chart 1 – Typical Twenty: Prototype Profiles of Families Served** in the Exhibits/Charts Section of this report.

- The initial focus will be on creating several single-family homes with prices affordable by qualified people in the upper segment of this income range. The housing study estimated house prices between \$250,000 and \$380,000 would work within this target group.
- To build quality, affordable homes in this price range given current land prices in Kennebunkport, the cost of land and possibly site development costs will need to be offset or minimized. To serve the rest of the target range will require a greater level of financial support.
- Finding resources for affordable housing:
 - One way to offset land costs is through donated land. Potential sources include: Town-owned land, as well as donations or swaps from other organizations or individuals land owners in the Kennebunkport. There are some Town-owned sites (particularly tax-acquired) which may be suitable for affordable housing.
 - Lot preparation costs could be paid by the buyer - depending on the combined cost of lot preparation and home construction or it could be paid for by other means, like grants and/or donations. For larger

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housing developments, infrastructure costs could be covered by a developer in exchange for something like land to build market value homes.

- Qualifying families or individuals in these initial groups are likely to be able to secure mortgage financing (based on input from local banks).
- Several local banks have expressed interest in supporting this initiative.
- The Housing Committee expects that most housing projects will involve working with a variety of partners, including other Not-for-Profits, developers, and financial institutions
- Ongoing administrative costs and ways to cover them are yet to be determined.
- To be truly successful, the Housing Committee also believes that the Housing Initiative will need financial support, in part, by the community:
 - Donations in the form of donated or reduced cost land and other monetary tax-free types of donations will be necessary.
 - There may also be other sources of revenue in the long run from rentals, partnerships with businesses, etc.

Housing Committee Recommendations

At this point, the Housing Committee feels confident in recommending the following to the Board of Selectmen:

1. The Town approves the establishment of a stand-alone Not-for-Profit (NFP) Housing Organization which the Housing Committee believes would be the most purposeful way to oversee and administer the Housing Initiative for the Town. This approach has worked well in other Maine towns.

Members of the to-be-created Not-for-Profit, a Board of Directors (BOD), be drawn from, at a minimum, representatives from Town Staff and/or Selectmen, interested citizens and representatives from ongoing partner organizations.

The Housing Initiative should apply for and obtain 501(c)3 Internal Revenue designation(s) and should also consider a 501 (c) 4 to serve all

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the Housing Initiative targeted groups. A 501(c)3 will enable tax deductible donations for support to those slightly below the area median income level, while a 501(c)4 will allow the development of housing to those nearer or slightly above the area median income level.

2. Keep the finances of the Housing Initiative independent of the Town's annual budget.
3. Assuming the Town wishes to go forward, the initial housing projects should most likely be a few modest-sized home developments. Larger developments (which could include a mix of affordable and market priced homes) and developments serving the rest of the targeted income range would be pursued as resources and opportunities are identified.
4. When looking at the longer term, the new Housing Organization may consider including townhouses and/or rentals in the mix.
5. The Town and BOS continue to authorize the allocation of Town resources in the form of paying for legal fees and CEO staff time to support the start of this initiative.
6. The Town and BOS be prepared to approve the transfer of suitable land to the new Housing Organization. Specific site evaluation and recommendations will be forthcoming. The Housing Committee understands that tax-acquired land may be transferred with BOS approval.
7. At this point we do not know whether it will be necessary to ask for up front budgetary support for the new Housing Organization.

NEXT STEPS:

Should the BOS decide to move forward with a Housing Initiative, based on the Housing Committee findings and recommendations this far, the Committee will then:

- a. Formalize a proposal for the Housing Organization, including, a Charter, Bylaws, Board of Directors, Staffing, Funding, appropriate documents and will seek all necessary BOS and Town approvals.
- b. Seek input from the public, from developers and from potential applicants.

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- c. Complete a legal review of the organization and the housing initiative by Town Counsel.
- d. Work with Town staff to evaluate potential sites for an initial development and should one or more sites seem suitable, revert to the BOS with a request to transfer the site(s) to the new NFP.
- e. Determine funding for site preparation.
- f. Undertake discussions with potential partners.
- g. Once these steps are well underway or completed, the BOD and Staff of the new NFP would develop process guidelines, applicant evaluation criteria, line up prospective lenders, begin the process of seeking applicants, line up potential contractors and/or suppliers of modular housing and generally undertake the steps necessary to provide affordable houses on the selected sites.
- h. Establish housing affordability goals for the targeted groups.
- i. Determine the need to modify the Kennebunkport Land Use Ordinance.

GENERAL CHARACTERISTICS THAT WOULD APPLY TO AFFORDABLE HOUSING IN KENNEBUNKPORT

Applicants would have to meet certain standards for income established in each case based on financial feasibility but within the range identified above.

- A. The houses would remain affordable when resold under covenants agreed to by the owner.
- B. Certain standards of maintenance and upkeep would apply to all owners.
- C. Dwelling units would have to meet certain design standards (compatibility with neighborhood, building quality, energy efficiency).
- D. Owners must live full-time in the dwelling unit.
- E. Incentives directed toward attracting individuals for example, that work in the Town, that volunteer, or have children attending Consolidated may be considered.

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EXHIBITS/CHARTS

Chart 1 – Typical Twenty: Prototype Profiles of Families Served

HOUSEHOLDS			OCCUPATIONS	WAGES.	AMI.*	PCTG.
Fmly Adults Kids				(\$000)	(\$000)	Inc. of AMI
4	2	2	School Teacher; Landscaper	38;30.	72	94%
2.	1.	1.	Retail Worker.	27.	58.	47%
3.	2.	1.	Health Care Worker; Clerical.	35;25.	65.	92%
5.	2.	3.	Construc Spvsr; Admin Asst.	57;36.	72.	129%
1.	1.	0.	Retired.	35.	50.	70%
4.	2.	2.	Librarian; Student.	50.	72.	69%
5.	2.	3.	Machine Operator; Secretary.	40;35.	78.	96%
2.	2.	0.	Retired.	36;19.	58.	95%
2.	1.	1.	Childcare Administrator.	53.	58.	91%
4.	2.	2.	Hospitality Wkr; Constr Laborer	25;26.	72.	71%
5.	2.	3.	Town Equip Oper; Paralegal.	49;48.	78.	124%
1.	1.	1.	Retired.	25.	50.	50%
5.	2.	3.	Wastewater Operator; At Home.	50.	78.	64%
3.	1.	2.	Social Worker.	46.	65.	71%
2.	2.	0.	Retired.	18;17.	58.	60%
3.	1.	2.	Artist.	30.	65.	46%
4.	2.	2.	Real Estate Broker; Carpenter.	43;40.	65.	128%
1.	1.	0.	Lobster Fisherman	37.	50.	74%
3.	2.	1.	Hair Stylist; Custodian.	26;26.	65.	80%

Note: Wages derived from averages published by Bureau of Labor Statistics, Social Security Administration and other data bases.

* AMI = Area Median Income