

**TOWN OF ARUNDEL, MAINE
SELECT BOARD MEETING**

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**Monday April 22, 2024
Arundel Municipal Building
7PM
Meeting Room**

SPECIAL TOWN MEETING

A special Town Meeting will be held prior to the Select Board Meeting. The purpose is to seek voter approval for the purchase of a Compactor and Containers for the Transfer Station. (see attached Warrant with Explanation)

- I. Call to Order
- II. Approval of Agenda
- III. PUBLIC HEARING FOOD TRUCK APPLICATIONS “Vintage Dogs”
“Maine Diner on the Go”
- IV. Public Forum – Public comment on non-agenda items
- V. Approve Minutes of April 8, 2024
- VI. Committee and Board Reports
- VII. Manager Report
-Status of Contract Planner position
- VIII. Business
-Request to enact a resolution
-Cape Arundel Seasonal Cottages/Ordinance amendment 9.3.37 (1) (e)
-Food Truck Approval at Vinegar Hill Music Theatre
-Food Truck Ordinance Review
-Approval of Payable Warrant
- VIII. Adjournment

TOWN OF ARUNDEL

468 LIMERICK RD ARUNDEL MAINE 04046 (207) 985-4201 FAX (207) 985-7589

BUSINESS MEETING March 25, 2024

EXECUTIVE SUMMARY

Select Board Members: The purpose of this summary presented is to give you some information over and above just the mentioning of the subject matter on the agenda. It is my hope that this information assists you in your decision making.

SPECIAL TOWN MEETING: Just a reminder that we will be conducting a Special Town Meeting prior to your business meeting seeking permission from the voters to utilize Fund Balance Funds to purchase a Compactor and Containers for the Transfer Station.

PUBLIC HEARING FOOD TRUCKS: The Town has been provided (2) applications for food trucks to operate at Vinegar Hill Music Theatre at Various times throughout the season. Conditional Use approval granted by the Arundel Planning Board allows up to three in designated locations on the property at any one time. As Schedule at no time are there more than two.

MANAGERS REPORT

-Contract Planner: Met with SMPDC Executive Director Paul Schumacher who indicates to me on Lee Jay departure they have the resources to provide us a Planner. Again the process may be a bit different and we will work through the logistics.

BUSINESS

-Request to enact a resolution: Mr. David Rush wishes to discuss with the Board the enactment of a resolution related to the climate policy and climate change. He will be in attendance to explain the resolution.

-Mr. Ryan Lawler from the Arundel Seasonal Cottages wishes to speak with the Board in regard to an Ordinance Amendment related to the length that the seasonal cottages can be open.

-Approval Food Truck License: Presently (2) applications are proposed I believe if they met the criteria, they all can be acted upon together. I note after review that no more than three (Limit) are there on any one day.

-Food Truck Ordinance Review: After your last meeting I updated the draft document for further discussion and perhaps a vote on the changes to be proposed to the voters.

-Payable Warrant: Action required to release payment of invoices.

ADJOURNMENT

SPECIAL TOWN MEETING WARRANT

MONDAY APRIL 22, 2024

To: Dori LaFlamme a resident of the Town of Arundel in the County of York,
State of Maine

GREETINGS

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Arundel in said county and state, qualified by law to vote in town affairs: to meet at the Arundel Municipal Building Meeting Room in said town on Monday, the 22nd day of April , A.D. 2024 at seven o'clock in the evening then and there to act upon Article #1 and Article #2 as set out below. The Registrar of Voters will hold office hours while the polls are open to accept the registration of any individual eligible to vote, to accept new enrollments and to correct any error or change in name or address on the voting list.

ARTICLE 1: To choose a moderator to preside at said meeting and to vote by voting cards or written ballot.

ARTICLE 2: Shall the town vote to appropriate the sum of \$55,550 from fund balance for the purchase of a 3yd Stationary Compactor, 45yd Octagon Style Compaction Container and 50yd open top Container.

Board of Selectmen recommend Yes
Budget Board recommends Yes

EXPLANATION

One of the two stationary compactors used at the Transfer Station has failed. These compactors are used for refuse and recycling and the one to be replaced has been in use for 20 plus years and repaired numerous times. In addition two containers to place materials in will be purchased (1) for the new compactor and the other to replace worn out container taken out of service. Funding for these purchases will be from Fund Balance (Surplus) that has accrued as a result of additional revenue and municipal budget savings.

**TOWN OF ARUNDEL
SELECT BOARD**
Monday April 6, 2024
Arundel Municipal Building
Meeting Room
6PM Workshop & 7PM Meeting

Members present: Select Board Phil Labbe, Tom Danylik, Velma Hayes, & Jason Nedeau.

Absent: Member Dubois

Others: TM Trefethen

Call to Order: Chairman Nedeau opened the workshop @ 6:15PM

Workshop was held to discuss various changes possibly to the Food Truck Ordinance. These focused-on definition of Intersection and modification of performance standards under Section X, Item (e). ***MOTION Hayes second Danylik “close workshop session” passed 4-0 @ 6:59PM***

Approval of Agenda: ***MOTION Hayes second Labbe “approve as presented” passed 4-0.***

PUBLIC HEARING FOOD TRUCKS: Chairman Nedeau opened the hearing @7PM. Five (5) food trucks had provided applications for the location of Vinegar Hill Music Theatre for various times during their entertainment season. Vinegar Hill was given Conditional Use approval for Food Truck at their business. No questions, hearing was closed @ 7:02PM.

Public Forum: None

Approve Minutes: ***MOTION Danylik second Labbe “approve minutes of March 25, 2024 as presented” Passed 4-0.***

Committee & Board Reports: Manager read a report from Board Member Dubois who reported out on activities @ RSU #21.

Manager Report

-Status of Tax Assessor: Out of office for 8-12 weeks for surgery. Manager is seeking an alternative to provide assessing services in her departure.

-Status of Contract Planner: Lee Jay Feldman is leaving the services of SMPDC in May. Manager will meet with Executive Director on Wednesday of this week to determine plans to provide a Planner for Arundel.

-Upcoming Budget Meeting: Manager reminded the Board of their meeting with the Budget Board for Tuesday April 9, 2024.

Business

- Approval of Food Trucks: *MOTION Hayes second Labbe “approve all the applications for food trucks @ Vinegar Hill provided all fees are paid” passed 3-0-1 (Danylik)* Food Trucks approved were “Stone & Fire”, Crepe Elizabeth”, “Caribbean Flavors”, “The Treat Truck”, & “Bowlicious”

-Approval of Payable Warrant: *MOTION Hayes second Danylik “approve as reviewed” passed 4-0*

ADJOURNMENT

MOTION Hayes second Labbe “to adjourn” passed 4-0 @ 7:14 PM

Respectfully submitted

Keith M. Trefethen
Town Manager

ARUNDEL FOOD TRUCK ORDINANCE

SECTION I. FINDINGS AND PURPOSE

The primary purpose of this ordinance is to regulate the impact of said trucks on traffic and public safety and to minimize any detrimental effect on the use and enjoyment of abutting properties as a result of noise, fumes, odor or other causes generated by food trucks.

SECTION II. DEFINITIONS

FOOD TRUCK: A vehicle or cart primarily providing food and drink for members of the public on private property or in parking lots outside of the travel way, which is not stationary but is capable of moving from the site to site.

INTERSECTION: The area where two or more public or private ways serving more than 10 lots/units which intersect with a public street.

OPERATE: To sell food, non-alcohol beverages, and other permitted items from a food truck.

OPERATOR: Any person operating or permitted to operate a food truck.

SECTION III. LICENSE

Regardless of its location or hours of operation, no food truck may operate in the Town of Arundel without first obtaining a food truck license, which shall be issued conditional upon the licensee's adherence to the criteria set forth by this ordinance. Additionally, all such food trucks must comply with all applicable local, state, and federal rules and statutes, including but not limited to those rules pertaining to the preparation and sale of food.

SECTION IV. APPLICATION

An application for a food truck license shall be filed with the town clerk on forms provided by the town clerk containing the following information:

- a) Name, home and business address, telephone number, driver's license number, and proof of identity;
- b) A description of the nature, character and quality of food to be sold;
- c) The specific location in which the food truck intends to conduct business; along with written authorization from the property owner that in fact the truck operator has permission to operate on subject property.
- d) The name and business address of the company or organization permitting the food truck.
- e) Registration and license number of any vehicle used in the business;
- f) A complete listing of any other permits issued by other municipalities or state agencies.

SECTION V. HEALTH INSPECTIONS

Equipment used in the sale of food or beverages may be subject to health inspections by the Arundel Health Inspector prior to opening and periodically thereafter.

SECTION VI. LICENSE REVIEW & PERMITS

Once an application for a food truck license is deemed complete by the Town Clerk, the Board of Selectmen shall schedule a public hearing, after which the application shall be approved, approved with conditions, or denied. The Board of Selectmen shall issue a food truck license unless it finds that the standards of this ordinance are not met. Food Truck Licenses must be renewed annually.

SECTION VII. EXEMPTIONS

No license is required for a food truck that is rented, leased or otherwise retained for the purpose of operating at a one-time event, no more than fifteen (15) hours in duration that is to be held entirely on a private lot used exclusively for residential purposes.

SECTION VIII. FEES

Each Food Truck granted a license under this ordinance shall pay an application licensing fee established by the Board of Selectmen for daily, weekend, or seasonal permit approval.

SECTION IX. INSURANCE OR BOND

Food Trucks shall obtain and provide if, at a minimum, motor vehicle license as required by state law, and business insurance with a minimum coverage of \$1,000,000.

SECTION X. PERFORMANCE STANDARDS

- a) Food Trucks shall not impede access to any entrance or driveway of any building;
- b) Business hours are limited to 7 AM to 1AM
- c) All solid waste or debris accumulating from a food truck operation must be collected by the food truck operator and disposed of in a trash receptacle, and removed daily by the food truck operator.
- d) No- food truck may operate within 500 ft. of a public-school during school days;
- e) No food truck may conduct business within 200 ft. of street intersections. (provided, however that the Select Board may, upon the request of an applicant, reduce this performance standard upon submissions to the Board of sufficient substantive evidence that the proposed reduction shall not affect the safety concerns promoted by the listed performance standard) Seating may be provided but is limited to 16 seats.
- f) Amplified music or sounds from any food truck is prohibited.
- g) Open flame cooking either within or outside the food truck is prohibited, except where such activity is specifically permitted by the Fire Department or other applicable licensing authority.
- h) Food Truck may connect to hardwire electrical service approved by the Arundel Code Enforcement Officer.
- i) All signage shall be permanently affixed to the Food Truck.
- j) No exterior lighting permitted on the site.

SECTION XI. REVOCATION OF LICENSE

The Code Enforcement Officer is authorized to revoke or suspend any license issued under the provisions of this ordinance for:

- a) Misrepresentation of information in the application;
- b) Fraud or misrepresentation in the conduct of the business;
- c) Creation of a public nuisance or a threat to the public's health, safety or welfare;
- ~~d) Conviction of a crime involving moral turpitude;~~
- e) Health inspection violation which is not corrected within 24 hours of notice.
- f) Any violation of the provisions of this ordinance

SECTION XII. APPEALS

Applicants whose licenses have been suspended or revoked may file a written appeal to the Board of Selectmen through the Town Manager. The Board shall consider and act upon any appeal within 30 days.

SECTION XIII. PENALTIES

Any person who violates any provision of this ordinance shall be subject to a fine of \$500. Each day a violation continues shall be considered a separate violation.