

TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda
April 11, 2024 @ 6:00 PM
VILLAGE FIRE STATION
32 North Street**

This is an in-person meeting, but the public may join in the Zoom webinar format.

Join by **computer or mobile device** and click on:

<https://us06web.zoom.us/j/86113916312>

or go to **ZOOM** and enter the **webinar ID**: 861 1391 6312

By **phone** 1(929) 205 6099 US

1. Call to Order.
2. Approve the March 21, 2024, joint meeting with the Budget Board minutes and March 28, 2024, selectmen meeting minutes.
3. 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.)
4. Consider the renewal liquor license submitted by W & A Inc., Cape Pier Chowder House, located at 79 Pier Rd., Cape Porpoise, ME 04014.
5. Review and vote on the proposed warrant articles for the Town Meeting in June.
6. Review and vote on the proposed order regarding ballot questions.
7. Cape Porpoise Pier Bid Update.
8. Enterprise budget presentations:
 - a) Recreation Special Revenue Budget;
 - b) Wastewater Budget;
 - c) Cape Porpoise Pier Budget;
 - d) Dock Square Parking Lot Budget;
 - e) Government Wharf Budget.
9. Growth Planning Committee's Recommended 2024 Comp Plan Short Term Strategies for Implementation.

10. Consider the formation of a Sustainability Committee.
11. Appointment of the Bureau of Motor Vehicle Agent.
12. Other Business.
13. Approve the April 11, 2024, Treasurer's Warrant.
14. Adjournment.

AGENDA ITEM DIVIDER

Town of Kennebunkport
Board of Selectmen & Budget Board Joint Meeting
March 21, 2024
6:00 PM
Village Fire Station (32 North Street)

MINUTES

Selectmen attending: Mike Weston, Sheila Matthews-Bull, Allen Daggett, Jon Dykstra, Marybeth Gilbert.

1. Call To Order.

Chairman Weston called the Select Board meeting to order at 6:03 PM.

April Dufoe called the Budget Board meeting to order at 6:03 PM. Budget Board members present in person were Bob Wester, Ki Leffler, April Dufoe, David James, Dan Beard, David Betses & Michelle Powell. Attending via Zoom (but without microphone so non-voting) were Allan Evelyn & Carol Cook.

2. Budget Review.

Laurie Smith, Town Manager, informed the Boards that the school district is in their budget process with a public hearing and a public reading in April before it goes to a district vote and then to the voters in June.

The Capital budgets for Town departments were presented: Administration by Laurie Smith, Tracey O’Roak, Nicole Evangelista & Yanina Nickless; Police, Communications & Emergency Management by Laurie Smith; Fire by Chief Jay Everett; Public Works by Chris Simeoni; Road & Sidewalk Improvement and Special Projects by Chris Simeoni, Eric Labelle & Laurie Smith; and Recreation by Stephanie Simpson.

3. Review of Town committee, social service agencies, and outside agencies’ budget requests:

Laurie explained that there’s a Social Services subcommittee that reviews the funding requests of nonprofits. This year’s request is slightly less than last year. David James added that the nonprofits have other funding sources as well, so no agency was cut out of this year’s budget.

Jim Stockman made a presentation for Kennebunkport Emergency Medical Services (KEMS). Chris Simeoni spoke about the Shade Tree Committee and funds needed for

Elm tree treatment. Ruth Fernandez spoke for the Cemetery Committee and funds needed for pruning trees. Marylou Boucouvalas presented the Graves Memorial Library budget request, and Dick Smith did so for the Cape Porpoise Library. Laurie described the Parsons Way account request as well as miscellaneous items such as the Memorial Day Parade, Seacoast Garden club for plantings in Dock Square, Fourth of July fireworks & Southern Maine Veterans memorial and Senior Center in Lower Village.

No motion was necessary. No motion was taken.

4. Adjournment.

Motion by David James, seconded by Dan Beard, to adjourn the Budget Board. **Vote:** 7-0. **Motion passed.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to adjourn. **Voted:** 5-0. **Motion passed.** Meeting adjourned at 8:46 PM.

Submitted by,
Dave Powell,
Technology Specialist

Town of Kennebunkport
Board of Selectmen Meeting
March 28, 2024
6:00 PM
Village Fire Station (32 North Street)

MINUTES

Selectmen attending: Mike Weston, Sheila Matthews-Bull, Allen Daggett, Jon Dykstra, Marybeth Gilbert.

1. Call To Order.

Chairman Weston called the meeting to order at 6:00 PM

2. Approve the March 7 joint meeting with the Budget Board minutes and March 14, 2024, selectmen meeting minutes.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the March 7 joint meeting with the Budget Board minutes and March 14, 2024, selectmen meeting minutes. **Voted: 5-0. Motion passed.**

3. 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.)

Robin Phillips asked when bids had been received for the reconstruction of the Cape Porpoise pier and when the project was scheduled to begin. She was concerned that the grants obtained for the project might expire. Laurie Smith, Town Manager, responded that the EDA grant expires in 2026 and the State SHIP grant is also good for a few more years. The bids were received last week, and the engineer is reviewing the bids now. Laurie expects a report from the engineer at the next Select Board meeting in April.

No motion was necessary. No motion was taken.

4. Public hearing on Chapter 160 Traffic and Vehicles § 160-27 Goose Rocks Beach parking stickers.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to open the public hearing on Chapter 160 Traffic and Vehicles § 160-27 Goose Rocks Beach parking stickers. **Voted: 5-0. Motion passed.**

Laurie explained that parking stickers are currently required at Goose Rocks Beach from 8 am to 6 pm. A few years ago, the time that dogs were permitted on the beach in the summer changed from beginning at 6 pm to 5 pm. The proposed change to the end time of 5 pm for parking stickers aligns with the permitted dog walking time.

No member of the public, either in person or on Zoom, had any comment.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to modify the traffic ordinance for parking at Goose Rocks Beach to require a parking sticker between the hours of 8 am and 5 pm. **Voted: 5-0. Motion passed.**

5. Review the final fiscal year 2025 budgets and make recommendations.

Chairman Weston noted that the municipal part of the tax commitment lowers the mil rate by 4 cents. However, the school budget increases the mil rate by 36 cents, and there's nothing the Kennebunkport Board of Selectmen or Budget Board can do about that, though the citizens can vote on the school budget in the RSU 21 budget vote on Monday, April 1st at Kennebunk Elementary School.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to fund the General Government Program Expenses in the amount of \$2,444,608. **Voted: 5-0. Motion passed.**

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to fund the Public Safety Program Expenses in the amount of \$3,508,414. **Voted: 5-0. Motion passed.**

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to fund the Health and Welfare Program Expenses in the amount of \$1,021,536. **Voted: 5-0. Motion passed.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to fund the Public Works Program Expenses in the amount of \$1,560,176. **Voted: 5-0. Motion passed.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to fund the Recreation, Culture, Contingency, and Miscellaneous Program Expenses in the amount of \$1,088,176. **Voted: 5-0. Motion passed.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to fund the Capital Expenses and Reserve Account and Debt Service Payments in the amount of \$3,774,845. **Voted:** 5-0. **Motion passed.**

Selectman Dykstra noted that the total municipal expenditures are \$13,397,755.

Chairman Weston asked if any members of the public had any questions or comments. There were none.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to close the public session. **Voted:** 5-0. **Motion passed.**

6. Public Safety Study presentation by Municipal Resources Inc.

David Houghton & David Bengston of Municipal Resources, Inc. presented the study they conducted on Kennebunkport's Fire Department and Kennebunkport Emergency Medical Services (KEMS). The study yielded 60 recommendations, the top few of which they addressed. They emphasized that these are recommendations, not mandates. The Fire Chief, Town Manager, & Board of Selectmen determine which recommendations should be addressed (or not) and in what order and timeline.

The key areas of concern regarding KEMS were:

- Consistent EMS level and staff to cover shifts 24x7.
- Continuous use of the endowment fund to cover operational costs.
- Lack of a backup ambulance.
- Increase the cost of doing business.
- A potential decrease in revenue.

The key areas of concern for the Fire Department were:

- Limited recruitment efforts for on-call personnel.
- Low availability of staff during workday hours.
- Consistent training of all members.
- Minimum training and participation standards.

Key recommendations for KEMS:

- KEMS should remain as a 501c3.
- The town should merge KEMS operations with the town government.
- KEMS should have a full-time officer reporting to the Fire Chief.

Key recommendations for the Fire Department & EMS operations:

- Create a mentoring program for new hires and future officers.
- Increase staffing at the Village Fire Station on North St. during the daytime hours.
- Create a pool of certified per diem staff.
- Determine what would motivate people to become responders.
- Develop and implement staff recruitment and retention strategies.
- Phase out the Wildwood station.
- Purchase the Goose Rocks station.
- Renovate the Village Fire Station to include living quarters and provide for 24x7 operations.
- Annual goal-setting workshop with the Select Board and Fire Chief to improve Fire and EMS services.
- Apply for grants for equipment, staffing & training.
- Move Fire and EMS dispatch to York County.
- Move the EMS primary from the Police Chief to the Fire Chief.

No motion was necessary. No motion was taken.

7. Consider the Climate Action Plan proposed by the Climate Action Planning Taskforce.

Chairman Weston provided a brief history of the Town's efforts to date in getting input from the public, establishing the Climate Action Planning Taskforce, and gaining grants for resiliency projects – most notably the Cape Porpoise pier renovation project.

Pam Morgan, Chair of the Taskforce, presented the Climate Action Plan. The purpose of the plan is to ensure that the Town will remain economically & environmentally viable in the future, position the Town to obtain State and Federal climate grants, protect the health and vitality of the Town, and prioritize existing funds strategically.

Our task force is part of the Southern Maine Planning and Development Commission (SMPDC), which allows us to communicate with and help neighboring towns work through this process. SMPDC provided us with 75 strategies to help with our climate goals. The taskforce went through this list to refine it to those items that are most applicable to Kennebunkport.

The task force solicited public input and did a workshop with the Select Board to present the work done thus far. The takeaway message was that the taskforce should simplify and reduce the number of strategies and remove any proposed mandates. The taskforce reduced the number of strategies from 26 to 19, clarified language and removed mandates. The strategies are in three categories: build resiliency, reduce

emissions, and enable action. The plan consists of recommendations only. Should any of the strategies require funding, they would go through the usual Town budget review process. Should any of them require Town ordinance changes, they would require approval by the Select Board and then the voters. The taskforce asked the Board to adopt the climate action plan.

The Board proceeded to discuss each of the Climate Action Plan recommendations. Much of the conversation centered on item 4.4 “Consider hazard disclosure for property transactions”.

The public was invited to comment.

Charlie Arnold expressed his support for the elements of the plan that deal with disaster preparedness and the usefulness of having the plan to obtain grants but was concerned that suggestions would turn to mandates. He questioned what might happen in the future regarding climate, saying he believed there is a lot of uncertainty in the scientific community.

Susan Boak stated that she wanted a plan that focuses on Kennebunkport, what can be done to remediate storm damage and address known areas of concern in town and avoid raising controversial political issues.

John Ripton pointed out that predictions of the consequences of climate change have underestimated the rapidity and severity of changes and that 97% of the scientific community agrees that climate change is real and anthropogenic.

Cynthia Domine expressed her concern in promoting electric vehicles (EVs) when informed earlier in the meeting during the public safety study presentation that EV battery fires are extremely difficult to put out. She would also like to see mention of recycling & composting in the plan.

Bob Domine voiced his opposition to the plan, saying it would quickly devolve into demanding what should and should not be done by local residents, when in his opinion such actions will make no difference to weather or climate.

Tanya Alsberg, via Zoom, expressed her gratitude for those who have put effort into the plan and her support for the plan.

Mindy Muse also expressed her gratitude and support for the taskforce and encouraged a “yes” vote by the Select Board.

Diane Jenkins said that she supports a framework to move forward and supports approval of the plan.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to approve the plan as presented by the Climate Action Planning Taskforce, with the amendment that item 4.4. "Consider hazard disclosure for property transactions" be removed. **Voted:** 5-0. **Motion passed.**

8. Annual appointment of Town Officers.

Tracey O'Roak, Town Clerk, said that the Town Officers are the same as last year, with the one exception that there's a vacancy for Code Officer. That will soon be filled by a new hire.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to approve slate of officers as listed. **Voted:** 5-0. **Motion passed.**

9. Appointment of the Ballot Clerks.

Tracey explained that ballot clerks need to be appointed every two years for a two-year term. The Select Board has been presented with a list of those who indicated they are interested in serving. Though every candidate will not be selected for every election, this provides a pool for Tracey to choose from.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the list of Ballot Clerks. **Voted:** 5-0. **Motion passed.**

10. Consider the request to amend the Ladder truck equipment.

Jay Everett, Fire Chief, explained that there are now two options for the ladder truck ordered 18 months ago that were not available at that time. He recommended that we amend the order to add: 1) seats with zip off covers that can be laundered thereby reducing firefighter exposure to carcinogens; 2) a spray coating that inhibits corrosion thereby increasing vehicle longevity, to be applied to the entire frame and suspension of the truck instead of just certain frame components.

Motion by Selectman Gilbert, seconded by Selectman Daggett, to authorize the amendment to the ladder truck order in the amount of \$7,002.91. **Voted:** 5-0. **Motion passed.**

11. Consider a proposal from Sebago Technics for the Village Fire Station Programming Study and Analysis.

Laurie informed the Board that a study had been done, but it was in 2019. There is a need for a new study considering anticipated need for bunk space for per diem firefighters and possibly EMS staff, and also taking into consideration the possibility of a new Town Hall being located adjacent to the fire station or on the Village Parcel.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to have Sebago Technics perform the Village Fire Station Programming Study and Analysis for \$42,000.

Voted: 5-0. Motion passed.

12. Town Hall Building Committee update.

Chairman Weston informed everyone that another meeting had taken place. Kevin McDonnell & Allan Evelyn analyzed public survey results and cited four major reasons for a “no” vote from the public last November: the plan was too expensive, the proposed building was too large, environmental concerns, and low trust from the public. The group discussed transparency and the need to engage with the public. The group discussed where a new, smaller than previously proposed Town Hall could be located – adjacent to the fire station or on the Village parcel. The proposed floor plan would be smaller, with cubicles and open space instead of private offices. Allan Evelyn, the committee member, added that the possibility of making the building two stories was considered, with a footprint of approximately 11,200 square feet. The report is available on the Town website.

No motion was necessary. No motion was taken.

13. Consider the Goose Rocks Beach Advisory Committee's recommendation to fund the Piping Plover Education Coordinator for \$4,000.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the Goose Rocks Beach Advisory Committee's recommendation to fund the Piping Plover Education Coordinator for \$4,000. **Voted: 5-0. Motion passed.**

Selectman Dykstra noted that it was hoped to start the Plover Coordinator a bit earlier this year and it would be nice to have T-shirts printed for the volunteers. He, therefore, suggested that the funding level be increased to \$5,000.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the Goose Rocks Beach Advisory Committee's recommendation to fund the Piping Plover Education Coordinator for \$5,000. **Voted: 5-0. Motion passed.**

- 14. Consider the Goose Rocks Beach Advisory Committee's recommendation to expend \$8,500 on dune plantings, stakes and twine projects.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the Goose Rocks Beach Advisory Committee's recommendation to expend \$8,500 on dune plantings, stakes and twine projects. **Voted: 5-0. Motion passed.**

- 15. Accept a \$300.00 donation from Kathleen Doyle for the Cape Porpoise Pier.**

Motion by Selectman Matthews-Bull, seconded by Selectman Gilbert, to accept a \$300.00 donation from Kathleen Doyle for the Cape Porpoise Pier. **Voted: 5-0. Motion passed.**

- 16. Accept a \$50.00 donation from an anonymous donor for the nurses' account.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept a \$50.00 donation from an anonymous donor for the nurses' account. **Voted: 5-0. Motion passed.**

- 17. Other Business.**

Selectman Gilbert thanked Selectman Dykstra for his efforts in assisting the Kennebunkport Conservation Trust with their dune rebuilding efforts.

Laurie said that the goal of the revaluation is to be at 100%. The audit results received this week stated that we are at 92%. We can declare at 100% for exemption purposes because we are within 10% of the goal. Assessor Becky Nolette is working on revaluation now, and it should be complete in June.

No motion was necessary. No motion was taken.

- 18. Approve the March 28, 2024, Treasurer's Warrant.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the March 28, 2024, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

- 19. Adjournment.**

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to adjourn. **Voted: 5-0. Motion passed.** Meeting adjourned at 8:51 PM.

Submitted by,
Dave Powell,
Technology Specialist

AGENDA ITEM DIVIDER



KENNEBUNKPORT TOWN CLERK

To: Laurie Smith, Town Manager
Board of Selectmen

Fr: Tracey O'Roak, Town Clerk

Dt: April 3, 2024

Re: Renewal Liquor License

We have received the following renewal liquor license application:

- **Cape Pier Chowder House, 79 Pier Road**

Staff has reviewed the application and provided approval.

Original



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Table with 2 columns: Field Name, Value. Fields include License No., Class, By, Deposit Date, Amt. Deposited, Payment Type, OK with SOS (Yes/No).

Section I: Licensee/Applicant(s) Information; Type of License and Status

Main application table with 2 columns: Applicant Information, Business/Location Information. Rows include Business Name, Physical Location, Mailing address, Email Address, Telephone/Fax numbers, Federal Tax ID, and Retail Beverage Alcohol Dealers Permit.

1. New license or renewal of existing license? [] New Expected Start date: 04/19/2024
[X] Renewal Expiration Date: 06/17/2024

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: \$ 975.67 Beer, Wine or Spirits: \$ 94.96 Guest Rooms: \$ 0.00

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
[X] Malt Liquor (beer) [X] Wine [] Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

21 Kenneth Ln., Kennebunkport, ME 04046

6. Is the licensee/applicant(s) citizens of the United States? Yes No

7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Wanda L. Kimball	12/05/1961	Kittery, ME
Allen A. Daggett	03/30/1951	Charlettsville, VA

Residence address on all the above for previous 5 years	
Name Wanda Daggett	Address: 21 Kenneth Ln., Kennebunkport, ME 04046
Name Allen Daggett	Address: 21 Kenneth Ln. Kennebunkport, ME 04046
Name	Address:
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

Townn Of Kennebunkport, Elm Street, Kennebunkport, ME 04046

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 0.00

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

We have a small dinning room that seats 24, also we have outside deck that has 10 8' picnic tables.

Small Kitchen with bathrooms located outside.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Church

Distance: 1 1/2 miles

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 3/21/24

Wade D. Daggett
Signature of Duly Authorized Person

Allen A. Daggett
Signature of Duly Authorized Person

Wanda L. Daggett
Printed Name Duly Authorized Person

Allen A. Daggett
Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

This Application will Expire 60 Days from the date of Municipal or County Approval unless submitted to the Bureau

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

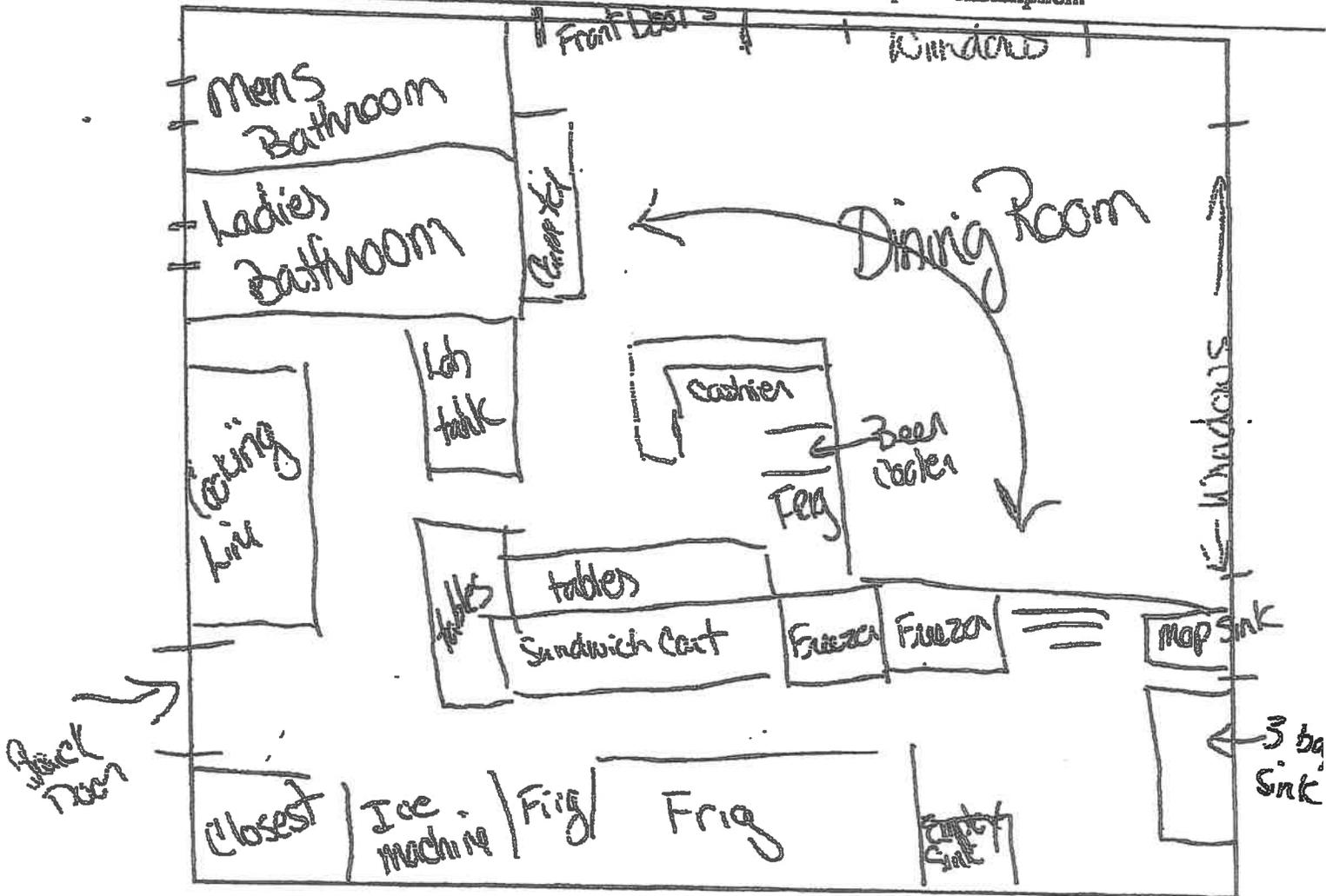
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY: _____	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

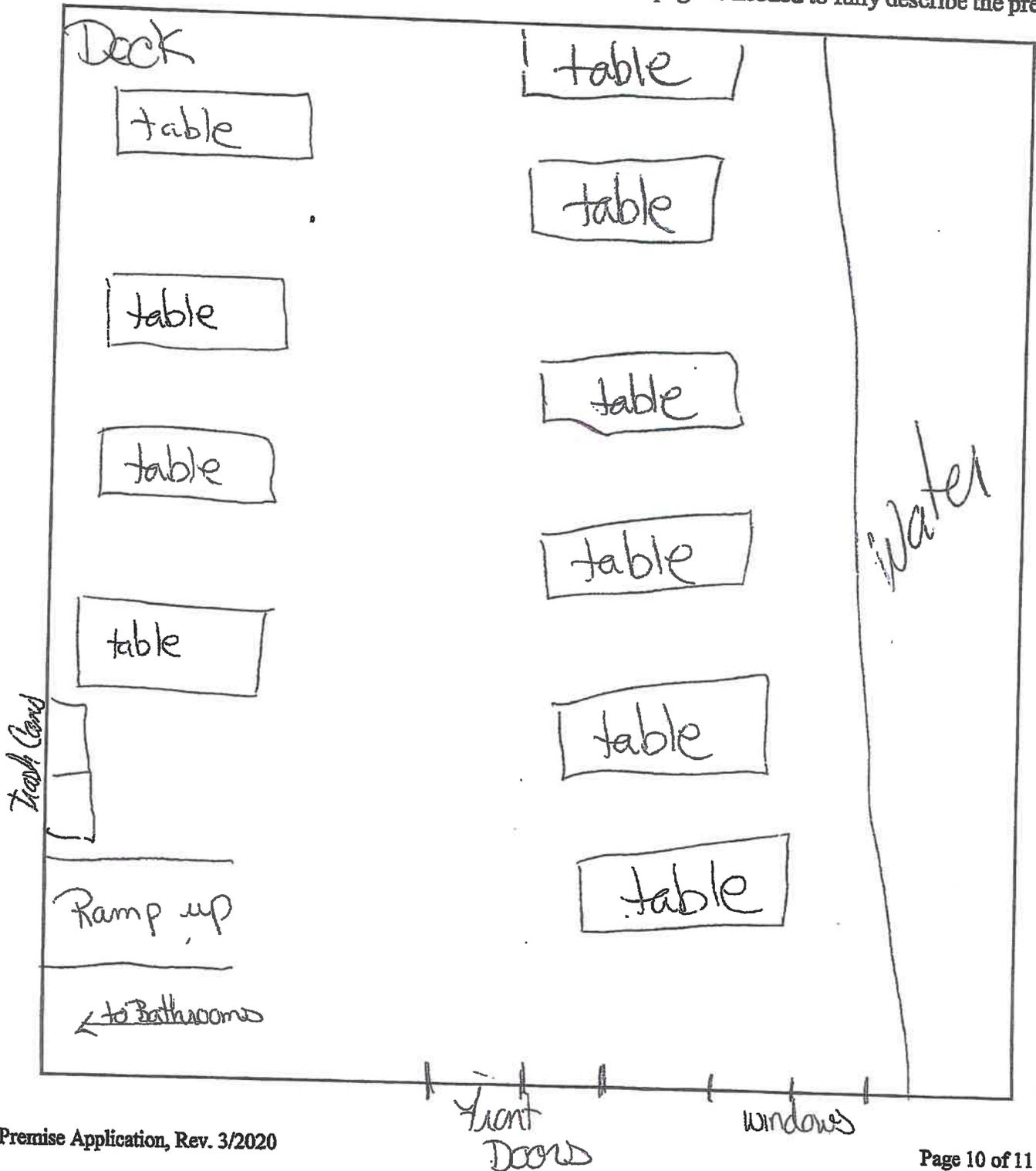
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State’s office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State’s office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: W & A Inc.
2. Doing Business As, if any: Cape Pier Chowder House
3. Date of filing with Secretary of State: 03/18/2018 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Wanda L. Daggett	21 Kenneth Ln. Kennebunkport		co-owner	0.5000
Allen A. Daggett	21 Kenneth Ln. Kennebunkport		co-owner	0.5000

(Ownership in non-publicly traded companies must add up to 100%.)

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

AGENDA ITEM DIVIDER

TOWN OF KENNEBUNKPORT

**WARRANT
ANNUAL TOWN MEETING
June 11 and 12, 2024**

State of Maine

County of York, SS.

To: Rebecca Nolette, Constable of the Town of Kennebunkport, in the County of York, State of Maine.

You are hereby required in the name of the State of Maine to notify and warn the voters of the Town of Kennebunkport in said County and State of the Town Meeting described in this warrant.

GREETINGS:

To the voters of Kennebunkport: You are hereby notified that the Annual Town Meeting of this municipality will be held at Village Fire Station, located at 32 North Street, in said Town on Tuesday, June 11, 2024, at 8:00 a.m. for the purpose of acting on Articles numbered one a (1a) and one (1) as set out below. The polls for voting on Article 1 shall be opened immediately after the election of the Moderator at 8:00 a.m. on June 11, 2024, and shall close at 8:00 p.m. While the polls are open, the Registrar of Voters will hold office hours to accept the registration of any person eligible to vote, to accept new enrollments, and to make any necessary corrections or changes to any names or addresses on the voting list. The continuation of said meeting will be held in the gymnasium of the Kennebunkport Consolidated School located at 25 School Street on Wednesday, June 12, 2024, at 6:00 p.m. for the purpose of acting on Articles numbered 2 through 14 as set out below.

ARTICLE 1a. To choose a Moderator to preside at said meeting.

ARTICLE 1. To elect under the provisions of Title 30-A, M.R.S.A. Section 2528, the following Town Officers: two (2) Selectmen, for a term of three years each; one (1) Director of Regional School Unit No. 21, for a term of three years; one (1) Director of Regional School Unit No. 21, for a term of one year; one (1) Trustee, KK&W Water District; one (1) Beach Advisory Committee At-Large Member, for a term of three years; and to vote on the following referendum questions 1 and 2.

For each Question (1 and 2), a certified copy of the proposed ordinance is on file in the Town Clerk's Office and is incorporated by reference into each Question.

QUESTION 1
AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE
TO COMPLY WITH LD2003 REGARDING NEW STATE HOUSING LAW

Shall an ordinance entitled “June 2024 Amendment to the Land Use Ordinance and subsequent amendments to the Town Code” be enacted?

[Note of explanation: This amendment brings our Land Use Ordinance and other code chapters to be in compliance with State Law by allowing for new housing opportunities for property owners. It will take effect on July 1, 2024.]

QUESTION 2
AMENDMENT TO THE KENNEBUNKPORT TOWN CODE,
FLOODPLAIN MANAGEMENT ORDINANCE

Shall an ordinance entitled “June 2024 Amendment to Floodplain Management Ordinance” be enacted?

[Note of explanation: This amendment allows for the Town's continued participation in the National Flood Insurance Program by adopting the latest rules and Flood Insurance Rate coverage maps approved by the Federal Emergency Management Agency. Failure to adopt this ordinance amendment will disqualify mortgagors from participating in the National Flood Insurance Program.]

ARTICLE 2: To see if the Town will vote to approve the following:

- A. To authorize the Town Treasurer, with the advice and approval of the Municipal Officers on behalf of the Town to sell and dispose of Real Estate acquired by the Town for nonpayment of taxes thereon, and to execute quitclaim deeds on such terms as they deem advisable, and to authorize the Treasurer to discharge unmatured liens on payment of taxes, interest and costs.
- B. To authorize the Town Treasurer, with the advice and approval of the Municipal Officers on behalf of the Town, to waive the foreclosure of any tax lien mortgage by recording a waiver of foreclosure in the York County Registry of Deeds for any real estate title to which they deem not in the best financial interest of the Town to hold, said authorization to waive not to prevent the Town Treasurer, with the advice and approval of the Municipal Officers, from later foreclosing on said tax lien pursuant to law, as they deem advisable.
- C. To make all real and personal property taxes due and payable upon presentment of bills and to charge eight and a half percent (8.50%) per annum on the first half if unpaid after

September 10, 2024 (or 45 days after the date of commitment if commitment is after July 21, 2024) and on the second half if unpaid after March 10, 2025.

- D. To set the interest rate to be paid by the Town on abated taxes at eight and a half percent (8.50%) for the fiscal year 2025.
- E. To see if the Town will vote to authorize the Tax Collector to enter into a standard agreement with taxpayers establishing a “tax club” payment plan for commercial and/or residential real estate property taxes. (*Explanation: This article allows the Town to establish a tax club for citizens, similar to a Christmas club. Citizens establish a payment plan so that they can make monthly payments throughout the year without risk of penalties or interest charges.*)

Selectmen recommend adoption of this article– Voted: ____

ARTICLE 3: To see if the Town will vote to approve the following:

- A. To authorize the Selectmen to pay for tax abatements and applicable interest granted during the fiscal year of 2024/2025 from Overlay. (*Explanation: The Selectmen, as Assessors, are authorized to raise Overlay under Title 36 MRSA section 710 but require voter authorization to spend Overlay. Overlay cannot be more than 5% of the Tax Commitment.*)
- B. To authorize the Selectmen to apply for, accept and expend from the following categories of funds as provided by the State of Maine: Municipal Revenue Sharing, Educational Certification Block Grant, Educational Tax Relief Grant, Public Library State Aid, Urban Rural Road Initiative Program, Civil Emergency Funds, Snowmobile Registration Funds, Tree Growth Reimbursement, General Assistance Reimbursement, Veterans Exemption Reimbursement, Department of Economic & Community Development Grant Program, Maine Emergency Management Agency, Homestead Exemption Reimbursement, and all other state and federal grants and funds including, when necessary, the authority to sign grant contracts, documents or other paperwork?
- C. To authorize the Selectmen to carry forward unencumbered surplus fund balances on June 30, 2025, for the purposes originally appropriated and to appropriate such fund balances for such purposes to the extent the Selectmen deem advisable, such determination to be made at a properly noticed meeting of the Board of Selectmen.

Selectmen recommend adoption of this article– Voted: ____

Budget Board recommends adoption of this article – Voted: 11-0

ARTICLE 4: To see if the Town will vote to approve the following:

- A. To authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed pursuant to 36 M.R.S.A. § 506.
- B. To authorize the Selectmen to accept easement deeds on behalf of the Town granting the Town the right to plant and maintain certain trees on private property located within the Town.
- C. To authorize the Selectmen to accept unconditional and conditional gifts of money or property on behalf of the Town, other than gifts of sewer extensions, subject to ratification by the Town at an annual or special town meeting held within one year of the Selectmen's acceptance, except that such ratification shall not be required for a donation of money to the Town to supplement a specific appropriation already made, to reduce the tax assessment, or to reduce the permanent debt.

Selectmen recommend adoption of this article– Voted: ____

ARTICLE 5: To see what sum the Town will vote to raise and appropriate for General Government Program expenses.

Amount requested: \$2,444,608

Selectmen recommend adoption of this article– Voted 5-0
Budget Board recommends adoption of this article – Voted 11-0

ARTICLE 6: To see what sum the Town will vote to raise and appropriate for Public Safety Program expenses.

Amount requested \$3,508,414

Selectmen recommend adoption of this article– Voted 5-0
Budget Board recommends adoption of this article – Voted 11-0

ARTICLE 7: To see what sum the Town will vote to raise and appropriate for Health & Welfare Program expenses.

Amount requested: \$1,021,536

Selectmen recommend adoption of this article– Voted 5-0
Budget Board recommends adoption of this article – Voted 11-0

ARTICLE 8: To see what sum the Town will vote to raise and appropriate for the Public Works Program expenses.

Amount requested: \$1,560,176

Selectmen recommend adoption of this article– Voted 5-0

Budget Board recommends adoption of this article – Voted 11-0

ARTICLE 9: To see what sum the Town will vote to raise and appropriate for Recreation, Culture, Contingency and Miscellaneous Program expenses.

Amount requested: \$1,088,176

Selectmen recommend adoption of this article– Voted 5-0

Budget Board recommends adoption of this article – Voted 11-0.

ARTICLE 10: To see what sum the Town will vote to raise and appropriate for Capital Expense & Reserve Account and Debt Service Payments.

Amount requested: \$3,774,845

Selectmen recommend adoption of this article– Voted 5-0

Budget Board recommends adoption of this article – Voted 11-0

ARTICLE 11: To see if the Town will vote to appropriate \$4,173,950 from estimated non-property tax revenues, \$200,000 from undesignated fund balance, and \$600,000 from Capital Projects Reserve Account to reduce the property tax commitment.

Selectmen recommend adoption of this article– Voted: ____

Budget Board recommends adoption of this article – Voted: 11-0

ARTICLE 12: To see if the Town will vote to authorize the transfer of a 1980 GMC 4WD Utility Truck, VIN # TMK341524312, commonly known as “Kennebunkport Brush 35”, from the Town of Kennebunkport Fire Department to the Goose Rocks Beach Fire Company with the condition that if the Goose Rocks Beach Fire Company sells said “Brush 35”, all net proceeds of the sale will be used toward the purchase of firefighting or rescue equipment, approved by the Fire Chief and to be owned by the Town.

Selectmen recommend adoption of this article– Voted: ____

ARTICLE 13: To see if the Town will vote to authorize the transfer of a 1984 GMC 4WD Utility Truck, VIN # 2GTHK34M1E1540285, commonly known as “Kennebunkport Brush 15”, from the Town of Kennebunkport Fire Department to the Port Village Fire Company with the condition that if the Port Village Fire Company sells said “Brush 15”, all net proceeds of the sale will be used toward the purchase of firefighting or rescue equipment, approved by the Fire Chief and to be owned by the Town.

Selectmen recommend adoption of this article– Voted: ____

ARTICLE 14: To see if the Town will vote to authorize the transfer of a 1998 HME/Smeal Ladder Truck, VIN # 44KFT428XWWZ18897, commonly known as “Kennebunkport Ladder 34”, from the Town of Kennebunkport Fire Department to the Goose Rocks Beach Fire Company with the condition that if the Goose Rocks Beach Fire Company sells said “Ladder 34”, all net proceeds of the sale will be used toward the purchase of firefighting or rescue equipment, approved by the Fire Chief and to be owned by the Town.

Selectmen recommend adoption of this article– Voted: ____

HEREOF FAIL NOT TO MAKE DUE SERVICE of this Warrant and a return of your doing thereon, at a time and place of said meeting.

GIVEN UNDER OUR HANDS this 25th day of April 2024, Kennebunkport, Maine.

Jon Dykstra

Allen Daggett

Marybeth Gilbert

Sheila W. Matthews-Bull

Michael Weston, Chair

A majority of the Selectmen of the Town of Kennebunkport, Maine

A true attested copy of the warrant attest:

Tracey L. O’Roak, Town Clerk

AGENDA ITEM DIVIDER

ORDER

VOTED: That it be and is hereby Ordered that the Questions set forth below be placed on the ballot of the Annual Town Meeting of the Town of Kennebunkport to be held on June 11, 2024, and that an attested copy of this Order be placed on file with the Town Clerk of the Town of Kennebunkport.

**QUESTION 1
AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE
TO COMPLY WITH LD2003 REGARDING NEW STATE HOUSING LAW**

Shall an ordinance entitled “June 2024 Amendment to the Land Use Ordinance and subsequent amendments to the Town Code” be enacted?

[Note of explanation: This amendment brings our Land Use Ordinance and other code chapters to be in compliance with State Law by allowing for new housing opportunities for property owners. It will take effect on July 1, 2024.]

**QUESTION 2
AMENDMENT TO THE KENNEBUNKPORT TOWN CODE,
FLOODPLAIN MANAGEMENT ORDINANCE**

Shall an ordinance entitled “June 2024 Amendment to Floodplain Management Ordinance” be enacted?

[Note of explanation: This amendment allows for the Town's continued participation in the National Flood Insurance Program by adopting the latest rules and Flood Insurance Rate coverage maps approved by the Federal Emergency Management Agency. Failure to adopt this ordinance amendment will disqualify mortgagers from participating in the National Flood Insurance Program.]

GIVEN UNDER OUR HANDS this 11th day of April 2024, Kennebunkport, Maine.

Jon Dykstra

Allen Daggett

Marybeth Gilbert

Sheila Matthews-Bull

D. Michael Weston, Chair

A majority of the Selectmen of the Town of Kennebunkport, Maine

TOWN OF KENNEBUNKPORT
PROPOSED CODE AMENDMENTS
TO COMPLY WITH NEW STATE HOUSING LAW

The Code of the Town of Kennebunkport is proposed to be amended by adding the words shown in underline and removing the words shown in strikethrough, as follows:

...

Chapter 129 Short-Term Rentals

...

§ 129-2 Applicability.

...

- B.** Prohibited short-term rentals. No person may offer for rent, operate, or otherwise use any dwelling unit in the Town of Kennebunkport for short-term rentals if:
- (1) Such person has not secured or maintained a valid short-term rental license for the premises; ~~or~~
 - (2) The accommodations are an accessory apartment constructed or permitted after November 3, 2009, or a recreational vehicle, trailer or tent; ~~or~~
 - (3) The units (whether designated as affordable or not) are within an affordable housing development constructed or permitted after July 1, 2024. This prohibition applies during the duration of the long-term affordability restriction applicable to the affordable housing development set forth in § 240-7.15.

...

Chapter 240 Land Use

Article 1 General

...

§ 240-1.2 Purposes.

This chapter and its regulations are designed for all the purposes of zoning embraced in Maine Revised Statutes, among other things: to promote and conserve the health, safety, convenience, and welfare of the inhabitants; to encourage the most appropriate interrelationships of land uses and groups of land uses in the various parts of the Town; to secure safety from fire, panic, epidemics, flooding and other dangers; to provide adequate access of light and air; to prevent overcrowding of real estate; to lessen congestion in the streets; to facilitate the adequate provision of transportation, water, sanitary facilities, schools, parks and other public requirements, and to preserve and increase amenities throughout the Town of Kennebunkport. This chapter has been amended to comply with the Mandatory Shoreland Zoning Act^[1] and DEP Minimum Shoreland Zoning Guidelines to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas. This chapter has been further amended, consistent with the State Housing Law^[2], to affirmatively further the purposes of the Federal Fair Housing Act, 42 U.S.C. ch. 45, as amended, and the Maine Human Rights Act, 5 M.R.S.A. ch. 337, to achieve the

applicable statewide or regional housing production goal established by the Maine Department of Economic and Community Development.

[1] *Editor's Note: See 38 M.R.S.A. § 435 et seq.*

[2] *Editor's Note: See 30-A M.R.S.A. § 4364 et seq.*

...

§ 240-1.9 **When effective.**

This chapter shall become effective as soon as it receives a favorable vote of the voters of the Town.

...

Article 2 Terminology

...

§ 240-2.2 **Definitions.**

...

ACCESSORY DWELLING UNIT

See "apartment, accessory."

...

APARTMENT, ACCESSORY

~~A separate self-contained dwelling unit which may be located within a single family dwelling, attached to or sharing a wall with detached from a single-family dwelling unit that is located on the same parcel of land, or a detached accessory structure as permitted under § 240-7.1 of this chapter. An accessory apartment is an extension of use and may not be independently conveyed except to the extent permitted by law. An accessory apartment may be considered an accessory dwelling unit under 30-A M.R.S.A. § 4364-B or an additional dwelling unit under 30-A M.R.S.A. § 4364-A, as determined by the municipal reviewing authority.~~

...

AFFORDABLE HOUSING or AFFORDABLE HOUSING DEVELOPMENT

A development composed of single-family dwellings, two-family dwellings, or multiplex dwellings, or any combination thereof, in which a household whose income does not exceed 80% (for rental housing) or 120% (for owned housing) of the area median income can afford a majority (51%) or more of the units in the development without spending more than 30% of the household's monthly income on housing costs. For purposes of this definition, "housing costs" means: (a) for a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and (b) for an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

...

AREA MEDIAN INCOME

The Area Median Income (AMI) describes the midpoint of an area's income distribution, where 50 percent of households earn above the median figure while 50 percent earn less than the median. As required by the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as

Commented [GW1]: This is a requirement of the housing law and legal recommends provision to be added to the purpose statement.

Commented [AD2]: I recommend using the ADU definition in the DECD rule. The standards in the strikeout have been moved to Section 240-7.1

Commented [GW3R2]: Reason rulemaking was not complete for Maine DECD when the town adopted in 2023.

Commented [AD4]: This and the subsequent definitions derive from the amended state law and DECD rule definitions. I've added the first clause to make clear that AHDs can come in many forms.

Commented [AD5]: I advise against defining "household," as its only purpose is with reference to area median income, which HUD establishes. Also, your definition of "family" covers this ground adequately.

amended, the Department of Housing and Urban Development (HUD) calculates AMI for U.S. metropolitan areas on an annual basis.

...

BASE DENSITY

See "net residential density."

...

CENTRALLY MANAGED WATER SYSTEM

A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

Commented [GW6]: Missing definition defined by state law

...

COMPARABLE SEWER SYSTEM

Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

Commented [GW7]: Missing definition to comply with state law

...

DESIGNATED GROWTH AREA

Any land identified as the "growth area" on the Town of Kennebunkport Growth Areas map (revised March 2021).

Commented [GW8]: Missing definition noticed by the town attorney

...

MULTI-FAMILY DWELLING

See "multiplex" or "dwelling," Subsection C.

...

POTABLE

"Potable" as that term is defined the Maine Department of Economic and Community Development (DECD) Municipal Land Use and Zoning Ordinance Rule, codified at 19-100 C.M.R. ch. 5, § 1(B), as amended.

Commented [GW9]: Attorney noticed definition is missing for compliance with the state law

...

Article 4 Zone Regulations

...

§ 240-4.3 Village Residential Zone.

Commented [AD10]: Because AHDs can take the form of single-family dwellings, duplexes, multiplexes, or any combination of these, I recommend including them in the tables of permitted uses as a separate land use.

...

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
	Affordable housing development	

...

...

§ 240-4.4 Village Residential East Zone.

...

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
----------------	--	--

...

	<u>Affordable housing development</u>	
--	---------------------------------------	--

...

§ 240-4.5 Dock Square Zone.

...

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
----------------	--	--

...

	<u>Affordable housing development</u>	
--	---------------------------------------	--

...

§ 240-4.6 Riverfront Zone.

...

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
----------------	--	--

...

	<u>Affordable housing development</u>	
--	---------------------------------------	--

...

§ 240-4.10 Cape Porpoise Square Zone.

...

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
----------------	--	--

...

	<u>Affordable housing development</u>	
--	---------------------------------------	--

...

Article 6 Town-Wide Regulations

...

§ 240-6.10 Residential parking standards.

...

G. An affordable housing development must provide a minimum of 2 off-street parking spaces per 3 dwelling units. If fractional results occur, the minimum number of off-street parking spaces are rounded up to the nearest whole number.

...

§ 240-6.11 Sanitary and potability provisions.

A. Connection to public facilities. All plumbing shall be connected to public collection and treatment facilities when required by other ordinances.

B. Subsurface sewage disposal. No plumbing permit shall be issued for a subsurface disposal system unless:

- (1) The system meets the requirements of the State of Maine Subsurface Wastewater Disposal Rules, 10-144 CMR Chapter 241; a second disposal site that meets the state rules is not required unless mandated by other law. Any such site shall be shown on the permit application as a reserve area and be set aside on the plot plan for possible future use as a disposal site; and
- (2) Any other optional provisions adopted by the Town have been complied with.

C. State housing law wastewater disposal and potable water requirements. Prior to issuing a certificate of occupancy pursuant to § 240-11.8 of this chapter, the owner of a dwelling unit, accessory apartment, or unit within an affordable housing development must provide written verification to the Code Enforcement Officer that the unit is connected to adequate water and wastewater services, as required by the Maine Department of Economic and Community Development (DECD) Municipal Land Use and Zoning Ordinance Rule, codified at 19-100 C.M.R. ch. 5, as amended. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use. The written verification required by this subsection C shall apply only to the extent such written verification is required by 30-A M.R.S.A. §§ 4364(5), 4364 A(4), or 4364-B(7). The Code Enforcement Officer and Planning Board may condition any permits or approvals on such written verification.

...

Article 7 Performance Standards for Specific Activities, Land Uses and Zones

...

§ 240-7.1 Accessory apartments.

An accessory apartment that complies with the following standards is exempt from the minimum lot area, minimum lot width, and minimum net residential area per dwelling unit requirements applicable to the zone in which the accessory apartment is constructed. An accessory apartment is not considered a two-family dwelling or a multiplex, and is not considered a dwelling unit for purposes of (1) applying the residential parking standards in § 240-6.10, (2) applying the road construction, filling and grading standards in § 240-6.14, (3) applying the growth management permit requirements in § 240-11.12, (4) counting the number of dwelling units when applying the subdivision definition in 30-A M.R.S.A. § 4401, as amended, and (5) calculating the net residential area pursuant to § 415-11.17. An accessory apartment that does not comply with the following standards is considered a dwelling unit and must comply with all applicable standards for a dwelling unit. An accessory apartment may only be located on a lot containing one or more in, attached to, or detached from single-family dwellings, shall not be defined as a two family or a

Commented [GW11]: Town attorney verified with the state that the town can allow for a round up of number of spaces required when fractional.

Commented [AD12]: These requirements are from the DECD rule.

Commented [AD13]: The code includes numerous references to single-family dwelling units. The DECD definition of an AA deems it a dwelling unit. This list excludes AAs from common situations where AAs should not be considered a dwelling unit.

- Note that the sections that are not affected include:
- 183-64 (sewer charges -- i.e., an AA would be a single-family dwelling unit for purposes of calculating sewer unit charges).
 - 240-7.6 (home occupations - AA's are already addressed here)
 - 240-9.2 (setback variances -- i.e., an AA could obtain a setback variance)
 - 240-7.14 (residential rental accommodations -- i.e., an AA could be use to accommodate roomers) -- note the suggested edit to 7.14 to prohibit this.

Commented [GW14]: Town Attorney reformatted Accessory Apartment language to exempt from parking, road construction, filling/grading, growth permits and subdivision trigger.

Commented [GW15]: This language clarifies only Accessory Apartments moving forward can only be located on a lot with only single family dwellings. Any lot that contains a mixture of residential building types would not be allowed to have an accessory apartment.

plex, are allowed as a permitted use in all zones, except where otherwise noted in Subsection D, and are subject to the limitations below:

- A. A request for an accessory apartment requires submittal of a site plan that shall include the property owner with deed reference, lot boundaries and dimensions to scale and the location and setbacks of all buildings and parking areas.
- B. A request for an accessory apartment shall include a plan of the entire building showing a separate floor layout of all finished levels identifying the use of all rooms and the location of all entrances/exits.
- C. For an accessory apartment located within or attached to a single-family dwelling, tThe dwelling shall have only one front entrance and all other entrances shall be either on the side or in the rear of the dwelling or accessory apartment. An entrance leading to a foyer with interior entrances leading from the foyer to the ~~two~~ accessory apartment and the single-family dwelling units is permitted.
- D. The living area of an accessory apartment shall be a minimum of 190 square feet, and a maximum of 800 square feet. An accessory apartment may not have any living space on a third story unless it meets the minimum life safety requirements as defined in the Building Code.
- ~~ED.~~ An aAccessory apartments ~~are is~~ not permitted in the Shoreland Zone unless the lot on which it will be located has at least double the required minimum lot size and shore frontage for that zone, double the minimum lot size, and double the shore frontage for that zone.
- ~~FE.~~ Only No more than one accessory apartment shall be permitted on a lot containing one or more per single-family dwellings.
- GF. An accessory apartment shall be occupied as a primary residence. ("Primary residence" shall be defined as more than six months per year.) An accessory apartment is not eligible to operate as a short-term rental.
- HG. An aAccessory apartment located on properties connected to the Town's wastewater collection system must be approved by the Sewer Department. Properties utilizing subsurface waste system and private wells must meet the standards required in the Maine Subsurface Wastewater Disposal Rules. In addition:
 - ~~(1)~~ Existing septic systems must be evaluated for condition and capacity by a licensed site evaluator. A reserve is required for existing and new systems in the event that replacement is necessary. Biannual pump-outs of septic systems servicing the property are required and documentation must be provided to the Town upon request.
 - ~~(2)~~ Properties serviced by private wells must provide to the Code Enforcement Office a water quality test to ensure adequate water quality prior to issuance of a certificate of occupancy.
- I. For an accessory apartment that is a separate structure or attached to a single-family dwelling, the proposal must comply with best management practices in managing stormwater for low-impact development, in accordance with the [LID Guidance Manual for Maine Communities](#) (Maine Department of Environmental Protection, Sep. 21, 2007).
- J. An accessory apartment is an extension of a residential use and may not be independently conveyed except to the extent permitted by law.
- K. Except as expressly provided in this section, an accessory apartment must comply with all other requirements of this Code, including but not limited to Article 6 and any shoreland zoning requirements.

Commented [GW16]: Clarifies intent of Accessory Apartments for one Accessory Apartment per lot. This addresses GPC concerns of work around provision for condo conversion.

Commented [GW17]: Attorney recommended strikethrough as this language is addressed in 6.11 above.

§ 240-7.14 Residential rental accommodations.

...

B. Performance standards. Residential rental accommodations are prohibited in accessory apartments. No more than two rooms in a residential rental accommodation may be let out to roomers, provided that:

...

§ 240-7.15 Affordable housing.

An affordable housing development that complies with the requirements of this section is eligible for a dwelling unit density bonus of 2 ¼ times the base density that is otherwise allowed on the lot proposed for affordable housing development. If fractional results occur when calculating the density bonus, the maximum number of allowed units shall be rounded down to the nearest whole number.

A. Location. The affordable housing development must be either (1) located in a designated growth area or (2) served by a public, special district, or other centrally managed water system and a public, special district, or other comparable sewer system.

B. Long-term affordability.

(1) More than half (51%) of the total dwelling units in the affordable housing development must be designated as affordable rental units or affordable homeownership units.

(2) Prior to the issuance of a certificate of occupancy for a structure to be used for an affordable housing development, the owner of the affordable housing development must execute a restrictive covenant recorded in the York County Registry of Deeds and enforceable by a third party acceptable to the Planning Board, to ensure that for at least thirty (30) years after completion of construction occupancy of all units designated affordable in the development will remain limited to households at or below 80% (for rental housing) or 120% (for owned housing) of the local area median income at the time of initial occupancy. The restrictive covenant must run with the land and encumber the affordable housing development, be binding upon the developer (for rental housing) or the unit owners (for owned housing) and their successors and assigns, and inure to the benefit of and be enforceable by the Town a third party acceptable to the Planning Board.

C. Water and wastewater.

(1) The sanitary and potability standards in § 240-6.11 shall apply to each unit within the affordable housing development.

(2) The developer of the affordable housing development must make adequate provision for the long-term maintenance, repair, and improvement of any (i) individual private septic system, (ii) comparable sewer systems, (iii) individual private wells, and (iv) public water systems proposed to serve the units within the affordable housing development, including a process of collection and enforcement to obtain capital improvement funds from the developer (for rental housing) or the unit owners (for owned housing).

D. Multiplex development. The provisions of § 240-7.11 shall apply to any affordable housing development that includes a multiplex building.

E. Short-term rental prohibition. No unit (whether designated as affordable or not) within an affordable housing development may be used for short-term rental pursuant to Chapter 129 of this Code during the duration of the long-term affordability restriction in subsection B(2), above.

Commented [GW18]: Town Attorney recommends adding language to clarify accessory apartments which are to be primary residences do not qualify for the Residential rental accommodation (Roomer License). This keeps with the town policy of preserving housing for full time residents.

Commented [AD19]: This is not a statutory requirement, but a recommended legal best practice.

Commented [AD20]: This is not a statutory requirement, but a recommended legal best practice.

Commented [AD21]: I recommend that you apply the STR prohibition to all units within an AHD, not just the ones designated as affordable.

F. Nothing in this Section exempts an affordable housing development from any other requirements of this Code, including but not limited to the growth management permit requirements in § 240-11.12, the subdivision regulations in Chapter 415 of this code, or any shoreland zoning requirements.

...

Article 8 Nonconformance and Vested Rights

...

§ 240-8.5 Nonconforming due to lack of required parking or loading space.

A building or structure, other than a single-family dwelling or an accessory apartment, which is nonconforming as to the requirements for off-street parking and/or loading space, shall not be extended or enlarged in any manner unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this chapter for both the addition or alteration and for the original building or structure.

...

§ 240-8.7 Nonconforming lots.

A. A nonconforming lot of record, not adjoined by any other lot in common ownership, may be built upon, as a matter of right for a single-family dwelling, an accessory apartment constructed in accordance with § 240-7.1, and permitted accessory uses, and without the need for a variance, subject to all the requirements of this chapter for the zone where located, except for those area and frontage requirements which made the lot nonconforming, provided that the owner can demonstrate that there is reasonable access to the site by emergency vehicles.

...

§ 240-8.8 Nonconforming uses.

A. Expansions. Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansion of such structures in Shoreland Zones as allowed in § 240-8.3B(1) above. For purposes of this section, an accessory apartment constructed in accordance with § 240-7.1 is not an expansion of a nonconforming use.

...

Chapter 415 **Subdivision Regulations**

...

Article 3 Terminology

...

AFFORDABLE HOUSING

See "affordable housing," in § 240-2.2. (As defined by M.R.S.A.) Those housing units that will meet the sales price and/or rental targets established by the Comprehensive Plan and subsequent amendments or revisions for housing affordability.

...

§ 415-5.1 Filing procedure.

...

Commented [AD22]: These do not need to be included in the warrant. But I recommend that the Planning Board hold a public hearing and adopt the following amendments (effective July 1, 2024, and subject to voter approval of the above Code amendments).

(5) An evaluation of the potential of the site for a cluster development as well as "affordable housing" ~~as defined in the Kennebunkport Comprehensive Plan.~~

...

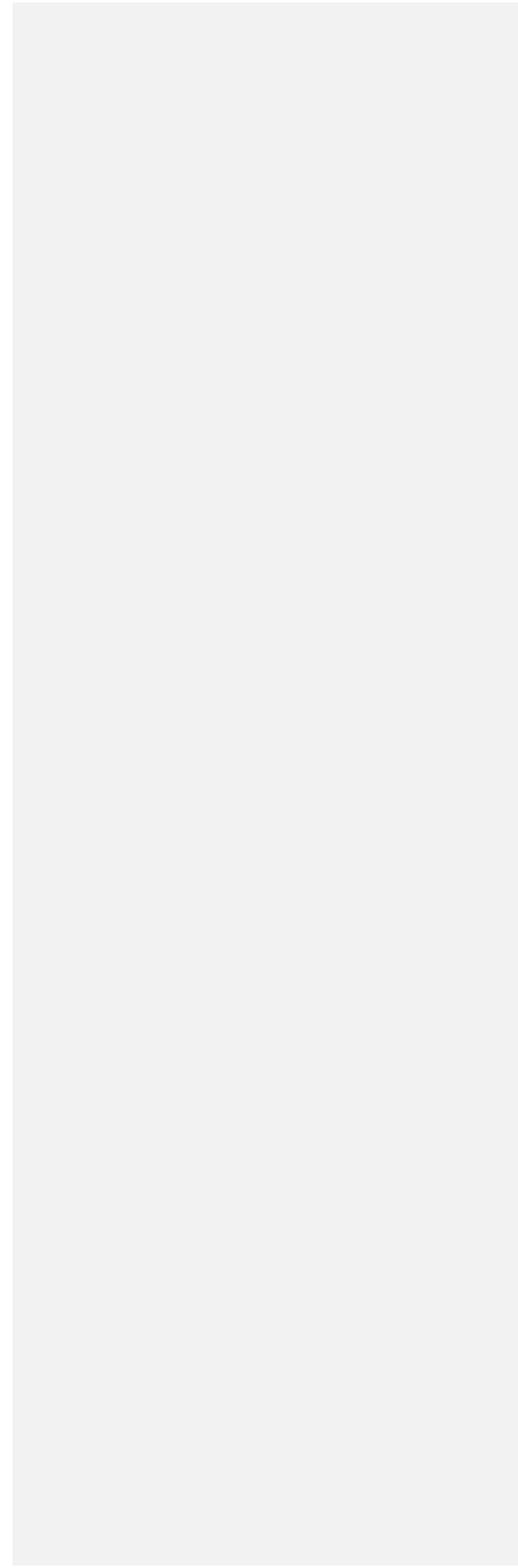
§ 415-11.17 **Calculation of net residential area.**

A. The area or lot site available for development shall be determined by the Code Enforcement Officer by subtracting from the gross acreage of the lot the exclusions listed in the Kennebunkport Land Use Ordinance (LUO)^[1] definition of "net residential area" in addition to open land as required by § 415-11.8 that is not already included within the exclusions required by the LUO definition of "net residential area."

[1] *Editor's Note: See Ch. 240, Land Use.*

B. The maximum number of dwelling units, not including accessory apartments, permissible (maximum density) in any subdivision will be determined by dividing the net residential area as determined by § 415-11.17A above by the minimum lot size required by Chapter 240, Land Use.

...



FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF KENNEBUNKPORT, MAINE

ENACTED: _____
Date

EFFECTIVE: _____
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: _____
Print Name

Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Kennebunkport, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Kennebunkport, Maine has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Kennebunkport, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Kennebunkport has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Kennebunkport having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Kennebunkport, Maine.

The areas of special flood hazard, Zones A, AE, and VE for the Town of Kennebunkport, York County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – York County, Maine" dated July 17, 2024, with accompanying "Flood Insurance Rate Map" dated July 17, 2024, and any subsequent amendments thereto (including, without limitation, a Letter of Map Revision No. 24-01-0144P, dated July 18, 2024) are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

The Code Enforcement Officer shall be designated as the local Floodplain Administrator. The Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer, except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Kennebunkport, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address, and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing locations of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.3. apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE, and VE from data contained in the "Flood Insurance Study - York County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.M. and IX.D.; or,
 - (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.H.2.b., Article VI.I.2.b., or Article VI.J.2.b.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement;
 - 4. lowest machinery and equipment servicing the building; and,
 - 5. level, in the case of non-residential structures only, to which the structure will be floodproofed.

- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by:
 - 1. a Professional Land Surveyor that the grade elevations shown on the application are accurate; and,
 - 2. a Professional Land Surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate.
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article VI.I., and other applicable standards in Article VI;
 - 2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE and Coastal AE Zone, will meet the criteria of Article VI.R.; and other applicable standards in Article VI;
 - 3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.N.2.a.;
 - 4. a certified statement that bridges will meet the standards of Article VI.O.;
 - 5. a certified statement that containment walls will meet the standards of Article VI.P.
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$50.00 shall be paid to the Code Enforcement Officer and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant

who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - York County, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); Article VI.M.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:
 - 1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" Elevation Certificate completed by a Professional Land Surveyor based on the Part

I permit construction for verifying compliance with the elevation requirements of Article VI, paragraphs H., I., J., or R. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.I.1. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance, and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. **All Development** - All development shall:
 1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. use construction materials that are resistant to flood damage;
 3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Utilities** - New construction or substantial improvement of any structure (including manufactured homes) located within:
1. Zones A and AE shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation.
 2. Zone VE shall meet the requirements of Article VI.R.2.
- G. **Physical Changes to the Natural Landscape** - Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.
1. All development projects in Zones AE and VE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
 - a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
 - b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
 2. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance

that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.

3. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

H. Residential - New construction or substantial improvement of any residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation.
2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least two feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;
 - b. in the absence of all data described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure.
3. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

I. Non-Residential - New construction or substantial improvement of any non-residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least two feet above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K., and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated:

- a. to at least two feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;
 - b. in the absence of all data described in Article VI.I.2.a., to at least two feet above the highest adjacent grade to the structure; or,
 - c. together with attendant utility and sanitary facilities, be floodproofed to two feet above the elevation established in Article VI.I.2.a. or b. and meet the floodproofing standards of Article VI.I.1.a., b., and c.
3. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

J. Manufactured Homes - New or substantially improved manufactured homes located within:

1. Zones AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least two feet above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) All components of the anchoring system described in Article VI.J.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.J.1.b., such that the lowest floor (including basement) of the manufactured home is at least two feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D.; or,
- b. in the absence of all data described in Article VI.J.2.a., to at least two feet above the highest adjacent grade to the structure; and,

c. meet the anchoring requirements of VI.J.1.c.

3. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

K. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:

a. be on the site for fewer than 180 consecutive days; and,

b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.J.1.

2. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of either Article VI.K.1.a. and b., or Article VI.R.

L. Accessory Structures - New construction or substantial improvement of Accessory Structures, as defined in Article XIV, shall be exempt from the elevation criteria required in Article VI.H. & I. above, if all other requirements of Article VI and all the following requirements are met.

1. Accessory Structures located in Zone A and AE shall:

a. meet the requirements of Article VI.A.1. through 4., as applicable;

b. be limited in size to a one-story two car garage;

c. have unfinished interiors and not be used for human habitation;

d. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the Special Flood Hazard Area;

e. be located outside the floodway;

f. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure;

g. have hydraulic openings, as specified in Article VI.N.2., in at least two different walls of the accessory structure; and

- h. be located outside the Coastal AE Zone.
2. Accessory Structures in Zone VE and Coastal A Zones shall meet the requirements of Article VI.R.

M. Floodways -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.M.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
3. In Zones A and AE riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

N. Hydraulic Openings/Flood Vents - New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs H., I., or J. and is elevated on posts, columns, piers, piles, or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIV;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,

b. meet or exceed the following minimum criteria:

- (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
- (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
- (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

O. **Bridges** - New construction or substantial improvement of any bridge in Zones A, AE, and VE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least two feet above the base flood elevation; and,
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.M.; and,
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

P. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones A, AE, and VE shall:
 - a. have the containment wall elevated to at least two feet above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions

of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

Q. Wharves, Piers, and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in and over water and seaward of the mean high tide if the following requirements are met:

1. in Zones A and AE, wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; or,
2. in Zone VE, wharves, piers, and docks shall have a registered professional engineer develop or review the structural design, specifications, and plans for the construction.

R. Coastal Floodplains -

1. New construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.R.7.
2. New construction or substantial improvement of any structure located within Zone VE or Coastal AE Zone shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through walls intended to break away under flood loads.
3. New construction or substantial improvement of any structure located within Zone VE and Coastal AE Zones (as defined) shall:
 - a. be elevated on posts or columns such that:
 - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to at least two feet above the base flood elevation;
 - (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
 - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
 - b. have the space below the lowest floor:
 - (1) free of obstructions; or,

- (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
 - (3) constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
- c. require a registered professional engineer or architect to:
 - (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
 - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.R.3.
4. The use of fill for structural support in Zone VE and Coastal AE Zones is prohibited.
5. Human alteration of sand dunes within Zone VE and Coastal AE Zones is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
6. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.
7. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.I. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.M., and VI.N. are met:
 - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
 - b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
 - c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
 - d. The structure shall have unfinished interiors and shall not be used for human habitation.
 - e. Any mechanical, utility equipment, and fuel storage tanks must be anchored and either elevated or floodproofed to at least two feet above the base flood elevation.

- f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and, when possible, outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied may serve as the permit application for the Conditional Use Permit.
2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:
 - 1. an Elevation Certificate completed by a Professional Land Surveyor for compliance with Article VI, paragraphs H., I., J., or R.; and,
 - 2. for structures in Zone VE and Coastal AE Zone (as defined), certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.R.3.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 - 1. review the required certificate(s) and the applicant's written notification; and,
 - 2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the Town of Kennebunkport may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. the criteria of Article X.A. through C. and Article VI.M. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article X.A. through C.; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:
1. the development meets the criteria of Article X.A. through C.; and,
 2. the development meets the criteria of Article VI.M. and Article VI.N.
- G. Any applicant who meets the criteria of Article X.A. through C. and Article X.D., E., or F. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage; and,
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks, and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- H. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
 2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE XI - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to other actions, the Code Enforcement Officer, upon identifying a violation, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. The valid declaration shall consist of:
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIV - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law, and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

Adjacent Grade - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Agricultural Structure - structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Area of Special Flood Hazard - land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - any area of a building that includes a floor that is subgrade (below ground level) on all sides.

Breakaway Wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - see **Structure**.

Certificate of Compliance - a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Coastal AE Zone - The portion of the Coastal High Hazard Area with wave heights between 1.5 feet and

3.0 feet and bounded by a line labeled the “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM). VE Zone floodplain construction standards are applied to development, new construction, and substantial improvements in the Coastal AE Zone.

Coastal High Hazard Area - An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zone VE and Zone AE bounded by a line labeled “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM).

Code Enforcement Officer - a person certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws.

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Containment Wall - a wall surrounding all sides of an above ground tank to contain any spills or leaks.

Development - any manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones A or AE, so that the top of the elevated floor, or in the case of a building in Zone VE or Coastal AE Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, posts, or piers; and,
- b. adequately anchored to not impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.N. In the case of Zone VE and Coastal AE Zone, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.R.3.b.(3).

Elevation Certificate - an official form (FEMA Form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

Existing Manufactured Home Park or Subdivision - a manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community’s first floodplain management regulations.

Flood or Flooding -

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Floodprone Area - any land area susceptible to being inundated by water from any source (see **Flood or Flooding**).

Floodplain Management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or,
 2. Directly by the Secretary of the Interior in states without approved programs.

Limit of Moderate Wave Action (LiMWA) - The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. The floodplain development and construction standards for VE Zones will be applied in the Coastal AE Zone.

Locally Established Datum - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a

basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.N. of this Ordinance.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - the national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and has been called "1929 Mean Sea Level" (MSL).

New Construction - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD) - the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - a vehicle that is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

- c. designed to be self-propelled or permanently towable by a motor vehicle; and,
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, and,
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

Variance - a grant of relief by a community from the terms of a floodplain management regulation.

Violation - the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

ARTICLE XVI - DISCLAIMER OF LIABILITY

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

AGENDA ITEM DIVIDER

Memorandum

To: Selectboard
Fr: Laurie Smith, Town Manager
Re: Cape Porpoise Pier Bid
Dt: April 8, 2024

The Town received four bids for the reconstruction of the Cape Porpoise Pier from Prock Marine Company (Prock), Benchmark, Bancroft, and Wyman & Simpson. The lowest bid was from Prock and was priced as follows:

Base bid:	\$6,074,170	
Base bid w/1 st deduct:	\$6,029,170	1 st deduct is removal of a hoist
Base bid w/ 1 st & 2 nd deduct:	\$5,636,020	2 nd deduct is removal of south floats
Base bid w/ 1 st , 2 nd , & 3 rd deduct:	\$5,584,020	3 rd deduct is removal of solar panels

The actual funding we have for the project totals \$4,110,482 and is comprised of the following funding sources:

EDA Grant:	\$2,163,482
DOT SHIP Grant:	\$ 500,000
Town Funds:	\$1,447,000

Even with the removal of all three deducts the funding falls short by \$1,473,538.

GEI Engineering took possession of the bids to review and determine if they met the requirements of our bid documents. Barney Baker, of GEI, has determined that the low bidder, Prock Marine, has bid on the specifications as outlined in our documents and is qualified to do the work.

The next question GEI and staff examined was the difference in project estimates and the actual bid numbers. GEI and Town staff sought counsel from both Maine DOT, Maine DMR, and EDA regarding the bid amounts in relation to the work requested. We have been informed by all parties that marine work pricing has increased dramatically, especially since the January 2024 storms. The feedback we received from them was that their analysis was within \$150,000 of Prock's bid. Their advice is that this is the price for the work, and it won't get lower.

If the cost for the pier project are about \$1.5 million above the current funding levels the Town has two options available:

1. To reject all bids, change the scope and rebid the project.
2. To seek additional funding to complete the project.

We have also explored the option of reducing the scope of the project and rebidding the entire project. We have examined the project and there are no easy ways to reduce the amount of deficit from the project. We also conversed with EDA and Maine DOT, they have concerns that changing the scope of the project will detrimentally impact our requirements as part of the grant

process and could result in the loss of grant funds. If the low bid was closer to the funding level, the Town could award the bid to Prock and then value engineer the project through change orders to get it back within the funding level. In this case we can't award without certifying we have the funding and the Town can't discuss bid pricing or scope modifications with Prock (low bidder) or any of the contractors, until the project is awarded. Once we discuss the project with contractors, we have contaminated the process and can't award the project to them, under EDA and DOT rules.

Mike Claus, Barney Baker, and I have been in touch with our EDA and Maine DOT representatives to inquire about additional state or federal funds to close this gap. Currently there is no additional EDA or DOT funding available. We have examined other potential funding options to include:

- EDA – currently they tell us they don't have any additional funding.
- Maine DOT [Small Harbor Improvement Program](#) (SHIP) – do not have additional funds for us at this time.
- [Northern Border Commission](#) Grants – York County projects are not in the territory and hence are not eligible.
- US DOT, Maritime Administration: [Port Infrastructure Development Program \(PIDP\)](#). Funds projects that improve the safety, efficiency, or reliability of the movement of goods through ports or intermodal connections to ports. We have been told we can apply and it is an 80% federal, 20% local match. The deadline for application is May 10th, however, the funding timeline looks long because it is a federal program.
- Maine Agriculture & Forestry – [Working Waterfront Access Grant](#) – This application requires sponsorship from the Department of Marine Resources. The applicant must be the owner of the working waterfront property or have an interest in its purchase and seek to place a restrictive working waterfront covenant on its use. The State will then pay you the value of 25 – 30% of the appraised value of the property for the covenant. I did put in a letter of intent and have been invited into the second round of applications which will be due June 28th.
- Maine Adaptation Infrastructure Funds – This is the \$50 million that the Governor put in her amended budget. \$25 million of these funds will be dedicated to working waterfront projects impacted by the recent storms. Currently the funds are being weighed with other budgetary matters. The legislature is supposed to adjourn by April 17 so they should decide by then. We could apply for up to \$1.5 million in funding; however, there is a 1:1 match.
- FEMA hazard mitigation funds: This is a lengthy process with no assurance of a positive outcome. We are also unclear if FEMA funds will work in concert with EDA funds.
- Congressionally Directed Spending application through Congresswoman Pingree or Senators Collins or King. This is a competitive process and has at best an 18-month process before funds are available. The applications are currently open but it would require us to prolong the project for at least one year.

Our bid documents require that we award the bid within 90 days which would be by June 19th. We also need to submit our certifications and all other required documentation to EDA at least 30 days prior to bid award, or mid-May. Our EDA project manager has said she will work with us the best she can in our tight timeline. We can request that Prock extend the bid award date while we continue to seek alternative funding.

The options for Board consideration are:

1. Reject the bids while we seek alternative funding and reexamine the scope of the project.
2. Request \$1.5 million from the voters to complete the project.
3. Ask Prock for a bid award extension and continue to seek additional funds from State and Federal agencies.

Staff and GEI currently believe that our quickest funding options is LD 2225 - An Act to Provide Funding to Rebuild Infrastructure Affected by Extreme Inland and Coastal Weather Events. We should know whether the State is funding this bill by the end of April.

If Prock Marine is willing to extend the bid date to allow the Town to obtain additional funds, the Town could fund the \$5,584,020 Base bid w/ 1st, 2nd, & 3rd deduct as follows:

EDA Grant:		\$2,163,482
DOT SHIP Grant:	\$ 500,000	
New Maine Adaptation Infrastructure Grant	\$1,325,000	
Total State of Maine funds		\$1,825,000
Current Town Funds:	\$1,447,000	
New Town Funds for 50/50 State Match	\$ 378,000	
Total Town of Kennebunkport funds		<u>\$1,825,000</u>
Total Project Funds:		\$5,813,482

This would fund the project with a contingency / construction administration amount of \$229,462. The Town would need to receive written funding approval from the State of Maine and approve the new Town funds of \$378,000 before a contract with Prock Marine is signed.

BID OPENING: Kennebunkport Town Office
6 Elm Street; Kennebunkport, ME 04046

Date: Thursday 3/21/2024
Time: 2:00 PM
By: GEI Consultants

CONTRACTOR	Prock Marine Company	Benchmark	Bancroft	Wyman & Simpson
BID TABULATION SUMMARY	<input checked="" type="checkbox"/> Bid Bond	<input checked="" type="checkbox"/> Bid Bond	<input checked="" type="checkbox"/> Bid Bond	<input checked="" type="checkbox"/> Bid Bond
	<input checked="" type="checkbox"/> Addenda 1, 2, 3, 4, 5	<input checked="" type="checkbox"/> Addenda No.2	<input checked="" type="checkbox"/> Addenda No.2	<input checked="" type="checkbox"/> Addenda No.2
	<input checked="" type="checkbox"/> DBE/SUB Form	<input checked="" type="checkbox"/> DBE/SUB Form	<input checked="" type="checkbox"/> DBE/SUB Form	<input checked="" type="checkbox"/> DBE/SUB Form
	<input checked="" type="checkbox"/> Signed	<input checked="" type="checkbox"/> Signed	<input checked="" type="checkbox"/> Signed	<input checked="" type="checkbox"/> Signed
BASE BID (All BID ITEMS)	\$ 6,074,170.00	\$ 6,727,440.75	\$ 8,836,153.32	\$ 8,751,500.00
BASE BID w/ 1st DEDUCT (All BID ITEMS except 12.1)	\$ 6,029,170.00	\$ 6,675,010.75	\$ 8,800,053.32	\$ 8,706,500.00
BASE BID (w/ 1st & 2nd DEDUCT) (All BID ITEMS except 12.1, 13.1, 13.2, 13.3, 13.4, 13.5, 13.6)	\$ 5,636,020.00	\$ 6,219,725.75	\$ 7,854,030.00	\$ 8,358,000.00
BASE BID (w/ 1st, 2nd & 3rd DEDUCT) (All BID ITEMS except 12.1, 13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 14.1)	\$ 5,584,020.00	\$ 6,173,073.75	\$ 7,801,730.00	\$ 8,315,000.00

CONTRACTOR		Prock Marine Company		Benchmark		Bancroft		Wyman & Simpson			
Description of Bid Item	QTY	Unit	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount	
1. GENERAL ITEMS (all EDA Grant Eligible Unless Otherwise noted)											
1.1	MOBILIZATION & DEMOBILIZATION	1.00	LS	\$ 326,000	\$ 326,000.00	\$ 458,578.46	\$ 458,578.46	\$ 1,211,000.00	\$ 1,211,000.00	\$ 860,000.00	\$ 860,000.00
1.2	MAINTENANCE OF PIER ACCESS	1.00	LS	\$ 220,000	\$ 220,000.00	\$ 258,940.00	\$ 258,940.00	\$ 607,000.00	\$ 607,000.00	\$ 400,000.00	\$ 400,000.00
1.3	EROSION CONTROL	1.00	LS	\$ 37,000	\$ 37,000.00	\$ 36,594.00	\$ 36,594.00	\$ 66,500.00	\$ 66,500.00	\$ 25,000.00	\$ 25,000.00
1.4	SITE TRAILER AND SIGNAGE	1.00	LS	\$ 20,000	\$ 20,000.00	\$ 149,800.00	\$ 149,800.00	\$ 77,000.00	\$ 77,000.00	\$ 20,000.00	\$ 20,000.00
2. SITE WORK											
2.1	FULL DEPTH PAVING	26.00	Tons	\$ 745	\$ 19,370.00	\$ 695.50	\$ 18,083.00	\$ 780.00	\$ 20,280.00	\$ 700.00	\$ 18,200.00
2.2	SHIM AND OVERLAY PAVING	184.00	Tons	\$ 275	\$ 50,600.00	\$ 256.80	\$ 47,251.20	\$ 288.00	\$ 52,992.00	\$ 200.00	\$ 36,800.00
2.3	SANITARY SYSTEM	1.00	LS	\$ 145,000	\$ 145,000.00	\$ 118,770.00	\$ 118,770.00	\$ 195,600.00	\$ 195,600.00	\$ 200,000.00	\$ 200,000.00
2.4	WATER SERVICE	1.00	LS	\$ 28,750	\$ 28,750.00	\$ 12,840.00	\$ 12,840.00	\$ 14,400.00	\$ 14,400.00	\$ 25,000.00	\$ 25,000.00
2.5	STORMWATER & DRAINAGE	1.00	LS	\$ 18,000	\$ 18,000.00	\$ 7,597.00	\$ 7,597.00	\$ 8,780.00	\$ 8,780.00	\$ 15,000.00	\$ 15,000.00
2.6	LEDGE REMOVAL	110.00	CY	\$ 900	\$ 99,000.00	\$ 856.00	\$ 94,160.00	\$ 960.00	\$ 105,600.00	\$ 1,000.00	\$ 110,000.00
2.7	FUEL SYSTEM	1.00	LS	\$ 613,000	\$ 613,000.00	\$ 549,759.58	\$ 549,759.58	\$ 499,960.00	\$ 499,960.00	\$ 550,000.00	\$ 550,000.00
3. RECONSTRUCTED UPLAND PIER ELEMENTS											
3.1	SHEET PILE CELL BULKHEAD	1.00	LS	\$ 470,000	\$ 470,000.00	\$ 645,210.00	\$ 645,210.00	\$ 636,700.00	\$ 636,700.00	\$ 1,000,000.00	\$ 1,000,000.00
3.2	EXISTING SEAWALL REPAIRS	200.00	SF	\$ 140	\$ 28,000.00	\$ 69.55	\$ 13,910.00	\$ 600.00	\$ 120,000.00	\$ 600.00	\$ 120,000.00
3.3	EMBANKMENT REMOVAL & RECONSTRUCTION	1.00	LS	\$ 210,000	\$ 210,000.00	\$ 347,750.00	\$ 347,750.00	\$ 179,800.00	\$ 179,800.00	\$ 150,000.00	\$ 150,000.00
4. REINFORCED CONCRETE											
4.1	SHEET PILE RC CAP	210.00	LF	\$ 450	\$ 94,500.00	\$ 535.00	\$ 112,350.00	\$ 600.00	\$ 126,000.00	\$ 500.00	\$ 105,000.00

		CONTRACTOR		Prock Marine Company		Benchmark		Bancroft		Wyman & Simpson	
Description of Bid Item		QTY	Unit	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount
4.2	BUILDING RC FOUNDATION WALLS AND FOOTING	71.00	CY	\$ 1,800	\$ 127,800.00	\$ 1,428.10	\$ 101,395.10	\$ 3,000.00	\$ 213,000.00	\$ 2,000.00	\$ 142,000.00
4.3	BUILDING SLAB	54.00	CY	\$ 1,800	\$ 97,200.00	\$ 677.83	\$ 36,602.82	\$ 1,750.00	\$ 94,500.00	\$ 1,150.00	\$ 62,100.00
4.4	EXTERIOR SLABS	32.00	CY	\$ 1,800	\$ 57,600.00	\$ 869.51	\$ 27,824.32	\$ 2,050.00	\$ 65,600.00	\$ 1,500.00	\$ 48,000.00
4.5	PEDESTRIAN RC WALKWAY	74.00	CY	\$ 1,500	\$ 111,000.00	\$ 533.90	\$ 39,508.60	\$ 2,400.00	\$ 177,600.00	\$ 1,100.00	\$ 81,400.00
5. TIMBER PIER RECONSTRUCTION AND EXPANSION											
5.1	MAIN PIER DEMOLITION AND RECONSTRUCTION	1.00	LS	\$ 330,000	\$ 330,000.00	\$ 524,300.00	\$ 524,300.00	\$ 619,000.00	\$ 619,000.00	\$ 1,250,000.00	\$ 1,250,000.00
5.2	NOT USED										
5.3	SOUTH PIER REDECKING AND BRACING	1.00	LS	\$ 127,000	\$ 127,000.00	\$ 149,800.00	\$ 149,800.00	\$ 148,000.00	\$ 148,000.00	\$ 250,000.00	\$ 250,000.00
5.4	MAIN PIER VERTICAL PILES	35.00	EA	\$ 4,100	\$ 143,500.00	\$ 4,815.00	\$ 168,525.00	\$ 6,280.00	\$ 219,800.00	\$ 8,500.00	\$ 297,500.00
5.5	MAIN PIER FENDER PILES	33.00	EA	\$ 4,900	\$ 161,700.00	\$ 5,778.00	\$ 190,674.00	\$ 4,850.00	\$ 160,050.00	\$ 10,000.00	\$ 330,000.00
6. PIER/SITE AMENITIES											
6.1	WALKWAY HANDRAIL	120.00	LF	\$ 160	\$ 19,200.00	\$ 192.60	\$ 23,112.00	\$ 200.00	\$ 24,000.00	\$ 125.00	\$ 15,000.00
6.2	PIER HANDRAIL	190.00	LF	\$ 120	\$ 22,800.00	\$ 139.10	\$ 26,429.00	\$ 192.00	\$ 36,480.00	\$ 100.00	\$ 19,000.00
6.3	PIER LADDERS	7.00	EA	\$ 7,500	\$ 52,500.00	\$ 8,827.50	\$ 61,792.50	\$ 13,735.00	\$ 96,145.00	\$ 12,000.00	\$ 84,000.00
6.4	FACE SHEATHING PANELS	4.00	LS	\$ 21,000	\$ 84,000.00	\$ 24,610.00	\$ 98,440.00	\$ 24,000.00	\$ 96,000.00	\$ 10,000.00	\$ 40,000.00
6.5	HOIST H-1 & H-2 (REFURBISH + SHED ROOFS)	2.00	LS	\$ 19,500	\$ 39,000.00	\$ 23,005.00	\$ 46,010.00	\$ 21,200.00	\$ 42,400.00	\$ 30,000.00	\$ 60,000.00
6.6	NOT USED										
6.7	HOIST H-4 (REFURBISH)	1.00	LS	\$ 9,000	\$ 9,000.00	\$ 10,700.00	\$ 10,700.00	\$ 28,500.00	\$ 28,500.00	\$ 60,000.00	\$ 60,000.00
7. NORTH FLOAT SYSTEM											
7.1	G-2 NORTH GANGWAY 40-FT	1.00	EA	\$ 35,000	\$ 35,000.00	\$ 41,195.00	\$ 41,195.00	\$ 67,800.00	\$ 67,800.00	\$ 30,000.00	\$ 30,000.00
7.2	12 X 20 N4 FLOAT	1.00	EA	\$ 27,000	\$ 27,000.00	\$ 32,100.00	\$ 32,100.00	\$ 33,000.00	\$ 33,000.00	\$ 30,000.00	\$ 30,000.00
7.3	10 X 20 N1, N2 OR N3 FLOATS	3.00	EA	\$ 23,000	\$ 69,000.00	\$ 26,750.00	\$ 80,250.00	\$ 25,850.00	\$ 77,550.00	\$ 30,000.00	\$ 90,000.00
7.4	12 X 20 N5 FLOAT	1.00	EA	\$ 27,000	\$ 27,000.00	\$ 32,100.00	\$ 32,100.00	\$ 33,000.00	\$ 33,000.00	\$ 30,000.00	\$ 30,000.00
7.5	TIMBER GUIDE PILES- NORTH FLOATS	6.00	EA	\$ 3,700	\$ 22,200.00	\$ 4,280.00	\$ 25,680.00	\$ 5,350.00	\$ 32,100.00	\$ 4,000.00	\$ 24,000.00
8. BAIT SHED											
8.1	BUILDING ABOVE RC FOUNDATION	1.00	LS	\$ 665,000	\$ 665,000.00	\$ 661,185.10	\$ 661,185.10	\$ 694,500.00	\$ 694,500.00	\$ 650,000.00	\$ 650,000.00
8.2	DOORS AND WINDOWS	1.00	LS	\$ 60,000	\$ 60,000.00	\$ 74,011.90	\$ 74,011.90	\$ 43,200.00	\$ 43,200.00	\$ 40,000.00	\$ 40,000.00
8.3	METAL ROOFING	1.00	LS	\$ 75,000	\$ 75,000.00	\$ 58,447.68	\$ 58,447.68	\$ 39,443.00	\$ 39,443.00	\$ 35,000.00	\$ 35,000.00
8.4	CABINERY	1.00	LS	\$ 6,000	\$ 6,000.00	\$ 5,531.90	\$ 5,531.90	\$ 6,500.00	\$ 6,500.00	\$ 7,000.00	\$ 7,000.00
8.5	BUILDING TRENCH DRAIN	74.00	LF	\$ 500	\$ 37,000.00	\$ 975.36	\$ 72,176.64	-	\$ 32,500.00	\$ 1,000.00	\$ 74,000.00
9. MECHANICAL SYSTEMS											

		CONTRACTOR		Prock Marine Company		Benchmark		Bancroft		Wyman & Simpson	
Description of Bid Item		QTY	Unit	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount
9.1	MECHANICAL SYSTEMS	1.00	LS	\$ 230,000	\$ 230,000.00	\$ 198,040.95	\$ 198,040.95	\$ 205,000.00	\$ 205,000.00	\$ 200,000.00	\$ 200,000.00
9.2	PLUMBING	1.00	LS	\$ 62,000	\$ 62,000.00	\$ 35,096.00	\$ 35,096.00	\$ 36,700.00	\$ 36,700.00	\$ 50,000.00	\$ 50,000.00
9.3	SALT WATER WASHDOWN	1.00	LS	\$ 13,000	\$ 13,000.00	\$ 10,700.00	\$ 10,700.00	\$ 14,650.00	\$ 14,650.00	\$ 15,000.00	\$ 15,000.00
10. ELECTRICAL SYSTEMS											
10.1	SITE ELECTRICAL SERVICE LIGHTING, POWER, FUEL AND EQUIPMENT FEEDS	1.00	LS	\$ 138,500	\$ 138,500.00	\$ 134,927.00	\$ 134,927.00	\$ 151,300.00	\$ 151,300.00	\$ 150,000.00	\$ 150,000.00
10.2	BAIT SHED ELECTRICAL & LIGHTING	1.00	LS	\$ 120,000	\$ 120,000.00	\$ 64,200.00	\$ 64,200.00	\$ 72,000.00	\$ 72,000.00	\$ 75,000.00	\$ 75,000.00
10.3	LIGHTING FIXTURE ALLOWANCE	ALLOWANCE		\$ -	\$ 35,000.00	\$ -	\$ 35,000.00	\$ -	\$ 35,000.00	\$ -	\$ 35,000.00
10.4	RADIO AND CAMERA EQUIPMENT ALLOWANCE	ALLOWANCE		\$ -	\$ 3,000.00	\$ -	\$ 3,000.00	\$ -	\$ 3,000.00	\$ -	\$ 3,000.00
11. TIMBER PIER WIDENING											
11.1	PIER WIDENING	1.00	EA	\$ 124,000	\$ 124,000.00	\$ 146,055.00	\$ 146,055.00	\$ 127,000.00	\$ 127,000.00	\$ 250,000.00	\$ 250,000.00
11.2	PIER WIDENING PILES	18.00	EA	\$ 4,100	\$ 73,800.00	\$ 4,815.00	\$ 86,670.00	\$ 8,600.00	\$ 154,800.00	\$ 8,500.00	\$ 153,000.00
12. HOIST (Not-EDA Grant Eligible) 1st DEDUCT											
12.1	HOIST H-3 (NEW)	1.00	LS	\$ 45,000	\$ 45,000.00	\$ 52,430.00	\$ 52,430.00	\$ 36,100.00	\$ 36,100.00	\$ 45,000.00	\$ 45,000.00
13. SOUTH FLOAT SYSTEM 2nd DEDUCT											
13.1	G-1 SOUTH GANGWAY 80-FT	1.00	EA	\$ 88,000	\$ 88,000.00	\$ 94,160.00	\$ 94,160.00	\$ 126,950.00	\$ 126,950.00	\$ 50,000.00	\$ 50,000.00
13.2	12 X 20 S1 FLOAT	1.00	EA	\$ 27,000	\$ 27,000.00	\$ 32,100.00	\$ 32,100.00	\$ 28,850.00	\$ 28,850.00	\$ 27,000.00	\$ 27,000.00
13.3	12 X 20 S2,S3,S6 FLOATS	3.00	EA	\$ 27,000	\$ 81,000.00	\$ 32,100.00	\$ 96,300.00	\$ 28,833.33	\$ 86,499.99	\$ 27,000.00	\$ 81,000.00
13.4	12 X 20 S4,S5 FLOATS	2.00	EA	\$ 27,000	\$ 54,000.00	\$ 32,100.00	\$ 64,200.00	\$ 30,645.00	\$ 61,290.00	\$ 27,000.00	\$ 54,000.00
13.5	STEEL GUIDE PILES- SOUTH FLOATS	7.00	EA	\$ 4,950	\$ 34,650.00	\$ 5,885.00	\$ 41,195.00	\$ 7,342.86	\$ 51,400.02	\$ 4,500.00	\$ 31,500.00
13.6	STEEL PILE SOCKETS	7.00	EA	\$ 15,500	\$ 108,500.00	\$ 18,190.00	\$ 127,330.00	\$ 84,433.33	\$ 591,033.31	\$ 15,000.00	\$ 105,000.00
3rd DEDUCT											
14.1	SOLAR PANEL INSTALLATION	1.00	LS	\$ 52,000	\$ 52,000.00	\$ 46,652.00	\$ 46,652.00	\$ 52,300.00	\$ 52,300.00	\$ 43,000.00	\$ 43,000.00
BASE BID (All BID ITEMS)				\$ 6,074,170.00		\$ 6,727,440.75		\$ 8,836,153.32		\$ 8,751,500.00	
BASE BID w/ 1st DEDUCT (All BID ITEMS except 12.1)				\$ 6,029,170.00		\$ 6,675,010.75		\$ 8,800,053.32		\$ 8,706,500.00	
BASE BID (w/ 1st & 2nd DEDUCT) (All BID ITEMS except 12.1, 13.1, 13.2, 13.3, 13.4, 13.5, 13.6)				\$ 5,636,020.00		\$ 6,219,725.75		\$ 7,854,030.00		\$ 8,358,000.00	
BASE BID (w/ 1st, 2nd & 3rd DEDUCT) (All BID ITEMS except 12.1, 13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 14.1)				\$ 5,584,020.00		\$ 6,173,073.75		\$ 7,801,730.00		\$ 8,315,000.00	

AGENDA ITEM DIVIDER

Special Revenue Recreation FY25 Budget

Revenues

After School Programs	117,700
Rentals	1,200
Special Events	31,405
Camps	207,885
Preschool & Youth	6,968
Adults & Seniors	5,618
Sports & Fitness	120,216
Tournaments	1,200
10.33.22 Total Program Revenues	492,192

Expenses

43.33.10.01 Salaries & Wages	(15,960)
43.33.12.01 FICA	(1,221)
43.33.12.02 MSRS	0
43.33.12.03 ICMA	0
43.33.12.05 Health	0
43.33.12.06 Dues & Fees	(938)
43.33.12.16 HRA & Fees	0
43.33.20.06 Expert/Professional	(4,900)
43.33.20.08 Technology/Software	(6,000)
43.33.30.24 Gas	(1,300)
43.33.30.25 Diesel	(1,125)
43.33.50.14 Program Expenses	(321,309)
43.33.50.23 Transfer Out to General Fund	(85,000)
Total Expenses	(437,753)

Net +/-	<u><u>54,439</u></u>
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Special Revenue Recreation FY25 Budget

Code	Project	Revenue	Program Expense	Payroll	FICA	Total Expense	Net
1000	After School Programs						
1001	After School Adventures	103,700	7,500	39,800	3,045	50,345	53,355
1002	Early Release Wednesdays	14,000	5,425	3,500	268	9,193	4,807
Total After School Programs		117,700	12,925	43,300	3,312	59,537	58,163
2000	Rentals						
2001	Rentals	1,200	200	114	9	323	877
2007	Carol Cook Garden	0	0	0	0	0	0
Total Rentals		1,200	200	114	9	323	877
3000	Special Events						
3002	Family Dance	2,250	1,550	0	0	1,550	700
3004	Egg Hunt	755	500	0	0	500	255
3006	Concerts	4,000	2,900	0	0	2,900	1,100
3007	Prelude Craft Fair	20,600	4,900	0	0	4,900	15,700
3309	Zombie Dash	3,800	500	0	0	500	3,300
Total Special Events		31,405	10,350	0	0	10,350	21,055
4000	Camps						
4001	Summer Camp	143,550	18,430	91,230	6,979	116,639	26,911
4002	Marine Science Camp	20,475	17,100	0	0	17,100	3,375
4004	February Vacation Camp	6,750	3,050	1,750	134	4,934	1,816
4005	April Vacation Camp	6,750	3,050	1,750	134	4,934	1,816
4007	Specialty Summer Camp	6,960	5,760	0	0	5,760	1,200
4008	Outdoor Adventures	23,400	3,475	10,100	773	14,348	9,052
Total Camps		207,885	50,865	104,830	8,019	163,714	44,171
5000	Preschool & Youth						
5001	Parents Night Out	1,000	710	205	16	931	69
5005	Language Classes	688	544	0	0	544	144
5009	Preschool Sports	5,280	200	2,700	207	3,107	2,173
Total Preschool & Youth		6,968	1,454	2,905	222	4,581	2,387
6000	Adults & Seniors						
6001	Senior Lunches	2,400	2,150	0	0	2,150	250
6002	Senior Trips	768	475	0	0	475	293
6003	Adult Enrichment	2,450	2,100	0	0	2,100	350
Total Adults & Seniors		5,618	4,725	0	0	4,725	893

Code	Project	Revenue	Program Expense	Payroll	FICA	Total Expense	Net
7000	Sports & Fitness						
7001	Youth Basketball	7,300	200	1,000	77	1,277	6,024
7002	Adult Basketball	1,500	60	1,025	78	1,163	337
7004	Youth Fall Soccer	29,000	20,682	175	13	20,870	8,130
7007	Zumba	4,176	0	1,540	118	1,658	2,518
7008	Yoga	3,100	2,170	0	0	2,170	930
7009	Lacrosse	3,600	30	0	0	30	3,570
7011	Pickleball	56,625	37,815	3,600	275	41,690	14,935
7012	Field Hockey	950	235	0	0	235	715
7013	Tennis	6,240	4,870	0	0	4,870	1,370
7014	Teen Ski Trips	3,500	1,575	0	0	1,575	1,925
7016	Run with Me	600	25	0	0	25	575
7017	Adult Softball	500	500	0	0	500	0
7019	Flag Football	2,125	680	0	0	680	1,445
7020	Empower Yoga	1,000	700	0	0	700	300
Total Sports & Fitness		120,216	69,542	7,340	562	77,444	42,772

8000	Tournaments						
8003	Dodgeball Tournament	1,200	500	125	10	635	565
Total Tournaments		1,200	500	125	10	635	565

Total Program Revenues		492,192	150,561	158,614	12,134	321,309	170,883
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43.33.10.01	Salaries & Wages						(15,960)
43.33.12.01	FICA						(1,221)
43.33.12.02	MSRS						0
43.33.12.03	ICMA						0
43.33.12.05	Health						0
43.33.12.06	Dues & Fees						(938)
43.33.12.16	HRA & Fees						0
43.33.20.06	Expert/Professional			*Background checks and turf maintenance			(4,900)
43.33.20.08	Technology/Software			*MyRec Software			(6,000)
43.33.30.24	Gas			*400 gallons @ \$3.25/gallon			(1,300)
43.33.30.25	Diesel			*250 gallons @ \$4.50/gallon			(1,125)
Total Expenses							(31,444)
Transfer to Gen Fund							(85,000)
Net +/-							54,439

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 43-33 Special Revenue Funds / Recreation CONT'D								
Miscellaneous								
50-14 Program Events	72,107.00	106,414.21	283,876.00	113,125.63	321,309.00	321,309.00	37,433.00	13.19%
All program event expenses.								
50-23 Transfer Out	60,000.00	60,000.00	60,000.00	60,000.00	85,000.00	85,000.00	25,000.00	41.67%
Transfer to General Fund.								
Recreation	226,811.00	334,536.02	378,575.00	306,113.99	437,753.00	437,753.00	59,178.00	15.63%

Budget Request

Revenue

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 10-33 Special Revenue Fund Reve / Recreation								
05 Concessions	0.00	1,317.26	0.00	1,024.03	0.00	0.00	0.00	.00%
22 Fees	260,094.00	391,721.83	414,203.00	323,534.89	492,192.00	492,192.00	77,989.00	18.83%
50 Overpayments	0.00	1,376.50	0.00	409.75	0.00	0.00	0.00	.00%
Recreation	260,094.00	394,415.59	414,203.00	324,968.67	492,192.00	492,192.00	77,989.00	18.83%

▶ Parks and Recreation

FY 2025 Special Revenue Budget

Parks & Recreation Team



**Stephanie
Simpson**
Director of
Parks & Rec



**Andy
Caswell**
Programmer



**Brighton
Bischofberger**
Programmer

Special Revenue



Used for programs and related expenses



Ability to change with trends and new ideas, adding programs throughout the year



\$85,000 moved to General Fund

Camps 42%

After School Adventures 24%

Sports & Fitness 24%

Special Events 6%

Preschool & Youth 1.5%

Adults & Seniors 1%

Rentals .5%

Tournaments .5%

Program Revenue Categories

Program Expense Categories



Instructor Wages
53%



Software & Dues
2%



Program Expenses
42%



Fuel & Turf
Maintenance 2%

**Special Revenue
Recreation
FY25 Budget**

Revenues

After School Programs	117,700
Rentals	1,200
Special Events	31,405
Camps	207,885
Preschool & Youth	6,968
Adults & Seniors	5,618
Sports & Fitness	120,216
Tournaments	1,200
Program Income	<hr/> 492,192 <hr/>

Recreation Special Revenue FY25 Budget

Expenses

Salaries & Wages (17,181)

Software Fee (6,000)

Dues (938)

Program Expenses (323,734)

Turf Maintenance (4,900)

Total Expenses (352,753)

Net Budget 139,439

Transfer to General Fund (85,000)

54,439



Community Happens Here

► It is the mission of the Kennebunkport Parks and Recreation Department to enhance life for the citizens of Kennebunkport by maintaining quality parks and recreational facilities while engaging with various town stakeholders to provide the finest programs, athletics, events, and leisure activities.

PROPOSED SEWER DEPARTMENT BUDGET FY25

Account #	Description	FY24	FY25	Inc/Dec	% Change
47.01.10.01	Salaries & Wages	487,099	479,346	(7,753)	-1.59%
47.01.10.10	Overtime	19,000	19,570	570	3.00%
47.01.12.01	FICA	40,482	39,748	(734)	-1.81%
47.01.12.02	MSRS	38,653	40,944	2,291	5.93%
47.01.12.03	ICMA	15,928	15,465	(463)	-2.91%
47.01.12.04	RHSP	200	2,002	1,802	901.00%
47.01.12.05	Health	70,228	96,497	26,269	37.41%
47.01.12.06	Dues & Fees	500	500	-	0.00%
47.01.12.07	Travel & Meetings	400	400	-	0.00%
47.01.12.08	Training & Education	3,000	3,000	-	0.00%
47.01.12.11	Vaccine	100	100	-	0.00%
47.01.12.12	Uniforms	2,500	4,000	1,500	60.00%
47.01.12.16	HRA & Fees	4,325	6,010	1,685	38.96%
47.01.15.01	Electricity	102,000	185,500	83,500	81.86%
47.01.15.02	Phone/Internet	8,650	11,109	2,459	28.43%
47.01.15.03	Heating Fuel	13,500	18,350	4,850	35.93%
47.01.15.05	Water	1,450	1,595	145	10.00%
47.01.20.01	Printing	800	800	-	0.00%
47.01.20.04	Advertising	500	500	-	0.00%
47.01.20.06	Expert/Professional	58,500	50,000	(8,500)	-14.53%
47.01.20.07	Audit	5,000	5,000	-	0.00%
47.01.20.08	Technology/Software	8,500	7,981	(519)	-6.11%
47.01.20.20	Maintenance Wet Wells	8,000	8,000	-	0.00%
47.01.20.21	Maintenance Contracts	5,150	5,150	-	0.00%
47.01.20.25	Alarms	5,000	5,000	-	0.00%
47.01.20.26	Licenses	4,100	4,100	-	0.00%
47.01.20.44	Sludge Hauling	100,000	130,000	30,000	30.00%
47.01.25.02	Workmen's Comp	10,100	7,000	(3,100)	-30.69%
47.01.25.03	Unemployment	1,000	2,100	1,100	110.00%
47.01.25.05	Liability	25,750	13,000	(12,750)	-49.51%
47.01.25.07	Fleet	3,000	7,400	4,400	146.67%
47.01.25.10	Public Officials	1,000	1,950	950	95.00%
47.01.30.01	Office Supplies	2,000	2,000	-	0.00%
47.01.30.03	Equipment	2,000	2,000	-	0.00%
47.01.30.04	Postage	2,000	2,000	-	0.00%
47.01.30.05	Photocopier	2,000	2,000	-	0.00%
47.01.30.18	Hand Tools	3,850	5,000	1,150	29.87%
47.01.30.24	Gas	5,600	6,500	900	16.07%
47.01.30.25	Diesel	11,250	10,350	(900)	-8.00%
47.01.30.27	Composting	2,000	1,000	(1,000)	-50.00%
47.01.30.28	Collection System	20,000	25,000	5,000	25.00%
47.01.30.29	Chemicals Process	25,000	50,000	25,000	100.00%

Account #	Description	FY24	FY25	Inc/Dec	% Change
47.01.30.30	Lab Supplies	16,000	17,000	1,000	6.25%
47.01.30.31	Safety Equipment	3,500	3,500	-	0.00%
47.01.30.32	Maintenance Supplies	1,500	1,500	-	0.00%
47.01.30.33	Bio-Ash	11,000	5,000	(6,000)	-54.55%
47.01.30.34	Odor Control	12,000	12,000	-	0.00%
47.01.30.39	Billing & Liens	2,600	2,600	-	0.00%
47.01.35.01	Buildings	26,000	30,000	4,000	15.38%
47.01.35.03	Vehicles & Equipment	6,500	6,500	-	0.00%
47.01.45.03	Sewer Bond 2003	22,768	-	(22,768)	-100.00%
47.01.45.07	Sewer Bond 2003 Interest	828	-	(828)	-100.00%
47.01.45.12	Sewer Bond 2021	39,554	39,554	(0)	0.00%
47.01.45.22	Sewer Bond 2021 Interest	9,246	8,830	(416)	-4.49%
47.01.45.29	Sewer Bond 2023 Interest	-	27,531	27,531	100.00%
47.01.50.34	Transfer to General Fund	30,000	30,000	-	0.00%
47.01.50.86	Special Projects	7,000	7,000	-	0.00%
47.01.50.92	Payroll Contingency	-	35,911	35,911	#DIV/0!
47.01.60.04	Capital Equipment	510,000	330,000	(180,000)	-35.29%
47.01.60.05	Capital Reserve	-	50,000	50,000	100.00%
	Total Expenditures	1,818,611	1,884,893	66,282	3.64%

Revenues

14.70.01 - Investment Income	60,000
14.70.12 - Sewer Fund Balance	85,000
14.70.02 - Use of Investment Funds	100,000
14.70.05 - Sewer User Fees	1,639,893
	<hr/>
	1,884,893

Sewer Users:	2,504	FY25 Rate	654.87	
		FY24 Rate:	569.87	
		% of Increase	14.92%	85.00

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater								
Personnel								
10-01 Salaries & Wages	487,046.00	511,774.95	487,099.00	356,608.83	479,346.00	479,346.00	-7,753.00	-1.59%
Salaries and wages for 7 staff. Includes 50% of the Director, 70% of the Engineer, and 25% for Public Works Admin (25% shared with Public Works and 50% shared with General Government). Decrease due to change in staff.								
10-10 Overtime	16,974.00	21,445.89	19,000.00	18,391.33	19,570.00	19,570.00	570.00	3.00%
Overtime wages for staff. Includes callbacks and coverage for weekends and holidays.								
Benefits								
12-01 FICA	41,366.00	41,641.98	40,482.00	30,762.10	39,748.00	39,748.00	-734.00	-1.81%
Employer's contribution for FICA (7.65%). Decreased to align with taxable wages.								
12-02 MSRS	34,219.00	38,454.39	38,653.00	28,662.93	40,944.00	40,944.00	2,291.00	5.93%
Employer's contribution for Maine State Retirement. Increased to align with employee participation.								
12-03 ICMA	17,729.00	14,869.59	15,928.00	12,131.04	15,465.00	15,465.00	-463.00	-2.91%
ICMA 457 deferred compensation plan for eligible employees. Decreased to align with employee participation.								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater CONT'D								
12-04 RHSP	0.00	0.00	200.00	0.00	2,002.00	2,002.00	1,802.00	901.00%
Retirement Health Savings Plan (RHSP). This is the account used for the cashout of accrued time. Increase reflects anticipated employee accrued time eligible for cashout.								
12-05 Health	101,818.00	89,642.27	70,228.00	59,089.24	96,497.00	96,497.00	26,269.00	37.41%
Health insurance coverage - PPO 500. Premium rates are set each calendar year. This budget includes an estimated 8% increase beginning in calendar year 2025. Employee contributes 15% of the cost. Increase due to employee participation.								
12-06 Dues & Fees	500.00	111.00	500.00	592.00	500.00	500.00	0.00	.00%
Dues for the Maine Wastewater Control Association, the Water Environment Federation, and subscriptions to professional and trade journals.								
12-07 Travel & Meetings	400.00	291.60	400.00	325.77	400.00	400.00	0.00	.00%
Reimbursement account for use of personal vehicles while on town business. Includes reimbursement for other travel related expenses such as meals, lodging, and other means of travel.								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater CONT'D								
12-08 Training & Education	3,000.00	1,330.31	3,000.00	1,000.00	3,000.00	3,000.00	0.00	.00%
Registration fees and tuition for 7 staff members. Includes training that is required by the Maine DEP and the EPA. The Maine Wastewater Control Association, NEWPCA, and JETCC sponsor most of the training.								
12-11 Vaccine	100.00	0.00	100.00	0.00	100.00	100.00	0.00	.00%
Vaccinations for 7 staff members.								
12-12 Uniforms	2,500.00	2,420.93	2,500.00	829.93	4,000.00	4,000.00	1,500.00	60.00%
Uniforms for 7 staff members. Increase due to initial purchase of uniforms for new employee.								
12-16 HRA & Fees	5,831.00	4,923.78	4,325.00	6,466.56	6,010.00	6,010.00	1,685.00	38.96%
Health Reimbursement Account (HRA). This account is used for employee's annual deductibles and coinsurance and is an estimate based on prior years and anticipated usage. Increase due to employee coverage changes.								
Utilities								
15-01 Electricity	92,000.00	81,222.59	102,000.00	82,366.61	185,500.00	185,500.00	83,500.00	81.86%
Electrical costs for the treatment plant, pump stations, and the old highway garage on Beachwood Avenue. Increase reflects the anticipated rate increase from the electrical supplier from the new contract.								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater CONT'D								
15-02 Phone/Internet	8,900.00	9,322.94	8,650.00	6,873.36	11,109.00	11,109.00	2,459.00	28.43%
Telephone and internet service (\$10,359) and cell phone reimbursements (\$750). Increase due to cover services provided by Consolidated Communications.								
15-03 Heating Fuel	14,000.00	13,681.24	13,500.00	7,649.29	18,350.00	18,350.00	4,850.00	35.93%
2,800 gallons of heating fuel @ \$4.50/gallon and 2,300 gallons of propane @ \$2.50/gallon. Increase due to price and actual projected usage. Current contract expires on 4/30/24.								
15-05 Water	1,450.00	1,033.51	1,450.00	833.03	1,595.00	1,595.00	145.00	10.00%
Water expense serviced by KKWWD. Increase due to reflect an anticipated district rate increase.								
Services								
20-01 Printing	800.00	0.00	800.00	0.00	800.00	800.00	0.00	.00%
Purchase paper and printing supplies. Includes the printing of any ordinance amendments, public notices, and public informational material.								
20-04 Advertising	500.00	0.00	500.00	0.00	500.00	500.00	0.00	.00%
Publication costs for recruiting, bid advertisements, and public notices.								
20-06 Expert/Professional	8,000.00	10,937.48	58,500.00	4,010.02	50,000.00	50,000.00	-8,500.00	-14.53%
Professional, personnel, legal and engineering services. Decrease based on projected needs for engineering services.								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater CONT'D								
20-07 Audit Cost share of the Town's annual audit.	3,500.00	3,500.00	5,000.00	5,000.00	5,000.00	5,000.00	0.00	.00%
20-08 Technology/Software IT services (\$1,275) that includes backup, antivirus and Microsoft 365/emails. Sonicwall/firewall (\$650), portion of TRIO software (\$1,056) and Work Order System Maintenance (\$5,000). Decrease due to annual adjustments in software licensing fees.	3,000.00	707.54	8,500.00	2,250.84	7,981.00	7,981.00	-519.00	-6.11%
20-20 Maintenance Wet Wells Contractor services with a vacuum truck to help clean the pump station wet wells.	8,000.00	7,929.33	8,000.00	3,140.00	8,000.00	8,000.00	0.00	.00%
20-21 Maintenance Contracts Manufacturer's service representatives to work on equipment and to pay for any service contracts.	5,150.00	1,296.00	5,150.00	2,844.20	5,150.00	5,150.00	0.00	.00%
20-25 Alarms Alarm system support.	2,950.00	9,668.64	5,000.00	0.00	5,000.00	5,000.00	0.00	.00%
20-26 Licenses License and inspection fees (annual WW discharge fee, PE certifications, Plant Operators, boiler and air tank inspections, and Water Quality IMP).	4,100.00	2,716.72	4,100.00	3,570.48	4,100.00	4,100.00	0.00	.00%

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater CONT'D								
20-44 Sludge Hauling	100,000.00	0.00	100,000.00	0.00	130,000.00	130,000.00	30,000.00	30.00%
Estimated 400 tons of sludge @ \$260/ton, and remaining funds available to haul off finished compost stored on-site at the Public Works Department.								
Insurance								
25-02 Workers Comp	5,000.00	7,544.12	10,100.00	5,439.96	7,000.00	7,000.00	-3,100.00	-30.69%
Share of premium determined by payroll audit. Decrease reflects premium discounts due to modification rate.								
25-03 Unemployment	1,000.00	1,533.36	1,000.00	1,479.07	2,100.00	2,100.00	1,100.00	110.00%
Share of premium based on historical usage. Increase due to a change in the formula and our experience with claims.								
25-05 Liability	25,000.00	22,134.00	25,750.00	9,335.48	13,000.00	13,000.00	-12,750.00	-49.51%
Share of premium for general liability coverage. Decrease due to reflect a more accurate cost share with the general fund.								
25-07 Fleet	3,000.00	2,356.00	3,000.00	7,172.16	7,400.00	7,400.00	4,400.00	146.67%
Share of premium for vehicle and mobile equipment coverage. Increase due to reflect a more accurate cost share with the general fund.								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater CONT'D								
25-10 Public Officials	1,000.00	788.00	1,000.00	1,854.72	1,950.00	1,950.00	950.00	95.00%
Share of premium for public officials coverage for Select Board and town officials. Increase due to anticipated premiums.								
Supplies/Equipment								
30-01 Office Supplies	1,800.00	5,806.90	2,000.00	494.77	2,000.00	2,000.00	0.00	.00%
Letterhead, envelopes, copy paper, toner, furniture, filing cabinets and other miscellaneous office supplies.								
30-03 Equipment	2,000.00	1,039.02	2,000.00	59.56	2,000.00	2,000.00	0.00	.00%
Miscellaneous equipment and supplies.								
30-04 Postage	2,000.00	885.08	2,000.00	563.04	2,000.00	2,000.00	0.00	.00%
Postage cost for billing, correspondence, and shipping.								
30-05 Photocopier	2,000.00	1,552.66	2,000.00	1,553.58	2,000.00	2,000.00	0.00	.00%
Photocopier lease, maintenance and copies.								
30-18 Hand Tools	3,840.00	1,639.57	3,850.00	2,047.08	5,000.00	5,000.00	1,150.00	29.87%
Hand tools needed to repair and operate the treatment plant and collection system.								
30-24 Gas	5,600.00	5,310.73	5,600.00	3,773.72	6,500.00	6,500.00	900.00	16.07%
2,000 gallons of gasoline @ \$3.25/gallon. Increase due to anticipated additional gallons needed.								
30-25 Diesel	10,500.00	7,752.87	11,250.00	3,120.07	10,350.00	10,350.00	-900.00	-8.00%
2,300 gallons of diesel @ \$4.50/gallon.								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater CONT'D								
30-27 Composting	2,000.00	32.04	2,000.00	684.36	1,000.00	1,000.00	-1,000.00	-50.00%
Supplies and equipment needed to operate the compost operation. Decrease due to new presses going into service.								
30-28 Collection System	20,000.00	23,951.97	20,000.00	38,635.15	25,000.00	25,000.00	5,000.00	25.00%
Supplies for the operation and maintenance of the collection system. Increased due to cost of repair items.								
30-29 Chemicals Process	20,000.00	25,183.70	25,000.00	18,666.38	50,000.00	50,000.00	25,000.00	100.00%
Chemicals for the operation of the treatment plant. Average 5,000 gallons of sodium hypochlorite, 14,800 lbs of sodium bisulfite and 9,500 lbs of polymer. Increased due to the increased costs for chlorine, bisulfite, polymer and trucking costs.								
30-30 Lab Supplies	22,500.00	20,588.15	16,000.00	11,082.89	17,000.00	17,000.00	1,000.00	6.25%
Lab equipment and supplies for testing required by Maine DEP and the US EPA. 10% in lab testing costs.								
30-31 Safety Equipment	3,500.00	2,575.76	3,500.00	1,684.30	3,500.00	3,500.00	0.00	.00%
Safety equipment and maintenance of current equipment.								
30-32 Maintenance Supplies	1,500.00	1,778.14	1,500.00	1,200.61	1,500.00	1,500.00	0.00	.00%
Cleaning supplies for the treatment plant and pump stations.								



Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater CONT'D								
30-33 Bio-Ash	6,000.00	8,600.00	11,000.00	8,900.00	5,000.00	5,000.00	-6,000.00	-54.55%
Bio-ash and supplies used in the composting operations. Continue composting operations first 4 months of the fiscal year until the installation of new presses is complete. Decrease due to implementation of sludge hauling.								
30-34 Odor Control	17,500.00	11,875.23	12,000.00	1,702.18	12,000.00	12,000.00	0.00	.00%
Supplies and equipment needed to control odors from the treatment plant and the collection system. Average 21,742 lbs of calcium nitrate.								
30-39 Billings & Liens	2,600.00	1,885.77	2,600.00	1,083.00	2,600.00	2,600.00	0.00	.00%
Printing sewer bills and the costs associated with filing sewer liens.								
Repairs/Maintenance								
35-01 Buildings	26,000.00	16,701.25	26,000.00	12,641.86	30,000.00	30,000.00	4,000.00	15.38%
Parts and supplies for buildings and equipment at the treatment plant. Increased due to cost of repairs.								
35-03 Vehicles & Equipment	6,500.00	5,671.92	6,500.00	4,095.57	6,500.00	6,500.00	0.00	.00%
Maintenance of vehicles, portable generators, loader, and pumps.								
Debt Service								
45-03 Sewer Bond 2003	22,588.00	0.00	22,768.00	55,983.78	0.00	0.00	-22,768.00	-100.00%
45-07 Interest Sewer Bond 2003	1,070.00	2,673.72	828.00	3,004.57	0.00	0.00	-828.00	-100.00%

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater CONT'D								
45-12 Sewer 2021 MMBB: \$2,000,000/20 yrs @ 1%. This reflects 40% of the total debt service expense, with the remaining 60% funded by property taxes (maturity in FY41).	39,554.00	0.00	39,554.00	98,884.82	39,554.00	39,554.00	0.00	.00%
45-22 Interest Sewer 2021 MMBB: \$2,000,000/20 yrs @ 1%. This reflects 40% of the total debt service expense, with the remaining 60% funded by property taxes (maturity in FY41).	9,661.00	28,529.50	9,246.00	23,114.34	8,830.00	8,830.00	-416.00	-4.50%
45-29 Sewer 2023 Interest MMBB: \$6,000,000/20 yrs @ 1% (placeholder). This reflects 40% of the total debt service expense, with the remaining 60% funded by property taxes (maturity in FY45).	0.00	0.00	0.00	0.00	27,531.00	27,531.00	27,531.00	100.00%
Miscellaneous								
50-34 Use of Fund Balance Transfer to the general fund to offset the administrative costs at the town office.	30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	0.00	.00%
50-86 Special Projects Video taping of the sewer collection system.	7,000.00	3,870.13	7,000.00	0.00	7,000.00	7,000.00	0.00	.00%

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-01 Enterprise Funds / Wastewater CONT'D								
50-92 Payroll Contingency	0.00	0.00	0.00	0.00	35,911.00	35,911.00	35,911.00	100.00%
Market adjustments and union contract expires 6/30/24. Increase reflects the market and cost of living increases for all enterprise wages.								
Purchases								
60-04 Capital Equipment	50,000.00	8,600.00	510,000.00	49,620.50	330,000.00	330,000.00	-180,000.00	-35.29%
Upgrades to PLC's for pump controls (\$65,000), upgraded control panel for screens (\$65,000), pump station #12 mitigation (\$150,000) and 10 grinder pump purchase (\$50,000).								
60-05 Capital Reserve	78,500.00	0.00	0.00	0.00	50,000.00	50,000.00	50,000.00	100.00%
Wastewater	1,393,046.00	1,119,782.27	1,818,611.00	1,031,275.08	1,884,893.00	1,884,893.00	66,282.00	3.64%

Budget Request

Revenue

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 14-70 Enterprise / Sewer								
01 Sewer Investment Income Income earned on invested funds.	5,000.00	61,247.20	40,000.00	69,254.99	60,000.00	60,000.00	20,000.00	50.00%
02 Use of Investment Funds	0.00	0.00	255,000.00	0.00	100,000.00	100,000.00	-155,000.00	-60.78%
03 Sewer Transfers In Debt portion raised from property tax.	109,310.00	109,310.00	0.00	0.00	0.00	0.00	0.00	.00%
04 Sewer Miscellaneous	0.00	0.00	0.00	8,799.99	0.00	0.00	0.00	.00%
05 Current Sewer Fees Sewer user fees.	1,243,736.00	1,425,122.48	1,423,611.00	2,182.61	1,639,893.00	1,639,893.00	216,282.00	15.19%
06 Delinquent Sewer Fees	0.00	3,072.73	0.00	2,320.35	0.00	0.00	0.00	.00%
07 Sewer Abatements	0.00	-569.87	0.00	0.00	0.00	0.00	0.00	.00%
09 Sewer Interest	0.00	1,597.32	0.00	2,754.58	0.00	0.00	0.00	.00%
11 Application Fees	0.00	10,020.00	0.00	12,060.00	0.00	0.00	0.00	.00%
12 Sewer Fund Balance Amount to transfer to the General Fund.	35,000.00	0.00	100,000.00	0.00	85,000.00	85,000.00	-15,000.00	-15.00%
14 Water Pollution Reserve	0.00	49,000.00	0.00	35,000.00	0.00	0.00	0.00	.00%
Sewer	1,393,046.00	1,658,799.86	1,818,611.00	132,372.52	1,884,893.00	1,884,893.00	66,282.00	3.64%

Wastewater Advisory Committee Meeting
25 Recreation Way, Kennebunkport, Maine 04046
In-Person Meeting, March 29th, 2024 @ 9:00.m.

A meeting of the Wastewater Advisory Committee was held in-person on Friday, March 29th, 2024 at the Director of Public Works Office at 25 Recreation Way, Kennebunkport, Maine.

Attendees: Bob Convery, Eric Labelle, Joseph Martin Mead, Margaret Myatt, Chris Simeoni, Eric Labelle

Call to Order: Mr. Simeoni called the meeting to order at 9:00 a.m.

Items discussed were:

1. General fund budget difficulties due to several storms.
2. Wastewater budget the following issues still in progress:
 - a. Compost and putting in new presses so the compost can be disposed of properly.
 - b. 3 Pump station upgrades that came in higher than expected.
 - c. Centrifuges installation scheduled to be completed in June.
 - d. Additional permit requirements will be coming in near future.
3. The biggest budget change is in the Health line item with an increase of \$26,269 which is a 37.41% increase due the increase in employee participation.
4. Another line-item change is electricity due to Central Maine Power's new rates with Wastewater being the biggest consumer of electricity in the town.
5. Sludge Hauling has increased 30%, which equates to a \$30,000 increase. The town will have to secure a contract with Casella for the raw sludge at \$260/ton to haul it off site.
6. Chemical Supplies line item has increased \$25,000 for the increase in sodium hypochlorite sodium bisulfite and polymer for use with the new presses.

There were discussions on the recent storms and their impact on the sewage system, especially at Goose Rocks Beach area and Kings Highway. It was noted in Kennebunkport, storm drains and sewer drains are separate and a discussion on sump pumps and rising oceans and water tables then occurred.

Eric Labelle gave a detailed description of the regulations passed regarding PFAS chemicals and their effect on curbing the town's composting program.

Chris Simeoni explained the change in sewer rate where the base rate will increase 14.9% to \$654.87 which is still lower than the majority of other towns in the area.

Chris Simeoni then discussed the upgrade of the SCADA System and Logic Controllers which is how the treatment plan can run with only 5 operators.

The Wastewater Advisory Committee voted 3-0 in approval of the FY2025 budget.

Adjournment: The meeting ended at 10:02a.m.



Kennebunkport Wastewater Budget

FY 2025

In 2023, the wastewater treatment plant processed a total of 151,844,000 gallons of wastewater.

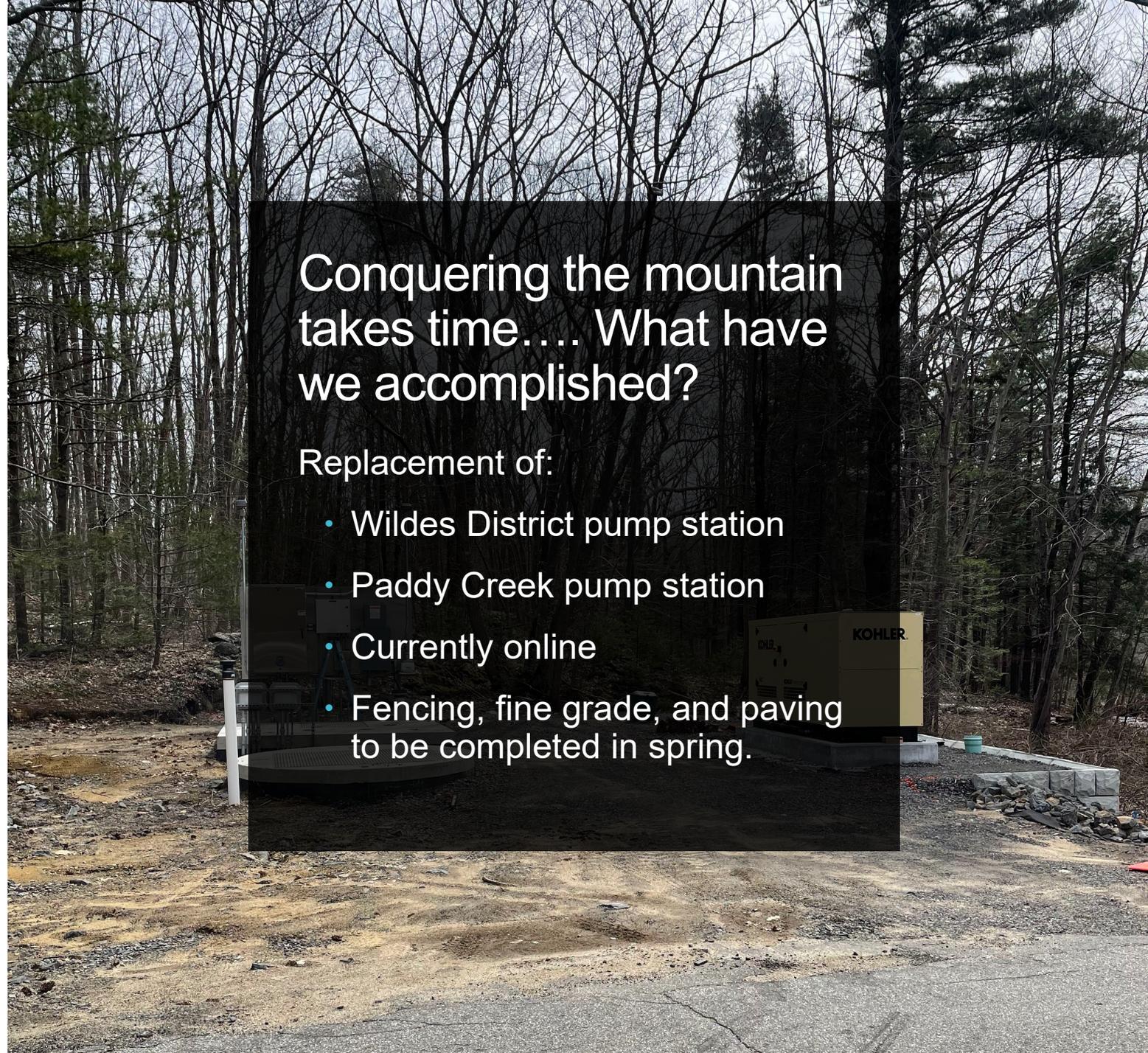
The wastewater treatment process generated a total of 1,633,100 gallons of biosolids that were turned into 1200 yards of compost.

Year	Gallons Treated	Gallons of Biosolids Produced	Yards of Compost Produced (Estimated)
2023	151,844,000	1,633,100	1200
2022	122,505,000	1,967,160	1200
2021	136,414,000	1,377,539	1200
2020	109,961,000	1,328,000	1200
2019	118,357,000	1,562,170	1200

Still climbing the mountain of reinvestment....

During the last six years, we have started to climb the mountain of reinvestment as it pertains to our wastewater infrastructure. This climb takes time...





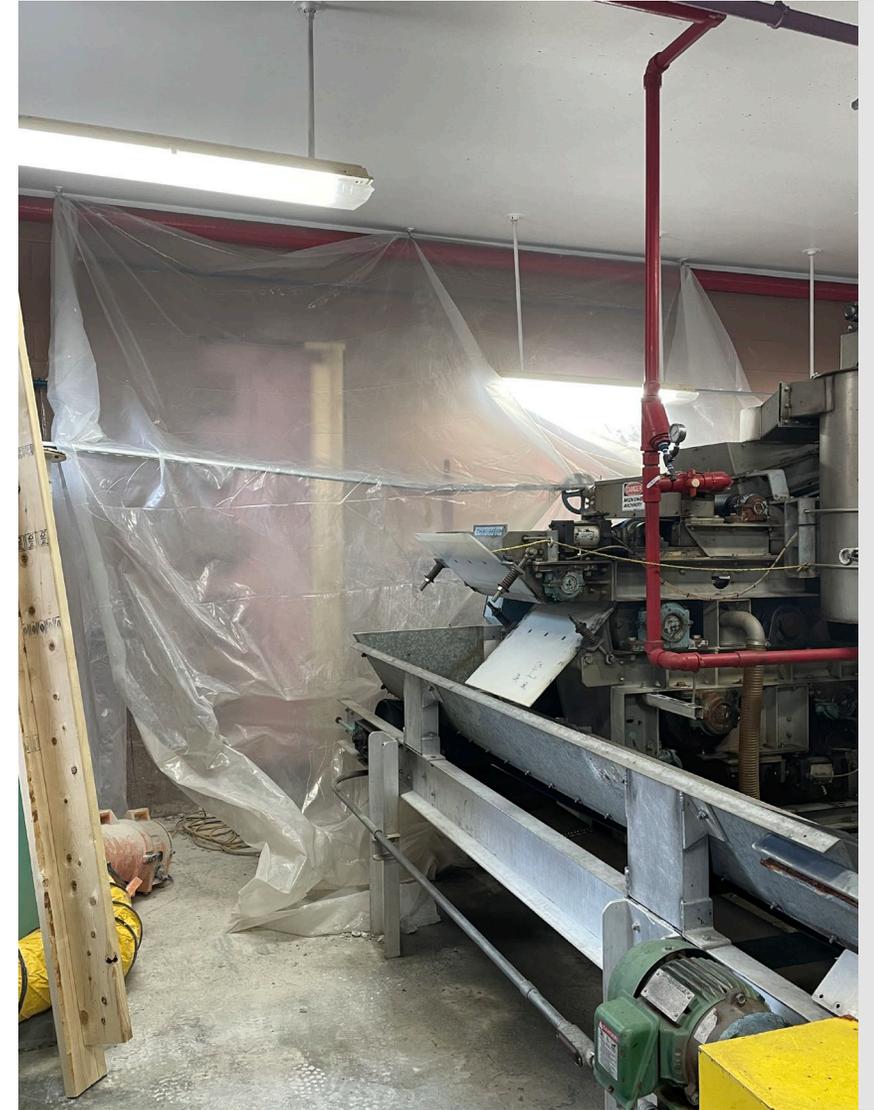
Conquering the mountain takes time.... What have we accomplished?

Replacement of:

- Wildes District pump station
- Paddy Creek pump station
- Currently online
- Fencing, fine grade, and paving to be completed in spring.

What else have we accomplished?

- ✓ The new polymer system for the centrifuges has been installed.
- ✓ The prep work is being completed for the installation of the new centrifuges installation.
- ✓ Sludge roll-off dumpster tracks have been installed.



Although we are well
on our way on this
journey...

More work remains to be done!

Fiscal Sustainability Plan Cost Summary

In 2018, Wright Pierce completed a Fiscal Sustainability Plan for the Town.

The plan identified \$30,926,000 worth of capital investment that would need to be completed in twenty years.

Keep in mind, these totals were 2018 values. These values have increased dramatically due to inflation.

**TABLE ES-5
WWTF 20-YEAR REPLACEMENT COST SUMMARY¹**

Asset Description	0-5 Years	6-10 Years	11-15 Years	16-20 Years	Asset Totals
WWTF	\$1,580,000	\$110,000	\$3,965,000	\$3,068,000	\$8,723,000
Pump Station	\$785,000	\$435,000	\$950,000	\$2,140,000	\$4,310,000
Collection System	\$3,620,000	\$5,093,000	\$5,775,000	\$3,405,000	\$17,893,000
Timetable Subtotals	\$5,985,000	\$5,638,000	\$10,690,000	\$8,613,000	--
GRAND TOTAL	--	--	--	--	\$30,926,000

1. Replacement costs do not include field surveys, engineering, construction management, and contingency costs

FY 2025

By using a Criticality Analysis, staff have determined the priority of investment over the next year....

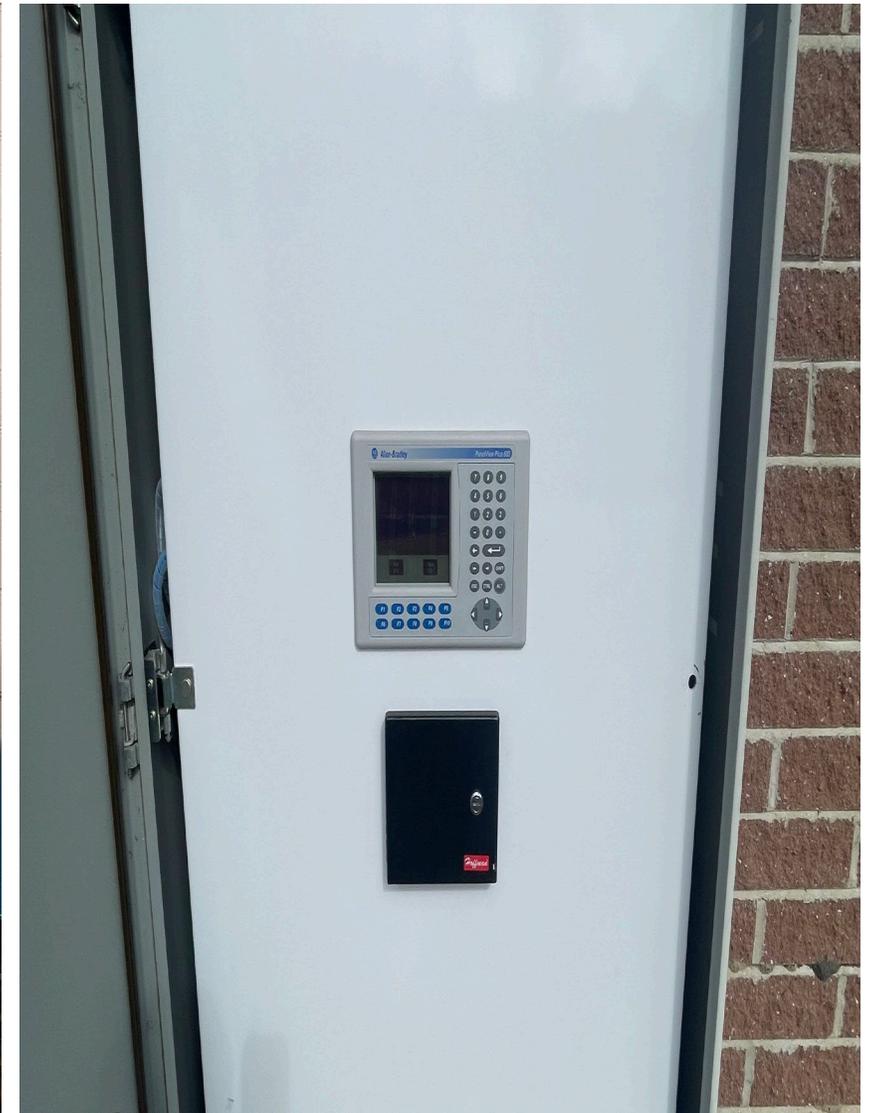
Programmable logic controllers (PLC's) for influent/effluent pumps \$65,000

1. Automate influent/effluent pump operation at the plant.
2. This PLC is a legacy product that is no longer supported.
3. Are an Achilles heel for the treatment plant.
4. A failure would require our crew to undertake manual operations of the plant 24/7.



Updated control panel for influent screens \$65,000

- ❑ Responsible for automating influent screen operation at the plant.
- ❑ This PLC is a legacy product that is no longer supported.
- ❑ Are an Achilles heel for the treatment plant.
- ❑ A failure would require our crew to undertake manual operations of the plant 24/7.



Purchase of ten replacement grinder pumps \$50,000

- ❑ We have approximately 88 of these individual grinder pumps still in service in our collection system.
- ❑ Maintaining an inventory of replacements is necessary for failed units so that we can continue to provide service to our users.



Pump station #12 mitigation \$150,000

During a high tide event on November 20th, 2023, we had water infiltration into the basement of the pump station.

Simultaneously, there was a power outage, and the generator transfer switch became stuck in neutral leaving the station without electricity.

The sump pump did not operate due to lack of power.

As a result, the pump control panel and pump motors became submerged and compromised.





Pump station #12 mitigation.
What needs to be done to
allow full replacement of this
pump station to be deferred.

- Move pump control panel upstairs
- Motor replacement
- Evaluate transfer switch repairs and replace if necessary

Goal:

Achieve operating capital of between \$500,000 to \$600,000 annually.

Why?...

- Many maintenance and smaller projects, such as the items presented in this year's capital request, don't rise to a level of cost that would typically be supported by a bond or have a life expectancy beyond 20 years.
- These items still need to be addressed, and replacement timing(or failures) prohibits deferring a group of them until they reach an amount supported by bonding.
- Having an operating capital of \$500K to \$600K will reduce the need for bonding groups of multiple smaller projects.
- It would allow us, in years when there are fewer needs, to place money back into reserves.

How do we become sustainable?

What can we do to achieve sound footing for the journey ahead?...

- Recently, we have been utilizing reserve funds to complete engineering design for large bond projects. (\$300,000 this past year for the ongoing pump station and dewatering upgrade.)
- This current year's capital request seeks authorization to utilize \$255,000 of investment funds to supplement our operating capital request to complete the previously mentioned capital upgrades.
- At this time, we are not actively putting money back into the reserve funds. If we continue to deplete our reserve fund balances on these smaller capital projects/equipment without replenishing them, we will not have adequate funds in the event of an emergency.
- This prompts the question- "How do we reach our goal?"

Currently, our yearly sewer rate is \$569.87. To meet the goal of \$500-\$600K in capital annually, we would propose a stepped approach using a combination of:

- Investment funds to supplement the stepped approach.
- Rate increases in the next two fiscal years.



Proposed FY 2025 rate increase

Investment Income	\$60,000
Sewer Fund Balance	\$85,000
Use of Investment Funds	\$100,000
Sewer User Fees	\$1,639,893
Total	\$1,884,893
FY25 Rate	\$654.87
FY24 Rate	\$569.87
% of Increase	14.92%
Increase	\$85.00

Subsequent four-year projection...

	FY25	FY26	FY27	FY28
Investment	\$100,000	\$0	\$0	\$0
Fund Balance	\$85,000	\$70,000	\$55,000	\$40,000
Sewer Rate	\$654.76	\$708.70	\$791.51	\$836.94
% Change	14.9%	8.24%	11.68%	5.74%

How do we currently compare?...

This survey was just completed one month ago by our administrative assistant.

Community		Rate per 100 cu/ft	Annual cost based on 8000 cu/ft
Biddeford	ME	18.43	1474.4
Kennebunk	ME	11.84	947.2
York	ME	10.08	806.4
Brunswick	ME	9.22	737.6
Sanford	ME	8.2	656
Kennebunkport	ME	8.18	654.87
Saco	ME	7.63	610.4
Kittery	ME	7.46	596.8
Falmouth	ME	7.46	596.8
Scarborough	ME	5.45	436

What do future years look like?

FY '26- Ocean Ave, South Maine and Turbat's Creek pump stations design, replace pump variable frequency drives and 2013 service truck

FY '27- Construction of Ocean Ave, South Maine and Turbat's Creek pump stations

FY '28- Mills Road and Mills Lane pump station design, replacement of 2006 jetter and axial flow pumps

FY '29- Construction of Mills Road and Mills Lane pump stations

Wastewater Advisory Committee

On Friday, March 29th, at 9:00 am, the Wastewater Advisory Committee met to review the budget and vote. They were provided with the budget materials a week prior to give sufficient time to review the budget in advance of the meeting.

At the conclusion of the meeting, the committee voted unanimously to approve the budget for FY '25.

Questions?

**Cape Porpoise Pier
FY25 Budget**

		FY23 Budget	FY23 Actual	FY24 Budget	FY24 YTD	FY25 Proposed
Revenues						
14.71.02	Mooring Fees	12,060	15,765	14,040	1,330	15,480
14.71.04	Pier Miscellaneous	0	106	0	53	0
14.71.05	Pier Diesel	301,750	283,057	340,925	194,508	365,650
14.71.06	Pier Gas	60,750	73,716	72,828	40,660	62,400
14.71.07	Pier Dues	50,800	52,539	53,835	(2,512)	60,222
14.71.09	Pier Lease	40,000	41,250	40,000	28,750	40,000
14.71.22	Use of fund balance	0		0	0	0
14.71.30	Write Offs	0	(3,765)	0	(698)	0
	Loss of Fuel Revenue/Pier Construction	0	0	(5,000)	0	(5,000)
Total Revenues		465,360	462,668	521,628	262,090	538,752
Expenses						
47.02.10.01	Salaries & Wages	57,925	52,964	56,044	46,703	56,027
47.02.12.01	FICA	4,520	4,494	4,373	3,606	4,372
47.02.12.02	MSRS	5,908	6,482	8,238	6,972	7,844
47.02.12.03	ICMA	1,158	930	1,121	996	1,121
47.02.12.05	Health	20,913	9,530	9,535	7,022	9,931
47.02.12.06	Dues & Fees	0		0	200	200
47.02.12.07	Travel & Meetings	1,000	1,135	400	582	500
47.02.12.08	Training & Education	0	0	600	350	600
47.02.12.16	HRA & Fees	1,386	408	693	378	693
47.02.15.01	Electricity	7,000	5,264	7,000	4,882	9,664
47.02.15.02	Phone/Internet	2,550	3,471	4,100	3,060	4,100
47.02.15.03	Heating Fuel	750	144	1,375	100	1,000
47.02.15.05	Water	500	218	500	36	550
47.02.20.06	Expert/Professional	1,100	5,433	1,000	2,997	0
47.02.20.07	Audit	500	500	1,000	1,000	1,000
47.02.20.08	Technology/Software	1,200	1,415	1,850	456	2,421
47.02.20.26	Licenses	650	590	650	465	650
47.02.20.28	Waste Removal	9,500	14,535	10,500	12,003	15,000
47.02.25.05	Liability Insurance	0	0	0	1,547	1,600
47.02.25.09	Other Insurance	7,020	9,004	9,000	7,814	9,000
47.02.30.01	Office Supplies	50	397	150	0	150
47.02.30.02	Operating Supplies	1,000	2,423	1,000	711	1,000
47.02.30.04	Postage	0	0	0	496	700
47.02.30.24	Gas	52,500	60,808	63,478	30,589	52,000
47.02.30.25	Diesel	262,500	250,434	308,250	176,479	319,500
47.02.35.01	Buildings	750	6,283	5,000	709	3,000
47.02.35.03	Vehicles & Equipment	1,000	5,187	4,500	5,334	5,000
47.02.35.08	Float Maintenance	500	93	500	0	500
47.02.35.09	Pier Maintenance	2,500	5,048	500	0	3,000
47.02.50.33	Diesel Tax	4,220	5,091	4,800	3,172	5,000
47.02.50.92	Payroll Contingency	0	0	0	0	2,775
47.02.65.01	Depreciation	16,760	16,414	15,471	0	16,000
Total Expenses		465,360	468,695	521,628	318,660	534,898
Net +/-						3,854

Cape Porpoise Pier

Moorings	FY23			FY 24			FY 25		
	Fee	# of Users	Total	Fee	# of Users	Total	Fee	# of Users	Total
Moorings	90.00	134.00	12,060.00	90.00	156.00	14,040.00	90.00	172.00	15,480.00
Fuel	Markup	Gallons	Total	Markup	Gallons	Total	Markup	Gallons	Total
Gas	0.55	15,000	8,250.00	0.55	17,000	9,350.00	0.65	16,000	10,400.00
Diesel	0.55	75,000	41,250.00	0.55	68,500	37,675.00	0.65	71,000	46,150.00
	Rev Loss/Pier Construction		(2,000.00)	Rev Loss/Pier Construction		(5,000.00)	Rev Loss/Pier Construction		(5,000.00)
		90,000.00	47,500.00		85,500.00	42,025.00		87,000.00	51,550.00
	<u>Price/gallon</u>	<u>Expense</u>	<u>Revenue</u>	<u>Price/gallon</u>	<u>Expense</u>	<u>Revenue</u>	<u>Price/gallon</u>	<u>Expense</u>	<u>Revenue</u>
Gas	3.50	52,500.00	60,750.00	3.73	63,478.00	72,828.00	3.25	52,000.00	62,400.00
Diesel	3.50	262,500.00	303,750.00	4.50	308,250.00	345,925.00	4.50	319,500.00	365,650.00
		315,000.00	364,500.00		371,728.00	418,753.00		371,500.00	428,050.00
Dues	Fee	# of Users	Total	Fee	# of Users	Total	Fee	# of Users	Total
		added 7.9% CPI			added 6.5% CPI			added 3.4% CPI	
Recreational	645.78	16.00	10,332.50	687.76	17.00	11,691.85	711.14	17.00	12,089.37
Big boats	968.81	32.00	31,002.00	1,031.78	30.00	30,953.48	1,066.86	33.00	35,206.49
Punt	620.05	4.00	2,480.19	660.35	6.00	3,962.12	682.81	6.00	4,096.83
Dealers	1,108.35	4.00	4,433.40	1,180.38	4.00	4,721.53	1,220.52	4.00	4,882.06
extra boats	5.40	107.00	577.27	5.75	109.00	626.86	5.95	277.00	1,647.19
extra drums	16.19	122.00	1,974.57	17.24	109.00	1,879.42	17.83	129.00	2,299.89
			50,799.92			53,835.25			60,221.83
		Lease	40,000		Lease	40,000		Lease	40,000
		Total Revenue	465,360		Total Revenue	521,628		Total Revenue	538,752
		Total Expense	534,898		Total Expense	534,898		Total Expense	534,898
		Net	(69,538)		Net	(13,270)		Net	3,854

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-02 Enterprise Funds / Cape Porpoise Pier								
Personnel								
10-01 Salaries & Wages	57,925.00	52,964.13	56,044.00	47,780.79	56,027.00	56,027.00	-17.00	-.03%
80% of wages for Pier Manager with the remaining 20% in the General Fund Public Safety Harbormaster account. This also funds the parking attendents.								
Benefits								
12-01 FICA	4,520.00	4,494.38	4,373.00	3,684.28	4,372.00	4,372.00	-1.00	-.02%
Employer's contribution for FICA (7.65%).								
12-02 MSRS	5,908.00	6,482.08	8,238.00	7,131.68	7,844.00	7,844.00	-394.00	-4.78%
Employer's contribution for Maine State Retirement.								
12-03 ICMA	1,158.00	929.61	1,121.00	1,023.13	1,121.00	1,121.00	0.00	.00%
ICMA 457 deferred compensation plan for eligible employees.								
12-05 Health	20,913.00	9,530.10	9,535.00	7,022.23	9,931.00	9,931.00	396.00	4.15%
Health insurance coverage - PPO 500. Premium rates are set each calendar year. This budget includes an estimated 8% increase beginning in calendar year 2025. Employee contributes 15% of the cost.								
12-06 Dues & Fees	0.00	0.00	0.00	200.00	200.00	200.00	200.00	100.00%
Dues and subscriptions for State of Maine Harbormaster Association (\$200).								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-02 Enterprise Funds / Cape Porpoise Pier CONT'D								
12-07 Travel & Meetings	1,000.00	1,134.96	400.00	581.55	500.00	500.00	100.00	25.00%
Reimbursement account for use of personal vehicles while on town business and for other travel-related expenses including not not limited to meals, modging, and other means of travel.								
12-08 Training & Education	0.00	0.00	600.00	350.00	600.00	600.00	0.00	.00%
Registration fees for Pier Manager. Includes conferences, seminars, training and professional association schools.								
12-12 Uniforms	0.00	76.00	0.00	0.00	0.00	0.00	0.00	.00%
12-16 HRA & Fees	1,386.00	408.38	693.00	377.98	693.00	693.00	0.00	.00%
Health Reimbursement Account (HRA) costs. This account is used for employee's annual deductibles and coinsurance and is an estimate based on prior years and anticipated usage.								
Utilities								
15-01 Electricity	7,000.00	5,263.86	7,000.00	4,882.15	9,664.00	9,664.00	2,664.00	38.06%
Electrical costs for the Pier with CMP rate adjustments. Increase reflects the anticipated rate increase from the electrical supplier from the new contract.								
15-02 Phone/Internet	2,550.00	3,470.74	4,100.00	3,060.29	4,100.00	4,100.00	0.00	.00%
Telephone and internet expenses for the Pier (\$4,100). Increase due to cover services provided by Consolidated Communications.								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-02 Enterprise Funds / Cape Porpoise Pier CONT'D								
15-03 Heating Fuel 400 gallons of propane @ \$2.50/gallon. Increase due to price and actual projected usage. Current contract expires on 4/30/24.	750.00	144.04	1,375.00	99.98	1,000.00	1,000.00	-375.00	-27.27%
15-05 Water Water expense serviced by KKWWD. Increase due to reflect an anticipated district rate increase.	500.00	217.52	500.00	36.16	550.00	550.00	50.00	10.00%
Services								
20-06 Expert/Professional Professional, personnel and engineering services.	1,100.00	5,432.90	1,000.00	2,997.00	0.00	0.00	-1,000.00	-100.00%
20-07 Audit Cost share of the Town's annual audit.	500.00	500.00	1,000.00	1,000.00	1,000.00	1,000.00	0.00	.00%
20-08 Technology/Software IT services (\$921) that includes backup, antivirus, and Microsoft 365/emails; Mooring Software (\$1,500).	1,200.00	1,415.09	1,850.00	456.08	2,421.00	2,421.00	571.00	30.86%
20-26 Licenses License and inspections fees for the Pier.	650.00	590.00	650.00	465.00	650.00	650.00	0.00	.00%
20-28 Waste Removal This account is used for the dumpsters and other trash removal.	9,500.00	14,534.75	10,500.00	12,002.61	15,000.00	15,000.00	4,500.00	42.86%
Insurance								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-02 Enterprise Funds / Cape Porpoise Pier CONT'D								
25-05 Liability	0.00	0.00	0.00	1,546.90	1,600.00	1,600.00	1,600.00	100.00%
Share of premium for general liability coverage. Increase due to reflect a more accurate cost share with the general fund.								
25-09 Other	7,020.00	9,004.00	9,000.00	7,814.00	9,000.00	9,000.00	0.00	.00%
Marina liability insurance and underground tank insurance.								
Supplies/Equipment								
30-01 Office Supplies	50.00	396.94	150.00	0.00	150.00	150.00	0.00	.00%
Office supplies for the Pier.								
30-02 Operating Supplies	1,000.00	2,422.90	1,000.00	711.24	1,000.00	1,000.00	0.00	.00%
This account is used for any supplies and materials needed to keep the Pier running. Includes parts and materials for the boat, hoists, pumps, etc.								
30-04 Postage	0.00	273.24	0.00	496.44	700.00	700.00	700.00	100.00%
Postage cost for billing, correspondence, and shipping.								
30-24 Gas	52,500.00	60,808.34	63,478.00	30,589.08	52,000.00	52,000.00	-11,478.00	-18.08%
16,000 gallons of gas @ \$3.25/gallon.								
30-25 Diesel	262,500.00	250,434.29	308,250.00	176,479.39	319,500.00	319,500.00	11,250.00	3.65%
71,000 gallons of diesel @ \$4.50/gallon.								
Repairs/Maintenance								
35-01 Buildings	750.00	6,282.99	5,000.00	708.75	3,000.00	3,000.00	-2,000.00	-40.00%
Routine maintenance and expenses for repairs to the building.								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-02 Enterprise Funds / Cape Porpoise Pier CONT'D								
35-03 Vehicles & Equipment Parts and supplies for the department's vehicles.	1,000.00	5,187.29	4,500.00	5,334.06	5,000.00	5,000.00	500.00	11.11%
35-08 Float Maintenance Repairs and maintenance to the floating docks and ramp.	500.00	92.63	500.00	0.00	500.00	500.00	0.00	.00%
35-09 Pier Maintenance Repairs and maintenance to the fixed structures of the Pier.	2,500.00	5,048.17	500.00	0.00	3,000.00	3,000.00	2,500.00	500.00%
Miscellaneous								
50-26 Bad Debt Expense	0.00	1,614.59	0.00	0.00	0.00	0.00	0.00	.00%
50-33 Diesel Tax State sales tax on taxable fuel.	4,220.00	5,090.95	4,800.00	3,171.98	5,000.00	5,000.00	200.00	4.17%
50-92 Payroll Contingency Market adjustments and union contract expires 6/30/24. Increase reflects the market and cost of living increases for all enterprise wages.	0.00	0.00	0.00	0.00	2,775.00	2,775.00	2,775.00	100.00%
Purchases								
Depreciation								
65-01 Depreciation	16,760.00	16,414.00	15,471.00	0.00	16,000.00	16,000.00	529.00	3.42%
Cape Porpoise Pier	465,360.00	470,658.87	521,628.00	320,002.75	534,898.00	534,898.00	13,270.00	2.54%

Budget Request

Revenue

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 14-71 Enterprise / Pier								
02 Mooring Fees	12,060.00	15,765.00	14,040.00	1,330.00	15,480.00	15,480.00	1,440.00	10.26%
04 Pier Miscellaneous	0.00	106.24	0.00	53.32	0.00	0.00	0.00	.00%
05 Pier Diesel	301,750.00	283,057.43	340,925.00	200,480.17	358,550.00	365,650.00	17,625.00	5.17%
06 Pier Gas	60,750.00	73,715.90	72,828.00	40,694.37	60,800.00	62,400.00	-12,028.00	-16.52%
07 Pier Dues	50,800.00	52,538.51	53,835.00	-2,511.72	60,222.00	60,222.00	6,387.00	11.86%
09 Pier Lease	40,000.00	41,250.00	40,000.00	28,750.00	40,000.00	40,000.00	0.00	.00%
30 Write Offs	0.00	-3,765.42	0.00	-698.14	0.00	0.00	0.00	.00%
Pier	465,360.00	462,667.66	521,628.00	268,098.00	535,052.00	543,752.00	13,424.00	2.57%

DOCK SQUARE PARKING LOT
FY25 Budget

		FY23	FY23	FY24	FY24	FY25
		Budget	Actual	Budget	YTD	Proposed
Revenues						
14.72.05	Fees	419,842	545,490	500,000	395,886	600,000
Total Revenues		419,842	545,490	500,000	395,886	600,000
Expenses						
47.03.10.01	Salaries & Wages	55,850	57,976	76,167	36,071	80,570
47.03.10.10	Overtime	0	102	1,388	216	884
47.03.12.01	FICA	4,278	3,837	5,978	2,901	6,554
47.03.12.02	MSRS	385	0	0	0	2,450
47.03.12.03	ICMA	76	0	353	0	495
47.03.12.05	Health	2,157	1,825	3,667	2,445	6,561
47.03.12.16	HRA & Fees	136	0	212	23	385
47.03.15.01	Electricity	2,500	1,734	3,000	1,871	3,075
47.03.15.02	Phone/Internet	7,460	4,562	1,750	996	1,709
47.03.20.06	Expert/Professional	12,000	8,415	12,000	14,720	12,000
47.03.20.43	Credit Card Fees	18,000	20,742	18,500	19,540	20,000
47.03.30.01	Office Supplies	13,000	4,718	10,000	2,898	10,000
47.03.30.03	Equipment	0	0	0	0	10,000
47.03.35.01	Buildings	1,000	1,767	1,000	4,299	2,000
47.03.35.03	Vehicles & Equipment	2,000	7,824	7,000	3,638	7,000
47.03.50.23	Transfer Out	301,000	301,000	316,000	346,000	421,000
Total Expenses		419,842	414,503	457,015	435,619	584,683
Net +/-						15,317

Budget Request

	Expense							
	2023	2023	2024	2024	2025	2025	Man Req vs"	Man Req vs
	Budget	Actual	Budget	YTD	Manager	Committee	Curr Bud	Curr Bud
							Change \$	Change %
Dept/Div: 47-03 Enterprise Funds / Dock Square Parking Lot								
Personnel								
10-01 Salaries & Wages	55,850.00	57,976.40	70,375.00	36,750.69	80,570.00	80,570.00	10,195.00	14.49%
Salaries and wages. Includes DSPL parking lot attendants, officers, and 25% of the Technology Specialist.								
10-06 Summer Salaries	0.00	0.00	5,792.00	0.00	0.00	0.00	-5,792.00	-100.00%
10-10 Overtime	0.00	102.00	1,388.00	216.00	884.00	884.00	-504.00	-36.31%
Benefits								
12-01 FICA	4,278.00	3,837.05	5,978.00	2,950.84	6,554.00	6,554.00	576.00	9.64%
12-02 MSRS	385.00	0.00	0.00	0.00	2,450.00	2,450.00	2,450.00	100.00%
12-03 ICMA	76.00	0.00	353.00	0.00	495.00	495.00	142.00	40.23%
12-05 Health	2,157.00	1,825.37	3,667.00	2,693.62	6,561.00	6,561.00	2,894.00	78.92%
12-16 HRA & Fees	136.00	0.00	212.00	23.20	385.00	385.00	173.00	81.60%
Utilities								
15-01 Electricity	2,500.00	1,733.76	3,000.00	2,208.57	3,075.00	3,075.00	75.00	2.50%
15-02 Phone/Internet	7,460.00	4,562.31	1,750.00	1,005.93	1,709.00	1,709.00	-41.00	-2.34%
Camera service.								
Services								
20-06 Expert/Professional	12,000.00	8,415.00	12,000.00	19,424.00	12,000.00	12,000.00	0.00	.00%
Bus monitoring.								
20-43 Credit Card Fees	18,000.00	20,741.64	18,500.00	19,540.01	20,000.00	20,000.00	1,500.00	8.11%
Insurance								
Supplies/Equipment								
30-01 Office Supplies	13,000.00	4,718.34	10,000.00	2,898.25	10,000.00	10,000.00	0.00	.00%
Maintenance and supplies \$5,000 and tickets \$8,000.								
30-03 Equipment	0.00	0.00	0.00	0.00	10,000.00	10,000.00	10,000.00	100.00%
Purchase of Dock Square light posts.								

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-03 Enterprise Funds / Dock Square Parking Lot CONT'D								
Repairs/Maintenance								
35-01 Buildings	1,000.00	1,767.16	1,000.00	4,299.00	2,000.00	2,000.00	1,000.00	100.00%
35-03 Vehicles & Equipment	2,000.00	7,824.30	7,000.00	3,637.91	7,000.00	7,000.00	0.00	.00%
Repairs to the parking system including entrance and exit gates.								
Miscellaneous								
50-23 Transfer Out	301,000.00	301,000.00	316,000.00	346,000.00	421,000.00	421,000.00	105,000.00	33.23%
Transfer to General Fund \$225,000 to offset general expenditures, \$40,000 to offset road improvements in the area, and \$36,000 for restroom maintenance and upkeep.								
Purchases								
Depreciation								
65-01 Depreciation	0.00	14,692.00	0.00	0.00	0.00	0.00	0.00	.00%
Dock Square Parking Lot	419,842.00	429,195.33	457,015.00	441,648.02	584,683.00	584,683.00	127,668.00	27.94%

Budget Request

Revenue

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 14-72 Enterprise / DSP Lot								
05 P Lot Fees	419,842.00	545,490.01	500,000.00	395,901.62	600,000.00	600,000.00	100,000.00	20.00%
DSP Lot	419,842.00	545,490.01	500,000.00	395,901.62	600,000.00	600,000.00	100,000.00	20.00%

Government Wharf FY25 Budget

		FY23 Budget	FY23 Actual	FY24 Budget	FY24 YTD	FY25 Proposed
Revenues						
14.73.06	Lobsterman	10,800	7,650	8,500	8,000	9,600
14.73.07	Commercial Dues	1,925	2,266	2,400	2,250	3,500
14.73.08	Base Dues	0	175	200	200	250
14.73.09	Student Dues	125	125	150	150	200
14.73.22	Use of Fund Balance	4,000	0	0	0	0
Total Revenues		16,850	10,216	11,250	10,600	13,550
Expenses						
47.06.15.01	Electricity	6,700	11,630	7,500	5,099	11,631
47.06.15.02	Phone/Internet	1,985	728	1,500	0	0
47.06.35.01	Buildings	0	0	0	1,421	0
47.06.35.08	Float Maintenance	550	531	550	314	550
47.06.35.09	Pier Maintenance	500	452	500	173	500
47.06.60.04	Capital Equipment	6,965	0	1,200	0	800
Total Expenses		16,700	13,342	11,250	7,007	13,481
Net +/-						69

Government Wharf

Dues	FY23			FY 24			FY 25		
	Fee	# of Users	Total	Fee	# of Users	Total	Fee	# of Users	Total
Lobsterman	450.00	17.00	7,650.00	500.00	17.00	8,500.00	600.00	16.00	9,600.00
Commercial Dues	275.00	8.00	2,200.00	300.00	8.00	2,400.00	350.00	10.00	3,500.00
Base Dues	175.00	1.00	175.00	200.00	1.00	200.00	250.00	1.00	250.00
Student Dues	125.00	1.00	125.00	150.00	1.00	150.00	200.00	1.00	200.00
			10,150.00			11,250.00			13,550.00
			Total Revenue			Total Revenue			Total Revenue
			16,850			11,250			13,550
			Total Expense			Total Expense			Total Expense
			16,700			11,250			13,481
			Net			Net			Net
			150			0			69

Budget Request

Expense

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 47-06 Enterprise Funds / Government Wharf								
Utilities								
15-01 Electricity	6,700.00	11,630.02	7,500.00	5,099.08	11,631.00	11,631.00	4,131.00	55.08%
15-02 Phone/Internet	1,985.00	728.37	1,500.00	0.00	0.00	0.00	-1,500.00	-100.00%
Security Cameras								
Insurance								
Supplies/Equipment								
Repairs/Maintenance								
35-01 Buildings	0.00	0.00	0.00	1,420.85	0.00	0.00	0.00	.00%
35-08 Float Maintenance	550.00	531.07	550.00	314.00	550.00	550.00	0.00	.00%
35-09 Pier Maintenance	500.00	452.29	500.00	172.59	500.00	500.00	0.00	.00%
Miscellaneous								
50-01 Miscellaneous	150.00	153.65	0.00	0.00	0.00	0.00	0.00	.00%
Purchases								
60-04 Capital Equipment	6,965.00	0.00	1,200.00	0.00	800.00	800.00	-400.00	-33.33%
Government Wharf	16,850.00	13,495.40	11,250.00	7,006.52	13,481.00	13,481.00	2,231.00	19.83%
Expense Totals:	2,295,098.00	2,033,131.87	2,808,504.00	1,799,932.37	3,017,955.00	3,017,955.00	209,451.00	7.46%

Budget Request

Revenue

	2023 Budget	2023 Actual	2024 Budget	2024 YTD	2025 Manager	2025 Committee	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 14-73 Enterprise / Govt Wharf								
06 Lobstermen	10,800.00	7,650.00	8,500.00	8,000.00	9,600.00	9,600.00	1,100.00	12.94%
07 Commercial Dues	1,925.00	2,265.54	2,400.00	2,250.00	3,500.00	3,500.00	1,100.00	45.83%
08 Base Dues	0.00	175.00	200.00	200.00	250.00	250.00	50.00	25.00%
09 Student Dues	125.00	125.00	150.00	150.00	200.00	200.00	50.00	33.33%
22 Use of Fund Balance	4,000.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
Govt Wharf	16,850.00	10,215.54	11,250.00	10,600.00	13,550.00	13,550.00	2,300.00	20.44%

AGENDA ITEM DIVIDER



TOWN OF KENNEBUNKPORT, MAINE
~ INCORPORATED 1653 ~

MEMORANDUM

To: The Town of Kennebunkport Selectboard & Planning Board
Fr: Galen Weibley
Re: GPC Recommended 2024 Comp Plan Short-Term Strategies for Implementation
Dt: March 20, 2024

During the Growth Planning Committee's March 19, 2024, meeting, members held an informal discussion with Town Planning Staff regarding the vision implementation of the Town's recently adopted Comprehensive Plan. GPC members reviewed only short-term strategies under the responsibility of GPC, Selectboard, Planning Board, and the Planning Department.

The GPC recommends the following strategies or projects to implement per Section 5-29 of the Town Code after discussing the time, treasure, and talent required for implementation. The GPC would like feedback from the Planning Board and Board of Selectman if there are additional items or projects the GPC should work on before submitting their annual report update in November.

Suggested Strategies for GPC to Implement in 2024

- Review current zoning codes, regulations, and policies to incorporate natural design elements and building practices such as Low Impact Design standards.
 - Develop Low Impact Design standards within the Land Use Ordinance for development not subject to PB Review to mitigate stormwater concerns.
 - Review Amending the Growth Areas Map
- Review the impact of Growth Management permits on a periodic basis to determine its effectiveness in directing growth in a manner that is consistent with this Comprehensive Plan.
 - GPC Review of Growth Permit Activity Develop Goals for 2025
- Amend the LUO to allow accessory dwelling units (ADU) and home occupations to co-exist and utilize performance standards to regulate the appearance and potential impact of these uses within neighborhoods.
 - Explore change to number of entrances that are front facing for SFD & ADU

Suggested Strategies for Planning Department to Implement

- Educate homeowners about flood vulnerability.
 - FIRM Map Updates and Outreach at Open House
- Require that subdivisions and commercial developments maintain open space to the greatest extent practicable.
 - Explore additional changes to LUO to preserve open space in development review
- Educate property owners about impacts of climate change, such as extreme heat, drought, and changes in precipitation on habitats and species. Provide information to new homeowners.
 - Work with SMPDC Climate Specialist on Developing educational information to new homeowners when obtaining a CofO
- Provide education about climate change impacts such as increased and more frequent flooding of surface water, wetlands, and floodplains, and other low-lying areas.
 - Educational outreach at May's Town Open House to residents about Floodplain changes
- Educate community members about how to prepare their property for the effects of a changing climate.
 - Collaborate with SMPDC Climate Specialist on educational material to be supplied in the town office and on the website.
- Create educational curriculum for boards and committees that are responsible for land use decisions and make available to the public.

Enclosures

Comprehensive Plan Short Term Strategies (BoS, PB, PD, GPC)
Draft Timeline of GPC Meeting Agenda Items

Growth Planning Committee Draft Timeline

Meeting Date	Subject/Items on Agenda	Action Items to Consider	Special Notes/Notices
4/2/2024	Growth Map Amendment	Growth Area Map Analysis	
4/16/2024	LUO Changes Stormwater/Staff Changes	Guest Speakers on LID	
5/7/2024	Growth Map Amendment & LUO Changes Stormwater/Staff Changes	Preliminary Draft Introduced by Staff	5/10/24 Place Notice in Portland Press Herald for Growth Map Amendment Hearing on 6/18/24
5/21/2024	Growth Map Amendment & LUO Changes Stormwater/Staff Changes	GPC Review and Offer Recommendations	
6/4/2024	LUO Changes Stormwater/Staff Changes	GPC Review and Offer Recommendations	
6/18/2024	Growth Map Amendment & LUO Changes Stormwater/Staff Changes	Solicit Public Feedback on Ordinance Changes/ Vote to Send Growth Map Amendment to State of Maine	
7/2/2024	LUO Changes Stormwater/Staff Changes	GPC Review and Offer Final Recommendations	
7/16/2024	BOS & GPC Review of Changes	GPC Vote Recommended Languague. BOS to send to Town Solicitor for Review	7/24/24 Maine State Review of Map Amendment Due to Town 8/12/24 BOS Review Warrant Articles 8/26/24 BOS Approve Warrant Articles for November Ballot
8/6/2024	Review Growth Permit Activity	Analyze and Brainstorm for Ordinance/Policy changes in 2025	
9/3/2024	Review Growth Permit Activity	Analyze and Brainstorm for Ordinance/Policy changes in 2026	
10/1/2024	Goal Setting for 2025/Draft Report of Activities		
11/19/2024	Goal Setting for 2025/Draft Report of Activities	Vote and approve sending Activity report to BOS & PB	11/5/2024 Town Referendum Vote
12/3/2024	Goal Setting for 2025	Review Calendar of Activity for 2025 Meetings	
12/17/2024	Optional meeting if needed for Ordinance Review		

Type	Goal	Policy	Strategy	Party	Timeline	Progress?
Housing	MEET THE DEMAND FOR AFFORDABLE HOUSING BY PROVIDING FOR A MIX OF HOUSING TYPES IN A BROAD RANGE OF PRICES.	Incentivize the construction of year-round affordable housing units and create standards of eligibility for such units with preference for school and government employees, Kennebunkport residents, and persons employed in the Town.	Consider amending the LUO to reduce minimum lot size requirements and increase allowable density within Growth Areas.	PB & PD	Short Term	
Housing	MEET THE DEMAND FOR AFFORDABLE HOUSING BY PROVIDING FOR A MIX OF HOUSING TYPES IN A BROAD RANGE OF PRICES.	Incentivize the construction of year-round affordable housing units and create standards of eligibility for such units with preference for school and government employees, Kennebunkport residents, and persons employed in the Town.	Encourage clustering of all types of housing units, including duplex and multi-plex units.	PB & PD	Short Term	
Housing	MEET THE DEMAND FOR AFFORDABLE HOUSING BY PROVIDING FOR A MIX OF HOUSING TYPES IN A BROAD RANGE OF PRICES.	Incentivize the construction of year-round affordable housing units and create standards of eligibility for such units with preference for school and government employees, Kennebunkport residents, and persons employed in the Town.	Amend the LUO to allow accessory dwelling units (ADU) and home occupations to co-exist and utilize performance standards to regulate the appearance and potential impact of these uses within neighborhoods.	PB & PD	Short Term	ADU & Accessory Apartments have performance standards. Any more changes?
Housing	MEET THE DEMAND FOR AFFORDABLE HOUSING BY PROVIDING FOR A MIX OF HOUSING TYPES IN A BROAD RANGE OF PRICES.	Incentivize the construction of year-round affordable housing units and create standards of eligibility for such units with preference for school and government employees, Kennebunkport residents, and persons employed in the Town.	Allow the development of multi-plex (multi-family) housing, including rental units, in designated Growth Areas.	PB & PD	Short Term	In the Process of Adopting Updates
Housing	MINIMIZE THE ADVERSE IMPACTS OF CLIMATE CHANGE.	Reduce the vulnerability of housing to climate change.	Review current zoning codes, regulations, and policies to incorporate natural design elements and building practices such as Low Impact Design standards.	PD & PB	Short Term	Low Impact for Accessory Apartments but more discussion for stormwater standards for all types of development?
Natural Resources, Forest Resources, and Agricultural Resources	PROTECT FOREST RESOURCES AND FARMLAND FROM THE NEGATIVE IMPACTS OF DEVELOPMENT.	Support agricultural and forestry activities.	Review Town ordinances and regulations for consistency with Maine's Right to Farm Law (Title 7 MSRA, Chapter 6) to determine if local ordinances and regulations require strengthening.	PD & PB	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	PROTECT FOREST RESOURCES AND FARMLAND FROM THE NEGATIVE IMPACTS OF DEVELOPMENT.	Support agricultural and forestry activities.	Review and amend, as necessary, the LUO and subdivision regulations to develop performance standards to protect forest and farmland resources. Land developers should identify critical natural resources and utilize Beginning with Habitat maps and other data resources.	PD & PB	Short Term	
Water Resources	PROTECT THE QUALITY AND QUANTITY OF WATER RESOURCES.	Protect water resources from the impacts of development and reduce the potential of water quality degradation.	Amend the LUO and Subdivision Regulations to include green infrastructure and low impact development standards. Encourage complete streets and green streets.	PB & PD	Short Term	
Energy	REDUCE THE VOLUME OF GREENHOUSE GASSES GENERATED IN KENNEBUNKPORT	Develop and implement community-wide strategies to reduce greenhouse gas (GHG) emissions.	Remove barriers and encourage commercial development of a certain scale to include EV charging stations and be designed to exceed minimum energy code standards.	PB & PD	Short Term	
Energy	ENSURE THE TOWN'S TRANSPORTATION SYSTEM PROVIDES EFFICIENT, SAFE, AND CONNECTED ACCESS FOR THE COMMUNITY	Plan and prepare to accommodate electric vehicles (EV).	Ensure there are no unnecessary regulatory hurdles to installing EV charging stations on public or private property and support their procurement.	PB & PD	Short Term	
Energy	INTEGRATE TRANSPORTATION AND LAND USE PLANNING	Develop a connected network of streets and destinations.	Add criteria in subdivision regs that promote shared driveways and require developers to show future connectivity to adjacent parcels including roads and trails.	PB & PD	Short Term	
Future Land Use	ENSURE ORDERLY GROWTH AND PREVENT SPRAWL.	Encourage growth adjacent to current village centers. Growth should be compatible with and integrated with the existing infrastructure and built environment.	Review the impact of Growth Management permits on a periodic basis to determine its effectiveness in directing growth in a manner that is consistent with this Comprehensive Plan.	GPC & PD	Short Term	
Historical	PROTECT AND PRESERVE HISTORIC STRUCTURES AND DISTRICTS.	Protect historic structures that are threatened by sea level rise and extreme weather events.	Work with the Silver Jackets and other experts to devise a plan to protect Dock Square buildings.	PD	Short Term	In process since 2022. Silver Jackets have not provided the Town with a plan yet.
Housing	MEET THE DEMAND FOR AFFORDABLE HOUSING BY PROVIDING FOR A MIX OF HOUSING TYPES IN A BROAD RANGE OF PRICES.	Incentivize the construction of year-round affordable housing units and create standards of eligibility for such units with preference for school and government employees, Kennebunkport residents, and persons employed in the Town.	Amend the LUO to include a definition of affordable housing.	PD	Short Term	In Process of adopting definition with LD 2003 amendments to LUO
Housing	MEET THE DEMAND FOR AFFORDABLE HOUSING BY PROVIDING FOR A MIX OF HOUSING TYPES IN A BROAD RANGE OF PRICES.	Incentivize the construction of year-round affordable housing units and create standards of eligibility for such units with preference for school and government employees, Kennebunkport residents, and persons employed in the Town.	In subdivisions of 10+ dwelling units, the developer should set aside 10% as affordable units. In subdivisions of 5 to 9 dwelling units, at least one should be set aside. Alternately, the developer may consider an in-lieu fee.	PB, HHT & PD	Short Term	
Housing	MEET THE DEMAND FOR AFFORDABLE HOUSING BY PROVIDING FOR A MIX OF HOUSING TYPES IN A BROAD RANGE OF PRICES.	Incentivize the construction of year-round affordable housing units and create standards of eligibility for such units with preference for school and government employees, Kennebunkport residents, and persons employed in the Town.	Consider the establishment of a development impact fee to fund affordable housing.	PD	Short Term	
Housing	MINIMIZE THE ADVERSE IMPACTS OF CLIMATE CHANGE.	Reduce the vulnerability of housing to climate change.	Educate homeowners about flood vulnerability.	CEO & PD	Short Term	

Natural Resources, Forest Resources, and Agricultural Resources	PROTECT CRITICAL NATURAL RESOURCES, INCLUDING WETLANDS, TERRESTRIAL AND AQUATIC HABITAT, SAND DUNES, BEACHES, SCENIC VISTAS, AND UNIQUE NATURAL AREAS.	Conserve and protect Kennebunkport's critical natural resources through conservation and education.	Collaborate with conservation partners to identify and make public a regional database of educational resources and information about critical habitat (including salt marshes), vulnerable species, and the impacts of development and human activity on natural resources.	CC, FWS & PD	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	PROTECT CRITICAL NATURAL RESOURCES, INCLUDING WETLANDS, TERRESTRIAL AND AQUATIC HABITAT, SAND DUNES, BEACHES, SCENIC VISTAS, AND UNIQUE NATURAL AREAS.	Minimize the impacts of development and human activity on natural resources.	Require that subdivisions and commercial developments maintain open space to the greatest extent practicable.	PB & PD	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	PROTECT CRITICAL NATURAL RESOURCES, INCLUDING WETLANDS, TERRESTRIAL AND AQUATIC HABITAT, SAND DUNES, BEACHES, SCENIC VISTAS, AND UNIQUE NATURAL AREAS.	Minimize the impacts of development and human activity on natural resources.	Encourage the use of native plants on public and private property.	PB & PD	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	PROTECT CRITICAL NATURAL RESOURCES, INCLUDING WETLANDS, TERRESTRIAL AND AQUATIC HABITAT, SAND DUNES, BEACHES, SCENIC VISTAS, AND UNIQUE NATURAL AREAS.	Minimize the impacts of development and human activity on natural resources.	Encourage developers to install street trees to enhance wildlife habitat and provide shade.	PB & PD	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	PROTECT CRITICAL NATURAL RESOURCES, INCLUDING WETLANDS, TERRESTRIAL AND AQUATIC HABITAT, SAND DUNES, BEACHES, SCENIC VISTAS, AND UNIQUE NATURAL AREAS.	Minimize the impacts of development and human activity on natural resources.	Conduct monitoring to evaluate the impact of pesticides and herbicides on natural resources and water resources and identify strategies to minimize impacts such as through alternative weed and pest controls and regulations as needed.	PD, CC &	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	PROTECT FOREST RESOURCES AND FARMLAND FROM THE NEGATIVE IMPACTS OF DEVELOPMENT.	Support agricultural and forestry activities.	Support forestry and agricultural uses and activities such as agritourism, backyard chickens, farms, farm stands, and firewood sales.	PD	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	PROTECT FOREST RESOURCES AND FARMLAND FROM THE NEGATIVE IMPACTS OF DEVELOPMENT.	Support agricultural and forestry activities.	Review Town ordinances and regulations for consistency with Article 1 Section 25 Establishing A Right to Food of the Constitution of the State of Maine	PD & PB	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	ADAPT TO CLIMATE CHANGE.	Enhance the resiliency of habitats and species.	Identify opportunities to accommodate marsh migration inland to protect this critically important resource from sea level rise.	PB, CC & PD	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	ADAPT TO CLIMATE CHANGE.	Enhance the resiliency of habitats and species.	Encourage conservation of low-lying undeveloped uplands where coastal marshes, beaches, and other intertidal natural communities can migrate inland with sea level rise.	PB, CC, KCT & PD	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	ADAPT TO CLIMATE CHANGE.	Enhance the resiliency of habitats and species.	Create and implement an invasive species management policy, including public outreach and education, and prepare to manage invasive species on town property.	PW, CC & PD	Short Term	
Natural Resources, Forest Resources, and Agricultural Resources	ADAPT TO CLIMATE CHANGE.	Enhance the resiliency of habitats and species.	Educate property owners about impacts of climate change, such as extreme heat, drought, and changes in precipitation on habitats and species. Provide information to new homeowners.	CC & PD	Short Term	
Water Resources	ADAPT TO THE IMPACTS OF CLIMATE CHANGE.	Minimize the impacts of climate change to water resources and water infrastructure.	Provide education about climate change impacts such as increased and more frequent flooding of surface water, wetlands, and floodplains, and other low-lying areas.	PD	Short Term	
Marine Resources	PROTECT THE WATER QUALITY OF TIDAL RIVERS, STREAMS, MARSHES, AND COASTAL BEACHES	Protect the health of recreational users of tidal areas and beaches.	Continue the partnership with Maine's Healthy Beaches Program and implement the recommendations in its "Summary Report of Enhanced Monitoring and Pollution Source Tracking Efforts in the Goose Rocks Beach Watershed, Kennebunkport," published in February 2021.	BAC & PD	Short Term	

Energy	REDUCE THE VOLUME OF GREENHOUSE GASSES GENERATED IN KENNEBUNKPORT	Develop and implement community-wide strategies to reduce greenhouse gas (GHG) emissions.	Review LOU to ensure minimum regulatory hurdles which would allow all properties to install EV chargers.	PD	Short Term	
Energy	REDUCE THE VOLUME OF GREENHOUSE GASSES GENERATED IN KENNEBUNKPORT	Strive to match or exceed the State of Maine's goals of a 45% reduction in GHG emissions by 2030, and 80% by 2050.	Develop a town wide climate action plan.	BoS & PD	Short Term	In Process of being Adopted by Town
Energy	REDUCE THE VOLUME OF GREENHOUSE GASSES GENERATED IN KENNEBUNKPORT	Prepare the community for a changing climate.	Educate community members about how to prepare their property for the effects of a changing climate.	PD	Short Term	
Energy	IMPROVE THE RELIABILITY OF KENNEBUNKPORT'S ELECTRICAL POWER SUPPLY	Encourage local generation of renewable energy and decentralization of the electrical grid.	Review LUO for hinderances to renewable energy systems and recommend amendments.	CEO & PD	Short Term	
Energy	ENSURE THE TOWN'S TRANSPORTATION SYSTEM PROVIDES EFFICIENT, SAFE, AND CONNECTED ACCESS FOR THE COMMUNITY	Plan and prepare to accommodate electric vehicles (EV).	Identify locations for EV charging stations, according to Maine Clean Community recommendations, that would benefit the community.	PD	Short Term	
Energy	INCREASE MULTI-MODAL TRANSPORTATION OPTIONS	Prioritize safety for pedestrians and bicyclists.	Identify locations where a reduction in speed will minimize the potential pedestrian and bicycle fatalities and serious injuries.	PD, Police, PW	Short Term	
Energy	INCREASE MULTI-MODAL TRANSPORTATION OPTIONS	Provide amenities for bicyclists.	Inventory existing public bike racks and identify locations where additional public racks are needed.	PD, PRD	Short Term	
Energy	REDUCE IMPACTS TO INFRASTRUCTURE FROM TO CLIMATE CHANGE	Integrate climate risk assessment and adaptation planning into prospective transportation projects.	Conduct a comprehensive transportation vulnerability assessment to identify vulnerable assets and loss of connectivity due to sea level rise.	PD	Short Term	The Nature Conservancy has an interesting tool for assessing transportation vulnerability. Working to communicate this information.
Energy	INTEGRATE TRANSPORTATION AND LAND USE PLANNING	Integrate climate risk assessment and adaptation planning into prospective transportation projects.	Investigate impacts of groundwater rise and extreme heat on transportation infrastructure.	PD	Short Term	
Energy	INTEGRATE TRANSPORTATION AND LAND USE PLANNING	Integrate climate risk assessment and adaptation planning into prospective transportation projects.	Plan for the possibility that some town roads or segments of town roads may require elevation to avoid inundation due to sea level rise.	PD, BoS, PW, TM	Short Term	Part of assessment about with the Nature Conservancy Tool
Economy	PROMOTE THE DEVELOPMENT AND VIABILITY OF LOCAL BUSINESSES.	Develop and maintain local jobs for residents of all ages and backgrounds.	Update and simplify ordinance provisions governing home occupations.	CEO & PD	Short Term	
Economy	MITIGATE POTENTIAL IMPACTS OF COMMERCIAL USES ON SURROUNDING NEIGHBORHOODS	Manage commercial development and associated tourism to ensure the safety and enjoyment of residents and visitors.	Review current policies for parking and traffic flow control provisions to ensure reduced congestion and provide a healthful, safe, and peaceful environment for residents and visitors.	PB & PD	Short Term	
Public Facilities & Ser	MAINTAIN KENNEBUNKPORT AS A TREE CITY USA COMMUNITY.	Maintain an active Shade Tree Program.	Review and revise, if necessary, the town's current shade tree program to ensure adequate installation, maintenance, and replacement policies.	PB, STC & PD	Short Term	
Public Facilities & Ser	REDUCE SOLID WASTE.	Encourage the reduction of solid waste and support and sustain a viable and creative recycling program.	Encourage commercial businesses to implement a dedicated recycling policy.	PD, CoC	Short Term	
Recreation & Cultural	PREPARE FOR CLIMATE CHANGE.	Integrate climate vulnerability and adaptation into recreational planning efforts.	Identify recreational assets that are vulnerable to sea level rise.	RC, PRD & PD	Short Term	
Hazard Mitigation	MITIGATE VULNERABILITY TO NATURAL HAZARDS, HUMAN-MADE HAZARDS, AND CLIMATE CHANGE.	Increase community resilience to climate change impacts.	Complete the Maine Flood Resilience Checklist to assess coastal vulnerabilities.	PD	Short Term	Completed checklist with Town Manager and SMPDC
Hazard Mitigation	MITIGATE VULNERABILITY TO NATURAL HAZARDS, HUMAN-MADE HAZARDS, AND CLIMATE CHANGE.	Increase community resilience to climate change impacts.	As part of the Climate Action Plan, assess non-coastal vulnerabilities to establish a comprehensive understanding of current and future climate change impacts to people, infrastructure, and natural resources.	PD	Short Term	In Process of being Adopted by Town
Future Land Use	KEEP THE LAND USE ORDINANCE CURRENT AND ALIGNED WITH THE COMPREHENSIVE PLAN	Regularly review and amend the LUO.	Create educational curriculum for boards and committees that are responsible for land use decisions and make available to the public.	PD	Short Term	
Future Land Use	ENSURE ORDERLY GROWTH AND PREVENT SPRAWL.	Encourage growth adjacent to current village centers. Growth should be compatible with and integrated with the existing infrastructure and built environment.	Review LUO to ensure consistency with LD 2003, An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.	PD	Short Term	In Process of being Adopted by Town
Future Land Use	PLAN FOR A CHANGING CLIMATE.	Steer growth away from areas that will be vulnerable to hazards caused by climate change.	Complete and maintain the inventory of Town-owned parcels and research allowed uses. Climate change impacts should be considered for future uses.	BoS & PD	Short Term	Exploring Village Parcel and uses of other parcels for potential uses

AGENDA ITEM DIVIDER

To: Select Board
Fr: Mike Weston, Chairman
Re: Establish The Climate Resilience Committee
Dt: April 8, 2024

On November 12, 2020, after many public meetings, the Kennebunkport Select Board voted unanimously to adopt the Town of Kennebunkport Climate Change Goals.

On March 28, 2024, after much public input and a number of public meetings, the Select Board voted unanimously to approve the Kennebunkport Climate Action Plan. The bases of the March 28 plan were the 11/20/20 goals and the climate items included in the Comprehensive Plan approved by the voters in 2023.

The 2020 plan has 7 major categories of action and 39 recommended tasks. Various departments and/or individuals were assigned those 39 tasks to evaluate and develop an action plan.

The 39 tasks required that some personnel would have more than one assignment: Town Manager 11, Conservation Commission 10, Department Directors and Staff 9, Board of Selectmen 9, Planning and Codes 5, Kennebunkport Climate Initiative 5, Town Staff 3, Shade Tree Committee 3, The Growth Planning Committee, the Lighting Committee and the Solid Waste Committee all have 2, and Sustainability Coordinator, Kennebunkport Business Association, Chamber of Commerce, Public Works, Budget Committee, and Town Forrester all have 1. Many of those tasks are still a work in progress.

It is clear to me that it is not possible for the tasks to be addressed properly and timely without forming a Climate Resiliency Committee that will help to implement the plan—staff has too much on their plate already.

I am adding an item for this week's Selectboard Agenda to discuss the establishment of the committee. Discussion items proposed are:

- Objectives and expectations of committee members.
- Size of the Committee (5-7?)
- Reporting frequency to the Board/Public (Quarterly?)

I look forward to our discussion.

AGENDA ITEM DIVIDER



Shenna Bellows
Secretary of State

Department of the Secretary of State
Bureau of Motor Vehicles
Municipal/Agent Services

Catherine Curtis
Deputy Secretary of State

Nikki Bachelder
Director of Vehicle Services

MUNICIPAL BMV AGENT APPOINTMENT LETTER

The Municipality of Kennebunkport wishes to appoint Tracey O'Roak 4/5/1970
(Enter name of new agent) (DOB)

as the Agent or Agent & Tax Collector (Please check one)

in the Limited New Registration Level program as a Motor Vehicle Municipal Agent.

The current agent, Rose Wills will be ending that position on 4 / 12 / 2024

and the new agent will begin on 4 / 12 / 2024

New Agent E-mail Address: toroako@kennebunkportme.gov

Has the New Agent completed training classes in the Limited New Registration Level Program? YES NO

Interim contact name, if any: _____

Please verify the following information. If incorrect, please draw a line through the incorrect information and provide us with the correct information. Please provide missing or omitted information in the space(s) provided.

Municipality Mailing Address
PO BOX 566
KENNEBUNKPORT, ME 04046

Municipality Physical Address
6 ELM ST
KENNEBUNKPORT, ME 04046

Municipality Inventory Shipping Address
6 ELM ST
KENNEBUNKPORT, ME 04046

Municipality Hours of Operation
M-F 8-4:30

Municipality Telephone #
207-967-1601

Municipality Fax #
207-967-8470

Municipality Email Address
RWILLS@KENNEBUNKPORTME.GO
V

In order to be authorized as the Motor Vehicle Municipal Agent, we understand that under Title 29-A, this individual must be the municipal tax collector, or designated to collect excise taxes on vehicles for our municipality and must successfully complete the training program provided by the Bureau of Motor Vehicles.

New Municipal Agent Tracey O'Roak Date 4/8/2024
(Signature required)

Municipal Official _____ Date _____
(Signature required)

Municipal Official _____ Date _____
(Signature required)



Shenna Bellows
Secretary of State

Department of the Secretary of State
Bureau of Motor Vehicles
Municipal/Agent Services

Catherine Curtis
Deputy Secretary of State

Nikki Bachelder
Director of Vehicle Services

To: **ROSE WILLS - MUNICIPAL AGENT**
TOWN OF KENNEBUNKPORT
PO BOX 566
KENNEBUNKPORT, ME 04046

April 8, 2024

MUNICIPAL BMV AGENT APPOINTMENT LETTER

Dear Municipal Agent:

We were recently notified that the current agent's appointment will be ending. Please complete and verify the information on the attached form. The completed form can be emailed, mailed or faxed to this office at the address or fax number listed below.

If you have any questions or need assistance, please contact the Municipal & Agent Services Section at (207) 624-9000 Ext. 52163. Thank you.

Sincerely,

Trisha Leathers
Municipal Coordinator

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