



TOWN OF KENNEBUNKPORT, MAINE

—INCORPORATED 1653—

**Board of Selectmen Agenda
July 11, 2019
6:00 PM
Village Fire Station—32 North Street**

1. Call to Order.
2. Approve the June 13, and 27, 2019, 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. Jeffreys Way discussion.
5. Consider a supplemental sewer bill for 29 Kings Lane.
6. Consider grinder pump replacement for Wastewater.
7. Consider street opening permit for Dino Spugnardi, 314 Ocean Avenue for CMP utility line.
8. Appoint Boards/Committees.
9. Appoint Selectmen Representatives to Boards and Committees.
10. Other business.
 - a. Sign the Assessors Return for county taxes.
11. Approve the July 11, 2019, Treasurer's Warrant.
12. Adjournment.

**Board of Selectmen Meeting
June 13, 2019
6:00 PM
Village Fire Station—32 North Street**

Minutes of the Selectmen's Meeting of June 13, 2019

Selectmen Attending: Patrick A. Briggs, Allen Daggett, Edward Hutchins

Selectmen Absent: Stuart Barwise, Sheila Matthews-Bull

Others: Michael Davis, Jon Dykstra, Dave Eglinton, Harvey Flashen, Anthony Inverso, Chris Mayo, Tom McClain, Arlene McMurray, Laurie Smith, Kinder Wilson, and others

1. Call to Order.

Chair Hutchins called the meeting to order at 6:07 PM.

2. Approve the May 23, 2019, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Briggs, to approve the May 23, 2019, selectmen meeting minutes. **Vote:** 3-0.

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.).

There were no comments.

4. Consider application to renew liquor license submitted by Beverly D. Davis and Richard W. Litchfield, d.b.a. Captain Lord Mansion, 6 Pleasant St.

Motion by Selectman Daggett, seconded by Selectman Briggs, to approve the renewal liquor license submitted by Beverly D. Davis and Richard W. Litchfield, d.b.a. Captain Lord Mansion, 6 Pleasant St. **Vote:** 3-0.

5. Consider application to renew liquor license submitted by Arundel Marine Service, d.b.a., Arundel Wharf Restaurant, 43 Ocean Avenue.

Motion by Selectman Daggett, seconded by Selectman Briggs, to approve the renewal liquor license submitted by Arundel Marine Service, d.b.a., Arundel Wharf Restaurant, 43 Ocean Avenue. **Vote:** 3-0.

6. Consider application to renew liquor license submitted by Breakwater Inn & Spa, Kennebunkport, LLC, d.b.a. Breakwater Inn & Spa, 127 Ocean Ave.

Motion by Selectman Daggett, seconded by Selectman Briggs, to approve the renewal liquor license submitted by Breakwater Inn & Spa, Kennebunkport, LLC, d.b.a. Breakwater Inn & Spa, 127 Ocean Ave. **Vote:** 3-0.

Selectman Daggett added that all of these licenses were inspected and approved by the police chief, fire inspector, and code enforcement officer.

7. Consider appointments to the Solid Waste Committee.

Kinder Wilson, Jon Dykstra, Harvey Flashen, David Englington, and Tom McClain all introduced themselves and expressed their reasons for wanting to be on the committee.

Motion by Selectman Daggett, seconded by Selectman Briggs, to appoint: Jon Dykstra, Dave Englington, Harvey Flashen, Paul Hogan, Kinder Wilson, and Thomas McClain to the Solid Waste Committee for a term expiring in June 2020. **Vote:** 3-0.

8. Consider a request to mow town property on Langsford Road.

Steve Doe, representative for Lord and Harrington, said the property owner would like permission to remove dead phragmites grass stalks from the marsh across the street for a better view.

Motion by Selectman Briggs, seconded by Selectman Hutchins, to allow the one-time mowing of grass and trash removal as proposed to town property on Langstford Road. **Vote:** 3-0.

9. Consider requests for sewer abatements.

Deputy Director of public works Chris Simeoni explained that two properties were billed incorrectly: 30 Dock Square, Units 2 and 7; and 11 Binnacle Lane. He requested abatements for all three for a total amount of \$935.24.

Motion by Selectmen Daggett, seconded by Selectman Briggs, to approve the three sewer abatements: 30 Dock Square, Units 2 and 7; and 11 Binnacle Lane for a total amount of \$935.24. **Vote:** 3-0.

10. Consider a supplemental sewer bill.

Mr. Simeoni said a new sewer user applied for service after the commitment was made.

Motion by Selectman Briggs, seconded by Selectman Daggett to approve the supplemental sewer bill in the amount of \$271.22. **Vote:** 3-0.

11. Consider request to repurpose wastewater capital funds.

Mr. Simeoni stated there is \$13,012.02 remaining which was to be used for wet well hatches, but the crew was able to fix the current hatches. He would like to use the funds for:

1. Pump room ventilation upgrade - \$5,280
2. Pump station #12 auxiliary generator input (waiting for an estimate).
3. Bio-ash remaining funds (\$1,000 per load).
4. Compost material-remaining funds (\$16.00 per load)

Motion by Selectman Briggs, seconded by Selectman Daggett, to approve the request to repurpose \$13,012.02 in wastewater capital funds. **Vote:** 3-0.

12. Consider request to dispose of Wastewater oil tank.

Mr. Simeoni said he needs to dispose of the 500-gallon waste oil tank because it is no longer needed due to the propane boiler upgrade. Brian Beauchemin agreed to take both the tank and its contents at no charge.

Motion by Selectman Daggett, seconded by Selectman Briggs, to donate the wastewater oil tank and its contents to Brian Beauchemin. **Vote:** 3-0.

13. Consider authorization for the purchase of a new boat for the Cape Porpoise Harbormaster.

Harbormaster/Pier Manager Chris Mayo gave a PowerPoint presentation. The Pier Committee recommends the purchase of a new work boat for him. He has been searching for an appropriate boat. Out of five boats, he chose the 20-foot 1996 Shamrock Center Console from Yarmouth, Maine, which costs \$9,500. He plans to auction off the current boat which has an estimated value of \$6,500.

Motion by Selectman Daggett, seconded by Selectman Briggs, to authorize the Harbormaster to purchase a the 20-foot 1996 Shamrock Center Console from Yarmouth, Maine which costs \$9,500. **Vote:** 3-0.

14. Consider proposals for the facilities needs assessment and planning for the town offices and fire department.

Ms. Smith said staff has been examining the four different fire stations and the town offices for future needs. She said the town hall is cramped inside with limited public space and limited parking spaces. They anticipate the fire departments will eventually need to have paid staff which will require a different work set up. She recommends hiring Steve Doe from Sebago Technics who will partner with David Graham from Graham Architects, both town residents, to perform a facilities needs assessment and plan at cost of \$10,890. She said this amount will fit within the current funding, depending on the town vote at town

Motion by Selectman Daggett, seconded by Selectman Briggs, to authorize the expenditure of \$10,890 to hire Steve Doe and David Graham to perform a facilities needs assessment for the town hall and the Village Fire Station pending town meeting approval. **Vote:** 3-0.

15. Accept new rescue boat motor from the Goose Rocks Beach Fire Company and transfer ownership of the old motor to the Goose Rocks Beach Fire Company.

Fire Chief Jay Everett said the Goose Rocks Beach Fire Company purchased a new 30 horsepower Tohatsu motor at a cost of \$4,725 for the Marine 1 rescue boat, which they would like to donate to the Town. He asked the Board to accept this new motor and transfer ownership of the old motor back to the Goose Rocks Beach Fire Company so those proceeds can be used to offset the cost of a new motor. He thinks the old motor will probably sell for approximately \$500 - \$800.

Motion by Selectman Daggett, seconded by Selectman Briggs, to accept the donation of the new 30 hp, Tohatsu motor from the Goose Rocks Beach Fire Company. **Vote:** 3-0.

Motion by Selectman Daggett, seconded by Selectman Briggs, to transfer ownership of the old motor back to the Goose Rocks Beach Fire Company. **Vote:** 3-0.

16. Approve the waste hauling permit for Robert Noble.

Motion by Selectman Daggett, seconded by Selectman Briggs, to approve the waste hauling permit for Robert Noble. **Vote:** 3-0.

17. Award bid for purchase of photocopiers.

The Town received bids from:

Vendors	Bids
Budget with HP Copiers and Printers	\$7,155.05
Budget with Konica Minolta Copiers and Printers	\$9,770.53
KMBS with Konica Minota Copiers and Printers	\$8,341.72
A-Copi with Toshiba Copiers & HP Printers	\$9,439.68
Ricoh USA with Ricoh Copiers & Printers	\$9,862.33

Specialized Purchasing Consultants recommends the Konica Minolta copiers from KMBS because they received high marks in the industry for both product and

Motion by Selectman Briggs, seconded by Selectman Daggett, to award the bid to purchase 8 photocopiers to KMBS for Konica Minolta Copiers and Printers for at a cost of \$8,341.72. **Vote:** 3-0.

18. Consider a Quit Claim Deed for the ice-skating rink parcel.

The Board authorized this transfer of the ice-skating rink at a previous meeting so a vote was not necessary.

19. Authorize contract for insurance carrier.

Town Manager Laurie Smith said staff sent out RFP's for insurance and Jean Conaty, a resident, helped them narrow down their selection to two companies: Kennebunk Savings and MMA. She gave the pros and cons of each company.

Anthony Inverso, agent for Clark's Traveler's, thought the Town figures were incorrect for his agency and gave his sales pitch.

Motion by Selectman Daggett, seconded by Selectman Briggs, to authorize a contract with Maine Municipal Association for a cost of \$79,694. **Vote:** 3-0.

20. Accept a donation of \$50 from Peter and Kathryn Hussey to the nurses general account.

Motion by Selectman Briggs, seconded by Selectman Daggett, to accept the donation of \$50 from Peter and Kathryn Hussey to the nurses general account. **Vote:** 3-0.

21. Accept a donation of \$3,500 to the Parks and Recreation Department summer scholarships from the Tommy McNamara Foundation.

Motion by Selectman Briggs, seconded by Selectman Daggett, to accept the donation of \$3,500 to the Parks and Recreation Department summer scholarships from the Tommy McNamara Foundation with many thanks. **Vote:** 3-0.

22. Other business.

Ms. Smith announced Town Meeting is this Saturday, at 9 AM, at Consolidated School.

Selectman Hutchins thanked the Board for its support during his tenure as chair.

23. Approve the June 13, 2019, Treasurer's Warrant.

Motion from Selectman Briggs, seconded from Selectman Daggett, to approve the

June 13, 2019, Treasurer's Warrant. **Vote:** 3-0.

24. Adjournment

Motion from Selectman Briggs, seconded from Selectman Daggett, to adjourn.

Vote: 3-0.

The meeting adjourned at 6:51 PM.

Submitted by Arlene McMurray
Administrative Assistant

**Board of Selectmen Meeting
June 27, 2019
6:00 PM
Village Fire Station—32 North Street**

Minutes of the Selectmen's Meeting of June 27, 2019

Selectmen Attending: Patrick A. Briggs, Allen Daggett, Sheila Matthews-Bull

Selectmen Absent: Stuart Barwise, Edward Hutchins

Others: David James, Sarah Merriam, Bob Metcalf, Arlene McMurray, David Powell, Nicholas Robley, Eileen Robley, Harrison Small, and others

1. Call to Order.

Chair Daggett called the meeting to order at 6:00 PM.

2. Approve the June 13, and 15, 2019, selectmen meeting minutes.

The June 13 selectmen meeting minutes was deferred to the next meeting since there isn't a quorum of those who attended it.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to approve the June 15, 2019, selectmen meeting minutes. **Vote:** 3-0.

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.).

Harrison Small said at the last Selectmen's Meeting, the Board appointed a Solid Waste Committee and did not appoint a Selectmen Representative on that committee. He was concerned because the Village Parcel Committee is run by a Selectman. He said the Board of Selectmen should let the Village Parcel Committee appoint their own chair, vice-chair, and secretary, and run their own committee. He stated this committee is supposed to be representing the people of the Town, but the Selectmen are running the meetings.

Town Manager Laurie Smith responded that the Solid Waste Committee is in the Administrative Code which directs how it should be run. She said the Village Parcel Committee is an ad hoc committee that the Selectmen have set up and is not in the Administrative Code. There are two Selectmen Representatives on the Committee which gives them the ability to do what they would like to do.

4. Public Hearing to consider a new liquor license application submitted by Maine-ly English, Inc. d.b.a. 1802 House Bed and Breakfast, 15 Locke St.

Chair Daggett opened the public hearing at 6:04 PM.

Nicholas Robley, owner of the 1802 House Bed and Breakfast, introduced himself and spoke about his plans for his B&B. He said he will not be running a bar. He will just have packages for guests.

Chair Daggett closed the public hearing at 6:05 PM.

Motion by Selectman Matthews-Bull, seconded by Selectman Briggs, to approve the liquor license application for the 1802 House Bed and Breakfast. **Vote:** 3-0.

5. Village Parcel Master Plan update and request for Selectmen feedback.

Bob Metcalf of Mitchell Associates said he is trying to develop a master plan for future uses of the village parcel. He met with stakeholder groups to ask what they would like to see for the parcel. Some of the responses were: affordable housing, senior housing, homes for young families, low income medical clinic, municipal use, green space, open space, recreation playground, bike trails, pedestrian walkways, dog park, etc. He said 52 acres are developable and 16 acres are wetlands. There will be some additional mapping to show more information on sidewalks and trails.

Mr. Metcalf announced the next session is on July 13 which is a visioning event. The morning session is a hands-on workshop at Consolidated School from 9:00 AM to 12:00 PM. The afternoon session is an open design studio at the Village Fire Station Meeting Room from noon to 8:00 PM. July 14 and 15, from 8:00 AM to 8:00 PM, are also open design studios at the Village Fire Station Meeting Room.

Eileen Robley asked if they would need to build a new school and medical clinic? The response was that they have Consolidated School and hospitals are already close by.

Discussion followed and Board members would like to see assisted living and affordable housing for workers on that parcel and are happy to have this property for future town needs. The location near Dock Square is ideal.

6. Discussion of Town's carbon footprint with Sarah Merriam.

Sarah Merriam, a summer intern working at town hall, gave a PowerPoint presentation of the Town's carbon footprint. She calculated the towns baseline of carbon emissions from the current use of fuel, heating, electricity, and waste.

7. Sign the Proclamation to recognize the Seashore Trolley Museum accomplishments.

Chair Daggett read the Proclamation.

8. Accept a donation from the Kennebunk Rotary Charitable Fun for

\$4,500 to the Parks and Recreation scholarship fund.

Motion by Selectman Matthews-Bull, seconded by Selectman Briggs, to accept a donation from the Kennebunk Rotary Charitable Fun for \$4,500 to the Parks and Recreation scholarship fund. **Vote:** 3-0.

9. Consider a street opening permit for Susan Zellweger, 6 Union Square, for sewer line repair.

Motion by Selectman Matthews-Bull, seconded by Selectman Briggs, to approve the street opening permit for Susan Zellweger, 6 Union Square, for sewer line repair. **Vote:** 3-0.

10. Other business.

Ms. Smith said Steve White contacted her regarding residential drop off at Jefferey's Way. He said the drop offs have increased and asked the Board to put up a sign that says "No Stopping, No Standing."

Discussion followed. Selectman Briggs favors signage, and Selectman Matthews-Bull is concerned that since there are a lot of narrow roads in town, others will want to follow suit. The Board agreed to table this discussion until the next meeting when there is a full board.

Ms. Smith announced that town hall will close at 3:00 PM tomorrow for end of year processing.

Selectman Daggett invited the public to participate in adult, slow-pitch softball every Wednesday evening, from 6:00 PM to 7:30 PM, at Parsons Field by Consolidated School until August 14. It is sponsored by Port Lobster.

11. Approve the June 27, 2019, Treasurer's Warrant.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to approve the June 27, 2019, Treasurer's Warrant. **Vote:** 3-0.

12. Adjournment.

Motion from Selectman Matthews-Bull, seconded from Selectman Briggs, to adjourn. **Vote:** 3-0.

The meeting adjourned at 6:55 PM.

Submitted by Arlene McMurray
Administrative Assistant



Agenda Item Divider





KENNEBUNKPORT WASTEWATER DEPARTMENT

Date: 11/1/18

To: Laurie Smith

From: Chris Simeoni

Re: Supplemental sewer assessment 29 King's Lane (MBL 41-2-34)

It was recently discovered on Friday June 21st, that the residence at 29 King's Lane (MBL 41-2-34) has not been getting assessed a yearly sewer charge for an accessory apartment. The homeowner, Katherine A. Rielly, contacted Deputy Treasurer Nicole Evangelista to see if the sewer bill she received for 2019 also included the apartment over the garage. Upon checking Trio, Nicole observed we had only been billing the property for one unit. The homeowner then told Nicole the space above the garage was simply office space. The following information was examined:

- Vision property card information indicates the residence is on public sewer.
- A building permit was obtained in 2014 for adding a second floor to the existing garage.
- The plans in the file show the space to have a kitchen and full bath.
- Attached occupancy permit dated June 12th, 2014.
- The residence is/ or has been serviced by the Kennebunkport Wastewater Division for wastewater services for at least the past three years. (Or a wastewater impact fee has been paid three or more years ago.)
- According to Maine Municipal Association Legal Services Department, sufficient language exists under Title 36 Section 713 Assessments (attached) that may be applied/authorize the Town to assess for the previous three years sewer fees.
- In a follow up phone call by me to Katherine Rielly on June 24th, she advised me the space over the garage does have a kitchen, bathing facility and sleeping quarters which meets the definition of a dwelling unit in the Wastewater Ordinance:

Dwelling Unit: One or more habitable rooms arranged, designed or intended to be used, or used as a complete housekeeping unit for one or more individuals living together as a family with independent living, cooking, sleeping, bathing and sanitary facilities.

- Katherine advised me the space was only used as office space. However, a Vrbo ad was found by Tax Assessor Becky Nolette for the same space. (See attached.) This clearly establishes the purpose of the property as a rental unit.
- As a result, the attached letter was sent to the homeowner advising her the Wastewater Department would be seeking a supplemental assessment on the property for the last three years user fees.

KENNEBUNKPORT WASTEWATER DEPARTMENT

Based on this information, I am recommending a supplemental assessment in the following amounts:

- 2017- \$444.00
- 2018- \$456.00

The total amount for the supplemental assessment for the years 2017-2018 will be \$900.00. There are no late fees or interest included, or to be assessed, in this amount. The current year sewer user fee is \$467.62. The total supplemental assessment will be \$1367.62. (Plus, late fees or interest attributable to this year's user fee.)

Thank you,
Christopher Simeoni
Christopher Simeoni
Deputy Director Public Works

KENNEBUNKPORT WASTEWATER DEPARTMENT

• **§713. Supplemental assessments**

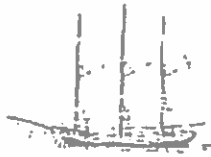
Supplemental assessments may be made within 3 years from the last assessment date whenever it is determined that any estates liable to taxation have been omitted from assessment or any tax on estates is invalid or void by reason of illegality, error or irregularity in assessment. A supplemental assessment may be made during the municipal year whenever, through error or inadvertance, the assessors have omitted from their assessment or commitment taxes duly raised by the municipality or its proportion of any state or county tax payable during the municipal year. In municipalities not a part of a primary assessing area, the assessors for the time being may, by a supplement to the invoice and valuation and the list of assessments, assess such estates for their due proportion of such tax, according to the principles on which the previous assessment was made. In primary assessing areas, the chief assessor may, by a supplement to the valuation list, certify the valuation of such estates to the municipal officers who shall assess such estates according to the principles upon which the previous assessment was made. [1979, c. 31, (AMD).]

Such supplemental assessments shall be committed to the collector for the time being with a certificate as provided in sections 709 and 709-A stating that they were invalid or void or omitted and that the powers in the previous warrant, naming the date of it, are extended thereto. The tax collector has the same power, and is under the same obligation to collect them, as if they had been contained in the original list. Interest shall accrue on all unpaid balances of any supplemental tax, beginning on the 60th day after the date of commitment of the supplemental tax to the collector or the date interest accrues for delinquent taxes under the original commitment, whichever occurs later. The rate of interest shall be the same as specified by the municipality for the current tax year, in accordance with section 505, subsection 4. [1979, c. 612, (AMD).]

All assessments shall be valid, notwithstanding that by such supplemental assessment the whole amount exceeds the sum to be assessed by more than 5%.

The lien on real estate created by section 552 may be enforced as provided in section 948.

Persons subjected to a tax under this section shall be deemed to have received sufficient notice if the notice required by section 706 was given.



TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

CERTIFICATE OF USE AND OCCUPANCY

Permit#13-268,
#13-339 & #14-106
MUBEC

The Building Inspector of the Town of Kennebunkport, Maine, issues this Certificate of Use and Occupancy for the building or buildings located on: **Tax Map 41 Block 002, Lot 34** in accordance with the Laws of the State of Maine, the building codes and Land Use Ordinance of the Town of Kennebunkport, Maine and specifications, if any, submitted herewith, and the following stipulations and conditions:

Type of Structure: single-family dwelling – renovation, new deck and Accessory Apartment above garage.

Location of property: 29 Kings Lane, Kennebunkport, ME 04046

Name of Owner(s): Katherine Rielly

Mailing Address: same

Name & Address of Builder: Cape Building & Repair, 148 Goose Rocks Rd, Kennebunkport

Material: wood frame

Type of Foundation: Poured Concrete

Type of Garage: detached w/acc. Apt

Estimated Cost of remodel: \$117,500.00

Conditions and Safeguards Prescribed:

APPROVED BY:

CERTIFICATE OF OCCUPANCY

ISSUE DATE: June 12, 2014

Wayne Mathews
Wayne Mathews, Asst. Code Enforcement Officer

6 Elm Street, P.O. Box 566, Kennebunkport, Maine 04046 • Tel: (207) 967-4243 Fax: (207) 967-8470

mailed to K Rielly 6/20/14
C. M. Use

Vardo

Google Earth Beach Viewhouse DOT ALE US-4

X

Close

Check out

Check Availability



Trip Boards



Login



Help

Feedback

USD (\$)

List your property



View all 23 photos

\$275
avg night
1 to 2
1 to 2

Enter dates for accurate pricing

Check In

Check Out

Check Availability



Property Manager

Ask Manager a Question

For booking and status call Vardo at 888-839-7076

Property # 44705218

Google Earth Beach Viewhouse DOT ALE US-4

X

Close

Amazing Beach Treehouse!



TOWN OF KENNEBUNKPORT, MAINE

Public Works Department

Wastewater Division

INCORPORATED 1653

6/24/19

Katherine A. Rielly
The Realty Concierge
9 Puritan Way
Duxbury, MA 02332

CCP

RE: 29 King's Lane (MBL 41-2-34)

Dear Katherine A. Rielly,

As a follow up to our phone conversation on June 24th, 2019, this correspondence is to advise you that our records indicate that your residence is/ or has been serviced by the Kennebunkport Wastewater Division for wastewater services for at least the past three years. (Or a wastewater impact fee has been paid three or more years ago.) We have recently discovered that the Town of Kennebunkport has not been billing your subject accessory dwelling (Finished living space above garage.) a yearly sewer user fee for your sewer service. The building permit required for the accessory dwelling construction was obtained in 2014. According to the Town of Kennebunkport's Sewer Ordinance, a Dwelling Unit is defined as:

Dwelling Unit: One or more habitable rooms arranged, designed or intended to be used, or used as a complete housekeeping unit for one or more individuals living together as a family with independent living, cooking, sleeping, bathing and sanitary facilities.

During our discussion, you indicated that the above accessory dwelling does contain a kitchen, bath and futon that folds out into a bed. Following our discussion, it was also discovered that you were marketing this space on Vrbo as a studio rental unit. Therefore, the purpose/intent of the unit is clearly a dwelling unit by definition.

Based on this information, the Town of Kennebunkport will be seeking a supplemental assessment for the past three years' service (2017, 2018), as well as the current year (2019), as permitted by law and past practice. (Even though your property may have been served for a longer period of time.) The yearly user fee schedule by year is as follows:

- 2017- \$444.00
- 2018- \$456.00

25 Recreation Way, P.O. Box 566, Kennebunkport, Maine 04046
Tel: (207) 967-2245 Fax: (207) 967-5372

TOWN OF KENNEBUNKPORT, MAINE

Public Works Department

Wastewater Division

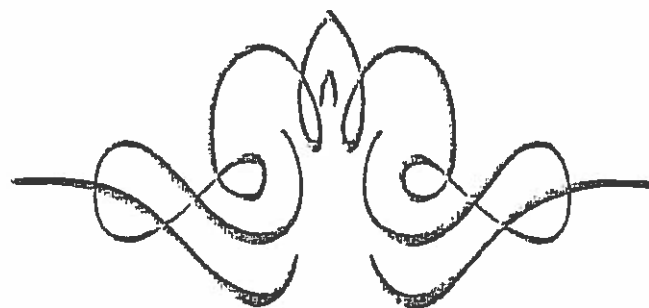
- INCORPORATED 1653 -

The total amount for the supplemental assessment for the years 2017-2018 will be \$900.00. There are no late fees or interest included, or to be assessed, in this amount. The current year sewer user fee is \$467.62. The total supplemental assessment will be \$1367.62.

If you believe our records are in error, or you have questions, please feel free to contact me at the contact information provided below prior to Friday July 5th. If you have no questions or concerns, or we do not receive correspondence from you by Friday July 5th, authorized billing will follow, and you will receive a bill by mail.

Sincerely,

Christopher T. Simeoni
Deputy Director, Kennebunkport Public Works



Agenda Item Divider





KENNEBUNKPORT WASTEWATER DEPARTMENT

Date: 7/1/19

To: Laurie Smith

From: Chris Simeoni

Re: Agenda item- Grinder Pump Replacement

As part of our FY 20 budget, we have budgeted \$27,000.00 to continue the replacement program started in 2014 for our grinder pump systems. The new Barnes pumps have been working very well so we would like to continue purchasing these pumps. The price for 13 of these pumps and related parts is \$27,045.00. This price is direct from the manufacturer and they cover all shipping costs. This item is being sole sourced through the only distributor in the northeast, Williamson New England Electric Motor Service Corporation, because of the manufacturer pricing. We are looking for approval from the Selectmen during the July 11th Selectmen's meeting for the same so that the order can be placed immediately following.

Thank you,

Christopher Simeoni

Christopher Simeoni

Deputy Director Public Works



25 Griffin Way, Chelsea MA 02150
PH: 617-884-9200 FX: 617-884-3144
www.weco-group.com

Quote



Contact

Customer Number

KEN400

Quote Date

7/1/2019

Quote Number

SQ110692

Quote To:

TOWN OF KENNEBUNKPORT
PO BOX 1038
KENNEBUNKPORT, ME 04046
(207) 967-2245x

Ship To:

Town of Kennebunkport WWTF
Attn: Chris Simeoni
25 R School St
KENNEBUNKPORT, ME 04046

Ship Via

OUR TRUCK

Terms

Net 30

Quoted By

Larry Mills

Customer RFQ

Customer PO

Product ID	Qty	Description	Sales Price	Total
PUMP	13	131281B - Barnes Upgrade Replacement Core. OGP two stage grinder pump (240V/1, 2Hp, 3450 RPM) with CI base, 15 ft. power cord, bare cable end (no EQD connection), 1-1/4" NPT discharge w/check and anti-siphon valve for flex hose connection, ESPS-150 with CI base, 15 ft. ESPS cord (113315). (special dual end cord length)	2,015.00	26,195.00
PUMP ACCESSORY	2	121676NCE ESPS-150 NO CORD, NO BRACKET	425.00	850.00
Comment	0	FREIGHT IS INCLUDED	0.00	0.00

Terms Conditions:

Freight costs are not included, Price plus freight

All returns are subject to a restocking fee

Special orders non returnable

Terms: net 30 w/credit approval. All major credit cards are accepted.

Scanned copy email checks accepted

Subtotal: 27,045.00

Freight: 0.00

Other: 0.00

0.0000 % Sales Tax 1: 0.00

0.0000 % Sales Tax 2: 0.00

Total: 27,045.00

Thank You

SIGNATURE: _____

DATE: _____

PO# (IF NOT ALREADY ISSUED):

TERMS & CONDITIONS AND LIMITED WARRANTY

This agreement, consisting of these Terms and Conditions and Limited Warranty and the associated Order Acknowledgement, is binding upon Williamson Electrical Co., Inc. dba Williamson Pump & Motor ("Seller"), and the customer ("Customer").

LEGAL EFFECT. Except as expressly otherwise agreed to in writing by an authorized representative of Seller, the following terms and conditions shall apply to and form a part of any order or service. Seller may suspend its performance of orders if Customer defaults in the performance of its duties under the orders or under any other agreement between the Customer and Seller. No employee, agent, dealer, or distributor of Seller has any authority to change or enlarge the terms of any Quotation or order. No change shall be valid unless it is in writing and signed by an authorized officer of Seller.

CHANGES. Customer's changes made after formation of this Agreement that affect the schedule or requirements for services or otherwise affect the scope of this Agreement shall be submitted in writing by Customer and shall become binding only if approved in writing by Seller's representative. All charges and delays resulting from such changes shall be solely determined by Seller and shall be binding upon Customer.

TERMINATION AND SUSPENSION. Customer cannot cancel or alter orders without the Seller's prior written consent. If Seller grants such consent, Customer will reimburse Seller for all of Seller's losses and expenses caused by such cancellation or alteration, including without limitation all of Seller's additional costs caused by changes in design or specifications, or by product revisions, and all damages incurred by Seller as a result of such cancellation or alteration.

ACCEPTANCE. The sale of goods and services is expressly conditional on Customer's acceptance of Seller's terms and conditions as stated herein. Provided that Seller's terms and conditions have not been previously accepted by Customer, Customer's receipt of goods or services under this Agreement constitutes acceptance of these terms and conditions. Customer shall be deemed to have accepted any goods and services within three (3) days of its receipt of the same.

CREDIT. The amount of credit offered by Seller to Customer, if any, is contingent upon Seller's opinion of Customer's capacity, ability, and willingness to promptly pay for goods and services received under the terms of this Agreement. Provided that, in Seller's opinion, there is a material adverse change in Customer's financial condition and/or Customer has not, within the agreed time, fully paid for goods and services previously supplied under this and/or another Agreement(s) with Seller, Seller reserves the right to revoke Customer's credit and/or suspend performance on this and/or other orders for goods and services.

PAYMENTS & TAXES. Standard terms for customers who qualify for credit are Net 30 days of the invoice date. Other terms available such as 2% 10 Net 30 or "Per Quote" which payments must follow the specific outline per the quote and/or contract. For goods and equipment or for services ordered online, payment is due in full at the time of order, unless customer has an established account with terms. A monthly service charge of 1.5% will be charged on amounts owed by Customer to Seller that have not been paid within by the due date, subject to the maximum amount permitted by law. Customer shall pay all costs and expenses of Seller, including attorneys' fees, in collecting amounts due hereunder including and without limitation costs and expenses included in any action by Seller to collect amounts due to Seller from Customer. Unless otherwise agreed to in writing by Seller, all prices quoted are exclusive of transportation and insurance costs, and all taxes including federal, state and local use, sales, property (ad valorem) and similar taxes. Customer agrees to pay these taxes (except taxes upon Seller's net income) unless Customer has provided Seller with an exemption resale certificate in the appropriate form for the jurisdiction of Customer's location, or unless the sale is otherwise exempt from these taxes.

TITLE AND LIEN RIGHTS. Any equipment installed for Customer will remain personal property, regardless of how it is installed or affixed to any realty or structure. After delivery to Customer, Seller will have all such rights, including security interests and liens, in the equipment as lawfully may be conferred upon Seller by contract under any applicable provision of law and Customer hereby grants Seller a security interest in the same. Customer agrees to cooperate fully with Seller in the filing of any financing statements, including Uniform Commercial Code (UCC) filings or other documents necessary to perfect such interests and liens. If Customer defaults in its obligations under the orders before the price (including any notes given therefore) of the equipment has been fully paid in cash, Seller may take any and all actions permitted by law to protect its interests including, where permissible, repossession of such equipment.

LIMITED WARRANTY. Seller warrants, to its original Customer, all supplied goods or equipment to the extent of the manufacturer's standard warranty, which will be supplied upon request. Subject to limitations set forth herein, supplied equipment, when properly installed and cared for in accordance with the manufacturer's published instructions, will operate in accordance with the manufacturer's specifications and Company's proposal(s). Subject to limitations set forth herein, workmanship of the Company's employees is warranted to be performed in a good and workmanlike manner. Equipment proved defective, in accordance with the manufacturer's terms and conditions or one (1) year, whichever is shorter. Services provided by the Company's personnel is warranted for a period of 90 days from the date of completion. If a failure to conform to specifications or a defect in materials or workmanship is discovered within this period, Seller must be notified in writing within thirty (30) days, which notification, in any event, must be received no later than two (2) months from the date of the service. Within a reasonable time after such notification, Seller will correct any failure to conform to the above-stated warranties, or in lieu of such repair, and at its sole option, shall replace the equipment. Associated shipping charges will be paid by the Customer. **NON-PAYMENT OF ANY AMOUNTS DUE SELLER BEYOND APPLICABLE PAYMENT DATE VOID ALL SELLER WARRANTIES.** Seller does not warrant: (a) defects caused by failure to provide a suitable installation environment for the product, (b) damage caused by use of the product for purposes other than those for which it was purchased, (c) damage caused by disasters such as fire, flood, wind, and lightning, (d) damage caused by unauthorized attachments or modification, (e) any other abuse or misuse by the Customer, including improper installation.

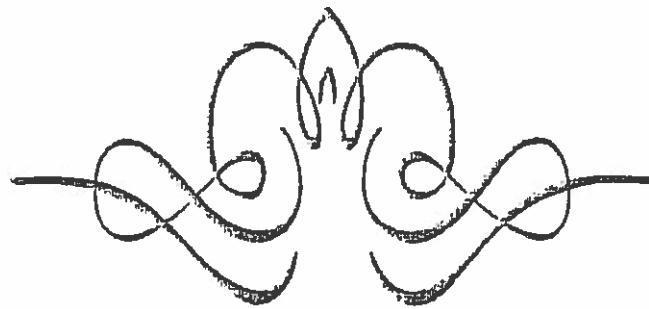
THE FOREGOING LIMITED WARRANTIES AND REMEDIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, AND REMEDIES IN NO CASE SHALL SELLER BE LIABLE FOR ANY SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES BASED UPON ANY LEGAL THEORY. SUCH DAMAGES INCLUDE, BUT ARE NOT LIMITED TO, LOSS OF PROFITS, LOSS OF SAVINGS OR REVENUE, LOSS OF USE OF THE PRODUCT OR ANY ASSOCIATED EQUIPMENT, COST OF CAPITAL, COST OF ANY SUBSTITUTE EQUIPMENT, FACILITIES OR SERVICES, DOWNTIME, THE CLAIMS OF THIRD PARTIES INCLUDING CUSTOMERS' INJURY TO PROPERTY AND, UNLESS PRECLUDED UNDER APPLICABLE STATE LAW, BODILY AND PERSONAL INJURY. IN NO EVENT SHALL SELLER'S LIABILITY TO CUSTOMER ARISING HEREUNDER OR RELATED TO THE SAME OR ANY GOODS OR EQUIVALENT SUPPLIED BY SELLER, TO CUSTOMER EXCEED THE AMOUNT ACTUALLY PAID BY CUSTOMER TO SELLER HEREUNDER.

RETURNS. Special orders are non returnable. Restocking charges may apply on stocking orders returned, must be unused and in original packaging.

FORCE MAJEURE. Seller shall not be liable for damages as a result of any delay or failure of delivery due to any cause beyond Seller's control, including, without limitation, acts of God, act of Customer or any of its representatives, statute, ordinance, regulation, order or other governmental action, fire, accident, strike, slowdown, riot, terrorism, war, delay in transportation or inability to obtain necessary labor, materials, fuel or manufacturing locations. In the event of any such delay, the date of delivery shall be extended for a period equal to the time lost by reason of delay and, if such delay is caused by act of Customer or any of its representatives, Seller shall be reimbursed for any additional costs arising from such delay.

OTHER. Any action arising under or related to any goods, services or equipment provided by Seller to Customer or arising under or related to this agreement or products or services supplied by Seller must be commenced within one (1) year of delivery of the product or service in question (excluding actions for non-payment by Customer). No waiver or modification of these agreements shall be valid unless made in writing and signed by an officer of the Seller. These agreements, along with the Order Acknowledgement, comprise the entire agreement between the Customer and Seller as to the subject matter herein. The parties hereto agree that any suits, actions or proceedings arising out of this Agreement that may be instituted by any party hereto shall be instituted only in the state or Federal courts in the County of Suffolk, Commonwealth of Massachusetts, and the parties hereto do hereby consent to the jurisdiction of those courts and waive any objection which they may now or hereafter have to venue of those suits, actions or proceedings. **ALL PARTIES HEREBY WAIVE TRIAL BY JURY.**

CUSTOMER INITIALS _____ DATE _____



Agenda Item Divider



TOWN OF KENNEBUNKPORT

Street Opening Permit

7

PROPERTY INFORMATION

Name of Homeowner: Dino A Spugnardi Date: July 2, 2019

Address: Split from 314 Ocean Ave Kent

Telephone: 207-650-8968 Map, Block, Lot: 20-4-4D(2) Per Addressing

Street to be excavated: (ROW) Ocean Avenue

Size of excavation (length and width): 45' Length 2'-3' Wide

Reason for excavation: CMP Utility line from Pole #08 to Lot Corner

Permit Conditions: If there is, any intrusion into the black top, road should be paved from curb to curb.

CONTRACTOR INFORMATION

Date of excavation: July 2019

Name of Contractor: Glen Dyke Excavation

Address: 162 Middle Rd. Sabbathus, ME

Telephone: 207-375-9588 Fax: _____

BOND & INSURANCE INFORMATION

Performance Bond: ☐ Cash ☐ Check ☐ Money Order ☐ Surety Bond ☐ Other

Bond Amount: _____

Company that issued the bond (if applicable): _____

Person or entity providing the bond to the Town (contractor, property owner, other): _____

Insurance Company: _____

Signature of person completing the application: Dino A Spugnardi Date: July 2, 2019

APPROVED

Highway Superintendent: _____ Selectmen: _____

Selectmen: _____ Selectmen: _____

Selectmen: _____ Selectmen: _____

Date Approved: _____

*Please attach map or sketch showing the location and size of any cuts to be made; a bond; and proof of insurance.

Application Fee: \$25.00

Date Paid: 7.2.19

Amount Paid: \$25.00

☐ Cash ☒ Check ☐ Money Order

CR # 869

PAID

Town of KUNNETUNNET
----- Receipt -----

Thank You for Your Payment

*** REPRINT ***

07/02/19 3:05 PM ID:MSG #202-1
TYPE----- REF--- AMOUNT
Administration

Miscellaneous 25.00

Total: 25.00*

Paid By: Street Opening Permit Ocean Ave

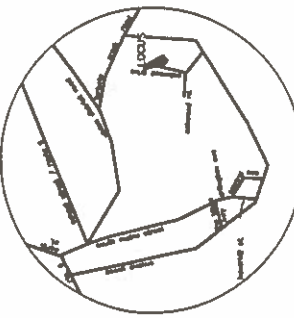
Remaining Balance: 0.00

Balance reflects all related accounts

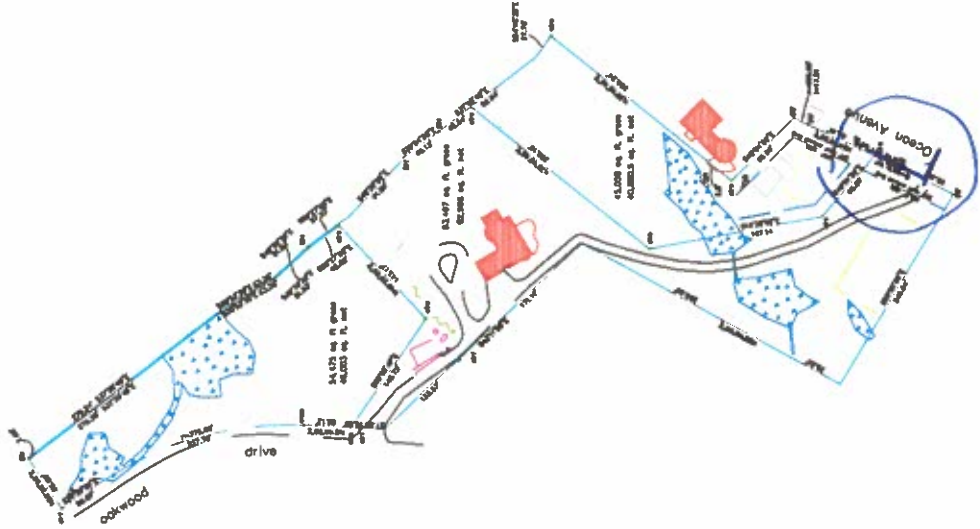
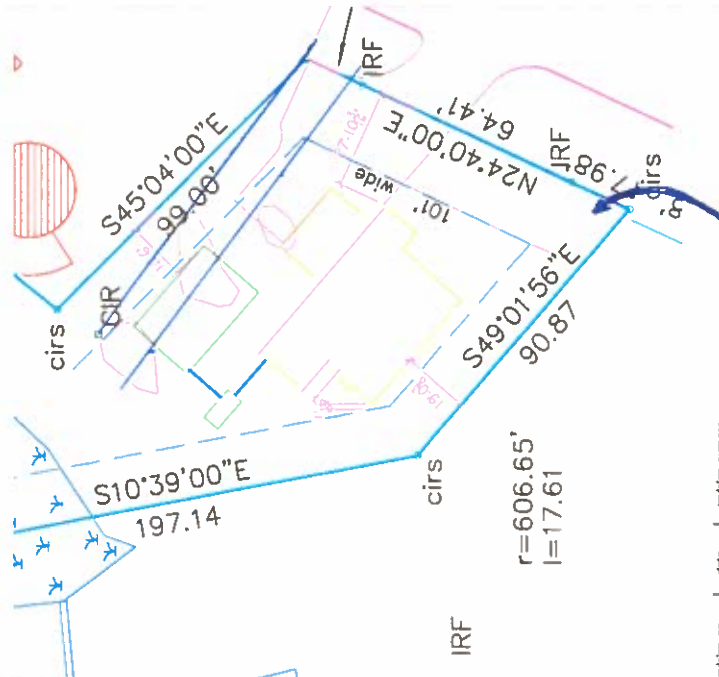
Check : 25.00

869 - 25.00

location sketch



(not to scale)



plan references

1. composite plan of former landwardport sea shore area, dated 8-1-1982, by [illegible] official plan, unrecorded.
2. preliminary sketch showing proposed division line between [illegible] and [illegible], landwardport, Maine, 04-30-2011, Livingston-Ingersoll land surveyors, unrecorded.



legend

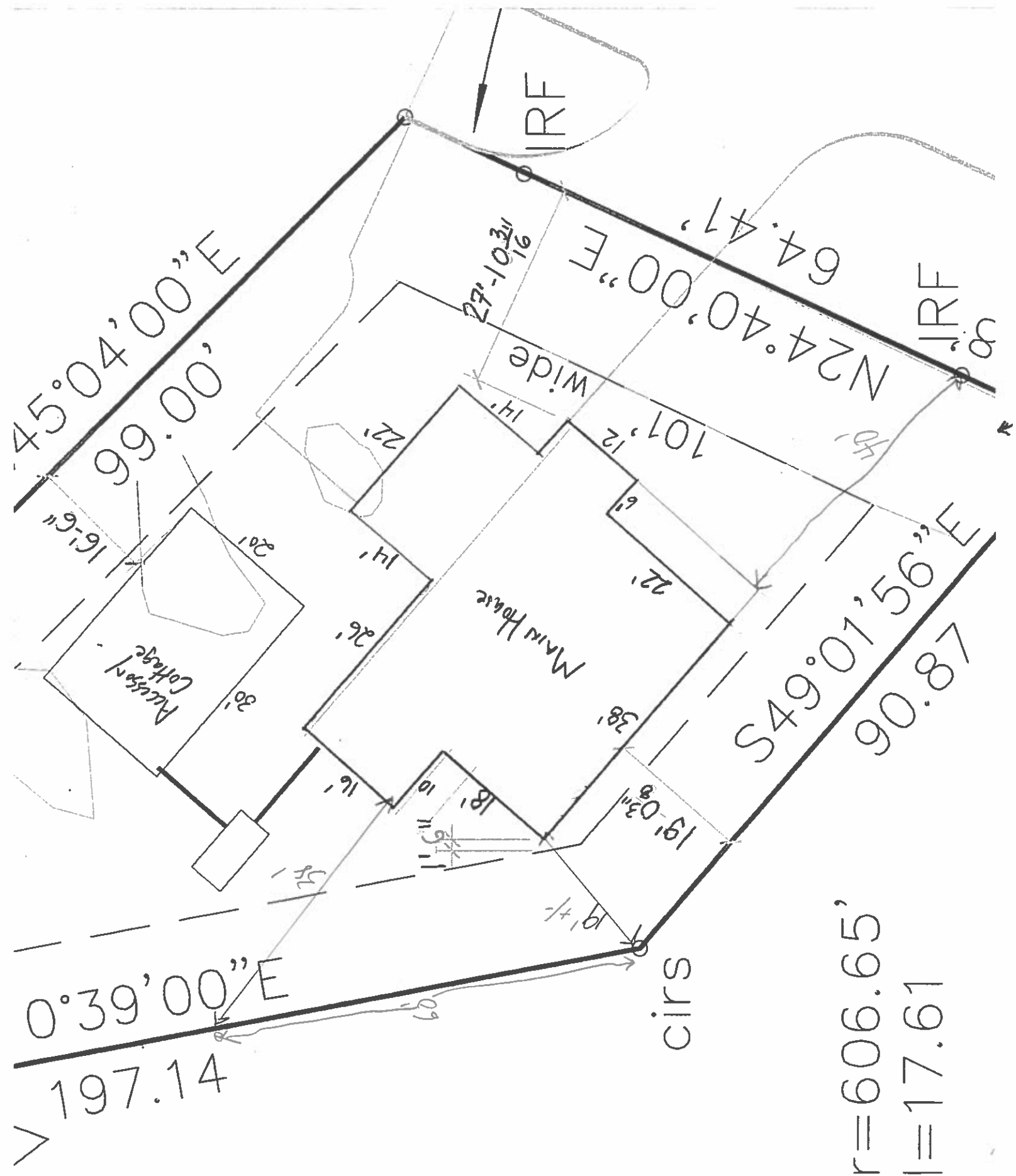
- top of ferryway
- low map
- proposed iron rod found
- old boundary
- measured
- capped iron rod set
- map rod found
- proposed



SKETCH SHOWING DIVISION
of land of
Samir Gerges

LIVINGSTON-INGERSOLL
Professional Land Surveyors Corporation
88 Oliver Road, Landwardport, Maine 04048

revision no.	date	revision purpose
1	4/23/18	set pins on ocean avenue parcel



$r=606.65'$
 $l=17.61'$

⑦

STREET OPENING ORDINANCE TOWN OF KENNEBUNKPORT KENNEBUNKPORT, MAINE

APPROVED: MARCH 28, 1987

AMENDED: 6/12/04

SECTION 1: SHORT TITLE

This Ordinance shall be known as and may be cited as the "Kennebunkport Street Opening Ordinance" and will be referred to herein as "this Ordinance".

SECTION 2: AUTHORITY

This Ordinance is adopted pursuant to 23 M.R.S.A. Sections 3351 through 3360-A., 35-A M.R.S.A. Sections 2507 through 2512, 30-A M.R.S.A. Section 3001 and the Home Rule provisions of the Maine Constitution.

SECTION 3: CONFLICT WITH OTHER ORDINANCES AND LAWS

Where there is conflict between this Ordinance and any other federal, state or local rule, regulation, ordinance or statute, the more restrictive provision shall control. Compliance with this Ordinance does not relieve any person, firm or corporation from complying with the notification provision of 23 M.R.S.A. Section 3360-A or with the provisions of any other state law.

SECTION 4: VALIDITY AND SEVERABILITY

The invalidity of any section or provision of this Ordinance shall not affect the validity of any other section or provision of this Ordinance.

SECTION 5: DEFINITIONS

Emergency excavation means immediate excavation necessary to prevent injury, death or loss of an existing vital service.

Excavation means any operation in which earth, rock or other material on or below the ground is moved or otherwise displaced, by means of hand digging, power tools, power equipment or explosives and including grading, trenching and digging.

Highway Director means the Director of the Town Highway Department.

Selectmen means the Board of Selectmen of the Town.

Street means any street, road, alley or other public way in the Town except state, state aid or federal aid highways.

Town means the Town of Kennebunkport, Maine.

Underground facility means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas or other substances and including, but not limited to pipes, sewers, culverts, conduits, cables, valves, lines, wires, manholes, attachments, appurtenances and those parts of poles below ground.

SECTION 6: PERMIT REQUIRED

No person, firm or corporation, including utility companies, may make any excavation for the construction, repair or replacement of any underground facility in any street, sidewalk or public parking lot without having first obtained a permit as herein required. Every permit granted shall specify the time during which the excavation may remain open, the place where the excavation may be made, and the approximate number of square yards that may be disturbed. This section shall not apply to the State of Maine.

SECTION 7: EMERGENCY EXCAVATIONS

Notwithstanding the provisions of section 6, emergency excavation for the construction, repair or maintenance of an underground facility in any street, sidewalk or public parking lot may be undertaken provided that a permit is applied for on the first working day after such excavation is commenced.

SECTION 8: PERMIT APPLICATIONS

Permit applications may be obtained at the Town office.

The permit application shall be completed by the owner of the property to be benefited by the work which necessitates the permit or by the owner's authorized representative. Where the excavation is undertaken by a utility company on its own behalf, the application shall be completed by such company.

A completed application together with an application fee of \$25.00 shall be submitted to the Highway Director. The party applying for a permit must also file a map or sketch with the Highway Director, showing the location and size of any cuts to be made. After review, the Highway Director shall forward the application to the Selectmen along with his recommendations. The Selectmen, applying the standards of this Ordinance, may approve, approve with conditions, or deny the application. After approval or approval with conditions by the Selectmen, the Highway Director shall issue a permit conditioned as required by the Selectmen.

SECTION 9: BOND

No such permit shall be issued unless and until the permittee has filed with the Town Clerk a performance bond in accordance with the following schedule:

- a) \$2,000.00 for cross-cut openings;
- b) \$2,000.00 for parallel openings not exceeding one hundred (100) feet in length; or
- c) \$20.00 per foot for parallel openings in excess of one hundred (100) feet in length.

Such bond shall have as surety a corporation licensed to do business in the State of Maine as a surety company, and shall extend for a term of at least two years after completion of the project. An equivalent amount of cash or certified funds payable to the Town may be deposited for the same purpose in lieu of the surety bond required by this section.

The Selectmen may, in their discretion, require surety in an amount greater than those set forth in the preceding schedule or for a term in excess of two years in projects where they determine that the project, because of its nature, magnitude, or unusual circumstances warrants such additional security.

Notwithstanding any of the above requirements the Selectmen is hereby given the authority to allow utility companies, in lieu of posting any other surety or performance bond required by this section, to instead post an annual bond of \$15,000.00 for the purposes set forth in this section.

Applicants other than utility companies may post an aggregate bond in January of each year to secure a designated number of cuts during that year. The terms of that bond and per-cut amount shall be as provided herein for single-cut bonds. Any portion of such an aggregate bond not used by December 31 of the year it was posted may not, without approval of the Board of Selectmen, be carried over to the following year.

SECTION 10: INSURANCE

A certificate of insurance shall be required with limits of public liability coverage deemed by the Selectmen to be sufficient to provide adequate protection to the Town, its citizens and the general public.

SECTION 11: EXCAVATION – CARE REQUIRED

Prior to excavation work, notice shall be given to the persons maintaining any underground facility, or to the municipal department or officer charged with the care thereof, which may be injured or affected by the making of any such excavation. Such notice shall be made in accordance with state law, as described in 23 M.R.S.A. Section 3360-A.

Every excavation must be done in a skillful manner. Each permittee shall obtain information as to the existence and location of all underground facilities and protect the same against damage.

No injury may be done to any underground facility in the making of excavations. In order to avoid such injury, an excavator may not use mechanical means of excavation when excavating within eighteen (18) inches of any unmarked underground facilities until such facilities have been exposed. Notwithstanding this limitation, mechanical means are permitted, as reasonably necessary, for initial penetration and removal of pavement, rock, or other materials requiring the use of mechanical means of excavation.

No damage may be done to any tree or shrub or the roots thereof in the making of any such excavation. The owner of such tree or shrub shall be compensated by the permittee for any damage done.

Except by permission of the Highway Director, an excavator may not leave open at any time a trench or excavation of a greater length than two hundred (200) feet.

SECTION 12: RESTORING SURFACE – MINIMUM STANDARDS

Any person, firm or corporation making any excavation in or under any street, sidewalk or public parking lot shall restore the surface to its original condition or better, in accordance with the minimum standards contained herein.

Excavation work, including procedures and materials, shall conform to said minimum standards, and to such other standards of the Highway Director as may be adopted by the Selectmen as a condition of permit approval.

Minimum standards shall include the following:

In all cases, replaced bituminous asphalt shall include a grinded joint where it joins existing unimproved bituminous asphalt.

Parallel, diagonal, cross or right angle street openings up to five feet in width or ten feet in length shall include new bituminous asphalt consisting of 2.5 inches of binder or base mix, or thickness equivalent to the existing bituminous asphalt, whichever is greater and 1 inch of surface mix confined within the limit of the opening.

Parallel, diagonal, cross or right angle street openings in excess of five feet in width, but less than ten feet in width, or up to ten feet in length, but less than twenty feet in length, shall include new bituminous asphalt consisting of 2.5 inches of binder or base mix, or thickness equivalent to the existing bituminous asphalt, whichever is greater confined within the limit of the opening. The full width of the paved street or sidewalk shall be paved five feet beyond the end of the opening and five feet prior to the beginning of the opening with not less than 1 inch of surface mix.

Parallel, diagonal, cross or right angle street openings in excess of ten feet in width or twenty feet in length shall include new bituminous asphalt consisting of 2.5 inches of binder or base mix, or thickness equivalent to the existing bituminous asphalt, whichever is greater confined within the limit of the opening. The full width of the paved street or sidewalk shall be paved twenty feet beyond the end of the opening and twenty feet prior to the beginning of the opening with not less than 1 inch of surface mix.

SECTION 13: SIDEWALKS

If any sidewalk is blocked by any excavation work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users. The temporary sidewalk is subject to inspection by the Highway Director and shall not be open for use until approved by the Highway Director.

SECTION 14: SEASONAL LIMITS

No excavation, except an emergency excavation, shall be allowed from November 15 to April 15. The Selectmen may waive these limits on a case by case basis only upon a finding that the need exists for an emergency excavation.

All cuts in existence in streets prior to November 15 shall be resurfaced before December 10 to the Highway Director's satisfaction.

SECTION 15: PROTECTIVE MEASURES AND ROUTING OF TRAFFIC

It shall be the duty of every person, firm or corporation cutting or making an excavation in or upon any street, sidewalks or public parking lot, to place and maintain barriers and

warning devices necessary for the safety of the general public. The Selectmen may restrict the use of lanterns or open flame devices in fire hazard areas.

The permittee shall take appropriate measures to assure that during the performance of excavation work, traffic conditions as near to normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. The permittee shall employ "flagmen" when necessary to assure traffic safety.

When traffic conditions permit, the Selectmen may by written approval permit the closing of streets and alleys to all traffic for a period of time prescribed by them. Such written approval may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

Warning signs shall be placed far enough in advance of the excavation operation to alert traffic within a public street and cones or other approved devices shall be placed to channel traffic, all in accordance with the instructions of the Highway Director.

SECTION 16: RELOCATION AND PROTECTION OF UTILITIES

The permittee shall not move or otherwise interfere with any underground facility without the written consent of the Selectmen and the owner of the facility. In case any underground facility is damaged, the permittee shall promptly notify the Town and the owners thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee, unless the owner of said damaged facilities consents otherwise. As a condition of being granted a permit, the permittee assumes all liability for damage to underground facilities and any resulting damage or injury to any person because of such facility damage.

SECTION 17: ABANDONMENT

Whenever the use of an underground facility is abandoned, except the abandonment of service lines designed to serve single properties, the person owning such facility shall, within 30 days after such abandonment, file with the Highway Director a written statement giving the location of the facility. If such abandoned facility is in the way, or subsequently becomes in the way, of an installation of the Town or any other public body, which installation is pursuant to a governmental function, the owners shall remove such facility or pay the cost of its removal.

SECTION 18: PROMPT COMPLETION OF WORK

After an excavation is commenced, the permittee shall promptly complete work covered by the permit and restore the area to its original condition.

SECTION 19: TWENTY-FOUR HOUR WORK CREWS

When traffic conditions, the safety or convenience of the traveling public or the public interest require that excavation work be performed as emergency work, the Selectmen shall have authority to order that a crew of men and adequate facilities be employed by the permittee twenty-four hours a day to the end that such excavation work may be completed as soon as possible.

SECTION 20: NOISE, DUST AND DEBRIS

Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work noise, dust and unsightly debris and, between the hours of 10 p.m. and 7 a.m., shall not use, except in case of emergency excavation, any tool appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

SECTION 21: SUPERVISION

The Highway Director shall from time to time inspect or cause to be inspected all excavations of any street, sidewalk or public parking lot in the Town to ensure the enforcement of the provisions of this Ordinance. Notice shall be given to the Highway Director at least ten hours before the work of refilling any such tunnel or excavation commences.

SECTION 22: HANDBOOK OF PROCEDURES

The Highway Director shall compile a handbook on the use of proper procedures and materials in the excavation of streets, sidewalks and public parking lots. Such handbook shall be available for public inspection and may be referred to, in whole or in part, by the Selectmen when imposing permit conditions.

SECTION 23: PENALTY

Any person, firm or corporation, including utility companies, which excavates any street, sidewalk or public parking lot without a required permit or in violation of the terms or conditions of any permit shall be subject to a civil penalty of \$25.00 for each offence and shall be required to obtain the necessary permits.

Any person, firm, or corporation, including utility companies, which violates section 11 herein shall be subject to a civil penalty of \$50.00 for each offense. In addition, in the event that the work or any part of the work done in connection with filling trenches or

excavation is unskillfully or improperly done, the Highway Director may immediately cease the work or any part of the work to be skillfully and properly done. The Highway Director shall keep an account of the expenses incurred and the party in default shall forfeit and pay a penalty equal to the whole of the expense incurred by the Town plus an addition of fifty percent (50%).

For purposes of this section, each day of a continuing offense constitutes a separate offense.

This Ordinance shall be enforced under the provisions of 30-A M.R.S.A. Section 4452.

SECTION 24: EFFECTIVE DATE

This Ordinance and any amendments shall be effective immediately upon approval of the voters of the Town at the annual Town Meeting.



Arlene McMurray

From: cmsmailer@civicplus.com on behalf of Theodore S Baker via Town of Kennebunkport, ME <cmsmailer@civicplus.com>
Sent: Wednesday, July 03, 2019 5:06 PM
To: Arlene McMurray
Subject: Form submission from: Online Application for Boards/Committees

Submitted on Wednesday, July 3, 2019 - 5:06pm

Submitted values are:

Choose from the following:

- Administrative Code Committee
- Board of Assessment Review

==Please provide the following information:==

Full Name: Theodore S Baker

Email: !

Residential Address: :

Residential Phone: 7

Business Address:

Business Phone:

Mailing Address (if different):

Are you registered to vote in Kennebunkport? Yes Please list Membership in community organizations, dates involved, and activities performed:

Budget Board 2000 - 02, 2016 - present

SAD21 School Board 2001 - 2003 (also on Finance Committee) Kennebunkport Residents Association 2009(?) - present (served on Director's

Board 2 years)

Kennebunkport Business Association

Do you have any skills, experience, or training you would like to mention?

5 years as Real Estate Broker - specialty in home sales evaluation.

Math Teacher - five years at undergraduate and graduate universities,
seven years at high schools PhD. in Engineering

What is your reason for wanting to serve on this board or committee? I love this Town, which we have lived in for 36 years, and any additional service I can offer while in retirement will make me happy!

List the top 3 choices that you would like to serve on(1. 2. 3. in desired order)?

Budget Board

Board of Assessment Review

Cemetery committee

The results of this submission may be viewed at:

<https://www.kennebunkportme.gov/node/2661/submission/8294>

2019 COMMITTEE/BOARD APPOINTMENTS/REAPPOINTMENTS

(Five or more members.) For two positions, preference given to former members of Bd of Selectmen. For one position, preference shall be given to persons who are former members of ZBA, Planning Board, or persons trained in law. (One-year term.)						
ADMINISTRATIVE CODE	Expiration	Comments	New Term Expires	Volunteers/Applicants		
Wayne Adams	2019	Appoint	2020	Ted Baker - 1st Choice		
H. Stedman Seavey	2019	Appoint	2020			
Richard Smith	2019	Appoint	2020			
April Dufoe	2019	Appoint	2020			
D. Michael Weston	2019	Appoint	2020			
(Five members and two alternates.) Three-year terms initially on a staggered basis, with all future appointments at three-year terms. Alternates are three-year terms. Members limited to serving three full, consecutive terms. Reappointment may occur after one-year period of nonservice. The Board of Selectmen may for good cause appoint a member for an additional one year of service beyond the three consecutive terms.						
BOARD OF ASSESSMENT REVIEW						
Gordon Ayer	2019	Appoint	2022	Ted Baker - 2nd Choice		
April Dufoe	2019	Appoint	2022			
Karen Schlegel	2019	Appoint	2021			
Mark Messer	2020					
Alternates						
Ted Baker	New Appt.	Appoint	2020			
Vacancy						
(Five or more members, one of whom shall be a member of the Bd. of Selectmen. Nonresidents may be appointed provided they are commercial fishermen from the Cape Porpoise Pier and at least 75% of the memers are registered voters of K'port. One-year term.						
CAPE PORPOISE PIER						
Peter Eaton	2019	Appoint	2020			
Peter Garsee	2019	Withdraw				
Arnold Nickerson IV	2019	Appoint	2020			
Benjamin Nunan	2019	Appoint	2020			
Zandy Talmadge	2019	Appoint	2020			
Eric Wildes	2019	Appoint	2020			
Robert J. O'Reilly	2019	Appoint	2020			

2019 COMMITTEE/BOARD APPOINTMENTS/REAPPOINTMENTS

(Three or more members.) One-year term.		Expiration	Comments	New Term Expires	Volunteers/Applicants
CEMETERY COMMITTEE					
Ruth Fernandez, chair		2019	Appoint	2020	
Lynda Bryan		2019	Appoint	2020	
Greg Pargellis		2019	Appoint	2020	
Ann Sanders, treasurer		2019	Appoint	2020	
Rita Schlegel, secretary		2019	Appoint	2020	
(Five or more members.) Terms shall be one, two, three years such that 1/3 of the members' terms shall expire					
CONSERVATION COMMISSION					
Carol Laboissonniere		2019	Appoint	2022	
Jeanne-James		2019	Withdraw		
Joe Frank		2021			
Sarah Lachance		2020			
Gillet "Jill" Page		2021			
Benjamin Senning		2020			
Aimee Vlachos		2020			
(Five or more members, one of whom should be a member of the Board of Selectmen. Nonresidents may be appointed provided they are commercial fishermen from the Government Wharf and at least 75% of the membership are registered voters of Kennebunkport.) One-year term.					
GOVERNMENT WHARF					
Jeff Davis		2019	Appoint	2020	
Ron Francoeur		2019	Appoint	2020	
Thomas Mansfield		2019	Appoint	2020	
Chris Welch		2019	Appoint	2020	
Andrew Welch		2019	Appoint	2020	

2019 COMMITTEE/BOARD APPOINTMENTS/REAPPOINTMENTS

(Five members and two alternate members.) Terms shall be for three years on a staggered basis. No term limits				New Term	
GROWTH PLANNING COMMITTEE					
Barbara Barwise	Expiration 2019	Comments Appoint	Expires 2022	Volunteers/Applicants	
Jim McMann	2019	Appoint	2022		
James Fitzgerald, Jr.	2020				
Paul Hogan	2021				
Daniel Saunders, chair	2021				
Alternates					
Michael Corsie	2019	Appoint	2022		
Janet Powell	2020				
(Seven members, three from each municipality, one nonresident (not residing in either Kennebunk or Kennebunkport, appointed jointly by both boards) and can have alternate members for one or more of its members from each municipality if the regular member is unable to attend a meeting. An alternate may be appointed for the nonresident member if agreed by both boards.(Per Inter-Local Agreement)					
Term: Three years					
KENNEBUNK RIVER COMMITTEE					
Kennebunkport Members:	Expiration	Comments	Expires	Volunteers/Applicants	
Susan Inoue	2019	Appoint	2022		
Mark Sulton	2020				
Richard Woodman	2021				
Term: three years Members: five or more					
LIGHTING COMMITTEE					
George Acker	2019	Appoint	2022		
Robert Fairbanks	2020				
Jule Gerrish	2021				
Jamies Stockman	2020				
Three or more members. Three year terms, staggered					
PARSONS WAY COMMITTEE					
Louise Spang	Expiration 2019	Comments Appoint	Expires 2022	Volunteers/Applicants	
Barbara Barwise	2020				
Gordon Ayer	2021				

2019 COMMITTEE/BOARD APPOINTMENTS/REAPPOINTMENTS

(Five members and two alternates) Terms: three years on a staggered basis.
 Members limited to serving three full, consecutive terms.
 Reappointment may occur after one-year period of non-service. The
 Board of Selectmen may for good cause appoint a member for an additional
 one year of service beyond the three consecutive terms.

PLANNING BOARD	Expiration	Comments	Expires	Volunteers/Applicants
D. Scott Mahoney	2019	Requests 1-yr to	2020	
Tom Boak	2021			
Ed Francis	2021			
Neil Higgins	2021			
Nina Pearlmutter	2020			
Alternates				
George Lichte	2019	Appoint	2022	
Charles "Larry" Simmons	2020			

PUBLIC SAFETY COMMITTEE	Expiration	Comments	Expires	Volunteers/Applicants
Jay Everett	2019	Appoint	2020	
Mike Claus	2019	Appoint	2020	
Craig Sanford	2019	Appoint	2020	
Joseph Carroll	2019	Appoint	2020	

SEWER ADVISORY COMMITTEE	Expiration	Comments	Expires	Volunteers/Applicants
Bob Convery	2019	Appoint	2020	
Stephen Couture	2019	Appoint	2020	
Richard-Johnson	2019	He moved.		
Joseph Martin Mead	2019	Appoint	2020	

SHADE TREE COMMITTEE	Expiration	Comments	Expires	Volunteers/Applicants
Sarah Adams	2019	Appoint	2020	
Kimberly Gurski	2019	Appoint	2020	
Stephen-G. Doe	2019	Withdraw		
John Ripton	2019	Appoint	2020	
Nina Pearlmutter	2019	Appoint	2020	
Robert Mills	2019	Appoint	2020	

2019 COMMITTEE/BOARD APPOINTMENTS/REAPPOINTMENTS

(Minimum of five, maximum of seven members, according to the Shellfish Conservation Ordinance.) Three-year term			New Term Expires	Volunteers/Applicants
SHELLFISH CONSERVATION COMMITTEE				
David Conway	2019	Appoint	2022	
J. Steven Kingston	2020			
Eric D. Wildes	2020			
Charles F. Zeiner	2020			
Everett Leach, chair				
(Seven members.) Terms shall be for three years on a staggered basis.				
Members limited to serving three full, consecutive terms. Reappointment may occur after 1-				
year period of nonservice. The Board of Selectmen may for good cause appoint a member				
for an additional one year of service beyond the three consecutive terms.				
ZBA	Expiration	Comments	New Term Expires	Volunteers/Applicants
Gordon Ayer	2019	Appoint	2022	
April Dufoe	2019	Appoint	2022	
Wayne Fessenden	2019	Appoint	2022	
Paul Cadigan	2021			
Karen Schlegel	2020			
James Fitzgerald	2020			
Kevin McDonnell	2021			



Agenda Item Divider



SELECTMEN REPRESENTATIVES		
Committees	July 2018	July 2019
Cape Porpoise Pier Committee	Edward W. Hutchins	
Goose Rocks Beach Advisory Committee	Sheila Matthews-Bull	
Government Wharf	Allen A. Daggett	
Graves Library Board	Edward W. Hutchins	
Investment Committee	Allen A. Daggett, Patrick Briggs	
K.E.M.S.	Patrick A. Briggs	
Public Safety Committee	Patrick A. Briggs	
S.M.R.P.C.	Stuart E. Barwise	
Growth Planning Committee	Allen A. Daggett	
Planning Board	Patrick A. Briggs	
Shade Tree Committee	Sheila Matthews-Bull	
Zoning Board of Appeals	Sheila Matthews-Bull	



Agenda Item Divider



ASSESSORS RETURN

PURSUANT TO A WARRANT to us directed, from the York County Commissioners for the County of York, dated the 5th day of June, AD, 2019 we have assessed the estates of the inhabitants, and the estates of the non-resident proprietors of the Town/City of KENNEBUNKPORT in said County, the sum of ONE MILLION ONE HUNDRED FORTY-THREE THOUSAND SEVEN HUNDRED SEVENTY-FIVE DOLLARS AND TWENTY-TWO CENTS (\$1,143,775.22) and have committed lists thereof to the Tax Collector of said Town/City with Warrant in due form of law for collecting and paying same to the Treasurer of the Town/City of KENNEBUNKPORT or his/her successor in said office to be paid by him/her to Bobby J. Mills, Treasurer of the County of York, or his/her successor in said office the FIRST DAY OF SEPTEMBER 2019.

Taxes not paid by the THIRTY-FIRST DAY OF OCTOBER 2019 will be considered DELINQUENT and will be assessed interest at the rate of 9% compounded annually.

IN WITNESS, WHEREOF, we have hereunto set our hands the

_____ day of _____ 2019.

ASSESSOR(S) OF KENNEBUNKPORT

TO BE FILLED IN AND FORWARDED TO THE COUNTY TREASURER AS SOON AS THE ASSESSMENT IS COMPLETED TO:

BOBBY J MILLS
TREASURER-COUNTY OF YORK
45 KENNEBUNK RD
ALFRED, ME 04002

STATE OF MAINE

YORK, §

TO THE ASSESSOR(S) OF THE TOWN/CITY OF KENNEBUNKPORT in said County.

GREETINGS:

AT THE COURT of County Commissioners, begun and holden at Alfred within and for the County of York, on the 5th day of June, AD, 2019.

WHEREAS, the York County Budget Committee, pursuant to M.R.S.A. 30-A § 833, passed at their last session, upon an estimate of the County Commissioners for said County, of the sums necessary for defraying the charges of the County for the budget year **FY 20, July 1, 2019 through June 30, 2020** ensuing and exhibited by the Clerk of said Court, granted a tax of \$17,423,700.00 to be assessed, collected, and paid according to law, and applied for the purposes aforesaid.


AND WHEREAS, upon a due apportionment of said sum of the several Towns and Cities in said County, made at a session of the Court of County Commissioners, held on the 5th day of June, AD, 2019 your town's proportion is found to be **\$1,143,775.22.**

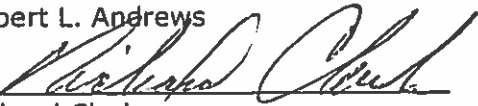
YOU ARE HEREBY REQUIRED, in the name of the State of Maine to assess the said sum last mentioned, upon the inhabitants of said Town/City, agreeable to the laws of said State, and cause the same in like manner to be collected and paid to Bobby J. Mills, Treasurer of said County or his/her successor in said office, forthwith as of the **FIRST DAY OF SEPTEMBER, 2019.**

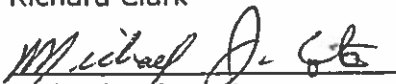
At its regular meeting duly held on June 5th, 2019 the Board of Commissioners of the County of York, pursuant to M.R.S.A. 30-A § 706, by motion, seconded, and unanimously voted that the Treasurer shall assess interest according to M.R.S.A. 36 § 505.4 at the rate of **9%** compounded annually. A municipality will be considered **DELINQUENT** if the taxes are not received by the County by **OCTOBER 31, 2019.**

WHEREOF FAIL NOT, and make due returns to the said Treasurer of the names of person or persons to whom your list of assessments shall be committed.


IN WITNESS THEREOF WE, Robert L. Andrews, Richard Clark, Michael J. Cote, Richard R. Dutremble, and Allen R. Sicard County Commissioners, have hereunto set our hands, this 5th day of June 2019.



Robert L. Andrews


Richard Clark


Michael J. Cote


Richard R. Dutremble


Allen R. Sicard


ATTEST: Gregory T. Zinser
County Manager