



TOWN OF KENNEBUNKPORT, MAINE

Board of Selectmen Agenda August 27, 2020 @ 5:30 PM VIRTUAL MEETING (VIA ZOOM)

This meeting will be conducted through the electronic platform Zoom.

ZOOM MEETING/WEBINAR INSTRUCTIONS

Ways to join the webinar:

- **Connecting by computer or mobile device, go to <https://zoom.us/j/92115161469>**

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+1 929 205 6099 US or +1 312 626 6799 US or +1 669-900-6833 US
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Webinar ID: 921 1516 1469

NOTE: During the meeting, only the Selectmen and Town Manager will be on screen with audio connected. All other participants will be blacked out and audio muted except when the Board solicits public input.

PUBLIC COMMENTS: If you wish to speak on an agenda item and you are:

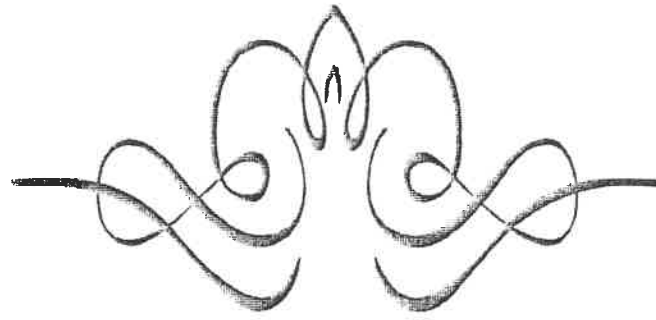
- **Joining via your computer or cell phone**
 - Please use the “raise your hand” feature by clicking “participants” (computer). The host will be notified and will identify you when it is your turn to comment.
- **Joining via landline phone:**
 - The following commands can be entered using your phone’s dial pad while in a Zoom meeting. The host will be notified and will identify you when it is your turn to comment.
 - *6 - Toggle mute/unmute
 - *9 - Raise Hand

Written Public Comments: With the shift to remote meetings, we are encouraging written public comments in place of in-person participation. Written public comments must be e-mailed to Town Manager Laurie Smith at LSmith@kennebunkportme.gov, or mailed to Public Comment, Town Manager Office, P.O. Box 566, Kennebunkport, Maine 04046, or dropped in the Town Office “drop box” and must be received by 2 hours prior to the start of a meeting on the date of the Board of Selectmen meeting. These comments will become a part of the permanent record of the meetings. If e-mailing, please note “Public Comment” and the meeting date in the Subject field. *This method is subject to change. Any updates will be communicated.

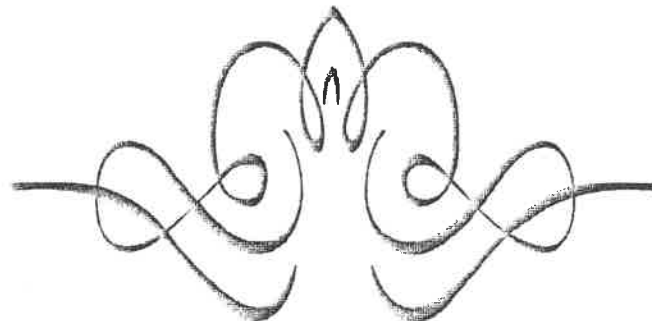
1. Call to Order.
2. 5:30 PM Executive session per (MRSA 1, §405-6E) for consultation with Town attorney to discuss legal rights and duties.
3. Approve the August 13, 2020, selectmen meeting minutes.
4. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).
5. Sign the November 3, 2020, Special Town Meeting Warrant.
6. Sign Order to approve ordinance changes on the November 3, 2020, ballot.
7. Solid Waste Committee reappointments.
8. Consider appointment to the Recreation Committee.
9. Authorize a Quit Claim Deed for map 21, block 3, lot 10.
10. Consider tax abatements and supplemental bills.

Property Owner	Location	Map	Blk	Lot(s)	Tax Abatements	Supplemental Bills
Olive C. Eldridge	6 Birch CT	11	4	19	\$2,892.65	\$3,105.27
Albert Palmer Trust	Dyke Road	34	2	26	\$86.94	
Mary P. Mix R.E. Trust	Dyke Road	34	2	26		\$86.94
Ralph & Mary Smith	Whitten Hills Rd.	26	1	3D	\$382.73	
Leith & Scott Doherty	Roseleith Lane	21	9	6		\$635.99

11. Discuss short-term rentals.
12. Approve the Public Safety Answering Point Service (PSAP) Agreement.
13. Other Business.
14. Approve the August 27, 2020, Treasurer's Warrant.
15. Adjournment.



Agenda Item Divider



**Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
August 13, 2020
6:00 PM**

Minutes of the Selectmen's Meeting of August 13, 2020

Selectmen attending via Zoom: Patrick A. Briggs, Allen A. Daggett, Ed Hutchins, Sheila Mathews-Bull, and D. Michael Weston.

Others attending via Zoom: Chris Becker, Mike Claus, Greg Dombrowski, Jen Lord, Sharon McCabe, Laura McCullough, Arlene McMurray, Lisa Miller, Tracey O'Roak, Dave Powell, Chris Simeoni, Jim Stockman, Laurie Smith, and others

1. Call to Order.

Chair Daggett called the meeting to order at 6:04 PM. He took **roll call** of Selectmen present: Patrick Briggs, Allen Daggett, Sheila Matthews-Bull, Ed Hutchins, and D. Michael Weston.

2. Approve the July 23, 2020, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the July 23, 2020, selectmen meeting minutes. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **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.).

Jim Stockman showed photos of their new ambulance. He said it is funded through their endowment. Painted on the ambulance is "In Memory Of Judy Barrett."

4. Public hearing on the proposed amendment to the Kennebunkport Traffic and Parking Control Ordinance in Section 2. Parking Control Regulations, 27 Ocean Avenue. (The amendment would limit parking to 2 hours)

Chair Daggett opened the public hearing at 6:18 PM.

This proposed amendment was requested by the business owners along Ocean Avenue. Laura McCullough said there are no parking limits and they are concerned that vehicles park for the entire day in this location. They would like to limit the parking to allow for customer access to the businesses in this area. She said businesses need help on Ocean Avenue, especially during these difficult times.

Chris Becker agrees with Ms. McCullough that having a two-hour limit will make a huge difference.

Chair Daggett closed the public hearing at 6:25 PM.

Motion by Selectman Matthews-Bull, seconded by Selectman Weston, to amend the Traffic and Parking Control Ordinance Section 2. Parking Control Regulations, 27 Ocean Avenue to restrict parking to two hours from Memorial Day to Labor Day each year from the Fairfield Creek Bridge to Josiah Curtis Lane on the westerly side of Ocean Avenue. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Weston. Daggett recused himself because he has a business located there. **Voted:** 4-0-1. **Motion passed.**

5. Review ordinances for November 3, 2020, ballot.

Town Clerk Tracey O'Roak went over the three ordinance revisions for the November ballot. She said the Town Attorney looked over them and made some revisions.

a. Codification of ordinances for November 3, 2020, ballot.

The Town Attorney added some revisions in **§ 252.1. Marijuana establishments prohibited unless Town opts in.** See Exhibit A.

b. Emergency Management Ordinance.

The revision was made in Section 6B. Termination of emergency. No state of emergency may continue for longer than seven (7) days unless renewed or extended by the Board of Selectmen.

c. Land Use Ordinance amendment regarding tents.

**PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND
USE ORDINANCE CONCERNING TENTS**

Shall an ordinance entitled "2020 Amendment to the Kennebunkport Land Use Ordinance Concerning Tents" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment would extend the timeframe for temporary tents from a maximum of 30 days per calendar year to include, in addition, the period from Memorial Day through Labor Day of each year.]

Note: Underlined language is proposed to be inserted and words ~~stricken out~~ are proposed to be removed. All other portions of the ordinance are proposed to remain unchanged.

Amend Article 11.2 Permit Required as follows:

11.2 Permit Required

- L. Temporary placement of an awning or tent(s) exceeding 80 square feet in size from Memorial Day until Labor Days shall be permitted without a permit. Temporary placement outside of the Memorial Day through Labor Day season shall not exceed 30 days per any calendar year per parcel.

Tents that exceed 80 square feet and are in place beyond the limits mentioned above for more than 30 days per calendar year are subject to conditions and approvals as a permanent structure.

The Board requested another revision to add the word weekend after Memorial Day.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to place the items on the November warrant as written and to include the new revision to the Land Use Ordinance amendment regarding tents. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

6. Award contract for Wastewater Department emergency generator upgrade electrical work.

The Wastewater Department has been working on an emergency generator upgrade project for several months. Bids were solicited for the electrical portion of the project and no one responded. A large portion of the sitework has been completed, and they are working to complete the associated concrete work. Bids were solicited from seven electrical contractors, and three responses were received:

<u>Contractor</u>	<u>Bid</u>
All Phase Electric, Inc.	\$ 89,676
Milliken Brothers, Inc.	\$108,080
Camille's Electric	\$ 89,925

Since this project is being funded with state revolving loan fund dollars, the Town must abide by their policies which are to award to the lowest bidder. Staff recommends awarding to All Phase Electric for \$89,676.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to award the Wastewater Department emergency generator upgrade bid to All Phase Electric for \$89,676. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

7. Consider giving the Town Manager authority to sign both the CMP Bill of Sale and the CMP Street Light Agreement.

Public Works Director Mike Claus said the purchase of the street lights from Central Maine Power was approved at the July Town Meeting. He said the town attorney reviewed the street light agreement and approved it with the condition that the Town's street light maintenance contractor has adequate insurance coverage and town employees do not perform street light maintenance work on any of the street lights that are part of this agreement. He is requesting that the Town Manager be given authority to sign the bill of sale and move forward with the purchase of 280 street lights.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to authorize the Town Manager to sign the CMP street light agreement and bill of sale with CMP. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

8. Consider carryforwards from FY2020.

With the onset of COVID-19 in the last quarter of the fiscal year, projects and payments were delayed due to concerns with cash flows. The largest carryforward is the Debt Service for the seawall project of \$100,000. They planned to have the payment in FY 20, but due to the timing of the bond closing, the payment is not due until October of this year. They are requesting a total of \$227,863.50 be carried forward.

Discussion followed and the Board did not choose to carry forward the \$100,000 for the seawall project.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to authorize \$127,864 in carry forwards from FY 20. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

9. Discuss short-term rental regulations.

Selectman Hutchins said that they had no idea how many short-term rentals they had until COVID-19 happened. As a result, they saw more out-of-state cars and decided to have another discussion about this because there are no rules.

The background information on this is that in 2018, the Board of Selectmen appointed the Short-Term Rental Committee to review the short-term rentals and make recommendations back to the Board. After several months of meetings and a survey of residents, the committee presented their findings to the Selectmen in February of 2019. It recommended that no regulations be put in place, but that staff continue to monitor the rentals and further define the actual impacts on the community.

The Board of Selectmen suggested reviewing this issue again and prepare for an ordinance amendment to license short-term rentals. One ordinance suggested for review is the City of South Portland. South Portland categorizes their short-term rentals (under 30 days) into two categories – homes that are hosted (owner lives there while renting) and non-hosted homes. All rentals must be registered, and the home is inspected by the Fire Department during the first registration and any time the home is renovated. All homes must comply with the rules in the good neighbor brochure which covers parking, dog rules, noise, recycling, and maximum occupancy.

Non-hosted home rentals are prohibited in all residential zoning districts. The minimum stay is at least 7 consecutive days, and a maximum of two guests per bedroom and a maximum of six guests allowed per home. The hosted home stay is allowed in all zoning districts with no minimum stay and with a maximum of two guests per bedroom and six guests allowed per home.

Discussion followed that:

- The Town has no contact information and does not know if these short-term rentals carry insurance. The Town Manager and Director of Planning and Development should develop an ordinance and bring it back to the Board.

- This is not usually a problem, but this year, two houses had eight or nine cars parked in the street at Cape Porpoise. Residents need to know if it is safe. Even hotels have a maximum occupancy.
- There are noise and parking problems.
- They could have a minimum stay.
- The Town is changing before our eyes. They are not looking to stop short-term rentals, but just to regulate them.
- How can they enforce this?

Director of Planning and Development said that most communities have contracts with a company that collects data and have electronic monitoring. He said there were 255 short-term rentals in town to start with that fluctuated up and down, and 93% are for the full house rental. The median cost is \$350 a night.

Greg Dombrowski said these discussions about noise and parking were already discussed with the Short-Term Rental Committee and adding regulations will hurt young people trying to move back into town. He said people are just using short-term rentals as a tool to supplement their income. There are already safety regulations.

Selectman Weston responded that there are houses on Pier Road in Cape Porpoise that were bought from people out of state who turned them into rentals and charge \$600 to \$800 a night. They pulled in \$30,000 last summer. They rent all summer at Goose Rocks, Pier Road, and Langsford Road.

Lisa Miller added that the Cape Porpoise rentals do not represent the rest of the rentals in town, and they are the only way people can live in Kennebunkport. The parking and noise problems can be addressed.

Sharon McCabe also said the noise and parking on Langsford Road and Pier Road should be addressed. Cars should be ticketed.

The Board would like the Town Manager and Mr. Gilliam to develop an ordinance draft and bring it back to the Board.

10. Reappointments to the Cape Porpoise Pier Advisory Committee and the Shellfish Conservation Committee.

Motion by Selectman Hutchins, seconded by Selectman Weston, to reappoint: Peter Eaton, Benjamin Nunan, Zandy Talmadge, and Eric Wildes to a one-year term on the Cape Porpoise Pier Advisory Committee and to reappoint Eric Wildes, Charles Zeiner, and Everett Leach to three-year terms on the Shellfish Conservation Committee. **Roll**

Call Vote: Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0.

Motion passed.

11. Permission for use of Dock Square Parking Lot in September and October.

Hurricanes and Alisson's are requesting permission to continue to use the parking spaces in Dock Square Parking lot for dining through the end of October.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to authorize the use of the Dock Square Parking Lot through October 31, 2020. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

12. Discussion of business tent and outdoor dining for September and October.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to authorize the continued use of tents and signage for outdoor dining through October 31, 2020. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

13. Accept donations to the Stuart Barwise Parks and Recreation Fund.

- a. Ed & Christina Hutchins - \$100
- b. Pat & Ann Marie Briggs - \$250
- c. Marcy McAleer - \$75
- d. Steve & Carol Cook - \$50
- e. Jean & Helen Conaty - \$100
- f. Barbara O'Hara - \$25
- g. Judith J. Uhrig - \$50
- h. Chelmsford Class of 1984 - \$600

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept donations in the amount of \$1,250 with great thanks. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

14. Accept \$25 donation in memory of Arnold Cluff to the nurses' general account from Kenneth and Janice Hutchins and Kathleen Anuszewski.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept the \$25 donation in memory of Arnold Cluff to the nurses' general account from Kenneth and Janice Hutchins and Kathleen Anuszewski. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

15. Other Business.

Town Manager Laurie Smith announced that the Town is dedicating the Edgewood entrance to Goose Rocks Beach to Stuart E. Barwise.

Chair Daggett read the notation on the dedication plaque.

Motion by Selectman Weston, seconded by Selectman Matthews-Bull, to approve the plaque dedication to Stuart Barwise. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed**

a. Vote for MMA Vice-President and Executive Committee members.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to vote for the slate of officers. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

b. Good-bye Drive-by to Barbara and Stan Barwise August 20, 10:30 AM to noon.

Ms. Smith announced that there will be a drive-by to say goodbye to Barbara and Stan Barwise on Thursday, August 20, at 11:00 to noon, at the Kennebunkport Conservation Trust. People can decorate their cars with balloons and signs. Someone will be collecting cards with a butterfly net. Barbara and Stan who will be situated in front of the Kennebunkport Conservation Trust building in comfy chairs. Cars must go to the Arundel Road intersection of Gravelly Brook to enter, line up, and drive by.

16. Approve the August 13, 2020, Treasurer's Warrant.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the August 13, 2020, Treasurer's Warrant. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

17. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

The meeting adjourned at 7:50 PM.

Submitted by Arlene McMurray
Administrative Assistant

**EXHIBIT A – 8-13-2020
TOWN OF KENNEBUNKPORT
YORK COUNTY, MAINE**

ORD. NO. _____

AN ORDINANCE TO REVISE AND CODIFY THE^[LBR1] ORDINANCES OF THE TOWN OF KENNEBUNKPORT, MAINE

Be it enacted and ordained by the Town of Kennebunkport at Town Meeting duly assembled:

§ 1-1. Code adopted; existing ordinances continued.

Pursuant to 30-A M.R.S.A. § 3004, the ordinances of the Town of Kennebunkport of a general and permanent nature adopted by the Town Meeting of the Town of Kennebunkport, as revised and codified and consisting of Chapters 1 through 290, are hereby approved, adopted, ordained and enacted as the Code of the Town of Kennebunkport, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance such copy shall remain on file in the office of the Town Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Kennebunkport" shall be understood and intended to include such additions and amendments.

§ 1-3. Notice; publication.

The Clerk of the Town of Kennebunkport shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with the filing of the Code in the office of the Town Clerk as provided in § 1-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional,

void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Kennebunkport which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following ordinances are specifically repealed: an ordinance adopted March 6, 1972, relating to lobster buoys in Cape Porpoise Harbor and an ordinance adopted June 15, 1976, relating to panhandling.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following classes of ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Kennebunkport prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Town of Kennebunkport or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the Town of Kennebunkport.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Kennebunkport.
- E. Any ordinance of the Town of Kennebunkport providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Kennebunkport or any portion thereof.
- F. Any ordinance of the Town of Kennebunkport appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Kennebunkport or other instruments or evidence of the Town's indebtedness.

- G. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- H. The levy or imposition of taxes, special assessments or charges.
- I. The annexation or dedication of property or approval of preliminary or final subdivision plans.
- J. Any ordinances relating to salaries and compensation for municipal employees.
- K. Personnel policies of the Town.
- L. Any ordinance adopting or amending a comprehensive plan.
- M. Any ordinance adopting or amended a zoning map or otherwise rezoning property.
- N. The General Assistance Ordinance and all amendments thereto.
- O. Any ordinances adopted subsequent to June 11, 2019^[LBR2].

§ 1-7. Changes in previously adopted ordinances.

- A. In preparing the revision and codification of the ordinances pursuant to 30-A M.R.S.A. § 3004, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the governing body that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Town of Kennebunkport to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a fine of ~~not more than~~ **\$100 for the first offense, \$250 for the second offense and \$500 for the third and subsequent offenses** [LBR3].

§ 1-10. When effective.

This ordinance shall take effect immediately upon final passage and publication as provided by law.

**Town of Kennebunkport
Code Adoption Ordinance**

**Schedule A
Specific Revisions to Language in Effect at Time of Adoption of Code**

Nomenclature.

- A. The following nomenclature changes are made:
- (1) "Chairman" and "Chairperson" are changed to "Chair."
 - (2) "Appeals Board," "Board of Zoning Appeals," and "Board of Appeals" are changed to "Zoning Board of Appeals."
 - (3) "Road Commissioner" and "Highway Superintendent" ("Superintendent of Highways") are changed to "Director of Public Works."
 - (4) References to Tax Assessor (singular) are changed to Tax Assessors.
- B. In Chapter 127, instances of "Shellfish Conservation Warden" and "Clam Warden" are changed to "Shellfish Warden."
- C. Chapter 140 is amended to change instances of "commercial mass gathering" to "commercial gathering" and to change "noncommercial mass gathering" to "noncommercial gathering."
- D. Chapter 147, Streets and Sidewalks, Article II, Street Openings, is amended to change "Highway Director" to "Director of Public Works."
- E. Chapter 147, Streets and Sidewalks, Article III, Right-of-Way and Road Infringement, is amended to change "Highway Department" to "Public Works Department."
- F. Chapter 219 is amended to change instances of Federal Insurance Administration to Federal Insurance and Mitigation Administration.
- G. Chapters 219, 240 and 290 are amended to change instances referring to registered professional engineers to licensed professional engineers.

H. Chapter 240 is amended to change instances of:

- (1) "Maine Department of Agriculture" to "Department of Agriculture, Conservation and Forestry."
- (2) "State Soil and Water Conservation Commission" to "Department of Agriculture, Conservation and Forestry."
- (3) "Department of Human Services" to "Department of Health and Human Services."

Fees.

The following sections are amended to delete the fee amount and instead state that the fee is as set by the Board of Selectmen: §§ 160-22C(2)(a), 160-24C(2), 160-25C(2), 183-20B, 183-32A, 183-35A(1)(a), 183-76B.

Chapter 5, Administrative Code.

- A. Section 5-8 is amended to add the following to the list of appointed officers:
Deputy Health Officer
Public Access Officer
- B. Section 5-10A is amended to change the phrase "consisting of one or more persons" to "consisting of a minimum of five members and a maximum of seven members."
- C. Section 5-25A is amended to change "Sewer Department Supervisor" to "Deputy Director of Public Works."
- D. Section 5-43 is amended as follows:
A notification of any Annual or Special Town Meeting shall ~~be sent to all box holders of the Town of Kennebunkport and shall also occur~~ by the following methods: by posting the warrant ~~the warrant at five conspicuous places in the Town at Town Hall, by posting on the Town website,~~ by advertisement in a newspaper...

Chapter 9, Alarm Systems.

Article I, False Alarms.

Section 9-7E is amended as follows:

"Within the ten-day period, the user may appeal the imposition of the ~~false alarm fee~~ civil penalty to the Chief of Police or designee, in the case of a police related alarm, or the Fire Chief or designee, in the case of a fire alarm, who may abate or reduce the ~~fee~~ penalty upon good cause shown."

Chapter 16, Animals.

Article II, Animal Control.

- A. In § 16-3, in the definition of "responsible party," "a dog" is changed to "an animal."
- B. Section 16-4F is amended as follows:
"An owner or responsible party, except a person with a disability using a service dog, must remove and dispose of any feces left by his/her animal..."

Chapter 24, Beaches.**Article II, Use of Goose Rocks Beach.**

Section 24-8A is amended as follows:

"...recorded in the York County Registry of Deeds in Book _____, Page _____."

Chapter 46, Fires and Fire Prevention.**Article I, Life Safety Code.**

Section 46-1 is amended to change "most recent edition" to "edition accepted by the State Fire Marshal."

Chapter 49, Fireworks.

Section 49-3 is amended to delete "or by the Town of Kennebunkport" from the end thereof.

Chapter 61, Harbor and Waterfront.**Article II, Waterfront.**

This article is amended to add the following section:

§ 61-18. Lobster Buoys in Cape Porpoise Harbor.

- A. *Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this section shall be as follows:*

BUOY — Any type of device which floats on the surface of the water or within three feet of the surface of the water at mean low tide, used for marking the locations of lobster traps.

CAPE PORPOISE HARBOR — The harbor at Cape Porpoise Village, Kennebunkport, Maine.

SET — To place, put, fix or otherwise cause to exist.

- B. *Prohibited acts. It shall be unlawful for any lobster buoys to be set within the area of Cape Porpoise Harbor, defined as follows: a navigation fairway, 75 feet wide, located on the east (Goat Island) side of the harbor entrance, extending from the bell buoy R "2" marking the ocean entrance to the harbor on a compass course NW by N (approximately 330° magnetic) passing hard by red nun number 4 and red day board number 6 marking Folly Island ledge, into red nun number 8, making the outer limit of the anchorage as further defined on Chart No. 13286, attached to this article on file with the Town Clerk. PLEASE REMOVE THIS SECTION ENTIRELY.*

Chapter 105, Peace and Good Order.**Article I, Electronically Amplified Sound.**

Section 105-2 is added:

§ 105-2. Violations and penalties.

Violations of this article shall be subject to a penalty of \$100 per day offense.

Chapter 110, Property Assessed Clean Energy.

In § 110-4, the definition of "renewable energy installation" is amended as follows:

RENEWABLE ENERGY INSTALLATION -- A fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, including but not limited to masonry stoves and wood pellet systems, landfill gas to energy systems, geothermal systems, wind systems, ~~wood pellet systems~~ and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

Chapter 127, Shellfish Conservation.

- A. Section 127-4 is amended to repeal the definition of "Shellfish Conservation Warden."
- B. Section 127-5D(4) is amended as follows:
The Town Clerk shall issue licenses to residents and nonresidents as allocated [Subsection D(1)] from ~~January 1~~ mid-April and until ~~March 31~~ June 30, after which licenses shall be issued without regard to residency on a first-come, first-served basis ~~or by lottery~~.
- C. Section 127-6G is amended to change "Marine Resource Committee" to "Shellfish Conservation Committee."

Chapter 140, Special Events and Mass Gatherings.

Section 140-3B(1) and (2) is amended to delete the fee amount and instead state that the fee is as set by the Board of ~~Selectmen~~[LBR4].

Chapter 147, Streets and Sidewalks.

Article I, Business on Public Streets.

Section 147-3 is amended to change "The fee shall be \$50 per license" to "The municipal officers shall annually set the amount of the permit ~~fee~~[LBR5]."

Article II, Street Openings.

- A. Section 147-13 is amended to repeal the definition of "Highway Director."
- B. Section 147-13 is amended to add the following definition:
NEWLY CONSTRUCTED, RECONSTRUCTED OR REPAVED STREETS -- Any street that has been newly constructed, reconstructed or repaved within the last five years.
- C. Section 147-16C is amended to delete the fee amount and instead state that the fee is as set by the Board of ~~Selectmen~~[LBR6].
- D. Section 147-21 is added:
§ 147-21. Excavations in reconstructed streets.
Whenever the Town has developed plans to reconstruct a street, the Town or its representative shall give written notice thereof to all abutting property owners, to the Town departments, and to all public utilities that have or may wish to lay pipes, wires or other facilities in or under the highway. Upon receipt of such written notice, such person or utility shall have 60 days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or facility shall make a written application to the Town during the sixty-day notice period

explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed or extended and after such street has been reconstructed, no permit shall be granted to open such street for a period of five years from installation of hot-mixed asphalt surface course layer unless an emergency condition exists or unless the necessity for making such installation could not reasonably have been foreseen at the time such notice was given. The above-mentioned five-year moratorium for street openings also pertains to all new public or private streets, i.e., new subdivisions or developments that have been accepted in accordance with Town specifications. The Town shall publish an annual street opening moratorium list with year of notice and year of expiration for each street. This section should not be construed to supersede Maine DOT street opening regulations for roads maintained by the State of Maine.

Article III, Right-of-Way and Road Infringement.

Section 147-37A is amended to update the penalties to:

\$100 for first offense

\$500 for second offense

\$1,000 for third and subsequent offenses

Chapter 160, Traffic and Vehicles.

Article I, Dock Square Shuttle and Parking.

Section 160-1 is amended to change 30 M.R.S.A. § 1917 to 30-A M.R.S.A. § 3001.

Article II, Traffic and Parking Control.

- A. The second sentence of § 160-15 is amended as follows:
There shall be immediately adjacent to and visible from the designated parking space a posted sign consisting of a profile view of a wheelchair with occupant in white on a blue background with the wording "Handicapped Parking."
- B. Section 160-15 is amended to change 29 M.R.S.A. § 252 to 29-A M.R.S.A. § 521.
- C. Sections 160-24E(2) and 160-25F(2) are amended to change the sentence "Second and subsequent offenses: shall be at the discretion of the officer up to and including a fine of \$100." to "Second and subsequent offenses: a fine of \$100."
- D. Section 160-25C(7)(c) is amended to delete the maximum fare amount and instead state that the maximum is as set by the Board of Selectmen.
- E. Section 160-26D is amended as follows:
Exemptions. Vehicles that are exempt from the most recent Maine Department of Transportation's (MDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" ~~dated December 31, 1996 and amended on March 4, 1998, a copy of which is attached hereto and is hereby incorporated as part of this section (Attachment A),~~ are exempt from this section. In addition, the following vehicles are exempt from this section: any vehicle delivering home heating fuel and operating in accordance with a permit issued by the MDOT..."
- F. Section 160-28D(2) is amended to change the impoundment charge from \$25 to \$50[LBR7].
- G. Section 160-29A is amended to delete the following wording therefrom:

"Section 160-27 fine amount is \$50; or after 48 hours from the time of issuance and before a court summons is issued, pay a fine of \$60 to the Chief of Police or his/her representative for full satisfaction of such parking violation."

Chapter 172, Victualers.

Section 172-3, Subsection A(1), and Subsection A(1)(e) are amended to change "innkeepers, victualers and tavern keepers" to "victualers."

Chapter 179, Waste Management.

Article I, Radioactive and Hazardous Waste.

- A. Section 179-1 is amended to change "radioactive waste materials as defined by 38 M.R.S.A. § 361-D.1.B" to "radioactive waste as defined by 38 M.R.S.A. § 1451."
- B. Section 179-3 is added:
§ 179-3. Violations and penalties.
Violations of this article shall be subject to a penalty of \$100 per day.

Article II, Solid Waste.

- A. The definition of "hauler" in § 179-6 is amended as follows:
"Any entity or person ~~licensed~~ granted a permit by the Selectmen to collect and haul solid waste in the Town."
- B. Section 179-8A is amended to change "the operation and licensing of waste disposal vehicles" could be revised to "the operation of and issuance of permits for waste disposal vehicles."

Chapter 183, Wastewater Use.

- A. Section 183-9 is amended to change State Bureau of Health to Department of Health and Human Services.
- B. Section 183-13 is amended to change Division of Health Engineering, Maine Department of Human Services to Department of Health and Human Services.
- C. Section 183-18 and 183-32A are amended to change "Building Inspector" to "Code Enforcement Officer or designee."
- D. Section 183-19 is amended to delete the latter portion thereof (*and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter 1, Subsection 361, as amended*).
- E. Section 183-21 is amended as follows:
"A sewer connection ~~application~~ permit shall be applied for and the fees shall be paid therefor[,] whenever a homeowner applies for a building permit that will increase the flows from that structure into the collection system."
- F. Section 183-32 is amended to delete the following at the beginning thereof:
Unless exempted under subparagraph (B) below...

- G. Section 183-47 is amended to change Part 128 to Part 125.
- H. Section 183-70 is amended as follows:
"When a sewer connection application is processed and a permit is issued, the owner of the property for which the ~~application~~ permit was issued will be billed for the units that were approved."
- I. Original Article XIV, Licensing of Persons Authorized to Make Connection to the Public Sewers, is repealed.

Chapter 210, Condominium Conversion.

Section 210-5B is amended to delete the condominium conversion permit fee and instead state that the fee is as set by the Board of Selectmen[LBR8].

Chapter 240, Land Use.

- A. Section 240-2.2.
 - (1) The definition of "mobile home" is amended to change "manufactured housing unit" to "manufactured housing."
 - (2) The definition of "recreational vehicle" is amended to change the reference to the State Division of Motor Vehicles to the State Bureau of Motor Vehicles.
 - (3) The definition of "wetland, inland," is amended to change 38 M.R.S.A. 406 et seq. to 38 M.R.S.A. § 480-B.
- B. The opening paragraph of Article 5 and § 240-5.7B are amended to delete references to the Stream Protection Zone.
- C. Section 240-5.11A is amended to change Maine Bureau of Public Lands to Bureau of Parks and Lands.
- D. Section 240-6.9C and 240-11.8 are amended to change "occupancy permit" to "certificate of occupancy."
- E. Section 240-6.9G is amended to change "Day-care centers" to "Child-care centers."
- F. Section 240-6.9N and O are amended to delete the reference to § 240-1.6.
- G. Section 240-6.17B and C are amended to change references to "license" [to blast] from Township to "permit."
- H. Section 240-7.1G is amended to add "In the Free Enterprise and Farm and Forest Zones only."
- I. Section 240-7.3B is amended to delete "great pond" setback reference.
- J. Section 240-10.8B is amended to change "Superintendent of the Sewer Department" to "Deputy Public Works Director."

- K. Section 240-11.3C is amended to change State Historic Preservation Officer to State Historic Preservation Commission.
- L. Section 240-11.9D is amended to change Bureau of Land and Water Quality to Bureau of Water Quality.
- M. Section 240-11.9E(2) is amended so that the first sentence thereof reads:
If the Code Enforcement Officer has been certified by the Department of Economic and Community Development, Office of Community Development, as being familiar with court procedures under 30-A M.R.S.A. § 4453, he/she may serve civil process and, when specifically authorized to do so by the Municipal Officers, represent the Town in District Court.
- N. Section 240-11.12G(3) is amended to change "nonrefundable application fee of \$250" to read "a nonrefundable application fee to be established in accordance with § 240-11.6 of this chapter."

Chapter 252, Marijuana.

Article I is amended to read:

§ 252-1. Marijuana establishments prohibited unless Town opts in.

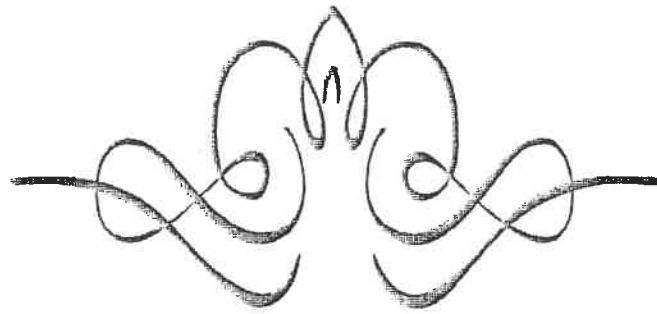
No person may operate an adult use marijuana establishment within the Town of Kennebunkport unless or until the legislative body of the Town votes to amend its ordinances or to adopt an ordinance expressly authorizing some or all types of marijuana establishments within the Town in accordance with 28-B M.R.S.A. § 401(3) of the Marijuana Legalization Act. No person may operate a caregiver retail store, registered dispensary, marijuana testing facility, manufacturing facility, or other facility governed by the Maine Medical Use of Marijuana Act unless or until the legislative body of the Town votes to amend its ordinances or to adopt an ordinance expressly authorizing some or all types of these facilities within the Town in accordance with 22 M.R.S.A. § 2429-D(3) of the Maine Medical Use of Marijuana Act. This section does not apply to authorized conduct by a person 21 years of age or older under 28-B M.R.S.A. § 2422, in accordance with the provisions of 22 M.R.S.A. § 2423-A, as may be amended.

§ 252-2. Authorization.

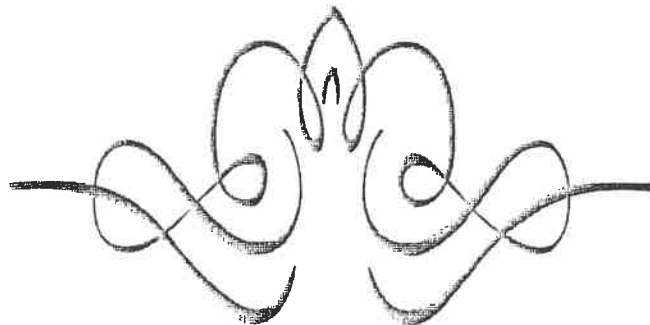
As of the [date of this codification], the Town of Kennebunkport has not specifically authorized any category of marijuana business establishment within the Town under either the Maine Medical Use of Marijuana Act or the Marijuana Legalization Act.

Chapter 290, Wireless Telecommunications Facilities Siting.

- A. Section 290-6G(2) is amended to change "90 days" to "60 days."
- B. Section 290-11A is amended to change "The CEO, as appointed through either the Zoning Ordinance or by the Board of Selectmen or Town or City Council, shall enforce this ordinance." to "The Code Enforcement Officer, appointed by the Board of Selectmen as provided in § 5-12 of the Town Administrative Code, shall enforce this chapter."



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TOWN OF KENNEBUNKPORT

WARRANT SPECIAL TOWN MEETING NOVEMBER 3, 2020

State of Maine

County of York, SS

To: Tracey O'Roak, Constable of the Town of Kennebunkport, in the County of York, State of Maine.

GREETINGS:

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 of the Town Meeting described in this warrant.

To the voters of Kennebunkport: You are hereby notified that a Special Town Meeting of this municipality will be held at the Village Fire Station, 32 North Street in said Town on Tuesday, the third (3rd) day of November A.D. 2020, at 8:00 o'clock in the forenoon for the purpose of acting on Articles numbered one (1) and one a (1a) 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 November 3, 2020, 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.

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

ARTICLE 1. To vote on the following referendum questions:

QUESTION 1 AMENDMENT TO THE LAND USE ORDINANCE REGARDING TENTS

Shall an ordinance entitled "November 3, 2020 Amendment to Land Use Ordinance regarding Tents" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment would extend the timeframe for temporary tents from a maximum of 30 days per calendar year to include, in addition, the period from Memorial Day through Labor Day of each year.]

QUESTION 2
CODIFICATION OF THE ORDINANCES
OF THE TOWN OF KENNEBUNKPORT

Shall an ordinance entitled "The Code of the Town of Kennebunkport" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This ordinance would incorporate the many individual ordinances of the town into one document called the Code of the Town of Kennebunkport]

QUESTION 3
EMERGENCY MANAGEMENT ORDINANCE

Shall an ordinance entitled "Emergency Management Ordinance, November 2020" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This ordinance would ensure the complete and efficient utilization of all of the Town's facilities and resources to combat disaster as defined herein.]

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 10th day of September 2020, Kennebunkport, Maine.

Edward W. Hutchins, II

Patrick A. Briggs

Allen A. Daggett

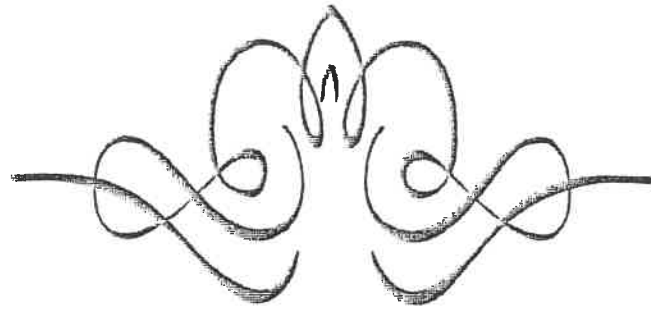
Sheila W. Matthews-Bull

W. Michael Weston

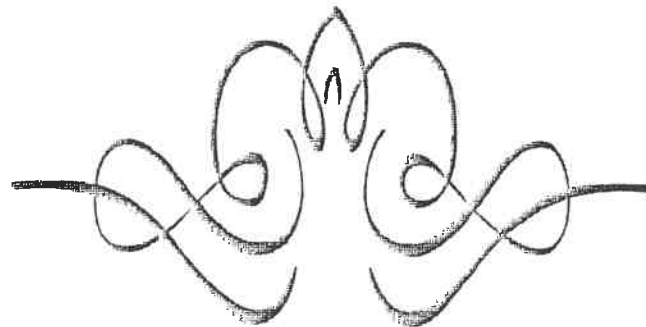
A majority of the Selectmen of the Town of Kennebunkport, Maine

A true attested copy of the warrant attest:

Tracey O'Roak, Town Clerk



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ORDER

VOTED: That it be and is hereby Ordered that the Question set forth below be placed on the ballot of the Special Town Meeting of the Town of Kennebunkport to be held on November 3, 2020, 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 LAND USE ORDINANCE REGARDING TENTS

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[Note of Explanation: This ordinance would ensure the complete and efficient utilization of all of the Town's facilities and resources to combat disaster as defined herein.]

GIVEN UNDER OUR HANDS this 27TH day of August 2020, Kennebunkport, Maine.

Allen A. Daggett

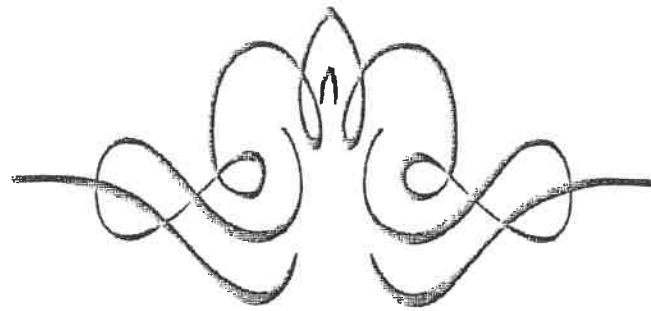
Sheila W. Matthews-Bull

Patrick A. Briggs

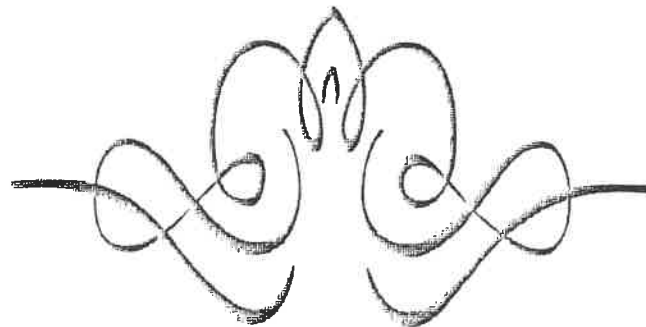
Edward W. Hutchins, II

D. Michael Weston

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



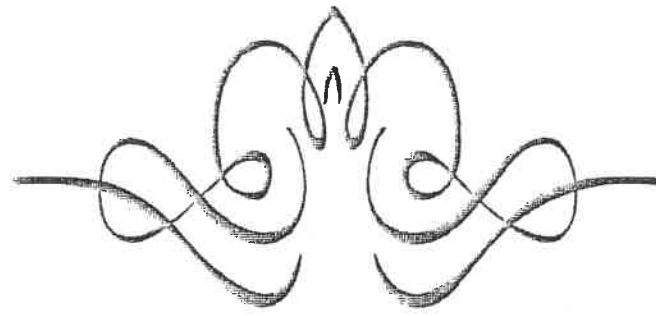
Agenda Item Divider



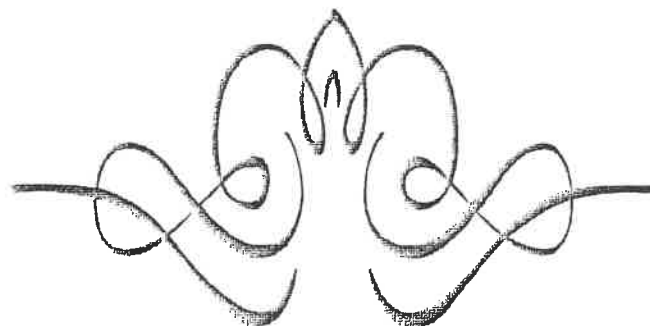


2020 Committee/Board Appointments/Reappointments

Solid Waste Committee	Comments	New Term Expires
Jon Dykstra	Reappoint.	2023
Dave Eglinton	Reappoint.	2023
Harvey Flashen	Reappoint.	2023
Paul Hogan	Reappoint	2023
Thomas McClain	Reappoint	2023
Kinder Wilson	Reappoint	2023



Agenda Item Divider



8

Arlene McMurray

From: cmsmailer@civicplus.com on behalf of Nina Scott via Town of Kennebunkport, ME
<cmsmailer@civicplus.com>
Sent: Thursday, August 20, 2020 8:03 AM
To: Arlene McMurray
Subject: Form submission from: Online Application for Boards/Committees

Submitted on Thursday, August 20, 2020 - 8:02am

Submitted values are:

Choose from the following:

- Cape Porpoise Pier Advisory Committee
- Recreation Committee

==Please provide the following information:==

Full Name: Nina Scott

Email: ~~nscott.81@PhillipsAcademy.edu~~

Residential Address: ~~167 Mills Road~~

Residential Phone: ~~978-828-8240~~

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: We bought our home here 31 years ago but because we taught at a boarding school in Massachusetts, we were able to be here only during summers and school holidays. However, we have just retired and so can live here full time. I have been a member of the Board of Butler Bank in Lowell, Mass, and a member of the Board of the Emanuel Synagogue in Lowell, Mass; in both cases my activities consisted of oversight of these organizations.

Do you have any skills, experience, or training you would like to mention? I taught English and journalism and have written two non-fiction books and dozens of magazine articles. I suppose my skill is that I know how to listen and also how to explain things clearly in writing.

What is your reason for wanting to serve on this board or committee? My husband and I have just retired from teaching at Phillips Academy which is a boarding school, so we had a campus house. But we have owned our home here on Mills Road for 30 years and can now finally be here all year round. I want to become part of the town.

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

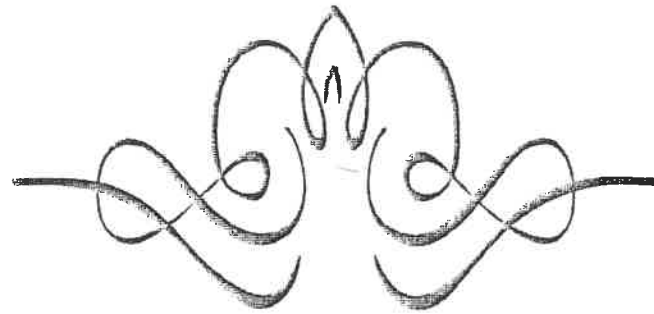
I have checked off :

1. Recreation committee (because I've taken classes from the wonderful Recreation Department) 2. Cape Porpoise Pier advisory (because we've been enjoying the Pier for 30 years, and it's getting rather.. how do I put this... overwhelming there, with the parking lot etc...) 3. Any committee in which you could use the help of a thoughtful, interested citizen.

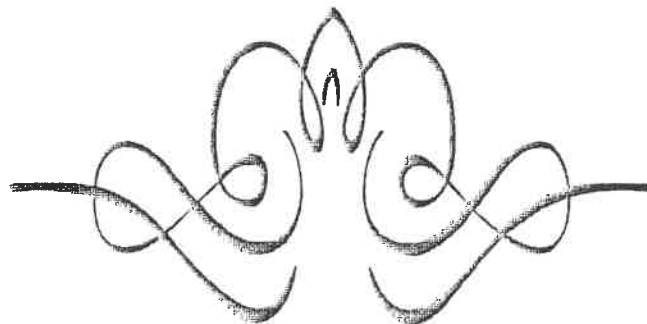
Please know that we don't have a house phone any more so I've written my cell phone number. Thanks

The results of this submission may be viewed at:

<https://www.kennebunkportme.gov/node/2661/submission/11401>



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9

MUNICIPAL QUITCLAIM DEED WITHOUT COVENANTS

KNOW ALL BY THESE PRESENTS THAT the Inhabitants of the Town of Kennebunkport, a body corporate and politic located in York County, State of Maine, for consideration paid, release to Small, Harrison D a certain parcel of land with buildings thereon, if any, located in the Town of Kennebunkport, York County, State of Maine, identified as follows:

Map Lot 021-003-010, on the Town Assessors' maps for Kennebunkport, which are on file at the municipal office, being the same premises described in Town of Kennebunkport Tax Lien Certificates, recorded in the York County Registry of Deeds on July 12, 2019 in Book 17993 Page 823 and Sewer Lien Certificates, recorded on December 14, 2018 and October 25, 2019 in Book 17862 Page 859 and Book 18081 Page 514 respectively.

The Inhabitants of the Town of Kennebunkport have caused this instrument to be signed in its corporate name by Allen A. Daggett, Sheila W. Matthews-Bull, Patrick A. Briggs, Edward W. Hutchins II and D. Michael Weston its Municipal Officers duly authorized.

Witness our hands and seals this 27th day of August 2020.

Inhabitants of the Town of Kennebunkport

Witness

Witness

Witness

Witness

Witness

ACKNOWLEDGEMENT

State of Maine
York, County, ss.

August 27, 2020

Then personally appeared before me the above-named Allen A. Daggett, Sheila W. Matthews-Bull, Patrick A. Briggs, Edward W. Hutchins II and D. Michael Weston, the Municipal Officers of the Town of Kennebunkport and acknowledged the foregoing to be their free act and deed in their said capacity and the free act and deed of the Inhabitants of said Municipality.

Before me,



00

12RETTD

RETTD**MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION**

TITLE 36, M.R.S.A. SECTIONS §§4641-4641N

1. County

YORK

2. Municipality/Township

KENNEBUNKPORT

**3. GRANTEE/
PURCHASER**3a) Name LAST or BUSINESS, FIRST, MI
SMALL, HARRISON

3c) Name, LAST or BUSINESS FIRST, MI

3e) Mailing Address

58 TURBATS CREEK ROAD

3f) City

KENNEBUNKPORT

BOOK/PAGE—REGISTRY USE ONLY

3b) SSN or Federal ID

3d) SSN or Federal ID

3g) State

ME

3h) Zip Code

04046

**4. GRANTOR/
SELLER**

4a) Name, LAST or BUSINESS, FIRST, MI

TOWN OF KENNEBUNKPORT

4c) Name, LAST or BUSINESS, FIRST, MI

4b) SSN or Federal ID

4d) SSN or Federal ID

4e) Mailing Address

PO BOX 566

4f) City

KENNEBUNKPORT

4g) State

ME

4h) Zip Code

04046

5. PROPERTY

5a) Map

21

Block

3

Lot

10

Sub-Lot

5b) Type of property—Enter the code number that **best**
describes the property being **sold**. (See instructions)→

207

Check any that apply:

No tax maps exist

5d) Acreage

Multiple parcels

Portion of parcel

94

5c) Physical Location

58 TURBATS CREEK ROAD

6. TRANSFER TAX

6a) Purchase Price (If the transfer is a gift, enter "0")

6a

.00

6b) Fair Market Value (enter a value **only** if you entered "0" in 6a) or
if 6a) was of nominal value)

6b

318800 .00

6c) Exemption claim – ☒ Check the box if either grantor or grantee is claiming exemption from transfer tax and explain.

RELEASE TO GRANTEE FROM MUNICIPALITY FOR PAYMENT OF SEWER & TAX LIENS

7. DATE OF TRANSFER (MM-DD-YYYY)

08-27-2020

8. WARNING TO BUYER—If the property is classified as Farmland, Open Space, Tree Growth, or Working Water-
front a substantial financial penalty could be triggered by development, subdivision, partition or change in use.

MONTH DAY YEAR

CLASSIFIED

9. SPECIAL CIRCUMSTANCES—Were there any special circumstances
in the transfer which suggest that the price paid was either more or less
than its fair market value? If yes, check the box and explain: ☒**10. INCOME TAX WITHHELD**—Buyer(s) not required to withhold Maine
income tax because:

Seller has qualified as a Maine resident

A waiver has been received from the State Tax Assessor

Consideration for the property is less than \$50,000

Foreclosure Sale

11. OATHAware of penalties as set forth by Title 36 §4641-K, we hereby swear or affirm that we have each examined this return and to the best of
our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below:

Grantee HARRISON SMALL

Date

08-27-2020

Grantor

JENNIFER LORD, TREASURER

Date

08-27-2020

Grantee

Date

Grantor

Date

12. PREPARER

Name of Preparer

REBECCA NOLETTE

Phone Number 207-967-1603

Mailing Address

PO BOX 566

E-Mail Address

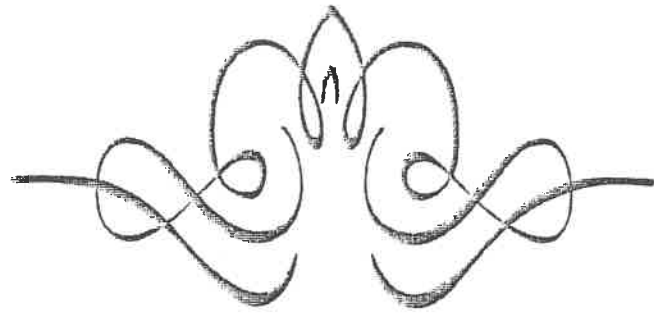
BNOLETTE@KENNEBUNKPORTME.GOV

KENNEBUNKPORT, ME 04046

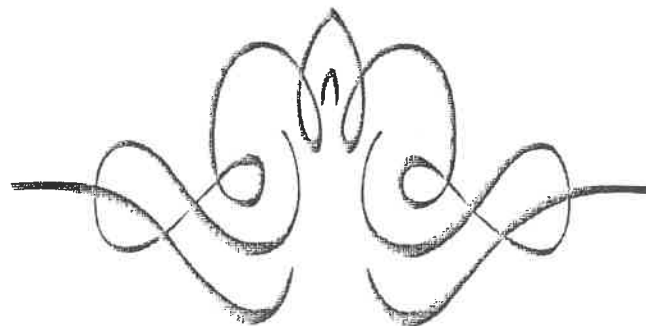
Fax Number

207-967-8470

<http://www.maine.gov/revenue/propertytax/transfer/tax/transfer.htm>



Agenda Item Divider





10

TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

To: Board of Selectmen/Assessors

From: Becky R. Nolette, CMA, Assessors Agent 

Date: August 20, 2020

Re: Abatements & Supplemental Bills

Attached are abatement and supplemental bill documents in need of your signatures for the following parcels, and a brief explanation of each.

Abatement #2020-1 & Supplemental Bill for Olive C. Eldridge, Map 11 Block 4 Lot 19, 6 Birch Court. After receiving the tax bill, John Eldridge notified me his mother Olive passed away recently, but was still receiving the homestead exemption. It is my recommendation the abatement be granted in the amount of \$2,892.65 to Olive C. Eldridge and a supplemental bill in the amount of \$3,105.27 be issued.

Abatement #2020-2 & Supplemental Bill for Albert Palmer Trust/Margaret P. Mix Real Estate Trust, Map 34 Block 2 Lot 26, Dyke Road.

The attorney's office representing the Albert Palmer Trust contacted me regarding a property transfer from their client to the Margaret P. Mix Real Estate Trust. It was discovered that 2 properties were transferred within one deed, however the page describing the second parcel was not received by this office prior to the commitment of taxes. It is my recommendation the abatement be granted in the amount of \$86.94 to the Albert Palmer Trust and a supplemental bill in the amount of \$86.94 be issued to the Mary P. Mix Real Estate Trust.

Abatement #2020-3 for Ralph & Mary Smith, Map 26 Block 1 Lot 3D, Whitten Hills Road.

I received an abatement application from Mr. & Mrs. Smith requesting a reduction in the land value on a parcel they had recently created. After reviewing the information, I confirmed a condition factor for the lack of direct access to the parcel was warranted. After making the adjustment, the land value decreased by \$40,500, resulting in an abatement of \$382.73. It is my recommendation the abatement be granted to Ralph and Mary Smith.

Supplemental Bill for Leith & Scott Doherty, Map 21 Block 9 Lot 6, Roseleith Lane.

After the commitment, it was discovered the ownership of the parcel was erroneously transferred to the Town of Kennebunkport. I am requesting that we issue a supplemental bill in the amount of \$635.99 to Leith and Scott Doherty. An abatement is not needed as it was assessed as an exempt parcel for the commitment.

Town of Kennebunkport

Number 2020-1

Certificate of Abatement

36 M.R.S.A. § 841

2020

We, the undersigned Assessors/Municipal Officers of the municipality of Kennebunkport, Maine hereby certify to Laurie Smith, Tax Collector, that an abatement of property taxes has been granted as follows:

Date Granted: August 27th, 2020

Type of Tax: Real Estate

Tax Year: April 1, 2020

Amount Abated: \$2,892.65

Value abated: \$ 306,100

Taxpayer: Olive C. Eldridge
c/o John Eldridge
33 Country Lane
Brunswick, ME 04011

Location: 6 Birch Court

MBL: 11/4/19 – Tax Acct.# 533

Reason: Does not qualify for homestead exemption

You are hereby discharged from any further obligation to collect the abated amount.

Date: August 27th, 2020

Allen A. Daggett

Patrick A. Briggs

D. Michael Weston

Board of Assessors/Selectmen

Edward W. Hutchins, II

Sheila Matthews-Bull

TOWN OF KENNEBUNKPORT MAINE

2020 SUPPLEMENTAL TAX WARRANT

State of Maine
York, ss.

To Laurie A. Smith, Tax Collector of the Municipality of Kennebunkport, within said County of York:

GREETINGS: the assessments of estates of the persons hereinafter name **OLIVE ELDRIDGE**. You are hereby directed to levy and collect of each of the several persons named in said lists his/her respective proportion, therein set down of the sum of **THREE THOUSAND, ONE HUNDRED FIVE DOLLARS AND TWENTY-SEVEN CENTS. (\$3,105.27);**

It being the amount of said list; and all powers of the previous warrant for the collection of taxes issued by us to you and dated July 23rd, 2020, are extended thereto; and we do hereby certify that the list of assessments of estates of persons named in said list is a supplemental assessment laid: by virtue of Title 36 M.R.S.A., section 713 as amended, and that the estates and assessments thereon as set forth in said list were invalid or void or were omitted for the original list committee unto you under our warrant dated July 23rd, 2020.

Given under our hands this 27th day of August, 2020.

Allan A. Daggett

Patrick A. Briggs

Board of Assessors/Selectmen

D. Michael Weston

Edward W. Hutchins, II

Sheila Matthews-Bull

Map, Block, Lot: 11/4/19 - Tax Acct. # 533

Taxpayer: Olive Eldridge
 c/o John Eldridge
 33 Country Lane
 Brunswick, ME 04011

Town of Kennebunkport

Number 2020-3

Certificate of Abatement

36 M.R.S.A. § 841

2020

We, the undersigned Assessors/Municipal Officers of the municipality of Kennebunkport, Maine hereby certify to Laurie Smith, Tax Collector, that an abatement of property taxes has been granted as follows:

Date Granted: August 27th, 2020

Type of Tax: Real Estate

Tax Year: April 1, 2020

Amount Abated: \$382.73

Value abated: \$ 40,500

Taxpayer: Ralph & Mary Smith
PO Box 1175
Kennebunkport, ME 04046

Location: Whitten Hills Road

MBL: 26/1/3D – Tax Acct.# 8163230

Reason: Corrected condition factor on land.

You are hereby discharged from any further obligation to collect the abated amount.

Date: August 27th, 2020

Allen A. Daggett

Patrick A. Briggs

D. Michael Weston

Edward W. Hutchins, II

Sheila Matthews-Bull

Board of Assessors/Selectmen

CURRENT OWNER		TOPO	SEWER/WATER	STRT/ROAD	ZONE(S)		CURRENT ASSESSMENT		Assessed		4512 KENNEBUNKPORT, ME			
SMITH, RALPH G & MARY A					FF	Farm Forest	Description	Code	Appraised	Assessed				
SMITH, ERIC							RES LAND	1310	55,600	55,600				
PO BOX 1175						101 Rural - Vaca								
KENNEBUNKPORT ME 04046		Trio Acct 284-3B-516'32 30		SUPPLEMENTAL DATA		House Col		Assoc Pid#		VISION				
GIS ID 107446		BOOK/PAGE		SALE DATE	QU	VI	SALE PRICE	VC	Total			55,600	55,600	
RECORD OF OWNERSHIP		18029 280		08-26-2019	U	V	0	1A	PREVIOUS ASSESSMENTS (HISTORY)					
SMITH, RALPH G & MARY A		Year		Code	Description	Amount	Number	Amount	Year	Code	Assessed V	Year	Code	Assessed
		2020		1310					96,100					
		Total		Total		Total		Total		Total		Total		Total
		96100		96100		96100		96100		96100		96100		55,600
This signature acknowledges a visit by a Data Collector or Assessor														
APPRaised VALUE SUMMARY														
Appraised Bldg. Value (Card)														
Appraised Xf (B) Value (Bldg)														
Appraised Ob (B) Value (Bldg)														
Total Appraised Improvements														
Appraised Land Value (Bldg)														
Special Land Value														
Total Appraised Parcel Value														
Exemption														
Valuation Method														
NET PARCEL VALUE														
55,600														
VISIT / CHANGE HISTORY														
Date														
Id														
Permit #														
Purpose/Result														
BUILDING PERMIT RECORD														
Comments														
Date														
Id														
Permit #														
Purpose/Result														
LAND LINE VALUATION SECTION														
B														
Use Code														
Description														
Zone														
Land Type														
Land Units														
Unit Price														
Size Adj														
Site Index														
Cond.														
Nbhd.														
Nbhd. Adj														
Notes														
Location Adjustment														
Adj Unit P														
Land Value														
1														
1310														
RES LAND PTN														
FF														
130,680 SF														
7,540 AC														
0.78														
1,00000														
4														
4														
0.50														
0.50														
100														
100														
0.800														
0.800														
TOPO/WET														
1,0000														
1,0000														
0.31														
2,000														
40,500														
15,100														
Parcel Total														
Total Land Value														
10,5400														
AC														
55,600														

KENNEBUNKPORT ASSESSOR'S OFFICE
APPLICATION FOR ABATEMENT OF PROPERTY TAXES
(Pursuant to Title 36 M.R.S.A. § 841)

RECEIVED
AUG 12 2020
BY: B. B. B.

1. NAME OF APPLICANT: Ralph & Mary Smith
2. ADDRESS OF APPLICANT: 40 Whitten Hill Rd, Kport
3. TELEPHONE NUMBER: 207 - 967-2698
4. STREET ADDRESS OF PROPERTY: 0 Whitten Hill Rd
5. MAP/BLOCK/LOT: 26-1-30
6. ASSESSED VALUATION:

(a)	LAND:	\$ <u>96100</u>
(b)	BUILDING:	\$ <u>0</u>
(c)	TOTAL:	\$ <u>96100</u>
7. OWNER'S OPINION OF CURRENT VALUE:

(a)	LAND:	\$ <u>55600</u>
(b)	BUILDING:	\$ <u>0</u>
(c)	TOTAL:	\$ <u>55600</u>
8. ABATEMENT REQUESTED (VALUATION AMOUNT): _____
9. TAX YEAR FOR WHICH ABATEMENT REQUESTED: 2020/21
10. AMOUNT OF ANY ABATEMENT(S) PREVIOUSLY GRANTED BY THE ASSESSOR FOR THE ASSESSMENT IN QUESTION: _____

11. REASONS FOR REQUESTING ABATEMENT. PLEASE BE SPECIFIC, STATING GROUNDS FOR BELIEF THAT PROPERTY IS "OVER-VALUED" FOR ASSESSMENT PURPOSES. ATTACH EXTRA SHEETS IF NECESSARY. Please submit any documentation available to support your claim.

New lot created, no access currently

The above statements are correct to the best of my knowledge and belief.

8/12/20
Date

Ralph B Smith
Signature of Applicant
Mary Q Smith

THIS APPLICATION MUST BE SIGNED

A separate application form should be filed for each separately assessed parcel of real estate believed to be "over-valued."

TOWN OF KENNEBUNKPORT MAINE

2020 SUPPLEMENTAL TAX WARRANT

State of Maine
York, ss.

To Laurie A. Smith, Tax Collector of the Municipality of Kennebunkport, within said County of York:

GREETINGS: the assessments of estates of the persons hereinafter name **LEITH C. & SCOTT C. DOHERTY**. You are hereby directed to levy and collect of each of the several persons named in said lists his/her respective proportion, therein set down of the sum of **SIX HUNDRED THIRTY-FIVE DOLLARS AND NINETY-NINE CENTS. (\$635.99)**;

It being the amount of said list; and all powers of the previous warrant for the collection of taxes issued by us to you and dated July 23rd, 2020, are extended thereto; and we do hereby certify that the list of assessments of estates of persons named in said list is a supplemental assessment laid: by virtue of Title 36 M.R.S.A., section 713 as amended, and that the estates and assessments thereon as set forth in said list were invalid or void or were omitted for the original list committee unto you under our warrant dated July 23rd, 2020.

Given under our hands this 27th day of August, 2020.

Allan A. Daggett

Patrick A. Briggs

Board of Assessors/Selectmen

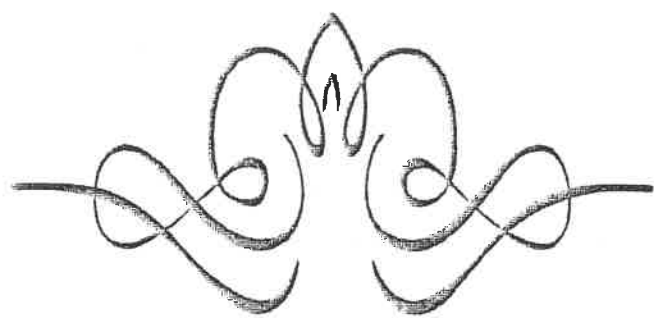
D. Michael Weston

Edward W. Hutchins, II

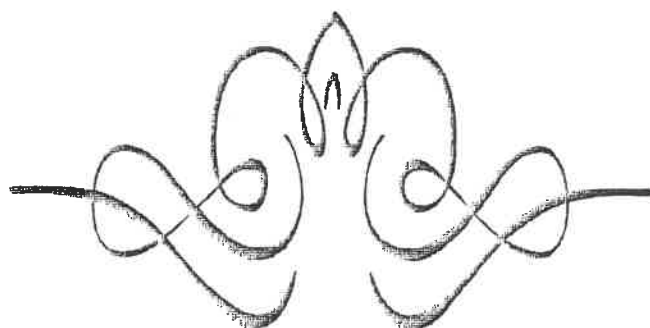
Sheila Matthews-Bull

Map, Block, Lot: 21/9/6 - Tax Acct. # 1093

Taxpayer: Leith C. & Scott C. Doherty
 120 Hadley Road
 So. Burlington, VT 05403



Agenda Item Divider



11

Kennebunkport Short-term Rental License/Ordinance

A. Purpose:

The purpose of this ordinance/license is to balance the desire of property owners to rent their properties to short-term tenants and the desire of residents to preserve the peaceful quiet and enjoyment of their residential neighborhoods. In some cases, short-term rentals take on the character of a business operating in a residential neighborhood that create negative impacts of unsupervised tourism activities on adjacent residents. Therefore, to preserve the character of residential neighborhoods, help maintain housing availability for long-term residents and protect the public safety of visitors and residents, the operation of short-term rentals must be regulated in some fashion.

- B. Applicability:** This ordinance/license may be applied to all legal residential dwelling units with the exception of accessory apartments that have been constructed/permitted after November 3rd 2009.

C. Definitions:

Advertising: Any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages.

Dwelling unit: One or more rooms arranged for complete, independent housekeeping purposes with space for living and sleeping; space or facilities for eating or cooking; and provisions for sanitation. For purposes of this regulation Recreational vehicles are not considered dwelling units.

Good Neighbor guidelines: A document prepared by the town that summarizes the general rules of conduct, consideration and respect, including, without limitation, provisions pertaining to the use and occupancy of a dwelling unit used or occupied as a short-term rental.

Owner: A person who is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the York County Registry of Deeds.

Short-term rental: The use of a residential dwelling unit offered for rent for transient occupancy by tenants for a tenancy of less than 30 days, excluding motels, hotels, bed and breakfasts, inns, and residential rental accommodations.

D. General Requirements:

- 1. License Required:** No Short-term rental shall be advertised, rented, or operated without first obtaining a Short-term rental License. Failure to obtain or renew a license prior to offering, advertising, or renting the short-term rental shall require payment of double the short-term rental

license fee. The second failure to obtain or renew a license (within a 5-year period) shall be prohibited from obtaining a license for one (1) year. A license application received more than 30 days after the license deadline shall be considered late. A short-term rental license shall be valid for the calendar year in which the license is issued. The property must remain in compliance with the short-term rental license for the calendar year in which the license is issued.

Licenses are not transferable to a new owner. Any change in ownership or change in the members/managers/officers of an owner shall require a new license. Licenses are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.

2. Advertising: It shall be unlawful to advertise occupancy or use of a short-term rental that has not been licensed. For the purposes of this section, the term "advertise" shall mean any form of communication for marketing that is used to encourage, persuade, or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media included, but not limited to newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages. The short-term rental advertising must be consistent with the terms of the short-term rental license and must include the current short-term rental license number. Advertising of the short-term rental must state that the short-term must be rented for a minimum period of seven consecutive (7) days.

3. Minimum stay length: No more than one (1) rental/use of the short-term rental shall occur in a seven (7) day period. When a rental or non-compensated use of the property by any one individual or group, including but not limited to personal or family use by the property owner, of less than seven (7) days occurs, the property shall remain vacant for the remaining portion of the seven (7) day period. Further, not more than one Short-term rental agreement shall be entered for any given property for any consecutive seven-day period.

4. Registration record: The short-term rental owner must (a) maintain accurate, up-to-date records of all rental transactions involving the short-term rental, including the number of tenants and the length of their stays, and upcoming reservations; and (b) present said information to Town inspection officials upon request. Failure of the short-term rental owner to provide this information within 5 business days of a Town request for the same shall be considered a violation of this section.

E. Review Procedure:

Issuance procedure:

1. Short-term rental License applications shall be submitted to the Code Enforcement Office where it shall be endorsed with the date and time of receipt. Applications may be submitted beginning in October of the previous license year. The Code Enforcement Officer shall review all applications for completeness and accuracy and in the order that they were received.

2. The Code Enforcement Officer shall have the authority to issue a Short-term rental license.

3. The Code Enforcement Officer shall provide a Short-term rental application to be completed by the applicant and submitted to the Code Enforcement Officer accompanied by the Short-term rental license fee as established by the Board of Selectmen. The form shall include a non-exclusive checklist of code requirements that the property owner shall demonstrate compliance with.

4. The Code Enforcement Officer shall determine if the form has been properly completed before any license is issued.

5. The first time that a Short-term rental license is submitted for a property, no license shall be issued until the Code Enforcement Officer or designee has inspected the proposed Short-term rental property for compliance with the Short-term rental Standards and compliance with building code requirements. Thereafter, renewal of a Short-term rental license shall require inspection by the Code Enforcement Officer of the Short-term rental property no less than once every five years.

When the Code Enforcement Officer does not conduct an annual inspection, the Short-term rental owner shall certify that there have been no material changes since the last inspection by the Code Enforcement Officer.

6. If the Code Enforcement Officer determines that the proposed Short-term rental application complies with the Short-term rental Standards, a Short-term rental license shall be issued. A license shall be valid for one (1) year from date of issuance. The license may be subject to suspension by the Code Enforcement Officer if the Short-term rental property becomes non-compliant with the Short-term rental Standards and may be revoked.

F. Submission Requirements:

The Short-term rental license application shall include the following information:

1. Location. The street address and map/ block/lot number of the Short-term rental property.
2. Contact Person/Owner Responsibility. The name of the owner of the Short-term rental property and contact information, including address and telephone number. In addition, if someone other than the owner is acting as the local contact person, contact information for that person shall also be provided. Regardless of who enters the Short-term rental agreement, or who may be designated as the owner's contact person, the property owner shall be responsible for compliance with the Short-term rental Ordinance provisions.
3. Availability. The registration form shall include when, during the calendar year, the Short-term rental will be available for rental. If this changes, the owner shall notify the Code Enforcement Officer.
4. All information needed to demonstrate compliance with the standards listed below.

G. Standards:

The Code Enforcement Officer shall issue a Short-term rental license upon the applicant satisfying the above requirements if the following standards are met:

1. Code compliance. An applicant's property, without limitation, comply with the following building safety requirements code sections of the (International Residential Code, ("IRC,") and the International Building Code, ("IBC")):

a. IRC Section R 314, Smoke Alarms: A smoke alarm is required in each bedroom. A smoke alarm is also required outside of each bedroom and in the immediate vicinity. A smoke alarm is also required to be on each story of the dwelling, including basements and habitable attics. The alarms shall be interconnected as much as reasonably possible. (Reference IRC Section R314)

b. IRC Section R 315, Carbon Monoxide Alarms: If a house has an attached garage or a fuel fired appliance, a carbon monoxide alarm shall be installed outside each bedroom and 2 in the immediate vicinity. (Reference IRC Section R315)

c. IBC Section 906, Portable Fire Extinguishers: At least one portable fire extinguisher shall be mounted in a prominent location. One size/type 2/A is required or two size/type 1/A extinguishers. The building shall be an R-1 Occupancy (Boarding House) for the purpose of determining the type and location of portable fire extinguishers; IBC Section 1006.2, 1006.3 and 1006.4.

2. The applicant shall provide floor plans of the dwelling unit that shows the location of the alarms and fire extinguisher(s).

3. Building evacuation plan. A building evacuation plan shall be prominently posted in the Short-term rental property during the rental period.

4. Sanitary waste disposal. The applicant shall submit information demonstrating that adequate sanitary waste disposal is available in compliance with the Maine Subsurface Wastewater Disposal Rules, or that the property is served by public sewer. This shall include the total number of bedrooms included in the property, any additional sleeping space, and the total number of tenants that the property accommodates. The total number of tenants used to determine adequacy of sanitary waste disposal shall not be less than the total number of tenants that the property is advertised to accommodate. For the purpose of evaluating the adequacy of a subsurface disposal system, every two tenants shall be equivalent to one bedroom.

5. Parking. The applicant shall include a depiction of how parking will be provided for tenants and guests on the same lot where the Short-term rental is located. Garage parking spaces not allowed for tenant use shall not be used to meet the Short-term rental parking requirement.

6. Rental Agreement Addendum. The Short-term rental license application shall be submitted with an addendum to be attached to the Short-term rental agreement between owner and tenant that shall be provided to all tenants. The Town shall not be responsible for enforcement of the rental agreement of addendum. The rental agreement addendum shall include the following:

- a. Contact person and contact information.
- b. Emergency responder contact information.
- c. Building evacuation plan.
- d. Maximum number of tenants and guests.
- e. Parking arrangements, including a prohibition of tenants and guests parking in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.
- f. Maximum number of tenants and guests allowed at the property.
- g. Good neighbor guidelines.

7. Limit on rental intensity.

The maximum tenant capacity of a short-term rental shall be limited to no more than 2 tenants per bedroom, plus 2 additional tenants for no more than 1 additional sleeping space.

H. Suspension and Revocation of License:

A license for a Short-term rental may be suspended or revoked if the Code Enforcement Officer determines that one or more substantiated complaints regarding Short-term rentals of a property have been made in a three-year period. The Police Department may provide a report of conditions observed and reported to the Code Enforcement Officer.

Complaint. Any individual or town official may file and/or initiate a complaint against a Short-term rental license holder. If the Police Department or the Code Enforcement Officer receives a complaint, they shall visit the property. The Police Department shall generate a report of the facts its officers have observed upon a visit, and statements made to them regarding the Short-term rental. The Police Department shall then forward the report to the Code Enforcement Officer. When the Code Enforcement Officer receives a report from the Police Department, or the Code Enforcement Officer has responded to a complaint or independently investigated, the Code Enforcement Officer shall inspect the property and shall collect information related to the complaint, including notifying the property owner and requesting information regarding the complaint. Within five days of receiving a Police Report or complaint, the Code Enforcement Officer shall determine if the complaint is substantiated. A complaint is substantiated when the Code Enforcement Officer concludes that one or more violations of the Short-term rental provisions occurred.

2. First Substantiated Complaint. Once the Code Enforcement Officer has made a finding of a substantiated complaint, the Code Enforcement Officer shall notify the property owner in writing. The notification shall require the property owner to meet with the Code Enforcement Officer within five (5)

business days from the date of the written notification, or such other time as is agreed upon by the Code Enforcement Officer, to identify ways in which the violation(s) will be corrected. The owner will agree to take all necessary measures to correct the violation(s), which measures shall be memorialized in a written agreement at the conclusion of the meeting and shall be fully implemented within one (1) week of said meeting unless another date is agreed to by the Code Enforcement Officer. Failure of the property owner to enter into such an agreement at the conclusion of the meeting will be deemed a second 36 violation of the Short-term rental provisions. In addition, the Code Enforcement Officer may suspend the Short-term rental license for a term not to exceed thirty days.

3. Second Substantiated Complaint. Once the Code Enforcement Office has made a finding of two (2) substantiated complaints, the Code Enforcement Officer shall notify the property owner in writing that the Short-term rental license shall be suspended for not less than thirty days, nor more than one hundred twenty days. The notification shall require the property owner to meet with the Code Enforcement Officer within five (5) business days from the date of the written notification, or such other time as is agreed upon by the Code Enforcement Officer, to identify ways in which the violation(s) will be corrected. The owner will agree to take all necessary measures to correct the violation(s), which measures shall be memorialized in a written agreement at the conclusion of the meeting and shall be fully implemented within one (1) week of said meeting unless another date is agreed to by the Code Enforcement Officer. Failure of the property owner to enter into such an agreement at the conclusion of the meeting will be deemed a violation of the Short-term rental provisions.

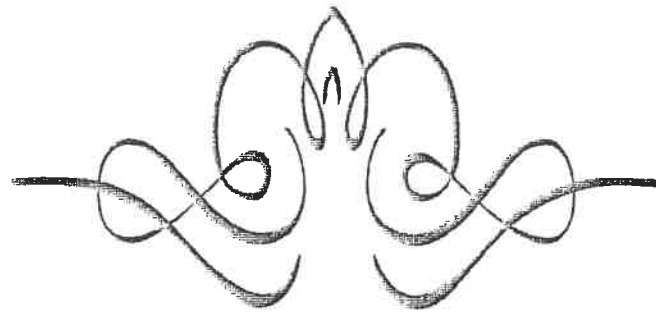
4. Third Substantiated Complaint. Once the Code Enforcement Officer has made a finding of three substantiated complaints, the Code Enforcement Officer shall notify the property owner in writing that the Short-term rental license has been revoked for (1)one calendar year.

5. Appeal. An appeal to the Zoning Board of Appeals as an Administrative Appeal may be taken by any person aggrieved by a determination of the Code Enforcement Officer

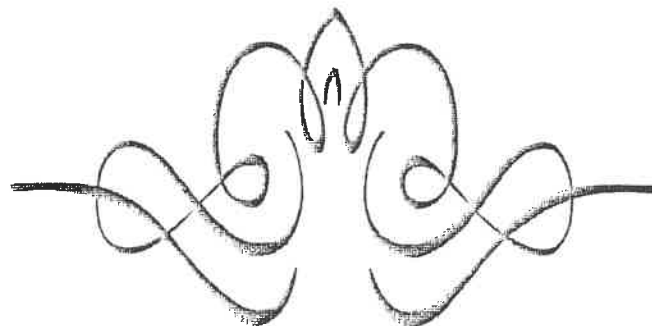
Effective Date. [to be determined.] The Short-term rental provisions shall be fully effective as to all contracts for short-term rentals executed on or after 30 days from date of enactment, and shall further apply to all contracts in effect on such date to the extent the application of these provisions would not result in a substantial impairment of such existing contracts.

I. Maximum Rate of Licenses Issued:

The Code Enforcement Officer shall issue short-term rental licenses on an annual basis. The total number of annual licenses shall be set each year by the Board of Selectmen at their first meeting of the calendar year. In no event shall the number of annual licenses be less than the number issued in the previous calendar year:



Agenda Item Divider





AGREEMENT FOR PUBLIC SAFETY ANSWERING POINT SERVICE FOR THE TOWN OF KENNEBUNKPORT

Whereas, the Town of Kennebunkport (“Kennebunkport”) requires public safety answering point (“PSAP”) services for receiving E-911 calls and for performing emergency fire dispatch and emergency medical dispatch protocols consistent with State of Maine requirements, and routing all E-911 calls to Kennebunkport for dispatching; and

Whereas, the Town of York (“York”) maintains and operates a PSAP Communications Center and is able to provide PSAP services for municipalities in the region;

Now, therefore, York and Kennebunkport agree as follows:

1. Designation as PSAP:

- Kennebunkport designates York as its PSAP.

2. Term of Agreement:

- This Agreement shall be effective for a three-year period commencing on September 1, 2020, and expiring on August 31, 2023 unless earlier terminated or extended as provided herein.

3. Termination:

- This Agreement may be terminated by either party without cause upon six months’ prior written notice to the other party.
- This Agreement is subject to annual appropriation of funds by the voters of Kennebunkport. In the event of non-appropriation, Kennebunkport shall promptly notify York, and this Agreement shall terminate at the end of the fiscal period for which funds are appropriated without further payment obligation of the part of Kennebunkport.

4. PSAP Services Provided:

- During the term of this Agreement, York shall provide PSAP services for Kennebunkport, including receiving all E-911 calls and performing emergency fire dispatch and emergency medical dispatch protocols and routing all E-911 calls to Kennebunkport for dispatching in accordance and in compliance with State law, applicable regulations of the Public Utilities Commission, and requirements and quality assurance standards established by the Maine Department of Public Safety and its Consolidated Emergency Communications Bureau and Emergency Medical Services Bureau.

5. Payment:

- In consideration of the PSAP services described above, Kennebunkport shall pay York an annual fee FY21 \$11,531; FY22 \$12,418; and FY23 \$13,305 for receiving E-911 calls. For routing calls for emergency medical and fire service, Kennebunkport shall pay York \$49,728.08 for the initial year of this Agreement with a 3% escalator for each following year. Payments shall be made in equal semi-annual installments due on September 15 and March 15 of each year under this Agreement.
- In the event that York expands its Communication Center operations to provide PSAP services to additional municipalities, the parties shall confer to determine whether York will realize cost efficiencies and savings as a result of the expansion to service additional municipalities. Based on such determination, the parties may renegotiate a decrease in the annual fee of this Agreement.

6. Personnel:

- York personnel providing PSAP services to Kennebunkport under this Agreement shall be properly trained and maintain proper credentials as required by the State of Maine.
- Such personnel shall be employed by York and shall not be considered employees or agents of Kennebunkport.

7. Management of the Communications Center:

- York shall provide at its expense all necessary equipment, resources, and other property to perform its obligations under this Agreement within the Town of York. York shall retain any such property upon termination of this Agreement.
- Kennebunkport shall provide at its expense all necessary equipment, resources, and other property to maintain its dispatch center to receive E-911 calls relayed from the York Communications Center.
- Any complaints or concerns regarding the PSAP services provided by York for Kennebunkport shall initially be reviewed for merit by the Kennebunkport Police Chief. After review, the Kennebunkport Police Chief shall forward the information to the York Police Chief. All complaints and concerns shall be memorialized in writing. York Police Chief shall respond in writing as to the outcome of all complaints and/or concern to the Kennebunkport Police Chief within a reasonable amount of time.
- Representative from York and Kennebunkport shall meet at least on a semi-annual basis to discuss relevant issues and concerns of either party, concerning the Communication Center's operations, its processes, and funding.
- In the event that York expands its Communication Center operations to provide PSAP services to additional municipalities, York shall consult with Kennebunkport regarding assurances that a high quality of PSAP services will be maintained.

- York and Kennebunkport agree to have in place a policy or procedure to handle situations dealing with but not limited to, the following:
 1. Emergency requests for help that come in on any line other than E-911, i.e. seven-digit business lines.
 2. “Cold dropped calls.”
 3. Requests for recordings of 911 calls.
 4. Any other situation which would delay service to the community.
- York shall provide an annual report that reflects the average call processing time and a semi-annual report that shows average Emergency Medical Dispatch (EMD) and Emergency Fire Dispatch (EFD) compliance scores compared to other PSAPs in the State of Maine.

8. Insurance and Indemnification:

- The Parties shall maintain all insurance necessary and in amounts sufficient to protect from risks involved with provision and receipt of PSAP services under this Agreement, including workers’ compensation, general liability, and property insurance.
- Each Party shall defend, indemnify, and hold harmless the other Party and its employees, officials, and agents in their public and individual capacities from and against any and all claims, damages, losses, and expenses (including attorneys’ fees) arising from any act or omission of the Party in its performance of this Agreement. This indemnification is not intended nor shall it operate in practical effect to waive any immunities, defenses, or limitation so liability available to the Parties under applicable law, including the Maine Tort Claims Act.

9. General Terms:

- This Agreement contains the entire agreement between the Parties in relation to its subject matter, and there are no other agreements or understandings, oral or otherwise, between the Parties at the time of execution of this Agreement.
- This Agreement may only be amended by a written instrument signed by both parties.
- This Agreement may not be assigned.
- This Agreement shall be interpreted, governed, construed, and enforced in accordance with the laws of State of Maine, without regard to any of its conflict of laws principles.
- Each party represents that its signatories to this Agreement are duly authorized by that party to execute this Agreement and in so doing to bind that party to its terms.
- The headings and subheadings of the sections and paragraphs of this Agreement are

inserted for convenience of reference only and shall not control or affect the meaning or construction of any of the agreements, terms, covenants, and conditions of this Agreement in any manner.

- If any provision(s) of this Agreement is determined to be invalid or unenforceable in whole or in part of any reason, such provision(s) shall be severed, and the parties shall negotiate in good faith to amend this Agreement so as to affect the original intent of the parties as closely as possible. The remaining provisions of this Agreement shall be unaffected thereby and shall remain in full force and effect to the full extent permitted by law.
- This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same Agreement.

10. Adoption:

- This Agreement shall be effective as of the date set forth in Section (Term of Agreement) provided it has been approved by the governing bodies for the Town of York and the Town of Kennebunkport.

IN WITNESS WHEREOF, the parties have by their duly authorized officers caused this Agreement to be executed this _____ day of _____, 2020.

Board of Selectmen of Kennebunkport

Kennebunkport Town Manager

Board of Selectmen of York

York Town Manager