

TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

Board of Selectmen Agenda

Village Fire Station – 32 North Street

July 28, 2016 – 7:00 PM

1. Call to Order.
2. Approve the July 14, 2016, selectmen meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)
4. Consider renewal liquor license application submitted by Sarah and Erik Lindblom, DBA Captain Jefferds Inn, 5 Pearl Street.
5. Consider amendment to the Land Use Ordinance regarding roomers for November 2016 Special Town Meeting.
6. Commitment of the 2016 property taxes and establishment of a tax rate.
7. Sign assessor's return for County Taxes.
8. Discuss RSU 21 cost sharing agreement.
 - a. Appoint one School Committee member to the RSU 21 Cost Sharing Committee.
 - b. Appoint two Selectmen to the RSU 21 Cost Sharing Committee.
9. Consider appointment to Government Wharf Committee.
10. Consider appointment to Growth Planning Committee.
11. Consider appointment to the Zoning Board of Appeals.
12. Consider acceptance of Government Wharf financial accounting.
13. Consider DOT agreement to allow overweight vehicles during Mat Lanigan Bridge construction.
14. Other business.
15. Approve the July 28, 2016, Treasurer's Warrant.



Agenda Item Divider



**Town of Kennebunkport
Board of Selectmen Meeting
Village Fire Station-32 North Street
July 14, 2016 – 7:00 PM**

Minutes of the Selectmen Meeting of July 14, 2016

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

Others present: Barbara Barwise, Jim Fitzpatrick, Orin Frink, David James, Scott Mahoney, Jim McMann, Lee McCurdy, Arlene McMurray, Allan Moir, Nina Pearlmutter, David Powell, Laurie Smith, and others

1. Call to Order.

Chair Barwise called the meeting to order at 7:03 PM.

2. Approve the June 18, 22, and 30, 2016, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the June 18, 22, and 30, 2016, selectmen meeting minutes. **Vote:** 5-0.

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

There were no comments.

4. Consider amendment to the Land Use Ordinance regarding roomers.

Growth Planning Committee member Jim Fitzgerald explained the history of the ordinance and the proposed revisions. (See Exhibits A and B).

A lengthy discussion followed. Selectmen Matthews-Bull wanted it on record that she opposes these revisions. She said taking in money in a residential area is a business; and also, neighbors have safety concerns about strangers coming and going.

Selectman Daggett stated the purpose for these revisions has changed. When this amendment was initially proposed, it was to help seasonal workers have an affordable place to reside and also be a way for seniors to acquire the additional income they need to stay in their homes. Now it seems to be for commercial use. Another concern is that he would like the length of stay for renters to be longer than two days.

Selectman Briggs stated the ordinance should have a time limit for new property owners, e.g., must live in home for three years before allowing room rentals.

He said there is nothing in the ordinance to stop someone from buying a home strictly for rental income.

Chair Barwise explained that the Board has one month to discuss this item and decide whether to place it on the November ballot. He said it sounded like the Board would like to have more discussion before making a decision. Some key issues are that the Board would like more protections to keep it from going commercial. He and Selectmen Hutchins support putting it on the November ballot.

Motion by Selectman Hutchins to place the amendment to the Land Use Ordinance regarding roomers on the November ballot. No second.

5. Approve the appointment of Werner Gilliam to the SMPDC General Assembly and Executive Committee.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the appointment of Werner Gilliam to the SMPDC General Assembly and Executive Committee. **Vote:** 5-0.

6. Appoint Boards/Committees.

Administrative Code Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Administrative Code Committee for a one-year term ending in July 2017: Wayne Adams, H. Stedman Seavey, Richard Smith, and D. Michael Weston; and to appoint April Dufoe for a one-year term ending in July 2017. **Vote:** 5-0.

Board of Assessment Review

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Board of Assessment Review for a three-year term ending July 2019: Gordon Ayer and Karen Schlegel. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to appoint April Dufoe to the Board of Assessment Review for a three-year term ending July 2019. **Vote:** 5-0.

Cape Porpoise Pier Advisory Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Cape Porpoise Pier Advisory Committee for a one-year term ending in July 2017: Peter Eaton, Peter Garsoe, Arnold Nickerson IV, Zandy Talmadge, Eric Wildes, and Robert O'Reilly; and to appoint Ben Nunan to a one-year term ending in July 2016. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Cemetery Committee for a one-year term ending in July 2017: Lynda Bryan, Ruth Fernandez, Greg Pargellis, Ann Sanders, and Rita Schlegel. **Vote:** 5-0.

Conservation Commission

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Conservation Commission Deborah Bauman and Carol Laboissonniere for three-year terms ending in July 2019. **Vote:** 5-0.

Government Wharf Committee

There were four volunteers to this committee: Lauren Brooks, Thomas Mansfield, Kathleen Anuszewski, and Reinier Nieukirk.

This committee is required to have at least 75% of the membership as registered voters of Kennebunkport. So, to keep this percentage, the Board made the following appointments:

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Government Wharf Committee for a one-year term ending in July 2017: Jeff Davis, Ron Francoeur, and Chris Welch. **Vote:** 5-0.

Growth Planning Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint Barbara Barwise for a three-year term expiring in July 2019 on the Growth Planning Committee. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint Paul Hogan and James McMann as alternates on the Growth Planning Committee for a three-year term ending in July 2019. **Vote:** 5-0.

Kennebunk River Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint Susan Inoue to the Kennebunk River Committee for a three-year term ending in July 2019. **Vote:** 5-0.

Lighting Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint George Acker to the Lighting Committee for a three-year term expiring July 2019. **Vote:** 5-0.

Parsons Way Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint Louise Spang to the Parsons Way Committee for a three-year term ending in 2019. **Vote:** 5-0.

Nina Pearlmutter and D. Scott Mahoney both volunteered to be on the Planning Board. Each of them provided a brief summary of their background and answered questions from the Board.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint David Kling to the Planning Board for a one-year term expiring in July 2017 with the understanding that he will be leaving before his term expires. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to appoint D. Scott Mahoney as an alternate member to the Planning Board for a three-year term expiring in July 2019. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to move E. Russell Grady, Jr. to full membership to the Planning Board with his term expiring in July 2019. **Vote:** 5-0.

Public Safety Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Public Safety Committee for a one-year term expiring in July 2017: Allan Moir, wastewater superintendent; Michael Claus, highway superintendent; Craig Sanford, police chief and emergency management director, and to appoint Brad Chicoine, KEMS chief of operations to a one-year term. **Vote:** 5-0.

Road Book Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Road Book Committee for a one-year term expiring July 2017: James Burrows and Richard Stedman. **Vote:** 5-0.

Sewer Advisory Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Sewer Advisory Committee for a one-year term expiring July 2017: Bob Convery, Stephen Couture, Richard Johnson, and Joseph Martin Mead. **Vote:** 5-0.

Shade Tree Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Shade Tree Committee for a one-year term: Sarah Adams, Kimberly Gurski, Suzanne Stohlman, and Stephen Doe, and to appoint Nina Pearlmutter also for a one-year term. **Vote:** 5-0.

Shellfish Conservation Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint David Conway to the Shellfish Conservation Committee for a three-year term expiring in July 2019. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint Tony Viehmann, Kristen Garvin, Craig Sanford, and Michael Claus to the Sidewalk Committee for a one-year term expiring July 2017. **Vote:** 5-0.

Zoning Board of Appeals

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Zoning Board of Appeals for a three-year term expiring July 2019: Gordon Ayer and Wayne Fessenden. **Vote:** 5-0.

7. Appoint Selectmen Representatives to Boards/Committees.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint as Selectmen Representatives to the following committees:

Committee	Selectman Representative
Cape Porpoise Pier Committee	Ed Hutchins
Goose Rocks Beach Advisory	Sheila Matthews-Bull
Government Wharf	Allan Daggett
Graves Library Board	Ed Hutchins
Growth Planning Committee	Allen A. Daggett
Investment Committee	Allen A. Daggett and Pat Briggs
K.E.M.S.	Pat Briggs
Planning Board	Pat Briggs
Public Safety Committee	Pat Briggs
S.M.R.P.C.	Stuart Barwise
Shade Tree Committee	Sheila Matthews-Bull
Zoning Board of Appeals	Sheila Matthews-Bull

Vote: 5-0

8. Request to waive tent permit fee for Kennebunkport Consolidated PTA Circus Smirkus event on July 27 and 28.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to waive the tent permit fee for Kennebunkport Consolidated PTA Circus Smirkus event on July 27 and 28. **Vote:** 5-0.

9. Award bids for grinder pumps for Wastewater Department.

Wastewater Superintendent Allan Moir explained that the Wastewater Department has been following a replacement schedule for their E-1 grinder pumps since 2014. They have been replacing 12 pumps every year. He said the E-1 pumps they were using have undergone design changes which reduced their quality so they have been testing the Barnes pump and Liberty pump. Both of these pumps outperformed the E-1 pumps, but the Liberty pump requires ex-

tensive changes in the control panels, whereas the Barnes pump does not. Therefore, he would like to continue purchasing the Barnes pump. Williamson New England Electric Motor Service Corp is the only dealer in New England that sells the Barnes pump.

Motion by Selectmen Hutchins, seconded by Selectman Matthews-Bull, to purchase 12 Barnes pumps from New England Electric Motor Service Corp at a cost of \$20,940. **Vote:** 5-0.

10. Award bids for bait cooler replacement at Cape Porpoise Pier.

Harbormaster Lee McCurdy received three bids for the Cape Porpoise Pier bait shed refrigeration replacement:

Vendor	Cost
Southern Maine Refrigeration	\$20,800.00
Gammons	\$21,902.00
Patriot Mechanical	\$23,856.00

Motion by Selectman Daggett, seconded by Selectman Briggs, to award the bid for the bait shed refrigeration replacement to Southern Maine Refrigeration at a cost of \$20,800.00. **Vote:** 5-0.

11. Acceptance of DOT temporary construction easement for Mat Lanigan Bridge project.

Town Manager Laurie Smith announced that Maine DOT is installing a temporary pedestrian bridge landing at the Dock Square parking lot behind Hurricane's restaurant during the Mat Lanigan Bridge project. When completed, the State will put everything back to its original condition. The State is paying the Town \$6,800 compensation for a temporary construction easement.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the temporary construction easement for the Mat Lanigan Bridge project. **Vote:** 5-0.

12. Consider Street Opening Permit for Michael and Janelle Maka, 20 Windemere Place, to run an underground power, cable, phone to telephone pole.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the Street Opening Permit for Michael and Janelle Maka, 20 Windemere Place, to run an underground power, cable, phone to telephone pole. **Vote:** 5-0.

a. Consider appointment of representative to the MMA Legislative Policy Committee

Ms. Smith said there are currently no volunteers so she volunteered to put her name in as a write in. They meet while the legislature is working. The Board supports her as a write in.

Ms. Smith announced that the Mat Lanigan Bridge project has gone out to bid this week. Bids are due to the State by August 3. Construction would begin this fall with some preliminary work. The actual bridge closure would take place next spring. She said the State worked with the Town to put in incentives and disincentives to get the construction project done sooner. For example, if the contractor gets the work done sooner than the 45-day closure, there is a \$10,000 per day incentive with a \$100,000 bonus if work is done by April 30. Disincentives if the work is not completed after the 45-day closure are \$10,000 a day and \$5,000 a day after May 5.

Mrs. Smith also mentioned that they now have air conditioning in the fire station meeting room.

Ms. Smith said for the next agenda so far there will be the tax commitment, a liquor license, and discussion on the Roomers Ordinance amendments. She asked if the Board still wanted to have the meeting at town hall or the Village Fire Station. The Board agreed to have the next meeting at the Village Fire Station on July 28, at 7 PM.

14. Approve the July 14, 2016, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to Approve the July 14, 2016, Treasurer's Warrant. **Vote:** 5-0.

15. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to adjourn. **Vote:** 5-0.

The meeting adjourned at 8:41 PM.

Submitted by

Arlene McMurray
Administrative Assistant

**Presentation to the Kennebunkport Selectmen
Roomer Ordinance Revisions
For Submission to the November Ballot
July 14, 2016**

HISTORY

- There is a current Kennebunkport Roomer Ordinance which has been in place for years
- Permitted in all zones but VR, VRE and CA
- Dwelling must be older than March 6, 1972 to qualify for today's ordinance
- Requires Zoning Board of Appeals approval

REVISIONS RECOMMENDED

Article 2

- Owner must occupy dwelling during rentals
- Can have long term rentals but rentals cannot be for less than 2 days.

Article 4

- Add Roomers to VR, VRE and CA Zones as a conditional use.

Article 6

- Parking: There must be one off-road parking space for each room rented.

Article 7.3

Purpose

- Allows for the use of legally-existing single, two or multi-family structures for the accommodation of Roomers for compensation while insuring the safety of occupants and minimizing any negative impact to surrounding neighborhoods.
- Helps residents on fixed/limited incomes keep their homes while enhancing and diversifying rental accommodations available to workers, visitors and tourists to Kennebunkport.
- Adds an appropriate level of regulation to help manage levels of traffic, parking demand, light, glare, and noise. These impacts, without regulation, have the potential to be detrimental to the livability and desirability of Kennebunkport neighborhoods for year-around residential uses.-

**Presentation to the Kennebunkport Selectmen
Roomer Ordinance Revisions
For Submission to the November Bailot
July 14, 2016**

No more than 2 rooms in a Residential Rental Accommodation may be let out to Roomers provided that:

In Summary...

- There are no separate Kitchen/Cooking Facilities for Roomers.
- There is no Roomer advertising signage located on premises.
- There are no changes to the dwelling unit in its exterior appearance made to accommodate Roomers.
- Roomer bedrooms will be inspected by Code Enforcement, have code compliant Smoke and CO detectors and have up to date building code compliance for primary and secondary emergency egress and/or rescue.
- There is no separate entrance; Rental Rooms must be in the principle structure; utilities must not be separately metered.
- There is one off-street parking place for each room rented, in addition to the requirement of Article 6.10.
- The owner of the Residential Rental Accommodation shall remain in residence while rooms are being rented.
- A License is issued by Code Enforcement, approved by the Zoning Board of Appeals after a successful Property Inspection by Code Enforcement.
- Roomer License is void upon a change of ownership.
- All currently operating Residential Rental Accommodations prior to November 8, 2016 shall be required to gain approvals by Code Enforcement and the Zoning Board of Appeals no later than May 1, 2017.
- A Roomer license will be revoked after a 2nd confirmation of Noise/Barking Dog Citation related to the dwelling unit. A license will be reissued after a 1 year revocation. This will require Zoning Board of Appeals approval.
-

ROOMER Revisions

Article 2 Residential Rental Accommodation: The licensed accessory use of no more than 2 bedrooms in a legally existing dwelling or dwelling unit. This dwelling unit shall be an owner occupied dwelling. Rooms rented may be for either short term or long term rental to a roomer who may be unrelated to the owner or occupant of the unit, for periods no less than 2 days.

Roomer – A person residing in and paying rent for a room in a single-family dwelling Residential Rental Accommodation whether or not the person eats meals on the premises. see Residential Rental Accommodation

Article 4 Add to VR (4.3), VRE (4.4) & CA (4.7) as conditional use

Article 6 Add to parking requirements (6.10)

Article 7.13 Purpose. The purpose of allowing Residential Rental Accommodations is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of roomers, for compensation, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. Such Rentals and the revenue they make available to homeowners helps makes Kennebunkport affordable for persons on fixed or limited incomes; enhances and diversifies accommodations available to visitors and tourists; and provides travelers with affordable accommodations from which to explore Kennebunkport and the Seacoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for Residential rental accommodations may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the town because they impair the livability and desirability of Kennebunkport neighborhoods for residential uses.

No more than two (2) rooms in a single-family dwelling, which was in existence on March 6, 1972, may be let out to roomers as an accessory use to a single-family dwelling provided that: A Residential Rental Accommodation may be let out to Roomers provided that:

- A. No separate kitchen or cooking facilities are provided for or use by the roomers;
- B. No sign is located on the premises advertising the availability of rooms for lease or rent to roomers;
- C. No alteration or change of ~~the single-family dwelling~~ the dwelling unit in its exterior appearance is made to accommodate the presence of roomers;
- D. ~~No accessory apartment or home occupation is located in the single-family dwelling; The bedroom(s) being rented shall be inspected by the Code Enforcement Officer and shall have code compliant smoke and carbon monoxide Detectors in addition to complying with current building code primary and secondary means of emergency escape and rescue requirements.~~

- E. The rooms occupied by the roomers do not have a separate entrance from the outside;
- F. The rooms occupied by the roomers are within the principal structure;
- G. The roomers use utilities which are not separately metered from those used by the remaining occupants of the dwelling unit and
- H. One (1) off-street parking space per room rented roomer shall be required in addition to the requirements of Article 6.10.
- I. Owner of Residential Rental Accommodation shall remain in residence while rooms are being rented.
- J. A license to operate a Residential Rental Accommodation shall be issued by The Code Enforcement Officer after approval by the Zoning Board of Appeals and after a successful property inspection has occurred subject to section D above. Such license shall be issued to the property owner only, and is subject to sufficient evidence that the property is owner occupied. License shall become void upon a change in ownership or owner residency status.
- K. Dwelling units operating a Residential Rental Accommodation prior to November 8th 2016 shall be required to obtain approval from the Zoning Board of Appeals and the Code Enforcement Officer before being able to accommodate Roomers beginning May 1st 2017.
- L. License shall be revoked upon confirmation of a second (2nd) confirmed Noise or Barking Dog Citation related to use of dwelling unit by a Roomer. Any such License having been revoked shall not be reissued to the same property owner within 1 year (365 days) from the date of revocation, which shall require Zoning Board of Appeals re approval.



Agenda Item Divider



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This application has been reviewed and approved by the following Municipal Officials, whose signatures are on file with the Town Clerk:

✓

Police Chief

✓

Fire Inspector

✓

Code Enforcement Officer

Tracy O'Leary

Town Clerk

Captain Jefferys Inn

7/28/16 meeting

4

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 08-02-2016

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ SPIRITUOUS ☒ ~~VINOUS~~

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☒ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
Sarah M Lindblom DOB: 4-7-48			Captain Jeffords Inn		
Erik A Lindblom DOB: 2-24-43					
DOB:			Location (Street Address)		
Address:			5 Pearl St		
			City/Town State Zip Code		
			Benedumbport, ME 04046		
			Mailing Address		
			P.O. Box 691		
City/Town State Zip Code			City/Town State Zip Code		
Benedumbport, ME 04046			Benedumbport, ME 04046		
Telephone Number Fax Number			Business Telephone Number Fax Number		
			207 967-2311		
Federal I.D. #			Seller Certificate # 1082845		

EMAIL ADDRESS: Sarah@captainjeffordsinn.com

3. If premises is a hotel, indicate number of rooms available for transient guests: 16

4. State amount of gross income from period of last license: ROOMS \$ 800,000 FOOD \$ 1,000 LIQUOR \$ 5,000

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire



Agenda Item Divider



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ROOMER Revisions

Article 2 Residential Rental Accommodation: The licensed accessory use of no more than 2 bedrooms in a legally existing dwelling or dwelling unit. This dwelling unit shall be an owner occupied dwelling. Rooms rented may be for either short term or long term rental to a roomer who may be unrelated to the owner or occupant of the unit, for periods no less than 2 days.

Roomer – A person residing in and paying rent for a room in a single-family dwelling Residential Rental Accommodation whether or not the person eats meals on the premises. see Residential Rental Accommodation

Article 4 Add to VR (4.3), VRE (4.4) & CA (4.7) as conditional use

Article 6 Add to parking requirements (6.10)

Article 7.13 Purpose. The purpose of allowing Residential Rental Accommodations is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of roomers, for compensation, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. Such Rentals and the revenue they make available to homeowners helps makes Kennebunkport affordable for persons on fixed or limited incomes; enhances and diversifies accommodations available to visitors and tourists; and provides travelers with affordable accommodations from which to explore Kennebunkport and the Seacoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for Residential rental accommodations may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the town because they impair the livability and desirability of Kennebunkport neighborhoods for residential uses.

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- B. No sign is located on the premises advertising the availability of rooms for lease or rent to roomers;
- C. No alteration or change of ~~the single-family dwelling~~ the dwelling unit in its exterior appearance is made to accommodate the presence of roomers;
- D. ~~No accessory apartment or home occupation is located in the single family dwelling; The bedroom(s) being rented shall be inspected by the Code Enforcement Officer and shall have code compliant smoke and carbon monoxide Detectors in addition to complying with current building code primary and secondary means of emergency escape and rescue requirements.~~

- E. The rooms occupied by the roomers do not have a separate entrance from the outside;
- F. The rooms occupied by the roomers are within the principal structure;
- G. The roomers use utilities which are not separately metered from those used by the remaining occupants of the dwelling unit and
- H. One (1) off-street parking space per room rented ~~roomer~~ shall be required in addition to the requirements of Article 6.10.
- I. Owner of Residential Rental Accommodation shall remain in residence while rooms are being rented.
- J. A license to operate a Residential Rental Accommodation shall be issued by The Code Enforcement Officer after approval by the Zoning Board of Appeals and after a successful property inspection has occurred subject to section D above. Such license shall be issued to the property owner only, and is subject to sufficient evidence that the property is owner occupied. License shall become void upon a change in ownership or owner residency status.
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Agenda Item Divider



FY 17 Tax Commitment (July 28, 2016)

	FY 15	FY 16	FY 17	Difference	16 vs 17 % Diff
Gross Municipal Appropriation	7,680,060	7,844,103	8,054,126	210,023	2.68%
Special Building Projects or Capital Reserve	200,000	0	0	-	
Education Assessment	7,837,533	7,808,390	7,916,997	108,607	1.39%
Education Debt	-	207,096	1,291,196	1,084,100	523.48%
County Assessment	1,124,614	1,115,331	1,163,270	47,940	4.30%
Overlay	117,727	63,799	29,969	(33,830)	-53.03%
Total Expenditures	16,959,934	17,038,719	18,455,558	1,416,840	8.32%
Non Property Tax Revenue	2,163,577	2,155,820	2,247,913	92,093	4.27%
MePers Credit (Year 1 of 3)			152,745		
General Use of Fund Balance	300,000	300,000	275,000	(25,000)	-8.33%
Special Funding Use of Fund Balance	200,000				
Total Non-Property Tax Rev & Trans	2,663,577	2,455,820	2,675,658	219,838	8.95%
Net Municipal Commitment	5,216,483	5,452,082	5,561,182	109,100	2.00%
Net Total Commitment	14,296,357	14,582,899	15,779,900	1,197,002	8.21%
Valuation	1,873,703,330	1,893,882,970	1,912,262,450	18,379,480	0.97%
Mil Rate	7.63	7.70	8.25	0.55	7.17%
Municipal portion of mil rate	2.85	2.88	2.91	0.03	1.02%
Education portion of mil rate	4.18	4.23	4.74	0.50	11.89%
County portion of mil rate	0.60	0.59	0.61	0.02	3.30%

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\$8.25

ASSESSORS' CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages herein, numbered from 1 to inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of KENNEBUNKPORT for State, County, District, and Municipal Taxes for the fiscal year 07/01/2016 to 06/30/2017 as they existed on the first day of April 2016.

IN WITNESS THEREOF, we have hereunto set our hands at KENNEBUNKPORT this 28 day of July, 2016.

Municipal Assessor(s)

MUNICIPAL TAX ASSESSMENT WARRANT

State of Maine Municipality KENNEBUNKPORT County York
To Laurie A. Smith , Tax Collector

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

Assessments:

1. County Tax	1,163,270.25	
2. Municipal Appropriation	8,054,126.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	9,055,448.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	29,969.09	
6. Total Assessments		18,302,813.34

Deductions:

7. State Municipal Revenue Sharing	52,300.00	
8. Homestead Reimbursement	47,086.88	
9. BETE Reimbursement	1,048.25	
10. Other Revenue	2,426,213.00	
11. Total Deductions		2,526,648.13
12. Net Assessment for Commitment		15,776,165.21

You are to pay to Jennifer L. Lord, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before 06/30/2017.

In case of the neglect of any person to pay the sum required by said list until after 09/12/2016 & 03/10/2017; you will add interest to so much thereof as remains unpaid at the rate of 7.00 percent per annum, commencing 09/13/2016 & 03/11/2017 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 07/28/2016.

_____ Assessor(s) of: KENNEBUNKPORT

CERTIFICATE OF COMMITMENT

To Laurie A. Smith the Collector of the Municipality of
KENNEBUNKPORT , aforesaid.

Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$15,776,165.21 (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 07/28/2016

_____ Assessor(s) of: KENNEBUNKPORT

File the original certificate with the Tax Collector. File a copy in the Valuation Book

County York, ss.

Assessments:

Deductions:

Given under our hands this 07/28/2016

Municipal Assessor(s)

File the original with the Treasurer. File a copy in the Valuation Book

2016 MUNICIPAL TAX RATE CALCULATION FORM

Municipality: KENNEBUNKPORT

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total Taxable Valuation of Real Estate	1	1,902,137,900
2. Total taxable valuation of personal property	2	10,124,550
3. Total Taxable Valuation of real estate and personal property (Line 1 plus line 2)	3	1,912,262,450
4. (a) Total exempt value for all homestead exemptions granted	4(a)	11,415,000
(b) Homestead exemption reimbursement value	4(b)	5,707,500
		(Line 4(a) multiplied by .5)
5. (a) Total exempt value of all BETE qualified property	5(a)	254,120
(b) The statutory standard reimbursement for 2014 is 50%	5(b)	127,060
Municipalities with significant personal property & equipment		(line 5(a) multiplied by 0.5)
may qualify for more than 50% reimbursement. Please contact MRS for the Enhanced Tax Rate Calculator form.		
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	6	1,918,097,010

Assessments

7. County Tax	7	1,163,270.25
8. Municipal Appropriation	8	8,054,126.00
9. TIF Financing Plan Amount	9	0.00
10. Local Educational Appropriation (Local Share/Contribution)	10	9,055,448.00
(Adjusted to Municipal Fiscal Year)		
11. Total Assessments (Add lines 7 through 10).....	11	18,272,844.25

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing.....	12	52,300.00
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. Do Not Include any Homestead or BETE Reimbursement)	13	2,426,213.00
14. Total Deductions (Line 12 plus line 13).....	14	2,478,513.00
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	15,794,331.25

16.	15,794,331.25	X	1.05	=	16,584,047.81	Maximum Allowable Tax
17.	15,794,331.25	/	1,918,097,010	=	0.008234	Minimum Tax Rate
18.	16,584,047.81	/	1,918,097,010	=	0.008646	Maximum Tax Rate
19.	1,912,262,450	X	0.008250	=	15,776,165.21	Tax for Commitment
			(Selected Rate)		(Enter on Page1, line 13)	
20.	15,794,331.25	X	0.05	=	789,716.56	Maximum Overlay
21.	5,707,500	X	0.008250	=	47,086.88	Homestead Reimbursement
			(Selected Rate)		(Enter on line 8, Assessment Warrant)	
22.	127,060	X	0.008250	=	1,048.25	BETE Reimbursement
			(Selected Rate)		(Enter on line 9, Assessment Warrant)	
23.	15,824,300.34	-	15,794,331.25	=	29,969.09	Overlay
	(Line 19 plus lines 21 and 22)				(Enter on line 5, Assessment Warrant)	

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.



Agenda Item Divider



FY 17 Tax Commitment (July 28, 2016)

	FY 16	FY 17	Difference	16 vs 17 % Diff
Gross Municipal Appropriation	7,844,103	8,054,126	210,023	2.68%
Special Building Projects or Capital Reserve	0	0	-	
Education Assessment	7,808,390	7,916,997	108,607	1.39%
Education Debt	207,096	1,291,196	1,084,100	523.48%
County Assessment	1,115,331	1,163,270	47,940	4.30%
Overlay	63,799	68,331	4,532	7.10%
Total Expenditures	17,038,719	18,493,920	1,455,202	8.54%
Non Property Tax Revenue	2,155,820	2,247,913	92,093	4.27%
MePers Credit (Year 1 of 3)		152,745		
General Use of Fund Balance	300,000	275,000	(25,000)	-8.33%
Special Funding Use of Fund Balance				
Total Non-Property Tax Rev & Trans	2,455,820	2,675,658	219,838	8.95%
Net Municipal Commitment	5,452,082	5,599,544	147,462	2.70%
Net Total Commitment	14,582,899	15,818,262	1,235,364	8.47%
Valuation	1,893,882,970	1,912,262,450	18,379,480	0.97%
Mil Rate	7.70	8.27	0.57	7.43%
Municipal portion of mil rate	2.88	2.93	0.05	1.72%
Education portion of mil rate	4.23	4.74	0.50	11.89%
County portion of mil rate	0.59	0.61	0.02	3.30%

6

\$8.27

ASSESSORS' CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages herein, numbered from 1 to inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of KENNEBUNKPORT for State, County, District, and Municipal Taxes for the fiscal year 07/01/2016 to 06/30/2017 as they existed on the first day of April 2016.

IN WITNESS THEREOF, we have hereunto set our hands at KENNEBUNKPORT this 28 day of July, 2016.

Municipal Assessor(s)

MUNICIPAL TAX ASSESSMENT WARRANT

State of Maine Municipality KENNEBUNKPORT County York
To Laurie A. Smith , Tax Collector

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

Assessments:

1. County Tax	1,163,270.25	
2. Municipal Appropriation	8,054,126.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	9,055,448.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	68,331.02	
6. Total Assessments		18,341,175.27

Deductions:

7. State Municipal Revenue Sharing	52,300.00	
8. Homestead Reimbursement	47,201.02	
9. BETE Reimbursement	1,050.79	
10. Other Revenue	2,426,213.00	
11. Total Deductions		2,526,764.81
12. <u>Net Assessment for Commitment</u>		15,814,410.46

You are to pay to Jennifer L. Lord, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before 06/30/2017.

In case of the neglect of any person to pay the sum required by said list until after 09/12/2016 & 03/10/2017; you will add interest to so much thereof as remains unpaid at the rate of 7.00 percent per annum, commencing 09/13/2016 & 03/11/2017 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 07/28/2016.

_____ Assessor(s) of: KENNEBUNKPORT

CERTIFICATE OF COMMITMENT

To Laurie A. Smith the Collector of the Municipality of
KENNEBUNKPORT , aforesaid.

Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$15,814,410.46 (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 07/28/2016

_____ Assessor(s) of: KENNEBUNKPORT

File the original certificate with the Tax Collector. File a copy in the Valuation Book

County York, ss.

Assessments:

Deductions:

Given under our hands this 07/28/2016

Municipal Assessor(s)

File the original with the Treasurer. File a copy in the Valuation Book

2016 MUNICIPAL TAX RATE CALCULATION FORM*Municipality:* KENNEBUNKPORT**BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT**

1. Total Taxable Valuation of Real Estate	1	1,902,137,900	
2. Total taxable valuation of personal property	2	10,124,550	
3. Total Taxable Valuation of real estate and personal property (Line 1 plus line 2)	3	1,912,262,450	
4. (a) Total exempt value for all homestead exemptions granted	4(a)	11,415,000	
(b) Homestead exemption reimbursement value	4(b)	5,707,500	
		(Line 4(a) multiplied by .5)	
5. (a) Total exempt value of all BETE qualified property	5(a)	254,120	
(b) The statutory standard reimbursement for 2014 is 50%	5(b)	127,060	
Municipalities with significant personal property & equipment		(line 5(a) multiplied by 0.5)	
may qualify for more than 50% reimbursement. Please contact MRS for the Enhanced Tax Rate Calculator form.			
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	6	1,918,097,010	

Assessments

7. County Tax	7	1,163,270.25	
8. Municipal Appropriation	8	8,054,126.00	
9. TIF Financing Plan Amount	9	0.00	
10. Local Educational Appropriation (Local Share/Contribution)	10	9,055,448.00	
(Adjusted to Municipal Fiscal Year)			
11. Total Assessments (Add lines 7 through 10).....	11	18,272,844.25	

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing.....	12	52,300.00	
13. Other Revenues: (All other revenues that have been formally	13	2,426,213.00	
appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank			
interest income, appropriated surplus revenue, etc. Do Not Include any Homestead or BETE Reimbursement			
14. Total Deductions (Line 12 plus line 13).....	14	2,478,513.00	
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	15,794,331.25	

16.	15,794,331.25	X	1.05	=	16,584,047.81	Maximum Allowable Tax
17.	15,794,331.25	/	1,918,097,010	=	0.008234	Minimum Tax Rate
18.	16,584,047.81	/	1,918,097,010	=	0.008646	Maximum Tax Rate
19.	1,912,262,450	X	0.008270	=	15,814,410.46	Tax for Commitment
			(Selected Rate)		(Enter on Page 1, line 13)	
20.	15,794,331.25	X	0.05	=	789,716.56	Maximum Overlay
21.	5,707,500	X	0.008270	=	47,201.02	Homestead Reimbursement
			(Selected Rate)		(Enter on line 8, Assessment Warrant)	
22.	127,060	X	0.008270	=	1,050.79	BETE Reimbursement
			(Selected Rate)		(Enter on line 9, Assessment Warrant)	
23.	15,862,662.27	-	15,794,331.25	=	68,331.02	Overlay
	(Line 19 plus lines 21 and 22)				(Enter on line 5, Assessment Warrant)	

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.



Agenda Item Divider



FY 17 Tax Commitment (July 28, 2016)

	FY 15	FY 16	FY 17	Difference	16 vs 17 % Diff
Gross Municipal Appropriation	7,680,060	7,844,103	8,054,126	210,023	2.68%
Special Building Projects or Capital Reserve	200,000	0	0	-	
Education Assessment	7,837,533	7,808,390	7,916,997	108,607	1.39%
Education Debt	-	207,096	1,291,196	1,084,100	523.48%
County Assessment	1,124,614	1,115,331	1,163,270	47,940	4.30%
Overlay	117,727	63,799	87,512	23,713	37.17%
Total Expenditures	16,959,934	17,038,719	18,513,101	1,474,383	8.65%
Non Property Tax Revenue	2,163,577	2,155,820	2,247,913	92,093	4.27%
MePers Credit (Year 1 of 3)			152,745		
General Use of Fund Balance	300,000	300,000	275,000	(25,000)	-8.33%
Special Funding Use of Fund Balance	200,000				
Total Non-Property Tax Rev & Trans	2,663,577	2,455,820	2,675,658	219,838	8.95%
Net Municipal Commitment	5,216,483	5,452,082	5,618,725	166,643	3.06%
Net Total Commitment	14,296,357	14,582,899	15,837,443	1,254,545	8.60%
Valuation	1,873,703,330	1,893,882,970	1,912,262,450	18,379,480	0.97%
Mil Rate	7.63	7.70	8.28	0.58	7.53%
Municipal portion of mil rate	2.85	2.88	2.94	0.06	2.07%
Education portion of mil rate	4.18	4.23	4.74	0.50	11.89%
County portion of mil rate	0.60	0.59	0.61	0.02	3.30%

ASSESSORS' CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages herein, numbered from 1 to inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of KENNEBUNKPORT for State, County, District, and Municipal Taxes for the fiscal year 07/01/2016 to 06/30/2017 as they existed on the first day of April 2016.

IN WITNESS THEREOF, we have hereunto set our hands at KENNEBUNKPORT this 28 day of July, 2016.

Municipal Assessor(s)

MUNICIPAL TAX ASSESSMENT WARRANT

State of Maine Municipality KENNEBUNKPORT County York
To Laurie A. Smith , Tax Collector

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

Assessments:

1. County Tax	1,163,270.25	
2. Municipal Appropriation	8,054,126.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	9,055,448.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	87,512.00	
6. Total Assessments		18,360,356.25

Deductions:

7. State Municipal Revenue Sharing	52,300.00	
8. Homestead Reimbursement	47,258.10	
9. BETE Reimbursement	1,052.06	
10. Other Revenue	2,426,213.00	
11. Total Deductions		2,526,823.16
12. <u>Net Assessment for Commitment</u>		15,833,533.09

You are to pay to Jennifer L. Lord, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before 06/30/2017.

In case of the neglect of any person to pay the sum required by said list until after 09/12/2016 & 03/10/2017; you will add interest to so much thereof as remains unpaid at the rate of 7.00 percent per annum, commencing 09/13/2016 & 03/11/2017 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 07/28/2016.

_____ Assessor(s) of: KENNEBUNKPORT

CERTIFICATE OF COMMITMENT

To Laurie A. Smith the Collector of the Municipality of
KENNEBUNKPORT , aforesaid.

Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$15,833,533.09 (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 07/28/2016

_____ Assessor(s) of: KENNEBUNKPORT

File the original certificate with the Tax Collector. File a copy in the Valuation Book

File the original with the Treasurer. File a copy in the Valuation Book

2016 MUNICIPAL TAX RATE CALCULATION FORM

Municipality: KENNEBUNKPORT

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total Taxable Valuation of Real Estate	1	1,902,137,900
2. Total taxable valuation of personal property	2	10,124,550
3. Total Taxable Valuation of real estate and personal property (Line 1 plus line 2)	3	1,912,262,450
4. (a) Total exempt value for all homestead exemptions granted	4(a)	11,415,000
(b) Homestead exemption reimbursement value	4(b)	5,707,500
		(Line 4(a) multiplied by .5)
5. (a) Total exempt value of all BETE qualified property	5(a)	254,120
(b) The statutory standard reimbursement for 2014 is 50%	5(b)	127,060
Municipalities with significant personal property & equipment		(line 5(a) multiplied by 0.5)
may qualify for more than 50% reimbursement. Please contact MRS for the Enhanced Tax Rate Calculator form.		
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	6	1,918,097,010

Assessments

7. County Tax	7	1,163,270.25
8. Municipal Appropriation	8	8,054,126.00
9. TIF Financing Plan Amount	9	0.00
10. Local Educational Appropriation (Local Share/Contribution)	10	9,055,448.00
(Adjusted to Municipal Fiscal Year)		
11. Total Assessments (Add lines 7 through 10).....	11	18,272,844.25

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing.....	12	52,300.00
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. Do Not Include any Homestead or BETE Reimbursement)	13	2,426,213.00
14. Total Deductions (Line 12 plus line 13).....	14	2,478,513.00
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	15,794,331.25

16.	15,794,331.25	X	1.05	=	16,584,047.81	Maximum Allowable Tax
17.	15,794,331.25	/	1,918,097,010	=	0.008234	Minimum Tax Rate
18.	16,584,047.81	/	1,918,097,010	=	0.008646	Maximum Tax Rate
19.	1,912,262,450	X	0.008280	=	15,833,533.09	Tax for Commitment
			(Selected Rate)		(Enter on Page 1, line 13)	
20.	15,794,331.25	X	0.05	=	789,716.56	Maximum Overlay
21.	5,707,500	X	0.008280	=	47,258.10	Homestead Reimbursement
			(Selected Rate)		(Enter on line 8, Assessment Warrant)	
22.	127,060	X	0.008280	=	1,052.06	BETE Reimbursement
			(Selected Rate)		(Enter on line 9, Assessment Warrant)	
23.	15,881,843.25	-	15,794,331.25	=	87,512.00	Overlay
	(Line 19 plus lines 21 and 22)				(Enter on line 5, Assessment Warrant)	

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.



Agenda Item Divider



FY 17 Tax Commitment (July 28, 2016)

	FY 15	FY 16	FY 17	Difference	16 vs 17 % Diff
Gross Municipal Appropriation	7,680,060	7,844,103	8,054,126	210,023	2.68%
Special Building Projects or Capital Reserve	200,000	0	0	-	
Education Assessment	7,837,533	7,808,390	7,916,997	108,607	1.39%
Education Debt	-	207,096	1,291,196	1,084,100	523.48%
County Assessment	1,124,614	1,115,331	1,163,270	47,940	4.30%
Overlay	117,727	63,799	125,874	62,075	97.30%
Total Expenditures	16,959,934	17,038,719	18,551,463	1,512,745	8.88%
Non Property Tax Revenue	2,163,577	2,155,820	2,247,913	92,093	4.27%
MePers Credit (Year 1 of 3)			152,745		
General Use of Fund Balance	300,000	300,000	275,000	(25,000)	-8.33%
Special Funding Use of Fund Balance	200,000				
Total Non-Property Tax Rev & Trans	2,663,577	2,455,820	2,675,658	219,838	8.95%
Net Municipal Commitment	5,216,483	5,452,082	5,657,087	205,005	3.76%
				-	
				-	
Net Total Commitment	14,296,357	14,582,899	15,875,805	1,292,907	8.87%
Valuation	1,873,703,330	1,893,882,970	1,912,262,450	18,379,480	0.97%
Mill Rate	7.63	7.70	8.30	0.60	7.82%
Municipal portion of mil rate	2.85	2.88	2.96	0.08	2.76%
Education portion of mil rate	4.18	4.23	4.74	0.50	11.89%
County portion of mil rate	0.60	0.59	0.61	0.02	3.30%

ASSESSORS' CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages herein, numbered from 1 to inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of KENNEBUNKPORT for State, County, District, and Municipal Taxes for the fiscal year 07/01/2016 to 06/30/2017 as they existed on the first day of April 2016.

IN WITNESS THEREOF, we have hereunto set our hands at KENNEBUNKPORT this 28 day of July, 2016.

Municipal Assessor(s)

MUNICIPAL TAX ASSESSMENT WARRANT

State of Maine Municipality KENNEBUNKPORT County York
To Laurie A. Smith , Tax Collector

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

Assessments:

1. County Tax	1,163,270.25	
2. Municipal Appropriation	8,054,126.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	9,055,448.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	125,873.94	
6. Total Assessments		18,398,718.19

Deductions:

7. State Municipal Revenue Sharing	52,300.00	
8. Homestead Reimbursement	47,372.25	
9. BETE Reimbursement	1,054.60	
10. Other Revenue	2,426,213.00	
11. Total Deductions		2,526,939.85
12. Net Assessment for Commitment		15,871,778.34

You are to pay to Jennifer L. Lord, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before 06/30/2017.

In case of the neglect of any person to pay the sum required by said list until after 09/12/2016 & 03/10/2017; you will add interest to so much thereof as remains unpaid at the rate of 7.00 percent per annum, commencing 09/13/2016 & 03/11/2017 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 07/28/2016.

Assessor(s) of: KENNEBUNKPORT

CERTIFICATE OF COMMITMENT

To Laurie A. Smith the Collector of the Municipality of
KENNEBUNKPORT , aforesaid.

Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$15,871,778.34 (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 07/28/2016

Assessor(s) of: KENNEBUNKPORT

File the original certificate with the Tax Collector. File a copy in the Valuation Book

County York, ss.

Assessments:

Deductions:

Given under our hands this 07/28/2016

Municipal Assessor(s)

File the original with the Treasurer. File a copy in the Valuation Book

2016 MUNICIPAL TAX RATE CALCULATION FORM

Municipality: KENNEBUNKPORT

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total Taxable Valuation of Real Estate	1	1,902,137,900
2. Total taxable valuation of personal property	2	10,124,550
3. Total Taxable Valuation of real estate and personal property (Line 1 plus line 2)	3	1,912,262,450
4. (a) Total exempt value for all homestead exemptions granted	4(a)	11,415,000
(b) Homestead exemption reimbursement value	4(b)	5,707,500
		(Line 4(a) multiplied by .5)
5. (a) Total exempt value of all BETE qualified property	5(a)	254,120
(b) The statutory standard reimbursement for 2014 is 50%	5(b)	127,060
Municipalities with significant personal property & equipment		(line 5(a) multiplied by 0.5)
may qualify for more than 50% reimbursement. Please contact MRS for the Enhanced Tax Rate Calculator form.		
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	6	1,918,097,010

Assessments

7. County Tax	7	1,163,270.25
8. Municipal Appropriation	8	8,054,126.00
9. TIF Financing Plan Amount	9	0.00
10. Local Educational Appropriation (Local Share/Contribution)	10	9,055,448.00
(Adjusted to Municipal Fiscal Year)		
11. Total Assessments (Add lines 7 through 10).....	11	18,272,844.25

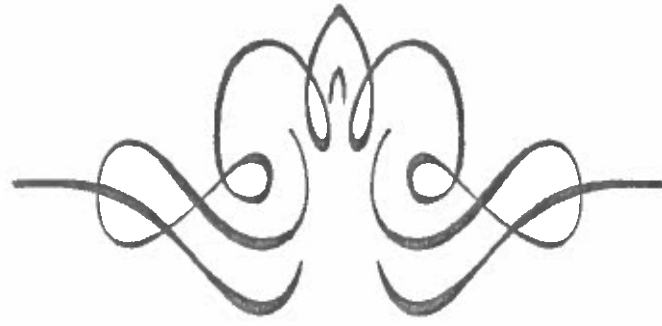
ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing.....	12	52,300.00
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. Do Not Include any Homestead or BETE Reimbursement)	13	2,426,213.00
14. Total Deductions (Line 12 plus line 13).....	14	2,478,513.00
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	15,794,331.25

16.	15,794,331.25	X	1.05	=	16,584,047.81	Maximum Allowable Tax
17.	15,794,331.25	/	1,918,097,010	=	0.008234	Minimum Tax Rate
18.	16,584,047.81	/	1,918,097,010	=	0.008646	Maximum Tax Rate
19.	1,912,262,450	X	0.0083	=	15,871,778.34	Tax for Commitment
			(Selected Rate)		(Enter on Page 1, line 13)	
20.	15,794,331.25	X	0.05	=	789,716.56	Maximum Overlay
21.	5,707,500	X	0.0083	=	47,372.25	Homestead Reimbursement
			(Selected Rate)		(Enter on line 8, Assessment Warrant)	
22.	127,060	X	0.0083	=	1,054.60	BETE Reimbursement
			(Selected Rate)		(Enter on line 9, Assessment Warrant)	
23.	15,920,205.19	-	15,794,331.25	=	125,873.94	Overlay
	(Line 19 plus lines 21 and 22)				(Enter on line 5, Assessment Warrant)	

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.



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ASSESSORS RETURN

PURSUANT TO A WARRANT to us directed, from the York County Commissioners for the County of York, dated the 6th day of July, AD, 2016 we have assessed the estates of the inhabitants, and the estates of the non-resident proprietors of the Town/City of **KENNEBUNKPORT** in said County, the sum of **ONE MILLION FIFTY-NINE THOUSAND SIX HUNDRED FORTY-EIGHT DOLLARS AND ONE CENT (\$1,059,648.01)** and have committed lists thereof to the Tax Collector of said Town/City with Warrant in due form of law for collecting and paying same to the Treasurer of the Town/City of **KENNEBUNKPORT** or his/her successor in said office to be paid by him/her to Frank P. Wood, Treasurer of the County of York, or his/her successor in said office the **FIRST DAY OF SEPTEMBER, 2016.**

Taxes not paid by the **THIRTY-FIRST DAY OF OCTOBER, 2016** will be considered **DELINQUENT** and will be assessed interest at the rate of **7%** compounded annually.

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

_____ day of _____, 2016.

ASSESSOR(S) OF KENNEBUNKPORT

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

FRAND P. WOOD
TREASURER-COUNTY OF YORK
45 KENNEBUNK RD
ALFRED, ME 04002



Agenda Item Divider





(8)

Maine Regional School Unit 21
The Schools of Arundel, Kennebunk, and Kennebunkport

"Preparing responsible, contributing citizens in a global society."

Kathryn M. Hawes, Ph.D., Superintendent of Schools
Bruce A. Rudolph, Business Administrator

Phillip J. Potenziano, Ed.D., Assistant Superintendent of Schools
Susan L. Martin, Director of Special Services

Keith Trefethen
Town Manager
Arundel, Maine 04046

Laurie Smith
Town Manager
Kennebunkport, Maine 04046

Barry Tibbetts
Town Manager
Kennebunk, Maine 04043

July 17, 2017

Dear Keith, Laurie, and Barry:

I am writing to notify you that the RSU 21 Cost-Sharing Agreements is due to be reviewed this fiscal year. Attached is a copy of our current Cost Sharing Agreement with the specific details of this review. As noted, you'll need to select **(2) Municipal Members** and **(1) School Board Member** from your town to serve on the Cost-Sharing Amendment Committee. Please forward me those names once selected.

RSU 21 is contracting with Dr. Gerald (Jake) S. Clockedile to facilitate this work. Jake is a retired superintendent and business manager who is one of five facilitators approved by the Maine Department of Education for Cost-Sharing Amendment Committees.

Below is a time line for meetings:

Wednesday, August 10th – 6:00-8:00 p.m. – Kennebunk Elementary School, Room A102
Wednesday, August 17th – 6:00-8:00 p.m. – Kennebunk Elementary School, Room A102
Wednesday, August 24th (if needed) - 6:00-8:00 p.m. – Kennebunk Elementary School, Room A102

If we are to make adjustments to our Cost-Sharing Agreement, it will go to referendum on November 8th, prior to the beginning of our town and school district budget development processes. Thanks for your attention to this.

Sincerely,

Kathryn Hawes, Ph.D.
Superintendent of Schools

TOWN CLERK'S RETURN AND CERTIFICATE
AS TO RESULTS OF VOTING

TOWN OF KENNEBUNKPORT

I certify that the result of the vote taken on Article 1 of the Warrant and Notice of Election in the Town of Kennebunkport, covering the Regional School Unit No. 21 Referendum held March 26, 2013 relating to voting on amending the RSU's cost-sharing formula is as follows:

ARTICLE 1:

Yes 235

No 953

Void 18

DATED: 03-26-2013

April Dufoe
April Dufoe, Town Clerk
Town of Kennebunkport

(Seal)

TOWN CLERK'S RETURN AND CERTIFICATE
AS TO RESULTS OF VOTING

TOWN OF ARUNDEL

I certify that the result of the vote taken on Article 1 of the Warrant and Notice of Election in the Town of Arundel, covering the Regional School Unit No. 21 Referendum held March 26, 2013 relating to voting on amending the RSU's cost-sharing formula is as follows:

ARTICLE 1:

Yes 788No 19Void 0 (Blanks)DATED: March 27, 2013

Simone Boissonneault
Simone Boissonneault, Town Clerk
Town of Arundel

(Seal)

MARCH 2013

EXHIBIT A
TO REGIONAL SCHOOL UNIT NO. 21 WARRANT

Revised cost sharing method set forth in the proposed revision to paragraph 13-B of the Regional School Unit No. 21 Reorganization Plan (the "Plan") approved by a majority of the municipal representatives of the Towns of Arundel, Kennebunk and Kennebunkport at a meeting on May 29, 2012 in accordance with the Plan.

13-B. Cost Sharing in Regional School Units

Section 1

The regional school unit may raise money, in addition to the required local contribution pursuant to Title 20-A, Section 15690, subsection 1 for educational purposes. With the exception of any non-state funded debt service (as defined in MSRA 20-A Section 15690, subsection 2A2, below) approved on or after March 26, 2013, the additional local costs of operating the regional school unit shall be shared among all the municipalities within the regional school unit on the basis of the following formula:

- a) 90% shall be shared on the basis of the fiscal capacity of each member municipality; and
- b) 10% shall be shared on the basis of the number of resident pupils in each member municipality.

Any non-state funded debt service (as defined in MSRA 20-A Section 15690, subsection 2A2, below) approved by the regional school unit on or after March 26, 2013 will be shared among all the municipalities within the regional school unit based 100% on the fiscal capacity of each member municipality. Each dollar of future debt service for which there is not state reimbursement will be shared using this local formula.

MSRA 20-A Section 15690, subsection 2A2: "Non-state funded debt service is the amount of money needed for the annual payments on the regional school unit's long-term debt for major capital construction projects that are not approved for state subsidy."

In calculating the fiscal capacity of each member municipality for the purposes of sharing additional local costs under this section, the captured assessed value within any tax increment financing (TIF) districts shall be included for each TIF municipality as follows: The TIF municipality's property fiscal capacity shall be increased by an amount equal to the TIF municipality's amount of captured assessed value within TIF districts reported on the municipality's State Valuation Analysis received from Maine Revenue Services for the same State Valuation year used to determine the municipality's fiscal capacity.

For example, Kennebunk's fiscal capacity for the RSU 21 fiscal year 2014 shall be the final 2012 State Valuation as reported by Maine Revenue Services, Property Tax Division (and used by the Maine Department of Education in its fiscal year 2014 Form ED279, Computation of Unit Allocation to Fund Public Schools), plus the "TIF Adjustments" line reported on the final State Valuation Analysis received from Maine Revenue Services as part of Kennebunk's 2012 State Valuation.

The number of resident students used to allocate additional local costs of operating the regional school unit shall be the same as those used by the Maine Department of Education in its Form ED279, Computation of Unit Allocation to Fund Public Schools for that same fiscal year.

Section 2

A

If the regional school unit board takes action to close an elementary school in a member municipality, the voters in the member municipality may vote to keep the school open. If this action is taken, state law requires the municipality in which the school is located to be liable for the costs of keeping the school

- supermajority vote of the regional school unit as a whole in a referendum called and held for this purpose in accordance with sections 1501-1504 of Title 20-A.
- F. If approved at referendum, assessments made by the regional school unit board thereafter must be made in accordance with the new method of sharing costs.
- G. The secretary of the region shall notify the state board that the region has voted to change its method of sharing costs. The state board shall issue an amended certificate of organization showing this new method of sharing costs.

Addendum

Using FY13 data for enrollment and property values, the disputed amount of pre-existing MSAD 71 debt service is calculated for each remaining year to be:

2014:	\$351,442.20
2015:	\$333,724.96
2016:	\$324,472.17
2017:	\$313,190.09
2018:	\$301,720.51
2019:	\$290,489.79
2020:	\$279,188.41
2021:	\$267,612.36
2022:	\$256,138.93
2023:	\$132,517.60
2024:	\$127,238.10
2025:	\$121,689.26

It is understood that these values simply represent a model, and that the actual amount of disputed debt service will vary each year as enrollment and state property values fluctuate, and TIF adjustments increase.

This is a Sample Calculation ONLY. Specific amounts will vary each year beginning in fiscal year 2014, and will be based on state-defined debt service, enrollment, and property valuation data.

Fy14

Amounts shown are from the Maine Dept of Education fiscal year 2013 ED279 Report and Maine Revenue Services 2011 State Valuation Analysis.

State Valuation (in \$1,000's) plus TIF increments

Arundel SV	\$429,150
Kennebunk SV	\$2,126,200
Add back Kennebunk's TIF Adjustment	\$32,863.62
Kennebunk SV + TIF Adj	\$2,159,063.62
Kennebunkport SV	\$1,938,250
Total	\$4,526,463.62

(From Maine Dept of Education ED279 Report dated 02/22/2012, and MRS 2011 State Valuation Reports)

Pupil Count

Arundel	601.5
Kennebunk	1,635.5
Kennebunkport	426.5
Total	2,663.5

(From Maine Dept of Education ED279 Report dated 02/22/2012)

Kennebunk & Kennebunkport Only

Allocation based on 100% Pupil Count

Kennebunk	79.32%
Kennebunkport	20.68%



RSU 21 LEGAL TIMELINE FOR FY 2017 REVIEW OF COST SHARING FORMULA PER 2012 REVISION

DESCRIPTION	LEGAL DEADLINES	SUGGESTED DATES Based on Nov. 8, 2016 General Election	SELECTED DATES
Engage Facilitator: Superintendent engages facilitator for cost sharing amendment committee	Prior to the first meeting	ASAP	
Notice of Committee Meeting: RSU notifies member municipalities of meeting to consider cost sharing formula	Minimum 15 days' notice to municipalities of the first meeting of the cost sharing amendment committee (and after updating school board on this process)	Tuesday, July 19, 2016	
Select Committee: Municipal officers select each select 2 members at large and 1 member from the school board	Prior to the first meeting	By Wednesday July 27, 2016	
First Committee Meeting: Cost sharing committee meets to consider facilitator's review and presentation of data and information pertaining to cost sharing, and for facilitator to solicit concerns of municipal officials, educators and public about current cost sharing method; after receiving input, presents a plan of action that includes the expectations for conduct of parties, options for proceeding, and assessment of likely success of those options.	No sooner than 15 days' after notice given to municipalities; note that completed in time for statewide referendum on November 8. If a change in method is approved by a majority vote of representatives present and voting, it will go to referendum.	Wednesday, August 3, 2016	
Second Committee Meeting: Facilitator prepares a balanced summary of the concerns expressed at the first meeting; committee considers options and acts on motion(s) if any to change method of cost sharing	None. See above for completion of meetings.	Wednesday, August 10, 2016	
Third Committee Meeting: if needed	None. See above for completion of meetings.	Wednesday, August 17, 2016	
PROCESS ENDS HERE IF NO AMENDMENT APPROVED BY COMMITTEE; PROCESS CONTINUES IF COMMITTEE APPROVES AMENDMENT			

Provide Legal Counsel with Referendum Information: Provide Drummond Woodsum with new cost sharing proposal and other information needed to prepare referendum documents.	None; allow at least 1-2 weeks for ballots, warrants, hearing notices, board votes and other materials to be prepared	Thursday, August 18, 2017	
Order Ballots: Place order with printer for official ballots and specimen ballots (if paper ballots used) <u>or</u> arrange for town clerks to order machine ballots / specimen ballots and for programming of counting machines.	None; recommend before School Board meeting calling the election; must coordinate with clerks and leave extra time if towns use machine ballots; absentee ballots must be delivered at least 30 days before the referendum, <u>but clerks will want the absentee ballots 45 days prior to coordinate with statewide election</u>	<u>For machine ballots:</u> Wednesday, August 31, 2016 <u>For paper ballots:</u> Wednesday, August 31, 2016	
Call the Election: School Board calls the referendum and signs referendum warrants and notices of public hearing.	None; must leave time for other deadlines below.	Monday, September 19, 2016	
Deliver Ballots and Warrants: RSU resident delivers ballots and referendum warrants to town clerks.	Referendum warrants must be delivered within 3 days of School Board Meeting (20-A M.R.S. § 1502(1)(B)); referendum warrants and absentee ballots must be delivered at least 30 days before the Referendum.	Tuesday, September 20, 2016	
Post Public Hearing Notices: RSU resident posts Public Hearing notices.	Posting of notices for Public Hearing must occur at least 7 days before the Public Hearing (20-A M.R.S. § 1502(1)(C)).	Tuesday, September 20, 2016	
Hold Public Hearing: School Board holds public hearing on the cost sharing amendment.	At least 7 days before referendum (20-A M.R.S. § 1502(1)(B)).	Monday, Oct. 24, 2016	
Post Warrants: Towns post referendum warrants following countersignature by municipal officers.	Countersignature and posting of referendum warrants must occur "forthwith" after delivery to clerk (20-A M.R.S. § 1502(1)(B)); Towns must post referendum warrants at least 7 days before the referendum (30-A M.R.S. § 2523(4)).	<u>No later than</u> Tuesday, November 1, 2016	
Referendum: Voters participate in a RSU-wide referendum to act on the amendment.	At least 7 days after public hearing; at least 30 days after referendum warrants and absentee ballots are distributed to town clerks (20-A	Tuesday, Nov. 8, 2016	

	M.R.S. § 1502(1)).		
Certification of Election Results: Town clerks certify the results of the referendum votes and send the totals to the RSU.	Within 24 hours of the determination of the results of the Referendum (20-A M.R.S. § 1503(3)(A)).	Wednesday, Nov. 9, 2016	
Declaration of Results: School Board declares whether the referendum question has passed and sends certification to the towns.	"As soon as" all of the results from all of the municipalities have been returned to the Board (20-A M.R.S. § 1503(3)(B)); Recommend next regularly scheduled board meeting following the election.	Monday, Nov. 14, 2016	



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TOWN OF KENNEBUNKPORT
Application for Boards, Committees & Commissions

To the Town Manager:

I hereby request to be considered for membership to the following board(s) and/or committee(s): (If more than one, please indicate your preference: 1,2,3...)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Administrative Code Committee | <input type="checkbox"/> Parsons Way |
| <input checked="" type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Budget Board | <input type="checkbox"/> Recreation Committee |
| <input type="checkbox"/> Cape Porpoise Pier Advisory Committee | <input type="checkbox"/> Road Book Committee |
| <input type="checkbox"/> Cemetery Committee | <input type="checkbox"/> Sewer Advisory Committee |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Shade Tree Committee |
| <input type="checkbox"/> Government Wharf Committee | <input type="checkbox"/> Shellfish Advisory Committee |
| <input type="checkbox"/> Growth Planning Committee | <input type="checkbox"/> Sidewalk Committee |
| <input type="checkbox"/> Kennebunk River Committee | <input type="checkbox"/> Solid Waste Committee |
| <input type="checkbox"/> Lighting Committee | <input checked="" type="checkbox"/> Zoning Board of Appeals |

April Dufre
Signature of Applicant

06-29-16
Date

Preliminary Information

Name (Print): April Dufre

Residence Address: _____ Phone: _____

Business Address: _____ Phone: _____

Mailing Address: same

(if different) _____

E-mail Address: _____

Membership in community organizations:

Organization	Dates	Activities
<u>Town Clerk</u>	<u>2000-2016</u>	_____
<u>Atlantic Hall BOD</u>	<u>2003-2012</u>	_____
<u>ZBA - KPort</u>	<u>1997-2000</u>	_____
_____	_____	_____

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

Town Clerk for KPort for 16 1/2 yrs.

Lived in KPort most of my life.

What is your reason for wanting to serve on this board or committee?

I am now retired + have time to serve.

Are you registered to vote in Kennebunkport? Please check one: ☒ Yes ☐ No

Please return the completed application to: Town Manager, 6 Elm St., P.O. Box 566, Kennebunkport, ME 04046. You will be contacted upon receipt.



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Paul R. LePage
GOVERNOR

13
STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

David Bernhardt
COMMISSIONER

Tracey O'Roak, Clerk
Town of Kennebunkport
6 Elm Street PO Box 566
Kennebunkport, ME 04046-0566

Subject: Mathew J. Lanigan Bridge
Project No: 022504.00
Town of Kennebunk & Kennebunkport

Dear Ms. O'Roak:

The Maine Department of Transportation will soon solicit quotes for the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that *"the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers"*. In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,


George M.A. Macdougall
Contracts & Specifications Engineer
Bureau of Project Development

Return this AGREEMENT, when completed, to:

Maine Department of Transportation
ATTN.: George Macdougall, Contracts & Specifications Engineer
#16 State House Station, Child Street
Augusta, Maine 04333-0016

Project: 022504.00

Location: Route 9

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of Kennebunkport** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to haul non-divisible overlimit loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overlimit loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

TOWN OF KENNEBUNKPORT
By the Municipal Officials

SPECIAL PROVISION 105
CONSTRUCTION AREA

A Construction Area located in the **Town of Kennebunkport** and **Kennebunk** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in the town of Kennebunkport and Kennebunk, York County on Route 9 road over the Kennebunk River.
- (b) (Western Avenue) over the Kennebunk River station 48+00.00 to station 51+50.00 of the construction plus approaches.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

- A. Must be procured from the municipal officers for a construction area within that municipality;*
- B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:*
 - (1) Withholding by the agency contracting the work of final payment under contract; or*
 - (2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.*
- The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;*
- C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and*
- D. For construction areas, carries no fee and does not come within the scope of this section.”*

The Municipal Officers for the **Town of Kennebunkport** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

GENERAL GUIDANCE

CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

However, in this case we're dealing with *Construction Permits* involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit *"for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation"*. According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.

Frequently Asked Questions:

A. Why sign the document in advance of the actual construction contract?

Response: There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

B. Different roads may require different levels of scrutiny. How is a posted road handled?

Response: Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of a Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permit are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

SPECIAL PROVISION 105
OVERLIMIT PERMITS

Title 29-A § 2382 MRSA Overlimit Movement Permits.

1. Overlimit movement permits issued by State. The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation

2. Permit fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

3. County and municipal permits. A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality

4. Permits for weight. A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

5. Special mobile equipment. The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.

6. Scope of permit. A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.

7. Construction permits. A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

9. Pilot vehicles. The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

9-A. Police escort. A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

11. Violation. A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

PL 1993, Ch. 683, §A2 (NEW).

PL 1993, Ch. 683, §B5 (AFF).

PL 1997, Ch. 144, §1,2 (AMD).

PL 1999, Ch. 117, §2 (AMD).

PL 1999, Ch. 125, §1 (AMD).

PL 1999, Ch. 580, §13 (AMD).

PL 2001, Ch. 671, §30 (AMD).

PL 2003, Ch. 166, §13 (AMD).

PL 2003, Ch. 452, §Q73,74 (AMD).

PL 2003, Ch. 452, §X2 (AFF).

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207-_____; fax: 207-_____

APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF _____
for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over
ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT
project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit
will automatically expire at the physical completion of the above construction project. The original permit will be
held on file at the municipality.

Signed:

Municipal Official

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207-_____; fax: 207-_____

APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS

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PHONE:

FAX:

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Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit
will automatically expire at the physical completion of the above construction project. The original permit will be
held on file at the municipality.

Signed:

Municipal Official

BOND # _____

Date: _____

MUNICIPAL CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) _____
_____ and the Municipality of _____, as
principal, and _____
_____, a corporation duly organized under the laws of the State of _____ and having a
usual place of business _____,
as Surety, are held and firmly bound unto the Treasurer of the Municipality of
_____ in the sum of
_____ and 00/100 Dollars (\$ _____)
to be paid said Treasurer of the Municipality of _____ or
her/his successors in office, for which payment well and truly to be made, Principal and
Surety bind themselves, their heirs, executors and administrators, successors and assigns,
jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in
the Contract to construct Project Number _____ in the Municipality of
_____ promptly and faithfully performs the Contract,
without damage to the municipal ways, other than normal wear and tear; then this
obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way
beyond normal wear and tear, in the construction of the above project through the use of
legal weight, legal dimension trucks or equipment; or overweight or over-dimension
equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond
may be used to guarantee that the contractor either repairs or pays for the damage caused
by the use of its equipment or trucks. The degree of damage beyond normal wear and
tear will be determined by municipal officials with the assistance of the Maine
Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this day of, 20.... .

WITNESS:	SIGNATURES:
	CONTRACTOR:
Signature.....
Print Name Legibly	Print Name Legibly
.....

WITNESS:	SIGNATURES SURETY:
Signature.....	Signature.....
Print Name Legibly	Print Name Legibly

NAME OF LOCAL AGENCY:
ADDRESS
TELEPHONE

NAME OF SURETY
SURETY ADDRESS:.....

BOND # _____

BOND # _____

Date: _____

MUNICIPAL CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) _____
_____ and the Municipality of _____, as
principal, and _____
_____, a corporation duly organized under the laws of the State of _____ and having a
usual place of business _____,
as Surety, are held and firmly bound unto the Treasurer of the Municipality of
_____ in the sum of
_____ and 00/100 Dollars (\$ _____)
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her/his successors in office, for which payment well and truly to be made, Principal and
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WITNESS:	SIGNATURES:
	CONTRACTOR:
Signature.....
Print Name Legibly	Print Name Legibly
.....

WITNESS:	SIGNATURES SURETY:
Signature.....	Signature.....
Print Name Legibly	Print Name Legibly

NAME OF LOCAL AGENCY:
ADDRESS
TELEPHONE

NAME OF SURETY
SURETY ADDRESS:.....

BOND # _____