



TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda  
September 8, 2022 @ 6:00 PM  
VILLAGE FIRE STATION  
32 North Street**

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

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

**<https://us06web.zoom.us/j/85867002094>**

**or go to ZOOM and enter the webinar ID: 858 6700 2094**

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

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1. Call to Order.
2. Approve the August 25, 2022, 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. Public hearing for a new Liquor License submitted by HAMASA LLC, d/b/a 1802 House Bed and Breakfast.
5. Consider approving a renewal Liquor and Special Amusement Application submitted by Breakwater Inn & Spa.
6. Authorize the warrant for the November ballot.
7. Certification of the referendum questions for the November town meeting warrant.
8. Authorize the warrant for a special town meeting on September 22, 2022.
9. Street Opening permit by Labbe Excavating Inc for South Main Street.
10. Discussion of correspondence with Kennebunkport Heritage Housing Trust regarding affordable housing goals and potential zoning amendments.
11. Presentation by Werner Gilliam regarding form-based code zoning.
12. Consider lease purchase of ladder truck.
13. Award bid for the replacement of heating system at Village Fire Station.

14. Appoint Jamie Mitchell to the Recreation Committee.
15. Consider writing off bad debt for fuel sales owed by Chris Perkins.
16. Accept donations dedicated to the nurse's general account:
  - a. \$50.00 from an Anonymous donor
  - b. \$50.00 from Audrey Lakin
17. Other Business.
  - a. Discussion of Town Meeting date.
18. Approve the September 8, 2022, Treasurer's Warrant.
19. Executive Session per (MRSA 1, §405-6C) for discussion of consideration of real estate.
20. Adjournment.

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# **AGENDA ITEM DIVIDER**

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Town of Kennebunkport  
Board of Selectmen Meeting  
August 25, 2022  
3:00 PM

### MINUTES

**Selectmen attending:** Ed Hutchins, Mike Weston, Allen Daggett, and Jon Dykstra. Absent Sheila Matthews-Bull.

**Others attending:** Robin Phillips, Melina Anderson, and David James.

**1. Call to Order**

Selectman Hutchins called the meeting to order at 3:00 PM.

**2. Approve the July 14, 2022, meeting minutes.**

**Motion** by Selectman Daggett, seconded by Selectman Weston to approve the July 14, 2022, selectmen meeting minutes. **Voted:** 4-0. **Motion passed.**

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

David James stated he wanted to discuss the future of the KRA with the Selectmen, and he may set up individual times.

Melinda Anderson questioned why the meeting wasn't recorded. Ed explained that during the months of July and August, the second meeting is a warrant signing meeting and is not recorded as it is a short meeting. He and the other selectmen reiterated this is normal per their course of business each year.

Robin Phillips asked how she could change the time of year the annual town meeting is held each year. Robin stated that many people couldn't attend a Saturday meeting in mid-June due to work and family commitments as it is a very busy time of year. When she was campaigning for office, many people brought this concern up. Allen stated that other people have complained that during March, they are away in warmer climates and can't vote. The Town Manager explained that the Town Meeting changed with the change in the fiscal year. Originally the Town had a calendar fiscal year, and the meeting was held in March. When the Town changed to a July – June fiscal year, it moved the Town meeting to June. The election process coincides with the State election/ballot and also the School budget validation process.

Melinda agreed that we need more participation, and a budget process in June limits who can attend.

David James questioned whether more people would attend in March versus June. He stated that people come when there is an issue.

The Selectmen stated that if a proposal was brought forward, they would investigate. As a citizen, Robin has the ability to bring a question forward to the voters through the petition process.

**4. Discussion of whether to hold a special town meeting or place a question on the November ballot requesting permission for the placement of the Economic Development Administration 20-year mortgage on Cape Porpoise Pier as part of the grant requirements.**

Allen stated that we should have a town meeting to explain the question to the people. Jon agreed and stated that due to the use of the word mortgage, people might think we are borrowing funds. David James stated that he supported a town meeting so that people could discuss the particulars of the case. Robin questioned why people couldn't just read the question and learn about it, in order to vote on the November ballot.

**Motion** by Selectman Daggett, seconded by Selectman Dykstra, to hold a special town meeting on September 22, 2022, at the Village Fire Station at 6 PM. **Voted:** 4-0. **Motion passed.**

**5. Other Business.**

There was no other business.

**6. Approve the July 28, 2022, Treasurer's Warrant.**

**Motion** by Selectman Dykstra, seconded by Selectman Weston to approve the August 25, 2022, Treasurer's Warrant. **Voted:** 4-0. **Motion passed.**

**7. Adjournment.**

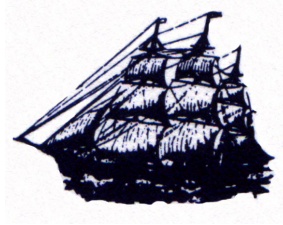
**Motion** by Selectman Weston seconded by Selectman Dykstra to adjourn. **Voted:** 4-0. **Motion passed.** Meeting adjourned at 4:00 PM.

Submitted by,  
Laurie Smith,  
Town Manager

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# **AGENDA ITEM DIVIDER**

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## KENNEBUNKPORT TOWN CLERK

**To:** Laurie Smith, Town Manager  
Board of Selectmen

**Fr:** Tracey O’Roak, Town Clerk

**Dt:** August 31, 2022

**Re:** Liquor License and Special Amusement Applications

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We have received the following applications for Liquor Licenses and Special Amusement renewal applications:

- **1802 House** – new application for liquor license (new ownership). This requires a public hearing. Notice was posted in the Kennebunk Post.
- **Breakwater Inn & Spa** – renewal liquor and special amusement permit

Staff have reviewed the applications and provided approval for this license and, therefore, I recommend approval.

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# **AGENDA ITEM DIVIDER**

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Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:    Yes <input type="checkbox"/> No <input type="checkbox"/>	

Legal Business Entity Applicant Name (corporation, LLC): HAMASA LLC	Business Name (D/B/A): 1802 House Bed and Breakfast
Individual or Sole Proprietor Applicant Name(s): Julianna Acheson	Physical Location: 15 Locke St. Kennebunkport, ME 04046
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: julianna.acheson@hotmail.com
Telephone #                      Fax #: 207 491 6282	Business Telephone #                      Fax #: 207 517 9689
Federal Tax Identification Number:	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address:

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

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

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

5. Business records are located at the following address:

15 Locke St. Kennebunkport, Maine 04046

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

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

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

If yes, please provide details: \_\_\_\_\_  
\_\_\_\_\_

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Julianna Acheson	04/20/1965	Rochester, NY

Residence address on all the above for previous 5 years

Name	Address:	
Julianna Acheson	23 Cheshire Meadows Ln., Kennebunk ME 04043	11/21-present
Name	Address:	
Julianna Acheson	876 Post Rd. Wells, ME 04090	5/2017-11/21
Name	Address:	
Name	Address:	

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

☐ Yes ☒ No

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

\_\_\_\_\_

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

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

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

\_\_\_\_\_

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 6.00

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

The places are the outdoor decks and seating, owner's quarters storage in the basement, kitchen, dining room and common area, 6 guest bedrooms, and the entrance.

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

Name: Closest school Kennebunkport Consolidated School

Distance: \_\_\_\_\_

## Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

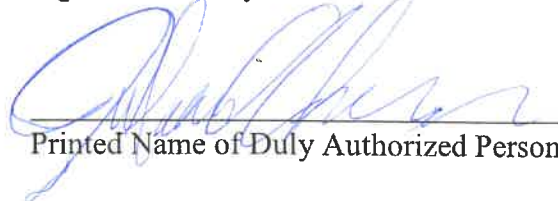
Dated: 08/04/2022

\_\_\_\_\_  
Signature of Duly Authorized Person

Julianna Acheson

\_\_\_\_\_  
Printed Name Duly Authorized Person

\_\_\_\_\_  
Signature of Duly Authorized Person

  
\_\_\_\_\_  
Printed Name of Duly Authorized Person

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

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

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

**A.** The bureau shall prepare and supply application forms.

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

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

*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: HAMASA LLC
2. Doing Business As, if any: 1802 House Bed and Breakfast
3. Date of filing with Secretary of State: 08/04/2022 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

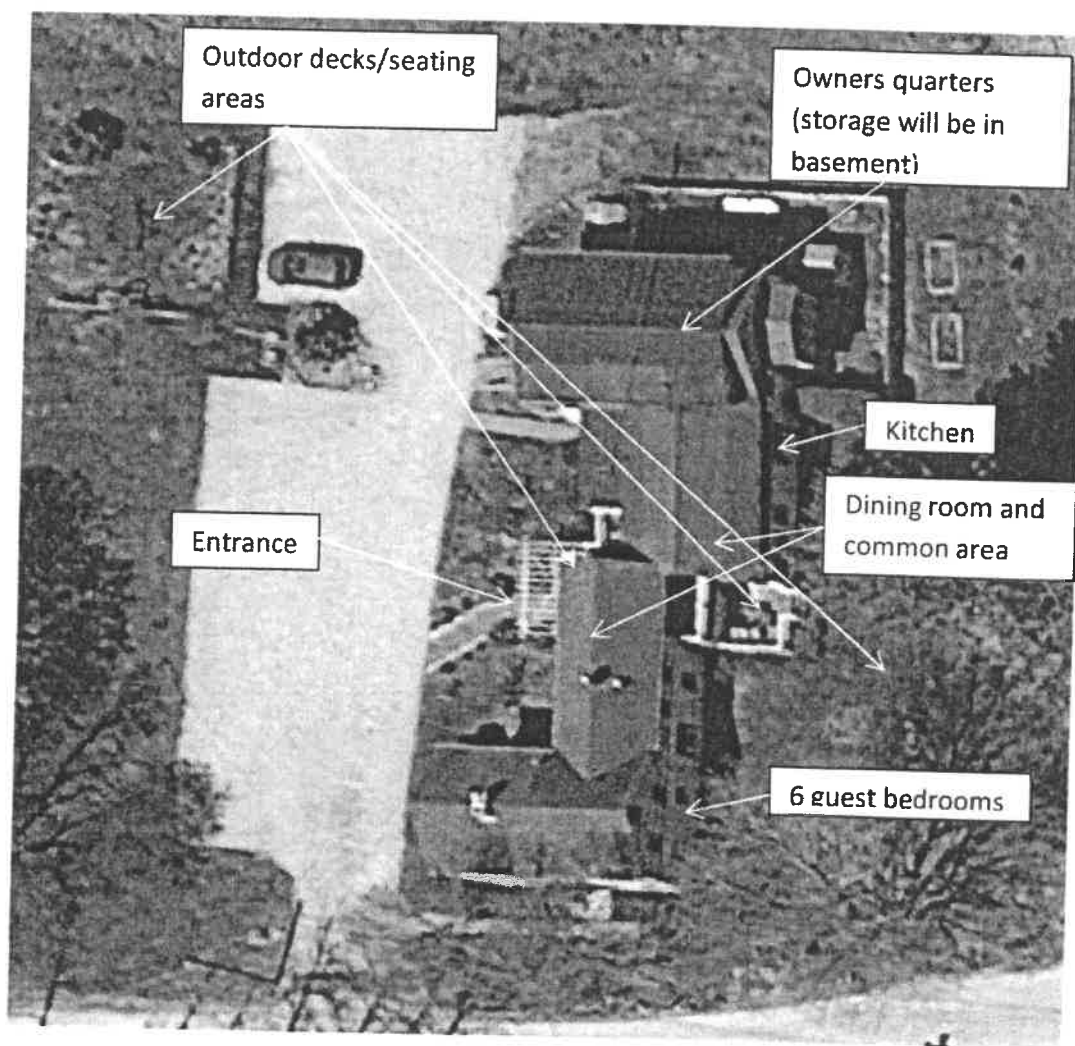
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Julianna Acheson	23 Cheshire Meadows Ln 04043	04/20/1965	Owner	100.0000
Julianna Acheson	876 Post Rd., Wells 04090	04/20/1965	Owner	100.0000

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

## Section VI Premises Floor Plan

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

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





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

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

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

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

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

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

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

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

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

**E.** A violation of any provision of this Title;

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

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

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

**A. Repealed**

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

**4. Repealed**

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

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

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

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

## Section V: Fee Schedule

**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

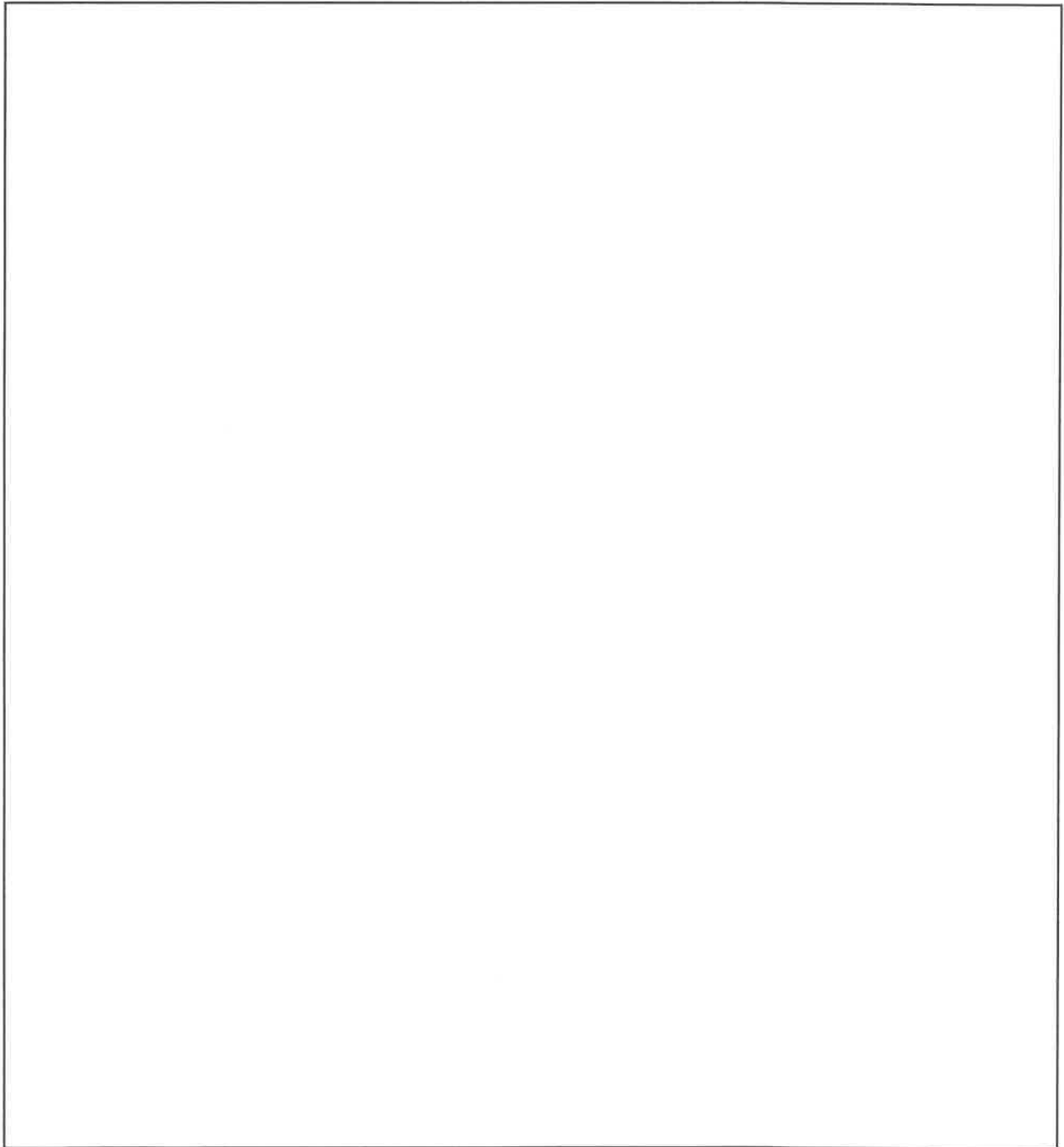
**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<b><u>Class of License</u></b>	<b><u>Type of liquor/Establishments included</u></b>	<b><u>Fee</u></b>
<b>Class I</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
<b>Class I-A</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only hotels that do not serve three meals a day.	\$1,100.00
<b>Class II</b>	<b>For the Sale of Spirits Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
<b>Class III</b>	<b>For the Sale of Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class IV</b>	<b>For the Sale of Malt Liquor Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class III and IV</b>	<b>For the Sale of Malt Liquor and Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
<b>Class V</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Club without catering privileges.	\$ 495.00
<b>Class X</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Class A Lounge	\$2,200.00
<b>Class XI</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Restaurant Lounge	\$1,500.00

## Section VI Premises Floor Plan

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

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





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

TELEPHONE: (207) 624-7220

FAX: (207) 287-3434

EMAIL INQUIRIES: [maineliqor@maine.gov](mailto:maineliqor@maine.gov)

Thank you for your interest in becoming a licensed establishment to sell and serve alcoholic beverages in Maine. To avoid any delay in the processing of your application and the subsequent issuance of your liquor license, please use the following checklist to assist you in completing the application. If you are renewing your license, this checklist is useful as well.

- ☐ Your application has been completed in its entirety and is legible. For a renewal, please submit your application 30 days prior to the expiration date of your liquor license.
- ☐ Your application is signed and dated by a duly authorized person.
- ☐ The application is signed and approved by the Town or City Municipal Officers or County Commissioners.
- ☐ The license fee submitted is for the correct fee for the license class for which you are applying and includes the \$10.00 filing fee.
  - ☐ The check must be made payable to "Treasurer, State of Maine"; both the license and filing fees can be submitted on one check.
  - ☐ If the licensee/applicant(s) is in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- ☐ For a renewal, the dollar amount of your gross income for food, liquor and guest rooms, if applicable must be completed – see Section I.1
- ☐ A diagram of the facility to be licensed must accompany **all** applications whether for a new license or the renewal of an existing license
- ☐ If you are a registered business entity with the Maine Secretary of State's office like a corporation or a limited liability company, you must complete Section VII of the application. This does not need to be completed if you are a sole proprietor.
- ☐ Have you applied for other required licensing from other state and federal agencies? See attached list.

**Important** – all applications whether for a new license or to renew an existing license for an on-premises liquor license must contact their Municipal Officials or the County Commissioners in unincorporated places to have their application approved and signed prior to submitting it to the Bureau for further consideration.

The address to send your completed application to:

1. Mailing address:

Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
8 State House Station  
Augusta, ME 04333-0008

2. Courier/overnight address:

Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
19 Union Street, Suite 301-B  
Augusta, ME 04330

**The following licenses/permits may be required prior to be licensing as an on-premises licensee with the Bureau**

<b>Obtained ✓</b>	<b>License/Permit</b>	<b>State/Federal Agency to Contact</b>	<b>Telephone Number</b>	<b>Physical Location</b>
	Seller Certificate or Sales Tax Number	Maine Revenue Services <a href="http://www.maine.gov/revenue">www.maine.gov/revenue</a>	(207) 624-9693	51 Commerce Dr, Augusta
	Health License	Health and Human Services <a href="http://www.maine.gov/dhhs">www.maine.gov/dhhs</a>	(207) 287-5671	286 Water St, 3 <sup>rd</sup> floor, Augusta
	Victualer's License	Municipality where premise is located.	Contact your town office or county office	Contact your town office or county office
	Shellfish License	Marine Recourses <a href="http://www.maine.gov/dmr">www.maine.gov/dmr</a>	(207) 624-6550	<ul style="list-style-type: none"> <li>• 32 Blossom Lane, Augusta</li> <li>• 194 McKown Point Rd, West Boothbay Harbor</li> <li>• Lamoine State Park, Lamoine</li> <li>• 650 State St, Bangor</li> <li>• 317 Whitneyville Rd, Jonesboro</li> </ul>
	Dance or Entertainment License	Fire Marshall's Office <a href="http://www.maine.gov/dps/fmo">www.maine.gov/dps/fmo</a>	(207) 626-3882	45 Commerce Drive, Suite 1, Augusta
	Federal I.D. Number	<a href="http://www.irs.gov">www.irs.gov</a>	(800) 829-4933	
	Legal business names for corporations and limited liability companies and "Doing Business As" Names (assumed names)	Secretary of State, Bureau of Corporations, Elections and Commissions <a href="http://www.maine.gov/sos/cec">www.maine.gov/sos/cec</a>	(207) 624-7752	111 Sewall St, 3 <sup>rd</sup> Fl, Augusta
	Retail Beverage Alcohol Dealers Permit	Alcohol and Tobacco Tax and Trade Bureau (TTB) <a href="https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers">https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers</a>	(877) 882-3277	

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# **AGENDA ITEM DIVIDER**

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## Application for an On-Premises License

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

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:    Yes <input type="checkbox"/> No <input type="checkbox"/>	

Legal Business Entity Applicant Name (corporation, LLC): Breakwater Inn & Spa	Business Name (D/B/A): Breakwater Inn & Spa
Individual or Sole Proprietor Applicant Name(s): Breakwater - Kennebunkport LLC	Physical Location: 127 Ocean Avenue Kennebunkport, ME
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: PO Box M Kennebunkport, ME 04046
Mailing address, if different from DBA address:	Email Address: hcox@haycreekhoteles.com
Telephone #                      Fax #: 207-967-5333	Business Telephone #                      Fax #: 207-967-5333
Federal Tax Identification Number: 83-1129105	Maine Seller Certificate # or Sales Tax #: 1192606
Retail Beverage Alcohol Dealers Permit:	Website address: www.thebreakwaterinn.com

1. New license or renewal of existing license? ☐ New Expected Start date: \_\_\_\_\_  
☒ Renewal Expiration Date: 10/17/2022
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:  
Food: \$ 440,000.00 Beer, Wine or Spirits: \$ 275,000.00 Guest Rooms: \$ 1,120,000.00
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)  
☒ Malt Liquor (beer) ☒ Wine ☒ Spirits



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

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

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

5. Business records are located at the following address:

127 Ocean Avenue Kennebunkport, ME 04046

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No
7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

If yes, please provide details: \_\_\_\_\_  
\_\_\_\_\_

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

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

Name of Business	License Number	Complete Physical Address
Beach House Inn	BB-2018-11165	211 Beach Ave Kennebunk, ME 04043

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

Full Name	DOB	Place of Birth
Heather Cox	07/03/2085	Vermont

Residence address on all the above for previous 5 years

Name Address:  
Heather Cox 56 Orchard Road Parsonsfield, ME / 92 Otter Drive Standish, ME

Name Address:

Name Address:

Name Address:

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

☐ Yes ☒ No

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

\_\_\_\_\_

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

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

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

\_\_\_\_\_

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 35.00

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

Hotel, restaurant, and spa

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

Name: St. Anne's Church

Distance: 0.40

## Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 08/10/2022



Signature of Duly Authorized Person

Signature of Duly Authorized Person

Heather Cox

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

**A.** The bureau shall prepare and supply application forms.

MAINE DEPT OF  
PUBLIC SAFETY

STATE OF MAINE  
Liquor Licensing & Inspection Division  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424

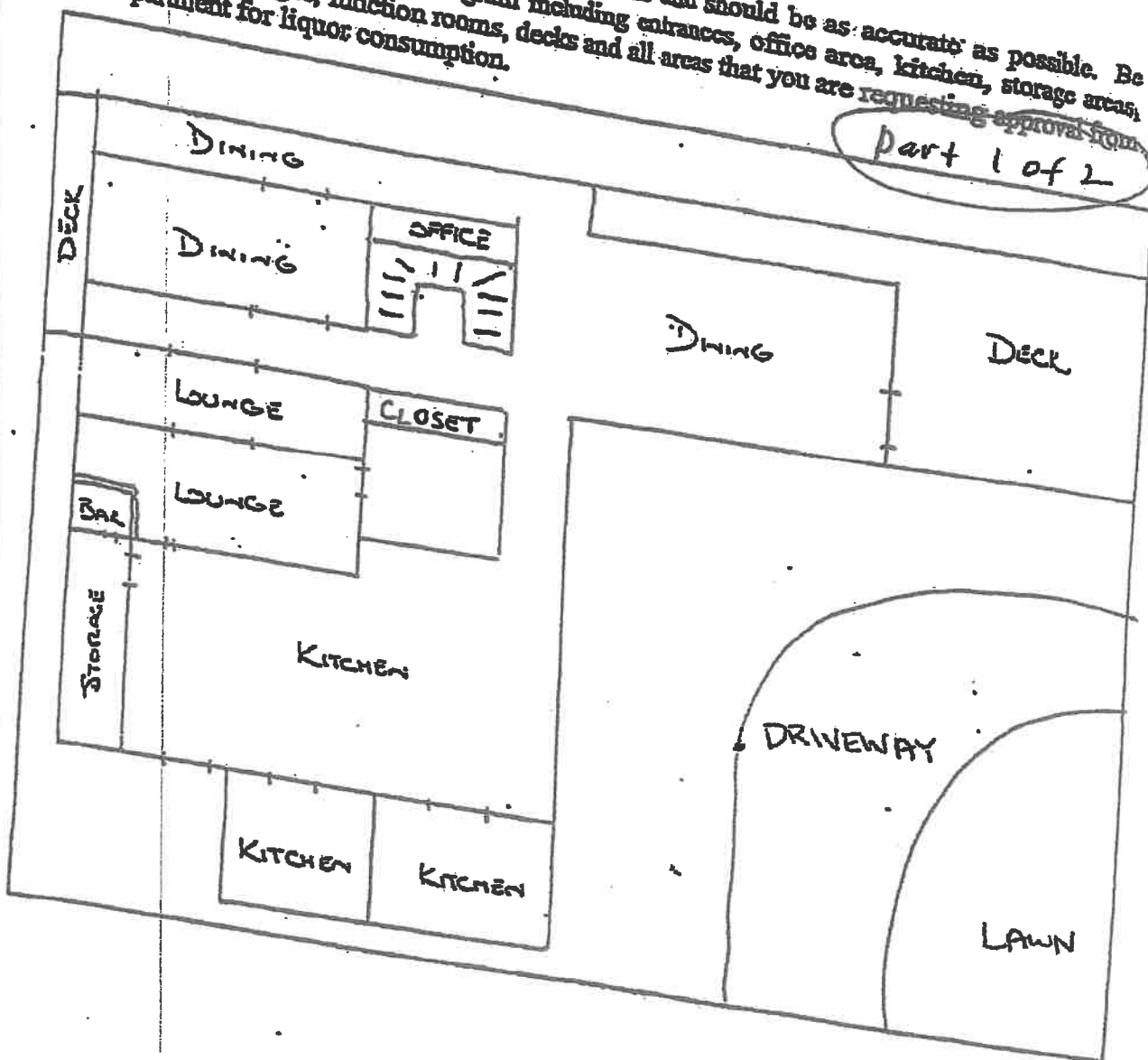


Part 1 of 2

SUPPLEMENTAL APPLICATION FORM  
ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

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





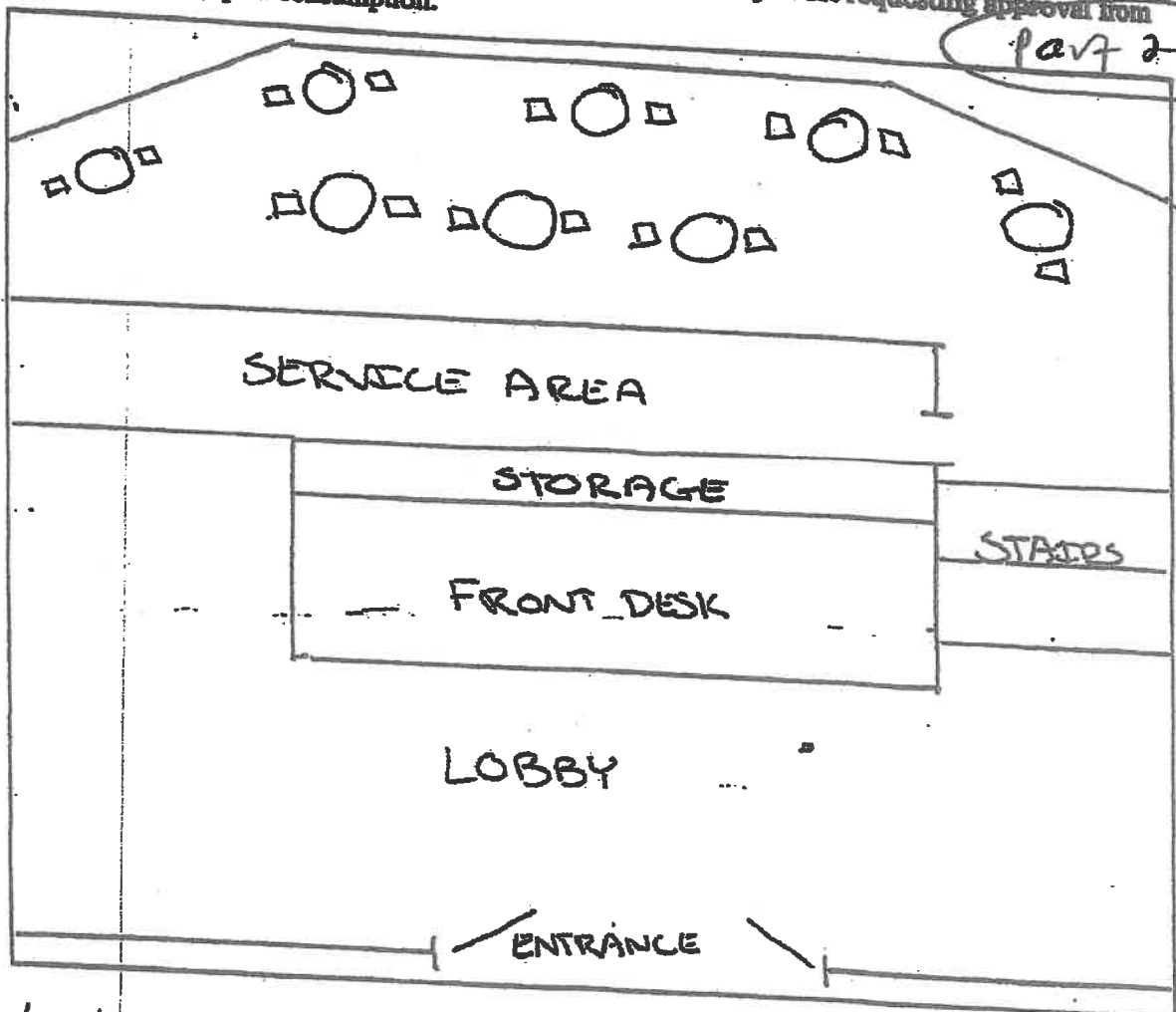
Part 2 of 2

Bureau of Alcoholic Beverages  
Division of Liquor Licensing & Enforcement  
164 State House Station  
Augusta, ME 04330-0164  
Tel: (207) 624-7220 Fax: (207) 387-3424

## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

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

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



Part 2 of 2

Lawn, waterfront area  
fire pit area

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

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

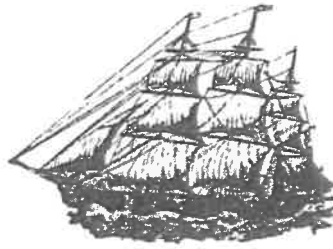
*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: Breakwater - Kennebunkport LLC
2. Doing Business As, if any: Breakwater Inn & Spa
3. Date of filing with Secretary of State: 07/19/2021 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
John Lafayette	85 Main Rd Hampden, ME 04444	05/25/1984	Member	0.2500
Ramsey Lafayette	85 Main Rd Hampden, ME 04444	04/18/1986	Member	0.2500
Annaliese Lafayette	85 Main Rd Hampden, ME 04444	12/24/1987	Member	0.2500
Logan Lafayette	85 Main Rd Hampden, ME 04444	12/18/1993	Member	0.2500

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





## TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

### APPLICATION SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Breakwater Inn + Spa  
Residence Address 127 Ocean Ave Kennebunkport  
Home Telephone Number 207-967-5333  
Name of Business Breakwater Inn + Spa  
Business Address 127 Ocean Ave Spt  
Type of Business Hotel, restaurant, spa  
Business Telephone Number 207-967-5333  
Nature of Special Amusement hotel with restaurant -  
dancing, music for events/groups

Has your liquor and or amusement license ever been denied or revoked?

Yes       

No X

If yes, describe circumstances specifically. (Attach additional page if necessary)

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1. Permit Fee: **\$ 100.00 (payable to the Town of Kennebunkport)**
2. By making application for this permit and signing this application form, I acknowledge that I am familiar with the rules and regulations governing this permit.

[Signature]  
Signature of Applicant

Printed name: Heather Cox

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# **AGENDA ITEM DIVIDER**

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**TOWN OF KENNEBUNKPORT**

**WARRANT  
SPECIAL TOWN MEETING  
NOVEMBER 8, 2022**

State of Maine

County of York, SS

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

**GREETINGS:**

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

To the voters of Kennebunkport: You are hereby notified that a Special Town Meeting of this municipality will be held at the Village Fire Station, 32 North Street on Tuesday, November 8, 2022, at 8:00 a.m. for the purpose of acting on Articles numbered one (1) and one a (1a) as set out below. The polls for voting on Article 1 shall be opened immediately after the election of the Moderator at 8:00 a.m. on November 8, 2022, and shall close at 8:00 p.m. While the polls are open, the Registrar of Voters will hold office hours to accept the registration of any person eligible to vote, to accept new enrollments, and to make any necessary corrections or changes to any names or addresses on the voting list.

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

**ARTICLE 1.** To vote on the following referendum questions:

**QUESTION 1  
AMENDMENT TO THE KENNEBUNK RIVER ORDINANCE**

Shall an ordinance entitled “November 8, 2022, Amendment to the Kennebunk River Ordinance” be enacted? (A true copy of which is on file in the Town Clerk’s Office and is incorporated by reference.)

[Note of Explanation: This amendment clarifies the definitions of Commercial Vessel and Commercial Fishing.]

**QUESTION 2**  
**AMENDMENT TO THE ADMINISTRATIVE CODE**

Shall an ordinance entitled “November 8, 2022, Amendment to the Administrative Code” be enacted? (A true copy of which is on file in the Town Clerk’s Office and is incorporated by reference.)

[Note of Explanation: This amendment removes the qualification that the Town Meeting Moderator be a registered voter of the Town *and* includes RSU #21 Directors as elected officials of the Town that may be removed from office by the voters.]

**QUESTION 3**  
**AMENDMENT TO THE SHELLFISH CONSERVATION ORDINANCE**

Shall an ordinance entitled “November 8, 2022, Amendment to the Shellfish Conservation Ordinance” be enacted? (A true copy of which is on file in the Town Clerk’s Office and is incorporated by reference.)

[Note of Explanation: This amendment requires applicants for a Shellfish License to appear in person in the Town Clerk’s Office *and* clarifies that diggers under 12 years of age can dig without their own license when accompanied by an adult holding a valid recreational Shellfish License.]

**QUESTION 4**  
**AMENDMENT TO THE LAND USE ORDINANCE**  
**REGARDING RESIDENTIAL RENTAL ACCOMMODATIONS (ROOMERS)**

Shall an ordinance entitled “November 8, 2022, Amendment to the Land Use Ordinance regarding residential rental accommodations (roomers)” be enacted? (A true copy of which is on file in the Town Clerk’s Office and is incorporated by reference.)

[Note of Explanation: This amendment would revise the way residential rental accommodations (roomers) are reviewed, approved and denied. All other performance and appeal standards will remain unchanged.]

**QUESTION 5**  
**ACCEPTANCE OF THE KENNEBUNKPORT 2030 COMPREHENSIVE PLAN**

Shall the “2022 Update to the Comprehensive Plan for the Town of Kennebunkport, Maine” as submitted by the Town of Kennebunkport’s Growth Planning Committee be adopted? (A true copy of which is on file in the Town Clerk’s Office and is incorporated by reference.)

[Note of Explanation: A Comprehensive Plan is used to guide the Town in its effort to develop and implement its local growth management program. The Land Use Ordinance, by law, must be consistent with a comprehensive plan adopted by the voters. Adoption of this article will update the existing Comprehensive Plan adopted by the Town in 1996 and updated in 2006, 2007, 2008, 2009, 2010 & 2011.]

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

**GIVEN UNDER OUR HANDS** this 8<sup>th</sup> day of September 2022, Kennebunkport, Maine.

\_\_\_\_\_  
Edward W. Hutchins, II

\_\_\_\_\_  
Jon D. Dykstra

\_\_\_\_\_  
Allen A. Daggett

\_\_\_\_\_  
Sheila W. Matthews-Bull

\_\_\_\_\_  
D. Michael Weston

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

A true attested copy of the warrant attest:

\_\_\_\_\_  
Tracey O’Roak, Town Clerk

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# **AGENDA ITEM DIVIDER**

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**CERTIFICATION OF  
PROPOSED ORDINANCE REVISION**

TO: Tracey O’Roak, the Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

**"Proposed Revision to the Kennebunk River Ordinance"**

attached hereto as Exhibit A is a true copy of the Ordinance proposed for enactment at the Special Town Meeting of the Town of Kennebunkport to be held on November 8, 2022.

Dated this 8<sup>th</sup> day of September 2022, at Kennebunkport, Maine.

\_\_\_\_\_  
Jon D. Dykstra

\_\_\_\_\_  
Sheila A. Matthews-Bull

\_\_\_\_\_  
Edward W. Hutchins

\_\_\_\_\_  
Allen A. Daggett

\_\_\_\_\_  
D. Michael Weston

*A majority of the Board of Selectmen of the Town of Kennebunkport*

## **Exhibit A**

### **Revisions to Part I. General Ordinances**

#### **Chapter 80. Kennebunk River**

##### **Section 80-10: Definitions**

#### **Vessel**

The word “vessel” as used herein shall include boats of all sizes powered by sail, machinery or hand, scows, dredges, lobster, crab and shellfish cars, and craft of any kind.

#### **Commercial Vessel**

~~A vessel from which the owner obtains in excess of 67% of his earned income. The definition of Commercial Vessel includes Commercial Fishing Vessel, unless otherwise indicated. A vessel that is primarily used for commercial fishing.~~

#### **Commercial Fishing Vessel**

~~A vessel from which the owner obtains in excess of 67% of his earned income from commercial fishing. Commercial fishing is defined as fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter, or trade.~~

#### **Commercial Fishing**

~~Commercial fishing is defined as fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter, or trade.~~



**CERTIFICATION OF  
PROPOSED ORDINANCE REVISION**

TO: Tracey O’Roak, the Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

**"Proposed Revision to the Administrative Code"**

attached hereto as Exhibit A is a true copy of the Ordinance proposed for enactment at the Special Town Meeting of the Town of Kennebunkport to be held on November 8, 2022.

Dated this 8<sup>th</sup> day of September 2022, at Kennebunkport, Maine.

\_\_\_\_\_  
Jon D. Dykstra

\_\_\_\_\_  
Sheila A. Matthews-Bull

\_\_\_\_\_  
Edward W. Hutchins

\_\_\_\_\_  
Allen A. Daggett

\_\_\_\_\_  
D. Michael Weston

*A majority of the Board of Selectmen of the Town of Kennebunkport*

## **Exhibit A**

### **Revisions to Part I. General Ordinances**

#### **Chapter 5. Administrative Code**

##### **Article I. Elected Officers**

###### **§ 5-1 Town Meeting Moderator.**

A. Election. Each Town Meeting shall elect a Moderator as prescribed by statute.

~~B. Qualification. The Town Meeting Moderator shall be a registered voter of the Town.~~

B. Duties. In addition to the duties prescribed by statute, the Town Meeting Moderator shall appoint a sufficient number of members to the Budget Board to constitute a Board consisting of 12 members, the terms of four members expiring every three years.

###### **§ 5-3 Removal.**

Any elected official of the Town of Kennebunkport, including RSU #21 Directors, may be removed from elective office by the voters of the Town of Kennebunkport in the following manner:

- A. A number of voters equal to at least 10% of votes cast in the Town at the last gubernatorial election, but in no case less than 10, may present a written petition, which petition shall fully set forth the reasons therefor, to those members of the Board of Selectmen having no conflict of interest in the subject matter of said petition;
- B. In or within 15 days after the receipt of such petition, said Selectmen shall hold a public hearing on said petition, which hearing shall be restricted and limited to presentation and discussion of those matters set forth in the petition. Said public hearing shall be conducted by said Selectmen having no interest in the subject matter of the petition in accordance with rules of conduct and guidelines established by and set forth by them at the outset of the hearing;
- C. Notice for the aforesaid public hearing shall be given in the same manner as is provided for and established with regard to notice for a Town Meeting;
- D. In or within 15 days after the aforesaid public hearing, a Town Meeting shall be called by the said Selectmen and a vote by secret ballot shall be taken; and
- E. In the event of an affirmative vote for such removal, such vote shall take effect and such removal shall be effective as of recording thereof in the record of the meeting, subject to such recount of the vote as may be requested and provided by statute.

**CERTIFICATION OF  
PROPOSED ORDINANCE REVISION**

TO: Tracey O’Roak, the Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

**"Proposed Revision to the Shellfish Conservation Ordinance"**

attached hereto as Exhibit A is a true copy of the Ordinance proposed for enactment at the Special Town Meeting of the Town of Kennebunkport to be held on November 8, 2022.

Dated this 8<sup>th</sup> day of September 2022, at Kennebunkport, Maine.

\_\_\_\_\_  
Jon D. Dykstra

\_\_\_\_\_  
Sheila A. Matthews-Bull

\_\_\_\_\_  
Edward W. Hutchins

\_\_\_\_\_  
Allen A. Daggett

\_\_\_\_\_  
D. Michael Weston

*A majority of the Board of Selectmen of the Town of Kennebunkport*

## **Exhibit A**

### **Revisions to Part I. General Ordinances**

#### **Chapter 127. Shellfish Conservation**

##### **§ 127-5 Municipal shellfish digging license required.**

It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this chapter.

A. Designation, scope and qualifications.

- (1) Resident recreational shellfish license. The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself and his family.
- (2) Nonresident recreational shellfish license. The license is available to any person not a resident of this municipality and entitles the holder to dig and take not more than one peck of shellfish in any one day for the use of himself and his family.
- (3) Resident commercial shellfish license. The license is available to residents of this municipality and entitles the holder to dig and take no more than the amount of shellfish as recommended by the Shellfish Conservation Committee and approved by the Board of Selectmen in any one day, unassisted only. Commercial license holders must keep a daily log of clams harvested. This license shall be revoked if the license holder ceases to reside in the municipality.
- (4) Nonresident commercial shellfish license. The license is available to nonresidents of this municipality and entitles the holder to dig and take no more than the amount of shellfish as recommended by the Shellfish Conservation Committee and approved by the Board of Selectmen in any one day, unassisted only. Commercial license holders must keep a daily log of clams harvested.
- (5) Daily recreational shellfish license. The license is available to residents and nonresidents of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself and his family. The license is good only for the date stated on the license.
- (6) License must be signed. The licensee must sign the license to make it valid.

- B. Application procedure. Any person ~~who would like to obtain a license may~~ **must** apply **in person** ~~to~~ **with** the Town Clerk for the licenses required by this chapter on forms provided by the municipality.

- (1) Contents of application. The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and whatever information the municipality may require.
  - (2) Misrepresentation. Any person who gives false information on a license application will cause said license to become invalid and void.
- C. Fees. The fees for the licenses shall be set by the municipal officers upon the approval of the Commissioner of the Department of Marine Resources and must accompany in full the application for the respective license. The Town Clerk shall pay all fees received to the Town Treasurer. Fees received for shellfish licensing shall be used by the Town for shellfish management, conservation and enforcement.
- D. Limitation of diggers. Clam resources vary in density and size distribution from year to year and over the limited soft-clam-producing area of the Town. It is essential that the Town carefully husband its shellfish resources. Following the annual review of the Town's clam resources, its size distribution, abundance, and the Warden's reports, as required by § 127-3, the Shellfish Conservation Committee in consultation with the Department of Marine Resources Area Biologist will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.
- (1) Prior to January 1, the Committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence.
  - (2) After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to January 1, the Shellfish Conservation Committee shall notify the Town Clerk, in writing, of the number and allocation of shellfish licenses to be issued.
  - (3) Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation that the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance. This information shall also be posted in the municipal offices until the period concludes.
  - (4) The Town Clerk shall issue licenses to residents and nonresidents as allocated [Subsection **D(1)**] from mid-April and until June 30, after which licenses shall be issued without regard to residency on a first-come, first-served basis. [**Amended 11-3-2020**]
- E. License expiration date. Each license issued under authority of this chapter expires at midnight on December 31 next following date of issuance. Each daily license issued under the authority of this chapter shall be valid only for the date stated on the license.

- F. Reciprocal harvesting privileges. Licensees from any other municipality cooperating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of this license.
- G. License fee waiver. Recreational shellfish license fees will be waived for residents 65 years or older ~~and 12 years or younger.~~

H. Children 12 years and younger do not require a license but must be accompanied by a parent or guardian who holds a current Kennebunkport recreational shellfish license. The total combined daily limit for adults and children is one peck per license.

~~H.I.~~ A shellfish license is not available to anyone whose municipal or state shellfish license is under suspension or who has been convicted of violating Maine marine statutes or state wildlife statutes within a prior twenty-four-month period or who has a valid commercial license in another Maine municipality.

~~H. I.~~ Suspension/revocation. A shellfish license issued under this chapter is subject to suspension as follows:

- (1) In cases where a court enforcement proceeding is brought under this chapter or state law.
  - (a) In the case of a first court judgment finding any violation, an automatic suspension of 60 days;
  - (b) In the case of a second court judgment finding any violation against the same licensee, an automatic revocation of the existing license, and the person found in violation is prohibited from reapplying for a license under this chapter for one year.
- (2) In cases where the Shellfish Warden believes that a licensee has violated this chapter, he may give notice to the licensee of such belief. If, after providing the licensee with an opportunity to rebut any evidence he has, the Shellfish Warden concludes that a violation has occurred, he may issue a notice of suspension not to exceed 30 days.
  - (a) A licensee who has received a notice of suspension may appeal to the Board of Selectmen by filing a written request with the Town Clerk within seven days of the day the Shellfish Warden's decision is rendered. Upon filing the request, the suspension is stayed pending the Board's decision.
  - (b) The Board of Selectmen shall hear the appeal as soon as practicable and shall provide the appellant with at least seven days' written notice of hearing. It shall hear all the evidence and decide whether to uphold or reverse the decision of the Shellfish Warden. The rules of evidence do not apply.

**CERTIFICATION OF  
PROPOSED ORDINANCE REVISION**

TO: Tracey O’Roak, the Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

**"Proposed Revision to the Land Use Ordinance regarding roomers"**

attached hereto as Exhibit A is a true copy of the Ordinance proposed for enactment at the Special Town Meeting of the Town of Kennebunkport to be held on November 8, 2022.

Dated this 8<sup>th</sup> day of September 2022, at Kennebunkport, Maine.

\_\_\_\_\_  
Jon D. Dykstra

\_\_\_\_\_  
Sheila A. Matthews-Bull

\_\_\_\_\_  
Edward W. Hutchins

\_\_\_\_\_  
Allen A. Daggett

\_\_\_\_\_  
D. Michael Weston

*A majority of the Board of Selectmen of the Town of Kennebunkport*

## Exhibit A

### *Part II – Zoning Ordinances Chapter 240 - Land Use*

#### § 240-4.3 Village Residential Zone.

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	Accessory apartment*	Animal husbandry
Agriculture	Cemetery	Home occupation
Essential services	Church	<del>Residential rental accommodation</del>
Farm stand	Community building	
Single-family dwelling	Community use	
Storage and repair of fishing equipment	Elder-care facility	
Parking of motor vehicles limited to any publicly owned lot in excess of 2 acres in size, with frontage on and access from a state-controlled highway. The maximum number of parking spaces for this use may not exceed 150, and there shall be no bus or large recreational vehicle parking on the lot. Further, with the exception of road frontage, dense vegetative buffering, a minimum of 6 feet in height, is required beginning at the property line and extending inward for a distance of 10 feet.		
Parking, temporary overflow public	Library	
Timber harvesting	Multiplex	
Timber management	Museum	
Two-family dwelling	Park	
<u>Residential rental accommodation</u>	School	*See § 240-7.1J



Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
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**§ 240-4.4 Village Residential East Zone.**

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
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Accessory apartment	Accessory apartment*	Animal husbandry
Agriculture	Cemetery	Home occupation
Essential services	Church	<del>Residential rental accommodation</del>
Farm stand	Community building	
Single-family dwelling	Community use	
Storage and repair of fishing equipment	Elder-care facility	
Timber harvesting	Hotel and motel expansion	
Timber management	Library	
Two-family dwelling	Multiplex	
<u>Residential rental accommodation</u>		
	Museum	
	Park	
	School	*See § 240-7.1J

**§ 240-4.5 Dock Square Zone.  
[Amended 6-8-2021]**

Permitted Uses	Conditional Uses Subject to Site Plan Review*	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	Accessory apartment**	Child-care center
Essential services	Bed-and-breakfast	Handcrafts
Single-family dwelling	Boatyard	Home occupation
Storage and repair of fishing equipment	Club	<del>Residential rental accommodation</del>
Two-family dwelling	Commercial center	
<u>Residential rental accommodation</u>		
	Financial institution	
	Hotel	
	Inn	
	Marina	
	Motel	
	Multiplex	
	Park	
	Parking, commercial	
	Professional and business offices	
	Public hospitality facility	
	Residential mixed use	
	Restaurant	
	Retail business	
	Ship chandlery	
	Theater	

Permitted Uses	Conditional Uses Subject to Site Plan Review*	Conditional Uses Subject to Zoning Board of Appeals Review
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NOTES:

\* Exceptions to the requirement for Planning Board Site Plan Review Approval are set forth in § 490-10.2B(3).

\*\* See § 490-7.1J.

§ 240-4.6 Riverfront Zone.

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	Accessory apartment*	Child-care center
Agriculture	Bed-and-breakfast	Handcrafts
Essential services	Boatyard	Home occupation
Farm stand	Club	<del>Residential rental accommodation</del>
Single-family dwelling	Commercial center	
Storage and repair of fishing equipment	Community building	
Two-family dwelling	Community use	
<u>Residential rental accommodation</u>		
	Financial institution	
	Fish processing	
	Hotel	
	Inn	
	Library	
	Marina	
	Marine transport services	
	Motel	
	Multiplex	
	Museum	

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
	Park	
	Professional and business offices	
	Residential mixed use	
	Restaurant	
	Retail business	
	School	
	Ship chandlery	
	Theater	*See § 240-7.1J

#### § 240-4.7 Cape Arundel Zone.

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	Accessory apartment*	Home occupation
Agriculture	Cemetery	<del>Residential rental accommodations</del>
Essential services	Church	
Farm stand	Museum	
Library	Commercial center	
Park	Community building	
Single-family dwelling		
Storage and repair of fishing equipment		
Timber harvesting		
Timber management		
Two-family dwelling		*See § 240-7.1J

Residential rental accommodations

§ 240-4.8 **Goose Rocks Zone.**

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	Accessory apartment*	Child-care center
Agriculture	Cemetery	Home occupation
Essential services	Club	<del>Residential rental accommodations</del>
Farm stand	Community building	
Public hospitality facility, temporary	Community use	
Single-family dwelling	Library	
Storage and repair of fishing equipment	Museum	
Timber harvesting	Park	
Timber management		
Two-family dwelling		*See § 240-7.1J

~~Residential rental accommodations~~

**§ 240-4.9 Cape Porpoise East and Cape Porpoise West Zones.**

<b>Permitted Uses</b>	<b>Conditional Uses Subject to Site Plan Review</b>	<b>Conditional Uses Subject to Zoning Board of Appeals Review</b>
Accessory apartment	Accessory apartment*	Home occupation
Agriculture	Boatyard	<del>Residential rental accommodations</del>
Essential services	Commercial marina	
Farm stand	Community use	
Single-family dwelling	Elder-care facility	
Storage and repair of fishing equipment	Fish processing	
Timber harvesting	Library	
Timber management	Museum	
Two-family dwelling	Park	
<u>Residential rental accommodations</u>		
	Residential mixed use	
	Ship chandlery	*See § 240-7.1J

§ 240-4.10 Cape Porpoise Square Zone.

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	Accessory apartment*	Child-care center
Agriculture	Automobile repair shop	Handcrafts
Essential services	Automobile service station	Home occupation
Farm stand	Bed-and-breakfast	<del>Residential rental accommodation</del>
Single-family dwelling	Boatyard	
Storage and repair of fishing equipment	Church	
Two-family dwelling	Club	
<u>Residential rental accommodation</u>		
	Commercial center	
	Commercial marina	
	Community building	
	Community use	
	Financial institution	
	Fish processing	
	Inn	
	Library	
	Multiplex	
	Museum	
	Park	
	Professional and business offices	
	Residential mixed use	
	Restaurant	
	Retail business	

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
	School	
	Ship chandlery	
	Theater	*See § 240-7.1J

§ 240-4.11 Free Enterprise Zone.

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	Accessory apartment*	Child-care center
Agriculture	Automobile-oriented business	Handcrafts
Animal husbandry	Automobile repair shop	Home occupation
Essential services	Automobile service station	<del>Residential rental accommodation</del>
Farm stand	Bed-and-breakfast	
Manufactured housing	Boatyard	
Single-family dwelling	Campground	
Storage and repair of fishing equipment	Cemetery	
Timber harvesting	Club	
Timber management	Commercial center	
Two-family dwelling	Commercial complex	
Parking, temporary overflow public	Commercial recreation, indoor	
<u>Residential rental accommodation</u>		
	Commercial recreation, outdoor	
	Community building	
	Community use	
	Elder-care facility	
	Extractive Industry	



Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
	Financial institution	
	Fish processing	
	Funeral home	
	Golf course	
	Health institution	
	Hotel	
	Inn	
	Kennel	
	Library	
	Manufacturing	
	Marina	
	Mobile home park	
	Motel	
	Museum	
	Nursing home	
	Park	
	Parking, commercial	
	Professional and business offices	
	Public utilities	
	Residential mixed use	
	Restaurant	
	Retail business	
	School	
	Ship chandlery	
	Theater	

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
	Veterinary clinic	
	Warehouse	
	Wireless telecommunications facilities	
	Wholesaling	*See § 240-7.1J

§ 240-4.12 Farm and Forest Zone.

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	Accessory apartment*	Child-care center
Agriculture	Bed-and-breakfast	Handcrafts
Animal husbandry	Boatyard	Home occupation
Essential services	Campground	<del>Residential rental accommodation</del>
Farm stand	Cemetery	
Manufactured housing	Club	
Single-family dwelling	Commercial Recreation, outdoor	
Storage and repair of fishing equipment	Community building	
Timber harvesting	Community use	
Timber management	Extractive industry	
Two-family dwelling	Fish processing	
<u>Residential rental accommodation</u>		
	Funeral home	
	Golf course	
	Health institution	
	Hotel	
	Inn	

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
	Kennel	
	Library	
	Manufacturing	
	Mobile home park	
	Motel	
	Museum	
	Nursing Home	
	Park	
	Professional and business offices	
	Public utilities	
	Restaurant	
	Retail business	
	Theater	
	Veterinary clinic	
	Warehouse	
	Wholesaling	*See § 240-7.1J

§ 240-7.14 **Residential rental accommodations.**

C. Approval; permit; appeal.

- (1) Approval to operate a residential rental accommodation shall be granted by the Code Enforcement Officer upon a successful property inspection and complete permit application. ~~Zoning Board of Appeals contingent upon a successful property inspection by the Code Enforcement Officer subject to Subsection B above. Following such approval, the Code Enforcement Officer shall issue a permit.~~ Such permit shall be issued to the property owner only and is subject to sufficient evidence that the property is owner occupied.
- (2) A permit to operate a residential rental accommodation shall expire upon a change in ownership or a change in owner residency status.
- (3) A single-family dwelling approved to accommodate roomers prior to November 8, 2016, may continue to operate under the conditions of approval as specified by the Zoning Board of Appeals, including the Land Use Ordinance requirements and restrictions in effect at the time of such approval.
- (4) Permit shall be revoked upon confirmation of a second confirmed noise or barking dog citation related to use of a dwelling unit by a roomer. Permit shall also be revoked upon any confirmed violation of the requirements contained within the definition of residential rental accommodation located in Article 2. Any such permit having been revoked shall not be reissued to the same property owner within one year (365 days) from the date of revocation, which shall require Code Enforcement Officer reapproval ~~Zoning Board of Appeals reapproval.~~
- (5) An appeal from any decision of the Code Enforcement Officer related to the issuance, non-issuance, suspension or revocation of a residential rental accommodation permit shall be taken by an aggrieved party to the Zoning Board of Appeals within 30 days of the decision.

## CERTIFICATION OF PROPOSED ORDINANCE REVISION

TO: Tracey O’Roak, the Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

**"2022 Update to the Comprehensive Plan for the Town of Kennebunkport, Maine"**

A copy of the 2022 update to the Comprehensive Plan proposed for approval at the Special Town Meeting of the Town of Kennebunkport to be held on November 8, 2022 is on file at Town Hall, Graves Memorial Library, Cape Porpoise Library and on the Town’s website: [www.kennebunkportme.gov](http://www.kennebunkportme.gov).

Dated this 8<sup>th</sup> day of September 2022, at Kennebunkport, Maine.

\_\_\_\_\_  
Jon D. Dykstra

\_\_\_\_\_  
Sheila A. Matthews-Bull

\_\_\_\_\_  
Edward W. Hutchins

\_\_\_\_\_  
Allen A. Daggett

\_\_\_\_\_  
D. Michael Weston

*A majority of the Board of Selectmen of the Town of Kennebunkport*

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# **AGENDA ITEM DIVIDER**

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**TOWN OF KENNEBUNKPORT****WARRANT  
SPECIAL TOWN MEETING  
SEPTEMBER 22, 2022**

State of Maine

County of York, SS

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

**GREETINGS:**

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

To the voters of Kennebunkport: You are hereby notified that a Special Town Meeting of this municipality will be held at the Village Fire Station, 32 North Street on Thursday, September 22<sup>nd</sup>, 2022, at 6:00 p.m. for the purpose of acting on Articles numbered one (1) and one a (1a) as set out below.

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

**ARTICLE 1.** To see if the Town will vote to authorize the Board of Selectmen to execute a 20-year first priority mortgage lien on the Cape Porpoise Pier property (York County Registry of Deeds Book 3122, Page 6) in favor of the federal Economic Development Administration as required for the Cape Porpoise Pier reconstruction project?

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

**GIVEN UNDER OUR HANDS** this 8<sup>th</sup> day of September 2022, Kennebunkport, Maine.

---

Edward W. Hutchins, II

---

Jon D. Dykstra

---

Allen A. Daggett

---

Sheila W. Matthews-Bull

---

D. Michael Weston

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

A true attested copy of the warrant attest:

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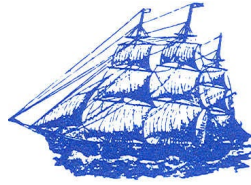
Tracey O'Roak, Town Clerk

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# **AGENDA ITEM DIVIDER**

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## KENNEBUNKPORT WASTEWATER DEPARTMENT

### MEMORANDUM

**Dt:** August 31st, 2022

**To:** Laurie Smith

**Fr:** Chris Simeoni, Director of Public Works

**Re:** Request for Street Opening Permit by Labbe Excavating for South Main St

On August 31st, the Public Works Department received a request from Labbe Excavating for a street opening permit for South Main Street. Labbe Excavating is currently contracted to complete the site work and water service tie in for the new Ivy Lane Subdivision off Spring Valley Road. The extent of the work is to cut a 6' wide section of pavement and trench across South Main Street to access the water line on the opposite side of the road.

Labbe Excavating is requesting to perform this work as early as the week of September 12th. They have submitted a bond in the amount of \$2000.00 as required by ordinance. (Please see attached documents.) After properly backfilling and compacting, Labbe Excavating will be required to repair the pavement cut by adding base asphalt material to the same elevation as the existing pavement. This road is already in the paving plan to be overlayed this fall. Labbe Excavating will keep the work to one lane at a time and will be responsible for their own traffic control. No street closure will be necessary.

It is my recommendation to authorize the street opening permit with the conditions noted above.

**TOWN OF KENNEBUNKPORT**

**Street Opening Permit**

**PROPERTY INFORMATION**

Name of Homeowner: Tim Harrington Date: 8-31-2022  
Address: 2 Livewell Drive Suite 201 Kennebunk, Me 04043  
Telephone: 207-985-5132 Map, Block, Lot: 2A/2B Ivy LA.  
Street to be excavated: South Main Street  
Size of excavation (length and width): 50' x 6'  
Reason for excavation: New Water & New Sewer

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

**CONTRACTOR INFORMATION**

Date of excavation: 2nd week of September 2022  
Name of Contractor: Labbe Excavating, Inc  
Address: 6 News Mill Rd Arundel, Me 04046 / Po Box 1111 Biddeford, Me 04005  
Telephone: 207-282-1426 Fax: 207-282-4448

**BOND & INSURANCE INFORMATION**

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

Bond Amount: on file

Company that issued the bond (if applicable): P+C Insurance Biddeford, Me

Person or entity providing the bond to the Town (contractor, property owner, other): Doug Willet @ P+C ins

Insurance Company: Liberty Mutual Insurance Co.

Signature of person completing the application: Phil Labbe Pres. Date: 8-31-2022

**APPROVED**

Highway Superintendent: CCH

Selectmen: \_\_\_\_\_

Selectmen: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Selectmen: \_\_\_\_\_

Selectmen: \_\_\_\_\_

Selectmen: \_\_\_\_\_

Application Fee: \$25.00

Date Paid: 8-31-22

Amount Paid: \$25 -

☐ Cash ☒ Check ☐ Money Order

# 29033

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

Ivy Lane water + sewer services

Spring  
Valley Rd.

South  
Main St.

8" water

Ivy Lane

50'

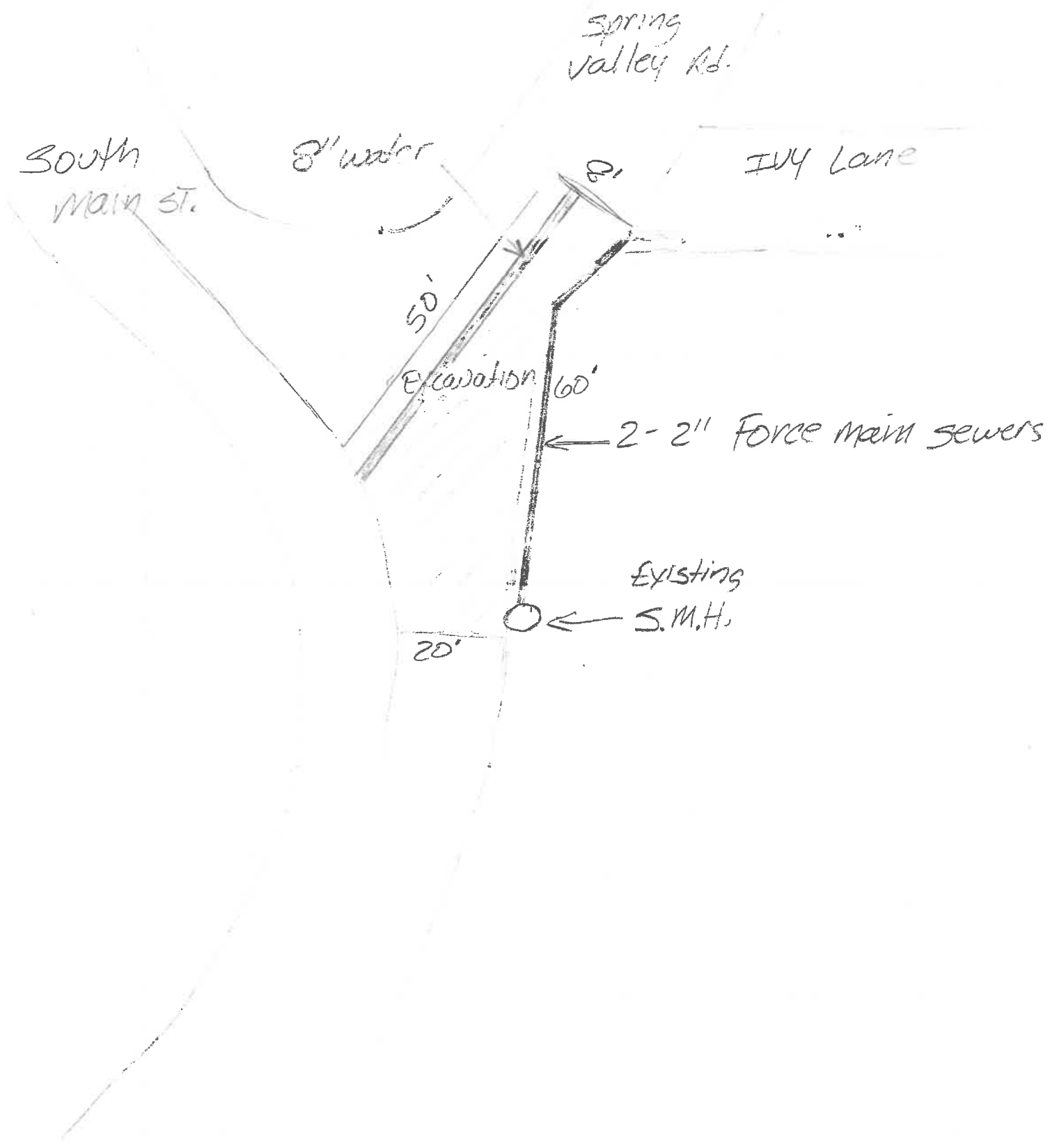
Excavation 60'

← 2- 2" Force main sewers

Existing

← S.M.H.

20'



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# **AGENDA ITEM DIVIDER**

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Dear Members of the Kennebunkport Select Board,

Thank you for honoring me with the recent Spirit of America Award; I am pleased and surprised to receive this award and to be recognized by my Select Board peers means a lot to me. The recognition came from my work as the President of the Kennebunkport Heritage Housing Trust, KHHT, and the success we had in creating our first neighborhood, Heritage Woods. I'm writing to you today to ask for your support in an effort KHHT is undertaking that would allow us, and other affordable housing developers, to build on that success. KHHT was tasked with developing affordable housing for Kennebunkport when it was formed and we continue to be committed to achieving this goal.

Our town welcomes and is made unique by the seasonal residents that chose Kennebunkport as a second community to call home. But we need people who live here year-round to remain the strong, vibrant town we love. We need people to serve on our boards and committees, children to attend our school, and a workforce to staff our local businesses. They are the heart and soul of our town.

Land use ordinance is one way to ensure affordable homes are being built. Kennebunkport's current zoning language incentivises affordable housing through a percentage of growth permits being reserved for affordable housing. But that incentive is not sufficient to result in any private-sector affordable homes being built. A greater incentive is needed if we are going to begin to solve the problems that a lack of affordable homes creates.

We would like to propose new language for consideration that creates a requirement of affordable housing in each subdivision of four or more homes *or* would require a developer to contribute a fee in lieu of such housing that would be held by the Town for use by affordable housing developers. This shifts affordable housing from a "nice to have" option for housing developers to a "need to have" requirement. If a housing developer doesn't wish to include affordable homes in their development, they don't have to. They can, instead, contribute money towards a reserve account that will be held by the Town of Kennebunkport. This account can only be accessed for the purpose of building affordable housing and will be under the authority of the Select Board to release funds to qualified housing developments. The towns of Kittery and Scarborough already have this requirement and more towns, especially those on the coast, are considering similar requirements.

I am grateful for the Board's past support and ask that you consider placing our upcoming land use ordinance proposal in front of the Town Meeting in June 2023.

Respectfully Yours,

Patrick A. Briggs

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# **AGENDA ITEM DIVIDER**

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Village Parcel  
Next Steps:  
Achieving  
Community  
Goals with  
Form Based  
Code Design



Kennebunkport  
M A I N E



# What is a Form Based- Code?

- One of the most effective land use tools for shaping pedestrian-scaled, mixed-use and active urban environments.
- Often used with “New Urbanism”, village-style development, or neo-traditional planning.
- Places a greater emphasis on the arrangement and form of buildings.
- Represent an innovative response to undesirable urban sprawl.
- Also often referred to as Form Based Design



# Why a Form-Based Code?

- Kennebunkport's vibrant walkable village area that compliments many town goals cannot be built under current zoning .
- Form based code is an alternative to conventional zoning that has been in use since the early 1970's.
- It regulates the form, as well as the uses and is often used to replicate and enhance the unique character of communities, that support mixed uses and provide for varied housing options.
- Uses pictures, diagrams, and simple language to describe the look of a community that residents find desirable
- Represents a commitment to creating a vibrant walkable extension of the village.



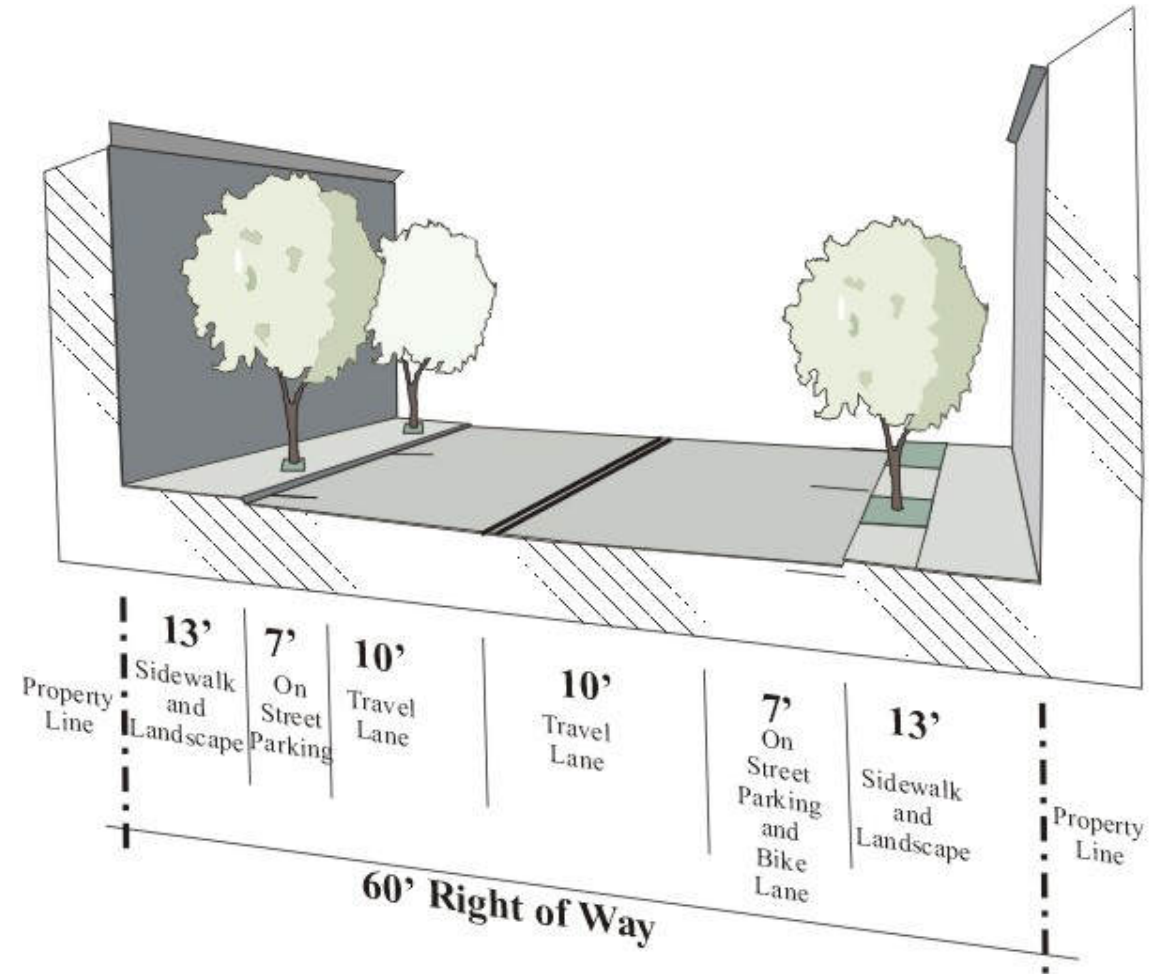
# What about Current Zoning?

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- Single use zoning, or Euclidean Zoning is the dominant system of zoning in North America.
- Was initially created and adopted to ensure that suburban development wasn't affected by fumes from factories or commercial strip noise.
- Segregating uses has led to expansive neighborhoods, made up of primarily single-family homes. In the process of segregating uses it became impossible to build new neighborhoods with vibrant walkable mixed-use areas that make up historic villages and towns.

# Form Based Code has 5 Elements

- Map: Plan of the area that designates areas where standards will apply.
- Public Standards: Elements of the public realm, like sidewalks, travel lanes, street trees, etc.
- Building Standards: Regulations that describe the features, configuration and functions of the built environment, and how they relate to the public realm.
- Administration: Clear, defined streamlined application and review process
- Definitions: A illustrated glossary of terms and images to ensure precise use.



# How do we do this?

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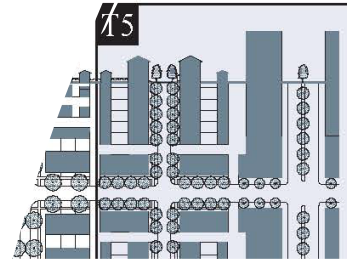
- Craft a Vision: The place people love.  
Kennebunkport's Historic Village Area
- Vision Plan is used as the rough draft that is used to write the design
- Codify the Vision: Turn the dimensions of existing properties into a standard that can be replicated.





Who uses form-based  
Code/Designs?  
Over 700 communities  
nationwide have specific form-  
based codes.

- Auburn, ME
- Belfast, ME
- Bridgton, ME
- Cape Cod, MA
- Dover, NH
- Freeport, ME
- Hamden, CT
- Jamestown, RI
- Scarborough, ME



## BUILDING HEIGHT

Principal Building	5 stories max. / 2 min.
Outbuilding	20' max.

## BUILDING LOCATION

Edgeward	not permitted
Sideward	permitted
Rearward	permitted
Courtyard	permitted

## SETBACKS - PRINCIPAL BUILDING

(g.1) <sup>a</sup> Front Setback Principal	16 <sup>d</sup> ft. min. 20 ft. max.
(g.2) <sup>b</sup> Front Setback Secondary	16 <sup>d</sup> ft. min. 20 ft. max.
(g.3) <sup>c</sup> Side Setback	10 ft. min. 24 ft. max.
(g.4) Rear Setback	15 ft. min.*
Frontage Buildout	180% min at setback

## SETBACKS - OUTBUILDING

(h.1) Front Setback	40 ft. max. from rear prop.
(h.2) Side Setback	10 ft. min. or 2 ft. at corner
(h.3) Rear Setback	13 ft. max.

## PRIVATE FRONTAGES\*\*

Common Lawn	not permitted
Porch & Fence	not permitted
Terrace or Light Court	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	permitted

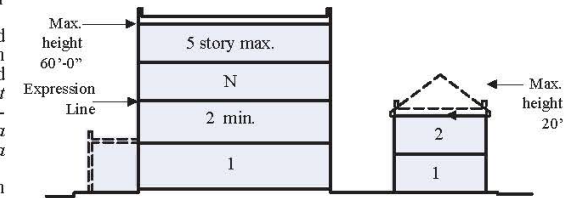
\*or 15 ft. from center line of alley

<sup>a</sup> "N" stands for any stories above those shown, up to the maximum. refer to metrics for exact minimums or maximums

<sup>b</sup> "N" protrusion into the Town or State right-of-way require approval from the appropriate entity.

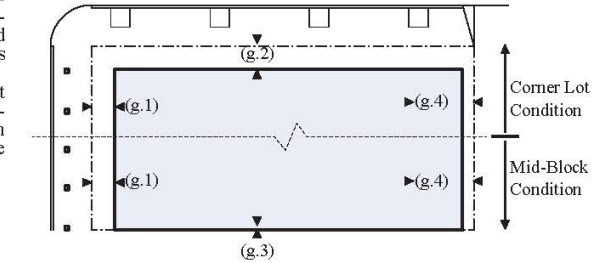
## BUILDING HEIGHT

1. Building height shall be measured in number of feet.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, *except for a first floor commercial function which must be a minimum of 11 ft with a maximum of 25 ft.*
3. Buildings shall have an Expression Line on the exterior facade at the top of the 2nd story level.



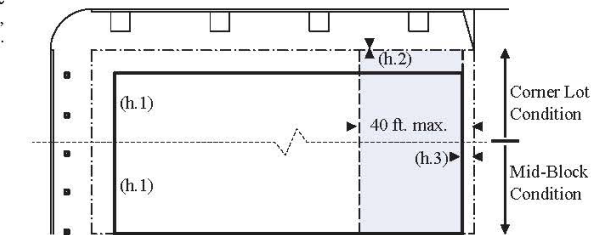
## SETBACKS - PRINCIPAL BLDG

1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
2. Facades shall be built along the principal frontage to the minimum specified width in the table.



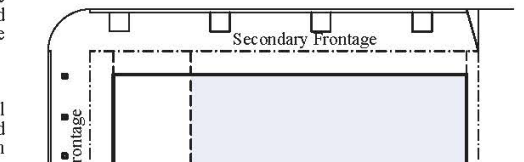
## SETBACKS - OUTBUILDING

1. The outbuilding, relative to the property lines, shall be located as shown.



## PARKING PLACEMENT

Covered and uncovered parking spaces may be provided within the 3rd layer as shown in the diagram.



## TRASH PLACEMENT

Trash containers shall be stored within the 3rd layer. (See also Section

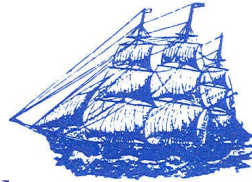
# Resource List

- <https://formbasedcodes.org/>
- [https://www.maine.gov/dacf/municipalplanning/technical/form based codes.shtml](https://www.maine.gov/dacf/municipalplanning/technical/form_based_codes.shtml)
- <https://nne.planning.org/sections/maine/front-page/form-based-design-standards-smaller-communities/>
- [http://greenerprospects.com/PDFs/Simplify thatCode.pdf](http://greenerprospects.com/PDFs/Simplify_thatCode.pdf)

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# **AGENDA ITEM DIVIDER**

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## TOWN OF KENNEBUNKPORT, MAINE

– INCORPORATED 1653 –

## Memorandum

To: Board of Selectmen and Laurie Smith, Town Manager  
Fr: John Everett, Fire Chief  
Re: Lease Purchase for Ladder Truck  
Dt: September 1, 2022

At the 8/11/22 BOS meeting, I came to the Board looking for feedback on a proposal to lease purchase \$550,000 to make up the difference between what we have in our capital apparatus reserve account and the rapidly escalating costs of a ladder truck. Most of the Board felt the proposal was worth looking into and had some questions that needed answering. There was also an explanation of how purchasing a similar truck with Kennebunk would add additional savings.

The biggest concern was could the FD finalized a truck specification prior to the next meeting agenda and have both Towns able to purchase. We have accomplished this task. The vehicle comes in at what was projected at the last meeting, \$1.45M. This figure is after pre-paying discount and the discount on the two-truck purchase between the two towns.

As you recall, significant savings will come from our ability to pre-pay the entire amount of the vehicle and from a discount the chosen vendor and manufacturer are giving both towns.

Kennebunk voters had appropriated \$1.5M in June for their truck. This morning Kennebunk Fire Rescue decided to purchase a truck manufactured by Sutphen in Dublin, Ohio. This is my recommendation for our purchase as well, provided the financing is approved.

There are supporting documents attached that are lease purchase rate sheets from Gorham Savings, Androscoggin Savings, and Leasing 2 Inc, the lender that the truck manufacturer uses. All three lenders will have a non-appropriation clause in their leases.

It is my recommendation that the Town purchase the Sutphen ladder truck for \$1.45M after all discounts while financing \$550,000 with Androscoggin Savings for 5 years with annual payments of \$121,789.02 at an interest rate of 3.75 fixed. The total finance charge for this transaction is \$58,945.09. This makes the entire cost of the vehicle \$1,508,945.09

The financing breakdown is \$900,000 from the FD capital reserve account for apparatus, and the remainder is financed through the lease purchase. This will keep the annual appropriation to the FD apparatus capital reserve account flat at \$175,000, as it has been for the last two fiscal years for the 5-year life of the lease agreement.





30 Lisbon Street  
PO Box 1407  
Lewiston, Maine 04243  
1.800.966.9172  
Androscogginbank.com

August 30, 2022

Town of Kennebunkport  
Attn: Denise Brown, Finance Director  
6 Elm Street  
Kennebunkport, ME 04046

**MUNICIPAL LEASE PURCHASE PROPOSAL**

**Lessee:** Town of Kennebunkport

**Equipment:** One New Fire Truck with associated accessories and equipment (as more particularly described in vendor invoices to be provided by the Lessee prior to closing).

**Cost of Equipment:** \$550,000.00

**Lease Term:** A. 5 Years B. 7 Years

**Interest Rate:** A. 3.75% (Tax Exempt) B. 3.75% (Tax Exempt)

**Number of Payments:** Five or Seven Annual payments of principal and Interest

**Payment Amount:** A. \$121,789.02\* B. \$90,135.05\*  
(\*Final payment may vary.)

**First Payment Due:** The first payment of principal and interest shall be due and payable on July 15, 2023. A proposed closing date of September 27, 2022. This may be changed upon request.

**Purchase Option:** One Dollar (\$1.00) at end of lease term.

**Prepayment:** There are no prepayment penalties.

**Insurance:** Prior to delivery of the leased assets, Lessee at its sole cost and expense, will provide all-inclusive physical damage and liability insurance in the joint names of the Lessee and Lessor, in amounts satisfactory to Lessor, and forward proof of said coverage to Lessor.

**Title (if required)** Lessee shall be listed as owner and Lessor listed as lien holder on and all UCC-1 filing statements. Lessor will also hold a security interest in any lease escrow accounts established by Lessee.

**Non-appropriation:** The lease will contain a non-appropriation clause.

**Confirmation:** Lessee to confirm that anticipated total borrowings for 2022 year will not exceed Ten Million dollars (\$10,000,000.), making the lease "Bank Qualified".

**Type of Lease:** The lease shall be considered a Municipal Lease/Purchase by all parties. Lessee is a State or a political subdivision thereof, within the meaning of Section 103 of the Internal Revenue Code of 1986.

**Advances / Deposits:** If Lessor advances any deposits or pays any invoices prior to Delivery and Acceptance of the equipment by Lessee, interest will accrue at the above rate on said payments and be due at closing.

**Legal Opinion:** Leases greater than One Hundred Thousand dollars (\$100,000.00) require Lessee to provide an Opinion of Counsel. Said opinion must state that the lease represents a valid and binding obligation of the lessee and further that the lease is a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) (B) (ii) of the Internal Revenue Code of 1986, as amended.

**Financial Data:** Lessee will provide Androscoggin Bank with its most recent audited financial statement, current year's budget, annual report, a copy of meeting minutes or Board order approving the transaction, and any other supporting data requested during the term of the lease.

**Lease Rates:** This Lease request will be closed within 30 days of the original proposal date, or the stated rate will be subject to change based on public sector rates then existing in the market.

**Expiration:** This lease proposal shall expire if not accepted by a duly qualified Lessee official by 5:00 PM on September 20, 2022.

Thank you for the opportunity to present this lease proposal for your consideration. If you are in agreement with the terms of the proposal, please sign and return it via email. Should you have questions regarding this proposal, please contact me at 207-330-0531.

Sincerely,



John Simko, Vice President  
Government Finance

**AWARD / ACKNOWLEDGEMENT (please signed and return via email):**

This proposal **Option A**\_\_\_\_, **Option B**\_\_\_\_, is accepted and this financing is awarded to Androscoggin Bank.

\_\_\_\_\_  
Name & Title













Date: \_\_\_\_\_

**OPTION A**

<b>Note Model Statement</b>	
Date Quoted:	Aug 30, 2022
Product:	Product Not Defined
Interest Method:	[1] 365/365 Payments P&I
Note Date:	Sep 27, 2022
Maturity Date:	Jul 15, 2027
Principal Advance:	\$550,000.00
Amount Financed:	\$550,000.00
Finance Charge:	\$58,945.09
APR:	3.750000%
Total Principal:	\$550,000.00
Total Interest:	\$58,945.09
Total of Payments:	\$608,945.09

<b>Payment Schedule</b>				
<b>Description</b>	<b>Date</b>	<b>Frequency</b>	<b>Number</b>	<b>Amount</b>
Regular Payment	Jul 15, 2023	Annually	4	\$121,789.02
Regular Payment	Jul 15, 2027	Annually	1	\$121,789.01

## OPTION A

















Amortization Schedule						
Date	Description	Total Payment	P&I Payment	Principal Payment	Interest Payment	Principal Balance
Sep 27, 2022	Beginning Balance					550,000.00
 <b>2022 Totals</b>						
 Jul 15, 2023	Regular Payment	121,789.02	121,789.02	105,345.53	16,443.49	444,654.47
 <b>2023 Totals</b>		<b>121,789.02</b>	<b>121,789.02</b>	<b>105,345.53</b>	<b>16,443.49</b>	
 Jul 15, 2024	Regular Payment	121,789.02	121,789.02	105,068.80	16,720.22	339,585.67
 <b>2024 Totals</b>		<b>121,789.02</b>	<b>121,789.02</b>	<b>105,068.80</b>	<b>16,720.22</b>	
 Jul 15, 2025	Regular Payment	121,789.02	121,789.02	109,054.56	12,734.46	230,531.11
 <b>2025 Totals</b>		<b>121,789.02</b>	<b>121,789.02</b>	<b>109,054.56</b>	<b>12,734.46</b>	
 Jul 15, 2026	Regular Payment	121,789.02	121,789.02	113,144.11	8,644.91	117,387.00
 <b>2026 Totals</b>		<b>121,789.02</b>	<b>121,789.02</b>	<b>113,144.11</b>	<b>8,644.91</b>	
 Jul 15, 2027	Regular Payment	121,789.01	121,789.01	117,387.00	4,402.01	
 <b>2027 Totals</b>		<b>121,789.01</b>	<b>121,789.01</b>	<b>117,387.00</b>	<b>4,402.01</b>	
 <b>Grand Total</b>		<b>608,945.09</b>	<b>608,945.09</b>	<b>550,000.00</b>	<b>58,945.09</b>	

**OPTION B**

<b>Note Model Statement</b>	
Date Quoted:	Aug 30, 2022
Product:	Product Not Defined
Interest Method:	[1] 365/365 Payments P&I
Note Date:	Sep 27, 2022
Maturity Date:	Jul 15, 2029
Principal Advance:	\$550,000.00
Amount Financed:	\$550,000.00
Finance Charge:	\$80,945.31
APR:	3.750000%
Total Principal:	\$550,000.00
Total Interest:	\$80,945.31
Total of Payments:	\$630,945.31

<b>Payment Schedule</b>				
<b>Description</b>	<b>Date</b>	<b>Frequency</b>	<b>Number</b>	<b>Amount</b>
Regular Payment	Jul 15, 2023	Annually	6	\$90,135.05
Regular Payment	Jul 15, 2029	Annually	1	\$90,135.01

## OPTION B

Amortization Schedule						
Date	Description	Total Payment	P&I Payment	Principal Payment	Interest Payment	Principal Balance
Sep 27, 2022	Beginning Balance					550,000.00
 <b>2022 Totals</b>						
 Jul 15, 2023	Regular Payment	90,135.05	90,135.05	73,691.56	16,443.49	476,308.44
 <b>2023 Totals</b>		<b>90,135.05</b>	<b>90,135.05</b>	<b>73,691.56</b>	<b>16,443.49</b>	
 Jul 15, 2024	Regular Payment	90,135.05	90,135.05	72,224.55	17,910.50	404,083.89
 <b>2024 Totals</b>		<b>90,135.05</b>	<b>90,135.05</b>	<b>72,224.55</b>	<b>17,910.50</b>	
 Jul 15, 2025	Regular Payment	90,135.05	90,135.05	74,981.91	15,153.14	329,101.98
 <b>2025 Totals</b>		<b>90,135.05</b>	<b>90,135.05</b>	<b>74,981.91</b>	<b>15,153.14</b>	
 Jul 15, 2026	Regular Payment	90,135.05	90,135.05	77,793.73	12,341.32	251,308.25
 <b>2026 Totals</b>		<b>90,135.05</b>	<b>90,135.05</b>	<b>77,793.73</b>	<b>12,341.32</b>	
 Jul 15, 2027	Regular Payment	90,135.05	90,135.05	80,711.00	9,424.05	170,597.25
 <b>2027 Totals</b>		<b>90,135.05</b>	<b>90,135.05</b>	<b>80,711.00</b>	<b>9,424.05</b>	
 Jul 15, 2028	Regular Payment	90,135.05	90,135.05	83,720.13	6,414.92	86,877.12
 <b>2028 Totals</b>		<b>90,135.05</b>	<b>90,135.05</b>	<b>83,720.13</b>	<b>6,414.92</b>	
 Jul 15, 2029	Regular Payment	90,135.01	90,135.01	86,877.12	3,257.89	
 <b>2029 Totals</b>		<b>90,135.01</b>	<b>90,135.01</b>	<b>86,877.12</b>	<b>3,257.89</b>	
 <b>Grand Total</b>		<b>630,945.31</b>	<b>630,945.31</b>	<b>550,000.00</b>	<b>80,945.31</b>	



August 15, 2022

Town of Kennebunkport  
6 Elm Street  
P.O. Box 566  
Kennebunkport, ME 04046  
ATTN: John Everett, Fire Chief

### **MUNICIPAL LEASE PURCHASE PROPOSAL**

<b>Lessee:</b>	Town of Kennebunkport		
<b>Equipment:</b>	A new ladder truck for the Fire Department		
<b>Cost of equipment:</b>	\$550,000.00		
<b>Amount financed:</b>	\$550,000.00		
<b>Lease term:</b>	5 years	7 years	9 years
<b>No. of payments:</b>	5 annual	7 annual	9 annual
<b>Interest rate:</b>	3.75% fixed	3.74% fixed	3.77% fixed
<b>Payment schedule:</b>	\$121,925.34	\$90,201.04	\$72,746.17
<b>Commencement date:</b>	This lease shall commence on or about September 15, 2022		
<b>First payment due:</b>	July 15, 2023		
<b>Purchase option:</b>	One dollar (\$1.00) at end of lease term.		
<b>Prepayment:</b>	There are no prepayment penalties.		
<b>Fee(s):</b>	None		
<b>Insurance:</b>	Prior to delivery of the leased assets, Lessee at its sole cost and expense, will provide all-inclusive physical damage and liability insurance in the joint names of the Lessor and Lessee, in amounts satisfactory to Lessor.		
<b>Title (if required):</b>	Lessee listed as owner and Lessor listed as lien holder.		
<b>Non-appropriation:</b>	The lease will contain a non-appropriation clause.		
<b>Confirmation:</b>	The anticipated total borrowing for 2022 will not exceed Ten-Million dollars (\$10,000,000.), making this lease <b>"Bank Qualified"</b> .		

**Type of lease:** This lease shall be considered a **Municipal Lease/Purchase** by all parties. Lessee is a state or a political subdivision thereof, within the meaning of Section 103 of the Internal Revenue Code of 1986.

**Advances or deposits:** If Lessor advances any deposits or pays any invoices prior to Delivery and Acceptance of the equipment by lessee, interest will accrue at the above rate and be due at closing.

**Legal opinion:** **Leases greater than \$100,000 require an Opinion of Counsel.** The opinion must include a statement that the lease represents a valid and binding obligation of the lessee and further that the lease is a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) (B) (ii) of the Internal Revenue Code of 1986, as amended.

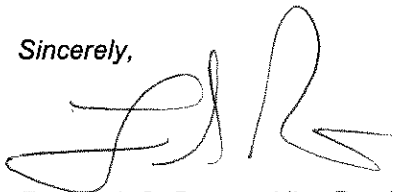
**Financial information:** Lessee will provide Gorham Savings Leasing Group LLC with most recent Audited Financial Statements, current year budget, Annual Report, a copy of the meeting minutes or council order approving the transaction and any other supporting data requested during the term of the lease.

**Lessor's proposal:** This lease proposal is subject to final credit review and not binding until accepted by lessor. Lessor may withdraw the proposal at any time if any adverse information relating to the lessee's affairs is discovered prior to any lease closing. Lease rates are subject to change according to the FHLBB daily advance rates.

**Expiration of proposal:** This lease proposal shall expire if not accepted by a qualified official by 5:00 p.m. on September 15, 2022.

Thank you for the opportunity to present this lease proposal to you. If you are in agreement with the terms of the proposal, please sign and return it with the proper credit information. If you have any questions, please call me at 222-1498.

Sincerely,



Frederick G. Proctor, Vice President  
Gorham Savings Leasing Group LLC

**AWARD ACKNOWLEDGMENT:**

**This proposal is accepted and this financing  
is awarded to Gorham Savings Leasing Group**

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date:



Compounding Period: Annual

Nominal Annual Rate: 3.750%

**Cash Flow Data - Leases and Lease Payments**

	Event	Date	Amount	Number	Period	End Date
1	Lease	09/15/2022	550,000.00	1		
2	Lease Payment	07/15/2023	121,925.34	5	Annual	07/15/2027

**TValue Amortization Schedule - Normal, 365 Day Year**

	Date	Lease Payment	Interest	Principal	Balance
Lease	09/15/2022				550,000.00
<b>2022 Totals</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
1	07/15/2023	121,925.34	17,121.58	104,803.76	445,196.24
<b>2023 Totals</b>		<b>121,925.34</b>	<b>17,121.58</b>	<b>104,803.76</b>	
2	07/15/2024	121,925.34	16,694.86	105,230.48	339,965.76
<b>2024 Totals</b>		<b>121,925.34</b>	<b>16,694.86</b>	<b>105,230.48</b>	
3	07/15/2025	121,925.34	12,748.72	109,176.62	230,789.14
<b>2025 Totals</b>		<b>121,925.34</b>	<b>12,748.72</b>	<b>109,176.62</b>	
4	07/15/2026	121,925.34	8,654.59	113,270.75	117,518.39
<b>2026 Totals</b>		<b>121,925.34</b>	<b>8,654.59</b>	<b>113,270.75</b>	
5	07/15/2027	121,925.34	4,406.95	117,518.39	0.00
<b>2027 Totals</b>		<b>121,925.34</b>	<b>4,406.95</b>	<b>117,518.39</b>	
<b>Grand Totals</b>		<b>609,626.70</b>	<b>59,626.70</b>	<b>550,000.00</b>	

Last interest amount increased by 0.01 due to rounding.

<b>ANNUAL PERCENTAGE RATE</b>	<b>FINANCE CHARGE</b>	<b>Amount Financed</b>	<b>Total of Payments</b>
The cost of your credit as a yearly rate.	The dollar amount the credit will cost you.	The amount of credit provided to you or on your behalf.	The amount you will have paid after you have made all payments as scheduled.
<b>3.734%</b>	<b>\$59,626.70</b>	<b>\$550,000.00</b>	<b>\$609,626.70</b>

Compounding Period: Annual

Nominal Annual Rate: 3.740%

**Cash Flow Data - Leases and Lease Payments**

	Event	Date	Amount	Number	Period	End Date
1	Lease	09/15/2022	550,000.00	1		
2	Lease Payment	07/15/2023	90,201.04	7	Annual	07/15/2029

**TValue Amortization Schedule - Normal, 365 Day Year**

	Date	Lease Payment	Interest	Principal	Balance
Lease	09/15/2022				550,000.00
<b>2022 Totals</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
1	07/15/2023	90,201.04	17,075.92	73,125.12	476,874.88
<b>2023 Totals</b>		<b>90,201.04</b>	<b>17,075.92</b>	<b>73,125.12</b>	
2	07/15/2024	90,201.04	17,835.12	72,365.92	404,508.96
<b>2024 Totals</b>		<b>90,201.04</b>	<b>17,835.12</b>	<b>72,365.92</b>	
3	07/15/2025	90,201.04	15,128.64	75,072.40	329,436.56
<b>2025 Totals</b>		<b>90,201.04</b>	<b>15,128.64</b>	<b>75,072.40</b>	
4	07/15/2026	90,201.04	12,320.93	77,880.11	251,556.45
<b>2026 Totals</b>		<b>90,201.04</b>	<b>12,320.93</b>	<b>77,880.11</b>	
5	07/15/2027	90,201.04	9,408.21	80,792.83	170,763.62
<b>2027 Totals</b>		<b>90,201.04</b>	<b>9,408.21</b>	<b>80,792.83</b>	
6	07/15/2028	90,201.04	6,386.56	83,814.48	86,949.14
<b>2028 Totals</b>		<b>90,201.04</b>	<b>6,386.56</b>	<b>83,814.48</b>	
7	07/15/2029	90,201.04	3,251.90	86,949.14	0.00
<b>2029 Totals</b>		<b>90,201.04</b>	<b>3,251.90</b>	<b>86,949.14</b>	
<b>Grand Totals</b>		<b>631,407.28</b>	<b>81,407.28</b>	<b>550,000.00</b>	

<b>ANNUAL PERCENTAGE RATE</b>	<b>FINANCE CHARGE</b>	<b>Amount Financed</b>	<b>Total of Payments</b>
The cost of your credit as a yearly rate.	The dollar amount the credit will cost you.	The amount of credit provided to you or on your behalf.	The amount you will have paid after you have made all payments as scheduled.
<b>3.728%</b>	<b>\$81,407.28</b>	<b>\$550,000.00</b>	<b>\$631,407.28</b>

Compounding Period: Annual

Nominal Annual Rate: 3.770%

**Cash Flow Data - Leases and Lease Payments**

	Event	Date	Amount	Number	Period	End Date
1	Lease	09/15/2022	550,000.00	1		
2	Lease Payment	07/15/2023	72,746.17	9	Annual	07/15/2031

**TValue Amortization Schedule - Normal, 365 Day Year**

	Date	Lease Payment	Interest	Principal	Balance
Lease	09/15/2022				550,000.00
<b>2022 Totals</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
1	07/15/2023	72,746.17	17,212.89	55,533.28	494,466.72
<b>2023 Totals</b>		<b>72,746.17</b>	<b>17,212.89</b>	<b>55,533.28</b>	
2	07/15/2024	72,746.17	18,641.40	54,104.77	440,361.95
<b>2024 Totals</b>		<b>72,746.17</b>	<b>18,641.40</b>	<b>54,104.77</b>	
3	07/15/2025	72,746.17	16,601.65	56,144.52	384,217.43
<b>2025 Totals</b>		<b>72,746.17</b>	<b>16,601.65</b>	<b>56,144.52</b>	
4	07/15/2026	72,746.17	14,485.00	58,261.17	325,956.26
<b>2026 Totals</b>		<b>72,746.17</b>	<b>14,485.00</b>	<b>58,261.17</b>	
5	07/15/2027	72,746.17	12,288.55	60,457.62	265,498.64
<b>2027 Totals</b>		<b>72,746.17</b>	<b>12,288.55</b>	<b>60,457.62</b>	
6	07/15/2028	72,746.17	10,009.30	62,736.87	202,761.77
<b>2028 Totals</b>		<b>72,746.17</b>	<b>10,009.30</b>	<b>62,736.87</b>	
7	07/15/2029	72,746.17	7,644.12	65,102.05	137,659.72
<b>2029 Totals</b>		<b>72,746.17</b>	<b>7,644.12</b>	<b>65,102.05</b>	
8	07/15/2030	72,746.17	5,189.77	67,556.40	70,103.32
<b>2030 Totals</b>		<b>72,746.17</b>	<b>5,189.77</b>	<b>67,556.40</b>	
9	07/15/2031	72,746.17	2,642.85	70,103.32	0.00
<b>2031 Totals</b>		<b>72,746.17</b>	<b>2,642.85</b>	<b>70,103.32</b>	
<b>Grand Totals</b>		<b>654,715.53</b>	<b>104,715.53</b>	<b>550,000.00</b>	

Last interest amount decreased by 0.05 due to rounding.

<b>ANNUAL PERCENTAGE RATE</b>	<b>FINANCE CHARGE</b>	<b>Amount Financed</b>	<b>Total of Payments</b>
The cost of your credit as a yearly rate.	The dollar amount the credit will cost you.	The amount of credit provided to you or on your behalf.	The amount you will have paid after you have made all payments as scheduled.
<b>3.760%</b>	<b>\$104,715.53</b>	<b>\$550,000.00</b>	<b>\$654,715.53</b>

# LEASE FINANCING PROPOSAL

Requested by  
**Dingee Machine, Co.**  
Larry Dingee

Representing



Presented To (As Lessee)  
**Town of Kennebunkport, ME**

<b>Proposal Date:</b>	August 31, 2022			
<b>Equipment Description:</b>	(1) Sutphen Aerial			
<b>Commencement Date:</b>	September 25, 2022			
	<u><b>Option 1</b></u>	<u><b>Option 2</b></u>	<u><b>Option 3</b></u>	<u><b>Option 4</b></u>
<b>Equipment Cost:</b>	\$1,450,000	\$1,450,000	\$1,450,000	\$1,450,000
<b>Lessee Down Payment:</b>	\$900,000	\$900,000	\$0	\$0
<b>Amount Financed:</b>	\$550,000	\$550,000	\$1,450,000	\$1,450,000
<b>Lease Term:</b>	5 Years	7 Years	5 Years	7 Years
<b>First Payment Date:</b>	9/25/2024	9/25/2024	9/25/2024	9/25/2024
<b>Payment Frequency:</b>	Annual	Annual	Annual	Annual
<b>Lease Rate:</b>	3.98%	3.98%	3.63%	3.63%
<b>Payment Amount:</b>	\$128,399.14	\$95,197.57	\$334,066.37	\$246,910.36
<b>Payment Factor:</b>	0.23345	0.17309	0.23039	0.17028

## Qualifications:

1. **Pricing:** This is a lease proposal for the payment stream(s) indicated above. If any of the information identified above are not correct, please advise us so that we can determine if a new proposal is required. Other important elements of this proposal are:

- a) **Rate Expiration:** Due to the current increasing rate markets, this proposal is valid under the following circumstances:
- The award is received within 14 days of the Proposal Date.
  - The transaction is closed within 45 days off the Proposal Date.
- If you are unable to award within 14 days, please contact us prior to your decision meeting date and we will provide a current proposal.
- b) **Closing Costs:** There will be no up-front costs of any kind charged by Lessor including closing costs, points, administrative costs, etc. Your attorney may charge you to review the lease documents and complete the opinion letter required with our lease documentation.
- c) **Fixed Rates:** Rates for ten (10) years and under are fixed for the entire term. Terms over ten years have a one time rate adjustment after ten (10) years to the then current interest rates for the remaining term.

2. **Type of Lease:** This is a lease-purchase type of financing. After all the lease payments are made, Lessee will own the equipment without further cost.

3. **Financial Reporting:** All city, county and tax districts (including fire districts) will be expected to provide GAAP audited financial reports. All non-profit corporations (vfd's) will be expected to provide IRS 990 federal tax returns. If you do not maintain these types of financial reports, please contact us to discuss.

4. **Vendor Payable / Escrow Account (where applicable):** In the event that the truck(s) and/or equipment are not ready to be delivered, proceeds of this lease will be held in a vendor payable account until delivery/acceptance. This is a non-interest bearing account to Lessee.

5. **Credit Approval and Documentation:** This is a proposal only, and does not represent a commitment to lease. This financing is subject to credit review and approval and execution of mutually acceptable documentation, including the opinion of lessee's counsel opining that the agreement is legal, valid and binding, obligation of Lessee.

**Financing by:**

**Contact:**

**Phone:**

**Email:**

**Web:**

**Leasing 2, Inc.**

**Brad Meyers**

813-258-9888 x12

bmeyers@leasing2.com

www.leasing2.com



**REQUEST TO PROCEED:**

When you are ready to proceed with Leasing 2 towards finalizing this lease financing arrangement, please indicate so by signing below and completing the requested information. We will immediately email you our application. Thank you for your confidence and consideration.

Proposal date: August 31, 2022

Option Chosen: \_\_\_\_\_ (where applicable)

Upcoming Governing Body meeting date for lease approval: \_\_\_\_\_

**Town of Kennebunkport, ME**

Name of Lessee

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name Of Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Contact Name (If Different Than  
Authorized Signature)

\_\_\_\_\_  
Contact Phone

\_\_\_\_\_  
Contact E-Mail Address

\_\_\_\_\_  
Last month of your budget year?

*Please complete the above information and **fax or email** all pages of the proposal to  
**813-258-9333 / bmeyers@leasing2.com***



**\*\* Important: A Resolution will be required with the lease contract \*\***

**In the event that you require board action to sign this proposal,  
please call us so that we may forward the preferred form for the meeting.**

**Rates Trending Up**

**Note that on the date of this proposal, rates were trending up. If your final decision is more than 14 days from the date of this proposal we suggest you contact us before your decision meeting for an updated quote.**



**FAMILY OWNED  
SINCE 1890**

**Prepayment Discount Options  
For The  
Kennebunkport ME**

**9/2/2022**

Current Bid Price **\$1,494,509.00**

Option 1 25%	For a prepayment in the amount of \$373,627.25 the discount would be \$14,711.57 for a total selling price of . . . . \$1,479,797.43
Option 2 50%	For a prepayment in the amount of \$747,254.50 the discount would be \$29,423.15 for a total selling price of . . . . \$1,465,085.85
Option 3 75%	For a prepayment in the amount of \$1,120,881.75 the discount would be \$44,134.72 for a total selling price of . . . . \$1,450,374.28
Option 4 100%	For a full prepayment, we offer a discount of \$58,846.29 for a final selling price of . . . . . \$1,435,662.71

**NOTE:** For any option above, the prepayment would be due within 30 days of contract signing in order to receive the discounts listed. Any remaining balance would be due at the time of delivery.

**Sutphen Corporation**  
PO Box 158 • Amlin, OH 43002-0158  
6450 Eiterman Road • Dublin, OH 43016-8711  
**Tel 614 889-1005 • Toll Free 800 848-5860 • Fax 614 889-0874**  
**www.sutphen.com • Sutphen@sutphencorp.com**





## PROPOSAL

**TO THE:**

Kennebunkport Fire Department  
Attn: Chief Everett  
32 North Main Street  
Kennebunkport, Maine 04046

**DATE:** September 1, 2022

We hereby propose and agree to furnish the following firefighting equipment upon your acceptance of this proposal:

**One (1) Sutphen Heavy Duty 100' Mid-Mount Aerial Tower (SPH100) Complete  
and Delivered for the Total Sum of .....\$1,494,509.00**

The unit shall be manufactured completely in accordance to the following proposal and delivered in approximately **20-22** months from the date of the contract signing or purchase order, subject to delays from all causes beyond our control.

**This proposal shall be valid until September 14, 2022.** If the contract or purchase order is not received within this proposed duration, we reserve the right to extend, withdraw, or modify our proposal, including pricing, delivery times, and prepayment discounts as applicable.

Respectfully submitted,

*Larry Dingee*

Larry Dingee  
Dingee Machine Company  
Authorized Representative for Sutphen Corporation  
603.542.9682

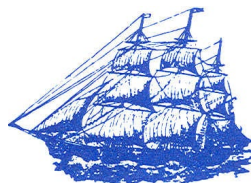
**SUTPHEN CORPORATION**

6450 Eiterman Road | Dublin, OH 43016 | 1-800-848-5860

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# **AGENDA ITEM DIVIDER**

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# TOWN OF KENNEBUNKPORT, MAINE

– INCORPORATED 1653 –

## Memorandum

To: Board of Selectmen and Laurie Smith, Town Manager  
 Fr: John Everett, Fire Chief  
 Re: Boiler Replacement at the Port Village  
 Dt: August 30, 2022

On July 20, 2022, a call was placed to Garrett Pillsbury for a service call for no heat or hot water at the station. A repair tech arrived and diagnosed the problem and ordered the parts to make repairs. They returned to install the parts a few weeks later and discovered that the boiler had much bigger problems. The original repair was to replace the flame tubes and other related parts. It was discovered that the unit was leaking water internally and had ruined the boiler.

The boiler is original to the building, built in 2002, and is beyond repair. I had multiple vendors look at the boiler, and they had the same opinion. Attached to this memo are quotes to replace this boiler from Garrett Pillsbury, Branch Brook, and Atlantic Comfort Solutions. Two of the vendors gave multiple choices of what they could do.

Garrett Pillsbury only gave a single option which was to replace what is currently there with a new model of the same size. Both Branch Brook and Atlantic gave us more options. One option they both gave is a redundant system where two smaller boilers, wall-hung type, are used in series. This gives us some security in the event one boiler fails; the other can maintain a temperature of 50-60 degrees. This could save money in the long run by not having to call anyone in after hours on a holiday to fix a single boiler.

It is my opinion that we award the boiler replacement to Branch Brook Fuels option number 3 for \$24,555.02. Choosing this option gives us redundancy and is from a respected area vendor.

We can take money from the Fire capital budget dedicated to buildings from a building project that did not happen. The money from this account represents the entire account. The remainder of the money I carried forward from FY22's budget. I will still have \$2,944.98 of the \$13,000.00 that was carried over available.

Capital Buildings Acct. Port Village	\$14,500.00
Carry Forward from FY22	\$10,055.02

<b>Total</b>	<b>\$24,555.02</b>
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**BRANCH  
BROOK**

P.O. Box 967 • Kennebunk, Maine 04043-0967

Tel. (207) 985-1500 • Fax (207) 985-0271 • [www.branchbrook.net](http://www.branchbrook.net)

## **PROPOSAL / ESTIMATE**

**August 23, 2022**

We hereby submit the following specifications and an estimate for:

**Town of KPT – Fire Station  
32 North Street, Kennebunkport, ME 04046**

- 1) \_\_\_\_\_ Branch Brook agrees to supply and install a Viessman Vitodens 200 -B2HA112, with a Viessman Low Loss Header, Spirotherm Air Eliminator & Extrol Expansion Tank. We will provide all the electrical, water & propane connections needed, to place the new system into service. Branch Brook will remove & properly dispose of the old system equipment. A gas/leak test will be performed to ensure that the system is safe.

**Total cost with Materials and Labor: \$18,478.37**

- 2) \_\_\_\_\_ **OPTION:** Add a Viessman CIZ-399 Boiler in place of above quoted, wall hung boiler. This option is a floor standing, high mass boiler to reduce short cycles and thermal shock: **COST of Upgrade: \$4336.00**

**Total for CIZ-399 PROJECT: \$ 22,814.37**

Payment will be made as follows: **50% on acceptance of quote and 50% on completion of the project.** This proposal shall remain in effect for a period of 15 days. All materials are covered by manufacturer's warranty. We warrant that our work will be completed in a workman-like manner, according to standard practices. Any alteration or deviation from the above specifications involving additional time and/or materials will be "extra", over and above the estimate. Our company and workers are fully covered by workers' compensation and property damage liability insurance.

**We appreciate the opportunity to quote on your heating & cooling needs!**

**Proposal Acceptance.** The above prices, specifications, and conditions could potentially change, prior to the installation date. Branch Brook reserves the right to amend this estimate to reflect any material price increases, prior to installation. Payment will be made as outlined above.

**Customer Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Branch Brook Fuels, Inc.** \_\_\_\_\_ **Date** \_\_\_\_\_  
John E. Hughes, Pres. / Violet A. Hughes, VP

*"Our Personal Service Is The Difference"*



**BRANCH  
BROOK**

P.O. Box 967 • Kennebunk, Maine 04043-0967

Tel. (207) 985-1500 • Fax (207) 985-0271 • [www.branchbrook.net](http://www.branchbrook.net)

## **PROPOSAL / ESTIMATE**

**August 23, 2022**

We hereby submit the following specifications and an estimate for:

**Town of KPT – Fire Station  
32 North Street, Kennebunkport, ME 04046**

Branch Brook agrees to supply and install Two, Viessman -B2HE199 / 200-W, Wall Hung Boilers. The two boilers will be linked together to allow them to run lead-lag and/or separately, based on load. This system will include a Viessman Low Loss Header, Spirotherm Air Eliminator & Extrol Expansion Tank. We will provide all the electrical, water & propane connections needed, to place the new equipment into service. Branch Brook will remove & properly dispose of the old system equipment. A gas/leak test will be performed to ensure that the system is safe.

**Total cost with Materials and Labor: \$ 24,555.02**

Payment will be made as follows: **50% on acceptance of quote and 50% on completion of the project.** This proposal shall remain in effect for a period of 15 days. All materials are covered by manufacturer's warranty. We warrant that our work will be completed in a workman-like manner, according to standard practices. Any alteration or deviation from the above specifications involving additional time and/or materials will be "extra", over and above the estimate. Our company and workers are fully covered by workers' compensation and property damage liability insurance.

**We appreciate the opportunity to quote on your heating & cooling needs!**

**Proposal Acceptance.** The above prices, specifications, and conditions could potentially change, prior to the installation date. Branch Brook reserves the right to amend this estimate to reflect any material price increases, prior to installation. Payment will be made as outlined above.

**Customer Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Branch Brook Fuels, Inc.** \_\_\_\_\_ **Date** \_\_\_\_\_  
John E. Hughes, Pres. / Violet A. Hughes, VP

*"Our Personal Service Is The Difference"*



# Atlantic Comfort Systems, Inc.

Mechanical Contractors

8/29/22

Kennebunkport Fire Department  
32 North Street  
Kennebunkport, ME

Atlantic Comfort Systems, Inc. is pleased to quote the following work.

- Provide & Install Burham Gas Boiler.
- Remove and demolition of existing system.
- Provide and install new zone pumps.
- Tie in all hydronic pipping.
- Tie in gas pipping.
- Flue venting.
- One-year complete warranty.
- Start up test of systems.

Project Price: \$ 21,240.00

PurePro Trio Gas Boiler Option: \$ 21,985.00

Two NTI Gas Wall Hung Boilers: \$ 28,745.00

Note: Exclude adequacies of existing systems, pipping, radiant, electrical, chimney, etc.

Terms are 25% of contract value upon acceptance, thereafter progress billing until completion of project, balance upon completion net 10 days. If not paid as indicated a 1.5% monthly service charge on the overdue balance will be applied plus any legal fees for collection.

Respectfully submitted,

Matthew Tuller

Vice President

Customer Acceptance\_\_\_\_\_ Date\_\_\_\_\_



Associated Builders  
and Contractors





**To: Chief Jay Everett**

**RE: Boiler Replacement at Kport Village Fire Station**

**Date: 8/11/2022**

We will supply and install one new propane fired hot water boiler to serve your home. This includes the following:

- We will remove and dispose of the existing hot water boiler.
- We will supply and install one new HTP propane boiler Model: ELX400-FBN
- We will re-pipe the area around the boiler location as needed, then reconnect to the existing piping that serves the building.
- We will install a new Boiler Pump with iso flanges.
- This boiler will provide hot water and heating for the existing zones.
- We will install low voltage control wiring for the new boiler.
- We will install new vent piping from the boiler to the exterior.
- All work is to be performed during regular business hours.
- Price valid for 30 days
- Price assumes tax exemption on all equipment and materials.

**Total Cost: \$31,670.00**

\*\*\*Payment terms: 30% down upon order with net due 25 days after completion.

Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Tom Littlefield  
Sales Person & Project Coordinator

**Garrett Pillsbury Plumbing & Heating**  
119 York Street  
Kennebunk, ME 04043  
207.985.2130

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# **AGENDA ITEM DIVIDER**

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

s/ Jamie L Mitchell	August 30, 2022
Signature of Applicant	Date

**Preliminary Information**

Name (Print):	Jamie L Mitchell		
Residence Address:	4 Back Harbor Rd., Unit 2	Phone:	(207) 205-3539
Business Address:		Phone:	
Mailing Address:	PO Box 425, Kennebunkport, Maine 04046		
(if different)			
E-mail Address:	mitchell.jamielynn@gmail.com		

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**Membership in community organizations:**

Organization	Dates	Activities
KHHT	2018 - 2021	Board of Directors/Trustees
KKAYCA Youth Cheer	2016 - Current	President, Head Coach

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

Experienced in event planning, fundraising

Certified NFHS cheerleading youth coach, First Aid, Concussion Management and Heat Exhaustion

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

My daughter and I have utilized recreation services since the summer before K (2015) , continuing on with recent enrollment in the Outdoor Adventure camps. I think the recreation program is essential to our town and the families it supports and I am looking forward to contributing to its success.

**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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# **AGENDA ITEM DIVIDER**

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Company Name

# Memo

**To:** Laurie Smith  
**From:** Chris Mayo  
**cc:** Nicole Evangelista  
**Date:** 8/13/22  
**Re:** Chris Perkins

---

To Whom it May Concern,

This memo is to erase Chris Perkins' debt on record for fuel sales. Mr. Perkins is deceased, and I have been unable to contact his estate for payment, therefore I am asking to absorb his debt to consolidate accounts.

Respectfully,

Christopher Mayo

# Town of Kennebunkport

## INVOICE

CHRIS PERKINS  
160 BERUBE LN  
HOLLIS CENTER, ME 04042

PLEASE REMIT TO:

**Town of Kennebunkport**  
PO Box 566  
Kennebunkport, ME 04046

Invoice Number

200060255

Invoice Date

10/19/2020

Account Number

0270

Invoice Amount

354.20

Please detach and return this portion of the invoice with your remittance.

Cape Porpoise Pier Fuel, 10/1/20-10/15/20

DATE	Description	Amount
10/19/2020	Diesel - Taxable	354.20
	<b>Invoice Total</b>	<b>354.20</b>

Any account with an outstanding balance over 30 days will be suspended from future purchases until such time that the account is brought up to date in accordance with the Town's policy.

# CUSTOMER INVOICE

## INVOICE LISTED BY USER LAST NAME

From Date: 10/1/2020  
Time: 12:00:00AM

To Date: 10/15/2020  
Time: 11:59:59PM

Page 1 of 1  
Print Date: 8/15/2022 Time: 11:59:49AM

### Transactions for USER LAST NAME: PERKINS CHRIS CAPE PORPOISE PIER

#### Transactions for Vehicle 00000998 - LOVESHACK FISHERIES

<u>Date</u>	<u>Time</u>	<u>TC</u>	<u>Site</u>	<u>User ID</u>	<u>Tran #</u>	<u>Odometer</u>	<u>Hose</u>	<u>Grade</u>	<u>Product</u>	<u>Unit Cost</u>	<u>Quantity</u>	<u>Total</u>
10/4/2020	3:21:00PM	00	0001	000000998	4,390	0	2	1	2	1.7710	200.00	354.20

Summary for Vehicle : 00000998 LOVESHACK FISHERIES

Total for 1 transactions **200.00 354.20**

#### Subgroup Product Summary for PERKINS CHRIS

<u>Product</u>	<u>Description</u>	<u>Transactions</u>	<u>Quantity</u>	<u>Total Cost</u>
2	Diesel	1	200.00	354.20
Total for Product 2			<b>200.00</b>	<b>354.20</b>
<b>Product Summary for: PERKINS CHRIS</b>			<b>1</b>	<b>200.00 354.20</b>

#### Subgroup Hose Summary for PERKINS CHRIS

<u>Site ID</u>	<u>Hose</u>	<u>Grade</u>	<u>Description</u>	<u>Transactions</u>	<u>Quantity</u>	<u>Total Cost</u>
0001	2	1	Diesel	1	200.00	354.20
Total for Site 0001				<b>1</b>	<b>200.00</b>	<b>354.20</b>
<b>Total Hose Summary for: PERKINS CHRIS</b>				<b>1</b>	<b>200.00</b>	<b>354.20</b>

Total Cost for USER LAST NAME PERKINS CHRIS

total for 1 transactions

<u>Quantity</u>	<u>Total Cost</u>
<b>200.00</b>	<b>354.20</b>

**Account 270 Detail**  
**as of 08/15/2022**

Name: CHRIS PERKINS

89 BRYANT LANE  
KENNEBUNKPORT, ME 04046

Bill	Date	Reference	C	Principal	Tax	Interest	Total
200060255	10/19/20			354.20	0.00	0.00	354.20
		CURINT		0.00	0.00	-30.91	-30.91
		Total		354.20	0.00	30.91	385.11
Account Totals as of 08/15/2022				354.20	0.00	30.91	385.11

Per Diem		
200060255		0.0485
Total		0.0485

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# **AGENDA ITEM DIVIDER**

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**Kennebunkport Public Health**

August 16, 2022

ATN: Kennebunkport Board of Selectmen, Laurie Smith-Kennebunkport Town Manager

Please accept this generous gift of \$50.00 from Anonymous donor to the Nurses account (08-01-39). This money was granted to Kennebunkport Public Health dept to assist us with supplies, equipment, training, or any needs we see fit.

Thank you!

Alison Kenneway RN, BSN

Kennebunkport Public Health

1496

Aug. 15, 2022

51-7218/2211

402

Date

CHECK NUMBER

Pay to the  
Order of

Town of Kennelburgport \$ 50.00

Fifty and no/100

Dollars



Photo  
Safe  
Deposit  
Cards on back

People's United  
Bank

peoples.com

For

for Maggie Wells

NURSES

1496

## **Kennebunkport Public Health**

August 8, 2022

ATN: Kennebunkport Board of Selectmen, Laurie Smith-Kennebunkport Town Manager

Please accept this generous gift of \$50.00 from Audrey Lakin to the Nurses account (08-01-39). This money was granted to Kennebunkport Public Health dept to assist us with supplies, equipment, training, or any needs we see fit.

Thank you!

Alison Kenneway RN, BSN

Kennebunkport Public Health

A

AUDREY LAKIN

Thank you Alison &  
Kim for your  
expertise & caring  
attention to my  
recent needs.

Audrey

AUDREY FRASER LAKIN  
3 CLEAVES AVENUE  
KENNEBUNKPORT, ME 04046

8459

70-8383/2719

Pay to the  
Order of

8/4/2022  
Kennebunkport Sept 4/2022  
Fifty & no/100

Date

FRAUDARMOR<sup>+</sup>

\$ 50.00

Dollars



Photo  
Safe  
Deposit  
Details on back



111 S. Hawthorne St., Elgin, IL 60123  
(847) 741-3344  
www.kctcu.org

For

donation

Audrey F. Lakin

RP

459

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# **AGENDA ITEM DIVIDER**

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*Town of Kennebunkport, ME  
Friday, September 2, 2022*

## Chapter 5. Administrative Code

### Article V. Annual and Special Town Meetings

#### § 5-42. Schedule; fiscal year.

- A. The Annual Town Meeting shall convene on the second Tuesday of each June for the purpose of electing Town officials and for voting on referendum articles and other secret ballot articles and shall adjourn to the Saturday immediately following the second Tuesday of June for the purpose of considering and adopting the budget and acting upon remaining business. The terms of those elected Town officials whose terms would have expired in March on the date of the Annual Town Meeting shall be automatically extended to the date of the next corresponding Annual Town Meeting in June. All Annual and Special Town Meetings shall be called in accordance with the provisions of the statutes of the State of Maine.
- B. The Town's fiscal year shall be July 1 through the following June 30, commencing July 1, 2002, with a six-month interim fiscal and budget year running from January 1, 2002, through June 30, 2002, to provide for the change in the fiscal year. In addition, property taxes will be billed on or about February 1, 2002, to fund the six-month interim budget and thereafter twice a year with half of the taxes to be billed on or about August 1 and the second half to be billed on or about February 1.

#### § 5-43. Notice of meetings.

A notification of any Annual or Special Town Meeting shall occur by the following methods: by posting at Town Hall, by posting on the Town website, by advertisement in a newspaper of general circulation in the Town and by announcement on a local cable television channel at least seven days prior to that Annual or Special Town Meeting date. The notification shall also name the location of the distribution points where the warrant for the Annual or Special Town Meeting is available.

Select Language ▼

## TOWN OF KENNEBUNKPORT

### TOWN WARRANT ANNUAL TOWN MEETING March 27 and 31, 2001

State of Maine

County of York, SS

To: April Dufoe, a resident of the Town of Kennebunkport, in the County of York, State of Maine.

#### GREETINGS:

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

To the voters of Kennebunkport: You are hereby notified that the Annual Town Meeting of this municipality will be held at the American Legion Hall in said Town on Tuesday, the Twenty-seventh day of March A.D. 2001, at 8:00 o'clock in the forenoon for the purpose of acting on Articles numbered one (1) and one a (1a) and Questions 1 through 4 as set out below. The polls for voting on Articles 1 and 1a and Questions 1 through 4 shall be opened immediately after election of the Moderator at 8:00 a.m. on March 27, 2001, and shall close at 8:00 p.m. While the polls are open, the Registrar of Voters will hold office hours to accept the registration of any person eligible to vote, to accept new enrollments, and to make any necessary correction or change to any name or address on the voting list. The continuation of said meeting will be held at the auditorium of the Consolidated School building in said Town on Saturday, the Thirty-first day of March A.D. 2001, at 9:00 o'clock in the forenoon for the purpose of acting on Articles numbered 2 through 49, as set out below.

**ARTICLE I.** To choose a Moderator to preside at said meeting.

**ARTICLE 1a.** To elect under the provisions of Title 30-A, M.R.S.A. Section 2528, the following Town Officers: two Selectmen, Assessors, and Overseers of the Poor, each for a term of three years, and one Selectman, Assessor, and Overseer of the Poor for two years remaining of a three year term, and to vote on the following referendum Questions 1 through 4:

## QUESTION 1 AMENDMENTS TO THE LAND USE ORDINANCE CONCERNING CONSTRUCTION IN THE CRITICAL EDGE

Shall an ordinance entitled "2001 Amendment to the Kennebunkport Land Use Ordinance Regarding Changing Only the Date for Grand fathering Vacant Lots of Record in the Critical Edge District" be enacted?

### 5.5 Uses Permitted in the Critical Edge

C. The following activities are allowed because of their existence prior to the adoption of these provisions:

1. Any vacant lot of record as of ~~March 22, 1988~~, August 4, 1998, which is wholly within the Critical Edge...
2. A single family detached dwelling in existence on ~~March 22, 1988~~ August 4, 1998, which becomes a nonconforming use due to its inclusion in the Critical Edge...

(Note: Additions are underlined and deletions ~~struck out~~.)

[Note of Explanation: It is believed that an amendment to the Land Use Ordinance enacted on August 4, 1998 contained an error with regard to the date used for the "grand fathering" clause for vacant lots of record and for certain lots already improved with single family dwellings within the Critical Edge District. The sole purpose of this amendment is to correct that error by deleting the incorrect dates (March 22, 1988) and by inserting the correct dates (August 4, 1998).]

## QUESTION 2 FISCAL YEAR AND TOWN MEETING DATE

Shall an ordinance entitled "2001 Amendment to the Administrative Code to Change the Date of Town Meeting and to Change the Town's Fiscal Year" be enacted?

Article 6.1: ~~An annual Town meeting shall be held in March of each year.~~ The Annual Town Meeting shall convene on the second Tuesday of each June for the purpose of electing Town

Officials and for voting on referendum articles and other secret ballot articles and shall adjourn to the Saturday immediately following the second Tuesday of June for the purpose of considering and adopting the budget and acting upon remaining business. The terms of those elected Town officials whose terms would have expired in March on the date of the annual town meeting shall be automatically extended to the date of the next corresponding Annual Town Meeting in June. All annual and special Town Meetings shall be called in accordance with the provisions of the statutes of Maine.

The Town's fiscal year shall be July 1 through the following June 30, commencing July 1, 2002, with a six month interim fiscal and budget year running from January 1, 2002, through June 30, 2002, to provide for the change in the fiscal year. In addition, property taxes will be billed on or about February 1, 2002, to fund the six month interim budget and thereafter twice a year with half of the taxes to be billed on or about August 1 and the second half to be billed on or about February 1.

(Note: Additions are underlined and deletions are ~~struck out~~.)

[Note of Explanation: This proposal will make the Town's fiscal year and budgeting process consistent with that of the State and the School Administrative District. The proposed change in date of the annual Town Meeting will provide for a coordinated budget development process that will be aligned with the State and School District budgets. Local elections are proposed to coincide with the State primary elections, which will eliminate the cost of an additional election in March. Finally, this proposal includes collecting taxes twice a year, once in the fall and once in the spring, resulting in a more uniform cash flow of tax revenue to the Town. This eliminates the need to borrow money to finance ongoing operations, saving interest expenses. Property owners will pay taxes in two equal installments of 50% of their annual taxes. There is no increase in the cost to the taxpayer. Delinquent tax payments are reduced and depletion of cash reserves is minimized.]

### QUESTION 3 2001 AMENDMENTS TO THE ADMINISTRATIVE CODE

Shall an ordinance entitled "2001 Amendments to the Town of Kennebunkport Administrative Code" be enacted? (A true copy of which is on file in the Town Clerk's office and is incorporated by reference.)

[Note of Explanation: Revisions proposed for the Administrative Code would result in the following:

- An amendment would prohibit Selectmen from directing Town employees in public or in private although Selectmen would be permitted to discuss an issue affecting the Town with an employee except for personnel matters;
- A new Section would provide for an annual evaluation of the Town Manager;
- An amendment would make the Code Enforcement Officer (or someone with his authority) the only person able to notify a property owner of non-compliance with the Kennebunkport Land Use Ordinance;
- A new Section would describe the membership, terms and duties of the Administrative Code Committee;
- A new Section would establish as a qualification for service on a Board or Committee that an appointee be and remain a registered voter in Kennebunkport;
- A new Section would create procedures and conditions in order for the Board of Selectmen to remove appointees from Boards and Committees and list reasons why an appointee would forfeit office;
- A new Section would prohibit a Town Board or Committee from appealing a decision of another Town Board or Committee without the permission of the Board of Selectmen except when State Statute authorizes such an appeal;
- An amendment would bring the Administrative Code into compliance with the change approved by voters in March 2000 which changed the Town Clerk to an appointed rather than an elected position.]



**MEMORANDUM OF UNDERSTANDING  
BETWEEN TOWN OF CLIFTON PARK  
AND APPAREL IMPACT**

1. **Parties.** This Memorandum of Understanding (hereinafter referred to as "MOU") is made and entered into by and between the **Town of Clifton Park**, whose address is **1 Town Hall Plaza Clifton Park, NY 12065**, and **Apparel Impact**, whose address is **40 South River Rd. Suite 45 Bedford, NH 03110**.

2. **Purpose.** The purpose of this MOU is to establish the relationship, partnership, responsibilities, terms and/or conditions for the **Town of Clifton Park** and **Apparel Impact**. **Town of Clifton Park** has the right to host **Apparel Impact Clothing Bins** at their place of business. This allows the **Town of Clifton Park** to take part in the reduction of local environmental waste.

3. **Term of MOU.** This MOU is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU and shall remain in full force and effect for a period of twenty four months.

4. **Rights of Town of Clifton Park and Responsibilities of Apparel Impact.** The **Town of Clifton Park** can provide location(s) for **Apparel Impact Clothing Bins** to be hosted at selected sites, specifically at the **Town of Clifton Park Transfer Station and/or locations provided by the Town of Clifton Park**.

4a. **Apparel Impact** is responsible for the collection, recycling, management, service and all other aspects as it relates to the management of the bin, and the location.

4b. Each bin that is placed, will be serviced weekly, unless otherwise agreed upon.

4c. **Town of Clifton Park** may not host any other textile, clothing or shoe collectors and recyclers in conjunction with **Apparel Impact**.

5. **General Provisions**

A. **Amendments.** Either party may request changes to this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.

**B. Applicable Law.** The construction, interpretation and enforcement of this MOU shall be governed by the laws of the **State of New York**. The courts of the **State of New York** shall have jurisdiction over any action arising out of this MOU and over the parties.

**D. Entirety of Agreement.** This MOU represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

**E. Severability.** Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

**Signatures.** In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

Apparel Impact  
Joseph Whitten  
Chief Executive Officer

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**Date**

**Town of Clifton Park**

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**Date**

# WE ARE APPAREL IMPACT

- New England Based Company / Locally Owned
- U.S. Veteran Owned
- Established in 2014
- Easterseals New England Partner | AVCOG Partner | KVCOG Partner
- Fastest Growing Textile Recovery Company in Northeastern U.S.
- 750+ Customers & Partners Throughout New England
- 100+ Towns/Cities Partnerships
- Recovers Over 4.5 Million Pounds of Textiles Annually & Growing
- 2018 AVCOG Environmental Award Recipient
- Awarded 40U40 by Union Leader for Supporting 3,000 Local Families Annually
- Provided Over 3,000 NH & ME Families and Children Clothing in 2021



# THE SOLUTION

## What we do

- Host monthly free "shopping experiences"
- School Resource Service with school nurses
- Donate free clothing/shoes to Veterans via Easterseals
- Move 450,000 pounds of clothes, per month, to 2nd hand clothing markets & recyclers
- Sponsor Maine & New England Resource Recovery Associations
- Sponsor of Maine Recycles Week
- Educate. Educate. Educate.





# THE SOLUTION: OUR ACCEPTABLE ITEMS



## **All Accessories**

- Purses / Bags
- Ties, Scarfs & Hats

## **All Shoes**

- Sneakers
- Dress Shoes
- Heels & Flats
- Boots
- Sandals
- Flip Flops

## **All Clothing**

- Men's Clothing
- Women's Clothing
- Children's Clothing
- Vintage Clothing
- Coats / Jackets
- Winter Gear

## **Sheets | Towels**



All items must be dry, contain no odor or mold. Items **DO NOT** need to be in wearable condition.

**OFFICIAL RUNOFF BALLOT – District 34**

**Maine Municipal Association's Legislative Policy Committee**  
July 1, 2022 – June 30, 2024

**VOTE FOR ONE:**

- ☐ William Ward, Jr., Select Board Member, Town of Kennebunk  
☐ Dwayne Morin, Town Manager, Town of North Berwick

**Candidate Profiles Are On Reverse Side**

MUNICIPALITY: \_\_\_\_\_ DATE: \_\_\_\_\_

 BY SELECTMEN/COUNCILORS:

_____ signature	_____ print name
_____ signature	_____ print name
_____ signature	_____ print name
_____ signature	_____ print name
_____ signature	_____ print name

**Return by 4:00 p.m., September 21, 2022 to:**

Laura Ellis, Maine Municipal Association  
lellis@memun.org  
Fax: 624-0129

## **LPC Senate District 34**

Berwick  
Kennebunk

Kennebunkport  
North Berwick

Wells

### **Candidate Profile:**

William Ward, Jr. has served for the past five years as Select Board member in the Town of Kennebunk, plus a prior term from 2011-2014. Mr. Ward previously served on the Kennebunk Budget Board for 10 years, serving 3 of those years as Chair and also served on the RSU 21 Finance Committee as a non-voting member from 2005-2015. He has served on the LPC since 2018 and would like to serve again because he is interested in any matter that may impact municipal government, including but not limited to, revenue sharing, excise tax, Maine Right to Know laws, environmental regulations affecting beaches, as well as business and marijuana regulations. He is also concerned with school funding and consolidation rules relating to RSU 21.

Dwayne Morin has served as Manager in the Town of North Berwick for the past 26 years. Prior to that he served as Assistant to the Selectboard and Town Planner for the Town of Waterboro for six years. Mr. Morin served on MMA Ad-hoc Committees, including the Cable TV and Highway Committees. He served on the LPC between 2018-2020 and would like to serve again to work on municipal issues. He would like to be actively involved in issues before the state concerning municipal government because his concern is that legislatures do not necessarily understand municipal concerns and would like to help in this endeavor.