

TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda
March 9, 2023 @ 6:00 PM
VILLAGE FIRE STATION
32 North Street**

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/87973785645>

or go to **ZOOM** and enter the **webinar ID: 879 7378 5645**

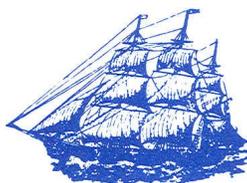
By **phone** 1(929) 205 6099 US

1. Call to Order.
2. *Joint meeting with Budget Board for the fiscal year 2024 municipal budget presentations.*
3. Approve the February 23, 2023, selectmen meeting minutes and March 2, 2023, joint meeting with the Budget Board minutes.
4. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)
5. Consider the liquor license renewal for Chez Rosa LLC d/b/a Chez Rosa Bistro, Building "D" on Cross Street and Union Street
6. Consider Goose Rocks Beach Advisory Committee's recommendation regarding the contract with Woodard & Curran and Black Fly Media for Water Quality Project.
7. Presentation of proposed June 2023 ordinance changes with the legal review.
 - a. Administrative Code revision regarding Cape Porpoise Pier Committee members.
 - b. Administrative Code revision regarding days of annual town meeting.
 - c. Land Use Ordinance revision regarding accessory dwelling units.
 - d. Land Use Ordinance revision regarding private road construction.
 - e. ~~Land Use Ordinance revision regarding the description of the resource protection zone.~~

f. ~~Update to Floodplain Management Ordinance.~~

8. Accept donations towards the fuel fund:
 - a. \$100.00 from an anonymous donor
 - b. \$1,000.00 from The Goose Rocks Beach Fire Company
9. Accept \$50.00 from an anonymous donor towards the general nurses' account.
10. Accept \$850.00 from Patricia and Larry Keller towards the general needs account.
11. Accept \$1500.00 from the Arundel Lodge #76: \$750.00 towards the nurses' account; \$750 towards the general needs account.
12. Other Business.
13. Approve the March 9, 2023, Treasurer's Warrant.
14. Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate.
15. Adjournment.

AGENDA ITEM DIVIDER



BOARD OF SELECTMEN and BUDGET BOARD

**Budget Review Agenda
March 9, 2023, @ 6:00 PM
VILLAGE FIRE STATION
32 North Street**

PROPOSED ORDER OF REVIEW

<u>Budget Category</u>	<u>Page</u>
Solid Waste – Chris	127
Public Health – Alison	131
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***Capital budgets will be reviewed at the March 16th meeting along with outside agencies and town committees' budgets.**

****Regular Board of Selectmen meeting to follow budget presentations.***

AGENDA ITEM DIVIDER

Town of Kennebunkport
Board of Selectmen Meeting
February 23, 2023
6:00 PM

MINUTES

Selectmen attending: Edward Hutchins, Jon Dykstra, Michael Weston in person; Sheila Matthews-Bull & Allen Daggett via Zoom.

1. Call to Order:

Selectman Hutchins called the meeting to order at 6:00 PM.

2. Approve the February 9, 2023, meeting minutes:

Motion by Selectman Dykstra, seconded by Selectman Weston, to approve the February 9, 2023, selectmen meeting minutes. **Voted: 5-0. Motion passed.**

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

- a. Roxanne Ferrero of 228 Ocean Ave spoke regarding a short-term rental issue. She stated that she got her STR permit last year without a problem. A few weeks ago, she applied to renew the permit but was told that the application window had passed. She reported speaking to April (Fortier) and Laurie (Smith) and admitted that she had been provided proof that two emails had been sent in November and December to both her and her property manager. She nonetheless claims that the emails were not received. In conversation with the Board, the Selectmen confirmed that a letter had also been sent to Roxanne's postal address in Massachusetts. Selectman Hutchins explained that there are currently 29 people on the waiting list for permits next year and that the Board is bound by the ordinance and cannot make an exception for her. He stated that there is no action the Board can take in this circumstance. Roxanne's husband, John O'Donnell, asked what should happen to get on the waiting list for a license next year. Director of Planning and Development, Werner Gilliam, explained that the wait list opens in October, with those on the existing waitlist in line first and any new applicants added to the end of the list. Renewals are processed first, a determination is made as to how many licenses remain, the Board determines how many licenses will be added to the pool (if any), and then those on the wait list are addressed in sequence for new licenses. Selectman Hutchins clarified that if the property is rented for 31 days or more, it is not considered short-term and that rental is permitted without an STR license.

- b. David Strachan spoke via Zoom. He stated that he had attended the previous Planning Board meeting and brought up the issue of South Main Street between Grandview Avenue and Arlington Avenue, where in the past few years, there have been significant improvements to existing and the addition of new developments, including the Colony Hotel, Ivy Lane and now Woodland Road. He says that as a result, there is significantly more vehicle traffic, but no improvements have been made to South Main Street, which is hilly, winding, and has no sidewalk or line markings. It is the opinion of Mr. Strachan and twenty homeowners in this area he has spoken with that these conditions, along with increased traffic, are dangerous and it's only a matter of time before there is a "preventable calamity." The Planning Board told him that this concern should be taken up with the Selectmen. He offered that South Main Street should be subject to a traffic impact study. Chairman Hutchins thanked David for his input and said the Board would take this under advisement, mentioning that Wildes District Road is also up for a similar review. David added that there is a stop sign at the intersection with Arlington Avenue that is located where it cannot be seen from South Main Street and, therefore, is not heeded by many motorists. Chairman Hutchins responded that a study of South Main Street would include the entire length of the street.

No motion was necessary. No motion was taken.

4. Public Hearing on a proposed amendment to Chapter 160-11, unlawful parking, of the General Ordinances regarding Wharf Lane:

Werner Gilliam provided some background. This issue came up when a resident asked him about parking enforcement on Wharf Lane. This lane is private, so the town should not be doing parking enforcement. When referring to the Town Ordinance, however, Wharf Lane is listed. This amendment would remove Wharf Lane from the Ordinance.

Chairman Hutchins opened the public hearing on this proposed amendment. There were no comments from attendees, the Board, or Zoom participants. Chairman Hutchins closed the public hearing.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to accept the proposed amendment. **Voted:** 5-0. **Motion passed.**

5. Consider the renewal of the special amusement and liquor license submitted by The Colony Hotel, located at 140 Ocean Ave:

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to renew the special amusement and liquor license submitted by The Colony Hotel, located at 140 Ocean Ave. **Voted:** 5-0. **Motion passed.**

6. Consider the renewal of liquor licenses and special amusement permits submitted by the Taylormade Hospitality d/b/a Hurricane Restaurant, 29 Dock Square:

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to renew the liquor licenses and special amusement permits submitted by the Taylormade Hospitality d/b/a Hurricane Restaurant, 29 Dock Square. **Voted:** 5-0. **Motion passed.**

7. Presentation by Meagan McDevitt of Woodard & Curran regarding Pier Road causeway updates:

Meagan spoke and presented several points relating to the proposed project:

Roadway elevation comparisons – Two lines were added to the roadway elevation comparison chart. One was for the January 23rd, 2023, high tide, which was at NAVD88 elevation of 6.59 feet. The other was for the December 23rd, 2022, storm showing an elevation of about 9 feet. She had an accompanying picture and video, respectively, showing the water overtopping the roadway on these dates. Meagan noted that they are not changing the proposed roadway elevation, just putting these two events in the comparison chart for perspective, showing that the proposed elevation would help the roadway withstand events such as the two that happened in the past two months.

Revised roadway layout – Per feedback they received, the width of the sidewalk has been reduced from 8 ft to 5 ft (plus a 6-inch wide curb), still making it conform to ADA requirements. Also, the step in the retaining wall was eliminated based on feedback for a more aesthetically pleasing wall line.

Boat launch comparison – They reduced the width of the boat launch to minimize the impact on the surrounding area, creating a ramp with a 12% slope and 18 ft width where it meets the roadway. This change would still allow vehicles to back down the ramp with a trailer. The point where the ramp would meet the street was reduced to 18 ft from 24 ft. This is to allow a longer, narrower retaining wall that would impact the surrounding area less. Though the ramp will be steeper, the gravel will remain within the current footprint.

Update renderings – Meagan displayed renderings showing what the roadway currently looks like and how it would look with the proposed roadway elevation, as well as what it would look like with the higher tide of the December 23rd storm. She also showed renderings comparing the current and proposed view of the roadway from two abutter properties.

Board Chairman Hutchins invited comments or questions from the Board and the public.

Selectman Matthews-Bull expressed concern about the narrower mouth of the boat ramp and its impact on the ability to put in dinghies and other small boats. Chairman Hutchins responded that while it was not ideal, he felt it was workable. Meagan added that the firm had done a “turning template” analysis confirming that there would still be sufficient room for a vehicle with a trailer to use the ramp. Selectman Daggett asked how wide the ramp would be, and Meagan responded that it would be 18 ft wide at the narrowest point where it meets the road but expands as it goes down to the water to meet the existing width.

Motion by Selectman Weston, seconded by Selectman Daggett, to proceed with the design of the causeway. Chairman Hutchins requested an amendment making a note of the fact that there may be an issue with the easement for the boat ramp but thinks that can be worked out. He agreed that the overall causeway design should proceed. Selectman Weston agreed. **Voted: 5-0. Motion passed.**

8. Approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance:

Eric Labelle proposed that the roads be posted from February 27th until April 30th, asking that the Public Works Director be able to make minor changes within that date range if needed.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance. **Voted: 5-0. Motion passed.**

9. Presentation of proposed June 2023 ordinance changes:

a. Administrative Code revision regarding Cape Porpoise Pier Committee members.

Town Clerk Tracey O’Roak reported that she had taken this proposed change to the Administrative Code Committee, and they had no issues with it. She worked with the Harbormaster to come up with the definition of a commercial fisherman.

b. Administrative Code revision regarding days of annual town meeting.

Tracey relayed that the Administrative Code Committee had no issues with this proposed change either. She noted that the next step is to take these proposed

changes to the Town attorney and get their comments back, it is hoped, before the next Selectmen's meeting on March 9th.

c. Land Use Ordinance revision regarding accessory dwelling units.

Werner Gilliam reminded the Board that many of these proposed amendments are the result of the passage of LD 2003 by the State Legislature, which requires Towns to make amendments to their Land Use Ordinances (LUOs) regarding housing. In regards to Accessory Dwelling Units (ADUs), it specifies that they cannot be independently conveyed, so they are not to be sold or be made into condominiums. The square foot minimums have been modified; language that could be construed as discriminatory has been removed, and documentation requirements have been reduced to be in line with LD 2003. The language specifies that ADUs are not to be used as primary residences, not short-term rental units. The statute makes clear that additional off-street parking cannot be made a requirement for ADUs, so that requirement will be stricken from the ordinance.

d. Land Use Ordinance revision regarding private road construction.

Werner explained that this revision relates to the dimensional requirements for new private roads to accommodate larger emergency vehicles and codifies this to help the Planning Board when reviewing proposals brought before them. He brought in Acorn Engineering to provide images allowing applicants to submit compliant designs with appropriate dimensions for cul-de-sacs, hammerheads, and Y designs. He requested images for both a 16 ft and 20 ft travel width that will be incorporated.

e. Land Use Ordinance revision regarding the description of the resource protection zone.

f. Update to Floodplain Management Ordinance.

Regarding both ordinance changes, Werner informed the Selectman that the current resource protection (RP) zone is tied to a description of the coastal flood plain in our LUO. It is designed to protect sensitive, undeveloped areas, not areas that have already been developed. As things stand now, once the new floodplain maps are released, a number of additional properties will become non-conforming. This would prevent house expansions, for example, based on zoning. Dock Square and Riverfront zones are currently excluded from the RP zone. This revision would add other already-developed properties, Goose Rocks in particular, to this exclusion, consistent with Maine Department of Environmental Protection (DEP)

Chapter 1,000. Not accepting this amendment would impact the Planning Board's workload as approximately 330 additional properties would be considered non-conforming, and any improvements would have to go before the Planning Board for an exemption. While the higher standard for properties in the flood plain would still apply, the proposal is to remove the designation of these properties as being in the RP zone.

Though a formal vote by the Board was not required, the Board members agreed that these proposed ordinance changes should be forwarded for legal review.

Robin Phillips, attending via Zoom, had a question asking if 800 square feet is the minimum size of an ADU. Werner replied that 800 square feet is the maximum and 190 square feet is the minimum. Robin then asked how tiny houses would fit into this scenario. Werner answered that there are regulations and other conditions specific to tiny houses but that they can be considered as ADUs. His office is willing to work with anyone considering building a tiny house to make sure that they conform to the regulations.

No motion was necessary. No motion was taken.

10. Personnel Policy correction:

Special Projects Manager & HR Administrator Yanina Nickless explained that one of the changes to the Personnel Policy that was approved in the previous meeting was in regard to vacation accruals. Originally, Town employees received vacation time after one year of employment, and it was accrued on a yearly basis. Subsequently, our Trio software could track vacation time accrual on a weekly basis, so we started doing that. The old policy referred to "longevity," but we changed that to "years of service" in the new policy. But upon closer examination, we realized that this was not our practice and we had made unintentional changes. Yanina provided the Board members with a sheet showing the previous verbiage and how she is requesting it is corrected.

Selectman Weston asked if the change needed union approval. Yanina replied that the correction was in line with the union contract and that no one would lose any vacation time as a result. This restores the calculation back to the way it was done previously.

Motion by Selectman Weston, seconded by Selectman Dykstra, to approve the policy correction. **Voted: 5-0. Motion passed.**

11. Accept a \$75.00 donation from Robert and Cathy Gordon towards the emergency fuel fund:

Motion by Selectman Daggett, seconded by Selectman Weston, to accept a \$75.00 donation from Robert and Cathy Gordon towards the emergency fuel fund. **Voted:** 5-0. **Motion passed.**

12. Other business:

No Selectmen had other business. Chairman Hutchins stated that he would not be at the next Selectmen's Meeting as he would be out of town.

13. Approve the February 23, 2023, Treasurer's Warrant:

Motion by Selectman Dykstra, seconded by Selectman Weston, to approve the February 23, 2023, Treasurer's Warrant. **Voted:** 5-0. **Motion passed.**

14. Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate:

Motion by Selectman Weston, seconded by Selectman Dykstra, to enter Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate. **Voted:** 5-0. **Motion passed.**

Selectmen were in Executive Session for 47 minutes. Remotely attending Selectmen Daggett and Matthews-Bull did not return from Executive Session.

No motion was necessary. No motion was taken.

15. Adjournment:

Motion by Selectman Dykstra, seconded by Selectman Weston, to adjourn. **Voted:** 5-0. **Motion passed.** Meeting adjourned at 8:02 PM.

Submitted by,
Dave Powell,
Technology Specialist

Town of Kennebunkport
Board of Selectmen and Budget Board Joint Meeting
March 2, 2023
6:00 PM

MINUTES

Selectmen attending in person: Sheila Matthews-Bull, Jon Dykstra.

Selectmen attending via Zoom: Allen Daggett, Michael Weston.

Budget Board Members attending in person: Michelle Powell, Robert Wester, Rick Wakeland, Dan Beard, Marybeth Gilbert, April Dufoe, Ki Leffler, Carol Cook, Allan Evelyn, and Dimitri Michaud.

1. Call to Order

Selectman Matthews-Bull called the meeting to order at 6:00 PM. She stated that she and Selectmen Dykstra were present in person and took roll call of Selectman Weston and Selectman Daggett attending via Zoom.

Budget Board Chairperson, April Dufoe, stated that the Budget Board had a quorum and called the meeting to order at 6:01 PM.

2. Joint meeting with Budget Board for fiscal year 2024 capital and committee budget presentations.

Town Manager Laurie Smith led off with a description of the dates on the budget schedule and process. She also described the color-coded sections and various elements of the budget in the books handed out to the Budget Board members.

A budget overview was presented along with presentations from these departments: Administration, Finance, Human Resources, Town Clerk, Planning and Development, Police Department, Fire Department, and Harbormaster.

3. Adjournment.

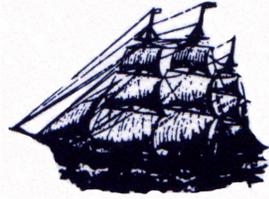
Motion by Robert Wester, seconded by Dan Beard to adjourn at 8:48 PM.

Motion by Selectman Dykstra, seconded by Selectman Daggett, to adjourn at 8:49 PM.

Voted: 4-0. **Motion passed**

Submitted by,
Dave Powell,
Technology Specialist

AGENDA ITEM DIVIDER



KENNEBUNKPORT TOWN CLERK

To: Laurie Smith, Town Manager
Board of Selectmen
Fr: Tracey O’Roak, Town Clerk
Re: Renewal Liquor License
Dt: February 28, 2023

We have received the following renewal application for a liquor license:

- **Chez Rosa LLC d/b/a Chez Rosa Bistro**, Building “D” on Cross Street and Union Street

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

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

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

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

5. Business records are located at the following address:

328 Flag Pond, Road, Saco, Me 04072

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
Yazmin Saraya Jean	10/07/1988	Mexico City, Mexico
Kyle Albert Robinson	08/24/1980	Biddeford, Me USA
Julia Ruth Russell	01/25/1997	Portland, Me USA
Residence address on all the above for previous 5 years		
Name Yazmin Saraya Jean	Address: 328 Flag Pond Road, Saco, ME 04072 (2018-present)	
Name Kyle Albert Robinson	Address: 328 Flag Pond Road, Saco, ME 04072 (2018-present)	
Name Julia Ruth Russell	Address: 7 Riverside Ave, Saco, ME 04072 (2014-Present)	
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:

Ray Shmalo/Nathan Shmalo 1023 Wagon Wheel Dr, Sarasota, FL 34240

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

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)

Full service restaurant, Dinner only daily. Serving French cuisine with local ingredients.

8 bar seats, 24 tables with 60 seats in the dining room

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: South Congregational Church UCC

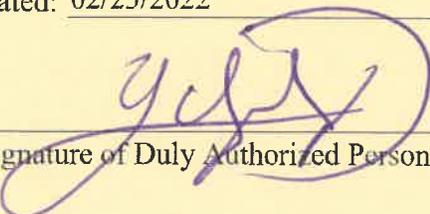
Distance: 0.30

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.

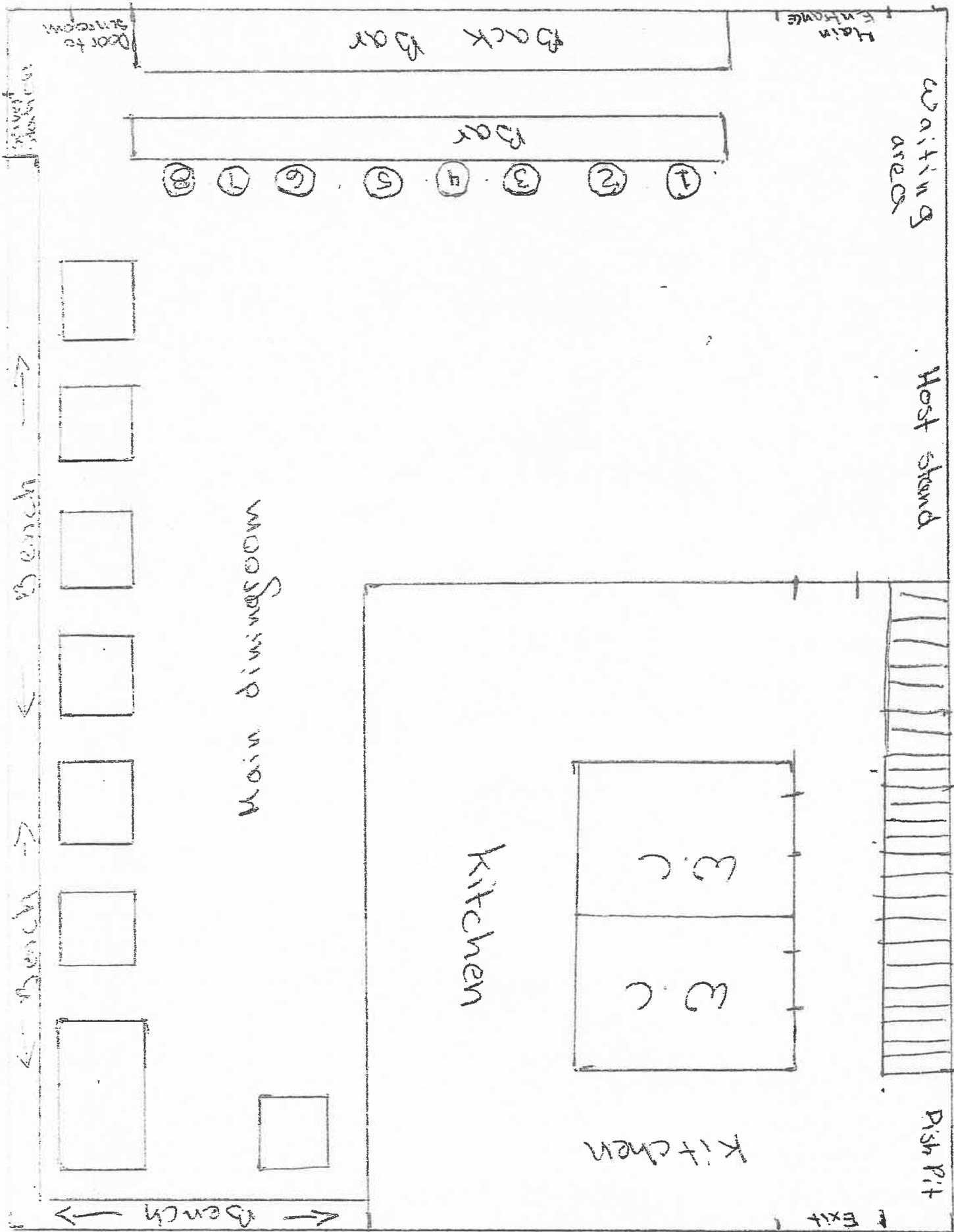
Dated: 02/23/2022


Signature of Duly Authorized Person

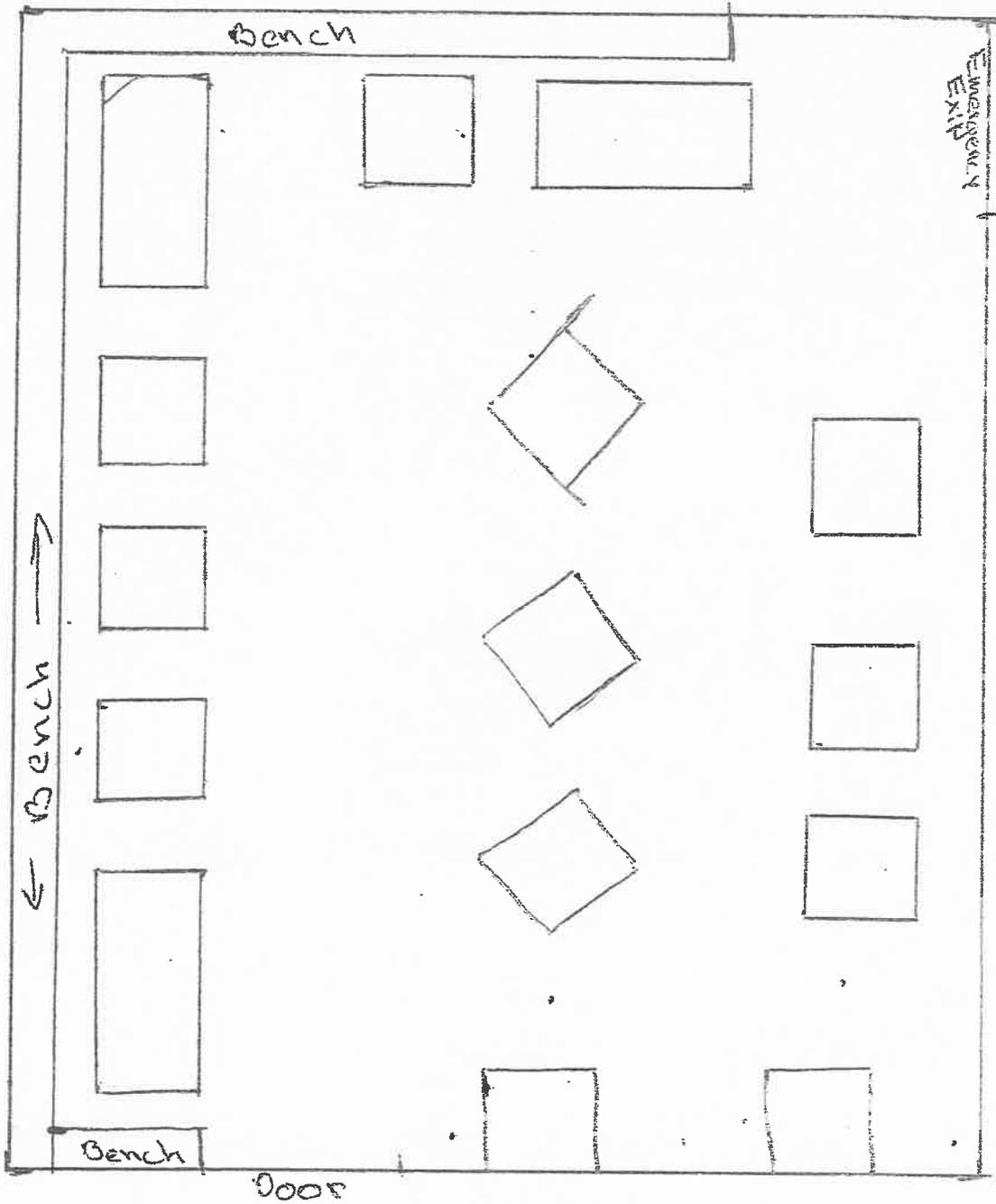
Harmin Saraya Jean
Printed Name Duly Authorized Person


Signature of Duly Authorized Person

KYLE ROBINSON
Printed Name of Duly Authorized Person



2nd Diningroom "Sunroom"



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: Chez Rosa LLC
2. Doing Business As, if any: Chez Rosa Bistro LLC
3. Date of filing with Secretary of State: 06/10/2019 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Yazmin Saraya Jean	328 Flag Pond Rd, Saco, ME 04072 (2018 - Present)	10/07/1988	Gm- Owner	50%
	125 Portland Rd #3, 0013 ME. 04064 (2014-2018)			
Kyle Albert Robinson	328 Flag Pond Rd, Saco, ME 04072 (2018 - Present)	08/24/1980	Chef-Owner	50%
	125 Portland Rd #3, 0013, ME. 04064 (2014-2018)			

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

AGENDA ITEM DIVIDER

41 Hutchins Drive
Portland, Maine 04102
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T 800.426.4262
T 207.774.2112
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February 9, 2023



Laurie Smith
Town Manager
Town of Kennebunkport
6 Elm Street
Kennebunkport, ME 04046

RE: Goose Rocks Beach Water Quality Action Plan and Communications Proposal

Dear Laurie:

Thank you for reaching out in November to discuss the work and data the Town has compiled for Goose Rocks Beach water quality. We also appreciate the time you, members of your staff, and Goose Rocks Beach Advisory Committee have spent to meet with us on December 8 and most recently on January 25, 2023. The insight, data, and background materials you've provided has allowed us to gain an understanding of the key drivers, the project scope, and the Town's goals for this project. This proposal includes our understanding of the project background, needs, drivers, and a scope of services for our work.

PROJECT UNDERSTANDING & BACKGROUND

It is our understanding that the Town desires to develop a "Clean Healthy Beaches" communication strategy and communications workflow. The Town's extensive water quality data collection program has yielded consistent results that indicate very limited impact to beach water quality from human sources. But occasionally, deviations do occur and human sources of bacterial indicators are detected, complicating messaging to the public. We understand from a cursory data review that human bacterial contamination seems to be rare at Goose Rocks Beach. Additionally, a fundamental challenge to the implementation of effective public health initiatives is that the data collected on human sources and bacterial indicators in general is not available in real time, meaning that any notification to the public about potential beach safety issues is always after the bacterial indicator occurred. This has created a challenging public outreach process and the Town finds itself retroactively addressing public concerns over water quality and the safety of swimming at Goose Rocks Beach. This project, as outlined here will provide the Town a proactive messaging campaign aimed at providing the public with assurances about the Town's programs, policies and water quality protection initiatives. Woodard & Curran



will team with Black Fly Media for their expertise in communication strategies and public outreach campaigns.

SCOPE OF SERVICES

We propose the following services to complete the project work; we have broken this work out in Tasks as outlined below.

Task 1 – Existing Program and Data Review

Woodard & Curran will review the various studies and data collection that has been conducted at Goose Rocks Beach. Upon review of these documents, Woodard & Curran will schedule an internal meeting with the Advisory Committee and Black Fly Media (Project Team) to further our understanding of the work completed to date and begin the process for subsequent tasks, including identification of external project stakeholders. Under this task, Woodard & Curran may offer recommendations on additional sampling or additional sampling parameters be considered by the Town for 2023 beach season.

Deliverables: Memorandum summarizing the results of the data review and any recommendations for a modified sampling program.

Task 2 – Stakeholder Engagement

It is anticipated that external stakeholders, such as members of Maine Healthy Beach program, neighboring communities or others as identified in Task 1, may be a part of the development of the communication strategy. Under this task, the Project Team will facilitate up to two meetings with project stakeholders to brainstorm messaging content, outreach timing, standard workflow processes for communications, and other elements necessary for the development of the communication campaign.

Deliverables: Meeting notes

Task 3 – Healthy Beach Program Communication Campaign

The Project Team will develop the Healthy Beach Program Communication Campaign. It is anticipated that this will include a communications workflow/action process (who, what and when), media kit content (press list, press releases, fact sheets, FAQ), and will include content creation (social media, direct mail, graphics, website materials) and a schedule for implementation. If additional content is necessary, such as videos, the Project Team will present ideas and costs in a separate proposal.

Deliverables: Communications Workflow/Action Process, campaign materials, communication strategy development



Task 4 – Campaign Launch

The Project Team will provide technical support to launch the campaign, including the development of the following campaign tools:

- Communication Action Chart – outline with possible scenarios with appropriate action plan by audience
- Communication Launch Strategy – tailored by audience
- Content Kit (press release, visual assets, fact sheet, social media recommendation)
- Spokesperson preparation
- Media list building, outreach and management

SCHEDULE

We are prepared to begin work upon Authorization to Proceed and endeavor to complete Task 3 and Task 4 deliverables by June, in advance of “beach season.”

CLARIFICATIONS

This proposal does not include ongoing communications after the Campaign Launch task; we anticipate the Town will identify a “spokesperson” to serve in a communications role, including content distribution and dissemination.

FEE

Woodard & Curran proposes to perform the work described in this proposal on a lump sum basis, invoiced monthly based upon percentage of work complete, in the amount of \$13,200. Monthly invoices will include a summary of services provided during the invoice period.

TERMS AND CONDITIONS

The proposed work will be performed according to the Standard Terms & Conditions executed on January 4, 2021 between the Town of Kennebunkport, ME and Woodard & Curran.



CLOSING

If this proposal is acceptable, please sign a copy of this letter and return to our attention. We very much appreciate the opportunity to work with you and the Town and look forward to a helping you develop your strategy and communications program.

Very truly yours,

WOODARD & CURRAN

A handwritten signature in blue ink that reads "Barry Sheff".

Barry Sheff, PE
Senior Project Manager

A handwritten signature in black ink that reads "Zach Henderson".

Zach Henderson
Stormwater Practice Leader

BS

AUTHORIZATION TO PROCEED

Town of Kennebunkport

By: _____

Title: _____

Accepted this ____ Day of _____ 2023

AGENDA ITEM DIVIDER

Part I – General Ordinances
Chapter 5 – Administrative Code
Article IV. Boards and Committees

§ 5-30 Cape Porpoise Pier Committee.

A. ~~A.~~—Composition. The Cape Porpoise Pier Committee shall be composed of five or more members, one of whom shall be a member of the Board of Selectmen. Nonresidents may be appointed to this Committee, provided they are commercial fishermen from the Cape Porpoise Pier and at least 75% of the membership are ~~registered voters of Kennebunkport~~ Commercial Fishermen.

B. Definition of Commercial Fisherman. An individual or business entity^[AKT1] deriving greater than 50% of their annual income from activities directly concerned with the commercial harvest of wild or aquacultured marine organisms.

BC. Appointment. The Board of Selectmen shall appoint the members of the Cape Porpoise Pier Committee.

CD. Terms. The members of the Cape Porpoise Pier Committee shall serve for terms of one year.

DE. Organization. The members of the Cape Porpoise Pier Committee shall elect annually from its membership a Chair, a Vice Chair and a Secretary.

EF. Duties. The Cape Porpoise Pier Committee shall advise the Board of Selectmen on all matters addressed in the Cape Porpoise Pier Ordinance.

Part I – General Ordinances
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~~ Wednesday evening 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.

Part II – Zoning Ordinances
Chapter 240 – Land Use
Article 2. Terminology (regarding Accessory Apartments)

§ 240-2.2 Definitions

In this chapter, the following terms shall have the following meanings:

ACCESSORY USE OR STRUCTURE

A subordinate use or structure customarily incidental to and located on the same lot as the principal use or structure, such as a detached garage, workshop, or the like. Accessory uses, in the aggregate, shall not subordinate the principal use or structure on a lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof, or a common wall is considered part of the principal structure and may not be independently conveyed to the extent permitted by law.

APARTMENT, ACCESSORY

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

DWELLING

Any building or structure or portion thereof containing one or more dwelling units, but not including a motel, hotel, inn or similar use.

A. SINGLE-FAMILY DWELLING

A building designed or intended to be used exclusively for residential occupancy by one family only and containing only one dwelling unit, or one dwelling unit with an accessory apartment as permitted under § 240-7.1, including a modular home unit.

B. TWO-FAMILY DWELLING

A building designed or remodeled to be used exclusively for residential occupancy to two families living independently of one

another and containing two dwelling units. Each unit shall have not less than 650 square feet.

C. MULTIPLEX DWELLING

A building for residential occupancy by three or more families living independently of one another and containing three or more dwelling units, including apartment buildings and condominiums, but excluding single-family dwellings with accessory apartments.

DWELLING UNIT

One or more habitable rooms arranged, designed or intended to be used, or used as a complete housekeeping unit for one or more individuals living together as a family with independent living, cooking, sleeping, bathing and sanitary facilities. Recreational vehicles are not residential dwelling units. Within any Shoreland Zone, the term "dwelling unit" shall include seasonal rental units which meet the above definition, regardless of the time period rented.

§ 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

~~*See § 240-7.1J~~

§ 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
Accessory apartment	Accessory apartment*	Animal husbandry

~~*See § 240-7.1J~~

§ 240-4.5 Dock 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

~~*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

~~*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

~~*See § 490-7.1J.~~

§ 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

~~*See § 490-7.1J.~~

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

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	Accessory apartment*	Home occupation

~~*See § 490-7.1J.~~

§ 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

~~*See § 490-7.1J.~~

§ 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

~~*See § 490-7.1J.~~

§ 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

~~*See § 490-7.1~~

§ 240-7.1 Accessory apartments

Accessory apartments may only be located in, attached to, or detached from a single-family dwelling, shall not be defined as a two-family or a multiplex, are allowed as a permitted use in all zones, except where otherwise noted in Subsection ~~F~~ D, and are subject to the limitations below:

- A. A request for an accessory apartment requires submittal of a site plan that shall include the property owner with deed reference, lot boundaries and dimensions to scale and the location and setbacks of all buildings and parking areas.
- B. A request for an accessory apartment shall include a plan of the entire building showing a separate floor layout of all finished levels identifying the use of all rooms and the location of all entrances/exits.
- C. The dwelling shall have only one front entrance and all other entrances shall be either on the side or in the rear of the dwelling. An entrance leading to a foyer with interior entrances leading from the foyer to the two dwelling units is permitted.

~~The living area of the dwelling must be at least 1,625 square feet, including basement and attic spaces that have a ceiling height greater than seven feet. The living area of an accessory apartment shall be a minimum of 600 square feet, and a maximum of 40% of the living area of the dwelling or 800 square feet, whichever square footage is less. 190 square feet, and a maximum of 800 square feet.~~ An accessory apartment may not have any living space on a third story unless it meets the minimum life safety requirements as defined in the Building Code.

- D. Accessory apartments are not permitted in the Shoreland Zone unless the lot on which it will be located has at least double the lot size for that zone, double the minimum lot size, and double the shore frontage for that zone.
- E. Only one accessory apartment shall be permitted per ~~lot~~ single-family dwelling.
- F. ~~Either the primary residence or converted accessory apartment shall be occupied by the owner of the property as the owner's primary residence. An accessory apartment shall be occupied as a primary residence ("primary residence" shall be defined as more than six months per year). Both the primary residence and accessory apartment shall be occupied as primary residences. When requesting an accessory apartment, the property owner must provide proof of primary residency, to include possession of a State of~~

~~Maine driver's license, current registration of a motor vehicle in Maine, and current registration to vote in Maine. If the property owner does not have a valid motor vehicle license in Maine or any other political jurisdiction, or does not have a motor vehicle currently registered in Maine or any other political jurisdiction, alternative evidence of primary residency may be accepted subject to the discretion of the Zoning Board of Appeals or the Code Enforcement Officer. An accessory apartment is not eligible to operate as a short-term rental.~~

~~G. In the Free Enterprise and Farm and Forest Zones only, a home occupation is allowed in either the primary dwelling or the accessory apartment, but not in both. Such home occupation shall be subject to approval as a conditional use. [Amended 11-3-2020]~~

~~H. No permit for an accessory apartment shall be legal until the owner files the following notice with the Code Enforcement Officer and in the Registry of Deeds: "A permit for an accessory apartment has been issued to the owner of this property. This permit does not run with the land, and is automatically invalidated by the sale, grant, devise, conveyance or transfer of this property."~~

I. G. Accessory apartments located on properties connected to the Town's wastewater collection system must be approved by the Sewer Department. Properties utilizing subsurface waste system and private wells must meet the standards required in the Maine Subsurface Wastewater Disposal Rules. In addition:

- (1) Existing septic systems must be evaluated for condition and capacity by a licensed site evaluator. A reserve area is required for existing and new systems in the event that replacement is necessary. Biannual pump-outs of septic systems servicing the property are required and documentation must be provided to the Town upon request.
- (2) Properties serviced by private wells must provide to the Code Enforcement Office a water quality test to ensure adequate water quality prior to issuance of a certificate of occupancy.

~~J. An accessory apartment located in a detached accessory structure that conforms to property setback requirements is allowed as a permitted use subject to all requirements below. An accessory apartment constructed within or detached of an existing structure that is legally nonconforming due to setbacks~~

is subject to ~~Planning Board review per Article 10. The following requirements must be met, in addition to the requirements of Subsections A through I above:~~

- ~~(1) Calculation of floor area for the detached accessory apartment's living space is based on 40% of the living space of the primary structure to include the basement and attic spaces that have a ceiling height greater than seven feet.~~
- ~~(2) If the primary dwelling is located on a nonconforming lot, at least 50% of the floor area of the detached accessory structure must be devoted to uses other than living space which are accessory to the principal structure, such as storage or parking, and must be available for use by the occupants of the principal structure.~~

§ 240-6.10 Accessory apartments

- A. Each single-family dwelling shall be provided with two off-street parking spaces. ~~Accessory apartments shall be provided with parking in accordance with Subsection B(2) below~~ Accessory apartments are not required to have additional off-street parking.
-

§ 240-6.19 Dwellings

- A. Single-family dwellings. A single-family dwelling and any accessory apartment located therein shall be constructed on one continuous foundation and under one continuous roof; no part of the dwelling unit shall be located in a detached building or structure. Detached accessory apartment units shall be exempt from this requirement.
-

§ 240-8.7 Nonconforming lots

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

§ 240-11.12 Growth management permit required

C. Exemptions. The following are exempt from the provisions of this section:

1. The repair, replacement, reconstruction or alteration of any existing building or structure not resulting in additional dwelling units;
2. Housing for the elderly which is constructed, operated, subsidized or funded, in whole or in part, by an agency of the state or federal government;
3. The construction or alteration of a nonresidential building or structure; and
4. The construction or alteration of a new accessory apartment.

Part II – Zoning Ordinances
Chapter 240 – Land Use
Article 6. Town-wide Regulations (private road construction)

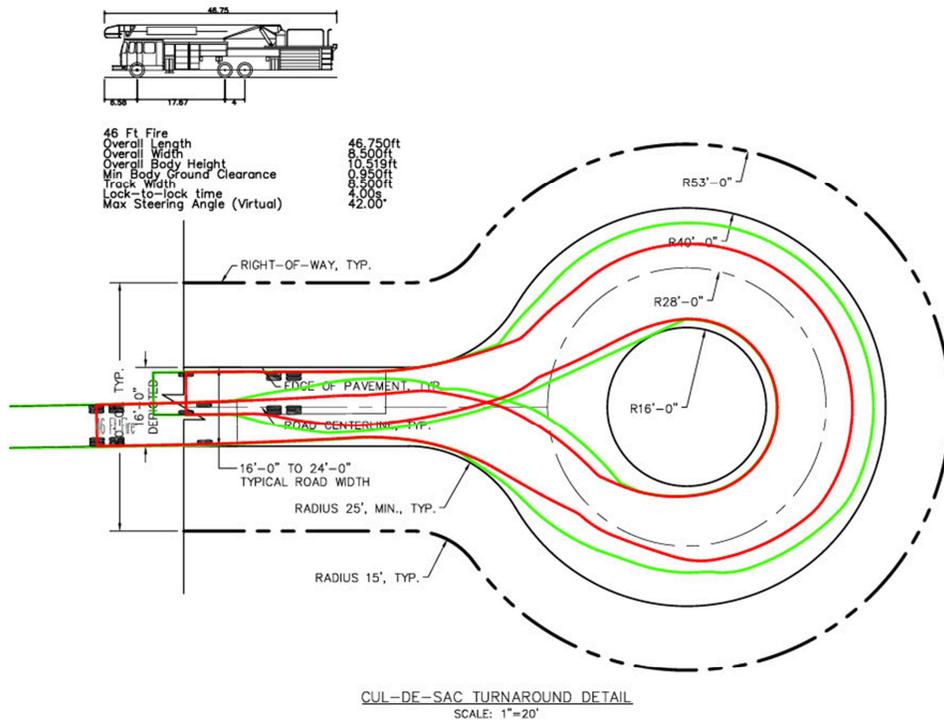
240-6.14 Road Construction, filling and grading.

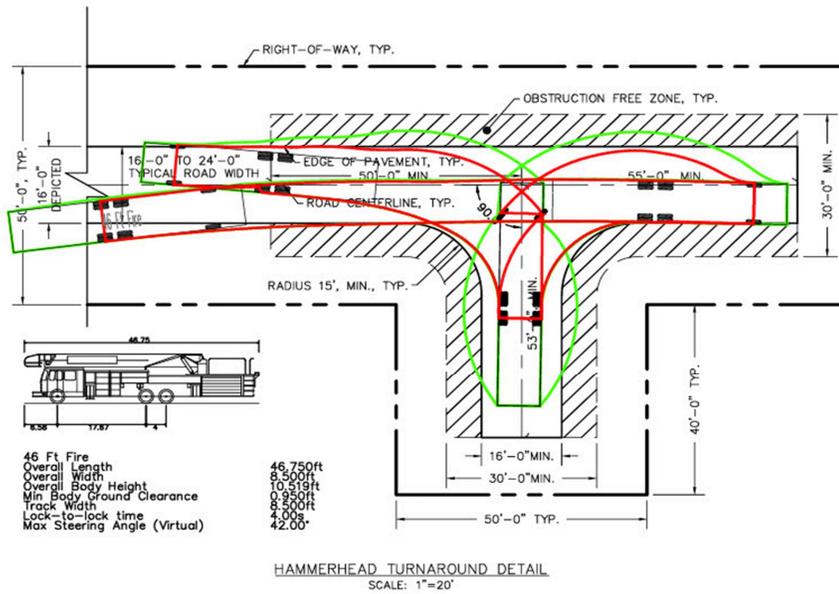
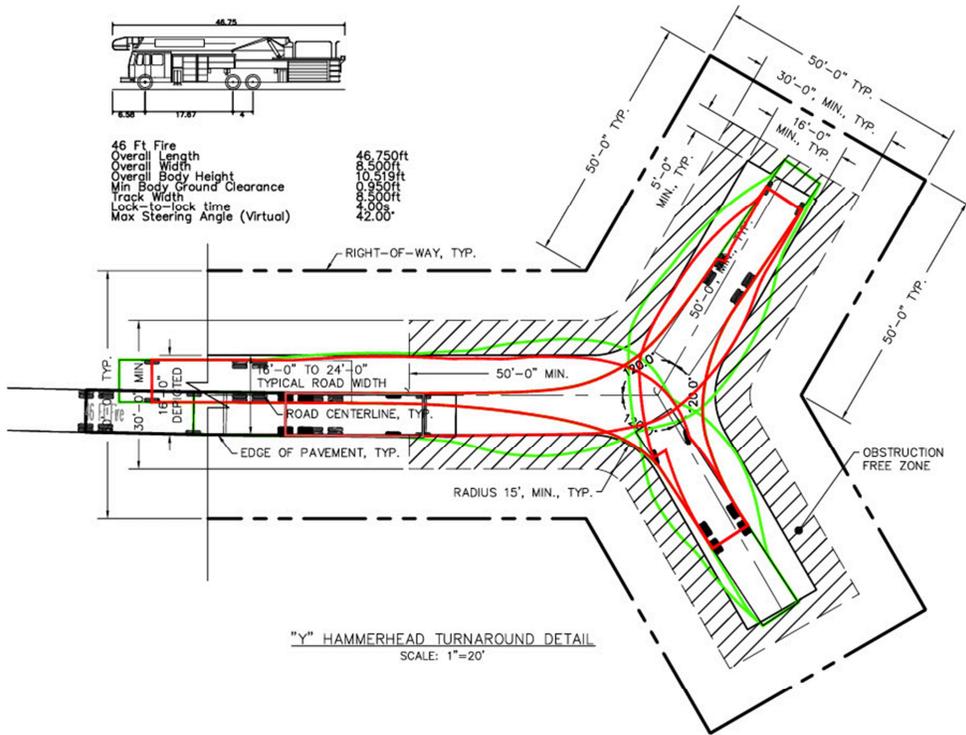
- A. On lots greater than five acres in area, the construction of a road, or grading or filling of the land may not commence prior to site plan review under Article 10, unless the planned land use is to serve no more than two residential units, or a use accessory to an existing single-family home. On lots of five acres or less, and on any lot when the planned use is to serve no more than two residential units, or a use accessory to an existing single-family home, such construction, grading or filling requires a permit from the Code Enforcement Officer.
- B. A driveway/private road over 50 feet long for a single-family or two-family dwelling that the Code Enforcement Officer may permit, shall not be less than 12 feet wide, with a minimum five-foot setback from the lot line.
- C. A driveway/private road for a three-unit multiplex, or for three detached dwellings, must be approved by the Planning Board, and the right-of-way shall not be less than two rods (which is 33 feet) in width. The traveled way shall not be less than 16 feet in width of gravel, of hard, durable particles free from vegetative matter, 16 inches thick after compaction. Drainage swales must have slopes no steeper than 3:1. The center line of the roadway shall not be more than three feet off the center line of the right-of-way.
- D. A driveway/private road for four or more detached dwellings must be approved by the Planning Board, and the right-of-way shall not be less than 50 feet in width. The traveled way shall not be less than 20 feet in width of gravel, of hard, durable particles free from vegetative matter, 16 inches thick after compaction. Drainage swales must have slopes no steeper than 3:1. The center line of the roadway shall not be more than three feet off the center line of the right-of-way. See Table F and exhibits for dimensions and hammerhead /cul-de-sac design standards.
- E. The Planning Board may reduce or modify the driveway/private road standards where strict adherence to the limitations cannot be met when considering a preexisting right-of-way, or cannot be met due to environmental concerns. In addition, during the course of their review the Planning Board may consult with the Code Enforcement Officer and the Fire Chief regarding emergency equipment access requirements for new and expanded existing private roads. If

such a modification(s) is approved, the Planning Board shall include the modification(s) in the site plan review's written findings of fact, and the applicant shall record the findings of fact with the York County Registry of Deeds before commencing any work or before receiving a building or land use activity permit from the Code Enforcement Officer.

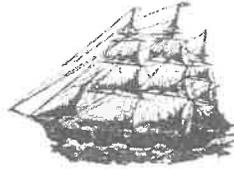
F.

Table of Dimensional Standards			
Residential Use	Minimum ROW	Minimum Travelled Width	Permitting Authority
Up to: (2) Single family Dwellings or (1) Two Family Dwelling	22'	12'	CEO
(3) Detached Dwellings, or 1(3) Unit Multiplex	33'	16'	PB
(4 or more) Detached Dwellings or residential dwelling units	50'	20'	PB





AGENDA ITEM DIVIDER



Kennebunkport Public Health

—INCORPORATED 1653—

Kennebunkport Public Health

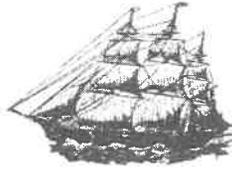
February 23, 2023

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

Please accept this donation of \$100.00 from anonymous donor. This gift is dedicated towards the emergency fuel fund.

Thank you!

Alison Kenneway RN, BSN



Kennebunkport Public Health

– INCORPORATED 1653 –

Kennebunkport Public Health

January 9, 2023

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

Please accept this donation of \$1000.00 from The Goose Rocks Beach Fire Company.
This gift is dedicated towards the emergency fuel fund.

Thank you!

Alison Kenneway RN, BSN

Goose Rocks Beach Fire Company
PO Box 216
Kennebunkport, ME 04046-0216

1128
62-7480/2112

1/2 2023

PAY
TO THE
ORDER OF

Town of Kennebunkport

\$ 1,000.00

One thousand and no/100

DOLLARS

 Security features
are included.
Details on back.

Kennebunk Savings Bank

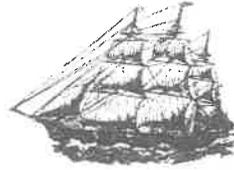
FOR

Fuel Fund



128

AGENDA ITEM DIVIDER



Kennebunkport Public Health

—INCORPORATED 1653—

Kennebunkport Public Health

February 23, 2022

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

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

Thank you!

Alison Kenneway RN, BSN
Kennebunkport Public Health

10-4
220 8110

5282

DATE 2-17-23 

PAY TO THE ORDER OF Town of Kennebunkport \$ 50⁰⁰
Fifty and no/100 DOLLARS  Security Feature
Indicates
Details on Back.

M&T Bank for Town Nurses only

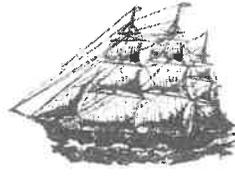
thank you!

Maggie Waters

5282

SPECIALTY GRAY

AGENDA ITEM DIVIDER



Kennebunkport Public Health

—INCORPORATED 1653—

Kennebunkport Public Health

January 9, 2023

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

Please accept this generous gift of \$850.00 from Patricia and Larry Keller to the general needs account # 08-01-50.

Thank you!

Alison Kenneway RN, BSN
Kennebunkport Public Health

**PATRICIA N KELLER
LARRY L KELLER**

1632

51-7218/2211
402

9 June 2013
Date

CHECK ARMED
AND DANGEROUS

Pay to the
Order of

Town of Kernburg Coet | \$ *850.*

Eight hundred fifty dollars 7 Dollars

Photo
Safe
Deposit
Data on back

**People's United
Bank**

peoples.com

For *general needs fund*

Larry L Keller

MP

1632

BLUE CHEF

AGENDA ITEM DIVIDER



Arundel Lodge #76 AF & AM

PO Box 228
Kennebunkport, ME 04046
(207) 200-1431

Kennebunkport Public Health Dept.
Attn: Alison Kenneway
101A Main St.
Kennebunkport, ME 04046

February 23, 2023

Dear Ms. Kenneway,

On behalf of the officers and brethren of Arundel Lodge #76 AF & AM, please accept the enclosed check #143 in the amount of \$1,500 as a donation in assisting you with your mission of assisting residents of Kennebunkport with meeting their health and social needs. Thank you for all you and your department do for our town.

Sincerely,

Jonathan Rosen
Treasurer, Arundel Lodge

ARUNDEL LODGE 79 JOHN S. PEABODY FUND		143
	<u>2/24/2023</u>	51-7218/2211 277
PAY TO THE ORDER OF	<u>Kennebunkport Public Health Dept.</u>	DATE CHECK ARMOR PROTECTION
	<u>one thousand five hundred and 00/100</u>	\$1,500 ⁰⁰ / ₁₀₀
		DOLLARS Photo Safe Deposit® Details on back
People's United Bank peoples.com		
FOR		MP
	143	