



## TOWN OF KENNEBUNKPORT, MAINE

### **Board of Selectmen Agenda February 25, 2021 @ 6:00 PM VIRTUAL MEETING VIA ZOOM (Instructions)**

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#### **Ways to join this webinar**

Join by **computer or mobile device** and click on <https://zoom.us/j/98562890736>

or go to [ZOOM](#) and enter the **webinar ID: 985 6289 0736**

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

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1. Call to Order.
2. Approve the February 11, 2021 selectmen meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)
4. Consider the renewal liquor license and special amusement permit submitted by Boughton Hotel Corp. d/b/a The Colony Hotel, 140 Ocean Avenue.
5. Consider the renewal liquor license submitted by The Ramp Grill, LLC d/b/a Pier 77 Restaurant, 77 Pier Road.
6. Consider the renewal liquor license submitted by Nunan's Lobster Hut, Inc., 9 Mills Road.
7. Consider the renewal liquor license and special amusement permit submitted by Alisson's Dock Square Ltd. d/b/a Alisson's Restaurant, 11 Dock Square.
8. Appoint Dr. Tilney as Town Doctor.
9. 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.
10. Award the FY21 Salt bids.
11. Discussion of Wastewater Capital Bonding.
12. Discussion of Radio Tower Project.

13. Consider Fire Chief's request to return a Kittridge purchased truck back to Atlantic Volunteer Engine Company

14. Discussion of Short-Term Rental Ordinance.

15. Discussion of local business operations for summer 2021.

16. Consider KHHT's request for relief from permit fees for Heritage Woods.

17. Authorize Quitclaim Deed for Map 020, Block 004, Lot 005.

18. Accept the following donations to the Carol Cook Garden:

- \$50 from James & Sandra Burne
- \$250 from Spang Builders

19. Other Business.

20. Approve the February 25, 2021, Treasurer's Warrant.

21. Adjournment.

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# AGENDA ITEM DIVIDER

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Town of Kennebunkport  
Board of Selectmen Meeting VIA Zoom  
February 11, 2021  
6:00 PM

**MINUTES**

**Selectmen attending via Zoom:** Allen Daggett, Patrick Briggs, Sheila Matthews-Bull, Edward Hutchins and D. Michael Weston.

**Others attending via Zoom:** Laurie Smith, Tracey O’Roak, David Powell, Mike Claus, Werner Gilliam, Scott Mahoney and others.

**1. Call to Order.**

Selectman Daggett called the meeting to order at 6:00 PM. He took **roll call** of Selectmen present: Allen Daggett, Patrick Briggs, Sheila Matthews-Bull, Edward Hutchins and D. Michael Weston.

**2. Approve the January 28, 2021 selectmen meeting minutes.**

**Motion** by Selectman Hutchins seconded by Selectman Matthews-Bull to approve the January 28, 2021 selectmen meeting minutes. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **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.)**

There were no public comments.

**4. Consider the renewal liquor license and special amusement permit submitted by Rhumb Line Resort, 41 Turbats Creek Road.**

**Motion** by Selectman Hutchins seconded by Selectman Weston to approve the liquor license and special amusement permit for the Rhumb Line Resort. **Roll Call Vote:** Briggs, Hutchins, Weston, and Daggett. Selectman Matthews-Bull abstained. **Voted:** 4-0. **Motion passed.**

**5. Presentation of proposed ordinance revisions for June town meeting:**

- *Revisions to Animal Control Ordinance* (regarding dogs on the beach). Ms. Smith advised that this is the same draft that was presented in January. The proposed revisions are currently being reviewed by the attorney. A public hearing will be held in the future to allow public comment.

- *Revisions to Waterfront Ordinance.* Ms. Smith stated that the proposed revisions are an attempt to bring the Kennebunk and Kennebunkport ordinances into alignment. The draft is currently being reviewed by the attorney. A public hearing will be held in the future to allow public comment.

#### **6. Consider sidewalk removal at 52 Ocean Avenue.**

Scott Mahoney explained that the sidewalk in front of his property does not connect to any walking paths and it is not to code. There is also a safety issue. The sidewalk ends in front of the driveway at 52 Ocean Avenue. There is no crosswalk for them to cross to the other side of the road where there is a functional sidewalk.

**Motion** by Selectman Hutchins seconded by Selectman Matthews-Bull to allow the removal of the sidewalk while maintaining the Town's right-of-way, obstruction free. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

#### **7. Discussion of Short-Term Rental Ordinance.**

Ms. Smith reviewed the revisions to the proposed Short-term rental ordinance based upon feedback from the January meeting.

Comments from the public included Stella from GRB, Sharon McCabe, Bill Starr, Heyward Whetsell, Colin Cuskley, Ann-Marie, Doug Spurling, Lisa Miller, Susan McLaughlin

#### **8. Discussion of leasing electric vehicles through Hyundai municipal lease program and Efficiency Maine grant.**

Ms. Smith reviewed the offer from Hyundai and Efficiency Maine to lease a choice of two models of electric cars for \$0 for 3-years. She advised that three departments showed interest in the offer: Public Health, Wastewater and Planning & Codes. Discussion ensued regarding the pros and cons as well as how many vehicles should be leased.

**Motion** by Selectmen Weston, seconded by Hutchins to enter into agreement with Rowe Westbrook to lease two vehicles (Public Health & Codes) and purchase electric chargers. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

#### **9. Accept the donation of \$1,000 from Atlantic Fire Association to the emergency fuel fund.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins to accept the donation from Atlantic Fire Association to the emergency fuel fund. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

**10. Accept the donation of \$400 from Church on the Cape to the emergency fuel fund.**

**Motion** by Selectman Matthews-Bull seconded by Selectman Hutchins to accept the donation from Church on the Cape to the emergency fuel fund. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

**11. Accept the donation of \$300 from an anonymous donor to the Nurse's general account.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins to accept the anonymous donation to the Nurse's general account. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

**12. Accept the following donations to the Carol Cook Garden:**

- \$5 from Alison Riggieri
- \$5 from Susan Streiff
- \$5 from Tara Rubin
- \$25 from Susan Cressey
- \$75 from Ruth Fernandez
- \$75 from Sarah Smith

**Motion** by Selectman Matthews-Bull seconded by Selectman Weston to accept the above donations to the Carol Cook Garden. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

**13. Other Business.**

No other business.

**14. Approve the February 11, 2021, Treasurer's Warrant.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull to approve the February 11, 2021 Treasurer's Warrant. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

**15. Adjournment.**

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

The meeting adjourned at 7:50 PM.

Submitted by,  
Tracey O'Roak, Administrative Assistant

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# AGENDA ITEM DIVIDER

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



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.  
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 05-15-2021

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

INDICATE TYPE OF LICENSE:

- |  |   |
|--|---|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV)              | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)       |
| <input checked="" type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV)          |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)                    | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V)                              | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV)      |
| <input type="checkbox"/> TAVERN (Class IV)                           | <input type="checkbox"/> OTHER: _____                       |

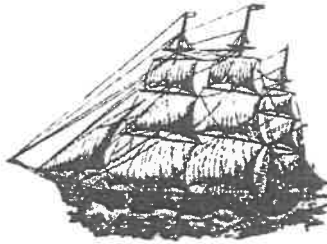
REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) – (Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
DOB:			The Colony Hotel		
DOB:					
Boughton Hotel Corp			Location (Street Address)		
DOB:			140 Ocean Avenue		
Address		City/Town	State	Zip Code	
140 Ocean Avenue		Kennebunkport	Maine	04046	
City/Town			Mailing Address		
State		Zip Code	City/Town		State
Maine		04046			Zip Code
Telephone Number		Fax Number		Business Telephone Number	
207-967-3331 x 511		207-967-8738		207-967-3331 x 511	
Federal I.D. # 01-020192300			Seller Certificate # 0002699		
			Fax Number		
			207-967-8738		

3. If premises are a hotel, indicate number of rooms available for transient guests: 125
4. State amount of gross income from period of last license: ROOMS \$ 1,637,910.00 FOOD \$ 590,930.00 LIQUOR \$ 343,973.00
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO
- Questionnaire complete Supplementary ,If YES
6. Do you permit dancing or entertainment on the licensed premises? YES  NO





TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

APPLICATION  
SPECIAL AMUSEMENT PERMIT FOR  
DANCING AND ENTERTAINMENT

Name of Applicant Boughton Hotel Corporation  
Residence Address 140 Ocean Avenue, Kennebunkport, ME 04046  
Home Telephone Number 207-967-3331 x511  
Name of Business Colony Hotel  
Business Address 140 Ocean Avenue, Kennebunkport, ME 04046  
Type of Business Hotel + Restaurant  
Business Telephone Number 207-967-3331 x511  
Nature of Special Amusement Live & Recorded Music for Events

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)

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.

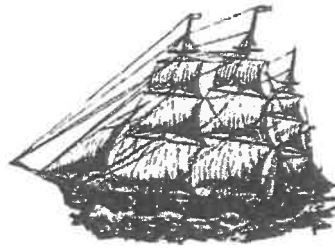
  
Signature of Applicant  
Printed name: John E. Martin

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# AGENDA ITEM DIVIDER

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# TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

## APPLICATION SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Yalcin Kaya

Residence Address 21 Lamprey Lane, Lee, NH 03861

Home Telephone Number 603-785-9084

Name of Business The Ramp Grill, LLC - aka Pier 77 Restaurant

Business Address 77 Pier Rd., Kennebunkport, ME 04046

Type of Business Restaurant

Business Telephone Number 207-967-8500

Nature of Special Amusement weddings

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

Yes \_\_\_\_\_ No

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

1. Permit Fee: \$ 100.00 (payable to the Town of Kennebunkport) pd-2/11/16
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.

Yalcin Kaya  
Signature of Applicant  
Printed name: Yalcin Kaya

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# AGENDA ITEM DIVIDER

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

**Application for an On-Premises License**

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): <i>Munan's Lobster Hut Inc.</i>	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <i>9 Mills Road Kennebunkport, ME</i>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: <i>04046</i>
Mailing address, if different from DBA address:	Email Address: <i>ferrilmunan@gmail.com</i>
Telephone #      Fax #:	Business Telephone #      Fax #: <i>207-967-4362</i>
Federal Tax Identification Number: <i>56-2347805</i>	Maine Seller Certificate # or Sales Tax #: <i>1071867</i>
Retail Beverage Alcohol Dealers Permit:	Website address: <i>Munanslobsterhut.com</i>

1. New license or renewal of existing license?       New      Expected Start date: \_\_\_\_\_  
     **Renewal**      Expiration Date: *4/30/2021*

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: *380265.63*      Beer, Wine or Spirits: *47,216.79*      Guest Rooms: *N/A*

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer)       Wine       Spirits

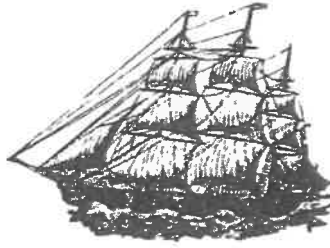
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# AGENDA ITEM DIVIDER

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TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

APPLICATION  
SPECIAL AMUSEMENT PERMIT FOR  
DANCING AND ENTERTAINMENT

Name of Applicant Alisson's Restaurant

Residence Address 11 Dock Square

Home Telephone Number 207-967-4841

Name of Business Alisson's Restaurant

Business Address 11 Dock Square

Type of Business Restaurant

Business Telephone Number 207-967-4841

Nature of Special Amusement Karaoke, Live Music, Dancing

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)

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.

Patience Brennan  
 Signature of Applicant  
 Printed name: Patience Brennan

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# AGENDA ITEM DIVIDER

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## Restricted Vehicle Weight on Posted Roadways

The Town of Kennebunkport has authorized the closing of certain town ways to any non-exempt vehicle or combination of vehicles registered for a gross weight of over 23,000 pounds. The following roads will be closed to such traffic commencing on March 1, 2021 and will remain closed until at least April 12, 2021, unless postings are removed by the Town of Kennebunkport. Any violation of the rules is a traffic infraction punishable by a fine of not less than \$250. Home Heating Fuel Delivery Trucks and Municipal Solid Waste Collection Trucks are exempt from Posted Road regulations. The posting shall remain in force except when the way is solidly frozen. The highway is considered solidly frozen only when the air temperature is 32 degrees F. or below and no water is showing in the cracks in the road. Both conditions must be met.

The Town of Kennebunkport will be posting restricted vehicle weight signs on the following roads:

- \* *Arundel Road from Goff Brook to Goose Rocks Road*
- \* *River Road from Goff Brook to North Street*
- \* *Beachwood Avenue from North Street to Route 9*
- \* *Walkers Lane from North Street to Beachwood Avenue*
- \* *Old Cape Road from Beachwood Avenue to Route 9*
- \* *Goose Rocks Road from Log Cabin Road to Route 9*
- \* *Stone Road from Beachwood Avenue to Goose Rocks Road*
- \* *Guinea Road from Goose Rocks Road to Biddeford Line*
- \* *Whitten Hill Road from Goose Rocks Road to Guinea Road*
- \* *Pier Road*
- \* *New Biddeford Road from Route 9 to Kings Highway*
- \* *Winter Harbor Road from Route 9 to New Biddeford Road*
- \* *Dyke Road*
- \* *Wildes District Road*
- \* *Ocean Avenue*
- \* *Arlington Avenue*
- \* *Langsford Road*
- \* *Ward Road*
- \* *Northwood Drive*
- \* *Oak Ridge Road*
- \* *West Street, Oak Street, Locke Street, Others if needed*

Please feel free to contact the Highway Department at 967-5728 if you have any questions or concerns. An application for a Posted Road Permit is available for download on our website.

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# AGENDA ITEM DIVIDER

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# TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

MEMORANDUM TO: Laurie Smith, Town Manager  
RE: 2020-21 Winter Salt Bid Recommendation  
DATE: February 16, 2021

Winter salt bids were received in August of 2020 from Southern Maine Planning and Development Commission. Apologies for not forwarding them for selectmen approval. I recommend we accept the low bid from Eastern Salt of \$53.53 per ton delivered. Last year our cost for salt was \$56.16 per ton delivered. Salt bids are attached.

BY:

A handwritten signature in black ink that reads "Michael Claus". The signature is written in a cursive, slightly slanted style.

Michael Claus  
Director, Public Works Dept.

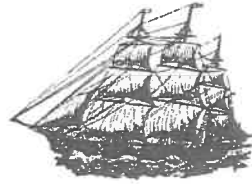
**2020 - 2021 Road Salt Bid Results**

	Morton Salt (855) 665-4540	Eastern Salt Co (978) 453-4911	Safe Road Services, Inc. (508) 364-1739 or FAX: (508) 541-3121	American Rock Salt (585)243-9510	Cargill Deicing (800) 600-7258		
<b>Sodium Chloride</b>							
Inside Storage - Delivered	NO BID	NO BID		NO BID	NO BID		
Outside Storage - Delivered (Per Ton)	\$55.56	\$53.53					
Treated salt w/Ice B'Gone (Per Ton)	\$72.56	NO BID					
<b>Calclum Chloride</b>							
Liquid - Delivered (Per Gallon)	NO BID	NO BID					
<b>Magnesium Chloride/Organic Additive/Corrosion Inhibitor</b>							
Liquid - Bulk Delivery (Min 4,500 gallons)	NO BID	NO BID					
Pellet - Bulk Delivery	NO BID	NO BID					
<b>ProMelt Ultra 2000</b>							
Liquid - Bulk Delivery (Min 4,500 gallons)	NO BID	NO BID					
Brine (Gallon)	NO BID	NO BID					
Treated Salt w/Ice B'Gone II (Liquid)	NO BID	NO BID					
Safe Melt Liquid (4500 Gallons) Full Trailer Loa			\$1.38				
Safe Melt Liquid (2,000-4,499 Gallons)			\$1.48				

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# AGENDA ITEM DIVIDER

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## KENNEBUNKPORT WASTEWATER DEPARTMENT

### MEMORANDUM

**Date:** February 19th, 2021

**To:** Laurie Smith

**From:** Chris Simeoni, Deputy Director Public Works

**Re:** Wastewater Capital Projects Update

In October of 2020, we received direction from the Selectmen to explore options and a timeline for completing several capital projects for the Wastewater Department to include rehabilitation of both clarifiers, replacement of the two belt filter presses and three pump station replacements. A second component to this request was obtaining the probable costs for these projects. The probable costs were \$300,000 for engineering and \$4.7 million for construction. There were several considerations that went along with this preliminary task.

- Numbers were likely on the low side because the fiscal sustainability plan (FSP) only considered in-kind equipment replacement costs at the time of estimation.
- They did not consider inflation since their estimation and future inflation at time of expected construction in 2021-2022 (or beyond).
- They did not consider the increased cost of equipment and construction work because of the pandemic.
- Once we had a better understanding on some of the design decisions and considerations our engineering consultants could provide updated design and construction cost amounts.
- The Town will need voter authorization to issue a bond for these project capital costs. If the Town waited to receive bond authorization (presumably in June 2021) before proceeding with design and equipment procurement phases of the dewatering upgrades and design phase of the pump station upgrades there will be significant impacts on our construction schedule.

The Board of Selectmen authorized the use of \$300,000 in reserve funds to complete the engineering design work for the pump stations and dewatering equipment. We were also given direction to proceed with Requests for Proposals for design of the pump stations and dewatering equipment. Woodard & Curran was selected for the design work for the pump stations and we signed an engineering services contract for \$143,000 in December. Wright-Pierce returned with a proposal for the dewatering equipment of \$193,600. Eric Labelle, Mike Claus, and I reviewed this proposal and concluded the cost was well above our expectations for the scope of work we proposed to Wright-Pierce and this would also exceed our allotted \$300,000 authorization for engineering services by \$36,600. We discussed reducing the cost of the Wright Pierce



proposal with them and, as staff, we concluded that any cost reduction would result in a reduction of their scope of services that would be below our engineering needs.

The dewatering project mainly involves mechanical processing equipment. The Wastewater Department will approach reputable dewatering equipment manufacturers to do bench testing of our sludge from the plant at the point where the dewatering process starts, and that these manufacturers will give us a cost for proposed dewatering equipment based on our plant needs. The final engineering design cost for installation of this equipment may be lower once dewatering equipment selection is made. We would like to proceed on this basis for purchase of dewatering equipment.

Woodard and Curran will have pump station probable costs to us at the end of April. We will work with dewatering equipment manufacturers to determine a probable cost of dewatering equipment by the end of May. We will not have these probable capital costs completed in time for review by the Board of Selectmen and the Budget Board in their February and March budget meetings. For budget meetings we will provide a not to exceed bond cost with a contingency based on current construction costs for projects like the projects we are proposing. At the time of our bond sale the bond amount could be adjusted lower based on cost data provided by Woodard and Curran for pump station construction and on actual costs for proposed dewatering equipment from manufacturers.

A review of our current budget and schedule status is as follows:

### **Pump Station Design**

We have advertised and awarded design services for the pump station design of Cape Porpoise, Paddy Creek, and Wildes District Pump Stations. Design is currently underway.

Engineering Source – Capital Reserves - \$143K

Construction Source – Capital Bond – Est. \$2.6 M

Schedule: Advertise – July 2021

Construction – October 2021 to April 2022

### **Clarifier Upgrades (2)**

The clarifier upgrade design has been completed and is ready for advertisement for bids. Bidding earlier in the year typically provides a financial benefit as contractors are building their workload for the season. We would recommend bidding in March of this year with a stipulation that the authorization to proceed would be contingent on the passage of the Bond.

Source – Capital Bond - \$1.5M

Schedule: Advertisement for Bids – March 2021

Construction Start – October 2021

Construction Completion – April 2021

## Dewatering

We have been evaluating the best technology to achieve our desired dry cake sludge solids. Based on Kennebunkport's sludge characteristics, centrifuge technology appears to be the best approach. Bench testing has been conducted and municipal plant visits/interviews are planned. We plan to bench test with other manufacturers to aid us in determining dewatering equipment needs for our plant and a cost basis to evaluate the equipment.

We have also learned that the centrifuges may have a manufacturing lead time of up to 12 months from time of order. Once we have determined equipment needs and costs, we would purchase the equipment with bond funds to allow for installation in 2022. Delaying purchase of this equipment until installation design work is complete will result delaying dewatering equipment installation until mid-2023 at the earliest.

Equipment                      Source – Capital Bond – \$800K

Construction:                Source – Capital Bond – \$800k

(Design/CA)

Engineering:                 Source – Reserves - \$150K

Schedule:                      Bench Testing and Industry Interview – March to May 2021  
 Develop specifications and bid documents – June 2021  
 Advertise and award Equipment Contract – July 2021  
 Evaluation of design/construction and preparation – August 2021  
 to October 2021  
 Design and Contractor Selection – January 2022 to April 2022  
 Equipment Delivery – April 2022 to June 2022  
 Equipment Installation – June 2020 to October 2020

## Project Contingency (All project work)

Contingency                 Source – Capital Bond – \$300K

## Summary

We recommend including the cost of installation of the dewatering equipment, construction administration costs, and an overall project contingency in the bond funding amount. This gives a not to exceed recommended bond amount of \$6 million.

**Maine Municipal Bond Bank**  
**Estimate of Borrowing**  
 Prepared via [www.mmbb.com](http://www.mmbb.com) on:  
**February 22, 2021**

Date	Principal	Rate	Interest	Total Payment	FY Total
11/1/2021			\$43,250.00	\$43,250.00	
05/1/2022			\$43,250.00	\$43,250.00	\$86,500.00
11/1/2022	\$250,000.00	0.5500%	\$43,250.00	\$293,250.00	
05/1/2023			\$42,562.50	\$42,562.50	\$335,812.50
11/1/2023	\$250,000.00	0.5800%	\$42,562.50	\$292,562.50	
05/1/2024			\$41,837.50	\$41,837.50	\$334,400.00
11/1/2024	\$250,000.00	0.6200%	\$41,837.50	\$291,837.50	
05/1/2025			\$41,062.50	\$41,062.50	\$332,900.00
11/1/2025	\$250,000.00	0.6800%	\$41,062.50	\$291,062.50	
05/1/2026			\$40,212.50	\$40,212.50	\$331,275.00
11/1/2026	\$250,000.00	0.7900%	\$40,212.50	\$290,212.50	
05/1/2027			\$39,225.00	\$39,225.00	\$329,437.50
11/1/2027	\$250,000.00	0.9300%	\$39,225.00	\$289,225.00	
05/1/2028			\$38,062.50	\$38,062.50	\$327,287.50
11/1/2028	\$250,000.00	1.0800%	\$38,062.50	\$288,062.50	
05/1/2029			\$36,712.50	\$36,712.50	\$324,775.00
11/1/2029	\$250,000.00	1.2300%	\$36,712.50	\$286,712.50	
05/1/2030			\$35,175.00	\$35,175.00	\$321,887.50
11/1/2030	\$250,000.00	1.3900%	\$35,175.00	\$285,175.00	
05/1/2031			\$33,437.50	\$33,437.50	\$318,612.50
11/1/2031	\$250,000.00	1.5200%	\$33,437.50	\$283,437.50	
05/1/2032			\$31,537.50	\$31,537.50	\$314,975.00
11/1/2032	\$250,000.00	1.8780%	\$31,537.50	\$281,537.50	
05/1/2033			\$29,190.00	\$29,190.00	\$310,727.50
11/1/2033	\$250,000.00	2.1350%	\$29,190.00	\$279,190.00	
05/1/2034			\$26,521.25	\$26,521.25	\$305,711.25
11/1/2034	\$250,000.00	2.3180%	\$26,521.25	\$276,521.25	
05/1/2035			\$23,623.75	\$23,623.75	\$300,145.00
11/1/2035	\$250,000.00	2.4470%	\$23,623.75	\$273,623.75	
05/1/2036			\$20,565.00	\$20,565.00	\$294,188.75
11/1/2036	\$250,000.00	2.5680%	\$20,565.00	\$270,565.00	
05/1/2037			\$17,355.00	\$17,355.00	\$287,920.00
11/1/2037	\$250,000.00	2.6750%	\$17,355.00	\$267,355.00	
05/1/2038			\$14,011.25	\$14,011.25	\$281,366.25
11/1/2038	\$250,000.00	2.7320%	\$14,011.25	\$264,011.25	
05/1/2039			\$10,596.25	\$10,596.25	\$274,607.50
11/1/2039	\$250,000.00	2.7840%	\$10,596.25	\$260,596.25	
05/1/2040			\$7,116.25	\$7,116.25	\$267,712.50
11/1/2040	\$250,000.00	2.8310%	\$7,116.25	\$257,116.25	
05/1/2041			\$3,577.50	\$3,577.50	\$260,693.75
11/1/2041	\$250,000.00	2.8620%	\$3,577.50	\$253,577.50	\$253,577.50
<b>TOTALS</b>	<b>\$5,000,000.00</b>		<b>\$1,194,512.50</b>	<b>\$6,194,512.50</b>	

Town 60%      Wastewater 40%  
 = \$ 201,487      = \$ 134,325

**This report is an estimate only. Actual borrowing costs may vary.**



**Maine Municipal Bond Bank**  
**Estimate of Borrowing**  
 Prepared via [www.mmbb.com](http://www.mmbb.com) on:  
**February 22, 2021**

Date	Principal	Rate	Interest	Total Payment	FY Total
11/1/2021			\$51,900.00	\$51,900.00	
05/1/2022			\$51,900.00	\$51,900.00	\$103,800.00
11/1/2022	\$300,000.00	0.5500%	\$51,900.00	\$351,900.00	
05/1/2023			\$51,075.00	\$51,075.00	\$402,975.00
11/1/2023	\$300,000.00	0.5800%	\$51,075.00	\$351,075.00	
05/1/2024			\$50,205.00	\$50,205.00	\$401,280.00
11/1/2024	\$300,000.00	0.6200%	\$50,205.00	\$350,205.00	
05/1/2025			\$49,275.00	\$49,275.00	\$399,480.00
11/1/2025	\$300,000.00	0.6800%	\$49,275.00	\$349,275.00	
05/1/2026			\$48,255.00	\$48,255.00	\$397,530.00
11/1/2026	\$300,000.00	0.7900%	\$48,255.00	\$348,255.00	
05/1/2027			\$47,070.00	\$47,070.00	\$395,325.00
11/1/2027	\$300,000.00	0.9300%	\$47,070.00	\$347,070.00	
05/1/2028			\$45,675.00	\$45,675.00	\$392,745.00
11/1/2028	\$300,000.00	1.0800%	\$45,675.00	\$345,675.00	
05/1/2029			\$44,055.00	\$44,055.00	\$389,730.00
11/1/2029	\$300,000.00	1.2300%	\$44,055.00	\$344,055.00	
05/1/2030			\$42,210.00	\$42,210.00	\$386,265.00
11/1/2030	\$300,000.00	1.3900%	\$42,210.00	\$342,210.00	
05/1/2031			\$40,125.00	\$40,125.00	\$382,335.00
11/1/2031	\$300,000.00	1.5200%	\$40,125.00	\$340,125.00	
05/1/2032			\$37,845.00	\$37,845.00	\$377,970.00
11/1/2032	\$300,000.00	1.8780%	\$37,845.00	\$337,845.00	
05/1/2033			\$35,028.00	\$35,028.00	\$372,873.00
11/1/2033	\$300,000.00	2.1350%	\$35,028.00	\$335,028.00	
05/1/2034			\$31,825.50	\$31,825.50	\$366,853.50
11/1/2034	\$300,000.00	2.3180%	\$31,825.50	\$331,825.50	
05/1/2035			\$28,348.50	\$28,348.50	\$360,174.00
11/1/2035	\$300,000.00	2.4470%	\$28,348.50	\$328,348.50	
05/1/2036			\$24,678.00	\$24,678.00	\$353,026.50
11/1/2036	\$300,000.00	2.5680%	\$24,678.00	\$324,678.00	
05/1/2037			\$20,826.00	\$20,826.00	\$345,504.00
11/1/2037	\$300,000.00	2.6750%	\$20,826.00	\$320,826.00	
05/1/2038			\$16,813.50	\$16,813.50	\$337,639.50
11/1/2038	\$300,000.00	2.7320%	\$16,813.50	\$316,813.50	
05/1/2039			\$12,715.50	\$12,715.50	\$329,529.00
11/1/2039	\$300,000.00	2.7840%	\$12,715.50	\$312,715.50	
05/1/2040			\$8,539.50	\$8,539.50	\$321,255.00
11/1/2040	\$300,000.00	2.8310%	\$8,539.50	\$308,539.50	
05/1/2041			\$4,293.00	\$4,293.00	\$312,832.50
11/1/2041	\$300,000.00	2.8620%	\$4,293.00	\$304,293.00	\$304,293.00
<b>TOTALS</b>	<b>\$6,000,000.00</b>		<b>\$1,433,415.00</b>	<b>\$7,433,415.00</b>	

Town  
60%  
241,785

Wastewater  
40%  
161,190

**This report is an estimate only. Actual borrowing costs may vary.**



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# AGENDA ITEM DIVIDER

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## MEMO

To: Kennebunkport Board of Selectmen  
From: Craig Sanford, Police Chief  
John Everett, Fire Chief  
Date: February 8, 2021  
Re: Public Safety Radio System

Currently, our public safety radio system consists of the transmitting and receiving of radio signals from a single location. The current system is comprised of a tower at the Police Station which is used by all town entities. The tower has antennas mounted to them that transmit and receive radio signals. There are many places in town where a radio transmission from a portable radio to our Communications Building does not go through, leaving our Police Officers, Firefighters or EMTs unable to communicate with Dispatch and, possibly, other responders. This could have serious consequences for our personnel. The 20+ year old infrastructure of the system is failing. Communication via portable radio worked many years ago, but the ability to get this type of communication through to Dispatch has diminished over time.

There are many reasons for radio signal degradation: narrow banding, aging equipment that is out in the elements 24/7/365, tree growth, and anything else that gives off radio frequency energy. The biggest challenge of our system is communicating back to Dispatch from the field via a portable radio. The in-vehicle radios in most places of town can get the signal back to Dispatch due to a higher wattage output compared to a handheld portable radio.

The places in town where this problem is most prevalent is in the Dock Square area, Goose Rocks Beach area, along sections of Ocean Ave and the North Western part of town toward the Arundel and Biddeford town lines. The first three problem areas are the most densely populated areas in town. The fourth, while not densely populated, is a growing area of town, and our response numbers are sure to increase. This area also contains the Smith Preserve. We have many calls for service at the Preserve for lost or injured hikers. Currently, for a call in the Smith Preserve, we must rely on cell service to get messages from responders in the woods to the incident commander, who then passes on any pertinent information to Dispatch.

Pre-COVID, informational meetings were held with the Town's public safety committee, the Town Manager, and Bill Bartlett, President of 2-Way Communication Services to discuss necessary improvements to a town wide radio system. These improvements consist of adding two towers that will act as transmit and receive sites.

All necessary equipment, including the console in Dispatch, new towers, mobile and portable radios, will be replaced with new. When complete, the radio system will be operating digitally for Police, Fire and EMS. The cost for the entire plan currently is \$1.483 million, which is up 8% from the initial quote in Feb 2020.

The radio plan can be implemented all at once or in two phases. If the plan is phased in, the first phase consists of installing the two towers and purchasing the necessary equipment for the new towers function, in receiving mode only, with our existing radio system. The current estimate for phase one is \$350,000 to \$375,000. By using a two phased approach, we can increase our receiving capabilities immediately when phase one is completed. This only gets us to about a three on a scale of 0-10. That does not seem like a big jump for the cost of phase one but currently the problem areas are a 0 or 1 on the same scale.

The new tower sites send the signal, through microwave technology, to Dispatch. In the second phase these two added tower sites will switch to transmitting also, which increases our signal reach from Dispatch. There are two computer generated pictures attached indicating, by color, the strength of signal. The pink to red range indicates very good signal strength while the yellow to green range is weaker. The green to blue range is the problem area. One of the attached pictures is our current radio system and the other is what the signal strength will be with the added towers.

The bullet points below show the differences in the phases as compared to funding. There are pro's and con's to funding the entire project all at once compared to a two phased approach.

#### POINTS TO CONSIDER FUNDING ENTIRE PROJECT NOW

- Less overall cost. Higher upfront cost of nearly 1.5 million dollars.
- No net loss of equipment. Approximately \$10,000 must be spent on equipment for phase one, to have our existing system work with the new towers. This equipment is not necessary for phase two and will be removed during the phase two install.
- No annual inflationary price increases. We expect equipment and services pricing to increase annually over the 3-to-5-year timeline.
- Shorter start to finish time. Six to nine months all at once vs. three to five years in two phases.
- Less overall engineering and labor costs. Some things must be done twice. For example, the labor to install and uninstall equipment needed for phase one but not needed in phase two.



- All new equipment required. Most equipment is over 20 years old and almost obsolete. Some repairs are not possible due to lack of parts and/or the expense of repair vs. age of radio and cost to replace.
- Immediate improvement in signal strength in transmission and receiving.

According to Maine Municipal Bond Bank, a 5-year bond of one million dollars would have an interest rate between .55% and .75% over the duration of the bond with annual payments between \$201,000 and \$206,000, with the total cost of the bond \$1,020,576.60. An important point to consider in the scenario is the annual payments are almost \$50,000 dollars less than the appropriation to the Capital account per year and the money saved by funding all at once could cover the interest paid on the bond.

A ten-year bond would have an annual interest rate between .55% and 1.52% over the duration of the bond with annual payments between \$101,000 and \$110,000, with the total cost of the bond at \$1,061,070.55

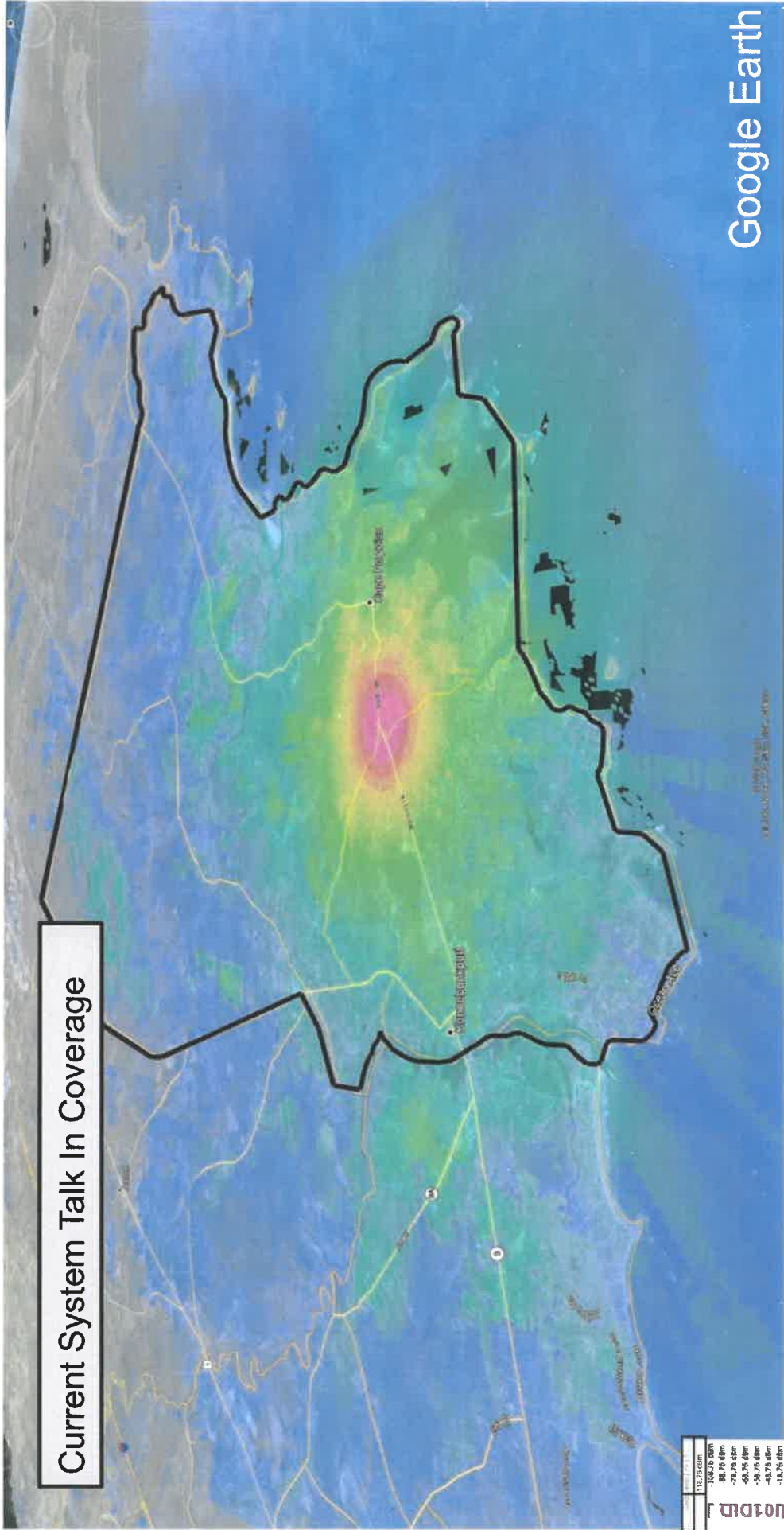
### **FUNDING PROJECT IN TWO PHASED APPROACH**

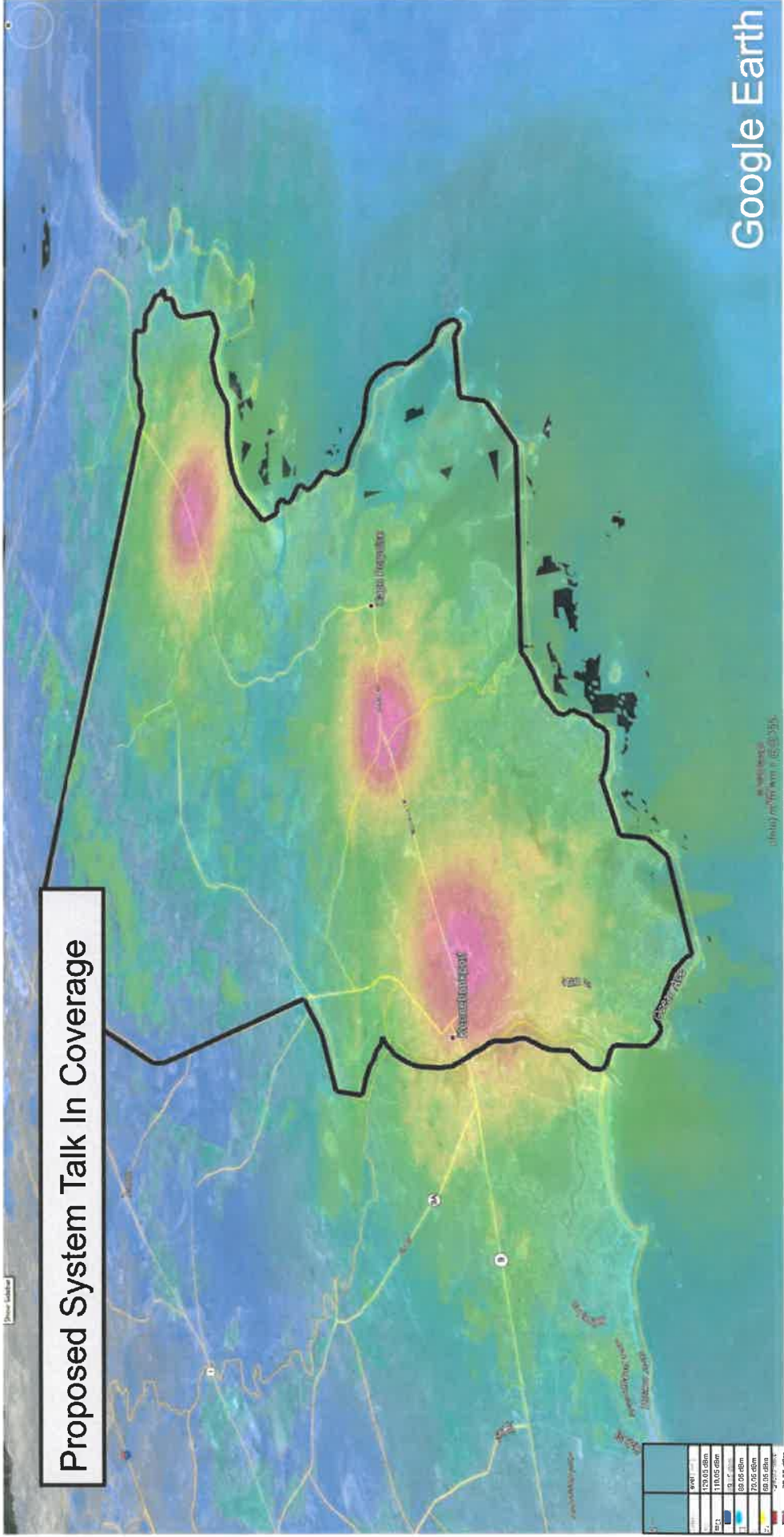
- Less up-front money. Higher overall cost.
- More time to secure funding for phase two.
- Although not presently confirmed, there is the possibility of phase one getting us to where we would like to go. This would allow us to put off phase two until absolutely necessary. However, this could come in the form of a mandate to move to digital platform that might come with a timeline that does not ensure time to secure funding.
- Immediate improvement of receiving coverage only. Transmitting is only improved with the completion of phase two.

Chief Sanford and I think it makes the most sense to get the entire project completed as soon as possible. We understand the large financial commitment we are asking for but feel that it makes the most sense. With inflationary increases of goods and services, the current level of funding into the Capital account may not keep pace. While the bond payments are spread over five years, they are a fixed cost that will not increase over the five years like the phased approach will.



Current System Talk In Coverage





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# AGENDA ITEM DIVIDER

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## Memorandum

**To: Board of Selectmen**

**Fr: Laurie Smith, Town Manager**

**Re: Short Term Rental Ordinance**

**Dt: February 22, 2021**

Since the Selectmen's last meeting, Werner and I again reviewed feedback from the public feedback session and discussed concerns with the Town attorney. Four amendments have been made to the last draft.

- D(3) Advertising – a sentence was added to clarify that if you have a short term rental license you can advertise for upcoming years without being in violation of the ordinance.
- E(5) Transitional provisions – instead of [DATE] it now states that the application must be submitted by the advertised date.
- G(3) – the building evacuation plan was removed from the requirements.
- J Penalties – It now states in the event the Owner or Owner's Short term rental guests, instead of Owner's guests.

Staff also wanted to begin the discussion of establishing license fees with the Selectmen. From the beginning the Selectmen have stated the fees should cover the costs to administer the licensing.

Known fees include the software licensing of \$50,000 annually, along with technology costs of \$5,000. The more unknown costs are the amount of staff time that will be needed to address the various components of licensing and inspection. The following staff will be impacted by the new license: Code Enforcement, Town Clerk, Police, Fire, and Town Manager. Three different estimates of staff time is listed below:

<b>Staff</b>	<b>Scenario A</b>	<b>A Costs</b>	<b>Scenario B</b>	<b>B Costs</b>	<b>Scenario C</b>	<b>C Costs</b>
Town Manager	52 hours	\$ 5,096	75 hours	\$ 7,350	75 hours	\$ 7,350
Fire Chief	104 hours	\$ 3,328	125 hours	\$ 4,000	200 hours	\$ 6,400
Town Clerk	100 hours	\$ 5,300	125 hours	\$ 6,625	200 hours	\$10,600
Police	104 hours	\$ 5,824	125 hours	\$ 7,000	200 hours	\$11,200
Codes	720 hours	\$43,320	1040 hours	\$58,240	1560 hours	\$87,360
<b>Totals:</b>		\$62,868		\$83,215		\$122,910

These estimates combined with the software and technology costs puts our estimates of administration between \$117,868 to 177,910 annually.

The Selectmen have chosen a two-tiered system based upon the number of bedrooms in the rental. Tier 1 is the fee for 0-3 bedrooms. Tier 2 is the fee for 4+ bedrooms. Using the available data on current rentals and their size staff have developed the following rental fees to offset the costs for administration.

**Scenario A Fees:**

Tier I: \$250

Tier II: \$500

**Scenario B Fees:**

Tier I \$325

Tier II: \$575

**Scenario C Fees:**

Tier 1: \$500

Tier 2: \$700

## Kennebunkport Short-term Rental License/Ordinance

### A. Purpose:

The purpose of this ordinance/license is to require the disclosure and licensing of short-term rentals operated within the Town of Kennebunkport. Furthermore, -this Ordinance is intended to ensure that residential neighborhoods are not unduly impacted by the operation of short-term rentals within the Town. This will be accomplished by a licensing program that enables the Town to monitor and track the proliferation of short-term rentals within its borders, includes modest performance standards intended to protect property owners, renters, and neighbors along with limits to the numbers of short-term rentals within the community. Due to the historic nature and longstanding tradition of short-term rentals within the Goose Rocks Beach neighborhood, this limited area will not be subject to licensing limits; it will, however, still be subject to all other requirements in this ordinance.

~~This Ordinance is intended to ensure that residential neighborhoods are not unduly impacted by the operation of short term rentals within the Town, and to provide a licensing program that enables the Town to monitor and track the proliferation of short term rentals within its borders.~~

### B. Applicability:

1. Permitted Short-term Rentals. Legally existing residential dwelling units may be used as Short-term rentals upon the issuance of a Short-term rental license for the premises in accordance with the requirements of this Ordinance.

2. Prohibited Short-term Rentals. No person may offer for rent, operate, or otherwise use any dwelling unit l in the Town of Kennebunkport for Short-term rentals if:

(a) Such person has not secured or maintained a valid Short-term rental license for the premises; or

(b) The accommodations are an accessory apartment constructed or permitted after November 3, 2009, or a recreational vehicle, trailer or tent.

~~B. The requirements of this ordinance shall apply to all residential dwelling units, whether seasonal or year round. Accessory apartments that have been constructed/permitted after November 3<sup>rd</sup> 2009 may not be used as Short-term rentals.~~

3. Lodging Establishments Exempt. The following lodging establishment uses are exempt from the licensing requirements and standards of this Ordinance: hotels, motels, bed and breakfasts, inns, seasonal rental accommodation complexes, and residential rental accommodations.



## C. Definitions:

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

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

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

**Goose Rocks Beach Neighborhood:** (~~Insert Definition~~ See the area defined on Exhibit A).

**Owner:** A-An individual person or persons or an entity who-that is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the York County Registry of Deeds.

**Seasonal rental accommodation complex:** a lodging business located on one parcel of land that makes a room, a group of rooms, and/or cottages available for a tenancy of less than 30 days on a seasonal basis.

**Short-term rental:** The use, control, management or operation of a legally-existing residential dwelling unit offered for rent for transient occupancy for dwelling, sleeping or lodging purposes by ~~tenants-short term rental guests~~ for a tenancy of less than 30 consecutive days, for compensation, directly or indirectly, excluding motels, hotels, bed and breakfasts, inns, seasonal rental accommodation complexes, and residential rental accommodations.

Short-term rental guest: Any person who rents, licenses, occupies or has the right to occupy a dwelling unit for less than 30 consecutive days.

## D. General Requirements:

**1. License Required:** No Short-term rental shall be advertised, rented, or operated without first obtaining a Short-term rental License. ~~Failure to obtain or renew a license prior to offering, advertising, or renting the short-term rental shall require payment of double the short-term rental license fee. The second failure to obtain or renew a license (within a 5-year period) shall be prohibited from obtaining a license for one (1) year. A license application received more than 30 days after the license deadline shall be considered late.~~ A short-term rental license shall be valid for the calendar year ~~in-for~~ which the license is issued. The property must remain in compliance with the short-term rental license for the calendar year in which the license is issued.

a. Short-term rental license renewal. Short-term rental licenses shall expire on December 31st of each calendar year, and Short-term rental license holders may renew such license by submitting a renewal application, ~~on forms provided via a renewal process established~~ by the Town. After the effective date of this Ordinance, any duly licensed short-term rental may continue operating as long as the license is current and renewed on or before the annual renewal deadline established by the Town. If the license is not renewed within the prescribed timeframe, the license expires and this protection clause no longer applies. Any renewal application received after ~~December 31st of the previous license year~~ the advertised deadline for submission shall be considered late and deemed a new application.

b. The Board of Selectmen shall establish fees for the licensure of Short-term rentals. Licensing fees for Short-term rentals shall be assessed based upon the following criteria:

i. Tier I: Short-term rentals with 0-3 bedrooms;

ii. Tier II: Short-term rentals with 4+ bedrooms.

2. **Non-transferability.** Short-term rental licenses issued under this Ordinance shall not be transferable to a new Owner or location. Any Change of Ownership shall require a new license, except transfers of the real estate and related license in a Permitted Transfer. A "Permitted Transfer" is a transfer of the subject real estate and the related license to a Permitted Transferee. A "Permitted Transferee" includes (1) another current Owner of the subject real estate; (2) the spouse, child(ren) and/or grandchild(ren) of a current Owner; (3) a trust for the benefit of a current Owner, a current Owner's spouse, a current Owner's child(ren) and/or grandchild(ren) of a current Owner; or (4) for estate planning purposes, a trust, limited liability company ("LLC"), corporation or other entity, as long as the beneficiaries of the trust or owners of the entity, as applicable, are a current Owner, a current Owner's spouse, a current Owner's child(ren) and/or grandchild(ren) of a current Owner. In the case of a transfer to a Permitted Transferee, the Permitted Transferee shall become a "Licensee" and an "Owner", and the definition of "Permitted Transferee" shall apply to the new Licensee/Owner.

Licensees/Owners shall be required to certify that they comply with the provisions of this section annually and that they have not engaged in any transfers, or been transferees in any transfers, that are not Permitted Transfers. See Section F.3 herein.

Licenses are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.

~~**Transferability:** Short-term rental licenses shall not be transferable to another location, person, or entity, except that the property owner may transfer the license for a specific licensed premises to a spouse, child, parent, or, for estate planning purposes, to a trust in which the property owner serves as a trustee.~~



**3. Advertising:** It shall be unlawful to advertise occupancy or use of a short-term rental that has not been licensed. Licensed Short-Term rentals in good standing may advertise for beyond the current licensing year. For the purposes of this section, the term "advertise" shall mean any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media included, but not limited to newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages. The short-term rental advertising must be consistent with the terms of the short-term rental license, and all advertisements of the short-term rental must include the current short-term rental license number.

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

**5. Notice:** The Short-term rental license holder must post in plain sight near the entrance to the Short-term rental a notice that identifies the Short-term rental license number, and the name, address, phone number(s), and email address of the owner of the Short-term rental, and/or the owner's local contact person. Such notice may be posted in plain sight in the interior of the Short-term rental. The Short-term rental license holder shall also post. the license provided by the Town.

## **E. Review Procedure:**

### **Issuance procedure:**

1. Application submission; completeness. Short-term rental License applications shall be submitted to the Town Clerk. Applications for licenses for the upcoming calendar year may be submitted beginning in October of the previous license year. The Town Clerk, or the Town Clerk's designee, shall review all applications for completeness and accuracy and in the order that they were received.

~~2. The Town Clerk shall have the authority to issue a Short-term rental license.~~

~~23. Application, License fee.~~ The Town Clerk shall provide a Short-term rental application to be completed by the applicant and submitted to the Town Clerk accompanied by the Short-term rental license fee as established by the Board of Selectmen. The Short-term rental application shall include a non-exclusive checklist of code requirements that the property owner shall demonstrate compliance with.

~~43. Town clerk authority.~~ The Town clerk shall have the authority to issue a Short-term rental license. The Town Clerk, or the Town Clerk's designee, shall determine if the application has been properly completed before any license is issued.

~~54. Inspection.~~ Notwithstanding the provisions of Section 1(2), the first time that a Short-term rental application is submitted for a property, no license shall be issued until the Code Enforcement Officer or

~~his/her designee has inspected the proposed Short-term rental property for compliance with the Short-term rental Standards and compliance with building code requirements.~~

~~When the Code Enforcement Officer does has not conducted an annual inspection thereafter, the Short-term rental owner shall certify, upon request by the Town, that there have been no material changes since the last inspection by the Code Enforcement Officer.~~

Anytime that a Short-term rental application is submitted for a property, the Short-term rental applicant shall certify on the Short-term rental application that the proposed Short-term rental property complies with the Short-term rental Standards in Section G, and with building code requirements.

The Code Enforcement Officer shall inspect the licensed premises once every five years, to determine compliance with the Short-term standards in Section G.

5. Transitional Provisions for Licensing of Pre-Existing Short-Term Rentals. Persons or entities who operated a legally-existing residential dwelling unit as a Short-term rental and who received reservations for Short-term rentals at the same premises prior to the Effective Date of this Ordinance shall be required to obtain a Short-term rental license for said premises by submitting an application to the Town Clerk no later than [DATE], by the advertised date which application must contain an affidavit or other sworn statement by the Owner, along with documented evidence, certifying that the premises were previously used for short-term rental use by one or more tenants for a period of less than 30 consecutive days per tenancy and for at least fourteen (14) total days in a calendar year in any one of the following years: 2019, 2020, or 2021.

Upon review and approval of a timely application submitted for a license containing sufficient evidence of previous short-term rental use as required above, the Town Clerk shall issue a license for each such premises, without the need for a prior inspection of said premises by the Code Enforcement Officer or designee as is otherwise required in section E(4).

6. Issuance. If the Town Clerk, or the Town Clerk's designee, in consultation with the Code Enforcement Officer, determines that the proposed Short-term rental application complies with the Short-term rental Standards, a the Town Clerk shall issue the applicant a Short-term rental license shall be issued in accordance with the limits established in Section I below.

## **F. Submission Requirements:**

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

1. Location. The street address and map/ block/lot number of the Short-term rental property.
2. Contact Person/Owner Responsibility. The name of the owner of the Short-term rental property and contact information, including address and telephone number. If the owner is anything other than a natural person, then the following information must also be included: the name of each individual person who has an ownership interest in any entity that is the record owner, including, without limitation, all beneficiaries of any trust, and all members and shareholders of a limited liability company,

corporation or other entity. In addition, if someone other than the owner is acting as the local contact person, contact information for that person shall also be provided. Regardless of who enters the Short-term rental agreement, or who may be designated as the owner's contact person, the property owner shall be responsible for compliance with the Short-term rental Ordinance provisions.

3. For renewal applications, Licensees/Owners shall be required to certify annually that they have not engaged in any transfers of the licensed premises, or been transferees in any transfers, that are not Permitted Transfers under Section D.2 of this Ordinance.

34. All information needed to demonstrate compliance with the standards listed below.

## **G. Standards:**

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

1. Code compliance. An applicant's property, without limitation, shall comply with the following building safety requirements.

a. Smoke Alarms: Smoke alarms shall be installed in the following locations: 1. In each bedroom. 2. Outside each separate sleeping area in the immediate vicinity of the bedrooms. 3. On each additional story of the dwelling, including basements and habitable attics

b. Carbon Monoxide Alarms: If a house has an attached garage or a fuel fired appliance, a carbon monoxide alarm shall be installed outside each bedroom in the immediate vicinity of the bedrooms.

c. Portable Fire Extinguishers: At least one portable fire extinguisher shall be mounted in a prominent location. One size/type 2/A is required or two size/type 1/A extinguishers.

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

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

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

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

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

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

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

5. Parking. The applicant shall include a depiction designating parking spaces that will be provided for tenants and guests on the same lot where the Short-term rental is located. Guest parking at the Short-term rental shall occur in parking spaces designated by the applicant, and the number of guest vehicles allowed at the Short-term rental shall be limited to the number of on-site parking spaces designated by the applicant. Garage parking spaces not allowed for tenant use shall not be used to meet the Short-term rental parking requirement. Tenants and guests of Short-term rentals are prohibited from parking in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.

6. Good neighbor guidelines.

7. ~~Limit on rental intensity~~ Occupancy limits.

The maximum tenant ~~capacity~~ occupancy of a short-term rental shall be limited to no more than 2 tenants per bedroom, plus 2 additional tenants total for the entire dwelling unit. By way of example, the maximum tenant capacity for a three-bedroom dwelling short-term rental is eight (8) tenants (i.e., 3 bedrooms multiplied by 2 tenants, plus an additional 2 tenants for a total of 8). ~~for no more than 1 additional sleeping space.~~

## H. Suspension and Revocation of License:

A license for a Short-term rental may be conditioned, suspended or revoked by the Board of Selectmen after a public hearing if the Board of Selectmen determine that a violation of this ordinance, any applicable statute, ordinance, or regulation, or Short-term rental license certification, condition, or criteria has occurred.

1. Violations of this Ordinance. Violations of this ordinance include, but are not limited to, the following:



- a. Providing false or misleading information on an application, or renewal application, for a Short-term rental license;
- b. Failure to provide the registration records as provided in Section D(4) within 5 business days of a Town request for such records;
- c. Failure to comply with the parking provisions of Section G(5) of this Ordinance;
- d. Failure to comply with the rental ~~intensity limitations~~occupancy limits of Section G(7) of this Ordinance;
- e. Failure to acquire and/or display the required short term rental license number or include the license number in any advertising of the licensed premises;
- ef. Violation of any Short-term rental license certification, condition, or criteria;
- fg. Violation of any statute, ordinance, or regulation applicable to the Short-term rental property.

2. Complaints Concerning Short-term rentals. The Code Enforcement Officer shall establish and maintain a log of all complaints for each Short-term rental received and substantiated by the Town. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the Short-term rental license holder.

3. Suspension or Revocation of a Permit License. When, in the judgement of the Code Enforcement Officer, the nature and/or number of complaints warrants further review of the Short-term rental license, the Code Enforcement Officer shall provide a report of the same to the Board of Selectmen for its consideration. The Board of Selectmen may condition, suspend, or revoke a Short-term rental license, following a public hearing, on the basis of the licensee's non-compliance with this ordinance, any applicable law, ordinance, or regulation, or Short-term rental license certification, condition, or criteria.

4. Appeal. Any person aggrieved by the decision of the Board of Selectmen to suspend or revoke a Short-term rental license may appeal the decision of the Board of Selectmen to Superior Court, pursuant to Maine Rule of Civil Procedure 80B, within thirty (30) days of the Board of Selectmen's decision.

### **I. Limitations on ~~and Allocations of~~ Annual Licenses for Short-Term Rental Units:**

The Town Clerk shall issue Short-term rental licenses on an annual basis. The total number of ~~annual~~ licenses issued in each calendar year shall be set ~~each year annually~~ by the Board of Selectmen ~~at their first meeting of the calendar year~~. The limitation on the total number of ~~annual~~ licenses set by the Board of Selectmen shall first go into effect on January 1, 2023.

1. Formula. The total number of ~~annual~~ licenses issued in each calendar year shall be set by the Board of Selectmen annually according to a formula based in part upon a percentage of the total number of residential dwelling units in the Town of Kennebunkport. the following formula: [Insert Formula].

~~2. Pre Existing Short Term Rentals Licensure Requirements; Exclusion from Count. Persons or entities who operated a residential dwelling unit as a Short term rental and who received reservations for Short term rentals at the same premises prior to the Effective Date of this Ordinance shall be required to obtain a Short term rental license for said premises by submitting an application to the Town Clerk no later than [DATE], which application must contain an affidavit or other sworn statement by the Owner that the premises were previously used for short term rental use to one or more tenants for a period of less than 30 days per tenancy and for at least fourteen (14) total days in a calendar year in any one of the following years: 2019, 2020, or 2021.~~

~~Upon review and approval of a timely application submitted for a license containing sufficient evidence of previous short term rental use as required above, the Town Clerk shall issue a license for each such premises, without the need for a prior inspection of said premises by the Code Enforcement Officer or designee as is otherwise required in section E(5). The license for said premises shall not be counted towards the total number of Short term rental licenses to be set annually by the Board of Selectmen starting in calendar year 2023, and to be issued on an annual basis thereafter by the Town.~~

**32. Goose Rocks Beach Neighborhood.** No Short-term rental located in the Goose Rocks Beach Neighborhood [as depicted on the attached map] shall be advertised, rented, or operated as a Short-term rental without first obtaining a Short-term rental license. Licensed Short-term rentals located in the Goose Rocks Beach Neighborhood [as depicted on the attached map] shall not be counted towards the total number of Short-term rental licenses to be set annually by the Board of Selectmen under Section I.1 herein, and to be issued on an annual basis thereafter by the Town.

**43. Effective Date.** This Ordinance and all the licensing standards contained herein shall go into effect on January 1, 2022.

## **J. Penalties for Violations; Enforcement**

In the event the **Owner or Owner's Short-term rental** guests violate this Ordinance or the terms and conditions of the license, the Town, in addition to the suspension or revocation of the then-current license pursuant to Section H above, may also prohibit the Owner from licensing the dwelling unit for 12 months following the current licensing expiration date, after which the owner may submit a new application for licensure.

Violations shall also be subject to fines and penalties as set forth in this section and in a penalty schedule established by the Board of Selectmen.

Any such fines or penalties may be in addition to any suspension or revocation imposed in accordance with the provisions of Section H of this Ordinance.

The Town may institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Ordinance. In any court action, the Town may seek injunctive relief in addition to or instead of fines/penalties. The Town shall be entitled to recover its costs of enforcement, including its reasonable attorneys' fees.

## **JK. Additional Regulations**

The Board of Selectmen may adopt regulations implementing the provisions of this Ordinance.

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# AGENDA ITEM DIVIDER

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Hurricane Restaurant Outdoor Space Request

To the Board of Selectmen and Town of Kennebunkport,

I want to first start off by thanking you all for your assistance and understanding during this pandemic. The town of Kennebunkport has done a great job helping to keep our businesses and livelihoods intact while we navigate and pivot to new/different ways of doing business.

I am inquiring about and requesting for the potential use of the outdoor/parking lot space again this season. I am happy to/want to work with the town however possible to make this happen again. We at Hurricane saw how crucial this space was to our business last year as it was the only reason we were able to stay afloat in 2020. Even though vaccines have started and are on the way, I think we still have a long road ahead and outdoor dining is still and I think will remain a big priority for future diners.

I'm hoping to have the same exact amount of space for our restaurant as we had last year. It would be a 30 foot by 40 foot space right outside the back doors of Hurricane. Since Alisson's isn't interested in their same area, I would plan to put a 20 by 40 foot tent up (suggested by Nick from Sharper Tent and Event Rentals) in the same area right out Hurricane's back doors. Having the same amount of space as last year will help us be flexible and make sure everyone is properly distant and capacity limits are followed closely. This space worked nicely as it was out of the way of the flow of traffic. We never had any issues with guests in our outdoor space last year and all alcoholic beverages were closely monitored in the outdoor area and stayed at tables.

If possible I would love to get a more long-term agreement as opposed to month to month for 2021. Since the town was able to see how we handled everything thrown at us last year and how well it turned out. I was hoping to get approved to have the tent up in the lot from April 1st through October 1st with whatever caveats the town would like, to feel comfortable with that. This would help me purchase furniture needed, hire staff appropriately, create seating plans, add menu options that are more outdoor friendly, take the correct amount of reservations for future months, and many other things that are hard to pivot mid-season last minute. I am also being pressured to agree to a long term rental of at least 5 months for the tent rental companies as they are in very high demand right now. **I am ready and willing to agree to rent the space from the town, especially if we can get a commitment to have the space April through September from the start.** I fear for our longevity right now without outside dining. If that is not an option, a month to month approval works.

Thank you so much for your consideration and let me know what steps you need me to take next to make this happen. I would love to get this approved by the end of this month. That way I can sign my tent rental contract and lock that in, and plan properly for staffing to open Friday April 2<sup>nd</sup> for Easter Weekend.



## Laurie Smith

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**From:** Ashley Padget <ashley@alissons.com>  
**Sent:** Tuesday, February 16, 2021 1:26 PM  
**To:** Laurie Smith; Werner Gilliam  
**Subject:** Request for Tent  
**Attachments:** DSPL Winter Seating.pdf

Hi Laurie & Werner -

I am writing to request permission to erect a 20x40 dining tent behind our building for the upcoming season (April 29th through Columbus Day). I understand this will likely be a month-to-month decision similar to last year, but our request will hold for the full season. We will follow all safety measures required by the town, as well as all state mandates for Covid-19 and BABLO laws for alcohol service. Similar to last year, we will erect barriers (hopefully with the help of the highway department) around the tent. We will likely use propane heaters if needed, similar to last year as well.

Below please find a preliminary photo plan of where we hope to place our tent, directly behind our building. We are requesting a change from last year for both the safety of our staff and so as not to limit our service abilities. Last year's riverside location was wonderful, but also forced us to use tens of thousands of single use disposable containers that we do not want to use this year, both for the cost and impact on the environment. With a tent right outside of our back door, our staff will not need to walk miles a day back and forth across a busy parking lot, and we will be able to serve all food and drinks on regular plates and in glassware.

Because of the location of the tent, we would also need alternate placement for our dumpster.

We appreciate your consideration and I am available for a site walk or questions just about any time!

Sincerely,

Ashley Padget  
General Manager  
Alisson's Restaurant  
P.O. Box 344  
11 Dock Square  
Kennebunkport, ME. 04046  
207-967-4841  
[www.alissons.com](http://www.alissons.com)



The Kennebunkport Inn

The Burtleigh  
temporarily closed

Minka

Scalawags  
Pet store

Whimsy Shop  
Gift shop

Alisson's Restaurant  
Takeout

Dock Square

Dock Square

Google

Stadium Gallery

Dock Square Clothings  
Clothing store

JAK Designs

Hurricane  
Takeout



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# AGENDA ITEM DIVIDER

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**MUNICIPAL QUITCLAIM DEED WITHOUT COVENANTS**

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

Map Lot 020-004-005, on the Town Assessors' maps for Kennebunkport, which are on file at the municipal office, being the same premises described in Town of Kennebunkport Tax Lien Certificates, recorded in the York County Registry of Deeds on July 15, 2020, and July 12, 2019 in Book 18306 Page 576, and Book 17993 Page 802, respectively.

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

Witness our hands and seals this 25th day of February 2021.

Inhabitants of the Town of Kennebunkport

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Witness

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Witness

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Witness

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**ACKNOWLEDGEMENT**

State of Maine  
York, County, ss.

February 25, 2021

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

Before me,

\_\_\_\_\_



\* 12RETTD\*

RETTD

MAINE REVENUE SERVICES  
REAL ESTATE TRANSFER TAX  
DECLARATION

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

1. County

YORK

2. Municipality/Township

KENNEBUNKPORT

3. GRANTEE/  
PURCHASER

3a) Name LAST or BUSINESS, FIRST, MI

MARKOWITZ, DAVID

3b) SSN or Federal ID

3c) Name, LAST or BUSINESS, FIRST, MI

CONNOLLY, DAWN

3d) SSN or Federal ID

3e) Mailing Address

316 OCEAN AVENUE

3f) City

KENNEBUNKPORT

3g) State

ME

3h) Zip Code

04046

4. GRANTOR/  
SELLER

4a) Name LAST or BUSINESS, FIRST, MI

TOWN OF KENNEBUNKPORT

4b) SSN or Federal ID

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

4d) SSN or Federal ID

4e) Mailing Address

PO BOX 566

4f) City

KENNEBUNKPORT

4g) State

ME

4h) Zip Code

04046

5. PROPERTY

5a) Map

20

Block

4

Lot

5

Sub-Lot

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

202

Check any that apply:

No tax maps exist

5d) Acreage

Multiple parcels

Portion of parcel

0.67

5c) Physical Location

316 OCEAN AVENUE

6. TRANSFER TAX

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

6a

.00

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

6b

716300.00

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

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

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

02-25-2021

MONTH DAY YEAR

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

CLASSIFIED

9. SPECIAL CIRCUMSTANCES—Were there any special circumstances in the transfer which suggest that the price paid was either more or less than its fair market value? If yes, check the box and explain:



10. INCOME TAX WITHHELD—Buyer(s) not required to withhold Maine income tax because:

Seller has qualified as a Maine resident

A waiver has been received from the State Tax Assessor

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

Foreclosure Sale

11. OATH

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

Grantee DAVID MARKOWITZ

Date 2-25-2021

Grantor JENNIFER LORD, TREASURER

Date 2-25-2021

Grantee DAWN CONNOLLY

Date 2-25-2021

Grantor

Date

12. PREPARER

Name of Preparer REBECCA NOLETTE, ASSESSORS AGENT

Phone Number 207-967-1603

Mailing Address PO BOX 566

E-Mail Address BNOLETTE@KENNEBUNKPORTME.GOV

KENNEBUNKPORT, ME 04046

Fax Number 207-967-8470