

TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda
March 24, 2022 @ 6:00 PM
VIRTUAL MEETING VIA ZOOM**

Ways to join this webinar

Join by **computer or mobile device** and click on: <https://us06web.zoom.us/j/82049548112>
or go to **ZOOM** and enter the **webinar ID**: 820 4954 8112

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

International numbers available: <https://us06web.zoom.us/j/82049548112>

1. Call to Order.
2. Approve the March 3, March 8, March 10, and March 17, 2022, selectmen meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)
4. Consider a renewal Special Event Application submitted by The Ramp Grill, LLC d/b/a Pier 77 Restaurant located at 77 Pier Road.
5. Review final fiscal year 2023 budgets and make recommendations.
6. Presentation by Kevin Roche of Save Our Shores Saco Bay regarding the County purchase of dredging equipment.
7. Authorize ordinance amendments be placed on the warrant for June Town Meeting.
8. Presentation of *The Kennector* transportation program for seniors in Kennebunk, Arundel and Kennebunkport.
9. Annual appointment of Town officers.
10. Consider establishing Zoning Determination fees.
11. Update on landfill monitoring.
12. Review recommendations of the Beach Advisory Committee (continuation of discussion from the last meeting).

13. Accept \$400 donation from Church on the Cape for the emergency fuel fund.
14. Other Business.
15. Approve the March 24, 2022, Treasurer's Warrant.
16. Adjournment.

AGENDA ITEM DIVIDER

Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
March 3, 2022
6:00 PM

MINUTES

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

Budget Board Members attending via Zoom: Michelle Powell, Jon Dykstra, Allen Evelyn, David James, Kathryn Leffler, Dimitri Michaud, Steven Turner, Rick Wakeland and April Dufoe.

Others attending via Zoom: David Powell, Tracey O’Roak, Denise Brown, Craig Sanford, John Everett, and Werner Gilliam.

1. Call to Order – Board of Selectmen

Selectman Matthews-Bull called the meeting to order at 6:15 PM. She took roll call of Selectmen present: Allen Daggett, Patrick Briggs, Michael Weston, Edward Hutchins, and Sheila Matthews-Bull.

2. Call to Order – Budget Board

Budget Board Chairperson, April Dufoe, called the Budget Board to order at 6:15 PM. She took roll call of members present: Michelle Powell, Jon Dykstra, Allen Evelyn, David James, Kathryn Leffler, Dimitri Michaud, Steven Turner, Rick Wakeland and April Dufoe.

3. Review of proposed budget.

Presentations were made by staff on the following categories: Budget Overview, Administration, Zoning Board of Appeals, Growth Planning, Legal, Insurance, Community Development, Planning & development, Police Department, Communications, Fire Department, Emergency Management, Animal Control and Harbormaster.

4. Other business.

- a. Appoint Town Clerk & Registrar of Voters.

Motion by Selectman Hutchins, seconded by Selectman Daggett to appoint Tracey O’Roak as Town Clerk and Registrar of Voters. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

March 3, 2022, BOS Meeting Minutes

b. Appoint Bureau of Motor Vehicle Agent.

Motion by Selectman Hutchins, seconded by Selectman Daggett to appoint Rose Wills as the Bureau of Motor Vehicle Agent. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

5. **Adjournment.**

Motion to adjourn by the Budget Board at 8:15 PM.

Motion by Selectman Hutchins seconded by Selectman Daggett to adjourn at 8:18 PM. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

Submitted by,
Tracey O'Roak
Administrative Assistant

Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
March 8, 2022
6:00 PM

MINUTES

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

Others attending via Zoom: Tracey O’Roak, Laurie Smith and Tim Murphy.

1. Call to Order – Board of Selectmen

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

2. Executive session per (MRSA 1, §405-6E) for consultation with Town attorney to discuss legal rights and duties.

Motion by Selectman Hutchins, seconded by Selectman Daggett to move to executive session per (MRSA 1, §405-6E) for consultation with Town attorney to discuss legal rights and duties. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

No action was taken.

3. Adjournment.

Motion by Selectman Weston, seconded by Selectman Daggett, to adjourn at 6:46 PM. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed**

Submitted by,
Tracey O’Roak
Administrative Assistant

Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
March 10, 2022
6:00 PM

MINUTES

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

Budget Board Members attending via Zoom: Michelle Powell, Grace Adams, Daniel Beard, David Betses, Jon Dykstra, Allen Evelyn, David James, Kathryn Leffler, Dimitri Michaud, Steven Turner, Rick Wakeland and April Dufoe.

Others attending via Zoom: David Powell, Tracey O’Roak, Denise Brown, Christopher Simeoni, Eric Labelle, and Werner Gilliam.

1. Call to Order

Selectman Matthews-Bull called the meeting to order at 6:00 PM. She took roll call of Selectmen present: Allen Daggett, Patrick Briggs, Michael Weston, Edward Hutchins, and Sheila Matthews-Bull. Selectman Matthews-Bull noted that there was 6 attendees in the audience.

Budget Board Chairperson, April Dufoe, called the Budget Board to order at 6:00 PM. She took roll call of members present: Michelle Powell, Grace Adams, Daniel Beard, David Betses, Jon Dykstra, Allen Evelyn, David James, Kathryn Leffler, Dimitri Michaud, Steven Turner, Rick Wakeland and April Dufoe.

2. Joint meeting with Budget Board for fiscal year 2023 municipal budget presentations.

The following budget categories were presented by Town staff: Solid Waste, Public Health, Welfare, Shellfish Conservation, Public Restrooms, Public Works, Utilities, Street Lights, Recreation, GRB Advisory Reserve, Contingency and Debt Service.

3. Approve the February 24, 2022, meeting minutes.

Motion by Selectman Hutchins seconded by Selectman Briggs to approve the February 24, 2022, selectmen meeting minutes. **Roll Call Vote:** Briggs, Weston, Matthews-Bull, Hutchins, and Daggett. **Voted:** 5-0. **Motion passed.**

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.)

James McMann spoke regarding the voter registration status of an RSU #21 Board member. He stated that there is a public hearing on March 23, 2022, to address the issue.

- 5. Consider renewal liquor license application submitted by First Serve KPT Hospitality, Inc. d/b/a Mabel's Lobster Claw located at 124 Ocean Avenue.**

Motion by Selectman Daggett, seconded by Selectman Briggs to approve the request for a renewal liquor license for First Serve KPT Hospitality, Inc. d/b/a Mabel's Lobster Claw located at 124 Ocean Avenue. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted: 5-0. Motion passed.**

- 6. Consider renewal liquor license application submitted by First serve Edgewater, Inc d/b/a Mabel's House located at 126 Ocean Avenue.**

Motion by Selectman Hutchins, seconded by Selectman Briggs to approve the request for a renewal liquor license for First serve Edgewater, Inc d/b/a Mabel's House located at 126 Ocean Avenue. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted: 5-0. Motion passed.**

- 7. Consider renewal liquor license application submitted by Chez Rosa LLC d/b/a Chez Rosa Bistro located at Building D on Cross Street and Union Street.**

Motion by Selectman Hutchins, seconded by Selectman Briggs to approve the request for a renewal liquor license for Chez Rosa LLC d/b/a Chez Rosa Bistro located at Building D on Cross Street and Union Street. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted: 5-0. Motion passed.**

- 8. Consider recommendations of the Goose Rocks Beach Advisory Committee.**

Motion by Selectman Hutchins, seconded by Selectman Weston to accept the recommendations of the Goose Rocks Beach Advisory Committee regarding five traffic and safety concerns.

After a lengthy discussion regarding each of the five recommendations, the motion was withdrawn. *This item was tabled to the next meeting.*

- 9. Authorize pre-procurement for Wastewater centrifuges.**

Eric Labelle, Town Engineer, gave some background on this project and reviewed the bidding and selection process.

Motion by Selectman Weston, seconded by Selectman Daggett award the contract to GEA Westfalia for two centrifuges, polymer system, controls, startup services and performance testing for a total cost of \$468,800 along with an extended 3-year warranty for \$12,000. **Roll Call Vote:** Briggs, Weston, Daggett, Matthews-Bull, and Hutchins. **Voted: 5-0. Motion passed.**

10. Update on Village Parcel engineering.

Eric Labelle, Town Engineer, updated the Board on Acorn Engineering's work on the design plans for Village Parcel infrastructure. After discussion it was agreed to put the project on hold at this time.

11. Review proposed ordinance revisions for June Town Meeting.

Werner Gilliam, Director of Planning & Development, and Laurie Smith, Town Manager, reviewed the proposed ordinance revisions as follows:

1. Amendment to Waterfront Ordinance – adding the words “Goose Rocks Beach” to the mooring areas exempt from the requirement to be a pier member. It appears to staff that GRB was mistakenly left off the list in the past.
2. Sign ordinance revisions – these include the language amendments to permit internally lit signage on municipal properties (digital information signs) and to bring the ordinance into compliance with recent Supreme Court decisions regarding content-based restrictions.
3. Amendments to the Kennebunk River ordinance that will update the language to current practices and bring Kennebunk and Kennebunkport River ordinances into consistency.

Motion by Selectman Weston, seconded by Selectman Dagget to have the Town attorney review the final language for the proposed ordinance revisions to be placed on the June ballot. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

12. Approve contract extension with TZM Planning for Comprehensive Plan project.

Werner Gilliam, Director of Planning & Development gave an update on the Comprehensive Plan project. The Growth Planning Committee has been working with the vendor since 2019. Due to COVID, the process was put on hold for several months. Because of those delays, a contract extension is necessary. The cost of the extension will be \$10,600.

Motion by Selectman Daggett, seconded by Selectman Hutchins to approve a contract extension with TZM Planning for \$10,600. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

13. Authorize a Release Deed for 4 Wood Road.

Laurie Smith, Town Manager, advised that in 1982 there was an easement granted for this property for a grinder pump replacement. In 2019, the pump was replaced with a new system that the Town does not own or maintain. Therefore, the easement is no longer necessary.

March 10, 2022, BOS Meeting Minutes

Motion by Selectman Hutchins, seconded by Selectman Daggett to authorize the release deed for 4 Wood Road. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

14. Review and select photo for Annual town Report cover.

After discussion of submitted photos, it was agreed to go with photo #3 which was captioned Paddy's Cove by Bob Dennis. *Please note that the Board only saw the photos, they did not know who submitted them at the time of review.*

15. Other business.

There was no other business.

16. Approve the March 10, 2022, Treasurer's Warrant.

Motion by Selectman Hutchins seconded by Selectman Briggs to approve the March 10, 2022, Treasurer's Warrant. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

17. Executive Session per (M RSA 1, §405 6E) concerning the legal rights and duties for pending or contemplated litigation.

Motion by Selectman Hutchins seconded by Selectman Daggett to move to executive session per MSRA 1, §405 6E. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

18. Adjournment.

Motion to adjourn was made and passed during executive session. Meeting adjourned at 8:50 PM.

Submitted by,
Tracey O'Roak
Administrative Assistant

Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
March 17, 2022
6:00 PM

MINUTES

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

Budget Board Members attending via Zoom: Michelle Powell, Daniel Beard, David Betses, Jon Dykstra, Allen Evelyn, David James, Kathryn Leffler, Dimitri Michaud, Steven Turner, and April Dufoe.

Others attending via Zoom: David Powell, Tracey O’Roak, Denise Brown, Christopher Simeoni, Eric Labelle, Christopher Simeoni, Werner Gilliam, Craig Sanford, John Everett, Stephanie Simpson, Mary Gitnas, Mary Lou Boucoulavas and James Stockman.

1. Call to Order

Selectman Matthews-Bull called the meeting to order at 6:00 PM. She took roll call of Selectmen present: Allen Daggett, Patrick Briggs, Michael Weston, Edward Hutchins, and Sheila Matthews-Bull. Selectman Matthews-Bull noted that there was 6 attendees in the audience.

Budget Board Chairperson, April Dufoe, called the Budget Board to order at 6:00 PM. She took roll call of members present: Michelle Powell, Daniel Beard, David Betses, Jon Dykstra, Allen Evelyn, David James, Kathryn Leffler, Dimitri Michaud, Steven Turner, and April Dufoe.

2. Joint meeting with Budget Board for fiscal year 2023 capital and committee budget presentations.

The following budget categories were presented by Town staff and committee members: capital outlay, capital administration, capital police, capital communications, capital fire, capital public works, capital road improvement, capital sidewalk, capital recreation, capital special projects, capital piers, conservation commission, KEMS, social service agencies, shade tree committee, Graves Library, Cape Porpoise Library, Parsons Way, and miscellaneous agencies.

3. Adjournment.

Motion by David James, seconded by Michelle Powell to adjourn at 8:30 PM.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to adjourn at 8:30 PM. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed**

Submitted by,
Tracey O’Roak
Administrative Assistant

AGENDA ITEM DIVIDER



KENNEBUNKPORT TOWN CLERK

To: Laurie Smith, Town Manager
Board of Selectmen

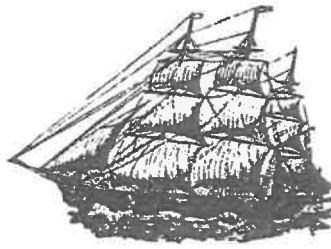
From: Tracey O’Roak, Town Clerk

Date: March 18, 2022

Re: Application for Special Amusement

The Ramp Grill, LLC d/b/a Pier 77 Restaurant submitted a request for Special Amusement Permit. Their liquor license was approved on March 10, 2022. Typically, these applications are submitted and approved together. In this case, however, that was not the case.

Staff recommends approval of this Special Amusement Permit.



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 - DB/A - 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)
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

AGENDA ITEM DIVIDER

**Town of Kennebunkport
FY23 Budget**

<u>Article</u>	<u>FY23 Manager</u>	<u>FY23 BOS</u>	<u>FY23 BB</u>
General Government Program Expenses			
Administration	1,180,039		
Zoning Board of Appeals	1,025		
Conservation Commission	1,350		
Growth Planning Committee	2,500		
Legal Fees	68,000		
Insurance	233,098		
Community Development	44,401		
Planning & Development	662,230		
Total General Government Program Expenses	2,192,643	0	0
Public Safety Program Expenses			
Police Dept	1,914,669		
Communications	578,305		
Fire Dept	452,958		
KEMS	200,000		
Emergency Management	1,500		
Animal Control Officer	12,011		
Harbormaster	51,900		
Total Public Safety Program Expenses	3,211,343	0	0
Health & Welfare Program Expenses			
Solid Waste	578,436		
Public Health	178,862		
Welfare	2,335		
Social Services	22,707		
Shellfish Conservation	3,169		
Public Restrooms	36,000		
Total Health & Welfare Program Expenses	821,509	0	0
Public Works Program Expenses			
Highway Dept	1,201,700		
Hydrants	144,324		
Shade Tree	41,681		
Street Lights	24,000		
Cemetery	14,955		
Total Public Works Program Expenses	1,426,660	0	0
Recreation, Culture, Contingency & Misc. Program Expenses			
Recreation	341,845		
Graves Library	155,000		
Cape Porpoise Library	14,550		
Parsons Way	3,800		
GRB Advisory Reserve	51,738		
Contingency	100,000		
Miscellaneous Agencies	10,475		
Total Recreation, Culture, Contingency & Misc. Program Expenses	677,408	0	0

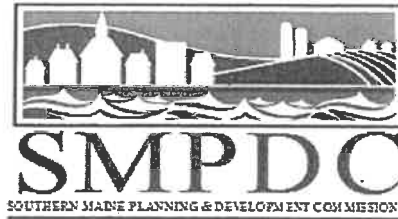
Capital Expenses & Reserve Account and Debt Service Payments

Capital-Admin	406,500		
Capital-Police	92,800		
Capital-Communications	37,000		
Capital-Fire	295,000		
Capital-Highway	284,000		
Capital-Road Improvement	472,000		
Capital-Sidewalk	80,000		
Capital-Recreation	75,000		
Capital-Special Projects	285,000		
Capital-Piers	153,000		
Debt Service	1,246,931		
Total Capital Expenses & Reserve Account and Debt Service Payments	3,427,231	0	0
Total Municipal Expenditures	11,756,794	0	0

Note:

Reduce Solid Waste Monitoring	(55,000)
Increase Contingency-Fuel	35,000
Manager's net Change to Proposed Budget	(20,000)

AGENDA ITEM DIVIDER



Serving the Municipalities of Southwestern Maine for Over 50 Years

December 14, 2021

To York County Commissioners:

Southern Maine Planning and Development Commission (SMPDC) is writing in support of a solution that addresses the dredging needs of York County's coastal municipalities for safe, navigable waterways and resilient shorelines. Numerous harbors and rivers in the region require routine maintenance dredging to ensure they are navigable by maritime commercial interests, fishermen, and recreational boaters. High demand, lack of funds, and limited availability of dredging equipment have caused significant delays to many much-needed dredging projects in southern Maine. Furthermore, beaches, which are vital to the region's economic health, are vulnerable to loss of sand from increases in sea level, increased frequency and intensity storm events, and seasonal erosion and would benefit from periodic nourishment with sandy sediment dredged from local navigation channels. Without well-maintained harbors and healthy beaches, commercial and recreational boat traffic cannot navigate waterways and tourists may choose to spend their money elsewhere, impacting not only the region, but the State as a whole with lost critical revenue and business. Purchase of regional dredging equipment, and an effective administrative structure to oversee operations, would support healthy and safe waterways and resilient communities.

To address the outstanding dredging needs in the region, SMPDC worked with 10 coastal southern Maine municipalities and the consulting firm Woods Hole Group to conduct a feasibility study of the purchase and operation of a regional dredge for southern Maine. The study, published in 2018, found that there was sufficient need for dredging and a sufficient quantity of sandy material within the 10 Federal navigation channels in southern Maine to continue evaluating a regional dredge purchase; that multiple municipalities in the SMPDC region were experiencing acute hazards to navigation and public safety within their respective Federal navigation channels; and that a significant number of moorings, commercial fishing vessels, charter boat operations, and recreational boats are dependent on safe and navigable waterways in the SMPDC region.

A regional dredge and accompanying management structure would:

- Reduce uncertainty and prevent scheduled dredging projects from being delayed due to a lack of State, Federal, or private dredging resources.
- Enable individual municipalities to exercise a high degree of autonomy in managing waterways and prioritizing projects outside Federal navigation channels.
- Allow projects to be implemented at a rate well below the market average, saving taxpayers money in the long-term.

*110 Main Street . Suite 1400 . Saco, Maine 04072
 207.571.7065 2952 Voice . 207.571.7068 Fax
<http://www.SMPDC.org>*

- Facilitate the beneficial reuse of dredged material for beach nourishment, reducing beach management costs while increasing coastal resilience.
- Provide much needed year-round employment for up to 6 skilled laborers in southern Maine.

While in support of the dredge itself, SMPDC understands the need for operational mechanisms to ensure success. Purchasing and operating regional dredging equipment is a significant long-term investment that requires a robust administrative structure to manage operations, oversee permitting and contracts, and ensure equitable access to equipment and scheduling of projects for municipalities. Operation of regional dredging equipment in a cost-effective manner requires recruiting qualified and skilled laborers and is contingent on identifying, permitting, and dredging a sufficient volume of material annually to cover expenses, debts, and to establish a reserve fund. We understand that the discussion on these administrative and maintenance needs are currently taking place. Arrangements such as Interlocal Agreements, MOUs and other administrative structures can be developed. SMPDC is willing to provide assistance on these matters to move the project forward.

A regional dredge would help to address communities' pressing dredging needs, mitigate delays in federal dredging activities, and alleviate pressure on municipalities by enabling critical dredging projects to be carried out in a timely manner under local labor and management. Further, a regional dredge offers opportunities for enhancing York County's coastal resilience through the beneficial reuse of dredged material in eroding and vulnerable coastal beach systems. SMPDC is supportive of County efforts that aid municipalities to confront needs for local dredging and resilient shorelines.

Sincerely,



Paul Schumacher
Executive Director

Cc:

Saco City Administrator
Saco Mayor
Save our Shores Saco Bay
SMPDC Executive Committee



Southern Maine Coastal Commission

A proposal for Shore and Dredge Management

October, 2021

The Need

- ❖ Shorelines in southern Maine are facing environmental issues that require a uniform response to utilize shared methodologies
- ❖ A larger support swath. Individual communities facing major issues will have less success if going alone as opposed to part of conglomerate
- ❖ The ability to manage projects such as dredging, sand replenishments and remedial actions such as protective barriers, dunes, etc.

The Strategy

- ❖ Step 1: The communities establish a regional shoreline commission by agreement pursuant to 30-a MRS 2201:

It is the purpose of this chapter to permit public agencies of the State or any adjoining state, including but not limited to municipalities, counties and school administrative units, and federal agencies and Indian tribes and their political subdivisions to make the most efficient use of their powers by enabling them to cooperate on a basis of mutual advantage and thereby to provide services and facilities within the State in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of communities.

- ❖ Step 2: Have the commission codified by the State of Maine legislature, similar to river corridor commissions pursuant to 30-A MRS section 4461. Example, the Saco River Corridor Commission: <http://srcc-maine.org>

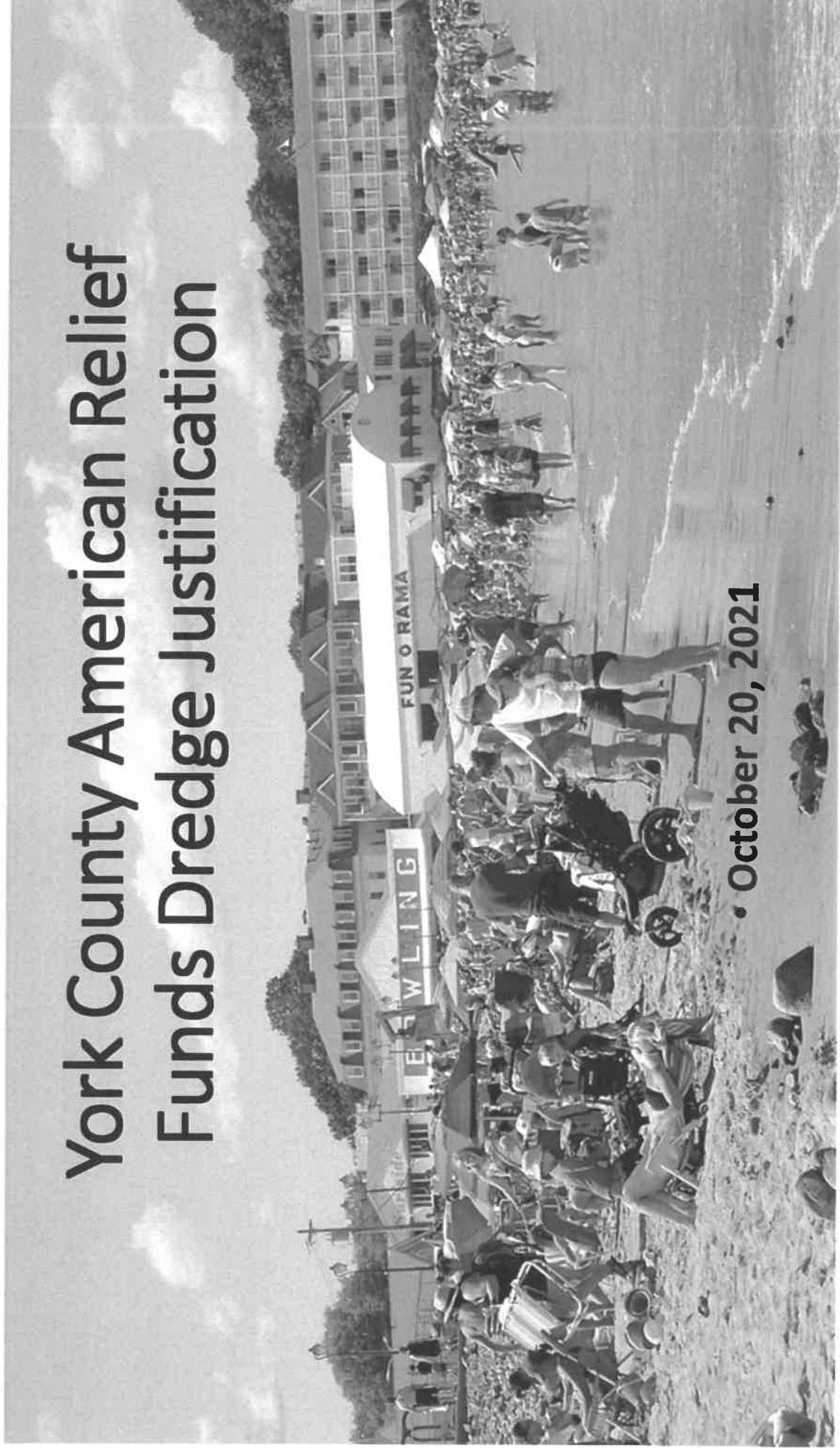
Dredge Management

- ❖ Make up: Harbormasters, citizens, marine geologists and government liaison
- ❖ Storage and maintenance of equipment
 - ❖ Host community: Saco
- ❖ Establish a self-sustaining enterprise management model with towns paying for dredging projects at a minimum 50% below the market rate
- ❖ Establish a panel of experts (Maine Geological, independent marine environmentalists, etc.) to scope and permit dredge projects

Dredge Management

- ❖ Annual meeting to determine next projects and hear requests for dredging
- ❖ Scheduling and procurement of equipment and staffing in conjunction with host municipality
- ❖ Maintain staffing to operate equipment in conjunction with manufacturer
- ❖ Work closely with Maine Geological Survey to track changes in sand levels and erosion
- ❖ Issue annual report

York County American Relief Funds Dredge Justification



• October 20, 2021

\$ 1.8 million for Infrastructure/Dredge Purchase Justification

- **Multi-community dredge needs in York County**
- **\$\$ Revenue Impact: Beach Improvement directly benefits all coastal communities, as well as inland community beach enjoyment, employment**
- **Dredge Equipment Purchase Only: No County commitment required to operate and employ for dredge**
- **Direct County Government Action on Climate Change**
- **Eliminates capital costs of dredge onto individual communities**
- **Barnstable County, Cape Cod provides the template for future County/ Regional governance**

York County Dredge Need

- Most of Maine sand beaches are located in York and Cumberland Counties
- All Maine sand beaches are eroding and require replenishment
- Dry beach availability is an important economic/tourist attraction factor for Southern Maine (more than \$500 million annually for York County alone)
 - 45% Maine visitors go to beaches
- Army Corps is not reliable for harbor dredging -schedule – 20 year scheduled dredge in Saco took 20 years to occur
- Army Corps does not do beach replenishment except as part of a harbor dredge

Maine Beach Erosion Issues

York County

- York
 - Seapoint
 - Crescent
- Ogunquit
- Wells
 - Laudham
 - Drake's Island
 - Wells
- Kennebunkport
 - Goose Rocks
- Biddeford
 - Hills
- Kennebunk
 - Goochs
 - Parsons
 - Crescent & Surf
- Saco
 - Camp Ellis
 - Ferry Beach & State Park
- Old Orchard
 - Ocean Park/Goosefare
 - West Grand

Cumberland County

- Scarborough
 - Higgins
 - Scarborough
 - Ferry-Western
 - Pine Point
 - East Grand
- Cape Elizabeth
 - Crescent
 - Kettle Cove
- South Portland
 - Willard

Maine Federal Navigation Channels

Municipality	Last 2 Dredges	Services	Last Dredge Cu Yds.
Saco	1992 / 2015	4 private marinas, public marina, 3 boat ramps, public pier, more than 200 commercial/recreational vessels	67,000
Kennebunkport	1975 / 2018	50 commercial & 30 recreational vessels	4,132
Kennebunk	2014 / 2016	68 moorings, 18 commercial, 12 charter, 200 – 300 recreational vessels	3,200
Wells	2014 / 2018	25 commercial, 15 charter, 150 recreational vessels	12,620
Ogunquit	1976 / 1994	74 moorings, 26 commercial, 6 charter, 200 recreational vessels	16,100
Kittery	2000 / 2012	Pepperell Cove – 39 commercial, 6 charter, 200 recreational vessels	14,323
Scarborough	2013 / 2015	50-60 moorings, 25-30 commercial, 15 seasonal charter vessels	116,325

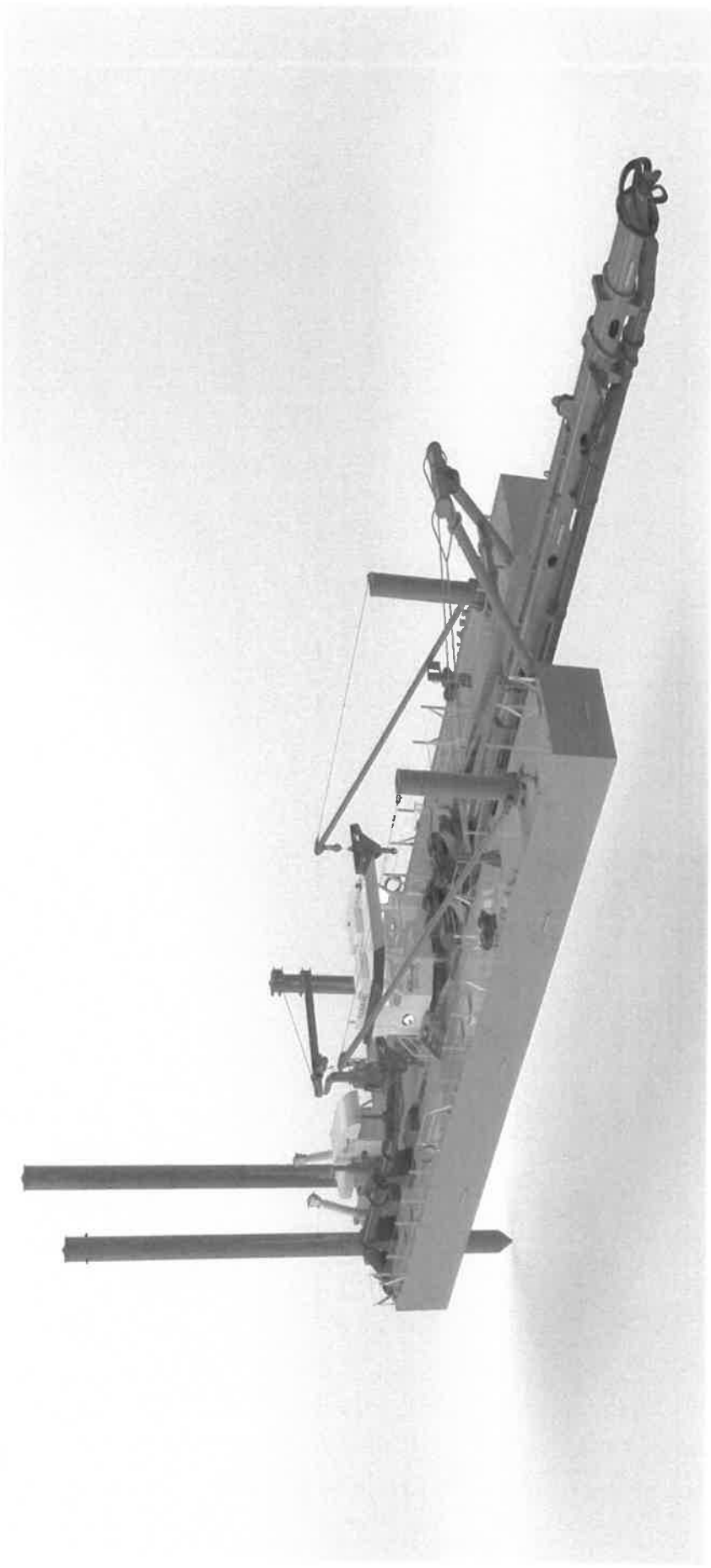
York County Coastal Community Economic Impact

- York County/Beaches contribute more than \$500 million annually to Maine Summer Tourist Revenue
- York County Summer Tax Revenue by Year:

Year	Winter (N,D,J,F)	Summer (J,J,A,S)	Tourist Revenue
2019 - 2020	\$ 541,394,000	\$ 805,177,000	\$ 283,738,000
2018 - 2019	\$ 456,739,000	\$ 963,378,000	\$ 506,639,000
2017 - 2018	\$ 520,119,000	\$1,048,589,000	\$ 528,470,000
2016 - 2017	\$ 488,739,000	\$ 963,378,000	\$ 506,639,000
2015 - 2016	\$ 421,694,000	\$ 906,941,000	\$ 485,247,000

Data from Maine Economist website – Kittery, Kennebunk, Biddeford ESA

Ellicott 670 Dragon Suction Dredge



Ellicott 670 Dragon

- Dredge In Stock Now -- Cost \$1,516,000
- Shipping \$50,000, Support Boat \$234,000
- Successfully Used in Barnstable County (> 10 years)
- Averages 10 projects in 168 days
- Average Operations budget - \$ 706,000 (not requested from York County, see *proposed regional commission plan in packet*)
- Dredged Material cost – Averages 47% below market

Ellicott Quote (pg 1 of 2)

\$1,415,000

Ellicott 670 "DRAGON" Series Cutter Suction Dredge

per listed specifications, Ex Works Ellicott factory.

Tier 3

Standard Features included with Dredge:

Hull of three piece steel construction

14" suction pipe with fittings

14" discharge pipe

14" flap valve

42' digging depth

100 HP cutter module

Caterpillar C18 engine

Size 43 6-blade cutter

Independent winch operated ladder hoist system

Two independent hydraulic swing winches

Cog belt driven hard iron dredge pump

Safety equipment including aluminum handrails,

3 life vests, 2 life rings and 2 fire extinguishers

Two sets of instruction manuals and parts books

121980

Cutter Selection (Choose):

Size 43 six-blade plain edge basket cutter

134304

Size 43 six-blade renewable edge tooth cutter

115255

Size 43 six-blade renewable plain edge cutter

115245

Size 43 six-blade serrated edge cutter

118584

x

Ellicott Quote (pg 2 of 2)

143858	Zinc Anode Installation for pontoons	\$1,833
144072	Crane, Stern Jib	\$5,667
143723	Crane, Pump Handling	\$11,667
109289	500 lb. Danforth anchors and one set of wire ropes including clips and thimbles	\$4,417
148753	Air conditioner/heater	\$9,492

154648	Signal, Navigational Mast Installed	\$11,655
	Dredge Positioning System includes Dredgepack Software, Hardware and Installation Only	\$37,329
	Training & Travel Expenses Not Included	

Services (Field Engineering):

Technical support for supervision of assembly, start-up, and crew training (including field service travel and living expenses) included for a period of five (5) days. Enhanced training program
 Extra days available at \$1,200 per calendar day plus expenses.

\$7,500

Total Dredge & Options (items 1 through 3)
Estimated Sales Tax (based on your location)
Estimated Shipping (based on your location)

\$1,515,922
\$50,000
\$234,078
Total Funding Request
\$1,800,000

Operational Costs (*NOT* being asked from County*)

• Dredge Supervisor	\$ 100,000
• Dredge Captain	75,000
• Dredge Leverman	65,000
• Maintenance Engineer	65,000
• Dredge Deckhands	<u>100,000</u>
•	\$ 430,000
• Ancillary	
• Maintenance	\$ 100,000
• Insurance	25,000
• Fuel (\$3/gal)	<u>151,000</u>
	<u>\$276,000</u>

*See Regional Commission Proposal in Packet. Data from SMPDC 2018 Report-Included in Packet

Summary

- Direct County impact upon economy & climate change with < 5% of York County \$40m allocation
- Infrastructure purchase only & proper category for ARF use
- Dredging performed tourist offseason Nov 15 to April 15 (151 days) due to migrating species- off season – shared among municipalities
- Dredge rates 38% to 68% below market from dredge ownership
- Accommodates small and large projects – up to 10 projects per year

And please note:

- **Operational concerns and discussions are ongoing, but really cannot be resolved until funding is found for the dredge equipment. Options include a private company, a host community; plus the county as Administrator**
- **York County Government dredge purchase makes a bold and important step, at \$0 local cost, in action for tourism, jobs and saving our shoreline environment.**

Data source: SMPDC- Examining the Feasibility of Purchasing and Operating Hydraulic Dredging Equipment in Southern Maine, July 2018, Attached in Packet

Qty	Part#	Description	\$\$	Notes
	Tier 3	Ellicott 670 "DRAGON" Series Cutter Suction Dredge per listed specifications, Ex Works Ellicott factory.	\$1,415,000	3 sec 27'w, 90-100' l (section weights)
		Standard Features included with Dredge: Hull of three piece steel construction 14" suction pipe with fittings 14" discharge pipe 14" flap valve 42' digging depth 100 HP cutter module Caterpillar C18 engine Size 43 6-blade cutter Independent winch operated ladder hoist system Two independent hydraulic swing winches Cog belt driven hard iron dredge pump Safety equipment including aluminum handrails, 3 life vests, 2 life rings and 2 fire extinguishers Two sets of instruction manuals and parts books		4000' of pump
	121980			
		Cutter Selection (Choose):		
	<input type="checkbox"/>	134304 Size 43 six-blade plain edge basket cutter		cutter size
	<input type="checkbox"/>	115255 Size 43 six-blade renewable edge tooth cutter		
	<input type="checkbox"/>	x 115245 Size 43 six-blade renewable plain edge cutter		
	<input type="checkbox"/>	118584 Size 43 six-blade serrated edge cutter		
		Outfitting Equipment:		
1	113249	14" discharge hose assembly	\$9,000	
1	102054	Portable bilge and fire pump with hoses (gasoline engine drive)	\$2,362	

1	143858	Zinc Anode Installation for pontoons	\$1,833
1	144072	Crane, Stern Jib	\$5,667
1	143723	Crane, Pump Handling	\$11,667
1	109289	500 lb. Danforth anchors and one set of wire ropes including clips and thimbles	\$4,417
1	148753	Air conditioner/heater	\$9,492
1	154648	Signal, Navigational Mast Installed	\$11,655
1		Dredge Positioning System includes Dredgepack Software, Hardware and Installation Only Training & Travel Expenses Not Included	\$37,329
		Services (Field Engineering):	
		Technical support for supervision of assembly, start-up, and crew training (including field service travel and living expenses) included for a period of five (5) days. Enhanced training program	
1		Extra days available at \$1,200 per calendar day plus expenses.	\$7,500 up to 8 days, all towns/Harbor Masters
		Total Dredge & Options (items 1 through 3)	\$1,515,922
		Estimated Sales Tax (based on your location)	\$50,000 Likely to Saco River water (Marblehead)
		Estimated Shipping (based on your location)	\$234,078 Quote still in range
		Support Boat (if not contracted in local area)	\$1,800,000
		Total Funding Request	

Other considerations:

hdp pipe

sourced locally isco pipe, help from Ellicott locally)
\$20/ft estimate
fusion contractor
anchored or haul
see video from Barnstable

buoys
lights

maintenance

consumables (cutter heads)
2500hrs of operation parts
get Barnstable info

AGENDA ITEM DIVIDER

Town of Kennebunkport - Code of the Town
Part I: General Ordinances
Chapter 61: Harbor and Waterfront
Article II: Waterfront
Section 12: Definitions

MOORING

The means of securing a vessel to a particular location in Kennebunkport waters, other than temporarily by anchor for a period of no more than 72 hours. Dock, pier, wharf or float tie-ups are not moorings. There are three classes of moorings, commercial, recreational and transient, which are defined below:

A.

COMMERCIAL

A mooring issued to and utilized by a commercial fisheries business for the purpose of mooring a commercial fishing vessel. In Cape Porpoise; the mooring permit holder must either be a Cape Porpoise Pier member in good standing or a shorefront owner. This excludes moorings in Paddy Creek, Turbats Creek, Land's End, **Goose Rocks Beach** and Langsford Road, as noted by their mooring designation.

B.

RECREATIONAL

A mooring other than a commercial mooring that is permitted for the purpose of mooring a specific vessel. In Cape Porpoise, the mooring permit holder must either be a Cape Porpoise Pier member in good standing or a shorefront owner. This excludes moorings in Paddy Creek, Turbats Creek, Land's End, **Goose Rocks Beach** and Langsford Road, as noted by their mooring designation.

Town of Kennebunkport, ME
Wednesday, December 30, 2020

Chapter 80. Kennebunk River

[HISTORY: Adopted by the Town of Kennebunkport 7-10-1971; as amended through 6-10-2014. Subsequent amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - Exhibit A

§ 80-1. Purpose.

The purpose of this chapter is to provide for the just and orderly operation of marine activities on the Kennebunk River.

§ 80-2. Authority.

This chapter is adopted pursuant to 38 M.R.S.A. § 1 et seq. and the Home Rule Provisions of the Maine Constitution.

§ 80-3. Conflict with other provisions.

Where there is conflict between this chapter and any other federal, state, or local law, statute, regulation, rule or ordinance, the more restrictive provisions shall apply.

§ 80-4. Amendments.

After public hearing by the Board of Selectmen, this chapter may be amended at an Annual or Special Town Meeting.

§ 80-5. River Committee.

- A. The River Committee established by the Interlocal Agreement among Kennebunkport and Kennebunk shall be responsible for all Kennebunk River harbor activities as set forth in the Agreement, this chapter and as otherwise required by law.
- B. The River Committee shall have the authority to establish and collect fees for moorings and harbor usage. Such fees must be reasonably related to the cost of maintaining and regulating the Kennebunk River Harbor and may include a charge to establish a capital reserve account for harbor dredging. However, before any such fees may be imposed, the River Committee shall hold a public hearing preceded by at least 10 days' notice in a newspaper of general circulation in Kennebunkport. The initial fees must also be approved by the Board of Selectmen before becoming effective; thereafter, the River Committee may adopt amendments pursuant to the same procedure, provided the Board of Selectmen may veto any changes within 14 days of adoption by the River Committee.
- C. The River Committee is only authorized to spend such monies as are appropriated by Town Meeting.

§ 80-6. Harbor Master.

- A. The Harbor Master for the Kennebunk River is appointed annually by the Boards of Selectmen of Kennebunk and Kennebunkport. Certain duties and responsibilities of the Harbor Master's office are prescribed by Title 38 M.R.S.A. The Harbor Master's has the additional duties include administering and enforcing the provisions of this chapter with the authority granted by law and through his appointment as Harbor Master. The Boards of Selectmen of Kennebunk and Kennebunkport shall jointly determine which Town will employ the Harbor Master ("Employing Town") For purposes of compensation and employment benefits, The Harbor Master may be employed by either the Town of Kennebunk or the Town of Kennebunkport, but the Harbor Master shall not be a joint employee of both the Town of Kennebunk and the Town of Kennebunkport. Nothing herein shall preclude the Boards of

Selectmen of Kennebunk and Kennebunkport from jointly re-designating the Harbor Master's employment status as an employee of either the Town of Kennebunk or the Town of Kennebunkport. The Employing Town shall be responsible for daily oversight, annual job performance review, and discipline of the Harbor Master. The Employing Town may charge a pro rata share for expenses relating to the Harbormaster's employment to the non-Employing Town. The Harbor Master shall provide reports to the River Committee regarding management of the portion of the Kennebunk River that falls within the Harbor Master's jurisdiction. ~~he shall be deemed an employee of the Town of Kennebunk, which may charge pro rata shares of such expenses to Kennebunkport. However, for all purposes of initial employment recommendation to the Board of Selectmen and subsequent oversight and annual job performance review, he shall report solely to the River Committee, which~~

~~may recommend discipline or discharge to the Kennebunk Town Manager, who may take such discipline only for just cause after notice and hearing.~~

- B. ~~H~~The Harbor Master may utilize the Town office and the Kennebunk River Committee for assistance in the administrative aspects of his responsibilities.

§ 80-7. River limits and channel.

- A. Kennebunk River. For the purposes hereof (and the area regulated hereby) the "Kennebunk River" is defined as all portions of said river within this municipality which extend and run generally southerly from the prolongation southerly of the Kennebunkport and Arundel town boundary at Goff Brook, including all waters to the high tide levels thereof, extending to a line drawn between the extreme offshore limits of the jetties at the mouth of said River.

- B. Kennebunk River Channel.

- (1) For the purposes of this chapter, the "federally designated portion" of the channel, so called, of the Kennebunk River is defined as follows:

The entrance of the Kennebunk River Channel is 100 feet wide and runs from the mouth of the river to a point beyond the Kennebunkport Marina, where it narrows to 75 feet in width. Thence it extends northerly, continuing at a width of 75 feet, terminating at a line, the end-point coordinates of which are N191412.53, E417265.28 and N191445.83, E417332.48 (NAO 1927, State Plane, Feet). All of said federally designated channel is as depicted on plans encaptioned "Kennebunk River, Maine-Maintenance Dredging," dated July 19, 1984, bearing drawing number 2226, consisting of two sheets, the same being incorporated herein by reference. The northerly limit of the federal channel was established by US Public Law 104-33, October 12, 1996, which amended the above-referenced plans of 1984.

- (2) The "locally designated channel," so called, of the Kennebunk River is defined as follows:

A fifty-foot-wide locally designated channel, beginning at the northerly limit of the federally designated channel and extending northward approximately 758 feet; thence a forty-foot-wide locally designated channel beginning at the end of the fifty-foot-wide locally designated channel and extending northerly approximately 312 feet to the Mathew J. Lanigan Bridge. All of said locally designated channel is as depicted on a plan encaptioned "Kennebunk River Locally Designated Channel," dated August 26, 2004, and prepared by the Southern Maine Regional Planning Commission, the same being incorporated herein by reference.

§ 80-8. Rules of river use.

- A. Prudent operation of vessels. Vessels shall be operated on the Kennebunk River in a reasonable manner so as not to endanger persons or property or to cause excessive wash. In no case shall speeds exceed five knots while operating on any portion of the Kennebunk River south of the aforementioned railroad bridge.

- B. Government Wharf.

- (1) The intended use of the floats and the facilities of Government Wharf is solely for the loading and unloading of vessels, for the dockage of skiffs used by owners of vessels, and for such other uses as are specifically authorized by the Board of Selectmen.
- (2) No vessel may be left unattended on the westerly face of the floats or at Government Wharf for a period of more than 1/4 hour, in no event shall any vessel not using said facilities for loading and unloading remain thereat when any other vessel requires the use of said facilities for such purposes, and in no event shall any vessel remain thereat in excess of four hours; in no event, excepting emergencies, shall the facilities at Government Wharf be utilized for any purpose other than loading and unloading without written permission from the Harbor Master. Boat owners wishing to leave a skiff at Government Wharf on a regular basis are required to notify the Harbor Master of this intention. If, in the opinion of the Harbor Master, skiff tie-off space becomes overcrowded, first priority for space will be accorded to commercial users.
- (3) Skiffs tied to Government Wharf must be properly maintained, be kept bailed and must be secured so as to keep Government Wharf clear for operations and not interfere with vessels landing and departing.
- (4) Users of Government Wharf are responsible for properly cleaning up any spillage or untidiness resulting from their operations.

- (5) Failure to observe these regulations may result in loss of permission to use the Government Wharf facility and floats and a penalty as set forth in § 80-9.
- C. Traps in the river. No operation of fixed traps of any kind will be allowed in the Kennebunk River southerly of the railroad bridge. Storage cages shall be permitted if attached to a vessel or to a vessel's mooring.
- D. Record of moorings.
- (1) The Harbor Master shall maintain a written record of the basic information on each mooring, including assigned location, identifying number, vessel description, owner, mooring specifications and details and any additional data deemed useful.
 - (2) The Harbor Master shall maintain the aforementioned plans of the channel and a chart of the harbor showing current mooring location assignments.
 - (3) Each mooring location will be assigned an identifying number which must be marked in a legible fashion on the marker buoy or log in at least three-inch numerals.
- E. Mooring authorizations.
- (1) No mooring shall be permitted, and no mooring shall be placed, utilized or allowed without written authorization from the Harbor Master for the mooring of a specific vessel therein. Each day that a mooring remains in place or is utilized in violation of this subsection shall be deemed a separate violation hereof.
 - (2) The Harbor Master shall have the authority to determine the total number of allowed moorings based on available mooring sites. The Harbor Master may consult with the Kennebunk River Committee and any other appropriate authority to determine mooring areas and their capacity. Commercial moorings shall comprise at least 50% of the total number of mooring sites within the Kennebunk River. If an existing commercial mooring becomes available within the Kennebunk River, it may not be assigned for use as a recreational or transient mooring if such assignment would cause the number of commercial moorings to constitute less than 50% of the total number of available mooring sites within the Kennebunk River.
 - (3) The Harbor Master may change the location of assigned mooring sites when the crowded condition of the river, the need to conform with 38 M.R.S.A. §§3 and 7-A, or other conditions render the change desirable.
 - (4) The Harbor Master shall have absolute authority over all moorings and mooring locations in accordance with the terms of this chapter and the laws of the State of Maine.
 - (5) Any mooring location which is not utilized by the holder of the mooring authorization therefor, or by an assignee approved by the Harbor Master, for a term of 30 consecutive days during the months of June, July and August of any year shall be declared vacant and shall thereupon be available for reassignment by the Harbor Master except where the holder of the mooring has sent advance written notice to the Harbor Master showing good cause.
 - (6) No vessel greater than 40 feet shall be assigned a mooring space, except that should there be space available outside of the federally designated channel a commercial vessel of up to 44 feet may be eligible for a mooring, provided that it does not conflict with any existing moorings and/or create any hazards or obstructions to navigation.
- F. Mooring precedence for mooring locations.
- (1) The rules contained in this subsection are intended to comply with the requirements of 38 M.R.S.A. §§ 3, 7-A, 8 and 11.
 - (2) The Harbor Master shall maintain a chronological list, according to the date and time, of all vessel owners requesting mooring location assignment or reassignment to a new location.
 - (3) Except as otherwise required by law, the Harbor Master shall assign spaces as they become available from the waiting list in accordance with the following priority guidelines:
 - (a) To shorefront owners who request for one mooring location immediately adjacent to frontage, and who have no other current shorefront moorings, so long as the assignment of such a mooring is practicable and so long as neither the mooring nor any vessel tied to the mooring encroaches upon the federal navigation channels or anchorages or upon the natural channels established by the Board of Selectmen. The assignment of a mooring site under this priority guideline shall not prevent the shorefront owner from receiving additional mooring assignments under the allocation system for other moorings set forth in this chapter. Under this provision, a "shorefront owner" is an owner of shore rights of at least 100 contiguous feet of frontage.

- (b) To resident commercial vessel owners, unless less than 10% of the moorings are currently assigned to nonresident commercial owners, in which case the next mooring available shall be assigned to the first nonresident commercial vessel owner on the list.
- (c) To resident pleasure vessel owners, unless less than 10% of the moorings are currently assigned to nonresident pleasure vessel owners, in which case the next mooring available shall be assigned to the first nonresident pleasure vessel owner on the list.
- (d) To nonresident commercial vessel owners.
- (e) To nonresident pleasure vessel owners.
- (f) A dedicated continuous run at the end of the Kennebunk River adjacent to Government Wharf running northerly shall be kept specifically for commercial fishing vessels only (Exhibit A).¹¹¹
 [1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

(4) Future mooring assignments will be on an as-available basis in accordance with the chronological listing of requests and the foregoing priority guidelines. These priority guidelines shall not apply to the assignment of moorings located within the area dredged pursuant to the Kennebunk River Federal Navigation Project, as delineated by the US Army Corps of Engineers, also defined as the "Kennebunk River Channel."

G. Special rules for federal anchorage areas.

- (1) The following provisions are intended to comply with the requirements of the US Army Corps of Engineers for federal anchorages and thus shall apply only to the following portion of the Kennebunk River over which the Harbor Master has control: the area dredged pursuant to the Kennebunk River Federal Navigation project, as delineated by the US Army Corps of Engineers. Within the area described above (and only within this area) the following rules shall apply:
 - (a) The priority guidelines under § 80-BF, Mooring precedence for mooring locations, in this chapter shall not apply and the Harbor Master shall assign mooring spaces as they become available, from a chronological waiting list, without regard to residency of the applicant.
 - (b) No priority shall be given to residents if skiff tie-off space becomes overcrowded.
- (2) Nothing in this subsection shall be construed to prohibit the Harbor Master from giving priority to commercial fishing vessel owners in mooring location and skiff tie-off space.

H. Channel to remain free of obstructions. The Harbor Master shall be empowered to ensure that the Kennebunk River Channel shall remain navigable and free of obstructions.

§ 80-9. Violations and penalties.

- A. Violation of any of the provisions of this chapter shall be deemed a civil violation. They are enforceable by the Harbor Master or any other law enforcement officer with jurisdiction in Kennebunkport or upon the waters of the Kennebunk River by an action in the form of a civil infraction in Maine District Court, District Ten, Division of Eastern York, Biddeford; upon determination by said Court on a violation that occurred, the violator shall be fined not more than \$250 for each violation; each day a continuing violation exists is a separate violation of the provisions hereof. All fines collected hereunder shall inure to the Harbor Committee budget.
- B. Penalties for violations of the laws of Maine with regard to speed restrictions, reckless operation of a vessel, operation of a vessel while under the influence of liquor or drugs and all other violations of state statute shall be as otherwise provided by law.
- C. If the Harbor Master incurs costs in the conduct of his duty as a direct result of the failure of a vessel owner or operator to comply with this chapter or the statutes of the State of Maine, the Harbor Master may recover those costs and reasonable remuneration for his time by filing a civil complaint against such owner or operator in the Maine District Court, District Ten, Division of Eastern York, Biddeford.

§ 80-10. Definitions .

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL FISHING

Fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

COMMERCIAL FISHING VESSEL

A vessel from which the owner obtains in excess of 67% of his earned income from commercial fishing.

COMMERCIAL VESSEL

A vessel from which the owner obtains in excess of 67% of his earned income. The definition of commercial vessel includes commercial fishing vessel, unless otherwise indicated.

VESSEL

Includes boats of all sizes powered by sail, machinery or hand, scows, dredges, lobster, crab and shellfish cars, and craft of any kind.

§80-11. Severability.

If any provision or clause of this chapter or application thereof to any person, persons or circumstances is held invalid, such invalidity shall not offset other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end, provisions of this chapter are declared to be separable.

§80-12. Maine law.

Additional laws relating to boating are contained in M.R.S.A. Titles 12, 17 and 38 and the Department of Marine sources laws and regulations.

Select Language **I**

AGENDA ITEM DIVIDER

Town of Kennebunk, Maine

Karen Winton
Deputy Director of Community Development
Tel. 207-985-2102 Ext. 1342
Fax (207) 985-4609
E-mail: kwinton@kennebunkmaine.us



Christopher J. Osterrieder, P.E.
Director of Community Development // Town Engineer
Tel. 207-985-2102 Ext. 1337
Fax (207) 985-4609
E-mail: costerrieder@kennebunkmaine.us

MEMO

Date: March 11, 2022

To: Keith Trefethen, Arundel Town Manager
Laurie Smith, Kennebunkport Town Manager

From: Karen Winton, Deputy Director of Community Development

CC: Michael Pardue, Kennebunk Town Manager
Christopher Osterrieder, P.E., Director of Community Development/Town Engineer

Re: *The Kennector*- Transportation program for seniors and adults in Kennebunk, Kennebunkport and Arundel

Living in Kennebunk, Kennebunkport or Arundel has much to offer, but there are limited transportation options for our older residents. Many who are no longer able to drive themselves must rely on family and friends to get to medical appointments, the grocery store, to church, to run errands or social events. Having to depend on favors or the schedules of others can be frustrating for everyone.

The Town of Kennebunk is one of 10 communities in the nation that has received a grant to create and implement an ITNCountry program. ITNCountry is a part of ITNAmerica, the Independent Transportation Network of America, which is a non-profit organization dedicated to promoting lifelong mobility for seniors. ITNAmerica originated in Portland, Maine in 1995, and now has 10 affiliates in 9 states across the country.

In 2020, ITNAmerica applied for and received federal funding through the Federal Transit Administration to launch ITNCountry, which is modeled after ITNAmerica, but specifically targeted towards rural and smaller communities and the unique challenges related to transportation that exist there. A total of 10 pilot sites were selected in Maine, Kentucky, Florida, California and Hawaii, to plan and develop a customized volunteer driver transportation program, which will launch in each community throughout 2022.

The Town of Kennebunk has been in the planning stages of building a program called The Kennector, that delivers on the mission to support older adults and individuals with disabilities live an independent life by addressing the transportation challenges they face.

The Kennector is intended to provide an affordable transportation option for older people and adults with visual impairments or other disabilities, though it will be available to any adult over the age of 18. Using fully trained and vetted volunteer drivers, *The Kennector* plans initially to deliver rides for any purpose from York to Sanford to Biddeford, to those who sign up to become a member of this program and pay a nominal fee for each ride.

Throughout our planning process, we have worked to define various program parameters such as a rider profile, ride purposes, a fee schedule and service area for the program.

Given that the Town of Kennebunk borders both Kennebunkport and Arundel, and our 3 towns share many crossover services and resources, it seems a natural opportunity to develop this program to include all 3 towns.

Grant funds will cover the expenses of the program through 2022, such as a paid Ride Coordinator, mileage reimbursement for drivers, software and start-up programming costs. We are exploring partnerships with other community organizations and groups who will help sustain this program beyond the grant period, many of which serve residents in all 3 towns, as well as funding opportunities to cover costs of running the program once the grant period expires.

We would like to invite government leaders, staff, and residents of the towns of Kennebunkport and Arundel to participate in this program as riders, volunteer drivers, stakeholders or participants on a Steering Committee and/or subcommittees dedicated to exploring funding and other opportunities to sustain this program for the long-term.

ITNCountry is a transportation solution built for small towns and rural places. It is designed to put modern tools previously available only to metro areas into the hands of any town, city or region. ITNCountry connects vehicles, drivers and riders with businesses, healthcare providers and families, because every community needs dignified solutions for senior transportation.

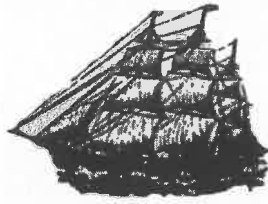
Thank you for this opportunity to share the details of this exciting new transportation program.

We hope you will join us in this effort and commit to increasing access to transportation and services for the residents of our 3 towns.



Karen Winton
Deputy Director of Community Development
Town of Kennebunk

AGENDA ITEM DIVIDER



KENNEBUNKPORT TOWN CLERK

To: Laurie Smith, Town Manager
From: Tracey O'Roak, Town Clerk
Date: March 11, 2022
Re: Appointed Town Officers

The following is a list of Town Officers to be appointed for the upcoming year. Please consider for the March 24th Selectmen's agenda. Thank you.

Animal Control Officer	Deborah Higgins
Assessor	Rebecca R. Nolette
Code Enforcement Officer	Werner D. Gilliam
Asst. Code Enforcement Officer	Gregory W. Reid
Asst. Code Enforcement Officer	Andrew Welch
Plumbing Inspector	Werner D. Gilliam
Asst. Plumbing Inspector	Gregory W. Reid
Asst. Plumbing Inspector	Andrew Welch
Constable	Rebecca R. Nolette
Emergency Management Director	Craig A. Sanford
Fire Chief	John C. Everett
Fire Inspector	John C. Everett
Harbor Master-Cape Porpoise	Christopher Mayo
Harbor Master-Kennebunk River	Jamie Houtz
Health Officer	Alison Z. Kenneway
Public Access Officer	Tracey L. O'Roak
Registrar of Voters	Tracey L. O'Roak
Road Commissioner	Christer Simeoni
Shellfish Warden	Everett Leach
Street Naming & Numbering Delegate	John C. Everett
Tax Collector	Laurie A. Smith
Town Clerk	Tracey L. O'Roak
Town Forester	Patrick A. Briggs
Treasurer	Denise A. Brown
Tree Warden	John Ripton

AGENDA ITEM DIVIDER



TOWN OF KENNEBUNKPORT, MAINE
~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

MEMORANDUM

Date: March 3rd, 2022
To: Laurie Smith, Town Manager
From: Werner Gilliam Director of Planning and Development
CC: April Fortier
Re: Proposed Zoning Determination Request Fees

Dear Laurie,

The Code Enforcement/Planning Department receives frequent requests for zoning determinations from law offices and zoning “research” companies.

These requests require staff to conduct research into properties, make determinations on the existing land uses and zoning requirements, and then provide copies of requested materials as well as complete or create a follow-up letter regarding our findings. The requests and amount of time to complete the same vary depending on the information requested. For example, on November 19, 2021, our office received a request for 12 separate properties (see an example attached). As you can see, each request had 10 questions. Staff spent approximately 10 hours researching and responding to these requests. This does not take into account the additional time staff spent answering phone calls with separate inquires and/or inquiries regarding status updates. In the past our office has complied with these requests without charging a fee.

Given the amount of time it takes for staff to complete these requests, especially when multiple properties or land uses are involved, we are proposing to establish a fee structure to cover our time and other costs. Our suggested proposal is as follows:

- Residential Zoning Determination: \$150 per property
- Commercial Zoning Determination: \$250 per property

Thank you for your consideration in advance.



3555 NW 58th Street
Suite 400
Oklahoma City, OK 73112
(405) 525-2998
zoning-info.com

11/19/2021

**RE:
Cape Arundel Inn & Resort and Ocean Restaurant
208 Ocean Avenue
7-12-4 (parcel 137)**

Please find this to be a formal request for zoning verification on the above stated property. We are researching these matters for a Zoning Compliance Report. Please incorporate the answers to the following questions in a letter on municipal letterhead.

- What is the current zone of the property?
- Are there any overlay districts?
- Is this property a permitted use in this district?
- Did the property receive site plan approval, and if so, can you provide a copy?
- What are the abutting zoning districts?
- Are there any outstanding building, zoning, or fire violations on file?
- Were any variances or special permits issued?
- Was a certificate of occupancy issued and if so, may we obtain a copy of it?
- Provide copies of any project plans that would cause the described property to lose land area by means of eminent domain or purchase
- Is this property listed as a Historical Property?

**If you can not Fax or E-mail
Please return the letter to:**
Zoning Info, Inc.
3555 N.W. 58th Street
Suite 400
Oklahoma City, OK 73112
Phone: [405-525-2998](tel:405-525-2998)
Fax: [405-528-4878](tel:405-528-4878)

Thank you,

[Alexis Vadnais](#)

Research Analyst
Extension: 136
avadnais@zoning-info.com

Our clients deadline for this information is 12/28/2021.

78149

AGENDA ITEM DIVIDER



KENNEBUNKPORT WASTEWATER DEPARTMENT

MEMORANDUM

Date: March 14th, 2022
To: Laurie Smith
CC: Tracey O'Roak
From: Chris Simeoni, Director of Public Works
Re: Update on Landfill Monitoring

In November, the Maine Department of Environmental Protection, in response to the growing concern over PFAS, started requiring additional well water testing to be done in the watershed around the closed landfill at 105 Beachwood Avenue. The Town engaged RW Gillespie to supply these testing services as they currently provide our annual landfill monitoring testing. The scope of this testing consisted of fourteen residential homes. To date, nine of the fourteen residences have been sampled and tested. Five more have been scheduled for sampling in the near future, after working through some contact information issues and scheduling conflicts.

We recently received the results for the PFAS testing conducted on the nine residences sampled to date. Of the nine residences sampled, only one property had test results that exceeded the State's interim limit for PFAS in drinking water. The current interim standard set by Maine DEP is 20 nanograms per liter (ng/L) (**20 parts per trillion**) for six PFAS chemicals (alone or in combination). In response to this, we will be moving forward in contracting with a local service provider to install a suitable water filter system and secure services for future maintenance on the system. Except for the five residences still left to be sampled, R.W. Gillespie has provided notification and copies of the test results to the individual residents.

RW Gillespie will complete the sampling and testing on the remaining five properties as soon as possible. Upon evaluating the results, we will proceed with any remediation steps as necessary. At this time, Maine DEP has advised us that they will provide reimbursement for 100% of the costs related to the PFAS investigation. Regarding remediation, water filter systems will be reimbursed by Maine DEP at 90% of the cost on homes built prior to 1999 and 50% of the cost on homes built after 1999. On-going system maintenance costs will be the responsibility of the town.



R.W. Gillespie & Associates, Inc.

Geotechnical Engineering • Environmental Consulting • Materials Testing Services

15 March 2022

Christopher Simeoni, Director of Public Works
Town of Kennebunkport
P.O. Box 566
Kennebunkport, ME 04046-0566

VIA EMAIL: csimeoni@kennebunkportme.gov

Subject: Residential Drinking Water Well Sampling and Analysis
Kennebunkport Municipal Landfill
105 Beachwood Avenue
Kennebunkport, Maine
RWG&A Project No. 0646-015

Dear Mr. Simeoni:

On behalf of the Town of Kennebunkport, R.W. Gillespie & Associates, Inc. (RWG&A) collected water samples on 14 February 2022 from the potable water supply wells of nine of the fourteen abutting properties within 1,000 feet of the former Kennebunkport Municipal Landfill. The sampling was conducted to assist the Town of Kennebunkport in complying with the Maine Department of Environmental Protection's (Maine DEP's) *PFAS Drinking Water Well Sampling and Analysis Plan* dated December 2021 and Maine DEP's email dated 21 January 2022; 8:47 AM.

The Maine DEP sampled the landfill monitoring wells in November 2021 for the presence of PFAS. PFAS were detected in the overburden and bedrock wells at the landfill, exceeding the Maine DEP's PFAS Project Action Level of 20 nanograms per liter (20 ng/L). Maine DEP requested that the thirteen residential drinking water supply wells within 1,000 ft. of the Kennebunkport landfill system be tested for PFAS. The subject properties are shown in Figure 1, attached.

The Town of Kennebunkport provided property owner names and addresses of the Maine DEP-identified properties. RWG&A contacted the property owners and scheduled to sample the on-premise potable water wells for PFAS at nine residences. During the sampling event, RWG&A obtained drinking water well and treatment system information from the resident, and documented activities on Maine DEP forms. Sampling documentation is provided in Attachment A.

Contact information was unavailable and/or RWG&A could not arrange sampling at four residences before this letter was prepared. It's anticipated that RWG&A will sample the remaining residences in the near future if and when arrangements for sampling can be made.

Corporate Office: 20 Pomerleau Street, Suite 100 • Biddeford, ME 04005 • 207-286-8008 • Fax 207-710-0000
Branch Offices: 177 Shattuck Way, Suite 1 West • Newington, NH 03801 • 603-427-0244 • Fax 603-430-2041
44 Wood Avenue, Suite 1 • Mansfield, MA 02048 • 508-623-0101
www.rwgillespie.com

The water samples were taken upstream of any water treatment system within the residences. The samples were submitted to Alpha Analytical in Westborough, MA to analyze per- and polyfluoroalkyl substances (PFAS). Test result reports are provided in Attachment B. The attached analytical results were compared to the MaineDEP’s PFAS Project Action Levels. The PFAS action levels limit the allowable combined concentration of six PFAS:

- perfluorooctanesulfonic acid (PFOS),
- perfluorooctanoic acid (PFOA),
- perfluoroheptanoic acid (PFHpA),
- perfluorononanoic acid (PFNA),
- perfluorohexanesulfonic acid (PFHxS), and
- perfluorodecanoic acid (PFDA)

The table below summarizes the results of the PFAS analyses sampling.

Sample Location	Sample ID	Sample Date	PFOS (ng/L)	PFOA (ng/L)	PFHpA (ng/L)	PFNA (ng/L)	PFHxS (ng/L)	PFDA (ng/L)	**Total (ng/L)	PFOS + PFOA (ng/L)
Project Action Level (ng/L)			-	-	-	-	-	-	20	70
Non-Treated	87 Beachwood Ave	2/14/2022	6.890	2.630	0.717	0.383	0.892	*ND	11.512	9.520
Non-Treated	93 Beachwood Ave	2/14/2022	43.900	9.400	1.75	0.550	3.160	*ND	58.760	53.300
Non-Treated	102 Beachwood Ave	2/14/2022	2.000	0.407	*ND	*ND	2.020	*ND	4.427	2.407
Non-Treated	104 Beachwood Ave	2/14/2022	1.090	0.589	*ND	*ND	*ND	*ND	1.679	1.679
Pre-Treatment	109 Beachwood Ave	2/14/2022	1.090	2.400	0.891	0.302	*ND	*ND	4.683	3.490
Pre-Treatment	***Duplicate	2/14/2022	1.230	2.400	0.891	*ND	*ND	*ND	4.521	3.630
Non-Treated	113 Beachwood Ave	2/14/2022	1.020	2.470	0.823	0.361	*ND	*ND	4.674	3.490
Pre-Water softener treatment, Post-Sediment filter	118 Beachwood Ave	2/14/2022	2.780	3.600	0.961	*ND	1.270	*ND	8.611	6.380
Non-Treated	122 Beachwood Ave	2/14/2022	0.856	*ND	*ND	*ND	*ND	*ND	0.856	0.856
Pre-Treatment	8 Campbell Lane	2/14/2022	0.537	3.130	1.62	0.463	*ND	*ND	5.750	3.667

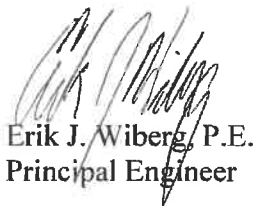
*ND indicates that the compound was not detected above laboratory method detection limits. Minimum method detection limits are shown in the attached laboratory report.
 **Total is the sum of PFOS, PFOA, PFHpA, PFNA, PFHxS, and PFDA concentrations.
 ***Duplicate was the sample ID given to the additional water sample taken at 109 Beachwood Ave to comply with QA/QC procedures.

The water well samples at all of the residences detected three to seven other similar PFAS compounds, for which there are no standards or project action levels; see attached laboratory test results for details. Based on the analytical data and Maine DEP's Project Action Level, pre-treated groundwater wells samples were less than the Maine DEP's Project Action Levels except for the water sample at 93 Beachwood Avenue.

The residential test results were mailed to the respective homeowners, and electronic copies of those letters were provided to the Town of Kennebunkport. On behalf of the Town of Kennebunkport, RWG&A has emailed a copy of this letter to the Maine DEP.

RWG&A appreciates the opportunity to be of continuing service to the Town of Kennebunkport. If you have any questions, please contact us.

Sincerely,
R. W. GILLESPIE & ASSOCIATES, INC.



Erik J. Wiberg, P.E.
Principal Engineer

EJW:ew

Attachments

- Figure 1, Drinking Water Well Sampling Property Locations
- Attachment A, Field Trip Report and Well Questionnaires(11 pages)
- Attachment B, Laboratory Test Reports (48 pages)

Copy: Matthew R. Young, Maine Department of Environmental Protection (via email)

