

# TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

**Board of Selectmen**  
**Village Fire Station – 32 North Street**  
**August 10, 2017 – 7:00 PM**

1. Call to Order.
2. Approve the July 27, 2017, 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. Appoint Jonathan Nunan to the Cape Porpoise Pier Advisory Committee.
5. Consider appointment of Neil Higgins to the Planning Board.
6. Appoint Jim Black as harbormaster and Ray Billings as assistant harbormaster.
7. Consider a request for FY 2017 carry forwards.
8. Award bids for grinder pumps for Wastewater Department.
9. Consider warrant for the November ballot.
  - a. Marijuana Prohibition Ordinance.
  - b. Amendment to Land Use Ordinance Article 11-Administration
  - c. Amendment to Waterfront Ordinance.
10. Consider Special Town Meeting on September 7 to authorize the sewer extension on Mills Road.
11. Award the road salt bid.
12. Commitment of the 2017 property taxes and establishment of a tax rate.
13. Authorize Assessor's Return for County taxes.
14. Review of Housing Needs Study proposals.

15. Other business.

16. Approve the August 10, 2017, Treasurer's Warrant.

17. Adjournment.

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**Town of Kennebunkport  
Board of Selectmen Meeting  
Town Hall, 6 Elm Street  
July 27, 2017-9:00 AM**

Minutes of the Selectmen's Meeting of July 27, 2017

**Selectmen Attending:** Stuart Barwise, Patrick A. Briggs, Sheila Matthews-Bull and Allen Daggett.

**Selectmen absent:** Edward Hutchins

**Others:** Werner Gilliam, Arlene McMurray, and Laurie Smith

**1. Call to Order.**

Chair Briggs, called the meeting to order at 9:08 AM.

**2. Approve the July 6 and 13, 2017, selectmen meeting minutes.**

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the July 6 and 13, 2017, selectmen meeting minutes. **Vote:** 4-0

**3. Consider a renewal liquor license application submitted by Arundel Marine Service, DBA Arundel Wharf Restaurant, 43 Ocean Avenue.**

**Motion** by Selectman Daggett, seconded by Selectman Barwise, to approve the renewal liquor license application submitted by Arundel Marine Service, DBA Arundel Wharf Restaurant, 43 Ocean Avenue. **Vote:** 4-0.

**4. Authorize the Town Manager to enter into a contract with Baker Design Consultants for an amount not to exceed \$46,487.**

Town Manager Laurie Smith explained that Baker Design Consultants did a Pier Condition Survey report earlier this year. At this time, Baker Design Consultants proposed a scope of work which includes conducting a field survey and geotechnical exploration to evaluate alternatives for rehabilitating the Cape Porpoise Pier facility. She asked for authorization to enter into a contract with them.

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to authorize the Town Manager to enter into a contract with Baker Design Consultants for an amount not to exceed \$46,487. **Vote:** 4-0.

**5. Accept an anonymous gift of \$500 dedicated to the emergency fuel fund or for emergency funds needed by any person or family other than for fuel.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept the anonymous gift of \$500 dedicated to the emergency fuel fund or for emergency

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July 13, 2017

**Cape Porpoise Pier Advisory Committee**

**Terms:** One year

**Members:** Five or more, one of whom shall be a member of the Board of Selectmen. Nonresidents may be appointed to this committee provided they are commercial fishermen from the Cape Porpoise Pier and at least 75% of the membership are registered voters of Kennebunkport.

	<u>Expiration</u>
Peter Eaton, Chair	July 2018
Peter Garsoe	July 2018
Arnold Nickerson IV	July 2018
Benjamin Nunan	July 2018
Robert J. O'Reilly, Secretary	July 2018
Zandy Talmadge	July 2018
Eric Wildes	July 2018
Lee McCurdy (Pier Manager) 967-5040	
<u>Selectmen's Representative</u> Ed Hutchins	

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## Arlene McMurray

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**From:** vtsdmailer@vt-s.net on behalf of Town of Kennebunkport, ME <vtsdmailer@vt-s.net>  
**Sent:** Thursday, July 13, 2017 11:48 AM  
**To:** Arlene McMurray  
**Subject:** Form submission from:

Submitted on Thursday, July 13, 2017 - 11:47am Submitted by anonymous user: ::ffff:65.221.0.160 Submitted values are:

Choose from the following: Planning Board

==Please provide the following information:==

Full Name: Neil Higgins

Email: neil.higgins9@gmail.com

Residential Address: 19 Oak Street, Kennebunkport

Residential Phone: 207-229-7212

Business Address:

Business Phone:

Mailing Address (if different):

Are you registered to vote in Kennebunkport? Yes Please list Membership in community organizations, dates involved, and activities performed: Kennebunk Downtown Committee Member - approximately 2010 - Sept. 2012. Reason for leaving the committee was as a result of moving out of state for work.

Do you have any skills, experience, or training you would like to mention? I am an attorney for a title insurance company and have a lot of experience with real estate law, zoning and understanding local rules and regulations What is your reason for wanting to serve on this board or committee? I grew up in this town and recently moved back with my family. I have a strong affinity to Kennebunkport and would like to get involved with the town's governance and believe this is a good way to do so List the top 3 choices that you would like to serve on( 1. 2. 3. in desired order)?

1. Planning Board
2. Zoning Board of Appeals
3. Recreation Committee

The results of this submission may be viewed at:

<https://www.kennebunkportme.gov/node/2661/submission/3763>

July 13, 2017

## Planning Board

**Terms:** Three years on a staggered basis. Limited to serving three, full, consecutive terms. Reappointment may occur after one-year period of nonservice. The Board of Selectmen may for good cause appoint a member for an additional one year of service beyond the three consecutive terms.

**Members:** five members and two alternates

	<b>Term Expiration</b>
Thomas Boak, Vice-Chair	July 2018
D. Scott Mahoney	July 2019
E. Russell Grady, Jr., Chair	July 2019
Mark Messer	July 2020
Nina L. Pearlmutter	July 2020

### **Alternates:**

2 Vacancies

### **Selectmen's Representative**

Patrick A. Briggs

[pbriggs@kennebunkportme.gov](mailto:pbriggs@kennebunkportme.gov)

Town of Kennebunkport  
FY 17

Carryforwards for Consideration

Department	Account Name	Number	Carryforward Request	FY 18 Funds	Reason
	Police - Overtime	27-01 10-10	7,491.00		Funds to complete training not budgeted in FY 18
	Communications - Bldg Maint	27-02 35-01	609.00		Cleanup costs related to sprinkler leak
	Capital Outlay-Police Vehicle	39-02 30-09	4,750.00		Transfer to reserve account - capital project fund
	Growth Planning	25-08 XX-XX	3,150.00		FEMA flood maps
	Legal fees	25-09 XX-XX	3,708.00		FEMA flood maps
	Planning/Development	25-12 XX-XX	16,142.00		FEMA flood maps
	Contingency	37-07 XX-XX	32,000.00		FEMA flood maps
	<b>FY 18 Contingency</b>			<b>30,000.00</b>	<b>FEMA flood maps</b>
				<b>85,000.00</b>	
Admin		25-01 XX-XX	14,000.00		Funds to cover Training and Needed technology upgrades
EMA		27-05 30-02	725.00		Establishment of EMA Reserve Account
Health/Welfare		27-02&27-03	2,000.00		Funds to cover unanticipated Nurse insurance cost
Contingency		37-07 XX-XX	13,000.00		Funds to cover unanticipated Nurse insurance cost
Public Works		31-01 XX-XX	5,000.00		Trial interactive speed sign
	<b>Total FY 17 carryforwards</b>		<b>102,575.00</b>		

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## MEMORANDUM

**To:** Laurie Smith, Town Manager  
**Fr:** Craig Sanford, Chief of Police  
**Re:** Unexpended funds from 2016/2017 budget  
**Dt:** June 30, 2017

I am requesting that the following account balances of unexpended funds be carried forward into the next fiscal year to allow completion of projects.

Account number 27-011010 is police overtime. These funds will be used to complete necessary safety training not budgeted for in the upcoming fiscal year.

Account number 27-023501 is the police building line item. These funds will be used to pay for cleanup costs associated with a recent sewage leak.

Also, any unexpended funds in the police capital account (cruiser change over) to pay for costs associated with unexpected cruiser equipment repairs.

Thank you for the consideration and should you have further questions please let me know.





## KENNEBUNKPORT SEWER DEPARTMENT

**Date:** July 6, 2017

**To:** Laurie Smith

**From:** Ron Taylor

**Re:** Grinder Pump Replacement

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As part of our 2017-18 budget we have budgeted \$25,000.00 to continue the replacement program we started in 2014 for our grinder pump system. The new Barnes pumps have been working very well so we would like to continue purchasing these pumps. The price for 13 of these pumps is \$23,725.00. This price is direct from the manufacturer and they cover all shipping costs.

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Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs  
in the Town of Kennebunkport

**Section 1. Authority.**

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

**Section 2. Definitions.**

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

**Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.**

Notwithstanding any provisions in the Town of Kennebunkport's Land Use Ordinance or any other applicable ordinance to the contrary, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in the Town of Kennebunkport.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product or that otherwise engages in the activities of a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, a retail marijuana testing facility and/or a retail marijuana social club, as those terms are defined by 7 M.R.S.A. § 2442, regardless of the licensure status of such business.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C, or pursuant to the Maine Marijuana Legalization Act, 7 M.R.S.A. c. 417.

**Section 4. Effective date; duration.**

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

**Section 5. Penalties.**

The Code Enforcement Officer is authorized and shall have the authority to enforce all provisions of this ordinance and shall have the same powers and duties conferred to the Code Enforcement Officer under Section 11.9 of the Land Use Ordinance to enforce this ordinance. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

## Article 11—Administration

### 11.12. Growth Management Permit Required

- A. Purpose. The purpose of this section is to:
1. Ensure fairness in the allocation of building permits between sub-dividers and single lot property owners.
  2. Avoid a situation in which the rapid completion of major subdivisions could outstrip the Town's capability to expand its municipal services.
  3. Guide the Town's growth in an orderly fashion so that the annual increase in population can be adequately served by community facilities as those services are needed.
  4. Manage the Town's future residential growth in a manner consistent with the Town of Kennebunkport's Comprehensive Plan.
- B. Compliance required; violations.
1. All new dwelling units, including new manufactured housing dwelling units, within the Town, whether occupied permanently or seasonally, shall conform with the provisions of this section. It shall be a violation of this section for any person to construct or place a new dwelling unit within the Town, without first having obtained a growth management permit and building permit, in accordance with this section and Article 11, from the Code Enforcement Officer, unless such construction or placement constitutes an exception under this section.
  2. If a dwelling unit has been constructed or placed without a growth management permit or building permit as required under the provisions of this Ordinance, it shall also be a violation for any person to convey such dwelling unit.
- C. Exemptions. The following are exempt from the provisions of this section:
1. The repair, replacement, reconstruction or alteration of any existing building or structure not resulting in additional dwelling units;
  2. Housing for the elderly which is constructed, operated, subsidized or funded, in whole or in part, by the town an agency of the state or federal government; and
  3. The construction or alteration of a nonresidential building or structure.

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# **WATERFRONT ORDINANCE**

## **1. GENERAL PROVISIONS**

### **1.1 TITLE**

This ordinance shall be known as the "Waterfront Ordinance of the Town of Kennebunkport, Maine". It shall be referred to herein as the "Ordinance".

### **1.2 AUTHORITY**

This ordinance is adopted pursuant to the authority granted by Title 38 M.R.S.A., Chapter 1, as amended, Title 30-A M.R.S.A., §§ 3001, 3007, 3009 and 4452, as amended and the Home Rule provisions of the Constitution of the State of Maine with additions and deletions.

### **1.3 PURPOSE**

Kennebunkport's waterfront is a limited and valuable resource. The demands on this resource have been increasing for both commercial and recreational uses; therefore, this Ordinance is adopted for the following purposes:

**1.3.1** Ensure that there will always be adequate and usable mooring space for the Kennebunkport Commercial Fishing Fleet.

**1.3.2** Preserve the working waterfront, which includes commercial fishing, marine related businesses and recreational boating.

**1.3.3** Provide Ordinance guidelines and authority for the Harbormaster to administer mooring space and to resolve any conflicts.

**1.3.4** Address dangerous and unsuitable mooring placements.

**1.3.5** Ensure consistency with the policies set by the state of Maine and the US Army Corps of Engineers.

**1.3.6** Plan, establish and maintain the arrangement and utilization of Mooring areas, public landings, boat ramps, harbor channels and other related properties in Kennebunkport Waters.

### **1.4 APPLICABILITY**

The provisions of this ordinance shall apply to all tidal water areas located within the municipal boundaries of Kennebunkport, Maine, with the

aquacultured marine organisms as well as supporting vessels such as lobster, crab and shellfish cars.

**FEE:** A charge for the use of Town owned waterfront facilities; all fees described herein are set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting.

**FINE:** A civil penalty for a violation of this Ordinance; all fines are set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting.

**HARBOR MASTER:** A person appointed pursuant to Title 38 M.R.S.A. § 1 and this Ordinance; all references to the Harbor Master shall include any Deputy Harbor Master.

**KENNEBUNKPORT WATERS:** Has the meaning defined by Section 1.4.

**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.

**Commercial:** A Mooring issued to and utilized by a Commercial Fisheries Business for the purpose of mooring a Commercial Fishing Vessel.

**Recreational:** A Mooring other than a commercial mooring that is permitted for the purpose of mooring a specific Vessel.

**Transient:** A Mooring set aside for temporary (7 days or less) use by Vessels cruising along the coast.

**MOORING PERMIT:** An annual permit that is issued by the Harbor Master to a Mooring Permittee, authorizing the placement of a specific class of Mooring at a specific Mooring Site and which expires on May 31 of the year following its issue.

**MOORING PERMITTEE:** A person granted a Mooring Permit.

**MOORING PERMIT WAITING LIST:** A list of persons desiring a Mooring Permit as described in Section 4.3.2.

**MOORING RELOCATION WAITING LIST:** A list of Mooring Permittees desiring relocation of a Mooring Site as described in Section 4.3.2.

be removed to a position as designated by the Harbor Master and may, without any complaint being made, cause any Vessels anchoring within the ship channels to be removed to such anchorage as the Harbor Master may designate. If that Vessel has no crew on board or if the master or other person in charge neglects or refuses to move such Vessel as directed by the Harbor Master, the Harbor Master may put a suitable crew on board and move that Vessel to a suitable berth at a wharf or anchorage at the expense and risk of the owner(s) of the Vessel and shall charge a Vessel Removal Fee plus expenses, to be paid to the Town of Kennebunkport by the master or owner of that Vessel.

Once a Vessel has been removed by the Harbor Master the owner of record shall be notified in writing and mailed a notice via US Mail certified return receipt. Such notice shall give the owner 30 calendar days to relocate the Vessel to a suitable location and pay a Vessel Removal Fee as set by the Board of Selectmen. Should the Vessel not be relocated within the set time period a fine of up to \$100 per day may be assessed until the Vessel is relocated. After 60 calendar days the Vessel may be declared abandoned. Abandoned Vessels may be disposed of at the direction of the Harbor Master.

### **3.2.2 Mooring Removal or Replacement**

In case of neglect or refusal of the Mooring Permittee to remove a Mooring or to replace it by one of a different character when so directed by the Harbor Master, the Harbor Master shall cause the entire Mooring to be removed or shall make such change in the character of the Mooring as required and shall charge a Mooring Removal/Replacement Fee, plus expenses, to be paid to the Town of Kennebunkport by the Mooring Permittee for either of those services rendered. Before removing a Mooring, the Harbor Master shall notify the Mooring Permittee by first class mail, at the address on the current Mooring Application, of the action desired, the fact that the Mooring will be removed, and the amount of the Mooring Removal/Replacement Fee. If the matter is not settled to the Harbor Master's satisfaction within 14 days, the Harbor Master may take any action provided for in this section.

The Harbor Master is authorized to remove any unmarked and/or unauthorized moorings. The Harbormaster may remove the mooring immediately and shall charge a Mooring Removal Fee, plus expenses to be paid to the Town of Kennebunkport by the owner of the unmarked and/or unauthorized mooring.

### **3.2.3 Training**

processed unless it is complete, the payment of required fees, including excise taxes or other taxes or charges owed to the Town of Kennebunkport, or its agent, are made prior to May 1st and there be a current Mooring Inspection Certification on file with the Harbor Master. At the time of each annual review of Mooring Permits, existing Mooring Permittees shall be given priority over other applications for a Mooring.

The Harbor Master shall deny any application where incorrect information is submitted, where outstanding Kennebunkport pier use fees or fuel fees are owed to the Town, or where an applicant is not in compliance with this ordinance.

#### **4.3.2 Waiting List**

The Harbor Master shall maintain a Mooring Permit Waiting List and a Mooring Relocation Waiting List each of which shall be available for inspection at the Harbor Master's office. The operation of all waiting lists shall conform to Title 38 M.R.S.A., § 7-A as amended.

All persons desiring mooring space in Kennebunkport Waters shall place their name and the type of mooring desired on the Mooring Permit Waiting List. All Mooring Permittees desiring a different Mooring Site shall place their names and their desired mooring location on the Mooring Relocation Waiting List. A fee may be charged to be placed on the Mooring Permit Waiting List which shall be applied against the mooring permit fee as a credit the year the mooring is placed. The Mooring Permit Waiting List will be operated on a first come first serve basis, priority being given as stated below:

1. Commercial fishing vessel owners.
  2. Shorefront property owners.
  3. Recreational vessel owners.
  4. Transient moorings to be operated by the Town of Kennebunkport.
  5. Transient moorings to be operated by any other person.
- The Mooring Relocation Waiting List will be operated on a first come first serve basis. The Harbor Master shall attempt to accommodate any request for a relocated Mooring Site when, in the Harbor Master's discretion, conditions do not render the relocation undesirable, and the relocation is consistent with Section 4.2.

#### **4.3.3 To Whom Issued**

A Recreational Mooring Permit shall only be issued to the Vessel Owner and a Commercial Mooring Permit shall only be issued to an officer or principal of the Commercial Fisheries Business. A

Mooring weight: To determine the minimum weight of a mushroom or pyramid anchor, multiply the length on deck (ft.) by the beam (ft.) by 1.5. The product is the minimum mooring weight in pounds.

Example: Boat length 31 ft., beam 10 ft.  $31 \times 10 \times 1.5 = 465$  lbs. minimum weight. Round up to the next even mooring size.

Shallow water (restricted) moorings: are set in less than less than 6 feet of water at high tide for boats twenty (20) feet or less.

Dead weight anchors length x beam x 1.5 x 2 = dead weight.

Minimum Requirements shall be length x beam = anchor weight for mushroom or pyramid anchors (minimum weight 50 pounds).

#### **4.7 INSPECTION OF MOORINGS**

The Board of Selectmen shall have the authority to approve regulations to establish a program requiring the inspection of moorings.

#### **4.8 DENIAL**

The Harbor Master may deny the replacement or use of a Mooring if in the judgment of the Harbor Master, the Vessel is:

- 4.8.1 Structurally unsafe;
- 4.8.2 Emitting obnoxious fumes, oils, or any other substance detrimental to the safety or comfort of others, including any pollution of its waters, shores and flats;
- 4.8.3 Of inappropriate size for the Mooring; or
- 4.8.4 Causing damage to Town owned waterfront facilities.

#### **4.9 NON-USE OF MOORINGS**

If a Mooring Permittee fails to use the assigned Mooring Site or Mooring for the Vessel listed on the current Mooring Permit during the term (June 1 to May 31) of that permit, the Mooring Permit shall not be renewed. A Mooring Permittee may appeal such non-renewal to the Board of Selectmen pursuant to Section 10 of this Ordinance.

#### **4.10 MOORING ASSIGNMENTS**

- 4.10.1 There shall be no transfer of a Mooring Permit or an assigned Mooring Site and no renting of a Recreational or



and which has been unattended for a period of ninety (90) days shall be deemed to be abandoned. The Harbor Master shall then order the last owner of any such abandoned Vessel, floating device, cradle or other obstruction, if such owner is ascertainable, to remove same within thirty (30) days. Upon refusal or failure to do so, the Harbor Master shall cause its removal or destruction at the cost of the said last ascertainable owner. Any violation of the above shall be considered a Class E crime pursuant to Title 38 M.R.S.A. § 9, and further punishable as set forth in this Ordinance.

## **7. POLLUTION**

Except in case of emergency imperiling life or property or unavoidable accident, collision, or stranding, no person shall discharge, or suffer, or permit the discharge of sewage, garbage, trash or other refuse of any kind, by any method, means, or manner into or upon Town wharves or docks or Kennebunkport Waters.

## **8. RULES AND REGULATIONS**

The Harbor Master shall recommend to the Board of Selectmen for adoption such rules and regulations as shall be necessary to implement the intent of this ordinance.

## **9. ENFORCEMENT**

### **9.1 ENFORCEMENT BY THE HARBOR MASTER**

It is the duty of the Harbor Master to enforce the provisions of this Ordinance. No person shall fail to observe any lawful order of the Harbor Master with reference to the navigation and disposition of Vessels or Moorings within Kennebunkport Waters. If, after investigation, the Harbor Master finds that any provision of this Ordinance is being violated, he or she shall give written notice delivered by hand, if the owner agrees to sign a receipt for the notice, or by certified mail, return receipt requested, to the person responsible for such violation, and/or to the owner and/or to the operator of such Vessel. The notice shall indicate the nature of the violation and order the action necessary to correct it, including discontinuance of illegal use of moorings, or work being done, removal of illegal moorings, fishing equipment and abatement of nuisance conditions. The notice shall demand that the violation be abated within some designated reasonable time. If after such notice, the violation is not abated within the time specified, the Harbor Master shall take appropriate measures to enforce this Ordinance including notifying the Selectmen of the need to institute appropriate action in the name of the Town of Kennebunkport to prevent, enjoin, restrain or abate any violation of this Ordinance. A copy of each such notice of violation shall be submitted to the Board of Selectmen and be maintained as a permanent record.

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**TOWN OF KENNEBUNKPORT**

**TOWN WARRANT  
SPECIAL TOWN MEETING  
September 7, 2017**

State of Maine

County of York, SS

To: Tracey O'Roak, Constable of the Town of Kennebunkport, in the County of York, State of Maine.

**GREETINGS:**

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

To the voters of Kennebunkport: You are hereby notified that a Special Town Meeting of this municipality will be held at the Village Fire Station, 32 North Street in said Town on Thursday, the seventh day of September A.D. 2017, at 6:00 p.m., then and there to act upon the following article:

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

**ARTICLE 2.** To see if the Town will vote to authorize Mills Road LLC, with the permission of the State of Maine Department of Transportation, to open a section of Mills Road to install a sewer line extension to connect to the Town's sewer system, and to authorize the Town to accept the proposed unconditional gift from Mills Road LLC of only that portion of the sewer extension installed in Mills Road, provided that Mills Road LLC complies with all requirements of the Sewer Use Ordinance.

A condition to acceptance of the proposed gift is that Mills Road LLC shall furnish the Town with an irrevocable letter of credit or cash or cash equivalent in a form acceptable to the Board of Selectmen to ensure proper completion of the project. The guarantee shall be in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the project and shall remain in effect until after the contractor's warranty period has expired or until any adjustments are made by the Sewer Superintendent pursuant to the Sewer Use Ordinance.

***Selectmen recommend adoption of this article— Voted \_\_\_\_ - \_\_\_\_.***

**2017 - 2018 Road Salt Bid Results**

	Morton Salt (855) 665-4540	Eastern Salt Co (978) 251-8553	Safe Road Services, Inc. (508) 364-1739	American Rock Salt (585)243-9510	Cargill Deicing (800) 600-7258
<b>Sodium Chloride</b>					
Inside Storage - Delivered	No Bid	No Bid			
Inside Storage - Picked Up	No Bid	No Bid			
Outside Storage - Delivered (Per Ton)	\$60.60	\$63.63			
Outside Storage - Picked Up (Per Ton)	\$59.00	\$63.63			
<b>Calcium Chloride</b>					
Liquid - Delivered (Per Gallon)	No Bid	No Bid			
Liquid - Picked Up	No Bid	No Bid			
Flaked - Delivered (Per Pound)	No Bid	No Bid			
Flaked - Picked Up (Per Pound)	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 1000 Inhibited</b>					
Liquid - Bulk Delivery (Min 4,500 gallons)	No Bid	No Bid			
<b>Treated Ice B'Gone</b>					
Bulk (Per Ton)	\$78.60	No Bid			
<b>Safe Melt 40/60</b>					
Liquid (Gallon)	No Bid	No Bid	\$1.23		
4500 Gallons - Can be split between two municipal sites.					

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2017 MUNICIPAL TAX RATE CALCULATION FORM

Municipality: KENNEBUNKPORT

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

Table with 4 columns: Line Number, Description, Sub-line, and Amount. Includes lines 1 through 6 for Total Taxable Valuation and Total Valuation Base.

Assessments

Table with 4 columns: Line Number, Description, Sub-line, and Amount. Includes lines 7 through 11 for County Tax, Municipal Appropriation, TIF Financing Plan Amount, Local Educational Appropriation, and Total Assessments.

ALLOWABLE DEDUCTIONS

Table with 4 columns: Line Number, Description, Sub-line, and Amount. Includes lines 12 through 15 for State Municipal Revenue Sharing, Other Revenues, Total Deductions, and Net to be raised by local property tax rate.

Table with 6 columns: Line Number, Amount, Selection (X), Rate, Calculation, and Description. Includes lines 16 through 23 for Maximum Allowable Tax, Minimum Tax Rate, Maximum Tax Rate, Tax for Commitment, Maximum Overlay, Homestead Reimbursement, BETE Reimbursement, and Overlay.

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

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

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**ASSESSORS RETURN**

PURSUANT TO A WARRANT to us directed, from the York County Commissioners for the County of York, dated the 12th day of July, AD, 2017 we have assessed the estates of the inhabitants, and the estates of the non-resident proprietors of the Town/City of **KENNEBUNKPORT** in said County, the sum of **ONE MILLION ONE HUNDRED ONE THOUSAND NINE HUNDRED NINETEEN DOLLARS AND NINETY-TWO CENTS (\$1,101,919.92)** and have committed lists thereof to the Tax Collector of said Town/City with Warrant in due form of law for collecting and paying same to the Treasurer of the Town/City of **KENNEBUNKPORT** or his/her successor in said office to be paid by him/her to Frank P. Wood, Treasurer of the County of York, or his/her successor in said office the **FIRST DAY OF SEPTEMBER, 2017.**

Taxes not paid by the **THIRTY-FIRST DAY OF OCTOBER, 2017** will be considered **DELINQUENT** and will be assessed interest at the rate of **7%** compounded annually.

IN WITNESS, WHEREOF, we have hereunto set our hands the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ASSESSOR(S) OF KENNEBUNKPORT

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

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



# Agenda Item Divider



(2)

**Town of Kennebunkport  
Board of Selectmen Meeting  
Town Hall, 6 Elm Street  
July 27, 2017-9:00 AM**

Minutes of the Selectmen's Meeting of July 27, 2017

**Selectmen Attending:** Stuart Barwise, Patrick A. Briggs, Sheila Matthews-Bull and Allen Daggett.

**Selectmen absent:** Edward Hutchins

**Others:** Werner Gilliam, Arlene McMurray, and Laurie Smith

**1. Call to Order.**

Chair Briggs, called the meeting to order at 9:08 AM.

**2. Approve the July 6 and 13, 2017, selectmen meeting minutes.**

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the July 6 and 13, 2017, selectmen meeting minutes. **Vote:** 4-0

**3. Consider a renewal liquor license application submitted by Arundel Marine Service, DBA Arundel Wharf Restaurant, 43 Ocean Avenue.**

**Motion** by Selectman Daggett, seconded by Selectman Barwise, to approve the renewal liquor license application submitted by Arundel Marine Service, DBA Arundel Wharf Restaurant, 43 Ocean Avenue. **Vote:** 4-0.

**4. Authorize the Town Manager to enter into a contract with Baker Design Consultants for an amount not to exceed \$46,487.**

Town Manager Laurie Smith explained that Baker Design Consultants did a Pier Condition Survey report earlier this year. At this time, Baker Design Consultants proposed a scope of work which includes conducting a field survey and geotechnical exploration to evaluate alternatives for rehabilitating the Cape Porpoise Pier facility. She asked for authorization to enter into a contract with them.

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to authorize the Town Manager to enter into a contract with Baker Design Consultants for an amount not to exceed \$46,487. **Vote:** 4-0.

**5. Accept an anonymous gift of \$500 dedicated to the emergency fuel fund or for emergency funds needed by any person or family other than for fuel.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept the anonymous gift of \$500 dedicated to the emergency fuel fund or for emergency

funds needed by any person or family other than for fuel with great thanks. **Vote:** 4-0.

**6. Other business.**

Ms. Smith suggested going into executive session to discuss a personnel issue.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to go into executive session per 1 MRSA Section 405 (6) A to discuss personnel issues. **Vote:** 4-0.

The Board went into executive session at 9:20 AM and came out of executive session at 9:46 AM.

No action was taken.

**a. Vote for MMA Vice-President and three Directors.**

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to vote for Mary Sabins as Vice-President for a one-year term, and James Bennet, Jill Duson, and Gary Fortier as Directors for a three-year term on the MMA Executive Committee. **Vote:** 4-0.

**7. Approve the July 27, 2017, Treasurer's Warrant.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett to approve the July 27, 2017, Treasurer's Warrant. **Vote:** 4-0.

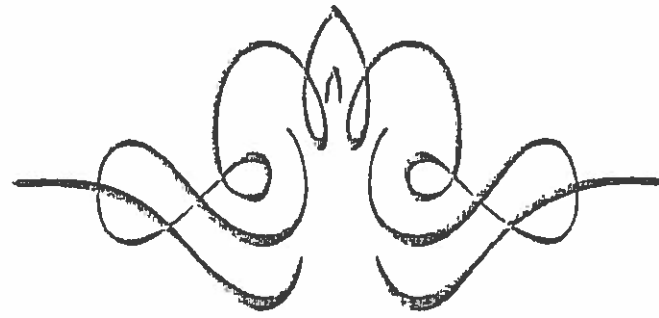
**8. Adjournment.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett to adjourn.

The meeting adjourned at 9:46 PM.

Submitted by Arlene McMurray  
Administrative Assisnat





# Agenda Item Divider



July 13, 2017

**Cape Porpoise Pier Advisory Committee**

**Terms:** One year

**Members:** Five or more, one of whom shall be a member of the Board of Selectmen. Nonresidents may be appointed to this committee provided they are commercial fishermen from the Cape Porpoise Pier and at least 75% of the membership are registered voters of Kennebunkport.

	<u>Expiration</u>
Peter Eaton, Chair	July 2018
Peter Garsoe	July 2018
Arnold Nickerson IV	July 2018
Benjamin Nunan	July 2018
Robert J. O'Reilly, Secretary	July 2018
Zandy Talmadge	July 2018
Eric Wildes	July 2018
Lee McCurdy (Pier Manager) 967-5040	
<b><u>Selectmen's Representative</u></b> Ed Hutchins	



# Agenda Item Divider



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**Arlene McMurray**

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**From:** vtsdmailer@vt-s.net on behalf of Town of Kennebunkport, ME <vtsdmailer@vt-s.net>  
**Sent:** Thursday, July 13, 2017 11:48 AM  
**To:** Arlene McMurray  
**Subject:** Form submission from:

Submitted on Thursday, July 13, 2017 - 11:47am Submitted by anonymous user: ::ffff:65.221.0.160 Submitted values are:

Choose from the following: Planning Board

==Please provide the following information:==

Full Name: Neil Higgins

Email: r\*\*\*\*@\*\*\*\*.com

Residential Address: 2\*\*\*\*, Kennebunkport

Residential Phone: .\*\*\*\*

Business Address:

Business Phone:

Mailing Address (if different):

Are you registered to vote in Kennebunkport? Yes Please list Membership in community organizations, dates involved, and activities performed: Kennebunk Downtown Committee Member - approximately 2010 - Sept. 2012. Reason for leaving the committee was as a result of moving out of state for work.

Do you have any skills, experience, or training you would like to mention? I am an attorney for a title insurance company and have a lot of experience with real estate law, zoning and understanding local rules and regulations What is your reason for wanting to serve on this board or committee? I grew up in this town and recently moved back with my family. I have a strong affinity to Kennebunkport and would like to get involved with the town's governance and believe this is a good way to do so List the top 3 choices that you would like to serve on( 1. 2. 3. in desired order)?

1. Planning Board
2. Zoning Board of Appeals
3. Recreation Committee

The results of this submission may be viewed at:  
<https://www.kennebunkportme.gov/node/2661/submission/3763>

July 13, 2017

## Planning Board

**Terms:** Three years on a staggered basis. Limited to serving three, full, consecutive terms. Reappointment may occur after one-year period of nonservice. The Board of Selectmen may for good cause appoint a member for an additional one year of service beyond the three consecutive terms.

**Members:** five members and two alternates

	<b>Term Expiration</b>
Thomas Boak, Vice-Chair	July 2018
D. Scott Mahoney	July 2019
E. Russell Grady, Jr., Chair	July 2019
Mark Messer	July 2020
Nina L. Pearlmutter	July 2020

### **Alternates:**

2 Vacancies

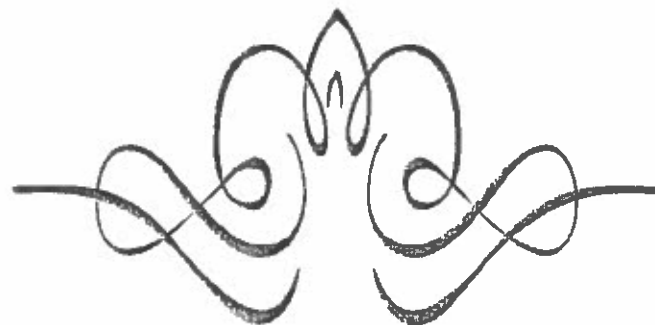
### **Selectmen's Representative**

Patrick A. Briggs

[pbriggs@kennebunkportme.gov](mailto:pbriggs@kennebunkportme.gov)



# Agenda Item Divider



**Town of Kennebunkport  
FY 17**

**Carryforwards for Consideration**

Department	Account Name	Number	Carryforward Request	FY 18 Funds	Reason
	Police - Overtime	27-01 10-10	7,491.00		Funds to complete training not budgeted in FY 18
	Communications - Bldg Maint	27-02 35-01	609.00		Cleanup costs related to sprinkler leak
	Capital Outlay-Police Vehicle	39-02 30-09	4,750.00		Transfer to reserve account - capital project fund
	Growth Planning	25-08 XX-XX	3,150.00		FEMA flood maps
	Legal fees	25-09 XX-XX	3,708.00		FEMA flood maps
	Planning/Development	25-12 XX-XX	16,142.00		FEMA flood maps
	Contingency	37-07 XX-XX	32,000.00		FEMA flood maps
	<i>FY 18 Contingency</i>			<b>30,000.00</b>	<b>FEMA flood maps</b>
				<b>85,000.00</b>	
	Admin	25-01 XX-XX	14,000.00		Funds to cover Training and Needed technology upgrades
	EMA	27-05 30-02	725.00		Establishment of EMA Reserve Account
	Health/Welfare	27-02&27-03	2,000.00		Funds to cover unanticipated Nurse insurance cost
	Contingency	37-07 XX-XX	13,000.00		Funds to cover unanticipated Nurse insurance cost
	Public Works	31-01 XX-XX	5,000.00		Trial interactive speed sign
	<b>Total FY 17 carryforwards</b>		<b>102,575.00</b>		

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## **MEMORANDUM**

**To:** Laurie Smith, Town Manager  
**Fr:** Craig Sanford, Chief of Police  
**Re:** Unexpended funds from 2016/2017 budget  
**Dt:** June 30, 2017

I am requesting that the following account balances of unexpended funds be carried forward into the next fiscal year to allow completion of projects.

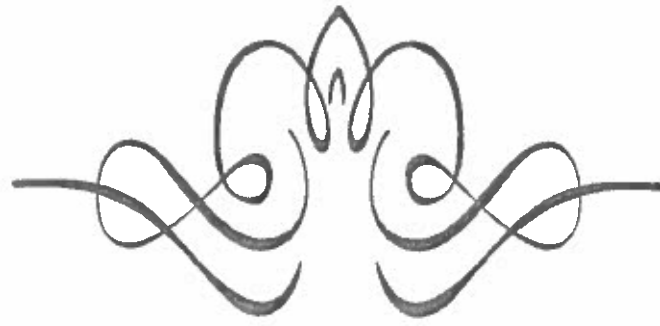
Account number 27-011010 is police overtime. These funds will be used to complete necessary safety training not budgeted for in the upcoming fiscal year.

Account number 27-023501 is the police building line item. These funds will be used to pay for cleanup costs associated with a recent sewage leak.

Also, any unexpended funds in the police capital account (cruiser change over) to pay for costs associated with unexpected cruiser equipment repairs.

Thank you for the consideration and should you have further questions please let me know.





# Agenda Item Divider





## KENNEBUNKPORT SEWER DEPARTMENT

**Date:** July 6, 2017

**To:** Laurie Smith

**From:** Ron Taylor

**Re:** Grinder Pump Replacement

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As part of our 2017-18 budget we have budgeted \$25,000.00 to continue the replacement program we started in 2014 for our grinder pump system. The new Barnes pumps have been working very well so we would like to continue purchasing these pumps. The price for 13 of these pumps is \$23,725.00. This price is direct from the manufacturer and they cover all shipping costs.

**WE WILLIAMSON**  
**NEW ENGLAND ELECTRIC**  
**MOTOR SERVICE CORP.**

A division of THE WECO GROUP  
 25 Griffin Way, Chelsea, MA 02150  
 (617) 884-9200 fax (617) 884-3144  
 web www.weco-group.com

**Quote**



**Contact**  
  
**Customer Number**  
  
**Quote Date**  
  
**Quote Number**

**Quote To:**

**Ship To:**

**Ship Via**  **Terms**  **Quoted By**  **Customer RFQ**  **Customer PO**

Product ID	Qty	Description	Sales Price	Total
PUMP	13	BARNES REPLACEMENT CORE WITH PUMP AND SWITCH STAND - 15FT POWER CABLE - 15FT ESPS CORD - P/N 131281B - 396093942	1,825.00	23,725.00
COMMENT	0	FREIGHT IS PRE-PAID	0.00	0.00

3% Service charge above \$5000.00 on C. C.  
 We accept all major Credit Cards!  
 All returns are subject to a restocking fee  
 PLEASE REMIT PAYMENTS TO :  
 PO BOX 6265  
 CHELSEA, MA 02150

Subtotal:	23,725.00
Freight:	0.00
Other:	0.00
0.0000 % Sales Tax 1:	0.00
0.0000 % Sales Tax 2:	0.00
<b>Total:</b>	<b>23,725.00</b>

**Thank You**

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PO# ( IF NOT ALREADY ISSUED ):



# Agenda Item Divider



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Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs  
in the Town of Kennebunkport

**Section 1. Authority.**

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

**Section 2. Definitions.**

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

**Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.**

Notwithstanding any provisions in the Town of Kennebunkport's Land Use Ordinance or any other applicable ordinance to the contrary, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in the Town of Kennebunkport.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product or that otherwise engages in the activities of a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, a retail marijuana testing facility and/or a retail marijuana social club, as those terms are defined by 7 M.R.S.A. § 2442, regardless of the licensure status of such business.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C, or pursuant to the Maine Marijuana Legalization Act, 7 M.R.S.A. c. 417.

**Section 4. Effective date; duration.**

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

**Section 5. Penalties.**

The Code Enforcement Officer is authorized and shall have the authority to enforce all provisions of this ordinance and shall have the same powers and duties conferred to the Code Enforcement Officer under Section 11.9 of the Land Use Ordinance to enforce this ordinance. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.



# Agenda Item Divider



## Article 11–Administration

### 11.12. Growth Management Permit Required

- A. Purpose. The purpose of this section is to:
  - 1. Ensure fairness in the allocation of building permits between sub-dividers and single lot property owners.
  - 2. Avoid a situation in which the rapid completion of major subdivisions could outstrip the Town’s capability to expand its municipal services.
  - 3. Guide the Town’s growth in an orderly fashion so that the annual increase in population can be adequately served by community facilities as those services are needed.
  - 4. Manage the Town’s future residential growth in a manner consistent with the Town of Kennebunkport’s Comprehensive Plan.
  
- B. Compliance required; violations.
  - 1. All new dwelling units, including new manufactured housing dwelling units, within the Town, whether occupied permanently or seasonally, shall conform with the provisions of this section. It shall be a violation of this section for any person to construct or place a new dwelling unit within the Town, without first having obtained a growth management permit and building permit, in accordance with this section and Article 11, from the Code Enforcement Officer, unless such construction or placement constitutes an exception under this section.
  - 2. If a dwelling unit has been constructed or placed without a growth management permit or building permit as required under the provisions of this Ordinance, it shall also be a violation for any person to convey such dwelling unit.
  
- C. Exemptions. The following are exempt from the provisions of this section:
  - 1. The repair, replacement, reconstruction or alteration of any existing building or structure not resulting in additional dwelling units;
  - 2. Housing for the elderly which is constructed, operated, subsidized or funded, in whole or in part, by the town an agency of the state or federal government; and
  - 3. The construction or alteration of a nonresidential building or structure.

4. The Construction or alteration of a new Accessory Apartment.

G. Application. Applications for growth management permits shall comply with the following:

1. A growth management permit application must be completed by the lot owner of record and/or the owner's agent, including all endorsements and certifications.
2. Applications shall be on forms provided by the Town. The Code Enforcement Officer may request additional information and shall have the authority to require that the application be revised or supplemented in order to meet state or local requirements.
3. Growth management permit applications shall be accompanied by a non-refundable application fee of ~~\$250.00~~, as set annually by the Municipal Officers, a complete application for a building permit and Planning Board and/or Zoning Board of Appeals approval, when necessary.





# Agenda Item Divider



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# WATERFRONT ORDINANCE

## 1. GENERAL PROVISIONS

### 1.1 TITLE

This ordinance shall be known as the "Waterfront Ordinance of the Town of Kennebunkport, Maine". It shall be referred to herein as the "Ordinance".

### 1.2 AUTHORITY

This ordinance is adopted pursuant to the authority granted by Title 38 M.R.S.A., Chapter 1, as amended, Title 30-A M.R.S.A., §§ 3001, 3007, 3009 and 4452, as amended and the Home Rule provisions of the Constitution of the State of Maine with additions and deletions.

### 1.3 PURPOSE

Kennebunkport's waterfront is a limited and valuable resource. The demands on this resource have been increasing for both commercial and recreational uses; therefore, this Ordinance is adopted for the following purposes:

**1.3.1** Ensure that there will always be adequate and usable mooring space for the Kennebunkport Commercial Fishing Fleet.

**1.3.2** Preserve the working waterfront, which includes commercial fishing, marine related businesses and recreational boating.

**1.3.3** Provide Ordinance guidelines and authority for the Harbormaster to administer mooring space and to resolve any conflicts.

**1.3.4** Address dangerous and unsuitable mooring placements.

**1.3.5** Ensure consistency with the policies set by the state of Maine and the US Army Corps of Engineers.

**1.3.6** Plan, establish and maintain the arrangement and utilization of Mooring areas, public landings, boat ramps, harbor channels and other related properties in Kennebunkport Waters.

### 1.4 APPLICABILITY

The provisions of this ordinance shall apply to all tidal water areas located within the municipal boundaries of Kennebunkport, Maine, with the

exception of the Kennebunk River, hereinafter referred to as Kennebunkport Waters.

### **1.5 SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unenforceable by any Court, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

### **1.6 CONFLICT**

Whenever any section, subsection, sentence, clause, phrase or portion of this ordinance is deemed to be in conflict with any existing state law and/or federal rule(s), then the stricter provision shall apply, unless preempted by federal law.

### **1.7 EFFECTIVE DATE**

This ordinance shall become effective immediately upon adoption.

## **2. DEFINITIONS**

For the purpose of interpreting this Ordinance, the following terms, phrases and words shall be defined as set forth below.

**COMMERCIAL FISHERIES BUSINESS:** An enterprise, as defined in Title 12 M.R.S. Section 6001(6-A), which is directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities. "Commercial fisheries business" includes, but is not limited to:

- A. Licensed commercial fishermen, aquaculturists and fishermen's cooperatives;
- B. Persons providing direct services to commercial fishermen, aquaculturists or fishermen's cooperatives, as long as provision of these direct services requires the use of working waterfront property; and
- C. Municipal and private piers and wharves operated to provide waterfront access to commercial fishermen, aquaculturists or fishermen's cooperatives.

**COMMERCIAL FISHING VESSEL:** A vessel used in furtherance of the purposes of a commercial fisheries business, including vessels rigged to engage in the commercial harvest, processing or transport of wild or

aquacultured marine organisms as well as supporting vessels such as lobster, crab and shellfish cars.

**FEE:** A charge for the use of Town owned waterfront facilities; all fees described herein are set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting.

**FINE:** A civil penalty for a violation of this Ordinance; all fines are set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting.

**HARBOR MASTER:** A person appointed pursuant to Title 38 M.R.S.A. § 1 and this Ordinance; all references to the Harbor Master shall include any Deputy Harbor Master.

**KENNEBUNKPORT WATERS:** Has the meaning defined by Section 1.4.

**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.

**Commercial:** A Mooring issued to and utilized by a Commercial Fisheries Business for the purpose of mooring a Commercial Fishing Vessel.

**Recreational:** A Mooring other than a commercial mooring that is permitted for the purpose of mooring a specific Vessel.

**Transient:** A Mooring set aside for temporary (7 days or less) use by Vessels cruising along the coast.

**MOORING PERMIT:** An annual permit that is issued by the Harbor Master to a Mooring Permittee, authorizing the placement of a specific class of Mooring at a specific Mooring Site and which expires on May 31 of the year following its issue.

**MOORING PERMITTEE:** A person granted a Mooring Permit.

**MOORING PERMIT WAITING LIST:** A list of persons desiring a Mooring Permit as described in Section 4.3.2.

**MOORING RELOCATION WAITING LIST:** A list of Mooring Permittees desiring relocation of a Mooring Site as described in Section 4.3.2.

**MOORING SITE:** A specific location assigned by the Kennebunkport Harbor Master for placement of a Mooring, defined by GPS coordinates where practicable.

**PERSON:** An individual, a corporation, a firm, partnership, an association or any other entity.

**SHIP CHANNELS:** Ship channels as described herein and depicted on the NOAA nautical chart and other such channels designated by the Harbor Master which shall be kept open for the passage of watercraft. These channels are maintained by the US Army Corps of Engineers and are depicted on the Corps Condition Survey for Cape Porpoise and the Kennebunk River.

**SHOREFRONT OWNER:** A person who owns Kennebunkport shorefront property with a minimum 100 feet of shore frontage on Kennebunkport Waters who can demonstrate that a Mooring Site fronting their property is both practicable and safe.

**VESSEL:** Any type of watercraft, including a ship, boat, barge, float or craft, other than a seaplane, used or capable of being used as a means of transportation on water. For purposes of this Ordinance [floating docks including commercial work](#) floats and lobster, crab and shellfish cars are vessels.

**VESSEL OWNER:** The person who can demonstrate the controlling interest in a Vessel and who is named on the boat registration or the person identified as the managing owner on the U.S.C.G. Certificate of Documentation.

### 3. HARBOR MASTER

#### 3.1 APPOINTMENT AND COMPENSATION

Pursuant to the Kennebunkport Administrative Code, Article III, the Board of Selectmen shall annually appoint a Harbor Master who shall be subject to all the duties and liabilities of that office as prescribed by state law, regulations adopted by the municipal officers and municipal ordinances. Pursuant to the Kennebunkport Administrative Code, Article II, the Town Manager shall establish compensation and may remove the Harbor Master for cause after notice and hearing and appoint another instead.

#### 3.2 POWERS AND DUTIES

##### 3.2.1 Removal of Vessels

The Harbor Master, upon complaint from the master, owner or agent of any Vessel, shall cause any other Vessel or Vessels obstructing the free movement or safe anchorage of that Vessel to

be removed to a position as designated by the Harbor Master and may, without any complaint being made, cause any Vessels anchoring within the ship channels to be removed to such anchorage as the Harbor Master may designate. If that Vessel has no crew on board or if the master or other person in charge neglects or refuses to move such Vessel as directed by the Harbor Master, the Harbor Master may put a suitable crew on board and move that Vessel to a suitable berth at a wharf or anchorage at the expense and risk of the owner(s) of the Vessel and shall charge a Vessel Removal Fee plus expenses, to be paid to the Town of Kennebunkport by the master or owner of that Vessel.

Once a Vessel has been removed by the Harbor Master the owner of record shall be notified in writing and mailed a notice via US Mail certified return receipt. Such notice shall give the owner 30 calendar days to relocate the Vessel to a suitable location and pay a Vessel Removal Fee as set by the Board of Selectmen. Should the Vessel not be relocated within the set time period a fine of up to \$100 per day may be assessed until the Vessel is relocated. After 60 calendar days the Vessel may be declared abandoned. Abandoned Vessels may be disposed of at the direction of the Harbor Master.

### **3.2.2 Mooring Removal or Replacement**

In case of neglect or refusal of the Mooring Permittee to remove a Mooring or to replace it by one of a different character when so directed by the Harbor Master, the Harbor Master shall cause the entire Mooring to be removed or shall make such change in the character of the Mooring as required and shall charge a Mooring Removal/Replacement Fee, plus expenses, to be paid to the Town of Kennebunkport by the Mooring Permittee for either of those services rendered. Before removing a Mooring, the Harbor Master shall notify the Mooring Permittee by first class mail, at the address on the current Mooring Application, of the action desired, the fact that the Mooring will be removed, and the amount of the Mooring Removal/Replacement Fee. If the matter is not settled to the Harbor Master's satisfaction within 14 days, the Harbor Master may take any action provided for in this section.

The Harbor Master is authorized to remove any unmarked and/or unauthorized moorings. The Harbormaster may remove the mooring immediately and shall charge a Mooring Removal Fee, plus expenses to be paid to the Town of Kennebunkport by the owner of the unmarked and/or unauthorized mooring.

### **3.2.3 Training**

The Harbor Master shall complete training as required by Title 38 M.R.S.A. §1-A, as amended. In addition the Harbormaster shall be required to attend the annual Harbormaster training by the Maine Harbormasters Association.

## **4. MOORINGS**

### **4.1 ANCHORAGES**

No person shall place or allow to anchor or to lay any Vessel in any position in Kennebunkport Waters for more than 72 hours unless written permission has been granted by the Harbormaster. The Harbormaster may designate a specific area available as a general anchoring area.

### **4.2 DESIGNATION OF MOORING SITES**

The Harbor Master shall designate Mooring Sites in accordance with Title 38 M.R.S.A., § 3, as amended. Mooring Sites shall be permitted for the sole use of the Vessel indicated on the application. Any change in the Vessel using the Mooring Site must be in accordance with this ordinance and state law and have the written approval of the Harbor Master.

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 Board of Selectmen and any other appropriate authority to determine mooring areas and their capacity. Commercial Moorings shall comprise at least 60% of the total number of Mooring Sites within Cape Porpoise Harbor. If an existing Commercial Mooring becomes available within Cape Porpoise Harbor, 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 60% of the total number of available mooring sites within Cape Porpoise Harbor. Mooring Sites outside of Cape Porpoise Harbor may be designated commercial, recreational, or transient at the discretion of the Harbor Master.

The Harbor Master may change the location of assigned Mooring Sites when the crowded condition of the harbor, the need to conform with Title 38 M.R.S.A., §§ 3, 7-A, or other conditions render the change desirable.

### **4.3 MOORING PERMIT**

#### **4.3.1 Application**

Application for a Mooring Permit shall be made annually and shall contain the information set forth on the application. The applicant must demonstrate that the applicant is the Vessel Owner of the Vessel associated with the Mooring. An application will not be

processed unless it is complete, the payment of required fees, including excise taxes or other taxes or charges owed to the Town of Kennebunkport, or its agent, are made prior to May 1st and there be a current Mooring Inspection Certification on file with the Harbor Master. At the time of each annual review of Mooring Permits, existing Mooring Permittees shall be given priority over other applications for a Mooring.

The Harbor Master shall deny any application where incorrect information is submitted, where outstanding Kennebunkport pier use fees or fuel fees are owed to the Town, or where an applicant is not in compliance with this ordinance.

#### **4.3.2 Waiting List**

The Harbor Master shall maintain a Mooring Permit Waiting List and a Mooring Relocation Waiting List each of which shall be available for inspection at the Harbor Master's office. The operation of all waiting lists shall conform to Title 38 M.R.S.A., § 7-A as amended.

All persons desiring mooring space in Kennebunkport Waters shall place their name and the type of mooring desired on the Mooring Permit Waiting List. All Mooring Permittees desiring a different Mooring Site shall place their names and their desired mooring location on the Mooring Relocation Waiting List. A fee may be charged to be placed on the Mooring Permit Waiting List which shall be applied against the mooring permit fee as a credit the year the mooring is placed. The Mooring Permit Waiting List will be operated on a first come first serve basis, priority being given as stated below:

1. Commercial fishing vessel owners.
  2. Shorefront property owners.
  3. Recreational vessel owners.
  4. Transient moorings to be operated by the Town of Kennebunkport.
  5. Transient moorings to be operated by any other person.
- The Mooring Relocation Waiting List will be operated on a first come first serve basis. The Harbor Master shall attempt to accommodate any request for a relocated Mooring Site when, in the Harbor Master's discretion, conditions do not render the relocation undesirable, and the relocation is consistent with Section 4.2.

#### **4.3.3 To Whom Issued**

A Recreational Mooring Permit shall only be issued to the Vessel Owner and a Commercial Mooring Permit shall only be issued to an officer or principal of the Commercial Fisheries Business. A



Transient Mooring Permit shall be issued to the person who will maintain and operate the Transient Mooring.

#### **4.3.4 Conversion**

A Mooring shall not be converted from the class of Mooring originally permitted if such conversion would be inconsistent with Section 4.2.

### **4.4 MOORING IDENTIFICATION**

All Moorings shall have the number of the Mooring Permittee indicated on the float or buoy above the water line for the purposes of identification. Such number and name shall be displayed in at least three (3) inch letters and be legible at all times. Mooring buoys shall be white with a single blue horizontal band clearly visible above the water line.

### **4.5 PLACEMENT OF MOORINGS**

No person shall place a Mooring of any type within the boundaries of Kennebunkport Waters without a Mooring Permit issued by the Town of Kennebunkport's Harbor Master.

### **4.6 SIZE AND CONSTRUCTION**

All Moorings shall be of a suitable size and construction for the Vessel. Mushroom or pyramid anchors are recommended, unless the owner can demonstrate holding power adequate for his boat. Blocks are permitted however they may only be granite; concrete or cement blocks are not allowed. The weight of the Mooring anchor shall conform to the requirements of either the chart or formulas below. Chain size shall conform to the chart below, regardless of whether the weight conforms to the chart or formulas below.

Length of Boat (Feet)	Weight of Mooring Anchor (Pounds)	Chain Size (Minimum)
20' Or Less	500	1/2"
20' To 30'	1000	1"
30' To 40'	1500	1 1/4"
40' To 60'	2000	1 1/2"

Mooring weight: To determine the minimum weight of a mushroom or pyramid anchor, multiply the length on deck (ft.) by the beam (ft.) by 1.5. The product is the minimum mooring weight in pounds.

Example: Boat length 31 ft., beam 10 ft.  $31 \times 10 \times 1.5 = 465$  lbs. minimum weight. Round up to the next even mooring size.

Shallow water (restricted) moorings: are set in less than less than 6 feet of water at high tide for boats twenty (20) feet or less. Minimum Requirements shall be length x beam = anchor weight for mushroom or pyramid anchors (minimum weight 50 pounds).

Dead weight anchors length x beam x 1.5 x 2 = dead weight.

#### **4.7 INSPECTION OF MOORINGS**

The Board of Selectmen shall have the authority to approve regulations to establish a program requiring the inspection of moorings.

#### **4.8 DENIAL**

The Harbor Master may deny the replacement or use of a Mooring if in the judgment of the Harbor Master, the Vessel is:

- 4.8.1 Structurally unsafe;
- 4.8.2 Emitting obnoxious fumes, oils, or any other substance detrimental to the safety or comfort of others, including any pollution of its waters, shores and flats;
- 4.8.3 Of inappropriate size for the Mooring; or
- 4.8.4 Causing damage to Town owned waterfront facilities.

#### **4.9 NON-USE OF MOORINGS**

If a Mooring Permittee fails to use the assigned Mooring Site or Mooring for the Vessel listed on the current Mooring Permit during the term (June 1 to May 31) of that permit, the Mooring Permit shall not be renewed. A Mooring Permittee may appeal such non-renewal to the Board of Selectmen pursuant to Section 10 of this Ordinance.

#### **4.10 MOORING ASSIGNMENTS**

- 4.10.1 There shall be no transfer of a Mooring Permit or an assigned Mooring Site and no renting of a Recreational or

Commercial Mooring, except for good cause with the prior written approval of the Harbor Master and, if otherwise required by law, the Army Corps of Engineers, or as otherwise noted in this ordinance. Municipal and Commercial Transient moorings are permitted to be rented.

**4.10.2** A Mooring Permittee shall promptly notify the Harbor Master of a proposed change of Vessel on a Recreational or Commercial Mooring. Such change of Vessel shall be permitted only with the prior written approval of the Harbor Master.

**4.10.3** Any assigned Mooring Site used for commercial fishing purposes may be transferred only at the request or death of the Permittee, and only to a member of the Permittee's family and only if the mooring assignment will continue to be used for commercial purposes. For the purpose of this section, "member of the permittee's family" means a Permittee's parent, child, or sibling, by birth or by adoption including a relation of the half blood or an assignee's spouse.

**4.10.4** As of the effective date of this Ordinance a vessel may only be assigned to a single mooring site.

## **5. FEES AND FINES**

The Board of Selectmen shall establish and provide for the collection of Fees including but not limited to Fees for Mooring Permits and the Mooring Permit Waiting List, and may establish and provide for the collection of Fees for the inspection of moorings. The Board of Selectmen may establish and provide for the collection of Fines for violations of this Ordinance. Such Fees may be a flat amount or vary according to the size of the Vessel. Fines may be a flat amount or vary according to the infraction or violation. The Vessel Removal Fee and Mooring Removal/Replacement Fee shall be consistent with Title 38 M.R.S.A. §§ 4.5. A schedule of the Fees and Fines established under this section shall be available at the Town Office and from the Harbor Master. Fees and Fines shall be set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting. If a Fee and Fine is not paid in the prescribed time, after billing, the Mooring Permit will be void and the Mooring Site reassigned to the next eligible individual on the Mooring Permit Waiting List.

## **6. ABANDONMENT**

No person shall cause to be abandoned any Vessel, floating device, cradle, or any other obstruction on the shore within Kennebunkport Waters. Any such object left within the confines of Kennebunkport Waters

and which has been unattended for a period of ninety (90) days shall be deemed to be abandoned. The Harbor Master shall then order the last owner of any such abandoned Vessel, floating device, cradle or other obstruction, if such owner is ascertainable, to remove same within thirty (30) days. Upon refusal or failure to do so, the Harbor Master shall cause its removal or destruction at the cost of the said last ascertainable owner. Any violation of the above shall be considered a Class E crime pursuant to Title 38 M.R.S.A. § 9, and further punishable as set forth in this Ordinance.

## **7. POLLUTION**

Except in case of emergency imperiling life or property or unavoidable accident, collision, or stranding, no person shall discharge, or suffer, or permit the discharge of sewage, garbage, trash or other refuse of any kind, by any method, means, or manner into or upon Town wharves or docks or Kennebunkport Waters.

## **8. RULES AND REGULATIONS**

The Harbor Master shall recommend to the Board of Selectmen for adoption such rules and regulations as shall be necessary to implement the intent of this ordinance.

## **9. ENFORCEMENT**

### **9.1 ENFORCEMENT BY THE HARBOR MASTER**

It is the duty of the Harbor Master to enforce the provisions of this Ordinance. No person shall fail to observe any lawful order of the Harbor Master with reference to the navigation and disposition of Vessels or Moorings within Kennebunkport Waters. If, after investigation, the Harbor Master finds that any provision of this Ordinance is being violated, he or she shall give written notice delivered by hand, if the owner agrees to sign a receipt for the notice, or by certified mail, return receipt requested, to the person responsible for such violation, and/or to the owner and/or to the operator of such Vessel. The notice shall indicate the nature of the violation and order the action necessary to correct it, including discontinuance of illegal use of moorings, or work being done, removal of illegal moorings, fishing equipment and abatement of nuisance conditions. The notice shall demand that the violation be abated within some designated reasonable time. If after such notice, the violation is not abated within the time specified, the Harbor Master shall take appropriate measures to enforce this Ordinance including notifying the Selectmen of the need to institute appropriate action in the name of the Town of Kennebunkport to prevent, enjoin, restrain or abate any violation of this Ordinance. A copy of each such notice of violation shall be submitted to the Board of Selectmen and be maintained as a permanent record.

## **9.2 ENFORCEMENT BY LAW ENFORCEMENT OFFICERS**

In addition to the Harbor Master, any law enforcement officer vested with the authority to carry a weapon and make an arrest shall have the authority to enforce the provisions of this Ordinance.

## **9.3 MISDEMEANOR FINES; SEPARATE VIOLATIONS**

Any person who violates any provision of this Ordinance or a lawful order of the Harbor Master shall be subject to a Fine. Each day that a violation continues, without action to effect abatement after receipt of notification by the Harbor Master, shall be considered a separate violation for purposes of this section. Pursuant to 38 M.R.S.A. § 13, an intentionally, knowingly, or recklessly failing to obey any lawful order of the harbormaster is a Class E Crime.

## **9.4. LEGAL ACTION**

The Harbor Master may impose Fines as approved by the Board of Selectmen as may be appropriate to enforce any provision of this Ordinance. The Board of Selectmen, upon notice from the Harbor Master, are hereby authorized and directed to institute any and all action and proceedings, either legal and/or equitable, including seeking injunctions of violations and the collection of Fees or Fines as may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town. In any such action in which the town prevails, the town shall be awarded reasonable attorney's fees and the cost of suit in addition to any other relief to which it may be entitled.

## **10. APPEALS**

The Board of Selectmen shall hear and decide appeals alleging error by the Harbor Master in the administration of this ordinance. The aggrieved person must make a written appeal within thirty (30) days of the date of the decision being appealed and the Board of Selectmen shall hold a public hearing within thirty (30) days from the date of receipt of the appeal. The Board may establish additional rules and procedures for such hearings. A party aggrieved by the decision of the Board may appeal it to Superior Court within thirty (30) days from the date of the original decision pursuant to Maine Rules of Civil Procedure, Rule 80B.



# Agenda Item Divider



10

**TOWN OF KENNEBUNKPORT**

**TOWN WARRANT  
SPECIAL TOWN MEETING  
September 7, 2017**

State of Maine

County of York, SS

To: Tracey O'Roak, Constable of the Town of Kennebunkport, in the County of York, State of Maine.

**GREETINGS:**

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

To the voters of Kennebunkport: You are hereby notified that a Special Town Meeting of this municipality will be held at the Village Fire Station, 32 North Street in said Town on Thursday, the seventh day of September A.D. 2017, at 6:00 p.m., then and there to act upon the following article:

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

**ARTICLE 2.** To see if the Town will vote to authorize Mills Road LLC, with the permission of the State of Maine Department of Transportation, to open a section of Mills Road to install a sewer line extension to connect to the Town's sewer system, and to authorize the Town to accept the proposed unconditional gift from Mills Road LLC of only that portion of the sewer extension installed in Mills Road, provided that Mills Road LLC complies with all requirements of the Sewer Use Ordinance.

A condition to acceptance of the proposed gift is that Mills Road LLC shall furnish the Town with an irrevocable letter of credit or cash or cash equivalent in a form acceptable to the Board of Selectmen to ensure proper completion of the project. The guarantee shall be in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the project and shall remain in effect until after the contractor's warranty period has expired or until any adjustments are made by the Sewer Superintendent pursuant to the Sewer Use Ordinance.

***Selectmen recommend adoption of this article- Voted \_\_\_\_ - \_\_\_\_.***

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

**GIVEN UNDER OUR HANDS** this 10<sup>th</sup> day of August, 2017, Kennebunkport, Maine.

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

\_\_\_\_\_  
Stuart Barwise

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

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

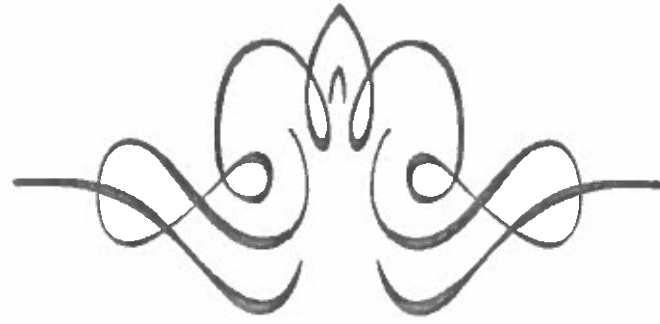
\_\_\_\_\_  
Patrick Briggs

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

A true copy of the warrant attest:

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





# Agenda Item Divider



**2017 - 2018 Road Salt Bid Results**

Morton Salt  
(855) 665-4540

Eastern Salt Co  
(978) 251-8553

Safe Road Services, Inc.  
(508) 364-1739

American Rock Salt  
(585)243-9510

Cargill Deicing  
(800) 600-7258

**Sodium Chloride**

Inside Storage - Delivered	No Bid	No Bid
Inside Storage - Picked Up	No Bid	No Bid
Outside Storage - Delivered (Per Ton)	\$60.60	\$63.63
Outside Storage - Picked Up (Per Ton)	\$59.00	\$63.63

**Calcium Chloride**

Liquid - Delivered (Per Gallon)	No Bid	No Bid
Liquid - Picked Up	No Bid	No Bid
Flaked - Delivered (Per Pound)	No Bid	No Bid
Flaked - Picked Up (Per Pound)	No Bid	No Bid

**Magnesium Chloride/Organic Additive/Corrosion Inhibitor**

Liquid - Bulk Delivery (Min 4,500 gallons)	No Bid	No Bid
Pellet - Bulk Delivery	No Bid	No Bid

**ProMelt Ultra 1000 Inhibited**

Liquid - Bulk Delivery (Min 4,500 gallons)	No Bid	No Bid
--------------------------------------------	--------	--------

**Treated Ice B'Gone**

Bulk (Per Ton)	\$78.60	No Bid
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**Safe Melt 40/60**

Liquid (Gallon)	No Bid	\$1.23
-----------------	--------	--------

4500 Gallons - Can be split between two municipal sites.

NO BID

NO BID



# Agenda Item Divider



T2

**FY 18 Tax Commitment - updated 08/07/17**

	<b>FY 17</b>	<b>FY 18</b>	<b>Difference</b>	<b>17 vs 18 % Diff</b>
Gross Municipal Appropriation	8,054,126	8,459,621	405,495	5.03%
Special Building Projects or Capital Reserve	0	0	-	
Education Assessment	7,916,997	8,480,338	563,341	7.12%
Education Debt	1,291,196	1,612,119	320,923	24.85%
County Assessment	1,163,270	1,203,809	40,539	3.48%
Overlay	87,512	74,001	(13,511)	-15.44%
<b>Total Expenditures</b>	<b>18,513,101</b>	<b>19,829,888</b>	<b>1,316,787</b>	<b>7.11%</b>
Non Property Tax Revenue	2,247,913	2,396,728	148,815	6.62%
MePers Credit (Year 2 of 3)	152,745	152,745	-	0.00%
General Use of Fund Balance	275,000	250,000	(25,000)	-9.09%
Reserve Capital Projects Use of Fund Balance		150,000	150,000	100.00%
<b>Total Non-Property Tax Rev &amp; Trans</b>	<b>2,675,658</b>	<b>2,949,473</b>	<b>273,815</b>	<b>10.23%</b>
<b>Net Municipal Commitment</b>	<b>5,618,725</b>	<b>5,736,894</b>	<b>118,169</b>	<b>2.10%</b>
<b>Net Total Commitment</b>	<b>15,837,443</b>	<b>16,880,415</b>	<b>1,042,972</b>	<b>6.59%</b>
<b>Valuation</b>	<b>1,912,262,450</b>	<b>1,934,467,170</b>	<b>22,204,720</b>	<b>1.16%</b>
<b>Mil Rate</b>	<b>8.28</b>	<b>8.73</b>	<b>0.44</b>	<b>5.36%</b>
<b>Municipal portion of mil rate</b>	<b>2.938</b>	<b>2.966</b>	<b>0.027</b>	<b>0.93%</b>
<b>Education portion of mil rate</b>	<b>4.735</b>	<b>5.138</b>	<b>0.403</b>	<b>8.51%</b>
<b>County portion of mil rate</b>	<b>0.608</b>	<b>0.622</b>	<b>0.014</b>	<b>2.30%</b>

**2017 MUNICIPAL TAX RATE CALCULATION FORM**

*Municipality:* KENNEBUNKPORT

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

1. Total Taxable Valuation of Real Estate	1	1,924,901,600
2. Total taxable valuation of personal property	2	9,565,570
3. Total Taxable Valuation of real estate and personal property (Line 1 plus line 2)	3	1,934,467,170
4. (a) Total exempt value for all homestead exemptions granted	4(a)	15,520,000
(b) Homestead exemption reimbursement value	4(b)	7,760,000
		<small>(Line 4(a) multiplied by .5)</small>
5. (a) Total exempt value of all BETE qualified property	5(a)	188,860
(b) BETE exemption reimbursement value	5(b)	94,430
		<small>(line 5(a) multiplied by 0.5)</small>
<small>Municipalities with significant personal property &amp; equipment may qualify for more than 50% reimbursement. Please contact MRS for the Enhanced Tax Rate Calculator form.</small>		
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	6	1,942,321,600

**Assessments**

7. County Tax	7	1,203,809.00
8. Municipal Appropriation	8	8,459,621.00
9. TIF Financing Plan Amount	9	0.00
10. Local Educational Appropriation <b>(Local Share/Contribution)</b>	10	9,939,712.00
<small>(Adjusted to Municipal Fiscal Year)</small>		
11. Total Assessments (Add lines 7 through 10).....	11	19,603,142.00

**ALLOWABLE DEDUCTIONS**

12. State Municipal Revenue Sharing.....	12	55,000.00
13. Other Revenues: <small>(All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. <b>Do Not Include any Homestead or BETE Reimbursement</b>)</small>	13	2,665,676.00
14. Total Deductions (Line 12 plus line 13).....	14	2,720,676.00
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	16,882,466.00

16.	16,882,466.00	X	1.05	=	17,726,589.30	Maximum Allowable Tax
17.	16,882,466.00	/	1,942,321,600	=	0.008692	Minimum Tax Rate
18.	17,726,589.30	/	1,942,321,600	=	0.009126	Maximum Tax Rate
19.	1,934,467,170	X	0.00873	=	16,887,898.39	Tax for Commitment
			<small>(Selected Rate)</small>		<small>(Enter on MVR Page 1, line 13)</small>	
20.	16,882,466.00	X	0.05	=	844,123.30	Maximum Overlay
21.	7,760,000	X	0.00873	=	67,744.80	Homestead Reimbursement
			<small>(Selected Rate)</small>		<small>(Enter on line 8, Assessment Warrant)</small>	
22.	94,430	X	0.00873	=	824.37	BETE Reimbursement
			<small>(Selected Rate)</small>		<small>(Enter on line 9, Assessment Warrant)</small>	
23.	16,956,467.56	-	16,882,466.00	=	74,001.56	Overlay
	<small>(Line 19 plus lines 21 and 22)</small>				<small>(Enter on line 5, Assessment Warrant)</small>	

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

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



# Agenda Item Divider



13

STATE OF MAINE

YORK, §

TO THE ASSESSOR(S) OF THE TOWN/CITY OF **KENNEBUNKPORT** in said County.

GREETINGS:

AT THE COURT of County Commissioners, begun and holden at Alfred within and for the County of York, on the 12th day of July, AD, 2017.

WHEREAS, the York County Budget Committee, pursuant to M.R.S.A. 30-A § 833, passed at their last session, upon an estimate of the County Commissioners for said County, of the sums necessary for defraying the charges of the County for the budget year **FY 18, July 1, 2017 through June 30, 2018** ensuing and exhibited by the Clerk of said Court, granted a tax of \$16,721,815.00 to be assessed, collected, and paid according to law, and applied for the purposes aforesaid.

AND WHEREAS, upon a due apportionment of said sum of the several Towns and Cities in said County, made at a session of the Court of County Commissioners, held on the 12th day of July, AD, 2017 your town's proportion is found to be **\$1,101,919.92**.

YOU ARE HEREBY REQUIRED, in the name of the State of Maine to assess the said sum last mentioned, upon the inhabitants of said Town/City, agreeable to the laws of said State, and cause the same in like manner to be collected and paid to Frank P. Wood, Treasurer of said County or his/her successor in said office, forthwith as of the **FIRST DAY OF SEPTEMBER, 2017**.

At its regular meeting duly held on July 12th, 2017 the Board of Commissioners of the County of York, pursuant to M.R.S.A. 30-A § 706, by motion, seconded, and unanimously voted that the Treasurer shall assess interest according to M.R.S.A. 36 § 892-A and § 186 amended 1996 at the rate of **7%** compounded annually. A municipality will be considered **DELINQUENT** if the taxes are not received by the County by **OCTOBER 31, 2017**.

WHEREOF FAIL NOT, and make due returns to the said Treasurer of the names of person or persons to whom your list of assessments shall be committed.

IN WITNESS THEREOF WE, Sallie V. Chandler, Michael J. Cote, Richard R. Dutremble, Marston D. Lovell and Richard Clark, County Commissioners, have hereunto set our hands, this 12th day of July, 2017.

Sallie V. Chandler  
Sallie V. Chandler

Richard R. Dutremble  
Richard R. Dutremble

Michael J. Cote  
Michael J. Cote

Marston D. Lovell  
Marston D. Lovell

Richard Clark  
Richard Clark

Gregory T. Zinser  
ATTEST: Gregory T. Zinser  
County Manager

**ASSESSORS RETURN**

PURSUANT TO A WARRANT to us directed, from the York County Commissioners for the County of York, dated the 12th day of July, AD, 2017 we have assessed the estates of the inhabitants, and the estates of the non-resident proprietors of the Town/City of **KENNEBUNKPORT** in said County, the sum of **ONE MILLION ONE HUNDRED ONE THOUSAND NINE HUNDRED NINETEEN DOLLARS AND NINETY-TWO CENTS (\$1,101,919.92)** and have committed lists thereof to the Tax Collector of said Town/City with Warrant in due form of law for collecting and paying same to the Treasurer of the Town/City of **KENNEBUNKPORT** or his/her successor in said office to be paid by him/her to Frank P. Wood, Treasurer of the County of York, or his/her successor in said office the **FIRST DAY OF SEPTEMBER, 2017.**

Taxes not paid by the **THIRTY-FIRST DAY OF OCTOBER, 2017** will be considered **DELINQUENT** and will be assessed interest at the rate of **7%** compounded annually.

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

\_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ASSESSOR(S) OF KENNEBUNKPORT

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

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





# Agenda Item Divider



**Town of Kennebunkport  
Request for Proposals**

**Housing Needs Analysis and Assessment**

**Project Overview:** The Town of Kennebunkport is issuing a Request for Proposal (RFP) for a Housing Needs Analysis, Assessment, and Development Strategy. The proposal is to gather data on the housing needs in our community as well as to define desired outcomes for future implementation strategies, while also maintaining the quality of life and culture of Kennebunkport. The study will engage elected officials and members of the public in the data and understanding necessary to create an implementation plan that will ensure the continued livability in Kennebunkport by families and future year-round residents.

**Community Overview:** Kennebunkport is a town located in York County, Maine. The population was 3,474 people at the 2010 census. The town center, which is the area in and around Dock Square, is located along the Kennebunk River, approximately 1 mile from the mouth of the river on the Atlantic Ocean. Historically a shipbuilding and fishing village, for well over a century the town has been a popular summer and seaside tourist destination. The Dock Square area has a district of souvenir shops, art galleries, seafood restaurants, and bed and breakfasts. Cape Porpoise, while retaining its identity as a fishing harbor, has a very small village area with several restaurants, a church, grocery store, coffee shop, small library, and art gallery.

In 2012, the Kennebunkport Comprehensive Plan identified that approximately two-thirds of year-round households were unable to afford the median home price in Kennebunkport. People who are unable to find affordable homes to buy often consider renting in order to stay within the community.

<b>Housing - Unable to Afford Median Home Price, 2008</b>	<b>Kennebunkport</b>	<b>York County</b>	<b>Maine</b>
Percentage of Households Unable to Afford Median Home Price	67.3%	70.2%	59.4%
Number of Households Unable to Afford Median Home Price	1,214	58,938	332,003

Source: Maine State Housing Authority

Since that time, housing prices have continued to increase. On November 11<sup>th</sup>, 2015, the Portland Press Herald reported that a recent survey by Coldwell Banker revealed that the Kennebunks had the highest average home value in the state. *“The highest average listing price was \$517,153 in Kennebunk/Kennebunkport, followed by \$471,695*

- Home sharing (Airbnb; HomeAway; VRBO)
    - Workforce housing availability in 20-minute commute
    - Infrastructure capacity/challenges
    - Survey of local employers
  - Demographics – Past, Current and Future
    - Households – Population, income age and size
    - Economics – Income levels
    - Vacancy rates
  - Economics
    - Key employers
    - Anticipated employment trends
    - Commuting patterns including telecommuting
    - Workforce Housing needs and availability
    - Future growth
    - Tourism industry trends and how that may impact home-sharing in the future
  - Demand Analysis
    - Market Rate Rental Housing Needs
    - Affordable Rental Housing Needs
    - Single-Family Homes
    - Housing Preferences (unit type, bedrooms, amenities, generational differences, etc.)
    - Seasonal vs. Year-Round Housing Needs
    - Workforce Housing Needs
    - Senior Population Housing Needs
  - Housing Challenges and Barriers
- Recommendations and action steps for meeting needs through zoning and land use practices and policies as well as proven methods and strategies successfully employed in other communities.

**Project Schedule:**

Publish RFP	Friday, July 7th
Proposals Due	Thursday, July 27 <sup>th</sup>
Interviews	Monday, August 7 <sup>th</sup>
Select Consultant	Thursday, August 17 <sup>th</sup>
Initial Meeting	Tuesday, September 5 <sup>th</sup>
Presentation to Selectmen December 2017	

5. Work Product: The final report must be delivered as both a PDF file and in hard copy (20 bound copies). If a final presentation is made to any board or elected officials, an electronic copy of the presentations must be provided as well.

E. Proposal Submission:

- a. All responses, questions and correspondence should be directed to Laurie Smith, Town Manager, at [LSmith@kennebunkportme.gov](mailto:LSmith@kennebunkportme.gov).
- b. Proposals should be succinct and not exceed 20 pages in length.
- c. One electronic copy of the proposal in PDF format, and five (5) hard copies must be delivered to Laurie Smith, Town Manager, Town of Kennebunkport, P.O. Box 566, 6 Elm Street, Kennebunkport, Maine 04046 by Thursday, July 27<sup>th</sup> at 2:00 pm.

**Workforce Housing Proposals**

**Gorrill Palmer**  
**\$23,000**

**Reinholt Consulting**  
**\$20,000**

**Camoin Associates**  
**\$22,040**

## Workforce Housing Proposals

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