

TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -
MAINE'S FINEST RESORT

Board of Selectmen Agenda Town Hall – 6 Elm Street June 25, 2015 – 7 PM

1. Call to Order.
2. Approve the June 11, and 13, 2015, 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 liquor license application submitted by US Hotels New England LLC, US Hotels New England Management Corp, DBA The Breakwater Spa, 133 Ocean Ave.
5. Consider a renewal liquor license application submitted by Richard W. Litchfield and Beverly D. Davis, DBA Captain Lord Mansion, 6 Pleasant St.
6. Update by Sarah Lachance on the wind turbine and charging station project at Village Fire Station.
7. Consider property transfer Goose Rocks Road–Mark Terry.
8. Consider request to remove deed restriction for parcel map14, block 2, lot 11A on Arundel Road.
9. Consider Animal Control Ordinance clarification.
10. Approve a Quit Claim deed for property located on Wakefield Pasture Road (map 9, block 4, lot 82).
11. Authorization to transfer up to \$18K from contingency to public health.
12. Authorize waiver of sewer lien for Ann Seavey account #792.

13. Approve \$300 expenditure from the Goose Rocks Beach Advisory Committee account for Dog Ordinance language inserts placed in the Goose Rocks Beach brochure.
14. Authorize Union Contract.
15. Accept donations to the Emergency Fuel Program in the amounts of \$50 from Angela Gendron and \$150 from Rachel Grier-Reynolds in memory of Anthony Kravotil.
16. Investment Committee appointment.
17. Discuss Matt Lanigan Bridge improvement.
18. Approve the Certificate of Supplemental Commitment of Sewer User Rates for property located on Lock Street (Map 12, Block, 1, Lot 5C) for three years: January 1, 2013–December 31, 2013, January 1, 2014–December 31, 2014, and January 1, 2015–December 31, 2015.
19. Other business.
 - a. Student correspondence
 - b. November election timelines.
20. Approve the June 25, 2015, Treasurer's Warrant.
21. Adjournment.

**Town of Kennebunkport
Board of Selectmen's Meeting
Town Hall-6 Elm Street
June 11, 2015 – 9:00 AM**

Minutes of the Selectmen Meeting of June 11, 2015

Selectmen present: Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, Edward W. Hutchins, and Sheila Matthews-Bull

Others present: Mary Lou Burgess, Arlene McMurray, and Laurie Smith

1. Call to Order.

Chair Daggett called the meeting to order at 9:00 AM.

2. Approve the May 28, 2015, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to approve the May 28, 2015, selectmen meeting minutes. **Vote:** 5-0.

3. Approve the following street opening permits for K.K. & W. Water District:

- a. On Green Street to replace fire hydrants #2,3,4.
- b. On West Street to replace fire hydrant.
- c. On 37 Langsford Road to replace broken service box at edge of road.
- d. On Langsford Road to replace 6" water main with 8" water main and new services from Cape Porpoise Square just past Ward Road.
- e. On 68 Ocean Avenue to replace water gate.

Motion by Selectmen Hutchins, seconded by Selectman Briggs, to approve the list of street opening permits. **Vote:** 5-0.

4. Other business.

Town Manager Laurie Smith asked the Board if it wanted to set up interview appointments with the two people who applied for the Investment Committee. The Selectmen appointed to the Committee said they will interview the two applicants.

5. Approve the June 11, 2015, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the January 8, 2015, Treasurer's Warrant. **Vote:** 5-0.

6. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to adjourn.

Vote: 5-0.

The meeting adjourned at 9:03 AM.

Submitted by

Arlene McMurray

Administrative Assistant

**Town of Kennebunkport
Special Selectmen's Meeting
June 13, 2015
Consolidated School
Immediately following the Town Meeting**

Minutes of the Selectmen's Meeting of June 13, 2015

Selectmen attending: Stuart E. Barwise, Patrick, Briggs, Allen A. Daggett, Edward Hutchins, Sheila Matthews-Bull

Others: April Dufoe, Laurie Smith

1. Call to Order.

Town Clerk April Dufoe called the meeting to order at 10:00 a.m. She asked for nominations for chair and vice-chair.

2. Elect a Chairman.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to appoint Sheila Matthews-Bull as Chair of the Board of Selectmen. **Vote:** 5-0.

3. Elect a Vice-Chairman.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to appoint Stuart E. Barwise as Vice-Chair of the Board of Selectmen. **Vote:** 5-0.

4. Other business and communications.

There was no other business.

5. Adjournment.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to adjourn the meeting. **Vote:** 5-0.

The meeting adjourned at 10:01 a.m.

Submitted by

Laurie A. Smith
Town Manager

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September 27, 2012

TO: Members of the Kennebunkport Planning Board

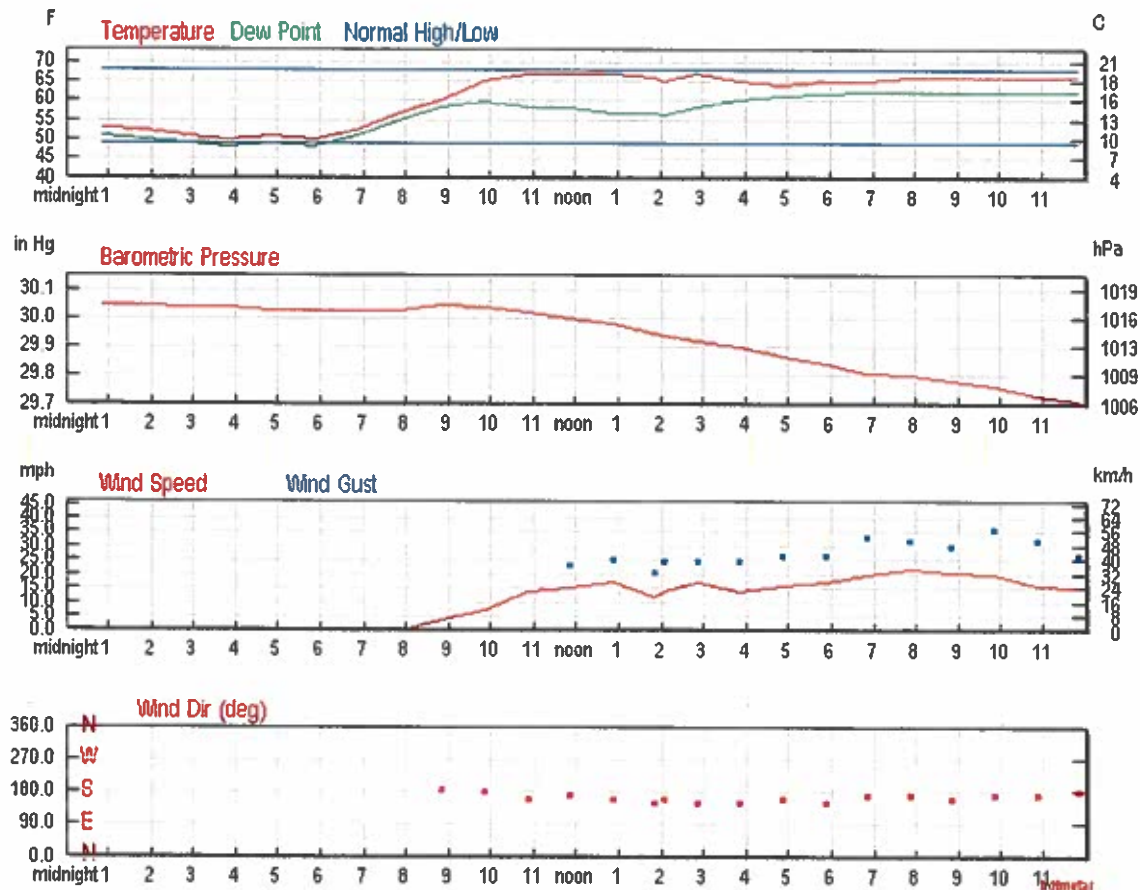
FROM: Members of the Kennebunkport Conservation Commission

SUBJECT: Police Station Wind Turbine Update

The Skystream 3.7 installed at the Kennebunkport Police Station became operational in late May of 2011. As expected, the summer months have proven to be the lower producing months, and the other seasons generate more of the power.

Looking at the data provided by both the software from the Skystream, as well as reviewing the CMP bills at the police station, it is evident that the wind turbine is producing energy from a non-polluting renewable source, although how much energy is not exactly clear. Sarah Lachance, the Chair for the Kennebunkport Conservation Commission, has been carefully monitoring the system. She noticed that the data reflected in the software did not seem to correlate with the wind speeds of certain days. She called All Seasons, the contractor that installed the equipment, and had them come down to run some diagnostics. At their first site visit, using only a visual inspection and a cursory glance at the data, they found "no problems" with the system.

However, Sarah remained skeptical of this finding and continued to closely monitor the system. On September 18, 2012, she made repeated visits to the site as it was a very high wind day. See below the weather data for this date.



With sustained winds of 10 m.p.h. or higher for 13 hours, this day should have been one of our best producing energy days. When the data was downloaded at 11a.m. on September 19th, the software system was reporting energy production of -.09 kwh produced for September 18th. It also reported 2.74 kwh of energy produced for September 19th, in just the first 11 hours of that day.

This information buttressed Sarah's conviction that there is something going wrong with the gathering of data by the software. She called the Skystream manufacturer directly and is working with them directly to find the solution. She also put a call into All Seasons, shared the newest information, and they agreed a problem was present. They plan to revisit the site again on a windy day.

To further look at how much "missed energy" is most likely going unaccounted for, the Kennebunkport Conservation Commission asked to review the CMP bills for the police station for the 12 months of 2010, 2011, and year-to-date for 2012. Please see attached spreadsheet. This data shows some very promising results in regards to free, clean energy being produced as well as dollars saved.

In 2010, the police station used a total of 61,922 kilowatts of energy. This costs the town \$8,825.22 in electrical costs. In 2011, with the wind turbine on line from the end of May on, the town used 59,097 kilowatts of energy. This costs the town \$8221.06 resulting in a savings of \$604.16. Remember this only reflects the first seven months of the wind turbine operating.

So, we must also compare the first five months of 2012 to the first five months of 2011 to get the FULL picture. In January through May of 2011, the station used 22,974 kwh of energy. In January through May of 2012, the station used 19,178. This is a savings of 3,796 kilowatts and \$709.77 in electrical savings.

Putting these two figures together to look at a full year of wind energy production, there is a savings of 6,621 kilowatts of energy and \$1313.93 in electrical costs.

However, the Kennebunkport Conservation Commission does not believe that this entire savings is due to the wind turbine. As mentioned earlier, there appears to be some significant problems related to the recording of energy data as the numbers clearly don't coincide with high wind events. However, looking at this software data, we can make some very basic assumptions about the wind energy being produced at the police station. Our best producing day recorded, was that of 14.25 kilowatts. We know that some high wind days didn't record accurately, like September 18th 2012 and August 28th 2011, Hurricane Irene, which only reported from the software of having produced a meager .05 kilowatts of energy. However, even knowing there are some troubles with the software, we also know that the wind does not blow every day and it certainly doesn't average a daily production of 14.25. So, just for talking purposes, if we were to guess an average of 8 kilowatts a day, the turbine should have produced only 2920 kilowatts, not the 6621 that were "saved" or "produced" according to the CMP comparison.

So, this creates a lot of gray in being able to report accurately on the savings of the wind turbine. Clearly, based on the CMP records, there have been SIGNIFICANT savings on kilowatts and dollars. Some of that is owed to the wind turbine, but some is owed to something else, conservation. Clearly, the police station has made some changes to more energy efficient computers, lights, etc, and perhaps personnel are also working harder to use less energy. These combined efforts have resulted in a savings of \$1314 dollars.

The Kennebunkport Conservation Commission also designed and installed an educational display at the base of the wind turbine. All of our residents and out of state visitors, whether they are dropping off bottles or picking up a beach permit, were educated about wind energy and learned that Kennebunkport cares about protecting its environment and finding ways to lessen its dependency on foreign fossil fuels.

Now that the wind turbine has been operational for a year, the students are going to be taking a closer look at the wind turbine, the energy it produces, and how it all works. The Kennebunkport Conservation Commission received an anonymous donation in late Spring of 2012 for a full curriculum kit for elementary aged students on renewable energy from the National Energy Education Development Project. The kit is full of hands on experiments for kids of all grades at the school as well as already designed lesson plans for the teachers to make it easy to implement.

Mr. Dennis Bodwell and Mrs. Jennifer Humphrey, the 5th grade teachers, will be the first to use the kit this fall as their students work on their "energy" studies. Mrs. Humphrey is also the head of the Go Green committee.

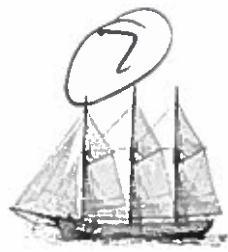
Coordinating efforts with the "Trust in the Children" program field trips through the Kennebunkport Conservation Trust, students will be making site visits to the wind turbine this year as well.

Preliminary discussions have also begun with Graves Library to find a space at the library to educate visitors about the wind turbine and wind energy in general. We are also reaching out to the Chamber of Commerce to see if we can't get on the map as a point of interest for tourists.

It should also be noted that no noise complaints have been filed by neighbors since the wind turbine became operational. Two staff members were also interviewed about the noise production. Both said that there is absolutely no noise issue with the turbine from inside their building and the noise outside is marginal.

The Conservation Commission will continue to work with both Skystream Inc. and All Seasons to adjust the data monitoring system so that it is accurately recording the energy production of the wind turbine.

Please feel free to contact Sarah Lachance, Chair of the Conservation Commission, with any questions or suggestions, sarah@campaignearth.org, 459-0419



TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

MEMO

June 18, 2015

RE: Goose Rocks Road Land Swap

To: Board of Selectmen

From: Werner Gilliam CFM Director of Planning and Development

After having received direction from the Board of Selectmen last year I have been working with Mark Terry and Jim Logan from Albert Frick and Associates to rework proposed boundary lines for the anticipated land swap to occur between Mark Terry and the Town. Direction from the Board of Selectmen specifically requested the preservation of as much undisturbed road frontage along Goose Rocks and Log Cabin Rd, and the connection of the Jullian Howard Memorial Parcel with the larger Town Forest Parcel further down Goose Rocks Road. The Terry's goal was to secure enough land area for two legal lots (one vacant and one with their current home) along with having their proposed building site to be in a specific location which is fairly secluded and not visible from Goose Rocks Road. The goals stated above were given greater importance over ensuring a more or less equal "square ft. for square ft. swap"

Acreage wise due to wetland locations and constraints the Terry's land overall increases from 6.53 acres to 9.2 acres which includes the area considered unbuildable occupied by the CMP Easement (1.5+- acres). The inclusion of the CMP area was necessary to capture required road frontage and connectivity with additional upland on the easterly side of the easement.

The Town's overall acreage with the two Town Forest parcels combined decreases from 47.2 acres to 44.53 acres. This reduction in acreage is primarily due to the unique shape and size of wetland areas, and the subtraction of the CMP ROW area, which was necessary to accomplish the Terry's goal of two legal lots.

Overall I believe this plan meets with the overall stated goals of both parties. While alternative boundary line arrangements could be explored I do not believe that the end result would be significantly different acreage wise than what you see proposed here.



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TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

June 17, 2015

RE: Request to remove deed restriction on parcel 14-2-11A located on Arundel Road
From: Werner Gilliam CFM Director of Planning and Development
To: Kennebunkport Board of Selectmen

Last year the Board may recall the warrant article that the town passed removing the remnants of an ordinance that required Septic Variance Requests to be approved by the Board of Selectmen.

Recently it was brought to my attention that on March 24th 1988 the Board of Selectmen at the request of the Code Enforcement Officer placed a deed restriction on a 19.5 acre parcel located on Arundel Road limiting it to one septic system only, and thereby eliminating the possibility of subdividing this piece.

Attached to this memo for your review are: copy of tax map showing the parcel location, minutes from the above mentioned meeting, copy of the deed showing the recorded description, and a current test pit analysis of the property indicating 5 acceptable test pit locations based on current subsurface waste requirements.

Mr. Tim Spang who owns property directly adjacent to this parcel has a valid purchase and sales agreement for this piece giving him sufficient interest in this property to represent this request. His plans are to subdivide this piece, however based on the deed restriction placed on this property by the Board of Selectmen, this severely limits those possibilities.




Based on my review of all the information that has been made available to me, and considering the fact that the ordinance that required these restrictions is no longer in effect, I have no objections to the Board of Selectmen removing the deed restriction that was placed on this parcel.

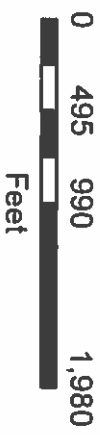
CC: Laurie Smith Town Manager
File
Tim Spang

title

Kennebunkport, Maine

Legend

-  Selected Parcels
-  Parcels
-  Political Boundary
-  Road ROW
-  MBL
-  PrivateWay
-  ROW
-  Road



This map was generated by the Town of Kennebunkport's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.





TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

AGENDA

Board of Selectmen

March 24, 1988

7:00 p.m.

Ocean National Bank

1. Call to Order
2. Warrants
3. Minutes - January 28, 1988 and February 4, 1988
4. New Septic System Variance Request (Subsurface Wastewater Disposal Rules) - Fitzpatrick
5. Highway Department
 - a. Loader Tire Bids
 - b. Dump Loader - Proposed Repair
 - c. Other
6. Annual Town Meeting
 - a. Procedures
 - b. Other
7. Other Business
8. Adjournment

Selectmen's Meeting

March 24, 1988

Minutes of the Selectmen's Meeting of March 24, 1988. Those attending were Chairman Rencurrel, Thomas Bradbury, Roland Drew, Joseph Finn, Janet Winters, Jane Duncan, John Prescott, Bruce Ringrose, Durward Parkinson, Russell Bryant, Robert Reilly, Ken Hotopp, and others.

1. Call to Order

Chairman Rencurrel called the meeting to order at 7:00 p.m.

2. Warrants

Chairman Rencurrel reminded the Selectmen to review and sign the warrants.

3. Minutes

Chairman Rencurrel called for corrections or additions to the minutes of the January 28 and February 4, 1988, meetings. Hearing none, she declared the minutes approved as written.

4. New Septic System Variance Request (Subsurface Wastewater Disposal Rules) - Fitzpatrick

The Manager presented a new septic system variance request from John Fitzpatrick, noting that it had been reviewed and approved by the Code Enforcement Officer and the Sewer Superintendent. The Code Enforcement Officer's approval was contingent on the recording of a deed restriction that would prevent any additional septic system being placed on the parcel in the future. Mr. Durward Parkinson, attorney for Mr. Fitzpatrick, felt the Town officials lacked the authority to impose a deed restriction. Discussion followed.

Mr. Drew moved that the new septic system variance request be approved with the condition that it must be noted on the property's deed that no other wastewater system shall be located on the 19.5 acres. Mr. Finn seconded. The motion was unanimously approved. Mr. Parkinson signed an acknowledgement of the deed restriction requirement and the Selectmen signed the variance request.

5. Highway Department

a. Loader Tire Bids. The only bid for the three loader tires advertised for bids on March 8, 1988, was from Donald R. Bryant, Jr., in the amount of \$225.00. Ms. Winters moved that the bid be accepted. Mr. Drew seconded. The motion was unanimously approved.

11851

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that I, JOHN D. FITZPATRICK, of North Andover, Massachusetts, FOR CONSIDERATION PAID, hereby grants to RICHARD SIEGEL and FANCIE S. SIEGEL, whose mailing address is 93 Acton Street, Maynard, Massachusetts 01754, as Joint Tenants, with Warranty Covenants, a certain lot or parcel of land together with any improvements thereon, located in Kennebunkport, York County, Maine, being more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE

WITNESS my hand and seal this 1st day of April, 1988.

Witness

STATE OF MAINE
YORK, ss.

JOHN D. FITZPATRICK

Date

April 1, 1988

Then personally appeared the above-named KATHLEEN E. BRUNNER, UNDER POWER OF ATTORNEY FOR JOHN D. FITZPATRICK and acknowledged the foregoing instrument to be his free act and deed in HER "SAD CAPACITY".

Before me,

Print Name: CLARA J. C. AYER
Title: NOTARY PUBLIC
Commission Expires: 5/5/95

18375010.021

MAINE REAL ESTATE TRANSFER TAX PAID

EXHIBIT "A"
DEED
FITZPATRICK TO SIEGEL

A certain lot or parcel of land located on the Northerly sideline of the Lester Wildes Road, in the Town of Kennebunkport, County of York and State of Maine, bounded and described as follows:

BEGINNING at a point on the Northerly sideline of said Lester Wildes Road at the Northeastly corner of land now or formerly of Scott Kingsbury; thence running N 36° 49' 49" W along said Kingsbury land a distance of 217.15 feet, more or less, to an iron pin; thence turning and running N 46° W by land now or formerly of Karl J. Bailey a distance of 607.86 feet, more or less, to an iron pin; thence turning and running S 69° 30' W by said Bailey land a distance of 1006.00 feet, more or less, to a point; thence turning and running N 12° 21' 44" W by land now or formerly of Dolores Francouer and land now or formerly of Paul and Ethel L. Westcott a distance of 1007.89 feet, more or less, to a blazed tree line; thence turning and running S 72° 28' 58" E a distance of 1754.03 feet, more or less, to a point; thence turning and running S 17° 43' 13" W a distance of 118.43 feet, more or less, to an iron pin and the northwesterly corner of land now or formerly of John W. Meserve; thence turning and running S 40° 33' 31" W by said Meserve land a distance of 281.57 feet, more or less, to an iron pin; thence turning and running S 54° 08' 55" E by said Meserve land a distance of 454.88 feet, more or less, to an iron pin; thence turning and running S 42° 04' 36" W a distance of 144.39 feet, more or less, to an iron pin set on the Northerly sideline of said Lester Wildes Road and the point of beginning; said parcel containing 19.54 acres more or less.

Together with all Grantors' right, title and interest in and to whatever land exists (if any) between the N 36° 49' 49" W and S 54° 08' 55" E sidelines of said lot extended Southeastly to the centerline of said road.

BEING the same premises conveyed to the Grantor herein by deed of Albert W. Meserve dated May 15, 1987 and recorded in the York County Registry of Deeds in Book 4290, at Page 84.

In accordance with the directive from the Board of Selectman pursuant to their endorsement of the New System Variance Request of the Grantor herein dated March 10, 1988, this conveyance is made **SUBJECT TO** the condition that no other septic system be placed on the above-described parcel.
18375010.001

RECEIVED YORK, SS
1988 APR -6 PM 3:09
RECORDED REGISTRY OF DEEDS
ATTEST *Ann M. Penzette*
REGISTER



Albert Frick Associates, Inc
Environmental Consultants
95A County Road Gorham, Maine 04038
(207) 839-5563 FAX (207) 839-5564
www.albertfrick.com info@albertfrick.com

Albert Frick, SS SE
James Logan, SS SF
Matthew Logan, SE
Brady Frick, SF
Bryan Jordan, SE
William O'Connor, SE
Nnef Dunn, Office Manager

February 17, 2015

Mr. Tim Spang
Granite Heights Road
Kennebunkport, ME 04046

Re: N/F Siegel property (abutting Spang land), R/W off Arundel Road, Kennebunkport

Dear Tim:

We did a preliminary soil evaluation on the above-referenced property on February 6, 2015. The purpose of this investigation was to determine the suitability of the site for on-site subsurface wastewater disposal.

Enclosed are soil profile descriptions for each test pit excavated.

The soil is suitable, as defined by the State of Maine Subsurface Wastewater Disposal Rules, in the vicinity of Test Pit #A-E. The soil is classified as 2A or 3A/C, per the State of Maine Subsurface Wastewater Disposal Rules. This soil requires a medium-large sized disposal area. A typical 4-bedroom dwelling would require a 11' x 32' Eljen In-Drain disposal system, and a 1,000-gallon septic tank.

A completed subsurface wastewater disposal system design (HHE-200 form) is needed for a permit to install the system once the building location, building size, and site development are conceptualized.

Should you have further questions or matters for discussion regarding the site, please do not hesitate to call.

Sincerely,

James Logan
Certified Soil Scientist #213
Licensed Site Evaluator #237
Wetland Scientist

JL/nd

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MEMORANDUM

To: Board of Selectmen

Fr: Laurie Smith, Town Manager

Re: Animal Control Ordinance

Dt: June 19, 2015

The new animal control ordinance was adopted at the June 9th, election; however, discussions at the Goose Rocks Beach Advisory Committee (GRBAC) meetings in May and June uncovered an issue with the intent of the dog ordinance committee and the actual language that was adopted. The ordinance could arguably be interpreted to mean that dogs must be “kept” entirely out of the West End Plover Protection Area (WEPPA). This would effectively cover from the Batson River east to a point 200’ east of Norwood Lane. This is not what was intended by the GRBAC. Based upon this feedback, the Town Attorney and I have reviewed the ordinance and are recommending an amendment in November, that would correct the rules regarding dogs on beaches.

In addition, Maine Department of Inland Fisheries and Wildlife (MDIFW) has recently weighed in on Kennebunkport’s Animal Control Ordinance and provided recommendations for clarifying the rules applying to dogs on beaches in order to prevent a “take” of endangered nesting shorebirds such as piping plovers. The Town Attorney and I conferred on this memo, and in light of concerns by the GRBAC, we are offering the following suggestions for addressing dogs on the west end of Goose Rocks Beach during the summer of 2015. This interpretation is done with the advisement of the GRBAC and Inland Fisheries & Wildlife.

- Whenever dogs are allowed on the beach on leash under Rules 2.a, c-h dog owners who live within 200 feet of posted or marked off beach areas comprising the essential habitat of an endangered species (such as nesting sites of piping plovers) or who take their pet within 200 feet of these areas must leash their pet and attempt to access the beach as far away as possible from the Restricted Area. For purposes of this rule, we wish to clarify that a “Restricted Area” is the area designated by governmental officials or their agents as essential habitat or nesting sites, plus 200 feet away from these habitat areas in the directions along the beach and toward the water, but excluding back dune areas, lawns or upland properties within 200 feet of these habitat areas.

- Outside of the Restricted Areas defined above but within the West End Plover Protection Area (which includes the areas of the beach from the Batson River to a point 200 feet east of Norwood Lane), dog owners who take their pets along the beach within WEPPA must keep their dogs on leash. This of course is only allowed during times that dogs are otherwise allowed on the beach.
- Although the Animal Control Ordinance permits dogs to be under voice and sight control from April 1 to September 30, between the hours of 6:00 a.m. and 7:30 a.m. (See Rule 2.e), dogs may not be off leash within WEPPA at any time from April 1 to September 30.
- All other rules in Sections D.2.a, b, f, g and h of the Ordinance are otherwise unaffected by this clarification for the summer of 2015.



Maine Department of Inland Fisheries and Wildlife (MDIFW) recommendations for Kennebunkport proposed Animal Control Ordinance

The purpose of MDIFW recommendations regarding the proposed animal control ordinance is to prevent "Take" of federal and/or state listed species that may occur on Kennebunkport beaches (Piping Plover, Least Tern, Red Knot and Roseate Tern) and potential liabilities under state and federal law. MDIFW acknowledge that the Town of Kennebunkport needs to develop a dog ordinance that works best for the Town and considers all their needs and demands. MDIFW is willing to work with and help the Town through this process. MDIFW offers the following suggestions and comments regarding the proposed Animal Control Ordinance.

Points to consider:

- After hatch plover chicks leave the stake and twine Restricted Area to forage on invertebrates in the wrack and intertidal area. MDIFW has documented chicks moving 1-1.5 miles from the nest site.
- Plover chicks "freeze" when they perceive a threat, making them almost invisible and easily snatched up by a predator.
- Roseate Terns and Red Knots use beaches beginning in mid-July through the end of September. April 1 – September 30 is consistent with the restriction window MDIFW uses during permit review of Essential Habitat and Shorebird Significant Wildlife Habitat.

MDIFW primary recommendation to prevent "Take": All dogs on leash only during April 1 – September 30. Definition of leash is hand held device 8 feet or less.

Dogs and cats can be a significant source of mortality for piping plovers. It is the experience of Federal and State agencies charged with protection and management of piping plovers through the Atlantic flyway that "voice control" does not work to prevent "take" of nesting piping plovers or their chicks.

Other considerations:

Section D: Specific Requirements for dogs on beaches

Under 2 - c : Dogs must kept at least 200 feet from any designated Restricted Area – the Town should clarify this does *not* include back dune, lawns, and upland properties within 200 feet of the designated Restricted Area. To prevent "Take" dog owners that live within 200 feet of a restricted area should leash their pet and access the beach as far away as possible from the Restricted Area.

Under 2 –d i and ii: MDIFW appreciates the Town's willingness to establish Restricted Areas with 200 foot buffers from off leash pets. **However, plover chicks and fledglings foraging outside of the Restricted Areas will be vulnerable to mortality caused by off leash dogs.**

The Kennebunkport Dog Ordinance adopted at a Special Town Meeting on June 9, 1976 is hereby repealed and replaced with this Animal Control Ordinance

PROPOSED ANIMAL CONTROL ORDINANCE

Section A: Purpose

The purpose of this ordinance is to require that all animals in the Town of Kennebunkport be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public safety threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody or possession of that animal.

Section B: Definitions

1. **ANIMAL:** Every living, sentient creature not a human being.
2. **ANIMAL CONTROL:** Control of dogs, cats and domesticated or undomesticated animals.
3. **ANIMAL CONTROL OFFICER:** Any person appointed by the Town of Kennebunkport to enforce animal control laws.
4. **ANIMAL SHELTER:** A facility that includes a physical structure that provides temporary shelter to stray, abandoned, abused or owner-surrendered animals.
5. **AT LARGE:** Off the premises of the owner, unleashed and not under the Voice and Sight control of a responsible party.
6. **BEACH:** The beaches within the Town of Kennebunkport commonly referred to as Goose Rocks Beach, Colony Beach, and Cleaves Cove.
7. **DOG:** Any of large and varied groups of domesticated animals in the canine family.
8. **LEASH:** Hand held device, 15 feet or less in length, which can be used to restrain a dog.
9. **OWNER:** Owner or any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
10. **RESPONSIBLE PARTY:** Any person who has custody, possession or control of a dog, whether or not that person is the Owner.
11. **RESTRICTED AREAS:** Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove, that is designated for special protection for piping plovers or other endangered species based upon scientific and historical data.

12. **VOICE AND SIGHT CONTROL:** "Voice Control" means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command. "Sight Control" means that dog is always within sight of the responsible party and the dog is capable of complying with Voice Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and is in violation of this Ordinance unless such person has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. A dog barking repeatedly is not considered under Voice and Sight Control.

Section C: Requirements for Control of Animals

1. **AT LARGE DOGS:** It is unlawful for any dog, licensed or unlicensed, to be at large within the Town of Kennebunkport, except when used for hunting. Dogs shall be considered at large unless leashed or under Voice and Sight Control of a responsible party. A responsible party shall maintain control of their dog(s) at all times, not allow the dog(s) to charge, chase or display aggression towards any person, or disturb or harass any person, other dogs or wildlife. A responsible party shall have a leash in his/her possession for any dog that is off leash. The owner of any dog found at large or otherwise in violation of this section will be subject to the civil penalties provided in the Ordinance and/or Maine State Law, Title 7, Section 3911.
2. **DOGS LEASHED:** A leash shall be used to restrain a dog: (a) if the dog fails to respond to voice commands when off the premises of the owner, (b) when a dog is walking with a responsible party on roads and sidewalks in the Town of Kennebunkport, or (c) if the responsible party is ordered by the Animal Control Officer or a law enforcement officer to leash the dog. The owner of any dog found in violation of this section will be subject to the civil penalties provided in the Ordinance.
3. **IMPOUNDMENT OR RETURN OF AT LARGE DOGS:** All dogs found at large in violation of this Ordinance or Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer or law enforcement officer.
4. **LICENSES:** No dog shall be kept within the limits of the Town of Kennebunkport unless such dog is licensed by the owner in accordance with Maine State Law.
5. **RABIES TAGS:** Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to the dog's collar and must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner.

6. **CONTROL OF ANIMAL WASTE:** An owner or responsible party must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property). Deposit of feces left off property of the owner shall be placed in an appropriate litter receptacle.

Section D: Specific Requirements for Dogs on Beaches

1. **AUTHORITY:** The Board of Selectmen shall have the authority to adopt specific rules governing dogs on Goose Rocks Beach, Colony Beach and Cleaves Cove that are more restrictive than the provisions of Section C of this Ordinance. For example, the Board of Selectmen may designate Restricted Areas on these beaches for special protection for piping plovers or other endangered species based upon scientific and historical data consistent with state and federal laws governing endangered species. For specific rules governing dogs on Goose Rocks Beach, the Board of Selectmen shall have the authority to adopt such rules after consultation with the Goose Rocks Beach Advisory Committee, in accordance with Section IV.D of the Beach Use Ordinance for Goose Rocks Beach.
2. **DOG RULES ON BEACHES:** The following rules, adopted in accordance with Section D.1 above, apply to the following beaches located within the Town of Kennebunkport: Goose Rocks Beach, Colony Beach and Cleaves Cove.
 - a. An owner or responsible party shall always be required to leash their dog on any of the applicable beaches referenced above when directed to do so by a law enforcement officer or Animal Control officer.
 - b. Pet waste must be picked up immediately and disposed of properly in an appropriate litter receptacle.
 - c. Dogs must be kept at least 200 feet from any designated Restricted Area.
 - d. Restricted Areas include the following:
 - i. Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove that has been roped off, fenced off or otherwise demarcated or posted by governmental officials or their agents to protect the nesting site of a piping plover or of any other endangered species protected under federal or state law.
 - ii. The **West End Plover Protection Area** is a Restricted Area on Goose Rocks Beach that begins at Norwood Avenue and continues westerly to the Batson River.
 - e. From April 1 to September 30, if under Voice and Sight Control, dogs may be off leash on the beach between 6 am and 7:30 am, except to the extent the rules in Sections D(2)(a), (c) and (d) above may require otherwise.

- f. From April 1 to September 30, dogs must be on leash between 7:30 am and 8:30 am, and after 6:00 pm
- g. From June 15 to September 30, dogs are not permitted on the beach from 8:30 AM to 6:00 PM. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person's disability.
- h. From October 1 through March 31, if under Voice and Sight Control, dogs may be off leash on the beach, except for the hours of 12-2 pm when they must remain on leash, and except to the extent the rules in Sections D(2)(a), (c) and (d) above may require otherwise.

Section E: Rulemaking Authority governing Other Public Resources

Notwithstanding the general rules found in Section C herein, the Board of Selectmen shall have the authority to adopt specific rules governing dogs on other publicly owned or operated lands located within the Town of Kennebunkport, such as public parks.

Section F: Penalties

1. Any person who violates any provision of this Ordinance shall be subject to civil penalties for each violation, as follows:
 - First violation: not less than \$50.00 and not more than \$100.00, plus costs and reasonable attorneys' fees.
 - Second violation: not less than \$100.00 and not more than \$250.00, plus costs and reasonable attorneys' fees.
 - Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs and reasonable attorneys' fees.
2. Notwithstanding multiple violations of this Ordinance, any person who violates Section C(4) (Licenses), or Section C(5) (Rabies Tags) of this Ordinance shall be subject to a civil penalty of not more than \$100.00 for each offense, consistent with 7 M.R.S.A. §§3918, 3924.
3. All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Kennebunkport and deposited in the separate account required by 7 M.R.S.A. Section 3945.
4. A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer or law enforcement officer shall cause

the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

5. Any civil penalty collected for a violation of this Ordinance shall not preclude the Town from imposing or collecting a fine or penalty for a violation of the Barking Dog Ordinance (adopted March 10, 1984).

Section G: Severability Clause

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

MUNICIPAL QUITCLAIM DEED WITHOUT COVENANTS

KNOW ALL BY THESE PRESENTS THAT the Inhabitants of the Town of Kennebunkport, a body corporate and politic located in York County, State of Maine, for consideration paid, release to Richard Moody & Sons Construction Co, LLC, a certain parcel of land with buildings thereon, if any, located in the Town of Kennebunkport, York County, State of Maine, identified as follows:

Map Lot 009-004-082, on the Town Assessors' maps for Kennebunkport, which are on file at the municipal office, being the same premises described in Town of Kennebunkport liens dated July 6, 2011, July 6, 2012, July 9, 2013, and July 11, 2014, recorded in the York County Registry of Deeds in Book 16122 Page 762, Book 16361 Page 43, Book 16643 Page 252 and Book 16851 Page 909, respectively.

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

Witness our hands and seals this 25th day of June, 2015.

Inhabitants of the Town of Kennebunkport

Witness

Witness

Witness

Witness

Witness

ACKNOWLEDGEMENT

State of Maine
York, County, ss.

June 25, 2015

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

Before me,



12RETTD

RETTD

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**MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION**

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

1. County

YORK

2. Municipality/Township

KENNEBUNKPORT

3. GRANTEE/
PURCHASER

3a) Name LAST or BUSINESS, FIRST, MI

RICHARD MOODY & SONS CONSTRUCTION CO

3c) Name LAST or BUSINESS FIRST MI

3e) Mailing Address

PO BOX 366

3f) City

MOODY

BOOK/PAGE—REGISTRY USE ONLY

3b) SSN or Federal ID

3d) SSN or Federal ID

3g) State

ME

3h) Zip Code

04054

4. GRANTOR/
SELLER

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

KENNEBUNKPORT, TOWN OF

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

4e) Mailing Address

PO BOX 566

4f) City

KENNEBUNKPORT

4b) SSN or Federal ID

4d) SSN or Federal ID

4g) State

ME

4h) Zip Code

04046

5. PROPERTY

5a) Map

9

Block

4

Lot

82

Sub-Lot

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

102

Check any that apply:

☐ No tax maps exist

5d) Acreage

☐ Multiple parcels☐ Portion of parcel

2.01

5c) Physical Location

WAKEFIELD PASTURE ROAD

6. TRANSFER TAX

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

6a

.00

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

6b

135500.00

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

QUITCLAIM DEED TO GRANTEE, PAYMENT OF TAXES ON FORECLOSED PROPERTY

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

06-25-2015

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

☐ CLASSIFIED

MONTH DAY YEAR

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

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

☐ Seller has qualified as a Maine resident☐ A waiver has been received from the State Tax Assessor☐ Consideration for the property is less than \$50,000☐ Foreclosure Sale

11. OATH

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

Grantee _____ Date _____ Grantor _____ Date _____

Grantee _____ Date _____ Grantor _____ Date _____

12. PREPARER

Name of Preparer _____ Phone Number _____

Mailing Address _____ E-Mail Address _____

Fax Number _____

<http://www.maine.gov/revenue/propertytax/transfertax/transfertax.htm>

MEMORANDUM

To: Board of Selectmen

Fr: Laurie Smith, Town Manager

Re: Animal Control Ordinance

Dt: June 19, 2015

The new animal control ordinance was adopted at the June 9th, election; however, discussions at the Goose Rocks Beach Advisory Committee (GRBAC) meetings in May and June uncovered an issue with the intent of the dog ordinance committee and the actual language that was adopted. The ordinance could arguably be interpreted to mean that dogs must be "kept" entirely out of the West End Plover Protection Area (WEPPA). This would effectively cover from the Batson River east to a point 200' east of Norwood Lane. This is not what was intended by the GRBAC. Based upon this feedback, the Town Attorney and I have reviewed the ordinance and are recommending an amendment in November, that would correct the rules regarding dogs on beaches.

In addition, Maine Department of Inland Fisheries and Wildlife (MDIFW) has recently weighed in on Kennebunkport's Animal Control Ordinance and provided recommendations for clarifying the rules applying to dogs on beaches in order to prevent a "take" of endangered nesting shorebirds such as piping plovers. The Town Attorney and I conferred on this memo, and in light of concerns by the GRBAC, we are offering the following suggestions for addressing dogs on the west end of Goose Rocks Beach during the summer of 2015. This interpretation is done with the advisement of the GRBAC and Inland Fisheries & Wildlife.

- Whenever dogs are allowed on the beach on leash under Rules 2.a, c-h dog owners who live within 200 feet of posted or marked off beach areas comprising the essential habitat of an endangered species (such as nesting sites of piping plovers) or who take their pet within 200 feet of these areas must leash their pet and attempt to access the beach as far away as possible from the Restricted Area. For purposes of this rule, we wish to clarify that a "Restricted Area" is the area designated by governmental officials or their agents as essential habitat or nesting sites, plus 200 feet away from these habitat areas in the directions along the beach and toward the water, but excluding back dune areas, lawns or upland properties within 200 feet of these habitat areas.

- Outside of the Restricted Areas defined above but within the West End Plover Protection Area (which includes the areas of the beach from the Batson River to a point 200 feet east of Norwood Lane), dog owners who take their pets along the beach within WEPPA must keep their dogs on leash. This of course is only allowed during times that dogs are otherwise allowed on the beach.
- Although the Animal Control Ordinance permits dogs to be under voice and sight control from April 1 to September 30, between the hours of 6:00 a.m. and 7:30 a.m. (See Rule 2.e), dogs may not be off leash within WEPPA at any time from April 1 to September 30.
- All other rules in Sections D.2.a, b, f, g and h of the Ordinance are otherwise unaffected by this clarification for the summer of 2015.



Maine Department of Inland Fisheries and Wildlife (MDIFW) recommendations for Kennebunkport proposed Animal Control Ordinance

The purpose of MDIFW recommendations regarding the proposed animal control ordinance is to prevent "Take" of federal and/or state listed species that may occur on Kennebunkport beaches (Piping Plover, Least Tern, Red Knot and Roseate Tern) and potential liabilities under state and federal law. MDIFW acknowledge that the Town of Kennebunkport needs to develop a dog ordinance that works best for the Town and considers all their needs and demands. MDIFW is willing to work with and help the Town through this process. MDIFW offers the following suggestions and comments regarding the proposed Animal Control Ordinance.

Points to consider:

- After hatch plover chicks leave the stake and twine Restricted Area to forage on invertebrates in the wrack and intertidal area. MDIFW has documented chicks moving 1-1.5 miles from the nest site.
- Plover chicks "freeze" when they perceive a threat, making them almost invisible and easily snatched up by a predator.
- Roseate Terns and Red Knots use beaches beginning in mid-July through the end of September. April 1 – September 30 is consistent with the restriction window MDIFW uses during permit review of Essential Habitat and Shorebird Significant Wildlife Habitat.

MDIFW primary recommendation to prevent "Take": All dogs on leash only during April 1 – September 30. Definition of leash is hand held device 8 feet or less.

Dogs and cats can be a significant source of mortality for piping plovers. It is the experience of Federal and State agencies charged with protection and management of piping plovers through the Atlantic flyway that "voice control" does not work to prevent "take" of nesting piping plovers or their chicks.

Other considerations:

Section D: Specific Requirements for dogs on beaches

Under 2 - c : Dogs must kept at least 200 feet from any designated Restricted Area – the Town should clarify this does *not* include back dune, lawns, and upland properties within 200 feet of the designated Restricted Area. To prevent "Take" dog owners that live within 200 feet of a restricted area should leash their pet and access the beach as far away as possible from the Restricted Area.

Under 2 –d i and ii: MDIFW appreciates the Town's willingness to establish Restricted Areas with 200 foot buffers from off leash pets. However, plover chicks and fledglings foraging outside of the Restricted Areas will be vulnerable to mortality caused by off leash dogs.

The Kennebunkport Dog Ordinance adopted at a Special Town Meeting on June 9, 1976 is hereby repealed and replaced with this Animal Control Ordinance

PROPOSED ANIMAL CONTROL ORDINANCE

Section A: Purpose

The purpose of this ordinance is to require that all animals in the Town of Kennebunkport be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public safety threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody or possession of that animal.

Section B: Definitions

1. **ANIMAL:** Every living, sentient creature not a human being.
2. **ANIMAL CONTROL:** Control of dogs, cats and domesticated or undomesticated animals.
3. **ANIMAL CONTROL OFFICER:** Any person appointed by the Town of Kennebunkport to enforce animal control laws.
4. **ANIMAL SHELTER:** A facility that includes a physical structure that provides temporary shelter to stray, abandoned, abused or owner-surrendered animals.
5. **AT LARGE:** Off the premises of the owner, unleashed and not under the Voice and Sight control of a responsible party.
6. **BEACH:** The beaches within the Town of Kennebunkport commonly referred to as Goose Rocks Beach, Colony Beach, and Cleaves Cove.
7. **DOG:** Any of large and varied groups of domesticated animals in the canine family.
8. **LEASH:** Hand held device, 15 feet or less in length, which can be used to restrain a dog.
9. **OWNER:** Owner or any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
10. **RESPONSIBLE PARTY:** Any person who has custody, possession or control of a dog, whether or not that person is the Owner.
11. **RESTRICTED AREAS:** Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove, that is designated for special protection for piping plovers or other endangered species based upon scientific and historical data.

12. **VOICE AND SIGHT CONTROL:** "Voice Control" means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command. "Sight Control" means that dog is always within sight of the responsible party and the dog is capable of complying with Voice Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and is in violation of this Ordinance unless such person has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. A dog barking repeatedly is not considered under Voice and Sight Control.

Section C: Requirements for Control of Animals

1. **AT LARGE DOGS:** It is unlawful for any dog, licensed or unlicensed, to be at large within the Town of Kennebunkport, except when used for hunting. Dogs shall be considered at large unless leashed or under Voice and Sight Control of a responsible party. A responsible party shall maintain control of their dog(s) at all times, not allow the dog(s) to charge, chase or display aggression towards any person, or disturb or harass any person, other dogs or wildlife. A responsible party shall have a leash in his/her possession for any dog that is off leash. The owner of any dog found at large or otherwise in violation of this section will be subject to the civil penalties provided in the Ordinance and/or Maine State Law, Title 7, Section 3911.
2. **DOGS LEASHED:** A leash shall be used to restrain a dog: (a) if the dog fails to respond to voice commands when off the premises of the owner, (b) when a dog is walking with a responsible party on roads and sidewalks in the Town of Kennebunkport, or (c) if the responsible party is ordered by the Animal Control Officer or a law enforcement officer to leash the dog. The owner of any dog found in violation of this section will be subject to the civil penalties provided in the Ordinance.
3. **IMPOUNDMENT OR RETURN OF AT LARGE DOGS:** All dogs found at large in violation of this Ordinance or Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer or law enforcement officer.
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Section D: Specific Requirements for Dogs on Beaches

1. **AUTHORITY:** The Board of Selectmen shall have the authority to adopt specific rules governing dogs on Goose Rocks Beach, Colony Beach and Cleaves Cove that are more restrictive than the provisions of Section C of this Ordinance. For example, the Board of Selectmen may designate Restricted Areas on these beaches for special protection for piping plovers or other endangered species based upon scientific and historical data consistent with state and federal laws governing endangered species. For specific rules governing dogs on Goose Rocks Beach, the Board of Selectmen shall have the authority to adopt such rules after consultation with the Goose Rocks Beach Advisory Committee, in accordance with Section IV.D of the Beach Use Ordinance for Goose Rocks Beach.
2. **DOG RULES ON BEACHES:** The following rules, adopted in accordance with Section D.1 above, apply to the following beaches located within the Town of Kennebunkport: Goose Rocks Beach, Colony Beach and Cleaves Cove.
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 - b. Pet waste must be picked up immediately and disposed of properly in an appropriate litter receptacle.
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- g. From June 15 to September 30, dogs are not permitted on the beach from 8:30 AM to 6:00 PM. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person's disability.
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Section E: Rulemaking Authority governing Other Public Resources

Notwithstanding the general rules found in Section C herein, the Board of Selectmen shall have the authority to adopt specific rules governing dogs on other publicly owned or operated lands located within the Town of Kennebunkport, such as public parks.

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 - Second violation: not less than \$100.00 and not more than \$250.00, plus costs and reasonable attorneys' fees.
 - Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs and reasonable attorneys' fees.
2. Notwithstanding multiple violations of this Ordinance, any person who violates Section C(4) (Licenses), or Section C(5) (Rabies Tags) of this Ordinance shall be subject to a civil penalty of not more than \$100.00 for each offense, consistent with 7 M.R.S.A. §§3918, 3924.
3. All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Kennebunkport and deposited in the separate account required by 7 M.R.S.A. Section 3945.
4. A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer or law enforcement officer shall cause

the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

5. Any civil penalty collected for a violation of this Ordinance shall not preclude the Town from imposing or collecting a fine or penalty for a violation of the Barking Dog Ordinance (adopted March 10, 1984).

Section G: Severability Clause

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

10

MUNICIPAL QUITCLAIM DEED WITHOUT COVENANTS

KNOW ALL BY THESE PRESENTS THAT the Inhabitants of the Town of Kennebunkport, a body corporate and politic located in York County, State of Maine, for consideration paid, release to Richard Moody & Sons Construction Co, LLC, a certain parcel of land with buildings thereon, if any, located in the Town of Kennebunkport, York County, State of Maine, identified as follows:

Map Lot 009-004-082, on the Town Assessors' maps for Kennebunkport, which are on file at the municipal office, being the same premises described in Town of Kennebunkport liens dated July 6, 2011, July 6, 2012, July 9, 2013, and July 11, 2014, recorded in the York County Registry of Deeds in Book 16122 Page 762, Book 16361 Page 43, Book 16643 Page 252 and Book 16851 Page 909, respectively.

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

Witness our hands and seals this 25th day of June, 2015.

Inhabitants of the Town of Kennebunkport

Witness

Witness

Witness

Witness

Witness

ACKNOWLEDGEMENT

State of Maine
York, County, ss.

June 25, 2015

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

Before me,



12RETTD

RETTD

00

**MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION**

TITLE 36, M.R.S.A. SECTIONS 554641-4641N

1. County

YORK

2. Municipality/Township

KENNEBUNKPORT

3. GRANTEE/
PURCHASER

3a) Name LAST or BUSINESS, FIRST, MI

RICHARD MOODY & SONS CONSTRUCTION CO

3c) Name LAST or BUSINESS, FIRST, MI

3e) Mailing Address

PO BOX 366

3f) City

MOODY

3b) SSN or Federal ID

3d) SSN or Federal ID

3g) State

ME

3h) Zip Code

04054

BOOK/PAGE—REGISTRY USE ONLY

4. GRANTOR/
SELLER

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

KENNEBUNKPORT, TOWN OF

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

4e) Mailing Address

PO BOX 566

4f) City

KENNEBUNKPORT

4b) SSN or Federal ID

4d) SSN or Federal ID

4g) State

ME

4h) Zip Code

04046

5. PROPERTY

5a) Map

9

Block

4

Lot

82

Sub-Lot

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

102

Check any that apply:

☐ No tax maps exist☐ Multiple parcels☐ Portion of parcel

5d) Acreage

2.01

5c) Physical Location

WAKEFIELD PASTURE ROAD

6. TRANSFER TAX

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

6a

.00

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

6b

135500.00

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

QUITCLAIM DEED TO GRANTEE, PAYMENT OF TAXES ON FORECLOSED PROPERTY

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

06-25-2015

MONTH

DAY

YEAR

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

☐ CLASSIFIED

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

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

☐ Seller has qualified as a Maine resident☐ A waiver has been received from the State Tax Assessor☐ Consideration for the property is less than \$50,000☐ Foreclosure Sale

11. OATH

Aware of penalties as set forth by Title 36 54641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below:

Grantee _____ Date _____ Grantor _____ Date _____
Grantee _____ Date _____ Grantor _____ Date _____

12. PREPARER

Name of Preparer _____ Phone Number _____

Mailing Address _____ E-Mail Address _____

Fax Number _____

12

WAIVER OF FORECLOSURE FORM

The foreclosure of the sewer lien mortgage on real estate for a sewer fee assessed against Seavey Ann to Town of Kennebunkport dated December 19, 2013 and recorded in the York County Registry of Deeds in Book 16751, Page 971 is hereby waived.

Dated this 26th day of June, 2015.

By: _____
Jennifer L. Lord
Treasurer, Town of Kennebunkport

ACKNOWLEDGEMENT

State of Maine
York, s.s.

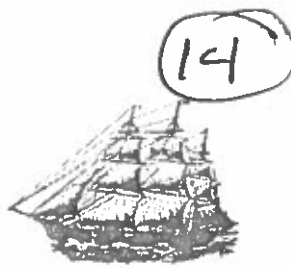
June 26, 2015

Then personally appeared the above named Jennifer L. Lord, Treasurer and acknowledged the foregoing instrument to be her free act and deed in her said capacity.

Before me,

2013 SEWER AUTO FORECLOSURE - MATURES 6/22/15

NAME	ACCT #	LOCATION	MBL #	LIEN DATE & CERTIFIED MAIL DATE	RECEIVED/SIGNED DATE	AUTO FORECLOSURE DATE & MAIL DATE	RECEIVED/SIGNED DATE
CARNEY DONALD A	420	8 SOUTH STREET	10-005-09	12/19/13	Signed by Donald Carney	05/19/15	Signed by Donald Carney
MARCOTTE CHRISTINE L	298	14 BRIARWOOD LANE	09-004-39	12/19/13	Unclaimed by resident & mortgage holder, mailed out first class to both	05/19/15	Unclaimed by resident & mortgage holder, mailed out first class to both
MCLUSKEY PETER K	1219	178 KINGS HIGHWAY	34-002-13	12/19/13	Unclaimed, sent out first class mail	05/19/15	Nothing back as of 6/22/15
SEAVEY ANN	792	144 WILDES DISTRICT ROAD	22-003-03	12/19/13	Returned, not deliverable, deceased	05/19/15	Returned, not deliverable, deceased
WILTSHIRE DANIEL MORGAN	526	6 HIGH STREET	11-005-05	12/19/13	12/23/13, Patricia Wiltshire	05/19/15	6/5/15, Pam Aube
TOTALS							



TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

MAINE'S FINEST RESORT

MEMORANDUM

To: Board of Selectmen
Fr: Laurie Smith, Town Manager *LAS*
Re: Union Contract
Dt: June 23, 2015

Over the past few months, the Selectmen subcommittee of Stuart and Sheila met with myself and union representatives to negotiate a new union contract, as our current one expires at the end of the month. We are fortunate to have many good employees who care deeply about public service and our goal is to work with these employees to provide a competitive wage and benefit package while at the same time maintaining an affordable budget. The Town was fortunate in the last contract to make changes to the health insurance program and cost share that provided cost savings to the Town and employees. Our goal was to maintain this program in the new contract and award annual increases that reflect the current improving market place.

The union brought forward a variety of proposals that would have increased Town labor costs in a number of ways, but unfortunately only benefiting a few employees in certain positions. The negotiating team focused on simplifying costs and approving wages that would benefit all employees. The only change in the new contract will be annual cost of living adjustments of 3% per year. The contract will be for three years and expire in June of 2018.

(15)

Kennebunkport Public Health

June 18, 2015

Att: Kennebunkport Board of Selectmen
Laurie Smith Kennebunkport Town Manager

Please accept these generous donations of: \$50.
From Angela Gendron and \$150 from Rachel Grier-Reynolds in memory of Anthony Kratovil. They wish that these funds be dedicated to the Kennebunkport Emergency Fuel Program.

ANGELA L GENDRON

52-7450/2112

4201

~~60-295 7022~~
~~RECORDS ST.~~
~~CLERK, 05050~~

DATE 6/3/15

PAY TO
THE ORDER OF

Town of Kennebunkport \$ 50.00

Fifty

and 00

DOLLARS



Security Features
Included on Back

Kennebunk Savings

MEMO Emergency Fuel Assistance

Angela L Gendron

RACHEL E. GRIER-REYNOLDS

60-295 7022
313

9465

~~60-295 7022~~
~~RECORDS ST.~~
~~CLERK, 05050~~

DATE

05/31/2015



PAY TO THE
ORDER OF

Kennebunkport Fuel Assistance \$ 100.00

One hundred dollars and 00

DOLLARS



Security Features
Included on Back

M&T Bank

M&T SelectSM

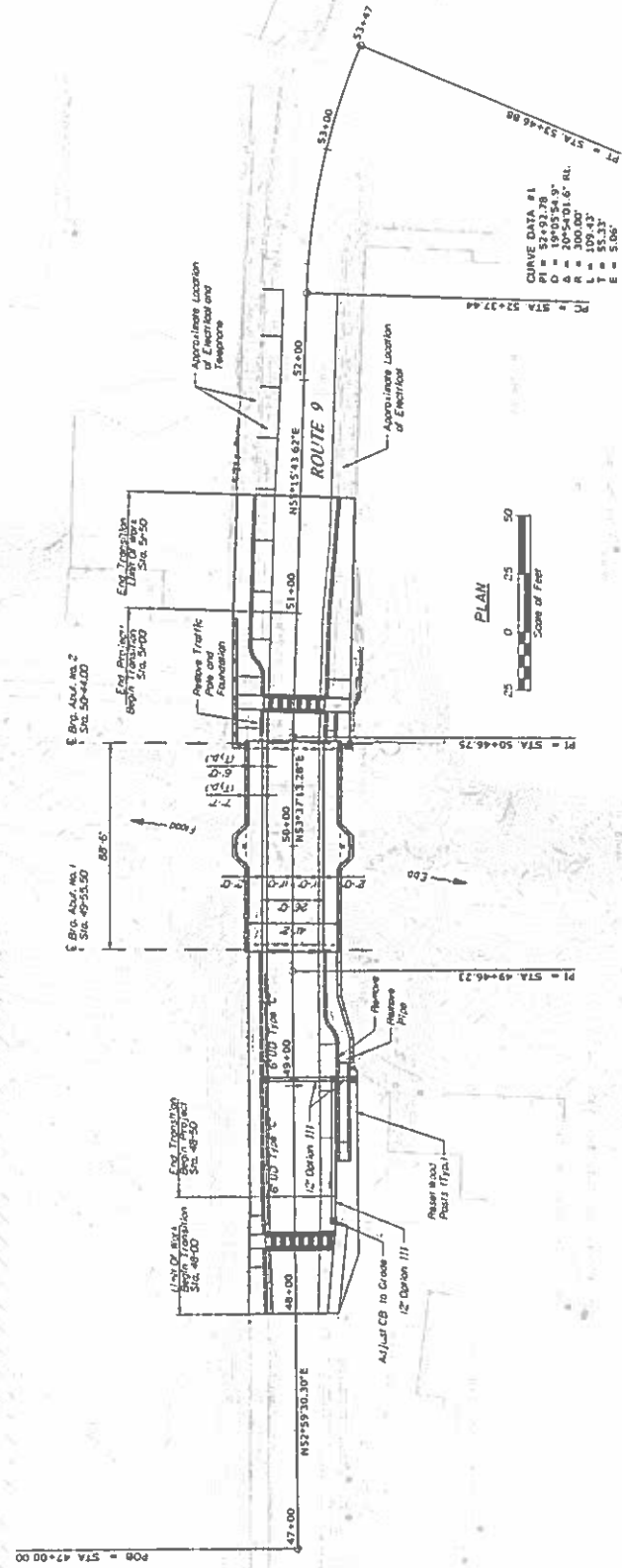
MEMO Anthony Kratovil, Sr.

Rachel Grier-Reynolds

~~60-295 7022~~

~~60-295 7022~~

17

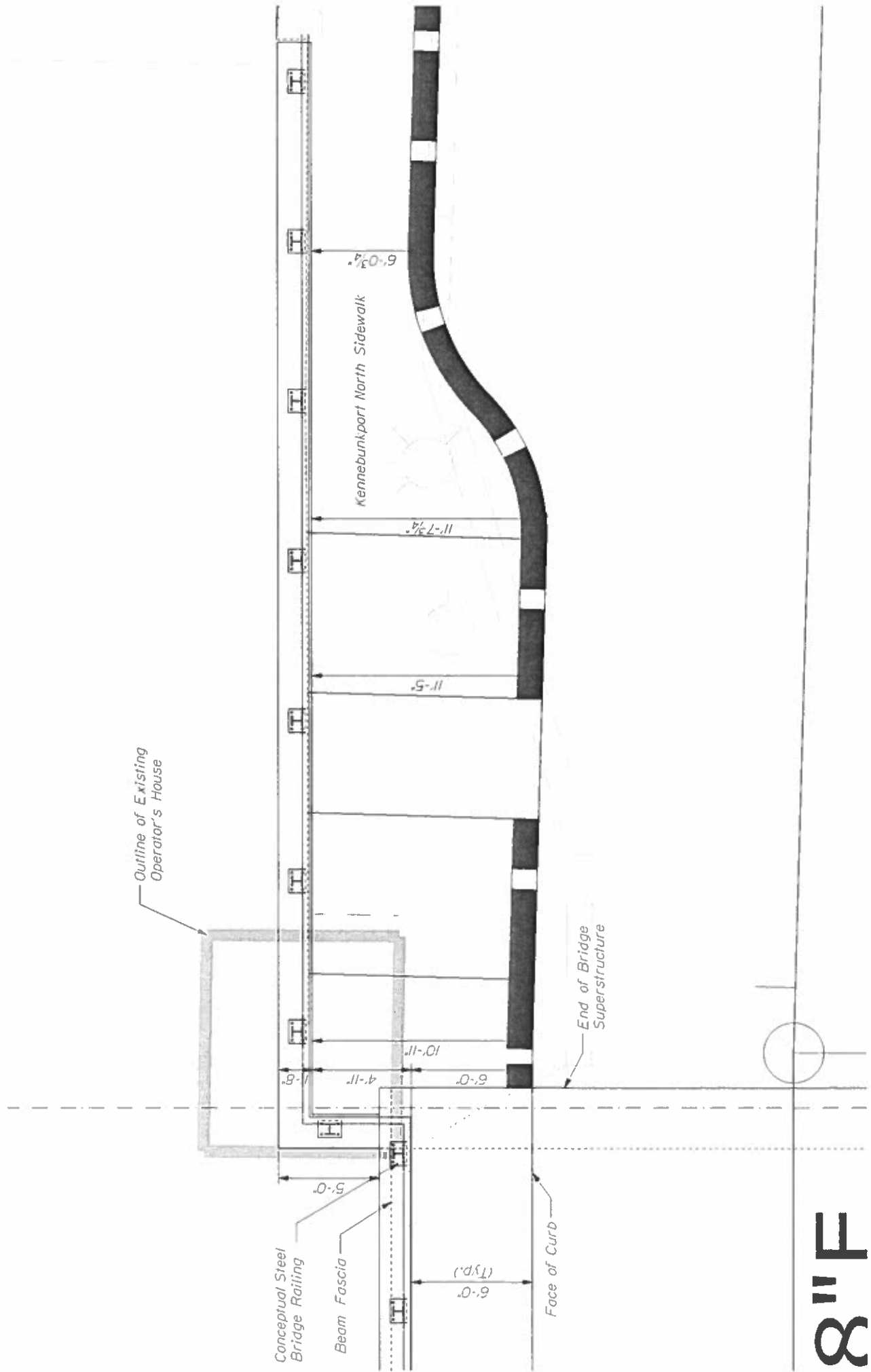


CURVE DATA #1
PI = 52+37.44
PC = 52+37.44
PT = 52+52.78
L = 155.34
R = 205+50.00
L = 300.00
L = 109.43
E = 5.53
E = 5.06

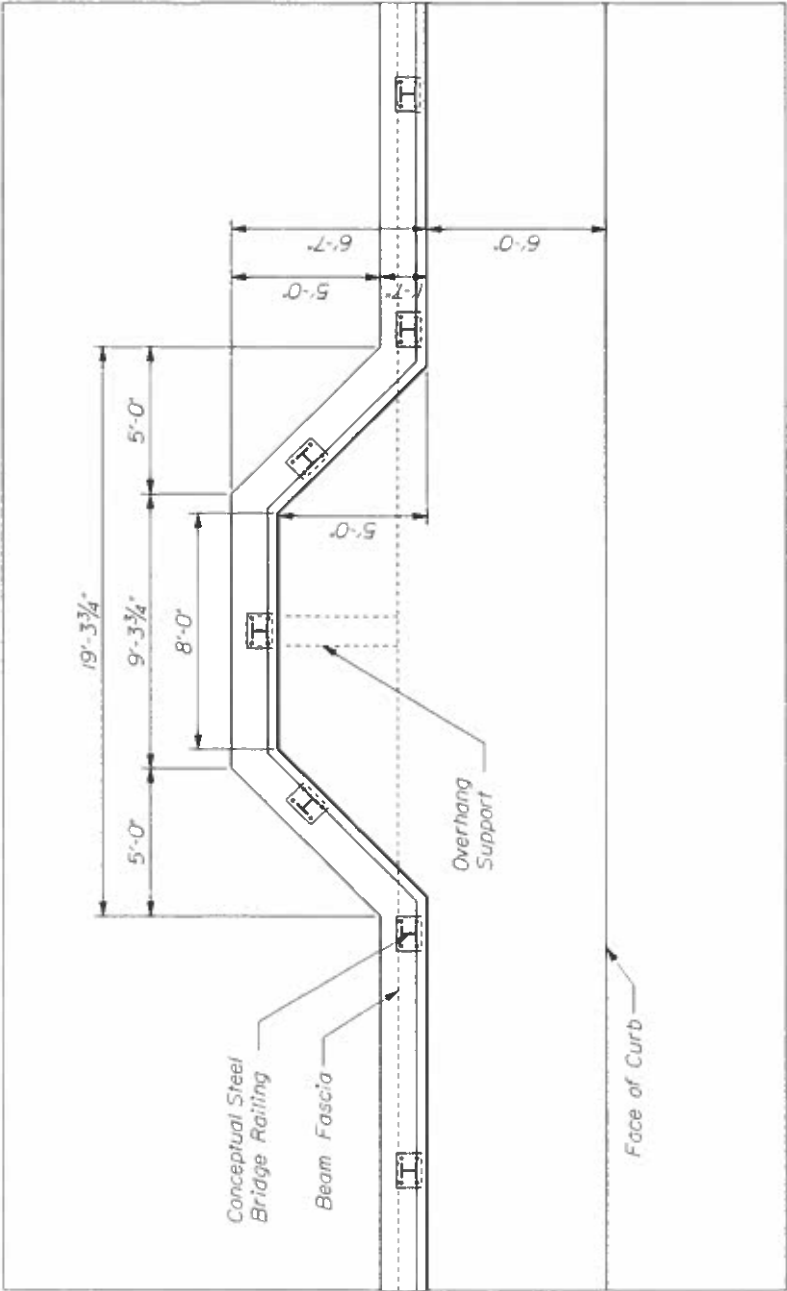


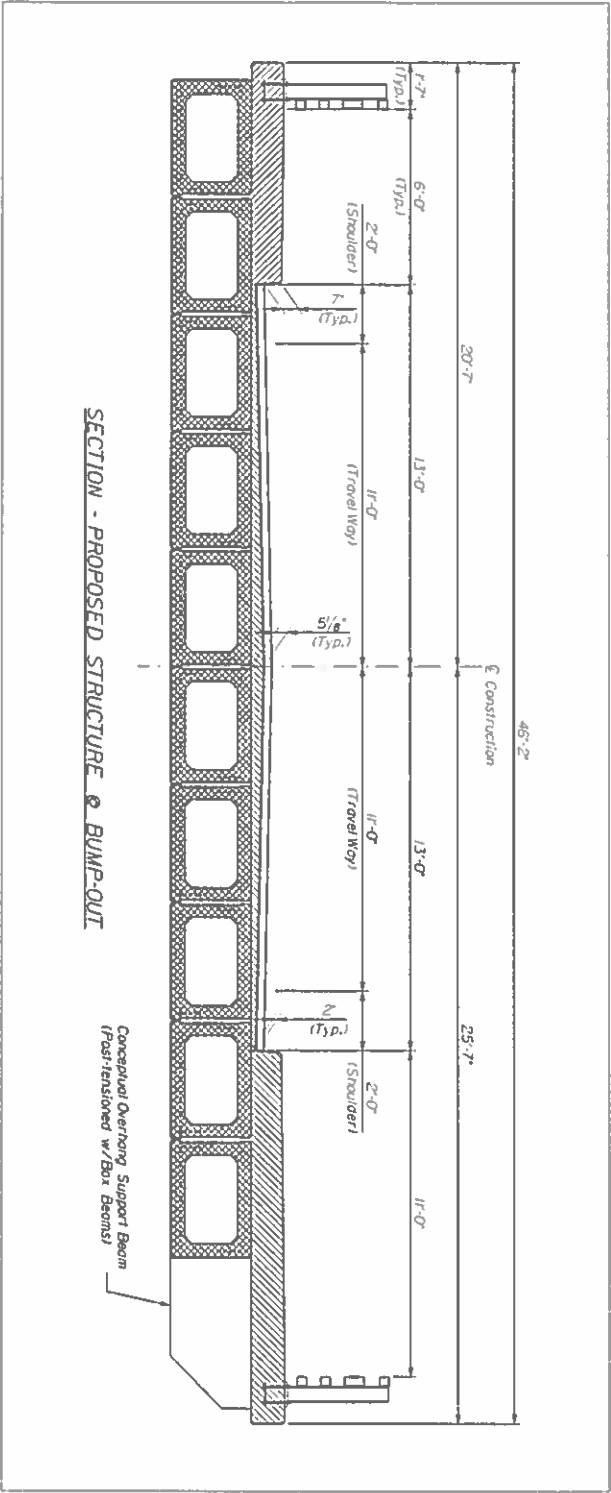
KENNEBUNK RIVER





8" F







18

KENNEBUNKPORT WASTEWATER DEPARTMENT

Certificate of Commitment of Sewer User Rates

To: Jennifer Lord, the treasurer of the municipality of Kennebunkport, Maine.

We, the undersigned municipal officers of the municipality of Kennebunkport, hereby certified and commit to you a true list of the sewer rates established by us pursuant to 30-A M.R.S.A. § 3406 for those properties, units, and structures required by local and State law to pay a sewer rate to the municipality, for the period beginning January 1, 2013 and ending December 31, 2013. This list is comprised of the pages numbered 1 to 1 inclusive which are attached to this certificate. The date(s) on which the rates included in this list are due and payable is (are) July 27, 2015. You are hereby required to collect from each person named in the attached list his or her respective amount as indicated in the list, the sum total of those lists being \$400.00. You are hereby required to charge interest at a rate of 7.00% per annum on any unpaid account balance beginning July 28, 2015. You are hereby authorized to collect these rates and any accrued interest by any means legally available to you under State law. On or before December 31, 2015 you shall complete and make an account of your collections of the whole sum herein committed to you.

Given under our hands this 25th day of June, 2015.

Municipal Officers, Town of Kennebunkport

Book : 99

Book	Seq	Cons	Regular	Misc	Tax	Past Due	Interest	Amount	Account	Name
*99	0	0	400.00	0.00	0.00	0.00	0.00	400.00	1665 JOHNSON DONALD J	
<hr/>										
Book: 99										
1 bill		0	400.00	0.00	0.00	0.00	0.00	400.00		
<hr/>										
Total:		0	400.00	0.00	0.00	0.00	0.00	400.00		
1 bill										



KENNEBUNKPORT WASTEWATER DEPARTMENT

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Given under our hands this 25th day of June, 2015.

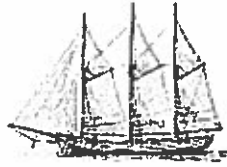
Municipal Officers, Town of Kennebunkport

Created Bills Report

Rate Key : 70 Interest As Of: 06/26/2015

Book : 99

Book	Seq	Cons	Regular	Misc	Tax	Past Due	Interest	Amount	Account	Name
*99	0	0	410.00	0.00	0.00	400.00	0.00	810.00	1665 JOHNSON DONALD J	
<hr/>										
Book: 99										
1 bill		0	410.00	0.00	0.00	400.00	0.00	810.00		
<hr/>										
Total:		0	410.00	0.00	0.00	400.00	0.00	810.00		
1 bill										



KENNEBUNKPORT WASTEWATER DEPARTMENT

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Given under our hands this 25th day of June, 2015.

Municipal Officers, Town of Kennebunkport

Created Bills Report

Rate Key : 71 Interest As Of: 06/26/2015

Book : 99

Book	Seq	Cons	Regular	Misc	Tax	Past Due	Interest	Amount	Account	Name
*99	0	0	415.00	0.00	0.00	810.00	0.00	1,225.00	1665 JOHNSON DONALD J	

Book: 99
1 bill

1,225.00

Total:
1 bill

1,225.00

199

6/11/2015

Dear the Board of Selectmen of Kennebunkport,

I am a student of Kennebunkport, Consolidated School. My friend Drew and I had to do a persuasive writing project for school, and we decided to brainstorm together. I came up with the idea of Borrow a Bike in Dock Square. I think we should do Borrow a Bike because some kids don't have enough money to buy bikes, or their bikes are too small. I know that we already have a set up of rentable bikes in Dock Square, but the bikes are for grownups, and they don't let you rent helmets. If you charged a fee of twenty five cents per half hour, you could use part of the profit for buying or repairing bikes, and the rest for other causes.

You may be wondering where we would get the bikes. There is a local bike shop called Kennebunkport Bicycle Company on 34 Arundel Road, Kennebunkport. If you had different stations with employees at each, no one would be able to steal the bikes. It would cost between \$2,000 - \$6,000 dollars to support this fund. I think this will be fun for kids, And it would also help kids whose families don't have much money, get exercise. Please consider this for Dock Square, as well as my friend Drew's argument.

Sincerely,

Janelle Powell

Janelle Powell

6/11/2015

Dear Selectman of Kennebunkport,

I am a student of Kennebunkport, Consolidated School. My friend Janelle and I had to do a persuasive writing to change something about the school or the town. We chose the town. I thought that in Dock Square we could have a swimming class so kids could swim. It could be free and we might be able to hire volunteer lifeguards. I think we could do the swimming lessons at the Grist Mill. I hope it will work.

Sincerely,

Drew Highbarger



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TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

To: Board/Committee Chairs
Department Heads
Board of Selectmen

From: Laurie Smith, Town Manager

A handwritten signature in dark ink, appearing to be 'LS' or 'L. Smith', written over a horizontal line.

RE: Critical Dates for November 3, 2015 Special Town Meeting

Date: June 18, 2015

With the June, 2015 Annual Town Meeting behind us, it is now time to move forward and begin planning for the next Special Town Meeting in November.

To assist you in this process, April Dufoe, Town Clerk, has provided the attached critical deadline dates. Adherence to these deadlines will help avoid last minute problems and ensure that proposed changes or additions to ordinances are placed on the November Special Town Meeting Warrant.

Please pass this information on to all your Board/Committee members. Also, April will be happy to answer any questions concerning these deadlines.

We hope this information will help make transition to the next Town Meeting a very successful one.

CRITICAL DATES FOR TOWN MEETING November 3, 2015

- July 1, 2015 Paperwork of proposed ordinance changes (in underline/strike through format) due to Town Manager from Boards, Committees and Department Heads. [See Town Clerk in advance for assistance in formatting if necessary.]
- July 9, 2015 Presentation to Board of Selectmen by Boards, Committees and Department Heads of proposed ordinance changes. [Afterwards, proposals sent to appropriate Boards, Committees and Legal for review.]
- July 23, 2015 Public discussion and input at Board of Selectmen meeting.
- Aug. 13, 2015 Suggested changes by Town Attorney presented to Board of Selectmen.
- Aug. 27, 2015 Final draft presentation to the Board of Selectmen with any last minute changes made.
- Sept. 10, 2015 Last Selectman's Meeting to sign Warrant.
- Sept. 10, 2015 Selectmen set Public Hearing Date. (Perhaps for Oct. 22, 2015)
- Sept. 21, 2015 The following documents due to Town Clerk: 30-A MRSA, Sec. 2528(5) (45Days)
Warrant
Certification of Proposed Ordinance
Order to Post Copies of Ordinance
Return of Warrant
- Oct. 27, 2015 Last date to post Warrant of Town Meeting 30-A MRSA, Sec. 2523(4) (7 days)
- Oct. 27, 2015 Last day to send Notice of Town Meeting to all boxholders (Administrative Code)
- Nov. 03, 2015 Town Meeting with polls open from 8:00 AM to 8:00 PM.

CRITICAL DATES FOR PUBLIC HEARING (Minimum Requirements)

- 10 days prior to voting
(at least) Public Hearing required. (Conducted by the Selectmen with the Growth Planning Committee and the Planning Board in attendance.) 30-A MRSA
- 7 days prior to P.H. Return to Town Clerk
30-A MRSA, Sec. 2528(5)
- 7 days prior to P.H. Last day to publish notice of P.H. in newspaper
30-A MRSA, Section 4352(9)(B)