TOWN OF KENNEBUNKPORT, MAINE

–INCORPORATED 1653–

Board of Selectmen Agenda
January 9, 2020
5:00 PM
Village Fire Station—32 Elm Street

1. Call to Order.

2. Swearing in of newly elected member of Board of Selectmen

3. Executive Session pursuant to MRSA 1, §405-6E to consult with Town Attorney.

4. Approve the December 23, 2019, selectmen meeting minutes.

5. 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.).

6. Public hearing to consider a new application for a bed and breakfast and liquor license submitted by Kennebunkport Captains Collection Holdings, LLC, DBA Captain Fairfield Inn, 8 Pleasant Street.

7. Public hearing to consider a new application for a bed and breakfast and liquor license submitted by Kennebunkport Captains Collection Holdings, LLC, DBA the Maine Stay Inn and Cottages, 34 Maine St.

8. Public hearing to consider a new application for a bed and breakfast and liquor license submitted by Kennebunkport Captains Collection Holdings, LLC, DBA Captain Lord Mansion, 6 Pleasant St.

9. Public hearing to consider a new application for a bed and breakfast and liquor license submitted by Kennebunkport Captains Collection Holdings, LLC, DBA Captain Jeffords Inn, 5 Pearl St.

10. Presentation of FY2019 audit by Hank Farrah of RKO.

11. Transfer to capital reserve fund in accordance with fund balance policy.

12. Consider foreclosure list for taxes.

13. Sign the Warrant for March 3, 2020, Special Town Meeting.

14. Set public hearing for February 13, 2020, for public input on ordinance revisions.

15. Set the number of shellfish licenses, license fees, and the length of the season.

16. Discussion of recycling options

17. Transfer of brush truck to Atlantic Fire Company

18. Discuss road moratoriums.

19. Set the 2020 fees for Goose Rocks Beach parking stickers.

    Current fees are:

    Resident seasonal $5.00
    Nonresident daily $25.00
    Nonresident weekly $100.00
    Nonresident seasonal $200.00

20. Adopt the Goose Rocks Beach Parking Sticker Rules/Regulations.

21. Accept donation of $750 from the Nonantum Resort to the emergency fuel fund.

22. Accept donation of $389.67 from the Church on the Cape to the emergency fuel fund

23. Accept donation of $150.00 from Alex and Judith Lachiatto to the Nurses fees account.

24. Other Business.

25. Approve the December 12, 2019, Treasurer's Warrant.

26. Adjournment.

Agenda Item Divider

Board of Selectmen Meeting
December 23, 2019
9:00 AM
Town Hall—6 Elm Street

Minutes of the Selectmen's Meeting of December 23, 2019

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

Selectman Absent: Edward W. Hutchins

Others: Michael Claus, Arlene McMurray, Nina Pearlmutter, Laurie A. Smith

1. Call to Order.

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

2. Approve the December 12, 2019, selectmen meeting minutes.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to approve the December 12, 2019, selectmen meeting minutes. **Vote**: 3-0

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

There were no comments.

4. Consider authorization for an EPA Grant.

Town Manager Laurie Smith explained that Nina Pearlmutter of the Shade Tree Committee would like to purchase software with an EPA Grant.

Public Works Director Michael Claus said that the software would go to Bartlett Tree Experts to do the tree inventory instead him or Nicole having to do it.

Ms. Pearlmutter said she found out that the Board does not need to write an authorization letter to apply for the grant, but there needs to be an educational component to qualify. She needs to find out how to include an educational component with the school, but they are closed for the holidays. She said John Ripton has an educational class for the community at the library, and they can even educate tourists.

The grant application is due January 6. Ms. Pearlmutter said they may need a System for Award Management (SAM) number which could take a month to get.

Ms. Smith said the question is whether the Town can apply for a grant. The Town's cost share must be within the current budget for this current year.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to give Ms. Pearlmutter authorization to proceed with applying for the EPA Grant as long as the

matching funds are in the Town's current budget and no additional funds are needed. **Vote**: 3-0.

If the Town is successful in acquiring an EPA Grant, the Board would like to see it first before it is approved.

5. Accept three donations from the Flynn Family Foundation.

a. Donation of $2,500 to the emergency fuel fund.

Motion by Selectman Briggs seconded by Selectman Matthews-Bull to accept the $2,500 donation from the Flynn Family Foundation to the emergency fuel fund. **Vote**: 3-0.

b. Donation of $2,500 to the emergency food fund.

Motion by Selectman Matthews-Bull, seconded by Selectman Briggs, to accept the $2,500 donation from the Flynn Family Foundation to the emergency food fund. **Vote**: 3-0.

c. Donation of $2,500 to the nurses' general account.

Motion by Selectman Briggs seconded by Selectman Matthews-Bull to accept the $2,500 donation from the Flynn Family Foundation to the nurses' general account. **Vote**: 3-0.

6. Other Business.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to give the town manager a $5,000 Christmas bonus. **Vote**: 3-0.

Motion by Selectman Matthews-Bull, seconded by Selectman Briggs, to take the money for the Town Manager's Christmas bonus out of the Selectmen's contingency fund. **Vote**: 3-0.

7. Approve the December 23, 2019, Treasurer's Warrant.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to approve the December 23, 2019, Treasurer's Warrant. **Vote**: 3-0.

8. Adjournment.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to adjourn. **Vote**: 3-0.

The meeting adjourned at 9:23 AM.

Submitted by Arlene McMurray, Administrative Assistant

Agenda Item Divider

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CFI

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: _____

NEW application: ☑ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: 1/6/2020

Requested inspection (New Licensees/ Ownership Changes Only) Date : December 2019 Business hours: 8am - 8pm

INDICATE TYPE OF PRIVILEGE: ☑ MALT ☑ VINOUS ☑ SPIRITUOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)

☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☑ BED & BREAKFAST (Class V)

☐ GOLF COURSE (Class I,II,III,IV) ☐ TAVERN (Class IV) ☐ QUALIFIED CATERING

☐ OTHER: _____ ☐ SELF-SPONSORED EVENTS (QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Kennebunkport Captains Collection Holdings LLC	**Business Name (D/B/A)** Captian Fairfield Inn
APPLICANT(S) –(Sole Proprietor) Robert Blood **DOB:**	**Physical Location:** 8 pleasant St
DOB:	**City/Town** Kennebunkport **State** ME **Zip Code** 04046
Address 19 High St	**Mailing Address** 29 Main St **Same As Above?** ☐
City/Town Newburyport **State** MA **Zip Code** 01950	**City/Town** Amesbury **State** MA **Zip Code** 01913
Telephone Number 207-423-9387 **Fax Number** —	**Business Telephone Number** 617-794-7348 **Fax Number**
Federal I.D. # 84-2934423	**Seller Certificate #: or Sales Tax #:**
Email Address: Ellen@larkhotels.com	**Website:** Captianfairfield.com

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: 9

2. State amount of gross income from period of last license: New ownership 1/6/2020

   ROOMS $_____ FOOD $ _____ LIQUOR $ _____

3. Is applicant a corporation, limited liability company or limited partnership? YES ☑ NO ☐
   If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☑

Agenda Item Divider

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MSI

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: _____

NEW application: ☑ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: 1/6/2020

Requested inspection (New Licensees/ Ownership Changes Only) Date : December 2019 Business hours: 8:00 am - 8:00 pm

INDICATE TYPE OF PRIVILEGE: ☑ MALT ☑ VINOUS ☑ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☑ BED & BREAKFAST (Class V)

☐ GOLF COURSE (Class I,II,III,IV) ☐ TAVERN (Class IV) ☐ QUALIFIED CATERING

☐ OTHER: _____ ☐ SELF-SPONSORED EVENTS (QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Kennebunkport Captains Collection Holdings LLC	**Business Name (D/B/A)** Maine Stay Inn + Cottages
APPLICANT(S) - (Sole Proprietor) Robert Blood **DOB:** 4/26/75	**Physical Location:** 34 Maine st
DOB:	**City/Town** Kennebunkport **State** ME **Zip Code** 04046
Address 19 High St	**Mailing Address** 29 Main St **Same As Above?** ☐
City/Town Newburyport **State** MA **Zip Code** 01950	**City/Town** Amesbury **State** MA **Zip Code** 01913
Telephone Number 207-423-9387 **Fax Number**	**Business Telephone Number** 617-794-7348 **Fax Number**
Federal I.D. # 84-2934423	**Seller Certificate #: or Sales Tax #:**
Email Address: Ellen@Larkhotels.com	**Website:** www.mainstayinn.com

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: 17

2. State amount of gross income from period of last license: New ownership 1/6/2020

ROOMS $_____ FOOD $ — LIQUOR $ —

3. Is applicant a corporation, limited liability company or limited partnership? YES ☑ NO ☐
If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☑

Agenda Item Divider

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BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
6 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
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TEL: (207) 624-7220 FAX: (207) 287-3434
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DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: _____

NEW application: ☑ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: 1/6/2020

Requested inspection (New Licensees/ Ownership Changes Only) Date : December 2019 Business hours: 8:00 am - 8:00 pm

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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☐ GOLF COURSE (Class I,II,III,IV) ☐ TAVERN (Class IV) ☐ QUALIFIED CATERING

☐ OTHER: _____ ☐ SELF-SPONSORED EVENTS (QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Kennebunkport Collection Holdings LLC	**Business Name (D/B/A)** Captian Lord Mansion
APPLICANT(S) –(Sole Proprietor) Robert Blood **DOB:**	**Physical Location:** 6 Pleasant St
DOB:	**City/Town** Kennebunkport **State** ME **Zip Code** 04046
Address 19 High St.	**Mailing Address** 29 Main St **Same As Above?** ☐
City/Town Newburyport **State** MA **Zip Code** 01950	**City/Town** Amesbury **State** MA **Zip Code** 01913
Telephone Number 207-423-9387 **Fax Number**	**Business Telephone Number** 617-794-7348 **Fax Number**
Federal I.D. # 84-2934423	**Seller Certificate #:** **or Sales Tax #:**
Email Address: Ellen@Larkhotels.com	**Website:** Captianlord.com

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: 16

2. State amount of gross income from period of last license: New Ownership 1/6/20

   ROOMS $_____ FOOD $ _____ LIQUOR $ _____

3. Is applicant a corporation, limited liability company or limited partnership? YES ☑ NO ☐
   If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☑

Agenda Item Divider

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BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
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DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: _____

NEW application: ☑ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: 1/6/2020

Requested inspection (New Licensees/ Ownership Changes Only) Date : December 2019 Business hours: 8:00am - 8:00pm

INDICATE TYPE OF PRIVILEGE: ☑ MALT ☑ VINOUS ☑ SPIRITUOUS

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REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Kennebunkport Captains Collection Holdings LLC	**Business Name (D/B/A)** Captian Jeffords Inn
APPLICANT(S) –(Sole Proprietor) Robert Blood **DOB:**	**Physical Location:** 5 pearl St
DOB:	**City/Town** Kennebunkport **State** ME **Zip Code** 04046
Address 19 High St	**Mailing Address** 29 Main St **Same As Above?** ☐
City/Town Newburyport, MA **State** **Zip Code** 01950	**City/Town** Amesbury **State** MA **Zip Code** 01913
Telephone Number 207-423-9387 **Fax Number** N/A	**Business Telephone Number** 617-794-7348 **Fax Number** N/A
Federal I.D. # 84-2934423	**Seller Certificate #: or Sales Tax #:**
Email Address: Ellen@Larkhotels.com	**Website:** Captianjeffordsinn.com

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: 16

2. State amount of gross income from period of last license: New ownership 1/6/2020

ROOMS $_____ FOOD $ _____ LIQUOR $ _____

3. Is applicant a corporation, limited liability company or limited partnership? YES ☑ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☑

Agenda Item Divider

Town of Kennebunkport

FINANCIAL OVERVIEW

Presented By: Hank Farrah
RUNYON KERSTEEN OUELLETTE

INSIDE

2. Summary of Audit Results
3. Fund Balances
4. General Fund - Revenues
5. General Fund - Expenditures
6. Unassigned Fund Balance as a Percentage of Expenditures
7. Revenue Distribution
8. Expenditure Distribution - 2019
9. Expenditure Distribution - 2018

About this presentation

This presentation is intended as a tool to assist the Board of Selectmen and management in understanding its financial operating results. The information contained in this publication should be read in conjunction with the comprehensive annual financial report and should not be used for any other purposes without the expressed consent of *RUNYON KERSTEEN OUELLETTE*.

Please contact us at 207-773-2986 or 1-800-486-1784
20 Long Creek Drive, South Portland, ME 04106

RKO
Runyon Kersteen Ouellette

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Town of Kennebunkport

SUMMARY OF AUDIT RESULTS

- Financial Statement Opinion - Unmodified
- Report Required by *Government Auditing Standards* (GAS)
  - No Material Weaknesses
  - No Significant Deficiencies

Town of Kennebunkport

FUND BALANCES

	2019	2018	2017	2016	2015
Non Spendable	5,802	5,212	6,333	4,417	10,122
Committed	587,350	663,394	479,475	642,748	1,439,949
Assigned	234,190	313,858	439,685	633,099	368,924
Unassigned	4,102,683	3,457,561	3,191,129	2,855,514	2,752,428

Observations:

- **Total Fund balance** increased by $490,000 to $4,930,025 in the current year.
- See pages 47-49 of the financial statements for breakdown of fund balance.

Town of Kennebunkport

GENERAL FUND - REVENUES

	Budget	Actual	Variance
Property taxes	$ 17,218,722	17,228,525	9,803
Excise taxes	954,500	1,068,682	114,182
Intergovernmental revenues	538,195	932,558	394,363
Licenses and permits	265,600	316,027	50,427
Charges for services	200,700	251,093	50,393
Interest earned	70,000	193,784	123,784
Other revenues	37,500	70,424	32,924
Total revenues	**19,285,217**	**20,061,093**	**775,876**
Transfers in	435,800	440,611	4,811
Utilization of prior year surplus	325,000	-	(325,000)
Utilization of carryforward balances	663,394	-	(663,394)
Total revenue and other financing sources	**$ 20,709,411**	**20,501,704**	**(207,707)**

SUMMARY OF SIGNIFICANT VARIANCES

- **Excise taxes** difference due to more residents purchasing new vehicles.
- **Intergovernmental** was over budget as more funding became available from MDOT.
- More building permits were issued than anticipated to cause overage in **licenses and permits**.
- **Charges for services** had more visitors to Goose Rocks due to better weather.
- **Interest earned** due to better interest rates with more cash in the bank.

Town of Kennebunkport

GENERAL FUND - EXPENDITURES

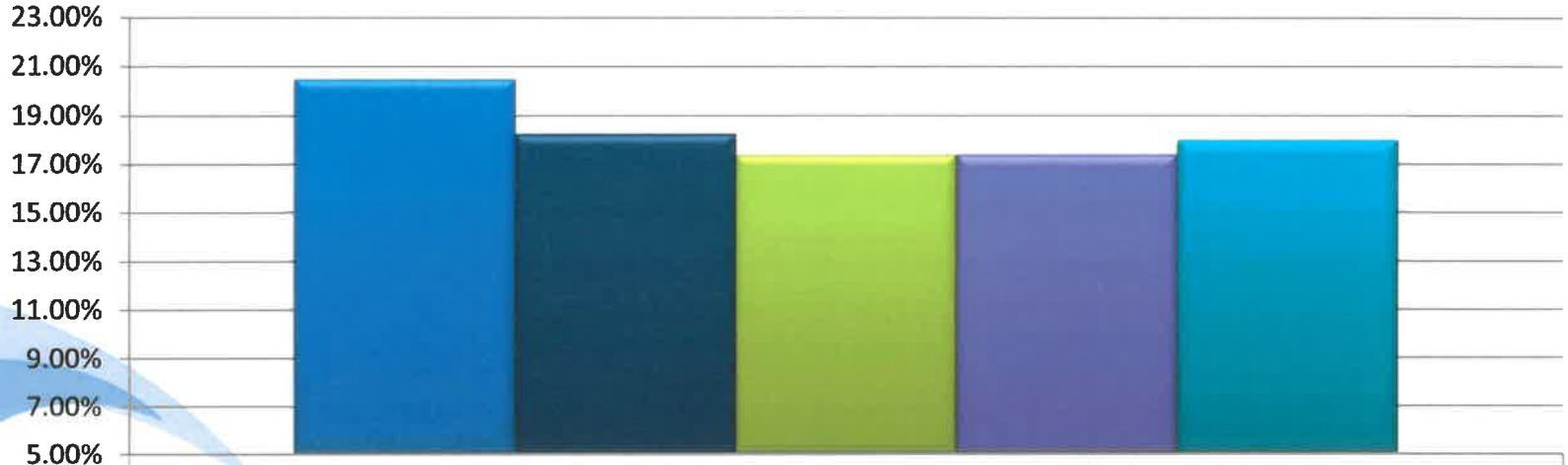
	Budget	Actual	Variance
General government	$ 2,028,158	1,787,410	240,748
Public safety	2,752,389	2,611,488	140,901
Public works	1,235,591	1,229,881	5,710
Health and welfare	809,129	702,508	106,621
Recreation and culture	589,209	469,214	119,995
County tax	1,135,299	1,135,299	-
Education	10,220,198	10,220,198	-
Debt service	159,802	98,178	61,624
Capital improvements	151,001	25,025	125,976
Transfers out	1,628,635	1,677,835	49,200
Total expenditures and transfers out	**$ 20,709,411**	**19,957,036**	**752,375**

SUMMARY OF SIGNIFICANT VARIANCES

- **General government** was under budget due to unused contingency and overlay, with a carryforward for GRB legal fees.
- **Public safety** had savings in wages, OT, and benefits in Police and Communications. Fire had savings due to less calls and trainings.
- **Recreation and culture, debt service, and capital improvements** were carry forward amounts.

Town of Kennebunkport

GENERAL FUND – Unassigned Fund Balance as a Percentage of Expenditures



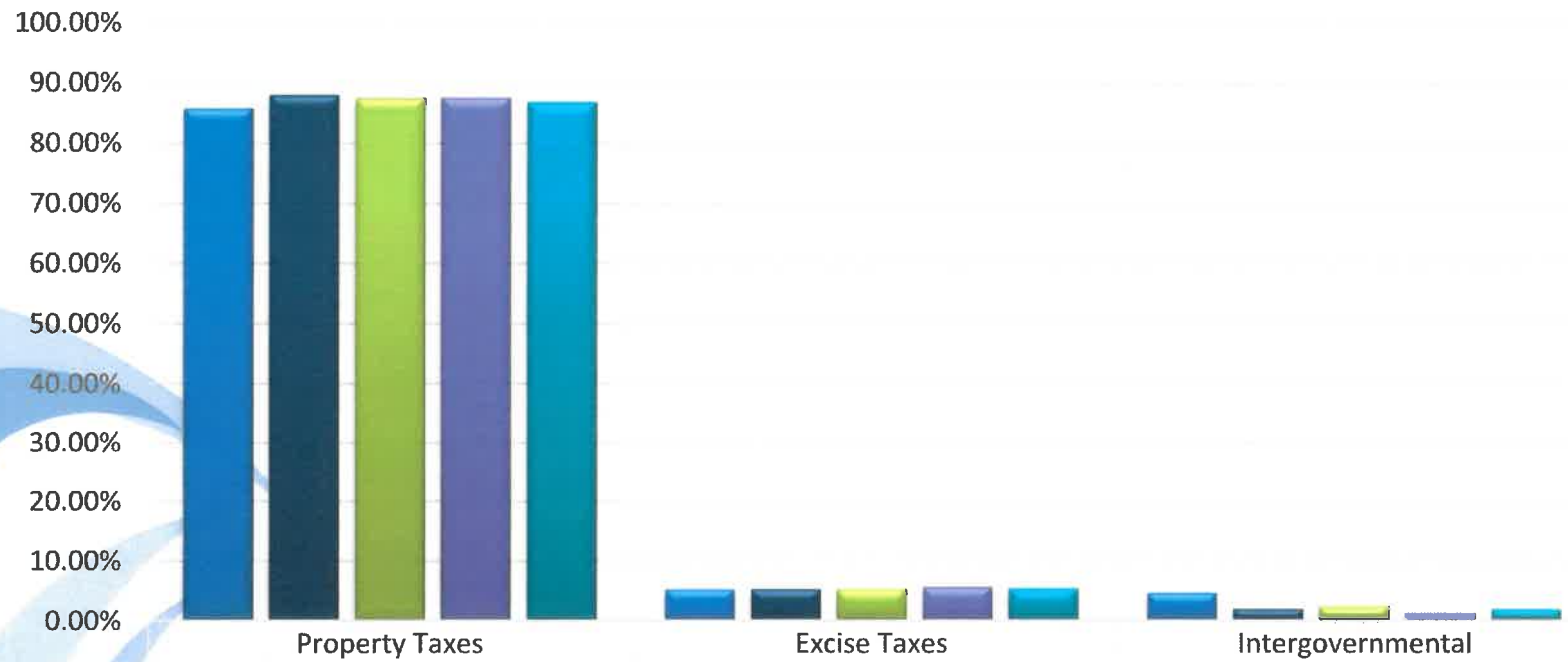
	Unassigned fund balance
2019	20.50%
2018	18.25%
2017	17.38%
2016	17.40%
2015	18.00%

Town of Kennebunkport Minimum Fund Balance Policy:

"It is the policy of the Town of Kennebunkport to maintain unassigned fund balance in the general fund at a minimum of two months of general fund expenditures (or 18%) measured on a GAAP basis. If unassigned fund balance drops below this level, the Town will develop a plan to bring the balance to the target level over a period of five years or less. Any unassigned funds in excess of the 18% target balance will be transferred to capital reserve accounts for projects identified in the Capital Improvement Plan."

Town of Kennebunkport

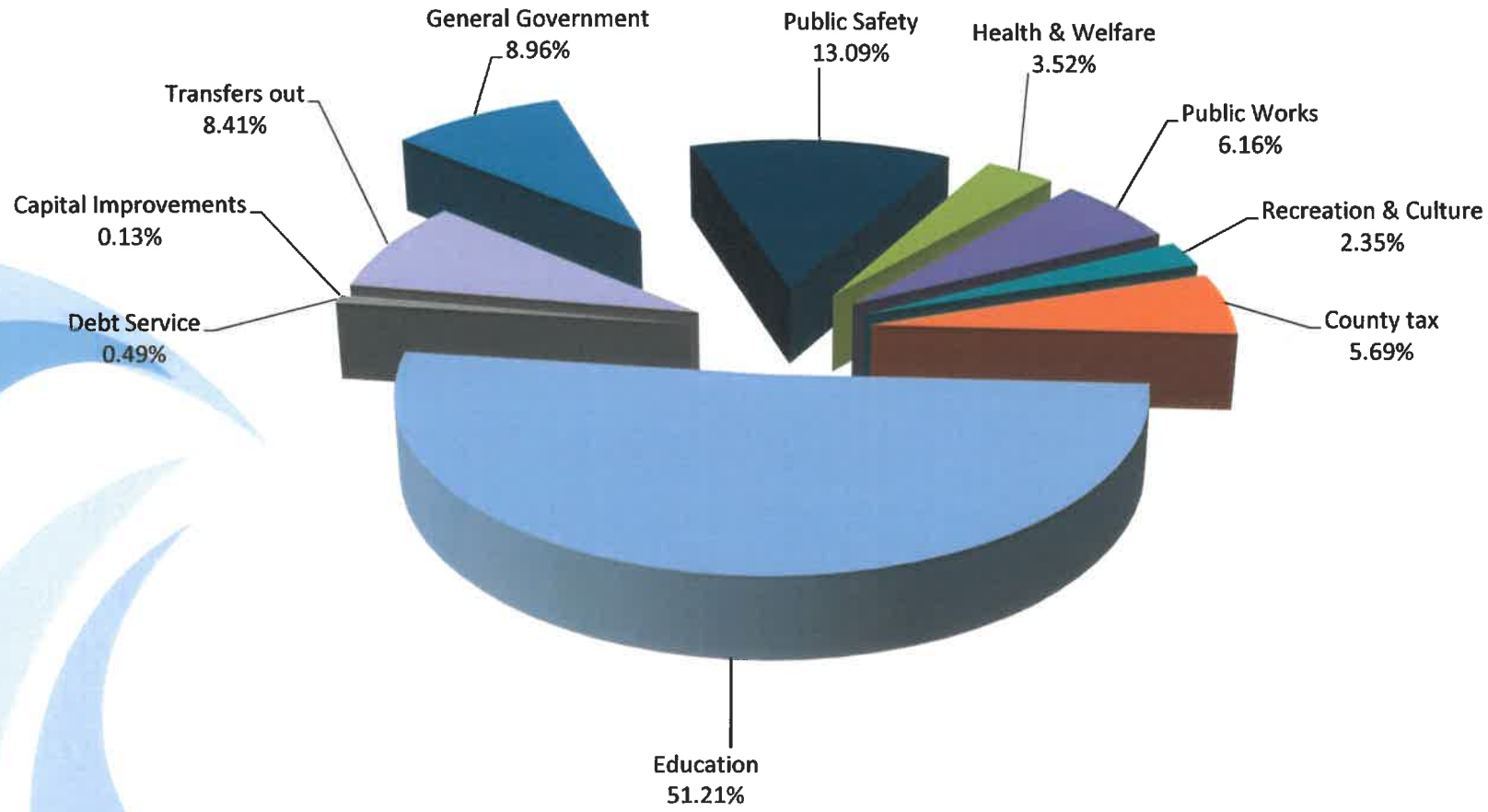
GENERAL FUND – Revenue Distribution



	Property Taxes	Excise Taxes	Intergovernmental
2019	85.88%	5.33%	4.65%
2018	88.12%	5.36%	1.95%
2017	87.50%	5.29%	2.29%
2016	87.72%	5.70%	1.26%
2015	86.95%	5.43%	1.95%

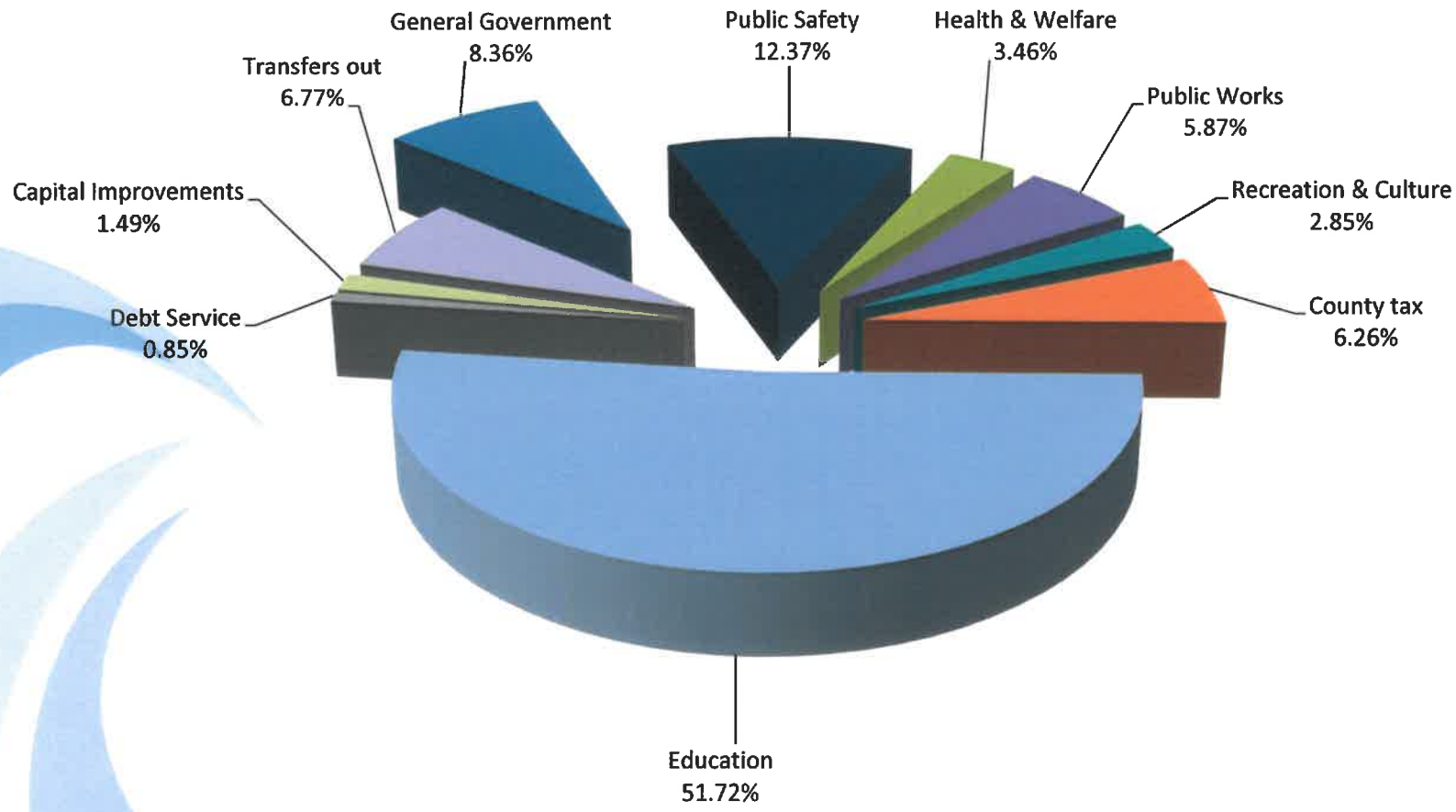
Town of Kennebunkport

GENERAL FUND – Expenditure Distribution - 2019



Town of Kennebunkport

GENERAL FUND – Expenditure Distribution - 2018



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Certified Public Accountants and Business Consultants

December 4, 2019

To the Board of Selectmen
Town of Kennebunkport, Maine

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Kennebunkport, Maine for the year ended June 30, 2019. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our meeting with a member of the Board of Selectmen on June 10, 2019. Professional standards also require that we communicate to you the following information related to our audit.

Our Responsibilities under U.S. Generally Accepted Auditing Standards and *Government Auditing Standards*

As stated in our engagement letter dated May 31, 2019, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of our audit, we considered the internal control of the Town of Kennebunkport, Maine. Such considerations are solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we performed tests of the Town of Kennebunkport, Maine's compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions was not an objective of our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town of Kennebunkport, Maine are described in the notes to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2019. We noted no transactions entered into by the Town of Kennebunkport, Maine during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

> Management's estimate of the depreciation expense, which is based on the estimated useful lives of the assets; and management's estimate of the net pension and total OPEB liabilities, which are based on actuarial reports. We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements, some of which were considered material to the audit (see attached Adjusting Journal Entries).

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated December 4, 2019. See the attached copy of representation letter, which was signed by management.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Town of Kennebunkport, Maine's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Town of Kennebunkport, Maine's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to management's discussion and analysis, and the schedules pertaining to the net pension and total OPEB liabilities, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the combining and individual fund financial statements, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the introductory or statistical sections, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the information and use of the Board of Selectmen and management of the Town of Kennebunkport, Maine and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Runyan Kersten Ouellette

Town of Kennebunkport
All Funds
Proposed Adjusting Journal Entries
6/30/2019

AJE #	Fund	Account #	Name	Debit	Credit
1	Sewer	4-270-00	Bonds Pay	54,203.82	
		4-272-00	S: Acc Int	289.60	
		4-271-00	Curent bond		962.08
		E47-01-45-03	Debt service - Sewer 2003		53,239.49
			Debt service - Int Bond 2003		291.85
	To record change in bonds payable and accrued interest				
2	Sewer	R14-70-16	Bond Proceeds	523,538.51	
		4-260-01	Bond Anticipation Note #1		425,596.80
		4-260-02	Bond Anticipation Note #2		97,941.71
	To record bond anticipation notes as liabilities and remove proceeds from revenues				
3	General	R08-01-17	Sale of Bond	500,000.00	
	Capital	R12-51-02	Bond proceeds		500,000.00
	To move bond proceeds to the capital project fund				
4	General	1-245-01	Def Rev	64,433.72	
		R01-01-01	Current tax		64,433.72
	To record the change in deferred revenue				
5	Sewer	E47-01-10-01	Salaries	7,890.54	
	Pier	E47-02-10-01	Salaries	1,427.30	
		4-299-01	S: Acc Comp		7,890.54
		4-299-02	P: Acc Comp		1,427.30
	To record change in accrued compensated absences for proprietary funds				
6	DSPL	E47-03-65-01	Depreciation expense	11,802.79	
		4-158-09	DS: Bldg Imp		74,339.83
		4-159-09	A/D DS: Bd I	25,700.17	
		4-159-10	A/D DS: M&E		9,541.21
		E47-03-65-**	Loss on disposal	46,378.08	
	To record capital asset transactions for Dock Square Parking Lot				
7	Pier	E47-02-65-01	Depreciation expense	17,252.70	
		4-156-05	P: Infrastructure		2,427.50
		4-156-06	P: CIP		2,993.75
		4-156-09	P: Bldg imp		29,084.68
		4-156-10	P: Mach & eq		34,466.90
		4-157-05	A/D P: Infra	1,049.58	
		4-157-09	A/D P: Bd Im	8,510.51	
		4-157-10	A/D P: M&E	36,558.34	
		4-321-71	P: ca-debt		8,981.25
		E47-02-65-**	Loss on disposal	14,582.95	
	To record capital asset transactions for Cape Porpoise Pier				
8	Sewer	E47-01-65-01	Depreciation expense	444,970.01	
		4-154-04	S: Vehicles		2,870.00
		4-154-05	S: Infra	201,018.35	
		4-154-06	S: CIP		566,119.86
		4-154-09	S: Bldg Imp		110,710.72
		4-154-10	S: Mach & Eq		778,799.55
		4-155-02	A/D S: Bldg		97,849.17
		4-155-04	A/D S: Vehic		8,029.02
		4-155-05	A/D S: Infra	510,791.40	
		4-155-09	A/D S: Bldg Imp		17,447.65
		4-155-10	A/D S: Mach & Eq	677,120.39	
		E47-01-84-74	Sewer upgrades		362,775.29
		E47-01-65-**	Loss on disposal	110,701.11	
	To record capital asset transactions for Sewer				

TOWN OF KENNEBUNKPORT, MAINE

– INCORPORATED 1653 –

December 4, 2019

Runyon Kersteen Ouellette
20 Long Creek Drive
South Portland, ME 04106

This representation letter is provided in connection with your audit of the financial statements of the Town of Kennebunkport, Maine, which comprise the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information as of June 30, 2019, and the respective changes in financial position and, where applicable, cash flows for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions as to whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, as of December 4, 2019, the following representations made to you during your audit.

Financial Statements

1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated May 31, 2019, including our responsibility for the preparation and fair presentation of the financial statements in accordance with U.S. GAAP and for preparation of the supplementary information in accordance with the applicable criteria.

2) The financial statements referred to above are fairly presented in conformity with U.S. GAAP and include all properly classified funds and other financial information of the primary government and all component units required by generally accepted accounting principles to be included in the financial reporting entity.

3) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.

5) Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.

6 Elm Street, P.O. Box 566, Kennebunkport, Maine 04046
Tel: (207) 967-4243 Fax: (207) 967-8470

6) Related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with U.S. GAAP.

7) Adjustments or disclosures have been made for all events, including instances of noncompliance, subsequent to the date of the financial statements that would require adjustment to or disclosure in the financial statements.

8) The effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed in accordance with U.S. GAAP.

9) Guarantees, whether written or oral, under which the Town is contingently liable, if any, have been properly recorded or disclosed.

Information Provided

10) We have provided you with:

    a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters and all audit or relevant monitoring reports, if any, received from funding sources.

    b) Additional information that you have requested from us for the purpose of the audit.

    c) Unrestricted access to persons within the Town from whom you determined it necessary to obtain audit evidence.

    d) Minutes of the meetings of the Board of Selectmen or summaries of actions of recent meetings for which minutes have not yet been prepared.

11) All material transactions have been recorded in the accounting records and are reflected in the financial statements.

12) We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.

13) We have no knowledge of any fraud or suspected fraud that affects the Town and involves:

    - Management,
    - Employees who have significant roles in internal control, or
    - Others where the fraud could have a material effect on the financial statements.

14) We have no knowledge of any allegations of fraud or suspected fraud affecting the Town's financial statements communicated by employees, former employees, regulators, or others.

15) We have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements.

16) We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.

17) We have disclosed to you the identity of the Town's related parties and all the related party relationships and transactions of which we are aware.

Government - specific

18) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.

19) We have taken timely and appropriate steps to remedy fraud, noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that you have reported to us.

20) We have a process to track the status of audit findings and recommendations.

21) We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.

22) We have provided our views on reported findings, conclusions, and recommendations, as well as our planned corrective actions, for the report.

23) The Town has no plans or intentions that may materially affect the carrying value or classification of assets, deferred outflows of resources, liabilities, deferred inflows of resources, and fund balance or net position.

24) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts; and legal and contractual provisions for reporting specific activities in separate funds.

25) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of fraud and noncompliance with provisions of laws, and regulations that we believe have a material effect on the financial statements or other financial data significant to the audit objectives, and any other instances that warrant the attention of those charged with governance.

26) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that we believe have a material effect on the determination of financial statement amounts or other financial data significant to the audit objectives.

27) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of abuse that could be quantitatively or qualitatively material to the financial statements or other financial data significant to the audit objectives.

28) There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.

29) As part of your audit, you assisted with preparation of the financial statements and related notes. We acknowledge our responsibility as it relates to those nonaudit services, including that we assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statements and related notes.

30) The Town has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.

31) The Town has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.

32) The financial statements include all component units, appropriately present majority equity interests in legally separate organizations and joint ventures with an equity interest, and properly disclose all other joint ventures and other related organizations.

33) The financial statements properly classify all funds and activities in accordance with GASBS No. 34, as amended, and GASBS No. 84.

34) All funds that meet the quantitative criteria in GASBS Nos. 34 and 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.

35) Components of net position (net investment in capital assets; restricted; and unrestricted), and classifications of fund balance (nonspendable, restricted, committed, assigned, and unassigned) are properly classified and, if applicable, approved.

36) Investments, derivative instruments, and land and other real estate held by endowments are properly valued.

37) Provisions for uncollectible receivables have been properly identified and recorded.

38) Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.

39) Revenues are appropriately classified in the statement of activities within program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.

40) Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.

41) Deposits and investment securities and derivative instruments are properly classified as to risk and are properly disclosed.

42) Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated or amortized.

43) We have appropriately disclosed the Town's policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position is available and have determined that net position is properly recognized under the policy.

44) We are following our established accounting policy regarding which resources (that is, restricted, committed, assigned, or unassigned) are considered to be spent first for expenditures for which more than one resource classification is available. That policy determines the fund balance classifications for financial reporting purposes.

45) We acknowledge our responsibility for the required supplementary information (RSI). The RSI is measured and presented within prescribed guidelines and the methods of measurement and presentation have not changed from those used in the prior period. We have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the RSI.

46) With respect to combining and individual fund financial statements:

a) We acknowledge our responsibility for presenting the combining and individual fund financial statements in accordance with accounting principles generally accepted in the United States of America, and we believe the combining and individual fund financial statements, including its form and content, is fairly presented in accordance with accounting principles generally accepted in the United States of America. The methods of measurement and presentation of the combining and individual fund financial statements have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.

b) If the combining and individual fund financial statements are not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditor's report thereon.

Laurie Smith

Signed
Laurie Smith
Town Manager

Jennifer L. Lord

Signed
Jennifer Lord
Treasurer

Agenda Item Divider

11

Town of Kennebunkport

Memo

To: Laurie Smith, Town Manager, and the Board of Selectmen

From: Jennifer Lord, Treasurer

Date: 1/2/2020

Re: Fund Balance Transfer

In accordance with the General Fund – Fund Balance Policy, I am recommending that you authorize the transfer of $500,576.28 to the Capital Projects Fund – General Capital Improvements account. This will adjust the General Fund Unassigned balance on Statement 3 to $3,602,106.72. See attached spreadsheet for details.

With the FY 19 additions, the adjusted total for the General Capital Improvements will be $886,669.28.

Adopted 12.11.14

Town of Kennebunkport
General Fund - Fund Balance Policy

Purpose of this Policy

The purpose of this policy is to establish a target level of fund balance for the general fund and to establish a process and criteria for the continued evaluation of that target level as conditions warrant. This policy shall also establish a process for reaching and or maintaining the targeted level of fund balance, and the priority for the use of resources in excess of the target. Finally, this policy shall provide a mechanism for monitoring and reporting the Town's general fund balance. This policy applies only to the general fund.

Definitions and Classifications

- *Fund Balance* is a term used to describe the net position of governmental funds. It is calculated as the difference between the assets and liabilities and defined outflows or inflows of resources reported in a governmental fund.
- Governmental fund balance is reported in five classifications that comprise a hierarchy based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The five classifications of fund balance for the General fund are defined as follows.
    - *Non-spendable* – resources which cannot be spent because they are either a) not in spendable form or; b) legally or contractually required to be maintained intact (example inventory balances).
    - *Restricted* – resources with constraints placed on the use of resources which are either a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or b) imposed by law through constitutional provisions or enabling legislation.
    - *Committed* – resources which are subject to limitations the government imposes upon itself at its highest level of decision making (Town Selectmen), and that remain binding unless removed in the same manner.
    - *Assigned* – resources neither restricted nor committed for which a government has a stated intended use as established by the Town Selectmen, or a body or official (management) to which the Town Selectmen has delegated the authority to assign amounts for specific purposes.
    - *Unassigned* – resources which cannot be properly classified in one of the other four categories. The General Fund should be the only fund that reports a positive unassigned fund balance amount. The committed, assigned, and unassigned classifications are often referred to, in the aggregate, as the *unrestricted fund balance*.

Background and Considerations

Fund balance is intended to serve as a measure of financial resources in a governmental fund. The Town's management, credit rating agencies, and others monitor the levels of fund balance in the general fund as an important indicator of the Town's economic condition. While credit agencies have always analyzed fund balance as part of their evaluation of credit-worthiness, increased attention has been focused on determining sufficient levels because of recent events in the credit markets.

In establishing an appropriate level of fund balance the Town has considered the following factors:

- Property Tax Base
- Non-property Tax Revenues
- Debt Profile
- Liquidity
- Budget Management
- Contingent / unexpected liabilities
- Future Uses
- Economy

Policy

It is the policy of the Town of Kennebunkport to maintain unassigned fund balance in the general fund at a minimum of two months of general fund expenditures (or 18%) measured on a GAAP basis (*GAAP* - generally accepted accounting principles in the United States). In the event that the unassigned fund balance drops below this level, the Town will develop a plan, implemented through the annual budgetary process, to bring the balance to the target level over a period five (5) years or less. The Treasurer shall report fund balance in the appropriate classifications and make the appropriate disclosures in the Town's financial statements. Unless already classified as restricted or committed, the following balances shall be classified as assigned, as per GAAP or a matter of policy. Encumbrances – Amounts encumbered at year-end by contract, including purchase order, or encumbered by some other means shall be classified as assigned. (GAAP) Budget Appropriation – Amounts appropriated in the annual budget resolve, or in any supplemental budget resolves, for expenditures in ensuing fiscal year shall be classified as assigned, unless otherwise already restricted or committed. (GAAP) Capital Budget – Amounts designated for use in the first year of the capital improvement program, whether by appropriation or advance to another fund, shall be classified as committed.

Any unassigned funds in excess of the of 18% target balance will be transferred to capital reserve accounts for projects identified in the Capital Improvement Plan.

Policy Administration

After the annual audit, the Treasurer shall report the Town's fund balance and the classification of the various components in accordance with GAAP and this policy. Should the Town fall below the target level, the Treasurer shall prepare a plan to restore the unassigned fund balance to the target level.

Town of Kennebunkport
Unassigned Fund Balance
12/10/2019

		FY 19
Unassigned per from Statement 3		4,102,683.00
retain 18% expenditures in general		(3,602,106.72)
Unassigned Fund Balance should be		
transfer to Capital Reserve budget		500,576.28
expenses	from statement 4	18,333,869.00
	transfers out	(20,000.00)
		(37,000.00)
		(14,500.00)
		(130,000.00)
		(31,600.00)
		(10,000.00)
		(717,000.00)
		(93,000.00)
		(130,000.00)
		(65,000.00)
		(105,535.00)
		(175,000.00)
		(149,200.00)
	total transfers	(1,677,835.00)
	grand total	20,011,704.00
	% per policy	18%
Adjusted Unassigned Fund Balance		3,602,106.72

Agenda Item Divider

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RE Collection Account Status List

Tax Year: 2018-1 To 2018-2, Balance Due <>0.00, Show Interest
Order By: Name, Account, Year

Acct	Year	Property Tax Due	Payment Received	Abate - Adjust	Balance Due	Balance Due w/ Interest	Refund Abate
1093	DOHERTY, LEITH C & SCOTT C						
	2018-1	672.12	0.00	-67.15	739.27	741.86	0.00
583	GOODWIN, KAREN A						
	2018-1	2,447.64	0.00	-233.67	2,681.31	2,691.43	0.00
1484	INNISS, MICHAEL						
	2018-1	92.40	0.00	-12.78	105.18	105.31	0.00
742	KING, BRUCE E						
	2018-1	1,425.75	0.00	-139.84	1,565.59	1,571.47	0.00
478	MEEHAN MAINE REALTY TRUST						
	2018-1	2,894.71	1,000.00	-282.91	2,177.62	2,181.38	0.00
1815	MOLINARI, MARIO W						
	2018-1	2,795.20	1,400.00	-257.77	1,652.97	1,660.06	0.00
3122	Spang, Kathleen						
	2018-1	1,491.05	0.00	-143.34	1,634.39	1,640.42	0.00
1457	TITO, LISA						
	2018-1	3,675.24	0.00	-348.80	4,024.04	4,039.36	0.00
36	TOWNE, HELEN M ESTATE						
	2018-1	573.99	-2,360.38	2,302.43	631.94	634.12	0.00
40	TOWNE, HELEN M ESTATE						
	2018-1	710.29	0.00	-70.73	781.02	783.77	0.00
Total for 10 Bills:		16,778.39		745.44		16,049.18	
	10 Accounts		39.62		15,993.33		0.00

Payment Summary

Type	Principal	Interest	Costs	Non Int.	Total
P - Payment	1,553.44	-1,657.98	144.16	1,915.63	39.62
Subtotal	1,553.44	-1,657.98	144.16	1,915.63	39.62
C - Correction	0.00	2,360.38	0.00	0.00	2,360.38
I - Interest Charged	0.00	-1,503.34	0.00	0.00	-1,503.34
L - Lien Costs	0.00	0.00	-111.60	-111.60	-111.60
Z - Current Interest	0.00	-55.85	0.00	0.00	-55.85
Total	1,553.44	-856.79	32.56	1,804.03	729.21

		Non-Interest Due	Balance Due
2018-1	10	15,993.33	16,049.18
Total	10	15,993.33	16,049.18

! - This account is a deleted account.

Agenda Item Divider

13

TOWN OF KENNEBUNKPORT
TOWN WARRANT
SPECIAL TOWN MEETING
March 3, 2020

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 Tuesday, the 3rd day of March, 2020, at 8:00 o'clock in the forenoon for the purpose of acting on Articles numbered one (1) and one a (1a) and Question 1 as set out below. The polls for voting on Question 1 shall be opened immediately after election of the Moderator at 8:00 a.m. on March 3, 2020, and shall close at 8:00 p.m. While the polls are open, the Registrar of Voters will hold office hours to accept the registration of any person eligible to vote, to accept new enrollments, and to make any necessary correction or change to any name or address on the voting list.

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

ARTICLE 1. To vote on the following referendum question:

QUESTION 1
AMENDMENT TO THE LAND USE ORDINANCE
REGARDING PUBLIC HEARING NOTICE REQUIREMENTS

Shall an ordinance entitled "March 20, 2020 Amendment to Land Use Ordinance regarding Public Hearing Notice Requirements" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will change the Planning Board and Board of Appeals public hearing notice requirements to make it possible to publish in a weekly newspaper as opposed to a daily newspaper and to post notices on the Town's website.]

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 9th day of January 2020, Kennebunkport, Maine.

Allen A. Daggett	Sheila A. Matthews-Bull
Edward W. Hutchins	Patrick A. Briggs

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

A true attested copy of the warrant attest:

Tracey O'Roak, Town Clerk

Proposed revisions to the Land Use Ordinance regarding Public Hearing Notice Requirements

Article 9. Board of Appeals

9.3. Appeals Procedure

E. ~~At least ten (10) days prior to the hearing date, the~~ The Town Clerk shall publish a notice of the hearing in a newspaper of general circulation in Kennebunkport at least three (3) days prior to the hearing date and publish a notice on the town of Kennebunkport's webpage at least ten (10) days prior to the hearing date.

Article 10. Planning Board Site Review

10.8. Planning Board Procedure for Site Plan Review

B. Following the receipt of an application the Board may hold a pre-hearing meeting with the applicant to discuss submission requirements and general concerns of the Board. The Planning Board may also request that the application include a report from the Chief of Police, the Fire Chief, the Superintendent of the Water District and the Superintendent of the Sewer Department containing their recommendations regarding the proposed use. Within forty-five (45) days of the submission of a completed application, with all supporting documentation, the Board shall hold a public hearing. ~~At least ten (10) days prior to the hearing date, the~~ The Town Clerk shall publish a notice of the hearing in a newspaper of general circulation in Kennebunkport at least three (3) days prior to the hearing date and publish a notice on the town of Kennebunkport's webpage at least ten (10) days prior to the hearing date. The notice shall identify the property involved, the applicant, the nature of the application, and the time and place of the public hearing.

ORDER

VOTED: That it be and is hereby Ordered that the Question set forth below be placed on the ballot of the Special Town Meeting of the Town of Kennebunkport to be held on March 3, 2020, and that an attested copy of this Order be placed on file with the Town Clerk of the Town of Kennebunkport.

QUESTION 1
AMENDMENT TO THE LAND USE ORDINANCE

Shall an ordinance entitled
"Proposed Amendment to Land Use Ordinance
Regarding Public Hearing Notice Requirements" be enacted?

[Note of Explanation: This amendment will change the Planning Board and Board of Appeals public hearing notice requirements to make it possible to publish in a weekly newspaper as opposed to a daily newspaper and to post notices on the Town's website.]

GIVEN UNDER OUR HANDS this 9TH day of January 2019, Kennebunkport, Maine.

Allen A. Daggett	Sheila W. Matthews-Bull
Patrick A. Briggs	Edward W. Hutchins, II

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

CERTIFICATION OF PROPOSED ORDINANCE

TO: Tracey O'Roak, the Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

"Proposed Amendment to Land Use Ordinance
Regarding Public Hearing Notice Requirements"

attached hereto as Exhibit A is a true copy of the Ordinance proposed for enactment at the Special Town Meeting of the Town of Kennebunkport to be held on March 3, 2020.

Dated this 9th day of January, 2020, at Kennebunkport, Maine.

Allen A. Daggett	Sheila A. Matthews-Bull
Edward W. Hutchins	Patrick A. Briggs

A majority of the Board of Selectmen of the Town of Kennebunkport

Exhibit A

Proposed Revisions to Land Use Ordinance
Regarding Public Hearing Notice Requirements

Article 9. Board of Appeals

9.3. Appeals Procedure

E. ~~At least ten (10) days prior to the hearing date, the~~ The Town Clerk shall publish a notice of the hearing in a newspaper of general circulation in Kennebunkport at least three (3) days prior to the hearing date and publish a notice on the town of Kennebunkport's webpage at least ten (10) days prior to the hearing date.

Article 10. Planning Board Site Review

10.8. Planning Board Procedure for Site Plan Review

B. Following the receipt of an application the Board may hold a pre-hearing meeting with the applicant to discuss submission requirements and general concerns of the Board. The Planning Board may also request that the application include a report from the Chief of Police, the Fire Chief, the Superintendent of the Water District and the Superintendent of the Sewer Department containing their recommendations regarding the proposed use. Within forty-five (45) days of the submission of a completed application, with all supporting documentation, the Board shall hold a public hearing. ~~At least ten (10) days prior to the hearing date, the~~ The Town Clerk shall publish a notice of the hearing in a newspaper of general circulation in Kennebunkport at least three (3) days prior to the hearing date and publish a notice on the town of Kennebunkport's webpage at least ten (10) days prior to the hearing date. The notice shall identify the property involved, the applicant, the nature of the application, and the time and place of the public hearing.

15

KENNEBUNKPORT TOWN CLERK

To: **Laurie Smith**
Kennebunkport Board of Selectmen

From: **Tracey O'Roak, Town Clerk**

Re: **Shellfish Licenses for 2020**

Date: **December 27, 2019**

Everett Leach, Shellfish Warden, and the Shellfish Conservation Committee are recommending the following Shellfish Licenses be issued in 2020 (the same allocation as last year):

Recreational:

Resident Recreational	75 Licenses
Non-resident Recreational	8 Licenses
Warden Recreational	1 License

Commercial

Resident Commercial	2 Licenses
Non-resident Commercial	0 Licenses

Daily

Daily Licenses	0 Licenses

The Committee also recommends:

- The flats will only be opened from April 15 through October 15.
- Digging will only be allowed on Friday, Saturday and Sunday.
- Recreational diggers may only take 1 peck per week.
- Commercial diggers may only take 2 pecks per day.

P.O. Box 566, Kennebunkport, Maine, 04046 • Tel. (207) 967-4243

Agenda Item Divider

16

Recycling 2020

- There are no perfect choices
- Markets for recyclables are evolving after China's exit
- Publicly funded recycling only works when residents are properly educated
- Education needs to focus on:
  - What is currently recyclable
  - How to properly remove contamination

Collection Options

- Curbside
  - Casella collects from residential bins every other week and hauls to Ecomaine
  - Ecomaine sorts, bundles, and markets recyclables
- Town Recycling Center
  - Residents drive to recycling center on Wednesday (after 3PM), Saturday, or Sunday
  - Casella hauls to either –
    - Ecomaine (zero sort option)
    - The recycler of choice (sorted option)

To Sort, or Not to Sort…

- Zero Sort Option –
  - Can be either Curbside or Recycling Center options
  - Recycled Materials – Paper, paste board, cardboard, #1-#7 plastics, glass, and tin & aluminum cans
- Sorted Option –
  - Recycling Center option only
  - Recycled Materials – Cardboard, #1 & #2 plastics, and tin & aluminum cans. To keep costs manageable, only recyclable items that currently have value are collected and individually hauled
  - All other potentially recyclable materials (approximately 60% of total by weight) are added to the trash load

Pros and Cons

Curbside Pickup	
Pros	**Cons**
No capital expenditures required	Greater dependence on education to keep contamination low
More convenient, assume significantly higher participation	Harder to monitor/enforce low contamination levels
Eliminates car trips to recycling center	
Community education provided by Ecomaine to reduce contamination	
Flexible – no sunk capital expense if markets drive changes in recycling practices	
Maximizes reduction of solid waste hauled as trash (400 tons @ $75/ton)	

Recycling Center (Zero Sort)	
Pros	**Cons**
Paid town employee keeps contamination low	$57,000 upfront capital expense
Provides opportunity for composting household waste: reduced trash	Requires hiring/training a town employee
Support of Ecomaine's education department	Sunk capital costs - cannot easily respond to changes in recycling markets
Next best option to reduce solid waste hauled as trash (~300 tons @ $75/ton)	Reduced seasonal/rental participation
	More hassle = less participation
	Potential burden for seniors
	May require Planning Board approval

Recycling Center (Sort Onsite - cardboard, #1&#2 plastics and metals)	
Pros	**Cons**
Paid town employee keeps contamination low	$57,000 upfront capital expense
Provides opportunity for composting household waste: reduced trash	Requires hiring/training a town employee
Least best option to reduce solid waste hauled as trash (~150 tons @ $75/ton)	Sunk capital costs - cannot easily respond to changes in recycling markets
	Reduced seasonal/rental participation
	More hassle = less participation
	Potential burden for seniors
	May require Planning Board approval
	Increased trash to landfills (not recycling paper, glass and #3-#7 plastics)
	Loss of Ecomaine educational support

Cost Comparisons

	Curbside Pickup					
	Cost Element	Units	$/Unit	2020 Budget $$	Following Yrs $$'s	$/TxUnit
Recycling Only	Casella Pickup	1	$ 100,000.00	$ 100,000.00	$ 100,000.00	
	Std Tipping Fee/Ton	400	$ 65.00	$ 26,000.00	$ 26,000.00	
	Contam. Fee/Ton	400	$ 25.00	$ 10,000.00	$ 10,000.00	
	Education Staff (.25 FTE)	500	$ 40.00	$ 20,000.00	$ 20,000.00	
	TOTAL CURBSIDE \ Year			$ 156,000.00	$ **156,000.00**	$ 51.32

	Recycling Center (Zero Sort)					
	Cost Element	Units	$/Unit	2020 Budget $$	Following Yrs $$'s	$/TxUnit
Recycling Only	Site Prep	1	$ 26,000.00	$ 26,000.00	$ -	
	Compactor	1	$ 31,000.00	$ 31,000.00	$ -	
	Ed. & Attend. (.75 FTE)	1500	$ 40.00	$ 60,000.00	$ **60,000.00**	
	Annual # Hauls	80	$ 250.00	$ 20,000.00	$ 20,000.00	
	Std Tipping Fee/Ton	300	$ 65.00	$ 19,500.00	$ **19,500.00**	
	Contam. Fee/Ton	300	$ 10.00	$ 3,000.00	$ 3,000.00	
	Increased Trash	100	$ 75.00	$ 7,500.00	$ 7,500.00	
	TOTAL Recycling Center (Zero Sort) \ Year			$ 167,000.00	$ **110,000.00**	$ 36.18

	Recycling Center (Sorted Onsite - only cardboard, #1&#2 Plastics, and metals)					
	Cost Element	Units	$/Unit	2020 Budget $$	Following Yrs $$'s	$/TxUnit
Recycling Only	Site Prep	1	$ 26,000.00	$ 26,000.00	$ -	
	Compactor	1	$ 31,000.00	$ 31,000.00	$ -	
	2 Silver Bullets	2	$ 5,000.00	$ 10,000.00	$ -	
	Ed. & Attend. (.75FTE)	1500	$ 40.00	$ 60,000.00	$ 60,000.00	
	Annual # Hauls	57	$ 250.00	$ 14,250.00	$ 14,250.00	
	Increased Trash	250	$ 75.00	$ 18,750.00	$ **18,750.00**	
	TOTAL Recycling Center (Sorted Onsite) \ Year			$ 160,000.00	$ 93,000.00	$ 30.59

Assumptions:

1) Annual Recyclables = 400 tons (2018 data).

2) Casella biweekly pickup charge = $100,000.

3) Recycling tipping fee = $65.00/ton.

4) Recycling Contamination Costs (estimates):
- With education: $25.00/ton.
- With Education and staff attendants: $10/ton.

5) Education and Recycling Center Staff (Ed. & Attend.): $20/hr with 100% overhead.

6) Estimated hauling costs: $250/trip.

7) Number of taxable units (TxUnit - Residential, Mixed, and Commercial): 3,040. Assumes 10-yr amortization of capital expenses.

8) Does not include additional costs ($33,500 in 2019) for cardboard pickup at Dock Square and Bradbury's.

9) See separate sheet for costing backup.

Education is the Key to Success

- Proposed education plan is under development and will reflect choices made by Kennebunkport (Curbside or Recycling Center, and if at Recycling Center whether zero sort or sorted)
  - <u>If sorted at Recycling Center option is chosen:</u>
    - Committee will develop a tool-kit (similar to Ecomaine's) that will guide residents in the proper mechanics of recycling so residents know what can be taken to the Recycling Center and what will go in regular garbage pails
    - Town staff member will guide residents at the Center when materials are dropped off
    - Intern will work with town staff and committee to prepare for opening date (July 2020)
    - Intern will work with realtors and owners of rental cottages to try to get owners to collect and bring recyclables to Center. Private hauler would be an option

Education is the Key to Success

- <u>If zero sort (Curbside or Recycling Center) option is chosen:</u>
  - Education plan will be led by Ecomaine's 3-person education department, with materials supplied by Ecomaine (stickers for bins, Dos and Don'ts cards and fridge magnets, free Recyclopedia app, access to videos, press releases, youth education and coordination with Consolidated). The goal will be to begin operation July 2020
  - Town intern and SW Committee will work with Casella during the start-up phase to monitor recycling materials and guide residents to reduce contamination (soiled pizza boxes, plastic bags or film, plastic without recycling symbols, containers with liquid/food, batteries, etc.)
  - Intern, with Ecomaine's support, will develop literature and a plan to work with realtors and owners of rental cottages to get cooperation in the collection (and, if Recycling Center option chosen, the delivery) of recyclable materials

Committee's Recommendation

- The Solid Waste Committee recommends: **Curbside** (with focused education)
- Our reasoning:
  - Least impact (with least unknowns) on the 2020 budget
  - Most flexible option for a changing recycling market
  - Largest potential reduction in solid waste volumes (costs)
  - Best option to recycle the largest variety and volume of materials
  - Best option to capture renters' recyclables
  - Most sensitive to seniors and physically challenged residents
  - Avoids need to increase town staffing
  - Only $21/year more expensive for the average household than the cheapest option

Thank You

Questions?

Solid Waste Committee

- Mike Claus (Town Representative)
- Jon Dykstra (Chairperson)
- Dave Eglinton
- Harvey Flashen
- Paul Hogan (Secretary)
- Tom McClain
- Kinder Wilson

Agenda Item Divider

17

KENNEBUNKPORT FIRE DEPARTMENT

Date: 01/02/2020

To: Laurie Smith

From: John Everett, Fire Chief

Re: Selectmen's Agenda 01/09/2020 – Brush Truck transfer to AVEC

A new vehicle, outfitted for brush fires and towing one of our rescue boats, has been completed. This vehicle will be replacing the present vehicle at Cape Porpoise Station. The present vehicle is a 1974 GMC K3500 4WD Truck with VIN # TKY234B518141 and commonly known as KPFD Brush 5.

Approved Article 44 of the June 2018 Town Meeting, contains language that the vehicle be transferred to the Atlantic Volunteer Engine Company, with the condition, if AVEC sells the vehicle, all proceeds will be used towards the purchase of firefighting or rescue equipment, approved by the Fire Chief and owned by the town.

My non-binding recommendation to the Atlantic Volunteer Engine Company is the proceeds be put into the AVEC held Kittridge Fund for future apparatus replacement.

Respectfully,

John Everett
Fire Chief

32 North Street, P.O. Box 505, Kennebunkport, Maine 04046 • Tel: (207) 967-2114 Fax: (207) 967-0409

Agenda Item Divider

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TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

To: Laurie Smith

From: Michael Claus, Public Works Director

Date: January 3, 2020

Re: Proposed Street Opening Moratorium

To protect Town Infrastructure Public Works is proposing a 5-year Street Opening Moratorium for newly paved Town roads. Our Moratorium would be the same length as the current MaineDOT Street Opening Moratorium for Route 9 and North Street.

Public Works will notify Utilities and Abutting Property Owners of our Annual Capital Paving Program on April 1st after our Capital Paving Plan has been reviewed by the Budget Board and Selectmen. This notification will allow a 60 day period for street opening work to be accomplished and allow for a written request of time extension for a street opening. Public Works will develop a page on the Town Website showing: Streets to be Paved / Date of Notification / Date of Actual Top Course Paving and Start of Moratorium Period / Date of End of Moratorium.

Exceptions to the Street Opening Moratorium could be granted for Energency or Public Safety reasons. Repairs for Street Openings during the Moratorium period would require a Mill and Fill Paving repair 25 feet each side of street opening for the full width of the road.

Beachwood Avenue, P.O. Box 566, Kennebunkport, Maine 04046 • Tel: (207) 967-5728 Fax: (207) 967-5372

Excavations in reconstructed or resurfaced streets:

Whenever the Town has developed plans to reconstruct or resurface a street, the Town or its representative shall give written notice thereof to all abutting property owners, to the Town departments, and to all public utilities that have or may wish to lay pipes, wires, or other facilities in or under the highway. Upon receipt of such written notice, such person or utility shall have sixty (60) days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or facility shall make a written application to the Town explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such street has been reconstructed or resurfaced, no permit shall be granted to open such street for a period of five (5) years from installation of Hot Mixed Asphalt Surface Course Layer, unless an emergency condition exists or unless the necessity for making such installation could not reasonably have been foreseen at the time such notice was given. The above mentioned five (5) year moratorium for street openings also pertains to all new public or private streets, i.e. new subdivisions or developments that have been accepted in accordance with Town specifications.

Agenda Item Divider

Goose Rocks Beach Parking Sticker Rules/Regulations

Parking in the Goose Rocks Beach area is regulated during the summer season through a parking sticker program because the demand for parking far exceeds the limited number of on-street parking spaces available. Parking stickers are available for daily, weekly and seasonal use.

Kennebunkport Taxpayers

Seasonal parking stickers are available to Kennebunkport residents and taxpayers at a cost of $5.00 per vehicle. In order to qualify for the resident sticker an individual must either pay property taxes on property in Kennebunkport or be a resident of Town and pay excise taxes to the Town on a motor vehicle registered in his/her name. Individuals paying property taxes to the Town may obtain parking stickers for more than one vehicle so long as each vehicle is registered in his/her name. Individuals seeking residential stickers shall provide a copy of the vehicle registration for each residential sticker issued. In circumstances where ownership of the property is dispersed among multiple people it is the individual's responsibility to provide proof of ownership interest to the Town. The sticker shall be permanently affixed to the lower left-hand corner of the rear window of the vehicle to which it is issued. Any sticker not permanently affixed in that location shall be considered void and a violation of these regulations and Kennebunkport Traffic and Parking Control Ordinance.

Non-Kennebunkport Taxpayers

Non-Kennebunkport taxpayers shall pay $25.00 for daily stickers, $100.00 for weekly stickers, and $200.00 for seasonal stickers. Each sticker shall be permanently affixed to the lower left-hand corner of the rear window of the vehicle to which it is issued. Any sticker not permanently affixed in that location shall be considered void and a violation of these regulations and Kennebunkport Traffic and Parking Control Ordinance.

Hotels, Inns, Rental Properties and the Goose Rocks Beach General Store

Hotels, inns, owners of rental properties (including room rentals) and the Goose Rocks Beach General Store shall be allowed to purchase, for re-sale to their customers, daily and weekly stickers for $23.00 and $100.00 each, respectively. Stickers must be marked with a laundry marking pen or other indelible marker to show the date or dates for which they are issued, and each sticker must be permanently affixed to the lower left-hand corner of the rear window of the vehicle to which it is issued. If these conditions are not met, the sticker will be considered void. The establishment selling the sticker is responsible for recording the license plate number of the vehicle, the sticker number, the day or week for which the sticker is issued and explaining to the customer the beach and parking rules and regulations.

It shall be the policy of the Town of Kennebunkport to deny the issuance of any Goose Rocks Beach Parking Sticker to a registered vehicle that has an outstanding parking ticket(s) until said parking ticket fine(s) has been paid in full.

Adopted by the Kennebunkport Board of Selectmen on March 24, 2005 in accordance with Section 13.II of the Kennebunkport Traffic and Parking Control Ordinance.

Approved or amended January 12, 2006, November 9, 2006, June 14, 2007, November 13, 2008, May 13, 2010, and April 9, 2015, January 28, 2016, April 13, 2017, February 8, 2018, February 14, 2019

Agenda Item Divider

21

Kennebunkport Public Health

December 24, 2019

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

Please accept this donation of $750.00 from Nonantum Resort. This gift is dedicated towards the emergency fuel fund.

Thank you!

Alison Kenneway RN, BSN

SEASIDE HOTEL ASSOC LTD PARTNERSHIP
NONANTUM RESORT
C/O GINN REAL ESTATE
220 MAINE MALL RD.
SOUTH PORTLAND, ME 04106

5124

51-7218/2211
B0402

CHECK ARMOR FRAUD PROTECTION

DATE 12-19-19

PAY TO THE ORDER OF FUEL ASSISTANCE PROGRAM KENNEBUNKPORT $ 750.00

SEVEN HUNDRED FIFTY AND 00/100 DOLLARS

Photo Safe Deposit® Details on back

People's United Bank
peoples.com

FOR COOKIE CRAWL DONATION

LINA HEWES-GORDON

MP

From the Prelude
Ocean Ave Cookie
Crawl

Thank you!

Agenda Item Divider

22

Kennebunkport Public Health

December 24, 2019

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

Please accept this donation of $389.67 from Church on the Cape. This gift is dedicated towards the emergency fuel fund.

Thank you!

Alison Kenneway RN, BSN

Church on the Cape

United Methodist Church

P.O. Box 2740
Kennebunkport, ME 04046

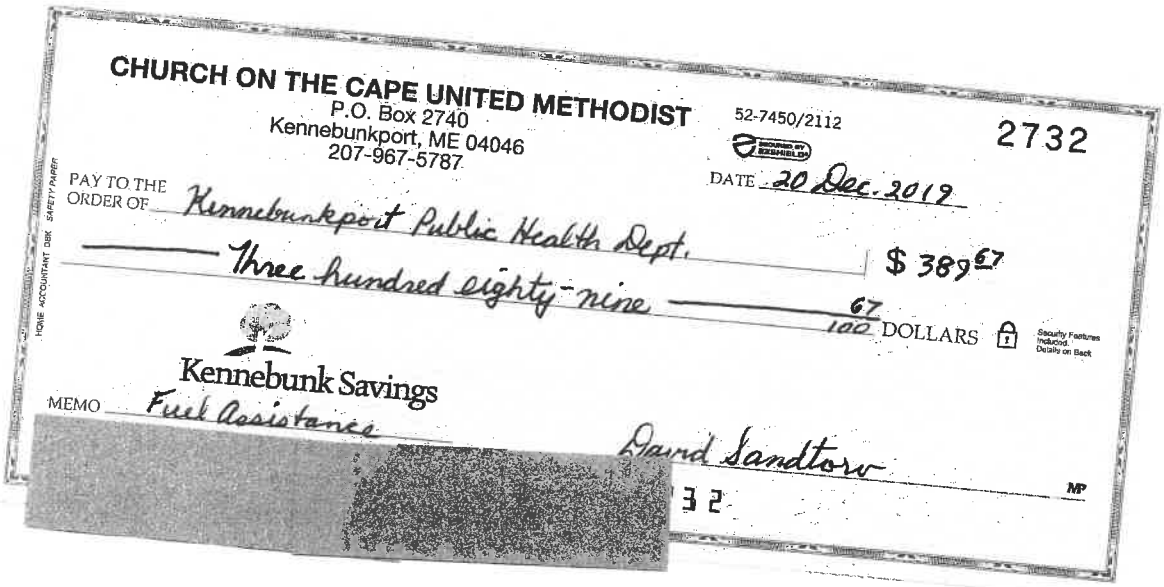
21 December, 2019

Kennebunkport Public Health Dept.
101A Main St.
Kennebunkport, ME 04046

The enclosed check is a donation from the congregation of the Church on the Cape, Cape Porpoise, in support of fuel assistance in Kennebunkport.

David Sandtorv

David Sandtorv, Treasurer


CHURCH ON THE CAPE UNITED METHODIST
P.O. Box 2740
Kennebunkport, ME 04046
207-967-5787
52-7450/2112
2732
DATE 20 Dec. 2019
PAY TO THE ORDER OF Kennebunkport Public Health Dept. $ 389.67
Three hundred eighty-nine 67/100 DOLLARS
Kennebunk Savings
MEMO Fuel Assistance
David Sandtorv

Office (207) 967-5787 • Office E-mail: churchonthecapeumc@gmail.com

Agenda Item Divider

23

Kennebunkport Public Health

December 27, 2019

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

Please accept this generous gift of $150.00 to the Nurses fees account

Thank you!

Alison Kenneway RN, BSN

Kennebunkport Public Health

ALEXANDER M LACHIATTO
JUDITH A LACHIATTO
PH. 207-967-5677
12 BELAIR AVE
KENNEBUNKPORT, ME 04046-7217

52-7450/2112

3388

DATE 12/27/19

PAY TO THE ORDER OF Kennebunkport Public Health Nursing Services $ 150 00/100

One Hundred Fifty 00/100 DOLLARS

Heat Reactive Ink

Kennebunk Savings

MEMO

Alexander M. Lachiatto

[redacted]

T-REACTIVE INK. DETAILS ON BACK.

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SPECIALTY BLUE PRINT-BRCMYT